

NC Marine Fisheries Commission
Director's Report
August 2023 Business Meeting

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Atlantic States Marine Fisheries Commission

2023 Summer Meeting Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2023 Summer Meeting
August 1 – 3, 2023

For more information, please
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Meeting Summaries, Press Releases and Motions

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SHAD & RIVER HERRING MANAGEMENT BOARD (AUGUST 1, 2023)

Meeting Summary

The Shad and River Herring Management Board met to consider an update to the Potomac River Fisheries Commission (PRFC) American Shad Sustainable Fishery Management Plan (SFMP), receive an update on expanding collection efforts for the U.S. Geological Survey (USGS) alosine genetic repository, and receive a progress update on the River Herring Benchmark Stock Assessment.

The Board considered an update to the PRFC SFMP for American shad. SFMPs are required for all states and jurisdictions with a commercial fishery and are reviewed by the Technical Committee every five years. The plan update proposed continuing their limited commercial bycatch allowance under the same sustainability metrics, which is based on the geometric mean of pound net catch per unit effort (CPUE) and has been above its restoration target since 2011. PRFC will also explore including additional sustainability metrics in future updates. The Board approved the presented SFMP.

The Board received an update from the Technical Committee and USGS staff on expanding collection efforts for the alosine genetic repository. As anadromous fishes, alosines spend much of their life in estuarine and marine environments, where they may form mixed stock aggregations and where they are sometimes captured as bycatch in other fisheries. There is a critical need to be able to distinguish among populations or management units when individuals are encountered away from natal areas. An enhanced understanding of stock composition will provide critical information on the status and trends of specific populations and offer much needed insight into how fisheries bycatch may be impacting recovery efforts. The alosine genetic repository is intended to address this issue.

In response to a Board request, USGS staff presented to the Technical Committee to assist in identifying data gaps and improving future sample collections. After reviewing the spatial and temporal data needs, several states offered to help fill the data gaps by providing biological samples with collection kits provided by USGS.

The Board received an update on the river herring benchmark stock assessment. The Assessment Workshop is scheduled for August 21-25, 2023, with the peer review anticipated for the fall, and final presentation of the assessment and peer review report to the Board planned for the 2024 Winter Meeting in February.

For more information contact James Boyle, Fishery Management Plan Coordinator at jboyle@asmfc.org.

Motions

Move to approve the Shad Sustainable Fishery Management Plan from Potomac River Fisheries Commission, as presented today.

Motion made by Dr. Davis and seconded by Dr. Rhodes. Motion carries without opposition.

Press Release

ASMFC American Eel Board Accepts Benchmark Assessment & Peer Review Report for Management Use

Two Addenda Initiated for Yellow Eel and Maine Glass Eel Fisheries

Arlington, VA – The Commission’s American Eel Management Board has accepted the American Eel Benchmark Stock Assessment and Peer Review Report for management use. The Report indicates the stock is at or near historically low levels due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, and toxins, contaminants, and disease. Since completion of the first Commission American eel stock assessment in 2005, available data have not allowed overfishing or overfished determinations to be made. Based on several trend analyses, the stock is considered depleted, consistent with the findings of the 2012 and 2017 assessments.

In response to the assessment findings, the Board initiated an addendum to consider changes to the coastwide yellow eel harvest cap. Historically, the coastwide cap of 916,473 pounds was set based on the average landings from 1998 to 2010. The benchmark assessment proposes a new tool for setting the coastwide cap based on abundance indices and catch. The addendum will consider using this tool to recommend a range of coastwide caps and management options.

The Board also initiated an addendum to address the quota for Maine’s glass eel fishery. Maine’s glass eel quota has been set at 9,688 pounds since 2015. However, a new addendum is needed to establish a quota for the 2025 fishing year and beyond.

The Plan Development Team will begin work on both documents, with a progress update provided to the Board in October and Draft Addenda presented for Board consideration in February 2024. The Benchmark Stock Assessment and Peer Review Report will be available on the Commission website at <https://asmfc.org/species/american-eel> (under stock assessment reports) by mid-August. An overview of the assessment will be can be found at https://asmfc.org/uploads/file/64caa25eAmericanEelStockAssessmentOverview_August2023.pdf. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org.

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PR23-19

Meeting Summary

In addition to accepting the 2023 Benchmark Stock Assessment and Peer Review Reports and initiating two addenda, the American Eel Management Board (Board) also considered an update on Maine’s life cycle survey, and Maine’s 2024 aquaculture plan. Maine has been conducting fishery-independent surveys for all three American eel life stages since 2018. The Board approved Maine’s 2024 aquaculture plan, which requests 200 pounds of glass eel harvest for domestic aquaculture.

For more information on the stock assessment, please contact Dr. Kristen Anstead, Stock Assessment Scientist, at kanstead@asmfc.org; and for more information on management, please contact Caitlin Starks, Senior FMP Coordinator, at cstarks@asmfc.org.

Motions

Move to accept the 2023 Benchmark Stock Assessment and Peer Review Report for management use.

Motion made by Ms. Madsen and seconded by Dr. Jacobson. Motion approved by Board consent.

Main Motion

Move to form a Plan Development Team to draft an addendum to consider using I_{TARGET} to recommend various catch caps, using the supplemental report as presented today as a starting point.

Motion made by Ms. Madsen and seconded by Mr. Maniscalco.

Motion to Amend

Move to amend to add “but not use I_{TARGET} to set biological reference points or stock status” after catch caps.

Motion made by Ms. Fegley and seconded by Mr. Clark. Motion passes (16 in favor, 2 opposed).

Main Motion as Amended

Move to form a Plan Development Team to draft an addendum to consider using I_{TARGET} to recommend various catch caps, but not use I_{TARGET} to set biological reference points or stock status, using the supplemental report as presented today as a starting point.

Motion approved by Board consent.

Move to initiate an addendum to address the Maine glass eel quota.

Motion made by Ms. Ware and seconded by Mr. McKiernan. Motion approved by Board consent.

Move to approve the Maine Aquaculture Plan for 2024.

Motion made by Ms. Ware and seconded by Mr. Clark. Motion is approved by Board consent.

COASTAL SHARKS MANAGEMENT BOARD (AUGUST 1, 2023)

Meeting Summary

The Coastal Sharks Management Board met to consider an update from NOAA Fisheries on Amendment 16 to the Highly Migratory Species (HMS) Fishery Management Plan (FMP), and the FMP Review for the 2021 Fishing Year.

NOAA Fisheries is currently scoping for Amendment 16 to the HMS FMP. The scoping document considers a broad range of issues and potential options. Amendment 16 could implement substantial changes to the commercial and recreational shark fishery, including commercial and recreational shark quotas, shark management groups, shark retention or bag limits, and shark minimum size limits. NOAA Fisheries will accept public comment on this proposed rule through August 18, 2023.

NOAA Fisheries Staff also informed the Board of the recent publication of a proposed rule for the 2024 and future fishing years of the Atlantic shark commercial fishery. The proposed rule considers options to 1) modify the regulations to allow the Atlantic shark commercial fishery to automatically open on January 1 each year under base quotas and default retention limits, 2) increase the default commercial retention limit for shark-directed permit holders from 45 to 55 large coastal sharks, and 3) adjust the 2024 quota levels for the various shark stocks and management groups based on underharvests from the 2023 fishing year.

The Board approved the FMP Review for the 2021 Fishing Year, state compliance reports, and *de minimis* status for the Commonwealth of Massachusetts.

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

Motions

Move to approve *de minimis* request from Massachusetts, state compliance reports, and the Coastal Sharks FMP Review for the 2021 fishing year.

Motion made by Dr. Davis and seconded by Mr. Miller. Motion approved by unanimous consent.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (AUGUST 1, 2023)

Press Release

ASMFC Atlantic Striped Bass Board Extends Emergency Action through October 28, 2024 & Continues Development of Additional Measures to Aid Rebuilding

Arlington, VA – The Commission’s Atlantic Striped Bass Management Board extended the current emergency action through October 28, 2024 or until the implementation of Addendum II to Amendment 7 of the Interstate Fishery Management Plan. In May, the Board approved a 31-inch maximum size limit for the 2023 recreational fishery to reduce harvest of the strong 2015-year class. The 31-inch maximum size limit applies to all existing recreational fishery regulations where a higher (or no) maximum size applies, excluding the May Chesapeake Bay trophy fisheries which already prohibit harvest of fish less than 35 inches. All bag limits, seasons, and gear restrictions remain the same. All states and jurisdictions implemented the required measure by July 2, 2023.

The emergency action responds to the unprecedented magnitude of 2022 recreational harvest, which is nearly double that of 2021, and new stock rebuilding projections, which estimate the probability of the spawning stock rebuilding to its biomass target by 2029 drops from 97% under the lower 2021 fishing mortality rate to 15% if the higher 2022 fishing mortality rate continues each year.

The extension of the emergency action provides the Board time to develop and finalize Draft Addendum II, which will consider 2024 management measures designed to reduce fishing mortality to the target. Specifically, the Draft Addendum will propose options for the ocean recreational fishery, including modifications to the slot limit with harvest season closures as a secondary non-preferred option. It will also propose options for the Chesapeake Bay recreational fisheries, as well as all commercial fisheries, including maximum size limits.

The Board made changes to the Draft Addendum’s options and sought additional analyses on the impacts of those revised options to the rebuilding of the resource. The Board will review a revised Draft Addendum and consider its approval for public comment in October at the Commission’s Annual Meeting. If approved, the document will be made available for public comment and the states/jurisdictions will conduct public hearings to solicit public comment throughout the fall/early

winter. It's anticipated that the Board will consider public comment and take final action in January at the Commission's Winter Meeting. For more information, please contact Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org.

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PR23-20

Motions

Move to approve the 2022 Fishing Year FMP Review and state compliance report.

Motion made by Mr. Hasbrouck and seconded by Mr. Clark. Motion passes by unanimous consent.

Move to extend the Board's May 2, 2023 emergency action of 31" maximum recreational size limit for one year or until the implementation of Addendum II, whichever comes first, effective October 28, 2023.

Motion made by Dr. Armstrong and seconded by Mr. Sikorski. Motion passes (14 in favor, 2 opposed).

Move to add under 3.1.1 and under 3.1.2, an option that states that any recreational season closure implemented through this addendum would be a no harvest closure and an option that states any recreational season closure implemented through this addendum would be a no targeting closure

Motion made by Mr. Hasbrouck and seconded by Mr. Luisi. Motion passes (10 in favor, 4 opposed, 2 abstentions).

Main Motion

Move to amend Chesapeake Bay Recreational Options B and D to include maximum size limit options ranging from 23" to 26" in 1" increments and remove all other options.

Motion made by Dr. Armstrong and seconded by Dr. Davis. Motion amended.

Motion to Amend

Move to amend to add "H" after "D."

Motion made by Mr. Sikorski and seconded by Mr. Clark. Motion passes unanimously.

Main Motion as Amended

Move to amend Chesapeake Bay Recreational Options B, D and H to include maximum size limit options ranging from 23" to 26" in 1" increments and remove all other options.

Motion passes by unanimous consent.

Move to add new options to section 3.1.1 and 3.1.2 to Draft Addendum II that allow for mode splitting. These are options B, C, and D as defined in the PDT memo to the board dated July 17, 2023 for section 3.1.1 and options H as defined in the PDT memo to the board dated July 17, 2023 for section 3.1.2.

Motion made by Dr. McNamee and seconded by Mr. Hasbrouk. Motion passes (11 in favor, 3 opposed, 2 abstentions).

Move to replace Ocean Recreational Option B with the slot limit of 28" to 31" with no seasonal harvest closures and remove Option C and D.

Motions made by Dr. Armstrong and seconded by Ms. Patterson. Motion passes (8 in favor, 6 opposed, 1 abstention, 1 null).

Main Motion

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced by 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion made by Dr. Davis and seconded by Dr. Armstrong.

Motion to Substitute

Move to substitute to remove Option B2 from Section 3.2.1.

Motion made by Mr. Hasbrouk and seconded by Mr. Pugh. Motion fails (3 in favor, 12 opposed, 1 abstention).

Main Motion

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced by 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion made by Dr. Davis and seconded by Dr. Armstrong.

Motion to Amend

Move to amend to add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits.

Motion made by Mr. Clark and seconded by Mr. Abbott. Motion passes (12 in favor, 3 opposed, 1 abstention).

Main Motion as Amended

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits. Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced up to 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion to Amend

Move to amend to replace “by” with “up to” in Option B.

Motion made by Mr. Geer and seconded by Mr. Kane. Motion passes (15 in favor, 1 abstention).

Main Motion as Amended

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits. Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced up to 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion to Amend

Move to amend to add Option C that would reduce commercial landings up to 14.5% from 2022 commercial landings.

Motion made by Mr. Sikorski and seconded by Dr. Armstrong. Motion fails (3 in favor, 10 opposed, 3 abstentions).

Main Motion as Amended

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits. Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced up to 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion passes (14 in favor, 1 opposed, 1 abstention).

Move to add the at-sea filleting options from the PDT memo.

Motion made by Dr. Davis and seconded by Dr. Armstrong. Motion passes by consent.

Move to add an option to the addendum that prevents the alteration of the length of a striped bass prior to landing at the dock.

Motion made by Mr. Miller and second by Mr. Abbott. Motion fails (3 in favor, 13 opposed, 3 abstentions).

EXECUTIVE COMMITTEE (AUGUST 2, 2023)

Meeting Summary

The Executive Committee (EC) met to discuss several issues, including CARES and Consolidated Appropriations Act (CAA) Updates; the Legislative and Governors' Appointees (LGA) members stipend survey results; the potential for an increase in per diem rates; and a Legislative Committee update. The following action items resulted from the Committee's discussions:

- Staff gave an update on the CARES and CAA activities. The CARES program is complete and there is the possibility for the need to return \$159.93 to the U.S. Treasury. CAA has a projected completion of July 31, 2024, and currently \$91,041,387 has been disbursed to the states, with \$13,418,965 remaining to be disbursed.
- Staff presented the results of the LGA members stipend potential survey. Fourteen Commissioners responded; 10 said they were eligible to receive a stipend and six said they would be amenable to receiving one. No action was taken based on these results.
- Staff presented on three bills that the Executive Committee should be aware of per the recommendation of the Legislative Committee. These included: the [National Oceanic and Atmospheric Administration Act of 2023](#) (H.R. 3980), the [Supporting the Health of Aquatic](#)

[systems through Research Knowledge and Enhanced Dialogue Act](#) (or SHARKED Act, H.R. 4051), and the [Fishery Improvement to Streamline untimely regulatory Hurdles post Emergency Situation Act](#) (or FISHER Act). Further discussion of these issue will occur at the ISFMP Policy Board later this week.

- Staff presented a report on the potential for an increase in per diem rates for Commission meetings. The increase would be from Commission, not federal funds. The Committee requested a detailed analysis to determine the projected cost to the Commission of roughly a 30% increase in meal per diem.

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

Motions

No motions were made.

COASTAL PELAGICS MANAGEMENT BOARD (AUGUST 3, 2023)

Press Release

ASMFC Coastal Pelagics Board Sets Atlantic Cobia Total Harvest Quota for 2024-2026 Fishing Seasons

Arlington, VA – The Commission’s Coastal Pelagics Management Board approved a total harvest quota for the Atlantic migratory group of cobia of 80,112 fish for the 2024-2026 fishing seasons. This total quota results in a coastwide recreational quota of 76,908 fish and commercial quota of 73,116 pounds.

The total quota level was first approved in February 2020 for the 2020-2022 fishing seasons. In 2021, the Board changed the cobia quota timeframe from 2020-2022 to 2021-2023. Based on the recommendation from the Technical Committee and in the absence of a new stock assessment, the Board has set the 2024-2026 total harvest quota equal to the 2023 total harvest quota of 80,112 fish.

A new stock assessment for Atlantic migratory group of cobia is scheduled for 2025, with the potential to inform 2026 or later total harvest quotas. The Board will meet in October 2023 to consider new recreational management measures for some states. For more information, please contact Chelsea Tuohy, Fishery Management Plan Coordinator, at ctuohy@asmfc.org.

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PR23-21

Meeting Summary

The Coastal Pelagics Board met to set the 2024-2026 total harvest quota for Atlantic cobia (see above press release), consider the Atlantic Cobia Fishery Management Plan (FMP) Review for the 2022 fishing year, consider timelines for reviewing the state recreational allocation of cobia, and received an update from the South Atlantic Fishery Management Council (SAFMC) on the 2022 stock

assessment for Spanish mackerel (SEDAR 78) and upcoming Spanish and king mackerel port meetings.

The Board reviewed state compliance and the Atlantic Cobia FMP Review for the 2022 fishing year. All states' regulations were consistent with the FMP, and the Board approved *de minimis* requests from Rhode Island, New Jersey, Delaware, Maryland, Georgia, and Florida. The Cobia Plan Review Team (PRT) noted that multiple states could exceed *de minimis* thresholds in upcoming years, which would trigger management changes including in-season monitoring for the commercial fishery and revising state recreational harvest targets for the recreational fishery. Reallocation of recreational harvest targets will require a change in the FMP. The current recreational allocation is calculated using landings data through 2015. In addition, the PRT recommended New York declare an interest in the cobia fishery due to recent trends in New York's commercial landings. New York has indicated their commercial regulations for Atlantic Cobia are consistent with FMP requirements. New York is in the process of updating the state's recreational regulations to be consistent with the FMP requirements and is preparing regulations to establish closure authority in the commercial cobia fishery.

After the FMP Review, the Board received a presentation on current state recreational allocations for cobia and potential timelines for reviewing these allocations. Recreational harvest targets are assigned on a state-by-state basis to non-*de minimis* states, with a 1% set aside for *de minimis* states. Commission staff recommended two timelines for reviewing and revising these allocations through the addendum process. Both timelines align with the upcoming 2025 cobia stock assessment and include implementation dates of 2025 or 2026. The Board identified 2025 as the preferred implementation timeline and directed the Atlantic Cobia Technical Committee (TC) to characterize state and regional harvest trends to inform future allocation options for review at the Commission's Annual Meeting or Winter Meeting. The Board noted that future allocation of recreational harvest targets should consider the dynamic nature of the fishery and be flexible as the stock shifts and/or range expansion continues to be examined.

The final cobia discussion considered the need for ongoing changes to state cobia recreational regulations, given the timing of the potential new addendum and the upcoming 2025 stock assessment. Due to a total harvest quota being set for cobia this year, the TC will need to review state landings against soft harvest targets and recommend changes to state measures for the Board's consideration at the Commission's Annual Meeting in October. To inform the October discussion, the Board tasked the TC with reviewing the impact status quo measures would have on the fishery in addition to recommending changes to recreational management measures.

Lastly, the Board received updates on the 2022 stock assessment for Spanish mackerel (SEDAR 78) and the SAFMC's plans for upcoming Spanish and king mackerel port meetings. The Spanish mackerel stock assessment found the stock to be not overfished and not experiencing overfishing. Following the completion of the assessment, the SAFMC initiated a Framework Addendum to adopt the new ABC recommendation of 8,024,000 pounds. The SAFMC to delayed the initiation of a Plan Amendment until the port meetings are completed in 2024. Port meetings are intended to gather stakeholder input to help improve management efforts and update the goals of the Coastal Migratory Pelagics (CMP) FMP. The Board discussed the importance of the port meetings in

informing changes to the Federal and Interstate FMPs and agreed that state staff should attend local port meetings if schedules allow.

The Board also discussed the differences between the Interstate and Federal FMPs and supported their previous decision to hold off on potential management action for state waters until the Council initiates a Plan Amendment for Federal waters. Differences between the Interstate and Federal FMPs exist in terms of commercial management zones, commercial trip limits and closures, allowable gears, recreational season, and recreational accountability measures. While the Board decided to hold off on taking management action to address FMP differences, the Board tasked the newly formed Spanish Mackerel TC to develop a paper that characterizes the recreational and commercial fisheries along the Atlantic Coast. This paper may be informed by the fishery profile questionnaire that will accompany state compliance reports due in October. Outcomes of the port meetings and TC paper will inform Board action in the future.

For more information, please contact Chelsea Tuohy, Fishery Management Plan Coordinator, at CTuohy@asmfc.org.

Motions

Move to approve the Atlantic Cobia FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* requests for Rhode Island, New Jersey, Delaware, Maryland, Georgia, and Florida.

Motion made by Dr. Rhodes and seconded by Ms. Fegley. Motion carries by unanimous consent.

Move to set the 2024-2026 total harvest quota at the status quo level of 80,112 fish. This results in a recreational quota of 76,908 fish and a commercial quota of 73,116 lbs.

Motion made by Mr. Haymans and seconded by Ms. Fegley. Motion passes by unanimous consent.

Move to task the Cobia Technical Committee to develop a fishery review that characterizes recent trends in state and regional landings compared to their harvest targets, including *de minimis* landings. The results of this review will inform a future addendum to be implemented for 2025 that considers recreational allocations, *de minimis*, and any other issues the Board identifies. It is the intent to initiate this addendum either at the Commission's Annual Meeting or the 2024 Winter Meeting.

Motion made by Ms. Madsen and seconded by Mr. Bell. Motion passes by unanimous consent.

Move to task the Cobia Technical Committee with determining the impacts of status quo coastwide recreational management measures for the 2024 fishing year.

Motion made by Ms. Madsen and seconded by Ms. Fegley. Motion carries by unanimous consent.

Main Motion

Move to direct the Spanish Mackerel Technical Committee to develop a paper that characterizes the recreational and commercial Spanish mackerel fisheries along the Atlantic Coast. The timing and content of the paper are intended to help the Coastal Pelagics Management Board address state waters management issues.

Motion made by Mr. Batsavage and seconded by Ms. Madsen.

Motion to Amend

Move to amend to strike “address state water management issues” and replace “help” with “inform.”

Motion made by Ms. Burgess and seconded by Mr. Haymans. Motion fails (5 in favor, 5 opposed, 2 abstentions).

Move to direct the Spanish Mackerel Technical Committee to develop a paper that characterizes the recreational and commercial Spanish mackerel fisheries along the Atlantic Coast. The timing and content of the paper are intended to help the Coastal Pelagics Management Board address state waters management issues.

Motion made by Mr. Batsavage and seconded by Ms. Madsen. Motion carries (9 in favor, 1 opposed, 2 abstentions).

EAST COAST CLIMATE CHANGE SCENARIO PLANNING INITIATIVE (AUGUST 2, 2023)

Meeting Summary

Over the past two years, marine fishery management organizations along the U.S. East Coast have been exploring governance and management issues related to climate change and fishery stock distributions. This effort recognizes the profound impact that climate change is having on our ocean ecosystems and coastlines and the need to plan for how fishery management organizations and coastal communities can best adapt to these changes in a thoughtful and deliberate way. The last phase of the initiative with the Commission includes the Scenario Planning Summit, held in February 2023, which brought together representatives from the three East Coast Regional Fishery Management Councils, the Atlantic States Marine Fisheries Commission, and NOAA Fisheries. During the Summit, participants used the scenarios as a platform from which to develop a set of potential governance and management actions that could help prepare fishery management organizations for future challenges related to climate change.

The main themes and potential actions that emerged during the initiative are summarized in two documents which: the [Summit Report](#) and a [Potential Action Menu](#). The Summit Report summarizes the discussions that occurred at the Summit, while the Potential Action Menu builds upon the Summit Report by suggesting possible next steps for the management organizations to consider as they plan for the future. Staff presented the Potential Action Menu to the Commission. The menu is organized around three overarching themes and prioritized, with high priority given to those that could be quickly or easily implemented or that the fishery management organizations viewed as important issues to address in the near-term. The table below provides a summary of high priority potential actions under each theme. The Potential Action Menu is intended to be an evolving document, used as a planning tool to guide development of priorities and a place to capture future issues and ideas. Over the next several months, fishery management organizations will meet individually and collectively to discuss how best to integrate the high priority items into actions. The Commissioners agreed the issues identified in the Potential Action Menu are important to consider when planning for the future. While it may seem like an overwhelming list of tasks they are essential for successful fisheries management in the face of a changing climate and will strive to incorporate at least two to four actions into the Commission’s Action Plan each year. The Commission also suggested to hold a similar meeting to the Summit every couple of years.

Overarching Themes and High Priority Potential Actions

Theme	High Priority Potential Actions
<p>Cross-Jurisdictional Governance Refers to ways in which governance structures and processes may need to be modified to address changes in species distribution.</p>	<ul style="list-style-type: none"> ● Evaluate Council committee structure, use, and decision-making ● Evaluate Advisory Panel representation ● Develop joint management agreements to clarify roles and increase efficiency ● Improve coordination across NOAA offices and regions
<p>Managing Under Increased Uncertainty Environmental changes may mean that historical conditions can no longer be used to predict the future, increasing uncertainty in management.</p>	<ul style="list-style-type: none"> ● Identify ecosystem-level contextual information that can be considered in management to incorporate climate information into decisions ● Streamline fishery management plan documentation and rulemaking
<p>Data Sources and Partnerships Coordination of accurate and timely data between all stakeholders and partners will play a large role as we adapt to changing conditions.</p>	<ul style="list-style-type: none"> ● Expand study fleet, include recreational fisheries, and ensure data are used ● Use survey mitigation around offshore wind to transition to industry-based surveys or other survey platforms ● Improve the use of existing data

Additional information about the East Coast Climate Change Scenario Planning Initiative, including contact information for current core team members, is available at <https://www.mafmc.org/climate-change-scenario-planning>.

TAUTOG MANAGEMENT BOARD (AUGUST 2, 2023)

Meeting Summary

The Tautog Management Board met to consider the Fishery Management Plan (FMP) Review for the 2022 fishing year, consider reports from the Technical and Law Enforcement Committees about the commercial tagging program and potential changes to the program, receive a progress report on the next stock assessment update, consider approval of an Advisory Panel (AP) nomination, and elect a Vice-Chair.

The Board was presented with the FMP Review for the 2022 fishing season. Coastwide harvest declined from 2021 to 2022 due to a 33% decrease in recreational harvest, while commercial landings increased by 28%. Massachusetts and Rhode Island exceeded their state quotas and have adjusted their 2023 state quotas to account for those overages. The Plan Review Team noted a considerable decrease in commercial tags that were unaccounted for in 2022 compared to 2021, but continued to recommend that states work to reduce this value. The Board approved the FMP Review, state compliance, and de minimis requests from Delaware and Maryland.

The Board was presented reports from the Technical Committee (TC) and the Law Enforcement Committee (LEC) on reported issues with the commercial tagging program. The TC distributed a survey to harvesters and dealers in each state within the management unit to study live market fish quality and mortality that is presumed to be associated with the commercial tagging program. The TC noted the results showed that these reported issues were occurring in every state and that New York continues to receive the most complaints. Additionally, the TC presented the findings of a study conducted by New York to evaluate potential new tags and tag locations to reduce damage to the fish. Based on the negative results of that study, the TC recommended the Board task the TC to evaluate other alternative tag types. The LEC met in July 2023 to discuss the impact of the commercial tagging program on illegal harvest and evaluating compliance. The LEC indicated that the program has reduced illegal harvest and that there is generally good compliance due to the reduced number of fish in the market that is associated with a reduction in illegal fish from the recreational sector. To address the concerns about the health of the fish, the Board tasked the TC with evaluating the smaller version of the current tag, as well as tags that have not previously been tested.

The Board reviewed a TC recommendation to schedule the next stock assessment update for 2025 and the next benchmark assessment for 2028 to accommodate staffing needs and allow for certain surveys to acquire the necessary amount of data to evaluate potential new models. The Board approved the revised schedule.

The Board considered and approved the nomination of Nicholas Marchetti of New York to the Tautog AP. Additionally, the Board elected Justin Davis of Connecticut to the role of Vice-Chair of the Management Board.

For more information, please contact James Boyle, Fishery Management Plan Coordinator, jboyle@asmfc.org.

Motions

Move to approve the Fishery Management Plan Review, state compliance reports, and *de minimis* requests for DE and MD for the 2022 fishing year.

Motion made by Mr. Hasbrouck and seconded by Mr. Clark. Motion carries by unanimous consent.

Move to task the Technical Committee with evaluating the feasibility of using the smaller tag and any tag that has not been previously tested that may meet the goals and objectives of the tagging program.

Motion made by Mr. Hornstein and seconded by Mr. Clark. Motion carries by unanimous consent.

Move to approve Nicholas Marchetti of NY to the Tautog Advisory Panel.

Motion made by Mr. Hornstein and seconded by Dr. McNamee. Motion passes by unanimous consent.

SPINY DOGFISH MANAGEMENT BOARD (AUGUST 3, 2023)

Meeting Summary

The Spiny Dogfish Management Board met to receive an update on the joint action of the Mid-Atlantic and New England Fishery Management Councils (Councils) to reduce sturgeon bycatch in the monkfish and spiny dogfish fisheries and to consider the Fishery Management Plan (FMP) Review for the 2021-2022 fishing year.

The Board reviewed an update on the joint action of the Councils to develop a range of alternatives to reduce sturgeon bycatch in the monkfish and spiny dogfish fisheries. Due to the exceedance of the Incidental take allowance delineated in the 2021 Biological Opinion, which formed the basis for the joint action, a new Biological Opinion is likely to be initiated. To include updated information from the new Biological Opinion, final action on the alternatives is planned for the Council meetings in April 2024. Accordingly, the Board will plan to review the final action and consider complementary action for state waters at the Spring Meeting in May 2024.

The Board was presented the FMP Review for the 2021-2022 fishing year. Commercial landings decreased by 23% from 2020-2021 and was approximately 33% of the coastwide quota. Recreational harvest and dead discards increased by 79% and 52%, respectively, from calendar year 2020 to 2021. The Board approved the FMP Review, state compliance, and *de minimis* requests from New York and Delaware.

For more information, please contact James Boyle, Fishery Management Plan Coordinator, jboyle@asmfc.org.

Motions

Move to approve the Fishery Management Plan Review, state compliance reports, and *de minimis* requests for DE and NY for the 2021-2022 fishing year.

Motion made by Mr. Clark and seconded by Mr. Kane. Motion carries by unanimous consent.

INTERSTATE FISHERY MANAGEMENT PROGRAM (ISFMP) POLICY BOARD (AUGUST 3, 2023)

Meeting Summary

The ISFMP Policy Board met to receive an update from Executive Committee; consider changes to the Conservation Equivalency Policy and Technical Guidance Document; receive an update on the Risk and Uncertainty Policy Development; receive updates from the Atlantic Coastal Fish Habitat Partnership (ACFHP) and Legislative Committee; discuss an update on the timeline for the Recreational Sector Separation and Catch Accounting Amendment; and receive a request from the Spot and Atlantic Croaker Stock Assessment Committee.

The Commission Chair, Spud Woodard, presented the Executive Committee Report to the Policy Board (see Executive Committee meeting summary earlier in this document).

Conservation Equivalency

The Commission has been working to update the Conservation Equivalency (CE) Policy and Technical Guidance Document to reflect current use of CE and have the policy include more requirements versus suggestions. Some of the proposed changes include requiring CE programs to be described and evaluated in the annual compliance review, setting a timeframe for CE programs to be in place, considering stock status to determine if CE is allowed, and not allowing measures that cannot be quantified in CE programs if their sole purpose is credit for a reduction. The Policy Board reviewed the proposed changes and, after some discussion, decided to postpone making changes to the document until the next meeting.

Risk and Uncertainty

Jason McNamee presented an updated on the risk and uncertainty tool. After a review of the tool and the last use of the tool on tautog, red drum was proposed as the next species to test this tool. The Policy Board had no objections on this approach.

ACFHP

The ACFHP Steering Committee met in July 2023 where it finalized the next 5-year strategic plan (2022 – 2026) and 2-year action plan (2023 – 2024). A recipient for the 2023 Melissa Laser Habitat Conservation Award was selected. Alex Atkinson from NOAA Fisheries Office of Habitat Conservation provided an update on Beyond the Pond fundraising and the process for seeking Congressional Designation (ACE Act requirement – Sec 204(g)). ACFHP must work with the National Fish Habitat Partnership (NFHP) to develop an application and apply for Congressional Designation by June 2024 to continue to receive funds through the U.S. Fish and Wildlife Service after 2025. The Partnership also agreed to pursue a NOAA Climate Resilience Regional Challenge Grant and is currently working with its partners to develop a Letter of Interest. Staff reviewed two ACFHP projects for FY24 that were approved by NFHP; a dam removal project on the Pequest River, NJ that will reconnect 3 miles of fish spawning and foraging habitat; and a multi-phase Maryland Coastal Bays salt marsh Restoration project where 39 acres of saltmarsh will be restored on the Delmarva Peninsula, MD. As such, ACFHP estimates \$300,000 in NFHP funding for FY24. The annual RFP for FY25 is currently being developed and will be released this Fall.

Legislative Committee

Alexander Law reviewed the Legislative Committee's draft letter in opposition to Rep. Lucas's National Oceanic and Atmospheric Administration Act of 2023 (H.R. 3980). The Act would establish NOAA as an independent agency, removing it from under the Department of Commerce. The Policy Board agreed with the Legislative Committee's concerns about the focus of the bill, fisheries funding instability and regulatory issues that would arise should the bill pass. The Policy Board agreed to send the letter to the relevant House committees and coastal district offices. In addition, the Policy Board received an overview of the FISHERIES Act, which address the Office of Management and Budget's delays in the Fisheries Disaster Assistance approval process. The Policy Board agreed to send a letter to the House Natural Resources Committee and coastal district offices in support of the Act.

Recreational Sector Separation and Catch Accounting Amendment

The Mid-Atlantic Fishery Management Council is proposing a change in the timeline of the Recreational Sector Separation and Catch Accounting Amendment due to staff workload. The

approval of a scoping document would move from December 2023 to Spring 2024 and shifting scoping hearings from January/February 2024 to Spring/Summer 2024. This would shift the timeline back by a few months for each subsequent step. The Policy Board did not have any concerns with the timeline change.

Other Business

One of the lead modelers from the Spot and Atlantic Croaker Stock Assessment Committee has taken a new position and can no longer work on the assessment. The committee asked the Policy Board if any state has an assessment scientist with experience in stock synthesis that could join the committee. If a new lead modeler cannot be added there will be delays in the completion of the assessments.

Lastly, the Policy Board approved a motion that directs Commission leadership to work with the three Atlantic Coast Councils to discuss diminished data collection and stock assessment capacity. The discussion will explore options for developing an inventory of data collection deficiencies and impacts to the effective fisheries management.

For more information, please contact Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org.

Motions

Main Motion

Move to approve Option 4 board discretion for allowing Conservation Equivalency.

Motion made by Mr. Clark and seconded by Ms. Burgess. Motion postponed until next meeting of the ISFMP Policy Board.

Motion to Substitute

Motion to substitute to adopt Option 1 with an allowance for 2/3 majority to override.

Motion made by Mr. McKiernan and seconded by Ms. Patterson.

Motion to Postpone

Move to postpone decision on Conservation Equivalency until the next meeting of the Policy Board.

Motion made by Ms. Fegley and seconded by Mr. Gary. Motion passes with one null vote.

Move that the Commission leadership reach out to the three Atlantic Coast Councils and schedule a meeting to discuss diminished data collection and stock assessment capacity. The discussion will explore options for developing an inventory of data collection deficiencies and impacts to the effective fisheries management.

Motion made by Mr. McKiernan and seconded by Mr. Bell. Motion carries with one abstention.



June 2023 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met June 6-8, 2023, in Virginia Beach, VA. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/june-2023>.

HIGHLIGHTS

During this meeting, the Council:

- Reviewed and recommended no changes to the 2024 specifications for blueline and golden tilefish but recommended modifying the recreational blueline tilefish season to align with the recreational black sea bass season.
- Reviewed and recommended no changes to the 2024 Atlantic surfclam and ocean quahog specifications.
- Reviewed a number of concerns raised by surfclam and ocean quahog AP members and agreed that (1) the SCOQ Committee will discuss the issue of surfclam fishing in the Great South Channel Habitat Management Area later this year, and (2) the Council will send a letter to the Food and Drug Administration regarding the shellfish biotoxin closures in the Georges Bank area.
- Reviewed and recommended no changes to the 2024 butterfish specifications
- Reviewed and recommended no changes to the 2024 chub mackerel specifications
- Discussed the range of alternatives for the Monkfish and Dogfish Joint Framework to Reduce Atlantic Sturgeon Bycatch and recommended that (1) dogfish should remain in the framework action, and (2) the dogfish and monkfish committee should discuss alternatives based on new information provided by enforcement.
- Received an update on commercial landings of unmanaged species.
- Adopted two new harassment prevention policies and approved several changes to the Council's Statement of Organization Practices and Procedures.
- Received several updates on offshore wind energy development.
- Discussed an Advance Notice of Proposed Rulemaking to potentially update the guidelines for National Standard 4, 8, and 9 and directed staff to develop a draft letter for review at the August meeting.
- Reviewed the Draft New England and Mid-Atlantic Geographic Strategic Plan for 2024-2028.
- Received a briefing on recent and ongoing highly migratory species (HMS) management initiatives.
- Discussed recent Ecosystem and Planning Committee activities, including ongoing work on the EAFM Risk Assessment and development of an exempted fishing permit review process.
- Reviewed a 2025 meeting schedule and endorsed a proposal to hold the February 2025 meeting virtually.
- Discussed NMFS's draft "Fisheries Climate Governance Policy" and endorsed a draft timeline and a proposed process for development of Council comments.

2024 Golden and Blueline Tilefish Specifications

In 2024, golden and blueline tilefish will be in year 3 of multi-year specifications previously adopted for the 2022-2024 fishing years. These specifications are described in detail in the final rules published [November 10, 2022](#) for golden tilefish and [November 3, 2022](#) for blueline tilefish. After reviewing updated fishery information and considering recommendations from its Scientific and Statistical Committee (SSC), Tilefish Monitoring Committee,

Advisory Panel, and staff, the Council recommended no changes to the 2024 specifications for either species. However, based on recommendations from the Monitoring Committee and input from the Advisory Panel and other stakeholders, the Council recommended modifying the recreational blueline tilefish season from May 1-October 31 to May 15-November 14 to better align the blueline tilefish season with the recreational black sea bass season in most states. Given the overlap of the fisheries, and co-occurrence of the two species in some areas, aligning the two recreational seasons will help reduce regulatory discards of black sea bass as well as help control temporal effort on both species. In 2024, the Council will use the results of the 2024 Research Track Assessment to develop specifications for the next golden tilefish specifications cycle.

The Council also received an update on the continuing efforts to encourage compliance with private recreational tilefish permitting and reporting requirements. More information about these requirements can be found at <https://www.mafmc.org/rec-tilefish-evtr>.

2024 Atlantic Surfclam and Ocean Quahog Specifications

The surfclam and ocean quahog (SCOQ) fisheries are approaching the fourth 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 SSC, and SCOQ Advisory Panel (AP), and determined that no changes to 2024 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 2024. These specifications are described in detail in the [final rule](#) published May 13, 2021.

Atlantic Surfclam and Ocean Quahog Advisory Panel Presentation

Three members of the SCOQ AP presented to the Council several critical issues they identified in their 2023 Fishery Performance Report. Overall, these topics focused on issues related to fishing access. The first was related to surfclam fishing access in the Great South Channel Habitat Management Area, a gear restricted area developed by the New England Council for habitat protection and to protect areas seasonally when cod are spawning. The Council agreed the SCOQ Committee should discuss this issue later in the year and could consider developing an action item for consideration for inclusion in the Council's 2024 Implementation Plan. Another issue discussed was fishing access related to closures on Georges Bank caused by shellfish biotoxins (i.e., Paralytic Shellfish Poisoning Closed Areas). The Council agreed to send a letter to the Food and Drug Administration requesting feedback on both the status of this area and the process involved in returning the area to an "Open, Controlled Status/Access Area" for the SCOQ fisheries. Lastly, the Council was briefed on several research projects related to climate change, wind energy development, and SCOQ cooccurrence in catches issue, all of which are related to fishing access.

2024 Butterfish Specifications

The Council reviewed the previously-set 2024 butterfish specifications, which would reduce the butterfish commercial quota by 12.7% next year based on projections from the last assessment. After reviewing recent biological data, fishery performance, and recommendations from staff, an Advisory Panel, and the Scientific and Statistical Committee, the Council decided to maintain the previously-set 2024 specifications. Landings in recent years have been well below the planned 2024 quota, so fishery participants could still increase landings despite the somewhat lower quota.

2024 Chub Mackerel Specifications

After considering the recommendations of the SSC, Monitoring Committee, and Advisory Panel, the Council agreed that no changes are needed to the previously implemented 2024 specifications for chub mackerel. These specifications have remained unchanged since they were first implemented in 2020. The total allowable landings limit for 2024 will remain at 4.50 million pounds, which is well above recent landings.

Monkfish and Dogfish Joint Framework to Reduce the Bycatch of Atlantic Sturgeon

The Council reviewed FMAT/PDT, Advisory Panel, and Committee feedback and recommendations on the range of alternatives to be considered for the Joint Framework to reduce the bycatch of Atlantic Sturgeon. This joint action with the New England Fishery Management Council (NEFMC) was initiated in response to recommendations made by the Atlantic Sturgeon Bycatch Working Group, as described in the Action Plan to Reduce Atlantic Sturgeon Bycatch in Federal Large Mesh Gillnet Fisheries.

The NMFS Regional Administrator shared a previously unknown finding that the amount of sturgeon caught in the gillnet fishery in the most recent 5-year period had exceeded the allowed levels under the Endangered Species Act (ESA). This overage triggers a new Biological Opinion (BiOp) that will address sturgeon bycatch in gillnet fisheries. The new BiOp will be developed alongside this action; however, the outcomes and timeline are unknown, and the Council will still be held to the timeline of the previous BiOp (2024).

The Council discussed the range of alternatives and recommended that (1) dogfish remain in the framework action, and (2) the dogfish and monkfish committee should further discuss alternatives related to soak time restrictions and 10-minute square areas with new information provided by enforcement. The NEFMC will discuss the range of alternatives at their June 27-29 Council Meeting.

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 fisheries for unmanaged species or Forage Amendment species. Striped mullet were highlighted as a species with increasing landings in recent years. Most of these landings occur in North Carolina. It was noted that North Carolina is in the process of implementing season restrictions for this species. Atlantic silversides were discussed as an example of a species with very low but increasing landings. The Council did not express concern about the levels of landings shown in the report for any species; however, they noted that they have not determined threshold levels of landings which would trigger further evaluation and potential consideration for management. They agreed that the Ecosystem and Ocean Planning Committee should further discuss this topic.

Council Statement of Organization Practices and Procedures and Harassment Prevention Policies

The Council adopted two new harassment prevention policies developed by NMFS. The Council staff policy addresses situations where the employee is the alleged victim, and the Council process participant policy provides guidance on addressing allegations of harassment experienced by participants in the Council process other than staff (e.g., Council members, AP members, SSC members, consultants, etc.). Both policies will be added as attachments to the Council's Statement of Organization Practices and Procedures (SOPP). The Council also approved several other revisions to the SOPP. In Section 2.4.2 (Nominations), the Council agreed to remove the requirement for the Nominating Committee to nominate at least two candidates for each office. In Section 2.4.3 (Elections), the Council approved new language which defines the procedure for addressing stalemates during Council elections of Chair and Vice-Chair. In Section 4.4.4 (Incentive/Special Act and Service Awards), the Council approved a proposal to change the limit on cash awards to 10 percent of the employee's base salary. The revised SOPP will be available on the Council's website in late June.

Offshore Wind Updates

The Council received updates on offshore wind energy development from the Bureau of Ocean Energy Management, NOAA Fisheries, and a state working group which is seeking to establish a regional third-party

administrator for fisheries compensation funds. The Council also received updates on the South Fork and Vineyard Wind projects, which are currently in construction, as well as the Coastal Virginia Offshore Wind Project, which is in the planning stages. Lastly, the Council received an update on coordination among six developers with projects off New Jersey and New York, which are in the early planning stages.

Advanced Notice of Proposed Rulemaking: National Standard 4, 8, and 9 Guidelines

Dr. Tara Scott (NOAA Office of Sustainable Fisheries) briefed the Council on an Advance Notice of Proposed Rulemaking (ANPR) to potentially update the guidelines for National Standard 4 (allocations), National Standard 8 (communities), and National Standard 9 (bycatch). NOAA Fisheries is considering whether revisions to these guidelines are needed in light of ongoing fishery management challenges, with a focus on changing environmental conditions and equity and environmental justice concerns. Dr. Scott reviewed these issues and highlighted specific questions and concerns that NOAA Fisheries is requesting input on relative to each National Standard. The Council provided some initial comments and directed staff to begin development of a draft comment letter for discussion at the August Council meeting. Executive Director Moore expressed concern about the September 12 comment deadline, noting that the Council Coordination Committee (CCC) had recently passed a motion requesting that the deadline be extended to allow for adequate deliberation and development of comments. Additional information and instructions for submitting comments are available in the [Federal Register notice](#).

2024-2028 Regional Strategic Plan

The Council received a presentation from Mike Pentony (Greater Atlantic Regional Administrator) on the Draft New England and Mid-Atlantic Geographic Strategic Plan for 2024-2028. The plan was developed by the Greater Atlantic Regional Fisheries Office (GARFO) and the Northeast Fisheries Science Center (NEFSC) and is based on the NMFS national strategic plan's vision, mission, and strategic goals. Council input on the plan is being sought by the end of July. The Council agreed to review the plan in detail and submit comments if appropriate. Mr. Pentony noted that they intend to publish the final strategic plan by October 1, 2023.

Highly Migratory Species (HMS) Update

Karyl Brewster-Geisz (NOAA Fisheries Atlantic HMS Management Division) presented an update on recent and ongoing HMS management initiatives including the proposed rule for Amendment 15 (spatial management and electronic monitoring), and Advance Notice of Proposed Rulemaking: Electronic Reporting Requirements for HMS, and scoping for Amendment 16 (shark management issues). Following the presentation, the Council agreed to schedule an HMS Committee meeting to develop comments on these recent management initiatives as they will likely impact the Mid-Atlantic region and Council stakeholders.

Ecosystem and Ocean Planning Committee

The Council received an update on recent activities of the Ecosystem and Ocean Planning (EOP) Committee and Advisory Panel (AP):

EAFM Risk Assessment: The first update covered the EOP Committee and AP's comprehensive review of the Ecosystem Approach to Fisheries Management (EAFM) risk assessment. The Committee and AP met in April to review existing and potentially new risk elements. The Committee and AP provided feedback on nearly 50 different risk elements that are intended to track risks to meet the Council's management objectives. The EOP Committee and AP are scheduled to meet in July to continue the review with a focus on indicators and risk ranking criteria.

EFP Review Process for Forage Amendment Species: The second update described the EOP Committee and AP's recent progress on development of a policy/process for reviewing exempted fishing permit (EFP) applications for species designated as "ecosystem components" under the Council's Unmanaged Forage Omnibus Amendment.

Based on the recommendations and guidance provided, staff will develop a draft policy/process for the EOP AP and Committee to review in September. The Council will then consider adopting a policy/process in October.

Other Business

2025 Meetings

The Council reviewed a proposed meeting schedule for 2025, which includes a one-day virtual meeting in February instead of the usual in-person meeting. The Executive Director noted that the February meeting often has a lighter agenda due to the timing of specification-setting and other activities that occur later in the year. Council members endorsed the proposal and offered a number of comments and recommendations. Several members noted that the use of virtual Council meetings should be limited and that important Council decisions should only be made during in-person meetings.

NMFS Climate Governance Policy

The Council briefly discussed the draft “[Fisheries Climate Governance Policy](#)” recently released by NOAA Fisheries. This draft policy is intended to provide guidance on Council authority for stocks that may extend across the geographic area of more than one Council, pursuant to §304(f) of the Magnuson Stevens Act. As it is currently written, the policy could result in reassignment of management authority for a number of Council-managed fisheries. Council members and members of the public expressed serious concerns about the potential implications of the policy for Mid-Atlantic fisheries and stakeholders. The Executive Director reviewed a draft timeline and a proposed process for development of Council comments. The Council’s SSC will meet via webinar in July to discuss and provide feedback on the draft policy. A more in-depth discussion on this topic is planned for the August Council Meeting.

Black Sea Bass Commercial State Allocation Amendment

The Council discussed a [letter](#) submitted by the Council Chair to the Greater Atlantic Regional Fisheries Office regarding the agency’s potential partial disapproval of Amendment 23 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). The [Notice of Availability \(NOA\)](#) and [Proposed Rule](#) for the amendment indicate the agency is considering disapproving the part of the amendment which would add the commercial black sea bass state allocations to the Council’s FMP. The Executive Director noted a number of concerns related to the possible disapproval and several Council members reiterated their support for the statements made in the letter. Comments on the Notice of Availability are due July 3, 2023.

SHIFT Act

The Executive Director noted that he had received a request for Council input on a draft bill, titled “Supporting Healthy Interstate Fisheries in Transition (SHIFT) Act,” which is being developed by Senator Richard Blumenthal’s office. This bill proposes a process for designating Council jurisdiction for cross-jurisdictional stocks and revises the procedures for authorization of a new fishery or gear type.

Next Meeting

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



South Atlantic Fishery Management Council

News Release

FOR IMMEDIATE RELEASE
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Federal Fishery Managers Move Forward with Measures for Atlantic Spanish Mackerel

Port meetings planned to get input from mackerel fisheries along the Atlantic coast

The South Atlantic Fishery Management Council is considering action to modify catch levels for Atlantic Spanish Mackerel following the latest stock assessment indicating the stock is neither overfished nor undergoing overfishing. The decision was made as Council members convened this week in St. Augustine, Florida to address a wide variety of federal fishery management issues.

Atlantic Spanish Mackerel are managed from the east coast of Florida northward through New York. These widespread coastal pelagics are popular with both recreational and commercial fishermen, targeted for their pleasant, mild flavor and sometimes used as bait for larger pelagic species. Based on recommendations from its Scientific and Statistical Committee, the Council agreed to develop a Framework Amendment to the Coastal Migratory Pelagics Fishery Management Plan for the Gulf of Mexico and Atlantic Regions to adjust the Acceptable Biological Catch (ABC) for Atlantic Spanish Mackerel. The Framework Amendment will adopt the recent ABC recommendation of 8,024,000 pounds whole weight. The stock is allocated 55% commercially and 45% recreationally, with the commercial fishery divided into two management zones – the Northern Zone extending from the NC/SC state line to the NY/CT/RI state line, and the Southern Zone from the NC/SC state line south to the Miami-Dade/Monroe County line in Florida. Each zone has its own quota and set of regulations. Landings primarily come from North Carolina in the Northern Zone and from Florida in the Southern Zone.

Mackerel Port Meetings

Both Spanish Mackerel and King Mackerel are managed through the Coastal Migratory Pelagics Fishery Management Plan for the Gulf of Mexico and Atlantic Regions and constitute the most economically valuable commercial fishery in the South Atlantic. Based on recommendations from its Mackerel Cobia Advisory Panel, the Council plans to conduct port meetings for the King and Spanish Mackerel fisheries in 2024 to gain a comprehensive understanding to improve management efforts. The Council reviewed a planning document for the port meetings with the intent they be held in key fishing communities along the coast. The Council will coordinate with other councils, the Atlantic States Marine Fisheries Commission, and state partners to plan the meetings. The meetings will be open to members of the public and publicized as details become available.

King Mackerel Tournament Landings

At the request of the Council, NOAA Fisheries provided information on King Mackerel tournament landings over the past ten years and how those landings were accounted for against the annual catch limit. The information included each state's process for permitting King and Spanish Mackerel tournaments and the

(Continued)

tracking of tournament fish that may be donated to a state or federal dealer who then donates the monetary value from the sale to a charitable organization. Concerns have been expressed that tournament landings may be subtracted from commercial sector allocations. Council members also received public comment during this week's meeting from commercial fishermen concerned that the sale of tournament-caught fish impacts the market price for King Mackerel. The Council's Mackerel Cobia Advisory Panel will discuss the topic during its Fall 2023 meeting.

Other Business

The Council received the results of the latest stock assessment for Black Sea Bass, indicating the South Atlantic stock is both overfished and undergoing overfishing. The stock has rapidly declined since 2014 and fishing mortality has increased since 2000, with recreational landings and releases estimated to account for 90% of the mortality. The Council's SSC will review stock projections during its July 2023 meeting and catch level recommendations may be available later this year. Reductions in harvest are expected.

To help improve recreational data collection, the Council continued to discuss options to establish a private recreational permit for the snapper grouper fishery. Recommendations from the Council's technical advisory panel were considered and will be incorporated into Snapper Grouper Amendment 46 addressing the permit requirements. Options for an educational component are also included in the draft amendment. Work will continue during the Council's September meeting and public hearings are tentatively planned for early 2024.

The Council received an update on the ongoing management strategy evaluation (MSE) for the Dolphin fishery being conducted by NOAA Fisheries Southeast Fisheries Science Center, as well as proposed changes to Dolphin management measures proposed by the Caribbean Fishery Management Council. After discussing the timing for the Dolphin MSE, expected to be completed in 2024, the Council agreed to delay further development of Dolphin Wahoo Regulatory Amendment 3 addressing changes to bag limits, vessel limits and expansion of minimum size limits until the MSE is completed. The Council will receive updates on the MSE during upcoming meetings.

Information about the June 2023 Council meeting, including committee reports and other meeting materials, is available from the Council's website at: <https://safmc.net/events/june-2023-council-meeting/>. Online versions of news releases from the Council office are available at: <https://safmc.net/news/>.

The next meeting of the South Atlantic Fishery Management Council is scheduled for September 11–15, 2023 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.

South Atlantic Fishery Management Council
Full Council and Committee
SUMMARY MOTIONS
June 12-16, 2023

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 (Closed)

MOTION 1: MOVE TO DISCONTINUE RECORDING OF CLOSED SESSION DISCUSSIONS.

MOTION 2: APPOINT THE FOLLOWING INDIVIDUALS TO THE SMP WORKGROUP AND ADVISORY PANELS.

SMP Workgroup

APPOINT JOT OWENS TO THE NC RECREATIONAL SEAT ON THE SMP WORKGROUP.

Habitat Protection and Ecosystem-Based Management AP

APPOINT DR. BRENDAN RUNDE (NC CONSERVATION/NGO) TO THE HABITAT AP.

REAPPOINT JEFF SOSS (SC CHARTER) TO THE HABITAT AP AND REAPPOINT THOMAS JONES (GA RECREATIONAL) FOR A ONE-YEAR TERM ON THE AP.

Law Enforcement AP

APPOINT TRACY DUNN (NEW OPEN SEAT) AND JOSHUA BURTON (SC RECREATIONAL) TO THE LAW ENFORCEMENT AP.

Mackerel Cobia AP

APPOINT KEVIN AMAN (NC REC/RESEARCH) AND EDWARD OLSEN (FL COMMERCIAL) TO THE MACKEREL COBIA AP.

Shrimp AP

APPOINT NANCY JONES (FL COMMERCIAL), JODY SHIRLEY (FL COMMERCIAL), TIM WILLIS (NC SCIENTIST), AND STEPHEN MORRISON (GA COMMERCIAL) TO THE SHRIMP AP.

Snapper Grouper AP

REAPPOINT VINCENT BONURA (FL COMMERCIAL), ANDREW FISH (FL COMMERCIAL), CHRIS MILLITELLO (FL RECREATIONAL), JACK COX (NC COMMERCIAL), ROBERT FREEMAN (NC CHARTER), CHRIS KIMREY (NC CHARTER), TONY CONSTANT (SC CHARTER), AND HARRY MORALES (SC RECREATIONAL) TO THE SNAPPER GROUPE AP.

APPOINT CHRIS CONKLIN (SC COMMERCIAL), JOE MATHEWS (GA RECREATIONAL), ROBERT HALLETT (FL RECREATIONAL) AND JOHN POLSTON (FL COMMERCIAL) TO THE SNAPPER GROUPE AP.

MOTION 3: APPOINT KATHY KNOWLTON TO THE RECREATIONAL PERMITTING ADVISORY PANEL.

MOTION 4: APPROVE THE STRUCTURE OF THE WRECKFISH AP AS FOLLOWS WITH THE ADDITION OF A SEAT REPRESENTING A DEALER. APPROVE THE GOLDEN CRAB AP AS PRESENTED:

Wreckfish Advisory Panel:

- All current ITQ members (8 seats now but could expand with new entrants into the fishery)
- 1 commercial snapper grouper fisherman (non-ITQ, possible SG AP member)
- 1 recreational snapper grouper fisherman (with deepwater fishing experience)
- 1 law enforcement representative (possible LE AP member)
- Total Seats = 11

Golden Crab Advisory Panel:

- All current permit holders (11 permits currently held by 6 individuals, permit is limited access)
- 2 historical seats for past permit holders (as requested by the Golden Crab AP at their last meeting)
- 1 scientist seat (historically represented – possibly a deepwater coral scientist from Coral AP)
- Total Seats = 9 (max of 14 if permits were spread out)

MOTION 5: APPOINT KERRY MARHEFKA AS THE SAFMC REPRESENTATIVE TO THE BOTTLENOSE DOLPHIN TAKE REDUCTION TEAM.

MOTION 6: REAPPOINT WALTER BUBLEY (SCDNR), AMY SCHUELLER (NOAA FISHERIES), JIE CAO (NCSU), AND FRED SCHARF (UNC-W) TO THE SSC. APPOINT JASON WALSH TO THE SOCIO-ECONOMIC DESIGNATED SEAT OF THE SSC AND TO THE SEP. APPOINT STEVE TURNER AND CHRISTINA PACKAGE-WARD TO THE SSC.

MOTION 7: PRESENT THE LAW ENFORCEMENT OFFICER OF THE YEAR 2022 AWARD TO BOTH NOMINEES (OFFICER JASON DOZIER, SCDNR, AND OFFICER MATT TSIKLISTAS, GA DNR LAW ENFORCEMENT DIVISION).

MOTION 8: APPOINT BRENT WINNER TO REPLACE KEVIN THOMPSON AS THE FWC REPRESENTATIVE FOR SEDAR 89.

MOTION 9: ACCEPT TIMING AND TASKS:

- Send notification letters to appointees and email notifications to those not selected by June 30, 2023.
- Conduct an orientation of new AP members by the September 2023 SAFMC meeting.
- Advertise for open seats on advisory panels, SSC, and SEP as needed following the September 2023 Council meeting.

Full Council Session I (Open)

MOTION 10: REQUEST SEFSC STAFF PARTICIPATE IN PUBLIC HEARINGS FOR THE COMMERCIAL ELECTRONIC LOGBOOK AMENDMENT.

MOTION 11: APPROVE THE 2023-2027 SAFMC RESEARCH AND MONITORING PLAN, AS MODIFIED.

Citizen Science Committee

MOTION 12: ADOPT THE CITIZEN SCIENCE PROJECT IDEA PORTAL ONLINE TOOL FOR USE WITH MODIFICATIONS AS SUGGESTED.

Mackerel Cobia Committee

MOTION 13: DIRECT STAFF TO BEGIN A FRAMEWORK AMENDMENT TO UPDATE ATLANTIC SPANISH MACKEREL CATCH LEVELS BASED ON SEDAR 78 AND SSC RECOMMENDATIONS.

MOTION 14: ADOPT THE FOLLOWING TIMING AND TASKS:

1. Begin work on a framework amendment to update Atlantic Spanish mackerel catch levels based on SEDAR 78 and SSC recommendations.
2. Continue development of port meetings including organizing a planning team to facilitate collaboration with other councils and commissions.
3. Convene an in-person meeting of the Mackerel Cobia AP this fall to discuss the topics listed above and note the importance of attendance.

Dolphin Wahoo Committee

MOTION 15: DELAY DEVELOPMENT OF REGULATORY AMENDMENT 3 UNTIL THE DOLPHIN MSE REPORT IS AVAILABLE OR TO THE DECEMBER 2024 COUNCIL MEETING, WHICHEVER IS EARLIER. REQUEST AN UPDATE ON THE MSE AT THE DECEMBER 2023 AND JUNE 2024 COUNCIL MEETINGS.

MOTION 16: ADOPT THE FOLLOWING TIMING AND TASKS:

1. Request that the SEFSC provide an update on the progress of the Dolphin MSE at the December 2023 and June 2024 meetings.
2. Prepare Regulatory Amendment 3 for review at the December 2024 meeting, or an earlier meeting if the Dolphin MSE report is available.
3. Report back to the Council on findings of efforts to collectively manage the dolphin fishery in the western Atlantic Ocean, including the Caribbean Sea and Gulf of Mexico, as well as potential sources of declines in the availability of dolphin.

Snapper Grouper Committee

MOTION 17: CREATE AN AD HOC WRECKFISH ADVISORY GROUP CONSISTING OF THE CURRENT SHAREHOLDERS FOR THE PURPOSE OF DISCUSSING SNAPPER GROUPE AMENDMENT 48. A WRECKFISH ADVISORY PANEL WILL BE CREATED AS DIRECTED BY THE COUNCIL IN JUNE 2023 THROUGH THE EXISTING AP PROCESS. APPOINTMENTS FOR THIS AP WILL BE MADE IN DECEMBER 2023.

MOTION 18: ESTABLISH AN AD HOC COUNCIL WRECKFISH SUB-COMMITTEE TO CONTINUE DEVELOPMENT OF AMENDMENT 48. THE WRECKFISH SUB-COMMITTEE WILL REPORT TO THE SNAPPER GROUPER COMMITTEE DURING REGULARLY SCHEDULED MEETINGS.

MOTION 19: APPROVE AMENDMENT 55 (SCAMP/YELLOWMOUTH) FOR SCOPING.

MOTION 20: INITIATE AN AMENDMENT PROCESS FOR THE BLACK SEA BASS FISHERY TO RESPOND TO THE SEDAR 76 STOCK ASSESSMENT.

MOTION 21: APPROVE THE PURPOSE AND NEED STATEMENTS, AS MODIFIED, FOR INCLUSION IN AMENDMENT 46 (PRIVATE RECREATIONAL PERMITTING).

The *purpose* is to develop a recreational permitting system that ~~would~~ **WILL** better identify the universe of private anglers or vessels targeting South Atlantic snapper grouper species and ~~would~~ **WILL** enhance the ability to collect recreational effort and catch data. Also work to promote best recreational fishing practices through education.

The *need* for the amendment is to improve ~~education on best fishing practices and~~ the quality of effort and catch data for the private component of the recreational sector that targets South Atlantic snapper grouper species, while minimizing, to the extent practicable, adverse social and economic effects. **ALSO IMPROVE EDUCATION ON BEST FISHING PRACTICES.**

MOTION 22: APPROVE THE ACTIONS AND ALTERNATIVES, AS MODIFIED, FOR INCLUSION IN AMENDMENT 46 (PRIVATE RECREATIONAL PERMITTING).

MOTION 23: EVALUATE CHANGING THE WAY THE COUNCIL APPLIES ALLOCATION PERCENTAGES TO THE ABC IN CALCULATING SECTOR ACLS. ALLOCATE TOTAL REMOVALS AND SUBTRACT SECTOR-SPECIFIC DEAD DISCARDS TO PROVIDE SECTOR ACLS.

MOTION 24: DIRECT STAFF TO DO THE FOLLOWING:

- Begin development of an amendment responding to SEDAR 76 (black sea bass).
- Create an Ad-Hoc Wreckfish Advisory Group comprised of current wreckfish ITQ shareholders and create an Ad-Hoc Wreckfish Committee to discuss SG Amendment 48. Convene a meeting of both groups prior to the September 2023 Council meeting.
- Conduct scoping hearings for Amendment 55 (Scamp/Yellowmouth).
- Continue developing Amendment 46 (Private Recreational Permitting) for review at the September 2023 meeting.
- Convene the next meeting of the Snapper Grouper Recreational Permitting and Reporting Technical Advisory Panel.
- Prepare a SG Amendment 44/RF Amendment 55 (Yellowtail Snapper) document in preparation for the Council to select preferred alternatives and approve for public hearings in September 2023.
- Ask staff to send letter to USCG to obtain cumulative information on the launch security zones related to space activities.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

August 1, 2023

MEMORANDUM

TO: N.C. Marine Fisheries Commission
FROM: Col. Carter Witten
SUBJECT: Law Enforcement Report

Issue

Quarterly update on Marine Patrol law enforcement activities.

Action Needed

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

Overview

Marine Patrol officers have had a busy summer fishing season this year. In addition, we've hired new officers, continued our mandated and specialized officer training, and had a number of education and outreach opportunities both on the water and off. Increasing workload and staffing challenges continues to emphasize the need for additional officers and support staff.

We are also proud to announce that Officer Zac Nelson has been named Marine Patrol's 2023 Officer of the Year. Officer Nelson earned this recognition because of his exemplary work ethic along with his academic achievements. He earned his Advanced Law Enforcement Certificate earlier this year and is also a recent Emergency Medical Technician (EMT) graduate. In addition to Officer Nelson, Officer Kyle Purvis also recently graduated as an EMT. Other training achievements include Officer Neil Kendrick, Sgt. Nick Mobley and Sgt. Jason Parker, who all completed a 120-hour Leadership in Police Organizations course in July.

The Marine Patrol hired six new officers in July. Three of these new hires are already certified law enforcement officers and have begun their field training this month. The remaining three new hires have begun attending Basic Law Enforcement Training (BLET) programs this month. These students will complete their training over an approximately four month period and are expected to begin their field training around January 2024. Based on this timeline, they are expected to complete all training and be patrolling on their own around June 2024.

These hours of education and training are earned above and beyond the mandated training required of every officer annually. Our officers' commitment to attaining excellence through education and training is highly commendable and we are very proud of their efforts.

While the men and women who serve as North Carolina Marine Patrol officers continue to impress and excel, it is important to acknowledge that as an agency we are facing significant enforcement challenges because of increasing workload without a reciprocal increase in the number of officers available to undertake that workload. For example, the number of officers has not increased despite the implementation of the Coastal Recreational Fishing License, significant increases in aquacultural activities, and taking on responsibility for enforcement of Shellfish Sanitation rules. To continue to successfully protect the marine and estuarine resources of North Carolina it is essential that consideration be given to increasing the number of officers as law enforcement responsibilities continue to grow.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

July 28, 2023

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 of Marine Fisheries (hereafter the Division) 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.

The Division continues to provide additional information to NMFS as they complete the draft Environmental Assessment for the ITP renewal application. The revised ITP application and NMFS' response to public comments should be made publicly available when the draft Environmental Assessment is published later this year. Separately, NMFS will initiate an Endangered Species Act (ESA) Section 7 consultation, which is an interagency process "...designed to assist federal agencies in fulfilling their duty to ensure any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat" (<https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region>). If NMFS renews the ITP, they will publish the final Environmental Assessment and Section 7 Biological Opinion upon issuance of the ITP (<https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-222/subpart-C/section-222.307>). The current sea turtle ITP expires at the end of August 2023. If the renewed ITP is not received by September 1, 2023, indications thus far are that the Division would be able to continue operating under the expired sea turtle ITP while the renewal ITP application is under review.

The Division continues to coordinate with NC Department of Information Technology to develop the Observer Trip Scheduling System (OTSS) whereby fishermen would call an automated system to report upcoming fishing activities and some portion of the fishermen will be randomly selected to take an observer. All fishermen that call in for a given week will be alerted to whether or not they have been selected through an automated system (i.e., phone call, text message, and/or email). The target date to begin testing the system is late fall 2023. Public information meetings and trainings will occur before the OTSS is fully implemented. The OTSS should ensure that ITP

observer coverage requirements are met and that the observer coverage is distributed evenly among participants and representative of the fishery.

Action Needed

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

Overview of the ITP reports

During spring 2023, estimated observer coverage of anchored large-mesh gill nets met the required 7% threshold in Management Unit A, but not for Management Unit C (Table 1). No other management units were open to anchored large-mesh gill nets. After numerous phone calls and No-Contact trips, observers and Marine Patrol were unable to schedule trips or locate large-mesh gill-net fishing effort on the water in Management Unit C. Therefore, the management unit was closed to large-mesh gill nets on March 31 to ensure ITP compliance (Proc. M-7-2023).

Estimated observer coverage of the small-mesh gill-net fishery met or exceeded 1% in all management units except D1 and E (Table 2). While effort was found and observed in MUs A, B, and C, staff were unable to locate small-mesh gill-net effort in Management Units D1, D2, and E. To ensure compliance with the ITP, several management actions were enacted. On April 28, 2023, Management Units D1 and D2 were closed to anchored gill nets (Proc. M-9-2023). Three fishermen contacted staff about the MU D2 closure and agreed to arrange observed trips if the management unit was reopened. Therefore, on May 8 (Proc. M-12-2023), MU D2 was reopened. No fishermen reached out to the Division about Management Unit D1; thus, it was not considered for reopening. Finally, Management Unit E was closed on May 26 (Proc. M-13-2023) and remains closed.

Observers and Marine Patrol officers logged 317 unsuccessful attempts to find and observe anchored gill-net effort (i.e., No-Contact trips) during spring 2023 (Table 3). The No-Contact trips in MUs C, D1, D2, and E highlight the efforts to find fishing activity before the decision was made to close these areas to anchored large-mesh or small-mesh gill nets.

During spring 2023, 780 phone calls or in-person contacts were made with 41% (n=327) representing occasions where observers and fishers spoke to each other (Table 4). Of the 327 conversations, 47 of them (14%) were a result of fishers returning or initiating phone calls. Nevertheless, only 4% (n=31) of the 780 contacts resulted in a booked trip.

During spring, there were no observed sea turtle interactions. However, observers documented incidental takes of three Atlantic sturgeon and one sturgeon that could not be identified to species (Table 4). All three Atlantic sturgeon takes occurred in small-mesh gill nets set in Management Unit B. The unidentified sturgeon fell out of a large-mesh gill net in Management Unit A before species identification could occur. Incidental takes of sturgeon occurred in March and April; therefore, no monthly report for NMFS was needed for May.

The final documents can be found at the following links:

Spring 2023 Seasonal Sea Turtle ITP Report

March 2023 Monthly Atlantic Sturgeon ITP Report

April 2023 Monthly Atlantic Sturgeon ITP Report

Table 1. For estuarine anchored large-mesh gill nets, estimated percent observer coverage calculated from observed trips (>4 inch) and estimated fishing trips using Trip Ticket Program data (>5 inch) by management unit during March–May 2023 (spring) of ITP Year 2023. Management Units B, D1, D2, and E were closed in all spring months. Management Unit A was open March 2–17 and Management Unit C was open March 1–31.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	695	58	8.3
B	closed	closed	closed
C	8	0	0
D1	closed	closed	closed
D2	closed	closed	closed
E	closed	closed	closed
Total	703	58	8.3

Table 2. For estuarine anchored small-mesh gill nets, estimated percent observer coverage calculated from observed trips (<4 inch) and estimated fishing trips using Trip Ticket Program data (<5 inch) by management unit during March–May 2023 (spring) of ITP Year 2023. Management Units D1 and D2 were closed on April 28; Management Unit D2 was reopened on May 8 and management Unit E was closed on May 26.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	622	20	3.2
B	1,503	22	1.5
C	172	5	2.9
D1	28	0	0.0
D2	12	3	25.0
E	108	1	0.9
Total	2,445	51	2.1

Table 3. Number of “No-Contact” trips by management unit completed by Marine Patrol and observers during spring (March–May) 2023 for Incidental Take Permit Year 2023. “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	62	9	71
B	7	3	10
C	63	4	67
D1	8	5	13
D2	19	7	26
E	130	0	130
Total	289	28	317

Table 4. Summary of observed Atlantic Sturgeon (AS, n=3) and unidentified sturgeon (US, n=1) interactions in estuarine anchored gill nets during spring 2023 for ITP Year 2023. 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)
3/16/2023	A	36.17990	-76.74974	Large	US	Alive	NR	NR
3/28/2023	B	35.50172	-75.51722	Small	AS	Dead	NR	402
4/11/2023	B	35.52866	-75.51001	Small	AS	Alive	NR	688
4/12/2023	B	35.53209	-75.50763	Small	AS	Alive	NR	NR

2023 Spring Seasonal Progress Report
for Activities under Endangered Species Act
Section 10 Incidental Take Permit No. 16230
March 1–May 31, 2023
ITP Year 2023



Dave Ushakow and Barbie L. Byrd
North Carolina Department of Environmental Quality
North Carolina Division of Marine Fisheries
Protected Resources Program
3441 Arendell Street
Morehead City, NC 28557

June 2023

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SUMMARY

This report summarizes activities of the North Carolina Division of Marine Fisheries (NCDMF) Observer Program during March–May 2023 (i.e., spring) of the Incidental Take Permit (ITP) Year 2023 (September 1, 2022–August 31, 2023) for ITP No. 16230. Throughout this document, all references to gill nets are for estuarine anchored gill nets only unless stated otherwise. Mesh-size categories for gill nets are large-mesh, defined as ≥ 4 inches stretched mesh (ISM), and small-mesh, defined as < 4 ISM. Finally, data used in this seasonal report are preliminary and subject to change.

During spring 2023, the ITP Management Units (MU) were subject to a variety of restrictions on gill-net fishing activity (Table 1). The only large-mesh gill-net fishery open during spring was the American Shad (*Alosa sapidissima*) fishery in MUs A and C. Most of MU A was opened to large-mesh gill nets on March 2; the lower Chowan River and western Albemarle Sound portions remained closed to all gill nets (Proclamation [Proc.] M-5-2023).

With the exception of an area within far-western Albemarle Sound, Management Unit A opened March 2 (Proclamation [Proc.] M-5-2023; Figure 1); however, On March 17 (Proc. M-6-2023), the remainder of MU A was closed to large-mesh gill nets to prevent the quota of Striped Bass (*Morone saxatilis*), a desirable bycatch species, from being exceeded. All gill nets were prohibited in the lower Chowan River and western Albemarle Sound. The lower portions of Management Unit C opened February 15 (Proc. M-6-2019 & M-4-2023). However, after numerous phone calls and No-Contact trips, observers and Marine Patrol were unable to schedule trips or locate large-mesh gill-net fishing effort on the water. Therefore, MU C was closed to large-mesh gill nets on March 31 to ensure ITP compliance (Proc. M-7-2023). No other MU was open to large-mesh gill nets during spring.

The small-mesh gill-net fishery was open statewide at the beginning of spring. However, while effort was found and observed in MUs A, B, and C, staff were unable to locate small-mesh gill-net effort in MUs D1, D2, and E. To ensure compliance with the ITP, several management actions were enacted. On April 28, 2023, MUs D1 and D2 were closed to anchored gill nets (Proc. M-9-2023). While MU D1 remains closed, three fishermen contacted staff about the MU D2 closure and agreed to arrange observed trips if the MU was reopened. Therefore, on May 8 (Proc. M-12-2023), MU D2 was reopened. Finally, MU E was closed on May 26 (Proc. M-13-2023) and remains closed.

Prior to the start of the spring season, the Observer Program projected the number of observed trips by mesh-size category, month, and MU needed to meet the coverage levels required by the ITP. For the small-mesh gill-net fishery, this projection was accomplished by calculating 2% of the average number of fishing trips reported to the Trip Ticket Program by month and MU from the previous five years, 2017–2022. Large-mesh effort projection methodology, however, differed due to the previously mentioned regulatory changes within the fishery. For MU A, estimated observed trip coverage was calculated as 10% of mean daily reported trips that occurred during the spring large-mesh gill-net seasons since the reduction of the Striped Bass TAL, 2021 and 2022. Coverage goals for MU C were estimated similarly, using data from 2020–2022.

During spring, DMF staff conducted 58 large-mesh and 51 small-mesh gill-net observations (Table 2 Table 3; Figure 2). Estimated observer coverage of the large-mesh gill-net fishery exceeded the 7% target in MU A. As previously mentioned, no effort was located in MU C, which led to the closure on March 31. Estimated observer coverage of the small-mesh gill-net fishery exceeded 1% in all MUs except D1, where no small-mesh gill-net trips were found, and MU E, where only one small-mesh gill-net trip was found. The lack of observed gill-net effort in both MUs prompted the previously mentioned closures.

Observers and Marine Patrol officers logged 317 unsuccessful attempts to find and observe anchored gill-net effort (i.e., No-Contact trips) during spring 2023 (Table 4. Summary of “No-Contact” trips by management unit completed by Marine Patrol and observers during March–May 2023 (spring) of ITP Year 2023. “No Contact” refers to unsuccessful attempts to find and observe anchored gill-net effort.). The No-Contact trips in MUs C, D1, D2, and E highlight the efforts to find fishing activity before the decision was made to close these areas to anchored large-mesh or small-mesh gill nets.

There were no observed sea turtle interactions during spring 2023 (Table 5).

In addition to alternative platform trips, observers attempt to locate trips through other methods. Initially, observers attempt to contact fishermen via phone using a contact list of current Estuarine Gill Net Permit (EGNP) holders, prioritizing those who have reported gill-net landings over the previous three years. If observers fail to schedule a trip in advance through phone calls, observers scout for fishermen at boat ramps and attempt to organize impromptu on-board observations. Fishermen contacts and contact attempts are then logged in a database. For each contact or contact attempt, responses are categorized and recorded as one of 15 response categories (Table 6; Figure 3. Contact attempts ($n=780$) during March–May 2023 (spring) 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 stratified by occasions when observers initiated a successful contact (light green), when the observer initiated an unsuccessful contact (dark green), when the fisherman returned an observer’s call (light blue), and when the fisherman initiated contact (dark blue).). During spring 2023, 780 phone calls or in-person contacts were made with 41% ($n=327$) representing occasions where observers and fishers spoke to each other. Of the 327 conversations, 47 of them (14%) were a result of fishers returning or initiating phone calls. Nevertheless, only 4% ($n=31$) of the 780 contacts resulted in a booked trip. For three contacts, the callee was angry at being contacted, but did not outright refuse a trip.

As a condition of the EGNP, fishermen are required to provide current contact information so that observers can schedule trips. Additionally, fishermen are required to update their contact information within 14 days if there is a change. During spring, observers began to closely track contact attempts that ended in a disconnected number and they made a second contact attempt after 14 days. If the number was still disconnected on the second attempt, a Notice of Violation (NOV) was initiated. A NOV is the NCDMF’s administrative process to suspend a permit and is initiated

by an officer or other division employee when a permit holder is found to be in violation of general or specific permit conditions.

As part of their regular duties, Marine Patrol officers monitor fishing activity to ensure regulatory compliance. When Marine Patrol officers find gear or fishing practices to be out of compliance, they can issue either Citations, NOVs, or both. A citation is an enforcement action taken by a Marine Patrol officer for person(s) found to be in violation of general statutes, rules, or proclamations under the authority of the North Carolina Marine Fisheries Commission and is considered a proceeding for district court. 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 ENGP (database codes “NETG” and “EGNP”) were compiled. The NCDMF issued four citations (Table 7) and 11 NOVs for anchored gill nets during spring 2023 (Table 8). Some of the suspensions were stopped, due to the fact that after the fisherman was served a Notice of Intent, they complied with all permit conditions, and it was their first violation of these permit conditions.

TABLES

Table 1. Proclamations (Proc.) issued affecting anchored gill-net fisheries during March–May 2023 (spring).

Effective Date	Proc. Number	Regulation change
1/1/2023	FF-8-2023	This proclamation sets the 2023 commercial and recreational seasons and harvest restrictions for the taking of American shad and hickory shad in Coastal and Joint Fishing waters.
1/1/2023	M-2-2023	This proclamation supersedes proclamation M-26-2022 dated November 29, 2022. In Management Unit A, it is unlawful to use fixed or stationary gill nets with a stretched mesh length other than 3 ¼ inches. It maintains the exempted portion of Management Unit A that allows the use of run-around, strike, and drop gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches to harvest blue catfish.
1/13/2023	M-3-2023	This proclamation supersedes proclamation M-25-2022 dated November 4, 2022. It opens Management Unit B to the use of fixed or stationary gill nets with a stretched mesh length less than 4 inches and increases the yardage limits for the small mesh gill net fishery in portions of Management Unit B.
2/15/2023	M-4-2023	This proclamation supersedes proclamation M-20-2022, dated September 21, 2022. 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 3 to the N.C. Southern Flounder Fishery Management Plan.
3/2/2023	M-5-2023	This proclamation supersedes proclamation M-2-2023 dated December 21, 2022. 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 ½ inches.
3/17/2023	M-6-2023	This proclamation supersedes proclamation M-5-2023 dated February 28, 2023. 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, and drop gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches to harvest blue catfish.
3/31/2023	M-7-2023	This proclamation supersedes proclamation M-4-2023, dated February 13, 2023. This proclamation closes Management Unit C to the use of set gill nets with a stretched mesh length of 4 inches through 6 ½ inches and maintains gear exemptions for the shad fishery in all areas south of Management Unit A in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and the Incidental Take Permits for endangered and threatened Sea Turtles and endangered Atlantic sturgeon.
4/15/2023	M-8-2023	This proclamation supersedes proclamation M-7-2023, dated March 29, 2023. This proclamation maintains the closure on the use of set gill nets with a stretched mesh length of 4 inches through 6 ½ inches and removes large mesh gear exemptions for all areas south of Management Unit A (coincides with the commercial shad fishery closure) in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan.

Table 1 continued

Effective Date	Proc. Number	Regulation change
4/28/2023	M-9-2023	This proclamation supersedes proclamation M-3-2023 dated January 11, 2023. It reduces the yardage limits for gill nets less than 4 inches stretched mesh used in Management Unit B, establishes a drift gill net yardage limit for the Spanish Mackerel fishery that occurs in Management Unit B and closes Management Units D1 and D2 to the use of fixed or stationary gill nets less than 4 inches stretch mesh while allowing an exemption for actively fished nets.
4/30/2023	M-10-2023	This proclamation supersedes proclamation M-6-2023 dated March 15, 2023. In Management Unit A, it implements small mesh gill net attendance requirements and keeps open a portion of Management Unit A 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.
5/8/2023	M-12-2023	This proclamation supersedes proclamation M-9-2023 dated April 26, 2023. It opens Management Unit D2 to the use of fixed or stationary gill nets less than 4 inches stretch mesh.
5/26/2023	M-13-2023	This proclamation supersedes proclamation M-12-2023 dated May 5, 2023. It closes Management Unit E to the use of fixed or stationary gill nets less than 4 inches stretch mesh.

Table 2. For large-mesh gill nets, estimated percent observer coverage calculated from observed trips (≥ 4 inch) and estimated fishing trips using Trip Ticket Program data (≥ 5 inch) by Management Unit during March–May 2023 (spring) of ITP Year 2023. Management Units B, D1, D2, and E were closed to anchored large-mesh gill nets in all spring months. Management Unit A was open March 2–17 and Management Unit C was open March 1–31. See text for further information.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	695	58	8.3
B	closed	closed	closed
C	8	0	0
D1	closed	closed	closed
D2	closed	closed	closed
E	closed	closed	closed
Total	703	58	8.3

Table 3. For small-mesh gill nets, estimated percent observer coverage calculated from observed trips (< 4 inch) and estimated fishing trips using Trip Ticket Program data (< 5 inch) by Management Unit during March–May 2023 (spring) of ITP Year 2023. Management Units D1 and D2 were closed on April 28 to anchored small-mesh gillnets; Management Unit D2 was reopened on May 8. Management Unit E was closed on May 26. See text for further information.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	622	20	3.2
B	1,503	22	1.5
C	172	5	2.9
D1	28	0	0.0
D2	12	3	25.0
E	108	1	0.9
Total	2,445	51	2.1

Table 4. Summary of “No-Contact” trips by management unit completed by Marine Patrol and observers during March–May 2023 (spring) of ITP Year 2023. “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	62	9	71
B	7	3	10
C	63	4	67
D1	8	5	13
D2	19	7	26
E	130	0	130
Total	285	28	317

Table 5. Total annual authorized and actual takes (observed and estimated) of sea turtles by species and, for estimated takes, by condition for the 2023 ITP Year to date (September 2022–May 2023). Estimated takes denoted as not applicable (n/a) are for species whose authorized takes in the ITP are expressed only as counts. Because there were no takes during spring, this table is unchanged since the fall report.

Species	Observed (live/dead)		Estimated			
	Authorized	Actual	Authorized		Actual	
			Alive	Dead	Alive	Dead
Green	18	5	330	165	67.2	17.0
Hawksbill	8	0	n/a	n/a	n/a	n/a
Kemp's ridley	12	0	98	49	17.7	0.0
Leatherback	8	0	n/a	n/a	n/a	n/a
Loggerhead	24	1	n/a	n/a	n/a	n/a
Any Species	8	1	n/a	n/a	n/a	n/a
Total	78	7	428	214	84.9	17.0

Table 6. Fisherman contact code and associated descriptions for fisherman contact attempts during March – May 2023 (spring) of ITP Year 2023.

Code	Description	Total
1	Left message with someone else	12
2	Not fishing general	120
3	Fishing other gear	60
4	Not fishing - weather	7
5	Not fishing - boat issues	3
6	Not fishing - medical issues	9
7	Booked trip	31
8	Hung up, got angry, trip refused	3
9	Call back later time/date	90
10	Saw in person	4
11	Disconnected	66
12	Wrong number	4
13	No answer	157
14	No answer, left voicemail	214
15	Not fishing - natural disaster	0
Response Total		780

Table 7. Citations written by Marine Patrol officers for anchored gill nets by date and violation code during March–May 2023 (spring) of ITP Year 2023.

Date	Code	Description
4/26/2023	NETG02	Using gill net without buoys or identification
4/26/2023	EGNP01	Fishing gill net without a valid Estuarine Gill Net Permit
5/3/2023	NETG27	Gill Net set within 50 yards from shore 3H.0103 M-9-2008
5/31/2023	EGNP99	Failure to comply with statutes(s), rules(s), and/or proclamation(s)

Table 8. Notice of Violations (NOVs) for Estuarine Gill Net Permit (EGNP) holders using anchored gill nets by date and violation code issued during March–May 2023 (spring) of ITP Year 2023.

Date	Code	Description
3/6/2023	EGNP11	Failure to attend nets
3/14/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days
3/14/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days
3/14/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days
4/13/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days
4/13/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days
4/13/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days
4/13/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days
4/13/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days
4/13/2023	EGNP99	Failure to comply with statutes(s), rules(s), and/or proclamation(s)
5/30/2023	EGNP01	Fishing gill net without a valid Estuarine Gill Net Permit

FIGURES

Maps are provided for illustrative purposes to assist the public.
 Maps do not supersede existing rules or proclamations.

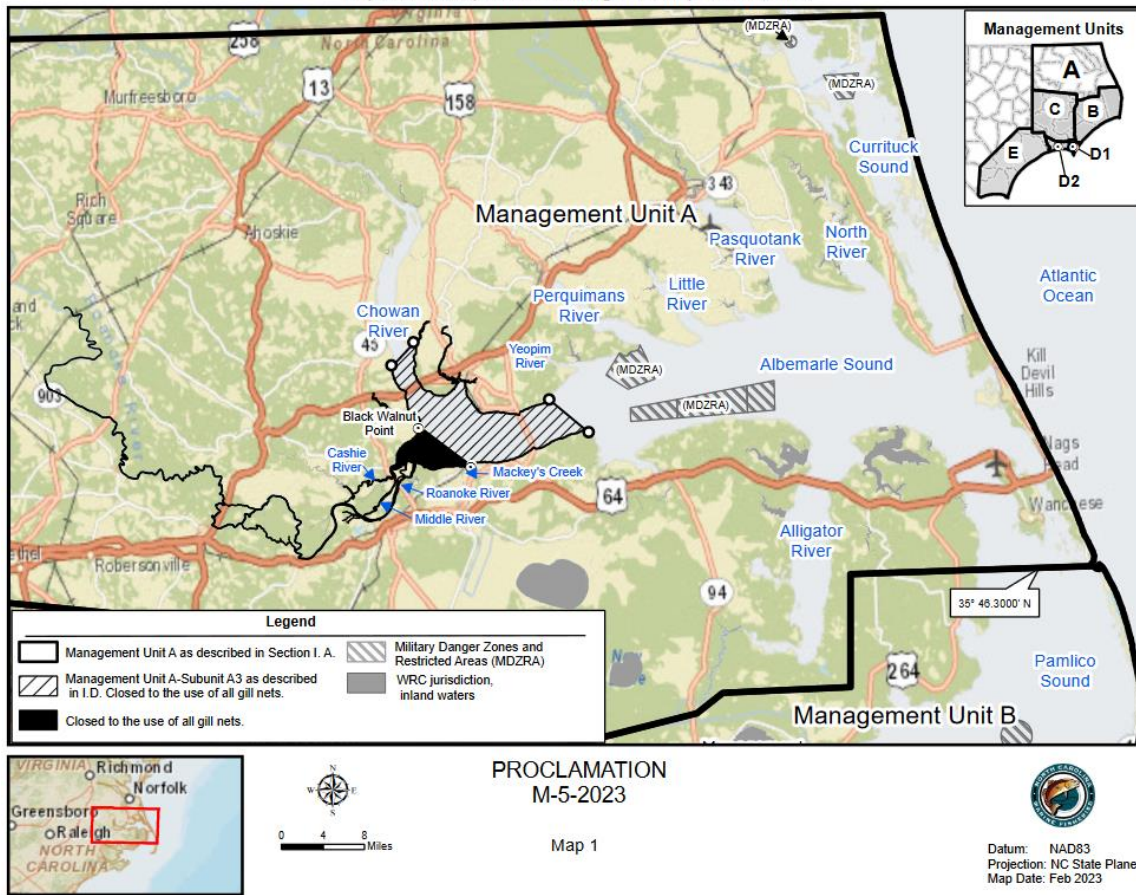


Figure 1. Map depicting fishable waters to large-mesh estuarine gill nets in Management Unit A as allowed by Proclamation M-5-2023, effective March 2, 2023 through March 17, 2023 (Proclamation M-6-2023).

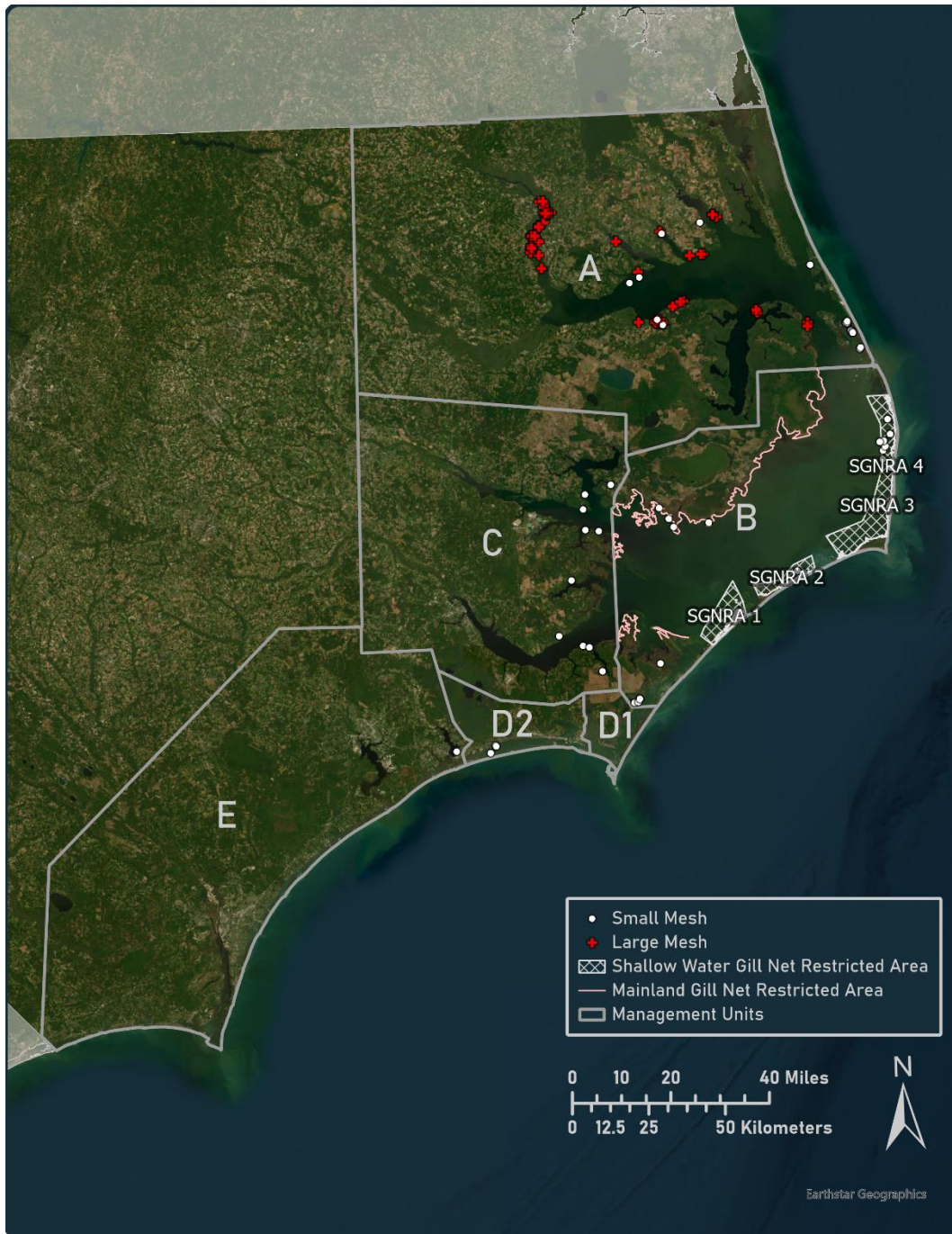


Figure 2. Map of observed large-mesh ($\geq 4''$ ISM) and small-mesh ($< 4''$ ISM) gill-net trips, March–May 2023 (spring) of ITP Year 2023. Note that in some areas, multiple observations may be depicted as fewer observations due to the point layering and map scale. For example, a single point may be visible; however, multiple points may exist at that location. For observed trip totals within each management unit, please see Table 2Table 3.

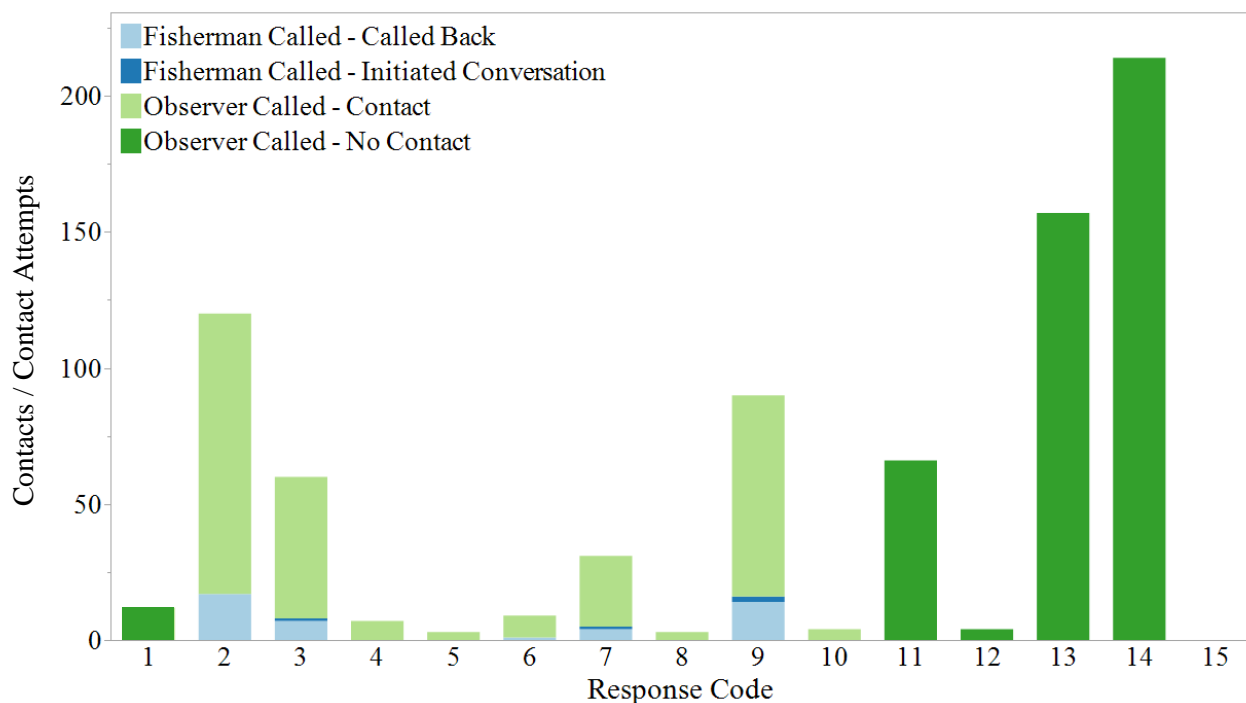


Figure 3. Contact attempts ($n=780$) during March–May 2023 (spring) to schedule trips. Contact response categories include the following: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not 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 stratified by occasions when observers initiated a successful contact (light green), when the observer initiated an unsuccessful contact (dark green), when the fisherman returned an observer’s call (light blue), and when the fisherman initiated contact (dark blue).



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Monthly Progress Report
Incidental Take Permit No. 18102
May 5, 2023

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 2023 of the 2023 ITP Year (September 1, 2022 – August 31, 2023) for Permit #18102.

Management Units A, B, C, and E were open to estuarine anchored small-mesh gill nets (i.e., < 5 inches stretched mesh) throughout April 2023. Management Units D1 and D2 were open for most of April 2023. However, after many unsuccessful attempts to contact fishers via phone ($n = 70$) and locate anchored gill-net effort on the water ($n = 12$), these Management Units were closed on April 28 (Proclamation M-9-2023). Meanwhile, the estuarine anchored large-mesh gill net fishery (≥ 5 inches stretched mesh) remained closed.

During April 2023, there were observations of 17 anchored small-mesh trips (Table 1). All observed small-mesh trips occurred in Management Units A ($n = 5$), B ($n = 10$), and C ($n = 2$; Table 1). In addition to observed trips, there were 84 unsuccessful attempts to locate anchored gill-net fishing activity during April (i.e., No-Contact Trips; Table 1).

Observers documented two incidental takes of live Atlantic Sturgeon in Management Unit B (Table 2). No sea turtle interactions were observed.

Cumulative estimated and observed interactions during the 2023 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, estimated take numbers are preliminary.

Table 1. Numbers of observed small-mesh (< 5 inches stretched mesh) estuarine anchored gill-net trips ($n = 17$) by Management Unit and mesh-size category during April 2023 for ITP Year 2023. Numbers of No-Contact trips ($n = 84$) by Management Unit are also provided. No-Contact refers to unsuccessful attempts to find and observe anchored gill-net effort. The large-mesh (≥ 5 inches stretched mesh) estuarine anchored gill-net fishery was closed during April 2023; consequently, there were no observed large-mesh gill net trips.

Month	Management Unit	Small-Mesh Observed Trips	No-Contact Trips
April	A	5	14
	B	10	6
	C	2	18
	D1	0	7
	D2	0	8
	E	0	31
Overall		17	84

Table 2. Summary of observed Atlantic Sturgeon ($n = 2$) interactions in estuarine anchored small-mesh (< 5 inches stretched mesh) gill nets during April 2023 of ITP Year 2023.

Date	Condition	Management Unit	Soak Time	Length of Net	Number of Nets
4/11/2023	Alive	B	720	200	6
4/12/2023	Alive	B	720	100	8

Table 3. For estuarine anchored large-mesh (≥ 5 inch) gill nets, a current comparison of observed (live, $n = 14$; dead, $n = 0$) incidental takes of Atlantic Sturgeon by management unit during 2023 ITP Year through April 2023 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. Genetic results were not available to determine the Distinct Population Segment (DPS) of observed interactions.

Management Unit	Season	Authorized				Actual	
		Carolina DPS		Other DPS		All DPS	
		Alive	Dead	Alive	Dead	Alive	Dead
A	Annual	1,604	65	535	21	60.4	0
B	Annual	24	6	9	0	0	0
C	Annual	11	5	4	0	0	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	60.4	0

Table 4. For estuarine small-mesh (< 5 inch) gill nets, a comparison of observed (alive, $n = 2$; dead, $n = 1$) incidental takes of Atlantic Sturgeon by management unit during the 2023 ITP Year through April 2023 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	0
B	Annual	14	5	3	0	2	1
C	Annual	8	4	n/a	n/a	0	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	2	1

Best regards,

A handwritten signature in black ink, appearing to read 'D. Ushakow', with a long horizontal flourish extending to the right.

David Ushakow
Protected Resources Program, Biologist

cc: Angela Somma (NMFS); Barbie Byrd, Matthew Doster, Casey Knight, Mike Loeffler,
Jonathon McFall, 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
Apr 4, 2023

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 2023 of the 2023 ITP Year (September 1, 2022 – August 31, 2023) for Permit #18102.

All Management Units were open to estuarine anchored small-mesh gill nets (i.e., < 5 inches stretched mesh) throughout March 2023. Beginning February 15, 2023, the estuarine anchored large-mesh gill-net fishery (\geq 5 inches stretched mesh) opened in Management Unit C ([Proclamation M-4-2023](#)). Due to lack of observed effort, Management Unit C was subsequently closed March 31 ([Proclamation M-7-2023](#)) to help ensure compliance. Additionally, this fishery was open in Management Unit A from March 2 – 17 (Proclamations [M-5-2023](#) & [M-6-2023](#), respectively). All other Management Units remained closed to the estuarine anchored large-mesh gill-net fishery.

During March 2023, there were observations of 70 anchored large-mesh trips and 19 anchored small-mesh trips (Table 1). All observed large-mesh trips occurred in Management Unit A while none were located in Management Unit C. Of the large-mesh trips, only one live unidentified sturgeon was observed, and of the small-mesh trips, only one dead Atlantic Sturgeon was observed (Table 2). In addition to observed trips, there were 122 unsuccessful attempts to locate anchored gill-net fishing activity during March (i.e., No-Contact Trips; Table 1).

Cumulative estimated and observed interactions during the 2023 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, estimated take numbers are preliminary.

Table 1. Numbers of observed estuarine anchored gill-net trips ($n = 89$) by Management Unit and mesh-size category during March 2023 for ITP Year 2023. Mesh-size categories are large (≥ 5 inches stretched mesh) and small (< 5 inches stretched mesh). Numbers of No-Contact trips ($n = 122$) 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	70	13	29
	B	closed	6	0
	C	0	0	24
	D1	closed	0	1
	D2	closed	0	11
	E	closed	0	57
Overall		70	19	122

Table 2. Summary of observed Sturgeon ($n = 2$) interactions in estuarine anchored gill nets during March 2023 for ITP Year 2023. 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	Length of Net	Number of Nets
3/16/2023	Unknown	Alive	A	Large	1440	100	5
3/28/2023	Atlantic	Dead	B	Small	1440	200	5

Table 3. For anchored large-mesh (≥ 5 inch) gill nets, a current comparison of observed (live, $n = 14$; dead, $n = 0$) incidental takes of Atlantic Sturgeon by management unit during 2023 ITP Year through March 2023 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. Genetic results were not available to determine the Distinct Population Segment (DPS) of observed interactions.

Management Unit	Season	Authorized				Actual	
		Carolina DPS		Other DPS		All DPS	
		Alive	Dead	Alive	Dead	Alive	Dead
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B	Annual	24	6	9	0	0	0
C	Annual	11	5	4	0	0	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	60.4	0

Table 4. For small-mesh (< 5 inch) gill nets, a comparison of observed (dead, $n = 1$) incidental takes of Atlantic Sturgeon by management unit during the 2023 ITP Year through March 2023 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	0
B	Annual	14	5	3	0	0	1
C	Annual	8	4	n/a	n/a	0	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	0	1

Best regards,

A handwritten signature in black ink, appearing to read 'DU' followed by a long horizontal stroke.

David Ushakow
Protected Resources Program, Biologist

cc: Angela Somma (NMFS); Barbie Byrd, Matthew Doster, Casey Knight, Jonathon McFall,
Steve Poland, and Kathy Rawls (NCDMF)



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

July 31, 2023

MEMORANDUM

TO: N.C. Marine Fisheries Commission
FROM: Steve Poland, Fisheries Management Section Chief
SUBJECT: Temporary Rule Suspensions

Issue

In accordance with the North Carolina Division of Marine Fisheries Resource Management Policy Number 2014-2, Temporary Rule Suspension, the North Carolina Marine Fisheries Commission (hereafter the Commission) will vote on any new rule suspensions that have occurred since the last meeting of the Commission.

Findings

No new rule suspensions have occurred since the May 2022 business meeting.

Action Needed

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

Overview

In accordance with policy, the division will report current rule suspensions previously approved by the Commission as non-action items. They include:

NCMFC Rule 15A NCAC 03O .0501 (e)(4) PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS

Suspension of portion of this rule for an indefinite period. Suspension of this rule allows the division to issue the Shellfish Relocation Permit to permittees already issued a Division of Coastal management permit for development activity. This suspension was implemented in Proclamation [M-11-2023](#).

NCMFC 15A NCAC 03R .0117 (c), (i), and (j) of section (1) OYSTER SANCTUARIES

Suspension of portion of this rule for an indefinite period. Suspension of this rule allows the division to publish correct coordinates for the Pea Island, Raccoon Island, and Swan Island Oyster Sanctuaries to ensure that the sanctuaries continue to be protected according to the FMP restrictions while the rule is modified to reflect the correct boundary coordinates. This suspension was implemented in Proclamation [SF-6-2022](#).

NCMFC Rule 15A NCAC 03M .0515 (a)(2) Dolphin

Suspension of portion of this rule for an indefinite period. Suspension of this rule allows the division to adjust the recreational vessel limit to complement management of dolphin under the South Atlantic Fishery Management Council's Amendment 10 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic. This suspension was implemented in Proclamation [FF-30-2022](#).

NCMFC Rule 15A NCAC 03L .0105 (2) Recreational Shrimp Limits

Suspension of portion of this rule for an indefinite period. Suspension of this rule allows the division to modify the recreational possession limit of shrimp by removing the four quarts heads on and two and a half quarts heads off prohibition from waters closed to shrimping in accordance with Amendment 2 to the North Carolina Shrimp Fishery Management Plan. This suspension was implemented in Proclamation [SH-4-2022](#).

NCMFC Rule 15A NCAC 03J .0103 (h) Gill Nets, Seines, Identification, Restrictions

Continued suspension a portion of this rule for an indefinite period. Suspension of this rule allows the division to implement year-round small mesh gill net attendance requirements in certain areas of the Tar-Pamlico and Neuse rivers systems. This action was taken as part of a department initiative to review existing small mesh gill net rules to limit yardage and address attendance requirements in certain areas of the state. This suspension continues in Proclamation [M-3-2023](#).

NCMFC Rule 15A NCAC 03L .0103 (a)(1) Prohibited Nets, Mesh Lengths and Areas

Continued suspension of portions of this rule for an indefinite period. This allows the division to adjust trawl net minimum mesh size requirements in accordance with the Amendment 2 to the North Carolina Shrimp Fishery Management Plan. This suspension was implemented in proclamation SH-3-2019 and continues in [SH-1-2022](#).

NCMFC Rule 15A NCAC 03J .0501 (e)(2) Definitions and Standards for Pound Nets and Pound Net Sets

Continued suspension portions of this rule for an indefinite period. This allows the division to increase the minimum mesh size of escape panels for flounder pound nets in accordance with Amendment 2 of the North Carolina Southern Flounder Fishery Management Plan. This suspension was implemented in Proclamation [M-34-2015](#).

NCMFC Rule 15A NCAC 03M .0519 (a) and (b) Shad & 03Q .0107 (4) Special Regulations: Joint Waters

Continued suspension portions of these rules for an indefinite period. This allows the division to change the season and creel limit for American shad under the management framework of the North Carolina American Shad Sustainable Fishery Plan. These suspensions were continued in Proclamation [FF-67-2021\(Revised\)](#)