

NC Marine Fisheries Commission

**Supplemental Materials**

August 2024 Quarterly Business Meeting

# Supplemental Materials

## Document

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June 6 Meeting Minutes

Atlantic States Marine Fisheries  
Commission Meeting Report

Mid-Atlantic Fishery  
Management Council Meeting  
Summary Report

Fishery Management Plan  
Annual Review Summary

Draft N.C. Fishery Management  
Plan Schedule

Rule Suspensions

**Marine Fisheries Commission Special Meeting Minutes  
Virtual Meeting via Webex  
June 6, 2024**

The Marine Fisheries Commission (MFC) held a special meeting via Webex on June 6, 2024.

The briefing book and audio from this meeting can be found at:  
<https://www.deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/past-marine-fisheries-commission-meetings#SpecialMeeting-June62024-15160>.

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

SPECIAL MEETING - MOTIONS AND ACTIONS

On June 6, 2024, at 11 a.m. Chairman Rob Bizzell called the meeting to order and reminded commissioners of their conflict of interest and ethics requirements. No conflicts of interest were identified.

The following commission members were in attendance: Rob Bizzell – Chairman, Ryan Bethea, Mike Blanton, Sammy Corbett, Sarah Gardner, A Hobgood, Donald Huggins, Dr. Doug Rader, and Tom Roller.

**Chairman Bizzell entertained a motion to approve the agenda, which was amended to include a summary of the public comments received on the proposed temporary rules.**

**Motion by Commissioner Roller to approve the meeting agenda as amended.**

**Motion seconded by Commissioner Huggins.**

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hobgood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Motion passed unanimously.**

Session Law 2023-137, Section 6 –Phased-in Mandatory Commercial and Recreational Reporting of Certain Fish Harvests

Chairman Bizzell asked MFC Counsel Phillip Reynolds to provide a briefing about Session Law 2023-137, Section 6. Mr. Reynolds said the adoption of these harvest reporting temporary rules has been directed by the legislature. He said the Wildlife Resources Commission (WRC) met earlier in the day and approved its harvest reporting temporary rule. Mr. Reynolds said it is now time for the MFC to vote on final approval of its two harvest reporting temporary rules.

Chairman Bizzell asked Mr. Reynolds to confirm that this requirement came from the N.C. General Assembly and did not come from the MFC or the WRC. Mr. Reynolds replied the requirements are directed by law and, to his knowledge, did not come from the MFC or the Division of Marine Fisheries (DMF).

Next, Chairman Bizzell asked the DMF's MFC Liaison Jesse Bissette to provide a summary of the public comments received on the MFC's proposed harvest reporting temporary rules. Mr. Bissette said there were over 2,000 written comments received on the proposed harvest reporting temporary rules: 2,009 comments were submitted online, and four letters were mailed. He said of the 2,013 total comments, 83% opposed the rules, 10% supported the rules, and 7% were undecided.

For the comments that opposed the rules, Mr. Bissette said there were several common themes: 1) the rules would be unenforceable and impractical and there would be no ability to ensure compliance; 2) skepticism about the effectiveness and efficiency of the proposed reporting system; 3) concerns about the accuracy and reliability of the collected data; 4) the rules would add unnecessary bureaucracy and complexity and would diminish the enjoyment of fishing; and 5) this is an example of government overreach.

Mr. Bissette said there were several common themes for the comments that supported the rules: 1) harvest reporting would lead to better data, which is crucial for better resource management and conservation efforts; 2) the rules would bring long-term benefits in terms of fish population health and ecosystem balance; 3) the rules would be a positive step towards accountability for both commercial and recreational fishermen; and 4) there would be a need to create an efficient, user-friendly reporting system.

For the commenters that were undecided, Mr. Bissette said commenters reported 1) needing more information about how fishermen would be reporting before they could decide whether or not to support these rules; 2) the need to create an easy-to-use reporting system; and 3) concerns about the reliability of self-reported data.

Chairman Bizzell opened the floor for questions. Commissioner Hobgood asked if the MFC has the ability to amend the rules at a future date and also if the MFC can make suggestions to the General Assembly about the legislation. Mr. Reynolds replied the MFC can potentially amend the rules in the future during the process of permanent rule adoption, which will replace the temporary rules. He said an amendment to the rules cannot be contrary to the direction of the General Assembly to adopt these reporting requirements.

Next, Chairman Bizzell asked the DMF's Rulemaking Coordinator Catherine Blum to explain a minor technical change to the proposed harvest reporting temporary rules that was added since the original publication of the proposed temporary rules. Ms. Blum said there is an identical change to each of the two rules: the addition of a one-sentence paragraph that aligns the effective date of the requirements of each rule to the effective dates set forth in Session Law 2023-137, Section 6. She said this change clarifies when the requirements will come into effect.

Chairman Bizzell entertained a motion to adopt the harvest reporting temporary rules as presented.

**Motion by Commissioner Rader to give final approval of temporary rule 15A NCAC 03I .0123 COMMERCIAL HARVEST REPORTING REQUIREMENTS and temporary rule 15A NCAC 03I .0124 NON-COMMERCIAL HARVEST REPORTING REQUIREMENTS.**

**Second by Commissioner Corbett.**

Chairman Bizzell opened the floor to commissioners for comments and questions.

Commissioner Roller said it is important for the public to understand this is a legislative initiative, not something put forth by the MFC or the DMF. He expressed two concerns about the text of the proposed rules: 1) he said the phrase "no longer engaged in fishing" seems ambiguous for enforcement; and 2) he asked about the phrase in 15A NCAC 03I .0124(b)(5) "species length, if applicable" and when that would be applicable. Ms. Blum replied this was included in the rule to provide the MFC the authority to require that data if it is needed in the future as management measures for the five species change; if it is needed the data field would be added to the reporting tools.

Commissioner Roller continued by saying he thinks the MFC has generally shown support for shoring up recreational data collection and addressing potential loopholes in commercial reporting, and he is supportive of these items. He expressed concern about asking anglers to report data about species for which the current data collection program, MRIP (Marine Recreational Information Program), works pretty well, which includes species that are harvested by a large group of people and that are common. Mr. Roller said the deficiencies of MRIP are for quota-monitored species, big game species, rare event species, and species caught by smaller groups of people. He drew attention to untrue statements about these issues, including a recent email he received citing limitations with federal surveys, including new sources of errors identified in August 2023 "that brought the survey program to a halt through at least 2026," which Mr. Roller said is false. He acknowledged there has been an overestimation error, but pilot studies are being completed to evaluate it and MRIP continues to be used for stock assessments and fisheries management, and data is being collected.

Commissioner Hobgood expressed concern about the five species included in the legislation for recreational reporting, saying two of the five cannot currently be harvested (flounder, striped bass), and another two of the five species have a one-fish bag limit (red drum, weakfish), yielding no or minimal data, respectively. He said if this is truly about collecting data, it is

important to include released fish in addition to harvested fish. Commissioner Roller agreed and said the MFC should be looking at releases in the future, particularly since this data stream will not be comparable to MRIP in any way and it is uncertain how it can be used for management. He gave an analogy to hunting, saying the agencies are asking people to report harvest of squirrels, bunnies, and quail, while ignoring the big game species like deer, turkeys, and bears. While he said he generally objects to the species that were selected, he is generally supportive of new data collection streams that are going to improve fisheries management.

Hearing no further discussion, Chairman Bizzell called for the roll call vote.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hobgood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Note: Commissioner Commissioner Gardner experienced technical difficulties and was unable to participate in the vote.*

**Motion passed without dissention.**

Having no further business to conduct, Chairman Bizzell adjourned the meeting at approximately 11:17 a.m.



# Atlantic States Marine Fisheries Commission

## ASMFC 2024 Summer Meeting

*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

ASMFC Summer Meeting  
August 6 - 8, 2024

For more information, please  
contact Toni Kerns, ISFMP,  
Tina Berger, Communications  
or the identified individual at  
703.842.0740

### Meeting Summaries, Press Releases and Motions

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## **ATLANTIC HERRING MANAGEMENT BOARD (AUGUST 6, 2024)**

### ***Meeting Summary***

The Atlantic Herring Management Board met to review the 2024 Management Track Stock Assessment; review the draft Fishery Management Plan (FMP) Review and state compliance for fishing year 2023; and receive an update from the New England Fishery Management Council (NEFMC).

The Board received a presentation of the 2024 Management Track Stock Assessment for Atlantic herring conducted by NOAA's Northeast Fisheries Science Center (NEFSC). No significant changes were made to the methods in the 2024 assessment as compared to the 2022 assessment. The 2024 assessment update includes data through 2023 and indicates the Atlantic herring stock is overfished but not experiencing overfishing. This is the same stock status as determined by the 2022 assessment.

The Board approved the Atlantic Herring FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* requests for New York. In 2023, all states implemented management measures consistent with the FMP. The Board also discussed two recommendations from the Plan Review Team (PRT). First, the PRT recommended the Board consider long-term funding to support continuation of the Maine Department of Marine Resources portside sampling program, which requires funding for sample collection in states outside of Maine. The portside sampling program is an important data source informing management and is used in the Atlantic herring stock assessment model. The Board agreed to convene a meeting of State Administrative Commissioners in the near-term to discuss potential funding solutions and/or the possibility of states collecting their own samples. Second, the PRT recommended the Technical Committee convene to discuss any concerns regarding the prolonged use of default closure dates for Area 1A spawning areas, due to insufficient samples available in recent years. The Board noted that since there is no new information to consider and the best available information was used in the previous spawning closure analysis, the TC should not be tasked at this time. The Board can revisit this issue in the future as needed.

The Board received an update from NEFMC Staff on NEFMC activity for Atlantic herring. NEFMC Atlantic herring priorities for 2024 include specifications for the 2025-2027 fishing years and development of Amendment 10. For the 2025-2027 fishing years, the NEFMC's Scientific and Statistical Committee is recommending specifications based on projections from the 2024 Assessment using the biomass-based control rule for Atlantic herring. The resulting recommended annual catch limit for 2025 would be a large reduction from the current annual catch limit. NEFMC will consider the 2025-2027 specifications at their September 2024 meeting. For Amendment 10, NEFMC Staff will follow up with more information on the amendment which will consider measures to 1) minimize user conflicts, contribute to optimum yield, and support rebuilding of Atlantic herring; and 2) enhance river herring and shad avoidance and catch reduction.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org).

### ***Motions***

**Move to approve the Atlantic Herring FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* request for New York.**

Motion made by Ms. Patterson and seconded by Mr. Kane. Motion approves by consent.

## **ATLANTIC MENHADEN MANAGEMENT BOARD (AUGUST 6, 2024)**

### ***Meeting Summary***

The Atlantic Menhaden Management Board met to review a report from the US Geological Survey (USGS) on osprey data in Chesapeake Bay, receive a progress report on the ecological reference point (ERP) benchmark stock assessment, and discuss possible changes to Chesapeake Bay management.

In response to a request from the Board, USGS staff presented a summary of the latest information regarding osprey abundance, spatial and temporal distribution, dietary demands, and timing of fledge in the Chesapeake Bay region, as well as ongoing research and information gaps. Osprey data comes from two primary sources: the North American Breeding Bird Survey and the eBird database. Long-term trends show significant population growth from both a continental and regional perspective. Since 1966, osprey abundance has shown a 299% increase in North America, a 587% increase on the Atlantic coast, and a 1,801% increase in Chesapeake Bay. However, since 2012, eBird data estimates show declines in some areas around Chesapeake Bay, particularly in the lower Bay where local reproductive rates have declined sharply since 1975 to below the population maintenance level. There are numerous pressures that may affect osprey reproduction, including food availability, habitat loss leading to greater levels of inter- and intraspecific competition, disease, algal blooms, inexperienced breeders, environmental contaminants, and water depth and clarity. Additionally, abundance indices in other Atlantic and Pacific coast states show similar plateauing and short-term declines since 2012. Osprey diet composition varies by salinity in different regions of the Bay with menhaden being the second-most consumed species in the higher salinity areas, including the lower Bay. More information is needed to explore the relationship between osprey abundance trends and trends in prey species, fish community composition shifts, and other high trophic level feeders. Ongoing research in Chesapeake Bay seeks to compare the availability of osprey prey, including menhaden and other fish species, between current and historical populations.

The Board received a progress report on the ERP benchmark stock assessment. The ERP Workgroup has had discussions with USGS about the inclusion of additional data on piscivorous birds and has scheduled a workshop for November 2024. The ERP benchmark stock assessment and single-species stock assessment update are both scheduled to be presented to the Board at the 2025 Annual Meeting.

The Board discussed initiating an addendum to consider seasonal closures to purse seine vessels larger than 300 gross tons within the Chesapeake Bay to support the dietary needs of menhaden predators during critical points of their life cycles. Ultimately, the Board established a work group to gain additional information and evaluate different options of precautionary management in Chesapeake Bay, and the workgroup will provide a report to the Board at the Annual Meeting.

For more information, please contact James Boyle, Fishery Management Plan Coordinator at [jboyle@asmfc.org](mailto:jboyle@asmfc.org).

### ***Motions***

#### **Main Motion**

**Move to initiate an Addendum to the Atlantic Menhaden Interstate Fishery Management Plan to consider Chesapeake Bay-specific management options for the menhaden purse seine vessels larger than 300 gross tons in order to support the need of piscivorous birds and fish during critical points of**

**their life cycles (e.g., Osprey fledge and molt). The document should include options for seasonal closures of Chesapeake Bay Waters (inside the Colregs line). The document should not consider changes to the current Bay Cap of 51,000 MT. The document should also contain options to re-evaluate seasonal closures within the Bay after 2, 3 or 4 years. The Plan Development Team should consult with outside experts as necessary to identify spatiotemporal patterns of predatory demand for menhaden.**

Motion made by Ms. Fegley and seconded by Mr. LaFrance.

#### **Motion to Postpone**

**Motion to postpone until the October Meeting.**

Motion made by Mr. Geer and seconded by Mr. Gary.

#### **Motion to Amend**

**Motion to amend to postpone indefinitely.**

Motion made by Mr. Geer and seconded by Mr. Reid. Motion fails due to a lack of a majority (9 n favor, 9 opposed).

#### **Motion to Postpone**

**Motion to postpone until the October Meeting.**

Motion made by Mr. Geer and seconded by Mr. Gary. Motion fails (6 in favor, 12 opposed).

#### **Main Motion**

**Move to initiate an Addendum to the Atlantic Menhaden Interstate Fishery Management Plan to consider Chesapeake Bay-specific management options for the menhaden purse seine vessels larger than 300 gross tons in order to support the need of piscivorous birds and fish during critical points of their life cycles (e.g., Osprey fledge and molt). The document should include options for seasonal closures of Chesapeake Bay Waters (inside the Colregs line). The document should not consider changes to the current Bay Cap of 51,000 MT. The document should also contain options to re-evaluate seasonal closures within the Bay after 2, 3 or 4 years. The Plan Development Team should consult with outside experts as necessary to identify spatiotemporal patterns of predatory demand for menhaden.**

Motion made by Ms. Fegley and seconded by Mr. LaFrance. Motion substituted.

#### **Motion to Substitute**

**Move to substitute to establish a Board workgroup to consider and evaluate options for further precautionary management of Chesapeake Bay menhaden fisheries, including time and areas closures to be protective of piscivorous birds and fish during critical points of their life cycle.**

Motion made by Ms. Colden and seconded by Mr. Borden. Motion passes (17, 0 opposed, 0 abstentions, 1 null).

#### **Main Motion as Substituted**

**Move to establish a Board workgroup to consider and evaluate options for further precautionary management of Chesapeake Bay menhaden fisheries, including time and areas closures to be protective of piscivorous birds and fish during critical points of their life cycle.**

Motion passes by consent.

## **SPINY DOGFISH MANAGEMENT BOARD (AUGUST 6, 2024)**

### ***Meeting Summary***

The Spiny Dogfish Management Board met to review a report on the state impacts of the recommended actions by the Mid-Atlantic and New England Fishery Management Councils in Spiny Dogfish Framework Adjustment 6 to reduce sturgeon bycatch in the spiny dogfish fishery and consider complementary action in state waters.

The Council-recommended alternative proposes prohibiting overnight soaks for federal spiny dogfish permit holders on gillnets with 5-10" mesh in November and May for a certain area of state and federal waters off of New Jersey, as well as for gillnets of 5.25-10" mesh in November through March in specified areas off of Maryland and Virginia. The Board reviewed a report on state permitting structures and considered how to implement regulations consistent with the federal action given the differences in permitting between states and between state and federal permitting. The Board initiated an addendum that will develop options to establish equivalent overnight soak restrictions for harvesters that possess state spiny dogfish permits but do not possess a federal spiny dogfish permit.

The Board will consider approval of the Draft Addendum for public comment at its next meeting in October 2024. For more information, please contact James Boyle, Fishery Management Plan Coordinator at [jboyle@asmfc.org](mailto:jboyle@asmfc.org).

### ***Motions***

**Move to initiate an addendum to maintain consistency between the Spiny Dogfish FMP and the recommended alternatives of Spiny Dogfish Framework Adjustment 6.**

Motion made by Ms. Meserve and seconded by Mr. Hasbrouck. Motion carries by unanimous consent.

## **ATLANTIC STRIPED BASS MANAGEMENT BOARD (AUGUST 6, 2024)**

### ***Meeting Summary***

The Atlantic Striped Bass Management Board met to review the draft Fishery Management Plan (FMP) Review and state compliance for fishing year 2023; consider initial recommendations from the Board Work Group on recreational release mortality; provide guidance to the Technical Committee (TC) on responding to the 2024 assessment if a reduction is needed to achieve stock rebuilding; receive an update on winter tagging; and consider two nominations to the Advisory Panel.

The Board approved the Striped Bass FMP Review for the 2023 fishing year and state compliance reports. In 2023, all states implemented management measures and monitoring programs consistent with the FMP and 2023 Emergency Action. The Board also discussed the Plan Review Team's (PRT) recommendation to conduct a review of the commercial tagging program. The PRT noted the review is not necessarily intended to change the program requirements, but instead intended to review how state programs are operating and identify issues states have encountered, including input from the Law Enforcement Committee. The Board agreed with this recommended review and tasked the PRT with moving forward, acknowledging the review would not occur until Commission and State staff time permits following the 2024 stock assessment and associated tasks.

The Board received a report from the Board Work Group (WG) on recreational release mortality with WG recommendations on stock assessment tasks and public scoping. In May 2024, the WG was established to address tasks related to no-targeting closures, gear restrictions, stock assessment work, and public scoping. The WG presented two recommendations for the Board's consideration. First, the WG recommended the Board task the TC with calculations during the 2024 stock assessment to determine how decreasing recreational release mortality could contribute to any potential reduction needed to achieve rebuilding. The Board agreed with the WG recommendation and tasked the TC as outlined by the WG. If a reduction is needed to achieve rebuilding, the TC will calculate how low the release mortality rate would need to be to achieve the reduction, and separately, the reduction in the number of live releases needed to achieve the reduction. The TC will also calculate the reduction associated with potential no-targeting closures, comprised of a reduction in live releases and a reduction in harvest, if a reduction is needed to achieve rebuilding. The TC will also identify tradeoffs of implementing no-targeting closures at different times of the year with different assumed release mortality rates. Second, the WG recommended the Board extend the timeline for conducting a public survey on recreational release mortality. The WG supports the use of an online survey to gather public input on release mortality, but notes the need to take time to gather input from survey design experts and the Advisory Panel to ensure the survey is well-designed. The Board agreed with the WG recommendation and supports continued development of the survey for review at the 2024 Annual Meeting.

The Board received a progress update on the 2024 stock assessment update, which will be presented at the 2024 Annual Meeting. The Board also provided guidance to the TC on potential management measures to consider if the assessment indicates a reduction is needed to achieve stock rebuilding, in which case the Board could adjust management measures via Board action (i.e., no addendum process). Regarding how a potential reduction should be allocated between sectors, the Board is interested in a range of options from no reduction for the commercial fishery, to different percent reductions for each sector based on contribution to total removals, to equal reductions for both sectors. Regarding the types of recreational options to consider, the Board is interested in a variety of measures, including a dynamic slot limit that would change year-to-year and mode split options. Some Board members noted seasonal closures may be one of the few viable options given the current restrictive slot limits, but some Board members expressed concern about consideration of seasonal closures through Board action. There was also a request to consider whether the recreational reduction should aim slightly higher than the required reduction given uncertainty, and a request that the 2024 assessment provide projections out to 2034 to capture the impact of recent low year classes as they mature and contribute to spawning stock biomass beyond the 2029 rebuilding deadline.

The Board received an update on the 2024 Striped Bass Cooperative Winter Tagging Cruise coordinated by the U.S. Fish and Wildlife Service. Striped bass have been tagged through the program since 1988, and the current hook & line survey has been in place since 2011. Over time, sampling locations have shifted northward from the coast of North Carolina up to the coast of Maryland, Virginia, and New Jersey in some years. In 2024, 38 striped bass were tagged. This low number was partly impacted by weather delays in 2024.

Finally, the Board approved Tom Fote representing New Jersey and Will Poston representing the District of Columbia to the Atlantic Striped Bass Advisory Panel. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org).

### ***Motions***

#### **Move to approve the Atlantic Striped Bass FMP Review for the 2023 fishing year and state compliance reports.**

Motion made by Mr. Luisi and seconded by Mr. Hasbrouck. Motion approved by unanimous consent.

#### **Move to approve Tom Fote representing New Jersey and Will Poston representing the District of Columbia to the Striped Bass Advisory Panel.**

Motion made by Mr. Abbott and seconded by Mr. Cimino. Motion approved by consent.

### **AMERICAN LOBSTER MANAGEMENT BOARD (AUGUST 6, 2024)**

#### ***Press Release***

#### **American Lobster Board Initiates Addendum to Postpone Implementation of Addendum XXVII Measures and Approves Addendum XXX**

Arlington, VA – The Commission’s American Lobster Management Board initiated Draft Addendum XXXI to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Draft Addendum will consider postponing the implementation of the measures from Addendum XXVII. The Board also approved Addendum XXX, which addresses how the measures of Addendum XXVII will apply to foreign imports of American lobster once implemented.

Draft Addendum XXXI considers postponing the implementation of management measures under Sections 3.1 and 3.2 of Addendum XXVII until July 1, 2025. Addendum XXVII was adopted in May 2023 and established a trigger mechanism to automatically implement management measures to provide additional protection of the Gulf of Maine/Georges Bank (GOM/GBK) spawning stock biomass. Changes to the current gauge and escape vent sizes in Lobster Conservation Management Areas (LCMAs) 1, 3, and Outer Cape Cod (OCC) were triggered based on observed changes in recruit abundance indices in October 2023 with the inclusion of 2022 survey data in the trigger index. The Board then extended the implementation date of the series of changes to gauge and vent size to begin January 1, 2025 to allow the Gulf of Maine states the opportunity to coordinate with Canada regarding possible trade implications, and give the industry and gauge makers additional time to prepare for these changes.

A meeting was held between US and Canadian lobster fishery managers and industry members in June 2024 to discuss the management structures and stock assessments of the two countries. Based on this meeting, the Board determined that postponing implementation of Addendum XXVII’s biological measures to July 1, 2025 would reduce negative impacts to the US and Canadian lobster industries in 2025 and allow Canada more time to consider implementing complementary management measures. Specifically, Draft Addendum XXXI will consider postponing the changes in minimum gauge size for LCMA 1 (inshore Gulf of Maine), and the measures under Section 3.1 of Addendum XXVII to create a common size limit for state-only and federal permit holders fishing in OCC to July 2025. The Draft Addendum will not consider postponing regulations prohibiting the issuance of 10% additional trap tags in Areas 1 and 3 above the trap limit or allocation. Draft Addendum XXXI will be released for public comment later this year.

The Board also approved Addendum XXX, which clarifies the Commission’s intent for how the measures of Addendum XXVII will apply to foreign imports of American lobster once implemented. The

Addendum recommends to NOAA Fisheries that the Mitchell Provision of the Magnuson-Stevens Act apply to foreign imports of whole live lobster, meaning the smallest minimum size for foreign imports would match the smallest minimum size in effect for the US industry. The current smallest LCMA minimum gauge size in effect is 3¼ inches, and when the LCMA 1 gauge size increases, this will change to 3 5/16 inches. Foreign imports smaller than the new minimum gauge size would be prohibited. These size restrictions do not apply to lobsters travelling in-bond through the US.

Addendum XXX will be available on the Commission website, [www.asmf.org](http://www.asmf.org), on American lobster webpage by next week. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org).

###

PR24-21

### ***Meeting Summary***

In addition to approving Addendum XXX and initiating Draft Addendum XXXI, the Board received an update on the ongoing stock assessment; a report from the Plan Development Team (PDT), a review of the Colby College economic impact analysis of a lobster gauge increase; a summary of a July meeting with Canada's lobster fishery managers and industry; and a report from the Vessel Tracking Work Group (WG).

The American lobster benchmark stock assessment is underway, and the Stock Assessment Subcommittee (SAS) met in July for the assessment methods workshop. At the workshop the SAS determined the assessment timeline should be extended to allow for completion of 2023 data and the inclusion of analyses from external collaborators, some of which did not have access to necessary confidential data until recently. With the extended timeline, the assessment is expected to be completed for Board review at the 2025 Annual Meeting instead of the 2025 Summer Meeting.

The Board reviewed the PDT report responding to the Board task to review the original goals and objectives of Addenda XXI and XXII and make recommendations for alternate measures to achieve those goals, considering recommendations from the Lobster Conservation Management Teams (LCMTs) for Lobster Conservation Management Areas (LCMA) 2 and 3. Addenda XXI and XXII, approved in 2013, aimed to scale back the Southern New England (SNE) lobster fishery after the 2009 stock assessment found the stock remained depleted. The measures in Addenda XXI and XXII were implemented for state waters, and included maximum trap cap reductions and ownership caps. However, complementary federal measures were not finalized until October 2023 and scheduled to be implemented on May 1, 2025, spurring concerns about the potential impacts of the measures to a fishery that has changed dramatically over the past decade. The PDT report included analyses of LCMA 2 and 3 fishery effort data, which show that the size of Southern New England fishery has decreased considerably despite federal measures not being implemented. The Board requested that the LCMTs for Areas 2 and 3 review the PDT's findings and make recommendations on management measures moving forward.

Dr. Amanda Lindsay, Professor of Economics at Bates College, presented a review of a study from Colby College that estimated economic impacts of the LCMA 1 minimum gauge size increase under Addendum XXVII. After evaluating the study, Dr. Lindsay commented that it used appropriate economic modeling methods that appear to have provided a reasonable estimate of impacts based on the best available data. The study estimated that a 10% decrease in landings value would have resulted

in a \$59.6 million loss to Maine's economy and a reduction of 686 jobs. Dr. Lindsay emphasized that, like all models, the economic model used for this study has limitations that create uncertainty about the true impacts of a gauge increase, and the study does not necessarily contradict the Technical Committee's (TC) estimates of impacts to the number and weight of lobster landings. The Board suggested the TC could meet with the economists to discuss their data and methods, and will determine next steps at its October meeting.

Staff provided a summary of a meeting on lobster management between the US and Canada held in July 2024. The objective of the meeting was to build understanding of adjacent lobster stocks, including current management and opportunities to strengthen measures given current trends in population abundance and distribution throughout the broader Gulf of Maine. The two countries discussed the implementation and potential impacts of Addendum XXVII for US and Canadian industries and on international trade. Canada Department of Fisheries and Oceans will hold a meeting with Maritimes Region Lobster Advisory Committee in September, where they will discuss the possibility of implementing measures similar to LCMA 1.

The Board received a report from the Vessel Tracking Workgroup (WG) responding to its task to investigate possible modifications to the 24/7 tracking requirement of Addendum XXIX that would still ensure monitoring of fishing activity, while acknowledging that fishermen also use their boats for personal non-fishing reasons. The WG proposed two strategies that could be used: geofencing and a "snooze" function. Geofencing would require devices to use satellite service to automatically change the ping rate when the vessel is in certain areas. The "snooze" function approach would involve a process whereby the permit holder could request their device stop collecting data for a pre-determined period of time. Not all currently approved tracking devices are capable of geofencing, and modifications would need to be made to allow for either approach. The WG also noted concerns about loss of fishing effort data and challenges law enforcement. The Board will discuss this topic at its next meeting and determine a path forward.

For more information, please Caitlin Starks, Senior Fishery Management Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org).

### ***Motions***

**Move to initiate an addendum to delay the biological measures implementation date of Addendum XXVII until July 1, 2025. Specifically, biological measures under Section 3.1 that created common size limits for state-only and federal permit holders fishing in Outer Cape Cod would be implemented effective July 1, 2025. Similarly, management measures triggered under Section 3.2 would be implemented by July 1, 2025 starting with the Year 1 measures, and subsequent management measures (additional minimum size increase in Area 1 in year 3; vent size increase in Area 1 in year 4; maximum size reduction in Area 3 and Outer Cape Cod) would be implemented by July 1 of the calendar year for which they are required. Trap tag issuance regulations regarding the routine issuance of 10% additional trap tags in Areas 3 and 1 above the trap limit or allocation would remain unchanged.**

Motion made by Mr. McKiernan and seconded by Mr. Train. Motion passes (9 in favor, 1 opposed).

**Move to approve Addendum XXX, effective today.**

Motion made by Mr. Grout and seconded by Mr. McKiernan. Motion passes with one abstention (NOAA Fisheries).



## **EXECUTIVE COMMITTEE (AUGUST 7, 2024)**

### ***Meeting Summary***

The Executive Committee met to discuss the proposed FY25 budget and receive a Legislative Committee update.

Staff provided an update to the Executive Committee on the strengths of the FY25 Senate CJS bill, and plans to usher provisions which are of benefit to ASMFC into law. William Hyatt provided information on Senator Shaheen's (D-NH) State Boating Act, and urged the Executive Committee to support the bill. Additionally, there was a Q&A session with Anderson Tran of Congressman Graves's office on the Fisheries Data Modernization and Accuracy Act of 2024. The bill was introduced by Rep. Graves to reform the Marine Recreational Information Program (MRIP). The bill intends to increase the flexibility of the recreation data collection program to potentially incorporate alternative data streams into the management process. The Executive Committee discussed their concerns with the bill on a call in July. Staff has engaged with the Graves office on these concerns and will continue to do so as the bill moves along in the legislative process.

Staff provided an update on future Annual Meeting locations. In October 2024, the Annual Meeting will be in Annapolis, Maryland; 2025 in Delaware; 2026 in Rhode Island; 2027 in South Carolina; 2028 in Massachusetts; 2029 in Pennsylvania; and 2030 in Georgia. For more information, please contact Laura Leach, Director of Finance & Administration, at [lleach@asmfc.org](mailto:lleach@asmfc.org).

### ***Motions***

No motions were made.

## **ATLANTIC STURGEON MANAGEMENT BOARD (AUGUST 7, 2024)**

### ***Press Release***

#### **Atlantic Sturgeon Stock Assessment Update Shows Signs of Improvement for Coastwide Population and Mixed Results at the Distinct Population Segment Level**

Arlington, VA – The Atlantic Sturgeon Stock Assessment Update finds that while the coastwide population remains depleted relative to historic levels, the population has shown signs of improvement with a significant positive trend over the time series. Further, there is a high probability that abundance in 2022 was greater than abundance in 1998 at the start of the coastwide moratorium. Total mortality is low and has a low probability of exceeding its reference point. Depleted status is used instead of overfished because many factors (such as bycatch, habitat loss and ship strikes), not just directed historical fishing, have contributed to the continued low abundance of Atlantic sturgeon.

At the individual distinct population segment (DPS) level, results were mixed. Most indices showed either a positive trend or no significant trend over the time series. The average probability that the New York Bight and Carolina DPSs indices were greater than the reference year was high, meaning it was likely that abundance in 2022 was higher than it was at the start of the moratorium. For the Gulf of Maine, Chesapeake Bay, and South Atlantic DPSs, the average probability was lower – less than 50% for all three DPSs – meaning that it was unlikely that abundance in 2022 was greater than it was at the start of the moratorium. Total mortality estimates for each DPS were higher than for the full coastwide population and the probability of exceeding the reference point was higher, partly due to the smaller

sample size and higher uncertainty in the tagging model at the DPS level than at the coastwide level. For the Gulf of Maine DPS there was a greater than 50% chance that total mortality exceeded the reference point, while there was a lower probability that total mortality exceeded the reference point for the other DPSs.

Atlantic sturgeon are a challenging species to assess because datasets for this species are limited. However, progress has been made on research recommendations addressing questions about genetics, life history, abundance, and sources of mortality, and work will continue to develop better datasets to support the next benchmark assessment in 2028.

No management action was taken given the continued coastwide harvest moratorium and protection under the federal Endangered Species Act. Additionally, efforts are being taken to reduce sturgeon bycatch in other directed fisheries. In April, the Mid-Atlantic and New England Fishery Management Councils recommended their preferred alternative to NOAA Fisheries to reduce sturgeon bycatch in the federal monkfish and spiny dogfish fisheries, and a final rule is expected by the end of 2024. The Commission's Spiny Dogfish Management Board also initiated an addendum to develop options to maintain consistency with the federal action for state-permitted spiny dogfish harvesters in state waters, with the goal of reducing sturgeon bycatch.

A more detailed description of the stock assessment results can be found at [https://asmfc.org/uploads/file/66b398b9AtlanticSturgeonStockAssmtOverview\\_Aug2024.pdf](https://asmfc.org/uploads/file/66b398b9AtlanticSturgeonStockAssmtOverview_Aug2024.pdf). The Stock Assessment Update will be available on the Commission website, [www.asmfc.org](http://www.asmfc.org), on the Atlantic Sturgeon webpage next week. For more information, please contact James Boyle, Fishery Management Plan Coordinator, at [jboyle@asmfc.org](mailto:jboyle@asmfc.org).

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PR24-22

### ***Motions***

#### **Move to elect Dave Sikorski as Vice Chair of the Atlantic Sturgeon Management Board.**

Motion made by Mr. Clark and seconded by Mr. Gilmore. Motion approved by consent.

### **SCIAENIDS MANAGEMENT BOARD (AUGUST 7, 2024)**

#### ***Meeting Summary***

The Sciaenids Management Board met to consider several items, including Traffic Light Analysis (TLA) reports for spot and Atlantic croaker; Fishery Management Plan Reviews and state compliance reports for red drum and Atlantic croaker; and an update on the ongoing red drum, Atlantic croaker, and spot benchmark stock assessments.

The Board received a presentation on the findings of the 2024 TLA, which were updated with data through 2023. The TLA, as revised in Addendum III for spot and Atlantic croaker, assigns a color (red, yellow, or green) to categorize relative levels of indicators based on the condition of the fish population (abundance metric) or fishery (harvest metric). For example, as harvest or abundance increases relative to a reference period, the proportion of green in a given year will increase. The Board evaluates the proportion of red against threshold levels to potentially trigger management action. In 2020, the TLA for the 2019 fishing year indicated that both species triggered at the 30% red

threshold. State implementation plans for management measures were approved in early 2021 and all new management measures were enacted by the end of 2021. The management measures enacted in 2021 for both species were due to be reevaluated based on the results of current updates of the TLAs.

Abundance metrics in the spot TLA did not trigger at any threshold in the past three years. In this case, Addendum III states the measures that were put into place in 2020 are no longer required for spot. However, the Board agreed with the Technical Committee's (TC) recommendation to maintain the current spot management measures. This decision was due in part to results from a benchmark stock assessment expected in the next couple of years and continued concern with low spot commercial and recreational harvest.

For Atlantic croaker, an abundance metric exceeded the 30% threshold in all four terminal years. Addendum III states, in this case, the TC must evaluate trends in the stock's abundance to recommend to the Board whether triggered measures should remain in place or more restrictive measures should be considered. The Board agreed with the TC's recommendation of maintaining the current management measures, due to the anticipation of results from the ongoing benchmark stock assessment within the next year.

The Board reviewed and approved the 2023 Fishing Year Fishery Management Plan (FMP) Reviews and state compliance reports for red drum and Atlantic croaker. For red drum, *de minimis* status was approved for New Jersey and Delaware. For Atlantic croaker, *de minimis* status was approved for New Jersey (commercial and recreational), Delaware (commercial), South Carolina (commercial), and Georgia (commercial). Since Delaware did not request or qualify for *de minimis* for their Atlantic croaker recreational fishery, Addendum III to the Interstate FMP requires Delaware to implement a 50-fish recreational bag limit, which will be completed prior to October 2024.

The Board received an update on the ongoing red drum, Atlantic croaker, and spot benchmark stock assessments. For red drum, a SouthEast Data and Assessment Review (SEDAR) Peer Review Workshop will be held August 13-16, 2024, in Charleston, South Carolina. The red drum assessment and peer review report are expected to be presented to the Board at their October 2024 meeting. Work on the Atlantic croaker benchmark stock assessment is ongoing, and a sub-group of the Stock Assessment Subcommittee is meeting biweekly to discuss modeling progress. Due to the loss of a lead modeler, work on the spot stock assessment has been paused until the Atlantic croaker assessment is completed and peer-reviewed.

For more information, please contact Tracey Bauer, Fishery Management Plan Coordinator, at [Tbauer@asmfc.org](mailto:Tbauer@asmfc.org) or 703.842.0723.

### **Motions**

**Move to approve the Red Drum FMP Review for the 2023 fishing year as amended today, state compliance reports, and *de minimis* status for New Jersey and Delaware.**

Motion made by Ms. Fegley and seconded by Mr. Clark. Motion passes by consent.

**Move to approve the Atlantic Croaker FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* status for New Jersey, Delaware, South Carolina, and Georgia commercial fisheries and New Jersey recreational fishery.**

Motion made by Mr. Miller and seconded by Mr. Kaelin. Motion passes by consent.

## **COASTAL PELAGICS MANAGEMENT BOARD (AUGUST 7, 2024)**

### ***Press Release***

### **Coastal Pelagics Board Approves Atlantic Cobia Addendum II *Regional Recreational Allocation Framework Addresses Uncertainty and Incorporates Recent Harvest Data***

Arlington, VA – The Commission’s Coastal Pelagics Management Board approved Addendum II to Amendment 1 to the Interstate Fishery Management Plan for Atlantic Cobia. The Addendum modifies the recreational allocation framework, allows the Board to update allocations quickly if the underlying data are revised, expands the range of data used in harvest evaluations, and allows the Board to set management measures for a longer period of time. Addendum II responds to increased cobia harvest in some Mid-Atlantic states in recent years, as well as concerns about high uncertainty associated with cobia recreational harvest estimates. All Addendum II measures are effective immediately, and will be used to set recreational measures for 2025 and beyond.

Addendum II changes both the geographic scope of the recreational allocation framework and the timeframe of data used as the basis for allocations. The Addendum changes the allocation framework from a state-by-state to a regional framework, with a northern region of Rhode Island through Virginia and a southern region of North Carolina through Georgia. The new regional allocation framework is intended to reduce uncertainty by using harvest estimates based on a larger sample size combining multiple states in a region, instead of individual state-level harvest estimates.

Each region is allocated part of the recreational quota based on each region’s percentage of the coastwide harvest in number of fish over the last ten years, combining 50% of 2014-2023 data and 50% of 2018-2023 data. Data from 2016 and 2017 are excluded due to fishery closures during those years, and data from 2020 are excluded due to COVID-19 impacts on recreational data collection. Using more recent data, as compared to previously using 2006-2015 data, accounts for changes in harvest and potential range expansion of the species in recent years.

There is a possibility that the recreational harvest estimates could be revised in the future by NOAA Fisheries, which would affect the percent allocations for each region. If the harvest estimates are revised, Addendum II allows the Board to quickly update the percent allocations via Board vote to reflect the any revisions to the data used to establish the allocations.

Each region’s percent allocation is applied to the coastwide recreational quota (currently 76,908 fish) to determine the regional harvest targets in number of fish. When a region’s harvest is compared to its target, Addendum II specifies that a rolling average of up to five years of harvest data under the same management measures will be compared to the target, instead of limiting it to a three-year average. This allows for inclusion of two additional data years to account for the variability and uncertainty of cobia harvest estimates from year to year.

Finally, Addendum II allows the Board to set specifications (e.g., coastwide total harvest quota) via Board action for up to five years, which is a longer time period than the current three years. Setting management measures for a longer period of time is intended to align management action with the availability of new stock assessment information.

Addendum II will be available in late August on the Commission website at <http://www.asmf.org/species/cobia> under Management Plans and FMP Reviews.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org).

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PR24-24

### ***Motions***

**Move to approve the Atlantic Cobia FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* requests for Rhode Island, New York, New Jersey, Delaware, Maryland, Georgia, and Florida.**

Motion made by Mr. Clark and seconded by Mr. Sikorski. Motion approved by consent.

**Motion to postpone deliberation on Addendum II to the Atlantic Cobia Management Plan until the Annual Meeting.**

Motion made by Ms. Burgess and seconded by Mr. Haymans. Motion fails (4 in favor, 7 opposed, 1 abstention, 1 null). (Roll Call: In favor – SC, GA, FL, SAFMC; Opposed – RI, NY, NJ, NC, VA, PRFC, DE; Abstention – NOAA; Null – MD)

**Move to postpone final action on Addendum II until the Board receives the presentation of SEDAR 95 results and receives TC recommendations on applying SEDAR 95 to management, including recommendations for the total harvest quota.**

Motion made by Mr. Dyar and seconded by Ms. Burgess. Motion fails (3 in favor, 7 opposed, 2 abstentions, 1 null). (Roll Call: In favor – SC, GA, FL; Opposed: RI, NY, NJ, NC, VA, PRFC, DE; Abstentions – NOAA, SAFMC; Null – MD)

### **Main Motion**

**Move to adopt for issue 3.1 Recreational Allocation Framework, a combination of Option C4 – Northern Regional Allocation for RI, CT, NY, NJ, DE, MD, VA and Option B2 – State Allocations for NC, SC, GA, with allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020).**

Motion made by Ms. Madsen and seconded by Dr. McNamee.

### **Motion to Substitute**

**Motion to substitute to adopt Option A for Issue 3.1 until the SEDAR 95 stock assessment is concluded.**

Motion made by Mr. Haymans and seconded by Mr. Dyar. Motion fails (3 in favor, 6 opposed, 2 abstentions, 2 null). (Roll Call: In favor – SC, GA, FL; Opposed – RI, NY, NJ, DE, PRFC, VA; Abstentions – NOAA, SAFMC; Null – MD, NC)

### **Main Motion**

**Move to adopt for issue 3.1 Recreational Allocation Framework, a combination of Option C4 – Northern Regional Allocation for RI, CT, NY, NJ, DE, MD, VA and Option B2 – State Allocations for NC, SC, GA, with allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020).**

Motion made by Ms. Madsen and seconded by Dr. McNamee. Motion substituted.

### **Motion to Substitute**

**Move to substitute to approve in Section 3.1 Recreational Allocation Framework Option C4. regional harvest allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020) with a northern region of Rhode Island through Virginia and a southern region of North Carolina through Georgia.**

Motion made by Mr. Dyar and seconded by Mr. Haymans. Motion passes (11 in favor, 2 abstentions). (Roll Call: In favor – RI, NY, NJ, FL, NC, VA, PRFC, MD, DE, SC, GA; Abstentions – NOAA, SAFMC)

### **Main Motion as Substituted**

**Move to approve in Section 3.1 Recreational Allocation Framework Option C4. regional harvest allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020) with a northern region of Rhode Island through Virginia and a southern region of North Carolina through Georgia.**

Motion carries without opposition.

**Move to adopt for issues 3.2 Updates to State/Regional Allocations - Option B Allocation Changes via Board Action, 3.3 Data and Uncertainty in Recreational Landings Evaluations - Option B Extend Rolling Average to Five Years, 3.4 Overage Response for Recreational Landings Evaluations – Option A Status Quo, 3.5 Timeline for Setting Commercial and Recreational Measures – Option B Five-Year Specifications.**

Motion made by Ms. Madsen and seconded by Mr. Maniscalco. Motion passes (10 in favor, 3 abstentions). (Roll Call: In favor – RI, NY, NJ, NC, VA, PRFC, MD, DE, SC, GA; Abstentions: FL, NOAA, SAFMC)

**Move to approve Addendum II to Amendment 1 to the Atlantic Cobia FMP, as modified today, with an implementation date of today (August 7, 2024).**

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

## **SHAD AND RIVER HERRING MANAGEMENT BOARD (AUGUST 6, 2024)**

### ***Press Release***

#### **River Herring Benchmark Stock Assessment Finds Populations Remain Depleted at a Coastwide Level Though Some Rivers Show Signs of Improvement**

Arlington, VA – The River Herring Benchmark Stock Assessment finds the coastwide populations of both alewife and blueback herring (collectively referred to as river herring) are depleted relative to historic levels, with the habitat model indicating that overall productivity of both species is lower than an unfished population before the occurrence of any habitat modifications (e.g., dams or human alterations to the environment). The depleted determination was used instead of overfished and overfishing because of the many factors that have contributed to the declining abundance of river herring, which include not just directed and incidental fishing, but also habitat loss, predation, and climate change.

In terms of recent trends, there is no clear signal for either species across the coast. Even within the genetic stock-regions, trends in abundance and mortality differed from river to river, with some rivers showing increasing trends and low mortality rates, and others showing flat or declining trends and total mortality rates above the reference point. Although very few significant trends overall were

detected since the adoption of [Amendment 2](#) in 2009, the majority of indices of abundance for both alewife and blueback herring are likely to be higher now than they were in 2009. However, half of the blueback populations and 65% of the alewife populations have a high probability of being above the total mortality reference point, indicating total mortality on adult fish was too high. Total mortality is the removal of fish from a population due to both fishing and natural causes.

The northern New England region shows more positive trends and a higher probability of abundance in the most recent years being greater than in 2009. It is unclear why that is the case, especially as the more northern regions also have higher probabilities of being above the total mortality reference point. States in the northern New England region have conducted extensive habitat restoration and dam removal, but so have states further south, and they have not seen the same degree of positive trends in run counts and indices. In addition, states in the northern stock-region have also accounted for the majority of directed catch in recent years, while states in the Mid-New England, Southern New England, and Mid-Atlantic stock-

regions have closed their fisheries. Genetic analysis indicates most of the ocean bycatch around Cape Cod and Long Island Sound was of alewife from the Southern New England stock-region and blueback herring from the Mid-Atlantic stock-region, two areas that have had more negative trends in recent years despite habitat restoration efforts and directed fishery closures.

The assessment includes two proof-of-concept approaches to develop biologically-based caps on bycatch in ocean fisheries. The data-limited methods produced estimates of bycatch caps that were lower than the current coastwide bycatch estimates and lower than the current caps in the Atlantic herring and Atlantic mackerel fishery. However, more work needs to be done on the data-limited bycatch cap approach, including consulting with the Mid-Atlantic and New England Fishery Management Councils on risk levels and how to implement species-specific caps in fisheries where the bycatch monitoring includes American and hickory shad as well as river herring. The assessment also recommended exploring species distribution modeling to identify hot spots of river herring bycatch that could be avoided with time-area closures as an alternative or complement to in-season monitoring of river herring bycatch.

No management action was taken given the continued coastwide harvest moratorium for states without an approved Sustainable Fishery Management Plan, as required by Amendment 2. Additionally, the New England Fishery Management Council is early in the process of drafting Amendment 10 to the Atlantic Herring Fishery Management Plan, which is proposing the development of measures to reduce river herring bycatch in the federal fishery.

A more detailed description of the stock assessment results, as well as the Benchmark Stock Assessment and Peer Review Report will be available on the Commission website, [www.asmfc.org](http://www.asmfc.org), on the Shad & River Herring webpage. For more information, please contact James Boyle, Fishery Management Plan Coordinator, at [jboyle@asmfc.org](mailto:jboyle@asmfc.org).

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PR24-23

## ***Motions***

### **Move to accept the 2024 River Herring Benchmark Stock Assessment and Peer Review Report for management use.**

Motion made by Mr. Clark and seconded by Ms. Patterson. Motion passes by unanimous consent.

## **INTERSTATE FISHERIES MANAGEMENT PROGRAM (ISFMP) POLICY BOARD (AUGUST 8, 2024)**

### ***Meeting Summary***

The ISFMP Policy Board met to address a number of issues, including the potential listing of American eel in CITES Appendix III; H.R. 8705, the Fisheries Data Modernization and Accuracy Act of 2024; a National Fish and Wildlife Foundation grant opportunity; and committee reports from Atlantic Coastal Fish Habitat Partnership, Habitat, and the Assessment Science Committees.

### **American Eel CITES Appendix III Listing**

The US Fish and Wildlife Service (USFWS) is considering listing American eel as under CITES Appendix III, which would mean any eel or eel product export would need a certification that the product/eel was legally caught and legally purchased before leaving the country. An Appendix III listing is not required by CITES, but is an option countries can choose to use. Trade in an Appendix III species is regulated using CITES export permits (which would be issued by USFWS) and certificates of origin (issued by all other countries). The Commission, with the Association of Fish and Wildlife, sent a letter to USFWS expressing concerns regarding the potential listing. There are two primary concerns about an Appendix III listing. The first is the listing must not have an adverse impact on the managed exports of American eel. Secondly since an Appendix III listing would require the development and implementation of a means of certifying legal acquisition by the competent authorities (the states), and such systems do not currently exist in all jurisdictions, a considerable amount of planning would be required to ensure minimum disruption of trade. The Commission requested USFWS provide the criteria for securing a Legal Acquisition Finding (LAF), which will help the states better understand possible budget and harvest monitoring implications. The Commission also requested confirmation of the process the USFWS would use to remove American eel from Appendix III if future trade data analysis demonstrates there are no significant conservation status concerns associated with exports of American eel. It is the Commission's understanding that the criteria are so restrictive, American eel would never be removed from Appendix III unless listed in Appendix II. The elver fishery, which was worth almost 20 million dollars in 2023 in Maine, is one of the most regulated and monitored fisheries in the country. The Maine elver fishery exports can be tracked back to the harvester through Maine's monitoring program which uses NFC tokens. The Commission is concerned that a listing without clarity of what the Service will require and advanced agreement on the process to receive a LAF, would have a significant negative impact to this highly valuable fishery.

### **H.R. 8705 – Fisheries Data Modernization and Accuracy Act of 2024**

The H.R. 8705, the Fisheries Data Modernization and Accuracy Act of 2024, introduced by Representative Graves of Louisiana, has had one legislative hearing in front of the House Committee on Natural Resources. In this hearing, members generally discussed the purpose of the bill and their support for or against it. The next step in the process is a bill markup in the House Committee on Natural Resources (see Executive Committee Summary earlier in this document for more details).

### **National Fish and Wildlife Foundation Electronic Monitoring and Reporting**

The National Fish and Wildlife Foundation presented that it will award up to \$4.8 million in grants that



catalyze the voluntary implementation of electronic technologies for fisheries catch, effort, and/or compliance monitoring, and improvements to fishery information systems in U.S. fisheries. The Program will advance NOAA’s sustainable fisheries goals to partner with fishermen and other stakeholders, state agencies, and Fishery Information Networks to systematically integrate technology into fisheries data collection and observations as well as streamline data management and use for fisheries management. An [RFP](#) has been released and proposals are due by October 2, 2024.

### **Committee Reports**

Staff presented activities of the Atlantic Coastal Fish Habitat Partnership (ACFHP) and Habitat Program. ACFHP has submitted an application for Congressional designation under the ACE Act, and has received \$300,000 from USFWS for FY24 fish habitat restoration projects, including the Maryland Coastal Bays Salt Marsh Restoration Project and engineering work for removal of the Upper E.R. Collins Dam in the Pequest River, NJ. ACFHP also secured approval and top funding tier status by the National Fish Habitat Partnership Board for FY25 projects, including two additional dam removals in the Pequest River, NJ and one oyster reef restoration project in the Matanzas River, FL. In May 2024, ACFHP held an in-person steering committee meeting in Virginia Beach, VA to discuss partner updates, plans for the next FY26 funding cycle, and announce the call for nominations for the 2024 Melissa Laser Habitat Conservation Award. The Policy Board approved the latest issue of the Habitat Committee’s Habitat Management Series, which focuses on anthropogenic noise impacts on Atlantic fish and fisheries. The document covers the effects of anthropogenic noise on fish, mitigation strategies, and future research needs.

Staff presented the Commission’s stock assessment schedule. The revised schedule now includes 2027 and 2028. The following assessments have been added to the schedule: 2027 – American eel, black sea bass, bluefish, scup, summer flounder, winter flounder, and 2028 – Atlantic sea herring, Jonah crab, and potentially Atlantic menhaden. The following assessments have shifted their delivery dates for a variety of reasons: Atlantic croaker will be presented in the third quarter of 2025, spot will be presented in the third quarter of 2026, and American lobster will be presented in the fourth quarter of 2025. Staff also noted the quarter of the year an assessment will be presented to the board is now listed for the two most recent years of the schedule.

For more information, please contact Toni Kerns, Fisheries Policy Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

### **Motions**

#### **Move to approve the Habitat Management Series: Anthropogenic Noise Impacts on Atlantic Fish and Fisheries: Implications for Managers and Long-Term Productivity.**

Motion made by Ms. Patterson and seconded by Mr. Clark. Motion carries by consent.



## June 2024 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met June 4-6, 2024, in Riverhead, New York. The following is a summary of actions taken and issues considered during the meeting. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/june-2024>.

### **HIGHLIGHTS**

During this meeting, the Council:

- Postponed final action on the Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment until the December 2024 meeting to allow time for a workshop to discuss implementation approaches for Alternative 5
- Adopted additional alternatives for inclusion in the Summer Flounder Mesh Exemptions Framework/Addendum
- Recommended no changes to the previously-adopted specifications for chub mackerel, *Illex* squid, and longfin squid
- Approved revisions to the Scientific and Statistical Committee's Overfishing Limit (OFL) Coefficient of Variation (CV) Guidance Document
- Reviewed an annual report that summarizes landings of species in locations where they are not managed at the state or federal level
- Discussed and provided input on the development of the next strategic plan (Executive Committee)
- Recognized three departing Council members

### **Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment**

The Council met to consider taking final action on an amendment to modify the species separation requirements in the Atlantic surfclam and ocean quahog fisheries. After reviewing a summary of public comments received during a 30-day comment period, the Council voted to postpone final action until the December 2024 Council Meeting. This delay is intended to allow time for a workshop to discuss implementation approaches for Alternative 5, which would require full retention of both surfclam and ocean quahog catch on the vessel with the sorting of clam cages to occur at the dealer with NOAA shoreside catch monitors. Workshop participants will include NOAA Fisheries Staff, NOAA Office of Law Enforcement, Council members and staff, and other necessary experts. At the December meeting, the Council will review workshop outcomes and take up the postponed motion to consider Alternative 5 as the preferred alternative. The Council could consider submitting the action to the National Marine Fisheries Service (NMFS) for approval and rulemaking at that time.

### **Summer Flounder Commercial Minimum Mesh Exemption Framework/Addendum**

The Council met jointly with the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass Board (Board) to discuss the Summer Flounder Commercial Minimum Mesh Exemption Framework/Addendum. At their joint meeting in April, the Council and Board adopted a range of alternatives for inclusion in a public comment document. At this meeting, they adopted additional alternatives to consider modifying the annual evaluation methodology for the Small Mesh Exemption Program (SMEP). These alternatives consider changes to the current regulations which specify that the Regional Administrator may rescind the exemption if vessels are discarding on average more than 10% of their summer flounder catch per trip. The Council and Board also discussed future monitoring of the flynet exemption. They considered adding alternatives to establish a Letter of Authorization requirement for this exemption, but ultimately declined to pursue this approach.

and instead indicated support for adding a flynet/high-rise gear code to the Vessel Trip Report (VTR) data. Approval of a document for public comment is expected at the Council and Board's next joint meeting in August, with final action scheduled to occur at the Commission's Annual Meeting the week of October 21 in Annapolis, MD.

### 2025 Chub Mackerel Specifications

After considering the recommendations of the SSC, Advisory Panel, and staff, the Council agreed no changes are needed to the previously adopted 2025 specifications for chub mackerel. These specifications have remained unchanged since they were first implemented in 2020. The total allowable landings limit for 2025 will remain at 4.50 million pounds, which is well above recent landings.

### 2025 Longfin and *Illex* Squid Specifications

After considering the recommendations of the SSC, Monitoring Committee, and staff, the Council agreed that no changes are needed to the previously adopted 2025 specifications for the squids. The 2025 quotas will remain the same as 2024 quotas: 50.5 million pounds (22,894 metric tons (MT)) for longfin squid and 85.2 million pounds (38,631 MT) for *Illex*.

### SSC's Overfishing Limit (OFL) Coefficient of Variation (CV) Guidance Document

The Council reviewed and approved modifications to the SSC's OFL CV guidance document based on recommendations provided by the SSC. Last updated in 2020, the OFL CV guidance document is intended to provide a clear, consistent, and transparent process in documenting SSC conclusions regarding the scientific uncertainty of the OFL estimate when making Acceptable Biological Catch (ABC) recommendations. The SSC identified three primary areas for modification within the document: review of current OFL CV uncertainty values, dropping certain existing decision criteria, and a new criteria tiering process to determine OFL CV value. The SSC also included a number of edits to the text to improve the flow, provide clarity, or reflect current processes and information. The SSC will begin to use the updated guidance document during their July meeting when making ABC recommendations for Atlantic Surfclam, Golden Tilefish, Black Sea Bass, and Butterfish.

### Unmanaged Commercial Landings Report

The Council reviewed an annual report that summarizes landings of species in locations where they are not managed at the state or federal level with a possession limit, size limit, seasonal closure, or limited access. The report also summarizes commercial landings of the species designated as Ecosystem Components through the Council's Unmanaged Forage Omnibus Amendment. The goal of this report is to look for signs of developing commercial fisheries for unmanaged species or Ecosystem Component species. This year, the report was improved with additional contextual information recommended by the Ecosystem and Ocean Planning Committee and Advisory Panel. The Committee and Advisory Panel considered establishing quantitative thresholds to determine if any landings trends warrant further evaluation or potential consideration for management; however, they agreed that additional contextual information and input from the Committee, the Advisory Panel, and other stakeholders would be preferable to a quantitative metric to help guide these considerations more holistically on a case-by-case basis. Council staff suggested that none of the landings in this year's report suggest immediate concern. However, it may be worth continuing to monitor Atlantic cutlassfish landings as landings have been increasing, have exceeded 1 million pounds in recent years, and are concentrated in the Mid-Atlantic. The Council did not express any concerns with the landings trends shown in this year's report.

## Executive Committee

The Executive Committee met in closed session to discuss appointments to the Council’s advisory panels. New advisors will begin their three-year terms on July 1, 2024. The Committee also met in open session to discuss the Council’s next strategic plan for 2025 through 2029. The Committee reviewed the organization and content of the current plan and provided initial input on possible areas for improvement and refinement. In the coming months, staff will conduct public outreach to collect additional input and ideas for the next plan. The Council is expected to review, and possibly approve, a complete draft strategic plan at the October 2024 Council Meeting.

## Other Business

### *Departing Council Members*

The Council bid farewell to two Mid-Atlantic Council members, Sara Winslow (North Carolina) and Adam Nowalsky (New Jersey), and New England Council liaison, Eric Reid (Rhode Island). All three individuals have served for three consecutive three-year terms and are ineligible for reappointment. Ms. Winslow has chaired the River Herring and Shad Committee for the past eight years and vice-chaired the Mackerel, Squid, Butterfish for the past seven years. Mr. Nowalsky served as chair of the Summer Flounder, Scup, and Black Sea Bass Committee and vice-chair of the Ecosystem and Ocean Planning Committee for the past three years. He also previously chaired the Collaborative Research and Research Steering Committees. Mr. Reid has been the New England Council’s liaison to the Mid-Atlantic Council since 2017 and has served as chair of the New England Council since 2021. All three departing members were thanked for their years of dedicated service to the Council.



From left: Wes Townsend (Council chair), Eric Reid, Adam Nowalsky, and Sara Winslow.

## Next Meeting

The next Council meeting will be held **August 12-15, 2024, in Philadelphia, PA**. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.

**Annual Fishery Management Plan Update**  
**Division of Marine Fisheries and Marine Fisheries Commission**  
**August 2, 2024**

### Authority and Process

The Fisheries Reform Act of 1997 and its amendments established the requirement to create fishery management plans (FMPs) for all of North Carolina's commercially and recreationally significant species or fisheries. Plan contents are specified, advisory committees are required, and oversight by the Department of Environmental Quality (DEQ) secretary, Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources (AgNER), and legislative Fiscal Research Division are mandated.

Annually, the division reviews all State, Federal (Fishery Management Councils), and Atlantic States Marine Fisheries Commission (ASMFC) managed FMPs where North Carolina is directly involved. Stock conditions and management are monitored and reported through annual FMP updates. Upon review, the annual State FMP Schedule is confirmed or revised.

### Status of State FMPs

Review is underway for three of the 13 State FMPs: Spotted Seatrout, Eastern Oyster, and Hard Clam.

The 2022 Stock Assessment for the **Spotted Seatrout FMP** was completed with data through February 2020. The division and a peer review team deemed the assessment suitable for management use. The stock assessment indicated the stock was not overfished; however, overfishing was occurring. The division held public scoping in March 2023 and held the Spotted Seatrout FMP Advisory Committee Workshop in April 2024. With scoping comments and Advisory Committee discussions in mind, the division is completing the first draft of the Spotted Seatrout FMP Amendment 1. At their August 2024 business meeting the MFC is scheduled to vote on sending the DRAFT Amendment 1 out for public comment and MFC Advisory Committee review.

The **Eastern Oyster FMP** Amendment 5 and the **Hard Clam FMP** Amendment 3 are under development for their scheduled five-year review. With changes in shellfish leases, aquaculture, and franchises being addressed by the Shellfish Lease and Aquaculture program, the amendments under development will focus only on wild harvest. Additionally, stock assessments have not been completed for these species due to data limitations, therefore population size and the rate of removals are unknown. A public scoping period was held in September 2023 and the MFC gave scoping input at its November 2023 business meeting and approved the Goal and Objectives to both amendments. The DMF held the Oyster and Hard Clam FMP Advisory Committee Workshop in July 2024 to inform development of the plan and the division is completing the first draft of both amendments. The MFC is scheduled to vote on sending both draft amendments out for public comment and MFC Advisory Committee review at their November 2024 business meeting.

The **Red Drum FMP** management continues to meet its targets. Any changes to the state FMP must consider compliance requirements of the ASMFC plan. The next red drum stock assessment through ASMFC is scheduled for completion late in 2024. The division recommends delaying the next review of the Red Drum FMP until 2025, one year later than previously planned. This will provide time for completion of the ASMFC red drum stock assessment, which will inform management.

The **Kingfishes FMP** management has resulted in a stock that has met ongoing management targets. Therefore, the MFC approved the 2020 annual FMP update to fulfill the scheduled review of the Kingfishes FMP. Management strategies continue to be maintained as outlined in the State FMP. Stock conditions are monitored and reported through the annual FMP update. The next scheduled review of this plan will begin in 2025.

The **Blue Crab FMP** Amendment 3 was adopted in February 2020 to address the overfished status and end overfishing, indicated by the 2018 stock assessment. An update to the 2018 stock assessment was completed in 2023, but concerns raised by external peer reviewers lead to the updated stock assessment not being approved for management purposes. All available information suggests the blue crab stock has continued to decline since the adoption of Amendment 3. The division is developing management recommendations, based on results of the 2018 stock assessment, that can be implemented through adaptive management. The Amendment 3 adaptive management framework allows any

quantifiable management measure to be considered. Prior to implementation, the division will consult with the Northern, Southern, and Shellfish/Crustacean advisory committees and management recommendations will be brought to the MFC for approval. The division recommends the next review of the Blue Crab FMP begin in 2026, one year later than previously planned to afford time to implement new management measures adopted under adaptive management in 2025 prior to beginning the next benchmark stock assessment.

The **Bay Scallop FMP** 2020 annual FMP update fulfilled the scheduled review of the plan. Management continues to be maintained as outlined in the State FMP. Stock conditions are monitored and reported through the annual FMP update. After many years of low abundance, the season was opened in specific regions in 2021, 2022, and 2023 at the lowest allowed harvest levels. The division recommends delaying until 2026 the next review of the Bay Scallop FMP since DMF has identified no immediate need for management changes and to reduce overlap in ongoing FMP reviews.

The **Shrimp FMP** Amendment 2 was adopted by the MFC at its February 2022 business meeting. Amendment 2 management has been implemented through proclamations. The May 2024 Revision to Amendment 2 documents the supporting data and rationale of the MFC for concluding further action to address SAV protection under the Shrimp FMP Amendment 2. The division is continuing to test gear combinations that reduce finfish bycatch in shrimp trawls and work with the MFC to seek additional funding and methods for a long-term shrimp observer program. The next scheduled review of the plan will begin in 2027.

The **Southern Flounder FMP** Amendment 3 was adopted by the MFC at its May 2022 business meeting. Amendment 3 addresses long-term, comprehensive management for the flounder fishery. Amendment 3 management was implemented through proclamations. An update to the 2019 stock assessment was completed in 2024, but concerns raised by the division and state partners lead to the updated stock assessment not being approved for management purposes. In 2023, the recreational and commercial fisheries exceeded their total allowable catch, and paybacks have been applied towards the 2024 seasons. The next scheduled review of the plan will begin in 2027.

The **River Herring FMP** 2022 Annual FMP Review fulfilled the scheduled five-year review of the plan. The 2017 Atlantic coast-wide stock assessment update indicated river herring remain depleted and at near historic lows on a coast-wide basis. All management strategies will be maintained as outlined in the State and ASMFC FMPs. Results from the 2024 benchmark Atlantic coast-wide stock assessment are expected to be presented to the ASMFC River Herring Management Board at their August 2024 business meeting. The next scheduled review of the plan will begin in 2027.

The **Estuarine Striped Bass FMP** Amendment 2 is jointly developed with the Wildlife Resources Commission and was adopted by the MFC at its November 2022 business meeting. The 2022 Albemarle-Roanoke (A-R) stock assessment update indicated the stock continued to decline since the previous assessment and remains overfished with overfishing occurring. Amendment 2 adaptive management allows flexibility in management based on results of the stock assessment update. Based on the stock assessment results, the 2024 Revision to Amendment 2 implemented a harvest moratorium in the Albemarle Sound and Roanoke River Management Areas. In addition, we are in year two of a three-year hatchery stocking plan to increase the abundance of the A-R striped bass stock. No stock status is available for the Central Southern Management Area; however, a population model indicates the stock is depressed to a level where sustainability is unlikely. In 2025, data through 2024 from the Tar-Pamlico and Neuse rivers will be reviewed to determine if populations are self-sustaining and if sustainable harvest can be determined. The review will also allow for the assessment of the gill net prohibition. The next scheduled full review of the plan will begin in 2027.

The 2022 information update for the **North Carolina FMP for Interjurisdictional Fisheries** was adopted by the MFC at its May 2022 business meeting. The goal of the FMP for Interjurisdictional Fisheries is to adopt FMPs, consistent with law, approved by the federal Councils or the ASMFC by reference and implement corresponding fishery regulations in North Carolina to provide compliance or compatibility with approved FMPs and amendments, now and in the future. The division recommends delaying the next review of the plan to 2028 to reduce overlap in ongoing FMP reviews.

The **Striped Mullet FMP** Amendment 2 was adopted by the MFC at its May 2024 business meeting. The MFC adopted regulations intended to reduce striped mullet harvest with a goal of ending overfishing and to rebuild the stock to a level that provides a sustainable harvest. The regulations included commercial day of week harvest closures and recreational possession limits. Adaptive management allows for adjustment to season closures, day of week closures, trip limits, and gill net yardage and mesh size restrictions to ensure management targets are being met, based on results of stock assessment updates, concerning stock conditions or fishery trends. Adaptive management allows restrictions to be relaxed once the stock recovers with consultation with the MFC Northern, Southern, and Finfish Advisory Committees and approval by the MFC. The next scheduled review of this plan will begin in 2029.

## DRAFT FOR DEQ SECRETARIAL REVIEW

<b>DRAFT N.C. FISHERY MANAGEMENT PLAN REVIEW SCHEDULE (July 2024–June 2029)</b> Revised August 13, 2024					
SPECIES (Date of Last Action)	2024–2025	2025–2026	2026–2027	2027–2028	2028–2029
<b>SPOTTED SEATROUT (2/12)*</b>					
<b>EASTERN OYSTER (2/17)^</b>					
<b>HARD CLAM (2/17)^</b>					
<b>RED DRUM (8/17)</b>					
<b>KINGFISHES (8/20)</b>					
<b>BLUE CRAB (2/20)</b>					
<b>BAY SCALLOP (8/20)</b>					
<b>SHRIMP (2/22)</b>					
<b>SOUTHERN FLOUNDER (5/22)</b>					
<b>RIVER HERRING (8/22)</b>					
<b>ESTUARINE STRIPED BASS (11/22)</b>					
<b>INTERJURISDICTIONAL (5/22)</b>					
<b>STRIPED MULLET (5/24)</b>					

\*FMP review began in 2021.

^FMP review began in 2023.

This schedule assumes no rulemaking is required to implement plan amendments.





ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

August 8, 2024

## MEMORANDUM

**TO:** N.C. Marine Fisheries Commission  
**FROM:** Jason Rock, Fisheries Management Section Chief  
**SUBJECT:** Temporary Rule Suspensions

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### 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 will vote on any new rule suspensions that have occurred since the last meeting of the commission.

### Findings

The Marine Fisheries Commission approved Amendment 2 to the North Carolina Striped Mullet Fishery Management Plan which adopted a reduced possession limit for the recreational fishery. To implement Amendment 2 management measures, the director suspended a portion of NCMFC Rule 15A NCAC 03M .0502 MULLET which sets a 200 mullet per person per day recreational possession limit. The suspension of this rule was needed to issue proclamation [FF-27-2024](#) which reduced the recreational possession limit of mullet from 200 mullet per person per day to 100 mullet per person per day and no more than 400 mullet per vessel per day if more than four people are on board. It also allows for-hire vessels to possess these limits in advance of a for-hire trip.

The Marine Fisheries Commission approved Amendment 2 to the North Carolina Shrimp Fishery Management Plan which adopted a year-round trawl closure in all crab spawning sanctuaries. To implement Amendment 2 management measures, the director suspended a portion of NCMFC Rule 15A NCAC 03L .0205 CRAB SPAWNING SANCTUARIES which sets seasonal closure periods for trawls in all crab spawning sanctuaries. The suspension of this rule was needed to implement proclamation [M-13-2024](#) which prohibited the use of trawls in all crab spawning sanctuaries year-round.

### Action Needed

**\*\*Vote to suspend section (a) of NCMFC Rule 15A NCAC 03M .0502 MULLET for an indefinite period\*\***

**\*\*Vote to suspend section (a) of NCMFC Rule 15A NCAC 03L .0205 CRAB SPAWNING SANCTUARIES for an indefinite period\*\***



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## 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 a 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 Rule 15A NCAC 03M .0515 (a)(2) DOLPHIN**

Suspension of a 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 a 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**

Suspension of 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-10-2024](#).

### **NCMFC Rule 15A NCAC 03L .0103 (a)(1) PROHIBITED NETS, MESH LENGTHS AND AREAS**



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

### **NCMFC Rule 15A NCAC 03J .0501 (e)(2) DEFINITIONS AND STANDARDS FOR POUND NETS AND POUND NET SETS**

Suspension of a portion of this rule for an indefinite period. Suspension of this rule 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](#) and continues in Proclamation [M-9-2024](#).

### **NCMFC Rule 15A NCAC 03Q .0107 (4) SPECIAL REGULATIONS: JOINT WATERS**

Suspension of a portion of this rule for an indefinite period. Suspension of this rule allows the division to adjust the creel limit for American shad under the management framework of the North Carolina American Shad Sustainable Fishery Plan. This suspension was continued in Proclamation [FF-6-2024](#).