

Director's Report





ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

January 31, 2018

MEMORANDUM

TO: Marine Fisheries Commission
FROM: Steve Murphey, Director
SUBJECT: Shrimp Fishery Management Plan Update

The Marine Fisheries Commission gave its final approval of the Shrimp Fishery Management Plan Amendment 1 and associated rules Feb. 19, 2015. Implementing rules became effective May 1, 2015 and were published in the 2015 rulebook. One of several strategies approved in Amendment 1 was the convening an industry stakeholder group to initiate a three-year study to test bycatch reduction devices to reduce bycatch to the extent practicable, with a 40-percent target reduction. The next review of the plan was scheduled to begin in 2020, in accordance with statutory requirements.

At its August 2017 meeting, the commission passed a motion approving the 2017 Fishery Management Plan review schedule. The motion directed the review of the Shrimp Plan “to begin as soon as the three-year study is complete, and no later than February 2018.” The three-year study refers to the gear testing being conducted by the Shrimp Bycatch Reduction Industry Work Group convened under Amendment 1 to the Shrimp Fishery Management Plan.

In the Shrimp Fishery Management Plan Amendment 1, Section 3.7.1 provides the commission’s preferred management strategies and required actions. Table 3.1 on page 27 provides the following in relation to the industry stakeholder work group (emphasis added):

Management Strategy	Required Actions
Convene a stakeholder group to initiate industry testing of minimum tail bag mesh size, T-90 panels, skylight panels, and reduced bar spacing in TEDs to reduce bycatch to the extent practicable with a 40 percent target reduction. <ul style="list-style-type: none"> • Upon securing funding, testing in the ocean and internal waters will consist of three years of data using test nets compared to a control net with a Florida fish eye, a federally approved TED and a 1.5-inch mesh tail bag. • Results should minimize shrimp loss and maximize reduction of bycatch of finfish. Promising configurations will be brought back to the commission for consideration for mandatory use. • The stakeholder group may be partnered with the division and Sea Grant. • Members should consist of fishermen, net/gear manufacturers and scientific/gear specialists. 	Existing authority



The existing authority referenced in the table is found in two Marine Fisheries Commission rules. Rule 15A NCAC 03J .0104, Trawl Nets, paragraph (d), with prior consent of the Marine Fisheries Commission, delegates the authority to the Fisheries Director to require bycatch reduction devices or codend modifications in trawl nets to reduce the catch of finfish that do not meet size limits or are unmarketable as individual foodfish by reason of size. Also, Rule 15A NCAC 03L .0101, Shrimp Harvest Restrictions, paragraph (b) delegates the authority to the Fisheries Director to specify means and methods by proclamation. The variable condition(s) to be addressed are found in 15A NCAC 03H .0103(b).

If an approved fiscal note and the rules outlined in the N.C. Wildlife Federation's Petition for Rulemaking are adopted by the commission, the Shrimp Fishery Management would need to be amended. However, recommendations from the industry work group on bycatch reduction in shrimp trawls that may be adopted by the commission do not require an amendment and could be implemented by existing proclamation authority. Due to the number of existing fishery management plans currently open for review, the division does not recommend a review of the Shrimp Fishery Management Plan until warranted by an amendment or the five-year review.





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January 31, 2018

MEMORANDUM

TO: Marine Fisheries Commission
FROM: Steve Poland, Fisheries Management Section
SUBJECT: January 2018 Cold Stun Update

The Division of Marine Fisheries began receiving reports of cold stunned spotted seatrout on Jan. 2, 2018 following four days of below freezing temperatures. Staff responded and confirmed that cold stuns of spotted seatrout, red and black drum, and southern flounder had occurred in multiple locations from Manteo to Surf City on Jan. 2 and 3, 2018. Water temperature data loggers near areas of observed stunned fish confirmed that temperatures fell below temperature limits and exceeded the time limits established under the division's Guidelines for Adaptive Management for Cold Stun Closures. The division director issued a proclamation on Jan. 3, 2018 to close the commercial and recreational spotted seatrout fishery starting at 3 p.m. on Jan. 5 and extending to June 15 (catch and release fishing will still be allowed).

The closure follows the Marine Fisheries Commission's management strategy in the Spotted Seatrout Fishery Management Plan which instructed the director to close the fishery in the event of a significant cold stun. The division developed the current guidelines to provide the director with measurable and objective conditions to consider when evaluating the need for a closure. Cold stun events are recognized as a major source of natural mortality* for spotted seatrout. Widespread cold stun events can reduce the abundance of the species until new recruits* enter the fishery in the following year or two. A closure following an event that extends past the peak spawning period of the species can allow mature fish a chance to spawn before harvest is opened, maximizing the spawning potential of the surviving fish.

With the extended cold period in early January and two snow fall events occurring before the end of the month, the potential of fish to succumb to low water temperatures still exists. Staff are continuing to actively investigate reports of cold stuns and collect biological and environmental data from areas affected. Because the division is still receiving reports of stunned fish and shellfish, a final assessment of the extent of the event is not yet available. A comprehensive report on the cold stun will be provided to the commission when completed.

***Definitions**

Natural Mortality – A measurement of the rate of removal of fish from a population from natural causes.

Recruits – Offspring that have survived long enough to be counted as part of the stock.





ASMFC

FISHERIES *focus*

Vision: Sustainably Managing Atlantic Coastal Fisheries

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ASMFC Presents Paul J. Diodati Prestigious Captain David H. Hart Award

The Atlantic States Marine Fisheries Commission presented Paul J. Diodati, former Director of the Massachusetts Division of Marine Fisheries (MA DMF), the Captain David H. Hart Award, its highest annual award, at the Commission's 76th Annual Meeting in Norfolk, Virginia. For over four decades, Mr. Diodati has been a prominent figure in the marine fisheries management community throughout New England and along the Atlantic coast. While now retired, the impact of his accomplishments to Atlantic coast fisheries conservation and management will be felt for much longer.

Mr. Diodati's career in marine fisheries began at MA DMF in 1975 as a contracted sea sampler for northern shrimp. Over the years, he worked his way up through the ranks to Division Director, a position he served in for his final 15 years at DMF. In between, Mr.

Diodati served as technical and policy advisor for striped bass and northern shrimp, Sportfish Program Director, and co-creator and co-Chair of the Massachusetts Marine Fisheries Institute. Understanding the need to address user conflicts before they begin, he was heavily involved in the development of the Massachusetts Ocean Management Plan and the Federal Ocean Management Plan. Mr. Diodati closed major data gaps by requiring comprehensive reporting from dealers in 2005 and all commercial harvesters in 2010. In 2009, he was instrumental in establishing the state's saltwater fishing license.

As Massachusetts' Administrative Commissioner since 2000, Mr. Diodati chaired numerous management boards, overseeing the development and implementation of interstate management plans for species such as striped bass, shad and river herring. From 2010 – 2013, he provided leadership to the Commission serving as Vice-chair and Chair and worked tirelessly to raise the Commission's profile both on Capitol Hill and within the Administration – ensuring the 15 Atlantic states were well equipped to tackle both current and emerging issues.

Mr. Diodati's outsized role at the Commission is not limited to his term as Chair. He also helped to improve coordination and the sharing of information between the states and their federal partners. He had impeccable foresight, as evidenced by his role as a principal supporter of the Atlantic Coastal Cooperative Statistics Program; a Program he would later Chair.

Mr. Diodati's lifetime has been marked by a commitment to science and sound management and his efforts have been instrumental in improving fisheries programs both in Massachusetts and along the coast. But his legacy is more than scientific papers, surveys conducted, and recovered species; Mr. Diodati will be remembered for his extraordinary way with people. From recreational and commercial fishermen to his peers at the Commission and New England Fishery Management Council, he was well known and trusted as a coalition builder and deal maker.



continued, see HART AWARD on page 18

Upcoming Meetings

The Atlantic States Marine Fisheries Commission was formed by the 15 Atlantic coastal states in 1942 for the promotion and protection of coastal fishery resources. The Commission serves as the deliberative body of the Atlantic coastal states, coordinating the conservation and management of nearshore fishery resources, including marine, shell and diadromous species. The fifteen member states of the Commission are: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.

Atlantic States Marine Fisheries Commission

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January 17 (4-6 PM)

ASMFC American Lobster and Jonah Crab Advisory Panels Conference Call; visit <http://www.asmfc.org/calendar/> for more details.

January 29 - February 1

ASMFC Horseshoe Crab Stock Assessment Data Workshop, Hilton Garden Inn-Courthouse Plaza, 1333 N. Courthouse Road, Arlington, VA

January 30 - February 1

New England Fishery Management Council, Sheraton Harborside, Portsmouth, NH

January 31 - February 1

NEAMAP Summit, Renaissance Providence-Downtown Hotel, 5 Avenue of the Arts Providence, RI

February 6-8

ASMFC Winter Meeting, Westin Hotel, 1800 Jefferson Davis Highway, Arlington, VA

February 13-15

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

March 5-9

South Atlantic Fishery Management Council, Westin Jekyll Island, 110 Ocean Way, Jekyll Island GA

April 10-12

Mid-Atlantic Fishery Management Council, Montauk Yacht Club, 32 Star Island Road, Montauk, NY

April 17-19

New England Fishery Management Council, Hilton Hotel, Mystic, CT

April 30 - May 3

ASMFC Spring Meeting, Westin Hotel, 1800 Jefferson Davis Highway, Arlington, VA

June 5-7

Mid-Atlantic Fishery Management Council, Doubletree by Hilton, 237 South Broad Street, Philadelphia, PA

June 11-15

South Atlantic Fishery Management Council, Bahia Mar Doubletree by Hilton, 801 Seabreeze Boulevard, Fort Lauderdale, FL

June 12-14

New England Fishery Management Council, Holiday Inn by the Bay, Portland, ME

August 7-9

ASMFC Summer Meeting, Westin Hotel, 1800 Jefferson Davis Highway, Arlington, VA

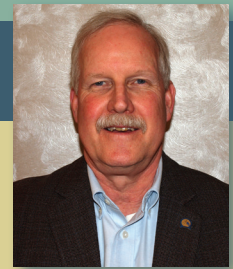
August 14-18

Mid-Atlantic Fishery Management Council, Hilton Virginia Beach Oceanfront, 3001 Atlantic Ave., Virginia

September 17-21

South Atlantic Fishery Management Council, Town & Country Inn, 2008 Savannah Highway, Charleston SC

Report from the Chair: A Year in Review



For this issue, we are dedicating the Executive Director's Column to outgoing Commission Chair Doug Grout and the speech he presented to Commissioners at our 76th Annual Meeting in Norfolk, VA.

"It has been a challenging year for state/federal cooperative fisheries management. The long-standing commitment we made to each other through our 76-year old Interstate Compact and 24-year old Atlantic Coastal Act has sorely been tested this year. For the first time since passage of the Atlantic Coastal Act in 1993 and the Atlantic Striped Conservation Act in 1984, a Commission noncompliance recommendation has not been supported by the Secretary of Commerce. It is unclear what the full implications of this action will be on interstate management but we have already begun to hear from some states that their fishing constituents are pushing back on current regulations for some species.

Given this, now more than ever, it is imperative the states form a united front with the goals of maintaining the integrity of our management process, following the letter of the law that guides us, and seeking solutions to the problems raised by individual states so we can avoid the need to request federal intervention to accomplish our management goals. I implore you to remain committed to one another and the principles and values upon which the Commission is founded. I also urge the states to avoid going down the path of noncompliance. No doubt, there will be pressure to do so by your constituents, but continued challenges to our process will slowly chip away at our cooperative management process. As Robert Boyles aptly stated at the August Policy Board meeting, quoting Dr. Franklin, "We must indeed all hang together or most assuredly we shall all hang separately."

While this past year has had its share of challenges, we have made important strides in furthering our strategic goals. We approved new plan amendments for northern shrimp, tautog and Atlantic menhaden, and a new FMP for Cobia. All are significant in their own right. The Northern Shrimp Amendment is the first Commission plan to address adapting management to new environmental conditions. Under the Tautog Amendment, management shifts from a coastwide basis to regional management to more clearly reflect the largely non-migratory nature of the species. Under the new Menhaden Amendment, we continue to make progress towards ecological-based reference points while modifying the allocation of the resource to match the current needs of the states and various user groups. Under the Cobia FMP, we will work with our South Atlantic Council partners to ensure complementary management of the resource in state and federal waters.

On the fisheries science front, Commission staff and state and federal scientists have performed the herculean task of completing benchmark stock assessments for Atlantic sturgeon, Atlantic croaker, spot and red drum; stock assessment updates for American eel, menhaden and river herring; and regional stock assessments and an assessment update for tautog. All of these have provided much needed insight into the health of these species, as well as identified the continued challenges of assessing fish stocks given limited data and increasingly complex stock assessment models. We also made substantial progress in developing a policy on risk and uncertainty to aid us in our fisheries management decision-making.

ACCSP has continued to make great strides in improving data collection and management along the coast on all fronts – commercial, recreational and for-hire.

Now fully integrated into the Commission, there has been even more connectivity between the ACCSP and the Commission's other programs. State conduct of APAIS is well into its second year and is estimated to have increased the number of angler intercepts by nearly 10%. ACCSP has been collaborating with GARFO on an integrated reporting system, which will allow all related fisheries-dependent data collected from various sources, including vessel, observer, and dealer reports, to be linked. ACCSP has also been working closely with the Mid-Atlantic Council on launching its mandatory for-hire electronic reporting system and has begun discussions with the South Atlantic Council on its efforts to move to for-hire electronic reporting.

While limited in our ability to directly impact fisheries habitat, the Commission's Habitat Committee and the Atlantic Coastal Fish Habitat Partnership (ACFHP) continue to advance our understanding of the importance of the fisheries-habitat connection and provide us and habitat managers with tools to further habitat conservation. The Habitat Committee released the Sciaenid Fish Habitat Source Document, which provides in-depth information on the habitat requirements for nine sciaenid species, as well as habitat threats and research needs. ACFHP completed its 5-year Conservation Strategic Plan and 2-year Conservation Action Plan, outlining strategies and actions to restore and enhance Atlantic coastal, estuarine, and diadromous fish habitat.

Conservation law enforcement officers from the states and federal agencies continue to come together through the Law Enforcement Committee (LEC) to provide guidance on proposed fisheries management measures, share resources and information on ongoing investigations, and monitor stakeholder compliance with fishing regulations. In 2017, the LEC coordinated enforcement activities directed at illegal glass eel harvest and responded to lobster industry concerns about illegal activity in federal waters by working with our federal partners to place lobster as a high priority for federal and joint enforcement agreement activities.

Overarching all of these activities is the ever present-need for adequate funding to perform our stewardship responsibilities, strong support from Congress and our federal partners in managing our shared fishery resources, and the willingness to seek innovative ways to adapt our management programs to changing resource and environmental conditions. Luckily, we have a long and illustrious track record of meeting formidable challenges head on through the ingenuity and tireless work of countless individuals and the enduring commitment of the states to work together for the greatest good of all the states, not the one or the few. This very principle – that the states could achieve more together than apart – is the foundation of the Commission and the reason we have been so successful. It has been a great honor to serve as your Chair these past two years. I am excited about the opportunities and challenges ahead and look forward to working with you all and our new Chair and Vice-Chair in the coming year."

Commission Implements New Regional Management Program for Blackfish

Introduction

Prized for being a “delicious fish,” tautog is a highly sought after recreational species from Massachusetts through Virginia. Approximately 90% of the total harvest is taken by anglers, who catch them among hard structures such as rocky shorelines, piers, pilings, and natural and artificial reefs. Recently, the commercial fishery has expanded in some states, such as New York, where there has been an increased demand for tautog in the live fish market.

A slow growth rate and high site fidelity (tautog tend to stay near and return to their “home” reefs) make tautog particularly susceptible to overfishing. The 2016 stock assessment update indicates this non-migratory reef fish would be more appropriately managed as four stock units. The stock is overfished in all regions except Massachusetts-Rhode Island, with overfishing occurring in the Long Island Sound and New Jersey-New York Bight regions. Spawning stock biomass (SSB) has remained at low levels and management measures have proven insufficient to rebuild the stock.

Amendment 1 to the Tautog Fishery Management Plan (FMP), approved in October 2017, adopts a four-unit stock structure and implements a new management program to rebuild overfished tautog populations.

Life History

A member of the wrasse (Labridae) family, the tautog is a stout fish with an arched head and broad tail. Juveniles are greenish in color and become darker with age. Fishermen have given tautog the nickname “blackfish” due to its dark mottled sides that are either dull black, brown, blackish green, or blackish blue. Anglers also call tautog “white chin” because this coloring pattern commonly occurs on large males.

Tautog are slow growing and can live 35 to 40 years. Males and females are sexually mature at three to four years of age, but studies have shown that larger females produce significantly more (and potentially higher quality) eggs than smaller females. Tautog are distributed along the Northeast Atlantic coast from Nova Scotia to Georgia, with the greatest abundances occurring in the U.S. between Cape Cod, Massachusetts, and Chesapeake Bay. North of Cape Cod, tautog typically remain close to shore in waters less than 60 feet deep. South of Cape Cod, they inhabit waters 40 miles offshore at depths up to 120 feet. During spring, as water temperatures approach 48° F, tautog migrate inshore to spawn in estuaries and nearshore marine waters. They may remain inshore throughout the summer, then move to deeper (80-150 feet) offshore wintering areas as fall approaches and water temperatures drop below 52° F. Toward the southern end of their range, some adults may remain offshore throughout the year.

Tautog are daytime feeders, and feeding activity peaks at dawn and dusk. Adults feed primarily on oysters, mussels, and invertebrates, while the juvenile diet consists of amphipods and copepods. There are no species that preferentially feed on tautog, but fish-eating birds such as cormorants prey on juveniles. Smooth dogfish, barndoor skate, red hake, silver hake, sea raven, and goosefish have been reported to feed on both adults and juveniles.

Throughout their life, tautog aggregate around structured habitats. Shallow, vegetated estuaries and inshore areas serve as juvenile nurseries, while larger juveniles cohabitate with adults in deeper offshore waters. North of Long Island, tautog are generally found around rocks and boulders. Toward the southern end of their range, tautog often inhabit wrecks, jetties, natural and artificial reefs, and shellfish beds. They are also found near the mouths of estuaries and other inlets. Adults stay close to their preferred home site and, although they may move away during the day to feed, they return to the same general location at night where they become

Species Snapshot



Tautog
Tautog onitis

Common Names: blackfish, tog, white chinner, black porgy

Family: Labridae, commonly referred to as wrasses, which have protruding mouths, usually with separate jaw teeth that jut outwards. Many species can be recognized by their thick lips, the inside of which is sometimes curiously folded.

The word “wrasse” comes from the Cornish word wragh, a lenited form of gwragh, meaning an old woman or hag.

Interesting Facts:

- Tautog have several specialized adaptations for living around hard structures, including a blunt nose, thick lips, and powerful jaws.
- They have conical (pointy) teeth in front, crushing teeth in back, and a set of pharyngeal teeth in their throat, which allow them to pick-up, crush, and sort hard prey such as mollusks and crustaceans.
- Their rubbery skin has a heavy slime covering that protects them while swimming around rocks.
- They are particularly hardy and can survive for hours kept on ice – which makes them desirable for the live fish market.

Maximum Age/Size: 34 years/3.1 feet

Stock Status: Overfished in Long Island Sound through Virginia, with overfishing occurring in the Long Island Sound and New Jersey-New York Bight regions.

dormant and may actually sleep. This aggregation around structure makes tautog easy to find and catch, even when biomass levels are low. The easy catchability and slow growth rate make tautog highly susceptible to overfishing and slow to rebuild.

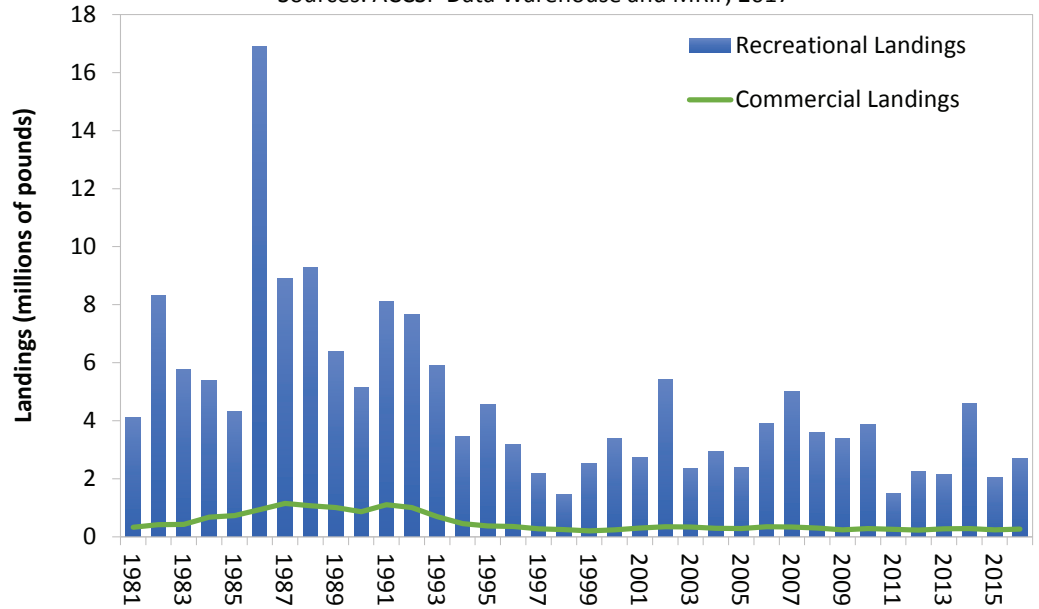
Commercial and Recreational Fisheries

Tautog can be found in waters off Massachusetts to Virginia, with the majority of landings occurring in state waters between Cape Cod and the Chesapeake Bay. Historically, tautog – or “tog” as many fishermen like to call this popular game fish – was a recreational fishery, with about 90% of the coastwide harvest taken by marine anglers. In recent years, however, commercial landings accounted for up to 44% of the catch in some states, largely due to a growing market for live fish. Most tautog are landed in the spring and fall, although some Mid-Atlantic fishermen pursue tautog year-round, and there is an active fishery off the Virginia coast in the winter.

Over the past 30 years, recreational harvest has ranged from a time series high of 16.9 million pounds in 1986 to a low of 1.5 million pounds in 1998. Since 2000, recreational harvest has averaged 3.2 million pounds, with 2016 harvest estimated at 2.7 million pounds. New York anglers accounted for 43% of the 2016 recreational harvest, followed by Connecticut (26%), and Rhode Island (12%). Commercial landings have ranged from a high of 1.2 million pounds in 1987 to a low of 208,800 pounds in 1999. Landings

Tautog Recreational and Commercial Landings

Sources: ACCSP Data Warehouse and MRIP, 2017



Timeline of Management Actions: FMP ('96); Addendum I ('97); Addendum II ('99); Addendum II ('02); Addenda IV & V ('07); Addendum VI ('11); Amendment 1 ('17)

have averaged about 290,000 pounds since 2000, with 2016 landings estimated at 269,000 pounds. About 50% of the 2016 commercial harvest was landed in New York alone, with Massachusetts and Rhode Island contributing another 40%, combined. Rod and reel are the predominant commercial gear, although floating fish traps, fish pots, and otter trawl are also used.

Stock Status

Unlike previous assessments, which assessed the stock on a coastwide basis, the 2015 Benchmark Stock Assessment and Peer Review Report evaluated stock status regionally to reflect differences in life history characteristics and harvest patterns. Based on analysis of all available data, including life history information, tagging data and fishery characteristics,

the coastwide population was split into three regions to assess and manage tautog. This new approach comprised a Southern New England region (Massachusetts, Rhode Island, and Connecticut), a New York-New Jersey region, and a DelMarVa region (Delaware, Maryland and Virginia). The Tautog Management Board (Board) accepted the 2015 assessment for management use, but expressed concern about the proposed three-region stock delineation that would split Long Island Sound (LIS) into two assessment and management areas. This was seen as an issue because recent landings indicate a concentration of the effort in the LIS, and fishermen from Connecticut and New York routinely cross states lines when fishing. Thus, a new regional assessment was

continued, see TAUTOG on page 13

Tautog Biological Reference Points and Stock Status by Region

Region	Fishing Mortality			Spawning Stock Biomass (mt)			MSY or SPR	Status
	Target	Threshold	3-Year Average	Target	Threshold	SSB ₂₀₁₅		
Massachusetts – Rhode Island	0.28	0.49	0.23	3,631	2,723	2,196	SPR	Not overfished, overfishing not occurring
Long Island Sound	0.28	0.49	0.51	2,865	2,148	1,603	MSY	Overfished, overfishing
New Jersey – New York Bight	0.20	0.34	0.54	3,154	2,351	1,809	MSY	Overfished, overfishing
Delaware – Maryland – Virginia	0.16	0.24	0.16	1,919	1,447	621	SPR	Overfished, overfishing not occurring

Fishery Management Actions

This fall and winter has been a busy time for the Commission and its member states, with the approval of a new FMP and four new plan amendments, initiation of a new amendment and draft addenda, and the setting of specifications for several species. Below are overviews of these management actions.

Atlantic Menhaden

On November 14th, the Commission approved Amendment 3 to the Interstate Fishery Management Plan (FMP) for Atlantic Menhaden. The Amendment maintains the management program's current single-species biological reference points until the review and adoption of menhaden-specific ecological reference points as part of the 2019 benchmark stock assessment process. It also addresses a suite of commercial management measures including allocation, quota transfers, quota rollovers, incidental catch, the episodic events set aside program, and the Chesapeake Bay reduction fishery cap.

In addition to its Amendment 3 deliberations, the Board set the total allowable catch (TAC) for the 2018 and 2019 fishing

seasons at 216,000 metric tons with the expectation that the setting of the TAC for subsequent years will be guided by menhaden-specific ecological reference points.

"Through adoption of Amendment 3 and the setting of the 2018 and 2019 TAC at a risk-averse level, the Board has demonstrated its continued commitment to manage the menhaden resource in a way that balances menhaden's ecological role with the needs of its stakeholders," stated Board Chair Robert Ballou of Rhode Island.

"While the Amendment maintains the current reference points, the Board placed the development of menhaden-specific ecological reference points as its highest priority. While the Board's action was not supported by the majority of public comment received, it is still a conservative management action relative to our understanding of stock status and many of the positive signals we see in the current stock conditions. Specifically, the 2017 Stock Assessment Update indicated the resource remains healthy, with increases in abundance particularly in the northern states. Risks to the resource under our current reference points are well understood, while changes to the TAC under the general forage fish guidelines are not as well understood. Further, the approved TAC, which represents a modest 8% increase in the coastwide quota, has a zero percent chance of subjecting the resource to overfishing or causing it to be overfished."

Amendment 3 also changes fishery allocations in order to strike an improved balance between gear types and jurisdictions. The Amendment allocates a baseline quota of 0.5% to each jurisdiction, and then allocates the rest of the TAC based on historic landings between 2009 and 2011 (see accompanying table). This measure provides fishing opportunities

to states which currently have little quota while still recognizing historic landings in the fishery. The Board also agreed to maintain the quota transfer process, prohibit the rollover of unused quota, maintain the 6,000 lb trip limit for non-directed and small-scale gears following the closure of a directed fishery, and set aside 1% of the TAC for episodic events in the states of New York through Maine.

"The Board worked collaboratively and effectively to forge an outcome that is fair and responsive to the needs and interests of all East Coast states," said Chair Ballou.

Finally, the Amendment reduces the Chesapeake Bay cap, which was first implemented in 2006 to limit the amount of reduction harvest within the Bay, to 51,000 mt from 87,216 mt. This recognizes the importance of the Chesapeake Bay as nursery grounds for many species by capping reduction landings from the Bay to current levels.

States must submit implementation plans to the Commission by January 1, 2018 for final implementation by April 15, 2018. The Amendment is available at http://www.asmfc.org/uploads/file/5a330069AtlanticMenhadenAmendment3_Nov2017.pdf or via the Commission's website, www.asmfc.org, on the Atlantic menhaden webpage. For more information, please contact Max Appelmann, FMP, at mappelmann@asmfc.org.

Black Sea Bass

In addition to approving the Black Sea Bass Draft Addendum XXX for public comment at their December joint meeting, the Commission and the Mid-Atlantic Fishery Management Council (MAFMC) also initiated the development of an addendum/framework to address several recreational management issues. The addendum/framework will consider implementing a conservation equivalency management program for black sea bass similar to that used with summer flounder by allowing

**Amendment 3 Allocation Percentages
Based on a 0.5% Fixed Minimum During
the 2009-2011 Timeframe**

State	Allocations (%)
Maine	0.52%
New Hampshire	0.50%
Massachusetts	1.27%
Rhode Island	0.52%
Connecticut	0.52%
New York	0.69%
New Jersey	10.87%
Pennsylvania	0.50%
Delaware	0.51%
Maryland	1.89%
Potomac River Fisheries Commission	1.07%
Virginia	78.66%
North Carolina	0.96%
South Carolina	0.50%
Georgia	0.50%
Florida	0.52%
Total	100%

state or regional measures to be implemented in both state and federal waters; allow for a summer flounder, scup and black sea bass transit provision in federal waters around Block Island similar to the provision allowed for striped bass; and consider the possible implementation of slot limits in federal waters for summer flounder and black sea bass. This addendum/framework will be developed in 2018 with the goal of implementation prior to the 2019 recreational fishing seasons.

Additionally, the Commission/Council reviewed draft alternatives for an addendum/framework to consider the opening of the Wave 1 recreational fishery in 2019 through a Letter of Authorization. Work on these documents will continue in 2018. For more information, please contact Caitlin Starks, FMP Coordinator, at cstarks@asmfc.org.

Bluefish

In December, the Commission and MAFMC initiated a new amendment to the Bluefish FMP. The intent of the Draft Amendment is to review and possibly revise commercial/recreational allocation of the resource, as well as distribution of the commercial quota among the states. A Scoping Document will be released sometime in 2018. For more information, please contact Caitlin Starks, FMP Coordinator, at cstarks@asmfc.org.

Cobia

At its Annual Meeting in October, the Commission approved the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group (AMG) Cobia. The FMP complements many of the aspects of the South Atlantic Fishery Management Council's (SAFMC) cobia regulations for federal waters extending from Georgia through New York. The FMP was initiated in response to recent overages of the federal annual catch limit (ACL) for AMG Cobia. Managing the recreational ACL on a coastwide basis has resulted in federal closures and significant overages in 2015 and 2016, disrupting fishing opportunities and jeopardizing the health of the stock.

Under the Interstate FMP, the recreational

fishery will be managed with a one fish bag limit and minimum size limit of 36" fork length (FL) or total length equivalent. Vessel limits will be determined once individual states set their seasonal restrictions, but may not exceed six fish per vessel. State-specific allocations of a coastwide recreational harvest limit that is equivalent to the federal AMG cobia ACL of 620,000 pounds result in the following state-specific soft targets:

- Georgia: 58,311 pounds
- South Carolina: 74,885 pounds
- North Carolina: 236,316 pounds
- Virginia: 244,292 pounds

Recreational harvest overages of state-specific allocations will be evaluated over a three-year time period. If overages occur, states will be required to adjust management measures to reduce harvest in the subsequent three-year period.

The commercial fishery will maintain the current management measures as implemented through the SAFMC FMP and continue to be managed with a 33" FL minimum size limit and two fish limit per person, with a six fish maximum vessel limit. The federal ACL of 50,000 pounds is allocated to the entire commercial fishery from Georgia through New York. The commercial AMG cobia fishery will close once the ACL is projected to be reached.

The FMP provides the opportunity for states to declare *de minimis* status for their recreational fishery if landings constitute less than 1% of the recreational AMG cobia harvest. States must submit implementation plans to the Commission by January 1, 2018 for Technical Committee review and Board approval at the February 2018 meet-



Photo (c) Aaron Game

ing in Alexandria, Virginia. Approved plans must be implemented by April 1, 2018. For more information, please contact Mike Schmidtke, FMP Coordinator, at mschmidtke@asmfc.org.

Northern Shrimp

In response to the depleted condition of the northern shrimp resource, the Northern Shrimp Section extended the moratorium on commercial fishing for the 2018 fishing season. The Section also approved a 13.3 metric ton (mt) research set aside (RSA) and tasked the Technical Committee to develop the RSA program design.

Industry members continued to express concern about the economic impacts of the fishery closure, especially in light of a lack of positive signals in terms of stock rebuilding. Based on these concerns, the Section agreed to include in future discussions the possibility of opening a directed fishery if improvements in stock condition (e.g., strong recruitment or biomass indices) are not realized.

The 2017 Stock Status Report for Gulf of Maine (GOM) Northern Shrimp indicates abundance and biomass indices for 2012–2017 are the lowest on record of the 34 year time series, with 2017 being the lowest observed. Recruitment since 2011 has been poor and includes the four smallest year classes on record. The recruitment index in 2017 (2016 year class) was the second lowest observed. Current harvestable

continued, see FISHERY MANAGEMENT ACTIONS on page 14

ASMFC Winter Meeting

February 6 - 8, 2018

The Westin Crystal City
1800 Jefferson Davis Highway
Arlington, VA
888.627.8209

Preliminary Agenda

The agenda is subject to change. Bulleted items represent the anticipated major issues to be discussed or acted upon at the meeting. The final agenda will include additional items and may revise the bulleted items provided below. The agenda reflects the current estimate of time required for scheduled Board meetings. The Commission may adjust this agenda in accordance with the actual duration of Board meetings. Interested parties should anticipate Boards starting earlier or later than indicated herein.

TUESDAY, FEBRUARY 6

9:30 a.m. – Noon American Lobster Management Board

- Consider American Lobster Addendum XXVI and Jonah Crab Addendum III for Final Approval
- Subgroup Report on Goals and Objectives for Management of the Southern New England Stock
- Consider 2020 American Lobster Benchmark Stock Assessment Terms of Reference
- Elect Vice-chair

1:00 – 2:00 p.m. Atlantic Herring Section

- Review Technical Committee Report on Effectiveness of Current Spawning Closure Procedure
- Elect Chair and Vice-chair

2:15 – 4:15 p.m. Winter Flounder Management Board

- Review Results of the 2017 Groundfish Operational Stock Assessment for Gulf of Maine and Southern New England/Mid-Atlantic Winter Flounder Stocks
- Discuss Potential Management Response
- Consider Specifications for 2018 Fishing Year
- Consider Approval of Fishery Management Plan Review for 2016-2017 Fishing Year
- Elect Chair and Vice-chair

4:30 – 6:00 p.m. American Eel Management Board

- Consider Approval of Draft Addendum V for Public Comment
- Consider Approval of 2016 Fishery Management Plan Review and State Compliance Reports

WEDNESDAY, FEBRUARY 7

8:00 – 9:30 a.m. Executive Committee

(A portion of this meeting may be a closed session for Committee members and Commissioners only)

- ACCSP Program Update
- Discuss ASMFC Leadership Nomination Process
- Discuss Updating Appeals Process
- Discuss Updating Conservation Equivalency Guidelines

Public Comment Guidelines

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

For issues that are not on the agenda, management boards will continue to provide opportunity to the public to bring matters of concern to the board's attention at the start of each board meeting. Board chairs will use a speaker sign-up list in deciding how to allocate the available time on the agenda (typically 10 minutes) to the number of people who want to speak.

For topics that are on the agenda, but have not gone out for public comment, board chairs will provide limited opportunity for comment, taking into account the time allotted on the agenda for the topic. Chairs will have flexibility in deciding how to allocate comment opportunities; this could include hearing one comment in favor and one in opposition until the chair is satisfied further comment will not provide additional insight to the board.

For agenda action items that have already gone out for public comment, it is the Policy Board's intent to end the occasional practice of allowing extensive and lengthy public comments. Currently, board chairs have the discretion to decide what public comment to allow in these circumstances.

In addition, the following timeline has been established for the submission of written comment for issues for which the Commission has NOT established a specific public comment period (i.e., in response to proposed management action).

1. Comments received 3 weeks prior to the start of a meeting week will be included in the briefing materials.

2. Comments received by **5 PM on Tuesday, January 30, 2018** will be distributed electronically to Commissioners/Board members prior to the meeting and a limited number of copies will be provided at the meeting.

3. Following the January 30th deadline, the commenter will be responsible for distributing the information to the management board prior to the board meeting or providing enough copies for management board consideration at the meeting (a minimum of 50 copies).

The submitted comments must clearly indicate the commenter's expectation from the ASMFC staff regarding distribution. As with other public comment, it will be accepted via mail, fax, and email.

- 9:45 – 11:15 a.m. Strategic Planning Workshop**
- Review Annual Commissioner Survey Results
 - Discuss Next Steps in Developing 2019-2023 Strategic Plan

- 11:30 a.m. – 12:15 p.m. Weakfish Management Board**
- Consider Approval of 2017 Fishery Management Plan Review and State Compliance Reports
 - Consider the Use of Fishery-independent Samples in Fulfilling Biological Sampling Requirements of the Fishery Management Plan

- 12:45 – 2:45 p.m. South Atlantic State/Federal Fisheries Management Board**
- Review Technical Committee Report on State Implementation Plans for the Interstate Cobia Fishery Management Plan
 - Consider Approval of Draft Addendum I to the Black Drum Fishery Management Plan for Public Comment
 - Review Technical Committee/Plan Review Team Report on Recommended Updates to the Annual Traffic Light Analyses for Atlantic Croaker and Spot
 - Consider Approval of 2017 Fishery Management Plan Reviews and State Compliance Reports for Spanish Mackerel and Spot

- 3:00 – 4:30 p.m. Atlantic Striped Bass Management Board**
- Review and Consider Maryland Conservation Equivalency Proposal
 - Update on Process and Timeline Regarding Board Guidance on Benchmark Stock Assessment

THURSDAY, FEBRUARY 8

- 8:00 – 10:00 a.m. Risk and Uncertainty Policy Workshop**

- 10:15 a.m. – 1:30 p.m. Interstate Fisheries Management Program Policy Board**
- Consider Approval of Climate Change and Fisheries Management Policy
 - Review Shad Benchmark Stock Assessment Timeline and Consider Terms of Reference
 - Habitat Committee Report
 - NOAA Fisheries Overview of Right Whale Issue
 - Update on Marine Recreational Information Program

- 1:30 – 2:00 p.m. Business Session**
- Consider Noncompliance Recommendations (If Necessary)

- 2:15 – 4:15 p.m. Summer Flounder, Scup, and Black Sea Bass Management Board**
- Consider Black Sea Bass Addendum XXX for Final Approval
 - Finalize Summer Flounder, Scup, and Black Sea Bass Recreational Measures

ASMFC Elects New Leadership

JAMES J. GILMORE, JR.

At the Commission's 76th Annual Meeting, member states thanked Douglas Grout of New Hampshire for an effective two-year term as Chair and elected James J. Gilmore, Jr. of New York to succeed him.



"I am honored by the support of my colleagues from the 15 Atlantic coast states, and grateful to Doug for shepherding the Commission through two challenging years," said Mr. Gilmore. "I embrace the challenges that lie ahead and pledge to rise up to the lofty expectations set by my predecessors – especially Doug. Environmental and political threats to fisheries and management for the 15 sovereign coast states have never been greater. As the Commission has always done, we must use these obstacles as stepping stones. I will ensure the voices of our many stakeholders – recreational, commercial, and conservation alike – are heard. The Commission must seek ways to ensure the integrity of our management process is protected, strengthen our collaboration with NOAA Fisheries, and continue forging alliances on Capitol Hill. With all the challenges facing the Commission, it's all too easy to lose sight of our Vision: Sustainably Managing Atlantic Coastal Fisheries. Our Vision must guide the Commission through all its decisions."

Mr. Gilmore has served as Director of the Division of Marine Resources for the New York State Department of Environmental Conservation for the past ten years. As a respected marine scientist and fisheries manager with more than 40 years of experience in both the public and private sector, Mr. Gilmore has built a reputation as a coalition builder and skilled negotiator. Mr. Gilmore is also an Executive Committee member of the New York Sea Grant Board of Directors and holds an adjunct faculty position at SUNY Stony Brook, where he teaches a graduate level fisheries management course. Most importantly, he is an avid marine angler, dividing his efforts between Long Island Sound's south shore and southern New Jersey. Mr. Gilmore received a Bachelor of Arts in Biology from SUNY Plattsburgh and a Master's in Marine Science from SUNY Stony Brook.

PATRICK C. KELIHER

The Commission also elected Patrick Keliher, Commissioner of the Maine Department of Marine Resources (ME DMR), as its Vice-Chair. During his tenure as ME DMR Commissioner, Mr. Keliher has worked hard to reach out to the Department's many and varied constituents to ensure an opportunity for broad input and feedback around Maine's challenging marine resources issues.



Proposed Management Actions

Throughout January, the Commission and its member states will be busy gathering public comment on proposed management actions for American lobster/Jonah crab and black sea bass. Below is a brief description of the proposed changes. Readers should visit the Commission website at <http://www.asafc.org/about-us/public-input> to obtain the draft documents and view scheduled public hearings.

American Lobster and Jonah Crab

In October, the American Lobster Management Board approved American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III for public comment. Given the same data collection needs apply to both American lobster and Jonah crab fisheries, Draft Addendum XXVI and Draft Addendum III are combined into one document that would modify management programs for both species upon its adoption. The Draft Addenda seek to improve harvest reporting and biological data collection in the American lobster and Jonah crab fisheries. The Draft Addenda propose using the latest reporting technology, expanding the collection of effort data, increasing the spatial resolution of harvester reporting, and advancing the collection of biological data, particularly offshore.

Recent management action in the Northwest Atlantic, including the protection of deep sea corals, the declaration of a national monument, and the expansion of offshore wind projects, have highlighted deficiencies in current American lobster and Jonah crab reporting requirements. These include a lack of spatial resolution in harvester data and a significant number of fishermen who are not required to report. As a result, efforts to estimate the economic impacts of these various management actions on American lobster and Jonah crab fisheries have been hindered. States have been forced to piece together information from harvester reports, industry surveys, and fishermen interviews to gather the information needed. In addition, as American lobster and Jonah crab fisheries continue to expand offshore, there is a greater disconnect between where the fishery is being prosecuted and where biological sampling is

occurring. More specifically, while most of the sampling occurs in state waters, an increasing volume of American lobster and Jonah crab are being harvested in federal waters. The lack of biological information on the offshore portions of these fisheries can impede effective management.

The Draft Addenda present three questions for public comment: (1) what percentage of harvesters should be required to report in the American lobster and Jonah crab fisheries; (2) should current data elements be expanded to collect a greater amount of information in both fisheries; and (3) at what scale should spatial information be collected. In addition, the Draft Addenda provide several recommendations to NOAA Fisheries for data collection of offshore American lobster and Jonah crab fisheries. These include implementation of a harvester reporting requirement for federal lobster permit holders, creation of a fixed-gear VTR form, and expansion of a biological sampling program offshore.

Public comment will be accepted until **5 PM (EST) on January 22, 2018.**

Black Sea Bass

In December, the Summer Flounder, Scup and Black Sea Bass Management Board approved Draft Addendum XXX for public comment. The Draft Addendum was initiated to consider alternative regional management approaches for the recreational fishery, including options for regional allocation of the recreational harvest limit (RHL) based on historical harvest and exploitable biomass. The Draft Addendum also includes an option for coastwide management of black sea bass recreational fisheries should a regional approach not be approved for management.

In recent years, challenges in the black sea

bass recreational fishery have centered on providing equitable access to the resource in the face of uncertain population size, structure, and distribution. Since 2012, the recreational fishery has been managed under an ad-hoc regional management approach, whereby the states of Massachusetts through New Jersey have individually crafted measures aimed at reducing harvest by the same percent, while the states of Delaware through North Carolina have set their regulations consistent with the federal waters measures. While this approach allowed the states flexibility in setting measures, some states expressed concerns about equity and accountability in constraining harvest to coastwide catch limits. Additionally, the 2016 Benchmark Stock Assessment provided information on the abundance and distribution of the resource along the coast that was not previously available to include in the management program.

Draft Addendum XXX proposes two approaches for regional allocation of the RHL in the black sea bass recreational fishery: (1) allocation based on a combination of stock biomass and harvest information, or (2) allocation based solely on historical harvest. The regional allocation options offer advantages over coastwide regulations by addressing geographic differences in the stock (size, abundance, and seasonality) while allowing for more uniformity in measures between neighboring states. The Draft Addendum also proposes an option for evaluating harvest and adjusting measures against the annual catch limit, which aims to reduce year to year changes in management measures.

Public comment will be accepted until **5 PM (EST) on January 22, 2018.**

ASMFC & NOAA Fisheries Award Funds to East Carolina University to Study River Herring Spawning Populations Using Environmental DNA

The Commission and NOAA Fisheries announced they have awarded approximately \$40,000 to researchers at East Carolina University (ECU) to further ground-truth a new way to survey river herring (i.e., alewife and blueback herring) using Environmental DNA (eDNA). In 2013, NOAA Fisheries collaborated with the Commission and other partners to implement a coordinated coastwide effort that builds upon other ongoing efforts to proactively conserve river herring and address data gaps. This project will help to address some of these data gaps.

Small silver fish that spawn in freshwater reaches of rivers along the East Coast, river herring spend most of their lives in the ocean. Once highly abundant, these historically and culturally important fish have declined significantly, primarily due to habitat degradation, overfishing, climate change and fish passage impediments that have prevented them from reaching their spawning habitat.

“River herring are an important prey species for a variety of animals including commercial and recreational fish like cod and haddock. When they migrate from marine to freshwater, river herring also release important nutrients, which helps promote healthy aquatic ecosystems,” said John Bullard, regional administrator, NOAA Fisheries. “This award complements the proactive conservation effort that we are undertaking with the Commission, the Atlantic states, fishery management councils, and other partners to better understand river herring populations.”

“For this funding opportunity, we were looking specifically for projects that would contribute to future stock assessments of river herring, particularly blueback herring in the Mid-Atlantic. The selected project examines the innovative approach of using eDNA versus traditional, labor-intensive methods to survey rivers to determine population abundance,” said Robert Beal, ASMFC Executive Director. “If this technique is proven to be effective, it could result in more efficient, accurate sampling, and help monitor areas where traditional survey methods are challenging.”



Photo (c) Jerry Prezioso, NOAA Fisheries

The use of eDNA for biological research and monitoring is relatively new. Environmental DNA is DNA that is collected from a variety of environmental samples such as soil, seawater, or even air, rather than directly sampled from an individual organism. As various organisms interact with the environment, DNA is expelled and accumulates in their surroundings. Example sources of eDNA include, but are not limited to, feces, mucus, gametes, shed skin, and carcasses.

Researchers Erin Field, Michael Brewer, and Roger Rulifson from ECU's Department of Biology and Institute for Coastal Science and Policy, have already completed a pilot study in North Carolina's Chowan River

watersheds, corroborating the presence of river herring eDNA with actual river herring presence using electrofishing. This project will further develop eDNA methods to measure river herring abundances by calibrating the eDNA method in two Massachusetts watersheds with highly accurate fish counts in collaboration with MA Division of Marine Fisheries. By comparing fish abundance using eDNA quantity and shedding rates with traditional fish counting,

the researchers will assess the validity of the new method. This method can then be applied to understudied watersheds in the Mid-Atlantic.

“Being able to rapidly monitor spawning habitats is essential for developing and monitoring conservation efforts, sustainability, and population growth,” says Erin Field. “In Mid-Atlantic watersheds, traditional survey methods are more difficult due to high turbidity, large run sizes, and vast watersheds. The ability to provide information for previously unsurveyed areas will not only help us with stock status assessments, but will also help us better plan restoration and remediation efforts to help bring back river herring.”

Find out more about our [River Herring Conservation Plan](#) and [other funded research projects](#).

Lynn Fegley Elected ACCSP Coordinating Chair

On October 17th, Program partners of the Atlantic Coastal Cooperative Statistics Program's (ACCSP) Coordinating Council (the ACCSP's governing body), acknowledged the many accomplishments of outgoing Chair, Robert H. Boyles, Jr. of South Carolina, and elected Lynn Fegley as its new Chair.

In assuming the chairmanship, Ms. Fegley spoke eagerly about her new position, "I want to thank my colleagues at the Commission for entrusting me to this position which I consider both an honor and a great opportunity.

I am looking forward to working with the Coordinating Council over the next two years as ACCSP takes on new challenges including the re-design of SAFIS and the development of the program's next strategic plan, which I view as a means to reinvigorate ACCSP's vision to be the principal source of fisheries-dependent information on the Atlantic coast through the cooperation of all program partners.

I especially want to thank outgoing chair Robert Boyles for his leadership—his shoes will be tough ones to fill. In particular, the approval of a long term funding strategy for partner projects and the authorization of eTrips/Mobile for eVTR submission in the Greater Atlantic Region will bolster ACCSP's ability to achieve its mission to produce dependable and timely marine fishery statistics for Atlantic coast fisheries."

Ms. Fegley is the Director of the Stock Health, Data Management and Analysis Division for the Maryland Department of Natural Resources (DNR), Fishing and Boating Services. She holds a Bachelor of Arts in Zoology from the University of New Hampshire and a Masters of Science in Fisheries Science and Stock Assessment from North Carolina State University. She has worked at Maryland DNR for 20 years.



The Coordinating Council also elected John Carmichael from South Carolina as its Vice-Chair. Mr. Carmichael is the Deputy Executive Director for Science & Statistics at the South Atlantic Fishery Management Council.



ACCSP is a cooperative state-federal program focused on the design, implementation, and conduct of marine fisheries statistics data collection programs and the integration of those data into a single data management system that will meet the needs of fishery managers, scientists, and fishermen. It is composed of representatives from natural resource management agencies coastwide, including the Atlantic States Marine Fisheries Commission, the three Atlantic fishery management councils, the 15 Atlantic states, the Potomac River Fisheries Commission, the D.C. Fisheries and Wildlife Division, NOAA Fisheries, and the U.S. Fish & Wildlife Service. For further information please visit www.accsp.org.

ASMFC Seeks Proposals for Marine Aquaculture Pilot Projects: Proposals Due February 1, 2018

The Atlantic States Marine Fisheries Commission is requesting proposals to develop potential marine aquaculture projects in the U.S. Atlantic coast region. NOAA Fisheries, through the Commission, is making \$450,000 available for the funding period of April 1, 2018 to March 31, 2019. The Commission plans to award several projects ranging from \$50,000 to \$100,000 each, but will give consideration to projects that can justify a greater need. Any investigator seeking support for this period must submit, as a single file, an electronic proposal by email no later than 5:00 p.m. EST on Thursday, February 1, 2018. Please see the Request for Proposals (RFP) for complete proposal details, qualifying requirements, and submission instructions. The RFP is available at http://www.asmfmc.org/files/JobAnnouncements/ASMFCAquacultureRFP_Dec2017.pdf.

The Gulf and Pacific States Marine Fisheries Commissions have also issued similar RFPs seeking proposals relevant to their respective regions. For more information, please contact Dr. Louis Daniel at ldaniel@asmfc.org or 252.342.1478.

completed analyzing two additional regions (Long Island Sound and New Jersey-New York Bight) to comprise a four-region management scenario.

In 2016, the Board reviewed stock status across the three and four region management scenarios, ultimately electing to separate management into four regions: Massachusetts-Rhode Island (MARI), Long Island Sound (LIS), New Jersey-New York Bight (NJ-NYB), and Delaware-Virginia (DelMarVa). A four region stock assessment update was conducted using data through 2015. Stock status and associated reference points for the stock units is presented in the table on page 5. Spawning potential ratio (SPR) based reference points were utilized for the MARI and DelMarVa regions, and maximum sustainable yield (MSY) based reference points were used for LIS and NJ-NY Bight. Based on these reference points, the assessment update indicated that the stock is overfished in all regions except MARI, with overfishing occurring in the Long Island Sound and New Jersey-New York Bight regions.

Atlantic Coastal Management

While the 2016 stock assessment update still finds the tautog resource overfished in some regions, it paved the way for the development of a new approach to manage the resource, one that reflects the regional differences in the species' biology, as well as the behaviors of recreational and commercial fishermen who utilize the resource. In October, the Commission approved Amendment 1 to the Interstate Fishery Management Plan (FMP) for Tautog, which includes new management goals and objectives, biological reference points, fishing mortality targets, and stock rebuilding schedules. The Amendment institutes a fundamental change in tautog management, moving away from coastwide management towards regional management. Specifically, the Amendment delineates the stock into four regions due to differences in biology and fishery characteristics: MARI; LIS; NJ-NYB; and DelMarVa

Amendment 1 replaces the goal of the FMP to sustainably manage tautog over the long-term using regional differences in biology and fishery characteristics as the basis for management. Additionally, the Amendment seeks to promote the conservation and enhancement of structured habitat to meet the needs of all stages of tautog's life cycle. The plan objectives were modified to achieve this new goal.

Under Amendment 1 the four regions will implement measures to achieve the regional fishing mortality target with at least a 50% probability. No consistent schedule is required to achieve



Photo (c) Chip Lynch, NOAA Fisheries

targets, but if the current fishing mortality exceeds the regional threshold, the Board must initiate corrective action within one year. A stock rebuilding schedule can be established via an addendum.

In addition, Amendment 1 establishes a commercial harvest tagging program to address an illegal, unreported and undocumented fishery. The tagging program will be implemented in 2019. Reports of illegally harvested fish have been documented in cases against fishermen, fish houses, and at retail markets and restaurants. The tagging program, which will accommodate both the live and dead commercial markets, was recommended by the Commission's Law Enforcement Committee to increase accountability in the fishery and curb illegal harvest. Tags will be applied by the commercially-permitted harvester at harvest or prior to offloading. Tautog must be landed in the state that is identified on the tag.

The states will submit implementation proposals by December 1, 2017 and all measures in the Amendment except for the commercial tagging program will be implemented by April 1, 2018. The commercial tagging program must be implemented by January 1, 2019.

The Amendment is available at http://www.asmfc.org/uploads/file/5a0477c3TautogAmendment1_Oct2017.pdf or via the Commission's website, www.asmfc.org, on the Tautog webpage. For more information, please contact Caitlin Starks, FMP Coordinator, at cstarks@asmfc.org.

biomass is mainly comprised of females from the weak 2013 year class and some small, early-maturing females from the below-average 2015 year class.

Recruitment of northern shrimp is related to both spawning biomass and ocean temperatures, with higher spawning biomass and colder temperatures producing stronger recruitment. Ocean temperatures in western Gulf of Maine shrimp habitat have increased over the past decade and reached unprecedented highs within the past several years. While 2014 and 2015 temperatures were cooler, 2016 and 2017 temperatures were again high, and temperature is predicted to continue rising as a result of climate change. This suggests an increasingly inhospitable environment for northern shrimp and the need for strong conservation efforts to help restore and maintain the stock. The Northern Shrimp Technical Committee considers the stock to be in poor condition with limited prospects for the near future. The 2017 Stock Status Report is available at http://www.asafc.org/uploads/file/5a1deb972017NorthernShrimpAssessment_Final.pdf. For more information, please contact Megan Ware, FMP Coordinator, at mware@asafc.org.

Horseshoe Crab

In October, the Commission’s Horseshoe Crab Management Board approved harvest specifications for horseshoe crabs of Delaware Bay origin. Under the Adaptive Resource Management (ARM) Framework, the Board set a harvest limit of 500,000 Delaware Bay male horseshoe crabs and zero female horseshoe crabs for the 2018 season. Based on the allocation mechanism established in Addendum VII, the accompanying quotas were set for the states of New Jersey, Delaware, Maryland and Virginia, which harvest horseshoe crabs of Delaware Bay origin.

State	Delaware Bay Origin Horseshoe Crab Quota (no. of male only crabs)	Total Quota (male only)**
Delaware	162,136	162,136
New Jersey	162,136	162,136
Maryland	141,112	255,980
Virginia*	34,615	81,331

*Virginia harvest refers to harvest east of the COLREGS line only

** Total male harvest includes crabs which are not of Delaware Bay origin.

The Board chose a harvest package based on the Technical Committee and ARM Subcommittee recommendation. The ARM Framework, established through Addendum VII, incorporates both shorebird and horseshoe crab abundance levels to set optimized harvest levels for horseshoe crabs of Delaware Bay origin. The



Horseshoe crabs captured for sampling as part of the Virginia Tech Horseshoe Crab Trawl Survey.

horseshoe crab abundance estimate was based on data from the Benthic Trawl Survey conducted by Virginia Polytechnic Institute (Virginia Tech). This survey has not been funded consistently in recent years, but was funded and conducted in 2016. A composite index of the Delaware Trawl Survey, New Jersey Delaware Bay Trawl Survey, and New Jersey Ocean Trawl Survey has been developed and used in years the Virginia Tech Survey was not conducted. While continued, long-term funding of the Virginia Tech Survey is preferred, the recent revival of this survey also allows the composite index to be improved through “tuning” relative to additional Virginia Tech Survey data points. The Virginia Tech Survey has been funded for 2017 and is currently underway. Funding for future years continues to be explored.

Terms of reference for the 2018 stock assessment were presented to and approved by the Board. Within these terms of reference were tasks specific to the horseshoe crab stock assessment, including assessments of regional populations of horseshoe crabs, incorporation and evaluation of estimated mortality attributed to the biomedical use of horseshoe crabs for Limulus Amebocyte Lysate production, and comparisons of assessment results with results from the ARM Framework used to annually set bait harvest levels for horseshoe crabs from the Delaware Bay region. The completed assessment is expected to be presented to the Board in October at the 2018 Annual Meeting. For more information, please contact Michael Schmidtke, FMP Coordinator, at mschmidtke@asafc.org.

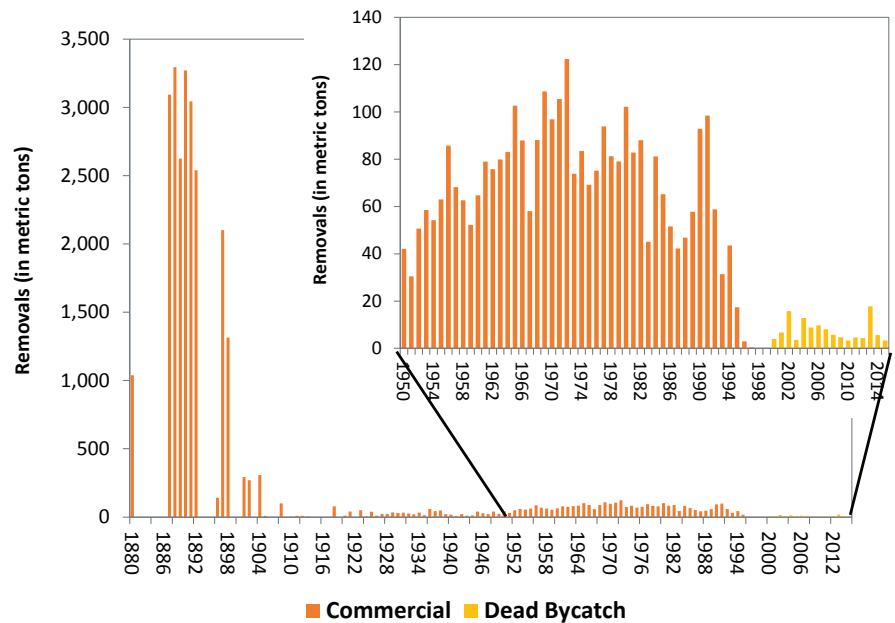
continued, see FISHERY MANAGEMENT ACTIONS on page 17

ASMFC Releases Atlantic Sturgeon Benchmark Stock Assessment and American Eel Stock Assessment Update

In October, the Atlantic Sturgeon Board and American Eel Board were presented the results of the sturgeon benchmark stock assessment and the American eel stock assessment update, respectively. A benchmark stock assessment is a full analysis and review of stock condition, focusing on the consideration of new data sources and newer or improved assessment models. This assessment is generally conducted every 3-5 years and undergoes a formal peer review by a panel of independent scientists who evaluate whether the data and the methods used to produce the assessment are scientifically sound and appropriate for management use. A stock assessment update incorporates data from the most recent years into a peer-reviewed assessment model to determine current stock status (abundance and overfishing levels).

The findings of both assessments are provided below. More detailed overviews, as well as links to the assessment reports, can be found on the Commission's website, www.asmfc.org, on the respective species pages under Stock Assessment Reports.

Coastwide Atlantic Sturgeon Commercial Landings and Dead Bycatch, 1880–2014. Inserted graph provides same information but for a more recent timeframe, 1950–2014.



Atlantic Sturgeon Benchmark Stock Assessment Indicates Slow Recovery Since Moratorium; Resource Remains Depleted

The results of the 2017 Atlantic Sturgeon Benchmark Stock Assessment indicate the population remains depleted coastwide and at the distinct population segment (DPS) level relative to historic abundance. However, on a coastwide basis, the population appears to be recovering slowly since implementation of a complete moratorium in 1998. Despite the fishing moratorium, the population still experiences mortality from several sources, but the assessment indicates that total mortality is sustainable. The “depleted” determination was used instead of “overfished” because of the many factors that contribute to the low abundance of Atlantic sturgeon, including directed and incidental fishing, habitat loss, ship strikes, and climate changes.

Atlantic sturgeon are a long lived, slow to mature, anadromous species that spend the majority of their life at sea and return to natal streams to spawn. While at sea, extensive mixing is known to occur in both ocean and inland regions. The Commission manages Atlantic sturgeon as a single stock, however, NOAA Fisheries identified five DPSs of Atlantic sturgeon based on genetic analysis as part of a 2012 Endangered Species Act listing: Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic.

Atlantic Sturgeon Coastwide and DPS-level Stock Status Based on Mortality Estimates (Z) and Biomass/Abundance Status Relative to Historic Levels and the Last Year of Available Indices Data Relative to the Start of the Coastwide Moratorium

Population	Mortality Status	Biomass/Abundance Status	
	Probability that $Z > Z_{50\%EPR}$ 80%	Relative to Historical Levels	Average probability of terminal year of indices > 1998* value
Coastwide	7%	Depleted	95%
Gulf of Maine	74%	Depleted	51%
New York Bight	31%	Depleted	75%
Chesapeake Bay	30%	Depleted	36%
Carolina	75%	Depleted	67%
South Atlantic	40%	Depleted	Unknown (no suitable indices)

*For indices that started after 1998, the first year of the index was used as the reference value.

Accordingly, this benchmark assessment evaluated Atlantic sturgeon on a coastwide level as well as a DPS-level when possible.

Atlantic sturgeon are not well monitored by existing fishery-independent data collection and bycatch observer programs, and landings information does not exist after 1998 due to implementation of a coastwide moratorium. Because of this, Atlantic sturgeon are considered a “data-poor” species which hindered the Stock Assessment Subcommittee’s ability to use complex statistical stock assessment models, particularly at the DPS-level. Based on the models used, the stock assessment indicated the Atlantic sturgeon population remains depleted relative to historic levels at the coastwide and DPS levels. Since the moratorium, the probability that Atlantic sturgeon abundance has increased coastwide is high and total mortality experienced by the population is low. The results are more mixed at the DPS-level due to sample size and limited data, but the Gulf of Maine and Carolina DPS appear to be experiencing the highest mortality and abundance in the Gulf of Maine and Chesapeake Bay DPS is not as likely to be at a higher level since the moratorium.

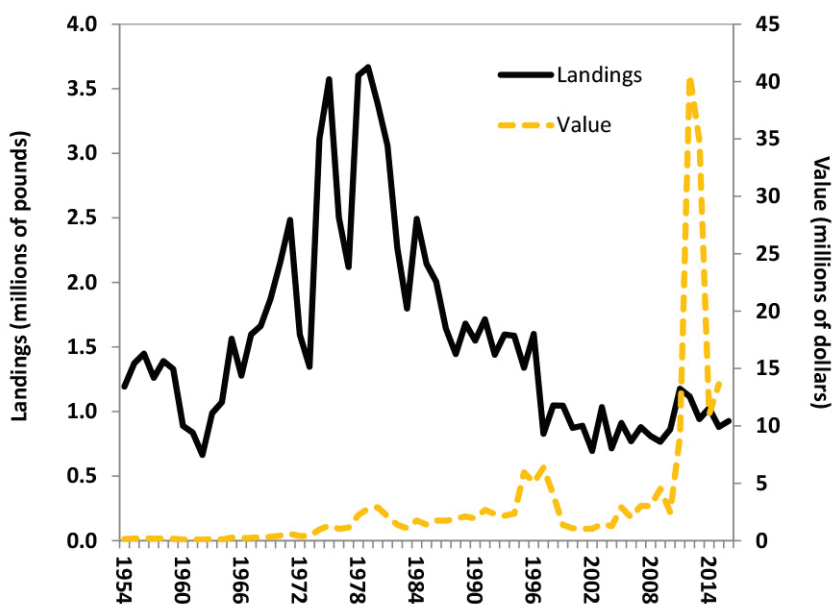
The Board approved the 2017 Atlantic Sturgeon Benchmark Stock Assessment and Peer Review Reports for management use and discussed the need to support management actions that have contributed to recovery seen to date (e.g., the moratorium, habitat restoration/protection, better bycatch monitoring) and continue to work on improving them (e.g., identifying bycatch and ship strike hotspots and ways to reduce those interactions). It is important to note there has been a tremendous amount of new information about Atlantic sturgeon collected in recent years. Although this does not resolve the issue of the lack of historical data, it certainly puts stock assessment scientists and fisheries managers on a better path going forward to continue to monitor stocks of Atlantic sturgeon and work towards its restoration.

American Eel Stock Assessment Update Finds Resource Remains Depleted

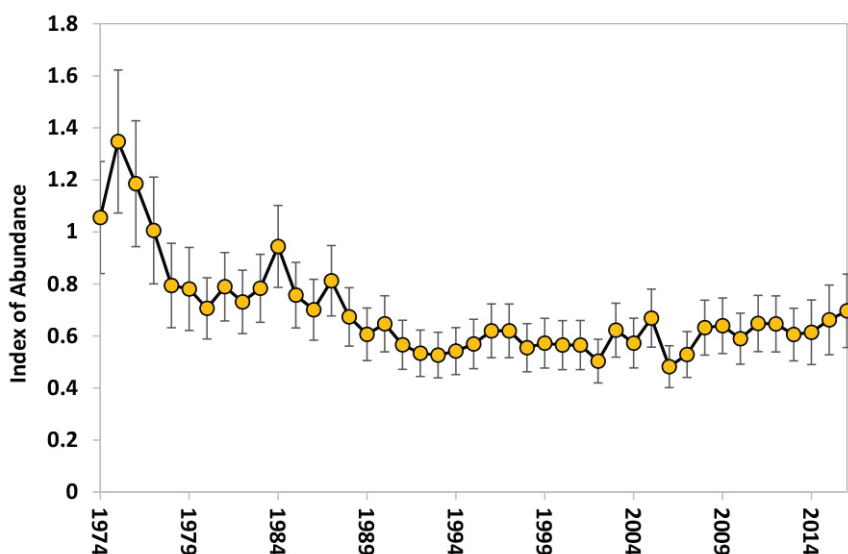
The 2017 American Eel Stock Assessment Update, which indicates the resource remains depleted. The assessment updates the 2012 American Eel Benchmark Stock Assessment with data from 2010-2016. Trend analyses of abundance indices indicated large declines in abundance of yellow eels during the 1980s through the early 1990s, with primarily neutral or stable abundance from the mid-1990s through 2016. Total landings remain low but stable. Based on these findings, the stock is still considered depleted. No overfishing determination can be made based on the analyses performed.

The American eel fishery primarily targets yellow eel. Glass eel fisheries along the Atlantic coast are prohibited in all states except Maine and South Carolina. In recent years, Maine is the only state reporting significant glass eel harvest. The highest total landings of all life stages occurred from the mid-1970s to the early 1980s after which they

Total Commercial Landings of American Eel along the Atlantic Coast



Index of Yellow Eel Abundance along the Atlantic Coast, 1974-2016



The error bars represent the standard errors about the estimates.

continued, see SCIENCE HIGHLIGHT on page 18

Scup

In December, the Commission and MAFMC maintained status quo recreational management measures for scup in federal waters (e.g., 9-inch minimum size, 50 fish possession limit, and year-round open season). For state waters, the Commission approved the continued use of the regional management approach. Based on interest expressed by fishery managers and stakeholders, the Technical Committee will conduct an analysis on the potential impacts of lowering the size limit for northern region state waters on the 2018 coastwide harvest. The Technical Committee will present this analysis at the Commission's Winter Meeting in February. For more information, please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at krootes-murdy@asmfc.org.

Spiny Dogfish

The Commission's Spiny Dogfish Management Board approved a spiny dogfish commercial quota of 38,195,822 pounds for the 2018 fishing season (May 1, 2018 – April 30, 2019). The Board maintained a 6,000 pound commercial trip limit in state waters (0-3 miles from shore) in the northern region (Maine through Connecticut). The quota and northern region trip limit are consistent with the measures recommended to NOAA Fisheries by the Mid-Atlantic Fishery Management Council. States in the southern region (New York to North Carolina) have the ability to set state-specific trip limits based on the needs of their fisheries.

2018 marks the third year of the current

federal 3-year specifications cycle. It is anticipated the stock assessment will be updated in 2018 to inform development of fishery specification recommendations, including the commercial quota, for 2019 and beyond. Additionally, the Board intends to discuss issues raised by the Advisory Panel (and other fishery participants) in more detail prior to setting 2019 specifications. The timing of the next benchmark stock assessment for spiny dogfish is less certain; however, the Board supported the Council's recommendations to conduct a benchmark stock assessment in 2019, or soon after.

The 2018 spiny dogfish commercial quota allocations (in pounds) for the northern region and the states of New York through North Carolina are provided in the accompanying table. Any overages from the 2017 season will be deducted from that region's or state's 2018 quota allocation. Similarly, any eligible roll overs from the 2017 season will be applied to that region's or state's 2018 quota allocation.

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

Summer Flounder

Also at their December joint meeting, the Commission and MAFMC extended the provisions of Addendum XXVIII, allowing for the use of conservation equivalency to achieve, but not exceed, the 2018 summer flounder RHL of 4.42 million pounds. Conservation equivalency allows individual states or multi-state regions to develop customized measures that, in combination, will achieve the coastwide RHL. Further, it was specified that any modifications to state measures in 2018 should result

in no more than a 17% liberalization in coastwide harvest relative to the projected 2017 harvest of 3.23 million pounds. This maximum liberalization was set based on continued concern for the stock status of summer flounder. Additionally, information suggests 2017 appears to be an anomalous low year in terms of effort and harvest, raising concern that overages in 2018 may occur under a larger liberalization in regulations if catch and effort rates increase in 2018. In extending the provisions of Addendum XXVIII, the regional delineation for 2018 will be: (1) Massachusetts (2) Rhode Island (3) Connecticut-New York, (4) New Jersey, (5) Delaware-Virginia, and (6) North Carolina. Any state or region wishing to modify its management measures must submit proposals for Technical Committee review in January, and for Board consideration in February.

The Commission and Council set non-preferred coastwide measures in the event that state conservation equivalency measures are not approved by NOAA Fisheries. These measures include a 4-fish possession limit, a 19-inch total length minimum size, and an open season of May 15 – September 15. The Council and Board also approved precautionary default measures (i.e., a 2-fish possession limit, a 20-inch total length minimum size, and an open season of July 1 – August 31), which will be implemented in any state or region that does not adopt measures consistent with the conservation equivalency guidelines.

Lastly, work continues on the development of a new Summer Flounder Amendment. The Commission and Council reviewed the latest revisions to the Draft Amendment, including FMP goals and objectives, and

commercial alternatives. An updated draft document is scheduled to be released in 2018 for public comment. For more information, please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at krootes-murdy@asmfc.org.

2018 Spiny Dogfish Commercial Quota Allocations

	Northern Region (ME-CT)	NY	NJ	DE	MD	VA	NC
Possession Limit	6,000	To be specified by the individual southern region states					
Allocation	58%	2.707%	7.644%	0.896%	5.92%	10.795%	14.036%
2018 Quota	22,153,577	1,033,961	2,919,689	342,235	2,261,193	4,123,239	5,361,166

Trend Analysis of Regional and Coastwide Indices of American Eel Abundance by Young-of-the-year (YOY) and Yellow Eel Life Stages

declined. Since the 1990s, landings have been lower than historical landings and have been stable in recent decades. The value of U.S. commercial American eel landings has varied from a few hundred thousand dollars (prior to the 1980s) to a peak of \$40.6 million in 2012 (largely driven by the price of glass eels).

The 2012 benchmark stock assessment found the resource depleted and Addenda III (2013) and IV (2014) were approved with the goal of reducing mortality across all life stages. These addenda established a 9-inch minimum size limit for commercial and recreational fisheries, a yellow eel commercial coastwide cap of 907,671 pounds, and glass eel quota of 9,688 pounds for Maine beginning for the 2015 fishing year. The yellow eel cap has two management triggers: (1) the coastwide cap is exceeded by more than 10% in a given year and (2) the coastwide cap is exceeded for two consecutive years, regardless of the percent over. If either trigger is met, there is an automatic implementation of state-by-state quotas. The 2015 yellow eel landings were below the cap. However, 2016 landings were 925,798 pounds, which exceeded the cap by less than 10%.

Region	Life Stage	Time Period	2012 Trend	2017 Trend
Gulf of Maine	YOY	2001–2016	NS	NS
	Yellow	2001–2016	NS	NS
Southern New England	YOY	2000–2016	NS	NS
	Yellow	2001–2010	NS	-
Hudson River	YOY	1974–2009	↓	-
	Yellow	1980–2016	↓	↓
Delaware Bay/ Mid-Atlantic Coastal Bays	YOY	2000–2016	NS	NS
	Yellow	1999–2016	NS	NS
Chesapeake Bay	YOY	2000–2016	NS	NS
	Yellow	1990–2009	↑	↑
South Atlantic	YOY	2001–2015	NS	↓
	Yellow	2001–2016	↓	↓
Atlantic Coast	YOY (short-term)	2000–2016	NS	NS
	YOY (long-term)	1987–2013	NS	NS
	Yellow (40+ year)	1974–2016	NS	↓
	Yellow (30-year)	1987–2016	↓	↓
	Yellow (20-year)	1997–2016	NS	NS

The arrows indicate the direction of the trend if a statistically significant trend was detected (P-value < α; α = 0.05). NS = no significant trend detected. A dash (-) = indices that data were not updated.



HART AWARD continued from page 1

In honor of Mr. Diodati’s lifelong dedication to the conservation of Atlantic striped bass, his innate ability to sense and adapt to changing winds, and the unerring guidance and direction he provided throughout his long career, Mr. Diodati will receive a striped bass weathervane. Due to unforeseen circumstances, Mr. Diodati was not able to attend the award ceremony. Dr. David Pierce, current MA DMF Director and lifelong friend and colleague of Mr. Diodati accepted the award on his behalf.

The Commission instituted the Award in 1991 to recognize individuals who have made outstanding efforts to improve Atlantic coast marine fisheries. The Hart Award is named for one of the Commission’s longest serving members, who dedicated himself to the advancement and protection of marine fishery resources.

INFORMATION
WILL BE
PROVIDED AT
THE MEETING.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

January 31, 2018

MEMORANDUM

TO: Marine Fisheries Commission

FROM: Steve Poland, Fisheries Management Section

SUBJECT: ASMFC Cobia Implementation and Recreational Mandatory Reporting Update

State implementation plans for the Atlantic States Marine Fisheries Commission's (ASMFC) Cobia Fishery Management Plan were due Jan. 1, 2018. The ASMFC's Cobia Technical Committee was tasked with reviewing each state's implementation plan to ensure regulations for the 2018-2020 fishing years meet the management measures outlined in the ASMFC plan and limit harvest to the state specific Recreational Harvest Limits. The technical committee provides their review of the implementation plans to the South Atlantic State/Federal Fisheries Management Board, who then give final approval of each plan. The board is scheduled to review the state implementation plans and technical committee recommendations and make final approvals at the winter meeting of the Atlantic States Marine Fisheries Commission scheduled for Feb. 7, 2018.

The Division of Marine Fisheries submitted an implementation plan with two sets of options for management measures for the 2018-2020 fishing years. Both options propose a 36-inch size limit, a one-fish per person possession limits, and no seasons. Option 1, recommended by the Marine Fisheries Commission, proposes vessel limits of four-fish per vessel for for-hire vessels and two-fish per vessel for private vessels. Option 2 would allow vessel limits of three fish per vessel for for-hire vessels and a one fish per vessel limit for private vessels. Projected landings for each option will be evaluated against the Recreational Harvest Limit established for North Carolina in the ASMFC Plan.

Option 1 exceeds Recreational Harvest Limit, while the second does not. The Marine Fisheries Commission felt justified in recommending management measures that result in projected landings above the Recreational Harvest Limit because preliminary landing estimates in 2017 fell short of the landings projected for the year. This justification was shared with the technical committee and the board for their deliberation. Upon approval by the South Atlantic State/Federal Fisheries Management Board, the director will issue a proclamation re-opening the season in state waters with the selected management measures.

At the November 2017 business meeting, the commission asked the division to study the development of a recreational mandatory reporting program for cobia. The division created a working group with staff from multiple sections to provide input on survey design, enforcement, and licensing. The working group is currently investigating the legal authority needed to enforce mandatory reporting and different survey design options to identify participants and validate reported harvests.



Cobia Fishery Management Plan Implementation Plan – North Carolina

The North Carolina Division of Marine Fisheries (NC DMF) solicited input from the public and the North Carolina Marine Fisheries Commission (NC MFC) advisory committees on potential season and/or vessel limit options for the 2018-2020 cobia seasons. Numerous management options were analyzed and presented to the NC MFC for their consideration. The NC DMF presents two options for consideration by the South Atlantic State/ Federal Fisheries Management Board at their February 2018 business meeting. Following is a description of each proposed management option and a description of the analysis used to estimate expected landings under different management scenarios. Selected and approved management measures will be implemented under the NC DMF Director's proclamation authority granted by North Carolina General Statutes (G.S. 113-170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52) and NC MFC rules (15A NCAC 03H .0103, and 03M .0512) 48-hours after issuance. Currently, the recreational cobia fishery in North Carolina is closed until April 30, 2018 and the commercial fishery will re-open on January 1, 2018 (Proclamation FF-32-2017; attached).

1. Recreational Fishery Management Measures

A. Non-De Minimis States

- I. A minimum size limit of 36 inches fork length or 40 inches total length (converted using combined sex length-length conversion function from SEDAR 28).*

Option 1 and Option 2 both propose adopting a 36-inch fork length minimum size limit for the cobia fishery in North Carolina. For each option, proposed regulatory language to be included in the proclamation will read as follows:

It is unlawful to possess cobia less than 36 inches fork length.

- II. A bag limit of 1 fish per person.*

Option 1 and Option 2 both propose adopting a bag limit of one fish per person for the cobia fishery in North Carolina. For each option, proposed regulatory language to be included in the proclamation will read as follows:

It is unlawful to possess more than one (1) cobia per person per day

- III. A daily vessel limit no greater than 6 fish per vessel.*

Option 1, recommended by the NC MFC, would allow vessel limits of four fish per vessel for for-hire vessels and two fish per vessel for private vessels. Proposed regulatory language to be included in the proclamation will read as follows:

FOR-HIRE VESSEL (While engaged in a For-Hire Vessel operation)

It is unlawful to possess more than four (4) cobia per vessel per day or one (1) cobia per person per day if fewer than four (4) people are on board.

PRIVATE VESSEL (All vessels not engaged in a For-Hire Vessel operation)

It is unlawful to possess more than two (2) cobia per vessel per day or one (1) cobia per person per day, if there is only one person on board.

Option 2 would allow vessel limits of three fish per vessel for for-hire vessels and a one fish per vessel limit for private vessels. Proposed regulatory language to be included in the proclamation will read as follows:

FOR-HIRE VESSEL (While engaged in a For-Hire Vessel operation)

It is unlawful to possess more than three (3) cobia per vessel per day or one (1) cobia per person per day if fewer than three (3) people are on board.

PRIVATE VESSEL (All vessels not engaged in a For-Hire Vessel operation)

It is unlawful to possess more than one (1) cobia per vessel per day.

- IV. A fishing season that, in conjunction with previously defined measures, will achieve a harvest that is at or below a state's allocated recreational harvest target. State recreational harvest targets are shown in the following table. Note: Recreational management measures will be developed by the state, reviewed by the Technical Committee, and approved by the Management Board.*

State	GA	SC	NC	VA
Harvest Target (pounds)	58,311	74,885	236,313	244,292

A season for the cobia fishery in North Carolina is not proposed for either option. Stakeholder input was almost unanimous in the desire to maintain an open season throughout the year. The harvest measures needed to achieve North Carolina's Recreational Harvest Limit of 236,313 pounds are attained with the proposed vessel limit options.

Staff with the NC DMF analyzed various vessel limit options between the for-hire and private modes and presented these analyses to the public and the NC MFC for their input. The initial analysis relied on Marine Recreational Information Program (MRIP) intercepts (size, number of fish, and weight) and total catch estimated from the 2011-2015 fishing years. This period was selected because it represented the most recent five-year period of landings in the fishery with consistent regulations (33-inch fork length minimum size and two per person possession limit for all sectors). The percent reduction of harvest for each management change was then calculated by pooling all the available intercept data across the period into two week segments and then calculating reductions in number of fish and weight of fish harvested from the observed intercept values to the various vessel limit options. For size limit, the estimated

reduction of harvest was calculated and applied to the data before vessel limit and season reductions were calculated. This simulated the reduction in landings expected from increasing the size limit in the fishery from 33-inches fork length to 36-inches fork length. These values were then pooled across the weeks and subtracted from the total number or weight of harvested fish, by mode, to calculate the expected reduction for a given vessel limit. Average weights of fish were estimated directly from MRIP intercepts for the two-week period. After discussion among the Cobia Technical Committee, it was decided to use consistent average weight methods across all the states. Annual average weights of cobia from the Southeast Fisheries Science Center were then applied to the analysis at the annual level and the reduction percentages were re-calculated. Percent reductions were then converted to expected pounds of harvest by subtracting the percent reduction of landings from the 2011-2015 average of landings, by mode. These figures are presented in the table below for the two proposed management options (Table 1).

Table 1. Vessel limit options and associated expected landings (pounds) based on the 5-year average landings from 2011-2015. Analysis assumes a 36-inch fork length limit and a 1 fish/person bag limit for all modes

	For-hire	Private*	Total estimated landings
Option 1	4 fish/vessel 40,102 lbs	2 fish/vessel 216,435 lbs	256,537 lbs
Option 2	3 fish/vessel 35,540 lbs	1 fish/vessel 166,568 lbs	202,108 lbs

*Private landings include man-made and shore based modes

Estimated landings for Option 1 exceed the RHL set for North Carolina by 20,244 pounds. The NC MFC cited input received from its standing advisory committees and considerable public comment concerning the uncertainty surrounding the MRIP catch estimates as justification for recommending management measures that exceed the RHL. Along with the management measures recommended by the NC MFC, they also instructed the NC DMF to develop a mandatory reporting program for the recreational cobia fishery in the state to help improve accuracy of catch estimates. Preliminary 2017 SEFSC harvest estimates through wave four was 202,965 pounds for North Carolina, 33,348 pounds under the RHL. North Carolina realized these landings with the same management measures proposed in Option 1 with the addition of a May 1 – August 31 season. During the 2011 – 2015 period, North Carolina harvested approximately 98 percent of its cobia by September 1 (Figure 1). Additionally, the NC MFC cited the under harvest in 2017 compared to the projected landings NC DMF staff presented to them before the season. Under the 2017 management measures adopted by the NC MFC, the NC DMF estimated 297,240 pounds of harvest for 2017. Preliminary MRIP harvest estimated through Wave four were 261,514 pounds, a difference of 35,726 pounds.

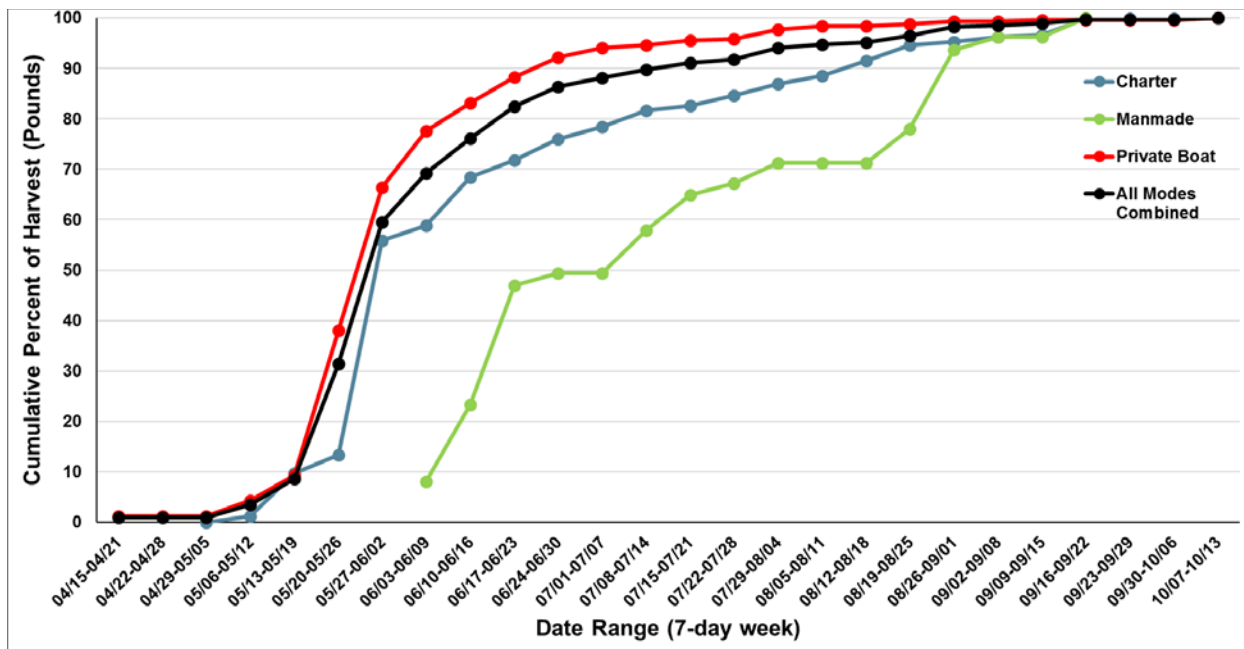


Figure 1. Cumulative percent of harvest, by mode, of cobia in North Carolina from the 2011 – 2015 period.

B. De minimis States

North Carolina does not request *de minimis status*.

2. Commercial Fishery Management Measures

A. A minimum size limit of 33 inches fork length or 37 inches total length.

North Carolina Proposes implementing a 33-inch fork length minimum size for the commercial fishery. Proposed regulatory language to be included in the Director’s proclamation will read as follows:

It is unlawful to possess cobia less than 33 inches fork length.

B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.

North Carolina proposes implementing a two fish per person commercial limit, not to exceed six fish per vessel. Proposed regulatory language to be included in the Director’s proclamation will read as follows:

It is unlawful to possess more than two (2) cobia per person per day or six (6) per vessel per day, whichever is more restrictive.

FF-32-2017

PROCLAMATION

RE: COBIA - COASTAL FISHING WATERS - RECREATIONAL AND COMMERCIAL

This proclamation supersedes proclamation FF-13-2017 dated April 10, 2017 and FF-31-2017 dated August 25, 2017. This proclamation closes the commercial fishery due to the federal annual catch limit being met. See the following NOAA Fishery Bulletin for more information:

(http://sero.nmfs.noaa.gov/fishery_bulletins/2017/047/FB17-034index.html).

The commercial season for cobia will re-open at 12:01 AM on January 1, 2018. This proclamation also maintains the recreational season closure for cobia through April 30, 2018.

Braxton C. Davis, Director, Division of Marine Fisheries, hereby announces that effective at 12:01 A.M., Tuesday, September 5, 2017, the following restrictions will apply to the cobia fishery *in Coastal Fishing Waters*:

I. SUSPENSION OF N.C. MARINE FISHERIES COMMISSION RULE 15A NCAC 03M .0516

N.C. Marine Fisheries Commission Rule 15A NCAC 03M. 0516 that reads as follows *is suspended in its entirety*:

A. It is unlawful to possess cobia less than 33 inches fork length.

B. It is unlawful to possess more than two (2) cobia per person per day.

II. RECREATIONAL SEASON

A. It is unlawful to possess Cobia. The fishery will remain closed through April 30, 2018.

III. COMMERCIAL SIZE AND HARVEST LIMIT

A. It is unlawful to possess Cobia.

B. Effective at 12:01 A.M., Monday, January 1, 2018, the following restrictions will apply:

1. It is unlawful to possess cobia less than 33 inches fork length.

2. It is unlawful to possess more than two (2) cobia per person per day or six (6) per vessel per day, whichever is more restrictive.

IV. GENERAL INFORMATION

A. This proclamation is issued under the authority of North Carolina G.S. 113-170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52 and North Carolina Marine Fisheries Commission Rules 15A NCAC 03H .0103, and 03M .0512.

B. It is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under his delegated authority pursuant to North Carolina Marine Fisheries Commission Rule 15A NCAC 03H .0103.

C. The intent of this proclamation is to manage the commercial fishery in Coastal Fishing Waters consistently with federal commercial management measures.

D. All cobia shall be immediately returned to the waters where taken, regardless of the condition of the fish.

E. Proclamation [FF-31-2017](#) dated August 25, 2017 closed the recreational fishery through April 30, 2018 and implemented commercial provisions of Framework Amendment 4 to the federal Coastal Migratory Pelagics Fishery Management Plan to constrain coastwide landings to the commercial Annual Catch Limit established by NOAA Fisheries. It maintained a commercial minimum size limit of 33 inches fork length and instituted a commercial trip limit of two (2) fish per person per day or six (6) fish per vessel per day, whichever is more restrictive.

F. Contact the North Carolina Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557 252-726-7021 or 800-682-2632 for more information or visit the division website at www.ncmarinefisheries.net.

G. In accordance with North Carolina General Statute 113-221.1(c) all persons who may be affected by proclamations issued by the Fisheries Director are under a duty to keep themselves informed of current proclamations.

H. *This proclamation supersedes proclamation FF-13-2017 dated April 10, 2017 and FF-31-2017 dated August 25, 2017. This proclamation closes the commercial fishery due to the federal annual catch limit being met. See the following NOAA Fishery Bulletin for more information:*

(http://sero.nmfs.noaa.gov/fishery_bulletins/2017/047/FB17-034index.html).

The commercial season for cobia will re-open at 12:01 AM on January 1, 2018. This proclamation also maintains the recreational season closure for cobia through April 30, 2018.

A handwritten signature in black ink, appearing to read "Braxton C. Davis". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Braxton C. Davis, Director
DIVISION OF MARINE FISHERIES

August 31, 2017
12:52 P.M.
FF-32-2017



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

January 31, 2018

MEMORANDUM

TO: Marine Fisheries Commission
FROM: Kathy Rawls, Fisheries Management Section Chief
SUBJECT: Rule Suspensions

Attached is the temporary rule suspension information for the February 2018 meeting. In accordance with the North Carolina Division of Marine Fisheries Resource Management Policy Number 2014-2, the North Carolina Marine Fisheries Commission will vote on any new rule suspensions that have occurred since the last meeting of the commission. No new rule suspensions have occurred since the November 2017 meeting; therefore, **no action is necessary**. The current rule suspensions are as follows:

- Continued suspension of North Carolina Marine Fisheries Commission Rule 15A NCAC 03M .0516 Cobia, for an indefinite period of time. This continued suspension allows the division to manage the commercial and recreational cobia fisheries in accordance with management actions taken by the commission and in accordance with Framework Amendment 4 to the federal Coastal Migratory Pelagics Fishery Management Plan. This suspension was continued in Proclamation FF-32-2017.
- Continued suspension of portions of North Carolina Marine Fisheries Commission Rule 15A NCAC 03J .0301 Pots, for an indefinite period of time. This continued suspension allows the division to implement the crab pot escape ring requirements adopted by the commission in the May 2016 Revision to Amendment 2 of the North Carolina Blue Crab Fishery Management Plan. This suspension was effective Jan. 15, 2017, implemented in Proclamation M-11-2016.
- Continued suspension of portions of North Carolina Marine Fisheries Commission Rule 15A NCAC 03L .0201 Crab Harvest Restrictions, and portions of 03L .203 Crab Dredging, for an indefinite period of time. This continued suspension allows the division to implement the blue crab harvest restrictions adopted by the commission in the May 2016 Revision to Amendment 2 of the North Carolina Blue Crab Fishery Management Plan. These suspensions were implemented in Proclamation M-11-2016.

- Continued suspension of portions of North Carolina Marine Fisheries Commission Rule 15A NCAC 03J .0501 Definitions and Standards for Pound Nets and Pound Net Sets, for an indefinite period of time. Continued suspension of portions of this rule allows the division to increase the minimum mesh size of escape panels for flounder pound nets in accordance with Supplement A to Amendment 1 of the North Carolina Southern Flounder Fishery Management Plan. This suspension was implemented in Proclamation M-34-2015.
- Continued suspension of portions of North Carolina Marine Fisheries Commission Rule 15A NCAC 03M .0519 Shad and 03Q .0107 Special Regulations: Joint Waters, for an indefinite period of time. Continued suspension of portions of these rules allows the division to change the season and creel limit for American shad under the management framework of the North Carolina American Shad Sustainable Fishery Plan. These suspensions were continued in Proclamation FF-56-2017.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

January 31, 2018

MEMORANDUM

TO: Marine Fisheries Commission
FROM: Stephanie McInerny, License and Statistics Section Chief
SUBJECT: Landings Update

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

Red drum landings are presented by month for the Sept. 1, 2016 through Aug. 31, 2017 fishing season and initial landings for the Sept. 1, 2017 through Aug. 31, 2018. Monthly landings of southern flounder are presented for 2014-2017. Southern flounder landings by gear from 2012 to 2017 are also provided.

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



Year	Month	Species	Pounds	Dealers	Trips	Average (2007-2009)
2014	1	SOUTHERN FLOUNDER	2,978	29	183	7,713
2014	2	SOUTHERN FLOUNDER	1,823	29	285	4,617
2014	3	SOUTHERN FLOUNDER	3,430	43	677	23,512
2014	4	SOUTHERN FLOUNDER	18,997	71	933	68,389
2014	5	SOUTHERN FLOUNDER	16,001	93	681	122,514
2014	6	SOUTHERN FLOUNDER	80,142	123	1,988	154,090
2014	7	SOUTHERN FLOUNDER	84,702	141	2,148	170,387
2014	8	SOUTHERN FLOUNDER	105,208	137	2,204	201,862
2014	9	SOUTHERN FLOUNDER	404,143	153	3,588	396,301
2014	10	SOUTHERN FLOUNDER	634,514	146	3,436	781,717
2014	11	SOUTHERN FLOUNDER	320,773	121	1,991	392,150
2014	12	SOUTHERN FLOUNDER	800	5	7	37,303
2015	1	SOUTHERN FLOUNDER	1,984	30	237	7,713
2015	2	SOUTHERN FLOUNDER	495	21	93	4,617
2015	3	SOUTHERN FLOUNDER	10,750	62	768	23,512
2015	4	SOUTHERN FLOUNDER	20,824	88	1,074	68,389
2015	5	SOUTHERN FLOUNDER	42,454	117	1,282	122,514
2015	6	SOUTHERN FLOUNDER	53,838	116	1,482	154,090
2015	7	SOUTHERN FLOUNDER	42,806	106	1,144	170,387
2015	8	SOUTHERN FLOUNDER	43,900	111	1,152	201,862
2015	9	SOUTHERN FLOUNDER	255,067	122	2,335	396,301
2015	10	SOUTHERN FLOUNDER	429,234	127	2,554	781,717
2015	11	SOUTHERN FLOUNDER	301,489	90	1,755	392,150
2015	12	SOUTHERN FLOUNDER	89	7	10	37,303
2016	1	SOUTHERN FLOUNDER	2,625	33	264	7,713
2016	2	SOUTHERN FLOUNDER	1,643	31	291	4,617
2016	3	SOUTHERN FLOUNDER	9,183	58	914	23,512
2016	4	SOUTHERN FLOUNDER	10,558	72	628	68,389
2016	5	SOUTHERN FLOUNDER	24,522	90	821	122,514
2016	6	SOUTHERN FLOUNDER	44,952	100	1,242	154,090
2016	7	SOUTHERN FLOUNDER	43,574	102	1,132	170,387
2016	8	SOUTHERN FLOUNDER	53,057	106	1,409	201,862
2016	9	SOUTHERN FLOUNDER	245,870	131	3,004	396,301
2016	10	SOUTHERN FLOUNDER	279,618	117	2,161	781,717
2016	11	SOUTHERN FLOUNDER	182,148	102	1,465	392,150
2016	12	SOUTHERN FLOUNDER	14	5	5	37,303
2017	1	SOUTHERN FLOUNDER	1,677	38	122	7,713
2017	2	SOUTHERN FLOUNDER	2,758	55	215	4,617
2017	3	SOUTHERN FLOUNDER	8,254	67	874	23,512
2017	4	SOUTHERN FLOUNDER	9,591	83	787	68,389
2017	5	SOUTHERN FLOUNDER	33,113	105	1,121	122,514
2017	6	SOUTHERN FLOUNDER	74,973	115	1,906	154,090
2017	7	SOUTHERN FLOUNDER	74,881	107	1,754	170,387
2017	8	SOUTHERN FLOUNDER	102,558	116	2,358	201,862
2017	9	SOUTHERN FLOUNDER	222,466	125	2,675	396,301
2017	10	SOUTHERN FLOUNDER	519,891	136	3,795	781,717
2017	11	SOUTHERN FLOUNDER	259,713	73	1,617	392,150
2017	12	SOUTHERN FLOUNDER	61	5	6	37,303

2017 data are preliminary and only complete through October.

***data are confidential

Year	Species	Gear	Pounds	Dealers	Trips
2012	SOUTHERN FLOUNDER	GIGS	149,387	112	3,000
2012	SOUTHERN FLOUNDER	GILLNETS	879,373	168	14,713
2012	SOUTHERN FLOUNDER	OTHER	47,989	105	1,462
2012	SOUTHERN FLOUNDER	POUND NET	569,388	35	1,754
2013	SOUTHERN FLOUNDER	GIGS	118,489	101	2,408
2013	SOUTHERN FLOUNDER	GILLNETS	1,096,060	178	16,968
2013	SOUTHERN FLOUNDER	OTHER	46,953	104	2,093
2013	SOUTHERN FLOUNDER	POUND NET	924,889	41	2,112
2014	SOUTHERN FLOUNDER	GIGS	135,273	109	2,655
2014	SOUTHERN FLOUNDER	GILLNETS	659,394	145	11,778
2014	SOUTHERN FLOUNDER	OTHER	18,628	115	1,887
2014	SOUTHERN FLOUNDER	POUND NET	860,216	39	1,806
2015	SOUTHERN FLOUNDER	GIGS	130,277	92	2,616
2015	SOUTHERN FLOUNDER	GILLNETS	392,384	133	8,471
2015	SOUTHERN FLOUNDER	OTHER	12,422	102	1,002
2015	SOUTHERN FLOUNDER	POUND NET	667,847	40	1,803
2016	SOUTHERN FLOUNDER	GIGS	126,983	92	2,657
2016	SOUTHERN FLOUNDER	GILLNETS	361,570	126	8,422
2016	SOUTHERN FLOUNDER	OTHER	10,953	84	838
2016	SOUTHERN FLOUNDER	POUND NET	398,258	39	1,423
2017	SOUTHERN FLOUNDER	GIGS	132,123	87	2,685 **
2017	SOUTHERN FLOUNDER	GILLNETS	515,266	126	11,815 **
2017	SOUTHERN FLOUNDER	OTHER	9,799	92	962 **
2017	SOUTHERN FLOUNDER	POUND NET	652,748	45	1,771 **

**2017 data are preliminary and only complete through October.

Red Drum Landings 2016-2017

Landings are complete through October 31, 2017

2016 landings are final. 2017 landings are preliminary.

Year	Month	Species	Pounds	2009-2011 Average	2013-2015 Average
2016	9	Red Drum	18,748	28,991	35,003
2016	10	Red Drum	13,907	43,644	63,662
2016	11	Red Drum	8,308	14,318	27,643
2016	12	Red Drum	1,990	3,428	2,197
2017	1	Red Drum	1,313	5,885	1,699
2017	2	Red Drum	2,808	3,448	3,996
2017	3	Red Drum	5,392	5,699	3,971
2017	4	Red Drum	4,402	7,848	6,528
2017	5	Red Drum	7,775	13,730	9,664
2017	6	Red Drum	12,517	12,681	6,985
2017	7	Red Drum	14,108	13,777	15,618
2017	8	Red Drum	18,571	21,252	15,846

Fishing Year (Sept 1, 2016 - Aug 31, 2017) Landings 109,840

Year	Month	Species	Pounds	2009-2011 Average	2013-2015 Average
2017	9	Red Drum	25,762	28,991	35,003
2017	10	Red Drum	55,119	43,644	63,662
2017	11	Red Drum	22,874*	14,318	27,643
2017	12	Red Drum	3,699*	3,428	2,197

Fishing Year (Sept 1, 2017 - Aug 31, 2018) Landings 107,453

*partial trip ticket landings only

***landings are confidential



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

January 31, 2018

MEMORANDUM

TO: Marine Fisheries Commission

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

SUBJECT: Protected Resources Section Update

Observer Program

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

A total of 53 sea turtle interactions* were observed in anchored large mesh gill nets and one in anchored small mesh gill nets from January through November 2017, with most interactions occurring in Management Unit B. A total of 15 self-reported sea turtle interactions by gill net fishermen occurred during this time.

A total of 51 Atlantic sturgeon interactions were observed in anchored large mesh gill nets and two in anchored small mesh gill nets from January through November 2017, with most interactions occurring in Management Unit A. One self-reported Atlantic sturgeon interaction by a gill net fisherman occurred during this time.

Management Unit Openings and Closures

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

- Additional portions of Management Unit A closed to large mesh gill nets on Dec. 1, 2017 to minimize Atlantic sturgeon interactions.
- Management Unit D1 closed to large mesh anchored gill nets on Nov. 9, 2017 due to reaching the allowed sea turtle takes for the management unit.

*Definition

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



Table 1. Preliminary data collected for anchored large mesh gill nets by month and management unit through the NCDMF Observer Program through November 2017.

Month	Unit	Trips		Observer Large Mesh				Observed Takes By Species								
		Estimated ¹	Actual ²	AP Attempts ³	Trips	Yards	Coverage ⁴	Kemp's		Green		Loggerhead		Unknown	A.Sturgeon	
								Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
January	A	265	94	37	4	3,700	1.5									
	B	30	4	9	0	0	0.0									
	C	15	6	23	0	0	0.0									
	D1	0	0	5	0	0	0.0									
	D2	0	1	9	0	0	0.0									
	E	6	5	49	0	0	0.0									
February	A	527	281	62	66	47,660	12.5									
	B	52	6	13	1	1,060	1.9									
	C	102	74	30	29	11,450	28.4									1
	D1	0	0	1	0	0	0.0									
	D2	1	5	11	1	600	0.0									
	E	22	13	52	6	0	26.8									
March	A	1,146	874	31	87	72,000	7.6									33
	B	69	18	23	0	0	0.0									
	C	655	736	13	57	39,430	8.7									3
	D1	1	0	6	0	0	0.0									
	D2	7	8	7	2	500	29.4									
	E	59	32	67	5	1,450	8.4									
April	A	759	724	28	66	39,040	8.7									1
	B	136	36	17	0	0	0.0									
	C	163	170	8	10	4,000	6.1									
	D1	4	0	6	0	0	0.0									
	D2	21	34	4	3	1,500	14.6									
	E	74	78	59	16	7,000	21.7									
May	A	284	174	55	12	14,200	4.2									
	B	292	21	22	1	600	0.3									
	C	97	119	37	18	6,700	18.6									
	D1	10	0	1	0	0	0.0									
	D2	43	77	5	6	2,600	13.8									
	E	121	149	50	36	11,800	29.8									
June	A	431	304	52	18	16,700	4.2				2					
	B	309	297	26	36	18,390	11.6					1				
	C	188	163	30	14	7,120	7.4						1			
	D1	0	0	2	0	0	0.0									
	D2	41	42	4	8	3,850	19.5						1			
	E	185	205	45	28	13,360	15.1						2			
July	A	353	208	36	18	20,935	5.1									
	B	269	443	15	54	29,520	20.0	2			2	1		1		
	C	188	188	17	13	5,975	6.9					1	1			
	D1	0	0	4	0	0	0.0									
	D2	25	58	11	0	0	0.0									
	E	155	159	18	38	15,040	24.6									
August	A	554	499	30	31	39,589	5.6									1
	B	233	713	26	40	23,870	17.2				2					
	C	264	32	38	3	1,600	1.1									
	D1	0	0	2	0	500	0.0									
	D2	57	156	14	15	7,350	26.4									
	E	166	278	44	46	14,300	27.7									
September	A	1,223	663	20	36	48,320	2.9									5
	B	383	337	16	34	26,070	8.9					1	1			
	C	451	378	13	50	23,030	11.1									
	D1	0	1	2	0	0	0.0									
	D2	104	214	11	22	6,875	21.1									1
	E	153	318	25	41	15,990	26.7					1				
October	A	873	851	16	75	95,028	8.6									4
	B	684	821	12	69	57,500	10.1	1		1						3
	C	256	335	12	17	9,180	6.6					13	4			
	D1	22	18	12	8	3,333	36.4						1			
	D2	152	203	9	4	1,050	2.6									
	E	229	281	28	45	10,815	19.7						2			
November	A	700	389	22	22	20,440	3.1									
	B	166	236	40	23	19,040	13.8						4			
	C	61	119	21	7	2,850	11.4									
	D1	13	13	3	1	900	7.9						4	2		
	D2	63	96	9	2	200	3.2									
	E	133	87	46	15	4,600	11.2									
Total		14,046	12,844	1,471	1,259	828,610	9.0	3	1	33	15	1	0	0	48	3

¹ Finalized trip ticket data averaged from 2012-2016

² Preliminary trip ticket data for 2017

³ Alternative Platform trips where no fishing activity was found

⁴ Based on estimated trips and observer large mesh trips

Table 2. Preliminary data collected for anchored large mesh gill nets by month through the NCDMF Observer Program through November 2017.

Month	Trips		Observer Large Mesh				Observed Takes By Species									
							Kemp's		Green		Loggerhead		Unknown	A. Sturgeon		
	Estimated ¹	Actual ²	AP Attempts ³	Trips	Yards	Coverage ⁴	Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead	
January	316	110	132	4	3,700	1.3	0	0	0	0	0	0	0	0	0	0
February	705	379	169	103	60,770	14.6	0	0	0	0	0	0	0	0	1	0
March	1,936	1,668	147	151	113,380	7.8	0	0	0	0	0	0	0	0	36	0
April	1,156	1,042	122	95	51,540	8.2	0	0	0	0	0	0	0	0	1	0
May	847	540	170	73	35,900	8.6	0	0	0	0	0	0	0	0	0	0
June	1,155	1,011	159	104	59,420	9.0	0	0	2	4	0	0	0	0	0	0
July	990	1,056	101	123	71,470	12.4	2	0	3	2	1	0	0	0	0	0
August	1,273	1,678	154	135	87,209	10.6	0	0	2	0	0	0	0	0	1	0
September	2,315	1,911	87	183	120,285	7.9	0	0	2	2	0	0	0	0	5	0
October	2,216	2,509	89	218	176,906	9.8	1	1	16	5	0	0	0	0	4	3
November	1,137	940	141	70	48,030	6.2	0	0	8	2	0	0	0	0	0	0
Total	14,046	12,844	1,471	1,259	828,610	9.0	3	1	33	15	1	0	0	0	48	3

¹ Finalized trip ticket data averaged from 2012-2016

² Preliminary trip ticket data for 2017

³ Alternative Platform trips where no fishing activity was found

⁴ Based on estimated trips and observer large mesh trips

Table 3. Preliminary data collected for anchored small mesh gill nets by month and management unit through the NCDMF Observer Program through November 2017.

Month	Unit	Trips		Observer Small Mesh			Observed Takes By Species										
		Estimated ¹	Actual ²	Trips	Yards	Coverage ³	Kemp's		Green		Loggerhead		Unknown		A. Sturgeon		
							Live	Dead	Live	Dead	Live	Dead	Live	Dead	Live	Dead	
January	A	394	341	10	5,010	2.5											
	B	151	287	1	100	0.7											
	C	47	131	10	3,600	21.5											
	D1	1	1	0	0	0.0											
	D2	21	18	2	400	0.0											
February	E	27	21	1	600	3.7											
	A	515	320	29	16,830	5.6											
	B	108	337	4	1,335	3.7											
	C	64	161	11	4,550	17.3											
	D1	1	1	0	0	0.0											
March	D2	13	4	5	1,000	0.0											
	E	14	24	1	120	7.4											
	A	575	101	2	1,500	0.3											
	B	262	530	8	3,445	3.1											
	C	87	205	8	1,960	9.2											
April	D1	6	14	4	1,185	72.7											
	D2	4	6	0	0	0.0											
	E	23	22	3	1,330	13.2											
	A	388	147	6	1,840	1.5											1
	B	689	750	11	6,900	1.6											
May	C	59	70	2	325	3.4											
	D1	25	20	4	1,860	16.0											
	D2	12	28	0	0	0.0											
	E	63	52	6	2,510	9.6											1
	A	190	96	1	100	0.5											
June	B	390	241	2	2,800	0.5											
	C	75	50	7	1,900	9.3											
	D1	8	1	0	0	0.0											
	D2	21	14	0	0	0.0											
	E	98	65	5	1,000	5.1											
July	A	123	31	3	1,250	2.4											
	B	324	220	5	3,300	1.5											
	C	120	34	8	4,310	6.7											
	D1	3	1	0	0	0.0											
	D2	12	12	1	300	8.5											
August	E	78	75	3	1,450	3.8			1								
	A	84	31	1	250	1.2											
	B	326	242	2	300	0.6											
	C	96	30	1	300	1.0											
	D1	3	9	0	0	0.0											
September	D2	11	10	1	80	9.3											
	E	84	54	1	20	1.2											
	A	83	36	0	0	0.0											
	B	399	208	3	900	0.8											
	C	96	65	0	0	0.0											
October	D1	4	4	0	0	0.0											
	D2	31	25	2	600	6.5											
	E	91	70	0	0	0.0											
	A	105	43	1	100	1.0											
	B	338	148	1	400	0.3											
November	C	79	39	1	400	1.3											
	D1	12	8	0	0	0.0											
	D2	56	37	5	625	9.0											
	E	107	103	3	1,200	2.8											
	A	148	23	1	200	0.7											
Total	B	448	358	1	700	0.2											
	C	66	19	1	2,500	1.5											
	D1	33	27	8	1,740	24.6											
	D2	107	150	5	1,250	4.7											
	E	233	212	5	1,320	2.1											
Total	A	159	45	1	1,500	0.6											
	B	246	197	6	1,300	2.4											
	C	92	61	4	3,500	4.4											
	D1	11	8	0	0	0.0											
	D2	79	68	4	600	5.1											
Total	E	183	132	3	935	1.6											
	Total	8,790	6,893	224	93,530	2.5	0	0	1	0	0	0	0	0	2	0	

¹ Finalized trip ticket data averaged from 2013-2016

² Preliminary trip ticket data for 2017

³ Based on estimated trips and observer small mesh trips

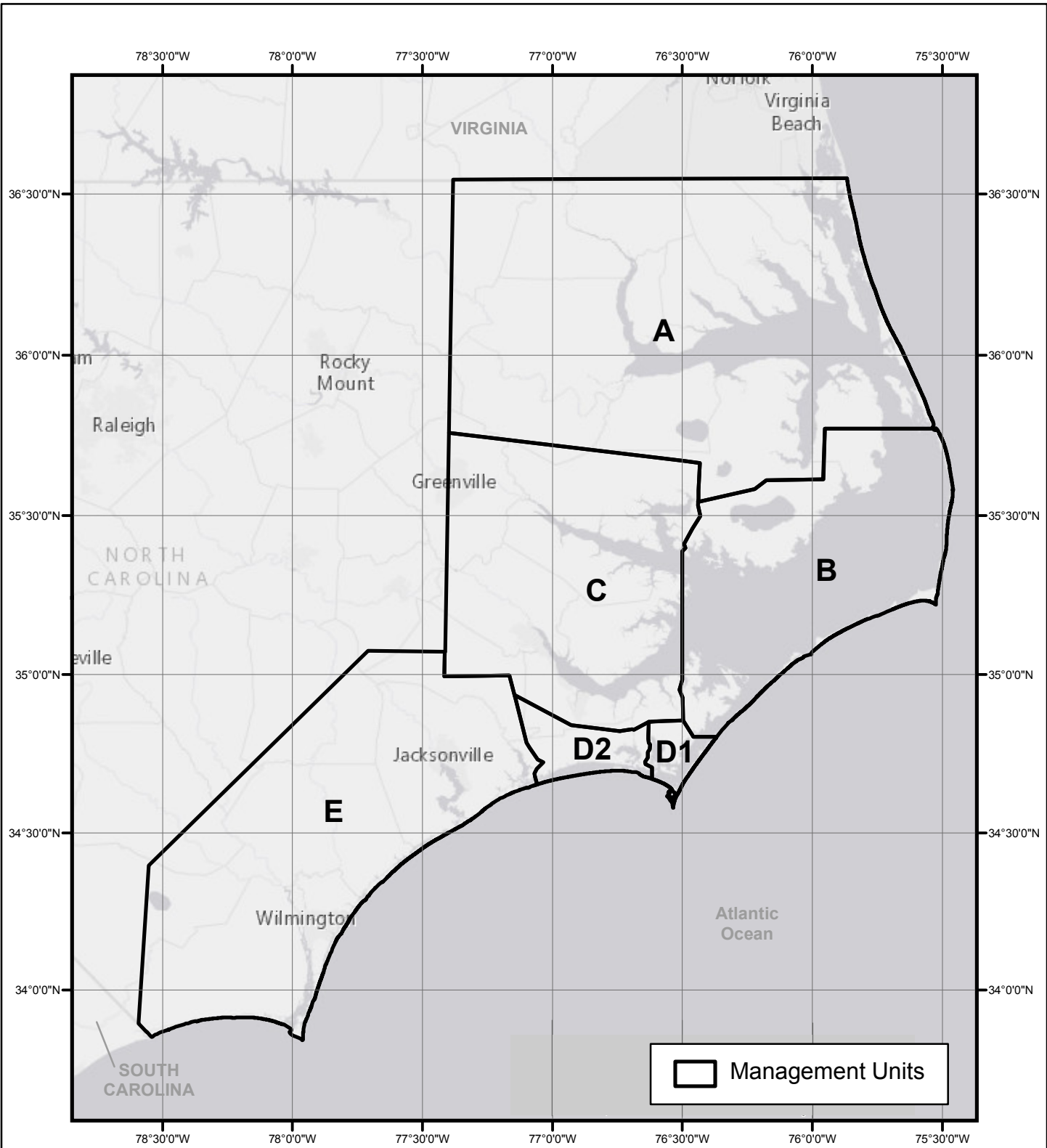
Table 4. Preliminary data collected for anchored small mesh gill nets by month through the NCDMF Observer Program through November 2017.

Month	Trips		Observer Small Mesh			Observed Takes By Species									
	Estimated ¹	Actual ²	Trips	Yards	Coverage ³	Kemp's		Green		Loggerhead		Unknown	A. Sturgeon		
						Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead	
January	639	799	24	9,710	3.8	0	0	0	0	0	0	0	0	0	0
February	713	847	50	23,835	7.0	0	0	0	0	0	0	0	0	0	0
March	957	878	25	9,420	2.6	0	0	0	0	0	0	0	0	0	0
April	1,235	1,067	29	13,435	2.3	0	0	0	0	0	0	0	2	0	0
May	781	467	15	5,800	1.9	0	0	0	0	0	0	0	0	0	0
June	659	373	20	10,610	3.0	0	0	1	0	0	0	0	0	0	0
July	604	376	6	950	1.0	0	0	0	0	0	0	0	0	0	0
August	704	408	5	1,500	0.7	0	0	0	0	0	0	0	0	0	0
September	697	378	11	2,725	1.6	0	0	0	0	0	0	0	0	0	0
October	1,035	789	21	7,710	2.0	0	0	0	0	0	0	0	0	0	0
November	768	511	18	7,835	2.3	0	0	0	0	0	0	0	0	0	0
Total	8,790	6,893	224	93,530	2.5	0	0	1	0	0	0	0	0	2	0

¹ Finalized trip ticket data averaged from 2013-2016

² Preliminary trip ticket data for 2017

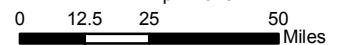
³ Based on estimated trips and observer small mesh trips



NCDMF ESTUARINE GILLNET PERMIT MAP



April 2015





ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

January 31, 2018

MEMORANDUM

TO: Marine Fisheries Commission

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

SUBJECT: Mid-Atlantic Fishery Management Council Meeting Summary (Dec. 11-14, 2017)

The Mid-Atlantic Fishery Management Council met on Dec. 11-14 in Annapolis, MD. The council met jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass and Bluefish Management Boards to discuss several topics related to management of summer flounder, scup, black sea bass, and bluefish. Highlights of the management actions taken by the council are discussed below.

Squid Zone Buffer Framework

The council voted to discontinue development of a framework action that would have considered establishing a squid fishery buffer zone in waters south of Martha's Vineyard and Nantucket. Consideration of a possible framework action was in response to concerns over very high longfin (*Loligo*) squid fishing effort in a relatively small area during the summer, bycatch of finfish and squid eggs ("egg mops") by squid trawls, and reported low recreational fishing catches when the squid trawl fishery was active. The council decided not to move forward with a framework because a recent amendment to the council's Squid, Mackerel, and Butterfish Fishery Management Plan will implement lower trip limits and reduce latent effort* in the longfin squid fishery. These management measures could address some of the concerns, but the measures will need to be in place for at least a couple of years before further action is considered.

2018 Recreational Summer Flounder Management Measures

The council and the commission's Summer Flounder, Scup, and Black Sea Bass Management Board recommended conservation equivalency (state or regional-specific regulations) to achieve, but not exceed, the 2018 coastwide (MA-NC) summer flounder recreational harvest limit of 4.42 million pounds. The combination of these measures should be equivalent to the non-preferred coastwide alternative approved by the council and board (a 4-fish possession limit, a 19-inch total length minimum size, and an open season of May – September 15). The council and board also approved precautionary default measures (a 2-fish possession limit, a 20-inch total length minimum size, and an open season of July 1 – August 31), which will be implemented in any



state or region that does not adopt measures consistent with the conservation equivalency guidelines.

The board voted to extend the provisions of Addendum XXVIII to the commission's Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, re-establishing regional conservation equivalency in 2018, and specifying that any modifications to state measures in 2018 should result in no more than a 17 percent liberalization in coastwide harvest compared to the projected 2017 harvest of 3.23 million pounds. This maximum liberalization was chosen because of concerns over the stock status of summer flounder and the possibility that 2017 harvest estimates were anomalously low. **North Carolina remains in its own region and will maintain management measures implemented in 2017 (15-inch minimum size limit, 4-fish possession limit, no closed season).**

Summer Flounder Fishery Management Plan Amendment Update

The council and board reviewed recommendations from the council's Demersal Committee on commercial alternatives and draft revisions to the goals and objectives within the ongoing summer flounder fishery management plan amendment. The commercial issue categories are federal permit requalification, commercial allocations, and landings flexibility framework provisions. The council and board plan to consider approving a public hearing document and a Draft Environmental Impact Statement in Spring 2018.

2018 Recreational Black Sea Bass Management Measures

The council and board deferred decisions on the 2018 recreational black sea bass regulations that achieve, but not exceed, the 2018 coastwide (MA-Cape Hatteras, NC) black sea bass recreational harvest limit of 3.66 million pounds until February 2018. However, the council and board agreed to open the fishery from Feb. 1-28 with a 12.5-inch minimum size limit and a 15-fish possession limit. States that decide to participate in the 2018 fishery will need to submit a memo to the council and board by Jan. 15, 2018 that outlines adjustments to their 2018 management measures for the rest of the year to account for their Wave 1 allocation and provide details on any sampling and monitoring programs states may implement.

Black Sea Bass Wave 1 Letter of Authorization Framework

The council and board reviewed and provided feedback on initial draft alternatives for a recreational black sea bass Wave 1 (January-February) Letter of Authorization program for potential implementation in 2019. The Letter of Authorization would allow anglers to participate in the recreational black sea bass fishery during these months under conditions of the program (reporting requirements, monitoring, regulations, etc.). The council and board will review revised management alternatives for final action later this year.

Black Sea Bass Fishery Management Plan Amendment

The council and board reviewed a black sea bass amendment that was initiated in 2015 to address a variety of commercial and recreational issues. The council and board decided to delay moving forward with an amendment due to the results of the 2016 black sea bass stock assessment* that



determined that the stock is not overfished* and overfishing* is not occurring. However, the council and board voted to initiate a framework and addendum that will consider implementing a conservation equivalency management program for black sea bass that allows state or regional measures to be implemented in both state and federal waters (similar to summer flounder), allows for a summer flounder, scup and black sea bass transit provision in federal waters around Block Island (similar to the provision allowed for striped bass), and consider possible implementation of slot limits in federal waters for summer flounder and black sea bass. This framework/addendum will be developed in 2018 for potential implementation for the 2019 recreational fishing seasons.

Bluefish Fishery Management Plan Amendment

The council and commission's Bluefish Management Board voted to initiate a fishery management plan amendment to review and possibly revise the allocation between the commercial and recreational fisheries and the commercial allocations to the states. Some council and board members were concerned about the timing of the scoping process for the amendment because new recreational harvest estimates from the Marine Recreational Information Program are scheduled to be released this summer, which could impact the commercial and recreational allocations of bluefish.

Upcoming Meeting

The next regularly scheduled meeting of the Mid-Atlantic Fishery Management Council will be Feb. 13-15, 2018 at the Hilton Garden Inn Raleigh/Crabtree Valley in Raleigh, NC.

***Definitions**

Latent Effort – The term has a range of meanings to fishermen and fishery managers. Generally, it refers to the available but unused opportunity for fishing vessels to participate in a fishery.

Stock Assessment – An evaluation of the past, present and future status of the stock that includes a range of life history characteristics for a species, such as the geographical boundaries of the population and the stock information on age, growth, natural mortality, sexual maturity and reproduction, feeding habits and habitat preferences; and the fisheries pressures affecting the species.

Overfished – State of a fish stock that occurs when a stock size falls below a specific threshold.

Overfishing – Occurs when the rate that fish are harvested or killed exceeds a specific threshold.





December 2017 Council Meeting Report

December 11-14, 2017

Annapolis, Maryland

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

Squid Buffer Zone Framework

The Council voted to discontinue development of a framework action that would have considered establishing a squid fishery buffer zone in waters south of Martha's Vineyard and Nantucket. The Council had originally included the Squid Buffer Framework in its list of possible actions for 2017 in response to public concern regarding longfin squid fishing effort during Trimester 2 (May-August) in an area south of Martha's Vineyard and Nantucket. Commenters raised concerns about a lack of juvenile squid in some areas, high amounts of bycatch of squid eggs and other species, and reported poor recreational finfish catches.

The Council's decision not to move forward with the Squid Buffer Framework is intended to allow the effects of the recently-approved Squid Amendment to be realized prior to any additional action. The Squid Amendment includes a 250-pound trip limit for all permits once the Trimester 2 quota has been reached — a 90% reduction from the current post-closure trip limit of 2,500 pounds. Once the amendment is implemented by NOAA Fisheries, fishing effort will be constrained after a closure during the summer months. This may address some of the concerns raised about squid fishing near Martha's Vineyard and Nantucket. Allowing time for that action to be fully implemented will enable the Council to evaluate the need for buffers or other management measures more effectively in the future. In December 2018 the Council will consider if a 2019 workshop that includes the various interested groups could serve to further inform possible future actions.

Chub Mackerel Amendment

The Council received an overview of public comments submitted during scoping for the Chub Mackerel Amendment. The amendment will consider potential catch limits, accountability measures, and other conservation and management measures required for chub mackerel to be managed as a stock in the Atlantic mackerel, squid, and butterfish fishery management plan (FMP). The Council also reviewed recent fishery information and a summary of a webinar on the importance of chub mackerel in the diets of recreationally-important highly migratory species. Finally, the Council discussed data needs for chub mackerel management and reviewed a timeline for completion of the amendment.

Summer Flounder, Scup, Black Sea Bass

The Council met jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board) to discuss several topics related to management of summer flounder, scup, and black sea bass.

Summer Flounder – 2018 Recreational Management Measures

The Council and Board reviewed recent performance of the recreational summer flounder fishery, as well as staff, Monitoring Committee, and advisory panel (AP) recommendations for recreational management measures for 2018. The Council and Board recommended continued use of conservation equivalency to achieve, but not exceed, the 2018 summer flounder recreational harvest limit (RHL) of 4.42 million pounds. Conservation equivalency allows individual states or multi-state regions to develop customized measures that, in combination, will achieve the coastwide RHL. The Council and Board also approved a set of non-preferred

coastwide measures that are written into the federal regulations but waived in favor of state regulations once conservation equivalency is approved by NMFS. These measures for 2018 would include a 4-fish possession limit, a 19-inch total length minimum size, and an open season of May 15 – September 15. The Council and Board also approved precautionary default measures (i.e., a 2-fish possession limit, a 20-inch total length minimum size, and an open season of July 1 – August 31) which will be implemented in any state or region that does not adopt measures consistent with the conservation equivalency guidelines.

The Board voted to extend the provisions of Addendum XXVIII to the Commission's FMP, re-establishing regional conservation equivalency in 2018, and specifying that any modifications to state measures in 2018 should result in no more than a 17% liberalization in coastwide harvest relative to the projected 2017 harvest of 3.23 million pounds. The Board specified this maximum liberalization due to concerns about the status of the summer flounder stock, as well as concerns about 2017 appearing to be an anomalous low year in terms of effort and landings, raising concerns that overages in 2018 may occur under a larger liberalization if catch and effort rates increase in 2018. In extending the provisions of Addendum XXVIII, the regional delineation for 2018 will be the same as 2016-2017: 1) Massachusetts 2) Rhode Island 3) Connecticut-New York 4) New Jersey 5) Delaware-Virginia and 6) North Carolina. Any state or region wishing to modify their management measures in 2018 will develop proposals for review by the Technical Committee in January 2018. The Board will review proposals and Technical Committee recommendations at their February 2018 meeting.

Scup – 2018 Recreational Management Measures

The Council and Board reviewed recent performance of the recreational scup fishery, as well as staff, Monitoring Committee, and AP recommendations for recreational management measures for 2018. To achieve the RHL of 7.37 million pounds in 2018, the Council and Board agreed to maintain status quo recreational management measures in federal waters. These include a 9-inch total length minimum size, a 50-fish possession limit, and a year-round open season. For state waters, the Board voted to continue their regional approach to recreational management and tasked the Technical Committee with analyzing the potential impacts of lowering the state waters minimum size limits in Massachusetts through New York from 10 inches to 9 inches. The Board will review this analysis and will approve proposals for individual state measures at their February 2018 meeting.

Black Sea Bass – 2018 Recreational Management Measures

The Council and Board reviewed recent fishery performance and staff, Monitoring Committee, and Advisory Panel recommendations for recreational black sea bass management measures for 2018. The combination of both state and federal water recreational management measures are meant to achieve, but not exceed, the 2018 RHL of 3.66 million pounds. The Council and Board are considering the removal of the current September 22 – October 21 federal water closure while retaining the 15-fish possession limit and 12.5-inch minimum size, but they agreed to table any decision on federal water measures until their February 2018 meetings.

The Council and Board also discussed the implementation of the February 1-28, 2018 recreational black sea bass fishery. In October 2017, the Council and Board agreed to open this fishery with a 15-fish possession limit and 12.5-inch minimum size limit in order to provide additional recreational black sea bass opportunities to those states interested in participating in the fishery. This fishery was allocated 100,000 pounds of the 3.66 million pound 2018 RHL, and the Council and Board agreed to distribute this allocation to the states based on each state's historical black sea bass catch during the Wave 1 (January-February) fishery. States that decide to participate in the 2018 fishery will need to submit a memo to the Council and Board by January 15, 2018 that outlines adjustments to their 2018 management measures in the rest of the year to account for their Wave 1 allocation and provide details on any sampling and monitoring programs states may implement.

Lastly, the Board reviewed and approved Draft Addendum XXX for public comment. This addendum proposes alternative approaches for establishing management measures in state waters. The addendum considers

different regional alignments and allocation options based on exploitable biomass and historical harvest. The addendum also seeks to establish greater consistency in management measures within and across regions.

Summer Flounder Amendment

The Council and Board reviewed recommendations from the Council's Demersal Committee on commercial alternatives and draft revisions to the FMP goals and objectives within the ongoing summer flounder amendment. There are four categories of issues in the amendment:

1. **Federal permit requalification:** The Council and Board approved the Committee recommendation to narrow the previously approved range of alternatives for federal permit requalification from 20 options down to seven options for a public hearing document, as described in the briefing materials.
2. **Commercial allocation:** The Council and Board approved the Committee recommendations to move forward with four alternatives for commercial allocation for a public hearing document. These options include: 2A) no action/*status quo*, 2B) revised state-by-state quotas using an analysis of a regional shift in exploitable biomass over time, 2C) modified distribution of additional quota above a certain commercial quota trigger (with two trigger sub-options), and 2D) commercial quota management similar to the scup commercial fishery, with two coastwide "Winter" seasonal periods and a state-by-state "Summer" period (with sub-options for exempting or not exempting the state of Maryland). The group requested some additional analysis for configuration of Alternative 2B prior to approval for public hearings.
3. **Landings flexibility framework provisions:** The Council and Board made no changes to their August 2017 recommendation for commercial landings flexibility, which was to include an alternative in the amendment to add landings flexibility as a frameworkable item within the Council's FMP.
4. **FMP goals and objectives:** The Committee approved draft language for revised FMP goals and objectives for summer flounder, for inclusion in a public hearing document.

The Council and Board plan to consider approving a public hearing document and a Draft Environmental Impact Statement in Spring 2018.

Black Sea Bass Wave 1 Letter of Authorization Framework

The Council and Board reviewed and provided feedback on initial draft alternatives for a recreational black sea bass Wave 1 Letter of Authorization (LOA) program for potential implementation in 2019. The LOA program would allow any vessel that applies for and obtains a LOA from NMFS to participate in a Wave 1 recreational black sea bass fishery. The LOA would require participating vessels to adhere to any required management, reporting, and monitoring conditions outlined by the LOA. Based on the feedback provided by the Council and Board, further review and analysis of the draft alternatives will occur over the winter and will be reconsidered for final action sometime in mid-2018.

Black Sea Bass Amendment

The Council and Board reviewed the initiation of a black sea bass amendment. The Council and Board initiated an amendment in 2015 to address a variety of commercial and recreational issues. Given the positive results of the 2016 benchmark stock assessment, revised commercial and recreational specifications, and the development of other black sea bass management actions, the Council and Board decided to delay moving forward with an amendment. Instead, they agreed to initiate a framework/addendum to address a number of recreational management issues. The framework/addendum will (1) consider implementing a conservation equivalency management program for black sea bass similar to that used with summer flounder by allowing state or regional measures to be implemented in both state and federal waters; (2) allow for a summer flounder, scup and black sea bass transit provision in federal waters around Block Island similar to the provision allowed for striped bass; and (3) consider possible implementation of slot limits in federal waters for summer

flounder and black sea bass. This framework/addendum will be developed in 2018 for potential implementation for the 2019 recreational fishing seasons.

Bluefish Amendment

The Council met jointly with the ASMFC's Bluefish Board to discuss initiating an amendment to review and possibly revise the allocation between the commercial and recreational fisheries and the commercial allocations to the states. Council staff provided a presentation on the current sector-based allocations and recent transfer history from the recreational to the commercial fishery. There was some discussion about when scoping would occur after this amendment is initiated, with some individuals advocating for postponing scoping until after the new MRIP numbers are released. After some debate, the Council and Board approved a motion to initiate the amendment without any specific requirements regarding the timing of scoping.

Ecosystem Approach to Fisheries Management Risk Assessment

As part of the Council's Ecosystem Approach to Fisheries Management (EAFM), the Council completed and approved an initial EAFM-based risk assessment. The Council intends to use the EAFM risk assessment to analyze the highest risk interactions for each species and identify strategies for addressing these risks. A risk element is defined as an aspect that may threaten the biological, economic, or social objectives that the Council has for a fishery. The Council had previously selected a range of risk elements to be evaluated at either the managed species level, the species and sector level, or the ecosystem level. During the meeting, staff presented a draft report documenting the use of ecosystem indicators within the Council's initial assessment. The EAFM Risk Assessment will be a dynamic and evolving process that will be revisited and updated in future years. The Council intends to use the risk assessment as a planning tool to prioritize future Council work plans and as a research planning tool.

Risk Policy Framework

The Council met for a second meeting to consider an Omnibus Risk Framework. The purpose of this framework action is to provide for a review of the Acceptable Biological Catch (ABC) control rule framework and Council Risk Policy and to recommend any necessary changes. The Council considered seven alternatives under this action that were evaluated via management strategy evaluation (MSE) by Dr. John Wiedenmann (Rutgers University). Based on the preliminary results of the MSE analyses, staff recommended that no changes be made to the current risk policy and ABC control rule framework. While all of the alternative control rules considered generally prevented overfishing when conditions for stock productivity were good, only the current rule protected stocks from overfishing during times of poor environmental conditions (i.e., periods of poor recruitment and/or increased natural mortality). The Council considered the status quo recommendation but postponed final action until after the completion of additional MSE analyses which more comprehensively account for social and economic impacts of alternative ABC control rules and risk tolerance levels. In addition, as part of this action the Council's Scientific and Statistical Committee (SSC) is developing a protocol to specify the OFL CV (a measure of the uncertainty in the overfishing level estimate), which has a direct impact on the upper limit on allowable catch levels under current Federal law (final version to be presented to the Council at its February 2018 meeting).

2018 Implementation Plan

The Council reviewed and approved the 2018 implementation plan for 2018. The implementation plan lists activities and priorities for the coming year and is linked to the Council's strategic plan. Several topics addressed during this discussion are summarized below.

Following up on the earlier discussion from the Squid Buffer Framework, the Council considered whether to include a squid buffer workshop in the list of "possible additions" for 2018. It was noted that the Council is unlikely to have any information about the effect of the amendment until after Trimester 2 in 2019. Although members were divided on whether it would be productive to hold a workshop before such information is

available, the Council ultimately voted to delay a decision regarding the workshop until next year when the Council develops its 2019 implementation plan discussion.

In addition, the Council briefly discussed issues related to bullet and frigate mackerel. These species were included in the list of forage species in the Council's Omnibus Unmanaged Forage Amendment. However, NMFS excluded them from the final rule based on their finding that bullet and frigate mackerel do not meet the criteria for forage species as defined in the amendment. The Council discussed developing a new fishery management plan for bullet and frigate mackerel and agreed that it would make sense to also include little tunny and bonito in this action. Given the other activities already planned for next year, the Council decided to keep this item on the list of "possible additions" for 2018.

Other Business

Magnuson-Stevens Act Reauthorization

Staff provided an update on activities and proposed legislation related to reauthorization of the Magnuson-Stevens Act (MSA), including an overview of several bills which have been introduced in the House and Senate that would reauthorize and/or amend the MSA. The Council also reviewed a working paper on MSA reauthorization issues that was recently completed by the Council Coordination Committee (CCC). The paper synthesizes CCC consensus positions as well as individual council perspectives on a wide range of topics. Updates and links to documents, comment letters, and hearings are available at:

<http://www.fisherycouncils.org/msa-reauthorization/>.

Tilefish Survey Project Report

The Council received a presentation on a fisheries-independent pilot survey out of SUNY Stony Brook for golden and blueline tilefish from Georges Bank to Cape Hatteras.

Bureau of Ocean Energy Management Presentation

The Council received an update from Brian Hooker (Bureau of Ocean Energy Management) on renewable energy activities in the Mid-Atlantic region.

Next Meeting

February 13-15, 2018

Hilton Garden Inn Raleigh/Crabtree Valley
3912 Arrow Drive
Raleigh, NC 27612
(919) 703-2525



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

January 31, 2018

MEMORANDUM

TO: Marine Fisheries Commission

FROM: Michelle Duval, Special Assistant for Councils

SUBJECT: South Atlantic Fishery Management Council Meeting Summary (Dec. 4-8, 2017)

The South Atlantic Fishery Management Council met Dec. 4-8, 2017 in Atlantic Beach, North Carolina. The attached meeting report compiled by council staff contains a summary of the major issues addressed and actions taken. As always, the report includes links to the post-meeting news release, briefing materials, and the graphical and more detailed summary of the meeting via the December 2017 Council Meeting Round-up Story Map (<https://arcg.is/0X9XOq>). Links to summary motions, public comments, the meeting report, as well as the above items for any Council meeting can be found on the main Council Meetings webpage (<http://safmc.net/safmc-meetings/council-meetings/>). Items that may be of interest to the commission are highlighted below:

- **Red Snapper:** The council was updated on the status of Snapper Grouper Amendment 43 (approved for secretarial review in September 2017) which, if approved, would establish an interim method for setting an annual catch limit* for 2018. The council also received a summary of recreational red snapper harvest reported via its MyFishCount (<https://www.myfishcount.com/>) online reporting tool, which was piloted during the 2017 limited reopening. Most angler trips were reported as being abandoned due to poor weather conditions. The council continued work on Snapper Grouper Amendment 46, which contains actions pertaining to best fishing practices and recreational reporting. The intent of these actions is to improve recreational harvest estimates and reduce discard mortality* for red snapper as well as other snapper grouper species. To inform these discussions, the council held a one-day Recreational Reporting Workshop featuring representatives from throughout the southeastern states who discussed the recent development and implementation of a variety of reporting apps and surveys.
- **Cobia:** The council reviewed draft actions and alternatives for Coastal Migratory Pelagics Amendment 31, which considers either transferring management authority to the Atlantic States Marine Fisheries Commission, or continuing complementary management of cobia. The council selected Alternative 2 (Remove Atlantic cobia from the federal fishery management plan) as its preferred alternative and approved for public input. Public hearings are being held via webinar and listening stations in North Carolina on Jan. 22 in Morehead City and Jan. 23 in Hatteras. All public hearings begin at 6pm. The council will also consider whether to take final action on the amendment at its March 2018 meeting, or subsequent to the Cobia Stock Identification Workshop being held in Raleigh on April 10-12, 2018.

- **Red Grouper:** The council approved an expedited framework action to adjust the total (recreational and commercial) annual catch limit from 780,000 pounds to 139,000 pounds for 2018. The most recent stock assessment (2017) indicated that red grouper is overfished* and overfishing* is occurring, and that the stock appears to be undergoing a period of low recruitment*. Both commercial and recreational harvests over the past several years have been depressed, achieving only 10 to 15 percent of the annual catch limit.
- **For-Hire Electronic Reporting Amendment:** This amendment is currently under secretarial review. It would require weekly electronic reporting by charter vessels and would adjust the reporting timeframe for headboats (which have been reporting electronically on a weekly basis since 2014). The council received an update on the pilot project to test the eTrips mobile tablet application, in which five charter captains from North Carolina participated. Council staff is conducting outreach and hands-on training sessions in all states. The first round of trainings in North Carolina were scheduled for Jan. 16 (Oak Island), Jan. 17 (Morehead City) and Jan. 18 (Hatteras). The Hatteras training was rescheduled for Feb. 1 due to inclement weather. More information can be found at: <http://safmc.net/satl-federal-for-hire-electronic-reporting-outreach/>.
- **For-Hire Permit Moratorium Amendment:** The council reviewed an options paper structured around actions related to eligibility, transferability, new entrants, etc. and engaged in a lengthy discussion of the purpose and need. The council requested a simplified version of the options paper for consideration and possible approval for scoping at its March 2018 meeting.
- **Commercial and Recreational Vision Blueprint Amendments:** The council continued work on both amendments, both of which respond to public input received during the Snapper Grouper Vision Blueprint port meetings. The amendments contain actions intended to address geographic access and retention with an objective of minimizing discards. Both are scheduled to be approved for public hearings to be conducted in April or May 2018.

***Definitions**

Annual Catch Limit – Is the amount of fish that can be caught by fishermen over a period of one year.

Discard Mortality – Occurs when fish or other animals are caught alive and then die after release.

Overfished – State of a fish stock that occurs when a stock size falls below a specific threshold.

Overfishing – Occurs when the rate that fish are harvested or killed exceeds a specific threshold.

Recruitment – A measure of the number of fish that enter a class during some time period, such as the spawning class or fishing-size class.



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Charlie Phillips, Chair | Captain Mark Brown, Vice Chair
 Gregg T. Waugh, Executive Director

DECEMBER 4-8, 2017 COUNCIL MEETING REVISED REPORT ATLANTIC BEACH, NORTH CAROLINA

The following summary highlights the major issues discussed and actions taken at the South Atlantic Fishery Management Council’s December 2017 meeting in Atlantic Beach, North Carolina.

Briefing materials, presentations, and public comments are available on the Council’s website at: <http://safmc.net/2017-december-council-meeting/>

Final Committee Reports contain more details of what was accomplished for each committee and are located on the December briefing book page. In addition, the Summary of Motions on the Council’s website includes all motions from the meeting. Read further details and see images and other links at the December 2017 Council Meeting Round-up Story Map: <https://arcg.is/0X9XOq>. The Meeting News Release is available at: <http://safmc.net/news-releases/12-08-17-safmc-news-release-federal-fishery-managers-address-multiple-issues-at-december-meeting/>

Issue:	Action Taken:	Schedule:
Red Snapper	Amendment 43 is currently under review by NMFS. The Council provided guidance on actions to include in Amendment 46: <ul style="list-style-type: none"> • Private Recreational Permit • Private Recreational Electronic Reporting • Require use of Best Fishing Practices (e.g., descending devices, venting, hook type) • Adjust Powerhead Prohibitions in the South Atlantic (allow in the EEZ off SC or prohibit use of powerheads in entire EEZ) 	If approved, the recreational season would begin on July 13, 2018 and the commercial season on July 9, 2018. Recreational bag = 1 with no size limit. Commercial trip limit = 75 pounds gutted weight with no size limit. Review actions and approve for scoping at the March 2018 meeting. Scoping April/May and review comments at June 2018 meeting. Public hearings in fall and goal is to finalize at the December 2018 meeting.

Issue:	Action Taken:	Schedule:
Recreational Visioning Amendment	Regulatory Amendment 26: Provided guidance and revised Actions & Alternatives. Alternatives include options for modifications to bag limits, seasons for deep-water species and shallow-water groupers, and size limits for deep-water species and triggerfish that would help streamline the regulations for anglers, law enforcement, and managers.	Review analyses, select preferred alternatives, and approve for public hearings in June 2018. Review public comments, modify document, and approve all actions in June 2018. Review and approve for formal review in September 2018.
Commercial Visioning Amendment	Regulatory Amendment 27: Provided guidance and revised Actions & Alternatives for trip limits, size limits, split seasons, seasons, and other measures.	Approved the same timing as shown above for the Recreational Visioning Amendment.
For-Hire Moratorium Amendment	The Council discussed the Purpose and Need for the Amendment.	Staff will prepare a simplified version of the options paper for the March 2018 meeting.
Golden Tilefish	<p>The Council received an update from NMFS that the interim measures to reduce overfishing by setting the ACL for 2018 at the projected yield at 75%F_{MSY} (323,000 pounds gutted weight) is on schedule.</p> <p>The SSC reviewed the revised assessment runs at their October 2017 meeting and determined them to be unsuitable for management. Therefore, the ABC is unchanged and the ACL of 323,000 pounds gutted weight remains.</p>	<p>The goal is to implement the new ACL prior to the start of the 2018-fishing season.</p> <p>Staff will prepare a draft framework document for the March 2018 meeting to reduce the ACL to 302,000 pounds gutted weight or lower depending on revised projections and consider changes to the trip limits/other management measures. Intent is to finalize at June 2018 meeting.</p>
Red Grouper	The Council approved the expedited framework to reduce the red grouper ABC & ACL from 780,000 pounds whole weight to 139,000 pounds whole weight in 2018, increasing to 150,000 in 2019 and to 162,000 in 20120. The reductions are substantial given red grouper are overfished and undergoing overfishing.	The expedited framework will be sent to NMFS for formal review in December. The intent is to implement these measures ASAP in 2018.

Issue:	Action Taken:	Schedule:
Mackerel Cobia	<p>The Council provided guidance on Actions & Alternatives in CMP Amendment 31 and selected Alternative 2 as preferred: Remove Atlantic cobia from the CMP Fishery Management Plan.</p> <p>The Council provided guidance on Actions & Alternatives in a framework amendment to change the Atlantic king mackerel commercial trip limit.</p>	<p>Public hearings will be held January 22-24, 2018. Public comments are requested on when final action on the amendment should be taken relative to the Cobia stock ID workshop (April 10-12th) and the benchmark assessment (during 2019 with completion at the end of 2019).</p> <p>The Council will review the revised framework and consider approving for scoping at the March 2018 meeting.</p>
Spiny Lobster	The Council provided guidance on Action & Alternatives in Spiny Lobster Amendment 13 (Modifications to Gear Requirements & Cooperative Management Procedure) and approved for scoping.	Scoping webinars will be held January 8-9, 2018. This is a joint Amendment with the Gulf Council. Draft timing: Public hearings are expected in July with final approval by the Gulf in August and the South Atlantic in September.
Habitat and Ecosystem Based Management	The Council provided guidance on the Draft FEP II Implementation Plan & Roadmap.	Prepare materials for final review and approval at the March 2018 Council meeting.
Citizen Science Program	The Council received an update from the five Action Teams busy developing the program.	Once final funding is available, the first Citizen Science project will begin in early 2018. Scientists and fishermen will work together to address discards of scamp grouper using a mobile application.
For-Hire Recreational Reporting	The Council received an update on the amendment: For-Hire Reporting Amendment is in the review process and a proposed rule is expected in early 2018. Council staff briefed the Council on the pilot project and For-Hire Outreach efforts.	The proposed rule and notice of availability of the amendment is expected in early 2018. The goal is to have regulations effective this summer. For-Hire Outreach training and outreach will continue in 2018.
Recreational Reporting Workshop	The Council held a recreational reporting workshop to learn about fishery efforts in the Gulf of Mexico and in NC for game species. The Council's own work on a pilot application was also presented.	The Council's pilot project (MYFishCount) will continue and the phone app should be available in 2018 for testing. The Council will continue discussions about private recreational reporting in Snapper Grouper Amendment 46.

Issue:	Action Taken:	Schedule:
SEDAR	The Council appointed panelists for SEDAR 59 (Greater Amberjack), SEDAR 60 (Red Porgy), and the Cobia Stock ID process. Bill Gorham (NC) and Ira Laks (FL) were appointed from the Advisory Panel to the Cobia Stock ID workshop.	The list of panelists and schedules are available on the SEDAR website. The Cobia Stock ID workshop will be held in Raleigh, NC from April 10-12, 2018 and the stock ID report will be distributed by May 18 th . The Cobia Stock ID Review Workshop will be held in Charleston, SC or Raleigh, NC from June 5-7, 2018 and the report will be distributed by July 11 th . A cobia stock ID cooperators technical review webinar will be held in late July/August. If needed, a stock ID management leadership call will be held in August. Final resolution of stock ID by August 31, 2018 at the latest.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

January 31, 2018

MEMORANDUM

TO: Marine Fisheries Commission
FROM: Randy Gregory, Fisheries Management Section
SUBJECT: Highly Migratory Species Update

The Highly Migratory Species Advisory Panel will meet March 7-9, 2018 in Silver Spring, Maryland. The advisory panel will discuss the Amendment 7 bluefin tuna management three-year review, general category bluefin tuna fishery, and recent changes to Highly Migratory Species permits for charter/headboat and recreational shark fisheries.

Highly Migratory Species Charter/Headboat Permit

Effective Jan. 1, 2018, the National Marine Fisheries Service created a separate permit endorsement provision for the commercial sale of Atlantic highly migratory species by Highly Migratory Species Charter/Headboat permit holders. Prior to implementation, all vessels issued a Charter/Headboat permit could be categorized as commercial fishing vessels and could be subject to United States Coast Guard commercial fishing vessel safety requirements regardless of whether the permit holder engages or intends to engage in commercial fishing. This rule will clarify which Charter/Headboat permitted vessels are properly categorized as commercial fishing vessels for purposes of safety requirements.

Bluefin Tuna

The National Marine Fisheries Service opened the Atlantic bluefin tuna General category fishery for large medium and giant bluefin tuna on Dec. 1, 2017 with 12.7 metric tons available for the December sub-quota. Fish were landed from New England to North Carolina and the National Marine Fisheries Service closed the General category on Dec. 6, 2017. The General category reopened on Jan. 1, 2018, for the January sub-quota (January through March 2018). The National Marine Fisheries Service transferred 14.3 metric tons of quota from the 24.3-metric ton General category December 2018 sub-quota period to the January 2018 sub-quota period, and maintained the default General category daily retention limit of one large medium or giant bluefin tuna (measuring 73 inches or greater) per vessel per day/trip. The General category fishery will close when the adjusted January sub-quota of 39 metric tons has been reached, or it will close automatically on March 31, 2018, whichever comes first



Sharks

Management measures for Amendment 5b for commercial and recreational shark fisheries became effective Jan. 1, 2018 to reduce fishing mortality on dusky sharks and rebuild the dusky shark population. Highly Migratory Species permit holders fishing for sharks must obtain a shark endorsement, which requires completion of an online shark identification and fishing regulation training course, plus additional recreational fisheries outreach. Circle hooks will be required for recreational permit holders targeting sharks and all commercial directed shark permit holders using bottom longline. For more details on those measures, please refer to the HMS website: http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am5/a5b_index.html.



INFORMATION
WILL BE
PROVIDED AT
THE MEETING.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

January 31, 2018

MEMORANDUM

TO: Marine Fisheries Commission

FROM: Steve Murphey, Director
Anne Deaton, Habitat and Enhancement Section

SUBJECT: Potential Solutions to Address Shellfish Lease Conflicts

At the November 2017 Marine Fisheries Commission meeting, the Division of Marine Fisheries provided an update on the shellfish lease program, highlighting the increased interest in mariculture, the lease siting and permitting processes, and challenges in balancing public trust uses. The commission requested that staff research potential solutions to address shellfish lease conflicts. The U.N.C. Policy Collaboratory is currently developing a legislatively-mandated shellfish aquaculture plan which is due by the end of 2018.

To address these growing conflicts, and not work at cross purposes with the Collaboratory, the division recommends the commission consider temporary and longer-term measures while the shellfish aquaculture plan is being developed. The commission can utilize its rulemaking authority, or it may look at legislative options to address these concerns. The use of proclamation authority by the division director is limited under 15A NCAC 03H .0103 and the division requests legal guidance prior to use of proclamation authority for regulating shellfish leases. Below are some potential options for consideration:

1. Establish a board as a prior administrative remedy prior to the Office of Administrative Hearings appeal for contested cases.
2. Create a hold on leasing in the following areas to allow development and implementation of the state shellfish mariculture plan currently under development by the Collaboratory:
 - a. New Hanover and Pender counties – mainland to the Intracoastal Waterway (ICWW)
 - b. Bogue Sound in Carteret County
 - c. Other high conflict areas identified by the commission.
3. Restrict the siting of new shellfish leases within 500 yards (or other safe distance) of duck blinds existing at the time of this rule (This may require coordination with N.C. Wildlife Resources Commission).
4. Condition new leases to maintain a minimum clearance at mean low water over any aquaculture gear for bottom leases that do not have a water column amendment.



5. Conduct a spatial planning analysis for shellfish lease siting in public trust waters and use the results to improve the lease siting process.
6. Modify statutes to allow the nursery of shellfish seed in marinas and closed areas. The aquaculture industry needs to be able to relay seed shellfish (up to 12.5 and 25mm for clams and oysters respectively) from prohibited areas including marinas. The division director, in consultation with Shellfish Sanitation, should consider this on a case-by-case basis to address any public health issues. Many east coast states now allow this practice.
7. Increase fines for theft and damage to shellfish aquaculture leases.
8. Develop rules as part of training requirements in 113-201 (c) that address eligibility of new and transfer applicants. Current rule only requires a written test on regulation but does not require any demonstration of aquaculture experience.
9. Explore the requirement of a performance bond or proof of insurance to address liability to the public and for derelict gear from and on a lease.
10. Place into law or rule requirements for looking at cumulative impacts of multiple leases in a given area when considering new shellfish leases.

