

Director's Report

February 2023 Business Meeting

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Atlantic States Marine Fisheries Commission

2023 Winter Meeting Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2023 Winter Meeting
January 31 – February 2, 2023

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

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ATLANTIC HERRING MANAGEMENT BOARD (JANUARY 31, 2023)

Meeting Summary

The Atlantic Herring Management Board met to consider setting specifications for the 2023-2025 fishing years for Atlantic herring.

In September 2022, the New England Fishery Management Council (NEFMC) voted on a 2023-2025 specifications package which was later submitted to NOAA Fisheries for review and approval. NEFMC's recommended specifications are based on the 2022 Atlantic herring stock assessment and recommendations from the NEFMC Scientific and Statistical Committee, which are consistent with the Atlantic herring biomass-based control rule and with the Atlantic herring rebuilding plan. NOAA Fisheries is planning to publish an interim final rule in February 2023 to implement the 2023-2025 specifications package. The Board adopted the 2023-2025 specifications package as recommended by NEFMC, contingent on the final rule being published by NOAA Fisheries.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at EFranke@asmfc.org.

Motions

Move to adopt the following specifications for the 2023-2025 fishing years for Atlantic herring as recommended by the New England Fishery Management Council, contingent on the final rule being published by NOAA Fisheries:

For 2023

- Annual Catch Limit (ACL) = 12,429 mt
- Domestic Annual Harvest = 12,429 mt
- Area 1A Sub-ACL = 3,592 mt
- Area 1B Sub-ACL = 534 mt
- Area 2 Sub-ACL = 3,455 mt
- Area 3 Sub-ACL = 4,847 mt

For 2024

- Annual Catch Limit (ACL) = 19,189 mt
- Domestic Annual Harvest = 19,189 mt
- Area 1A Sub-ACL = 5,546 mt
- Area 1B Sub-ACL = 825 mt
- Area 2 Sub-ACL = 5,335 mt
- Area 3 Sub-ACL = 7,484 mt

For 2025

- Annual Catch Limit (ACL) = 23,961 mt
- Domestic Annual Harvest = 23,961 mt
- Area 1A Sub-ACL = 6,925 mt for 2025
- Area 1B Sub-ACL = 1,030 mt for 2025
- Area 2 Sub-ACL = 6,661 mt for 2025
- Area 3 Sub-ACL = 9,345 mt for 2025

For all three years:

- Border Transfer = 0 mt each year
- Fixed Gear Set-Aside = 30 mt each year
- Research Set-Aside as % of Sub-ACLs = 0% each year

Motion made by Ms. Griffin and seconded by Mr. Reid. Motion passes by unanimous consent.

AMERICAN LOBSTER MANAGEMENT BOARD (JANUARY 31, 2023)

Press Release

American Lobster Draft Addendum XXVII Approved for Public Comment *Addendum Considers Measures to Increase Protection of Spawning Stock Biomass of the Gulf of Maine/Georges Bank Stock*

Arlington, VA – The Commission’s American Lobster Management Board approved Draft Addendum XXVII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster for public comment. The Draft Addendum considers implementing management measures – specifically gauge and escape vent sizes – to provide additional protection to the spawning stock biomass (SSB) in the Gulf of Maine/Georges Bank (GOM/GBK) stock. The Draft Addendum also considers immediate action upon final approval to standardize some management measures within and across the Lobster Conservation Management Areas (LCMAs) that include the GOM/GBK stock.

The Board initiated the Addendum as a proactive measure to improve the resiliency of the GOM/GBK stock. Since the early 2000s, landings in the GOM/GBK stock have exponentially increased. In Maine alone, landings have increased from 57 million pounds in 2000 to a record high of 132.6 million pounds in 2016. Maine landings have declined slightly but were still high at 97.9 million and 108.9 million in 2020 and 2021, respectively. However, since 2012, lobster settlement surveys throughout the GOM have generally been below the time series averages in all areas. These surveys, which measure trends in the abundance of juvenile lobsters, can be used to track populations and potentially forecast future landings. Persistent lower densities of settlement could foreshadow decline in recruitment and landings. In the most recent years of the time series, declines in other recruitment indices have also been observed.

Given the economic importance of the lobster fishery to many coastal communities in New England, especially in Maine, potential reductions in landings could have vast socioeconomic impacts. In addition, the 2015 Stock Assessment combined the GOM and GBK stocks into a single biological unit due to evidence of migration between the two regions. As a result, there are now varying management measures within a single biological stock. In response to these two issues, Draft Addendum XXVII considers the standardization of management measures across LCMAs. The purpose of considering more consistency in measures is to resolve discrepancies between the regulations for state and federal permit-holders, to provide a consistent conservation strategy, and simplify enforcement across management areas and interstate commerce.

Draft Addendum XXVII considers two approaches for implementing changes to gauge and escape vent sizes to enhance protection of the GOM/GBK spawning stock. One approach would establish a trigger mechanism whereby pre-determined management changes would be implemented upon reaching a

defined trigger level based on observed changes in recruitment abundance indices. The second approach would establish a schedule for implementing changes to the gauge and escape vent sizes. The proposed measures include an increase to the minimum gauge size and escape vent sizes in LCMA 1 (Gulf of Maine) and decreases to the maximum gauge size in LCMA 3 (offshore federal waters) and Outer Cape Cod. The proposed gauge and escape vent sizes are expected to increase the proportion of

the population that is able to reproduce before being harvested by the fishery, and to enhance stock resiliency by protecting larger lobsters of both sexes.

The Draft Addendum will be posted to the website next week at <http://www.asmfc.org/about-us/public-input>. A subsequent press release will provide the details on the public hearing schedule and how to submit written comments. The Board will meet to review submitted comment and consider final action on the addendum in May 2023 at the Commission's Spring Meeting in Arlington, VA. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

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PR23-02

Meeting Summary

In addition to approving Draft Addendum XXVII on increasing protection of spawning stock biomass of the Gulf of Maine/Georges Bank (GOM/GBK) stock for public comment, the American Lobster Management Board (Board) also considered a report from NOAA Fisheries on the Atlantic Large Whale Take Reduction Team (ALWTRT) and progress on Atlantic Large Whale Take Reduction Plan, and an update on the implementation of American Lobster Addendum XXIX and Jonah Crab Addendum IV.

NOAA Fisheries staff presented the results of the ALWTRT meeting in late 2022. The ALWTRT's goal was to recommend measures in the pot/trap and gillnet fisheries along the Atlantic coast to reduce mortality and serious injury of right whales in US commercial fisheries to below the Potential Biological Removal level required by the Marine Mammal Protection Act. NOAA staff reviewed the types of measures considered and stakeholder input provided by the ALWTRT, noting that a consensus recommendation was not produced. NOAA staff also updated the Board on recent North Atlantic right whale entanglement incidents.

Staff provided an update on the implementation of American Lobster Addendum XXIX and Jonah Crab Addendum IV, which establish electronic tracking requirements for federally-permitted vessels in both fisheries. The Work Group that was formed to solicit and review quotes from vessel tracking device manufacturers received five applications for type approval. Four devices met all of the criteria specified in the Addenda, and have been approved for use in the fishery. Over the next several months, ASMFC staff will work with the states to provide information on the approved tracking devices to harvesters and establish administrative programs to implement the addendum requirements.

For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Move to modify Option E by including a 1/4" maximum gauge reduction in LCMA 3 with each annual adjustment, and set a maximum gauge size in the OCC management area of 6 1/2" and include a 1/4" maximum gauge reduction in OCC with each annual adjustment. In the final year of adjustments, the maximum gauge size in LCMA 3 and OCC would be 6" at a minimum. The vent size in LCMA 1, LCMA 3 and OCC would be adjusted once, at the same time the final gauge size is implemented. The Board, during final action will specify the years of the schedule, with the first step occurring no later than 2026, and the second step occurring 2 years later.

Motion made by Mr. Keliher and seconded by Mr. Hasbrouck. Motion approved by consensus.

Move to approve Addendum XXVII for public comment, as amended today.

Motion made by Mr. Grout and seconded by Mr. Train. Motion carries without objection.

WINTER FLOUNDER MANAGEMENT BOARD (JANUARY 31, 2023)

Press Release

Management Track Assessments Find Winter Flounder Stocks for the Gulf of Maine and Southern New England/Mid-Atlantic Not Experiencing Overfishing

Arlington, VA – The Commission’s Winter Flounder Management Board reviewed the results of the Northeast Fisheries Science Center’s (NEFSC) management track stock assessments* for the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) winter flounder stocks. These assessments found GOM winter flounder is not experiencing overfishing while the SNE/MA winter flounder stock is not overfished nor experiencing overfishing. The overfished status for the GOM stock remains unknown. The management track assessments for both stocks include data through 2021.

SNE/MA winter flounder experienced a change in stock status from overfished to not overfished due to a change in the years of recruitment estimates used to estimate biological reference points. Instead of drawing upon the entire time series of recruitment estimates, the projections now only use recruitment estimates from the past 20 years (2002-2021). The SNE/MA winter flounder stock is most likely not capable of achieving the high levels of recruitment that were observed prior to 2000 due to changes in environmental conditions; therefore, using a truncated recruitment time series of only the past 20 years better reflects current stock condition. However, despite a change in stock status; trends in survey indices and model estimates all continue to indicate the SNE/MA stock is in poor condition.

The GOM stock uses a modeling method that incorporates survey indices of abundance to obtain area-swept biomass and exploitation estimates. There have been time series lows in fishery removals (harvest and discards) for GOM winter flounder in recent years. Overall, the indices of abundance have not responded positively to the large declines in commercial and recreational removals since the 1980s. However, there were increases in the fall 2021 and spring 2021 and 2022 area-swept biomass estimates, which, if they continue, could be the beginning of a response to continued low fishery removals. It should be noted, however, that no survey data is available for 2020 due to the COVID pandemic, which is a source of uncertainty in this area-swept assessment that relies on survey data.

Given this information, [specifications recommended by New England Fishery Management Council](#), and recommendations from the Technical Committee and Advisory Panel, the Board maintained 2023 recreational and commercial measures for the GOM and SNE/MA winter flounder stocks for the 2024-2025 fishing years (see Table 1).

* Management track assessments are similar to the Commission’s stock assessment updates, where the model from the most recent benchmark assessment is updated to include recent data. However, with the NEFSC’s process, some changes are allowed to be made to the model, such as a change to the recruitment time series used to estimate biological reference points that occurred for SNE/MA winter flounder.

Table 1. 2024-2025 Winter Flounder Commercial and Recreational Measures for Gulf of Maine and Southern New England/Mid-Atlantic Stocks.

Stock	Sector	Trip Limit/ Possession Limit	Size Limit	Season	Gear
GOM	Commercial	500 lbs/ trip/day	12"	Maintain closures	Minimum 6.5" square or diamond mesh in cod-end.
	Recreational	8 fish	12"	Open all year	
SNE/MA	Commercial	50 lbs/38 fish/trip/day	12"	Maintain closures	Minimum 6.5" square or diamond mesh in cod-end. 100-lb mesh trigger.
	Recreational	2 fish	12"	Maintain closures	

The next management track assessments for both stocks are scheduled for 2024, and the next research track assessment, the equivalent of the Commission’s benchmark stock assessments, are scheduled for both stocks in 2026. As part of this analysis, the NEFSC will attempt to incorporate climate data into the SNE/MA winter flounder stock assessment. The management track assessment reports for GOM and SNE/MA winter flounder are available on the Commission’s website at <http://www.asmfc.org/species/winter-flounder> under Stock Assessment Reports. An overview of the assessment is available at http://www.asmfc.org/uploads/file/63d6c34bWinterFlounderStockAssessmentOverview_Feb2022.pdf. It was developed to aid media and interested stakeholders in better understanding the assessment results.

For more information, please contact Tracey Bauer, Fishery Management Plan Coordinator, at tbauer@asmfc.org.

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PR23-01

Meeting Summary

The Winter Flounder Management Board approved state compliance and Fishery Management Plan (FMP) Reviews for the 2021 fishing year for winter flounder. All states’ regulations were found to be consistent with the FMP, and the Board approved all *de minimis* status for New Jersey’s commercial fishery. The Board also considered and approved the nomination of Allan Butler of Massachusetts to the Winter Flounder Advisory Panel.

For more information, please contact Tracey Bauer, Fishery Management Plan Coordinator, at TBauer@asmfc.org.

Motions

Move to approve status quo commercial and recreational Southern New England/Mid-Atlantic and Gulf of Maine winter flounder measures for the 2024-2025 fishing years.

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

Move to approve the Winter Flounder FMP Review for the 2021 fishing year, state compliance reports, and *de minimis* status for New Jersey commercial fisheries.

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

Move to approve Allan Butler of MA to the Winter Flounder Advisory Panel.

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

ATLANTIC STRIPED BASS MANAGEMENT BOARD (JANUARY 31, 2023)

Meeting Summary

The Atlantic Striped Bass Management Board met to consider selecting management measures and final approval of Addendum I to Amendment 7 to the Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass.

The Board initiated Draft Addendum I in August 2021 after deciding that changes to the striped bass commercial quota system would not be considered during the ongoing development of Amendment 7. The Draft Addendum considers voluntary quota transfers which could provide some relief to states seeking additional quota. In November 2022, the Board approved Draft Addendum I for public comment with proposed options to consider permitting voluntary transfers of commercial quota, including options based on stock status and options allowing the Board to set criteria for transfers on a regular basis.

The Board received a summary of the 1,979 written public comments and 186 public hearing comments submitted for Draft Addendum I, as well as a report and recommendations from the Atlantic Striped Bass Advisory Panel. After initial discussion on the proposed management options, the Board voted to postpone action on Addendum I until May 2023 when analysis from the Striped Bass Technical Committee (TC) will be available. The Board tasked the TC with conducting stock projections to determine how specific quota utilization scenarios would impact the stock and rebuilding timeline. The first scenario assumes the entire ocean commercial quota is harvested and the second scenario assumes the entire ocean quota is harvested except for New Jersey's quota, since New Jersey's quota is reallocated to the recreational fishery and therefore unavailable for commercial quota transfers. These scenarios would be compared to the baseline scenario which assumes commercial quota utilization does not change. The TC projections will incorporate preliminary 2022 MRIP data in response to the Board's interest in reviewing 2022 removals data as soon as possible (other 2022 removal data will be considered if available).

The Board's rationale for this TC task is to address concerns raised by a majority of public comments that commercial quota transfers would negatively impact stock rebuilding. Board

members asked questions regarding how much commercial quota transfers would increase the fishing mortality rate, and what the resulting impact on the probability of 2029 rebuilding would be. The TC projections for May 2023 discussion are intended to address these questions.

2022 removals will be incorporated into the Fishery Management Plan Review of the 2022 Fishing Year. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at EFranke@asmfc.org.

Motions

Main Motion

Move to approve Option D (Board discretion commercial quota transfer provision (with overfished conservation tax)).

Motion made by Mr. Clark and seconded by Mr. Train. Motion substituted.

Motion to Substitute

Move to substitute to postpone action on Addendum I and task the Technical Committee (TC) with running two population projections:

- **One which assumes harvest of the entire ocean commercial quota from all states**
- **One which assumes harvest of the ocean commercial quota from all states except New Jersey (since their quota is reallocated out of the commercial fishery)**

The TC may use their expert judgement on other needed assumptions for the projections (i.e. selectivity) to produce the most realistic output for consideration by the board.

Motion made by Dr. McNamee and seconded by Dr. Davis. Motion passes (13 in favor, 3 opposed).

Main Motion as Substituted

Move to postpone action on Addendum I and task the TC with running two population projections:

- **One which assumes harvest of the entire ocean commercial quota from all states**
- **One which assumes harvest of the ocean commercial quota from all states except New Jersey (since their quota is reallocated out of the commercial fishery)**

The TC may use their expert judgement on other needed assumptions for the projections (i.e. selectivity) to produce the most realistic output for consideration by the board.

Motion passes (15 in favor, 1 opposed).

EXECUTIVE COMMITTEE (FEBRUARY 1, 2023)

Meeting Summary

The Executive Committee (Committee) met to discuss several issues, including Consolidated Appropriations Act (CCA) Update; potential stipend for Legislative and Governor Appointee (LGA) Commissioners; collection of sharks for scientific and educational purposes; distribution of Fishery Disaster Funding in FY23 Omnibus Spending Bill; and Northeast biological sampling. The following action items resulted from the Committee's discussions:

- Staff provided an update on the balance in the CAA cooperative agreement. There is projected to be roughly \$8.6 million remaining that will be reallocated to states who indicated additional need

after the November Executive Committee meeting. Eight states indicated a need and a proposed reallocation was approved at the Executive Committee meeting.

- A discussion was held regarding providing a stipend to the LGA Commissioners for their service to ASMFC. The discussion focused on providing stipends for participation in meetings beyond the four quarterly meeting weeks and joint meetings with the Mid-Atlantic Fishery Management Council, noting this work is beyond the traditional scope of Commissioner responsibilities. The Committee asked staff to research potential tax advantages for Commissioners for volunteering their time to the Commission. This issue will be discussed at the next Committee meeting.
- The coordination of the collection of sharks for scientific and educational purpose was discussed. Currently, the states have different procedures for approving and issuing permits for collecting sharks. The states agreed that improved coordination would help ensure that the collection of sharks is not having a negative impact on the populations of sharks. If additional coordination between the states and NOAA Fisheries is necessary, the issue will be referred to the Coastal Shark Management Board.
- The Committee discussed the distribution of \$300 Million in Fishery Disaster Funding provided in the FY23 Omnibus Spending Bill. Staff was directed to send a letter to NOAA Fisheries requesting that the available funding be partially applied to fishery disasters on the Atlantic coast. The letter will also request that NOAA work with Congress to streamline the process for fishery disaster declaration, funding, and spend plan approval.
- Biological sampling in the Northeast has been significantly reduced in the past few years. The reduction erodes the assessment and management of multiple species in the northeast. The states agreed to explore opportunities to assist NOAA Fisheries in collecting fish length and otolith samples. A meeting between the states and NOAA Fisheries will be scheduled to determine where there are opportunities for collaboration.
- Chair Woodward noted that the Commission received a letter from The Southeastern Massachusetts Pine Barrens Alliance expressing concerns about the management of horseshoe crabs.

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

Motions

No motions were made.

AMERICAN EEL MANAGEMENT BOARD (FEBRUARY 1, 2023)

Meeting Summary

The American Eel Management Board met to consider the 2022 Benchmark Stock Assessment and Peer Review Reports and the Fishery Management Plan Review (FMP) and state compliance reports for the 2021 fishing year.

The American eel stock is at or near historically low levels due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, toxins and contaminants, and disease. The stock assessment presentation outlined the continued challenges for assessing the species, models and analyses used in the assessment, an index-based method for setting catch limits, and stock status. For this assessment, a delay-difference model was explored and associated reference points were developed, but the Stock Assessment Subcommittee (SAS) did not recommend it for management use. Instead, the SAS used an index-based method called I_{TARGET} to determine stock status and to develop catch advice.

The Peer Review Panel found that the stock assessment sufficiently addressed all terms of reference, but recommended additional work to test the robustness of the I_{TARGET} method for setting catch limits using a simulation approach within a management strategy evaluation (MSE) framework before it is used for management. The SAS indicated that additional simulation work is possible to address several of the peer review comments and would be more informative than an MSE. Additionally, the SAS and Peer Review Panel provided differing advice on stock status. Consistent with the Commission's Technical Support Group Guidance and Benchmark Stock Assessment Process, the Board tasked the SAS with providing justification for deviating from the advice from the Peer Review Panel the peer review advice. The SAS will provide a report and additional analyses to the Board at a future meeting.

The Board also approved the American Eel FMP Review and state compliance reports for the 2021 fishing year. Commercial yellow eel landings increased in 2021 compared to 2020, but are still low relative to prior years. The Board also approved *de minimis* requests from New Hampshire, Massachusetts, Pennsylvania, District of Columbia, Georgia, and Florida for their yellow eel fisheries. Florida did not meet the *de minimis* criteria because their landings for the last two years slightly exceeded 1% of the coastwide landings. However, the Board agreed to grant Florida continued *de minimis* status because the state's contribution to the coastwide landings of yellow eel has increased as a result of the decrease in total landings.

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

Motions

Main Motion

Move to approve the American Eel FMP Review and state compliance reports for the 2021 Fishing year, and *de minimis* requests from New Hampshire, Massachusetts, Pennsylvania, District of Columbia, and Georgia for their yellow eel fisheries.

Motion made by Mr. Clark and seconded by Mr. Grout. Motion amended.

Motion to Amend

Move to amend to add Florida to the *de minimis* request.

Motion made by Ms. Burgess and seconded by Mr. Maniscalco. Motion passes (14 in favor, 3 opposed, 1 abstention, 1 null).

Main Motion as Amended

Move to approve the American Eel FMP Review and state compliance reports for the 2021 Fishing year, and de minimis requests from New Hampshire, Massachusetts, Pennsylvania, District of Columbia, Florida, and Georgia for their yellow eel fisheries.

Motion passes (18 in favor, 1 opposed).

Move to elect Kris Kuhn as Vice Chair of the American Eel Management Board.

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

ATLANTIC MENHADEN MANAGEMENT BOARD (FEBRUARY 1, 2023)

Meeting Summary

The Atlantic Menhaden Management Board met to review the Plan Review Team (PRT) report on state implementation plans for Addendum I and to consider Technical Addendum I to Addendum I for approval.

The PRT determined that each state satisfied the requirements of Addendum I to Amendment 3 by the May 1, 2023 deadline established by the Board and gave a few recommendations for states to consider. The Board approved the state implementation plans, as presented.

The Board also approved Technical Addendum I to Addendum I, which corrects a paragraph in Addendum I to redistribute relinquished quota based on landings from 2018, 2019, 2021. This change is consistent with the timeframe approved by the Board in Addendum I to allocate commercial quota. The Technical Addendum will become effective for the 2023 fishing year, and the 1,000,000 pounds relinquished by the state of Delaware will be redistributed according to the new timeframe.

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

Motions

Move to approve the state implementation plans for Addendum I to Amendment 3.

Motion made by Ms. Fegley and seconded by Mr. Gary. Motion carries without opposition.

Move to approve Technical Addendum I to Addendum I and have the measures become effective for the 2023 fishing year.

Motion made by Mr. Kuhn and seconded by Ms. Meserve. Motion carries without objection.

SPINY DOGFISH MANAGEMENT BOARD (FEBRUARY 1, 2023)

Press Release

ASMFC Spiny Dogfish Board Sets Quota for 2023/2024 Fishing Season

Arlington, VA – The Commission’s Spiny Dogfish Management Board approved a coastwide commercial quota for the 2023/2024 fishing season (May 1-April 30) of 12 million pounds (state-specific allocations are provided in table below). The quota is consistent with the measures recommended to NOAA

Fisheries by the Mid-Atlantic Fishery Management Council (MAFMC) and New England Fishery Management Council (NEFMC). The Board also maintained the commercial trip limit in state waters of 7,500 pounds for the northern region states of Maine through Connecticut. The states of New York through North Carolina have the ability to set state-specific trip limits based on the needs of their fisheries. The Commission’s actions are final and apply to state waters (0-3 miles from shore). The MAFMC and NEFMC will forward their recommendations for federal waters (3 –200 miles from shore) to NOAA Fisheries Greater Atlantic Regional Fisheries Administrator for final approval.

Spiny Dogfish State Allocations (in pounds) for the 2023-2024 Fishing Season

	Northern Region (ME-CT)	NY	NJ	DE	MD	VA	NC
Possession Limit	7,500	To be specified by the individual southern region states					
Allocation	58%	2.71%	7.64%	0.90%	5.92%	10.80%	14.04%
<i>2022-2023</i>	<i>17,144,556</i>	<i>800,413</i>	<i>2,259,728</i>	<i>264,866</i>	<i>1,749,935</i>	<i>3,191,020</i>	<i>4,149,062</i>
2023-2024	6,960,000	324,935	917,359	107,525	710,403	1,295,426	1,684,352

* Any overages in the above quota allocations will be deducted from that region’s or state’s quota allocation in the subsequent year. Similarly, any eligible rollovers from one season can be applied to that region’s or state’s quota allocation the following year.

The 2023/2024 coastwide quota represents a 59.4% reduction from the current fishing season’s coastwide quota of 29,559,580 pounds. The decreased quota is based on declining trends in several indicators including survey abundance, catch per unit of effort, pup production, and dogfish growth. A research track stock assessment was completed in late 2022, and management advice will be provided through the Northeast Fisheries Science Center’s management track assessment that is scheduled for June.

For more information, please contact Caitlin Starks, Senior FMP Coordinator, at cstarks@asmfc.org or 703.842.0740.

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PR23-03

Motions

Move to adopt a 12-million-pound commercial quota for the 2023/2024 fishing year (May 1-April 30) for spiny dogfish, with a 7,500-pound trip limit for the Northern Region, consistent with the actions of the Mid Atlantic Fishery Management Council and New England Fishery Management Council.

Motion made by Mr. Maniscalco and seconded by Mr. Kane. Motion approved by unanimous consent.

Move to nominate Pat Geer as Vice-Chair of the Spiny Dogfish Board.

Motion made by Mr. Batsavage and seconded by Mr. Cimino. Motion passes with no objection.

SHAD & RIVER HERRING MANAGEMENT BOARD (FEBRUARY 2, 2023)

Meeting Summary

The Shad and River Herring Management Board met to consider an update to the North Carolina American shad Sustainable Fishery Management Plan (SFMP); receive a progress update on the River Herring Benchmark Stock Assessment; consider the Fishery Management Plan (FMP) Review for the 2021 fishing year; consider approval of Advisory Panel (AP) nominations; and elect a Vice-Chair.

The Board considered an update to the North Carolina SFMP for American shad, which is required for all states and jurisdictions that have a commercial fishery for American shad under Amendment 3 to the Shad and River Herring FMP. Plans are updated and reviewed by the Technical Committee every five years. As a plan update, the general framework of the plan remains relatively the same with some changes to a few of the sustainability parameters to better reflect the data currently being collected and how that data analysis is applied. Commercial fisheries season dates have been changed from fixed season dates to potential time frames in which the fishery can occur to improve management flexibility. For the recreational fishery, the statewide bag limit was changed from a 10 fish shad aggregate to a 10 fish shad aggregate with only one of those fish permitted to be an American shad, resulting in a potential reduction in American shad harvest. The Board approved the presented SFMP.

The Board received an update on the river herring benchmark stock assessment, which outlined the ongoing work of the Life History and Index Working Groups of the Stock Assessment Subcommittee, and gave the schedule for the Methods Workshop. The assessment is scheduled to be presented to the Board at the Annual Meeting in October 2023.

The Board also reviewed the FMP Review and state compliance reports for the 2021 fishing year. In 2021, river herring landings were approximately 2.11 million pounds, which was a 12% increase from 2020, including a 99.7% decrease in bycatch landings. However, it was noted that the dramatic decrease in bycatch could be attributable to the elimination of the Massachusetts portside sampling program and potential differences in NOAA's Northeast Fishery Observer Program data. Non-confidential American shad landings totaled 195,642 pounds, a 39% decrease from 2020. Bycatch landings increased by 96% to represent 17% of the total commercial landings. Hickory shad landings amounted to 99,419 pounds, an 8% increase from 2020, although bycatch landings decreased by 89% to represent 2% of commercial landings. The Plan Review Team (PRT) noted that a number of states could not complete the required monitoring under Amendments 2 and 3 due to the COVID-19 pandemic and persistent staffing issues, among some other minor issues with the new compliance format. However, the PRT did not consider any of the inconsistencies with the FMP significant. Therefore, the Board approved the 2021 FMP Review, state compliance reports, all *de minimis* requests, and the PRT recommendation to slightly alter the format of the compliance reports to improve the consistency of bycatch reporting data.

The Board considered and approved the nominations of Stephen Gephard and William Lucey of Connecticut to the Shad and River Herring Advisory Panel. Additionally, the Board elected Phil Edwards of Rhode Island to the role of Vice-Chair of the Management Board. Finally, the Board tasked staff to arrange an update from the U.S. Geological Survey on the alosine genetic stock identification and tissue repository and for the Technical Committee to provide recommendations regarding future sample collections.

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

Motions

Move to approve the updated Shad Sustainable Fishery Management Plan from North Carolina as presented today.

Motion made by Dr. Rhodes and seconded by Mr. Dize. Motion approved by unanimous consent.

Move to approve the Fishery Management Plan Review, state compliance reports, and de minimis requests for ME, NH, MA, and FL for American shad and NH, GA, and FL for river herring for the 2021 fishing year.

Motion made by Mr. Maniscalco and seconded by Ms. Burgess. Motion passes by consent.

Move to approve Stephen Gephard and William Lucey of CT to the Shad & River Herring Advisory Panel.

Motion made by Dr. Davis and seconded by Mr. Miller. Motion passes by consent.

Move to nominate Phill Edwards as Vice-Chair of the Shad & River Herring Board.

Motion made by Mr. Keliher and seconded by Mr. Reid. Motion passes by consent.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (FEBRUARY 2, 2023)

Meeting Summary

The Interstate Fisheries Management Program (ISFMP) Policy Board met to receive an update from Executive Committee; review the 2022 Commissioner survey results; discuss Atlantic bonito harvest in state waters, and consider terms of reference (TORs) for the red drum, spot and Atlantic croaker benchmark stock assessments.

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

Staff presented the results of the 2022 Commissioner survey results. Overall, the results indicated Commissioners felt the Commission was making progress towards many of the survey questions. It was noted some obstacles to the Commission's success in rebuilding stocks are concerns that have been brought up in the past, such as building state and regional buy-in to make hard management decisions, but climate change and shifting stocks were by far the biggest. Some of the issues Commissioners would like to focus more on include big picture issues such as climate change, ecosystem-based management and shifting stocks. Staff will provide the Executive Committee with a list of major concerns identified in the survey.

A Policy Board member raised concerns regarding increased recreational catch of small Atlantic bonito in their state waters and raised the question, should states put a minimum size limit in place as a cautionary measure for the species? Other states have also seen some increased catch. There is currently no federal or Commission FMP for Atlantic bonito. Some states raised concerns that without a Commission or state FMP their state would not be able to put measures in place. It was

noted, similar discussions were held at the South Atlantic Fishery Management Council for false albacore. Staff will provide an options paper for developing different levels of management for both Atlantic bonito and false albacore at the next meeting. The paper will include state process limitations.

Staff presented the Policy Board with TORs for the upcoming Red Drum, Spot and Atlantic Croaker Benchmark Stock Assessments since the Sciaenids Board did not meet this week. The Board approved the TORs noting they would like the Stock Assessment Committee to look at changes in natural mortality rates over time, with a specific focus on predation potential, for spot and Atlantic croaker. For red drum it was suggested the Stock Assessment Committee reach out to NOAA's Ecosystem Dynamics Assessment Branch for potential participation in the Committee's work. Lastly, there was a request that a bag and size limit analysis be conducted regardless of stock status for Atlantic croaker and spot. Staff confirmed that the analysis could be conducted shortly after the assessment is complete.

Under other business, Emerson Hasbrouck invited the Board and members of the public to complete a [survey on monkfish](#). The Fisheries Department of Cornell Cooperative is working with industry and food exports to increase consumption and demand of local seafood throughout the Northeast region, specifically monkfish via a Saltonstall-Kennedy Grant Program. Lastly, NOAA Fisheries commented on recent questions regarding the NOAA representatives voting on allocation issues during species management boards. It was stated NOAA's interest in allocation issues is focused on the creation of more dynamic allocation systems that set up the Commission and Regional Councils to be more responsive to climate-induced impacts on fisheries.

Motions

Move to approve the Terms of Reference for the 2024 Red Drum Benchmark Stock Assessment as presented today.

Motion made by Mr. Bell and seconded by Mr. Geer. Motion carries by unanimous consent.

Move to approve the Terms of Reference for the 2024 Atlantic Croaker and Spot Benchmark Stock Assessments as presented today.

Motion made by Ms. Fegley and seconded by Mr. Bell. Motion carries by unanimous consent.



December 2022 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met December 12-15, 2022, in Annapolis, Maryland. This was a hybrid meeting, with virtual and in-person participation options. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/december-2022>.

HIGHLIGHTS

During this meeting, the Council:

- Postponed final action on the Surfclam and Ocean Quahog Species Separation Amendment to allow for development of additional alternatives in 2023
- Set 2023 recreational management measures for summer flounder, scup, and black sea bass (joint with ASMFC)
- Discussed priorities and next steps for several Recreational Reform Initiative topics (joint with ASMFC)
- Reviewed scenarios developed as part of the East Coast Climate Change Scenario Planning Initiative and discussed challenges and opportunities that east coast fisheries governance and management might face over the next 20 years
- Delayed final action on 2023-2025 monkfish specifications pending New England's request for its Scientific and Statistical Committee (SSC) to reconsider their reduced monkfish acceptable biological catch (ABC) recommendations
- Approved the 2023 Implementation Plan, with several revisions identified during the meeting
- Received updates on habitat activities of interest in the region
- Discussed the proposed Hudson Canyon National Marine Sanctuary and recommended that additional fishing regulations are not necessary to implement the proposed sanctuary designation
- Discussed follow up and next steps for the disapproved *Illex* Permit Amendment
- Received updates on several offshore wind energy projects, plans to define additional lease areas, and updates on the development of guidelines to mitigate impacts to fisheries
- Received updates on several protected resources issues

Surfclam and Ocean Quahog Species Separation Amendment

The Council reviewed public input and considered final action on a draft amendment which considered modifications to the regulations to allow for mixed catches onboard vessels fishing for surfclam or ocean quahog. After considering Committee and staff recommendations, the Council decided to delay final action and to remand the amendment back to the Committee and Fishery Management Action Team (FMAT) to continue to develop additional alternatives for a possible 2023 Council meeting. This delay will allow additional time to develop other types of alternatives to address the mixed catch issue through ongoing discussions with the fishing industry, law enforcement, and other ITQ and catch data monitoring experts. Updates will be posted on the [amendment page](#).

Summer Flounder, Scup, and Black Sea Bass 2023 Recreational Management Measures

The Council met jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) to set recreational bag, size, and season limits (i.e., management measures) for all three species for 2023. This was the first time setting recreational management measures using the new "Percent Change Approach," which was approved by the Council and Commission in June 2022. Under the new process, measures for the upcoming year(s) will aim to achieve a specified percent change in harvest compared

to expected harvest under the current measures. Although this process intends for recreational measures to be set for two-year cycles, 2023 will be set for a single year to align with the timing of management track stock assessments.

During their deliberations for each species, the Council and Board reviewed the results of two statistical models: the Recreational Demand Model and the Recreational Fleet Dynamics Model. These models predict the impacts of bag, size, and season limits on recreational harvest and discards of summer flounder, scup, and black sea bass. Prior to the Council meeting, the Monitoring Committee reviewed both models and recommended using the Recreational Demand Model for summer flounder and the Recreational Fleet Dynamics Model for scup and black sea bass. However, on December 8, 2022, the Council received a letter from the Greater Atlantic Regional Fisheries Office (GARFO) indicating they believe the Recreational Demand Model to be the best scientific information available for estimating coastwide harvest and determining the appropriate percent change in harvest for all three species for 2023. The letter indicated that GARFO would not approve measures set based on the Recreational Fleet Dynamics Model. Although Council and Board members expressed serious concern about the timing and rationale for this determination from GARFO, they ultimately concluded that they had no choice but to use the Recreational Demand Model for all three species.

Scup

The Percent Change Approach requires a 10% reduction in recreational harvest of scup in 2023. The Council and Board agreed to reduce the federal possession limit to 40 fish and shorten the season to May 1 – December 31 but decided to maintain the current 10 inch minimum size in federal waters. These measures do not achieve the full 10% reduction in harvest required; therefore, the Council and Board also agreed that the states would further modify state measures through the Commission process to achieve the full 10% coastwide harvest reduction. State waters measures will be determined through the Commission process in early 2023.

Black Sea Bass

The Percent Change Approach also requires a 10% reduction in recreational black sea bass harvest in 2023, which will be achieved through the conservation equivalency process. The Council and Board adopted non-preferred coastwide measures, including a 15-inch minimum size limit, a 5 fish possession limit, and an open season of May 15 – September 8. These measures are intended to achieve a 10% reduction if implemented in all states and federal waters. If approved through the federal rulemaking process, these measures would be written into the federal regulations but waived in favor of state waters measures. The Council and Board also adopted precautionary default measures of a 16-inch minimum size limit, a 2 fish possession limit, and an open season of June 1 – August 31. These measures are intended to be implemented in any state or region that does not put forward a proposal that can be approved by the Board through the conservation equivalency process. State waters measures will be determined through the Commission process in early 2023. The Board also approved a proposal to open the recreational black sea bass fishery in Virginia state waters during February 2023 following the same process Virginia has used in prior years to monitor February harvest and modify the length of the open season later in the year as necessary to account for February harvest.

Summer Flounder

There was extensive discussion regarding the percent change in recreational harvest of summer flounder needed for 2023. Although the model results that were originally provided to the Council indicated that a 10% liberalization of recreational summer flounder harvest would be appropriate for 2023, Council staff received an updated harvest estimate the week before the meeting which indicated that a 10% reduction was needed instead. The model revisions were based on a different range of years of catch per trip data and were not reviewed by the Monitoring Committee or other technical advisory group prior to the meeting. Given varying opinions on the appropriate configurations of the model inputs and the conflicting Percent Change Approach outcomes under the two model configurations, the Council and Board determined that status quo regional measures would be appropriate for 2023 and agreed to continue the use of regional conservation equivalency in 2023. Although the

Council and Board’s intent was for regional measures to remain status quo in 2023, they agreed that the non-preferred coastwide measures should be modified given that the non-preferred coastwide measures should be modified given that the current non-preferred coastwide measures are too constraining under both configurations of the model. The revised non-preferred coastwide measures include an 18-inch minimum size, 3 fish possession limit, and open season from May 15-September 22. Precautionary default measures will remain unchanged, including a 20-inch minimum size, 2 fish possession limit, and open season from July 1-August 31.

Recreational Reform Actions and Priorities

The Council met jointly with the ASMFC’s Interstate Fishery Management Program Policy Board (Policy Board) to discuss priorities and next steps for several Recreational Reform Initiative topics. These actions would address all four jointly managed recreational species (i.e., summer flounder, scup, black sea bass, and bluefish).

Percent Change Approach Replacement Action: The Percent Change Approach approved through the Recreational Harvest Control Rule Framework/Addendum will sunset at the end of 2025, and a separate action will need to be developed to consider the appropriate replacement. The Council and Policy Board agreed that this action is a higher priority than the other recreational reform actions described below.

Recreational Sector Separation and Catch Accounting Amendment: The Council and Policy Board agreed to move forward with scoping for an amendment to consider options for managing for-hire recreational fisheries separately from other recreational fishing modes (referred to as sector separation) and options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip report requirements. They agreed that the development of sector separation through separate recreational management measures would be a higher priority to consider than separate recreational for-hire and private/shore allocations.

Recreational Reform Technical Guidance Document: The Council and Policy Board previously agreed to develop a technical guidance document to address several recreational reform topics, including best practices for identifying and smoothing Marine Recreational Information Program (MRIP) outlier estimates, use of preliminary current year MRIP data, and guidelines for maintaining status quo recreational measures. However, the Council and Policy Board noted that many of the topics proposed to be considered through the technical guidance document have already been at least partially addressed and agreed that the technical guidance document is no longer a priority.

Commercial/Recreational Sector Transfer Framework/Addendum: The Council and Policy Board also discussed whether the Recreational Sector Separation Amendment should include consideration of options to allow transfer of quota between the commercial and recreational sectors. They agreed that this issue would be more appropriately addressed through a separate framework/addendum if desired. During a subsequent discussion the next day, the Council agreed to add a framework action to consider commercial/recreational quota transfers for summer flounder, scup, and black sea bass to the list of “Possible Additions” in the Council’s 2023 Implementation Plan.

Climate Change Scenario Planning

The Council participated in a workshop led by the facilitator of the East Coast Climate Change Scenario Planning Initiative, Jonathan Star. This was the last in a series of workshops held for each of the three East Coast Fishery Management Councils as well as the Atlantic States Marine Fisheries Commission in November and December 2022. The purpose of this discussion was to review the scenarios developed this past summer and use them as a tool for discussion of the challenges and opportunities that east coast fisheries governance and management might face over the next 20 years. These workshops built on a series of small group “manager brainstorming sessions” held in September/October 2022. Council members discussed how well current governance and management arrangements would be able to handle different possible future conditions, as well as what may need to change now to ensure effective future governance and management. Feedback and ideas suggested at

this meeting will feed into an East Coast Climate Change Scenario Planning Summit meeting, to be held in Arlington, VA on February 15-16, 2023. Additional information will be made available on the [Climate Change Scenario Planning page](#).

Monkfish Framework 13: 2023-2025 Specifications and Management Measures

The Council reviewed the monkfish backup approach (“ismooth”) for setting upcoming years’ acceptable biological catches (ABCs). ABCs would be based on 2019-2021 catches, adjusted down by recent downward NMFS survey trends - as approved via an expedited peer review in the management track assessment process. Due to concerns about the resulting ABCs identified by the New England Fishery Management Council (NEFMC), the Council supported the NEFMC’s remand request for its Scientific and Statistical Committee (SSC) to reconsider their 2023-2025 ABCs. This will delay final action, but the fishery should be able to operate when the new fishing year starts (May 1) as long as the regulatory process has begun by then (any days-at-sea used will count against final days-at-sea allocations). Like the NEFMC, the Council also adopted increasing the minimum gillnet mesh to 12 inches beginning May 1, 2026. Most gillnet participants use at least 12-inch mesh already and implementing this requirement in 2026 allows affected vessels to change gear via typical net replacements.

2023 Implementation Plan

The Council reviewed and approved its 2023 Implementation Plan. An implementation plan is developed each year as a tool for planning and prioritizing activities for the upcoming year within the broader context of the Council’s longer-term goals and objectives. The 2023 Implementation Plan identifies the specific activities the Council expects to initiate, continue, or complete during the year. The approved plan can be found here: <https://www.mafmc.org/strategic-plan>.

Proposed Hudson Canyon National Marine Sanctuary

The Council received a presentation from LeAnn Hogan and Matt Brookhart, both from the NOAA Office of National Marine Sanctuaries (ONMS), on the Proposed Hudson Canyon National Marine Sanctuary. The Council discussed the sanctuary consultation process and its role under National Marine Sanctuaries Act section 304(a)(5) and recommended that additional fishing regulations are not necessary to implement the proposed sanctuary designation. These recommendations will be conveyed to ONMS in a letter.

MSB Committee Report – *Illex* Permit Amendment Follow-Up

The Council reviewed input from the Mackerel, Squid, and Butterfish (MSB) Committee and Advisory Panel regarding follow-up to the disapproved Amendment to mitigate overcapitalization in the *Illex* squid fishery. The Council will send a letter to NMFS requesting a more detailed explanation of the Amendment decision relative to the 10 National Standards of the Magnuson-Stevens Act, as well as why MSB Amendment 20 (similar longfin squid issues) was approved while the *Illex* permit Amendment was not approved. The Council will also request input on what NMFS recommends for future additional consideration of historic participants with limited flexibility to pursue other fisheries and on the potential development of fish hold upgrade restrictions provisions (similar to the Atlantic mackerel fishery).

Habitat Update

The Council received a presentation from Doug Christel, Karen Greene, and Kevin Madley from the Greater Atlantic Regional Fisheries Office Habitat and Ecosystem Services Division. Their presentation highlighted aquaculture projects, offshore wind activities including some of port development projects associated with offshore wind, as well as some of the US Army Corps of Engineers Coastal Storm Risk Management Studies underway in the Greater Atlantic Region.

Offshore Wind Updates

Staff from the Bureau of Ocean Energy Management (BOEM) presented updates on several offshore wind energy projects, plans to define additional lease areas, and updates on the development of guidelines to mitigate impacts to fisheries. A Council member also provided an update on an effort by nine Atlantic coast states to establish a regional fisheries compensatory mitigation fund administrator.

Protected Resources Updates

The Council received an update on issues discussed at the November 14, 2022 Protected Resources Committee meeting and recent Atlantic Large Whale Take Reduction Team (team) meetings on November 14-18 and December 1-2. They reviewed the management measures developed by the team that are intended to mitigate risk to right whales in the Mid-Atlantic region. A more thorough update on team meeting outcomes is anticipated at the February 2023 Council meeting. The Council also reviewed the final Sturgeon Bycatch Action Plan recommendations and discussed the potential for a joint action with the New England Fishery Management Council to reduce sturgeon bycatch in large mesh gillnet fisheries, including jointly managed dogfish and monkfish

Next Meeting

The next Council meeting will be held **February 7-9, 2023 in Washington, DC**. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.



South Atlantic Fishery Management Council

News Release

FOR IMMEDIATE RELEASE
December 12, 2022

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Council Approves Management Measures for Snowy Grouper, Tilefish

Public hearings scheduled in January for measures proposed for Red Snapper, Gag, and Black Grouper

After considering recommendations from its advisory panels, Scientific and Statistical Committee, and public input, the South Atlantic Fishery Management Council approved three amendments for Secretarial review during its December meeting at Wrightsville Beach, North Carolina. If approved by the Secretary of Commerce, measures proposed in the amendments would likely be implemented in 2023.

The Council approved Amendment 51 to the Snapper Grouper Fishery Management Plan to address Snowy Grouper management. The stock remains overfished and is experiencing overfishing, and a harvest reduction of approximately 43% is needed to achieve sustainable harvest levels and rebuild the stock. The amendment would adjust catch levels for both the commercial and recreational sectors, modify allocations, and implement management measures that include shortening the current recreational season (May 1 through August 31) to end June 30th. The current 1 fish per vessel per day possession limit would remain the same. Recreational accountability measures would also be modified.

Because the Golden Tilefish stock is not overfished nor undergoing overfishing, the Council has been working to allow a catch increase for the fishery. Snapper Grouper Amendment 52 will adjust catch levels for Golden Tilefish and also modify recreational measures for Blueline Tilefish. Recreational landings for Blueline Tilefish have exceeded the annual catch limit in recent years. The amendment would reduce the current bag limit from 3 fish to 2 fish per person per day, prohibit bag limit retention of Blueline Tilefish by captain and crew on federally permitted for-hire vessels, and modify the current accountability measures.

The Council also approved the Comprehensive Acceptable Biological Catch (ABC) Control Rule Amendment, outlining the method used to determine how much buffer (or reduction from the Overfishing Limit) is necessary to provide an acceptable risk of overfishing. The ABC control rule addresses uncertainty and risk in the management process. Risk specification is the responsibility of the Council and is based on the Council's tolerance for overfishing occurring. Evaluating risk involves considering characteristics of the species, the stock, and the fishery. Per the Magnuson-Stevens Act, the risk of overfishing can not exceed 50%.

Other Actions:

Red Snapper and Snapper Grouper Regulatory Amendment 35

The Council continued work on Snapper Grouper Regulatory Amendment 35 and approved the amendment for public hearings. The draft amendment contains options to reduce the Annual Catch Limit (ACL) for Red Snapper as required to address overfishing.

The Council's preferred alternative would set the total ACL equal to the Acceptable Biological Catch, which needs to be reduced from 42,510 fish to 28,000 fish following the last stock assessment. This alternative allows for some harvest as the stock continues to rebuild. The ABC was recommended by the Council's Scientific and Statistical Committee following the 2021 stock assessment and may not be exceeded by the Council.

The amendment also includes an action to reduce release mortality for all snapper grouper species by restricting the recreational sector to the use of single hook rigs when targeting [snapper grouper species](#). As the Red Snapper stock continues to rebuild, so do the number of released fish that die, driven primarily by the recreational sector targeting co-occurring snapper grouper species. Amendment 35 includes a comprehensive plan to expand outreach for best fishing practices, including continued promotion of descending devices. "This is not simply a Red Snapper issue, but a management challenge for the entire snapper grouper fishery," explained Council Chair Dr. Carolyn Belcher. "The Council recognizes the frustration of anglers as Red Snapper harvest remains constricted, but we must get a handle on the release mortality occurring within the recreational fishery and are working through several avenues to do so."

In addition to the regulatory actions in Regulatory Amendment 35, the Council is pursuing several courses of action to address release mortality in the snapper grouper fishery and end overfishing of red snapper. The Council is developing a Management Strategy Evaluation (MSE) to provide a more holistic approach to evaluating snapper grouper fishery management options. An amendment to require recreational permits for the snapper grouper fishery is also in development. In addition, ongoing research to estimate the number of Red Snapper in the South Atlantic from North Carolina to south Florida may improve the information available to the Council for managing Red Snapper.

Public hearings for Snapper Grouper Regulatory Amendment 35 are scheduled for January 17-19, 2023 in Pooler, GA, Charleston, SC, and Morehead City, NC. Hearings will be held in Florida January 24-26 with hearings planned in Jacksonville, Cocoa Beach, and Key Largo. An additional hearing via webinar will also be scheduled. Details will be available from the Council's website at: <https://safmc.net/public-hearings-and-scoping/> as they become available.

Amendment 53 – Gag and Black Grouper

The South Atlantic Gag stock is overfished and undergoing overfishing. Amendment 53 to the Snapper Grouper Fishery Management plan will establish a rebuilding plan for Gag, revise catch levels, and implement management measures to end overfishing and rebuild the stock. The amendment includes actions to reduce the commercial trip limit for Gag, establish a recreational vessel limit, and prohibit retention by captain and crew on federally permitted for-hire vessels. Recreational measures would also apply to Black Grouper to reduce misidentification issues.

The Council will hold two public hearings via webinar on January 10 and 11, 2023 for Snapper Grouper Amendment 53 and is scheduled to approve the amendment for Secretarial review during its March meeting.

Information about the December 2022 Council meeting, including final committee reports, public comments, and meeting materials is available from the Council's website at: <https://safmc.net/events/december-2022-council-meeting/>. The next meeting of the Council is scheduled for March 6-10, 2023, in Jekyll Island, GA.

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

South Atlantic Fishery Management Council
Full Council and Committee Reports
SUMMARY MOTIONS
December 5-9, 2022

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

Full Council Session I

MOTION 1: APPOINT THE FOLLOWING INDIVIDUALS TO COUNCIL ADVISORY PANELS AND THE SEDAR POOL

Coral AP

- REAPPOINT DR. SANDRA BROOKE AND DR. STEVE ROSS TO A ONE-YEAR TERM TO THE CORAL AP.
- APPOINT KRISTEN AYERS TO THE CORAL AP.
- REAPPOINT JOHN CRAMER AND DR. NICHOLE FOGERTY TO THE CORAL AP

Mackerel Cobia AP

REAPPOINT STEPHEN DONALSON, CHARLES LOCKE, AND THOMAS NEWMAN TO THE MACKEREL COBIA AP.

Deepwater Shrimp AP

- REAPPOINT MIKE MERRIFIELD AND MARILYN SOLORZANO TO A ONE-YEAR TERM TO THE DW SHRIMP AP.
- REAPPOINT JASON VOGELSONG, LEE VOGELSONG, NANCY JONES, AND DAMIEN SOLORZANO TO THE DW SHRIMP AP.

Shrimp AP

- REAPPOINT GARY EXLEY, JOHN WOODS AND JANIE THOMAS, AND MARILYN SOLORZANO TO THE SHRIMP AP.
- APPOINT BRYAN FLUECH AND JEFFREY MILLIKEN TO THE SHRIMP AP.

Spiny Lobster AP

- REAPPOINT GARY NICHOLS, MIMI STAFFORD, SEAN ESPENSHIP, BRUCE IRWIN, AND JUSTIN SMITH TO THE SPINY LOBSTER AP.
- REAPPOINT MICKEY WHITTINGTON FOR A ONE-YEAR TERM TO THE SPINY LOBSTER AP.
- APPOINT ERICA ROSS TO THE SPINY LOBSTER AP.

SEDAR Pool

APPOINT GREG MERCURIO TO THE SEDAR POOL.

MOTION 2: ACCEPT TIMING AND TASKS:

- Send notification letters to appointees and email notifications to those not selected by December 20, 2022.
- Conduct an orientation of new AP members by the March 2023 SAFMC meeting.

- Staff to provide options for membership of the Golden Crab AP and Wreckfish AP at the Council's March 2023 meeting.
- Advertise for open seats on advisory panels, SSC, and SEP following the March 2023 Council meeting.

MOTION 3: APPROVE THE COMPREHENSIVE ACCEPTABLE BIOLOGICAL CATCH CONTROL RULE AMENDMENT TO THE FISHERY MANAGEMENT PLANS FOR THE SNAPPER GROUPER FISHERY OF THE SOUTH ATLANTIC REGION, DOLPHIN AND WAHOO FISHERY OF THE ATLANTIC, AND GOLDEN CRAB FISHERY OF THE SOUTH ATLANTIC REGION FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.

Snapper Grouper Committee

Release Mortality Reduction & Red Snapper Catch Levels (Regulatory Amendment 35)

MOTION 4: APPROVE THE EDITS TO THE PURPOSE AND NEED STATEMENTS.

Purpose: The *purpose* of this framework amendment is to revise the acceptable biological catch and annual catch limits for red snapper in the South Atlantic based on the results of the latest stock assessment; and implement management measures to reduce dead discards for the South Atlantic snapper grouper fishery.

Need: The *need* for this framework amendment is to ensure red snapper catch limits are based on the best scientific information available and to address overfishing of the South Atlantic red snapper stock by reducing dead discards of snapper grouper species, while minimizing negative social and economic effects to the extent practicable, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and its National Standards.

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

Action 1. Reduce the acceptable biological catch, total annual catch limit, and sector annual catch limits, and establish an annual optimum yield for South Atlantic red snapper

Alternative 2. Reduce the red snapper acceptable biological catch and set it equal to the most recent recommendation from the Scientific and Statistical Committee. Revise the total annual catch limit and establish an annual optimum yield for red snapper and set them **equal to** the recommended acceptable biological catch. Red snapper may only be harvested or possessed in or from the South Atlantic exclusive economic zone during the commercial and recreational fishing seasons. The 2027 total annual catch limit and annual optimum yield would remain in place until modified.

Fishing Year	ABC (numbers of fish)	Annual OY=Total ACL (numbers of fish)	Commercial ACL (lbs ww)	Recreational ACL (numbers of fish)
2023	28,000	28,000	77,016	19,119
2024	31,000	31,000	85,268	22,119
2025	33,000	33,000	90,769	24,119
2026	35,000	35,000	96,270	26,119
2027+	36,000	36,000	99,021	27,119

MOTION 6: MOVE ALTERNATIVES 3 AND 4 UNDER ACTION 1 TO THE CONSIDERED BUT REJECTED APPENDIX.

Alternative 3. Reduce the red snapper acceptable biological catch and set it equal to the most recent recommendation from the Scientific and Statistical Committee. Revise the total annual catch limit and establish an annual optimum yield for red snapper and set them equal to **95%** of the recommended acceptable biological catch. Red snapper may only be harvested or possessed in or from the South Atlantic exclusive economic zone during the commercial and recreational fishing seasons. The 2027 total annual catch limit and annual optimum yield would remain in place until modified.

Alternative 4. Reduce the red snapper acceptable biological catch and set it equal to the most recent recommendation from the Scientific and Statistical Committee. Revise the total annual catch limit and establish an annual optimum yield for red snapper and set them equal to **90%** of the recommended acceptable biological catch. Red snapper may only be harvested or possessed in or from the South Atlantic exclusive economic zone during the commercial and recreational fishing seasons. The 2027 total annual catch limit and annual optimum yield would remain in place until modified.

MOTION 7: MOVE ACTION 2 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 2. Prohibit the use of electrically or hydraulically-powered reels to fish recreationally for snapper grouper species

MOTION 8: MOVE DRAFT ALTERNATIVE 3 AND DRAFT ALTERNATIVE 4 UNDER ACTION 3 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 3. Prohibit the use of more than one hook per line for the snapper grouper recreational sector

DRAFT Alternative 3. Prohibit the use of more than one hook per line for the recreational sector to fish for snapper grouper species in the South Atlantic Exclusive Economic Zone off:

Sub-Alternative 3a. North Carolina

Sub-Alternative 3b. South Carolina

Sub-Alternative 3c. Georgia

Sub-Alternative 3d. North Florida (counties include Nassau, Duval, Saint Johns, Flagler, Volusia)

Sub-Alternative 3e. Central Florida (counties include Brevard, Indian River, St Lucie)

Sub-Alternative 3f. South Florida (counties include Martin, Palm Beach, Broward, Miami-Dade, Monroe)

DRAFT Alternative 4. Prohibit the use of more than one hook per line for the recreational sector to fish for snapper grouper species in the South Atlantic Exclusive Economic Zone in an **area associated with depth:**

Sub-Alternative 4a. Less than 100 feet

Sub-Alternative 4b. 100 feet to 200 feet

Sub-Alternative 4c. 200 feet to 300 feet

Sub-Alternative 4d. Greater than 300 feet

ADDITIONAL SUB-ALTERNATIVE DERIVED FROM AP RECOMMENDATION:

Sub-Alternative 4e. Greater than 150 feet

MOTION 9: APPROVE REGULATORY AMENDMENT 35 FOR PUBLIC HEARINGS.

Management Strategy Evaluation

MOTION 10: SCHEDULE THE MANAGEMENT STRATEGY EVALUATION CONTRACTORS TO PRESENT IN-PERSON AT THE MARCH 2023 COUNCIL MEETING.

Private Recreational Permitting and Reporting (Amendment 46)

MOTION 11: APPROVE AMENDMENT 46 AS MODIFIED (PRIVATE RECREATIONAL PERMITTING AND REPORTING) FOR SCOPING.

Gag and Black Grouper (Amendment 53)

MOTION 12: MOVE SUB-ACTION 4B TO THE CONSIDERED BUT REJECTED APPENDIX.

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

MOTION 13: SELECT SUB-ALTERNATIVE 2A AND SUB-ALTERNATIVE 3A AS PREFERRED FOR SUB-ACTION 5A.

Action 5a. Establish a recreational vessel limit for gag

Alternative 2. Establish a private recreational vessel limit for gag of:

Sub-Alternative 2a. 2 fish per vessel per day

Alternative 3. Establish a for-hire recreational vessel limit for gag of:

Sub-Alternative 3a. 2 fish per vessel per trip

MOTION 14: MOVE SUB-ACTION 5B TO THE CONSIDERED BUT REJECTED APPENDIX.

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

MOTION 15: SELECT ALTERNATIVE 2 AS THE PREFERRED ALTERNATIVE FOR SUB-ACTION 5C.

Action 5c. Prohibit the retention of gag by captain and crew

Alternative 2. The gag bag limit for captain and crew on a for-hire vessel with a Federal for-hire snapper-grouper permit is zero.

MOTION 16: SELECT THE SAME PREFERRED ALTERNATIVES FOR THE BLACK GROUPE SUB-ACTIONS (ACTION 7A-C) AS THE GAG SUB-ACTIONS (SUB-ACTIONS 5A-C).

Action 7a. Establish a recreational vessel limit for black grouper

Alternative 2. Establish a private recreational vessel limit for black grouper of:

Sub-Alternative 2a. 2 fish per vessel per day

Alternative 3. Establish a for-hire recreational vessel limit for black grouper of:

Sub-Alternative 3a. 2 fish per vessel per trip

Action 7b. Modify the recreational spawning season closure for black grouper

Alternative 1 (No Action). During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney).

Note: Action is moved to the Considered but Rejected Appendix

Action 7c. Prohibit the retention of black grouper by captain and crew

Alternative 2. The black grouper bag limit for captain and crew on a for-hire vessel with a Federal for-hire snapper-grouper permit is zero.

MOTION 17: DIRECT STAFF TO CONDUCT TWO WEBINAR PUBLIC HEARINGS IN JANUARY 2023 FOR AMENDMENT 53.

Snowy Grouper (Amendment 51)

MOTION 18: APPROVE THE MODIFICATIONS TO ACTION 4, ALTERNATIVE 2

Action 4. Modify the snowy grouper recreational accountability measures

Alternative 2. Remove the current recreational in-season accountability measures. For the snowy grouper recreational sector, National Marine Fisheries Service will annually announce the recreational fishing season start and end dates in the Federal Register and by other methods, as deemed appropriate. The fishing season will start on May 1 and end on the date National Marine Fisheries Service projects the recreational annual catch limit will be met.

MOTION 19: APPROVE AMENDMENT 51 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPE FISHERY OF THE SOUTH ATLANTIC REGION FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE

COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.

Golden Tilefish and Blueline Tilefish (Amendment 52)

MOTION 20: MOVE ACTION 6 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 6. Modify blueline tilefish recreational season.

MOTION 21: APPROVE AMENDMENT 52 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPER FISHERY OF THE SOUTH ATLANTIC REGION FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.

Timing and Tasks:

MOTION 22: DIRECT STAFF TO DO THE FOLLOWING:

- Continue to develop Regulatory Amendment 35 (Release Mortality Reduction and Red Snapper) and Amendment 53 (Gag and Black Grouper) for the Committee's consideration of approval for formal secretarial review at the March 2023 meeting.
- Conduct public hearings for Regulatory Amendment 35 (Release Mortality Reduction and Red Snapper) and Amendment 53 (Gag and Black Grouper) prior to the March 2023 Council meeting. Conduct public hearings for Amendment 53 via webinar. Conduct in-person and webinar public hearings for Regulatory Amendment 35.
- Prepare Amendment 51 (Snowy Grouper) and Amendment 52 (Golden Tilefish Blueline Tilefish) for submission for secretarial review.
- Conduct two scoping sessions for Amendment 46 via webinar ahead of the March 2023 meeting.
- Continue developing Amendment 46 (Private Recreational Permitting and Reporting) for review at the March 2023 meeting.
- Develop a guidance document for the management strategy evaluation (MSE).
- Request Blue Matter Science provide an overview presentation of the MSE at the March 2023 meeting.

Mackerel Cobia Committee

MOTION 23: DIRECT THE SSC TO PROVIDE CATCH LEVEL RECOMMENDATIONS FOR ATLANTIC SPANISH MACKEREL AT THEIR APRIL 2023 MEETING, EITHER FROM THE UPDATED ASSESSMENT OR USING A DATA-LIMITED APPROACH.

MOTION 24: ADOPT THE FOLLOWING TIMING AND TASKS:

1. Provide updated landings information and conduct a fishery performance report for little tunny once every three years for review.
2. Begin developing a plan for conducting port meetings along with Atlantic coast, seeking input from the Gulf Council and Atlantic States Marine Fisheries Commission.

3. Provide a brief summary of federal regulations as they relate to king and Spanish mackerel fishing tournaments and work with NMFS to gather the weight/number of tournament fish over the last ten years.
4. Work with the SSC and SEFSC to provide the information necessary to develop catch level recommendations at the April 2023 SSC meeting.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

February 23rd, 2023

MEMORANDUM

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

Issue

Law Enforcement report update.

Action Needed

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

Overview

The Marine Patrol had a busy year in 2022 including receiving two grants, updating our hiring process, additional trainings for current officers, and updating our Notice of Violation process.

The grants which we received included \$188,000 for our Swiftwater Rescue Team and \$444,043 in Port Security funds.

The Swiftwater Rescue Team used grant funds to purchase enclosed trailers for storing and transporting safety gear and other gear needed for swiftwater rescue deployments. The Swiftwater Rescue Team has officially become a “Type II” team meaning they can now be called upon by Emergency Management in times of need. They were deployed to Marion, NC during Hurricane Ian, which was their first mission as a “typed” team. Additional activity in 2022 included training for team member and training which our team provided to 18 other first responders including Marine Patrol officers, Pamlico Fire & Rescue, New Bern Fire & Rescue, and the Pamlico County Sherriff’s Office.

The \$444,043 in Port Security funds included a 25% match and these funds were used to purchase 2 Metal Shark boat packages. Marine Patrol was impressed with the 2 Metal Shark boat packages that they had purchased with a previous grant which led them to purchase the two new packages. Funds were also used to purchase 4 additional side-by-side vehicles which Marine Patrol has found to be very useful in patrolling the beaches.

Marine Patrol leadership worked to update the hiring process to be able to sponsor new hires to attend Basic Law Enforcement Training which increases the number of potential candidates for open positions. Two rounds of hiring in 2022 led to filling 6 new positions who are currently

engaged in training. We have also had 2 officers become field training officers and 1 become a general instructor which makes them great assets to the Marine Patrol team. All officers also participate in 24 hours of in-service training each year.

Marine Patrol's 2022 accomplishments include checking 10,314 Standard Commercial Fishing Licenses, 9,840 Commercial Fishing Vessel Registrations, 1,589 Shellfish Licenses, 63,099 Coastal Recreational Fishing Licenses, 564 Recreational Commercial Gear Licenses, and 23,738 Recreational vessels. These checks break down to a total of 21,743 commercial sector checks and 30,401 recreational sector checks. Marine Patrol also performed 2,065 checks on charter boats, wrote 558 citations, and wrote 1,318 warnings in 2022.

Shellfish Lease and Aquaculture



Shellfish Leases

Background

Shellfish leases have been allowed in North Carolina since 1858 providing job opportunities, economic benefits, and ecological benefits. The NC General Assembly directed the State to promote and grow the shellfish mariculture industry. Shellfish leases must be between 1/2 and 10 acres and may not interfere with natural seagrass or shellfish beds. Additionally, shellfish leases must be compatible with other public trust uses, including navigation, recreation, commercial fishing, and others. To help determine whether a shellfish lease can be approved, DMF uses a rigorous application process that uses GIS mapping, environmental sampling, consultation with other state and federal agencies, public comment, and cumulative impacts. Shellfish lease contracts are approved for 10-years and must meet commercial production requirements to ensure utilization and upkeep.

Lease Program Efficiencies

The Shellfish Lease Program has been working on implementing changes to improve the lease process for applicants and leaseholders. Several of these changes are highlighted below.

- Single annual mailout to leaseholders with rent notices, production reports, rules and regulations updates, and work authorizations.
- Option to receive forms via email for new shellfish lease applicants.
- Shellfish lease renewal packets include the existing management plan and prior renewal forms for reference.
- Made forms available on website.
- Improve transfer process with template forms for leaseholders and recipients.
- Lease staff meets applicants or leaseholders on site to assist with pole placement.
- Added more resources for lease siting, management plan support, and technical support to the website to assist growers.
- Collaborated with NC Sea Grant to develop the [North Carolina Aquaculture Gear Management and Storm Preparedness Resource Guide](#) on the Shellfish Lease website.



Aquaculture Permits

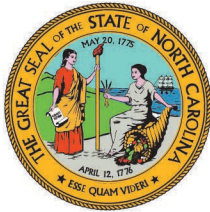
Background

There are nine aquaculture permits that may be required to conduct various upland and in-water aquaculture practices. Starting in 2023, Aquaculture Operation Permits (AOP) are now required for all shellfish leases and franchises. This has increased the number of permits that must be issued and inspected annually.

Aquaculture Program Efficiencies

The Aquaculture Program has been undergoing an overhaul to improve permit turnaround time and filing for applicants. Some of these changes are listed below.

- New AOP Renewal Package with one-page renewal including the previous year's permit information.
- 10 business day turnaround for new AOPs.
- All permit forms as fillable PDFs.
- Applications accepted in mail and all digital forms.
- 48–72-hour turnaround for Intro Permits and Aquaculture Seed Transplant Permits.
- Improved lease and aquaculture program coordination
- AOP inspection tool developed to improve annual inspection process and ensure consistency with inspections.



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

MEMORANDUM

TO: Coastal Resources Commission
Environmental Management Commission
Marine Fisheries Commission
Coastal Habitat Protection Plan Steering Committee

FROM: Jimmy Johnson
Albemarle-Pamlico National Estuary Partnership
Anne Deaton
Division of Marine Fisheries

DATE: January 30, 2023

SUBJECT: Coastal Habitat Protection Plan Steering Committee Meeting

The Coastal Habitat Protection Plan (CHPP) Steering Committee met in person in New Bern and via webinar at 9:30 a.m. Tuesday, December 6, 2022. The following attended in person:

Commissioners: Larry Baldwin, David Anderson, Bob Emory, Pat Harris (Not a committee member)
DMF Staff: Anne Deaton, Casey Knight, Jacob Boyd, Jimmy Harrison, Charlie Deaton
APNEP Staff: Jimmy Johnson
DCM Staff: Daniel Govoni, Mackenzie Todd, Rebecca Ellin
NCCF: Eliza Wilczek

The following attended virtually:

Commissioners: Yvonne Bailey, Doug Rader, Donald Huggins
DWR Staff: Karen Higgins, Tammy Hill, Michelle Raquet, David May, Holley Snider
DEMLR Staff: Samir Dumpor
NCDA&CS: Eric Pare (SWCD)
APNEP Staff: Bill Crowell, Tim Ellis
DMF Staff: Kelly Brannigan, Kim Harding, Brandi Salmon, Dan Zapf, Chris Stewart
Public: Reid Corbett (ECU-CSI), Tom Caggiano (TNC), Kathy Herring (NCDOT)



North Carolina Department of Environmental Quality

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WELCOME AND INTRODUCTIONS

Jimmy Johnson (APNEP) welcomed everyone to the CHPP Steering Committee (CSC) Meeting. He noted that Donald Huggins and Dr. Doug Rader were new members of the CSC representing the MFC. Johnson asked that everyone introduce themselves, those attending in person and those attending virtually. Johnson noted that the CSC no longer has a chairman since Dr. Martin Posey was not reappointed to the MFC. A chair will be selected either in between meetings or at the next meeting of the CSC. The Steering Committee elects its own chairperson.

APPROVE MINUTES FROM OCTOBER 25, 2021 MEETING

Motion by Larry Baldwin to approve the minutes. Seconded by David Anderson. Motion carried unanimously.

ROLES AND RESPONSIBILITIES

Johnson reviewed the roles and responsibilities for the members of the CSC and for the CHPP Team members. A handout was distributed with the responsibilities of the members.

CHPP BACKGROUND

Johnson gave a PowerPoint presentation on the history and purpose of the Coastal Habitat Protection Plan. He noted that the CHPP was part of the Fisheries Reform Act of 1997. The first plan was enacted in late 2004 when all three regulatory commissions voted to adopt the plan. Since 2004 the CHPP was rewritten in 2010 and 2016 and amended in 2022. The legislative goal of the CHPP is: *The long-term enhancement of coastal fisheries associated with coastal habitats.* The CHPP identifies six critical habitats which fish utilize at different stages of their life cycle, and which are critical to protect. The 2022 Amendment focuses on five key issues to better concentrate efforts and hopefully make more significant strides in improving water quality and the habitats mentioned.

CHPP IMPLEMENTATION

Anne Deaton (DMF) reviewed implementation progress of the 2021 CHPP Recommended Actions for the five priority issues.

Submerged Aquatic Vegetation Protection and Restoration

This priority issue has 13 recommended actions. Eight are targeted for 2022. A key action is establishing water quality standards for light penetration. DWR staff is working with a Science Advisory Committee to do this through a Nutrient Criteria Development Plan. Dr. Nathan Hall at UNC's IMS has been collecting water quality data to enhance a bio-optical model needed to determine nutrient and sediment thresholds. Three recommended actions are to begin in 2023 and two are already underway. Larry Baldwin suggested that it may be of benefit to utilize recreational fishing routes to track seagrass expansion and contraction. Bill Crowell, APNEP Director, noted that DWR would be requesting funding for additional ambient monitoring along with additional funding to continue Dr. Hall's work.

Wetland Protection and Enhancement with Nature-based Solutions

This priority issue has 17 recommended actions of which five are due to begin in 2022. Four of the five are underway. The one that is not underway is the recommended action for prohibiting



oyster harvest on living shorelines. DMF and DCM staff determined there is no statutory authority to deal with this issue and it may not be as significant of an issue as first thought. DEQ will be seeking funding to map coastal wetlands in 2023. A workgroup is developing a Greenhouse Gas Inventory for coastal wetlands and SAV, which are currently not included in NC's Greenhouse Gas Inventory. A final report is due in a few months. Rebecca Ellin (NERRS) noted that an America the Beautiful Grant was awarded to DCM to study marsh migration corridors on some NERRS sites.

Environmental Rule Compliance

This issue has five recommended actions, two of which are to begin in 2022. One action was a website that would post the names of all offenders. Samir Dumpor (DEMLR) noted that there may be some legal issues with trying to shame the culprits. DEACS already has a site for compliance information. Dumpor also noted that transfers of stormwater permits are a large challenge for stormwater management education and compliance. There will be some free stormwater workshops coming up in 2023.

Reducing Inflow and Infiltration associated with Wastewater Infrastructure

Deaton noted that there are seven recommended actions for this issue, and none are to begin in 2022. David May (DWR) gave a brief update on the recommended actions about smaller wastewater systems, requiring annual cleaning and having an "Operators in Responsible Charge" available. This may be a good place to utilize some stimulus funding or BIL money.

Habitat Mapping and Monitoring

This key issue has five recommended actions and 2 are slated to start in 2022 and the other three in 2023. One item of note is the recommendation to update standardized procedures for algal bloom investigations, as this may present an opportunity to cross-train other divisions and therefore increase interagency cooperation.

Overarching recommendation 9.1 calls for several things. The one major action is the formation of a Public Private Partnership. That is well underway, and the formation of the PPP will initiate several other actions called for in 9.1.

PUBLIC COMMENT

There was no public comment.

UPDATE ON PUBLIC PRIVATE PARTNERSHIP AND THE WATER QUALITY SUMMIT

Eliza Wilczek, with the NC Coastal Federation, was invited to give the committee a report on the recent Water Quality Summit held in New Bern and how that would be used as a kick-off of the Public Private Partnership. She reported that 111 people participated in the Summit representing 13 stakeholder categories. After a morning of presentations from stakeholders and shareholders, along with DEQ leadership, the gathering broke up into four subgroups – Living Shorelines and Salt Marsh Conservation, Working Lands and Waters, and two subgroups centered around Resiliency Planning. After the meeting, it was decided to merge groups one and three into one Conservation and Resilience Planning. The Working Lands and Waters subgroup was to meet before the Christmas break and begin working on a resolution seeking more funding for the Agriculture Cost Share Program that funds BMPs to improve water quality.



ISSUES FROM COMMISSIONERS

Doug Rader (MFC) would like to look at river flows and the effects on fisheries, primarily striped bass. He noted that we would need the WRC at the table for this discussion. Rader noted that the SAFMC jurisdiction went further inland than the CHPP has historically. He noted that the CHPP is where everything comes together regarding this issue.

Rader also asked that we begin looking at climate change-related weather patterns and planning further into the future to increase coastal resiliency. He asked about the effects that weather has on fish habitat suitability.

Bill Crowell noted that the CSC would benefit on hearing from the South Atlantic Salt Marsh Initiative (SASMI).

Larry Baldwin (CRC) had several issues he would like to see discussed and addressed in future meetings. He would like to see improvements in the hydrology of the coast. Baldwin noted that mitigation credits for coastal improvements were very difficult to obtain. One example of hydrologic restoration was filling mosquito ditches since they increase flooding and reduce water quality. He suggested investigating incentives for restoration, such as allowing mitigation credits for that work and would like to see more public/private mitigation banks. A second example from Baldwin was to restore flow in waterbodies that have been impacted by road crossings and causeways. In coastal counties some of the older roads performed as dikes, which is can be observed by the different vegetation on each side of the roadway. He emphasized that this has a tremendous effect on water quality. He would like to see some work done on the sizing of culverts and make sure they are correctly sized to help with the movement and flow of coastal waters.

Three other issues Baldwin would like to see discussed in the future were marine debris and salvage, basic sanitary facilities at public access points, and minimum building standards for docks and piers.

ADJOURN

The meeting adjourned at 12:10 pm

/jaj





ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

January 27, 2023

MEMORANDUM

TO: N.C. Marine Fisheries Commission

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

SUBJECT: Protected Resources Program Update

Issue

Summary information is provided from the Division's Protected Resources Program to provide updates related to recent Endangered Species Act (ESA) Section 10 Incidental Take Permit (ITP) reports to National Marine Fisheries Service (NMFS), submission of an ITP application to NMFS for September 1, 2023 – August 31, 2033, and development of a fisherman call-in system to arrange observed trips.

Seasonal reports to NMFS are required for the sea turtle ITP and monthly reports, if a take is observed, are required for the Atlantic Sturgeon ITP. The seasonal report for the sea turtle ITP and the September monthly report for the Atlantic Sturgeon ITP can be found in the briefing materials. There were no observed incidental takes of Atlantic Sturgeon during October or November. Note that the seasonal and monthly reports are preliminary and updates can occur in the final reports submitted to NMFS.

The current sea turtle Section 10 ITP expires in August 2023. The Division has been working with NMFS to prepare an application for a new 10-year permit that would combine sea turtles and sturgeon into a single ITP. On December 2, 2022, the Division formally submitted an ITP application for incidental takes of sea turtles and sturgeon in estuarine anchored gill-net fisheries. On December 22, 2022, NMFS published the Notice of Receipt and request for public comments on the application (<https://www.federalregister.gov/documents/2022/12/22/2022-27799/endangered-species-file-no-27106>) followed by a correction to the notice on January 5, 2023 (<https://www.federalregister.gov/documents/2023/01/05/2022-28553/endangered-species-file-no-27106-correction>). The 30-day public comment period was set to close on January 23, 2023; however, in response to a request, the NMFS announced on January 20, 2023, that the public comment period would be extended an additional 30 days, closing on February 22, 2023.

Several other steps must occur before NMFS can issue an ITP. Pursuant to the National Environmental Policy Act (NEPA; 40 CFR§ 1508.27), NMFS will develop an Environmental Assessment (EA) to determine if issuance of the ITP would have significant environmental effects. NMFS will publish the draft EA and provide a separate 30-day comment period specific to the draft EA. The draft EA will include any appropriate changes to the ITP application in response to public comments, but depending on the number of comments received, it may or may not include responses to public comments. Separately, NMFS will initiate an ESA Section 7 consultation, which is an interagency process “..designed to assist federal agencies in fulfilling their duty to ensure any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat” (<https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region>). If NMFS determines that an ITP can be issued, it will publish the final EA, with associated responses to comments on the application and the draft EA, and Section 7 Biological Opinion upon issuance of the ITP (<https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-222/subpart-C/section-222.307>).

Finally, to improve scheduling of observer trips and in response to industry requests, the Observer Program has been working with the NC Department of Information Technology to contract a vendor to build an automated call-in system. The goal is for fishermen to report upcoming fishing activities planned for a given week and some portion of the fishermen will be randomly selected to take an observer. Ultimately, the call-in system will result in observed trips being distributed more evenly among participants and improve ITP observer coverage success. The Observer Program is compiling background information and plans to schedule public information meetings during spring and summer before rolling out the call-in system requirements during fall.

Action Needed

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

Overview

Sea Turtle Seasonal Report

During fall 2022, onboard and alternative platform methods were used for observed trips. Hereafter, all references to gill nets are for anchored nets only unless stated otherwise. Estimates of observer coverage percentages for open management units were calculated using preliminary observer data and estimates of fishing effort. Management Unit D1 was not opened to large-mesh (≥ 5 inches stretch mesh; ISM) gill nets during fall of 2022. Estimated observer coverage of the large-mesh gill-net fishery exceeded the 7% minimum required threshold in all open management units (279 observed trips; percent coverage range: 12.6–34.7%; Table 1). These percentages may change when Trip Ticket Program data are available in 2023.

Additionally, estimated observer coverage of the small-mesh (< 4 ISM) gill-net fishery met or exceeded the 1% minimum required threshold in all management units except Management Unit C (38 observed trips; percent coverage range: 0–3.4%; Table 2). Observers and Marine Patrol officers logged 252 No-Contact trips, primarily looking for small-mesh effort (Table 3).

There were 30 observed sea turtle interactions from large-mesh gill nets and two from small-mesh gill nets during fall 2022 (Table 4). Of the 30 turtle interactions observed in large-mesh gill nets, nine occurred on the first day the fishery was open (September 15) and 18 occurred on the second day (September 16). As a result, a proclamation was issued on the afternoon of September 16, closing several subunits in Management Unit B to anchored large-mesh gill nets. These gill net closures included subunits Core Sound Gill Net Restricted Area (CGNRA), Shallow Water Gill Net Restricted Areas (SGNRA) 1, and SGNRA 2 (Proclamation M-19-2022). On September 22, the flounder northern and southern management areas were closed to mobile gears, including estuarine anchored large-mesh gill nets, based on reported landings compared to the Southern Flounder quota (Proclamations M-20-2022 and M-21-2022). The cumulative estimated and/or observed sea turtle takes for large-mesh gill nets were calculated daily to ensure authorized takes were not exceeded (Table 5).

The two observed live sea turtle (both green sea turtles) interactions in small-mesh gill nets occurred in Management Unit B during October (Table 4). Observer Program staff began conversations with NCDMF management staff after the second interaction because the authorized number of green sea turtle interactions for small-mesh gill nets in Management Unit B is a count of three observed. The decision was made to close Management Unit B to anchored small-mesh gill nets effective on November 2, 2022 (Proclamation M-24-2022), acknowledging that reopening the management unit would be considered when water temperatures decreased to a level where sea turtle occurrence likely would be decreased also. The cumulative number of observed takes for small-mesh gill nets was calculated daily to ensure authorized takes were not exceeded.

In addition to observed sea turtle interactions, two fishermen reported sea turtle interactions in their gear. One report was of a dead green sea turtle from an anchored large-mesh gill net in Management Unit C during September. The other report was a dead unidentified sea turtle from an anchored small-mesh gill net in Management Unit E during October.

During fall 2022, observers logged 348 contacts or contact attempts. Observers spoke with a fisherman on 123 occasions to try to arrange a trip but only arranged 29 trips in advance (23.6%). Out of 119 times observers left a message (either voicemail or with another person), observers only received 28 returned calls from fishermen (23.5%).

Atlantic Sturgeon Monthly Report

During September 2022, there were 14 observed Atlantic Sturgeon incidental takes (Table 6). There were no observed incidental takes of Atlantic Sturgeon during October or November. All observed takes occurred in large-mesh anchored gill nets in Management Unit A. Cumulative estimated and observed interactions during fall months did not reach or exceed authorized levels (Table 7).

Table 1. For estuarine anchored large-mesh gill nets, estimated percent observer coverage calculated from observer trips (≥ 4 ISM) and estimated fishing trips using Trip Ticket Program data (≥ 5 ISM) by management unit during fall (September–November) 2022 for Incidental Take Permit Year 2023. The large-mesh gill-net fishery opened in all management units except D1 on September 15. Some areas of Management Unit B were closed on September 16; the other Management Units closed on September 22. ISM=Inches Stretch Mesh.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	720	115	16.0
B	365	46	12.6
C	144	50	34.7
D1	closed	closed	closed
D2	36	5	13.9
E	348	63	18.1
Total	1,613	279	17.3

Table 2. For estuarine anchored small-mesh gill nets, estimated percent observer coverage calculated from observer trips (< 4 ISM) and estimated fishing trips using Trip Ticket Program data (< 5 ISM) by management unit during fall (September–November) 2022 for Incidental Take Permit Year 2023. Management Unit B was closed November 2, 2022, and the first two days of November were not added to the Estimated Fishing Trips. ISM=Inches Stretch Mesh.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	305	3	1.0
B	733	17	2.3
C	157	0	0
D1	31	1	3.2
D2	141	4	2.8
E	384	13	3.4
Total	1,751	38	2.2

Table 3. Number of "No Contact" trips by management unit completed by Marine Patrol and observers during fall 2022 (September–November) for Incidental Take Permit Year 2023. "No Contact" refers to unsuccessful attempts to find and observe gill-net effort.

Management Unit	Marine Patrol No-Contact Trips	Observer No-Contact Trips	Total No-Contact Trips
A	43	1	44
B	22	3	25
C	45	7	52
D1	12	1	13
D2	1	2	3
E	115	0	115
Overall	238	14	252

Table 4. Summary of observed sea turtle interactions (n=32) in anchored gill nets during fall 2022 (September–November) for ITP Year 2023. Thirty interactions were observed in large-mesh (≥ 4 ISM) gill nets and two interactions were observed in small-mesh (< 4 ISM) gill nets. An asterisk (*) denotes sea turtles that were in poor condition and transferred to veterinary care arranged by NC Wildlife Resources Commission (NCWRC). ISM=Inches Stretch Mesh. CCL=Curved Carapace Length. CCW=Curved Carapace Width. n/r =not recorded. MU= Management Unit

Date	MU	Mesh Category	Latitude (N)	Longitude (W)	Species	Disposition	CCL (mm)	CCW (mm)
9/15/2022	B	Large	35.07028	76.08861	Green	Alive	280	250
9/15/2022	B	Large	35.07139	76.08861	Green	Alive*	279	250
9/15/2022	B	Large	34.91255	76.24804	Green	Alive	360	300
9/15/2022	B	Large	34.86522	76.31285	Green	Alive	292	229
9/15/2022	C	Large	35.06556	76.61701	Green	Alive	300	258
9/15/2022	E	Large	33.91075	77.98346	Green	Dead	n/r	n/r
9/15/2022	B	Large	35.05916	76.08611	Kemp's Ridley	Alive	351	363
9/15/2022	B	Large	34.86522	76.31285	Kemp's Ridley	Alive	267	241
9/15/2022	B	Large	35.07194	76.08639	Loggerhead	Alive	510	495
9/16/2022	B	Large	35.32777	75.59722	Green	Dead	287	221
9/16/2022	B	Large	35.13778	75.95694	Green	Dead	303	255
9/16/2022	B	Large	34.85878	76.32066	Green	Dead	300	204
9/16/2022	B	Large	34.85878	76.32066	Green	Alive	301	270
9/16/2022	B	Large	34.86112	76.31775	Green	Alive	301	280
9/16/2022	B	Large	34.85997	76.31948	Green	Alive	320	260
9/16/2022	B	Large	34.85997	76.31948	Green	Alive	250	208
9/16/2022	B	Large	34.86042	76.31917	Green	Alive	n/r	n/r
9/16/2022	B	Large	34.86180	76.31703	Green	Alive	n/r	n/r
9/16/2022	B	Large	34.86079	76.31371	Green	Alive*	301	260
9/16/2022	C	Large	35.01076	76.70729	Green	Alive	n/r	n/r
9/16/2022	E	Large	34.66558	77.13181	Green	Alive	n/r	n/r
9/16/2022	E	Large	34.67059	77.12879	Green	Alive	n/r	n/r
9/16/2022	E	Large	34.66827	77.13359	Green	Dead	n/r	n/r
9/16/2022	E	Large	34.66802	77.13365	Green	Alive*	n/r	n/r
9/16/2022	E	Large	34.57522	77.36246	Green	Alive	n/r	n/r
9/16/2022	B	Large	34.85878	76.32066	Kemp's Ridley	Alive	380	400
9/16/2022	E	Large	34.66512	77.12916	Kemp's Ridley	Alive	n/r	n/r
9/20/2022	B	Large	35.34660	76.13865	Green	Alive	304	290
9/20/2022	C	Large	35.00194	76.72851	Unidentified	Alive	n/r	n/r
9/22/2022	C	Large	35.01479	76.70437	Green	Alive	255	240
10/06/2022	B	Small	35.44401	76.01347	Green	Alive	279	262
10/26/2022	B	Small	35.43788	76.01713	Green	Alive	298	231

Table 5. Summary of estimated (green and Kemp's ridley sea turtles) and observed (unidentified) sea turtle interactions in anchored large-mesh (≥ 4 ISM) gill nets by management unit during fall 2022 (September–November) for Incidental Take Permit Year 2023. ISM= Inches Stretch Mesh.

Management Unit	Green		Kemp's ridley		Loggerhead		Unidentified	
	Alive	Dead	Alive	Dead	Alive	Dead	Alive	Dead
A	0	0	0	0	0	0	0	0
B	59.2	13.2	15.7	0	1	0	0	0
C	3	0	0	0	0	0	1	0
D1	0	0	0	0	0	0	0	0
D2	0	0	0	0	0	0	0	0
E	8.0	3.8	2.0	0	0	0	0	0
Total	70.2	17.0	17.7	0	1	0	1	0

Table 6. Summary of observed Atlantic Sturgeon (n=14) interactions in estuarine anchored gill nets during September 2022 for ITP Year 2023. Mesh-size categories are large (>5 ISM) and small (<5 ISM). An asterisk (*) denotes sturgeon caught on the same day and trip. ISM= Inches Stretch Mesh.

Date	Condition	Management Unit	Mesh-Size Category	Soak Time (min)	Total Yards Set
9/15/2022	Alive	A	Large	720	800
9/15/2022	Alive	A	Large	720	1230
9/16/2022	Alive	A	Large	720	1500
9/17/2022	Alive	A	Large	720	1000
9/20/2022*	Alive	A	Large	720	1500
9/20/2022*	Alive	A	Large	720	1500
9/20/2022	Alive	A	Large	720	1500
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200

Table 7. Summary of estimated (Management Unit A) or observed (Management Units B–E) Atlantic Sturgeon interactions during fall 2022 (September–November) by management unit and disposition for large- and small-mesh gill nets for ITP Year 2023.

Management Unit	Large Mesh		Small Mesh	
	Alive	Dead	Alive	Dead
A	60.4	0	0	0
B	0	0	0	0
C	0	0	0	0
D	0	0	0	0
E	0	0	0	0
Total	60.4	0	0	0



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Monthly Progress Report
Incidental Take Permit No. 18102
Oct 7, 2022

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

Dear Celeste:

This memo serves as a report on observer program activities during September 2022 of the 2023 ITP Year (September 1, 2022 – August 31, 2023) for Permit #18102.

With the new ITP year starting September 1, the closure ([Proclamation M-10-2022](#)) effective April 28, 2022 of Management Unit A to estuarine anchored gill nets of all sizes ended ([Proclamation M-16-2022](#)). During September, the estuarine anchored small-mesh gill-net fishery was open state-wide for the entire month. The estuarine anchored large-mesh gill-net fishery targeting flounder was open with varying dates and locations based on [Amendment 3 of the Southern Flounder Fishery Management Plan](#), which establishes a quota-managed fishery for mobile gears (estuarine anchored large-mesh gill nets and gigs) and stationary gears (pound nets).

The estuarine anchored large-mesh fishery targeting flounder opened in all Management Units except D1 on September 15 (Proclamations [FF-40-2022](#), [M-15-2022](#), and [M-17-2022](#)). For the mobile gear fishery, the quota was split between the northern management area (123,879 pounds from ITP Management Units A, B, and C) and southern management area (62,309 pounds from ITP Management Units D2 and E) ([Proclamation FF-40-2022 Map Package](#)). Estuarine Flounder Dealer Permits were required for any fish dealer to possess, purchase, sell, or offer for sale flounder taken from estuarine waters. As a [condition of the permit](#), dealers were required to report flounder landings from a given day by noon the next day or for landings on Fridays or Saturdays by noon the following Monday.

On September 16, Management Unit B subunits Core Sound Gill Net Restricted Area (CGNRA), Shallow Water Gill Net Restricted Areas (SGNRA) 1, and SGNRA 2 were closed to estuarine anchored large-mesh gill nets due to the number of observed sea turtle interactions that had occurred there ([Proclamation M-19-2022](#); Figure 1). Fishermen could haul in their gear the morning of the 16th that had been set the night before, but they could not set their gear again that evening. On September 22, the northern and southern management areas were closed to mobile gears, including estuarine anchored large-mesh gill nets, based on the reported landings compared to the quota ([Proclamations M-20-2022](#) and [M-21-2022](#)).

During September, there were 251 observed estuarine anchored large-mesh trips and 5 observed estuarine anchored small-mesh trips (Table 1). On these trips, 14 Atlantic Sturgeon interactions were observed, all in large-mesh gill nets (Table 2). Cumulative estimated and observed interactions during September of the 2023 ITP Year are included in Table 3 for anchored large-mesh gill nets. A table for small-mesh gill nets is not provided because there were no takes during September.

In addition to observed trips, 69 unsuccessful attempts to find fishing effort (“No-Contact trips”; Table 1) and 10 observed runaround gill-net trips were occurred during September. Observed runaround gill-net trips occurred in Management Units B (2 trips), C (6 trips) and E (2 trips).

Table 1. Numbers of observed estuarine anchored gill-net trips (n=256) by management unit and mesh-size category during September 2022 for ITP Year 2023. Mesh-size categories are large (≥ 5 inches stretched mesh) and small (< 5 inches stretched mesh). Numbers of No-Contact trips (n=69) by management unit are also provided. No-Contact refers to unsuccessful attempts to find and observe anchored gill-net effort.

Month	Management Unit	Large-mesh observed trips	Small-mesh observed trips	No-Contact trips
September	A	93	0	10
	B	45	0	11
	C	47	0	12
	D1	closed	1	4
	D2	5	0	0
	E	61	4	32
	Overall		251	5

Table 2. Summary of observed Atlantic Sturgeon (n=14) interactions in estuarine anchored gill nets during September 2022 for ITP Year 2023. Mesh-size categories are large (≥ 5 inches stretched mesh) and small (< 5 inches stretched mesh). Sturgeon on the same day with an asterisk were caught on the same trip.

Date	Condition	Management Unit	Mesh-Size Category	Soak Time (min)	Total Yards Set
9/15/2022	Alive	A	Large	720	800
9/15/2022	Alive	A	Large	720	1230
9/16/2022	Alive	A	Large	720	1500
9/17/2022	Alive	A	Large	720	1000
9/20/2022*	Alive	A	Large	720	1500
9/20/2022*	Alive	A	Large	720	1500
9/20/2022	Alive	A	Large	720	1500
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200
9/22/2022*	Alive	A	Large	720	1200

Table 3. For anchored large-mesh (≥ 5 inch) gill nets, a comparison of observed (live, n=14; dead, n=0) incidental takes of Atlantic Sturgeon by management unit during September 2022 of the 2023 ITP Year to authorized thresholds expressed as either estimated total takes based on observed takes for Management Unit A or counts of observed takes (i.e., not estimated) for Management Units B–E. Estimated takes in Management Unit A are based on projected fishing effort; therefore, 95% confidence intervals are not provided. Genetic results were not available to determine the Distinct Population Segment (DPS) of observed interactions.

Management Unit	Season	Authorized				Actual	
		Carolina DPS		Other DPS		All DPS	
		Alive	Dead	Alive	Dead	Alive	Dead
A	Annual	1,604	65	535	21	60.4	0
B	Annual	24	6	9	0	0	0
C	Annual	11	5	4	0	0	0
D	Annual	8	2	n/a	n/a	0	0
E	Annual	8	2	n/a	n/a	0	0
Total	Annual	1,655	80	548	21	60.4	0

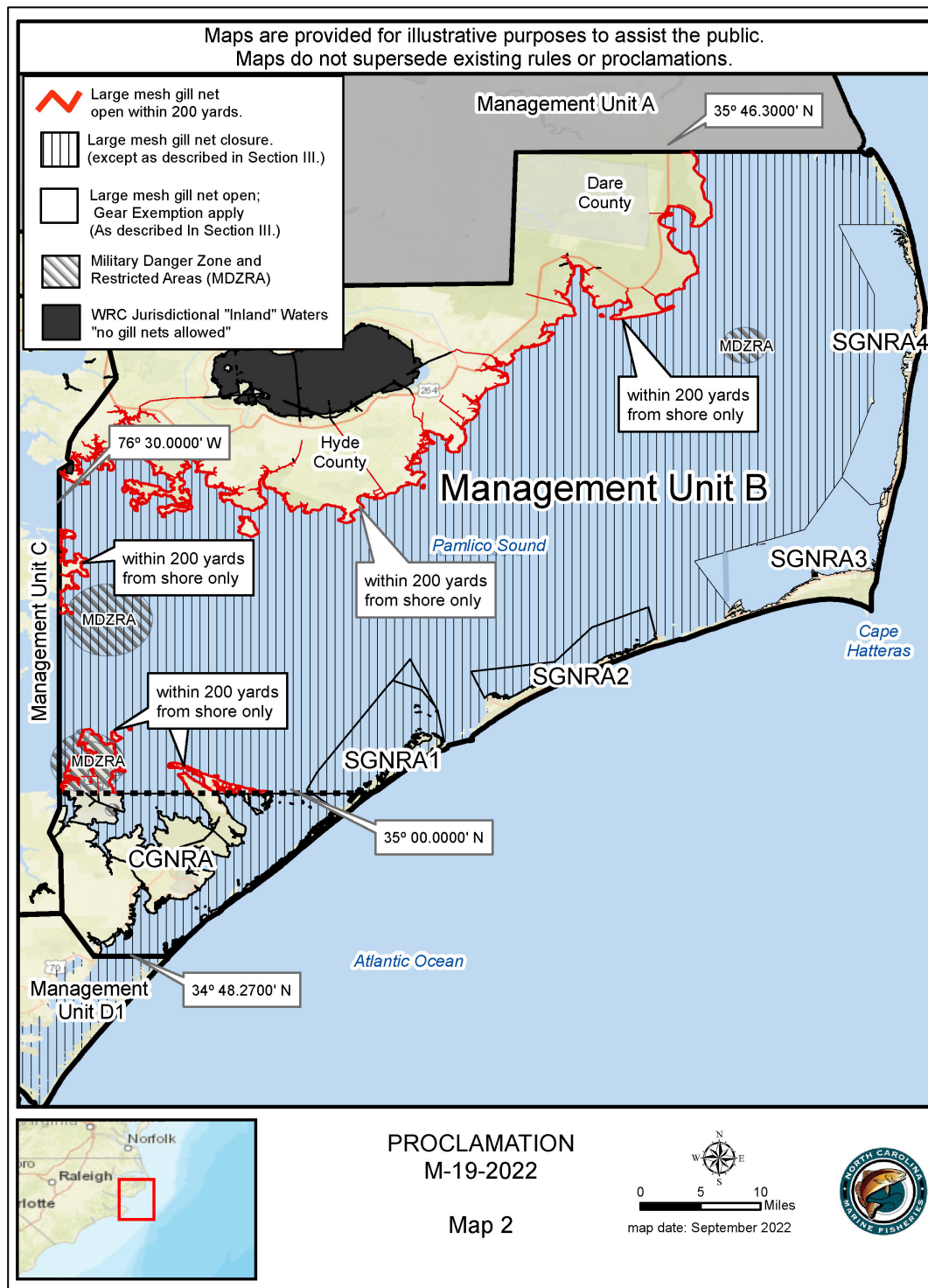


Figure 1. Map from Proclamation M-19-2022 showing the closure of Core Sound Gill Net Restricted Area (CGNRA), Shallow Water Gill Net Restricted Areas (SGNRA) 1, and SGNRA 2 to estuarine anchored large-mesh gill nets, effective September 16, 2022 at 6:15 pm.

Kind regards,

A handwritten signature in cursive script that reads "Barbie L. Byrd". The signature is written in black ink and is positioned above the printed name.

Barbie Byrd
Protected Resources Program, Biological Supervisor

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

2022 Fall Seasonal Progress Report
for Activities under Endangered Species Act
Section 10 Incidental Take Permit No. 16230
September 1–November 30, 2022
ITP Year 2023



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

December 2022
(revised January 2023)

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Figure 2. Number of contacts or contact attempts (n=377) during fall (September–November) 2022 to schedule trips. Contact response categories include the following: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not fishing because of medical issues; 7) Booked trip; 8) Hung up, got angry, trip refused; 9) Call back later time/date; 10) Saw in person; 11) Disconnected; 12) Wrong number; 13) No answer; 14) No answer, left voicemail; 15) Not fishing because of natural disaster (e.g., hurricane). Contact responses are shown as those when the observer talked with a fisherman (teal), when the observer did not (black), and when the fisherman returned an observer’s call (bronze) or when a fisherman called and initiated a conversation (white).18

SUMMARY

This report summarizes activities of the North Carolina Division of Marine Fisheries (NCDMF) Observer Program during fall (September–November) 2022 of the Incidental Take Permit (ITP) Year 2023 (September 1, 2022–August 31, 2023) for ITP No. 16230. Throughout this document, all references to gill nets are for estuarine anchored gill nets only, unless stated otherwise. Data used in this seasonal report are preliminary and subject to change for the annual report to be submitted February 2024. See Figure 1 for a map of management units outlined in the ITP Conservation Plan.

With the new ITP year starting September 1, the closure (Proclamation M-10-2022) effective April 28, 2022, of Management Unit A to estuarine anchored small-mesh gill nets ended (Proclamation M-16-2022; Table 1). The estuarine anchored large-mesh gill-net fishery targeting Southern flounder (*Paralichthys lethostigma*) opened statewide on September 15 with the exception of Management Unit D1 and the deep waters of Management Unit B (Proclamations FF-40-2022, M-15-2022, and M-17-2022). In contrast to the fall seasons of 2019–2021, regulations on the large-mesh gill-net fishery targeting flounder during fall 2022 were set in accordance with [Amendment 3](#) to the N.C. Southern Flounder Fishery management Plan, which was adopted by the North Carolina Marine Fisheries Commission (MFC) on May 26, 2022 and superseded Amendment 2. Among other things, Amendment 3 established a quota-managed fishery for mobile gears (estuarine anchored large-mesh gill nets and gigs) and stationary gears (pound nets) with separate sub-allocations by harvest areas. Attendance requirements for anchored small-mesh gill nets were in place statewide (M-9-2022; Table 1). For more information, the NCDMF published an interactive map package online that provides visual references for gill-net attendance regulations that are in rule (<https://deq.nc.gov/about/divisions/marine-fisheries/rules-proclamations-and-size-and-bag-limits/rules/interactive-map-current-rules>).

For the mobile-gear fishery, the allocation was split between the northern management area (123,879 pounds from ITP Management Units A, B, and C) and southern management area (62,309 pounds from ITP Management Units D2 and E) (Proclamation FF-40-2022; Figure 1). Estuarine Flounder Dealer Permits were required for any fish dealer to possess, purchase, sell, or offer for sale flounder taken from estuarine waters. As a condition of the permit, dealers were required to report flounder landings from a given day by noon the next day or for landings on Fridays or Saturdays by noon the following Monday. Gill-net activity was still subject to conditions put forth by federally issued ITPs for sea turtle and sturgeon incidental takes, and areas could be closed by proclamation should allowable take numbers be approached or exceeded. Also, further restrictions per Amendment 3 included a reduction in gill-net yardage ($\leq 1,500$ yards in Management Units A, B, and C and ≤ 750 yards in Management Units D2 and E) and a limit of overnight soak times in Management Units A and C.

Prior to the start of the fall season, the Observer Program projected the number of observed trips by month and management unit that would be needed to meet the coverage levels required in the ITP. For small-mesh gill nets, this was accomplished as in years past by calculating the average number of fishing trips reported to the Trip Ticket Program by management unit from the previous five years (e.g., 2017–2021 for the 2022 fall season). This approach has had to evolve since fall 2019 (ITP year 2020) to estimate effort in the estuarine anchored large-mesh gill-net fishery for

Southern flounder due to drastic reductions in fishing effort when Amendment 2 was first adopted. For the fall of 2020 and 2021, the number of reported fishing trips per month and management unit was divided by the number of days the fishery was open during each of the previous five years. The projected number of observer trips for each month and management unit was based on 10% of that expanded number. However, after reviewing finalized Trip Ticket Program data, estimates of fishing trips were biased low in some cases. To account for this concern and the additional unknown effects of a quota-managed fishery, the approach to estimating fishing effort was modified for fall 2022. Using Trip Ticket Program data from the last three years, the maximum number of fishermen reporting large-mesh gill-net trips for a given week and management unit was calculated. We then assumed that each of the fishermen would fish every day until the quota was filled and the fishery was closed. Using this assumption, we multiplied the maximum number of fishermen for each management unit by the estimated number of days open for that management unit in a given week (e.g., Management Unit B is not open Saturday through Monday). The projected number of observer trips for each management unit per week was based on 10% of the corresponding expanded number. It cannot be known at this time whether this approach would overestimate fishing activity, but it should reduce the likelihood of underestimating activity and not reaching required observer coverage.

Observers, Marine Patrol, and other NCDMF staff combined effort to observe the fall large-mesh gill-net fishery for Southern flounder to ensure observer coverage requirements were met. Observer program staff focused their efforts on getting onboard observations. Prior to the start of the flounder season, the Observer Program held training sessions at the Morehead City, Washington, Manteo, and Elizabeth City offices for staff helping with alternative platform observations. In most cases, at least one of the two staff members on an alternative platform team had observed prior to the current season.

There were 30 observed sea turtle interactions from large-mesh gill nets and two from small-mesh gill nets during fall 2022 (Table 2). Of the 30 turtle interactions observed in large-mesh gill nets, nine occurred on the first day the fishery was opened (September 15) and 18 were observed on the second day (September 16). As a result, a proclamation was issued on the afternoon of September 16, closing Management Unit B subunits Core Sound Gill Net Restricted Area (CGNRA), Shallow Water Gill Net Restricted Areas (SGNRA) 1, and SGNRA 2 to anchored large-mesh gill nets (details below; Proclamation, M-19-2022; Figure 1). On September 22, the northern and southern flounder management areas were closed to mobile gears, including estuarine anchored large-mesh gill nets, based on reported landings compared to the quota (Proclamations M-20-2022 and M-21-2022; Table 1). The cumulative estimated and/or observed takes for large-mesh gill nets were calculated daily to ensure that authorized takes were not exceeded (Table 3).

The two observed live sea turtle (both green sea turtles) interactions in small-mesh gill nets occurred in Management Unit B during October (Tables 2, 4). Observer Program staff began conversations with NCDMF management staff after the second interaction occurred because the authorized number of green sea turtle interactions in small-mesh gill nets in Management Unit B is a count of three observed. The decision was made to close Management Unit B to anchored small-mesh gill nets effective on November 2, 2022 (Proclamation M-24-2022, Table 1). The cumulative number of observed takes for small-mesh gill nets was calculated daily to ensure that authorized takes were not exceeded (Table 4).

Of the overall 32 observed sea turtle interactions, 21 of them occurred in Management Unit B, four were in Management Unit C, and seven were in Management Unit E. Most of the observed interactions were green sea turtles (21 alive, 5 dead; Table 2). Three of the live green sea turtles were in poor condition and were transferred to veterinary care arranged by NC Wildlife Resources Commission. The remaining six observed sea turtles were all alive: four Kemp's ridley sea turtles, one loggerhead sea turtle, and one unidentified sea turtle.

In addition to observed sea turtle interactions, two fishermen reported sea turtle interactions in their gear (Table 5). One report was of a dead green sea turtle from an anchored large-mesh gill net in Management Unit C during September. The other report was a dead unidentified sea turtle from an anchored small-mesh gill net in Management Unit E during October.

Estimated fishing effort for the fall season was adjusted for the actual number of days open for large-mesh and small-mesh gill nets. Even though portions of Management Unit B were closed on September 16, estimated fishing effort was not adjusted. Estimated observer coverage of the large-mesh gill-net fishery exceeded 10% in all open management units (279 observed trips; percent coverage range: 12.6–34.7%; Table 6). Estimated observer coverage of the small-mesh gill-net fishery exceeded 1% in all management units except Management Unit C (38 observed trips; percent coverage range: 0–3.4%) (Table 7). Small-mesh gill-net effort was more difficult to locate than large-mesh effort because it is generally diffuse in time and space. This was particularly true for Management Units A and C. Conversations with Marine Patrol, fishermen, and fish-house samplers indicated that fishermen active in Management Units A and C were using runaround gill nets instead of anchored gill nets due to the net attendance regulations for small-mesh anchored gill nets there. The Observer Program staff have initiated conversations with the Trip Ticket Program to assess if seafood dealers have been mistakenly coding runaround gill-net trips as anchored gill-net trips.

Observers and Marine Patrol officers occasionally observe estuarine runaround (also called a drop/strike) gill nets and floating/drift gill nets. During fall 2022, Marine Patrol officers conducted observations of one floating/drift gill-net trip in Management Unit E and a total of 27 runaround gill-net trips: two trips in Management Unit B, 13 trips in Management Unit C, and 12 trips in Management Unit E. Observers and Marine Patrol officers logged a total of 252 No-Contact trips (Table 8) with 52 of them in Management Unit C looking for anchored small-mesh gill nets to observe.

As part of their regular duties, Marine Patrol officers checked gill nets for compliance. Occasionally, citations and/or Notice of Violations (NOVs) were issued to fishermen when gear or fishing practices were out of compliance. A citation is an enforcement action taken by a Marine Patrol officer for person(s) found to be in violation of general statues, rules, or proclamations under the authority of the NCMFC and is considered a proceeding for district court. A NOV is the NCDMF's administrative process to suspend a permit and is initiated by an officer or division employee when a permit holder is found to be in violation of general or specific permit conditions. A citation and an NOV may both be initiated by the same permit condition violation; however, they are two separate actions. For this report, NOVs or citations associated with gill-net activities or the Estuarine Gill Net Permit (ENGP; database codes "NETG" and "EGNP") were compiled.

Marine Patrol issued 11 citations and eight NOVs for estuarine anchored gill nets during fall 2022 (Tables 9 and 10).

As per the ITP, the NCDMF established the EGNP in September 2014 to register all fishermen participating in anchored large- and small-mesh gill-net fisheries. Permits are renewed on an annual basis, based on the fiscal year for licenses. Contact information associated with the EGNPs is used by observers to call fishermen to schedule trips. To help arrange trips, the Observer Program worked with the NCDMF License & Statistics Section to distill the list of fishermen with active EGNPs to those that have reported landings with anchored gear (by mesh-size category) during the last three years. Observers also attempted to talk with fishermen in person at boat ramps and on the water when possible. Observers logged contact attempts and returned phone calls from fishermen into a database with categories of the response: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not fishing because of medical issues; 7) Booked trip; 8) Hung up, got angry, trip refused; 9) Call back later time/date; 10) Saw in person; 11) Disconnected; 12) Wrong number; 13) No answer; 14) No answer, left voicemail; 15) Not fishing because of natural disaster (e.g., hurricane) (Figure 2). During fall 2022, observers logged 348 contacts or contact attempts. Observers spoke with a fisherman on 123 occasions to try to arrange a trip, but only arranged 29 trips in advance (23.6%). Out of 119 times observers left a message (either voicemail or with another person), observers received 28 returned calls from fishermen (23.5%). The Observer Program followed up on phone numbers that were disconnected or incorrect; some of them have already been updated.

TABLES

Table 1. Proclamations (Proc.) affecting estuarine anchored large- and small-mesh gill-net fisheries during fall (September – November) 2022 for Incidental Take Permit Year 2023.

Effective Date	Proc. Number	Regulation change
5/01/2022	M-9-2022	This proclamation supersedes proclamation M-6-2022 dated March 11, 2022. In Management Unit A, it implements small mesh gill net attendance requirements. It stipulates that it is unlawful to use fixed or stationary gill nets with a stretched mesh length other than 3 inches through 3 ¾ inches and keeps open a portion of Management Unit A to the use of run-around, strike, drop, and trammel gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish.
9/01/2022	M-16-2022	This proclamation supersedes proclamation M-10-2022 dated April 27, 2022. It opens Management Unit A to the use of small mesh anchored gill nets and implements small mesh gill net attendance requirements in accordance with the Division’s Fishery Management Plans for Estuarine Striped Bass and River Herring and the Incidental Take Permits for threatened or endangered sea turtles and endangered Atlantic sturgeon. It keeps open a portion of Management Unit A to the use of run-around, strike, drop, and trammel gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish.
9/14/2022	M-17-2022	This proclamation supersedes proclamation M-16-2022 dated August 26, 2022. It opens Management Unit A to the use of gill nets for the purpose of harvesting flounder in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and the Incidental Take Permits for threatened or endangered sea turtles and endangered Atlantic sturgeon. It maintains the exempted areas in MUA open to the use of run-around, strike, drop, and trammel gill nets to harvest blue catfish. It also maintains small mesh gill net attendance requirements in the entirety of Management Unit A.
9/14/2022	M-15-2022	This proclamation supersedes proclamation M-8-2022 dated April 12, 2022. This proclamation opens Management Units B (subunits only), C, D2, and E to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section III.) in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and the Federal Incidental Take Permits for endangered and threatened Sea Turtles and endangered Atlantic sturgeon.

9/15/2022	FF-40-2022	This proclamation supersedes Proclamation FF-40-2021, dated June 28, 2021. It establishes commercial flounder season dates for Internal Coastal Waters by Flounder Management Area and Gear Category. This action is being taken to comply with the requirements of Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and maintain harvest within the total allowable landings.
9/16/2022	M-19-2022	This proclamation supersedes proclamation M-15-2022 dated August 26, 2022. This proclamation closes Management Unit B subunits SGNRA1, SGNRA2, and CGRNA to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section III.) accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and the Incidental Take Permits for endangered and threatened Sea Turtles and endangered Atlantic sturgeon. It maintains openings in Management Units C, D2, and portions of Management Unit E (except those portions described in Section II.)
9/22/2022	M-21-2022	This proclamation supersedes proclamation M-17-2022 dated September 6, 2022. It closes Management Unit A to the use of large mesh anchored gill nets with overnight soaks for harvesting flounder. It maintains small mesh gill net attendance requirements and keeps open a portion of Management Unit A to the use of run-around, strike, drop, and trammel gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish.
9/22/2022	M-20-2022	This proclamation supersedes proclamation M-19-2022 dated September 16, 2022. This proclamation closes Management Units D2 and E at 12:00 P.M. on September 21, 2022, and Management Units B and C at 10:00 A.M. on September 22, 2022 to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section III.) in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan.
9/21/22 & 9/22/22	FF-46-2022	This proclamation supersedes Proclamation FF-40-2022, dated July 8, 2022. It closes the commercial flounder season for the Southern Management Area Wednesday, September 21, 2022, and the Mobile Gear Northern Area Thursday, September 22, 2022, and maintains the season, size, and gear restrictions for the Pound Net Northern, Central, and Southern Management Areas. This proclamation also establishes a 1,000-pound daily trip limit for the commercial pound net fishery in the Pound Net Northern Management Area beginning September 22, 2022. If the division determines quota is available for additional harvest days further proclamations will be released. This action is being taken to comply with the requirements of Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and maintain harvest within the total allowable landings (TAL).

10/09/2022	FF-48-2022	This proclamation supersedes Proclamation FF-46-2022, dated September 21, 2022. It reopens the commercial flounder season for the Mobile Gear Northern and Southern Management Areas to gigs and hook and line only with a 50-fish per person per day limit and maintains the closure to all other mobile gears. This proclamation also establishes a 1,000-pound daily trip limit for the commercial pound net fishery in the Pound Net Southern Management Area and maintains a 1,000-pound daily trip limit for the commercial pound net fishery in the Pound Net Northern Management Area, while maintaining the season, size, and gear restrictions for the Pound Net Northern, Central, and Southern Management Areas. This action is being taken to comply with the requirements of Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and maintain harvest within the total allowable landings (TAL).
10/28/2022	FF-55-2022	This proclamation supersedes Proclamation FF-54-2022, dated October 19, 2022. It closes harvest of flounder taken for commercial purposes from Internal Coastal Waters. Quota monitored landings are approaching the Total Allowable Landings (TAL) and harvest will not re-open in 2022. This action is being taken to comply with the requirements of Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and maintain harvest within the TAL.
11/02/2022	M-24-2022	This proclamation supersedes proclamation M-13-2022 dated June 17, 2022. It closes Management Unit B to the use of fixed or stationary gill nets with a stretched mesh length less than 4 inches.
11/04/2022	M-25-2022	This proclamation supersedes proclamation M-24-2022 dated November 2, 2022. It closes Management Unit B to the use of fixed or stationary gill nets with a stretched mesh length less than 4 inches and maintains exemptions for actively fished gill nets.

Table 2. Summary of observed sea turtle interactions (n=32) in anchored gill nets during fall 2022 (September–November) for ITP Year 2023. Thirty interactions were observed in large-mesh (≥ 4 inch) gill nets and two interactions were observed in small-mesh (< 4 inch) gill nets. An asterisk (*) denotes sea turtles that were in poor condition and transferred to veterinary care arranged by NC Wildlife Resources Commission (NCWRC). CCL=Curved Carapace Length. CCW=Curved Carapace Width. n/r =not recorded. MU= Management Unit

Date	MU	Mesh Category	Latitude (N)	Longitude (W)	Species	Disposition	CCL (mm)	CCW (mm)
9/15/2022	B	Large	35.07028	76.08861	Green	Alive	280	250
9/15/2022	B	Large	35.07139	76.08861	Green	Alive*	279	250
9/15/2022	B	Large	34.91255	76.24804	Green	Alive	360	300
9/15/2022	B	Large	34.86522	76.31285	Green	Alive	292	229
9/15/2022	C	Large	35.06556	76.61701	Green	Alive	300	258
9/15/2022	E	Large	33.91075	77.98346	Green	Dead	n/r	n/r
9/15/2022	B	Large	35.05916	76.08611	Kemp's Ridley	Alive	351	363
9/15/2022	B	Large	34.86522	76.31285	Kemp's Ridley	Alive	267	241
9/15/2022	B	Large	35.07194	76.08639	Loggerhead	Alive	510	495
9/16/2022	B	Large	35.32777	75.59722	Green	Dead	287	221
9/16/2022	B	Large	35.13778	75.95694	Green	Dead	303	255
9/16/2022	B	Large	34.85878	76.32066	Green	Dead	300	204
9/16/2022	B	Large	34.85878	76.32066	Green	Alive	301	270
9/16/2022	B	Large	34.86112	76.31775	Green	Alive	301	280
9/16/2022	B	Large	34.85997	76.31948	Green	Alive	320	260
9/16/2022	B	Large	34.85997	76.31948	Green	Alive	250	208
9/16/2022	B	Large	34.86042	76.31917	Green	Alive	n/r	n/r
9/16/2022	B	Large	34.86180	76.31703	Green	Alive	n/r	n/r
9/16/2022	B	Large	34.86079	76.31371	Green	Alive*	301	260
9/16/2022	C	Large	35.01076	76.70729	Green	Alive	n/r	n/r
9/16/2022	E	Large	34.66558	77.13181	Green	Alive	n/r	n/r
9/16/2022	E	Large	34.67059	77.12879	Green	Alive	n/r	n/r
9/16/2022	E	Large	34.66827	77.13359	Green	Dead	n/r	n/r
9/16/2022	E	Large	34.66802	77.13365	Green	Alive*	n/r	n/r
9/16/2022	E	Large	34.57522	77.36246	Green	Alive	n/r	n/r
9/16/2022	B	Large	34.85878	76.32066	Kemp's Ridley	Alive	380	400
9/16/2022	E	Large	34.66512	77.12916	Kemp's Ridley	Alive	n/r	n/r
9/20/2022	B	Large	35.34660	76.13865	Green	Alive	304	290
9/20/2022	C	Large	35.00194	76.72851	Unidentified	Alive	n/r	n/r
9/22/2022	C	Large	35.01479	76.70437	Green	Alive	255	240
10/06/2022	B	Small	35.44401	76.01347	Green	Alive	279	262
10/26/2022	B	Small	35.43788	76.01713	Green	Alive	298	231

Table 3. Summary of estimated (green and Kemp's ridley sea turtles) and observed cumulative (unidentified) sea turtle interactions in anchored large-mesh (≥ 4 inch) gill nets by management unit during fall 2022 (September–November) for Incidental Take Permit Year 2023.

Management Unit	Green		Kemp's ridley		Loggerhead		Unidentified	
	Alive	Dead	Alive	Dead	Alive	Dead	Alive	Dead
A	0	0	0	0	0	0	0	0
B	59.2	13.2	15.7	0	1	0	0	0
C	3	0	0	0	0	0	1	0
D1	0	0	0	0	0	0	0	0
D2	0	0	0	0	0	0	0	0
E	8.0	3.8	2.0	0	0	0	0	0
Total	70.2	17.0	17.7	0	1	0	1	0

Table 4. Summary of estimated (green and Kemp's ridley sea turtles) and observed cumulative (unidentified) sea turtle interactions in anchored small-mesh (< 4 inch) gill nets by management unit during fall 2022 (September–November) for Incidental Take Permit Year 2023.

Management Unit	Green Alive or Dead	Kemp's Ridley Alive or Dead	Loggerhead Alive or Dead
A	0	0	0
B	2	0	0
C	0	0	0
D1	0	0	0
D2	0	0	0
E	0	0	0
Total	2	0	0

Table 5. Summary of sea turtle interactions (n=2) reported by fishermen in anchored gill nets during fall 2022 (September–November) for ITP Year 2023. Large-mesh is defined as ≥ 4 inch; small-mesh is defined as < 4 inch. Measurements were not recorded (n/r) for either sea turtle. MU=Management Unit.

Date	MU	Mesh Category	Latitude (N)	Longitude (W)	Species	Disposition	CCL (mm)	CCW (mm)
9/19/2022	C	Large	35.39397	76.50329	Green	Dead	n/r	n/r
10/29/2022	E	Small	34.67975	77.12285	Green	Dead	n/r	n/r

Table 6. For estuarine anchored large-mesh gill nets, estimated percent observer coverage calculated from observer trips (≥ 4 inch) and estimated fishing trips using Trip Ticket Program data (≥ 5 inch) by management unit during fall (September–November) 2022 for Incidental Take Permit Year 2023. The large-mesh gill-net fishery opened in all management units except D1 on September 15. Some areas of Management Unit B were closed on September 16; the other Management Units closed on September 22.

Management Unit	Estimated Fishing		Percent Observer Coverage
	Trips	Observed Trips	
A	720	115	16.0
B	365	46	12.6
C	144	50	34.7
D1	closed	closed	closed
D2	36	5	13.9
E	348	63	18.1
Total	1,613	279	17.3

Table 7. For estuarine anchored small-mesh gill nets, estimated percent observer coverage calculated from observer trips (< 4 inch) and estimated fishing trips using Trip Ticket Program data (< 5 inch) by management unit during fall (September–November) 2022 for Incidental Take Permit Year 2023. Management Unit B was closed November 2, 2022, and the first two days of November were not added to the Estimated Fishing Trips.

Management Unit	Estimated Fishing		Percent Observer Coverage
	Trips	Observed Trips	
A	305	3	1.0
B*	733	17	2.3
C	157	0	0
D1	31	1	3.2
D2	141	4	2.8
E	384	13	3.4
Total	1,751	38	2.2

Table 8. Number of “No-Contact” trips by management unit completed by Marine Patrol and observers during fall (September–November) 2022 for Incidental Take Permit Year 2023. “No Contact” refers to unsuccessful attempts to find and observe estuarine anchored gill-net effort.

Management Unit	Marine Patrol	Observer	Total
	No-Contact Trips	No-Contact Trips	No-Contact Trips
A	43	1	44
B	22	3	25
C	45	7	52
D1	12	1	13
D2	1	2	3
E	115	0	115
Total	238	14	252

Table 9. Citations written by Marine Patrol officers for estuarine anchored gill nets by date and violation code during fall (September–November) 2022 for Incidental Take Permit Year 2023.

Date	Code	Description
9/04/2022	NETG01	Leave gill net in coastal waters unattended
9/14/2022	NETG45	Set or retrieve large mesh gill nets no sooner than one hour before sunset on Monday through Thursday Proclamation M-8-2010
9/15/2022	NETG44	Use large mesh gill nets w/out leaving a space of at least 25 yards between separate lengths of net Proclamation M-8-2010
9/16/2022	NETG40	Use cork floats or other buoys except those required for ID on large mesh gill nets Proclamation M-8-2010
9/17/2022	NETG02	Using gill net without buoys or identification
10/24/2022	NETG01	Leave gill net in coastal waters unattended
10/24/2022	NETG02	Using gill net without buoys or identification
11/02/2022	NETG27	Gill Net set within 50 yards from shore 3H.0103 M-9-2008
11/02/2022	NETG27	Gill Net set within 50 yards from shore 3H.0103 M-9-2008
11/02/2022	NETG01	Leave gill net in coastal waters unattended
11/08/2022	NETG02	Using gill net without buoys or identification

Table 10. Notice of Violations (NOV) for Estuarine Gill Net Permit (EGNP) holders using estuarine anchored gill nets by date and violation code during fall (September–November) 2022 for Incidental Take Permit Year 2023.

Date	Code	Description
9/04/2022	EGNP99	Failure to comply with statutes(s), rules(s), and/or proclamation(s)
9/14/2022	EGNP09	Failure to set or retrieve nets in accordance with time restrictions.
9/15/2022	EGNP09	Failure to set or retrieve nets in accordance with time restrictions.
9/15/2022	EGNP99	Failure to comply with statutes(s), rules(s), and/or proclamation(s)
9/17/2022	EGNP25	Refuse to allow fisheries observers onboard or collect data
11/2/2022	EGNP99	Failure to comply with statutes(s), rules(s), and/or proclamation(s)
11/2/2022	EGNP99	Failure to comply with statutes(s), rules(s), and/or proclamation(s)
11/2/2022	EGNP99	Failure to comply with statutes(s), rules(s), and/or proclamation(s)

FIGURES

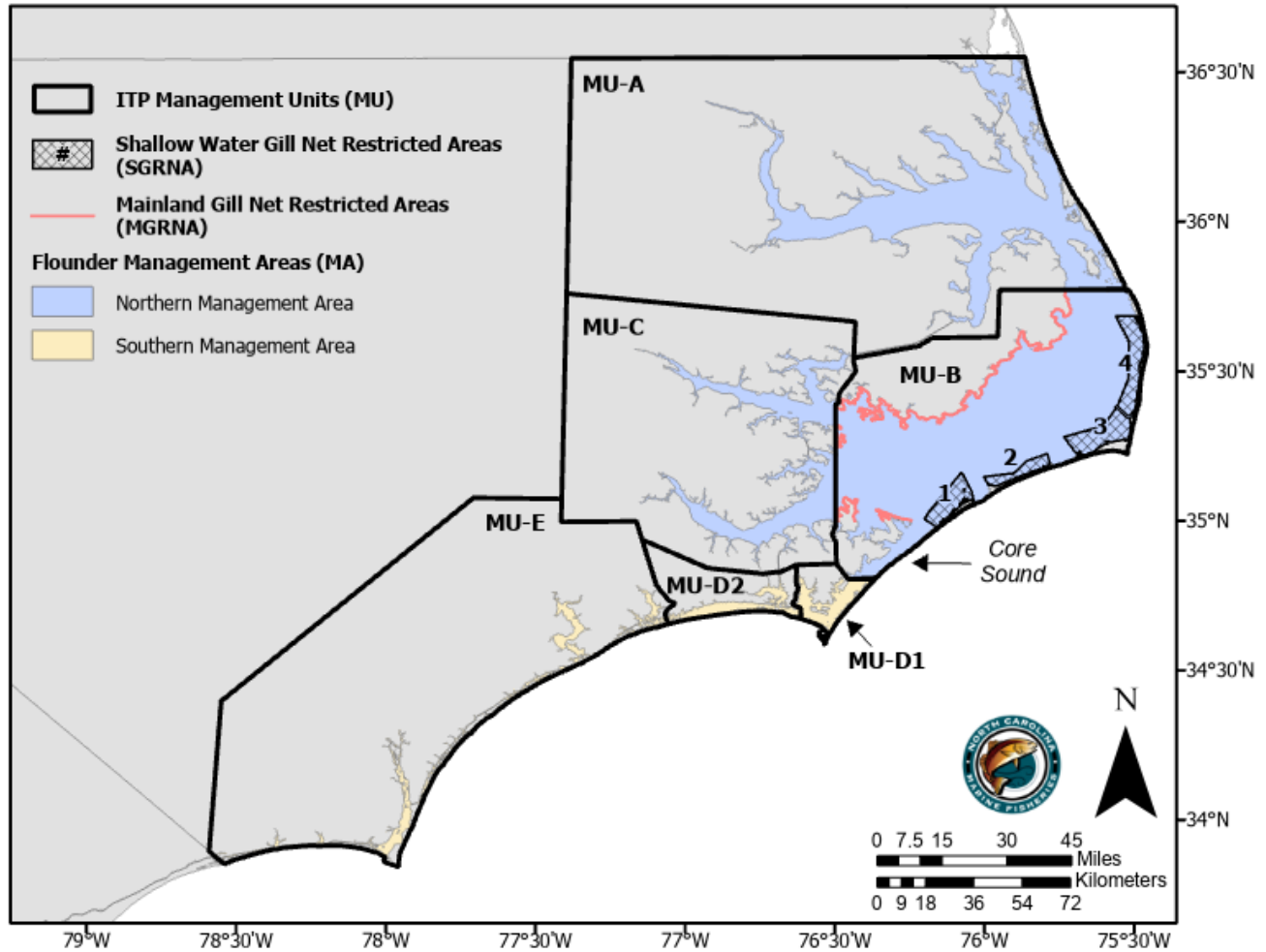


Figure 1. Management Units (MU: A, B, C, D1, D2, and E) as outlined in the Incidental Take Permit (ITP) Conservation Plan overlaying the flounder Management Areas (MA: northern and southern) described in Proclamation FF-40-2022. In the Pamlico Sound portion of B, large-mesh (≥ 4 inch) gill nets were confined to Shallow Water Gillnet Restricted Areas (SGRNA) 1-4 and the Mainland Gillnet Restricted Area (200 yards from shore).

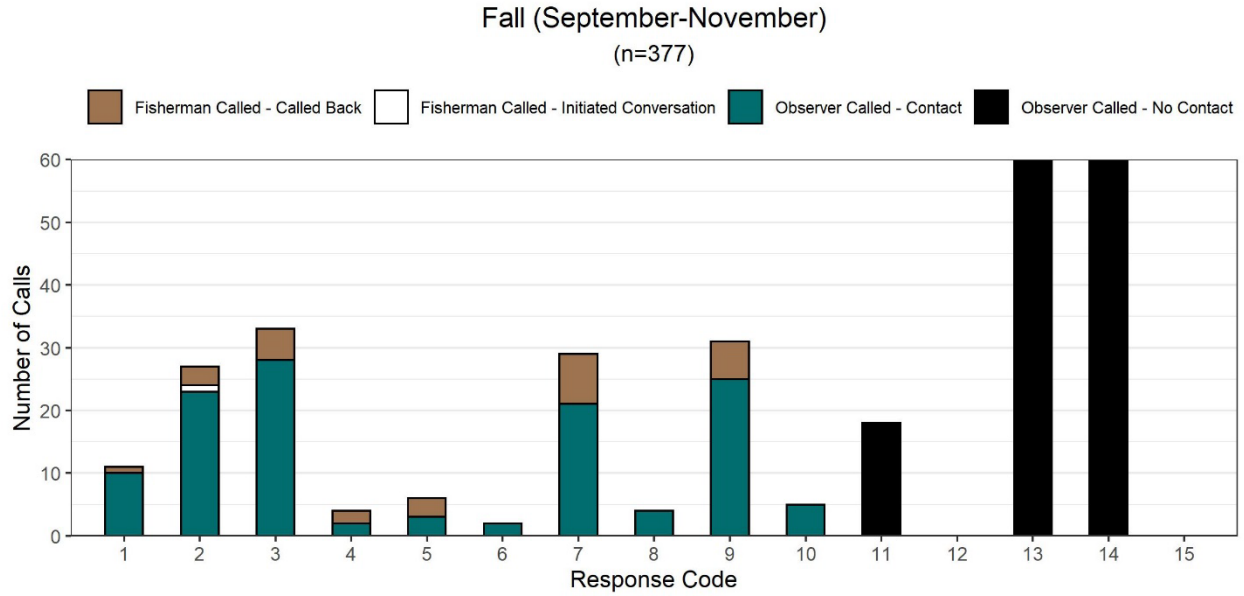


Figure 2. Number of contacts or contact attempts (n=377) during fall (September–November) 2022 to schedule trips. Contact response categories include the following: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not fishing because of medical issues; 7) Booked trip; 8) Hung up, got angry, trip refused; 9) Call back later time/date; 10) Saw in person; 11) Disconnected; 12) Wrong number; 13) No answer; 14) No answer, left voicemail; 15) Not fishing because of natural disaster (e.g., hurricane). Contact responses are shown as those when the observer talked with a fisherman (teal), when the observer did not (black), and when the fisherman returned an observer’s call (bronze) or when a fisherman called and initiated a conversation (white).

Red Drum Landings 2021-2023

Landings are complete through January 23, 2023.

2021 landings are final. 2022 and 2023 landings are preliminary.

Year	Month	Species	Pounds	2009-2011 Average	2013-2015 Average
2021	9	Red Drum	28,365	28,991	35,003
2021	10	Red Drum	52,629	43,644	63,659
2021	11	Red Drum	20,820	14,318	27,646
2021	12	Red Drum	19,514	3,428	2,197
2022	1	Red Drum	12,506	5,885	1,700
2022	2	Red Drum	23,417	3,448	3,996
2022	3	Red Drum	14,598	5,699	3,971
2022	4	Red Drum	413	7,848	6,528
2022	5	Red Drum	10,805	13,730	9,661
2022	6	Red Drum	11,069	12,681	6,985
2022	7	Red Drum	7,474	13,777	15,618
2022	8	Red Drum	14,873	21,252	15,846

FY22 Fishing Year (Sept 1, 2021 - Aug 31, 2022) Landings 201,610

Year	Month	Species	Pounds	2009-2011 Average	2013-2015 Average
2022	9	Red Drum	26,573	28,991	35,003
2022	10	Red Drum	19,308	43,644	63,659
2022	11	Red Drum	18,863	14,318	27,646
2022	12	Red Drum	14,570	3,428	2,197
2023	1	Red Drum		5,885	1,700
2023	2	Red Drum		3,448	3,996
2023	3	Red Drum		5,699	3,971
2023	4	Red Drum		7,848	6,528
2023	5	Red Drum		13,730	9,661

2023	6	Red Drum	12,681	6,985
2023	7	Red Drum	13,777	15,618
2023	8	Red Drum	21,252	15,846

FY23 Fishing Year (Sept 1, 2022 - Aug 31, 2023) Landings 79,314

YEAR	MONTH	SPECIES	POUNDS	DEALERS	TRIPS	AVERAGE
2018	1	SOUTHERN FLOUNDER	610	14	43	7,713
2018	2	SOUTHERN FLOUNDER	1,833	34	154	4,617
2018	3	SOUTHERN FLOUNDER	2,815	43	387	23,512
2018	4	SOUTHERN FLOUNDER	8,142	74	769	68,389
2018	5	SOUTHERN FLOUNDER	18,350	90	952	122,514
2018	6	SOUTHERN FLOUNDER	42,501	105	1,407	154,090
2018	7	SOUTHERN FLOUNDER	57,283	117	1,496	170,387
2018	8	SOUTHERN FLOUNDER	72,496	121	1,917	201,862
2018	9	SOUTHERN FLOUNDER	109,125	114	1,776	396,263
2018	10	SOUTHERN FLOUNDER	363,361	109	3,064	781,717
2018	11	SOUTHERN FLOUNDER	226,856	89	1,355	392,150
2018	12	SOUTHERN FLOUNDER	471	5	5	37,303
2019	1	SOUTHERN FLOUNDER	524	25	74	7,713
2019	2	SOUTHERN FLOUNDER	558	23	69	4,617
2019	3	SOUTHERN FLOUNDER	1,412	44	216	23,512
2019	4	SOUTHERN FLOUNDER	5,966	66	448	68,389
2019	5	SOUTHERN FLOUNDER	36,666	92	1,038	122,514
2019	6	SOUTHERN FLOUNDER	61,199	109	1,438	154,090
2019	7	SOUTHERN FLOUNDER	59,404	109	1,554	170,387
2019	8	SOUTHERN FLOUNDER	95,629	109	1,779	201,862
2019	9	SOUTHERN FLOUNDER	51,734	59	551	396,263
2019	10	SOUTHERN FLOUNDER	327,394	120	2,337	781,717
2019	11	SOUTHERN FLOUNDER	159,595	58	537	392,150
2020	3	SOUTHERN FLOUNDER	***	***	***	23,512
2020	4	SOUTHERN FLOUNDER	***	***	***	68,389
2020	8	SOUTHERN FLOUNDER	***	***	***	201,862
2020	9	SOUTHERN FLOUNDER	86,549	30	788	396,263
2020	10	SOUTHERN FLOUNDER	340,711	138	2,623	781,717
2020	11	SOUTHERN FLOUNDER	52,602	25	68	392,150
2021	3	SOUTHERN FLOUNDER	***	***	***	23,512
2021	4	SOUTHERN FLOUNDER	***	***	***	68,389
2021	5	SOUTHERN FLOUNDER	***	***	***	122,514
2021	6	SOUTHERN FLOUNDER	***	***	***	154,090
2021	7	SOUTHERN FLOUNDER	***	***	***	170,387
2021	8	SOUTHERN FLOUNDER	***	***	***	201,862
2021	9	SOUTHERN FLOUNDER	68,089	28	735	396,263
2021	10	SOUTHERN FLOUNDER	416,893	130	2,384	781,717
2022	5	SOUTHERN FLOUNDER	***	***	***	122,514
2022	7	SOUTHERN FLOUNDER	***	***	***	170,387
2022	9	SOUTHERN FLOUNDER	166,195	117	1,413	396,263
2022	10	SOUTHERN FLOUNDER	194,241	56	477	781,717
2022	11	SOUTHERN FLOUNDER	***	***	***	392,150

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

*****Data are confidential**

YEAR	SPECIES	GEAR	POUNDS	DEALERS	TRIPS
2018	SOUTHERN FLOUNDER	GIGS	92,302	88	2,089
2018	SOUTHERN FLOUNDER	GILLNETS	365,189	122	9,131
2018	SOUTHERN FLOUNDER	OTHER	6,432	79	562
2018	SOUTHERN FLOUNDER	POUND NET	439,919	37	1,545
2019	SOUTHERN FLOUNDER	GIGS	91,330	81	1,836
2019	SOUTHERN FLOUNDER	GILLNETS	324,822	119	6,834
2019	SOUTHERN FLOUNDER	OTHER	4,727	65	354
2019	SOUTHERN FLOUNDER	POUND NET	379,201	34	1,017
2020	SOUTHERN FLOUNDER	GIGS	33,192	49	369
2020	SOUTHERN FLOUNDER	GILLNETS	187,312	105	2,474
2020	SOUTHERN FLOUNDER	OTHER	1,288	21	83
2020	SOUTHERN FLOUNDER	POUND NET	258,089	27	559
2021	SOUTHERN FLOUNDER	GIGS	31,898	46	358
2021	SOUTHERN FLOUNDER	GILLNETS	253,468	101	2,420
2021	SOUTHERN FLOUNDER	OTHER	949	23	72
2021	SOUTHERN FLOUNDER	POUND NET	198,709	23	292
2022	SOUTHERN FLOUNDER	GIGS	52,885	60	540
2022	SOUTHERN FLOUNDER	GILLNETS	113,348	79	1,024
2022	SOUTHERN FLOUNDER	OTHER	1,833	22	38
2022	SOUTHERN FLOUNDER	POUND NET	194,119	21	293

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

*****Data are confidential**



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

January 27th, 2023

MEMORANDUM

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

Issue

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

Findings

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

Action Needed

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

Overview

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

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

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

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

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

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

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

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

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

NCMFC Rule 15A NCAC 03R .0110 (4) and (5) Crab Spawning Sanctuaries

Continued suspension portions of this rule is for an indefinite period. Suspension of this rule allows the division to revise the boundaries for the Drum Inlet and Barden Inlet crab spawning sanctuaries in accordance with Amendment 3 to the N.C. Blue Crab Fishery Management Plan. This suspension was implemented in Proclamation M-7-2020 and continues in [M-12-2022](#).

NCMFC Rules 15A NCAC 03L .0201 (a) and (b) Crab Harvest Restrictions, 03L .0203 (a) Crab Dredging and 03J .0301 (a)(1), (g), and (h) Pots

Suspension of portions of these rules is for an indefinite period. Suspension of these rules allows the division to implement requirements for the blue crab fishery in accordance with Amendment 3 to the N.C. Blue Crab Fishery Management Plan. These suspensions were implemented in Proclamation [M-1-2021](#).

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

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

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

Continued suspension portions of this rule for an indefinite period. This allows the division to increase the minimum mesh size of escape panels for flounder pound nets in

accordance with Amendment 2 of the North Carolina Southern Flounder Fishery Management Plan. This suspension was implemented in Proclamation [M-34-2015](#).

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

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



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

January 23, 2023

MEMORANDUM

TO: N.C. Marine Fisheries Commission
FROM: Lucas Pensinger, Spotted Seatrout Lead
SUBJECT: December 2022 Cold Stun Event Summary

Issue

Beginning December 26, 2022, the Division received multiple verified reports of a cold stun in two areas of the North River (Carteret County). Additionally, the Division received one unverified report of a cold stun in this same area January 4, 2023.

Findings

- One reported and verified cold stun event occurred in the state.
- Verified cold stuns occurred in Wards Creek and the North River Narrows, both tributaries of the North River, on December 25, 2022. Staff investigated Wards Creek December 29, 2022 and observed approximately 60 dead fish, predominately spotted seatrout.
- Staff investigated other creeks in the area and other areas across the state where cold stuns have previously occurred between December 26– 31 and observed no cold stunned fish.
- Temperature loggers were downloaded in the weeks after the cold stun event. There were temperatures recorded from shallow water loggers exceeding the exposure trigger of 3° C (37.4° F) for a consecutive 24-hour period, however it is likely these loggers were out of the water. No temperatures were recorded from deep water loggers exceeding the exposure triggers of 5° C (41° F) for eight consecutive days or 3° C (37.4° F) for a consecutive 24-hour period during the event.

Action Needed

For informational purposes only, no recommended action at this time.

Overview

The Division received multiple verified reports of cold stunned fish in Wards Creek and the North River Narrows (Carteret County) between December 26 and December 31, 2022. Due to the timing of initial reports and low water levels in Wards Creek, Fisheries Management staff investigated Wards Creek the afternoon of December 29, 2022. Staff estimated 62 dead fish which were predominately spotted seatrout (n=30) or unidentified fish (n=23) but included red

drum (n=8) and black drum (n=1). Dead spotted seatrout were observed from 11 to 21 inches and were observed both floating and in the marsh. A third report of cold stunned fish in Wards Creek late in the afternoon on January 5 was investigated by 9:00 am January 6; however no dead fish were observed, and water temperatures recorded were between 14.1° C and 14.7° C (57.4° F and 58.5° F).

By January 13th Fisheries Management staff downloaded all shallow (water depth <3m) and deep water temperature loggers which are distributed at strategic locations throughout riverine and estuarine waters of North Carolina, including the North River Narrows logger station. This is the closest temperature logger station to both the Wards Creek and the North River Narrows areas where cold stunned fish were reported. Figures 1 and 2 show the shallow water and deep water temperature profiles, respectively, from December 22 through January 6th. As seen in Figure 1, the North River Narrows shallow water logger, as well as others in the array, recorded temperatures below 3° C – sometimes well below – and exceeded the 3° C 24-hour threshold. However, upon closer examination, it was determined these loggers were likely recording air temperature and not water temperature. A lack of rain and exceptionally low water levels due to lunar phase and wind driven tides likely contributed to multiple shallow loggers being exposed to the air. No deep water logger recorded consecutive temperatures below the cold stun threshold exposure triggers of 5° C (41° F) for eight consecutive days or 3° C (37.4° F) for a consecutive 24-hour period during the event.

The Division had no other reports of cold stun events anywhere else in the state. In fact, multiple reports were received from the public that no cold stunned or dead fish were observed in areas where cold stuns have historically occurred. Additionally, Division staff investigated all major river systems and their tributaries as well as coastal bays at least once between December 26 and January 5. No cold stunned or dead fish were observed outside of Wards Creek and North River Narrows. Along with sites known to be susceptible to cold stuns in the past, staff specifically investigated spots known to hold spotted seatrout prior to the cold weather and did not observe any cold stunned fish. Water temperatures recorded on the North River Narrows deep and shallow temperature loggers (Figures 1 and 2) are typical of shallow and deep logger temperature profiles throughout the state during this timeframe.

Conclusion

It is impossible to quantify the exact magnitude of spotted seatrout impacted by a cold stun event and it is similarly impossible to calculate the effect any spotted seatrout removed from the population due to a cold stun event will have on recruitment and spawning stock biomass the following spawning season. However, given the apparent localized nature of this event, combined with the relatively low numbers of dead fish observed, it is unlikely this cold stun event will have a substantial impact on the North Carolina Spotted seatrout population. Based on these findings, along with the water temperature profiles observed from deep water temperature loggers throughout the state, a fishery closure has not been necessary. However, as there is potential for delayed mortality following a cold stun event – whether due to increased fishing pressure on vulnerable fish or increased natural mortality due to stressors stemming from the cold stun event – the Division will continue to monitor any future reports apparently connected to this event and, as necessary, reconsider this management decision.

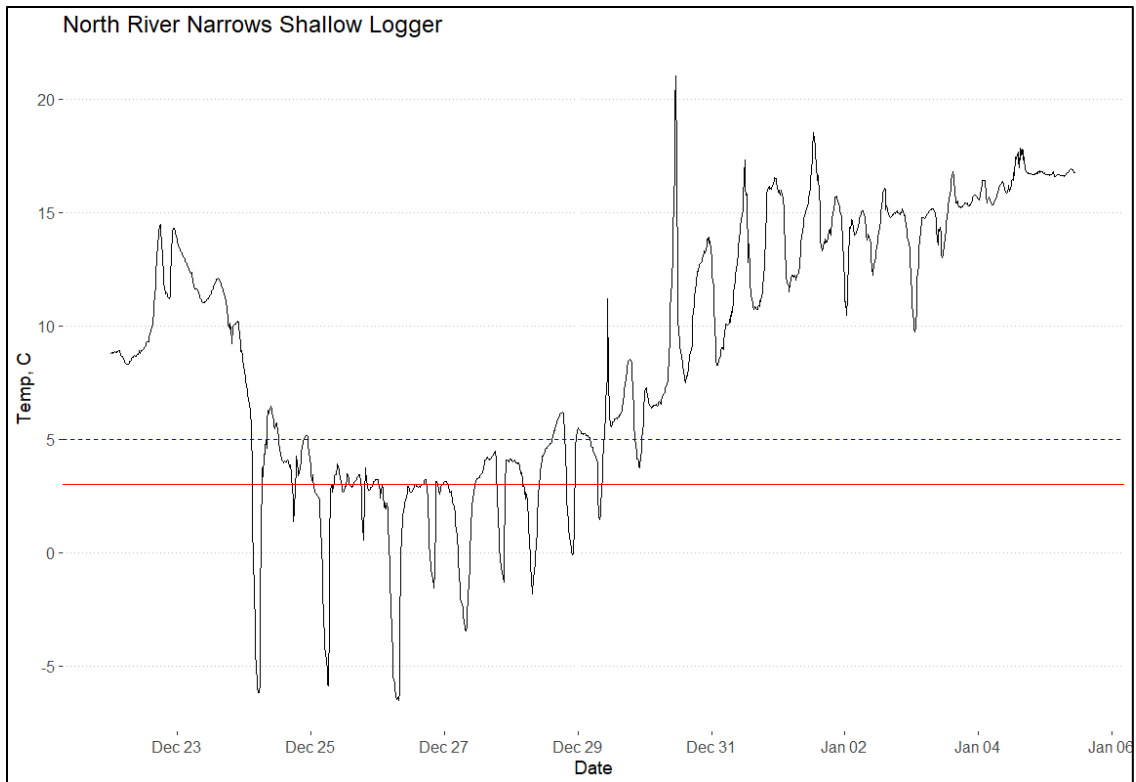


Figure 1. Plot of temperatures recorded from the North River Narrows station shallow logger between December 22, 2022 and January 6, 2023. Loggers record temperature readings every 15 minutes. The dashed blue line at 5° C corresponds with the eight-day temperature threshold while the solid red line at 3° C corresponds with the 24-hour temperature threshold. Beginning December 24th, the daily large drop followed by a smaller drop in temperature is consistent with the daily pattern of a strong low tide and a weaker low tide. The substantial decline in temperatures observed indicates this logger was likely out of the water and recording air temperatures at low tide.

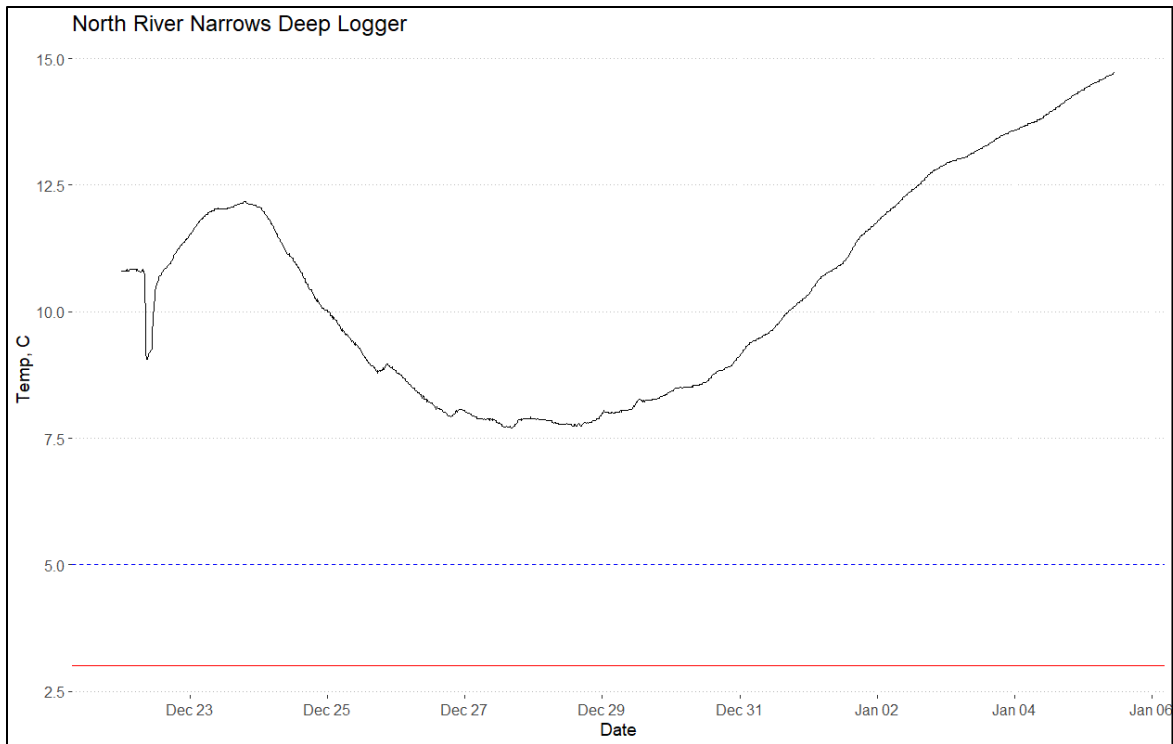


Figure 2. Plot of temperatures recorded from the North River Narrows station deep logger between December 22, 2022 and January 6, 2023. Loggers record temperature readings every 15 minutes. The dashed blue line at 5° C corresponds with the eight-day temperature threshold while the solid red line at 3° C corresponds with the 24-hour temperature threshold. The North River Narrows deep logger recorded a minimum temperature of 7.7° C (45.9°F). The temperature profile of this logger is indicative of other deep loggers throughout the state.

Cold Stun Event Protocol (11/16/2022)

North Carolina is near the northern range limit for spotted seatrout and individuals here are more likely to encounter life-threatening winter conditions. North Carolina's bays and tributaries are shallow, and sudden and severe winter cold fronts can drop the water temperature below what fish can withstand. Spotted seatrout that overwinter in coastal creeks and bays can become trapped in thermal refuges and succumb to cold water temperatures when these areas cool, and the fish are unable to escape to deeper, warmer waters. Experimental data confirms a critical thermal minimum (temperature at which a fish exhibits a total loss of equilibrium) for spotted seatrout to occur at temperatures of 2 – 3°C. Mortalities may occur at higher water temperatures (up to 7°C) if the temperature change is rapid or if the fish undergo chronic exposure to sub-lethal water temperatures (3°C over 24 hrs or 5°C over eight days).

During the winter months, DMF staff should monitor and be vigilant for these conditions in their area and follow the protocol described below if there is an expected or confirmed cold stun event. Cold stun monitoring and sampling takes precedent over all other field activities (only for Fisheries Management staff; other sections are asked to report confirmed observed cold stuns or relay reports to Fisheries Management staff and assist in investigations if time and resources allow).

In the case of reported cold stun events, the lead spotted seatrout biologist will be the core contact person (Lucas Pensinger work 252-808-8159). If anyone has knowledge of a cold stun event, please contact the spotted seatrout biologist immediately. Upon suspicion or confirmation that an event has occurred, the lead will contact the Fisheries Management section chief (Steve Poland) in the Morehead City office to notify them of the situation, provide the most current information available, and request initiation of the cold stun event protocol. Upon approval from the section chief, the lead spotted seatrout biologist will be in contact with each of the District Managers (Tina Moore, Lee Paramore, and Casey Knight), Marine Patrol (Dispatch/Jason Walker), the DWR Estuarine Monitoring Team supervisor (Jill Paxson), and NCDMF drone operators to 1) solicit information, 2) discuss sampling efforts needed and 3) discuss resources and staff availability. Each office has a lead field Biologist/Technician that will be responsible for the investigation in their district and will remain in contact with the lead spotted seatrout biologist to relay timely information. The section chief will be responsible for determining what further resources are available (helicopter, plane, etc.). The lead spotted seatrout biologist will be the conduit between NCDMF Marine Patrol (who will relay any pertinent information from the air), the DWR Estuarine Monitoring Team staff, drone operators, and the field staff to disseminate any information to best direct efforts.

Drone use is being tested for documenting cold stuns to determine if it is a viable sampling method. It is currently limited to the Morehead City area where drones and drone operators are located. Staff and drone operators will be deployed as deemed necessary by the lead spotted seatrout biologist to document potentially significant reported cold stun sites from the air. The lead spotted seatrout biologist will be responsible for timely incident updates and compiling a summary report of the event.

Field Staff Responsibilities:

- Reach out to any knowledgeable contacts you may have for information (fishers, Marine Patrol & WRC officers). If you hear from a member of the public about an observed cold stun, record their contact information, the date and time of the observed cold stun, what fish species they observed, and the specific location where the cold stun was observed. Report this information to the lead spotted seatrout biologist.
- If you happen to be in the vicinity of a cold stun event, collect as much information as possible, on-site, and **document the event with photographs**. On-site investigations take priority over fish house samples. Make sure to check creeks adjacent to the observed cold stun event as well.

- Cold stunned fish collected from fishery dependent samples will be recorded under P460, fishery independent samples will be recorded under P465, and collections for aging will be recorded under P930. All programs (460, 465, and 930) will identify cold stunned fish collections in Variable Field 1.
- When conducting fishery independent or dependent sampling, collect a representative sample of the fish stunned or killed (marketable and unmarketable sized fish).
- When conducting fishery independent sampling (P465), record lat/long, waterbody, air temperature, surface and bottom water temperature, water depth, surface and bottom salinity, surface and bottom dissolved oxygen, current weather, wind direction, and wind speed, all as close to the site of the cold stun as possible. The relative area of the kill, species observed stunned, and estimated (or actual) number of each species observed stunned should be recorded as well.
- If a site you investigate does not have any cold stunned fish, record environmental information in P465. Follow the program documentation and code it as a collection with no fish.
- Sample any fish at the fish house that were landed by dip nets, crab trawls, hand harvest gear, or otherwise suspected to be cold stunned fish, and code in P460. The protocol for fish house sampling cold stun fish is the same as any other fish house sample. Also, either purchase a subsample of the fish for aging purposes or pull otoliths under the gills and enter under P930.
- Download all HOBO temperature loggers in the affected area once independent sampling of the fish has been completed (remember to use field sheet) and continue to download them and all others in the region as instructed by the spotted seatrout biologist.
- Incident Summary Report: The lead spotted seatrout biologist will produce a summary report for each incident that will generally include the areas affected, the environmental conditions, and an estimate of the quantity and type of fish impacted. These incident reports will be stored on the DMF shared drive (N:\P465 Cold Stun Reports). The Incident Summary will be sent to all DMF District Managers, DWQ Estuarine Monitoring Team, and DMF Public Information Officer.