

## Director's Report

February 2024 Business Meeting

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# Atlantic States Marine Fisheries Commission

## 2024 Winter Meeting Summary

*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

2024 Winter Meeting  
January 23 – 25, 2024

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

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## **AMERICAN LOBSTER MANAGEMENT BOARD (JANUARY 23, 2024)**

### ***Press Release***

### **American Lobster Board Initiates Draft Addendum XXX to Clarify Addendum XXVII Impacts on Foreign Imports**

Arlington, VA – The Commission’s American Lobster Management Board initiated Draft Addendum XXX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Draft Addendum is being considered to clarify how the measures of Addendum XXVII, approved in May 2023, will apply to foreign imports of American lobster.

The Magnuson-Stevens Act prohibits imports of whole live lobster smaller than the minimum possession size in effect at the time under the Commission’s American lobster management program. This provision, referred to as the Mitchell Provision, was passed to prevent imports of lobster smaller than what the US industry can harvest. The current minimum gauge size for Lobster Conservation Management Area (LCMA) 1 of 3 ¼” is the smallest minimum size in effect for the US lobster fishery.

Under Addendum XXVII, changes to the current gauge and escape vent sizes in LCMA 1 (inshore Gulf of Maine) are triggered when a 35% decline in recruit abundance for the Gulf of Maine/Georges Bank stock is observed. As of October 2023, the trigger index had declined by 39% with the inclusion of 2022 survey data in the index. Therefore, a series of gradual changes to gauge and vent size will begin January 1, 2025, starting with an increase to the minimum gauge size in LCMA 1 from 3 ¼” to 3 5/16”. Starting in January 2025, this 3 5/16” gauge size will be the smallest minimum gauge size in effect. Draft Addendum XXX aims to clarify that Addendum XXVII shall include compliance with the Mitchell Provision, meaning the smallest minimum size for foreign imports would match the smallest minimum size in effect for the US industry.

The Board will meet in late February/early March to consider approving Draft Addendum XXX for public comment. There are currently no regulations in place to restrict the maximum size of imported lobster, though the Board expressed interest in exploring this possibility further through a separate action. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

###

PR24-03

### ***Meeting Summary***

The American Lobster Management Board met to consider reports from the American Lobster and Jonah Crab Technical Committees (TCs); implications of Addendum XXVII size limit changes on imports; federal and Commission rules for Lobster Conservation Management Areas (LCMAs) 2 and 3; a progress update on state implementation of Addendum XXIX on federal vessel trackers; and a nomination to the Jonah Crab Advisory Panel (AP).

The American Lobster TC Chair provided a report on the Board task from the October 2023 meeting to compile information on the lobster resource and fishery in and around the Northern Edge of Georges

Bank. This task responds to a potential action being considered by the New England Fishery Management Council (NEFMC) to allow scallop fishery access in Closed Area II. The TC identified various data sources that could be used to provide information on the seasonal presence and abundance of lobsters, including egg-bearing lobsters, as well as lobster fishery effort, in and around the Northern Edge. The TC will request data from federal trip reports, the Coonamisset Farm Foundation's seasonal bycatch scallop dredge survey, the Commercial Fisheries Research Foundation's Lobster and Jonah Crab Research Fleet, and the Northeast Fisheries Science Center trawl survey to provide analysis of lobster catch, abundance, and fishery effort so that this information can be considered by the NEFMC.

The Chair of the Jonah Crab TC reported on additional information and recommendations requested following approval of the 2023 Benchmark Stock Assessment. The TC recommended additional indicators including fishery-dependent CPUE from Rhode Island, fishery-dependent effort from Massachusetts, and price per pound data for landings of Jonah crab and other crustacean species should be reviewed regularly to monitor the Jonah crab stocks and fishery. The TC does not believe management action to address the stock condition is necessary at this time, but recommends indicator data for the offshore Southern New England stock, where the majority of the fishery occurs, be updated annually, while data for the other three stock areas should be updated every five years. It also recommended engaging the Advisory Panel annually to provide information on the market of the fishery. The Board supported the TC's recommendations.

The Board discussed the implications of the American lobster minimum gauge size increase that will go into effect January 1, 2025 as required by Addendum XXVII. Specifically, the LCMA 1 (inshore Gulf of Maine) minimum size will increase from 3 ¼" to 3 5/16"; after January 1, all LCMAs will have implemented a minimum gauge size greater than the coastwide minimum size of 3 ¼", the size in which no area can be below. The Board's intent is that the Mitchell provision of the Magnuson-Stevens Act, which was passed to prevent imports of lobster smaller than what the US industry can harvest, would prohibit imports of lobster below the new minimum size for LCMA 1, which will be the smallest active minimum size. The Board initiated an addendum to clarify that Addendum XXVII shall include compliance with the Mitchell provision, and the smallest minimum size in effect should apply to foreign imports.

In relation to the recent NOAA rulemaking to implement ownership and trap cap provisions for LCMAs 2 and 3, consistent with Addenda XXI and XXII, the Board discussed the measures included in the NOAA interim rule, how they differ from the Commission's addenda, and the impacts to industry. Addenda XXI and XXII, approved in 2013, aimed to scale the capacity of the Southern New England (SNE) fishery to the diminished size of the SNE resource. However, in the decade that has passed since the Commission intended for complementary federal measures to be implemented, increases in the cost of bait and fuel, the loss of fishing ground to wind energy development, marine mammal protections, and the expansion of the Jonah crab fishery have significantly changed the fishery. Given these changes, the industry no longer supports reduced maximum trap limits for LCMAs 2 and 3. The Board recommended the Commission withdraw its request to implement the measures set in Addenda XXI and XXII with two exceptions and tasked the Plan Development Team to review the original goals and objectives of the plans and make recommendations for alternate measures to achieve those goals, considering recommendations from the LCMA 2 and 3 Lobster Conservation Management Teams. At the ASMFC Spring Meeting, the Board will consider these recommendations and determine if an addendum or other

action is needed to solicit a change to the measures in NOAA's interim rule, which are scheduled to become effective May 1, 2025.

The Board received an update on the status of state implementation of Addendum XXIX. Addendum XXIX, approved in 2022, established electronic tracking requirements for federally-permitted vessels in the American lobster and Jonah crab fisheries. The Addendum went into effect on December 15, 2023 but several states have not yet implemented the required regulations. The Board agreed to send a letter to states that have not implemented the required measures, urging them to take action in a timely fashion to ensure compliance with the Interstate FMP for American Lobster.

The Board approved the nomination of Denny Colbert, a commercial offshore trap fisherman from Massachusetts, to the Jonah Crab Advisory Panel. Additionally, the Board agreed to postpone pursuing a Management Strategy Evaluation for American lobster until after the completion of the ongoing benchmark stock assessment.

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

### ***Motions***

#### **Main Motion**

**Motion to initiate an addendum to clarify that Addendum XXVII shall include compliance with the Mitchel provision and signal to NMFS that the smallest implemented minimum size should apply to imports.**

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

#### **Motion to Amend**

**Motion to amend to add consideration of a maximum size limit for imports.**

Motion made by Mr. Keliher and seconded by Mr. McKiernan. Motion passes by unanimous consent.

#### **Main Motion as Amended**

**Motion to initiate an addendum to clarify that Addendum XXVII shall include compliance with the Mitchell provision, signal to NMFS that the smallest implemented minimum size should apply to imports, and also consideration of a maximum size limit for imports.**

Motion passes by unanimous consent.

**Move to recommend to the ISFMP Policy Board that the Commission send a letter to NOAA Fisheries to withdraw the Commission's recommendation to implement the measures of Sections 3 and 4, except Sections 3.1.1 and 3.2.1 – transfers of Multi-LCMA Trap Allocation of Addendum XXI and all of Addendum XXII.**

Motion made by Mr. McKiernan and seconded by Mr. Borden. Motion passes with 1 null vote (ME) and 1 abstention (NOAA Fisheries).

**Move to send states who have not implemented the electronic vessel tracking requirement for federal lobster permit holders a letter stating that the implementation deadline for this action was December 15, 2023 and states need to implement this requirement in a timely fashion to ensure compliance with the Lobster FMP.**

Motion made by Mr. Keliher and seconded by Mr. Grout. Motion passes by unanimous consent.

**Move to approve the nomination of Denny Colbert to the Jonah Crab Advisory Panel.**

Motion made by Mr. McKiernan and seconded by Mr. Abbott. Motion passes by unanimous consent.

**Move to have the Plan Development Team review the conservation measures originally set in Addenda XXI and XXII and make recommendations for alternate measures to achieve those reductions inclusive of the Lobster Conservation Management Team recommendations by the ASMFC Spring Meeting.**

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

**SPINY DOGFISH MANAGEMENT BOARD (JANUARY 23, 2024)**

***Meeting Summary***

The Spiny Dogfish Management Board met to review the results of the 2023 management track assessment, set the specifications for up to the next three fishing years, and elect a Vice-Chair.

Pending approval of identical quotas from the NOAA Fisheries Greater Atlantic Regional Fisheries Administrator, the Board approved the following coastwide commercial quotas for the 2024-2027 fishing years (May 1-April 30): 10,699,021 pounds for 2024/2025; 10,972,394 pounds for 2025/2026, and 11,223,720 pounds for 2026/2027. The quotas are consistent with the measures recommended to NOAA Fisheries by the Mid-Atlantic Fishery Management Council. The Board also established a 7,500-pound commercial trip limit for the northern region states of Maine through Connecticut, while New York through North Carolina have the ability to set state-specific trip limits based on the needs of their fisheries. The Mid-Atlantic and New England Fishery Management Councils will forward their recommendations for federal waters (3 –200 miles from shore) to the Regional Administrator for final approval.

	Northern Region (ME-CT)	NY	NJ	DE	MD	VA	NC
<b>Possession Limit</b>	7,500	To be specified by the individual southern region states					
<b>Allocation</b>	58%	2.71%	7.64%	0.90%	5.92%	10.80%	14.04%
<b>2024-2025</b>	<b>6,205,432</b>	<b>289,708</b>	<b>817,903</b>	<b>95,868</b>	<b>633,385</b>	<b>1,154,982</b>	<b>1,501,743</b>
<b>2025-2026</b>	<b>6,363,989</b>	<b>297,110</b>	<b>838,802</b>	<b>98,317</b>	<b>649,569</b>	<b>1,184,494</b>	<b>1,540,115</b>
<b>2026-2027</b>	<b>6,509,758</b>	<b>303,915</b>	<b>858,015</b>	<b>100,569</b>	<b>664,447</b>	<b>1,211,625</b>	<b>1,575,391</b>

The quotas are based on the 2023 management track assessment, which updated the 2022 research track assessment to include data through 2022, extended the initial year from 1989 to 1924, and updated the stock projections through 2026. For the terminal year of 2022, the assessment estimated spawning output to be 101% of the target and fishing mortality to be at 89% of the threshold. However, while the stock is neither overfished nor experiencing overfishing, the assessment also found a lower productivity of the stock, requiring reduced quotas to prevent overfishing in the future.

The Board also elected Joe Cimino (NJ) as Vice-Chair.

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

### ***Motions***

**Move to approve FY2024-2026 spiny dogfish specifications: commercial quota 2024-2025 be set at 10,699,021 pounds; 2025-2026 be set at 10,972,394 pounds; 2026-2027 be set at 11,223,720 pounds consistent with those adopted by the Mid-Atlantic Fishery Management Council pending their approval by NOAA Fisheries.**

Motion made by Ms. Meserve and seconded by Mr. Kaelin. Motion passes (11 in favor and 1abstention from NOAA Fisheries).

**Move to approve the spiny dogfish northern region trip limit for fishing years 2024/25, 2025/26, and 2026/27 at 7,500 lb.**

Motion made by Mr. Kaelin and seconded by Mr. Grout. Motion carries with 1 abstention (NOAA Fisheries).

**Move to nominate Joe Cimino as Vice-Chair of the Spiny Dogfish Board.**

Motion made by Mr. Batsavage and seconded by Mr. Luisi. Motion passes by unanimous consent.

## **AMERICAN EEL MANAGEMENT BOARD (JANUARY 23, 2024)**

### ***Meeting Summary***

The American Eel Management Board met to approve two Draft Addenda for public comment, and the Fishery Management Plan (FMP) Review for the 2022 fishing year. The Board initiated both addenda in August 2023. Draft Addendum VI addresses Maine's glass eel quota. Maine's glass eel quota has been set at 9,688 pounds since 2015 and a new addendum is needed to establish a quota for the 2025 fishing year and beyond. The Draft Addendum considers maintaining the current Maine quota level, and the duration of the quota once established.

Draft Addendum VII considers reducing the yellow eel commercial catch cap in response to the recent stock assessment, which found the coastwide stock is depleted and recommended reducing yellow eel landings. Specifically, the draft addendum considers options for setting the coastwide cap using a new tool proposed in the assessment called *I<sub>TARGET</sub>*. *I<sub>TARGET</sub>* recommends harvest levels based on catch and abundance indices, and the management goals. In addition, Draft Addendum VII considers modifying monitoring requirements for the state young-of-year (YOY) surveys and trip level catch and effort reporting based on stock assessment and Technical Committee (TC) recommendations. The stock assessment and TC recommended making some biological sampling components of the YOY survey



optional because the data have not been useful in informing stock-wide trends. The stock assessment also noted that the harvester catch per unit effort data that are currently required under Addendum I have not been indicative of trends in the stock as a whole, and thus have not been used in any of the American eel assessments. Draft Addendum VII considers options to make the collection of these data optional to ease the monitoring burden on states.

Finally, the Board approved the American Eel FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* requests for New Hampshire, Massachusetts, Pennsylvania, D.C., and Georgia. A press release will follow with information on state public hearings on Draft Addenda VI and VII.

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

### ***Motions***

#### **Move to remove in Section 3.1, Option 2: Reduce Maine's glass eel quota by 21.8%.**

Motion made by Ms. Ware and seconded by Mr. Reid. Motion passes (14 in favor, 3 opposed, 2 abstentions).

#### **Move to approve Draft Addendum VI for public comment, as modified today.**

Motion made by Ms. Ware and seconded by Ms. Patterson. Motion passes by consent.

#### **Move to remove Sections 3.1 and 3.2 from the draft addendum VII and postpone further action on the coastwide cap options until coastwide landings reach 600,000 lb. in a given year.**

Motion made by Mr. Clark and seconded by Mr. Dize. Motion fails (1 in favor, 18 opposed).

#### **Motion to remove Section 3.1, option 2**

Motion made by Mr. Clark and seconded by Ms. Ware. Motion fails (8 in favor, 11 opposed).

#### **Move to approve Draft Addendum VII for public comment, as modified today.**

Motion made by Ms. Patterson and seconded by Ms. Madsen. Motion passes by consent.

#### **Move to approve the American Eel FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* status for New Hampshire, Massachusetts, Pennsylvania, D.C., and Georgia.**

Motion made by Ms. Braun and seconded by Ms. Fegley. Motion passes by consent.

#### **Move to approve Sara Rademaker and Timothy LaRochelle to the American Eel Advisory Panel.**

Motion made by Ms. Ware and seconded by Mr. McKiernan. Motion passes by consent.

### **EXECUTIVE COMMITTEE (JANUARY 24, 2024)**

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

The Executive Committee met to discuss several issues, including a Legislative Committee update; tasking a revitalized Committee on Economics & Social Sciences (CESS); refining the Commission election process; reviewing the Commission's Draft 2024-2028 Strategic Plan; and discussing future meeting week

format and a letter to NOAA regarding fisheries disaster funding. The following action items resulted from the Committee's discussions:

- Staff presented a report on behalf of the Legislative Committee. He presented on the uncertain nature of Fiscal Year 2024 appropriations; plans within Congress to address Magnuson-Stevens Act reauthorization and failures of the Marine Recreational Information Program; and the need for a working waterfronts protection program.
- Staff reported on the revitalization of CESS, including a new Chair, Sabrina Lovell, and Vice Chair, Andrew Scheld, as well as presented a summary of potential projects for the future including potentially looking into the economic impact of year-round recreational fishing for northern states as well as developing standardized social and economic indicators for species or regions.
- Staff presented the updated Officer Election Procedures, which clarified the processes with regard to two-year terms and regional rotation of the officers, aligning the processes with the way the Commission has been operating.
- Staff presented a report on the development of the Draft 2024-2028 Strategic Plan. There was consensus among Commissioners the document did not need a full re-write, rather some course corrections to the current plan. Staff detailed the proposed changes and after receiving Committee input, staff will finalize the plan for review and action by the Business Session of the Commission later in this meeting.
- Staff led a discussion on the potential for moving to three in-person and one fully virtual meeting a year. After thorough discussion, it was decided to keep the schedule of four in-person meetings a year, retaining the option to attend virtually if necessary.
- Florida requested, and the Committee supported, sending a letter to NOAA regarding fisheries disaster funding.

For more information, please contact Laura Leach, Director of Finance and Administration, at [lleach@asmfc.org](mailto:lleach@asmfc.org).

### ***Motions***

No motions were made.

## **COASTAL PELAGICS MANAGEMENT BOARD (JANUARY 24, 2024)**

### ***Meeting Summary***

The Coastal Pelagics Management Board met to consider the terms of reference for the Benchmark Assessment for Atlantic Migratory Group (AMG) Cobia (SEDAR 95), receive a progress update on the AMG cobia recreational allocation draft addendum, consider the Spanish Mackerel Fishery Management Plan (FMP) Review for the 2022 fishing year, and receive an update from the South Atlantic Fishery Management Council (SAFMC) on Coastal Migratory Pelagics (CMP) Framework Amendment 13 and the upcoming mackerel port meetings.

The Board reviewed and approved the SEDAR 95 terms of reference, developed by SEDAR and the Cobia Technical Committee (TC), for use in the assessment. Most notably, the terms of reference include a review of the stock structure and unit stock definitions through genetic, tagging, and other

data sources as available. SEDAR 95 is scheduled to be completed in November 2025 and presented to the Board in early 2026.

The Board received a progress update from the Cobia Plan Development Team (PDT) on the scoping of the recreational reallocation draft addendum initiated at the Commission's Annual Meeting in October 2023. The PDT asked for Board feedback on a number of topics related to the proposed alternatives including, the applicability of an automatic allocation trigger, the data range for calculating recreational allocations, recreational measures setting timelines, and the incorporation of management uncertainty into the action. The Board discussed how upcoming changes to the Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) estimates may affect aspects of the draft addendum, especially for the state-by-state and regional allocation alternatives. Ultimately, the Board supported continuing efforts to complete the draft addendum for implementation in 2025. The Board supported the PDT further exploring all proposed alternatives outlined in the staff presentation. The Board also supported the removal of COVID-19 impacted years from allocation calculations and exploration of a five-year recreational measures setting process timeline.

The Board reviewed the Spanish Mackerel FMP Review for the 2022 fishing year and state compliance. All states' regulations were consistent with the FMP, and the Board approved *de minimis* requests from Rhode Island, New Jersey, Delaware, and Georgia. The Spanish Mackerel Plan Review Team (PRT) emphasized the need to understand the dynamics of the fishery across regions, especially as the fishery increases in more northern states. The PRT noted that some of this regional analysis could be included in the forthcoming paper that was tasked by the Board to the newly formed Spanish Mackerel TC to characterize the fisheries along the coast. The PRT also emphasized the importance of continuing coordination between the Commission and SAFMC on future management action that could address differences between the Interstate and federal FMPs, which include differences in commercial management zones, trip limits, and closures.

The Board received an update from SAFMC on CMP Framework Amendment 13, which has been postponed until after the Spanish and king mackerel port meetings are concluded. Spanish mackerel port meetings remain in the planning process and are scheduled to be held along the Atlantic coast from April-November 2024.

Lastly, the Board elected Lynn Fegley from Maryland as Vice-Chair. For more information on cobia, please contact Chelsea Tuohy, FMP Coordinator, at [ctuohy@asmfc.org](mailto:ctuohy@asmfc.org), and for more information on Spanish mackerel, please contact Emilie Franke, FMP Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org).

### ***Motions***

#### **Move to approve the Terms of Reference for the SouthEast Data, Assessment, and Review Atlantic Cobia Benchmark Stock Assessment (SEDAR 95).**

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

#### **Move to approve the Spanish Mackerel Fishery Management Plan Review for the 2022 fishing year, state compliance reports, and *de minimis* requests from Rhode Island, New Jersey, Delaware, and Georgia.**

Motion made by Mr. Haymans and seconded by Ms. Burgess. Motion carries by consent.

**Move to elect Ms. Lynn Fegley from Maryland as Vice Chair of the Coastal Pelagics Management Board.** Motion made by Ms. Madsen and seconded from Dr. Rhodes. Motion passes by consent.

## **ATLANTIC STRIPED BASS MANAGEMENT BOARD (JANUARY 24, 2024)**

### ***Press Release***

### **ASMFC Atlantic Striped Bass Board Approves Addendum II *Establishes Measures to Continue Progress Towards Stock Rebuilding***

Arlington, VA – The Commission’s Atlantic Striped Bass Management Board approved Addendum II to Amendment 7 to the Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass. The Addendum modifies recreational and commercial measures to reduce fishing mortality in 2024, establishes an expedited response process to upcoming stock assessments, and addresses requirements for recreational filleting. Addendum II builds upon the 2023 emergency action by changing the measures in the FMP to reduce fishing mortality and support stock rebuilding. Addendum II measures will replace the emergency action measures upon its implementation by the states by May 1, 2024.

“First and foremost, thank you to the 2,000 members of the public who submitted public comments. The Board had difficult issues to discuss, and public comments were a crucial part of the deliberations,” said Board Chair Megan Ware from Maine. “The Board remains focused on rebuilding the stock by 2029. The upcoming 2024 stock assessment will be an important checkpoint on progress toward rebuilding.”

For the ocean recreational fishery, the Addendum implements a 28” to 31” slot limit, 1-fish bag limit, and maintains 2022 season dates for all fishery participants; this maintains the same ocean recreational measures adopted under the recent emergency action. For the Chesapeake Bay recreational fishery, the Addendum implements a 19” to 24” slot limit, 1-fish bag limit, and maintains 2022 season dates for all fishery participants. For the commercial fishery, the Addendum reduces commercial quotas by 7% in both the ocean and Chesapeake Bay.

To address concerns about recreational filleting allowances and compliance with recreational size limits, the Addendum establishes two requirements for states that authorize at-sea/shore-side filleting of striped bass: racks must be retained and possession limited to no more than two fillets per legal fish.

To enable an expedited management response to upcoming stock assessments prior to the 2029 rebuilding deadline, the Addendum establishes a mechanism allowing the Board to respond to a stock assessment via Board action if the stock is not projected to rebuild by 2029.

States must submit implementation plans by March 1, 2024 for Board review and approval, which will take place at a special Board meeting to be scheduled for later in March. All Addendum II measures must be implemented by May 1, 2024.

Addendum II will be available in February on the Commission website at <http://www.asmfc.org/species/atlantic-striped-bass> under Management Plans and FMP Reviews. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org) or 703.842.0740.

PR24-02

### ***Meeting Summary***

In addition to approving Addendum II, the Board met to consider a conservation equivalency (CE) proposal submitted by New Jersey under Addendum II, and to approve nominations to the Atlantic Striped Bass Advisory Panel.

New Jersey submitted a CE proposal to continue the state's recreational Striped Bass Bonus Program (SBBP) under Addendum II. New Jersey has reallocated its commercial quota to the recreational SBBP through CE for the past several years. The SBBP is based on New Jersey's existing commercial quota and is managed using that quota. Participants must apply to the SBBP and a tag system is used to ensure quota is not exceeded. New Jersey proposed to continue the quota reallocation, and outlined SBBP size limits and quota levels dependent on the measures selected under Addendum II. Based on the final Addendum II measures selected by the Board, New Jersey specified the SBBP would maintain the status quo SBBP size limit (24" to <28") with a 7% quota reduction to 200,798 pounds. This proposal was unanimously approved by the Board.

Lastly, the Board approved Toby Lapinski representing Connecticut and Julie Evans representing New York to the Atlantic Striped Bass Advisory Panel.

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

### ***Motions***

#### **Main Motion**

**Move to approve in Section 3.1.1 Ocean Recreational Fishery Option B: 1 fish at 28" to 31" with 2022 seasons for all modes.**

Motion made by Dr. Armstrong and seconded by Mr. Abbott.

#### **Motion to Amend**

**Motion to amend to replace Option B with Option C: 1 fish at 28" to 31" with 2022 seasons for private vessel/shore anglers; 1 fish at 28" to 33" with 2022 seasons for the for-hire mode.**

Motion made by Dr. Davis and seconded by Mr. Hasbrouck. Motion fails (7 in favor, 9 opposed).

(Roll Call: In favor – RI, CT, NY, NJ, PRFC, MD, DE; Opposed – NH, ME, VA, DC, NC, PA, NOAA, USFWS, MA)

#### **Main Motion**

**Move to approve in Section 3.1.1 Ocean Recreational Fishery Option B: 1 fish at 28" to 31" with 2022 seasons for all modes.**

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

(Roll Call: In favor – NH, ME, DE, MD, PRFC, VA, DC, NC, PA, NOAA, USFWS, CT, MA, RI; Opposed – NY, NJ)

#### **Main Motion**

**Move to approve in section 3.1.2 Chesapeake Bay Recreational Fishery Option C2: 19" to 24" slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons.**

Motion made by Mr. Luisi and seconded by Ms. Braun.

**Motion to Substitute**

**Move to substitute to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons.**

Motion made by Mr. Sikorski and seconded by Mr. Geer. Motion passes (13 in favor, 3 opposed). (Roll Call: In favor – RI, MA, CT, NY, USFWS, NOAA, PA, NC, VA, DC, DE, ME, NH; Opposed – NY, PRFC, MD)

**Main Motion as Substituted**

**Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons.**

**Motion to Substitute**

**Move to substitute in section 3.1.2 Chesapeake Bay Recreational Fishery Option C2: (19” to 24” slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons) for 2024, and Option B2 (19” to 24” slot, 1 fish for all modes, 2022 seasons) beginning January 1, 2025.**

Motion made by Mr. Luisi and seconded by Ms. Braun. Motion fails (4 in favor, 12 opposed). (Roll Call: In favor – MD, PRFC, VA, NJ; Opposed – RI, MA, CT, NY, USFWS, NOAA, PA, NC, DC, DE, ME, NH)

**Main Motion as Substituted**

**Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons.**

**Motion to Substitute**

**Move to substitute in section 3.1.2 Chesapeake Bay Recreational Fishery Option C1: (19” to 23” slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons) for 2024, and Option B2 (19” to 24” slot, 1 fish for all modes, 2022 seasons) beginning January 1, 2025.**

Motion made by Mr. Luisi and seconded by Dr. Davis. Motion fails (6 in favor, 9 opposed, 1 abstention). (Roll Call: In favor – RI, CT, NY, NJ, MD, DE; Opposed – NH, ME, PRFC, VA, DC, NC, PA, NOAA, MA; Abstention – USFWS)

**Main Motion as Substituted**

**Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons.**

Motion passes (14 in favor, 2 opposed). (Roll Call: In favor – NH, ME, DE, PRFC, VA, DC, NC, PA, NOAA, USFWS, NY, CT, MA, RI; Opposed – MD, NJ)

**Main Motion**

**Move to approve in Section 3.1.4 Recreational Filleting Allowance Requirements Option B: For states that authorize at-sea/shore-side filleting of striped bass, establish minimum requirements, including requirements for: racks to be retained; skin to be left intact; and possession to be limited to no more than two fillets per legal fish.**

Motion made by Dr. Armstrong and seconded by Ms. Patterson.

### **Motion to Amend**

#### **Move to amend to remove “skin to be left intact.”**

Motion made by Mr. Gary and seconded by Mr. Cimino. Motion passes (12 in favor, 2 opposed, 2 abstentions). (Roll Call: In favor – DE, MD, PRFC, VA, DC, NC, PA, NJ, NY, CT, MA, RI; Opposed – ME, NH; Abstention – NOAA, USFWS)

### **Main Motion as Amended**

#### **Move to approve in Section 3.1.4 Recreational Filleting Allowance Requirements Option B: For states that authorize at-sea/shore-side filleting of striped bass, establish minimum requirements, including requirements for racks to be retained and possession to be limited to no more than two fillets per legal fish.**

Motion passes (14 in favor, 2 abstentions). (Roll Call: In favor – NH, ME, DE, MD, PRFC, VA, NC, DC, PA, NJ, NY, CT, MA, RI; Abstentions – NOAA, USFWS)

### **Main Motion**

#### **Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 14% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits.**

Motion made by Dr. Armstrong and seconded by Ms. Patterson.

### **Motion to Substitute**

#### **Move to substitute to approve in Section 3.2.1. Commercial Quota Reduction Option A status quo.**

Motion made by Mr. Clark, second by Mr. Hasbrouck. Motion fails (3 in favor, 13 opposed). (Roll Call: In favor – DE, VA, NY; Opposed – NH, ME, MD, PRFC, DC, NC, PA, NOAA, USFWS, NJ, CT, MA, RI)

### **Main Motion**

#### **Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 14% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits.**

Motion made by Dr. Armstrong and seconded by Ms. Patterson.

### **Motion to Amend**

#### **Motion to amend to replace 14% with 7%.**

Motion made by Mr. Luisi and seconded by Mr. Kaelin. Motion passes 8 in favor, 6 opposed, 2 abstentions). (Roll Call: In favor – RI, MA, NY, NJ, VA, PRFC, MD, DE; Opposed – NH, ME, DC, NC, PA, CT; Abstentions – NOAA, USFWS)

### **Main Motion as Amended**

#### **Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 7% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits.**

Motion passes (13 in favor, 1 opposed, 2 abstentions). (Roll Call: In favor – NH, ME, DE, MD, PRFC, VA, DC, PA, NJ, NY, CT, MA, RI; Opposed - NC; Abstentions – NOAA, USFWS)

#### **Move to approve in Section 3.3 Response to Stock Assessments Option B: Board could respond via Board action to change management measures by voting to pass a motion at a Board meeting.**

Motion made by Dr. Davis and seconded by Mr. Borden. Motion passes (11 in favor, 5 opposed). (Roll Call: In favor – RI, MA, CT, NY, USFWS, NOAA, PA, NC, DE, ME, NH; Opposed – MD, PRFC, VA, DC, NJ).

## **Main Motion**

**Move to approve the following compliance schedule:**

- **States must submit implementation plans by March 1, 2024.**
- **The Board will review and consider approving implementation plans in March 2024.**
- **States must implement regulations by May 1, 2024.**

Motion made by Dr. Armstrong and seconded by Mr. Borden

## **Motion to Amend**

**Motion to amend to replace “implement regulations by May 1, 2024” with “implement recreational regulations by May 1, 2024, and all commercial measure in 3.2.1 effective January 1, 2025.”**

Motion made by Mr. Geer and seconded by Mr. Clark. Motion fails (7 in favor, 7 opposed, 2 abstentions). (Roll Call: In favor – NH, ME, DE, MD, VA, PRFC, NC; Opposed – DC, PA, NJ, NY, CT, MA, RI; Abstentions – NOAA, USFWS)

## **Main Motion**

**Move to approve the following compliance schedule:**

- **States must submit implementation plans by March 1, 2024.**
- **The Board will review and consider approving implementation plans in March 2024.**
- **States must implement regulations by May 1, 2024.**

Motion passes (10 in favor, 4 opposed, 2 abstentions). (Roll Call: In favor – NH, ME, DC, NC, PA, NJ, NY, CT, MA, RI; Opposed – DE, MD, PRFC, VA; Abstentions: NOAA, USFWS)

**Move to approve Addendum II to Amendment 7 to the Atlantic Striped Bass FMP, as amended today.**

Motion made by Dr. Davis and seconded by Mr. Kane. Motion passes (12 in favor, 4 opposed).

(Roll call: In favor – RI, MA, CT, NY, NJ, USFWS, NOAA, PA, NC, DC, ME, NH; Opposed – DE, MD, PRFC, VA)

**Move to approve New Jersey’s conservation equivalency proposal to allow the commercial quota to be shifted to the bonus tag program. The program will continue with its status quo tag administration and size limit of 24 to less than 28 inches. The starting commercial quota will be 200,798 pounds.**

Motion made by Mr. Cimino and seconded by Mr. Grout. Motion passes by unanimous consent.

**Move to approve Toby Lapinski representing Connecticut and Julie Evans representing New York to the Striped Bass Advisory Panel.**

Motion made by Mr. Gary and seconded by Mr. Sikorski. Motion passes by unanimous consent.

## **INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (JANUARY 25, 2024)**

### ***Meeting Summary***

The ISFMP Policy Board met to receive an update from Executive Committee; review results of the 2023 Commissioner Survey; consider a species declared interest request; discuss aquaculture in the exclusive economic zone (EEZ); review a trawl survey white paper from Northeast Fisheries Science Center (NEFSC); consider a request from the Atlantic Striped Bass Board; provide clarification to the American Lobster Board; and receive updates from NOAA Fisheries and the Atlantic Coastal Cooperative Statistics Program (ACCSP).



The Commission Chair, Joe Cimino, presented the Executive Committee Report (see Executive Committee meeting summary earlier in this document) to the Board. The Executive Committee recommended the Commission send a letter to congressional leadership supporting legislations that would establish a federal working waterfront grant program. The Policy Board unanimously supported the letter.

Commissioners completed a survey of Commission performance in 2023, which measures Commissioners' opinions regarding the progress and actions of the Commission in 2023. Cooperation with federal partners consistently scored as the issue of greatest concern with sentiment expressed it's the responsibility of the federal partners to engage with the Commission more. Utilization and availability of Commission resources consistently rated high among Commissioners. Climate change and changing environmental conditions continue to be the top impediment to rebuilding stocks. Other listed concerns included data reliability and short-term interests or political pressures outweighing long-term progress. Issues the Commission should focus on more include the incorporation of socioeconomics into allocation, incorporating environmental factors into analyses, and building climate resilient stocks.

The Policy Board approved New York's request to be a participating state under the Commission Cobia Fishery Management Plan. Since 2019, New York has seen a significant increase of cobia in its state waters, which is reflected in both its commercial and recreational catch. Per the guidelines of the Commission's Rules and Regulations, New York meets the criteria to participate in the management program for this fishery.

Danielle Blacklock of the NOAA Fisheries Aquaculture Office presented on aquaculture in the EEZ. The Office is seeking opportunities to expand US aquaculture in the Atlantic, specifically Atlantic striped bass, but it is illegal to harvest striped bass from the EEZ. The Board raised several concerns and requested Ms. Blacklock provide further information on several issues including economic impacts to the wild caught commercial market, potential biological impacts on the wild Atlantic striped bass population (including measures to prevent impacts), spatial impacts to the fishing industry (e.g., some areas of the Atlantic have several competing uses like alternative energy areas and closed fishing areas, such as sanctuaries, monuments, habitat areas, and other aquaculture areas), and how enforcement would be addressed.

As a result of the loss of sea days experienced in the NEFSC 2023 Spring Bottom Trawl Survey and the accumulated loss of sea days since 2015, the New England Fishery Management Council (NEFMC) requested the NEFSC provide an overview of survey status and steps being taken to maintain the quality and quantity of survey data used to support fishery management in the region. Based on the information provided by the NEFSC, management bodies requested NEFSC prepare a white paper outlining an industry-based survey that is complementary to the Spring and Autumn Bottom Trawl Survey (BTS). Dr. Kathryn Ford presented the white paper, which is part of the effort to consider at least four options for contingencies in the event the R/V Bigelow is not available for the BTS, including (1) the R/V Pisces, (2) an NEFSC-operated vessel, (3) industry-based vessels calibrated to the R/V Bigelow, and (4) a parallel industry-based survey. The white paper addressed option #4. The full contingency plan including all options is anticipated to be completed in FY2024. The plan for an industry-based multispecies BTS was developed in coordination with the Northeast Trawl Advisory Panel (NTAP), which includes commercial fishing, fisheries science, and fishery management professionals in the Northeast. An NTAP working group provided feedback to ensure the feasibility and maximize the value of the industry-based survey

(IBS) as a contingency to the BTS. While there was not complete agreement on all details of the IBS, the white paper represented a starting point to further develop an IBS. If implemented, the IBS would develop its own unique time series that could be used to generate indices of abundance and other data useful to stock assessments, fishery management, ecosystem status, and scientific studies. When the BTS is conducting regular survey operations on the R/V Bigelow, the IBS would be a parallel survey to increase the number of stations sampled in a given stratum. When the BTS is not conducting regular survey operations on the R/V Bigelow and cannot operate under other contingency options, the IBS would be the only shelf-wide fishery-independent bottom trawl survey in the Northeast region. The Board expressed the importance of an IBS, as stakeholder buy-in and confidence in the data are significantly increased. As a member of NTAP, the Board recommended NTAP and the NTAP IBS Working Group develop an outline detailing a proposal to conduct an IBS Pilot Program to test the viability of the program as presented in the white paper. The pilot should concentrate on adapting the survey design elements of the white paper (section 2) to current Industry platform capabilities, with a focus on the NEAMAP platform. The Board asked for a delivery date in time for the Commission's Spring Meeting and the Council's April meetings. NEFSC expressed that timeline would likely not be possible.

In addition to the American Lobster Management Board's recent action to initiate an addendum to address the Mitchell Provision (see Draft Addendum XXX press release under the American Lobster Board header earlier in this document), the Policy Board recommended that the Lobster Board address concerns about the lack of regulations to restrict the maximum size of imported lobster through a separate management document. This issue would need to be addressed through the amendment process.

Due to the length of the Atlantic Striped Bass Management Board meeting on January 24, there was no time to address an issue requested under other business. There is continued concern about the difficulty of addressing the challenges associated with striped bass recreational release mortality. The Board agreed to assign a workgroup to review past discussions on striped bass recreational release mortality and consider how the Atlantic Striped Bass Management Board could address it moving forward, particularly following the upcoming striped bass benchmark stock assessment.

NOAA Fisheries received a petition from the Friends of Animals to list the Atlantic horseshoe crab as threatened or endangered throughout its range under the Endangered Species Act (ESA). The petition also requests that critical habitat be designated for the species in Atlantic waters. The petition states "several of the listing criteria identified in the ESA are contributing to the decline of the Atlantic horseshoe crab: it has been historically overutilized for commercial and scientific purposes; existing regulatory mechanisms purportedly protecting it are inadequate for its survival; its habitat is threatened by sea-level rise associated with climate change; and other man-made factors threaten its continued existence." NOAA is processing the petition and will keep the Commission informed.

Lastly, ACCSP has recently completed an update to the ACCSP Public and Login Data Warehouse system to reflect the direction of the Marine Recreational Information Program (MRIP) on the presentation of cumulative and wave level data. These changes have been in development over the past 6 months with feedback from staff and volunteer testers from the Recreational Technical Committee. These changes are supported by MRIP and available via the ACCSP website now. There will be additional ACCSP outreach notifications to aid in information dissemination to expanded target audiences.

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

### ***Motions***

#### **Move to add New York as a state with a declared interest in the Cobia FMP.**

Motion made by Mr. Gary and seconded by Mr. Kane. Motion passes by consent.

**Move to recommend to task NTAP and the NTAP Industry Based Survey (IBS) Working Group to develop an outline detailing a proposal to conduct an IBS Pilot Program to test the viability of the program as presented in the "Proposed Plan for a Novel Industry Based Bottom Trawl Survey" white paper with a particular focus on adapting Section 2 "Survey Design Elements" to current Industry platform capabilities. Delivery date for the outline should be in time for further discussion at the Spring 2024 meeting cycle for the Commission and both the Mid-Atlantic and New England Councils in April 2024.**

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

### **BUSINESS SESSION OF THE COMMISSION (JANUARY 25, 2024)**

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

The Commission met to consider an addition to the 2024 Action Plan, approval of the 2024-2028 Strategic Plan, and a recommendation from the American Lobster Management Board. In its first order of business, the Commission approved the addition to the 2024 Action Plan of a new task to take a management action with the Mid-Atlantic Fishery Management Council to address summer flounder commercial measures.

The Commission also considered approval of the 2024-2028 Strategic Plan, which guides the Commission's programs and activities for the next five years. The Commission approved the Plan, with the minor changes recommended by the Executive Committee and additional input from other Commissioners. The final Strategic Plan will be available on the Commission's website at <https://asmfc.org/about-us/guiding-documents> by the end of January.

In response to NOAA Fisheries Interim Rule on implementing measures consistent with the Commission's Addenda XXI and XXII, the Commission considered and approved a recommendation from the American Lobster Management Board to send a letter to NOAA Fisheries to withdraw the Commission's recommendation to implement certain measures of Addenda XXI and XXII. More information on this issue can be found under the meeting summary for the American Lobster Board earlier in this document.

For more information, please contact Robert Beal, Executive Director, at [rbeal@asmfc.org](mailto:rbeal@asmfc.org).

### ***Motions***

**On Behalf of the Lobster Board move the Commission send a letter to NOAA Fisheries to withdraw the Commission's recommendation to implement the measures of Sections 3 and 4, except Sections 3.1.1 and 3.2.1 transfers of multi-LCMA Trap Allocation of Addendum XXI and all of Addendum XXII.**

Motion made by Dr. McNamee. Motion passes by consent.

## December 2023 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met December 12-14, 2023, in Philadelphia, PA. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/december-2023>.

### HIGHLIGHTS

During this meeting, the Council:

- Reviewed analysis of several summer flounder commercial mesh regulations and agreed to develop a framework/addendum to further consider potential changes to the Small Mesh Exemption Program and the flynet exemption\*
- Approved the use of regional conservation equivalency to achieve the required 28% reduction in recreational harvest of summer flounder in 2024-2025\*
- Agreed that the states will work through the Commission process to achieve the required 10% reduction in the recreational harvest of scup in 2024-2025\*
- Recommended removing the previously-adopted closure of the recreational scup fishery in federal waters from January 1-April 30 (resulting in a year-round open season in federal waters)\*
- Approved status quo recreational black sea bass measures for 2024\*
- Modified the preliminary range of alternatives for the Summer Flounder, Scup, Black Sea Bass, and Bluefish Recreational Measures Setting Process Framework/Addenda
- Approved a Guidance Document for Council review of Exempted Fishing Permit (EFP) applications for species designated as Ecosystem Components through the Unmanaged Forage Amendment
- Adopted spiny dogfish specifications 2024-2026, including a 10.7-million-pound commercial quota for 2024
- Adopted Atlantic mackerel specifications for 2024-2025, including a 1.9-million-pound commercial quota for both years
- Reviewed the golden tilefish Individual Fishing Quota program review and initiated a 30-day public comment period
- Approved the 2024 Implementation Plan
- Received a presentation from the Responsible Offshore Science Alliance (ROSA)

*\* Items denoted with an asterisk (\*) were undertaken during joint meetings with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, Black Sea Bass Management Board or Interstate Fisheries Management Program Policy Board*

### Summer Flounder Commercial Mesh Size Regulations and Exemptions

The Council met jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) to review analysis of, and public input on, several summer flounder commercial mesh regulations, including: 1) the current 5.5-inch diamond and 6.0-inch square minimum mesh size, 2) the summer flounder Small Mesh Exemption Program (SMEP), and 3) the summer flounder flynet exemption.

The Council and Board recommended no change to the current summer flounder minimum mesh sizes, due to the lack of sufficient evidence to suggest a change is warranted. They agreed that additional selectivity studies should

be considered as a research priority, including exploring the selectivity of a wider range of square mesh sizes and further comparing selectivity between square and diamond mesh.

The Council and Board also recommended development of a framework/addendum to further consider potential changes to the two mesh exemptions as a priority in 2024. Specifically, this action would consider revisions to the definition of a flynet as well as modifications to the western boundary of the small-mesh exemption area. The changes are intended to be implemented by November 1, 2024, if possible.

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

The Council and Board also adopted recreational management measures (i.e., bag, size, and season limits) for summer flounder, scup, and black sea bass. This was the second year of setting measures under the Percent Change Approach, and the first year of setting measures for two-year cycles for summer flounder and scup. Black sea bass measures were set for 2024 only due to the timing of the management track assessment.

The Percent Change Approach uses a comparison of the RHL to an estimate of expected harvest, in addition to stock size, to determine if measures should be restricted, liberalized, or remain unchanged for the next two years.

Prior to their deliberations for each species, the Council and Board received a brief overview of the Recreation Demand Model (RDM). The RDM was developed by the Northeast Fisheries Science Center (NEFSC) to predict the effect of proposed recreational measures on angler satisfaction, fishing effort, recreational harvest, and recreational discards of summer flounder, scup, and black sea bass. The RDM was first used in setting 2023 measures and will be used again for the upcoming years.

### ***2024-2025 Summer Flounder Recreational Measures***

The Percent Change Approach requires a 28% reduction in recreational harvest of summer flounder in 2024-2025. This reduction is needed because the RHL for 2024-2025 (6.35 million pounds) falls below the confidence interval around projected harvest for these years, and the stock size is below the target level. Measures will be restricted to achieve the full 28% reduction in 2024 and then will remain unchanged in 2025 unless new information suggests a major change in the expected impacts of those measures on the stock or the fishery.

The Council and Board also approved the use of regional conservation equivalency in 2024-2025. Non-preferred coastwide measures, which are written into the federal regulations but waived in favor of state measures, include an 18.5-inch minimum size, 3 fish possession limit, and open season from May 8-September 30. Precautionary default measures include a 20-inch minimum size, 2 fish possession limit, and open season from July 1-August 31. These measures are only intended to be used for states/regions which do not comply with the conservation equivalency process. State waters measures will be determined through the Commission process in early 2024.

### ***2024-2025 Scup Recreational Measures***

A 10% reduction in recreational harvest of scup in 2024-2025 is required under the Percent Change Approach. This reduction is needed because the average RHL for 2024-2025 (12.51 million pounds) falls below the confidence interval around estimated harvest under status quo measures for these years, and stock biomass is more than 150% of the target level. Measures will be restricted to achieve the full 10% reduction in 2024 and then will remain unchanged in 2025 unless new information suggests a major change in the expected impacts of those measures on the stock or the fishery. The Council and Board agreed that the 10% coastwide harvest reduction will be achieved by the states through the Commission process in early 2024.

The Council and Board revisited their previous decision to close the recreational scup fishery in federal waters from January 1 to April 30. The shortened season was recommended by the Council and Board in December 2022, but due to the timing of federal rule making, it is not expected to go into effect until 2024. During this meeting,

the Council and Board discussed concerns that some states may be disproportionately impacted by the federal waters closure. Staff presented an analysis of Vessel Trip Report (VTR) data which were used to estimate total recreational harvest during this time period. The analysis suggests the closure would have minimal impact on overall coastwide harvest given the limited recreational effort for scup that typically occurs between January and April. Based on this analysis and recommendations from the Monitoring Committee, the Council and Board recommended a year-round open season in federal waters for 2024-2025 to give the states greater flexibility when modifying measures to meet the 10% reduction. The Council and Board recommended no changes to the current 40 fish possession limit and 10-inch minimum size in federal waters.

### ***2024 Black Sea Bass Recreational Measures***

The Council and Board discussed the approach for recreational black sea bass management in 2024. Recreational measures for 2023 were set for a single year with the intent of setting 2024-2025 measures based on a 2023 management track assessment. However, this assessment was later delayed to 2024 to allow more time to fully develop a research track assessment.

The RDM indicates the confidence interval around the estimated 2024 harvest based on 2023 measures exceeds the 2024 RHL. Combined with the most recent estimate of biomass from the 2021 management track assessment (i.e., 210% of the target level), this would require a 10% reduction in harvest under the Percent Change Approach. However, the Percent Change Approach did not contemplate a situation where the RHL would be revised without updated stock assessment information, as was the case with the 2024 black sea bass RHL. The 2024 RHL is about 5% lower than the 2023 RHL due to three additional years of catch data in the calculations. As such, updated information is only available for one of the two factors that guide decision making under the Percent Change Approach (i.e., an updated comparison of the harvest estimate confidence interval to the RHL, but no updated biomass information). Therefore, the Council and Board agreed with the Monitoring Committee's recommendation to leave recreational black sea bass measures unchanged in 2024. This would treat 2024 as the second year in a two-year cycle with 2023. They noted that this is the only opportunity for unchanged measures across two years for black sea bass under the Percent Change Approach given the expected timing of management track assessments and the sunset of the Percent Change Approach after 2025. Measures for 2025 and 2026 will be set based on updated stock assessment information and updated runs of the RDM.

If states wish to consider slight season adjustments under this status quo approach (e.g., to maintain a Saturday opening), those proposals must be supported by additional runs of the RDM and approved by the Board.

The Council and Board also agreed to continue the use of conservation equivalency to waive federal waters measures in favor of state waters measures. Under the status quo approach, the non-preferred coastwide measures will remain a 15-inch minimum fish size, a 5 fish possession limit, and a May 15 – October 8 open season. Under conservation equivalency, these measures are waived in favor of state measures. The precautionary default measures will remain a 16-inch minimum fish size, a 2 fish possession limit, and a June 1 – August 31 open season. These measures are only intended for states/regions which do not comply with the conservation equivalency process.

### **Summer Flounder, Scup, Black Sea Bass and Bluefish Recreational Measures Setting Process Framework/Addenda**

The Council met jointly with the ASMFC's Interstate Fisheries Management Program Policy Board (Policy Board) to receive an update on the Summer Flounder, Scup, Black Sea Bass, and Bluefish Recreational Measures Setting Process Framework/Addenda. The Council and Policy Board agreed to refine the preliminary range of alternatives by modifying the Biological Reference Point Approach and Biomass Based Matrix Approach alternatives such that measures will no longer be assigned to all bins the first time either approach is used through the specifications process. Over the next several months, the Fishery Management Action Team (FMAT)/Plan Development Team

(PDT) will continue to develop all alternatives under consideration, including providing greater detail on how measures would be set under the Biological Reference Point and Biomass Based Matrix Approaches.

### Guidance Document for Council Review of Exempted Fishing Permit Applications for Unmanaged Forage Amendment Ecosystem Component Species

The Council reviewed and approved a Guidance Document for Council Review of Exempted Fishing Permit (EFP) Applications for Unmanaged Forage Amendment Ecosystem Component (EC) Species. The document is intended to establish a standard process for Council review of EFP applications for the 50+ species listed as EC species under the Unmanaged Forage Omnibus Amendment (Forage Amendment). Implemented in 2017, the Forage Amendment established a 1,700-pound possession limit for EC species in Mid-Atlantic Federal waters. The goal of this amendment was to prohibit the development of new and expansion of existing directed commercial fisheries for these species until the Council has had an adequate opportunity to assess the relevant scientific information and consider potential impacts. The Forage Amendment requires use of an EFP as a first step towards the Council considering allowing landings beyond the 1,700-pound possession limit. In addition to establishing a standardized process for EFP review, the guidance document is intended to communicate the Council’s priorities regarding EC species to prospective EFP applicants. The final document is available on the Council website at <https://www.mafmc.org/forage>.

### Spiny Dogfish 2024-2026 Specifications

After reviewing advice from its Scientific and Statistical Committee (SSC) and considering input from the public, the Council adopted spiny dogfish specifications for the 2024-2026 fishing years. The Council’s recommendations are summarized in the table below.

	<b>2024</b>	<b>2025</b>	<b>2026</b>
	<i>Million pounds</i>		
<b>Acceptable Biological Catch</b>	15.7	16.1	16.5
<b>Commercial Quota</b>	10.7	11.0	11.2

The Council recommended no changes to the current federal trip limit of 7,500 pounds. These specifications are expected to keep the stock slightly above its target biomass. The 2023 management track assessment concluded that the spiny dogfish stock was neither overfished nor experiencing overfishing in 2022. However, due to the stock’s reduced productivity, these relatively low future catches are needed for the stock to stay at the target. The 2024 quota is an 11% decrease compared to the 2023 quota and a 64% decrease compared to the 2022 quota. During the meeting, several fishing industry participants expressed serious concerns about the potential consequences of lower quotas.

A key debated component of setting the commercial quota was the set-aside for dead commercial discards. The Council considered several approaches and ultimately decided to set aside the same amount in 2024 as the assessment estimated in 2022, the most recent year available – about 4.7 million pounds (2,134 MT). The Council noted that there has been a downward trend in discards over the last 10 years, making the most recently estimated discard amount a reasonable proxy for near-future discards. To account for the assessment’s prediction of slight increases in biomass for 2025 and 2026, the Council voted to set aside slightly more discards in those years (about 4.8 million pounds and 4.9 million pounds respectively). There are no recreational regulations, but recreational mortality is accounted for when calculating the commercial quota.

Because the spiny dogfish fishery is managed jointly, the New England Fishery Management Council must also make recommendations for spiny dogfish specifications at its upcoming meeting in January 2024.

## 2024-2025 Atlantic Mackerel Specifications

After reviewing advice from the SSC and considering input from the public, the Council adopted Atlantic mackerel specifications for the 2024-2025 fishing years. The Council’s recommendations are summarized in the table below.

	2024	2025
	<i>Metric Tons</i>	
<b>Acceptable Biological Catch</b>	3,200	3,200
<b>Commercial Quota</b>	868	868

These specifications will replace the preliminary measures approved by the Council in August. As requested by the Council, the SSC provided two sets of ABC recommendations – one using a “varying” approach, which would set the ABC lower in 2024 and higher in 2025, and one using an “averaged” approach, which would produce an average ABC for both years. The Council ultimately selected the averaged approach, resulting in ABCs of 3,200 MT for both years. After accounting for expected Canadian catch, U.S. recreational catch, and U.S. commercial discards, the Council recommended setting the commercial quota at 868 metric tons (1.9 million pounds) for both years. Given the low quota, the commercial fishery will be limited to mostly incidental landings. To constrain catch to the very low quotas while avoiding excessive discarding, the Council recommended setting an initial trip limit of 20,000 pounds for limited access permits and 5,000 pounds for open access permits. Once 80% of the quota has been landed, trip limits would change to 10,000 pounds for limited access permits and 2,500 pounds for open access permits. No changes were recommended for the recreational sector; the impacts of recent recreational measures (a first ever 2023 bag-limit of 20 fish per person) will be evaluated in the future.

Atlantic mackerel has been under a rebuilding program since November 2019, and a revised rebuilding plan was implemented in 2023. The most recent management track stock assessment found that the stock remains overfished, with spawning stock biomass estimated to be at about 12% of the biomass target. While these measures should support rebuilding across a range of recruitments, achieving a rebuilt Atlantic mackerel stock that regularly supports optimum yield near the assessment’s target fishing rate will depend on getting more typical recruitment and increased survival of more mackerel into older age classes.

## Golden Tilefish Individual Fishing Quota Program Twelve-Year Review

The Council received a presentation on the golden tilefish Individual Fishing Quota (IFQ) program review report prepared by Northern Economics, Inc. The golden tilefish fishery has operated under an IFQ program, which is a type of limited access privilege (LAPP) program, since the implementation of Amendment 1 in 2009. The 2007 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) established new requirements related to the monitoring and review of LAPP programs. In 2017, the Council conducted the first golden tilefish IFQ program review, which covered performance from fishing year (FY) 2010 to FY2015. The current review includes updated data and analyses through FY2021. This presentation marked the beginning of a 30-day public comment period which will end on January 12, 2024. Details and comment instructions are available at <https://www.mafmc.org/newsfeed/2023/golden-tilefish-ifq-review>.

## 2024 Implementation Plan

The Council reviewed and approved the 2024 Implementation Plan after making several revisions. The Council recommended removing Deliverable #9 (scup GRA framework) from the main list of deliverables and replacing it with a framework to consider moving the western boundary of the summer flounder small-mesh exemption area and to clarify the regulatory definition of a flynet, along with several associated issues (enrollment period, evaluation criteria). The Council also agreed to modify the wording of Deliverable #74 and move it from Possible Additions to the main list of deliverables. This task will involve coordinating with the New England Council to



explore the utility of Vessel Monitoring Systems (VMS) for enforcement. The approved implementation plan is available at <https://www.mafmc.org/strategic-plan>.

### Responsible Offshore Science Alliance

The Executive Director of the Responsible Offshore Science Alliance (ROSA) provided an update to the Council on ROSA's mission and 5-year strategic goals and objectives. ROSA is a non-profit organization that advances research, monitoring, and methods on the effects of offshore wind energy development on fisheries across US federal and state waters. Key strategies include: 1) coordinating offshore wind fisheries research and monitoring, 2) facilitating assessment of regional and cumulative impacts, and 3) maintaining ROSA offshore wind project monitoring framework and guidelines.

### Next Meeting

The next Council meeting will be held **February 6-7, 2024, in Arlington, VA**. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.

**South Atlantic Fishery Management Council**  
**Full Council and Committee**  
**SUMMARY MOTIONS**  
**December 4-8, 2023**

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

**Full Council I Sessions**

**MOTION 1: APPOINT THE FOLLOWING INDIVIDUALS TO THE DOLPHIN MANAGEMENT STRATEGY EVALUATION (MSE) WORKGROUP:**

OTHER VESTED STAKEHOLDERS

ALANA HARRISON, DAVID WAMER, GREGORY JACKOSI, AND SCOTT TRAVERS.

NORTHERN REGION

MARK DECABIA, CHRISTOPHER JOBES, AND ANTHONY DILERNIA.

NORTHERN NORTH CAROLINA

CHESTER CONKLIN, ROM WHITAKER, ERNEST DOSHIER, JAMES BYRD, AND DEWEY HEMILRIGHT.

SOUTHERN NORTH CAROLINA TO CENTRAL FLORIDA

CHIP BERRY, PETER LOY, ARNOLD BRUNELL, TAYLANA STERNS.

SOUTH FLORIDA AND THE FLORIDA KEYS

JONATHON REYNOLDS, JORDAN SCHLEIDER, AND TRIP AUKEMAN

**MOTION 2: APPOINT TRIP AUKEMAN, MARTHA GUYAS, DARRIN WILLINGHAM, CLEMENT CULLENS, AUSTIN DOHRN, LOGAN BARNES, DANIEL LESCHORN, BRENDAN RUNDE, BRADLEY SCHENK, AND JOHN COOPER TO THE PRIVATE ANGLER REPORTING AD-HOC AP.**

**MOTION 3: APPOINT SCOTT BAKER, WALTER BUBLEY, ROB CHESHIRE, RICK DEVICTOR STEPHEN DONALSON, MICHELLE DUVAL, BRYAN FLUECH, WILLIAM HEYMAN, RUSSELL HUDSON, JAMES HULL, KATHY KNOWLTON, SHELLY KRUEGER, NIKHIL MEHTA, SARA MIRABILIO, AND MATTHEW PERKINSON TO THE CITIZEN SCIENCE POOL.**

**MOTION 4: REAPPOINT WALTER BUBLEY, ROB CHESHIRE, SCOTT BAKER, AND MICHELLE DUVAL TO THE CITIZEN SCIENCE OPERATIONS COMMITTEE FOR 3 YEAR TERMS.**

**MOTION 5:** APPOINT NIKHIL MEHTA, JIMMY HULL, KATHY KNOWLTON, AND WILL HEYMAN TO THE **CITIZEN SCIENCE OPERATIONS COMMITTEE** FOR 5 YEAR TERMS.

**MOTION 6:** APPOINT RICHARD GOMEZ, ANDY PILAND, STEPHEN DONALSON, THOMAS NEWMAN, JON REYNOLDS, JUSTIN SMITH, MIMI STAFFORD, CASEY KNIGHT, BRYAN FLUECH, AND MATT PERKINSON TO THE **CITIZEN SCIENCE PROJECTS ADVISORY COMMITTEE**.

**MOTION 7:** REAPPOINT JON REYNOLDS, CHIP BERRY, RICHARD DELIZZA, ROBERT FREVERT, RICHARD HARRIS, GLENN HOPKINS, TIM SCALISE, AND ROM WHITTAKER TO THE **DOLPHIN WAHOO AP**.

**MOTION 8:** APPOINT DAVID MOSS TO THE **DOLPHIN WAHOO AP**.

**MOTION 9:** REAPPOINT STEVE DOUGHERTY, BEBE DALTON HARRISON, GEORGE PATANE, MARK PHELPS, AND ROBERT TODD TO THE **OUTREACH AND COMMUNICATIONS AP**.

**MOTION 10:** APPOINT CAMILLA WARREN (AT LARGE SEAT) AND JEANNA MERRIFIELD (COMMERCIAL SEAT) TO THE **OUTREACH AND COMMUNICATIONS AP**.

**MOTION 11:** APPOINT GETTYS BRANNON (NGO SEAT) AND REAPPOINT RICHARD GOMEZ TO THE **SNAPPER GROUPE AP**.

**MOTION 12:** APPROVE THE FOLLOWING APPOINTMENTS/REAPPOINTMENTS TO THE **HABITAT AND ECOSYSTEM AP**:

NC SUBPANEL

REAPPOINT BRENDAN RUNDE AND CASEY KNIGHT

SC SUBPANEL

REAPPOINT PAULA KEENER AND DAVID WHITAKER

GA SUBPANEL

REAPPOINT THOMAS JONES AND APPOINT STEPHEN MORRISON

FL SUBPANEL

REAPPOINT DAVID WEBB AND SAM YOUNG

NON-SUBPANEL MEMBERS

REAPPOINT WILSON LANEY AND KEVIN SPANIK AND APPOINT RUA MORDECAI

**MOTION 13:** APPOINT JAMES GARTLAND TO THE **SCIENTIFIC AND STATISTICAL COMMITTEE**.

**MOTION 14:** APPOINT CHRISTINA PACKAGE-WARD TO THE **SOCIO-ECONOMIC PANEL**. ADD ONE SEAT TO THE SOCIO-ECONOMIC PANEL AND APPOINT EUGENE FRIMPONG.

**MOTION 15:** INITIATE AN ACTION TO MODIFY SEFHIER TO IMPROVE COMPLIANCE, STRENGTHEN REPORTING REQUIREMENTS, AND EXPLORE VALIDATION

**Executive Committee (Met via webinar in November 2023)**

**MOTION 16:** APPROVE THE DRAFT 2024 OPERATIONAL BUDGET AS PRESENTED AND MODIFIED.

**Mackerel Cobia Committee**

**MOTION 17:** ADD AN ACTION TO FRAMEWORK AMENDMENT 13 TO CONSIDER MODIFICATION TO THE LONG-TERM OY FOR ATLANTIC SPANISH MACKEREL.

**MOTION 18:** ADD AN ACTION TO FRAMEWORK AMENDMENT 13 TO INCLUDE IN-SEASON AND POST-SEASON ACCOUNTABILITY MEASURES FOR THE RECREATIONAL SECTOR.

**MOTION 19:** ADOPT THE FOLLOWING TIMING AND TASKS:

- ASK THE LAW ENFORCEMENT ADVISORY PANEL TO PROVIDE INPUT ON THE SALE OF TOURNAMENT CAUGHT ATLANTIC KING AND SPANISH MACKEREL.
- CONTINUE WORK ON CMP FRAMEWORK AMENDMENT 13, BRING AN UPDATED DECISION DOCUMENT TO THE MARCH 2024 COUNCIL MEETING.
- CONTINUE DEVELOPMENT OF MACKEREL PORT MEETINGS, BRINGING A FINAL PLAN FOR COUNCIL APPROVAL AND IMPLEMENTATION TO THE MARCH 2024 COUNCIL MEETING.

*Note: the Council instructed staff to pause development of Framework Amendment 13 until after the conclusion of Mackerel Port Meetings to be held throughout 2024.*

**Dolphin Wahoo**

**MOTION 20:** DIRECT STAFF TO DO THE FOLLOWING:

- CONTINUE WITH PLANNED UPDATES ON PROGRESS OF THE DOLPHIN MSE AT THE JUNE 2024 AND DECEMBER 2024 COUNCIL MEETINGS.
- MAINTAIN DISCUSSION OF REGULATORY AMENDMENT 3 ON THE AGENDA FOR THE DECEMBER 2024 COUNCIL MEETING.

**Snapper Grouper Committee**

***Amendment 48 (Wreckfish)***

**MOTION 21:** APPROVE ALL MOTIONS AND RECOMMENDATIONS MADE BY THE WRECKFISH SUB-COMMITTEE, AS PRESENTED IN THE SEPTEMBER 2023 SUB-COMMITTEE REPORT (SEE MOTIONS APPENDED TO SNAPPER GROUPE COMMITTEE REPORT)

***Amendment 46 (Recreational Permit)***

**MOTION 22:** SELECT ALTERNATIVE 3 AS PREFERRED IN ACTION 1.

*Action 1. Establish a private recreational snapper grouper permit to fish for, harvest, or possess snapper grouper species in the South Atlantic region*

**Alternative 3.** Require a federal permit for all private anglers to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

**MOTION 23:** SELECT ALTERNATIVE 2 AS PREFERRED IN ACTION 2.

*Action 2. Specify the species for which a private recreational snapper grouper permit would be required*

**Alternative 2.** A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species in the snapper grouper fishery management unit.

**MOTION 24:** APPROVE ALL ACTIONS IN AMENDMENT 46, AS REVISED.

***Regulatory Amendment 36 (Gag and Black Grouper Recreational Vessel Limits and On-Demand Gear for Black Sea Bass)***

**MOTION 25:** APPROVE REGULATORY AMENDMENT 36 FOR SCOPING.

***Amendment 55 (Scamp/Yellowmouth Complex and Other SA Shallow Water Groupers)***

**MOTION 26:** SELECT ALTERNATIVE 2 AS THE PREFERRED ALTERNATIVE FOR ACTION 1.

*Action 1. Reorganize the Other South Atlantic Shallow Water Grouper complex and establish a new Scamp and Yellowmouth Grouper complex*

**Alternative 2.** Remove yellowmouth grouper from the Other South Atlantic Shallow Water Grouper complex and establish a new Scamp and Yellowmouth Grouper complex. The reorganized Other South Atlantic Shallow Water Grouper complex would contain rock hind, red hind, coney, graysby, and yellowfin grouper.

**MOTION 27:** SELECT ALTERNATIVE 3 AS THE PREFERRED ALTERNATIVE FOR SUB-ACTION 2A.

*Sub-Action 2a. Establish the maximum sustainable yield for the Scamp and Yellowmouth Grouper complex.*

**Alternative 3.** Establish the maximum sustainable yield proxy at the fishing mortality at 40% of the spawning potential ratio for the Scamp and Yellowmouth Grouper complex.

**MOTION 28:** SELECT ALTERNATIVE 3 AS THE PREFERRED ALTERNATIVE FOR SUB-ACTION 2B.

*Sub-Action 2b. Establish the maximum fishing mortality threshold for the Scamp and Yellowmouth Grouper complex.*

**Alternative 3.** Establish the maximum fishing mortality threshold equal to the maximum sustainable yield proxy of fishing mortality at 40% spawning potential ratio for the Scamp and Yellowmouth Grouper complex.

**MOTION 29:** SELECT ALTERNATIVE 3 AS THE PREFERRED ALTERNATIVE FOR SUB-ACTION 2C.

*Sub-Action 2c. Establish the minimum stock size threshold for the Scamp and Yellowmouth Grouper complex.*

**Alternative 3.** Establish the minimum stock size threshold equal to 75% of the spawning stock biomass at maximum sustainable yield.

**MOTION 30:** SELECT ALTERNATIVE 3 AS THE PREFERRED ALTERNATIVE FOR ACTION 3.

*Action 3. Establish a rebuilding timeframe for the Scamp and Yellowmouth Grouper complex*

**Alternative 3.** Establish a rebuilding timeframe equal to T<sub>max</sub>. This would equal 10 years with the rebuilding period ending in 2035. 2025 would be Year 1.

**MOTION 31:** SELECT ALTERNATIVE 2 AS THE PREFERRED ALTERNATIVE FOR ACTION 4.

*Action 4. Establish the acceptable biological catch and total annual catch limit for the Scamp and Yellowmouth Grouper complex*

**Alternative 2.** Establish the acceptable biological catch and set it equal to the recommendation from the Scientific and Statistical Committee. Establish the total annual catch limit for the Scamp and Yellowmouth Grouper complex and set it equal to the recommended acceptable biological catch. The recommended acceptable biological catch is inclusive of recreational estimates from the Marine Recreational Information Program's Fishing Effort Survey.

**MOTION 32:** SELECT ALTERNATIVE 2 AS THE PREFERRED ALTERNATIVE FOR ACTION 6.

*Action 6. Establish commercial accountability measures for the Scamp and Yellowmouth Grouper complex*

**Alternative 2.** If commercial landings for the Scamp and Yellowmouth Grouper complex reach or are projected to reach the commercial annual catch limit, the commercial sector will close for the remainder of the fishing year.

If commercial landings for the Scamp and Yellowmouth Grouper complex exceed the commercial annual catch limit, the total annual catch limit is exceeded, and the Scamp and Yellowmouth Grouper complex is overfished, the commercial annual catch limit for the following fishing year will be reduced by the amount of the commercial annual catch limit overage in the prior fishing year.

***Amendment 44 (Yellowtail Snapper)***

**MOTION 33:** DEPRIORITIZE WORK ON SNAPPER GROUPE AMENDMENT 44/REEF FISH AMENDMENT 55 UNTIL AFTER THE COMPLETION OF THE UPDATED SEDAR 64 OPERATIONAL ASSESSMENT THAT INCORPORATES CALIBRATED SRFS RECREATIONAL LANDINGS ESTIMATES.

***Regulatory Amendment 35 (Red Snapper & Discard Mortality Reduction)***

**MOTION 34:** RESCIND THE MARCH 2023 ACTION TO APPROVE SNAPPER GROUPE REGULATORY AMENDMENT 35 FOR SECRETARIAL REVIEW.

***Other Items***

**MOTION 35:** INITIATE AN AMENDMENT TO ESTABLISH LIMITED ENTRY FOR THE FOR-HIRE COMPONENTS OF THE SNAPPER GROUPE, COASTAL MIGRATORY PELAGICS, AND DOLPHIN WAHOO FISHERIES.

**MOTION 36:** TO PREVENT SPECULATIVE ENTRY, ESTABLISH AN ADDITIONAL CONTROL DATE OF DECEMBER 8, 2023, THAT THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL (COUNCIL) MAY USE IF IT DECIDES TO CREATE RESTRICTIONS LIMITING PARTICIPATION IN THE EXCLUSIVE ECONOMIC ZONE FOR THE FEDERAL CHARTER VESSEL/HEADBOAT (FOR-HIRE) COMPONENT OF THE RECREATIONAL SECTORS OF THE COASTAL MIGRATORY PELAGICS FISHERY IN THE ATLANTIC, DOLPHIN AND WAHOO FISHERY IN THE ATLANTIC, AND SNAPPER-GROUPER FISHERY IN THE SOUTH ATLANTIC. ANYONE OBTAINING A FEDERAL FOR-HIRE PERMIT FOR THESE RECREATIONAL SECTORS AFTER THE CONTROL DATE WILL NOT BE ASSURED OF FUTURE ACCESS SHOULD A MANAGEMENT REGIME THAT LIMITS PARTICIPATION IN THE SECTOR BE PREPARED AND IMPLEMENTED. ADDITIONALLY, FEDERAL PERMIT HOLDERS THAT HAVE NOT REPORTED SNAPPER-GROUPER, COASTAL MIGRATORY PELAGIC, AND/OR DOLPHIN AND WAHOO CATCH FROM THE SOUTH ATLANTIC TO THE SOUTHEAST FOR-HIRE INTEGRATED ELECTRONIC REPORTING PROGRAM ON OR PRIOR TO DECEMBER 5, 2023 WILL NOT BE ASSURED OF FUTURE ACCESS SHOULD A MANAGEMENT REGIME THAT LIMITS PARTICIPATION IN THE SECTOR BE PREPARED AND IMPLEMENTED.

**MOTION 37: DIRECT STAFF TO DO THE FOLLOWING:**

- CONTINUE TO DEVELOP SNAPPER GROUPE AMENDMENT 48 (WRECKFISH) AND CONVENE THE NEXT MEETING OF THE WRECKFISH SUB-COMMITTEE VIA WEBINAR PRIOR TO THE MARCH 2024 COUNCIL MEETING.
- CONTINUE DEVELOPMENT OF AMENDMENT 46 FOR REVIEW AT THE MARCH 2024 COUNCIL MEETING (SEE DIRECTION TO STAFF ABOVE).
- CONDUCT SCOPING FOR REGULATORY AMENDMENT 36, INCLUDING COMMUNICATION WITH BLACK SEA BASS POT ENDORSEMENT HOLDERS.
- DRAFT A LETTER ON BEHALF OF THE COUNCIL REGARDING WHAT THE COUNCIL WOULD LIKE INCLUDED IN FUTURE STOCK STATUS LETTERS.
- RED SNAPPER TASKS (SEE DIRECTION TO STAFF IN COMMITTEE REPORT).
- PREPARE AN UPDATED INFORMATION PAPER DESCRIBING THE SNAPPER GROUPE COMMERCIAL 2 FOR 1 PERMIT POLICY AND SG2 PERMITS.

**Citizen Science**

**MOTION 38:** ADOPT THE UPDATED CITIZEN SCIENCE RESEARCH PRIORITIES WITH MODIFICATIONS AS SUGGESTED.

**Habitat and Ecosystem Committee**

**MOTION 39:** APPROVE LIST OF AGENDA ITEMS FOR APRIL 2024 HABITAT AND ECOSYSTEM AP MEETING

**MOTION 40:** ADOPT THE FOLLOWING TIMING AND TASKS:

- ADD CORAL 10 AND DEEPWATER CHAPC MODIFICATIONS TO THE COUNCIL WORKPLAN.
- CONVENE THE HABITAT AND ECOSYSTEM AP IN SPRING 2024 INCORPORATING APPROVED AGENDA ITEMS.
- CONVENE THE IPT TO REVIEW CORAL 10 AND PRESENT THE MODIFICATIONS THAT ARE NEEDED AT A FUTURE COUNCIL MEETING.

**SEDAR Committee**

**MOTION 41:** APPROVE SEDAR 94 (HOGFISH) TERMS OF REFERENCE

**Full Council Session 2**

**MOTION 42:** APPROVE THE ALLOCATION REVIEW GUIDELINES AND UPDATED ALLOCATION REVIEW TRIGGER POLICY.



February 1, 2024

## MEMORANDUM

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

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### Issue

Quarterly update on Marine Patrol law enforcement activities.

### Action Needed

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

### Overview

Marine Patrol officers continue to work hard during the winter fishing season. We have new hires completing their certification process and starting their 16-week field training. We have completed our mandated in-service and specialized training for 2023 and have begun planning training for 2024. Marine Patrol continues to engage in education and outreach opportunities throughout the state.

Officers have been checking for crab pots north of the Highway 58 Bridge to make sure none have been set in violation of the closure, a few citations have been written. Marine Patrol, in partnership with the Coastal Federation, are cleaning up derelict or 'ghost' pots left in the area. These efforts are going well.

Marine Patrol officers are required to do at least 24 hours of in-service training every year to remain certified with Criminal Justice and Training Standards. Our officers completed those training hours in 2023 with many earning additional hours above and beyond mandated training. We had the opportunity this year to share some of that training with Division and other Department of Environmental Quality staff members in December 2023 and January 2024 at Head Quarters and all coastal offices. Officer Mike Williams and Sgt. Jason Parker presented staff with active shooter training and answered questions. Staff were instructed on methods and best practices to safeguard their own lives and what to expect from law enforcement entering active shooter situations. We were very pleased to see that the training was well received.

I often update you on our Swiftwater Rescue Team deployments and training and today I would like to share with you some additional recognition of the team's efforts. I am proud to announce that the Swiftwater Team received the DEQ Team Achievement Award at the Distinguished Employee & Team Achievement Awards Ceremony held on January 8<sup>th</sup> in Raleigh.

Marine Patrol had three new hires complete their Basic Law Enforcement Training recently. Once they are sworn-in at the completion of their certification process, they will begin their 16-week field training.

Several officers participated in outreach and education at the Bass & Saltwater Fishing Expo in Raleigh this month and are planning participation in several other such events throughout the year. Our staff are also working on a Marine Patrol Junior Academy for 12 middle school age children. This week-long event slated to begin June 10<sup>th</sup> of this year will give opportunities for cadets to learn about conservation law enforcement, fish and gear identification, boat handling, water safety, and ethical angling practices.

January 28, 2024

**MEMORANDUM**

**TO:** N.C. Marine Fisheries Commission

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

**SUBJECT:** Protected Resources Program Update

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**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 October monthly report for the Atlantic Sturgeon ITP can be found in the briefing materials. There were no observed incidental takes of Atlantic Sturgeon during September or November. Note that the seasonal and monthly reports are preliminary and updates can occur in the final reports submitted to NMFS.

The Division did not receive the renewed ITP before the sea turtle ITP expired at the end of August 2023. However, NMFS provided a letter authorizing the Division to continue operating under the sea turtle ITP until a final determination is made on the application. The letter did not reference the Atlantic sturgeon ITP because it does not expire until the end of August 2024. The public comment period for the draft Environmental Assessment of the ITP renewal application closed on September 11<sup>th</sup>. The NMFS is working through public comments and an Endangered Species Act (ESA) Section 7 consultation, which is an interagency process “..designed to assist federal agencies in fulfilling their duty to ensure any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat” (<https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region>). It is not known at this time when a determination will be made on the ITP application.

The Division continues to coordinate with NC Department of Information Technology to develop the Observer Trip Scheduling System (OTSS). The OTSS will help ensure that ITP observer coverage requirements are met, and that the observer coverage is distributed evenly among participants and representative of the fishery. Currently, the OTSS is in the internal testing phase. Once this testing phase is complete, the Observer Program will be reaching out to members of the commercial fishing industry, including those on the Marine Fisheries Commission, to further test the system. An implementation date for requiring participation in the OTSS has not been set, but is expected to occur in 2024. Public information meetings and trainings will occur before the OTSS is fully implemented.

### **Action Needed**

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

### **Overview**

#### *Sea Turtle Seasonal Report*

During fall 2023, onboard and alternative platform methods were used to obtain observed trips. Hereafter, all references to gill nets are for estuarine 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 ( $\geq 5$  inches stretch mesh; ISM) gill nets during fall of 2023. Estimated observer coverage of the large-mesh gill-net fishery exceeded the 7% minimum required threshold in all open management units (263 observed trips; percent coverage range: 17.1–22.0%; Table 1).

Estimated observer coverage of the small-mesh ( $< 4$  ISM) gill-net fishery met or exceeded the 1% minimum required threshold in all management units (51 observed trips; percent coverage range: 1.0–5.0%; Table 2). Additionally, observers and Marine Patrol officers logged 224 No-Contact trips, primarily looking for small-mesh effort (Table 3).

There were 18 observed live sea turtle interactions in large-mesh gill nets and two live in small-mesh gill nets during fall 2023 (Tables 4). Of the 20 overall interactions, 15 occurred in MU B, one in D2, and four in MU E. Green Sea Turtle (*Chelonia mydas*) interactions were observed most frequently ( $n = 14$ ) followed by Kemp's Ridley (*Lepidochelys kempii*) interactions ( $n = 5$ ). A single observed sea turtle could not be identified as it fell out of the net before the observer was able to positively identify it. The live Green Sea Turtle in MU D2 required resuscitation and was subsequently transported for rehabilitation at the NC Aquarium at Pine Knoll Shores. After its rehabilitation, it was successfully released into Bogue Sound on November 10, 2023. No deceased sea turtles were observed. Cumulative estimated and observed interactions during fall months did not reach or exceed authorized levels for the ITP year (Table 5).

In addition to observed sea turtle interactions, there were two fisher-reported sea turtle takes in large-mesh gill nets during October (Table 6): one in MU B and one in MU D2. The sea turtle in B was positively identified as a Green Sea Turtle; however, the species of the sea turtle take in D2 was not known by the fisher. Both were released alive.

During fall 2023, observers logged 930 contacts or contact attempts. Observers spoke with a fisherman on 447 of the 930 contact attempts but only arranged 63 trips in advance (6% of 930).

*Atlantic Sturgeon Monthly Report*

During October 2023, there were 35 live Atlantic sturgeon, one live unidentified sturgeon, and four dead Atlantic sturgeon incidental takes in the large-mesh gill-net fishery. There was also one live Atlantic Sturgeon incidental take in the small-mesh gill-net fishery (Table 7). All observed takes in large-mesh gill nets occurred in Management Unit A and the single observed take in a small-mesh gill net occurred in Management Unit E. Cumulative estimated and observed interactions during fall months did not reach or exceed authorized levels for the ITP year (Table 8). There were no observed incidental takes of Atlantic Sturgeon during September or November.

**Table 1.** For estuarine anchored large-mesh gill nets, estimated percent observer coverage calculated from observer trips ( $\geq 4$  ISM) and estimated fishing trips using Trip Ticket Program data ( $\geq 5$  ISM) by management unit during fall (September–November) 2023 for Incidental Take Permit Year 2024. The large-mesh gill-net fishery was never opened in Management Unit D1. ISM=Inches Stretch Mesh.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	414	73	17.6
B	409	70	17.1
C	165	36	21.8
D1	<i>Closed</i>	<i>Closed</i>	<i>Closed</i>
D2	71	15	21.1
E	314	69	22.0
Total	1,373	263	19.2

**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) 2023 for Incidental Take Permit Year 2024. ISM=Inches Stretch Mesh.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	349	9	2.6
B	1,117	22	2.0
C	191	2	1.0
D1	40	2	5.0
D2	95	4	4.2
E	355	12	3.4
Total	2,147	51	2.4

**Table 3.** Number of "No Contact" trips by management unit completed by Marine Patrol and observers during fall 2023 (September–November) for Incidental Take Permit Year 2024. "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	48	5	53
B	17	1	18
C	30	6	36
D1	4	1	5
D2	16	1	17
E	95	0	95
Total	210	14	224

**Table 4.** Summary of observed sea turtle interactions (n=20) in estuarine anchored gill nets during fall 2023 (September–November) for Incidental Take Permit (ITP) Year 2024. Eighteen interactions were observed in large-mesh ( $\geq 4$  ISM) gill nets, and two interactions were observed in small-mesh ( $< 4$  ISM) gill nets. An asterisk (\*) denotes straight line measurements. A plus (+) denotes sea turtles that were in poor condition and transferred to veterinary care. An endash (–) indicates data were not recorded. CCL=Curved Carapace Length. CCW=Curved Carapace Width. MU=Management Unit. ISM=Inches Stretch Mesh.

Date	MU	Mesh-Size Category	Latitude (N)	Longitude (W)	Species	Condition	CCL (mm)	CCW (mm)
10/3/2023	B	Large	35.34248	-76.34852	Green	Alive	370	320
10/4/2023	D2	Large	34.69521	-77.01405	Green	Alive <sup>+</sup>	–	–
10/5/2023	B	Large	35.44966	-75.51020	Green <sup>a</sup>	Alive	280	240
10/5/2023	B	Large	35.44966	-75.51020	Green <sup>a</sup>	Alive	310	263
10/5/2023	B	Large	35.45285	-75.51367	Green <sup>a</sup>	Alive	269	224
10/5/2023	B	Large	35.45285	-75.51367	Green <sup>a</sup>	Alive	323	273
10/5/2023	B	Large	35.29443	-75.62300	Kemp's Ridley	Alive	254	254
10/5/2023	E	Large	33.90444	-77.95500	Green <sup>b</sup>	Alive	–	–
10/5/2023	E	Large	33.91194	-77.97083	Green <sup>b</sup>	Alive	310	270
10/10/2023	E	Large	33.92614	-77.95354	Green	Alive	343	286
10/12/2023	B	Large	34.85972	-76.38262	Green <sup>c</sup>	Alive	318*	254*
10/12/2023	B	Large	34.85995	-76.38281	Green <sup>c</sup>	Alive	279*	216*
10/12/2023	B	Large	34.86136	-76.38174	Green <sup>c</sup>	Alive	304*	241*
10/12/2023	B	Large	35.59622	-75.50462	Kemp's Ridley	Alive	368	368
10/12/2023	B	Large	35.53693	-75.48909	Kemp's Ridley <sup>d</sup>	Alive	–	–
10/12/2023	B	Large	35.53658	-75.48952	Kemp's Ridley <sup>d</sup>	Alive	254	241
10/18/2023	E	Large	34.56384	-77.38109	Green	Alive	–	–
10/18/2023	B	Large	35.23998	-75.66854	Unidentified	Alive	–	–
10/21/2023	B	Small	35.43642	-76.01433	Green	Alive	320	280
10/24/2023	B	Small	34.84171	-76.38321	Kemp's Ridley	Alive	–	–

<sup>a</sup> Observed on the same 10/5/2023 trip

<sup>b</sup> Observed on the same 10/5/2023 trip

<sup>c</sup> Observed on the same 10/12/2023 trip

<sup>d</sup> Observed on the same 10/12/2023 trip



**Table 5.** Total annual authorized and actual takes (observed and estimated) of sea turtles by species and, for estimated takes, by condition for the 2024 Incidental Take Permit (ITP) Year to date (September 2023–August 2024). One observed sea turtle interaction could not be identified to species (Management Unit B, large-mesh [ $\geq 4$  ISM] gill net and is listed under Any Species). Estimated takes denoted with an endash (–) are for species whose authorized takes in the ITP are expressed only as counts. ISM=Inches Stretch Mesh.

Species	Observed (Live/Dead)		Estimated			
	Authorized	Actual	Authorized		Actual	
			Alive	Dead	Alive	Dead
Green	18	2	330	165	52.6	0
Hawksbill	8	0	–	–	–	–
Kemp's Ridley	12	1	98	49	19.1	0
Leatherback	8	0	–	–	–	–
Loggerhead	24	0	–	–	–	–
Any Species	8	1	–	–	–	–
Total	78	4	428	214	71.7	0

**Table 6.** Summary of sea turtle interactions ( $n = 2$ ) reported by fishers in anchored gill nets during September–November (fall) 2023 for Incidental Take Permit Year 2024. Large-mesh is defined as  $\geq 4$  ISM; small-mesh is defined as  $< 4$  ISM. Measurements were not recorded for either sea turtle. Endash (–) indicates data that were not recorded. MU=Management Unit. ISM=Inches Stretch Mesh.

Date	MU	Mesh-Size Category	Latitude (N)	Longitude (W)	Species	Disposition
10/10/2023	B	Large	35.41167	-76.42583	Green	Alive
10/10/2023	D2	Large	–	–	Unidentified	Alive

**Table 7.** Summary of observed sturgeon ( $n = 41$ ) interactions in estuarine anchored gill nets during September 2022 for Incidental Take Permit Year 2023. Mesh-size categories are large ( $\geq 5$  ISM) and small ( $< 5$  ISM). \* = Denotes observed trip where most nets were 80 yds but varied such that total yards = 1500. ISM=Inches Stretch Mesh.

No.	Date	Species	Condition	Management Unit	Mesh-Size Category	Soak Time (Mins)	Length of Net (Yards)	Number of Nets
1	10/3/2023	Atlantic	Alive	A	Large	720	84	15
2	10/4/2023	Atlantic <sup>a</sup>	Alive	A	Large	720	200	7
3	10/4/2023	Atlantic <sup>a</sup>	Dead	A	Large	720	200	7
4	10/5/2023	Atlantic	Alive	A	Large	720	1500	1
5	10/10/2023	Unidentified	Alive	A	Large	720	200	7
6	10/11/2023	Atlantic	Alive	A	Large	720	100	10
7	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	75	18
8	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
9	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
10	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
11	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
12	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
13	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
14	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
15	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
16	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
17	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
18	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
19	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
20	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
21	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
22	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
23	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
24	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
25	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
26	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
27	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
28	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
29	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
30	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
31	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
32	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
33	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
34	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18

**Table 7.** continued

No.	Date	Species	Condition	Management Unit	Mesh-Size Category	Soak Time (Mins)	Length of Net (Yards)	Number of Nets
35	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
36	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
37	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
38	10/19/2023	Atlantic <sup>b</sup>	Dead	A	Large	720	80*	18
39	10/19/2023	Atlantic <sup>b</sup>	Dead	A	Large	720	80*	18
40	10/19/2023	Atlantic	Dead	A	Large	720	75	3
41	10/20/2023	Atlantic	Alive	E	Small	15	300	1

<sup>a</sup> Observed on the same 10/4/2023 trip

<sup>b</sup> Observed on the same 10/19/2023 trip

**Table 8.** Summary of estimated (Management Unit A) or observed (Management Units B–E) Atlantic Sturgeon interactions during fall 2023 (September–November) by management unit and disposition for large-mesh ( $\geq 5$  ISM) and small-mesh ( $< 5$  ISM) gill nets for Incidental Take Permit Year 2024. ISM=Inches Stretch Mesh.

Management Unit	Large Mesh		Small Mesh	
	Alive	Dead	Alive	Dead
A	219.5	23.6	0	0
B	0	0	0	0
C	0	0	0	0
D	0	0	0	0
E	0	0	1	0
Total	219.5	23.6	1	0

2023 Fall Seasonal Progress Report  
for Activities under Endangered Species Act  
Section 10 Incidental Take Permit No. 16230  
September 1–November 30, 2023  
ITP Year 2024



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December 2023

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## SUMMARY

This report summarizes activities of the North Carolina Division of Marine Fisheries (NCDMF) Observer Program during September–November (i.e., fall) 2023 of the Incidental Take Permit (ITP) Year 2024 (September 1, 2023–August 31, 2024) for ITP No. 16230. Although the permit expired on August 31, 2023, the NCDMF received guidance from the National Marine Fisheries Service (NMFS) to continue operating under the permit until a final determination is made on the NCDMF’s ITP permit renewal application. Throughout this document, all references to gill nets are for estuarine anchored gill nets unless stated otherwise. Mesh-size categories for gill nets are large-mesh (i.e.,  $\geq 4$  inches stretched mesh [ISM]) and small-mesh (i.e.,  $< 4$  ISM). Finally, data used in this seasonal report are preliminary and subject to change.

During fall 2023, the ITP Management Units (MU) were subject to a variety of restrictions on gill-net fishing activity (Table 1). Restrictions for large-mesh gill nets were based primarily on [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. Among other things, Amendment 3 sets an annual quota for the commercial flounder fishery that is divided between mobile gears (primarily, but not limited to, anchored gill nets and gigs) and pound nets with separate sub-allocations by flounder Management Area (MA). For calendar year 2023, commercial total allowable landings (TAL) for the Mobile Gear Northern MA (ITP MUs A, B, and C) was 123,879 pounds while the TAL for the Mobile Gear Southern MA (ITP MUs D1, D2, and E) was 62,309 pounds.

Proclamations set October 3 as the opening date for the flounder large-mesh gill-net fishery (FF-32-2023) in MUs A (M-16-2023), B (shallow waters of Pamlico Sound only), C, D2, and E (M-17-2023). Management Unit D1 was not opened per the ITP, which requires the MU to be closed May 8–October 14. For open MUs, the proclamations established a three-day per week schedule whereby fishers were allowed to deploy nets in open MUs one hour prior to sunset Monday through Wednesday and were required to retrieve nets daily within one hour after sunrise Tuesday through Thursday. Yardage restrictions for each fishing operation were set to 1,500 yards or less in MUs A, B, and C and 750 yards in MUs D2 and E.

To ensure the quota was accurately monitored during the commercial flounder season, dealers were required to hold an Estuarine Flounder Dealer Permit to purchase, possess, sell, or offer for sale flounder taken from estuarine waters (M-15-2023). As a condition of this permit, dealers were required to report daily flounder landings by noon of the following weekday to ensure that landing data were available for use by NCDMF flounder quota monitoring staff. As the quota was nearly met following the third week of the season, the NCDMF issued proclamations closing mobile gears state-wide effective October 23 (M-23-2023, M-24-2023). Therefore, due to the Tuesday through Thursday weekly fishing restriction, the last open day of the large-mesh gill-net fishery was Thursday, October 19.

Management Units A, C, D2, and E were open throughout fall 2023 to anchored small-mesh gill nets (Table 1). At the beginning of fall, only Shallow Water Gill Net Restricted Area (SGNRA) 2 and SGNRA 4 (M-14-2023) within MU B were open to anchored small-mesh gill nets as a continuation of restrictions from August. The closed portions of MU B were re-opened on October

9, 2023 (M-22-2023). Management Unit D1 initially remained closed from the summer season; however, on October 9, 2023 it was reopened. Multiple attendance requirements for anchored small-mesh gill nets were in place across the state based on a series of rules and proclamations. For more information regarding these requirements, the NCDMF has published an interactive web map of the gill-net attendance regulations that are in rule ([Rule Map Link Here](#)). For MU A, attendance requirements for small-mesh gill nets are maintained in proclamations generally from May through November (e.g., see M-10-2023 and M-25-2023).

Prior to the start of the fall season, the Observer Program projected the number of observed trips by mesh-size category, month, and MU needed to meet the coverage levels required in the ITP (i.e., 7–10% observer coverage of large-mesh gill-net fishing trips and 1–2% observer coverage of small-mesh gill-net fishing trips). Projecting the required number of observer trips for the small-mesh gill-net fishery was accomplished, as in years past, by calculating 2% of the average number of fishing trips reported to the Trip Ticket Program (TTP) by month and MU from the previous five years, 2018–2022. A different approach was used for the large-mesh gill-net fishery targeting flounder due to changes in management strategies per Amendment 3 of the Southern Flounder FMP.

For the large-mesh fishery, the Observer Program reevaluated last year’s coverage estimation methods as the 2022 commercial flounder season was the first to be quota managed. This was another significant change for the fishery because previously it had been open for a set number of days for fall 2019-2021. In 2022, a conservative approach was used to develop a sea-day schedule with the intent of estimating the maximum fishing effort. Using 2021 TTP data, staff identified the week with the greatest number of distinct fishers for each MU and assumed that each one would fish every day in 2022 until the quota was filled and the fishery was closed. The maximum number of fishers for each MU was multiplied by the number of days that MU was open for a given week (e.g., Management Unit B was not open Saturday through Monday). The projected number of observer trips for each MU per week was based on 10% (ITP requires 7% coverage) of the corresponding expanded number. In preparation for the 2023 season, the final observer coverage from the previous season was calculated. It was apparent that the 2022 method greatly overestimated fishing effort as observer coverage ranged from 12.8% to 39.4%. As such, a different method to estimate fishing effort for the 2023 season was explored. It was determined that data from the 2022 season may be the best predictor of fishing effort for the second year of the quota-managed fishery. However, there was concern over having only one year of data to predict fishing effort (i.e., trips). To account for this uncertainty, the observer coverage target was set to 15% of reported number of trips from the 2022 season. This percentage is more than twice that of the required minimum coverage level of 7% and exceeds the coverage level of 10% that DMF typically targets for the large-mesh gill-net fishery. Using this 15% target, the Observer Program identified a daily target for the number of observed trips needed for each MU. In August 2023, this approach was communicated to NMFS who provided their concurrence, that same month, on the daily targets for the 2023 flounder season.

During September, in preparation for the fall flounder season, Observer Program staff conducted virtual and in-person observer trainings for other NCDMF staff. Although these trainings were new to some, most NCDMF staff had both observed commercial gill-net fishing operations and attended observer trainings previously.

Observers attempted to locate trips through many different strategies. Initially, observers attempted to contact fishers via phone using fisher-provided contact information of current Estuarine Gill Net Permit (EGNP) holders. In doing so, they prioritized those who have either reported gill-net landings over the previous three years or who were known to be currently fishing in a targeted area. Fishers' contacts and contact attempts were then logged in a database. For each contact or contact attempt, responses were categorized and recorded as one of 15 response categories (Table 2).

During fall 2023, observer coverage met or exceeded coverage requirements outlined in the ITP. There were 51 observed small-mesh gill-net trips that resulted in 1.0–5.0% coverage across MUs (Table 3; Figure 3) and 263 observed large-mesh gill-net trips that resulted in 17.1–22.0% coverage across all open MUs (Table 4, Figure 3). Not only did these coverage levels exceed the ITP requirements for the large-mesh fishery, they also exceeded the 15% planned coverage as communicated with NMFS.

There were 18 observed live sea turtle interactions in large-mesh gill nets and two live in small-mesh gill nets during fall 2023 (Table 5 & Table 6; Figure 3). Of the 20 overall interactions, 15 occurred in MU B, one in D2, and four in MU E. Green Sea Turtle *Chelonia mydas* interactions were observed most frequently ( $n = 14$ ) followed by Kemp's Ridley *Lepidochelys kempii* interactions ( $n = 5$ ). A single observed sea turtle could not be identified as it fell out of the net before the observer was able to positively identify it. The live Green Sea Turtle in MU D2 required resuscitation and was subsequently transported for rehabilitation at the NC Aquarium at Pine Knoll Shores. After its rehabilitation, it was successfully released into Bogue Sound on November 10, 2023. No deceased sea turtles were observed.

In addition to observed sea turtle interactions, there were two fisher-reported sea turtle takes in large-mesh gill nets during October (Table 7): one in MU B and one in MU D2. The sea turtle in B was positively identified as a Green Sea Turtle; however, the species of the sea turtle take in D2 was reportedly not known by the fisher. Both were released alive.

During fall 2023, 930 contacts were made with 48% ( $n = 447$ ) representing occasions where observers and fishers communicated with each other (Figure 4). Only 6% ( $n = 63$ ) of all contacts and attempts resulted in a booked trip. If staff failed to schedule a trip in advance through phone calls, observers either scouted for fishers at boat ramps or attempted to locate effort on-the-water. During these alternative platform observations where no trip was scheduled, observers and Marine Patrol officers regularly located effort but occasionally did not ("No-Contact" trips). During fall 2023, observers and Marine Patrol officers logged 224 No-Contact trips during fall 2023 (Table 8).

As a condition of the EGNP, fishers are required to provide current contact information so that observers can schedule trips. In the event of a change to a phone number or address, fishers are required to update their contact information with the NCDMF within 14 days of the change. During spring 2023, observers began to closely track contact attempts that ended in a disconnected number and again attempted contact after 14 days. If the number was still disconnected on the second attempt, a Notice of Violation (NOV) was initiated. This approach continued during fall 2023. An

NOV is the NCDMF's administrative process to suspend a permit and is initiated by an officer or other division employee when a permit holder is found to be in violation of general or specific permit conditions.

As part of their regular duties, Marine Patrol officers monitor fishing activity to ensure regulatory compliance. When Marine Patrol officers find gear or fishing practices to be out of compliance, they can issue either a citation, NOV, or both. A citation is an enforcement action taken by a Marine Patrol officer for person(s) found to be in violation of general statutes, rules, or proclamations under the authority of the MFC and is considered a proceeding for district court. A citation and an NOV may both be initiated by the same permit condition violation; however, they are two separate actions. For this report, NOVs or citations associated with gill-net activities or the ENGP were compiled. In early September 2023, Marine Patrol violation codes for citations and NOVs were changed from the former "EGNP" and "NETG" codes to the actual rule and General Statute codes. Additionally, violation descriptions were changed to specify the rule or statute language and, where appropriate, proclamation number that was violated. During fall 2023, Marine Patrol issued six citations (Table 9) and 11 NOVs for anchored gill nets (Table 10).

## TABLES

**Table 1.** Proclamations issued during calendar year 2023 affecting estuarine anchored gill-net fisheries during September–November (fall) 2023.

Effective Date	Proclamation Number	Proclamation Summary
4/30/2023	<a href="#">M-10-2023</a>	This proclamation supersedes proclamation M-6-2023 dated March 15, 2023. In Management Unit A, it implements small mesh gill net attendance requirements and keeps open a portion of Management Unit A to the use of run-around, strike, and drop gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish.
8/10/2023	<a href="#">M-14-2023</a>	This proclamation supersedes proclamation M-13-2023 dated May 24, 2023. It closes portions of Management Unit B and opens Management Unit E to the use of fixed or stationary gill nets less than 4 inches stretch mesh.
8/16/2023	<a href="#">M-15-2023</a>	This proclamation supersedes M-14-2022 and clarifies the requirement that for any fish dealer to possess, purchase, sell or offer for sale flounder taken from Internal Coastal Waters during open seasons they must possess an Estuarine Flounder Dealer Permit for the applicable fisheries and harvest area.
9/15/2023	<a href="#">FF-32-2023</a>	This proclamation supersedes Proclamation FF-55-2022, dated October 26, 2022. It establishes the commercial flounder season for Internal Coastal and Joint Fishing Waters by Gear Management Area. 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).
9/25/2023	<a href="#">M-18-2023</a>	This proclamation supersedes proclamation M-14-2023 dated August 8, 2023. It decreases the yardage limits for the commercial Spanish mackerel drift gill net fishery in Management Unit B.
10/2/2023	<a href="#">M-16-2023</a>	This proclamation supersedes proclamation M-10-2023 dated April 28, 2023. 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, and drop gill nets to harvest blue catfish. It also maintains small mesh gill net attendance requirements in the entirety of Management Unit A.
10/2/2023	<a href="#">M-17-2023</a>	This proclamation supersedes proclamation M-8-2023 dated April 13, 2023. 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.
10/9/2023	<a href="#">M-22-2023</a>	This proclamation supersedes proclamation M-18-2023 dated September 22, 2023. It opens Management Unit D1 and Management Unit B to the use of fixed or stationary gill nets with a stretched mesh length less than 4 inches.

**Table 1.** (Continued)

Effective Date	Proclamation Number	Proclamation Summary
10/23/2023	<a href="#">M-23-2023</a>	This proclamation supersedes proclamation M-16-2023 dated September 8, 2023. In Management Unit A, it removes anchored gill nets with overnight soaks for the purpose of harvesting flounder, maintains small mesh gill net attendance requirements, and keeps open a portion of Management Unit A to the use of run-around, strike, and drop gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish.
10/23/2023	<a href="#">M-24-2023</a>	This proclamation supersedes proclamation M-17-2023 dated September 8, 2023. This proclamation closes all management units south of Management Unit A to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section 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.
12/1/2023	<a href="#">M-25-2023</a>	This proclamation supersedes proclamation M-6-2023 dated March 15, 2023. In Management Unit A, it implements small mesh gill net attendance requirements and keeps open a portion of Management Unit A to the use of run-around, strike, and drop gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish.

**Table 2.** Fisherman contact code and associated descriptions for fisherman contact attempts during September–November (fall) 2023 of Incidental Take Permit Year 2024.

Code	Description	Total
1	Left message with someone else	6
2	Not fishing general	167
3	Fishing other gear	71
4	Not fishing - weather	5
5	Not fishing - boat issues	13
6	Not fishing - medical issues	5
7	Booked trip	63
8	Hung up, got angry, trip refused	10
9	Call back later time/date	111
10	Saw in person	2
11	Disconnected	28
12	Wrong number	8
13	No answer	181
14	No answer, left voicemail	260
15	Not fishing - natural disaster	0
Response Total		930

**Table 3.** For small-mesh gill nets, estimated percent observer coverage calculated from observed trips (<4 inches stretched mesh [ISM]) and estimated fishing trips using Trip Ticket Program data (<5 ISM) by Management Unit during September–November 2023 (fall) of Incidental Take Permit Year 2024.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	349	9	2.6
B	1,117	22	2.0
C	191	2	1.0
D1	40	2	5.0
D2	95	4	4.2
E	355	12	3.4
Total	2,147	51	2.4

**Table 4.** For large-mesh gill nets, estimated percent observer coverage calculated from observed trips ( $\geq 4$  inches stretched mesh [ISM]) and estimated fishing trips using Trip Ticket Program data ( $\geq 5$  ISM) by Management Unit during September–November 2023 (fall) of Incidental Take Permit Year 2024.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	414	73	17.6
B	409	70	17.1
C	165	36	21.8
D1	<i>Closed</i>	<i>Closed</i>	<i>Closed</i>
D2	71	15	21.1
E	314	69	22.0
Total	1,373	263	19.2

**Table 5.** Total annual authorized and actual takes (observed and estimated) of sea turtles by species and, for estimated takes, by condition for the 2024 Incidental Take Permit (ITP) Year to date (September 2023–August 2024). One observed sea turtle interaction could not be identified to species (Management Unit B, large-mesh [ $\geq 4$  inches stretched mesh] gill net) and is listed under Any Species. Estimated takes denoted with an endash (–) are for species whose authorized takes in the ITP are expressed only as counts.

Species	Observed (Live/Dead)		Estimated			
	Authorized	Actual	Authorized		Actual	
			Alive	Dead	Alive	Dead
Green	18	2	330	165	52.6	0
Hawksbill	8	0	–	–	–	–
Kemp's Ridley	12	1	98	49	19.1	0
Leatherback	8	0	–	–	–	–
Loggerhead	24	0	–	–	–	–
Any Species	8	1	–	–	–	–
Total	78	4	428	214	71.7	0



**Table 6.** Summary of observed sea turtle interactions ( $n = 20$ ) in anchored gill nets during September–November (fall) 2023 for Incidental Take Permit Year 2024. Eighteen interactions were observed in large-mesh ( $\geq 4$  inch) gill nets, and two interactions were observed in small-mesh ( $< 4$  inch) gill nets. An asterisk (\*) denotes straight line measurements. A plus (+) denotes sea turtles that were in poor condition and transferred to veterinary care. An endash (–) indicates data were not recorded. CCL=Curved Carapace Length. CCW=Curved Carapace Width. MU=Management Unit.

Date	MU	Mesh-Size Category	Latitude (N)	Longitude (W)	Species	Condition	CCL (mm)	CCW (mm)
10/3/2023	B	Large	35.34248	-76.34852	Green	Alive	370	320
10/4/2023	D2	Large	34.69521	-77.01405	Green	Alive <sup>+</sup>	–	–
10/5/2023	B	Large	35.44966	-75.51020	Green <sup>a</sup>	Alive	280	240
10/5/2023	B	Large	35.44966	-75.51020	Green <sup>a</sup>	Alive	310	263
10/5/2023	B	Large	35.45285	-75.51367	Green <sup>a</sup>	Alive	269	224
10/5/2023	B	Large	35.45285	-75.51367	Green <sup>a</sup>	Alive	323	273
10/5/2023	B	Large	35.29443	-75.62300	Kemp's Ridley	Alive	254	254
10/5/2023	E	Large	33.90444	-77.95500	Green <sup>b</sup>	Alive	–	–
10/5/2023	E	Large	33.91194	-77.97083	Green <sup>b</sup>	Alive	310	270
10/10/2023	E	Large	33.92614	-77.95354	Green	Alive	343	286
10/12/2023	B	Large	34.85972	-76.38262	Green <sup>c</sup>	Alive	318*	254*
10/12/2023	B	Large	34.85995	-76.38281	Green <sup>c</sup>	Alive	279*	216*
10/12/2023	B	Large	34.86136	-76.38174	Green <sup>c</sup>	Alive	304*	241*
10/12/2023	B	Large	35.59622	-75.50462	Kemp's Ridley	Alive	368	368
10/12/2023	B	Large	35.53693	-75.48909	Kemp's Ridley <sup>d</sup>	Alive	–	–
10/12/2023	B	Large	35.53658	-75.48952	Kemp's Ridley <sup>d</sup>	Alive	254	241
10/18/2023	E	Large	34.56384	-77.38109	Green	Alive	–	–
10/18/2023	B	Large	35.23998	-75.66854	Unidentified	Alive	–	–
10/21/2023	B	Small	35.43642	-76.01433	Green	Alive	320	280
10/24/2023	B	Small	34.84171	-76.38321	Kemp's Ridley	Alive	–	–

<sup>a</sup> Observed on the same 10/5/2023 trip

<sup>b</sup> Observed on the same 10/5/2023 trip

<sup>c</sup> Observed on the same 10/12/2023 trip

<sup>d</sup> Observed on the same 10/12/2023 trip

**Table 7.** Summary of sea turtle interactions ( $n = 2$ ) reported by fishers in anchored gill nets during September–November (fall) 2023 for Incidental Take Permit Year 2024. Large-mesh is defined as  $\geq 4$  inch; small-mesh is defined as  $< 4$  inch. Measurements were not recorded for either sea turtle. Endash (–) indicates data that were not recorded. MU=Management Unit.

Date	MU	Mesh-Size Category	Latitude (N)	Longitude (W)	Species	Disposition
10/10/2023	B	Large	35.41167	-76.42583	Green	Alive
10/10/2023	D2	Large	–	–	Unidentified	Alive

**Table 8.** Summary of “No-Contact” trips by Management Unit completed by observers and Marine Patrol during September–November (fall) 2023 of Incidental Take Permit Year 2024. “No Contact” refers to unsuccessful attempts to find and observe anchored gill-net effort.

Management Unit	Marine Patrol No-Contact Trips	Observer No-Contact Trips	Total No-Contact Trips
A	48	5	53
B	17	1	18
C	30	6	36
D1	4	1	5
D2	16	1	17
E	95	0	95
Total	210	14	224

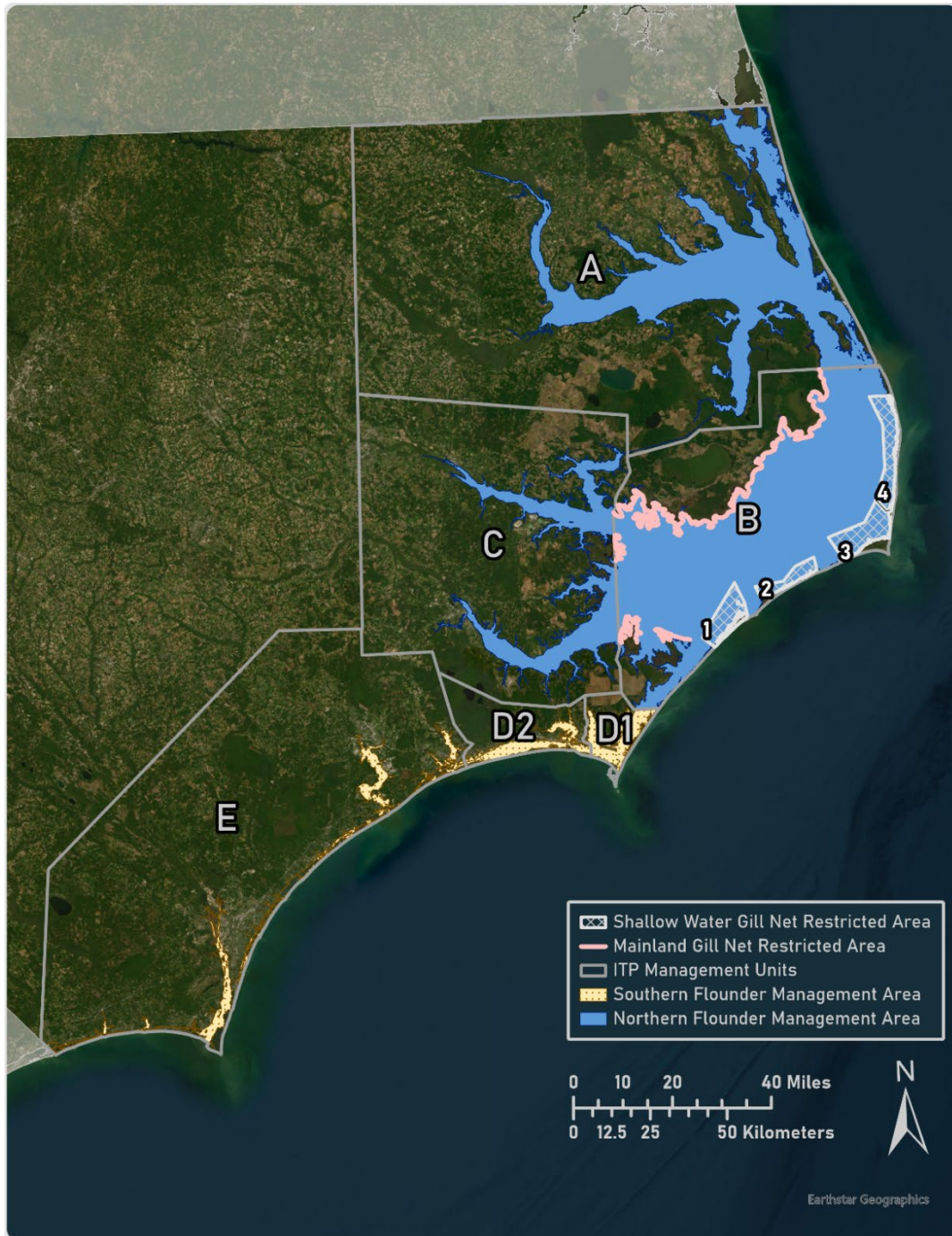
**Table 9.** Citations written by Marine Patrol officers for anchored gill nets by date and violation code during September–November 2023 (fall) of Incidental Take Permit Year 2024. Violation codes were updated in September 2023 from the former “EGNP” and “NETG” codes to the actual rule and General Statute codes. Of note, the single “EGNP” coded violation was recorded prior to the changeover.

Date	Violation Code	Description
9/2/2023	EGNP99	Failure to comply with statute(s), rule(s), and/or proclamation(s).
10/4/2023	15A NCAC 03H .0103(a)	Violation of proclamation M-17-2023, set time restrictions.
10/9/2023	15A NCAC 03H .0103(a)	FF-15-2023 Set/ deploy gillnet before allowed time.
10/10/2023	15A NCAC 03O .0502(a)	It is unlawful for an EGNP holder to avoid or mislead observers including but not limited to failure to return phone calls (regardless of whether or not the EGNP holder is actively fishing or not), failure to notify the Division of Marine Fisheries of a phone number change within 14 calendar days of such change, and proving incorrect information on fishing activity.
10/12/2023	15A NCAC 03H .0103(a)	M-17-2023 V.C. Nets set for Thursday retrieval may be set no sooner than one hour before sunset on Wednesday and must be retrieved no later than one hour after sunrise on Thursday.
10/25/2023	15A NCAC 03H .0103(a)	M-23-2023 B. 2. It is unlawful to use fixed or stationary gill nets with a stretched mesh length of 3 inches through 3 ¾ inches unless the nets are attended at all times.

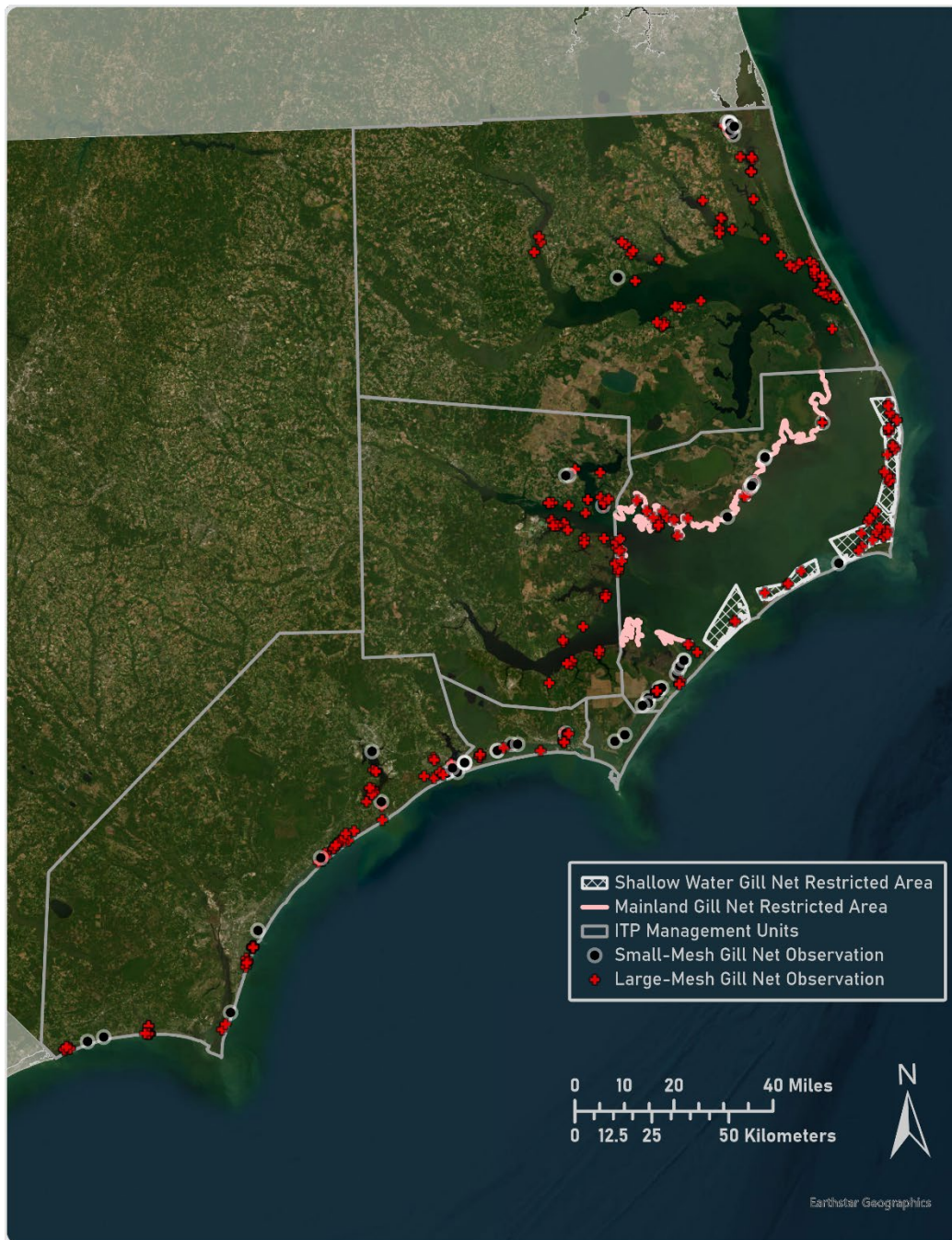
**Table 10.** Notice of Violations (NOVs) for Estuarine Gill Net Permit (EGNP) holders using anchored gill nets by date and violation code issued during September–November 2023 (fall) of Incidental Take Permit Year 2024. Violation codes were updated in September 2023 from the former “EGNP” and “NETG” codes to the actual rule and General Statute codes.

Date	Violation Code	Description
10/2/2023	15A NCAC 03H .0103(a)	M-8-2023 Use large-mesh gill nets other than during the setting and retrieval periods.
10/4/2023	15A NCAC 03H .0103(a)	M-18-2023 Use unattended small-mesh nets in a closed area.
10/4/2023	15A NCAC 03H .0103(a)	M-17-2023 Use large-mesh gill nets other than during the setting and retrieval periods.
10/4/2023	15A NCAC 03H .0103(a)	M-17-2023 Use large-mesh gill nets other than during the setting and retrieval periods
10/4/2023	15A NCAC 03H .0103(a)	M-17-2023 Use large-mesh gill nets other than during the setting and retrieval periods
10/6/2023	15A NCAC 03H .0103(a)	M-17-2023 Use large-mesh gill nets other than during the setting and retrieval periods
10/9/2023	15A NCAC 03H .0103(a)	M-17-2023 Use large-mesh gill nets other than during the setting and retrieval periods.
10/10/2023	15A NCAC 03O .0502(a)	EGNP Permit Condition - It is unlawful for an EGNP holder to avoid or mislead observers providing incorrect information on fishing activity.
10/12/2023	15A NCAC 03H .0103(a)	M-17-2023 Use large-mesh gill nets other than during the setting and retrieval periods.
10/17/2023	15A NCAC 03O .0502(a)	EGNP Permit Condition - It is unlawful for an EGNP holder to avoid or mislead observers including but not limited to failure to return phone calls (regardless of whether or not the EGNP holder is actively fishing or not), failure to notify the Division of Marine Fisheries of a phone number change within 14 calendar days of such change, and providing incorrect information on fishing activity and it is unlawful to fail to provide a phone number that the EGNP holder can be reached.
10/25/2023	15A NCAC 03O .0502(a)	It is unlawful to violate any provisions of rules or proclamations issued in regards to, the conditions set out in the federally issued ESA section 10 Incidental Take Permits to reduce incidental takes in large- or small-mesh gill net fisheries.

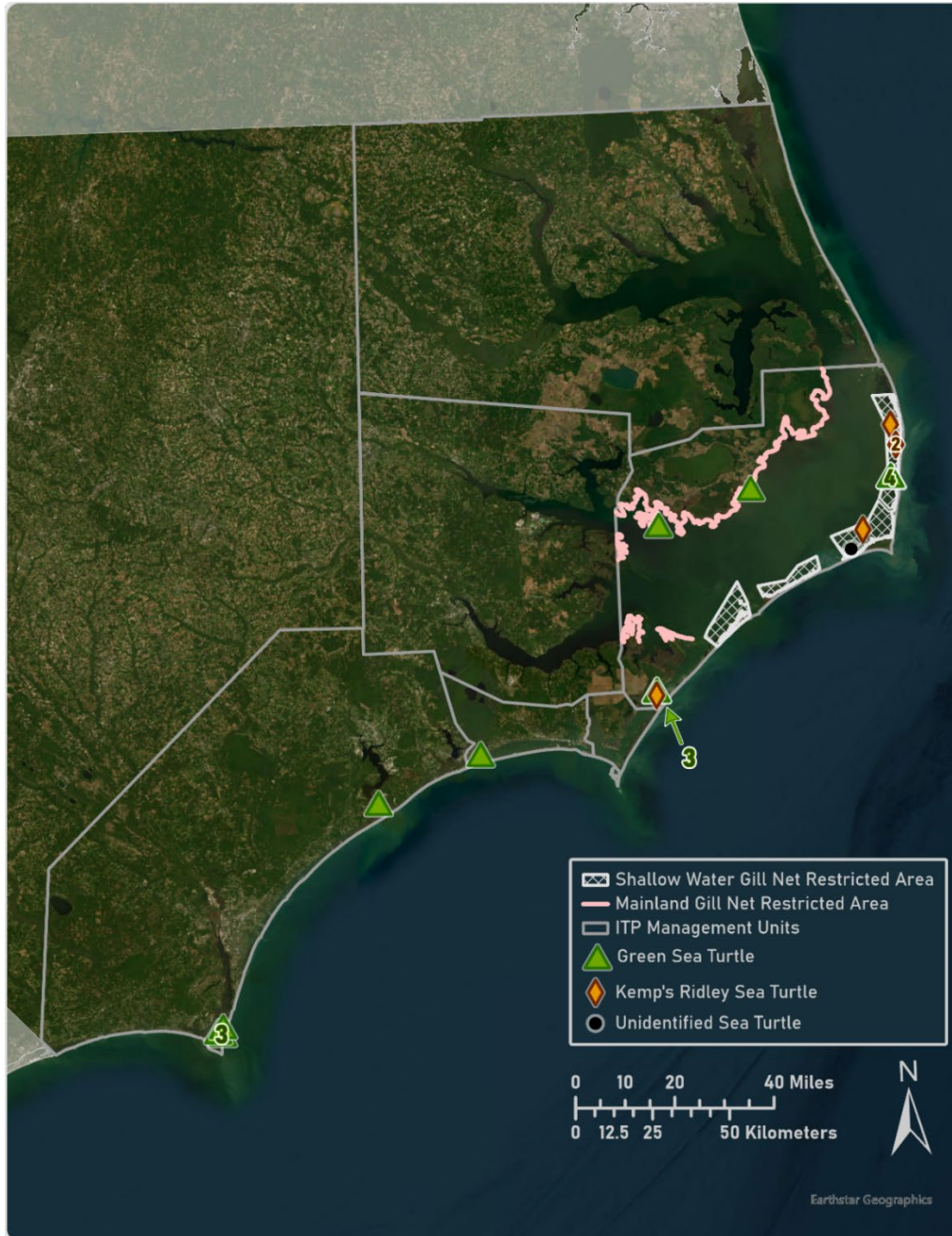
## FIGURES



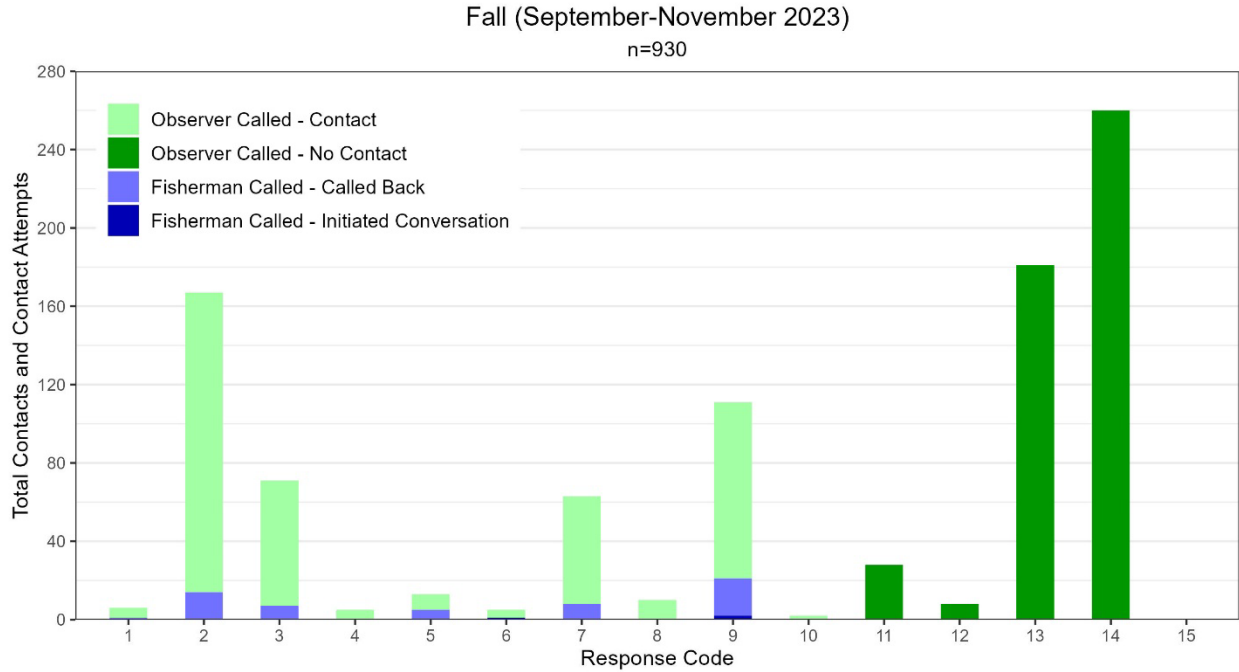
**Figure 1.** Management Units (A, B, C, D1, D2, and E) as outlined in the Incidental Take Permit (ITP). In the Pamlico Sound portion of B, large-mesh ( $\geq 4$  inches stretched mesh) gill nets were confined to Shallow Water Gillnet Restricted Areas 1-4 and the Mainland Gillnet Restricted Area (200 yards from shore). The two Southern Flounder Management Areas are shown with differently colored backgrounds: northern (blue) and southern (yellow).



**Figure 2.** Observed large-mesh gill-net trips ( $n = 263$ ,  $\geq 4$  inches stretched mesh [ISM]) and small-mesh ( $n = 51$ ,  $< 4$  ISM) gill-net trips during September–November (fall) 2023 of Incidental Take Permit Year 2024. Note that in some areas, multiple observations may be depicted as fewer observations due to the point layering and map scale. For example, a single point may be visible; however, multiple points may exist at that location. For observed trip totals within each Management Unit, please see Table 2.



**Figure 3.** Observed sea turtle interactions (green,  $n = 14$ ; Kemp's ridley,  $n = 5$ ; and unidentified,  $n = 1$ ) during September–November (fall) 2023 of Incidental Take Permit Year 2024. Note that all sea turtles were released alive. Additionally, in some areas multiple observations may be depicted as fewer point symbols due to the map scale. For example, a single point may be visible; however, multiple points may exist at that location. In these instances, a number of similar color scheme has been placed on or near the grouped symbols with the number of interactions that the symbol(s) represent.



**Figure 4.** Responses to contacts by phone or in person ( $n = 930$ ) to schedule observer trips during September–November (fall) 2023 of Incidental Take Permit Year 2024. Contact response categories include the following: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not fishing because of medical issues; 7) Booked trip; 8) Hung up, got angry, trip refused; 9) Call back later time/date; 10) Saw in person; 11) Disconnected; 12) Wrong number; 13) No answer; 14) No answer, left voicemail; 15) Not fishing because of natural disaster (e.g., hurricane). Contact responses are stratified by occasions when observers initiated a successful contact (light green), when the observer initiated an unsuccessful contact (dark green), when the fisherman returned an observer’s call (light blue), and when the fisherman initiated contact (dark blue).





ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

Monthly Progress Report  
Incidental Take Permit No. 18102  
November 3, 2023

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

Dear Celeste,

This memo serves as a report on observer program activities during October 2023 of the 2024 ITP Year (September 1, 2023 – August 31, 2024) for Permit #18102.

Throughout October 2023, Management Units (MU) A, C, D2, E, and areas of MU B were open to anchored small-mesh gill nets (i.e., < 5 inches stretched mesh). The remaining portions of MUs B and D1 were later opened to anchored small-mesh gill nets on October 9, 2023 ([M-22-2023](#)). The estuarine anchored large-mesh gill-net fishery ( $\geq$  5 inches stretched mesh) opened in all MUs except for MU D1 on October 2, 2023 ([M-16-2023](#); [M-17-2023](#)) and closed October 19, 2023 ([M-23-2023](#); [M-24-2023](#)). During this period, the fishery was only open Monday through Thursday each week whereas anchored large-mesh gill nets were only allowed to be in the water from one hour prior to sunset on Monday through one hour following sunrise on Thursday.

During October 2023, there were observations of 263 anchored large-mesh trips and 33 anchored small-mesh trips coastwide (Table 1). Of the observed large-mesh trips, 35 live Atlantic sturgeon, one live unidentified sturgeon, and four dead Atlantic sturgeon were observed. The unidentified sturgeon fell out of the net and the observer was only able to see it briefly. Of the small-mesh trips, only one live Atlantic Sturgeon was observed (Table 2). In addition to observed trips, there were 53 unsuccessful attempts to locate anchored gill-net fishing activity during October (i.e., No-Contact Trips; Table 1).

Cumulative estimated and observed interactions during the 2024 ITP Year to date are included in Tables 3 and 4 for anchored large-mesh gill nets and small-mesh gill nets, respectively. As a reminder, estimated take numbers are preliminary

**Table 1.** Total observed estuarine anchored gill-net trips ( $n = 296$ ) by Management Unit and mesh-size category during October 2023 for ITP Year 2024. Mesh-size categories are large ( $\geq 5$  inches stretched mesh) and small ( $< 5$  inches stretched mesh). Numbers of No-Contact trips ( $n = 53$ ) 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
October	A	73	4	14
	B	70	15	4
	C	36	2	11
	D1	<i>closed</i>	2	1
	D2	15	2	3
	E	69	8	20
Overall		263	33	53

**Table 2.** Summary of observed Sturgeon ( $n = 41$ ) interactions in estuarine anchored gill nets during October 2023 for ITP Year 2024. Mesh-size categories are large ( $\geq 5$  inches stretched mesh) and small ( $< 5$  inches stretched mesh). \* = Denotes observed trip where most nets were 80 yds but varied such that total yards = 1500.

No.	Date	Species	Condition	Management Unit	Mesh-Size Category	Soak Time (Mins)	Length of Net (Yards)	Number of Nets
1	10/3/2023	Atlantic	Alive	A	Large	720	84	15
2	10/4/2023	Atlantic <sup>a</sup>	Alive	A	Large	720	200	7
3	10/4/2023	Atlantic <sup>a</sup>	Dead	A	Large	720	200	7
4	10/5/2023	Atlantic	Alive	A	Large	720	1500	1
5	10/10/2023	Unidentified	Alive	A	Large	720	200	7
6	10/11/2023	Atlantic	Alive	A	Large	720	100	10
7	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	75	18
8	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
9	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
10	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
11	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
12	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
13	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
14	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
15	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
16	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
17	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
18	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
19	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18

**Table 2.** (Continued)

No.	Date	Species	Condition	Management Unit	Mesh-Size Category	Soak Time (Mins)	Length of Net (Yards)	Number of Nets
20	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
21	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
22	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
23	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
24	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
25	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
26	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
27	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
28	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
29	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
30	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
31	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
32	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
33	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
34	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
35	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
36	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
37	10/19/2023	Atlantic <sup>b</sup>	Alive	A	Large	720	80*	18
38	10/19/2023	Atlantic <sup>b</sup>	Dead	A	Large	720	80*	18
39	10/19/2023	Atlantic <sup>b</sup>	Dead	A	Large	720	80*	18
40	10/19/2023	Atlantic	Dead	A	Large	720	75	3
41	10/20/2023	Atlantic	Alive	E	Small	15	300	1

<sup>a</sup> Observed on the same 10/4/2023 trip

<sup>b</sup> Observed on the same 10/19/2023 trip

**Table 3.** For anchored large-mesh ( $\geq 5$  inch) gill nets, a current comparison of observed (live,  $n = 35$ ; dead,  $n = 5$ ) incidental takes of Atlantic Sturgeon by management unit during 2024 ITP Year through October 2023 to authorized thresholds expressed as either estimated total takes based on observed takes for Management Unit A or counts of observed takes (i.e., not estimated) for Management Units B–E. Estimated takes in Management Unit A are based on projected fishing effort; therefore, 95% confidence intervals are not provided. Genetic results were not available to determine the Distinct Population Segment (DPS) of observed interactions.

Management Unit	Season	Authorized				Actual	
		Carolina DPS		Other DPS		All DPS	
		Alive	Dead	Alive	Dead	Alive	Dead
A	Annual	1,604	65	535	21	219.5	23.6
B	Annual	24	6	9	0	0	0
C	Annual	11	5	4	0	0	0
D	Annual	8	2	<i>n/a</i>	<i>n/a</i>	0	0
E	Annual	8	2	<i>n/a</i>	<i>n/a</i>	0	0
Total	Annual	1,655	80	548	21	219.5	23.6

**Table 4.** For small-mesh ( $< 5$  inch) gill nets, a comparison of observed (alive,  $n = 1$ ) incidental takes of Atlantic Sturgeon by management unit during the 2024 ITP Year through October 2023 to authorized thresholds expressed as either estimated total takes based on observed takes (Management Unit A) or counts of actual observed takes (Management Units B–E). Estimated takes in Management Unit A are based on projected fishing effort; therefore, 95% confidence intervals are not provided. Authorized takes in Management Units C, D, and E were for the Carolina Distinct Population Segment (DPS) only and listed as not applicable (*n/a*) for Other DPS. Genetic results were not available to determine DPS of observed interactions.

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

Best regards,

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

David Ushakow  
Protected Resources Program, Biologist

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

January 26<sup>th</sup>, 2024

**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 November 2023 business meeting.

**Action Needed**

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

**Overview**

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

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

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

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

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

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

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

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

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

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

Continued suspension of 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-22-2023](#).

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

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

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

Continued suspension of 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 of 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\(Revised\)](#)