

# Director's Report





# **SURVEY OF COMMERCIAL FISHING LICENSE HOLDERS FOR PERSONAL CONSUMPTION OF SEAFOOD CAUGHT WITH COMMERCIAL GEAR**

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## **ACKNOWLEDGEMENTS**

A sincere thank you is given to all of the commercial fishing license holders who took the time to provide survey responses. Many thanks to everyone in the NCDMF License and Statistics Section who always work hard to collect, screen and edit data, ensuring accurate and reliable analyses. Thank you to Alan Bianchi for providing superior expertise with the NCDMF commercial license and trip ticket database. Finally, thanks to all who helped edit and provide comments on this report.

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## **INTRODUCTION**

Commercial harvest is currently recorded via the North Carolina Division of Marine Fisheries (NCDMF) Trip Ticket Program. Under record keeping requirements outlined in G.S. 113-168.2 (h), all seafood landed and sold in North Carolina must be recorded on a trip ticket by a licensed seafood dealer. Fish or shellfish caught by commercial gear or in commercial quantities by a commercial fishing license holder can be kept for personal consumption or donation but do not fall under the trip ticket reporting requirements. As such, this harvest can go un-recorded and there are no sampling protocols in place, making the extent and make-up of this harvest unknown. At times, this unknown harvest has come to the forefront of discussion at the Marine Fisheries Commission with recent issues over defining a commercial fisherman, unsold target species when harvesting red drum as a bycatch species, and oyster harvest in the southern region of the state.

In response, the NCDMF carried out a mail-based pilot survey of commercial fishing license holders in early 2015 as part of an effort to gather information on fish and shellfish that are landed with commercial fishing gear or harvested in commercial quantities, but kept for personal consumption or donation. Being a pilot survey to gauge if more effort is needed to investigate the extent of unsold catch, the survey was designed to be brief and low cost. The survey contained five questions on fishing behavior as well as the final disposition (sold or not sold) of fish and shellfish harvested with commercial gear or in commercial quantities.

## **METHODOLOGY**

In December 2014, a list of 7,903 North Carolina commercial fishing license holders was obtained from the NCDMF license database for individuals that owned a commercial fishing license in fiscal year 2014. The list included all individuals that owned a Standard Commercial Fishing License (SCFL), Retired Standard Commercial Fishing License (RSCFL), or a commercial Shellfish License for North Carolina Residents. No distinction was made as to license holders' landings, license type, or entity type (person or business). Each license holder in the database has a personal identification number (PID) which was used to track individuals' commercial license types, landings, and survey responses. Additionally, each individual was assigned a survey number ranging from 1 to 7,903. This number was used to select participants for each mailing of the survey.

There were two separate mailings of the survey in early January 2015 and in early February 2015. For each mailing, 1,000 individuals were randomly chosen from the described database according to their assigned study number. Each license holder was mailed a copy of the survey on a pre-paid postage card along with a letter introducing and describing the survey. For the purpose of this survey, commercial gears listed were crab pot, gig, trawl, gillnet, rod and reel, by hand/rake/tong, and other. A copy the survey instrument can be found in Appendix 1. A database was created encompassing survey responses combined with NCDMF license and Trip Ticket Program information detailing individuals' licenses types, number of licenses, and landings, where applicable, by both shellfish and finfish.

## RESULTS

Respondents were asked to answer a series of five general questions regarding their main reason for owning a commercial fishing license, whether they fished with commercial gears or harvested commercial quantities of shellfish or finfish in 2014, what kind of gears were used, typical use of catch, and estimated harvest of seafood caught by commercial gears but kept for personal consumption or donation. Some respondents did not answer all questions on the survey, so responses do not add up to the total surveyed population. Conversely, respondents often provided multiple answers to a single question; therefore percentages may be above 100% in a respective question if they were to be summed.

Out of the 2,000 surveys that were mailed, the division received 657 responses, making for an overall response rate of 33%. There were 55 additional surveys returned due to invalid mailing addresses. Of the respondents, 262 (40%) had recorded landings on trip tickets in 2014 and 395 (60%) did not have any recorded commercial landings. These license holders held 477 SCFLs, 164 RSCFLs, and 75 commercial shellfish licenses. There were 49 respondents that owned more than one commercial license and nine respondents owned more than one type of commercial license.

Responses to the survey questions were tabulated and summarized (Table 1). The first question inquired about a license holder's main purpose for owning a commercial license. This question did not have pre-selected answers, leading to a wide variety of responses. An effort was made to characterize responses into five separate categories, with a sixth category of "other". Most respondents (93%) provided answers to this question, with many respondents providing answers that fell into multiple categories. Not surprisingly, the most common purpose of owning a commercial fishing license was related to current or past income (57%). Additionally 13% of respondents indicated owning a commercial license for future income prospects. This often included either a backup income should loss of current employment occur or for supplemental income after retirement. The second most common response included some sort of personal consumption or donation aspect (28%). While some respondents listed personal consumption or donation as the main reason for owning a commercial license, this response was often associated with an income reason as well. A few responses indicated that a commercial license allowed sale of excess catch (2%), which was often associated with the ability to help cover trip expenses. Some responses also indicated that the commercial license allowed license holders to fish under commercial requirements or in commercial quantities instead of recreational. This response was often associated with harvesting above recreational shellfish or finfish limits, utilizing more than 100 yards of gill net, or not being required to adhere to some attendance requirements. Finally, many responses (13%) did not fall into any of the previous categories and were listed as "other".

The majority of respondents indicated that they had fished with commercial gear in 2014 (60%). The most commonly cited commercial gear used was gill net (53%), followed by hand/rake/tong (34%), crab pot (34%), rod and reel (32%), trawl (23%), gig (21%), and "other" (13%). "Other" gears included dredge, fish pot, pound net, channel net, trotline, longline, cast net, greenstick, long haul, peeler pot, spear, bandit rig, and hoop net. Approximately two thirds of respondents provided information on what they typically did with their harvest when using commercial gears or harvesting in commercial quantities. The most common response was to sell part of the catch and keep the other portion for personal consumption or donation (45%). This was closely followed by "sell all of catch" (44%) and "do not sell catch" (20%).

Overall, 342 respondents did not indicate having unsold seafood caught with commercial gear. There were 315 respondents that provided an estimate of unsold catch. The most commonly cited category was finfish (79%) followed by bushels of shellfish (46%), crabs (35%), shrimp (34%), and numbers of shellfish (7%). The corresponding number of responses, average, median and, where appropriate, mode values for each category can be seen in Table 1. The presence of some relatively high estimates of harvest skewed summarized data upwards. This is reflected in standard deviations that are larger than the average and average values that tend to be much larger than corresponding median values. As such, median values may be a better descriptive statistic to more accurately represent the central tendencies of responses for this question.

Table 1. Answers from survey respondents. (N=657)

<b>Q1: Main purpose for owning a commercial fishing license</b>		Responses	% of Total Response			
Current or Past Income		348	57%			
Future Income		80	13%			
Personal Consumption or Donation		170	28%			
Sell Excess Catch		10	2%			
Fish Under Commercial Requirements Instead of Recreational		20	3%			
Other		79	13%			
<i>Total Responses</i>		608	-			
<i>No Response</i>		49	-			
<b>Q2: Used commercial gear or harvested in commercial quantities</b>		Responses	% of Total Response			
Yes		383	60%			
No		266	40%			
<i>Total Responses</i>		649	-			
<i>No Response</i>		8	-			
<b>Q3: Commercial Gears Used</b>		Responses	% of Total Response			
Crab Pot		145	34%			
Gig		91	21%			
Trawl		98	23%			
Gill Net		227	53%			
Rod and Reel		136	32%			
By Hand/Rake/Tong		147	34%			
Other		55	13%			
<i>Total Responses</i>		428	-			
<i>No Response</i>		229	-			
<b>Q4: Typical use of catch</b>		Responses	% of Total Response			
Sell all of catch		180	44%			
Sell part and keep other portion for personal consumption or donation		187	45%			
Do not sell catch		81	20%			
<i>Total Responses</i>		412	-			
<i>No Response</i>		245	-			
<b>Q5: Estimated harvest kept but not sold</b>	Responses	% of Total Responses	Average	Std. Dev.	Median	Mode
Finfish (pounds)	249	79%	217.1	454.8	100	100
Shellfish (bushels)	144	46%	11.4	19.8	5	10
Shellfish (numbers)	22	7%	512	840.9	300	100
Crabs (bushels)	111	35%	12.6	32	3	1
Shrimp (pounds)	108	34%	166.3	253.2	100	50
<i>Total Responses</i>	315	-	-	-	-	-
<i>No Positive Response</i>	342	-	-	-	-	-

## Comparing Respondents With and Without Recorded Commercial Landings

Results of the survey responses were further distinguished by those that had recorded sales of seafood via trip tickets in 2014 (Table 2) and those that had no recorded commercial seafood landings (Table 3). Those that did record sales of seafood had average commercial landings of 13,627 pounds of shellfish, 12,857 pounds of finfish, and 26,485 total pounds of seafood in 2014. Median values for each category were much lower, at 254 pounds of shellfish, 412 pounds of finfish, and 2,354 total pounds of seafood. Shellfish landings included crabs and shrimp; however individual shellfish species were further broken out in the survey.

Not surprisingly, the respondents that had recorded landings of seafood often indicated that they held a commercial license for current or past income purposes (91%). Less common were responses that fell into the personal consumption or donation category (17%) followed by “other” (8%), future income (4%), sell excess catch (1%), and ability to fish under commercial requirements instead of recreational (<1%). In contrast, the license holders that had no recorded seafood sales most commonly indicated a personal consumption or donation response (36%). Current or past income (32%) was a common response as well for this group, with future income (20%) also often appearing. There were some respondents in this category that mentioned not being able to fish commercially in the past year due to health issues, but had previously relied on commercial fishing for income. Responses that fell into “other” (16%), fishing under commercial requirements instead of recreational (5%), and selling excess catch (2%) were less common.

The vast majority of survey participants that had recorded commercial landings of seafood in 2014 indicated using commercial gear (90%) to do so. In contrast, the majority of those that did not have recorded commercial landings in 2014 indicated not using major commercial gears to harvest fish or shellfish in commercial quantities (62%). The most commonly used commercial gears for both groups were gill nets (55% for those reporting landings, 50% for those not reporting landings). For those reporting commercial landings, this was followed by crab pot (35%), by hand/rake/tong (31%), rod and reel (26%), trawl (26%), “other” (19%), and gig (18%). For those without commercial landings, gill nets were followed by rod and reel (39%), hand/rake/tong (39%), crab pot (32%), gig (25%), trawl (19%), and “other” (4%).

The majority of respondents that recorded sales of seafood in 2014 typically sold all of their catch (63%), with fewer selling part of their catch and keeping the other part for donation or personal consumption (43%). Few respondents in this category did not typically sell any of their catch (3%). The responses for those that did not record sales of seafood in 2014 were somewhat similar for selling part of their catch and keeping the other part for donation or personal consumption (49%), but more respondents did not typically sell their catch when fishing with commercial gear (43%) and few typically sold all of their catch (18%).

The average quantities of unsold catch were lower in all categories for survey respondents that recorded commercial sales of seafood. Median quantities were lower for these respondents as well for finfish bushels of shellfish and crabs. The median quantities were the same for shrimp, and higher for numbers of shellfish. The most commonly indicated quantity of unsold harvest for respondents that had recorded commercial landings was 50 pounds of finfish, 2 bushels of shellfish, 1,000 individual shellfish, 1 bushel of crabs and 100 pounds of shrimp. In contrast, the most commonly cited quantity of unsold catch for license holders that did not record commercial landings of seafood was 100 pounds of finfish, 10 bushels of shellfish, 100 shellfish, 2 bushels of crabs, and 50 pounds of shrimp.

Table 2. Answers from survey respondents that had recorded commercial seafood landings in 2014. (N=262)

<b>Q1: Main purpose for owning a commercial fishing license</b>		Responses	% of Total Response			
Current or Past Income		234	91%			
Future Income		9	4%			
Personal Consumption or Donation		43	17%			
Sell Excess Catch		2	1%			
Fish Under Commercial Requirements Instead of Recreational		1	<1%			
Other		21	8%			
<i>Total Responses</i>		256	-			
<i>No Response</i>		6	-			
<b>Q2: Used commercial gear or harvested in commercial quantities</b>		Responses	% of Total Response			
Yes		236	90%			
No		25	10%			
<i>Total Responses</i>		261	-			
<i>No Response</i>		1	-			
<b>Q3: Commercial Gears Used</b>		Responses	% of Total Response			
Crab Pot		86	35%			
Gig		44	18%			
Trawl		62	26%			
Gill Net		134	55%			
Rod and Reel		63	26%			
By Hand/Rake/Tong		75	31%			
Other		47	19%			
<i>Total Responses</i>		243	-			
<i>No Response</i>		19	-			
<b>Q4: Typical use of catch</b>		Responses	% of Total Response			
Sell all of catch		149	63%			
Sell part and keep other part for personal consumption or donation		102	43%			
Do not sell catch		7	3%			
<i>Total Responses</i>		238	-			
<i>No Response</i>		24	-			
<b>Q5: Estimated harvest kept but not sold</b>	Responses	% of Total Responses	Average	Std. Dev.	Median	Mode
Finfish (pounds)	128	75%	139.2	250.8	50	50
Shellfish (bushels)	75	44%	10.1	22.5	4	2
Shellfish (numbers)	15	9%	404	361.6	300	1,000
Crabs (bushels)	70	41%	8.1	19.9	2	1
Shrimp (pounds)	64	38%	149.7	200.8	100	100
<i>Total Responses</i>	170	-	-	-	-	-
<i>No Positive Response</i>	92	-	-	-	-	-

Table 3. Answers from survey respondents that did not have recorded commercial seafood landings in 2014. (N=395)

<b>Q1: Main purpose for owning a commercial fishing license</b>		Responses	% of Total Response				
Current or Past Income		114	32%				
Future Income		71	20%				
Personal Consumption or Donation		127	36%				
Sell Excess Catch		8	2%				
Fish Under Commercial Requirements Instead of Recreational		19	5%				
Other		58	16%				
<i>Total Responses</i>		352	-				
<i>No Response</i>		43	-				
<b>Q2: Used commercial gear or harvested in commercial quantities</b>		Responses	% of Total Response				
Yes		147	38%				
No		241	62%				
<i>Total Responses</i>		388	-				
<i>No Response</i>		7	-				
<b>Q3: Commercial Gears Used</b>		Responses	% of Total Response				
Crab Pot		59	32%				
Gig		47	25%				
Trawl		36	19%				
Gill Net		93	50%				
Rod and Reel		73	39%				
By Hand/Rake/Tong		72	39%				
Other		8	4%				
<i>Total Responses</i>		185	-				
<i>No Response</i>		210	-				
<b>Q4: Typical use of catch</b>		Responses	% of Total Response				
Sell all of catch		31	18%				
Sell part and keep other part for personal consumption or donation		85	49%				
Do not sell catch		74	43%				
<i>Total Responses</i>		174	-				
<i>No Response</i>		221	-				
<b>Q5: Estimated harvest kept but not sold</b>		Responses	% of Total Responses	Average	Std. Dev.	Median	Mode
Finfish (pounds)		121	83%	299.5	598.6	100	100
Shellfish (bushels)		69	48%	12.8	16.4	10	10
Shellfish (numbers)		7	5%	742.9	1,441.8	150	100
Crabs (bushels)		41	28%	20.5	45.1	5	2
Shrimp (pounds)		44	30%	190.5	315.3	100	50
<i>Total Responses</i>		145	-	-	-	-	-
<i>No Positive Response</i>		250	-	-	-	-	-

## DISCUSSION

The results of this survey provide information from commercial fishing license holders that is often not collected on trip tickets or in other sampling programs. Results indicate some interesting differences between commercial fishing license holders that did and did not report commercial landings of seafood. The sample size of this survey is statistically valid to represent the total population of commercial fishing license holders in 2014 at a 95 percent confidence level and a  $\pm 5$  percent sampling error. This survey was randomly administered and the percent of respondents that had commercial landings (40%) in 2014 compared to those that did not (60%) matches up well with the ratio of total licenses with selling privileges used (42%) with those that were not used (58%) in fiscal year 2014.

Nevertheless, there are some causes for concern in the study's application and computation of results. Due to the "pilot nature" and limited budget for this survey, there were no efforts to follow up with license holders selected to participate in the survey. This could have led to some level of non-response bias among the surveyed population. Also, there may have been some response bias where survey participants may have purposely inflated or deflated estimates of harvest or provided inaccurate responses due to apprehension over how study results may be used. Additionally, there was likely recall bias involved in the provided harvest estimates, as participants were asked to estimate 12 months of fishing activity. Some participants likely were not able to accurately remember all harvest due to the time lapse between being questioned and when the harvest took place.

Only positive values were used in computing the unsold harvest estimates, as there was extreme inconsistency in how the survey was filled out. Respondents often did not include any values (leaving spaces blank) despite indicating keeping some catch for personal consumption or donation or indicated that they could not quantify their unsold harvest. Another common issue was that respondents filled out some categories but left others completely blank. This made it unclear if the question was skipped, if they could not quantify harvest, or if they did not have unsold harvest in that category. In future efforts, the estimated harvest component of the survey could be improved if respondents were asked to state whether or not they had harvest in each category, specific species kept, and the common uses of unsold harvest such as donation to others, consumed personally or within the respondent's family, or used for other purposes such as bait.

Caution should be used when applying the results of this survey to the licensed population. Results can be used in a more qualitative manner, such as typical reasons for owning a commercial license, common gears utilized, general use of seafood harvested with commercial gear and the make-up of unsold harvest (e.g. certain groups of species are likely kept more for personal consumption or donation than others). Quantitative application of survey results to estimate total unsold harvest should be met with less confidence, as there are several causes for concern with the survey, as previously described.

Despite the inability of this survey to quantify the amount of unsold harvest, the results do highlight some potential issues with the use of the commercial fishing license outside of the intended purpose of selling seafood for income. The license is often held for income purposes (current and future), especially by those that report sales of seafood. Nevertheless, the license is also used for unintended purposes in some circumstances, such as for personal consumption or circumventing certain regulations or bag limits. The unsold harvest is thought to be largely unreported via the trip ticket program and is not captured by the Marine Recreational Information Program or other NCDMF harvest sampling programs. These issues have come to

the forefront of discussion by the North Carolina Marine Fisheries Commission several times in recent years with concerns over unsold catch when commercially harvesting red drum as a bycatch species, regional impacts of unrecorded harvest on certain species such as oysters, and how to define a commercial fisherman in relation to the large portion of commercial licenses that do not have recorded sales of seafood. Whether or not this unrecorded catch measurably impacts fishery resources and needs to be addressed is debatable and unclear. Should further information be desired and adequate funding made available, efforts could be made to gather additional data and increase confidence in survey results by taking measures to improve the survey instrument and implementing more rigorous sampling methods.

**APPENDIX 1: Survey instrument**

1) What is your main purpose for owning a commercial fishing license? PID:#####

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2) Did you fish with commercial gear or harvest fish/shellfish in commercial quantities in 2014?

- Yes (If "yes" please continue with the survey)
- No (if "no" please disregard the following questions and mail this survey back to NCDMF)

3) Which commercial gear(s) did you use in 2014? (Please check all that apply)

Crab Pot Gig Trawl Gill Net Rod and Reel By Hand/Rake/Tong Other:\_\_\_\_\_

4) When fishing with commercial gear, what do you usually do with your harvest?

- Sell all of your catch  Yes  No
- Do not sell any of your catch  Yes  No
- Sell part of your catch and keep the other portion for personal consumption or for donation  Yes  No

5) When fishing with commercial gear please estimate how many pounds of the following seafood categories that you kept this year and did not sell?

<u>Category</u>		<u>Please circle correct measure</u>
Finfish (flounder, spot, jumping mullet, etc.)	_____	pounds
Shellfish (oysters, clams, bay scallops, etc.)	_____	bushels / numbers
Crabs	_____	bushels
Shrimp	_____	pounds

**Thank you for participating in this survey! Please drop this survey card in the most convenient U.S. Postal Service mailbox for return to NCDMF. (Please note that no postage is necessary)**





ASMFC

# FISHERIES *focus*

Vision: Sustainably Managing Atlantic Coastal Fisheries

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## ASMFC Spring Meeting

May 4-7, 2015

The Westin Alexandria  
400 Courthouse Square  
Alexandria, VA  
703.253.8600

### Preliminary Agenda

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

#### MONDAY, MAY 4

12:45 – 2:15 PM **Atlantic Herring Section**

- Review and Consider Approval of Draft Amendment 3 for Public Comment
- Review and Consider Approval of the 2014 FMP Review and State Compliance Report

2:30 – 5 PM **American Lobster Management Board**

- Review and Consider Approval of Draft Addendum XXIV for Public Comment
- Review and Consider Approval of the Draft Jonah Crab Fishery Management Plan for Public Comment
- Review and Consider Approval of Nominations to the Jonah Crab Advisory Panel

#### TUESDAY, MAY 5

8 – 11 AM

**Atlantic Menhaden Management Board**

- Review Technical Committee Report on Biological Reference Points and Stock Projections
- Consider Approval of 2015 Fishery Specifications
- Discuss Next Steps for Management Based on Results of the Benchmark Assessment/ERP Term of Reference and the Technical Committee Report

11:15 AM - Noon **South Atlantic State/Federal Fisheries Management Board**

- Review NOAA Fisheries Southeast Regional Office Draft Strategic Plan for 2016-2020

*continued, see SPRING MEETING AGENDA on page 6*

## Upcoming Meetings

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

### Atlantic States Marine Fisheries Commission

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#### **April 10 (9:30 AM - Noon)**

ASMFC Atlantic Menhaden Advisory Panel Conference Call.

#### **April 14 - 16**

Mid-Atlantic Fishery Management Council, Ocean Place Resort, 1 Ocean Boulevard, Long Branch, NJ.

#### **April 20 & 21**

Atlantic Coastal Fish Habitat Partnership Steering Committee, Hyatt Regency, Pier 66, 2301 SE 17th Street, Fort Lauderdale, FL.

#### **April 21 - 23**

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

#### **April 22 & 23**

ASMFC Habitat Committee, Hyatt Regency, Pier 66, 2301 SE 17th Street, Fort Lauderdale, FL.

#### **May 4 - 7**

ASMFC Spring Meeting, The Westin Alexandria, 400 Courthouse Square, Alexandria, VA.

#### **June 2**

Bluefish Stock Assessment Review Workshop, NOAA Fisheries Northeast Fisheries Science Center, 166 Water Street, Woods Hole, MA.

#### **June 8 - 12**

South Atlantic Fishery Management Council, Doubletree Grand Key Resort, 3990 S. Roosevelt Boulevard, Key West, FL.

#### **June 9 - 11**

Mid-Atlantic Fishery Management Council, Doubletree by Hilton, Raleigh Brownstone University, 1707 Hillsborough Street, Raleigh, NC.

#### **June 9 - 12**

ASMFC Technical Committee Meeting Week, committees and location to be determined.

#### **June 16 - 18**

New England Fishery Management Council, Hotel Viking, Newport, RI.

#### **August 4 - 6**

ASMFC Summer Meeting, The Westin Alexandria, 400 Courthouse Square, Alexandria, VA.

#### **August 11 - 13**

Mid-Atlantic Fishery Management Council, Holiday Inn Midtown, 440 West 57th Street, New York City, NY.

#### **September 14 - 18**

South Atlantic Fishery Management Council, The Beach House Resort, 1 South Forest Beach Drive, Hilton Head Island, SC.

#### **September 14 - 18**

ASMFC Technical Committee Meeting Week, committees and location to be determined.

#### **September 29 - October 1**

New England Fishery Management Council, Radisson Hotel, Plymouth Harbor, Plymouth, MA.

#### **October 6 - 8**

Mid-Atlantic Fishery Management Council, Doubletree Philadelphia Center City 237 S Broad St Philadelphia, PA.

#### **November 2 - 5**

ASMFC 74th Annual Meeting & Joint Meeting with the GSMFC, St. Augustine, FL.



### ASMFC and ACCSP Join Forces with NOAA Fisheries to Bolster Recreational Fishing Catch and Effort Data

Producing a reliable estimate of recreational anglers' catch and effort has proven to be one of the most difficult tasks facing fishery managers in modern times. Unlike commercial fisheries, with trip level reporting, dealer reporting, and onboard observers, recreational catch and effort is as complicated and varied as the millions of anglers who fish our marine waters every year.

Recognizing the need for better recreational effort data, NOAA Fisheries commissioned an independent review of its recreational fishing survey in 2006 through the National Research Council (NRC). One year later, Congress required NOAA to implement the study's recommendations, including

the creation of a national saltwater angler registry. While the resulting Marine Recreational Information Program (MRIP) was a vast improvement over previous estimates, there is still work to do to further improve the program and the data it provides. Two recent developments have the potential to significantly improve the accuracy of, and stakeholder confidence in, recreational fishing effort and landings estimates. The first development involves the Atlantic states taking over conduct of the catch estimate portion of MRIP known as the Access Point Angler Intercept Survey (APAIS).

APAIS is one of the most crucial components of estimating recreational catch and discards. It requires person to person interaction on docks and other fishing sites to identify catch and effort of recreational anglers. The Atlantic coast remains the only area in

the continental U.S. where the APAIS angler interviews are still conducted by MRIP's contractors. Shifting APAIS to the states in the Gulf of Mexico has resulted in substantial improvements in data quality, a better sense of involvement by the participating states, and more confidence in the results by the interviewed anglers.

Beginning in 2016, all coastal states from Maine through Georgia will transition to conducting APAIS to collect information on marine recreational fishing catch and effort data in their own waters. Over the past decade several states (e.g., Maine, New Hampshire, Massachusetts, North Carolina, South Carolina and Georgia) have successfully improved data quality, and stakeholder confidence in that data, through greater state involvement with APAIS contractors.

Based on these successes, the states, through the Atlantic Coastal Cooperative Statistics Program (ACCSP) and the Commission, approved a plan to transition to state conduct of APAIS in 2016. The plan details the transition from the current NOAA Fisheries contractor to ASMFC/ACCSP and state conduct of the APAIS. Under this plan, NOAA Fisheries will retain primary accountability for APAIS and will be responsible for survey design, catch and effort estimation, and public dissemination. The Commission and ACCSP will act as the central coordinators of the state-conducted APAIS and will be responsible for data entry, compilation, quality control/quality assurance, as well as formatting and delivering intercept data to NOAA Fisheries. States will oversee and manage field collection, which will be conducted by state or Commission employees in accordance with APAIS standard data collection protocols.

NOAA Fisheries is also transitioning parts of the effort survey it administers from a landline phone survey to mail survey. In the past, MRIP has estimated effort through the Coastal Household Telephone Survey (CHTS), which randomly targets households with landlines in coastal counties. As you can imagine, this methodology has a number of shortcomings, including declining response rates to household telephone surveys generally and the increasing proportion of households that only use cell phones. Recently completed pilot studies indicate mail surveys are a much better tool for capturing recreational fishing effort by increasing response rates, reaching a broader population of anglers, and improving response accuracy. The pilot studies also found the new survey resulted in considerably higher estimates of fishing effort, which in turn will result in correspondingly higher estimates of catch. What this means is that once the new survey is ready for implementation, which will take two to three years in order to align the new estimates with the historical data series, there could be significant stock assessment and management implications. In order to develop the most appropriate way to transition from historical to improved survey designs, NOAA Fisheries has formed a Transition Team, composed of representatives from the Regional Councils, Interstate Commissions, and state partners, to design an implementation plan for the new mail survey.

In order to assess MRIP's progress in addressing the NRC's 2006 recommendations, the MRIP Executive Steering, of which the Executive Directors of the three Interstate Commissions are members, is recommending a new NRC review be undertaken soon. It is my hope the review will find MRIP's accomplishments, including changes to APAIS conduct and the effort survey, are vast improvements from its predecessor, the Marine Recreational Fisheries Statistics Survey. While these improvements have been a long time in coming, they represent time well spent in ensuring recreational fishing and effort estimates are accurate and best meet the needs of fisheries scientists, managers, and the angling public.

***Beginning in 2016, all coastal states from Maine through Georgia will transition to conducting APAIS to collect information on marine recreational fishing catch and effort data in their own waters.***

# Species Profile: Atlantic Menhaden

## Benchmark Stock Assessment Sheds New Light on Stock Condition; Board to Consider Long-term Management Goals

### Introduction

Atlantic menhaden (*Brevoortia tyrannus*) are a small, oily, schooling fish of historical, economic, and ecological importance. Historically, menhaden supported large-scale commercial reduction fisheries bringing considerable growth to Atlantic coastal communities. Today, the reduction fishery is a fraction of what it once was with one processing plant and several vessels operating on the Atlantic coast. The reduction fishery is so named because menhaden are processed (or reduced) into other products, such as agricultural fertilizer, fishmeal and oil, as well as livestock and aquaculture feeds. Additionally, menhaden are becoming increasingly valuable for use as bait in many important fisheries, including American lobster and blue crab commercial fisheries and striped bass recreational fisheries. Ecologically, the species plays an important role in marine ecosystems as a forage fish (prey) for many fish, sea birds, and marine mammals. As such, the Commission places a high priority on developing ecosystem-based reference points for management use in order to account for the forage needs of menhaden's predator species such as striped bass, weakfish, and bluefish. The 2015 benchmark stock assessment, which was recently approved by the Atlantic Menhaden Board for management use, alters our understanding of the status of the stock. As a result, current management measures may be reassessed to more equitably balance human use and ecological factors.

### Life History

Atlantic menhaden occupy estuaries and coastal waters from northern Florida to Nova Scotia and are believed to consist of a single population. Adult and juvenile menhaden form large, near-surface schools, primarily in estuaries and nearshore ocean waters from early spring through early winter. By summer, menhaden schools stratify by size and age along the coast, with older and larger menhaden found farther north. During fall-early winter, menhaden of all sizes and ages migrate south around the North Carolina capes to spawn.

Sexual maturity begins as early as age one to just before age three, with major spawning areas from the Carolinas to New Jersey. The majority of spawning occurs primarily offshore (20-30 miles) during winter. Buoyant eggs hatch at sea, and larvae are carried into estuarine nursery areas by ocean currents. Juveniles spend most of their first year in estuaries, migrating to the ocean in late fall.

Menhaden are very efficient filter feeders. Water is pushed through specialized gill rakers that are formed into a basket that allows them to capture plankton. Menhaden are an important component of the food chain, providing a link between primary production and higher organisms by consuming plankton and providing forage for species such as striped bass, bluefish, and weakfish, to name just a few.

### Commercial Fishery

The Atlantic menhaden commercial fishery consists of a reduction fishery and a bait fishery. The reduction fishery, named because it processes the whole fish into fish meal, fish oil, and fish solubles, first began in New England during the early 1800s and spread south after the Civil War. The reduction fishery grew with the advent of purse seine after the Civil War in the mid-

## Species Snapshot

**Atlantic Menhaden**  
*Brevoortia tyrannus*



### Common Names:

menhaden, bunker, mossbunker, poggy, fatback, bugmouth, skipjack

### Species Range:

Atlantic coast of North America from Nova Scotia to northern Florida

### Family:

Clupeidae (includes herring, sardine, and shad species)

### Interesting Facts:

- The modern record for the largest menhaden landed occurred in Reedville, VA in 1996, measuring in at 19.4" and weighing 3.4 lbs.
- Pre-colonial Native Americans called menhaden 'munawhatteaug,' which means fertilizer.
- A large crustacean parasite is commonly found in the mouth of Atlantic menhaden; hence its common name "bugmouth."
- Adults can filter 6-7 gallons of water/minute.
- Ethel Hall, with NMFS Beaufort Lab, has been ageing Atlantic menhaden for over 40 years using a 1967 Eberbach projector.
- Adults can filter 6-7 gallons of water/minute.

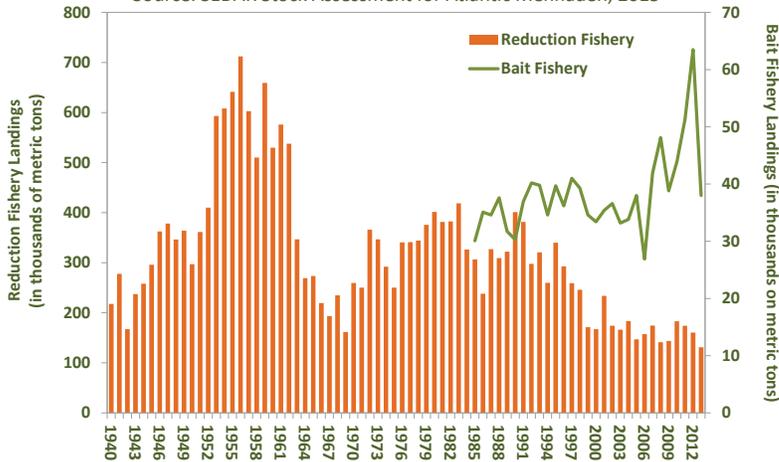
**Stock Status:** Not overfished and not experiencing overfishing



Photo © John Surrick, Chesapeake Bay Foundation

### Atlantic Menhaden Landings by Reduction and Bait Fisheries

Source: SEDAR Stock Assessment for Atlantic Menhaden, 2015



Timeline of Management Actions: FMP ('81); FMP Revision ('91); Amendment 1 ('01); Addendum I ('04); Addendum II ('05); Addendum III ('06); Addendum IV (2'09); Addendum V ('11); Amendment 2 ('12); Addendum I ('13)

southern Maine. In the 1960s, the Atlantic menhaden stock contracted geographically, and many of the fish factories north of the Chesapeake Bay closed because of a scarcity of fish. Reduction landings dropped to a low of 161,000 mt in 1969. In the 1970s and 1980s, the menhaden population began to expand (primarily due to a series of above average year classes entering the fishery), and reduction landings rose to around 300,000-400,000 mt. Adult menhaden were again abundant in the northern half of their range and, as a result, reduction factories in New England and Canada began processing menhaden again by the mid-1970s. However, by 1989 all shore-side reduction plants in New England had closed, mainly because of odor abatement regulations.

During the 1990s, the Atlantic menhaden stock contracted again (as in the 1960s), largely due to a series of poor to average year classes. Over the next decade, several reduction plants consolidated or closed, resulting in a significant reduction in fleet size and fishing capacity. By 2005, there was only one remaining reduction plant in operation on the Atlantic coast processing menhaden into fishmeal and oil, which is located in Virginia and still operational today.

Beginning in 2013, as required under Amendment 2 to the Interstate Fishery Management Plan for Atlantic Menhaden (Amendment 2) and in response to the results of the 2010 benchmark stock assessment, total harvest levels of menhaden were reduced by at least 20% from the average of 2009-2011 landings. The 2013 reduction fishery harvest was 131,034 mt, an 18% decrease from harvest in 2012 (160,627 mt) and 24% below average landings from 2010-2012 (172,600 mt). Seven purse-seine vessels landed Atlantic menhaden during the 2013 season. Most of the catch occurred in the waters off of Virginia and New Jersey.

The coastwide bait fishery supplies fishermen with bait for popular commercial (e.g., American lobster and blue crab) and sport fish (e.g.,

*continued, see ATLANTIC MENHADEN on page 8*

1800s. Purse seine landings reached a high point in the 1950s with peak landings of 712,100 metric tons (mt) in 1956. At that time, over 20 menhaden reduction factories ranged from northern Florida to



## Atlantic Menhaden Assessment Q&A

### What Data Were Used?

The Atlantic menhaden assessment used two types of data. The first was fishery-dependent data, which includes commercial landings and portside samples taken to obtain weight, length, and age distribution information. The second was fishery-independent data, which includes data collected through scientific research and surveys. To develop a coastwide index of juvenile relative abundance, 16 surveys were used from across the states, including seine surveys, trawl surveys, and an electrofishing survey. Nine new indices of state survey data were used to develop two adult abundance indices, and the selectivity of these indices was estimated with length data.

### What Models Were Used?

The Beaufort Assessment Model (BAM) was chosen based on model performance, reliability, flexibility, and assumption requirements. The BAM is a statistical catch-at-age model that estimates population size at age and recruitment in 1955 and then projects the population forward in time to 2013. The model estimates trends in population dynamics, including abundance at age, recruitment, spawning stock biomass, egg production, and fishing mortality rates. The BAM was configured to account for differences in selectivity introduced by each of the fishery fleets, a modeling technique called fleets-as-areas.

### What is the Status of the Stock?

The assessment results indicate that the Atlantic menhaden stock is not overfished and overfishing is not occurring, relative to the current

*continued, see ASSESSMENT Q&A on page 8*

2014 Atlantic Menhaden Quotas		
State	2014 Quota (mt)	2014 Quota (lbs)
ME	66.58	146,787
NH	0.05	112
MA	1417.94	3,126,024
RI	30.29	66,779
CT	29.50	65,034
NY	93.76	206,695
NJ	18924.42	41,721,164
DE	22.33	49,230
MD	2320.98	5,116,874
PRFC	1049.69	2,314,174
VA	144272.84	318,066,790
NC	833.23	1,836,948
SC	-	-
GA	-	-
FL	30.39	66,995
<b>TOTAL</b>	<b>169092</b>	<b>372,783,605</b>

# Spring Meeting Agenda (continued)

## TUESDAY, MAY 5

- 12:15 – 2 PM **Blank Rome Workshop**
- Budget Status
  - Magnuson-Stevens Act Reauthorization
  - Horseshoe Crab Trawl Survey Funding
  - Committee Membership Updates
- 1 – 5 PM **Law Enforcement Committee (LEC)**
- Review Draft Management Measures for Jonah Crab
  - Review 2015 Action Plan Tasks
  - Update LEC Representatives to Species Boards/Appoint Alternates
  - Reports on Outside Law Enforcement Advisory Committee Activities (AFWA/NACLAC/Councils)
- 2:15 – 3:45 PM **Atlantic Striped Bass Management Board**
- Review Technical Committee Report on Progress of the Development of Reference Points for Chesapeake Bay, Hudson River, and Delaware Bay
  - Update on State Implementation of Addendum IV
- 4 – 5:30 PM **NOAA Fisheries Marine Recreational Information Program (MRIP) Update**
- Progress Report on Changes and Improvements to MRIP
- 6 – 8 PM **Annual Awards of Excellence Reception**

## WEDNESDAY, MAY 6

- 8 – 10 AM **Executive Committee**
- Review Suggested Changes to Commission Guidance Documents
  - Update on Staffing
  - Presentation of FY16 Budget
  - Review Revised on Language on Appeal Criteria
  - Update on 2015 Annual Meeting
- 8:30 AM – Noon **Law Enforcement Committee (continued)**
- 10AM – 12:30 PM **Interstate Fisheries Management Program (ISFMP) Policy Board**
- Update from Executive Committee
  - Review and Discuss 2014 Commissioner Survey Results
  - Review and Approve Stock Status Definition Revisions
  - Review and Discuss the Northeast Regional Ocean Council Spatial Characterization of Commercial Fisheries
  - Committee on Economics and Social Sciences Report
  - Assessment and Science Committee Report
  - Law Enforcement Committee Report
- 12:45 – 2:15 PM **Atlantic Coastal Cooperative Statistics Program (ACCSP) Executive Committee**
- ACCSP Status Report (Program and Committee Updates)
  - Independent Program Review Progress
  - APAIS Update
  - Governance Review Update
- 2:30 – 3:30 PM **Shad and River Herring Management Board**
- Review the River Herring Technical Working Group Conservation Plan

*continued, see SPRING MEETING AGENDA on page 9*

## Public Comment Guidelines

With the intent of developing policies in the Commission's procedures for public participation that result in a fair opportunity for public input, the ISFMP Policy Board has approved the following guidelines for use at management board meetings:

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

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

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

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

1. Comments received 3 weeks prior to the start of a meeting week will be included with the main meeting materials.
2. Comments received by 5 PM on the Tuesday immediately preceding the scheduled ASMFC Meeting (in this case, the Tuesday deadline will be **April 28, 2015**) will be distributed electronically to Commissioners/Board members prior to the meeting and a limited number of copies will be provided at the meeting.
3. Following the Tuesday, April 28, 2015 5 PM deadline, the commenter will be responsible for distributing the information to the management board prior to the board meeting or providing enough copies for the management board consideration at the meeting (a minimum of 50 copies).

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

## Summer Flounder Recreational Regional Management Maintained for 2015; State Plans Approved for 2015 Recreational Black Sea Bass & Scup Fisheries

The Summer Flounder, Scup and Black Sea Bass Management Board approved Addendum XXVI to the Summer Flounder and Black Sea Bass Fishery Management Plan, continuing adaptive regional management for the 2015 recreational summer flounder fisheries. The approved regions are Massachusetts; Rhode Island; Connecticut through New Jersey; Delaware through Virginia; and North Carolina. The Addendum provides the option for the Board to extend the adaptive regional management approach into 2016 through Board action.

Addendum XXVI was initiated to consider a continuation of regional management approved in Addendum XXV. Both addenda address concern that summer flounder management measures under state-by-state conservation equivalency were not providing recreational fishermen along the coast with equitable harvest opportunities to the resource. The adaptive regional management approach is designed to respond to changes in resource availability and effort in the fishery. The Board decided to continue 2014 management measures for the 2015 fishing season.

For black sea bass, the Board approved the methodologies used by the states of Massachusetts through New Jersey to establish their minimum size, bag limits, and season lengths to achieve a 33% reduction in the 2015 recreational harvest levels from the 2014 harvest level. The 33% reduction is required in order to achieve but not exceed that 2015 recreational harvest limit.

For scup, the Board approved the maintenance of 2014 recreational management measures for the 2015 fishing season, with the exception of Connecticut which will increase its size and possession limit to be consistent with the

other states' private and for-hire fisheries. States will finalize their regulations over the next couple of weeks for the recreational summer flounder, black sea bass, and scup fisheries.

Addendum XXVI is available on the Commission website, [www.asmf.org](http://www.asmf.org), on the Summer Flounder page. For more information, please contact Kirby Rootes-Murdy, Fishery Management Plan Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

## Atlantic Striped Bass State Implementation Plans to Reduce Harvest Approved

The Atlantic Striped Bass Management Board approved Addendum IV implementation plans and conservation equivalency proposals for all the states and jurisdictions. The implementation plans, which were reviewed and approved by the Technical Committee, contain state-specific management options that achieve a 25% reduction in harvest from 2013 levels for the coastal fishery and 20.5% reduction in harvest from 2012 levels for the Chesapeake Bay fishery. Given the wide range of options being considered, the Board recommended neighboring states and jurisdictions work together to implement consistent management measures, especially on shared water bodies. This recommendation was also supported by the Commission's Law Enforcement Committee. Additionally, the Board reminded states there is greater certainty in the percent reductions of simple management measures (i.e., changes in bag or size limits) relative to more complex

measures (e.g., slot/trophy fish and mode-specific options).

The Board also tasked the Technical Committee with expanding the exploration of stock-specific reference points to include the other producer areas, such as the Delaware Bay and the Hudson River stocks, in addition to the Chesapeake Bay. The Board will review progress on the stock-specific reference points at its Spring Meeting in May.

States and jurisdictions must have final measures for implementing Addendum IV in place by the beginning of their 2015 fishing seasons. For more information, please contact Mike Waine, Senior Fishery Management Plan Coordinator, at [mwaine@asmfc.org](mailto:mwaine@asmfc.org).

## 2015 Specifications Set for the Inshore Stocks of Winter Flounder

The Commission's Winter Flounder Management Board maintained its winter flounder commercial and recreational management measures for the inshore waters of the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) for the 2015 fishing season.

The Board maintains its commitment to work with the New England Fishery Management Council and NOAA Fisheries Greater Atlantic Regional Fisheries Office to collaboratively manage winter flounder stocks throughout their range. For more information, please contact Melissa Yuen, Fishery Management Plan Coordinator, at [myuen@asmfc.org](mailto:myuen@asmfc.org) or 703.842.0740.

**Minimum Commercial and Recreational Management Measures for Inshore Winter Flounder Stocks**

Stock	Sector	Trip Limit/ Possession Limit	Size Limit	Season	Gear
GOM	Commercial	500 lbs/trip/ day	12"	Maintain Closures	Minimum 6.5" square or diamond mesh in cod-end
	Recreational	8 fish	12"	NA	
SNE/MA	Commercial	50 lbs 38 fish/trip/day	12"	Maintain Closures	Minimum 6.5" square or diamond mesh in cod-end 100-lb mesh trigger
	Recreational	2 fish	12"	March 1 – December 31	

## Species Profile (continued)

striped bass and bluefish), and has grown throughout its history along with the expansion of many fisheries that utilize menhaden as bait. Landings for bait have recently dipped due to the aforementioned reduction; levels for 2013 were 35,043 mt, 34% below the average landings during 2010-2012 (52,900 mt). However in 2012, bait landings peaked at an all-time high of 63,540 mt. The bait fishery has increased in relative importance from New England to North Carolina. This is evident in the increasing percent of total menhaden landings that are attributed to the bait fishery. Between 2001 and 2012, the percent of total landings that were used for bait rose from 13% to a high of 28% in 2012. In 2013, bait harvest composed approximately 22% of the total menhaden harvest. In recent years, the majority of bait landings have been harvested from Virginia and New Jersey waters, followed by Massachusetts and Maryland.

### Status of the Stock

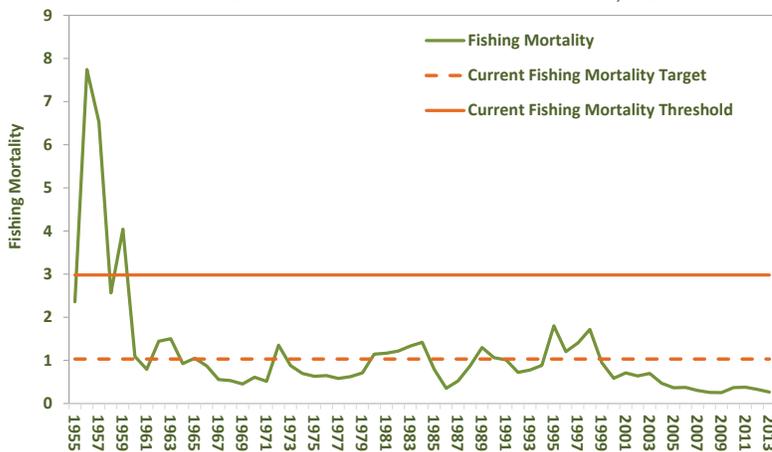
The 2015 benchmark stock assessment indicates that Atlantic menhaden are neither overfished nor experiencing overfishing. Fishing mortality rates have remained below the overfishing threshold (2.98) since the 1960s, and have hovered around the overfishing target (1.03) through the 1990s. In 1999, fishing mortality dropped below the target and was estimated to be 0.27 in 2013 (the latest year in the assessment). In other words, fishing mortality has been decreasing throughout the history of the fishery, and is now 91% below the

threshold and 73% below the target, meaning that overfishing is not occurring.

The biological reference point used to determine the fecundity target is defined as the mature egg production one would expect when the population is being fished at the threshold fishing mortality rate. Population fecundity, a measure of reproductive capacity, was estimated to be well above both the threshold and the target in recent years. In fact, in 2013, fecundity is estimated to have been 71% higher than the target value, which is calculated to be 100

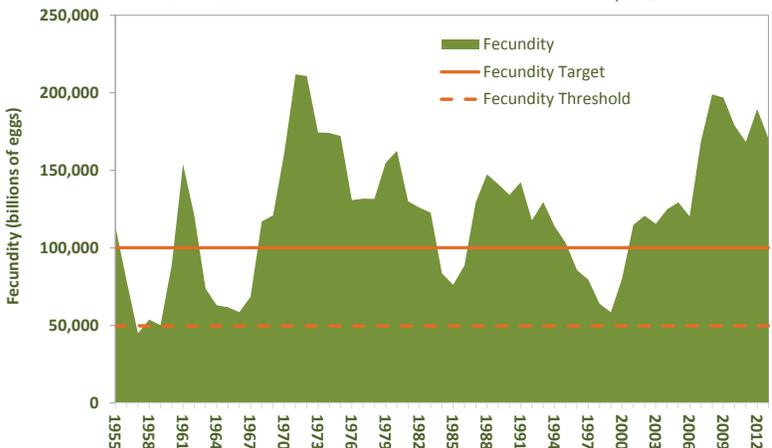
**Atlantic Menhaden Fishing Mortality**

Source: SEDAR Stock Assessment for Atlantic Menhaden, 2015



**Atlantic Menhaden Fecundity**

Source: SEDAR Stock Assessment for Atlantic Menhaden, 2015



continued, see ATLANTIC MENHADEN on page 9

ASSESSMENT Q&A continued from page 5

biological reference points based on maximum spawning potential.

### Why Are These Findings Different from Those of the 2010 Benchmark Assessment?

Through the consideration of new and existing datasets and the exploration of alternative model configurations, significant changes were made during the 2015 assessment to address the issues identified with the 2010 assessment. These include:

- Maturity at age was corrected with new datasets, which resulted in a higher estimated proportion of mature fish at ages 1-3, meaning the stock has higher reproductive potential than previously estimated.
- The adult indices of relative abundance were expanded with larger and more complete datasets.
- Larger menhaden are not captured as often as smaller menhaden by the fisheries, a fact that was accounted for in the 2015 assessment but not the 2010 assessment.

### What Data Are Needed?

The Atlantic menhaden stock assessment would be improved by the development of a coastwide fishery-independent survey to replace or supplement the existing indices. Accurate information on trends in abundance over time is critical for determining stock status and population trajectory in stock assessments. Also, development of a model that treats the stock as multiple regional stocks would be beneficial once sufficient age-specific data on movement rates of menhaden are available. Regional modeling would help to better characterize the movements of both the population and fishery, allowing for better management practices on a regional basis.

ATLANTIC MENHADEN *continued from page 8*

trillion eggs. This means that the spawning stock in 2013 appears to be more than adequate to produce the target number of eggs, and thus the population is not overfished.

### Atlantic Coastal Management

Atlantic menhaden are currently managed under Amendment 2, approved in 2012. Amendment 2 established a 170,800 mt total allowable catch (TAC) that began in 2013. The established TAC represents a 20% reduction from the average landings of 2009-2011 and an approximate 25% reduction from 2011 landings, which accounts for the recent decline seen in commercial landings. The TAC was established by Amendment 2 in response to the 2010 benchmark stock assessment, which reported that menhaden were not overfished but were experiencing overfishing.



The Amendment allocates the TAC on a state-by-state basis based on landings history of the fishery from 2009-2011. States are required to close their fisheries when the state-specific portion of the TAC has been reached; any overages must be paid back the following year. Under the Amendment, 1% of the overall TAC is set aside for episodic events. If the episodic event set aside quota is unused as of October 31, it is redistributed to all the states on November 1 based on the Amendment 2 allocation percentages.

Amendment 2 also adopted new biological reference points for biomass which are based on maximum spawning potential, with the goal of increasing abundance, spawning stock biomass, and menhaden availability as a forage species.

### Next Steps

Following the acceptance of the 2015 benchmark stock assessment for management use, the Board tasked the Technical Committee with conducting a thorough review of the peer review findings. The Board also tasked the Technical Committee to run projections that explore how various TAC levels will impact stock status. The Board will review the projection analyses at the Commission's Spring Meeting and further deliberate on management objectives and a TAC that will address the needs of the reduction and bait fisheries as well as the ecological services menhaden provides.

The Board also continues to place a high priority on developing ecosystem-based reference points (ERP) for management use. The ERPs are designed to account for the forage needs of menhaden's predator species such as striped bass, weakfish, and bluefish. The Board is working to develop specific objectives to provide direction to the working group at the Commission's spring meeting in May.

Under Amendment 2, the allocation of the TAC among states is to be reviewed three years after implementation. Allocation will be reevaluated based on updated landings history in 2016.

For more information, please contact Mike Waine, Senior Fishery Management Plan Coordinator, at [mwaine@asmfc.org](mailto:mwaine@asmfc.org).

SPRING MEETING AGENDA *continued from page 6*

#### WEDNESDAY, MAY 6

- 2:30 – 3:30 PM **Shad and River Herring Management Board (continued)**
- Update on Shad and River Herring Related Activities of the Mid-Atlantic and New England Fishery Management Councils (If Necessary)
- 3:45 – 5:15 PM **ACCSP Coordinating Council**
- ACCSP Status Report (Program and Committee Updates)
  - Independent Program Review Progress
  - Review and Consider Approval of 2015 Request for Proposals and Funding Decision Document **ACTION**

#### THURSDAY, MAY 7

- 8:30 – 10:30 AM **Tautog Management Board**
- Review Technical Committee Report on Reference Point and Regional Stock Definitions
  - Consider Initiation of an Addendum to Respond to the 2015 Benchmark Stock Assessment and Peer Review
- 10:45 – 11 AM **ISFMP Policy Board (If Necessary)**
- 11 – 11:15 AM **Business Session (If Necessary)**



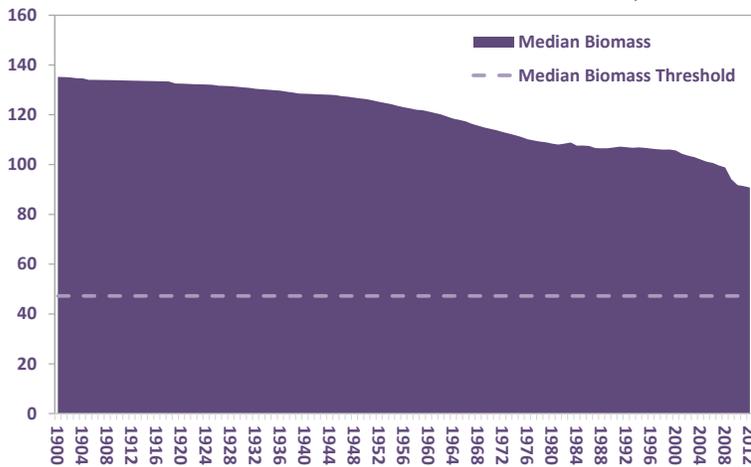
# Black Drum & Tautog Benchmark Assessments Released

## Black Drum Benchmark Assessment Finds Resource Not Overfished Nor Experiencing Overfishing

The South Atlantic State/Federal Management Board approved the 2015 Black Drum Benchmark Stock Assessment and Peer Review Report for management use. Based on the assessment results, black drum is not overfished and not experiencing overfishing. Median biomass was estimated to have declined slowly and steadily from 135.2 million pounds in 1900 to 90.78 million pounds in 2012, though the median biomass estimate in 2012 is still well above the median biomass that produces maximum sustainable yield ( $B_{MSY}$ ; 47.26 million pounds). The median maximum sustainable yield (MSY) estimate is 2.12 million pounds and provides an annual catch target that can be used to sustainably manage the fishery. The median overfishing limit (OFL), which provides a catch threshold, indicating when overfishing is occurring, is estimated to be 4.12 million pounds.

### Black Drum Biomass

Source: ASMFC Black Drum Benchmark Stock Assessment, 2015



Black drum are a data-poor species. Their rarity and migratory patterns lead to highly variable levels of encounter in state surveys and fisheries. Further, limited size composition data has been collected, making the use of age-structured models unreliable. For these reasons, data-poor, catch-based modeling methods were used for the assessment. These models estimate reference points based on historical catch data and life history information.

The Black Drum Stock Assessment Subcommittee noted the black drum stock assessment would be improved by applying a more complex, data-rich assessment method such as a statistical catch-at-age model. Data limitations that need to be addressed to successfully make this transition are biological sampling (length and

age) of recreational and commercial fisheries and a fishery-independent survey tracking abundance and the age structure of the mature stock. Additionally, information about fish discarded in commercial fisheries and movement of fish would improve the assessment. A more detailed description of the stock assessment results is available at [http://www.asmfc.org/uploads/file/54d3a0462015BlackDrumAssessmentOverview\\_Feb2015.pdf](http://www.asmfc.org/uploads/file/54d3a0462015BlackDrumAssessmentOverview_Feb2015.pdf).

Under the Black Drum Fishery Management Plan (FMP), which was approved in 2013, states were required to implement a maximum possession limit and minimum size limit (of at least 12 inches) by January 1, 2014, with an additional increase of the minimum size limit to at least 14 inches required by January 1, 2016. The FMP also includes a management framework to adaptively respond to future concerns or changes in the fishery or population. Given the assessment findings, the Board choose to not make any additional changes to the management program at this time. For more information, please contact Kirby Rootes-Murdy, Fishery Management Plan Coordinator, [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

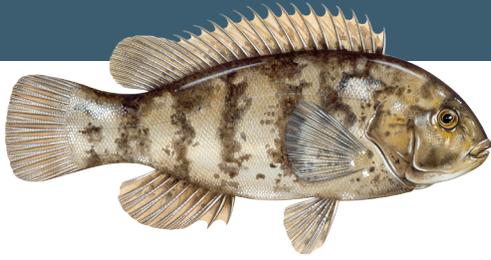
## Tautog Benchmark Assessment Explores Regional Stock Units

The Tautog Management Board approved the 2015 Benchmark Stock Assessment and Peer Review Report for management use. Unlike previous assessments, which assessed the stock on a coastwide basis, the 2015 assessment evaluated stock status regionally to reflect differences in life history characteristics and harvest patterns. The assessment is the most comprehensive evaluation of stocks to date and provides multiple alternatives for how tautog can be managed regionally.

Based on analysis of all available data, including life history information, the assessment presents a preferred stock structure as three regional stocks: a Southern New England region (Massachusetts, Rhode Island, and Connecticut), a New York-New Jersey region, and a DelMarVa region (Delaware, Maryland, Virginia, and North Carolina). Due to overlapping harvest patterns along tautog's range and considerations for consistent management, the assessment also provided an alternative three-region definition where Connecticut is part of the NY-NJ region, and a two-region definition with a Northern stock (Massachusetts through New York) and a Southern stock (New Jersey through North Carolina). The assessment includes stock status and reference points for these alternative stock units as a comprehensive set of options for management use.

### Tautog Stock Status and Proposed Biological Reference Points by Stock Regions

Stock Region	Stock Status	SSB Target	SSB Threshold	F Target	F Threshold
Southern New England	Overfished	3,883	2,912	0.15	0.20
	Experiencing Overfishing				
New York – New Jersey	Overfished	3,570	2,640	0.17	0.26
	Not Experiencing Overfishing				
DelMarVa	Overfished	2,090	1,580	0.16	0.24
	Not Experiencing Overfishing				



Under the regional stock structure, the Southern New England stock is overfished and experiencing overfishing. Spawning stock biomass (SSB) for this region is estimated to be 20% below the proposed SSB threshold of 2,300 metric tons (mt) and 40% below the proposed SSB target of 3,000 mt. The three-year average of fishing mortality (0.45) is above both the proposed fishing mortality target (0.26) and the threshold (0.44).

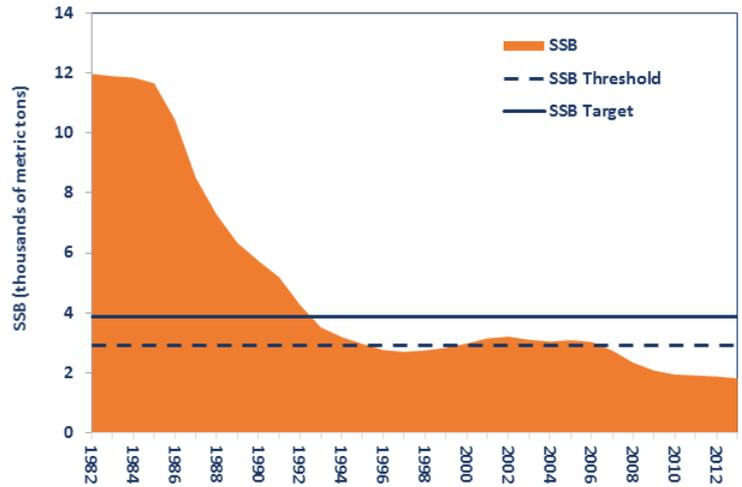
The New York-New Jersey stock is overfished but not experiencing overfishing. SSB is estimated to be 21% below the proposed SSB threshold of 2,600 mt and 42% below the proposed SSB target of 3,500 mt. Current fishing mortality (0.25) was found to be between the proposed target (0.17) and threshold (0.26), meaning overfishing is not occurring.

Conditions of the DelMarVa stock mirror those of the New York-New Jersey stock, with the stock being considered overfished but not experiencing overfishing. SSB is estimated to be 8% below the proposed SSB threshold of 1,600 mt and 30% below the proposed SSB target of 2,000 mt. Current fishing mortality (0.17) is between the proposed fishing mortality target (0.16) and threshold values (0.24).

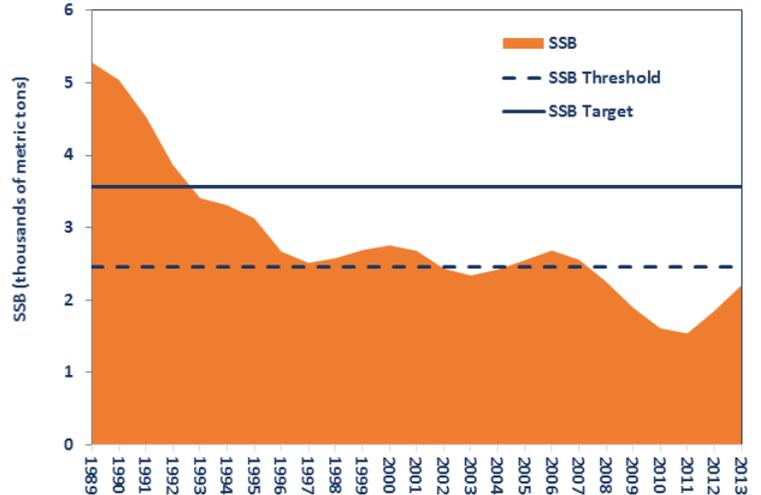
After reviewing the results of the stock assessment and peer review report, the Tautog Management Board accepted the 2015 benchmark stock assessment for management use. However, it expressed concern with the preferred stock structure that would split Long Island Sound harvest between two regions. In the absence of conclusive biological evidence to define the regional boundaries, the Board will consider the management and assessment implications of regionalization and choose its preferred regions for future management. In addition, the Board tasked the Tautog Technical Committee to develop reference points that provide consistent metrics to determine stock status across regions, the results of which will be presented to the Board at the Commission's Spring Meeting in May.

A more detailed description of the stock assessment results is available at [http://www.asmfc.org/uploads/file//55131e862015TautogAssessmentOverview\\_Feb2015.pdf](http://www.asmfc.org/uploads/file//55131e862015TautogAssessmentOverview_Feb2015.pdf). The final assessment and peer review reports are available at [http://www.asmfc.org/uploads/file//54eccd8cTautogStockAssessment\\_PeerReviewReport\\_Feb2015.pdf](http://www.asmfc.org/uploads/file//54eccd8cTautogStockAssessment_PeerReviewReport_Feb2015.pdf). For more information on the stock assessment, please contact Katie Drew, Senior Stock Assessment Scientist, at [kdrew@asmfc.org](mailto:kdrew@asmfc.org); and for more information on tautog management, please contact Melissa Yuen, Fishery Management Plan Coordinator, at [myuen@asmfc.org](mailto:myuen@asmfc.org).

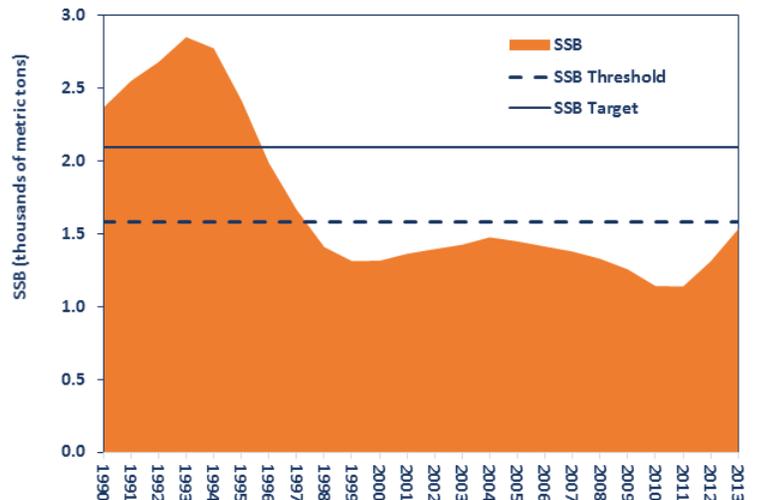
**Southern New England Spawning Stock Biomass (SSB)**  
ASMFC Tautog Stock Assessment & Peer Review Reports, 2015



**New York-New Jersey SSB**  
ASMFC Tautog Stock Assessment & Peer Review Reports, 2015



**DelMarVa SSB**  
ASMFC Tautog Stock Assessment & Peer Review Reports, 2015



# ASMFC Comings & Goings

## COMMISSIONERS



### Representative William J. Carson, Jr.

Representative William Carson has been appointed to serve as Delaware's Legislative Commissioner, replacing Senator Robert Venables, Sr., who served in that capacity for 12 years. Senator Carson is a member of the Delaware House of Representatives for the 28th District, which includes portions of Smyrna, Leipsic, Little Creek and Dover. He is a lifelong resident of Smyrna and has represented the 28th District since 2007. He is Chair of the Transportation, Land Use & Infrastructure Committee and Vice-Chair of the Manufactured Housing Committee. He also is a member of the Agriculture, Corrections, Judiciary, Natural Resources, Public Safety & Homeland Security, and Veterans Affairs Committees.

Representative Carson works for the Town of Middletown and is retired from the Department of Transportation. He is also a veteran of the Delaware Air National Guard and an Honorary Commander of the Dover Air Force Base. Welcome aboard, Senator Carson!



### Senator Richard Colburn

Earlier this year, Senator Richard Colburn stepped down as Maryland's Legislative Commissioner to the ASMFC. He had served as Maryland State Senator for the past 19 years and as ASMFC Legislative Commissioner for the past 13 years. While his commitments as State Legislator limited his personal involvement with the Commission, he was ably represented at Commission meetings by his ongoing proxy **Russell Dize**. Russell diligently represented the interests of Maryland stakeholders on numerous species management boards and was an active participant of the Commission's Legislators and Governors' Appointees (LGAs). We are grateful for Senator Colburn's support of the Commission and for Russell's longstanding and dedicated participation. We wish them both the very best.



### Senator Clark Jenkins

From 2003-2014, Senator Clark Jenkins served as a member of the North Carolina General Assembly representing the third Senate District (Dare County) and as the state's Legislative Commissioner to the ASMFC for the past two years. Over his two-year term, **Mike Johnson** faithfully served as his ongoing proxy representing the interests of North Carolina stakeholders on numerous species management boards. Mike also served as Representative Wainwright's ongoing proxy from 2005-2012. While we are sorry to see them both leave the Commission, we are grateful for their support and wish them both the very best.



### Representative Walter Kumiega

For the past two years in his capacity as Maine House Chair of the Joint Standing Committee on Marine Resources, Representative Walter Kumiega served as the state's Legislative Commissioner to the ASMFC. Over that time, Representative Kumiega actively participated on the boards and sections that Maine has an interest in. He was also Vice Chair of the LGAs, providing guidance to the LGAs as they worked with their Administrative Commissioners to adopt the Commission's Financial Disclosure and Conflict of Interest Policy. We are grateful his contributions and wish him the very best.



### Senator Brian D. Langley

No stranger to the Commission having served as Maine's Legislative Commissioner from 2011-2013, Senator Brian Langley rejoins the Commission as the state's new Legislative Commissioner. Since 2010, Senator Langley has represented the people of District 28, which includes Hancock and Knox Counties. He currently Chairs the Education and Cultural Affairs Committee, and is a member of the Marine Resources Committee.

Senator Langley is a graduate of the University of Southern Maine and Syracuse University. He is an entrepreneur, chef, and educator, having spent the more than 27 years teaching culinary arts at Hancock County Technical Center. Senator Langley also owns the Union River Lobster Pot restaurant in Ellsworth. He is involved with Boy Scout Troop 86; a board member of the First Congregational Church of Ellsworth and treasurer of the American Culinary Federation's Down East chapter. Welcome back, Senator Langley!



### Delegate Dana Stein

In February, Delegate Dana Stein was appointed as Maryland's new Legislative Commissioner to the ASMFC. A Baltimore native, Delegate Stein has been a respected leader in his community and Democratic activities for many years. He has chaired the Baltimore County Democratic Central Committee. And, in 2002, he was appointed to the House of Delegates to fill a vacancy in District 11. He has served as President of the Liberty Road Community Council and GrassRoots Recycling, Chair of the Social Action Committee of Temple Oheb Shalom, and Vice President of Sudbrook Park, Inc.

While practicing law at Squire, Sanders & Dempsey in Washington, D.C., Delegate Stein founded Civic Works, a nationally recognized "Urban Peace Corps" that transforms the lives of young adults through community service. Participants work to rehab homes, build parks and gardens, tutor and mentor students, and teach disaster preparedness. Delegate Stein serves as President and Executive Director of Civic Works.

Delegate Stein has a B.A. in government from Harvard College, a law degree from Columbia Law School, and a Masters in Public Affairs from the Woodrow Wilson School at Princeton University. Welcome aboard, Delegate Stein!



### Senator Robert L. Venables, Sr.

With this recent departure from office after serving 26 years on the Delaware State Senate, Senator Robert Venables stepped

*continued, see COMINGS & GOINGS on page 13*

## ACCSP Honors Robert Mahood

On March 6, Mr. Robert Mahood, Executive Director of the South Atlantic Fishery Management Council (SAFMC), was presented with a gift recognizing his almost twenty years serving on the Coordinating Council of the Atlantic Coastal Cooperative Statistics Program (ACCSP). The gift was presented at the SAFMC meeting on St. Simons Island, Georgia.

Since 1995, the achievements of the ACCSP have been made possible in large part due to the hard work and dedication of the many individuals who participate in it. As a founding member of the ACCSP Coordinating Council, Mr. Mahood has been a steady leader right from the very beginning. His contributions to the ACCSP have had a lasting impact on the Program's ability to move forward with its mission.

Cheri Patterson, New Hampshire Fish and Game Department's Supervisor of Marine Program and Chair of the ACCSP Coordinating Council, had this to say about working with Mr. Mahood, "It is an honor to work with professionals of your caliber and vision. It is this level of commitment that allows us to produce the products that the entire Atlantic coast has needed for many years. Thank you for your hard work, selflessness, dedication, and leadership. We hope you always look upon this gift as a symbol of our appreciation, and that it will serve as a continual reminder of your achievements. Thank you for your contributions to the ACCSP. You are, and always will be, a valuable member of the Program."

The successes of the Program are the direct result of participants like Mr. Mahood. His dedication serves as a vital link in the chain that drives this effort. Thanks to Mr. Mahood, ACCSP is much



From left: ACCSP Coordinating Council Vice-chair Robert H. Boyles, Jr., honoree Robert Mahood, and ACCSP Coordinating Council former Chair Spud Woodward.

closer to succeeding in our mission to "Produce dependable and timely marine fishery statistics for Atlantic coast fisheries that are collected, processed, and disseminated according to common standards agreed upon by all program partners."

On behalf of all those involved in the Program the gift to Mr. Mahood was presented by Robert H. Boyles, Jr., Deputy Director for Marine Resources with the South Carolina Department of Natural Resources and Vice-chair of the ACCSP Coordinating Council.



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

COMINGS & GOINGS, continued from page 12



down as the state's Legislative Commissioner to the ASMFC. Senator Venables served on the Commission for 12 years with **Bernie Pankowski** serving as his ongoing proxy for his full tenure. Over that time, Bernie diligently represented the interests of Delaware stakeholders on all species management boards for which Delaware has a seat on and was an important contributor to the development of two Commission Strategic Plans. As an active participant of the Commission's LGAs, Bernie played a key role in developing the Commission's legislative and congressional agendas, as well as facilitating strong working relationships between the Commission and key Delaware federal legislators on a number of important issues, such as long-term funding for the Horseshoe Crab Trawl Survey. Personally, Bernie was an avid supporter of the Laura Leach Fishing Tournament, donating hundreds of dollars over the years to support state youth angler and education programs. While we are sorry to see Senator Venables and Bernie leave the

Commission, we are confident their longstanding commitment to marine fisheries conservation will benefit many future generations.



### Max Appelman

In early April, Max Appelman will join the Commission staff as its new Fishery Management Plan Coordinator, for sturgeon and Atlantic striped bass. Max has a Master's Degree from Nova Southeastern University where his Master's work was on catch-per-unit-effort metrics for the North Atlantic pelagic longline fishery. Max was a pelagic fisheries observer in the Gulf of Mexico for two years. We are excited to have someone with Max's experience in and passion for marine fisheries joining the staff. Welcome aboard, Max!

### Marin Hawk

In February, motivated by her passion for promoting sustainable seafood, Marin Hawk accepted a position with the Marine Stewardship Council as Fisheries Manager for U.S. Atlantic and Gulf

*continued, see COMINGS & GOINGS on page 15*

## Magnuson-Stevens Reauthorization

2014 was an active year for the Magnuson-Stevens Fishery Conservation and Management Act on Capitol Hill. Both chambers of Congress produced reauthorization legislation for the primary federal law governing marine fisheries management in the U.S. exclusive economic zone. However, neither of the two bills advanced to the President's desk before the clock ran out on the 113th Congress at the end of December.

On March 4, Representative Don Young (R-AK) introduced H.R. 1335, "To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide flexibility for fishery managers and stability for fishermen, and for other purposes." The text of the legislation mirrors that of the Magnuson-Stevens Reauthorization bill approved by the House Natural Resources Committee in 2014. The Committee hopes to hold a markup of H.R. 1335 this spring or summer.



NOAA Fisheries Research and Management, the President requested an increase in funding for Regional Councils and Fisheries Commissions of 2.24% (\$33.470 million), and an increase for Interjurisdictional Fisheries Act Grants of 2% (\$5 thousand). NOAA's 2016 blue book contains a detailed

summary of the budget request and can be viewed online at [http://www.corporateservices.noaa.gov/~nbo/fy16\\_bluebook/FY2016BudgetSummary-web.pdf](http://www.corporateservices.noaa.gov/~nbo/fy16_bluebook/FY2016BudgetSummary-web.pdf).

## U.S. Congress Committee Changes

There are a number of new members in the House and Senate along the Atlantic coast. The committees with jurisdiction over Commission policy and funding have also undergone some significant changes. The most apparent are in the Senate where the majority

has flipped from Democrats to Republicans. In the House, the new Chair of the Natural Resources Committee, Representative Rob Bishop (R-UT) has changed the subcommittee overseeing fisheries. All marine fisheries issues will now be heard in the Water, Power, and Oceans Subcommittee.

For more information, please contact Deke Tompkins, Legislative Executive Assistant, at [dtompkins@asmfc.org](mailto:dtompkins@asmfc.org).

## The Administration's 2016 Budget Request

President Obama's 2016 Budget Request to Congress contains a total of \$889.036 million for NOAA Fisheries' Operations, Research, and Facilities. The request represents an increase of 8.14% over the amount Congress appropriated in 2015. Within

President Obama's 2016 Budget Request: Fisheries Research and Management (in \$ thousands)

	2015 Enacted	2016 Obama Request	\$ change from 2015	% change from 2015
<b>National Catch Share Program</b>	\$25,000	\$27,505	\$2,505	10.02%
<b>Expand Annual Stock Assessments - Improve Data Collection</b>	\$70,000	\$73,749	\$3,749	5.36%
<b>Economics and Social Sciences Research</b>	\$7,300	\$7,446	\$146	2.00%
<b>Salmon Management Activities</b>	\$30,200	\$27,462	-\$2,738	-9.07%
<b>Regional Councils and Fisheries Commissions</b>	\$32,738	\$33,470	\$732	2.24%
<b>Fisheries Statistics</b>	\$22,000	\$22,432	\$432	1.96%
<b>Fish Information Networks</b>	\$22,000	\$22,080	\$80	0.36%
<b>Survey and Monitoring Projects</b>	\$24,000	\$24,503	\$503	2.10%
<b>Fisheries Oceanography</b>	\$2,100	\$2,133	\$33	1.57%
<b>American Fisheries Act</b>	\$3,700	\$3,812	\$112	3.03%
<b>Interjurisdictional Fisheries Grants</b>	\$2,500	\$2,505	\$5	0.20%
<b>National Standard 8</b>	\$1,000	\$1,024	\$24	2.40%
<b>Reducing Bycatch</b>	\$3,500	\$3,519	\$19	0.54%
<b>Product Quality and Safety</b>	\$6,700	\$6,870	\$170	2.54%
<b>Total, Fisheries Research and Management</b>	\$252,738	\$258,510	\$5,772	2.28%



# Mike Waine Named Employee of the Quarter

In the four years since Mike Waine joined the staff he has significantly contributed to the Commission's fisheries management program, advancing the Commission's Vision of Sustainably Managing Atlantic Coastal Fisheries. In recognition of his accomplishments, Mike was named Employee of the Quarter for the first quarter of 2015.

A vast majority of Mike's workload over the past two years has focused on the successful completion of benchmark stock assessments for Atlantic striped bass and Atlantic menhaden, both of which were approved by an independent panel of fisheries scientists and accepted for management use by the respective species management boards. In response to the findings of the Atlantic striped bass assessment, Mike worked closely with the management board, technical committee and advisory panel on the development of Addendum IV to Amendment 6 to the Atlantic Striped Bass Fishery Management Plan. This process included multiple revisions to the draft addendum, 19 public hearings, and the review and compilation of thousands of submitted comment. Throughout it all, Mike brought his



Employee of the Quarter Mike Waine with ASMFC Executive Director Bob Beal

dedication, critical thinking, and commitment to developing a detailed and thorough management document for the board to base its decisions on.

Mike has also worked closely with our Science staff and members of the Atlantic Menhaden Stock Assessment Subcommittee to finalize and successfully vet, through a peer review process, the Atlantic menhaden benchmark stock assessment. The new assessment reflects a significant investment of time and effort by Mike and the Stock Assessment Subcommittee to seek

and incorporate new datasets and methodologies, ultimately redefining our understanding of Atlantic menhaden's stock status. At the same time, Mike has played a lead role in working with Science staff and the Biological Ecological Reference Points Workgroup to begin to develop alternative ecologically-based reference points to manage Atlantic menhaden. Responding to the findings of the assessment and peer review will require additional work by the technical committee and further deliberation by the management board on what harvest levels will best meet the needs of the reduction and bait fisheries while also addressing menhaden's ecological services. Based on his

*continued, see MIKE WAINE on page 16*

ASMFC COMINGS & GOINGS continued from page 13

## STAFF



of Mexico fisheries and will be the primary outreach representative for fisheries in these areas. For two and a half years, Marin was the Commission's Fishery Management Plan Coordinator for coastal sharks, horseshoe crab, northern shrimp, shad & river herring, and spiny dogfish. While at the Commission,

Marin also helped to promote the Commission's science and management activities through social media platforms such as Facebook and Twitter. Marin's enthusiasm, can do attitude, and commitment to teamwork will be missed but will serve her well in her new job. We wish Marin the very best in all her future endeavors.

### Megan Ware



On April 27, Megan Ware will be joining the Commission as a Fishery Management Plan Coordinator for American lobster, Jonah crab, weakfish and the South Atlantic species (Atlantic croaker, black drum, red drum, Spanish mackerel, spot, and spotted seatrout). Megan has a Master's in Environmental Management from Duke University, where she researched fish consumption advisories. She has been a Marine

Policy Fellow for the Woods Hole Oceanographic Institute, where she modeled the economics of beach nourishment decision and she has worked in a lobster hatchery in Maine. Welcome aboard, Megan!

**This table provides new species assignments for ASMFC FMP Coordinators, with primary and secondary contacts identified. To ease transition, the secondary contacts will initially shadow the primary contacts with the intent of assuming primary coordination responsibilities over a 3-6 month period.**

Species	Primary Coordinator	Secondary Coordinator
American Eel	Mike Waine	
American Lobster & Jonah Crab	Toni Kerns	Megan Ware
Atlantic Herring	Melissa Yuen	
Atlantic Menhaden	Mike Waine	
Atlantic Striped Bass	Mike Waine	Max Appelman
Bluefish	Kirby Rootes-Murdy	
Coastal Sharks	Melissa Yuen	
Horseshoe Crab	Kirby Rootes-Murdy	
Northern Shrimp	Max Appelman	
Shad & River Herring	Kirby Rootes-Murdy	
South Atlantic Species	Kirby Rootes-Murdy	Megan Ware
Spiny Dogfish	Melissa Yuen	
Sturgeon	Max Appelman	
Summer Flounder, Scup, Black Sea Bass	Kirby Rootes-Murdy	
Tautog	Melissa Yuen	
Weakfish	Melissa Yuen	Megan Ware
Winter Flounder	Melissa Yuen	

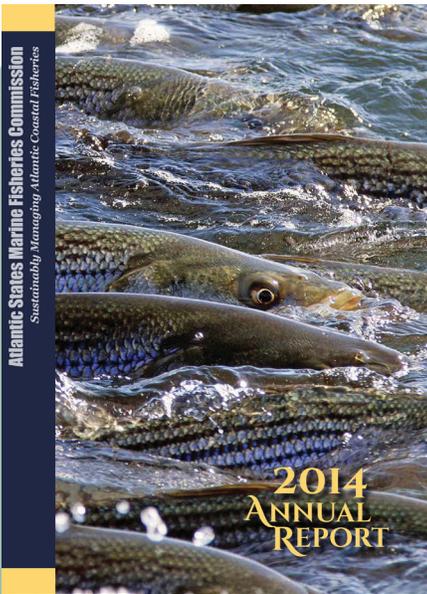
## Atlantic States Marine Fisheries Commission

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### **2014 Annual Report Now Available**

*The Atlantic States Marine Fisheries Commission has released its 2014 Annual Report, which provides an overview of significant management actions and associated science activities the Commission and its member states*

*took in 2014 to maintain and restore the abundance of Commission-managed species.*

*The Report reflects ASMFC Commissioners' commitment to accountability and transparency in all they do to manage and rebuild stocks under their care. The report is available on the Commission website at [www.asmfc.org](http://www.asmfc.org) under Quick Links or directly at [http://www.asmfc.org/files/pub/2014AnnualReport\\_web.pdf](http://www.asmfc.org/files/pub/2014AnnualReport_web.pdf).*

*MIKE WAINÉ continued from page 15*

past accomplishments Mike is on point to assist the management board as it deliberates the future of menhaden management.

Mike's commitment to effective teamwork, excellence in performing his tasks, and his passion for fish and sustainable fisheries make Mike a valued coworker and contributor to the Commission's fisheries management program. As a result, Mike was not only named Employee of the Quarter but also promoted to Senior FMP Coordinator, where he will play an important role in mentoring new FMP Coordinators. Given his successful track record, no one is better suited. Mike has a Master's in Fisheries and Wildlife Sciences from North Carolina State University and a Bachelor of Science degree in Marine Biology from the University of North Carolina at Wilmington. As an Employee of the Quarter, he received a cash award, a small gift, and a letter of appreciation to be placed in his personnel record. In addition, his name is on the Employee of the Quarter plaque displayed in the Commission's lobby. Congratulations, Mike!

# North Carolina Division of Marine Fisheries

## Quota Monitoring Landings Report



### North Carolina Quota Monitored Species Reporting

Species currently under a quota monitoring requirement by the North Carolina Division of Marine Fisheries (NCDMF) include summer flounder, striped bass, black sea bass North of Cape Hatteras, spiny dogfish, and river herring. Seasons are opened and closed by proclamation as shown in the table below. Landings reports are updated weekly during the proclamation season.

## 2015 North Carolina Quota Monitored Landings

Updated 04/30/2015

Species	2015 Total Quota (LBS)	80% of quota for Winter Fishery	2015 Transfer	2015 Harvest	Total Quota Remaining for 2015	Proclamation	Trip Limit (pounds)	Comments
2015 Summer Flounder	3,038,093	2,430,474	54,510	2,041,550	334,414	FF-22-2015	7,500	Closes 09/30/2015 at 6:00pm
2015 Black Sea Bass N of Cape Hatteras	243,422		509	233,731	9,182	FF-19-2015	100 trawl, 500 hook & line, fish pot per week	Closes when quota is met
2014/2015 Spiny Dogfish	7,276,052			5,198,084	2,077,968	FF-05-2015	per day: 20,000	Closes 04/30/2015 at 6:00pm
A.O. Striped Bass	360,360							
TRAWL	120,120			0	120,120	FF-1-2015	100 fish/day	Closes 3/31/15
SEINE	120,120			0	120,120	FF-77-2014	150 fish/day	Closes 3/31/15
GILL NET	120,120			0	120,120	FF-91-14	50 fish/day	Closes 02/14/2015
ASMA Striped Bass	137,500			80,843	56,657	FF-15-15	20 fish/day	Closes 04/30/2015
CSMA Striped Bass	25,000			25,573	-573	FF-14-15	10 fish/day	Closed 04/18/2015

\* All figures are in pounds unless otherwise noted

For questions about quota monitoring or to report landings:

Permitted Species	FAX	E-mail Address	Telephone #
Striped Bass, River Herring	252-264-3723	<a href="mailto:LANDINGS@ncdenr.gov">LANDINGS@ncdenr.gov</a>	800-338-7805
Summer Flounder, Black Sea Bass North of Cape Hatteras, Spiny Dogfish	252-726-3903	<a href="mailto:FLOUNDER@ncdenr.gov">FLOUNDER@ncdenr.gov</a>	800-682-2632





North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

**MEMORANDUM**

TO: N.C. Marine Fisheries Commission

FROM: Kevin Brown  
Division of Marine Fisheries, NCDENR

DATE: March 31, 2015

SUBJECT: NC Marine Fisheries Shrimp Bycatch Reduction Workgroup Commission Meeting

The NC Marine Fisheries Commission met at 9:00 am on March 31, 2015 at the North Carolina History Center, Tryon Palace at 529 South Front Street, New Bern. The following attended:

Advisers: Frank Helies	GSAFF
Gary Graham	TX Sea Grant
Blake Price	NOAA Fisheries HSU
Steve Eayrs	GMRI
Dr. Pingguo He	UMass
Dan Foster	NOAA Fisheries HSU
Sara Mirabilio	NC Sea Grant
Scott Baker	NC Sea Grant

Absent: Jeffery Hopkins	Commercial Fisherman (Workgroup Member)
Gordon Winfrey	Gordon Net Works (Workgroup Member)

Commissioners: Mikey Daniels	Wanchese Fish Co.
------------------------------	-------------------

Staff: Kevin Brown	NCDMF
Trish Murphy	NCDMF
Katy West	NCDMF
Kathy Rawls	NCDMF
Jason Rock	NCDMF
John Hadley	NCDMF
Laura Lee	NCDMF
Louis Daniel	NCDMF

Public: Allen Faircloth  
 Kenny Sessions  
 Jon Willis  
 Allen Powell  
 David Knight SELC  
 Birdie Potter  
 David Bush  
 Julian Anderson Mate-Plan B  
 Stevenson Weeks NCFA  
 Blakely Hilderbrand SELC  
 Stevenson Weeks NCFA  
 Lauren Morris NCFA  
 Chip Collier SAFMC

**Work Group Members**

Stevie Davis	Commercial Fisherman
Kenny Rustick	Commercial Fisherman
Clyde Phillips	Clyde Phillips Seafood
John Broome	J.B. Fishing
Steve Parish	S and S Trawl Shop
Kenny Midgett	Wanchese Fish Co. /Wanchese Trawl and Supply Co.
Mikey Daniels	Wanchese Fish Co.
Brent Fulcher	B and J Seafood
Virgil Potter	Potter Net and Twine
Clyde Potter	Commercial Fisherman

Sara Mirabilio, serving as chair, called the meeting to order. Kevin Brown introduced himself; asked for name and affiliation of the group. He also recognized Louis who thanked everyone for joining us and for those that traveled; and acknowledged NCFA for setting up sea time.

**PUBLIC COMMENT**

Sara Mirabino introduced everyone and talked about what was expected from each person present.

**“How We Got Here”:** with *Kevin Brown*

Kevin Brown set the stage for how we got here. He explained the history of the latest shrimp FMP and explained how the MFC set the scope of the amendment to address bycatch. Once finished, he explained the management strategy that brings the group together. He discussed the goal of the 40% state initiative compared to federal certification requirements. This 40% goal works out to 58% reduction over a naked net. This is the group’s goal. He discussed how the work group was formed, and how the work group would attack that proposal. The group would choose 3 BRD’s and 2 backups to test to try and achieve that 40%. Also discussed acceptable shrimp loss

with group. He explained getting the MFC conservation fund grant; meeting with the NCFA to get industry pledge of 3 boats for 30 tows each. He went through today's tasks of learning about brd research, selecting gears to test and provide recommendations for acceptable shrimp loss. He explained that this would be a 3 year process and that this year we would focus on the brown shrimp fishery in Pamlico Sound. Anything that show promise will take to the MFC and to continue to seek funding to work on white shrimp and ocean fisheries. He encouraged workgroup members to talk to the scientists/researchers present and discuss ideas and potential for independent studies.

Sara M. went over the agenda with the group. When seagrass facilitates need full participation, mutual understanding, and inclusive solutions. She then provided ground rules for the group.

### **Industry perspectives**

Brent F. touched on Kevin's comments, discussed how this became an issue, how he registered his boats to apply for federal grants, that this needs to go forward but did not happen. Going to have to get some grants. Not all bycatch is dead or not utilized. Need to talk about devices, sound, vibrations, etc. Also have folk that try other things. Fishermen don't want to deal with bycatch, need to think outside the box.

Clyde Phillips-electronic device, "shark shield", short battery life could be issue but could keep fish out of net, knows we have to reduce bycatch, knows these devices work, let's try them to find out what works best, lot of things out there, maybe more people willing to take observers.

Steve Davis- limit what is getting into the net instead of trying to get fish out of net. Also test small and big boats.

Kenny R. discussed areas where we start work bycatch is bad then disperses. Need to test on smaller class boats.

Kenny Midgett- use sound in some way

Mikey D. tried testing different devices for 2 years, made all of his boats test something, some did nothing, some did well. Hesitated to offer boats for testing, doesn't like to be threatened.

John Broome- 2 inch spacing TED and use GoPro to test, made him money-better product, longer tows. Did some testing with chem lights.

Steve Parrish discussed starting in the 70s doing TED testing, then BRDs. Discussed how his clients are concerned with shrimp loss, look at short term loss and long term gain. Loss of 5 lbs of shrimp in one net could be \$1500 by end of week.

Group discussed -"Flatbar Grid" something worth trying. Smaller TED spacing works but heavy, can be offset by hard float. Clyde-soft TED is good on bycatch and finfish should be focus.

### **"Bycatch Reduction Device (BRD) Testing Overview: Methodology & Criterion"**

*Dan Foster & Blake Price, research fishery biologists, NOAA Fisheries Harvesting Systems Unit*

Dan Foster gave presentation on gear testing protocol. Been testing for 25 years. Best to test on commercial boats, get real world results. It is give and take between fishermen and observers. His group is partly from the industry and researchers. The key is working with industry. Dive Trawling-open invitation for others to bring gear and people to test on June 9-June 24, 2015. Will dive on gear and have GoPro cameras available to observe

gear being tested while under tow. Use quad rigged vessels; use 2 outside nets; mark the outside bags. Keys to success: good gear, keep catch separate, switch brd between nets.

For Gear Testing-

- Switch sides of gear periodically to avoid side bias
- “Tune” gear using same TEDs and TED angles
- Work with observer takes a little more time
- Keep catch separate on deck for sampling purposes
- Moving toward consistent regulations in Gulf and Atlantic

### “How to choose and test a BRD”

*Steve Eayrs, research scientist, Gulf of Maine Research Institute (GMRI)*

Steve Eayrs-worked in prawn industry and Persian Gulf, gave “insight into Bycatch”  
Has given TED workshops all over the world. Worked in the New England Fish trawl industry for 8 yrs.

When choosing BRD several things to consider

- Bycatch target-behavior
- Valuable non-target species?
- Catch volume
- Simplicity
- Mindful that what works in one location may not work in others
- Cost?
- Efficiency

BRD efficiency- range of considerations: location, size, speed, weather, behavior, chaffing nets, etc. Mindful of what works in one location may not work in another. Need to think about having multiple devices-not just one device for all problems.

Gave many examples and discussed

“JTED” “Popeye” “Underwater Lights” “Witch’s Hat”

Adjusting doors-headline height

Using multiple devices at one time beneficial

\*\*Crucial to be patient when testing and don’t give up to quickly on given device.

### “Fish behavior and speciation and their role in capture by fishing gears: A case study of the topless trawl”

*Dr. Pingguo He, associate professor of fisheries, School for Marine Science and Technology, University of Massachusetts Dartmouth*

“Fish Behavior in shrimp Trawls”

Sound-sea water is a good medium for sound and fish can hear a trawl from quite far away (1500m). Well before the fish sees the trawl they are adjusting their behavior for approaching sound.

When fish sees the trawl door they disperse in a manner where they can keep one eye on the trawl doors at all times.

2 projects were designed and tested using different trawl doors and bridles.

These projects kept the doors off the bottom and also used longer bridles (floating) which worked very well for excluding flounder which was there target bycatch species.

Whether fish are loners or schooling they will swim with the trawl mouth if in front of it. Bridle length/sweep is important; longer sweep. Discussed fish herding behavior and lack of herding in shrimp. Discussed role of fish density; loners, schooling. Discussed role of towing speed and fish swimming speed..

Temperature can play a big part in fish's ability to maintain speed while swimming. If it is colder swim time/speed is greatly reduced in species versus warmer temperatures in the water.

Towing speed and current should be taken into account when working with nets to exclude bycatch. Speeding up even .5 knots will make a huge difference to fish swimming with the mouth of the net.

Topless Shrimp Trawl-headrope is much longer than footrope. Tried this in Maine and had great success. Looks like an upside down net. This project will be tried in NC by DMF with collaboration from Dr. Pingguo He.

“Nordmore Grid”-plastic TED 1 inch Bar  
Very light  
Very good at excluding fish

#### **Questions from Work Group??**

Q: What was bottom contour and how will that affect?

A: Grass will be a problem for 1 inch bar TED, it will get clogged up. Tried rolling grid in front but ran into issues with it.

Q: Has anyone tried electricity?

A: In China they tried using it and it worked very well but people kept increasing the voltage and government couldn't control it so it was banned overnight.

Gary Graham-Tried electric tickler chain years ago, worked with a few problems. Probably needs to be adjusted and re-tested.

Q: Vibration around trawl doors to scare fish away from net?

A: The vibration would be overshadowed by the noise of the boat and gear.

Q: Has anyone tried “counterherding”? Using ropes to guide fish away from trawl mouth before entering.

A: No but it is a good idea.

#### **Lunch (on your own)**

#### **“Discussion of Fisheye Alternatives: Ricky (Double Fisheye) & Kiel BRDs”**

Discussion Leaders: *Frank Helies, Gulf & South Atlantic Fisheries Foundation (GSAFF); Gary Graham, Texas Sea Grant*

Gary Graham and Frank Helies discussed the “Ricky BRD” and “Kiel BRD”

“Ricky BRD”

Simple

Cost effective

Double fish eye with 8” hard plastic float

58% reduction

No shrimp loss  
Slow dragging (2.2 knots) could be concern  
Fisherman love it  
Elephant ears behind fish eyes very important, otherwise escape opening gets covered up.  
9' from the tie off rings  
A float in the net also did very well

**“Kiel BRD”**

31% reduction of croaker  
Shrimp loss could be issue but weather when tested also problematic. Needs further testing.

DMF will give permits to fisherman to try different devices for testing.

Panel discussed current NC regulations and what will be added within the near future...  
An additional BRD, square mesh, or TED with reduced bar.  
May 1<sup>st</sup> proposed implementation.

**“Discussion of Popeye Fishbox”**

Discussion Leaders: *Steve Eayrs, GMRI; Mikey Daniels, Wanchese Fish Co.*

Most successful finfish reducer in prawn shrimp.  
Concerns for safety- heavy metal piece moving around on deck at head height.  
48% reduction over 54 tows in Tiger Shrimp industry

**“Discussion of Square Mesh Panels (skylights, tailbags and etc.)”**

Discussion Leaders: *Kevin Brown, N.C. Division of Marine Fisheries; Kenny Midgett, Wanchese Trawl Supply*

Kevin Brown discussed square mesh panels.  
In 2008 did 30 tows with 1 ¾ square mesh tail bags which resulted in 51% reduction with very little shrimp loss  
Also did 2 inch and got a 57% reduction  
An issue could be finfish “mesh” down in tail bag netting.

“Skylight Panel”- Presented by Mickey and Kenny who gave description of it and enjoyed using it. Was not as effective with mongoose net.

**“Discussion of Composite Panel BRD”**

Discussion Leaders: *Dan Foster & Blake Price, NOAA Fisheries HSU; Clyde Phillips, Clyde Phillips Seafood*

Creates “slow flow” area where fish aggregate  
26% reduction  
50% reduction when working with spooker cone  
Clyde- tried it with spooker cone and it did very well, up to 50%. Could have an issue with clogging in Pamlico Sound due to grass.

### **“Discussion of Modified Nested Cylinder (ver. 3.0)”**

Discussion Leaders: *Dan Foster, NOAA Fisheries HSU; Frank Helies, GSAFF*

“Nested Cylinder”-creates “slow flow” areas

50% reduction

Shrimp loss manageable when sock inside cylinder extended to compensate

Industry thought it was too bulky and is trying to stream line it and make it manageable.

### **“Discussion of Bycatch Deflector Devices”**

Discussion Leaders: *Scott Baker, North Carolina Sea Grant; John Broome, independent commercial trawler*

Moss or grass will clog this device fast, works well in the ocean.

40% reduction and no shrimp loss

When tested it was compared to net with TED and BRD

### **“Discussion of TED/BRD Combos: NOAA Fisheries (L&J) and Billy Burbank”**

Discussion Leaders: *Gary Graham, Texas Sea Grant*

Using a TED/BRD as one package

Both tested used spooker cone

Cost could be issue with both

Neither lost shrimp

“Billy Burbank” got 51% reduction

### **“Discussion of Hummer Lines”**

Discussion Leaders: *Gary Graham, Texas Sea Grant*

Not a standalone device

59% reduction

Possible variation with steel cable

Didn't get tangled up even in rough weather

### **Open discussion of additional bycatch reduction technological solutions; final thoughts**

Kenny Midgett-Question of when topless trawl starts research project?

Answer from work group: Field work will start with season

Kevin Brown discussed requirements for testing.

60 tows which was set by MFC and minimum of 30 tows for certification

Tow time of 2 hrs.

Group asked for suggestions from Dan Foster, Gary Graham, and Frank Helies.

Suggestions given from Dan Foster, Gary Graham, and Frank Helies where-

“Composite panel” with square mesh or cone for grass problems

Reduced bar spacing TED with possible composite panel- recommend 3” bar or smaller

“Ricky BRD” and possible put beside each other instead of one on top of another

Design of project discussed

Control Net will have 4” TED with Florida Fish Eye and 1 ½” tail bag

Experimental Net will be able to adjust for efficiency to get to 40% reduction

Group decided Reduced Bar Spacing TED as a standalone possible option  
Group decided “Virgil” and “Midgett” design as possible candidate  
Group also added hummerline as possible device to try

**Voting on candidate BRD prototypes for field trials; floating break**

Ballets cast

First Option-“Ricky BRD”

Second Option-“Composite Panel” and spooker cone with option at 30 tows to switch to escape panel if clogging from grass becomes issue

“Revote for third option and two backups because all others were so close in voting.”

Third option-Reduced Bar Spacing TED-3” round bar

First Backup- “Virgil”

Second Backup- Hummerline

Motion to change “Virgil” as backup because so similar to composite panel.

Group tabled motion to change “Virgil” as backup due to it being so similar to composite panel and acceptable shrimp loss.

**Adjourn**

Cc: Catherine Blum  
Mike Bulleri  
Scott Conklin  
Dick Brame  
Louis Daniel  
Charlotte Dexter

Jess Hawkins  
Jennie Hauser  
Dee Lupton  
Nancy Marlette  
Lauren Morris  
Phillip Reynolds

Jerry Schill  
Gerry Smith  
District Managers  
Committee Staff Members  
Marine Patrol Captains  
Section Chiefs

Table 1. Finalized data collected by month through the NCDMF Observer Program through December 2014.

Month	Trips		Observer Large Mesh				Observed Takes By Species									
	Estimated <sup>1</sup>	Actual <sup>2</sup>	AP Attempts <sup>3</sup>	Trips	Yards	Coverage <sup>4</sup>	Kemp's		Green		Loggerhead		Unknown	A. Sturgeon		
							Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead	
WINTER																
January	206	244	76	3	800	1.2										
February	774	594	14	45	26,415	7.6									1	
SPRING																
March	1,694	1,850	5	93	62,462	5.0									15	
April	1,669	1,036	100	38	18,780	3.7									1	
May	1,468	308	29	2	3,400	0.6										
SUMMER																
June	1,679	944	41	83	85,315	8.8									5	
July	2,042	843	55	90	79,932	10.7										
August	2,119	1,048	67	109	116,214	10.4										
FALL																
September	2,618	2,279	49	276	224,893	12.1	2		4		1			1	4	2
October	4,283	1,983	96	249	201,310	12.6	3		10	7	1			1	18	
November	1,858	1,188	109	112	91,915	9.4			3						11	
WINTER																
December	159	189	108	1	300	0.5										
<b>Total</b>	<b>20,569</b>	<b>12,506</b>	<b>749</b>	<b>1,101</b>	<b>911,736</b>	<b>8.8</b>	<b>5</b>	<b>0</b>	<b>17</b>	<b>7</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>55</b>	<b>2</b>	

<sup>1</sup> Finalized trip ticket data from 2013

<sup>2</sup> Finalized trip ticket data for 2014

<sup>3</sup> Alternative Platform trips where no fishing activity was found

<sup>4</sup> Based on actual trips (2014) and observer large mesh trips



Table 2. Finalized data collected by month through the NCDMF Observer Program through December 2014.

Month	Trips		Observed Takes By Species											
	Estimated <sup>1</sup>	Actual <sup>2</sup>	Observer Small Mesh			Kemp's		Green		Loggerhead		Unknown	A. Sturgeon	
			Trips	Yards	Coverage <sup>3</sup>	Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
WINTER														
January	743	681	11	7,750	1.6									
February	856	782	20	11,430	2.6									1
SPRING														
March	1,344	561	6	2,130	1.1									
April	1,672	1,141	26	39,255	2.3									1
May	1,197	778	13	15,600	1.7									
SUMMER														
June	841	792	4	5,000	0.5									
July	714	685	10	16,020	1.5									
August	818	907	19	22,540	2.1									
FALL														
September	811	1,039	24	14,390	2.3									
October	1,210	1,396	34	12,240	2.4			1						
November	877	850	37	15,920	4.4									
WINTER														
December	674	555	36	19,550	6.5									
<b>Total</b>	<b>11,757</b>	<b>10,167</b>	<b>240</b>	<b>181,825</b>	<b>2.4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b> <b>0</b>

<sup>1</sup> Finalized trip ticket data from 2013

<sup>2</sup> Finalized trip ticket data for 2014

<sup>3</sup> Based on actual trips (2014) and observer small mesh trips



Table 3. Preliminary data collected by month through the NCDMF Observer Program through March 2015.

Month	Trips		Observer Large Mesh				Observed Takes By Species								
	Estimated <sup>1</sup>	Actual <sup>2</sup>	AP Attempts <sup>3</sup>	Trips	Yards	Coverage <sup>4</sup>	Kemp's		Green		Loggerhead		Unknown	A. Sturgeon	
							Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
WINTER															
January	206	392	85	16	12,600	7.8									2
February	774	364	123	42	24,375	5.4									
SPRING															
March	1,694	1,596	73	130	92,590	7.7									9
Total	2,674	2,352	281	188	129,565	7.0	0	0	0	0	0	0	0	11	0

<sup>1</sup> Finalized trip ticket data averaged from 2011-2014

<sup>2</sup> Preliminary trip ticket data for 2015

<sup>3</sup> Alternative Platform trips where no fishing activity was found

<sup>4</sup> Based on estimated trips and observer large mesh trips



Table 4. Preliminary data collected by month through the NCDMF Observer Program through March 2015.

Month	Trips		Observer Small Mesh			Kemp's		Green		Loggerhead		Unknown	A. Sturgeon	
	Estimated <sup>1</sup>	Actual <sup>2</sup>	Trips	Yards	Coverage <sup>3</sup>	Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
WINTER														
January	743	446	15	9,440	2.0									
February	856	244	29	15,905	3.4									
SPRING														
March	1,344	541	35	20,940	2.6									
Total	2,943	1,231	79	46,285	2.7	0	0	0	0	0	0	0	0	0

<sup>1</sup> Finalized trip ticket data averaged from 2013-2014

<sup>2</sup> Preliminary trip ticket data for 2015

<sup>3</sup> Based on estimated trips and observer small mesh trips





## February 2015 Council Meeting Report

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**February 10 – 12, 2015**

*Raleigh, North Carolina*

The following summary highlights Council actions and issues considered at the February 2015 Council Meeting in Raleigh, North Carolina. Presentations, briefing materials, and audio recordings are available at [www.mafmc.org/briefing/february-2015](http://www.mafmc.org/briefing/february-2015).

### Deep Sea Corals Amendment

The Council met to consider taking final action on the Deep Sea Corals Amendment. After reviewing a summary of public comments and considering recommendations from the Fishery Management Action Team (FMAT), the Council voted to postpone final action on the amendment until the June 2015 Council meeting. This decision was driven in part by concerns that additional input was needed from the Advisory Panel and other members of the commercial fishing industry regarding the specific areas being considered for protection in the amendment. To address these concerns, the Council voted to convene a workshop that will consider potential revisions to the boundaries of proposed discrete coral zones. Workshop invitees will include the Squid, Mackerel, and Butterfish Advisory Panel, the Ecosystems Advisory Panel, FMAT members, Council members, coral scientists, and other interested stakeholders. The workshop will be followed by additional analysis and review by the FMAT.

The Council also approved several modifications to the amendment's alternatives, including:

- Addition of options for commercial tilefish and commercial red crab exemptions in discrete zones;
- Addition of transit provisions to the range of alternatives; and
- Addition of a prohibition on anchoring in deep sea coral zones to the list of frameworkable items.

The Council expects to review the outcomes of this workshop and take action on the amendment at the June 2015 meeting. Additional information about the workshop and future public comment opportunities will be posted on the [Deep Sea Corals page](#) of the Council's website.

### Surfclam and Ocean Quahog Cost Recovery Amendment

After reviewing public comments collected between December 15, 2014 and January 16, 2015, the Council selected preferred alternatives for the Atlantic Surfclam and Ocean Quahog Cost Recovery Amendment and approved the amendment for submission to the Secretary of Commerce. The amendment addresses several issues in the surfclam and ocean quahog fisheries, including the cost recovery provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Council adopted the following preferred alternatives:

**Cost Recovery: Alternative 5 (Shareholder Pays; Tilefish Model).** Under Alternative 5, those surfclam and ocean quahog shareholders, permanent individual transferrable quota allocation holders, whose quota are used to land surfclams and ocean quahogs would pay the cost recovery fee. This is the same cost recovery process used in the Council's tilefish individual fishing quota fishery, and would bring the fishery management plan (FMP) to consistency with the cost recovery provisions of the MSA.

**Biological Reference Points Update Mechanism: Alternative 2 (Redefine the Status Determination Criteria).** This alternative would streamline the management process by allowing surfclam and ocean quahog stock status determination criteria to be automatically updated in the FMP without the need to go through a lengthy amendment process, as long as specific criteria are met.

**Optimum Yield (OY) Ranges: Alternative 2 (Remove OY Range from FMP; Advisors Develop OY Recommendations during Specifications).** Under this alternative, the OY ranges for surfclams and ocean quahogs would be removed from the FMP, and the Advisory Panel will develop OY recommendations as part of the specifications process. This will provide for a more efficient process when setting catch and landings limits through specifications.

## Cooperative Research

The Research Set-Aside (RSA) committee met to discuss the Council's role in cooperative research. The Council is working to determine how to best facilitate cooperative research on Council-managed species given the issues with the RSA program that [led to its suspension](#). During the committee meeting, Council staff presented a draft timeline for the review, clarified objectives and desired outcomes, and proposed next steps. The committee supported a proposal to hold an RSA workshop in mid-2015 with stakeholders and committee members. The Council will also conduct a pre-workshop informational webinar to identify stakeholders and gather initial ideas.

## Climate Change and Fisheries Management

The Council received several presentations on climate change and fisheries management. Roger Griffis presented an overview of NOAA Fisheries' Draft Climate Science Strategy, which was developed "to increase the production, delivery, and use of climate-related information to marine and coastal resource managers, resource users and others at regional to national scales." The draft document is currently open for public comment through March 31, 2015. Details are available at <http://www.st.nmfs.noaa.gov/ecosystems/climate/national-call-for-comments>.

In addition, the Council reviewed the first working draft of a Climate White Paper, which is being developed as part of the Council's ongoing development of an Ecosystem Approaches to Fisheries Management (EAFM) guidance document. The Council will use the information provided in the paper as it begins development and implementation of management approaches which take climate change and variability into account. The paper, which focuses on the impacts of climate change and variability on fish stocks relative to existing fishery science and management programs, identifies several priorities for Council consideration:

- Conduct assessment of risk/vulnerability to climate change by species;
- Include climate effects/drivers in single species stock assessments (with progression/transition to multispecies assessments);
- Incorporate climate effects on habitat and EFH considerations;
- Evaluate potential impacts on fleet dynamics (to include social and economic analyses); and
- Evaluate climate change impacts at the ecosystem level.

The Council will continue discussion about the implications of climate change and variability for fishery conservation and management at its April meeting in Long Branch, NJ.

## Joint Industry-Funded Monitoring Amendment

The Council received an update on the development of an amendment to allow cost-sharing for industry funding of observer coverage in Mid-Atlantic and New England fisheries. The Amendment also considers specific coverage targets for the Atlantic mackerel and Atlantic herring fisheries. Concurring with motions made by the New England Fishery Management Council at its January 2015 meeting, the Council requested additional development of the Amendment, especially as relates to additional types of observer coverage that may be more affordable. The Council also requested additional analysis on the potential impacts of the alternatives considered in the amendment. It is anticipated that the Amendment will be re-considered for final action at the June 2015 Council meeting.

## Other Business

### ***Listening Session: MRIP Recreational Effort Estimation Methodology***

The Council held a listening session that focused on new methods of estimating recreational fishing effort. Rob Andrews from NOAA Fisheries' Office of Science and Technology gave a presentation and answered questions from the Council and public about the new methodology.

### ***Data Collection Presentations***

Mike Cahall gave a presentation on recent and upcoming data collection initiatives being undertaken by the Atlantic Coastal Cooperative Statistics Program (ACCSP). Dan Morris, from NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO), gave an update on the Fishery Dependent Data Visioning Project—a collaborative effort between GARFO and the Northeast Fisheries Science Center to modernize the region's fishery dependent data collection systems. A draft Electronic Technology Implementation Plan was recently released as part of this project.

### ***Statement of Operating Practices and Procedures***

The Council reviewed proposed revisions to its Statement of Operating Practices and Procedures (SOPPs). In response to input from Council members, staff will make additional revisions to the section describing requirements and procedures for recusals. The Council will revisit the issue at the April 2015 meeting.

### ***Ricks E Savage Award***

George Darcy was named this year's recipient of the Ricks E Savage Award. The award is given each year to a person who has added value to the MAFMC process and management goals through significant scientific, legislative, enforcement, or management activities.

During his 14-year tenure as the NOAA Fisheries' Assistant Regional Administrator, George Darcy played an important role in the success of the Mid-Atlantic Council's fisheries management. In this position, Mr. Darcy worked closely with the Mid-Atlantic Council to accomplish a number of successes, including the rebuilding of most of the Council's managed fisheries. He also played an integral role in the Council's development of its Omnibus Annual Catch Limit and Accountability Measure Amendment that ensured FMP compliance with 2006 amendments to the Magnuson Act.

George Darcy retired in April 2014, after over 30 years of dedicated and responsible public service.



*Ricks E Savage award recipient George Darcy (center) with Council Chairman Rick Robins (left) and Regional Administrator John Bullard (right).*

## Next Meeting

***April 14-16, 2015: Long Branch, New Jersey***

Ocean Place Resort

1 Ocean Blvd.

Long Branch, NJ 07740

Telephone: 732-571-4000





North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

**MEMORANDUM**

**TO:** Louis Daniel  
Sammy Corbett

**FROM:** Chris Batsavage, Protected Resources Section Chief/Special Assistant for  
Councils  
Division of Marine Fisheries, NCDENR

**DATE:** March 31, 2015

**SUBJECT:** Mid-Atlantic Fishery Management Council Meeting—February 10-12, 2015

The Mid-Atlantic Fishery Management Council (Council) met on February 10-12, 2015 in Raleigh, NC. Management actions taken by the Council are discussed below and are summarized in the attached Council Meeting Summary.

**DEEP SEA CORALS AMENDMENT**

The Council met to consider taking final action on the Deep Sea Corals Amendment. Management alternatives to protect deep sea corals included both broad and discrete zone options with minimum depth contours ranging from 200 to 500 meters. Most or all bottom-disturbing fishing gear could be prohibited from these zones, depending on the management alternative chosen. The Council voted to postpone final action on the amendment until the June 2015 Council meeting based on public comments received that raised concerns about additional input needed from the Advisory Panel and other members of the commercial fishing industry regarding the specific areas being considered for protection in the amendment. To address these concerns, the Council voted to convene a workshop that will consider potential revisions to the boundaries of proposed discrete coral zones.

**BLUELINE TILEFISH**

As voted for at the December 2014 Council meeting, a letter was sent to the mid-Atlantic and southern New England states requesting the states adopt consistent incidental commercial trip limits and recreational bag limits for blueline tilefish to prevent the expansion of this fishery. The letter was in response to last year's sharp increase in commercial blueline tilefish landings in New Jersey, where no regulations exist. Fishermen indicated that they planned on commercial fishing for blueline tilefish again this year, but states such as New Jersey and Connecticut advised the Council that they were unable to implement regulations this year. As such, Council Chairman Rick Robins scheduled an emergency Council meeting via webinar on February 25 from 1:30 to 4 p.m. to consider requesting emergency action by National Marine Fisheries

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Service under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act for deepwater snapper/grouper species, including blueline tilefish, within the Mid-Atlantic Fishery Management Council's jurisdiction (New York-Virginia). The South Atlantic Fishery Management Council manages blueline tilefish from North Carolina to Florida, but there is no comprehensive management in the mid-Atlantic or in New England. Maryland and Virginia are the only Mid-Atlantic States that manage blueline tilefish and their regulations include a 300-pound (whole weight) commercial trip limit and an aggregate recreational tilefish bag limit of 7 fish per person.

### **UPCOMING MEETING**

The next regularly scheduled meeting of the Mid-Atlantic Fishery Management Council will be April 14-16, 2015 at the Ocean Place Resort in Long Branch, NJ.



North Carolina Department of Environment and Natural Resources

Pat McCrory  
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Secretary

**MEMORANDUM**

**TO:** Louis Daniel  
Sammy Corbett

**FROM:** Chris Batsavage, Protected Resources Section Chief/Special Assistant for  
Councils  
Division of Marine Fisheries, NCDENR

**DATE:** March 31, 2015

**SUBJECT:** Mid-Atlantic Fishery Management Council Blueline Tilefish Emergency Action  
Meeting—February 25, 2015

The Mid-Atlantic Fishery Management Council (Council) met via webinar on February 25, 2015 to consider requesting emergency action for blueline tilefish (and possibly other deepwater species), within the Council's jurisdiction. Management actions taken by the Council are discussed below.

**BLUELINE TILEFISH**

The Council voted to request that the National Marine Fisheries Service implement emergency rules to restrict commercial and recreational landings of blueline tilefish in the Mid-Atlantic region's federal waters (New York-Virginia). The Council's recommendations include a 300 pound (whole weight) commercial trip limit and a seven fish per-person recreational bag limit. These measures are intended to prevent depletion of the blueline tilefish stock on an interim basis while the Council develops long term management measures through the normal rulemaking process. The vote was 13 in favor and 4 opposed (including all three North Carolina members).

The Mid Atlantic Council's emergency action request prevents an unregulated fishery from continuing, but it also creates considerable management disparity between the councils' jurisdictions. Although these measures would essentially end the directed commercial fishery for blueline tilefish, the recreational bag limit of 7 fish per person still allows the directed recreational fishery to continue. This bag limit is higher than what was previously in place for the South Atlantic Fishery Management Council's jurisdiction (North Carolina to Florida), and this limit could result in catches greater than the 100-pound commercial trip limit currently in place in the South Atlantic. The current stock assessment, despite limited data, was approved by the review panel as a coastwide assessment and by the SAFMC Scientific and Statistical Committee as best available science for use in management. The South Atlantic Fishery Management Council implemented management measures to end overfishing that were based on

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the stock assessment's results. In order for geographic parity to occur, either both Councils should apply management measures based on the stock assessment or neither Council should.

### **UPCOMING MEETING**

The next meeting of the Mid-Atlantic Fishery Management Council will be April 14-16, 2015 at the Ocean Place Resort in Long Branch, NJ.



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

**MEMORANDUM**

TO: Louis Daniel  
Sammy Corbett

FROM: Chris Batsavage, Protected Resources Section Chief/Special Assistant for  
Councils  
Division of Marine Fisheries, NCDENR

DATE: April 27, 2015

SUBJECT: Mid-Atlantic Fishery Management Council Meeting— April 14-16, 2015

The Mid-Atlantic Fishery Management Council (Council) met on April 14-16, 2015 in Long Branch, NJ. Management actions taken by the Council are discussed below.

**BLUELINE TILEFISH**

The Council voted to develop long-term management measures for blueline tilefish in the Mid-Atlantic region (New York-Virginia). This follows up the Council's request to National Marine Fisheries Service for emergency rules to restrict commercial and recreational landings of blueline tilefish. Virginia and Maryland have regulations in place, but there are currently no federal regulations for the stock in the Mid-Atlantic. If NMFS approves emergency rules, they are in place for 180 days with an option for an additional 180 days. No management measures for blueline tilefish will exist in the Mid-Atlantic's federal waters after the emergency rules expire unless the Council takes action to develop long-term management.

The Council discussed different management options such as adding blueline tilefish to the Council's Golden Tilefish Fishery Management Plan, developing a separate fishery management plan for blueline tilefish, and developing a fishery management plan for deepwater complex species in the region (blueline tilefish, snowy grouper, wreckfish, blackbelly rosefish). It was pointed out that the South Atlantic Fishery Management Council also has a pending emergency action request to NMFS that is contingent on their Science and Statistical Committee's review of the stock assessment. If the Science and Statistical Committee determines the stock assessment is appropriate for coastwide management (New England-Florida), then the South Atlantic Fishery Management Council will request the National Marine Fisheries Service (via Emergency Action) implement existing regulations for blueline tilefish in the South Atlantic throughout the range of the species. Despite the uncertain outcome of the Science and Statistical Committee's review of the stock assessment, the Council needs to develop a plan for after the expiration of the emergency action.

The Council will hold scoping hearings to gather public input before deciding whether to develop an amendment or a new fishery management plan. A scoping hearing will likely be held in North Carolina to give North Carolina fishermen who fished for blueline tilefish in the Mid-Atlantic region an opportunity to provide input. The meetings are tentatively scheduled for June.

### **UPCOMING MEETING**

The next regularly scheduled meeting of the Mid-Atlantic Fishery Management Council will be June 8-11, 2015 at the Hilton Virginia Beach Oceanfront in Virginia Beach, VA.



# MID-ATLANTIC

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## FISHERY MANAGEMENT COUNCIL

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### PRESS RELEASE

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FOR IMMEDIATE RELEASE  
April 15, 2015

PRESS CONTACT: Mary Clark  
(302) 674-2331 (ext. 261)

### **Council Initiates Action to Manage Blueline Tilefish**

Long Branch, NJ—Today the Mid-Atlantic Fishery Management Council voted to move forward with development of measures for the long-term management of blueline tilefish in the Mid-Atlantic. The Council will consider several approaches, including creation of a new fishery management plan (FMP) and development of an amendment to add blueline tilefish to the existing Golden Tilefish FMP.

This decision follows the Council’s request earlier this year for an emergency rule to restrict commercial and recreational catch of blueline tilefish in the Mid-Atlantic. The Council recommended emergency action given recent evidence that commercial and recreational landings of blueline tilefish in the Mid-Atlantic are increasing rapidly and the species’ biological characteristics make it highly susceptible to depletion. Regulations have been established in the South Atlantic to restrict commercial and recreational landings of the fish, and the states of Virginia and Maryland have regulations in place, but there are currently no federal regulations for the stock in the Mid-Atlantic.

In February, the Council requested an emergency rule to include a 300 pound commercial catch limit and a seven fish per-person recreational trip limit. If approved by NMFS, it will remain in place for 180 days and can be extended for an additional 180 days. Management measures beyond 360 days for blueline tilefish north of the North Carolina/Virginia border will require a separate action by the Council.

The Council discussed the advantages and disadvantages of different long-term management approaches during its meeting this week in Long Branch, New Jersey. One option is for the Council to develop a new FMP for blueline tilefish and possibly for other species in the deepwater complex such as blackbelly rosefish, wreckfish, and snowy grouper. Another option is to add blueline tilefish to the existing FMP for golden tilefish.

During the Council’s discussion, Regional Administrator John Bullard stated that the “development of a new FMP is going to take more than a year, and we need to plan for what will happen when the emergency rule expires. In order for NMFS to implement an interim rule at that point, the Council should be well on the way to addressing this issue.”

After extensive discussion, the Council decided to gather public input during scoping hearings before deciding whether to develop an amendment or a new FMP. Information about the scoping process for this action will be posted on the Council’s website at [www.mafmc.org](http://www.mafmc.org) in the coming weeks.





## North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

### MEMORANDUM

TO: Sammy Corbett, Marine Fisheries Commission Chairman  
Dr. Louis B. Daniel III, Director, Division of Marine Fisheries

FROM: Michelle Duval

DATE: April 30, 2015

SUBJECT: South Atlantic Fishery Management Council Meeting (March 2-6, 2015)

The South Atlantic Fishery Management Council (Council) met in St Simons Island, Georgia. Following is a summary of actions taken by the Council. The next meeting will be held in Key West, Florida, June 8-12, 2015.

#### **Snapper Grouper Visioning Workshop**

The Council continued its work developing a vision for the future of the snapper grouper fishery. The initial drafts of the blueprints for the “Science” and “Governance” strategic goals were reviewed, as well as updated blueprints for the “Management” and “Communication” strategic goals. The Council also reviewed a gap analysis conducted by staff that highlighted issues brought up at the visioning port meetings, but not specifically addressed in the draft blueprints and discussed inclusion of several additional strategies. Finally, the council discussed public input strategies including webinars on each strategic management goal, remote listening/comment stations and in-person public meetings. The Council is expected to approve a complete draft blueprint of all four goals for public input at its June 2015 meeting.

#### **Ecosystem/Habitat Committee**

The Council approved a revised policy statement on beach dredge and fill activities as part of the Fishery Ecosystem Plan II revision. It also received a number of presentations regarding ecosystem-based fishery management, including the National Oceanic and Atmospheric Administration’s vision and activities supporting this topic as well as the agency’s draft Climate Science Strategy. Additional presentations from the South Atlantic Landscape Conservation Cooperative regarding its Conservation Blueprint, and the Bureau of Ocean Energy Management concerning its offshore energy program as well as the agency’s “five-year” plan for oil and gas exploration activities.

#### **Southeast Data, Assessment, and Review (SEDAR) Committee**

This is the name of the stock assessment process in the southeast, and each Southeast, Data, Assessment and Review, or “SEDAR” is given a number. The Council received updates on the following stock assessment activities:

- *SEDAR 41 (gray triggerfish and red snapper)*: This assessment is scheduled to resume in August 2015, one year after it was halted due to concerns regarding the accuracy of headboat reporting from north Florida. A two-pronged approach was taken to resolve the issue: a programmatic review of survey procedures and changes that occurred over the lifetime of the survey and an analytical examination of logbooks, dockside sampling and observer program data.
- An update to the red grouper assessment is scheduled to occur in 2015. Many fishermen, particularly in North Carolina have expressed concern regarding the status of red grouper. Blueline tilefish is currently scheduled for an update in 2016, due to concerns regarding the data limitations of the assessment.

#### **Protected Resources Committee**

The committee received an update on the Atlantic sturgeon Section 7 consultation for the Coastal Migratory Pelagics fishery (mackerels, cobia), which should be completed by June 2015. The committee received a presentation from the

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National Marine Fisheries Service regarding the proposed revisions to the critical habitat area designation for the North Atlantic right whale. The existing designation covers an area parallel to the coast beginning just below Cape Canaveral, Florida (extending five miles out from shore) and running halfway up the Georgia coast (where it extends 15 miles out from shore). The proposed critical habitat begins just north of Cape Canaveral and extends up through Cape Fear offshore to depths of 20-30 meters. The Council also received a presentation on the recent policy guidance to improve integration of federal councils in the ESA consultation process and reviewed a list of items for inclusion in a regional agreement between the Council and the National Marine Fisheries Service.

### **Snapper Grouper Committee**

The committee received updates on the status of the following amendments under review:

- Amendment 29 (Only Reliable Catch Stocks and gray triggerfish): The proposed rule published Dec. 7, 2014 with comments due by Jan. 7, 2015. The amendment updates the Council's Allowable Biological Catch control rule to include the use of a data-limited approach, establishes a minimum size limit for gray triggerfish (12 inches fork length), a commercial split season and a commercial trip limit of 1,000 pounds. The final rule is expected to publish soon.
- Amendment 32 (blueline tilefish): The final rule published and was effective on March 30, 2015. This establishes vastly reduced annual catch limits, a 100-pound commercial trip limit and a one-fish per vessel daily recreational bag limit (harvest allowed only May through August). The commercial fishery was subsequently closed on April 7 due to the annual catch limit being met.
- Regulatory Amendment 20 (snowy grouper): The proposed rule for this amendment published April 8, 2015 with comments due by May 8, 2015. It would increase the annual catch limit for snowy grouper, increase the commercial trip limit from 100 to 200 pounds (gutted weight), maintain the existing one fish per vessel per day recreational bag limit and restrict harvest to May through August.
- Comprehensive Accountability Measures/Dolphin-Wahoo Amendment 8: This amendment would standardize the Council's accountability measures across its managed species. It also establishes a 10 percent commercial/90 percent recreational allocation of the Annual Catch Limit for dolphin. The proposed rule is under review.
- Snapper Grouper Amendment 33/Dolphin-Wahoo Amendment 7: This amendment extends an exemption currently allowed in the snapper grouper fishery to the dolphin-wahoo fishery that allows fish legally harvested in the Bahamas to be transported aboard a recreational fishing vessel as fillets. It also closes loopholes in the existing snapper grouper exemption and establishes consistent rules across both fisheries. The amendment is under review in the region.

Regulatory Amendment 16 (black sea bass pot closure): This amendment contains a range of alternatives to modify the existing November through April prohibition on the use of black sea bass pots due to concerns regarding risk to right whales. The Council was required to implement this closure in late 2013 in order to double the annual catch limit based on a stock assessment update. The Council received an update on the comments made by the Atlantic Large Whale Take Reduction Team on the amendment and proposed alternatives. There were mixed opinions on the alternatives, but support for the actions regarding additional gear marking specific to this fishery, and it was noted that the small number of participants lent itself well to different cooperative management approaches.

The Council selected a preferred alternative (Alternative 9, Sub-Alternative 9a) that would maintain a prohibition on the use of black sea bass pot gear inshore of 20 meters depth off the Carolinas, and the area that encompasses the 75<sup>th</sup> percentile of sightings off Georgia and Florida, annually from Nov. 1 through April 15. This alternative was supported by most sea bass pot fishermen and seen as more proactive than other alternatives. The selection of a preferred alternative triggers the development of a new Biological Opinion for the snapper grouper fishery, which is expected to be completed by the time the Council takes final action on this amendment in September. The Council is scheduled to approve the amendment for August public hearings at its June meeting.

Amendment 22 (recreational harvest tags): This amendment would establish a systems to distribute tags to track recreational harvest of species with very low annual catch limits that the Marine Recreational Information Program was not designed to capture. The Council voted to halt development of this amendment until further notice and to request presentations from MRIP staff at the June council meeting regarding strategies to better track species with low annual catch limits and rarely intercepted species.

Amendment 35 (removal of species and golden tilefish endorsements): This amendment contains actions to remove species from the fishery that are primarily caught in south Florida (black snapper, mahogany snapper, dog snapper and schoolmaster snapper), and address a loophole in the golden tilefish longline endorsement that has allowed endorsement holders to fish on the 25 percent of the annual catch limit set aside for hook-and-line fishermen that did not receive endorsements. The Council reviewed public input and will approve the amendment for secretarial review in June.

Amendment 36 (spawning Special Management Zones (SMZs)): The Council reviewed modifications to the sizes of the candidate spawning Special Management Zones, based on bottom topography and species occurrence, that were requested at its December meeting. This amendment is the alternative to the 240 foot deepwater closure that was implemented in Amendment 17B, and subsequently removed (based on data collected by N.C. fishermen and Division staff) in Regulatory Amendment 11. A workshop was held in conjunction with the Snapper Grouper Advisory Panel Meeting on April 13, 2015 to solicit public input on the candidate sites. A series of remote “listening station” webinars were also conducted in the week of April 20 to allow for discussion and input from fishermen in each of the four states. The Council will review the draft amendment and likely select preferred alternatives for public comment in June 2015.

Amendment 37 (hogfish and various species): This amendment contains actions related to hogfish, in response to the recent stock assessment, as well as suite of small actions related to other species including: consideration of an increase in the recreational bag limit for black sea bass; disaggregation of the jacks complex (lesser amberjack, almaco jack, banded rudderfish); removal of outdated size limits for several deepwater species (blackfin snapper, queen snapper, silk snapper); modification of the shallow water grouper spawning season closure; and a potential modification to the minimum size limit for red grouper. The council will review a draft of this amendment and provide input regarding actions and alternatives to develop for further analysis.

Blueline tilefish management: The week after the Council’s December 2014 meeting, the Mid-Atlantic Fishery Management Council met and discussed significant increases in commercial landings of blueline tilefish that occurred in New Jersey that were approximately equivalent to the entire emergency annual catch limit in the South Atlantic (over 200,000 pounds; previously landings were only several thousand pounds annually). Subsequently, similar increases in charter and headboat landings were also discovered. The Mid-Atlantic Council held an emergency webinar on Feb. 25, 2015 to request emergency action to implement regulations similar to those in Virginia and Maryland state waters throughout the council’s jurisdiction, namely a 300 pound commercial trip limit and a seven-fish recreational bag limit.

The blueline tilefish stock assessment conducted through SEDAR 32 determined that the population was a single coastwide stock, and incorporated all harvest coastwide through 2011; therefore the total allowable biological catch applies to both the South Atlantic and Mid-Atlantic jurisdictions. However, the South Atlantic Council has no jurisdiction in the Mid-Atlantic for snapper grouper species, and the Mid-Atlantic Council has no fishery management plan or other regulations in place for these species. Because the landings from the Mid-Atlantic prior to 2014 averaged only two percent of coastwide landings, the South Atlantic Council established an annual catch limit in its jurisdiction that left this amount of catch (approximately 2,000 pounds) available for harvest in other jurisdictions. The commercial and recreational landings in the Mid-Atlantic vastly exceeded this.

The Mid-Atlantic Council has suggested that the blueline tilefish assessment should not apply in their area, based on the recent landings from 2014, while the South Atlantic Council has stated there needs to be parity in the geographic application of the results of the assessment. The South Atlantic Council voted to request that its Science and Statistical Committee determine the geographic range to which the results of the assessment should apply; if warranted, the Council would then request emergency action to extend the management measures in Amendment 32 through the Mid-Atlantic Council’s jurisdiction. The Science and Statistical Committee met April 28-30, 2015 and determined that, while the stock assessment suffered from data limitations, it was still applicable coastwide and blueline tilefish appear to be a single population currently. However, it is likely that the Council will be formally requesting the Committee to review its previous catch level recommendations given various changes in landings patterns since the catch projections were completed.

### **Mackerel Committee**

Amendment 26 (king mackerel annual catch limits and stock boundary): This amendment would adjust the king mackerel annual catch limits based on the SEDAR 38 stock assessment. It includes actions to adjust the boundary between Gulf and South Atlantic stocks; allow for sale of king mackerel incidentally caught in the shark gill net fishery; and considers a

separate quota for the mixing zone between the Gulf and South Atlantic stocks (the area off the Florida Keys). Scoping comments were reviewed, and an action was added to maintain the Florida east coast sub-zone, which has its own series of commercial trip limit adjustments based on the amount of the annual catch limit that has been harvested. The Council will approve the document for formal public comment in June.

Amendment 28 (separation of permits/separation of management plan): This amendment would consider separation of commercial permits as part of establishing its own fishery management plan. Currently, the species in the plan are managed jointly with the Gulf of Mexico Fishery Management Council and each council must approve the others actions. This amendment was taken out for scoping, but the Council voted to discontinue work on this amendment based on discussions at the Gulf Council January 2015 meeting, but requested that staff prepare a document outlining the pros and cons of separating management.

#### **Data Collection Committee**

Status of Bycatch Reporting in the Southeast: A workgroup comprised of staff from the National Marine Fisheries Service Regional Office and Southeast Fisheries Science Center has been formed to address the status of bycatch reporting in the southeast. The workgroup is currently documenting all bycatch methods used in the fifteen fishery management plans in the southeast, with the goal of developing recommendations for improvements and a standardized bycatch reporting methodology.

Electronic Technology Implementation Plan: The final Electronic Technologies Implementation Plan for the Southeast Region was approved and almost all Council recommendations were incorporated. The plan can be found here: [http://sero.nmfs.noaa.gov/sustainable\\_fisheries/documents/pdfs/em\\_er\\_implementation\\_plan\\_southeast.pdf](http://sero.nmfs.noaa.gov/sustainable_fisheries/documents/pdfs/em_er_implementation_plan_southeast.pdf).

Commercial Electronic Reporting: The Council received an update on the development of an electronic version of the existing commercial logbook form that fishermen could voluntarily use to submit catch information. The Atlantic Coastal Cooperative Statistics Program is working with the Southeast Fisheries Science Center to implement this product. The form should be operational by late summer 2015. Additionally, the Council received an update on the status of the commercial electronic logbook pilot program. Fishermen throughout the region have been selected for pilot testing of a variety of platforms (tablet computers, onboard laptops, etc.) and training sessions have been scheduled throughout the region.

Joint Gulf/South Atlantic Charterboat Electronic Reporting: The Council reviewed a list of draft actions for this amendment, which closely mirror the changes made to require weekly electronic reporting by headboats. A range of actions and alternatives were approved, and the Council clarified that it was not interested in the use of Vessel Monitoring Systems to record catch location. The Council will review updated actions and alternatives and is scheduled to approve the amendment for public comment in June.

## **N.C. Marine Fisheries Commission Rule Suspension Update- As of April. 29, 2015**

(In accordance with N.C. Division of Marine Fisheries Resource Management Policy 2014-2)

No new rule suspensions have occurred since the commission's February 2015 meeting.

### **Continuing Suspensions**

The following rule suspensions have been approved on a continuing basis by the commission and no further action is required:

- **The following portion of N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS is suspended:**  
Section (i) (1), which reads:  
(i) For gill nets with a mesh length five inches or greater, it is unlawful:  
(1) To use more than 3,000 yards of gill net per vessel in internal waters regardless of the number of individuals involved.

Suspension of portions of this rule allows the division to decrease the total yardage of gill nets with a mesh length five inches or greater in order to manage the gill net fishery in accordance with the Federal Incidental Take Permits (ITPs) for sea turtles and Atlantic sturgeon. This rule has been approved to be suspended indefinitely.

- **The following portion of N.C. Marine Fisheries Commission Rule 15A NCAC 03M .0519 SHAD is suspended:**  
Paragraphs (a) and (b) which read:  
(a) It is unlawful to take American shad and hickory shad by any method except hook-and-line from April 15 through December 31.  
(b) It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook-and-line or for recreational purposes.
- **The following portion of N.C. Marine Fisheries Commission Rule 15A NCAC 03Q .0107 SPECIAL REGULATIONS: JOINT WATERS is suspended:**  
Paragraph (4) which reads:  
(4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate per person per day taken by hook-and-line.

Suspension of portions of these rules allows the division to change the season and creel limit of American shad under the management framework of the N.C. American Shad Sustainable Fishery Plan. These rules have been approved to be suspended indefinitely.

### **Suspensions to a Date Certain**

The following rule suspensions were approved to a date certain by the commission, but are no longer in effect. No action is required.

- **The following portion of N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0501 PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS was suspended:**  
Section (f) (1) is modified by the suspension of the following wording: "prior to November 1 of".

Suspension of portions of this rule allowed the division to remove the November 1 requirement for obtaining an Atlantic Ocean Striped Bass Commercial Gear Permit which would allow

fishermen additional time to decide which gear they want to declare. This rule suspension approval was to the effective date of the most recent rule package: May 1, 2015.

**Proclamation M-43-2014 that suspended the above rule has been rescinded, effective May 1, 2015.**

➤ **N.C. Marine Fisheries Commission Rule 15A NCAC 03M .0510 AMERICAN EEL was suspended in its entirety:**

It is unlawful to:

- (1) Possess, sell or take eels less than six inches in length; and
- (2) Possess more than 50 eels per person per day for recreational purposes.

Suspension of this rule allowed the division to reduce the size and harvest limits of American eel in compliance with Addendum III to the Atlantic States Marine Fisheries Commission American Eel Fishery Management Plan. This rule suspension approval was to the effective date of the most recent rule package: May 1, 2015.

**Proclamation FF-71-2014 that suspended the above rule has been rescinded, effective May 1, 2015.**

## **N.C. Division of Marine Fisheries Resource Management Policy Number 2014-2**

**Title: Temporary Rule Suspension** [Efficient Process for Implementation of G.S. 143B-289.52 and Rule 15A NCAC 03I .0102 <sup>1</sup>]

Date: Nov. 4, 2014

### **Background:**

The rule for temporary suspension of rules (Appendix A) requires that, when the Division of Marine Fisheries (“DMF” or “Division”) Director implements a temporary rule suspension by proclamation, that the Marine Fisheries Commission (“MFC” or “Commission”) receive notification of the suspension at the next meeting following rule suspension. This notification alerts the MFC of the temporary rule suspension, provides them with information about the reason for the suspension, and allows them to take appropriate action at that meeting. In practice, DMF has put every<sup>2</sup> rule suspension to the MFC as an agenda item at every meeting subsequent to the first suspension, and asked the MFC to vote on continuing suspension. Following every meeting, DMF goes through the notification process of the continued suspension (including drafting a new proclamation, posting it on the web site, and distributing it via email and U.S. mail.) This process has become burdensome to both the Division and the Commission, taking meeting time and causing significant additional staff time and expense.

### **Policy for Temporary Suspension of Rules by the Director and Notification of the Marine Fisheries Commission of Such Suspension:**

Going forward, when a rule suspension is first presented to the MFC, assuming the MFC agrees with the suspension, the MFC will be asked to vote on whether to delegate to the Director the authority to suspend the rule (a) indefinitely (continuing suspensions), (b) for a fixed time period (suspensions to a date certain) or (c) until external conditions/triggers occur (indefinite suspensions until trigger events or conditions.) Following that initial vote, the MFC will be kept informed as follows:

Continuing Suspensions will be reported by inclusion as a non-action, non-discussion informational item at every meeting by providing a copy of the suspensions in every MFC briefing book and will reference that inclusion by notation on the agenda. In addition, the Division will provide verbal reminder and specific agenda reference of all current rule suspensions annually at every November meeting of the Commission.

Suspensions to a Date Certain will be reversed by proclamation effective on the date certain and, while in effect, will be reported to the Commission as if it were a continuing suspension. The Division will report the end of the suspension as an agenda item at the next MFC meeting following that date certain.

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<sup>1</sup> Legal authorities include N.C. Gen. Stat. §§ 143B-289.52 & 113-221.1, and 15A NCAC 03I .0102, TEMPORARY SUSPENSION OF RULES, 15A NCAC 03H .0103, PROCLAMATION AUTHORITY OF FISHERIES DIRECTOR. (See Appendix A)

<sup>2</sup> The division has put every rule suspension to the MFC as an agenda item at every meeting subsequent to the first suspension except for those rule suspensions otherwise exempted from this requirement as stated in other MFC rules. Note that certain rules such as 15A NCAC 03J .0301(k) (proposed for adoption as 03I .0122 in 2015) and 15A NCAC 03K .0110 provide exemptions to the review requirement.

Indefinite Suspensions until Trigger Events or Conditions will be continued until the triggering event/condition occurs and will be reported to the Commission while ongoing as if it were a continuing suspension. The Division will report the change in conditions/tripping of a trigger as an agenda item at the next MFC meeting following the occurrence of the condition/trigger.

**This policy will not prohibit reconsideration of a prior rule suspension in accordance with G.S. 113-221.1 (d), it will simply eliminate the additional time and effort where continuing suspensions are agreed upon.** New Commissioners will receive a copy of this policy, along with a copy of all current rule suspensions at the time that they join the Commission so that they will have specific notice that these rule suspensions are in effect. New suspensions will continue to be presented to the Commission at its next meeting following the initial suspension.

## Appendix A

### 15A NCAC 03H .0103 PROCLAMATION AUTHORITY OF FISHERIES DIRECTOR

(a) It is unlawful to violate the provisions of any proclamation issued by the authority of Marine Fisheries Commission Rule.

(b) Unless specific variable conditions are set forth in a rule granting proclamation authority to the Fisheries Director, variable conditions triggering the use of the Fisheries Director's proclamation authority may include any of the following:

- (1) compliance with changes mandated by the Fisheries Reform Act and its amendments;
- (2) biological impacts;
- (3) environmental conditions;
- (4) compliance with Fishery Management Plans;
- (5) user conflicts;
- (6) bycatch issues; and
- (7) variable spatial distributions.

*History Note:* Authority G.S. 113-134; 113-135; 113-182; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1994; September 1, 1991;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. April 1, 2011; August 1, 2000.

### 15A NCAC 03I .0102 TEMPORARY SUSPENSION OF RULES

The Fisheries Director is authorized to suspend, in whole or in part, until the next meeting of the Marine Fisheries Commission, or for a lesser period, the operation of any rule of the Marine Fisheries Commission regarding coastal fisheries which may be affected by variable conditions.

*History Note:* Authority G.S. 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Recodified from 15A NCAC 3I .0002 Eff. December 17, 1996.

### § 113-221.1. Proclamations; emergency review.

(a) Chapter 150B of the General Statutes does not apply to proclamations issued under this Article.

(b) The Marine Fisheries Commission may delegate to the Fisheries Director the authority to issue proclamations suspending or implementing, in whole or in part, particular rules of the Commission that may be affected by variable conditions. These proclamations shall be issued by the Fisheries Director or by a person designated by the Fisheries Director. Except as provided in this subsection, all proclamations shall state the hour and date upon which they become effective and shall be issued at least 48 hours in advance of the effective date and time. A proclamation that prohibits the taking of certain fisheries resources for reasons of public health or that governs a quota-managed fishery may be made effective immediately upon issuance. A proclamation to reopen the taking of certain fisheries resources closed for reasons of public health shall be issued at least 12 hours in advance of the effective date and time of the reopening. A person who violates a proclamation that is made effective immediately upon issuance shall not be charged with a criminal offense for the violation if the violation occurred between the time of issuance and 48 hours after the issuance and the person did not have actual notice of the issuance of the proclamation. Fisheries resources taken or possessed by any person in violation of any proclamation may be seized regardless of whether the person had actual notice of the proclamation. A permanent file of the text of all proclamations shall be maintained in the office of the Fisheries Director. Certified copies of proclamations are entitled to judicial notice in any civil or criminal proceeding. The Fisheries Director shall make every reasonable effort to give actual notice of the terms of any proclamation to persons who may be affected by the proclamation. Reasonable effort includes a press release to communications media, posting of a notice at docks and other places where persons affected may gather, personal communication by inspectors and other agents of the Fisheries Director, and other measures designed to reach the persons who may be affected. It is a defense to an enforcement action for a violation of a proclamation that a person was prevented from receiving notice of the proclamation due to a natural disaster or other act of God occasioned exclusively by violence of nature without interference of any human agency and that could not have been prevented or avoided by the exercise of due care or foresight.

(c) All persons who may be affected by proclamations issued by the Fisheries Director are under a duty to keep themselves informed of current proclamations. It is no defense in any criminal prosecution for the defendant to show that the defendant in fact received no notice of a particular proclamation. In any prosecution for violation of a proclamation, or in which proof of matter contained in a proclamation is involved, the Department is deemed to have complied with publication procedures; and the burden is on the defendant to show, by the greater weight of the evidence, substantial failure of compliance by the Department with the required publication procedures.

(d) Pursuant to the request of five or more members of the Marine Fisheries Commission, the Chair of the Marine Fisheries Commission may call an emergency meeting of the Commission to review an issuance or proposed issuance of proclamations under the authority delegated to the Fisheries Director pursuant to subsection (b) of this section or to review the desirability of directing the Fisheries Director to issue a proclamation to prohibit or allow the taking of certain fisheries resources. At least 48 hours prior to any emergency meeting called pursuant to this subsection, a public announcement of the meeting shall be issued that describes the action requested by the members of the Marine Fisheries Commission. The Department shall make every reasonable effort to give actual notice of the meeting to persons who may be affected. After its review is complete, the Marine Fisheries Commission, consistent with its duty to protect, preserve, and enhance the commercial and sports fisheries resources of the State, may approve, cancel, or modify the previously issued or proposed proclamation under review or may direct the Fisheries Director to issue a proclamation that prohibits or allows the taking of certain fisheries resources. An emergency meeting called pursuant to this subsection and any resulting orders issued by the Marine Fisheries Commission are exempt from the provisions of Article 2A of Chapter 150B of the General Statutes. The decisions of the Marine Fisheries Commission shall be the final decision of the State and shall not be set aside on judicial review unless found to be arbitrary and capricious. (1915, c. 84, s. 21; 1917, c. 290, s. 7; C.S., s. 1878; 1925, c. 168, s. 2; 1935, c. 35; 1945, c. 776; 1953, cc. 774, 1134, 1251; 1963, c. 1097, s. 1; 1965, c. 957, s. 2; 1973, c. 1262, ss. 28, 86; c. 1331, s. 3; 1975, 2nd Sess., c. 983, s. 70; 1979, c. 388, s. 6; 1983, cc. 221, 619, 620; 1987, c. 641, ss. 7, 19; c. 827, s. 7; 1997-400, s. 4.3; 1998-225, s. 3.8; 2000-189, s. 9; 2003-154, s. 2.)

**§ 143B-289.52. Marine Fisheries Commission - powers and duties.**

(a) The Marine Fisheries Commission shall adopt rules to be followed in the management, protection, preservation, and enhancement of the marine and estuarine resources within its jurisdiction, as described in G.S. 113-132, including commercial and sports fisheries resources. The Marine Fisheries Commission shall have the power and duty:

- (1) To authorize, license, regulate, prohibit, prescribe, or restrict all forms of marine and estuarine resources in coastal fishing waters with respect to:
  - a. Time, place, character, or dimensions of any methods or equipment that may be employed in taking fish.
  - b. Seasons for taking fish.
  - c. Size limits on and maximum quantities of fish that may be taken, possessed, bailed to another, transported, bought, sold, or given away.
- (2) To provide fair regulation of commercial and recreational fishing groups in the interest of the public.
- (3) To adopt rules and take all steps necessary to develop and improve mariculture, including the cultivation, harvesting, and marketing of shellfish and other marine resources in the State, involving the use of public grounds and private beds as provided in G.S. 113-201.
- (4) To close areas of public bottoms under coastal fishing waters for such time as may be necessary in any program of propagation of shellfish as provided in G.S. 113-204.
- (5) In the interest of conservation of the marine and estuarine resources of the State, to institute an action in the superior court to contest the claim of title or claimed right of fishery in any navigable waters of the State registered with the Department as provided in G.S. 113-206(d).
- (6) To make reciprocal agreements with other jurisdictions respecting any of the matters governed in this Subchapter as provided by G.S. 113-223.
- (7) To adopt relevant provisions of federal laws and regulations as State rules pursuant to G.S. 113-228.
- (8) To delegate to the Fisheries Director the authority by proclamation to suspend or implement, in whole or in part, a particular rule of the Commission that may be affected by variable conditions as provided in G.S. 113-221.1.
- (9) To comment on and otherwise participate in the determination of permit applications received by State agencies that may have an effect on the marine and estuarine resources of the State.

- (10) To adopt Fishery Management Plans as provided in G.S. 113-182.1, to establish a Priority List to determine the order in which Fishery Management Plans are developed, to establish a Schedule for the development and adoption of each Fishery Management Plan, and to establish guidance criteria as to the contents of Fishery Management Plans.
- (11) To approve Coastal Habitat Protection Plans as provided in G.S. 143B-279.8.
- (12) Except as may otherwise be provided, to make the final agency decision in all contested cases involving matters within the jurisdiction of the Commission.
- (13) To adopt rules to define fishing gear as either recreational gear or commercial gear.
- (b) The Marine Fisheries Commission shall have the power and duty to establish standards and adopt rules:
  - (1) To implement the provisions of Subchapter IV of Chapter 113 as provided in G.S. 113-134.
  - (2) To manage the disposition of confiscated property as set forth in G.S. 113-137.
  - (3) To govern all license requirements prescribed in Article 14A of Chapter 113 of the General Statutes.
  - (4) To regulate the importation and exportation of fish, and equipment that may be used in taking or processing fish, as necessary to enhance the conservation of marine and estuarine resources of the State as provided in G.S. 113-170.
  - (5) To regulate the possession, transportation, and disposition of seafood, as provided in G.S. 113-170.4.
  - (6) To regulate the disposition of the young of edible fish, as provided by G.S. 113-185.
  - (7) To manage the leasing of public grounds for mariculture, including oysters and clam production, as provided in G.S. 113-202.
  - (8) To govern the utilization of private fisheries, as provided in G.S. 113-205.
  - (9) To impose further restrictions upon the throwing of fish offal in any coastal fishing waters, as provided in G.S. 113-265.
  - (10) To regulate the location and utilization of artificial reefs in coastal waters.
  - (11) To regulate the placement of nets and other sports or commercial fishing apparatus in coastal fishing waters with regard to navigational or recreational safety as well as from a conservation standpoint.
- (c) The Commission is authorized to authorize, license, prohibit, prescribe, or restrict:
  - (1) The opening and closing of coastal fishing waters, except as to inland game fish, whether entirely or only as to the taking of particular classes of fish, use of particular equipment, or as to other activities.
  - (2) The possession, cultivation, transportation, importation, exportation, sale, purchase, acquisition, and disposition of all marine and estuarine resources and all related equipment, implements, vessels, and conveyances as necessary to carry out its duties.
- (d) The Commission may adopt rules required by the federal government for grants-in-aid for coastal resource purposes that may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from federal grants-in-aid.
  - (d1) The Commission may regulate participation in a fishery that is subject to a federal fishery management plan if that plan imposes a quota on the State for the harvest or landing of fish in the fishery. The Commission may use any additional criteria aside from holding a Standard Commercial Fishing License to develop limited-entry fisheries. The Commission may establish a fee for each license established pursuant to this subsection in an amount that does not exceed five hundred dollars (\$500.00).
  - (d2) To ensure an orderly transition from one permit year to the next, the Division may issue a permit prior to July 1 of the permit year for which the permit is valid. Revenue that the Division receives for the issuance of a permit prior to the beginning of a permit year shall not revert at the end of the fiscal year in which the revenue is received and shall be credited and available to the Division for the permit year in which the permit is valid.
- (e) The Commission may adopt rules to implement or comply with a fishery management plan adopted by the Atlantic States Marine Fisheries Commission or adopted by the United States Secretary of Commerce pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801, et seq. Notwithstanding G.S. 150B-21.1(a), the Commission may adopt temporary rules under this subsection at any time within six months of the adoption or amendment of a fishery management plan or the notification of a change in management measures needed to remain in compliance with a fishery management plan.
  - (e1) A supermajority of the Commission shall be six members. A supermajority shall be necessary to override recommendations from the Division of Marine Fisheries regarding measures needed to end overfishing or to rebuild overfished stocks.

(f) The Commission shall adopt rules as provided in this Chapter. All rules adopted by the Commission shall be enforced by the Department of Environment and Natural Resources.

(g) As a quasi-judicial agency, the Commission, in accordance with Article IV, Section 3 of the Constitution of North Carolina, has those judicial powers reasonably necessary to accomplish the purposes for which it was created.

(h) Social security numbers and identifying information obtained by the Commission or the Division of Marine Fisheries shall be treated as provided in G.S. 132-1.10. For purposes of this subsection, "identifying information" also includes a person's mailing address, residence address, date of birth, and telephone number.

(i) The Commission may adopt rules to exempt individuals who participate in organized fishing events held in coastal or joint fishing waters from recreational fishing license requirements for the specified time and place of the event when the purpose of the event is consistent with the conservation objectives of the Commission. (1997-400, ss. 2.1, 2.2; 1997-443, s. 11A.123; 1998-217, s. 18(a); 1998-225, ss. 1.3, 1.4, 1.5; 2001-474, s. 32; 2003-154, s. 3; 2004-187, ss. 7, 8; 2006-255, ss. 11.2, 12; 2012-190, s. 5; 2012-200, s. 17; 2013-360, ss. 14.8(v), (w).)



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

**MEMORANDUM**

**TO:** Dr. Louis B. Daniel III, Division of Marine Fisheries Director  
Sammy Corbett, Marine Fisheries Commission Chairman

**FROM:** Randy Gregory  
Division of Marine Fisheries, NCDENR

**DATE:** May 1, 2015

**SUBJECT:** Highly Migratory Species Update

The Highly Migratory Species Advisory Panel's spring meeting was held March 10 - 12, 2015 in Bethesda, Maryland. The National Marine Fisheries Service Highly Migratory Species Fishery Management Division staff discussed the Draft Amendment 6 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan on the future of shark fishery, provided updates on Amendment 5b on dusky shark management and SEADAR 39 smoothhound shark stock assessment, and an overview of final rules and implementation of Amendment 7 for bluefin tuna management measures. The meeting also included discussions of the National Recreational Fishing Policy, the Office of Sustainable Fisheries Strategic Plan, and the Highly Migratory Species Division's Electronic Technology Implementation Plan and Research Priorities.

Bluefin Tuna

National Marine Fisheries Service published the final rule to implement Amendment 7 on December 2, 2014. Final measures include the pelagic longline fishery Individual Bluefin Quotas, Cape Hatteras Pelagic Longline Gear Restricted Area, electronic monitoring via cameras and bluefin tuna catch reporting via Vessel Monitoring System (VMS) for longline vessels, and inseason adjustments of the General category time-period subquota allocations. For the 2015 fishing year, National Marine Fisheries Service transferred 21 metric tons forward from the General category December period to the January period resulting in a subquota of 42.4 metric tons. The January General category period ended March 31<sup>st</sup> with 31.3 metric tons landed.

Sharks

The Division submitted comments to the National Marine Fishery Service (NMFS) for a 90-day petition finding to list the common thresher shark as endangered or threatened under the U.S. Endangered Species Act. In North Carolina, common thresher sharks are caught incidentally, when fishing for other species in the pelagic longline and ocean gillnet fisheries. From 2009 to 2013, North Carolina landings averaged 64,700 pounds per year. In 2014, landings of common thresher sharks spiked to 178,826 pounds. Due to existing management regulations, lack of assessment data, conflicting trends of abundance, and the small contribution to the annual U.S. harvest from the Atlantic the Division requested that NMFS not list the common thresher shark until more information is available, especially in relation to the western Atlantic.

The Division submitted comments on the Draft Amendment 6 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan on the future of shark fishery. The Division supports the preferred alternative C4, to establish an Atlantic regional commercial quota for the small coastal shark (SCS) management group along the 34° 00' N. Lat. into northern and southern sub-regional quotas and the removal of the SCS quota linkage to blacknose sharks in the northern sub-region. We propose removing the LCS management group from the sub-regional split and implementing semi-annual, seasonally split quotas for the entire Atlantic region; using January 1 and July 1 as opening dates. We encourage the National Marine Fisheries Service to consider increasing the federal fishery closure trigger for the shark management groups from 80% to greater than 90%. The implementation of weekly reporting requirements for dealers and electronic reporting requirements has improved quota monitoring abilities, increasing the timeliness and accuracy of dealer reporting. Additionally, the Division requests the sandbar and dusky shark stock assessments be completed as soon as possible. These stock assessments were completed in 2011 and since that time independent indices have been increasing and new information needs to be incorporated into the assessments.

Year	Month	Species	Pounds	Dealers	Trips	Average (2007-2009)	Conf
2013	1	SOUTHERN FLOUNDER	2,942	42	276	7,713	
2013	2	SOUTHERN FLOUNDER	896	37	254	4,617	
2013	3	SOUTHERN FLOUNDER	4,387	57	682	23,512	
2013	4	SOUTHERN FLOUNDER	16,697	93	1,177	68,389	
2013	5	SOUTHERN FLOUNDER	49,629	123	1,778	122,514	
2013	6	SOUTHERN FLOUNDER	79,203	137	2,127	154,090	
2013	7	SOUTHERN FLOUNDER	119,720	150	2,839	170,387	
2013	8	SOUTHERN FLOUNDER	124,177	147	2,685	201,862	
2013	9	SOUTHERN FLOUNDER	416,097	161	3,631	396,301	
2013	10	SOUTHERN FLOUNDER	883,476	172	5,512	781,717	
2013	11	SOUTHERN FLOUNDER	483,762	121	2,589	392,150	
2013	12	SOUTHERN FLOUNDER	5,288	12	27	37,303	
2014	1	SOUTHERN FLOUNDER	2,978	29	183	7,713	
2014	2	SOUTHERN FLOUNDER	1,823	29	285	4,617	
2014	3	SOUTHERN FLOUNDER	3,430	43	677	23,512	
2014	4	SOUTHERN FLOUNDER	18,997	71	933	68,389	
2014	5	SOUTHERN FLOUNDER	16,001	93	681	122,514	
2014	6	SOUTHERN FLOUNDER	80,129	123	1,985	154,090	
2014	7	SOUTHERN FLOUNDER	84,659	141	2,145	170,387	
2014	8	SOUTHERN FLOUNDER	105,208	137	2,204	201,862	
2014	9	SOUTHERN FLOUNDER	404,128	153	3,582	396,301	
2014	10	SOUTHERN FLOUNDER	634,510	146	3,433	781,717	
2014	11	SOUTHERN FLOUNDER	320,598	121	1,988	392,150	
2014	12	SOUTHERN FLOUNDER	800	5	7	37,303	
2015	1	SOUTHERN FLOUNDER	1,987	29	235	7,713	
2015	2	SOUTHERN FLOUNDER	494	20	92	4,617	
2015	3	SOUTHERN FLOUNDER	3,258	30	488	23,512	
2015	4	SOUTHERN FLOUNDER	1,137	5	40	68,389	

\*\*\*2015 data are preliminary and only complete through February.



## Red Drum Landings 2013-2015

Landings are complete through February 28, 2015

2014 landings are final; 2015 landings are preliminary

Year	Month	Species	Pounds	2009-2011 Average	2011-2013 Average
2013	9	Red Drum	65,273	28,991	30,735
2013	10	Red Drum	135,745	43,644	56,121
2013	11	Red Drum	61,658	14,318	25,338
2013	12	Red Drum	0	3,428	2,036
2014	1	Red Drum	***	5,885	2,755
2014	2	Red Drum	0	3,448	2,832
2014	3	Red Drum	0	5,699	2,425
2014	4	Red Drum	***	7,848	4,643
2014	5	Red Drum	0	13,730	7,687
2014	6	Red Drum	***	12,681	9,304
2014	7	Red Drum	0	13,777	13,152
2014	8	Red Drum	***	21,252	20,467

**Fishing Year (Sept 1, 2013 - Aug 31, 2014) Landings 262,753**

Year	Month	Species	Pounds	2009-2011 Average	2011-2013 Average
2014	9	Red Drum	34,749	28,991	30,735
2014	10	Red Drum	36,425	43,644	56,121
2014	11	Red Drum	16,365	14,318	25,338
2014	12	Red Drum	2,978	3,428	2,036
2015	1	Red Drum	1,961	5,885	2,755
2015	2	Red Drum	3,009	3,448	2,832
2015	3*	Red Drum	2,343	5,699	2,425
2015	4*	Red Drum	***	7,848	4,643

**Fishing Year (Sept 1, 2014 - Aug 31, 2015) Landings 97,829**

\*partial trip ticket landings only

\*\*\*landings are confidential



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

**MEMORANDUM**

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

**From: Trish Murphey, Southern District Manager**

**Date: May 1, 2015**

**Re: Mechanical Oyster Season Update**

**Background**

The harvest of oysters by mechanical methods is managed under Supplement A to Amendment 2 to the N.C. Oyster Fishery Management Plan. Mechanical methods for harvesting oysters are prohibited in areas designated in 15A NCAC 03R .0108. The director has proclamation authority to further restrict all aspects of the fishery and is guided in the use of that authority by management strategies in Amendment 2 and Supplement A.

The mechanical harvest of oysters is managed under separate strategies for the smaller bay areas and the larger area of sounds and rivers. The areas where mechanical harvest is allowed in the smaller bays are limited to a six-week season with a harvest limit of 10 bushels per fishing operation. This harvest limit coincides with the hand harvest limit in the same area. Mechanical harvest season in these bays closed on December 19, 2014. The remaining mechanical harvest areas are open to harvest until the percentage of legal oysters in samples collected from an area drop below 26 percent for two consecutive sampling periods. Sampling is still conducted in the closed areas throughout the oyster season and if an area that is closed has two consecutive samples above 26 percent it can be re-opened for harvest. Harvest limits in these areas are set by the director up to a maximum of 20 bushels. The mechanical harvest season in all mechanical harvest areas opened November 10, 2014.

Western Pamlico Sound oyster resources were impacted by Hurricane Irene in August 2011 with low dissolved oxygen in bottom waters occurring in late summer 2012, greatly reducing productivity. The deep water portions of the lower Neuse River have not produced any oysters since 2012 due to mortality from low dissolved oxygen events and slow recovery in the Pamlico River Area from Hurricane Irene. Landings in the mechanical harvest fishery increased to 64,137 bushels during the 2013/14 season (Figure 1). Mechanical harvest was closed in the Neuse River Area on February 28, 2014 but there were few boats working and harvesting was confined to a limited area spared from the low dissolved oxygen mortality event (Figure 2). Mechanical harvest was closed in the western Pamlico Sound Area on March 24, 2014 but most of the boats working this area had already moved to the Northern Dare Area to finish out the season. Both closures were made due to samples failing to meet the 26 percent legal sized oyster criterion. The Northern Dare Area remained open until the oyster season closed by rule on March 31, 2014.

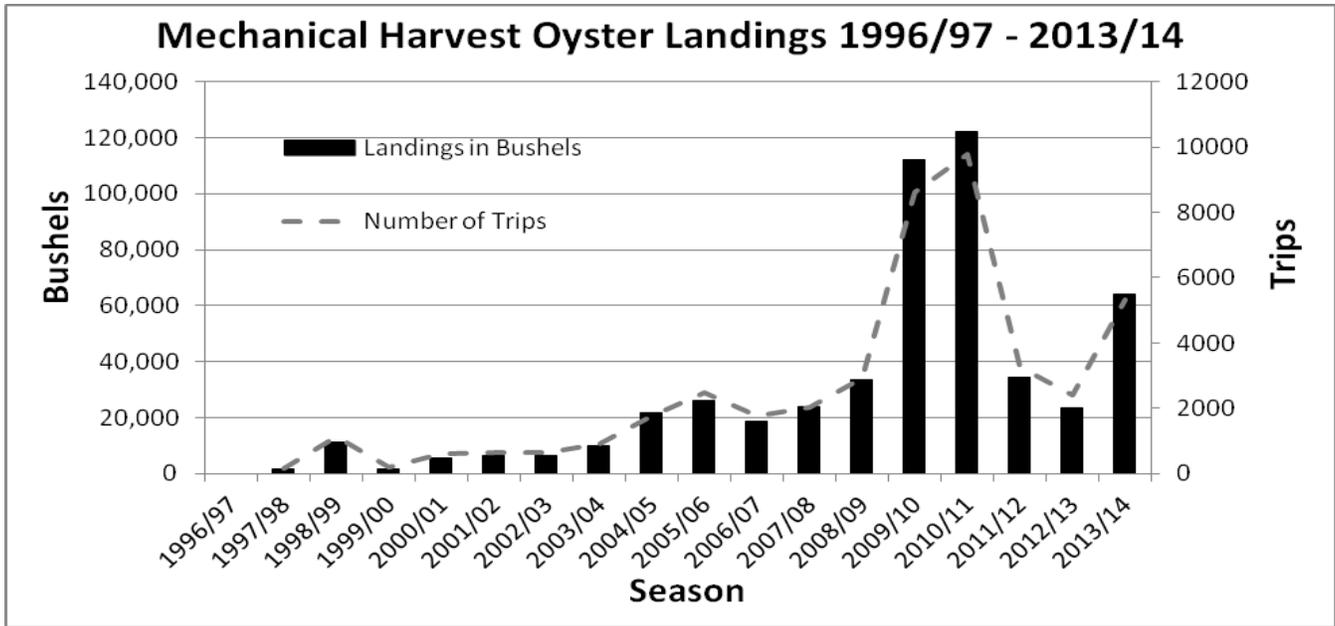


Figure 1. Mechanical harvest oyster landings by season 1996/97 through 2013/14. (DMF Trip Ticket Program)



Oyster FMP Supplement A Management Areas



- Boundaries
- Military Danger Zone and Restricted Areas (MDZRA)

Datum: NAD83  
 Projection: NC State Plane  
 Map Date: October 2014



Figure 2. Areas used for management under the provisions of Supplement A.

### **2014/15 Oyster Sampling**

Mechanical harvest of oysters is managed in four areas (Figure 2). Preseason sampling for the Neuse River Area was confined to the limited area worked in 2013/14. Samples in this area indicated oyster sizes were above the 26% trigger when the mechanical harvest season opened on November 10, 2014. Effort has been consistently low in the Neuse River due to oystermen having to work all day (no later than 4:00 p.m.) to harvest five to seven bushels, which is lower than the 15-bushel limit. Sampling results in the Neuse River were above the trigger, however low numbers of small oysters influenced the percentages (Table 1). This is likely due to impacts from Hurricane Irene and low dissolved oxygen impacts to the area over the past several years, resulting in low recruitment. On January 21, 2015 sampling results fell below 26 percent legal-size oysters (Table 1). Additional sampling of Neuse River took place on January 29 with the resulting percentage above the trigger (Table 1). Weather impacted sampling during most of the month of February making it difficult to sample on the preferred two week intervals. Samples were taken in March and were below the 26% trigger resulting in its closure on March 23<sup>rd</sup>. Final samples were taken on April 13<sup>th</sup> which resulted in 14% legal oysters after the season closed.

Preseason sampling in the Pamlico River Area also showed the initial percentage of legal-size oysters were above the 26% trigger when the mechanical harvest season opened. Additionally, the oysters showed signs of growth and significant numbers of sublegal sizes that should attain the 3-inch minimum size during the season. Fishing effort was much higher in the Pamlico River area than the Neuse River with much of the fleet scattered from the mouth of the river to Brant Island. As with the Neuse River, weather during February made it difficult to sample and appeared to impact the dredge fleet as well. Sampling on February 4<sup>th</sup> and February 27<sup>th</sup> yielded 22.2% and 23.3% legal size oysters respectively. Pamlico River closed on March 9<sup>th</sup>. Due to weather, division staff was unable to collect an end of season sample in Pamlico River.

Northern Hyde and Northern Dare areas were also above the percentage of legal-size oysters during preseason sampling. Sampling of these areas before Christmas resulted in percentages below the trigger (Table 1). The number of small oysters in the samples influenced the percent of legal oysters sampled. Effort in Northern Hyde was mostly in Wysocking Bay while effort in Dare County was from Sandy Point to the Crab Hole. After Christmas, more effort shifted into the Crab Hole area off of Stumpy Point Bay due to Hyde County boats joining the Northern Dare fishery. Dealers reported that fishermen were bringing in their limits by mid-day. Unfortunately after the shift to Northern Dare, sampling resulted in less than 26 percent legal-size oysters for two consecutive sampling trips in both Dare and Hyde Counties (Table 1). This resulted in a closure of these areas on January 12<sup>th</sup>, at sunrise. Sampling of these areas commenced again the week of January 26<sup>th</sup> to determine if oysters grew enough to reopen but as of February 12<sup>th</sup>, these areas remain below the trigger (Table 1). It was decided to stop sampling Hyde County because of no improvement in the percentage of legal sized oysters. Staff continued to sample Dare County and on February 25<sup>th</sup>, and March 3<sup>rd</sup> the percent of legal oysters reached 26.2% and 27.9% respectively and so Dare County reopened on March 9<sup>th</sup> and closed on March 31<sup>st</sup>. The fleet encountered what was described as a “crust” covering much of the oyster rocks fished on opening day and took several days to break up this “crust”. Effort was high in the area for the re-opening with approximately 50 boats fishing on the first day and dropping off to around 20 boats. End of season sampling showed both areas above the 26% trigger (Table 1).

Overall the season peaked in December with over 1,800 trips landing approximately 20,000 bushels of oysters during that month (Figure 3). Closures of Hyde and Dare Counties resulted in declines of trips and harvest January and in combination with weather impacts in February. Overall, the 2014/15 season shows dredge harvest to be approximately 45,000 bushels and is down from last season's total of 64,000 bushels. However, March 2015 data are incomplete at this time.

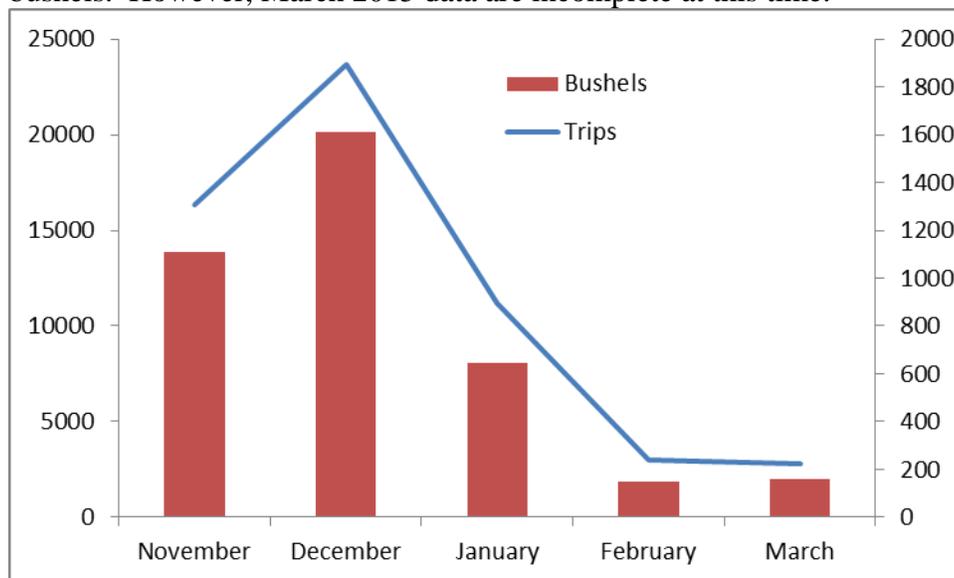


Figure 3 Number of dredge trips and bushels by month for the 2014/15 Harvest Season (March data incomplete)

Table 1. 2014/15 Percentage of legal sized oysters by area. \*Includes samples from Wysocking Bay which closed December 19

2014-2015 Trigger Sample Results							
Neuse River		Pamlico River		Northern Hyde County		Northern Dare County	
Date	Percentage	Date	Percentage	Date	Percentage	Date	Percentage
Sep. 22, 2014	24.6	Sep. 22, 2014	23.8	Oct. 1, 2014	31.0	Sep. 16, 2014	28.0
Nov. 5, 2014	32.0	Oct. 20, 2014	37.0	Dec. 1 2014	30.0	Dec. 3, 2014	34.0
Dec. 3, 2014	31.2	Nov. 5, 2014	33.4	Dec. 15, 2014	21.3	Dec. 16, 2014	23.0
Dec. 15, 2014	36.0	Nov. 19, 2014	34.7	Jan. 5, 2015	24.6	Jan. 6, 2015	22.0
Jan. 6, 2015	32.0	Dec. 3, 2014	39.6	Jan. 29, 2015	22.0	Jan. 26, 2015	24.0
Jan. 21, 2015	23.3	Dec. 15, 2014	34.3	Feb. 12, 2015	22.7	Feb. 9, 2015	25.7
Jan. 29, 2015	29.2	Jan. 6, 2015	30.0	Mar. 31, 2015*	28.5	Feb. 25, 2015	26.2
Feb. 9, 2015	27.3	Jan. 21, 2015	30.3			Mar. 3, 2015	27.9
Mar. 9, 2015	19.1	Feb. 4, 2015	22.2			Mar. 25, 2015	28.8
Mar. 17, 2015	15.7	Feb. 27, 2015	23.7				
Apr. 13, 2015	13.9						