



# DIRECTOR'S REPORT

## **MFC Workload Calendar**

### **ASMFC**

#### **American Shad FMP Annual Update**

### **MAFMC**

### **SAFMC**

#### **Marine Patrol Update**

### **HMS**

#### **Protected Resources Update**

#### **Landings Update**

# Marine Fisheries Commission 2021-2023 WORKPLAN

## INCORPORATING ACTIVITY UNDERWAY AND UPCOMING ASSESSMENTS

General Timelines and Abbreviations	(See "General Timelines" worksheet for details, Colored blocks below indicate MFC Action Point)					
Fishery Management Plans	(SA)	GO	(PD)	AC/Pub	PMO	A
	Stock Assessment In Progress	Vote to Approve Goal and Objectives	Initial Plan Development by DMF/FMP AC	Advisory Committee and Public Review	Select Preferred Management Options	Vote on Final Approval
<b>Non-FMP Issue Development</b>	R	IP	PR	RLO	PRL	
	Request Issue Development	Information Paper	Decision to pursue rulemaking	Issue paper with rule language options	Select Preferred Rule Language	
<b>Rulemaking</b>	FA	NOT	NCR/PH/PC	A		
	Fiscal Analysis	Approve Notice of Text	Publish in NC Register/Hold Public Hearing&Comment Period	MFC Review Public Comment & Vote on Approval		
<b>MFC Committee Activity</b>	APR	JUL				
	Meeting confirmed and scheduled	Meeting anticipated				

### Quarterly Business Meeting

Topic	DMF Staff Lead(s)	Nov -21	Feb-22	May -22	Aug - 22	Nov -22	Feb -23	May - 23	Aug - 23	Nov - 23
<b>Active Management Plans</b>										
Shrimp FMP Amendment 2	Stewart/Rock/Zapf	PMO	A							
Coastal Habitat Protection Plan (CHPP) Revision	Deaton/Knight	A								
Southern Flounder FMP Amendment 3	Loeffler/Markwith	AC/Pub	PMO	A						
Interjurisdictional FMP Amendment 2	Rock	G/O	AC/Pub	PMO	A					
Estuarine Striped Bass FMP Amendment 2	Godwin/Mathes	(PD)	AC/Pub	PMO	A					
Striped Mullet FMP Amendment 2	Zapf/Paris/Dobbs	(SA)	G/O	(PD)		AC/Pub	PMO	A		
Spotted Seatrout FMP Amendment 1	Bauer/Behringer		(SA)	G/O	(PD)		AC/Pub	PMO	A	
<b>Rulemaking</b>										
<b>Periodic Review and Expiration of Existing Rules, per G.S. 150B-21.3A</b>										
Chapter 03 - Marine Fisheries (9 rules)	Blum	A								
Chapter 03 - Marine Fisheries (19 rules)	Blum	NCR/PH/PC	A							
Chapter 03 - Marine Fisheries (97 rules)	Blum	A								
Subchapter 18A - Shellfish Sanitation (36 rules)	Blum	NCR/PH/PC	A							
Subchapter 18A - Shellfish Sanitation (6 rules)	Blum	NCR/PH/PC	A							
Subchapter 18A - Shellfish Sanitation (about 42 rules)	Blum/Economist		FA	NOT	NCR/PH/PC	A				
Subchapter 18A - Shellfish Sanitation (about 42 rules)	Blum/Economist						FA	NOT	NCR/PH/PC	A
<b>Other MFC Rulemaking</b>										
Repacking of Foreign Crab Meat	Blum/Jenkins	A								
Shellfish Lease User Conflic Rules	Blum/Blum	NCR/PH/PC	A							
Artificial Reef Gear Restrictions	Blum/Peters	NCR/PH/PC	A							
Labeling Requirements for Repacked Foreign Crab Meat	Blum/Jenkins	PRL								
Mutilated Finfish Rule Amendment	Blum/?	RLO	PRL							
<b>MFC Committee Activity</b>										
<b>AC Meeting (Meeting month(s) in cell)</b>										
Northern Regional Advisory	Behringer	OCT	JAN	APR	JUL	OCT	JAN	APR		
Southern Regional Advisory	Moore/Stewart	OCT	JAN	APR	JUL	OCT	JAN	APR		
Finfish Standing Advisory	Paramore	OCT	JAN	APR	JUL	OCT	JAN	APR		
Shellfish/Crustacean Standing Advisory	Moore/Deaton	OCT		APR	JUL	OCT	JAN	APR		
Habitat and Water Quality Standing Advisory	Deaton	OCT		APR	JUL	OCT	JAN	APR		
Nominating	Batsavage	OCT			JUL	OCT	JAN	APR		
Coastal Habitat Protection Plan Steering Committee	Deaton									
N.C. Commercial Fishing Resource Fund Committee ( <i>meet as needed</i> )	Brantley									
Standard Commercial Fishing License Eligibility Board	Yopp	OCT								
Shellfish Cultivation Lease Review ( <i>Meet as needed</i> )	Boyd									

END



# Atlantic States Marine Fisheries Commission

## 2021 Fall Meeting Webinar Summary

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*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

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2021 Fall Meeting Webinar  
October 18-21, 2021

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

### Meeting Summaries, Press Releases and Motions

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## **AMERICAN LOBSTER MANAGEMENT BOARD (OCTOBER 18, 2021)**

### ***Meeting Summary***

The American Lobster Management Board (Board) met to consider four items: the annual data update, an update on the development of Draft Addendum XXVII on Gulf of Maine/Georges Bank resiliency, a progress update on Draft Addendum XXIX on electronic tracking requirements in the federal lobster and Jonah crab fisheries, and next steps for developing a management strategy evaluation (MSE) for the lobster fishery.

The Technical Committee (TC) Chair reviewed updates to American lobster stock indicators, including young-of-year (YOY) settlement indicators, trawl survey indicators, and ventless trap survey indices. This data update process was recommended during the 2020 stock assessment to more closely monitor changes in stock abundance, and will occur annually moving forward. Indicators were updated with data from 2019 and 2020, where possible, as data collection was impacted by the COVID-19 pandemic. The current status of each indicator was determined as negative, neutral, or positive and the results relative to conditions during the 2020 stock assessment are summarized below.

### ***Gulf of Maine***

- Indicators showed some changing conditions since the 2020 stock assessment with slight improvement in YOY conditions, but some signs of declines in trawl survey and ventless trap survey indicators.

### ***Georges Bank***

- Only trawl survey indicators are available for this region. While the surveys were disrupted by the COVID-19 pandemic and have high interannual variability, the available indicators show some early signs of decline.

### ***Southern New England***

- Indicators generally aligned with conditions found in the 2020 stock assessment, including negative conditions inshore and neutral conditions offshore.

Staff provided an update on the development of the Draft Addendum XXVII, which was initiated to proactively increase biological resiliency of the Gulf of Maine/Georges Bank (GOM/GBK) stock by considering a trigger mechanism that would automatically implement management measures if the trigger is reached. The Plan Development Team (PDT) provided draft management options for consideration based on analysis and recommendations from the TC as well as guidance from the Board. The TC analysis showed that of the current biological management measures, changes to the minimum and maximum gauge sizes are most likely to have a positive impact on spawning stock biomass. Therefore, the PDT recommendations included management triggers based on an index of recruit abundance that would result in the implementation of changes to the minimum and maximum gauge sizes to increase spawning stock biomass. The PDT also proposed options to consider standardizing some management measures at final approval of the addendum. Following the PDT's recommendation, the Board modified the objective of the addendum to clarify the goals of the action. Specifically, the new objective addresses declining trends in survey abundance indices since 2018, and specifies that the addendum aims to increase the protection of spawning stock biomass. Given the Board's guidance, the PDT will finalize the draft addendum document for the Board's consideration for public comment at the Winter 2022 meeting.

Staff also provided a progress report on the development of Draft Addendum XXIX, which was initiated in August 2021 to consider electronic tracking requirements for federal permit holders in the lobster and Jonah crab fisheries. This proposed action aims to address a critical need for high-resolution spatial and temporal data to characterize effort in the federal lobster and Jonah crab fleet. In particular, these data are needed to address several challenges facing the fisheries, including Atlantic right whale risk reduction efforts, marine spatial planning discussions, and offshore enforcement. While further work is still needed, the PDT has discussed potential specifications and requirements for tracking devices, harvesters, and states that will be necessary to ensure these data needs are met. The Draft Addendum will be considered by the Board for public comment at a standalone Board meeting later in 2021.

The Board discussed next steps for the development of a management strategy evaluation (MSE) for the lobster fishery. Though the Board is still interested in pursuing an MSE in the future, it agreed to prioritize current efforts on Draft Addenda XXVII and XXIX, as well as state-level efforts related to large whale risk reduction and wind energy development. The Board postponed further discussion on the development of an MSE until the Winter 2023 meeting.

For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

### ***Motions***

No motions made.

## **ATLANTIC HERRING MANAGEMENT BOARD (OCTOBER 18, 2021)**

### ***Meeting Summary***

The Atlantic Herring Management Board met to set the quota periods for the 2022 Area 1A fishery for Atlantic herring. In February 2021, the Board set specifications for the 2021-2023 fishing years for Atlantic herring, including the sub-annual catch limit (sub-ACL) for the 2022 Area 1A fishery of 1,184 metric tons. Per Amendment 3 to the Atlantic Herring Fishery Management Plan, quota periods shall be determined annually for Area 1A. The Board can consider distributing the Area 1A sub-ACL using bi-monthly, trimester, or seasonal quota periods. The Board can also decide whether quota from January through May will be allocated later in the fishing season, and underages may be rolled from one period to the next within the same year. For the Area 1A 2022 fishing year, the Board adopted a seasonal quota approach with 72.8% available June-September, and 27.2% available October-December with underages from June through September rolled into the October through December period, if applicable.

The Board also discussed the postponed Draft Addendum III. In May 2020, the Board postponed final action on Draft Addendum III, which was initiated to consider new approaches for managing the Area 1A fishery under low quotas. This action was in response to the challenges encountered in managing the reduced sub-ACL based on the 2018 benchmark stock assessment, which highlighted declining trends in recruitment and spawning stock biomass. Draft Addendum III also considers expanding landing provisions across different permit categories within the days out program. Public comment on the Draft Addendum was received in February and March 2020 with four public hearings held in three states (Maine, New Hampshire and Massachusetts). In May 2020, the Board postponed final action on

Addendum III until a final rule for the Council's Amendment 8 has been published and until the Council and Commission leadership conduct discussions on coordination of Atlantic herring management. To the first issue, NOAA Fisheries published the final rule on Amendment 8 in January 2021. To the second issue, Commission leadership indicated that coordination discussions between the Commission and Council are ongoing and a white paper may be developed based on the discussions. Further updates on this coordination effort will be provided at future Board meetings.

Finally, the State of Maine noted a potential loss of funding for the Maine Department of Marine Resources' Atlantic herring portside sampling in future years and the need to discuss funding impacts and sampling resources moving forward.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [EFranke@asmfc.org](mailto:EFranke@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to allocate the 2022 Area 1A sub-ACL seasonally with 72.8% available from June through September and 27.2% allocated from October through December. The fishery will close when 92% of the seasonal period's quota has been projected to be harvested and underages from June through September shall be rolled into the October through December period.**

Motion made by Ms. Ware and seconded by Mr. White. Motion is approved by consensus.

### **TAUTOG MANAGEMENT BOARD (OCTOBER 18, 2021)**

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

#### **Tautog Regional Assessments Update Show Improvements in Stock Status**

Arlington, VA – The Commission's Tautog Management Board reviewed the results of 2021 Regional Stock Assessments Update, which found improvements in most regions. Stocks within the Long Island Sound (LIS) and Delaware/ Maryland/Virginia (DelMarVa) regions are not overfished, with improved stock status for both regions from the last assessment in 2017. For LIS, New Jersey/New York Bight (NJ-NYB), and DelMarVa, fishing mortality also decreased with the stock not experiencing overfishing in any regions; also an improvement from the previous assessment. In the Massachusetts and Rhode Island (MARI) region, stock status remains unchanged with the stock not overfished nor experiencing overfishing.

Each regional assessment used information through 2020, including calibrated recreational data from the Marine Recreational Information Program (MRIP). Over 90% of the total harvest of tautog across all regions comes from the recreational fishery. In addition to regional indices of abundance from fishery-independent surveys, a catch per unit effort index was developed using MRIP data for each region because tautog are not easily sampled by standard fishery-independent surveys. The new MRIP estimates resulted in higher estimates of spawning stock biomass (SSB) and recruitment in all regions, but had less of an impact on fishing mortality.

## Tautog Stock Status and Reference Points by Region

Stock Region	Spawning Stock Biomass (in millions of pounds)			Fishing Mortality			Stock Status
	Target	Threshold	2020 Estimate	Target	Threshold	3-year Average	
<b>MARI</b>	10.09	7.57	14.90	0.28	0.49	0.23	Not overfished; overfishing not occurring
<b>LIS</b>	14.83	11.12	14.70	0.26	0.38	0.30	Not overfished; overfishing not occurring
<b>NJ-NYB</b>	14.45	10.78	10.54	0.19	0.30	0.26	Overfished; overfishing not occurring
<b>DelMarVa</b>	9.90	7.40	9.66	0.17	0.27	0.06	Not overfished; overfishing not occurring

The regional assessments for MARI and LIS indicated strong year classes in recent years have contributed to increasing trends in SSB. In the DelMarVa region, landings and fishing mortality have declined significantly since 2012, resulting in an increase in SSB over the time period. While the NJ-NYB region remains overfished, the SSB has been trending upward since the last assessment update.

Since no regions are experiencing overfishing, the Board chose to not make any management changes at this time. A more detailed overview of the tautog regional stock assessment update is available on the Commission website at

[http://www.asmfc.org/uploads/file/61705d532021TautogAssessmentOverview\\_Oct2021.pdf](http://www.asmfc.org/uploads/file/61705d532021TautogAssessmentOverview_Oct2021.pdf). It was developed to aid media and interested stakeholders in better understanding the results. The assessment update will be available on the Commission website on the tautog webpage the week of October 25th.

For more information on the stock assessments, please contact Katie Drew, Stock Assessment Team Lead, at [kdrew@asmfc.org](mailto:kdrew@asmfc.org); and for more information on tautog management, please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

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PR21-25

### **Motions**

No motions made.

## **ATLANTIC LARGE WHALE TAKE REDUCTION TEAM UPDATE (OCTOBER 18, 2021)**

### **Meeting Summary**

NOAA Fisheries provided an overview of North Atlantic right whale mortalities and gear interactions by fishery and gear type along the Atlantic coast. It also updated the states on the efforts of the Atlantic Large Whale Take Reduction Team to develop recommendations to modify the Atlantic Large Whale Take Reduction Plan (ALWTRP) to reduce risk to North Atlantic right whales. NOAA is implementing the ALWTRP changes in two phases.



Phase 1 focuses on the Northeast American lobster and Jonah crab trap fisheries, and has undergone final rulemaking. Specific measures include additional restricted areas, reducing line strength, and improving gear identification. Full implementation of these measures have been stalled given a recent court ruling prohibiting the enforcement of the Lobster Conservation Management Area 1 (inshore Gulf of Maine) Restricted Area for North Atlantic right whales and other large whales. NOAA Fisheries is considering its response to the court ruling, which may include re-evaluating the use of other measures to reduce the risk of entanglements and mortality.

Phase 2 focuses on a number of additional fisheries, including gillnets on a coastwide basis and Atlantic mixed species trap/pot fisheries. The Take Reduction Team is scheduled to meet in early 2022 to discuss possible measures and scoping results. The Team will meet again in Spring 2022 to develop recommended measures for the proposed rule; an additional round of public comment will be solicited following release of the proposed rule. The video recording of this session can be found [here](#).

For more information, please contact Marisa Trego with NOAA Fisheries at [marisa.trego@noaa.gov](mailto:marisa.trego@noaa.gov) or visit the ALWTRP webpage at <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-plan>.

## **SHAD AND RIVER HERRING MANAGEMENT BOARD (OCTOBER 19, 2021)**

### ***Meeting Summary***

The Shad and River Herring Management Board met to consider updates to American shad habitat plans, progress on two Technical Committee (TC) tasks, an update from U.S. Geological Survey's (USGS) Eastern Ecological Science Center on Alosine Science in Support of Interstate Management, and the election of a Vice-chair to the Board.

The Board considered updates to the American shad habitat plans for the District of Columbia and Virginia, as well as a new habitat plan from New York covering the Hudson River. Under Amendment 3 to the FMP, all states and jurisdictions are required to develop habitat plans that include information on habitat threats and restoration programs affecting American shad. Most habitat plans were originally approved in 2014 and were intended to be updated every five years but there were significant delays in the development of New York's plan. The Board approved the presented shad habitat plans, and will review remaining updates at its next meeting.

The TC Chair reported the results of the TC's work on the Board task to develop methods to evaluate catch of American shad in mixed-stock fisheries in state waters. After collecting available data from all states and jurisdictions pertaining to mixed-stock fisheries and bycatch, the TC recommended potential methods to assess the impacts of mixed-stock fisheries on out-of-basin stocks. The TC recommended developing management strategies to reduce impacts of out-of-basin harvest using an index of relative fishing mortality. This would require an increase in genetic sampling and/or tagging efforts to evaluate annual stock composition of mixed stock landings. The TC felt that the minor increase in sampling could easily be achieved and could provide a meaningful increase in assessment quality. Consistent with the TC's advice, the Board recommended that these methods be incorporated into the Delaware River Basin Coop Sustainable Fishery Management Plan to evaluate the mixed-stock American shad fishery in the Delaware Bay.

The TC Chair also provided a progress update on the TC task from May 2021 to prioritize systems with barriers to passage for shad recovery and develop an inventory of available data that would support the development of fish passage criteria. To date, the TC has identified Federal Energy Regulatory Commission hydropower projects that are a priority for shad recovery efforts, and is investigating what data are available that could be used to develop passage performance standards for these systems. The TC expects to deliver a final report on this task to the Board at its next meeting.

The Board received a presentation on alosine science being carried out at the USGS Eastern Ecological Science Center (EESC). The EESC is conducting over 20 research projects in support of ASMFC-managed species, and three of those are focused on shad and river herring. These projects include genetic stock identification and tissue repository, applied research on innovative fish passage technologies, and disease research, and will provide important information to aid in shad and river herring stock assessment and management.

Lynn Fegley of the Maryland Department of Natural Resources was also elected as Vice Chair of the Management Board. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

### ***Motions***

#### **Move to approve the Shad Habitat Plans from VA, DC, and NY as presented today.**

Motion made by Mr. Geer and seconded by Dr. Rhodes. Motion passed by unanimous consent.

#### **Move to approve the Technical Committee recommendation to evaluate mixed-stock catch of American shad be incorporated into the Delaware River Basin Coop Sustainable Fishery Management Plan.**

Motion made by Mr. Maniscalco and seconded by Dr. Colden. Motion carries (16 in favor, 2 opposed).

#### **Move to nominate Lynn Fegley as Vice Chair.**

Motion made by Mr. Hyatt and seconded by Dr. Armstrong. Motion carries without opposition.

### **ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM (ACCSP) COORDINATING COUNCIL (OCTOBER 19, 2021)**

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

The ACCSP Coordinating Council met to take action on the administrative proposal and ranked Partner proposals to allocate funding for FY2021. The Council approved funding of the top 7 maintenance proposals and 3 new FY2021 proposals as ranked by the Advisory and Operations Committees. The Council discussed the need to find new approaches to support biological sampling of herring, mackerel, and menhaden. Several members supported the transparency and robust process of project ranking discussions. The Council continued to balance increases in the ACCSP administrative grant and tradeoffs for funding across the areas of Partner projects and program priorities. The Leadership Team will meet in December to evaluate 2022 funds to support the approved projects and timing of hiring a software staff member.

For more information, please contact Geoff White, ACCSP Director, at [geoff.white@accsp.org](mailto:geoff.white@accsp.org).

### ***Motions***

**Move to support the updated ACCSP administrative proposal, the top 7 maintenance proposals, and the remaining 3 new proposals as ranked by the Operations and Advisory Committees. The leadership team will be engaged to adjust the funding levels when known.**

Motion made by Dr. McNamee and seconded by Ms. Fegley. Motion stands approved.

### **ATLANTIC MENHADEN MANAGEMENT BOARD (OCTOBER 19, 2021)**

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

The Atlantic Menhaden Management Board met to outline priorities in completing the next benchmark stock assessment, provide guidance to the Plan Development Team (PDT) to further develop Draft Addendum I to Amendment 3, and discuss fish kills over the past year.

Earlier this year, the Board tasked the Technical Committee (TC) and Ecological Reference Point Work Group (ERP WG) with identifying data needs and timelines for the development of spatially-explicit modeling approaches for menhaden. The TC and ERP WG produced a memo on potential spatially-explicit approaches, which highlighted that any of the approaches would likely extend the timeline for completing the next benchmark assessment, currently scheduled for 2025. The Board indicated completing the benchmark stock assessment in 2025 as planned was the highest priority. The TC and ERP WG will begin work on the single-species and ERP benchmark assessments following completion of the 2022 single-species stock assessment update. The benchmark assessments will focus on refining the ERP approach developed in the 2019 assessments. While some spatial considerations may be incorporated in the process of refining the ERP models, spatial modeling will not be pursued until the 2025 benchmark assessments are completed.

The Board was presented a progress update on development of Draft Addendum I to Amendment 3. The Draft Addendum proposes changes to three management topics: commercial allocations, incidental catch provision, and Episodic Event Set-Aside program (EESA). The PDT provided the Board with a memo that included a statement of the problem, objective, initial set of management alternatives, and PDT recommendations for each topic. The PDT also highlighted key questions to the Board to help guide developing the Draft Addendum further. The three topics are interconnected. For example, changes to allocation can affect incidental landings as well as the states' need to participate in the EESA program. This has created additional complexity in the draft alternatives. The following highlights some of the Board's key feedback:

#### **Allocation**

- For the statement of the problem and objective, adjust language to reflect all current fisheries, not just directed fisheries
- Remove uniform fixed minimum allocation, pooled quota, and open fishery management alternatives from the draft addendum
- Further develop the tiered fixed minimum allocation alternatives, including a lower fixed minimum value (i.e. 0.01%) and include both two and three tiered options
- For timeframes to allocate the remaining TAC, include both a long time series (2009-2020) option and as well as a range of weighted allocation options using weightings of both 50/50 and 25/75 in terms of earlier/recent landings

## **Incidental Catch**

- For the objective, adjust the language to clarify when landings should count against the directed fishery and highlight reducing discard mortality for all fisheries. Additionally, remove the management objective #4, establishing trip and seasons.
- Maintain alternatives that adjust the incidental catch trip limit but have them only apply to non-directed gear
- Keep the catch accounting sub-topic in the addendum, remove sub-alternatives that are gear specific, and add an alternative that evaluates incidental catch as part of total landings relative to the TAC with an overage payback provision

## **EESA**

- Develop alternatives that include 5% as a maximum value to increase the EESA
- The increase in the EESA should come from either the initial TAC or adjustments to the fixed minimum allocation, not relinquished quota
- Remove the alternative that would eliminate the EESA program
- Develop an alternative that allows states to transfer quota into the EESA program prior to an overage of the EESA
- Further develop an alternative that considers allowing a state to begin harvesting under the EESA before the state quota is exhausted (i.e. 95% of a state's quota is met, rather than 100%)

The PDT will continue work on the Draft Addendum with the aim of providing the document to the Board to approve it for public comment at the Commission's Winter Meeting in January 2022.

Due to the meeting running late, the Board postponed reviewing the report on menhaden mortality events until the Winter Meeting. For more information contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

## ***Motions***

No motions made.

## **EXECUTIVE COMMITTEE (OCTOBER 20, 2021)**

### ***Meeting Summary***

The Executive Committee (Committee) met to discuss several issues, including the FY21 Audit; public information request policy; wind energy involvement; the Seafood Processors Pandemic Response and Safety Block Grant Program, the Commission's Appeals Process; and receive an update on future annual meetings. The following action items resulted from the Committee's discussions:

- The FY21 Audit was reviewed by the Administrative Oversight Committee (AOC) and forwarded to the Executive Committee with a recommendation for approval. The motion to approve passed unanimously.
- Mr. Beal presented the draft policy on responding to public information requests, which was drafted in consultation with the Commission's attorney. After a thorough discussion, Mr. Beal

was directed to incorporate aspects of the discussion and bring it back to the Committee for action at the January meeting.

- Mr. Cimino requested discussion on the Commission's role in coordinating the member states' efforts with regard to offshore wind energy development. While the Bureau of Ocean Energy Management has the lead in wind energy development, Mr. Cimino believes there needs to be coordination among the Atlantic coast states so they speak with a unified voice. A robust discussion ensued, and Chair Keliher noted further discussion needs to take place at the January meeting to determine the appropriate role for the Commission.
- The Committee discussed the Seafood Processors Pandemic Response and Safety Block Grant Program under the Department of Agriculture. Several states felt the amount available to them was not enough for the amount of work administering it would take; other states indicated they were interested but had questions. Mr. Beal will reach out to the Department of Agriculture to request a meeting to discuss this program with the states who are interested. State applications are due November 22.
- The Committee discussed the revised Appeals Process and agreed with the recommended changes to the process; however, several Committee members said the allocation issue must remain as an issue that can be the subject to an appeal. Mr. Beal agreed there is a bit more work to do on the Appeals Process, and will bring a revised document to the Committee meeting in January.
- The future annual meeting schedule is :
  - New Jersey – 2022
  - North Carolina – 2023
  - Maryland – 2024

The Committee also agreed to hold the 2022 Winter Meeting as a hybrid meeting in Arlington, VA. The specific participation details will developed over the next couple of months. For more information, please contact Laura Leach, Director of Finance & Administration, at [lleach@asmfc.org](mailto:lleach@asmfc.org) or 703.842.0740.

### ***Motions***

**On behalf of the Administrative Oversight Committee, move acceptance of the FY21 Audit.**

Motion by Spud Woodward on behalf of the AOC. Motion passed unanimously.

### **COASTAL SHARKS MANAGEMENT BOARD (OCTOBER 20, 2021)**

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

The Coastal Sharks Management Board met to set 2022 specifications and elect a new Vice-Chair. Regarding specifications, NOAA Fisheries published the proposed 2022 Atlantic shark specifications in early August. The proposed rule includes a start date of January 1 for all shark management groups, with quota levels remaining unchanged from 2020 and 2021. NOAA Fisheries proposes an increase in the initial 2022 possession limit for the aggregate large coastal sharks (LCS) other than sandbar from 36 to 55 sharks per vessel per trip. This change is due to landings being well below the quota in recent

years. NOAA Fisheries may reduce the retention limit as needed to ensure the quota is not exceeded. The proposed initial retention limit for blacknose sharks is 8 sharks per vessel trip. Taking into consideration the proposed rule, the Board will set the 2022 coastal shark specifications via an email vote after the final rule is published.

Last, the Board elected Erika Burgess of Florida Fish and Wildlife Conservation Commission as the Coastal Sharks Board Vice-Chair. For more information contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org). 703.842.0740.

### ***Motions***

**Move to approve the 2022 coastal sharks specifications via an email vote after NOAA Fisheries publishes the final rule for the 2022 Atlantic shark commercial fishing season.**

Motion made by Ms. Burgess and seconded by Mr. Haymans. Motion passes by unanimous approval.

**Move to nominate Erika Burgess (FL) to serve as Vice-Chair to the Coastal Sharks Board.**

Motion made by Mr. Woodward and seconded by Mr. Miller. Motion passes unanimously.

### **BUSINESS SESSION (OCTOBER 20, 2021)**

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

### **Spud Woodward Elected ASMFC Chair**

Arlington, VA – Today, member states of the Atlantic States Marine Fisheries Commission (Commission) thanked Patrick C. Keliher of Maine for an effective two-year term as Chair and elected Commissioner Spud Woodward of Georgia to succeed him.

“I’m honored to be chosen by my fellow Commissioners to lead our efforts for the next two years, during which I hope we’ll once again be meeting in person. I look forward to concluding our introspective examination of *de minimis* status and conservation equivalency so we’re confident that we have the proper balance between flexibility and accountability. Allocation will remain one of our most contentious and potentially divisive tasks. However, I know the spirit of cooperation and mutual respect that’s the legacy of the Commission will lead us to decisions that are as fair and equitable as possible,” said Mr. Woodward.



Mr. Woodward continued, “I want to thank outgoing Chair, Pat Keliher for his steady hand on the tiller during a tumultuous two years, when he faced challenges unlike those of any of his predecessors. Newly elected Vice-chair Joseph Cimino and I will strive to emulate his success working with our stakeholders, state, federal, and academic partners, Congress, and especially Bob Beal and the outstanding staff to ensure *Cooperative and Sustainable Management of Atlantic Coastal Fisheries* is not just a vision statement but a reality.”

Under Mr. Keliher's chairmanship, the Commission made important strides in furthering its strategic goals. Management accomplishments over the past two years include quick action by the states to end overfishing of Atlantic striped bass; implementation of ecological reference points to manage Atlantic menhaden; positive stock status for all four tautog populations after years of effort to rebuild the stocks; a new rebuilding amendment for bluefish; and the completion of benchmark stock assessments for American lobster, American shad, Atlantic cobia, and tautog. Further, advances in habitat conservation were made by the Atlantic Coastal Fish Habitat Partnership (ACFHP) through its funding of seven on-the-ground projects, which will open over 40 river miles and conserve over 300 acres of fish habitat. ACFHP also partnered with the Southeast Aquatic Resources Partnership and The Nature Conservancy to spatially prioritize fish habitat conservation sites through GIS mapping and analyses for the Atlantic region of the U.S. from Maine to Florida.

From a data collection and management perspective, the Atlantic Coastal Cooperative Statistics Program also made progress under Mr. Keliher's leadership. The Program redesigned SAFIS eTRIPS, the first and currently only fisherman trip reporting application that meets One Stop Reporting initiative; and implemented state conduct of the Marine Recreational Information Program's (MRIP) For-Hire Survey and electronic data collection for MRIP's Access Point Angler Intercept Survey.

The majority of Mr. Keliher's chairmanship occurred during the COVID-19 pandemic, a time in which his leadership truly shined. He maintained active communication with staff and fellow Commissioners, oversaw a seamless transition to virtual meetings, and consistently made decisions with the safety of Commissioners and staff in mind.

A native Georgian, Mr. Woodward has dedicated his life to marine fisheries management at the state and interstate levels. Now retired and serving as Georgia's Governor Appointee to the Commission, Mr. Woodward worked for the Georgia Department of Natural Resources (GA DNR) for over 34 years, including serving as the Director of the Coastal Resources Division and Assistant Director for Marine Fisheries. In addition to his work with GA DNR and the Commission, Mr. Woodward has served on the South Atlantic Fishery Management Council since 2018. In the Commission's 80-year history, Mr. Woodward holds the distinction of being the second Governor's Appointee to serve as Commission Chair and Vice-chair. The first being Captain David H. Hart.

The Commission also elected Joseph Cimino, Marine Fisheries Administrator for the New Jersey Department of Environmental Protection, as its Vice-Chair.

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PR21-26

### ***Meeting Summary***

The Commission, during its Business Session, considered approval of the 2022 Action Plan and election of new Commission leadership. The Commission reviewed and approved the 2022 Action Plan, which outlines the administrative and programmatic activities for next year. The Plan will be available on the Commission's website, [www.asmfc.org](http://www.asmfc.org), under Guiding Documents early next week. By unanimous acclamation, the Commission elected A.G. Spud Woodward of Georgia and Joseph Cimino of New Jersey as Commission Chair and Vice-chair, respectively.



For more information, please contact Robert Beal, Executive Director, at [rbeal@asmfc.org](mailto:rbeal@asmfc.org) or 703.842.0740.

### ***Motions***

**On behalf of the Administrative Oversight Committee, move to approve the 2022 ASMFC Action Plan as modified today.**

Motion made by Mr. Woodward. Motion passes.

**On behalf of the Nominations Committee, move to nominate Mr. Woodward as Chair of ASMFC.**

Motion made by Mr. Gilmore. Motion passes.

**On behalf of the Nominations Committee, move to nominate Mr. Cimino as Vice-Chair of ASMFC.**

Motion made by Mr. Gilmore. Motion passes.

### **ATLANTIC STRIPED BASS MANAGEMENT BOARD (OCTOBER 20, 2021)**

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

The Atlantic Striped Bass Management Board (Board) met to consider approval of Draft Amendment 7 for public comment and to consider approval of Draft Addendum VII to Amendment 6 for public comment.

The Board received an overview presentation of the management options developed for Draft Amendment 7. The Plan Development Team (PDT) and the Technical Committee (TC) met multiple times between May and September to develop Draft Amendment 7. The Advisory Panel (AP) also met to provide feedback on the scope of draft options, which was included in the staff presentation. In August 2020, the Board initiated development of Amendment 7 to the Atlantic Striped Bass Interstate Fishery Management Plan (FMP) to update the management program to better align with current fishery needs and priorities, and build upon the Addendum VI action to end overfishing and initiate rebuilding. Since Amendment 6 was adopted in 2003, the status and understanding of the striped bass stock and fishery has changed considerably. The 2018 benchmark stock assessment indicated the striped bass stock has been overfished since 2013 and is experiencing overfishing, which changed perception of stock status. In May 2021, the Board approved the following four issues for development in Draft Amendment 7: management triggers, measures to protect the 2015 year class, recreational release mortality, and conservation equivalency.

The Board discussed the proposed management options for each of the four issues and removed some options from the document, primarily due to concerns that certain options would not be viable for implementation. For management triggers Tier 1 (fishing mortality triggers), the Board removed draft options A3, C2, and C4. For management triggers Tier 2 (female spawning stock biomass triggers), the Board removed draft options C2 and C4. For measures to protect the 2015 year class, the Board removed draft option E (recreational harvest moratorium). For recreational release mortality, the Board removed draft options B1 and B2 for seasonal closures, and draft options C2, C3, and C4 for gear restrictions. For conservation equivalency, the Board removed draft option F (prohibition of CE).



The Board tasked the PDT with development of new options to add to the Draft Amendment 7 for the Board's review at the 2022 Winter Meeting. For the fishing mortality ( $F$ ) threshold management trigger, the Board added a draft option to consider a 2-year average of  $F$  in addition to a 3-year average. The Board tasked the PDT with developing a formal rebuilding plan for striped bass that could include a status quo  $F$  target and another option that would establish a  $F(\text{rebuild})$  calculated as the  $F$  value projected to achieve SSB(rebuild) no later than 2029 under the assumption of the low recruitment regime. The Board also tasked the PDT with adding maximum size limit/slot options to the Chesapeake Bay recreational fishery measures section for protecting the 2015, 2017, and 2018 year classes.

The Board received an overview presentation of the management options developed for Draft Addendum VII to Amendment 6. The presentation included a report from the PDT regarding concerns about commercial quota transfers. The issue of commercial quota allocation was not approved for development in Draft Amendment 7. In order to provide a management option that could provide some immediate relief to states that were seeking a change in commercial quota allocation, the Board initiated Draft Addendum VII in August 2021 to consider allowing voluntary transfers of coastal commercial quota. Due to the PDT's concerns and the Board's current focus on Draft Amendment 7, the Board deferred consideration of Draft Addendum VII until May 2022 to allow for further development and review of the transfer options.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to consider a formal rebuilding plan for striped bass in Amendment 7 using methods described under "Management Response to Recruitment Trigger". Option 1 would be status quo  $F$  target. Option 2 would establish a  $F(\text{rebuild})$  calculated as the  $F$  value projected to achieve SSB(rebuild) by 2029 under the assumption of the lower recruitment regime.**

Motion made by Ms. Ware and seconded by Mr. McMurray. Motion tabled until the end of the Draft Amendment 7 agenda item.

### **Motion to Table #1**

**Motion to table until the end of the Draft Amendment 7 agenda item.**

Motion made by Mr. Davis and seconded by Mr. Gary. Motion adopted by consensus.

**Move to add protection for the 2015, 2017, and 2018 year classes through adding a maximum size limit option/slot option in the Chesapeake Bay recreational fishery in section 4.2.1. Maximum size limit options developed by the PDT should aim to maximize protection for the 2015, 2017 and 2018 year classes consistent with the Technical Committee advice for the coastal analysis.**

Motion made by Mr. Sikorski and seconded by Mr. Armstrong. Motion tabled until the end of the Draft Amendment 7 agenda item.

### **Motion to Table #2**

**Move to table until the end of the Amendment 7 agenda item.**

Motion made by Mr. Nowalsky and seconded by Mr. Clark. Motion passes.

### **Main Motion**

**Move to defer consideration by the Striped Bass Board of Draft Addendum VII to Amendment 6 to the Atlantic Striped Bass Plan to allow further development and review of the transfer options.**

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

### **Motion to Substitute**

**Move to substitute to postpone Draft Addendum VII to Amendment VI until such time as striped bass is not overfished and overfishing is not occurring.**

Motion made by Ms. Patterson and seconded by Mr. Fote. Motion fails (2 in favor, 14 opposed).

### **Main Motion**

**Move to defer until May 2022 consideration by the Striped Bass Board of Draft Addendum VII to Amendment 6 to the Atlantic Striped Bass Plan to allow further development and review of the transfer options.**

Motion made by Mr. Miller and seconded by Mr. Gary. Motion approved without objection.

**Move to remove Option F from the conservation equivalency options.**

Motion made by Mr. Clark and seconded by Mr. Luisi. Motion passes (10 in favor, 4 opposed, 2 abstentions).

### **Tabled Motion #1**

**Move to task the PDT to develop a formal rebuilding plan for striped bass in Amendment 7 using methods described under “Management Response to Recruitment Trigger”. Options could include a status quo F-target and another option that would establish a F(rebuild) calculated as the F value projected to achieve SSB(rebuild) no later than 2029 under the assumption of the lower recruitment regime.**

Motion made by Ms. Ware and seconded by Mr. McMurray. Motion approved without objection.

### **Tabled Motion #2**

**Move to add protection for the 2015, 2017, and 2018 year classes through adding a maximum size limit option/slot option in the Chesapeake Bay recreational fishery in section 4.2.1. Maximum size limit options developed by the PDT should aim to maximize protection for the 2015, 2017 and 2018 year classes consistent with the Technical Committee advice for the coastal analysis.**

Motion made by Mr. Sikorski and seconded by Mr. Armstrong. Motion stands approved without objection.

## **HORSESHOE CRAB MANAGEMENT BOARD (OCTOBER 21, 2021)**

### ***Press Release***

### **ASMFC Horseshoe Crab Board Sets 2022 Specifications for Horseshoe Crabs of Delaware Bay Origin**

Arlington, VA – The Commission’s Horseshoe Crab Management Board approved the harvest specifications for horseshoe crabs of Delaware Bay origin under the Adaptive Resource Management (ARM) Framework. The Board established a harvest limit of 500,000 Delaware Bay

male horseshoe crabs and zero female horseshoe crabs for the 2022 season based on the harvest package recommended by the Delaware Bay Ecosystem Technical Committee and ARM Subcommittee. Per the allocation mechanism established in Addendum VII, the following quotas were set for the States of New Jersey, Delaware, and Maryland and the Commonwealth of Virginia, which harvest horseshoe crabs of Delaware Bay origin:

	2022 Delaware Bay Origin Horseshoe Crab Quota (no. of crabs)	2022 Total Quota*
State	Male Only	Male Only
Delaware	162,136	162,136
New Jersey**	162,136	162,136
Maryland	141,112	255,980
Virginia***	34,615	81,331

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

\*\* New Jersey has maintained a harvest moratorium for horseshoe crabs since 2008.

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

The ARM Framework, established through Addendum VII, incorporates both shorebird and horseshoe crab abundance levels to set optimized harvest levels for horseshoe crabs of Delaware Bay origin. The horseshoe crab abundance estimate was based on data from the Benthic Trawl Survey conducted by Virginia Polytechnic Institute (Virginia Tech). This survey, which is the primary data source for assessing Delaware Bay horseshoe crab abundance, does not have a consistent funding source. Members of the Delaware and New Jersey U.S. Congressional Delegations, with the support of NOAA Fisheries, have provided annual funding for the survey since 2016.

For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

###

PR21-27

### **Meeting Summary**

In addition to setting 2022 harvest specifications for the Delaware Bay, the Board considered a progress update on the ongoing revisions of the Adaptive Resource Management (ARM) Framework. In 2019, the Board directed the ARM Subcommittee to begin working on updates to the Framework to revisit several aspects of the ARM model and incorporate the most current scientific information available for horseshoe crabs and red knots. Over the past year, the ARM Subcommittee has been working to incorporate the Catch Multiple Survey Analysis model into the ARM, move the model to a new software platform, improve model structure, and update the red knot population model. The Draft Report on the ARM Revision will be reviewed by the Delaware Bay Ecosystem Technical Committee later this month. The Revision is tentatively scheduled to go to peer review November 16-18, 2021 and will be brought to the Board for its consideration at the Winter 2022 meeting.

The Board also reviewed state compliance and the Fishery Management Plan Review of the 2020 fishing year. All states and jurisdictions' regulations were found to be consistent with the FMP and *de minimis* requests were granted to South Carolina, Georgia, and Florida. Although it is not currently a biological concern, the Board noted biomedical mortality has exceeded the FMP threshold of 57,000 crabs in recent years. The Board tasked the Plan Development Team to review biomedical mortality, discuss biologically-based options for setting the threshold, and consider updates to best management

practices for handling biomedical collections. The Board also highlighted the need to better understand discard mortality rates for horseshoe crabs.

Finally, the Board elected John Clark of the Delaware Department of Natural Resources as Vice-chair of the Horseshoe Crab Management Board. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

### ***Motions***

#### **Move to select harvest package 3 (500,000 male-only crabs) for 2022 horseshoe crab bait harvest in Delaware Bay.**

Motion made by Mr. Luisi and seconded by Mr. Geer. Motion approved by consent.

### **SPINY DOGFISH MANAGEMENT BOARD (OCTOBER 21, 2021)**

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

The Spiny Dogfish Management Board met to consider analysis on the commercial trip limit and whether to adjust specifications for 2022/2023 fishing year; the Fishery Management Plan (FMP) Review for the 2020 fishing year; and receive an update on the 2022 research track stock assessment.

Earlier in the month the Mid-Atlantic Fishery Management Council (MAFMC) was presented with analysis on the impact of the federal trip limit on market price. While price per pound has varied between \$.20-\$.25 over the past five years, the federal trip limit has remained constant at 6,000 pounds. The price range was similar even when the trip limit increased from 3,000 pounds in 2013 to 6,000 pounds in 2016. Based on input from its Advisory Panel upon reviewing the analysis, the MAFMC recommended to NOAA Fisheries that it increase the federal trip limit to 7,500 pounds for the 2022/2023 fishing year. The New England Fishery Management Council (NEFMC) will be considering whether to recommend adjusting the trip limit at its next meeting in December. The Board discussed whether to adjust the trip limit in state waters for the northern region states (Maine through Connecticut) to be consistent with the potential measures in federal water. There is uncertainty on whether NEFMC would recommend the same trip limit level as the MAFMC. Taking into consideration the timing of a pending decision by NEFMC, the Board decided to postpone action to consider adjusting the trip limit in state waters for the northern region until the Winter Meeting in January 2022.

The Board was presented the FMP Review for the 2020 fishing year. Commercial landings decreased in 2020 by 30% from 2019 and was approximately 55% of the coastwide quota. According to industry input, the decline in landings has been driven by low price per pound and effort. The Board approved the FMP Review, state compliance, and *de minimis* requests from New York and Delaware.

The Board also received an update on the research track assessment. The Work Group was formed this past summer and will consider incorporating spatial distribution of the species by season and over time through tagging data and using new modelling approaches such as stock synthesis. The research track assessment is scheduled to be completed for peer review in July 2022. Following peer review a management track assessment will commence to evaluate how to use information from the research track assessment to inform management decisions.

For more information on management, please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

### ***Motions***

#### **Main Motion**

**Move to set at least a 7500- pound trip limit in the Northern Region (ME through CT) for FY 2022 contingent upon NOAA Fisheries adopting at least a 7500-pound trip limit for federal waters. If at least a 7500-pound trip limit is not approved in federal waters, then the 6,000-pound trip limit will remain in the Northern Region.**

Motion made by Mr. Kane and seconded by Ms. Patterson. Motion postponed.

#### **Motion to Substitute**

**Move to substitute to set the northern region (ME through CT) state waters trip limit for FY 2022 equal to the trip limit in federal waters approved by NOAA fisheries.**

Motion made by Mr. Gates and seconded by Ms. Ware. Motion postponed.

#### **Motion to Postpone**

**Motion to postpone action around the state waters trip limits for FY2022 until the ASMFC winter meeting.**

Motion made by Ms. Ware and seconded by Mr. Borden. Motion passes (7 in favor, 3 opposed, 1 null, 1 abstention).

**Move to accept the FMP Review and state compliance reports for the spiny dogfish 2020/2021 fishing year and *de minimis* requests from New York and Delaware.**

Motion made by Ms. Madsen and seconded by Ms. Meserve. Motion approved by consent.

### **AMERICAN EEL MANAGEMENT BOARD (OCTOBER 22, 2021)**

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

The American Eel Management Board met to consider extending Maine's glass eel quota, the Fishery Management Plan (FMP) Review for the 2020 fishing year, and receive an update on the 2022 benchmark stock assessment.

Addendum V (2018) specified Maine's glass eel quota for 2019-2021 at 9,688 pounds. Under the Addendum, the quota could be extended by Board action for three additional years, but only at the status quo level (9,688 pounds). An increase in the quota would require a new addendum. Taking this into consideration, the Board extended Maine's current glass eel quota for fishing years 2022-2024.

The Board was presented the FMP Review for the 2020 fishing year. Commercial yellow eel landings decreased in 2020 by 51% from 2019. According to industry input, the decline in landings has been driven by decreased demand for wild-caught eels from the U.S. for European food markets. Maine's 2020 glass eel landings were 9,652 pounds, below the 2021 state quota. Approved 2020 aquaculture plans for both Maine and North Carolina did not harvest any glass eels. The Board approved the FMP Review, state compliance, and *de minimis* requests from New Hampshire, Massachusetts, Pennsylvania, District of Columbia, Georgia, and Florida for their yellow eel fisheries.

The Board also received an update on the benchmark stock assessment. The Stock Assessment Subcommittee (SAS) previously noted challenges in modeling approaches given the species unique life history, range, and data limitations. The SAS is currently developing a coastwide delay-difference model and various trend analyses. The benchmark assessment remains on schedule for peer review in 2022.

For more information on the stock assessment, please contact Dr. Kristen Anstead, Stock Assessment Scientist, at [kanstead@asmfc.org](mailto:kanstead@asmfc.org); and for more information on management, please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

### ***Motions***

#### **Move to extend Maine’s glass eel quota at its current level 9,688 pounds for an additional three years (2022-2024)**

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

#### **Move to approve the American Eel FMP Review and state compliance reports for the 2020 Fishing year, and *de minimis* requests from New Hampshire, Massachusetts, Pennsylvania, District of Columbia, Georgia, and Florida for their yellow eel fisheries.**

Motion made by Mr. Keliher and seconded by Mr. Woodward. Motion is approved by consensus.

### **INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (OCTOBER 22, 2021)**

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

The Interstate Fisheries Management Program Policy Board (Policy Board) met with the Mid-Atlantic Fishery Management Council (Council) to receive an update on the development of the Recreational Harvest Control Rule Addendum/Framework. Following this discussion, the Policy Board met to review an Executive Committee report (see Executive Committee meeting summary earlier in this document); review an update from NOAA Fisheries; discuss a task for the Management and Science Committee; and review progress on the East Coast Climate Change Scenario Planning Initiative.

#### **Update on Draft Addendum/Framework on Harvest Control Rule for Bluefish, Summer Flounder, Scup, and Black Sea Bass**

A joint Commission Plan Development Team (PDT) and Council Fishery Management Action Team (FMAT) have been working on the Harvest Control Rule Addendum/Framework as part of the Recreational Reform Initiative. Staff presented updates to the proposed options, including refinements to the metrics used in each option and accountability measures, as well as a summary of the peer review of two recreational fishery models which could be used to inform the setting of management measures under the options. Staff also reviewed recommendations from the PDT/FMAT for next steps for the Policy Board and Council to consider.

Given the scope of work required on the document’s full range of options, the Policy Board and Council deferred approving the Draft Addendum/Framework for public comment, and instead will revisit the draft in either December 2021 or early 2022 to provide the PDT/FMAT more time to complete the document. In addition, the PDT/FMAT will continue to assess how the recreational fishery models should be used for developing measures for each of the harvest control rule options. Once approved, the Draft Addendum/Framework will be released for public comment and presented through public hearings.

As a result of the revised timeline, the harvest control rule will not be ready for use in developing 2022 recreational measures for bluefish, summer flounder, black sea bass, and scup. Recreational specifications for all four species will be discussed at the December meeting of the Council and relevant Commission species management boards.

For more information the harvest control rule, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at [dleaning@asmfc.org](mailto:dleaning@asmfc.org), Julia Beaty, Fishery Management Specialist with MAFMC, at [jbeaty@mafmc.org](mailto:jbeaty@mafmc.org), or Savannah Lewis, Fishery Management Plan Coordinator, at [slewis@asmfc.org](mailto:slewis@asmfc.org).

### **NOAA Fisheries Update**

NOAA Fisheries reported that it will be considering ways to reduce sea turtle bycatch in several trawl fisheries in the Greater Atlantic Region, including summer flounder, longfin squid, and Atlantic croaker in the near future. For several years, NOAA Fisheries has been conducting research with the industry on various gear modifications that could reduce turtle mortality. More details on the specific measures being considered will be presented to the Commission at its Winter Meeting in late January 2022.

### **Management and Science Committee Tasking on Conservation Equivalency**

The Executive Committee previously raised questions and concerns regarding the use of conservation equivalency (CE) in Commission FMPs. The Committee tasked a subgroup to create a list of tasks for the Management and Science Committee (MSC) to address regarding general concerns that have been raised either by members of the Executive Committee or species management boards, e.g. Atlantic striped bass. Staff presented the list of tasks proposed by the subgroup for the MSC (see PDF page 33 of [supplemental meeting materials](#)). The Policy Board added two additional tasks (1) consider how much preparatory time should be given to technical committees in reviewing CE proposals, and (2) develop standards for evaluating and making recommendations for pre-existing CE measures.

### **East Coast Scenario Planning Initiative**

Lastly, staff provided a progress update on the East Coast Climate Change Scenario Planning Initiative. The Initiative conducted 3 webinars, with over 250 participants. The webinar introduced the Initiative, explained scenario planning, and provided participants with a chance to review the project objectives and provide their own perspectives on climate change. As follow-up to the webinar, an online questionnaire was conducted to gather input on the Initiative, and the forces of change that could affect fisheries over the next 20 years. The Initiative received 383 responses to the survey, containing a wealth of information and perspectives from a wide range of stakeholders. Next steps will include “driving forces” webinars, which will look in detail at research behind some of the possible forces affecting climate change, and in-person workshops to create a framework and a set of scenarios that describe how climate change might affect stock distribution, availability and other aspects of East Coast fisheries by 2040.

For more information, please contact Toni Kerns, Policy Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) or 703.842.0740.

### **Motions**

No motions made.





ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

October 22, 2021

## MEMORANDUM

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

**FROM:** Holly White, Lead for the Division of Marine Fisheries and Wildlife Resources  
Commission American Shad Work Group

**SUBJECT:** North Carolina American Shad Sustainable Fishery Management Plan Annual Update

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### Issue

Annual update to the North Carolina American Shad Sustainable Fishery Management Plan (SFMP) including 2022 management measures. The NCDMF American Shad SFMP, effective 2018 through 2022, identified sustainability parameters for four areas of the state: Albemarle Sound-Roanoke River, Tar-Pamlico River, Neuse River, and Cape Fear River based on the female (roe) portion of the stock.

### Action Needed

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

### Overview

This memo provides an overview on the status of the SFMP and 2022 management measures. No sustainability parameters exceeded the threshold in 2021. However, Albemarle Sound relative abundance and relative *F* parameters were not assessed due to the 2020–2021 Albemarle Sound independent gill net survey suspension. The survey will resume in November 2021. The 2021 American shad management measures will be maintained for the 2022 season in all areas except the Cape Fear River (Table 1). A one-day season shift is necessary in the Cape Fear River.

Table 1. Management measures by area for the 2022 North Carolina American shad season.

Management Area	Commercial Fishery Management	Recreational Fishery Management
Albemarle Sound-Roanoke River	March 3-March 24	10-fish shad aggregate 1 American shad limit
Tar-Pamlico River	February 15-April 14	10-fish shad aggregate
Neuse River	February 15-April 14	10-fish shad aggregate 1 American shad limit
Cape Fear River	February 21-April 12	10-fish shad aggregate



		5 American shad limit
All other areas	February 15-April 14	10-fish shad aggregate

### Detailed information and analysis

In October 2017, the Atlantic States Marine Fisheries Commission (ASMFC) approved the SFMP for 2018–2022. The SFMP is evaluated by the ASMFC American Shad Technical Committee and Management Board every five years. The plan was revised in March 2020 to correct inconsistencies with Amendments 2 and 3 to the ASMFC Shad and River Herring Fishery Management Plan. There were no changes made to previously approved sustainability parameters. The revised plan was approved by the ASMFC in August 2020. The North Carolina SFMP for 2018–2022 contains the sustainability parameters for four areas of the state: Albemarle Sound-Roanoke River, Tar-Pamlico River, Neuse River, and Cape Fear River.

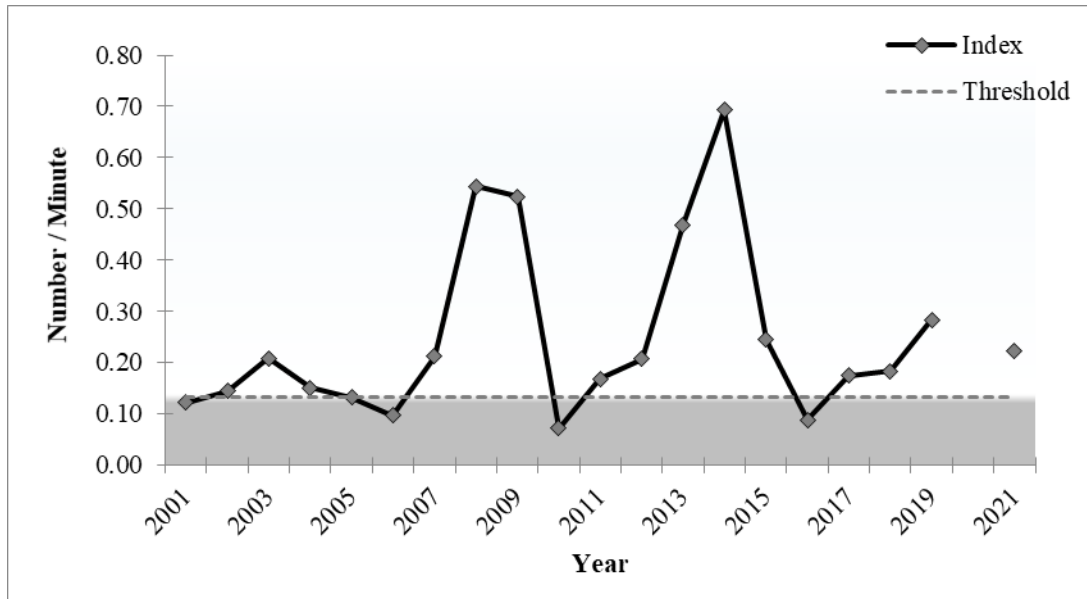
The 2018–2022 SFMP maintained the sustainability parameters outlined in the 2013–2017 SFMP with only two minor changes: 1) Relative  $F$  is computed by dividing commercial landings by a hind cast three-year average of a fishery independent survey index, whereas the previous plan used a centered three-year average; and 2) Thresholds for sustainability parameters have been set using available survey data from 2002 (2003 Cape Fear River only) through 2017 and will remain fixed during the five-year management period. Sustainability parameters are updated each fall with the most recent data and to set the upcoming year’s American shad management measures (season length and daily creel limits) for each area.

The N.C. American Shad Work Group conducts annual updates, determines seasons by management area, and conducts evaluations of the SFMP. The Work Group consists of biologists from the Division and Wildlife Resources Commission. On review of the 2021 sustainability parameter updates the Work Group elected to maintain the 2021 management measures for the 2022 season, except for the Cape Fear River. The Cape Fear River season dates were changed to prevent opening the fishery on a weekend but number of days remains the same. Due to the suspension of the Albemarle Sound independent gill net survey, sampling necessary to update the sustainability parameters for the Albemarle Sound were unavailable for 2021. Therefore, the current season length will remain unchanged for 2022.

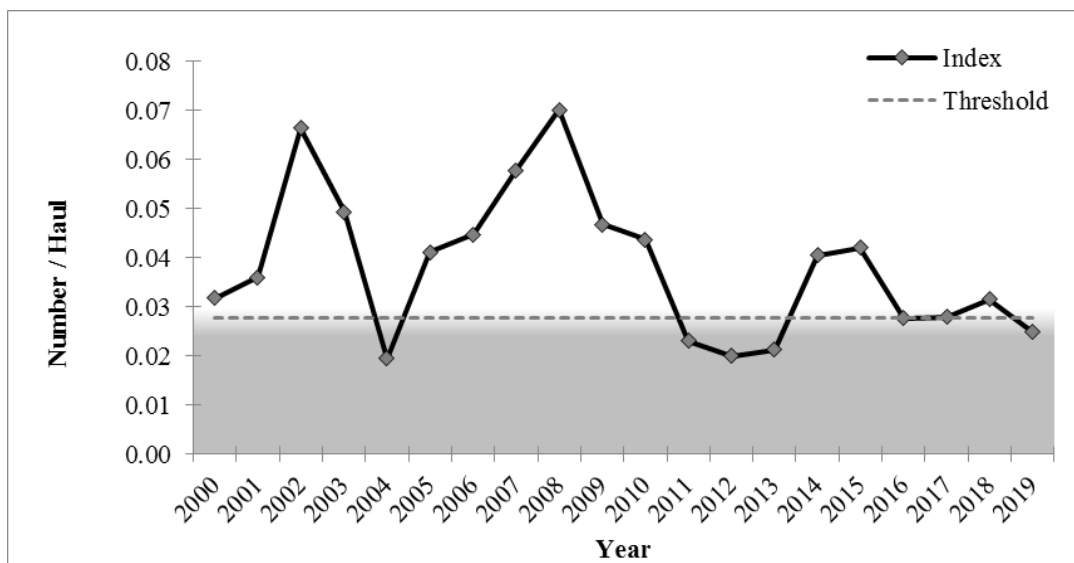
Sustainability parameters were updated with 2021 data except for the Albemarle Sound. The 2021 parameter for the Roanoke River electrofishing survey are provided in Figure 1. Albemarle Sound 2019 relative abundance index (Figure 2) and relative  $F$  index (Figure 3) are provided for reference. The Tar-Pamlico River (Figures 5–6), Neuse River (Figures 8–9), and Cape Fear River (Figures 11–12) 2021 updates show indicators did not exceed the respective thresholds. Commercial landings figures were updated with 2021 data (Figures 4, 7, 10, and 13).

During the 2021 commercial season, gill nets configured for harvesting American shad were removed on March 18, 2021 (M-10-2021) due to the Albemarle Sound Management Area striped bass quota being met. While American shad could still be harvested commercially from other gears, gill nets are the predominant gear. Therefore, the removal of large mesh gill nets likely impacted overall landings of American shad from the Albemarle Sound. The total American shad landings in the Albemarle Sound decreased from 119,467 in 2020 to 59,841 in 2021 (Figure 4). The Tar-Pamlico River and Neuse River systems have seen significant reductions in commercial

harvest since the March 18, 2019 (M-6-2019) prohibition of gill nets upstream of the Bayview to Aurora ferry line in the Tar-Pamlico River and the Minnesott Beach and Cherry Branch ferry line in the Neuse River (Figures 7 and 10). In 2021, 275 pounds and 16 pounds were harvested from the Tar-Pamlico River and Neuse River systems, respectively. Total commercial landings and gill net trips landing American shad from the Cape Fear River have declined since 2014. In 2021, 64 trips landed a total of 4,838 pounds from the Cape Fear River (Figure 13).

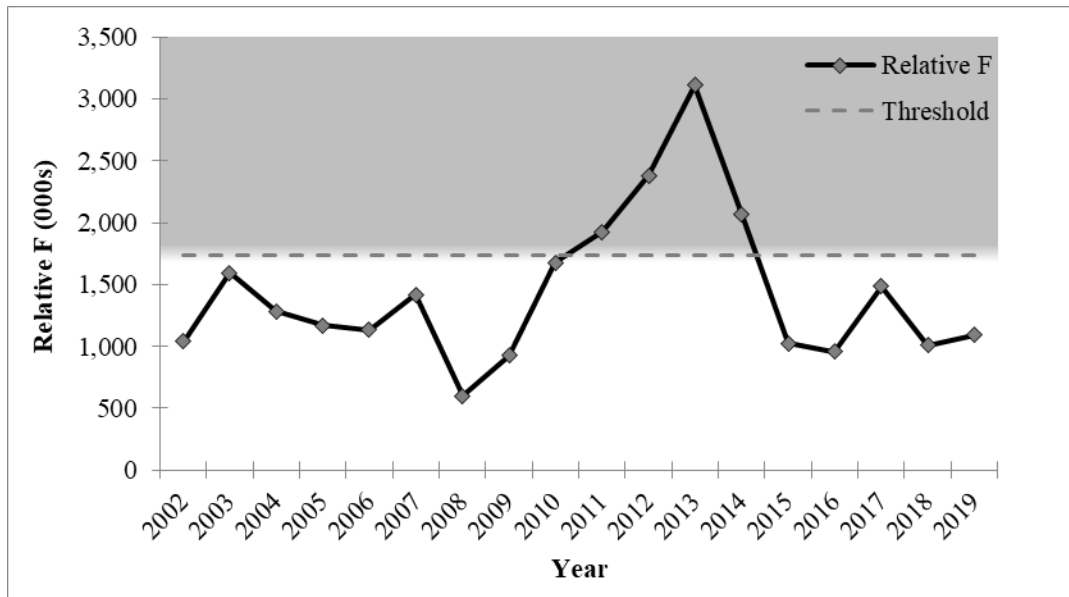


**Figure 1.** Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2001–2021, **Roanoke River, NC**. The threshold represents the 25<sup>th</sup> percentile (where 75 percent of all values are higher). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2021 index value **did not** exceed the threshold.*



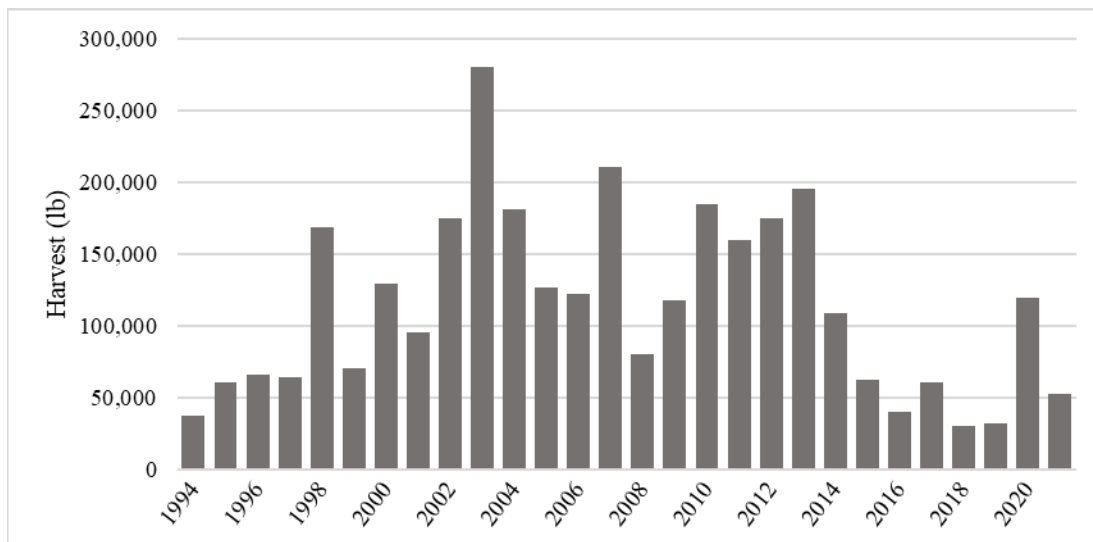
**Figure 2.** Female American shad catch-per-unit-effort index of abundance from the independent gill net survey for 2000–2019\*, **Albemarle Sound, NC** (January–May). The threshold represents the 25<sup>th</sup> percentile (where 75 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2019 index value **did** exceed the threshold.*

\*Albemarle Sound independent gill net survey suspended in 2020-2021.

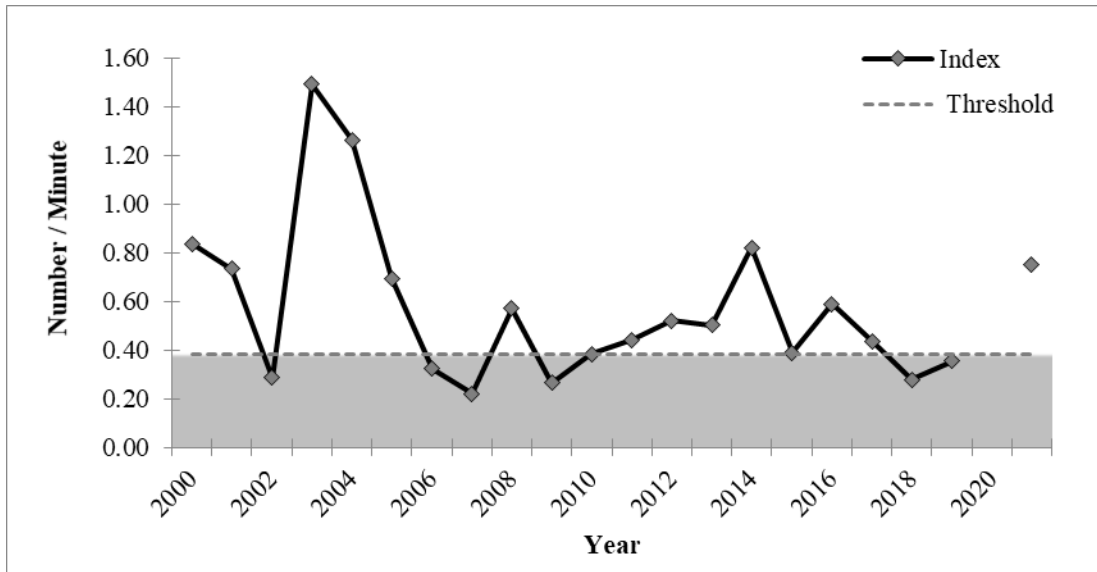


**Figure 3.** Estimates of American shad female relative *F* based on female CPUE from the independent gill net survey and commercial harvest for 2002–2019\*, **Albemarle Sound, NC**. The threshold represents the 75<sup>th</sup> percentile (where 25 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2019 index value **did not** exceed the threshold.*

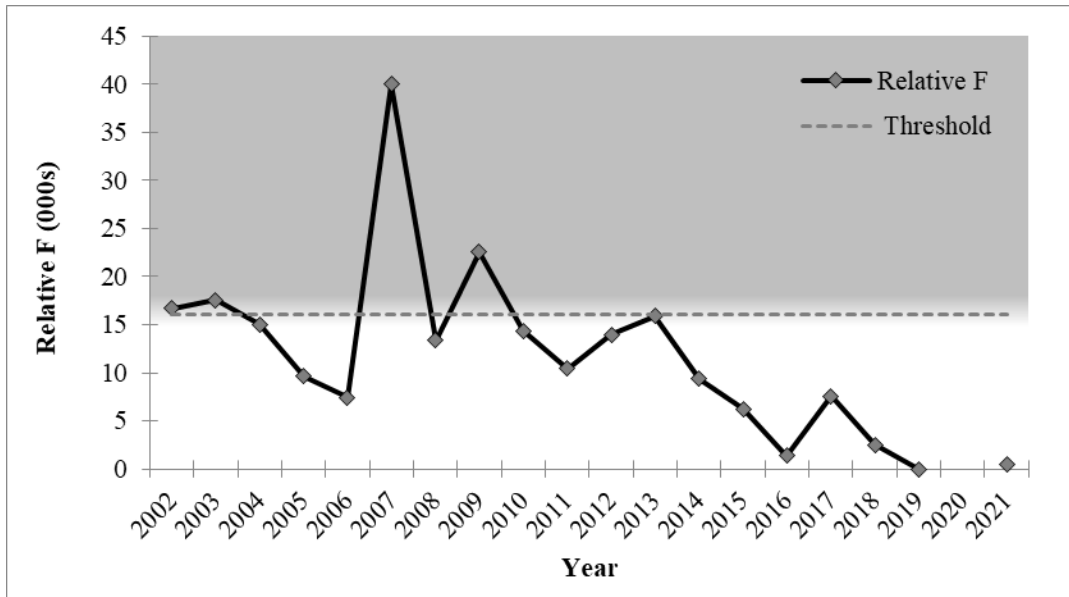
\*Albemarle Sound independent gill net survey suspended in 2020-2021.



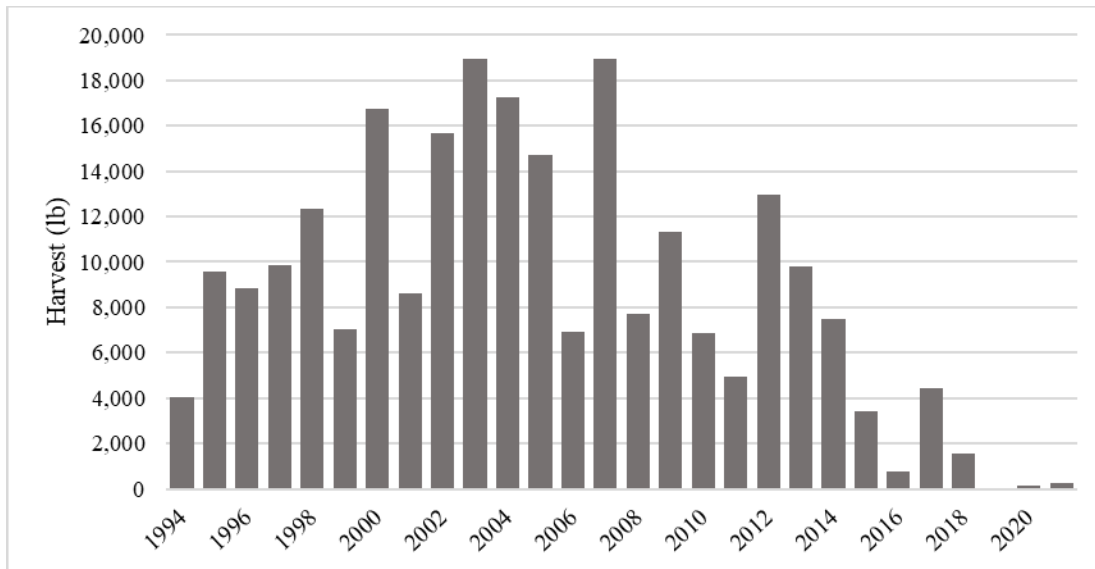
**Figure 4.** American shad commercial landings for 1994–2021, **Albemarle Sound, NC**.



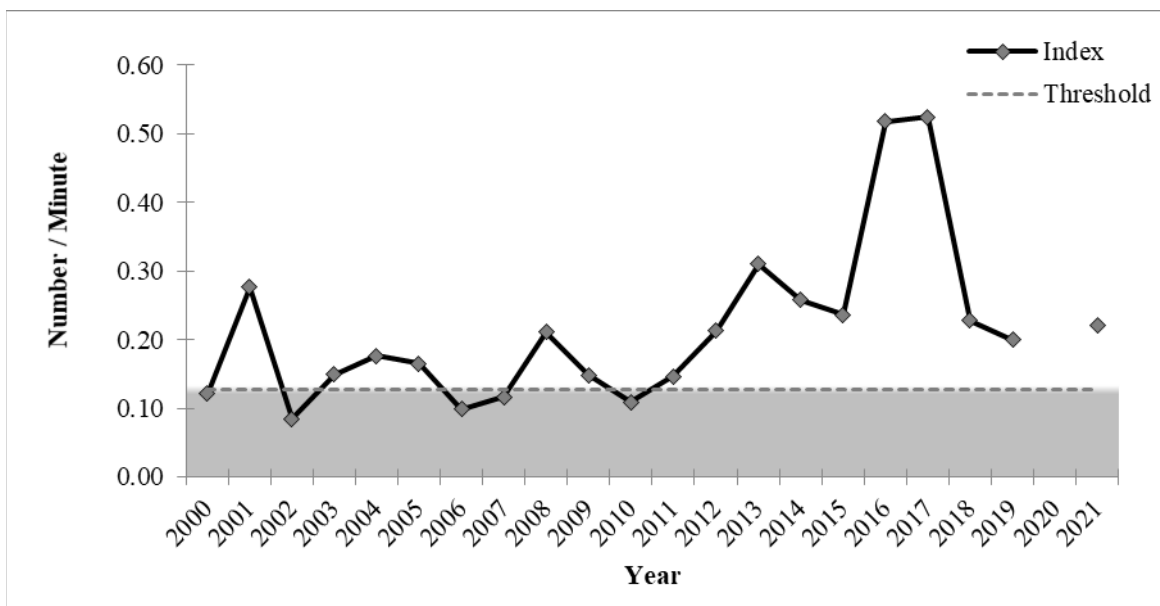
**Figure 5.** Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2000–2021, **Tar-Pamlico River, NC**. The threshold represents the 25<sup>th</sup> percentile (where 75 percent of all values are higher). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2021 index value **did not** exceed the threshold.*



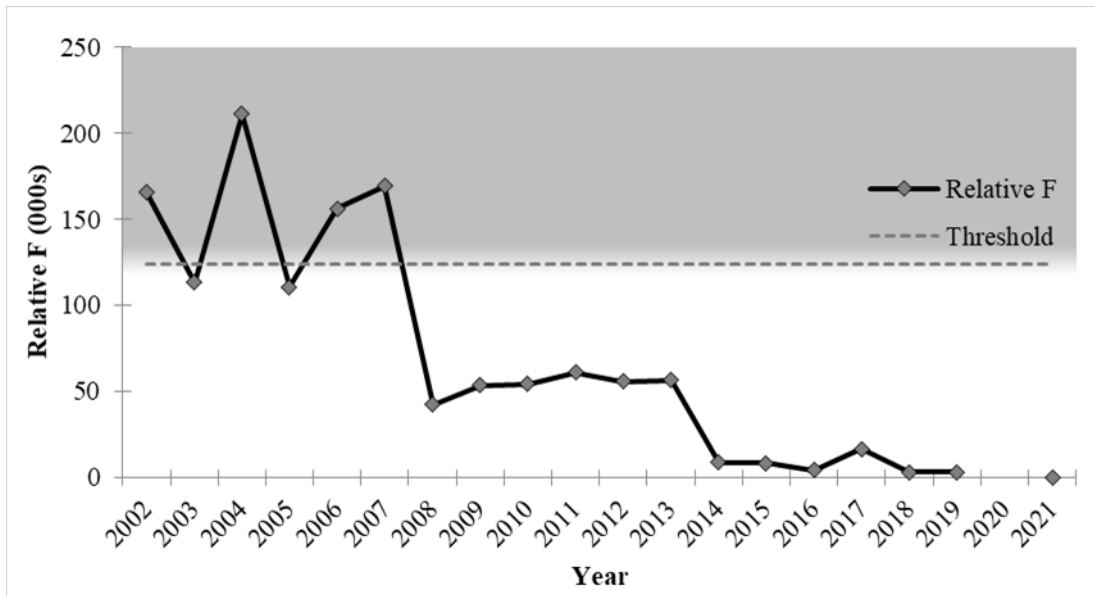
**Figure 6.** Estimates of American shad female relative  $F$  based on female CPUE from the independent gill net survey and commercial landings for 2002–2021, **Tar-Pamlico River, NC**. The threshold represents the 75<sup>th</sup> percentile (where 25 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2021 index value **did not** exceed the threshold.*



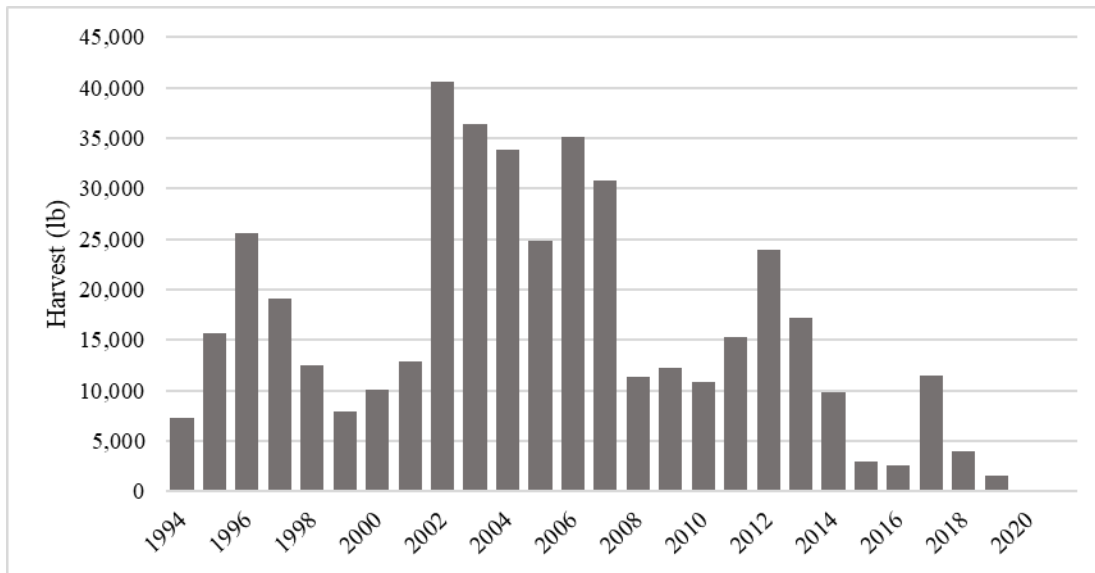
**Figure 7.** American shad commercial landings for 1994–2021, **Tar-Pamlico River, NC**. *No harvest occurred in 2019.*



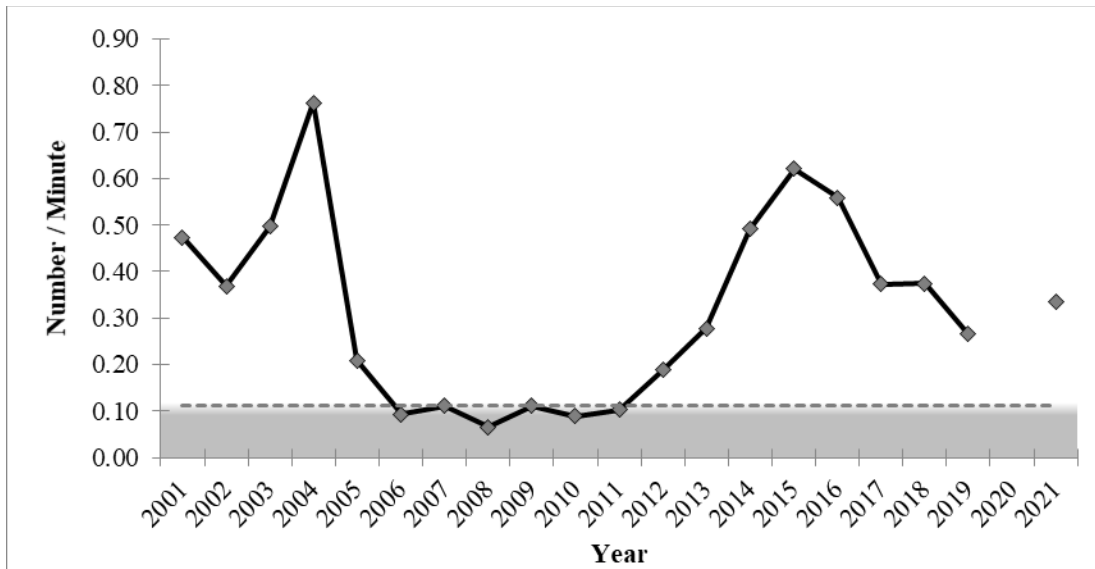
**Figure 8.** Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2000–2021, **Neuse River, NC**. The threshold represents the 25<sup>th</sup> percentile (where 75 percent of all values are higher). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2021 index value **did not** exceed the threshold.*



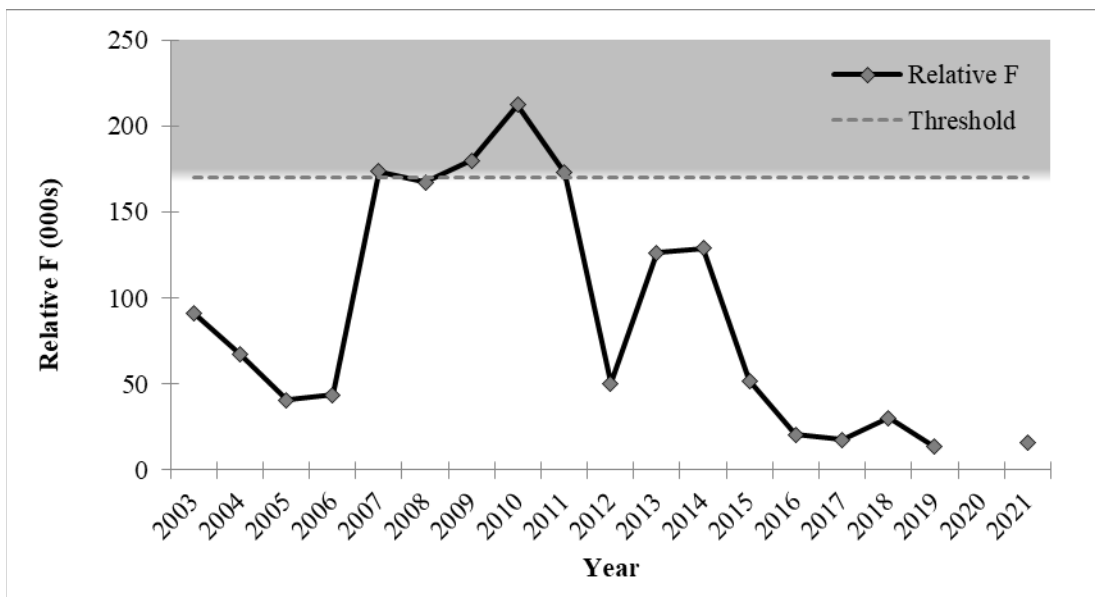
**Figure 9.** Estimates of American shad female relative  $F$  based on female CPUE from the independent gill net survey and commercial landings for 2002–2021, **Neuse River, NC**. The threshold represents the 75<sup>th</sup> percentile (where 25 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2021 index value **did not** exceed the threshold.*



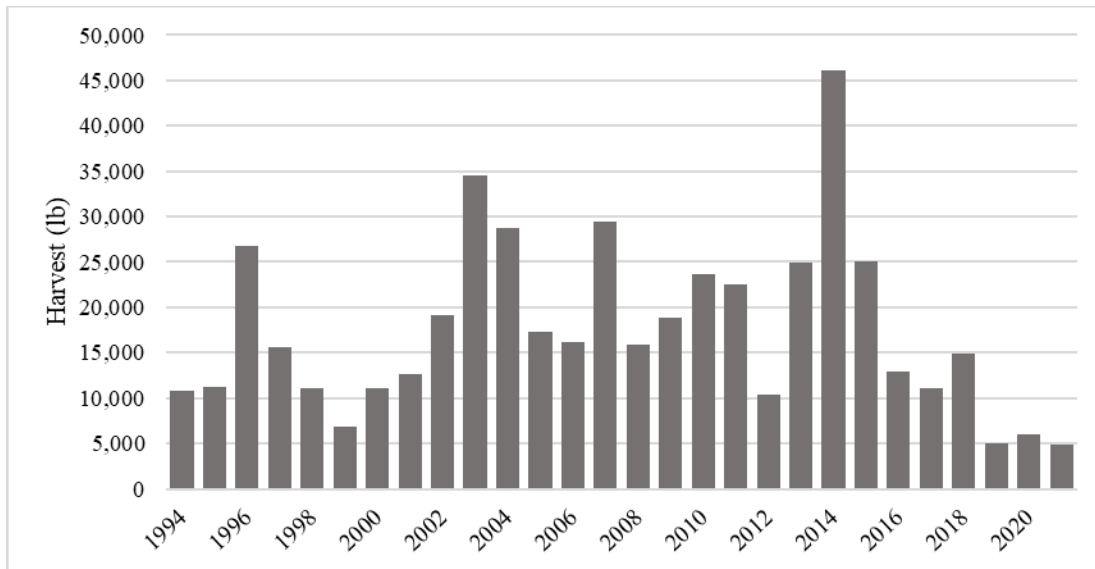
**Figure 10.** American shad commercial landings for 1994–2021, **Neuse River, NC**. *In 2020 and 2021, only 109 pounds and 16 pounds were harvested respectively.*



**Figure 11.** Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2001–2021, **Cape Fear River, NC**. The threshold represents the 25<sup>th</sup> percentile (where 75 percent of all values are higher). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2021 index value **did not** exceed the threshold.*



**Figure 12.** Estimates of American shad female relative  $F$  based on female CPUE from the independent gill net survey and commercial landings for 2003–2021, **Cape Fear River, NC**. The threshold represents the 75<sup>th</sup> percentile (where 25 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2021 index value **did not** exceed the threshold.*



**Figure 13.** American shad commercial landings for 1994–2021, **Cape Fear River, NC.**





## October 2021 Council Meeting Summary

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**October 5-6, 2021**

*Webinar*

The following summary highlights actions taken and issues considered at the Mid-Atlantic Fishery Management Council's October 2021 meeting. This meeting was conducted by webinar due to the ongoing COVID-19 pandemic. Presentations, briefing materials, and webinar recordings are available at:

<http://www.mafmc.org/briefing/october-2021>.

During this meeting, the Council:

- Provided guidance on Atlantic mackerel rebuilding approaches
- Recommended no changes to the previously approved chub mackerel specifications for 2022
- Recommended no changes to the previously approved spiny dogfish specifications for 2022 and recommended a 25% increase in the federal trip limit from 6,000 pounds to 7,500 pounds
- Received an update on private tilefish reporting
- Received a briefing on the development of risk reduction measures to reduce North Atlantic right whale mortality and injury in the Atlantic trap/pot and gillnet fisheries
- Reviewed a draft list of actions and deliverables for the 2022 Implementation Plan (Executive Committee)
- Received a presentation from Dr. Walt Golet on a study on the diets of yellowfin and bigeye tunas, white and blue marlins, and roundscale spearfish in the Mid-Atlantic
- Reviewed the results of a new biological opinion on the Atlantic sea scallop fishery

### Atlantic Mackerel Rebuilding

The Council reviewed recommendations from the Scientific and Statistical Committee (SSC) and discussed rebuilding options for Atlantic mackerel. Although a rebuilding plan was implemented in November 2019, the 2021 management track assessment indicated that the stock was only at 22% of the biomass target and fishing mortality was at 180% of the overfishing threshold proxy. Those findings suggested that stock rebuilding was very unlikely by the original target of 2023. As a result, the Council agreed during the August 2021 meeting to modify the rebuilding plan and request emergency action from the National Marine Fisheries Service (NMFS) to reduce potential mackerel harvest in 2021 and early 2022. During this meeting, the Council directed staff to further develop five options that would all rebuild mackerel in ten years or less. The five options vary in their probability of rebuilding in 10 years. The Council also indicated that the most updated data should be used for projections before final action, which is anticipated in April 2022. The Council set aside developing recreational size limit options, given the uncertainty of release survival for mackerel, but directed staff to develop supporting management measures for the five rebuilding options such as commercial closures, trip limits, river herring and shad caps, and annual/seasonal recreational closures in federal waters. The Council will send a letter to the relevant states requesting that states consider measures to reduce state waters' recreational mackerel catch by 50% (most catch has been occurring in state waters) and will also reach out to NMFS Highly Migratory Species (HMS) Division to provide an update given the use of Atlantic mackerel as bait in HMS fisheries. There will be additional Committee and Advisory Panel meetings as the action is developed.

## Chub Mackerel

The Council reviewed the previously implemented 2022 catch and landings limits for Atlantic chub mackerel. After considering the recommendations of the SSC, Monitoring Committee, and Advisory Panel, the Council agreed that no changes to the previously implemented measures are necessary. Additional details about 2022 specifications are available [here](#).

## Spiny Dogfish

The Council reviewed spiny dogfish specifications for 2022, which were set last year for 2021-2022. After considering input from the Scientific and Statistical Committee, Monitoring Committee, and Advisory Panel, the Council endorsed maintaining the existing spiny dogfish specifications, including a commercial quota of 29.6 million pounds for the 2022 (May 1) fishing year. The Council also recommended a 25% increase in the federal trip limit from 6,000 pounds to 7,500 pounds. This increase would be designed to stabilize spiny dogfish fishery participation and landings, both of which have decreased in recent years. The New England Fishery Management Council will address spiny dogfish in December 2021, and then NMFS will proceed with rulemaking, with a target for any changes being effective May 1, 2022. A research track assessment is also underway, and if successfully reviewed will be used for setting quotas and considering other management measures for the 2023 and future fishing years.

## Private Tilefish Reporting Update

In August 2020, new recreational permitting and reporting requirements were implemented for private tilefish anglers. During this meeting the Council received a presentation from the Greater Atlantic Regional Fisheries Office (GARFO) on the status of private recreational tilefish (golden and blueline) permitting and reporting. The update included information related to the number of issued permits, landings by state, reporting systems, and lessons learned. Overall, GARFO staff acknowledged this initiative is the first of its kind for a Mid-Atlantic Council-managed species and indicated compliance and awareness of the requirements will be improved through additional outreach. For example, port agents continue to help private anglers set up Fish Online accounts, apply for permits, and understand the reporting requirements. As a result of the presentation and subsequent discussion, the Council recommended additional outreach be conducted in early 2022 during the beginning of the golden and blueline tilefish recreational fishing seasons. The goal of this outreach is to increase awareness of the tilefish permitting and reporting requirements, as well as to educate anglers on the reporting systems available to submit electronic vessel trip reports. Current outreach materials and other resources are available on the Council's Tilefish Permitting and Reporting Webpage.

## North Atlantic Right Whales

The Atlantic Large Whale Take Reduction Team (ALWTRT) is in the scoping process to recommend risk reduction measures for Atlantic trap/pot and gillnet fisheries along the entire east coast. Depending on the proposed measures, this could impact Council managed fisheries for monkfish, spiny dogfish, black sea bass, bluefish, and scup, due to their use of pot/trap or gillnet gear. The Council was briefed on the scoping materials and asked to provide feedback on the types of measures proposed to be analyzed for risk reduction. The Council noted concerns with measures that would further reduce fishing effort in fisheries already experiencing declining participation. Council members discussed that there used to be a gear liaison in the region who would help conduct gear modification testing and education with fishermen at the docks and noted that this role would be important as these measures develop. NMFS indicated that they are in the process of advertising this Mid-Atlantic gear liaison role as a contractor position. The Council also agreed with the Protected Resources Committee's recommendations to 1) meet as needed throughout the ALWTRT process, 2) communicate to stakeholders to maximize participation from impacted fishermen, and 3) issues such as limited access fisheries, changes to permitting, or trap caps in a fishery should be addressed through the Council process.

## 2022 Implementation Plan

The Executive Committee met to discuss the 2022 Implementation Plan. The Council develops Implementation Plans each year to ensure progress toward achieving the goals and objectives of its 5-year strategic plan. First, the Committee received a progress update on the 2021 Implementation Plan. The Committee then reviewed and provided feedback on a draft list of deliverables that had been developed by staff for 2022. The Executive Committee had a lengthy discussion about whether to move item #63 (“Initiate action to implement a possession limit for frigate and bullet mackerel in the Mid-Atlantic”) from the “Possible Additions” section to the proposed deliverables for 2022. A motion to make this change ultimately failed. This action remains on the draft list of “Possible Additions” for consideration by the Council in December.

## HMS Diet Study

Dr. Walt Golet (University of Maine and Gulf of Maine Research Institute) presented the results of a study on the diets of yellowfin and bigeye tunas, white and blue marlins, and roundscale spearfish in the Mid-Atlantic. The Council provided funding for this research with the goal of better understanding the role of chub mackerel in the diets of these predators of stakeholder interest. Chub mackerel were determined to be an exceptionally small component of the diets of tunas and marlins. *Illex* squid were one of the most important prey items for yellowfin and bigeye tunas. Bullet mackerel were the most commonly occurring prey item in the marlin stomachs.

## June 2021 Scallop FMP Biological Opinion

Bill Barnhill (GARFO Protected Resources Division) presented the results of a new biological opinion on the Atlantic sea scallop fishery. The previous BiOp, completed in 2012, used fishing effort as a surrogate to monitor the incidental take of sea turtles. A formal consultation process was reinitiated in 2020 after it was determined that the incidental take statement (ITS) had been exceeded during the 2016 and 2017 fishing years due to heightened effort in the dredge fishery in the Mid-Atlantic. The new BiOp was completed in June 2021 and contains revised reasonable and prudent measures and terms and conditions (RPMs/T&Cs) designed to reduce the fishery’s incidental take of sea turtle. The BiOp also includes a new take monitoring plan.

## Next Council Meeting

The next Council meetings will be held on October 21 (ASMFC-hosted) and December 13-16, 2021. We are monitoring the situation with COVID-19 and will make an announcement in the coming weeks about whether the meeting will be conducted virtually or with a hybrid virtual/in-person format. Please check the website for updates.



## **Joint Meeting of the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission ISFMP Policy Board**

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**October 21, 2021**

The Mid-Atlantic Fishery Management Council (Council) met jointly with the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fisheries Management Program Policy Board (Policy Board) on October 21, 2021. The purpose of this meeting was to receive an update on the development of the Recreational Harvest Control Rule Framework/Addendum. Presentations, briefing materials, and webinar recordings are available on the [meeting page](#).

A joint Council Fishery Management Action Team (FMAT) and Commission Plan Development Team (PDT) have been working on the Harvest Control Rule Addendum/Framework as part of the Recreational Reform Initiative. Staff presented updates to the proposed options, including refinements to the metrics used in each option and accountability measures, as well as a summary of the peer review of two recreational fishery models which could be used to inform the setting of management measures under the options. Staff also reviewed recommendations from the PDT/FMAT for next steps for the Policy Board and Council to consider.

Given the scope of work required on the document's full range of options, the Policy Board and Council deferred approving the Draft Addendum/Framework for public comment, and instead will revisit the draft in either December 2021 or early 2022 to provide the FMAT/PDT more time to complete the document. In addition, the FMAT/PDT will continue to assess how the recreational fishery models should be used for developing measures for each of the harvest control rule options. Once approved, the Draft Framework/Addendum will be released for public comment and presented through public hearings. As a result of the revised timeline, the harvest control rule will not be ready for use in developing 2022 recreational measures for bluefish, summer flounder, black sea bass, and scup. Recreational specifications for all four species will be discussed at the December meeting of the Council and relevant Commission species management boards.

For more information the harvest control rule, please contact:

- Julia Beaty, MAFMC Fishery Management Specialist, [jbeaty@mafmc.org](mailto:jbeaty@mafmc.org)
- Dustin Colson Leaning, ASMFC Fishery Management Plan Coordinator, [dleaning@asmfc.org](mailto:dleaning@asmfc.org)
- Savannah Lewis, ASMFC Fishery Management Plan Coordinator, [slewis@asmfc.org](mailto:slewis@asmfc.org)



# *South Atlantic Fishery Management Council*

## *News Release*

FOR IMMEDIATE RELEASE  
September 17, 2021

CONTACT: Kim Iverson  
Public Information Officer  
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kim.iverson@safmc.net

### **Council Approves Expansion of Shrimp Fishery Access Area Adjacent to Deepwater Coral**

It has been seven years since expansion of the northern end of the Oculina Bank Habitat Area of Particular Concern (HAPC) was approved by the South Atlantic Fishery Management Council. Designed to provide additional protection for the rare, slow growing, deepwater *Oculina* coral found off the central east coast of Florida, the expansion also included historic fishing grounds for the economically important rock shrimp fishery, shutting off access along the eastern boundary. The initial Oculina Coral HAPC, established in 1984, was the first deepwater coral protected area in the U. S., and its boundaries were developed in cooperation with the rock shrimp industry. Vessel Monitoring Systems have been in place since 2003 for the fishery. Following expansion of the Coral HAPC in 2014, the Council assured rock shrimp fishermen that the area would be reviewed to determine if the historic trawling areas could be reopened. During its quarterly meeting this week, members of the Council voted to approve Coral Amendment 10 to establish the rock shrimp fishery access area. The amendment must be approved by the Secretary of Commerce before the measures are implemented.

The decision to reopen the fishery access area, a narrow strip along the eastern edge of the Coral HAPC measuring approximately 22-square miles, was not without controversy. Over the years, the Oculina Bank has suffered extensive habitat damage due to mobile fishing gear (trawls and dredges) and anchoring. Council members considered recommendations from its advisory panels and received public comment both in support of and against the rock shrimp fishery access area.

Letters in support of the fishery access area included those from the Florida Fish and Wildlife Conservation Commission, fishing industry leaders, and a former Council member. Coral biologists, scientists, and environmental groups were among those who expressed concerns that reopening the trawling area could damage existing coral habitat, noting the negative impacts of sediment from trawling activities. "We've heard from both sides on this issue and sincerely appreciate all of the letters and public comment received," said Council Chair, Mel Bell. "After exploring options, including additional mapping and bottom surveys, we felt it important to move forward with this amendment." If approved by the Secretary, the new regulations would become effective in 2022.

#### **Red Snapper**

Discussion of Red Snapper management continued to focus on the challenge of dealing with the increasing number of fish that are released throughout the year as the stock continues to rebuild, and the estimated number of released fish that don't survive. In June 2021, the Council received the results of the most recent stock assessment for Red Snapper, which indicated that the stock is not yet rebuilt and experiencing overfishing. According to the stock assessment, released fish account for 90% of the fishing mortality for Red Snapper in the South Atlantic.

*(Continued)*

## Shrimp Fishery Access Area (continued)

After receiving a report from its Scientific and Statistical Committee at this week's meeting, the Council agreed to immediately look at actions to help reduce the number Red Snapper killed by discarding. Measures to be considered include gear modifications (single hook rigs, larger hooks, leader modifications, natural bait prohibition), consideration of a slot limit, increased outreach on best fishing practices, and data collection through the Council's Citizen Science Project, *SAFMC Release*. The Council also requested a Research Track stock assessment be conducted for Red Snapper at the next available opportunity. Council members acknowledged the need to consider the multi-species snapper grouper fishery as a whole and will form a workgroup to lead a Management Strategy Evaluation (MSE) approach to reduce discards and increase landed yield across the entire snapper grouper fishery.

As required, the Council will also begin an amendment to the Snapper Grouper Fishery Management Plan to revise management parameters for Red Snapper based on the latest stock assessment and recommendations from its Scientific and Statistical Committee. The amendment will incorporate the results of the MSE project and consider additional actions for the snapper grouper fishery to address widespread fishery issues such as discard losses. The Council will receive input from its Snapper Grouper Advisory Panel and continue work during its December 2021 meeting.

## Other Business

The Council accepted public hearing comment on proposed measures for Red Porgy during its meeting. Despite being under a rebuilding plan to rebuild the stock by 2017, recruitment continues to be low and the stock remains overfished and undergoing overfishing. Amendment 50 to the Snapper Grouper Fishery Management Plan would establish a new rebuilding plan based on the latest stock assessment and reduce harvest for both commercial and recreational sectors. Under the Council's preferred alternatives, the amendment would reduce commercial trip limits during the annual split season, reducing Season 1 (Jan-June) from 60 fish to 15 per trip and Season 2 (July-Dec) from 120 fish to 15 per trip. The current recreational bag limit of 3 fish per person per day or per trip, whichever is more restrictive, would be reduced to 1 fish. An annual recreational season of May-June would also be established for Red Porgy and recreational accountability measures modified to help ensure the new recreational catch limit is not exceeded.

There was good news for the King Mackerel fishery, with the latest stock assessment allowing an increase in catch levels. Coastal Migratory Pelagics Amendment 34 includes measures to increase the recreational bag limit for King Mackerel from 2 to 3 fish off East Florida and reductions in minimum size limits. Coastal Migratory Pelagics (King Mackerel, Spanish Mackerel and Cobia) are managed jointly with the Gulf of Mexico Fishery Management Council. The Council approved the amendment for public hearings on the proposed measures. The amendment will be reviewed by the Gulf Council in October where they will select preferred alternatives and consider approval for public hearings.

The Council also approved Coastal Migratory Pelagic Amendment 32 for public hearings. The amendment addresses measures for Cobia off the east coast of Florida as part of the Gulf of Mexico Cobia management group. The intent is to hold public hearings later this year with listening stations along the east coast of Florida from Key West to Jacksonville.

The Council re-elected Mel Bell as its Chair and Dr. Carolyn Belcher as the new Vice-Chair.

Additional information about this week's Council meeting, including the September [Council Meeting Story Map](#) and final committee reports is available from the Council's website at: <https://safmc.net/september-2021-council-meeting-details/>. The next meeting of the South Atlantic Fishery Management Council is scheduled for December 6-10, 2021, in Beaufort, North Carolina.

**South Atlantic Fishery Management Council**  
**Full Council and Committee Reports**  
**SUMMARY MOTIONS**  
**September 13-17, 2021**

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

**Snapper Grouper Committee**

***Amendment 49 (Greater Amberjack)***

**MOTION 1:** MOVE TO ADD A CONSTANT CATCH ALTERNATIVE TO ACTION 1.

**Action 1.** Revise the greater amberjack total annual catch limit and annual optimum yield

**MOTION 2:** MOVE TO ACCEPT THE RANGE OF ALTERNATIVES FOR ACTION 1 FOR ANALYSIS.

**Action 1.** Revise the greater amberjack total annual catch limit and annual optimum yield

**MOTION 3:** MOVE TO ACCEPT THE RANGE OF ALTERNATIVES FOR ACTION 2 FOR ANALYSIS.

**Action 2.** Revise sector allocations and sector annual catch limits for greater amberjack

**MOTION 4:** MOVE TO ACCEPT THE RANGE OF ALTERNATIVES FOR ACTION 3 FOR ANALYSIS.

**Action 3.** Remove recreational annual catch targets from the Snapper Grouper Fishery Management Plan

**MOTION 5:** MOVE TO ADD AN ACTION TO AMENDMENT 49 TO CONSIDER CHANGING THE COMMERCIAL AND RECREATIONAL SIZE LIMITS FOR GREATER AMBERJACK.

**MOTION 6:** MOVE TO ADD AN ACTION TO CONSIDER INCREASING THE COMMERCIAL SEASON TRIP LIMIT FOR SEASON 2.

**MOTION 7:** MOVE TO ADD AN ACTION TO CONSIDER CLOSING THE RECREATIONAL SECTOR IN APRIL.

***Amendment 50 (Red Porgy)***

**MOTION 8:** DESELECT ALTERNATIVE 4 UNDER SUB-ACTION 5B AS PREFERRED.

**Action 5.** Modify red porgy recreational management measures

**Sub-Action 5b.** Recreational Season

**Preferred-Alternative 4.** Establish a recreational fishing season for red porgy; harvest would be allowed during July through August.

**MOTION 9:** MOVE ALTERNATIVE 2 UNDER SUB-ACTION 5B TO THE CONSIDERED BUT REJECTED APPENDIX.

**Action 5.** Modify red porgy recreational management measures

**Sub-Action 5b.** Recreational Season

**Alternative 2.** Establish a recreational fishing season for red porgy; harvest would be allowed during January through April.

**MOTION 10:** MOVE ALTERNATIVE 3 UNDER ACTION 6 TO THE CONSIDERED BUT REJECTED APPENDIX.

**Action 6.** Modify red porgy recreational accountability measures

**Alternative 3.** When the recreational annual catch limit is changed, use a single year of landings, beginning with the most recent available year of landings, then a two-year average of landings from that single year and the subsequent year, then a three-year average of landings from those two years and the subsequent year, and thereafter a progressive running three-year average to trigger the recreational accountability measure. If the recreational annual catch limits are constant and the 3-year mean (Sub-alternative 3a or 3b) of landings exceeds the recreational annual catch limit, reduce the length of the following recreational fishing season by the amount necessary to prevent the recreational annual catch limit from being exceeded in the following fishing year. However, the length of the recreational season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

**Sub-alternative 3a.** Use the arithmetic mean to calculate average landings.

**Sub-alternative 3b.** Use the geometric mean to calculate average landings.

**MOTION 11:** SELECT ALTERNATIVE 4 UNDER ACTION 6 AS THE PREFERRED AS MODIFIED.

**Action 6.** Modify red porgy recreational accountability measures

**Alternative 4.** If recreational landings exceed the recreational annual catch limit and ~~the total (commercial and recreational combined) annual catch limit is exceeded~~, reduce the length of the following year's recreational fishing season by the amount necessary to prevent the recreational annual catch limit from being exceeded in the following year. However, the length of the recreational season will not be reduced if the Regional Administrator determines, using the best scientific information available, that it is not necessary.

**MOTION 12:** DIRECT STAFF TO DO THE FOLLOWING:

1. Conduct additional analyses and draft a white paper on the 2 for 1 commercial permit policy for review at the December 2021 Council Meeting.
2. Add actions to Amendment 49 (Greater Amberjack) considering changes to size limits, the Season 2 commercial trip limit, and closure of the recreational fishery in April.
3. Add constant catch alternatives to the actions addressing annual catch limits in Amendment 49 (Greater Amberjack) and Amendment 44 (Yellowtail Snapper).
4. Conduct scoping meetings for Amendment 44 (Yellowtail Snapper) before the December 2021 Council Meeting.



5. Begin work on a framework amendment that explores and considers changes to management measures that would reduce discards in the South Atlantic snapper grouper fishery.
6. Begin work on a management strategy evaluation (MSE) of the South Atlantic snapper grouper fishery and a longer-term plan amendment that would adjust catch levels for red snapper and management measures for the snapper grouper fishery.
7. Change frequency of Amendment 48 (Wreckfish) review by the Council to every other meeting or every third meeting, depending on amendment progress and council workload.
8. Convene a meeting of the wreckfish shareholders this winter to discuss the commercial electronic logbook and Amendment 48 (Wreckfish) progress.
9. Request additional catch and rebuilding projections for gag grouper for review at the December 2021 council meeting.
10. Develop projections to compare commercial closure dates for vermilion snapper under different commercial trip limits.
11. Convene the Snapper Grouper Advisory Panel in October.
12. Red Snapper Research Track assessment to be considered at upcoming SEDAR Steering Committee meeting.

### **Dolphin Wahoo Committee**

**MOTION 1:** ADD TWO REPRESENTATIVES TO THE DOLPHIN WAHOO ADVISORY PANEL TO REPRESENT THE NEW ENGLAND REGION.

**MOTION 2:** APPROVE THE FOLLOWING TIMING AND TASKS:

1. Prepare an options paper covering topics identified for the next amendment to the Dolphin Wahoo FMP for review at the December 2021 meeting.
2. Work with the New England Fishery Management Council to identify potential new representatives for the Dolphin Wahoo Advisory Panel.

### **Mackerel Cobia Committee**

#### ***Amendment 34 (Atlantic King Mackerel)***

**MOTION 1:** ADD AN ALTERNATIVE FOR A CONSTANT CATCH STREAM TO ACTION 1.

**Action 1.** Revise the stock annual catch limit and annual optimum yield for Atlantic migratory group king mackerel to reflect the updated acceptable biological catch level.

**MOTION 2:** APPROVE ALTERNATIVE 5 UNDER ACTION 1 FOR INCLUSION IN COASTAL MIGRATORY PELAGICS AMENDMENT 34.

**Action 1.** Revise the stock annual catch limit and annual optimum yield for Atlantic migratory group king mackerel to reflect the updated acceptable biological catch level.

**Alternative 5.** The total annual catch limit and annual optimum yield of Atlantic migratory group king mackerel is equal to the updated acceptable biological catch level

of 21,800,000 pounds. This is a constant catch value for 2022/2023 and subsequent fishing years or until changed by a future management action.

**MOTION 3: REMOVE ALTERNATIVE 4 AND ALTERNATIVE 6 FROM ACTION 2**

**Action 2.** Revise sector allocations and sector annual catch limits for Atlantic migratory group king mackerel.

**Alternative 4.** Allocate 70.95% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 29.05% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. The allocations are calculated based on MRIP-FES average landings for Atlantic king mackerel for the years 2004 – 2019.

**Alternative 6.** Allocate 72.92% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 27.08% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. The allocations are calculated based on MRIP-FES landings which balanced historical catches (2000-2008) with more recent landings (2017-2019) using the following formula.

**MOTION 4: SELECT ALTERNATIVE 1 (NO ACTION) AS THE PREFERRED ALTERNATIVE FOR ACTION 2 AND REMOVE ALTERNATIVE 2**

**Action 2.** Revise sector allocations and sector annual catch limits for Atlantic migratory group king mackerel.

**Alternative 1 (No Action).** Retain the current allocations of 62.9% to the recreational sector and 37.1% to the commercial sector, apply those allocations to the revised total annual catch limit for Atlantic migratory group king mackerel. The allocations are based on landings from 1979-1983.

**Alternative 2.** Allocate 62.9% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 37.1% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector.

**MOTION 5: SELECT ALTERNATIVE 2 AS PREFERRED UNDER ACTION 3**

**Action 3.** Revise the recreational annual catch target for Atlantic migratory group king mackerel.

**Alternative 2.** Revise the recreational annual catch target to reflect the updated acceptable biological catch level. The recreational annual catch target equals sector  $ACL[(1-PSE) \text{ or } 0.5, \text{ whichever is greater}]$ .

**MOTION 6: SELECT ALTERNATIVE 2 IN ACTION 6 AS THE PREFERRED ALTERNATIVE**

**Action 6.** Reduce the minimum size limit for commercial harvest of Atlantic migratory group king mackerel.

**Alternative 2.** Reduce the minimum size limit for commercial harvest of Atlantic migratory group king mackerel to 22-inches fork length.

**MOTION 7:** APPROVE COASTAL MIGRATORY PELAGICS AMENDMENT 34 FOR PUBLIC HEARINGS.

***Amendment 32 (Gulf Cobia)***

**MOTION 8:** APPROVE COASTAL MIGRATORY PELAGICS AMENDMENT 32 FOR PUBLIC HEARINGS.

**MOTION 9:** ADOPT THE FOLLOWING TIMING AND TASKS:

1. Continue work on CMP Amendment 34 and prepare a draft for discussion at the Gulf Council's October 2021 meeting and the South Atlantic Council's December 2021 meeting.
2. Work with FWC and Gulf Council staff to conduct in-person public hearings for CMP Amendment 32 prior to the December 2021 meeting.
3. Continue work with Gulf Council staff on CMP Amendment 32 and prepare a draft for discussion and consideration for formal approval at the December 2021 meeting.
4. Conduct public hearings for CMP Amendment 34.

**Habitat and Ecosystem-Based Management Committee**

***Coral Amendment 10***

**MOTION 1:** APPROVE THE REVISED PURPOSE AND NEED STATEMENTS IN CORAL AMENDMENT 10

*Purpose for Action*

The purpose of Coral Amendment 10 is to consider establishing a shrimp fishery access area along the eastern edge of the northern extension of the Oculina Bank Habitat Area of Particular Concern where the fishermen who have a valid limited access Commercial Vessel Permit for Rock Shrimp (South Atlantic exclusive economic zone) would be able to fish for and possess rock shrimp.

*Need for Action*

The need for Coral Amendment 10 is to help achieve optimum yield in the South Atlantic rock shrimp portion of the shrimp fishery and increase economic and social benefits to rock shrimp fishermen by increasing access to historic rock shrimp fishing grounds, while maintaining protection of the *Oculina* deep water coral ecosystems.

**MOTION 2:** APPROVE AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR CORAL, CORAL REEFS, AND LIVE HARBOTTOM HABITAT OF THE SOUTH ATLANTIC FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.

**MOTION 3:** APPROVE TO FOLLOWING LIST OF TOPICS FOR THE HABITAT AND ECOSYSEM-BASED ADVISORY PANEL MEETING:

- Briefing on Committee Action
- Status of Amendment Development (Coral 10)

- Status of NOAA Fisheries South Atlantic Climate Vulnerability Assessment
- Status of NOAA Fisheries South Atlantic Ecosystem Status Report
- NOAA Fisheries HCD EFH Consultation Update - Wind, Ports, Mitigation Banking
- Presentation NCCOS Wilmington-East Mapping
- Presentation by BOEM Offshore Wind Activities in South Atlantic Region
- Beach Dredge and Fill Policy Statement Update
- Development of a SAFMC Habitat Blueprint and AP Input
- East Coast Climate Scenario Planning Update

**MOTION 4: ADOPT THE FOLLOWING TIMING AND TASK(S):**

1. Prepare Coral Amendment 10 for submission to the Secretary of Commerce.
2. Coordinate with Habitat Ecosystem Advisory Panel Chair in planning for November 2021 AP Meeting.



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

October 28, 2021

## MEMORANDUM

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

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### Issue

Law Enforcement report update.

### Action Needed

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

### Overview

Marine Patrol officers had a busy summer. We continued to see increasing boating and fishing activity and because of staffing shortages we had to be extremely flexible to cover activities. Activity significantly increased during the short flounder seasons requiring ‘all hands-on deck’ and assigning officers for education and compliance patrols outside their normal areas leaving little reserve for other activities. Still, enforcement actions and patrol efforts are maximized.

Over the summer Marine Patrol participated in numerous search and rescue operations by responding to all calls from 911, NC Wildlife, US Coast Guard and local county and town search and rescue teams. These calls range from overdue and stranded boaters to helicopter crashes and recovery missions.

On July 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> Marine Patrol participated in Operation Sound Steward for the fourth year. This is a joint operation organized out of U.S.C.G. Station Hobucken. Participating agencies included the US Coast Guard, NC Marine Patrol, and the Pamlico County Sheriff’s Office. NC’s only large patrol vessel, Roanoke, boarded 16 commercial shrimp trawlers. Officers from USCG addressed several safety violations, officers from Marine Patrol addressed a vessel with improper bycatch devices and improper mesh size in a tail bag and Deputies from Pamlico County addressed an individual with a felony warrant. Typically, the Coast Guard provides vessels for boarding as well however due to mechanical problems this year most of the operations were completed from Marine Patrol’s platform.

Presently the Marine Patrol has five vacant positions in Beaufort County, Tyrrell County, Hatteras, Surf City and Kitty Hawk. Four new officers have just recently been hired to fill vacant positions in Hyde County, Shallotte and two on the large patrol vessel stationed at Oregon Inlet. I am very pleased to have gotten these new positions filled as we have found it extremely difficult to find qualified applicants to apply for our law enforcement positions in recent years. The three previous hiring processes yielded only one qualified officer when up to five vacancies were being advertised. Retaining officers has also been a challenge with many officers leaving for other opportunities or leaving law enforcement altogether.

With support from DEQ General Counsel and Marine Fisheries leadership Marine Patrol has updated its civil penalty policy and processes to restart assessing civil penalties as outlined in NC statute. Recently six civil penalties have been processed.

Experienced Marine Patrol officers possess unique skills and knowledge that are extremely valuable when natural disasters such as hurricanes and flooding occur. Thanks to the support of recent and current leadership, the Marine Patrol is now utilized more effectively for the benefit the citizens of NC. One example is the development of a Marine Patrol Swift Water Rescue Team. The Department of Environmental Quality leadership, Division of Marine Fisheries leadership and NC Emergency Management have been the key to making the development of this team a priority. Over the last two years the Marine Patrol has applied for and received two Homeland Security grants: one in the amount of \$136,206.00 and the other in the amount of \$188,000.00. These funds were used in developing, outfitting, and training a type II swift water rescue team. The agency has purchased personal protection equipment for all officers along with three Zodiac rescue boats and two trailers to be used for team deployments. Marine Patrol has recently graduated 15 officers from a National Fire Protection Association Technical Rescuer course, which is the standard set by Emergency Management. Our officers have also participated in joint training with the New Bern Fire Department, Pamlico County Emergency Management, the Morehead City Fire Department, and the High Angle Rescue Team with the NC State Highway Patrol air unit.

Over the last two years the Marine Patrol has applied for and received two Port Security grants in the amounts of \$446,212.00 and \$464,436.00. These grants required a 25% state match. With those funds the agency purchased a 26' and a 23' Metal Shark Relentless with foam collars. These vessels will be stationed at Swan Quarter and Minnesott Beach. With funds from the second grant the agency has ordered two more 23' Metal Shark's to be stationed at Cedar Island and Hatteras. All these vessels will be stationed near NC ferry terminals to allow for faster response to the state's ferry system in times of need while also providing Marine Patrol additional on the water assets for fisheries compliance patrols.

The table referenced below displays the statistics for enforcement actions and inspections during the months of July 1 through October 22, 2021.

2021			JULY		TOTAL	AUGUST				TOTAL	SEPTEMBER				TOTAL	OCTOBER				TOTAL
	DI	DII	DIII	AIRCRAFT		DI	DII	DIII	AIRCRAFT		DI	DII	DIII	AIRCRAFT		DI	DII	DIII	AIRCRAFT	
<b>SECTION I (MAJOR AREAS)</b>																				
Boat Patrol	493	551	728	12	1784	353	522	603	3	1481	387	429	589	5	1410	369	537	721		1627
Aircraft Patrol		30			30		19	6		25		23			23		31			31
<b>CITATIONS/CHECKS</b>																				
Number Citations	33	40	19		92	28	48	12		88	23	89	26	1	139	21	19	35		75
Number Warnings	7	89	132		228	8	75	113		196	16	99	154	1	270	3	50	72		125
<b>NUMBER OF CHECKS</b>																				
Gill Net Observations	1				1	6	8	5		19	67	1	4		72	46	66	79		191
Dealer Inspections	142	153	201		496	146	153	175		474	146	133	161		440	117	130	194		441
Vehicle Inspections	66	72	67		205	53	64	36		153	158	116	96		370	49	63	49		161
Individual without License	43	59	71		173	38	47	68		153	14	40	54		108	14	21	26		61
Shellfish License	158	12	27		197	168	5	20		193	123	2	4		129	110	7	41		158
C.F.V.R. Checks	764	286	221		1271	730	285	137		1152	571	160	94		825	559	302	282		1143
S.C.F.L. Checks	836	294	158		1288	789	302	110		1201	608	187	91		886	596	330	257		1183
R.C.G.L. Checks	64	77	23		164	58	23	24		105	29	25	21		75	23	12	38		73
C.R.F.L. Checks	2441	2886	2945		8272	1545	2615	2252		6412	3112	3600	2685		9397	1358	2444	2198		6000
Recreational Boat Checks	947	942	1522		3411	479	856	1100		2435	1087	1479	1427		3993	332	792	1055		2179
Charter Boat Checks	325	44	136		505	225	54	148		427	97	43	111		251	75	18	90		183



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

**October 22, 2021**

**MEMORANDUM**

**TO:** N.C. Marine Fisheries Commission  
**FROM:** Trish Murphey, Executive Assistant to Councils  
**SUBJECT:** Highly Migratory Species Update

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**Issue**

Highly Migratory Species activity update.

**Action Needed**

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

**Overview**

The Highly Migratory Species (HMS) [Advisory Panel](#) (AP) met on September 8-10, 2021, via webinar. The Advisory Panel discussed a NOAA report to Congress on [shark and dolphin depredation](#), the draft [Amendment 13](#) to the 2006 consolidated HMS FMP, and updates on the [2021 season](#), the [economic situation report](#) and the [Spatial Management](#) in the Atlantic HMS Fisheries.

NOAA Fisheries announces the availability of [Amendment 12](#) to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan. Amendment 12 integrates provisions of the Magnuson-Stevens Fishery Conservation and Management Act National Standard guidelines as revised in 2016, a rulemaking regarding standardized bycatch reporting methodology, and NOAA Fisheries policy directives into the 2006 Consolidated HMS Fishery Management Plan.

**Bluefin Tuna**

NOAA Fisheries has transferred 140 metric tons (mt) of Atlantic bluefin tuna [quota](#) from the Reserve category to the General category for the remainder of the October through November time period. This action provides additional opportunity for General category fishermen to participate in the October through November General category fishery. The General category October through November fishery begins October 3, 2021, as October 1-2, 2021, are restricted-fishing days. The adjusted October through November 2021 sub quota is 212.2 mt, and the remaining bluefin tuna Reserve category quota is 11.5 mt.





ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

October 22, 2021

## MEMORANDUM

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

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

**SUBJECT:** Protected Resources Program Update

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### Issue

Summary information is provided from the division's Protected Resources Program for observer program activities during summer (June-August) 2021. Seasonal reports to National Marine Fisheries Service are required for the Sea Turtle Incidental Take Permit (ITP) and monthly reports, if there is an observed take, are required for the Atlantic Sturgeon ITP. The seasonal report can be found in the briefing materials.

### Action Needed

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

### Overview

During summer 2021, all observed trips were alternative platform trips to limit potential COVID-19 exposure between fishermen and observers. The estuarine large-mesh ( $\geq 5$  inches stretch mesh) anchored gill-net fishery was closed during summer. Estimated observer coverage of the small-mesh gill-net ( $< 4$  inches stretch mesh) fishery exceeded 1% (minimum required threshold) in Management Unit B and 2% in all other management units (29 observed trips; percent coverage range: 1.5-12.1%) (Table 1). Small-mesh gill-net effort remained difficult to locate when trips were not arranged with a fisherman. These difficulties are reflected in the large number ( $n=361$ ) of no-contact trips logged by observers and Marine Patrol officers (Table 2).

During summer 2021, observers logged 454 calls or in-person contacts. Observers left 159 voicemails and received 30 returned calls from fishermen with one of them resulting in a booked trip. Of the 39 contacts where fishermen said to call back at a later time/date, 19 of them included fishermen that said to call back during the fall flounder season.

There were no observed sea turtle or sturgeon interactions recorded during summer 2021.

**Table 1.** For small-mesh gill nets, estimated percent observer coverage calculated from observer trips (< 4 inch) and estimated fishing trips using Trip Ticket Program data (< 5 inch) by management unit for summer (June–August) 2021. Estimated fishing trips were calculated as the 5-year average from 2016-2020.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	172	5	2.9
B	848	13	1.5
C	92	2	2.2
D1	closed	closed	closed
D2	25	3	12.1
E	193	6	3.1
Total	1,329	29	2.2

**Table 2.** Number of "No-Contact" trips by management unit completed by Marine Patrol and observers during summer (June–August) 2021. "No Contact" refers to unsuccessful attempts to find and observe anchored gill-net effort.

Management Unit	Marine Patrol No-Contact Trips	Observer No-Contact Trips	Total No-Contact Trips
A	63	0	63
B	36	30	66
C	24	13	37
D1	closed	closed	closed
D2	23	4	27
E	166	2	168
Overall	312	49	361

2021 Summer Seasonal Progress Report  
for Activities under Endangered Species Act  
Section 10 Incidental Take Permit No. 16230  
June 1 – August 31, 2021



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

September 2021

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## SUMMARY

This report summarizes activities of the North Carolina Division of Marine Fisheries (NCDMF) Observer Program during summer (June 1–August 31) of the Incidental Take Permit (ITP) Year 2021 (September 1, 2020–August 31, 2021) for ITP No. 16230. Throughout this document, all references to gill nets are for anchored gill nets only unless stated otherwise.

During summer 2021, significant regulatory changes remained in effect for the large-mesh gill-net fishery for southern flounder (*Paralichthys lethostigma*). These regulations were included in Amendment 2 of the Southern Flounder Fishery Management Plan (FMP) adopted by the North Carolina Marine Fisheries Commission on August 23, 2019. This action was taken because the most recent southern flounder stock assessment indicated that the stock is overfished and overfishing is occurring. North Carolina state law requires management actions be taken to end overfishing within 2 years and recover the stock from an overfished condition within 10 years. As part of the FMP, the large-mesh gill-net fishery was closed statewide during summer 2021.

A single proclamation applicable to anchored gill nets was issued during summer 2021 (Table 1). Proclamations can be found online at:  
<https://deq.nc.gov/fisheries-management-proclamations>.

Projected observer coverage needed to meet levels required in the ITP was calculated for the small-mesh gill-net fishery in each management unit using the average reported fishing trips to the Trip Ticket Program during summer from the previous five years (2016–2020). It is important to remember that the sea turtle ITP defines large-mesh gill nets as those with  $\geq 4$ -inch webbing, but the TTP data are categorized as large-mesh gill nets for those with  $\geq 5$ -inch webbing.

All observed trips during summer 2021 were alternative platform trips due to the COVID-19 pandemic. Because each alternative platform trip requires two observers, Marine Patrol officers contributed additional effort to ensure that observer coverage requirements were met. There were no observed sea turtle interactions during observations of small-mesh gill nets (see below) during summer 2021.

Estimated observer coverage of the small-mesh gill-net fishery exceeded 1% in Management Unit B and 2% in all other management units (29 observed trips; percent coverage range: 1.5-12.1%) (Table 2). Small-mesh gill-net effort remained difficult to locate when trips were not arranged with a fisherman because the time of day when the fisherman hauls in the gear is unpredictable and soak times can be short. Also, many fishermen reportedly fished at night when alternative platform trips were not conducted by observers due to safety concerns. These difficulties are reflected in the large number (n=361) of No-Contact trips logged by observers and Marine Patrol officers (Table 3).

In addition to anchored gill nets, observers documented two “drop” or “strike” net trips (i.e., not anchored gear) in Management Unit C, and Marine Patrol officers observed three drop/strike nets in Management Units B and C and one drift net in Management Unit B. Although these gear types are not included in the ITP, occasional observer coverage is useful to characterize this fishery.

As part of their regular duties, Marine Patrol officers checked gill nets for compliance. Occasionally, citations and/or Notice of Violations (NOVs) were issued to fishermen when gear or fishing practices were out of compliance. A citation is an enforcement action taken by a Marine Patrol officer for person(s) found to be in violation of general statues, rules, or proclamations under the authority of the Marine Fisheries Commission and is considered a proceeding for district court. An NOV is the Division's administrative process to suspend a permit and is initiated by an Officer or Division employee when a permit holder is found to be in violation of general or specific permit conditions. A citation and an NOV may both be initiated by the same permit condition violation; however, they are two separate actions. For this report, NOVs or citations under the codes "EGNP" and "NETG" were compiled, as they are applicable to the estuarine gill-net permits and violations. Marine Patrol issued 10 citations and zero NOVs for large- and small-mesh gill nets during summer 2021 (Table 4).

As per the ITP, the NCDMF established the Estuarine Gill Net Permit (EGNP) in September 2014 to register all fishermen participating in anchored large -and small-mesh gill-net fisheries. Permits are renewed on an annual basis, based on the fiscal year for licenses. Contact information associated with the EGNPs are used by observers to call fishermen to schedule trips. To help arrange trips, the Observer Program worked with the License & Statistics Section to distill the list of fishermen with active EGNPs to those that have actually reported landings with anchored gear (by mesh size) during the last three years. Observers also attempted to contact fishermen in person at boat ramps and on the water when possible. Observers logged contact attempts by phone or in-person and returned phone calls from fisherman into a database with categories of the response: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not fishing because of medical issues; 7) Booked trip; 8) Hung up, got angry, trip refused; 9) Call back later time/date; 10) Saw in person; 11) Disconnected; 12) Wrong number; 13) No answer; 14) No answer, left voicemail; 15) Not fishing because of natural disaster (e.g., hurricane) (Figure 2). During summer 2021, observers logged 454 contacts. Observers left 159 voicemails and received 30 returned calls from fishermen with 1 of them resulting in a booked trip. Of the 39 contacts where fishermen said to call back at a later time/date, 19 of them included fishermen that said to call back during the fall flounder season. The Observer Program is following up on phone numbers that were disconnected or incorrect; some of them have already been updated.



## TABLES

**Table 1.** Proclamations issued during summer (June–August) 2021 affecting anchored large- and small-mesh gill-net fisheries.

Year	Date	Regulation change
2021	28-June	Proclamation M-14-2001: This proclamation supersedes proclamation M-13-2021 (REVISED) dated May 4, 2021. It reduces the yardage limit for gill nets with a stretched mesh length less than 4 inches in Management Unit B.

**Table 2.** For small-mesh gill nets, estimated percent observer coverage calculated from observer trips (<4 inch) and estimated fishing trips using Trip Ticket Program data (<5 inch) by management unit for summer (June–August) 2021. Estimated fishing trips were calculated as the 5-year average from 2016-2020.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	172	5	2.9
B	848	13	1.5
C	92	2	2.2
D1	closed	closed	closed
D2	25	3	12.1
E	193	6	3.1
Total	1,329	29	2.2

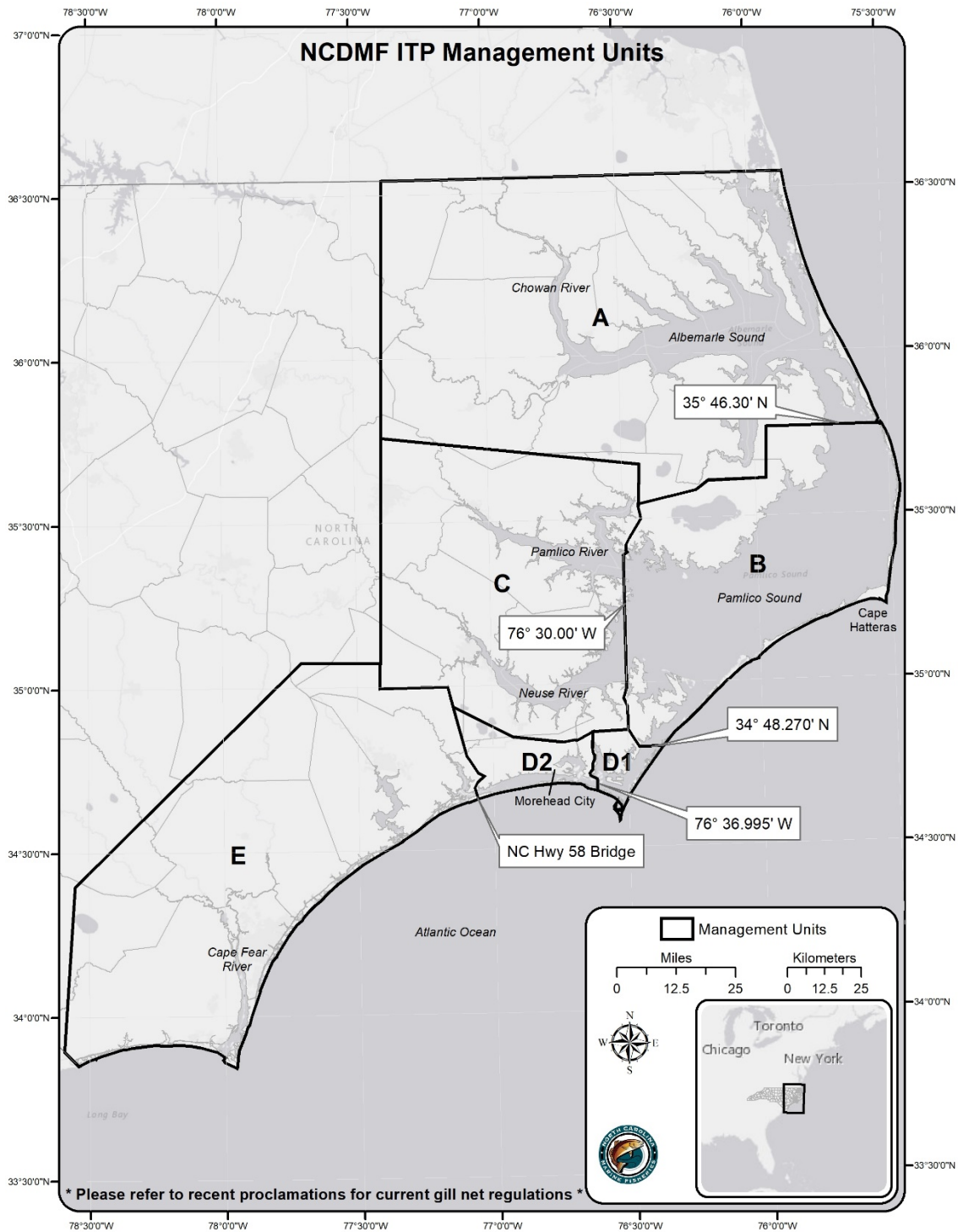
**Table 3.** Number of "No-Contact" trips by management unit completed by Marine Patrol and observers during summer (June–August) 2021. "No Contact" refers to unsuccessful attempts to find and observe anchored gill-net effort.

Management Unit	Marine Patrol No-Contact Trips	Observer No-Contact Trips	Total No-Contact Trips
A	63	0	63
B	36	30	66
C	24	13	37
D1	closed	closed	closed
D2	23	4	27
E	166	2	168
Total	312	49	361

**Table 4.** Citations written by Marine Patrol for anchored gill nets by date and violation code during summer (June–August) 2021. No Notice of Violations (NOVs) were issued during summer.

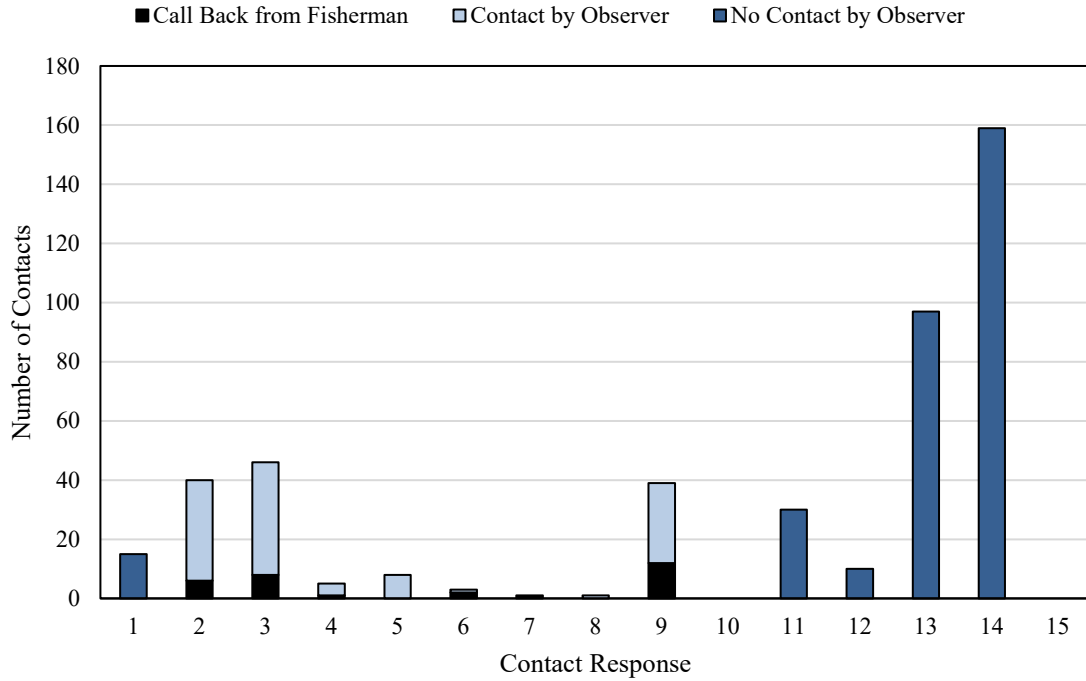
Date	Code	Description
6/05/2021	NETG01	Leave gill net in coastal waters unattended
6/17/2021	NETG27	Gill Net set within 50 yards from shore 3H.0103 M-9-2008
7/26/2021	NETG03	Using gill net with improper buoys or identification
7/26/2021	NETG10	Gill net with illegal mesh size
8/16/2021	NETG04	Leave gill net in waters when could not be legally fished
8/20/2021	NETG02	Using gill net without buoys or identification
8/25/2021	NETG10	Gill net with illegal mesh size
8/26/2021	NETG01	Leave gill net in coastal waters unattended
8/26/2021	NETG04	Leave gill net in waters when could not be legally fished
8/31/2021	NETG10	Gill net with illegal mesh size

# FIGURES



**Figure 1.** Map of management units outlined in Section 10 Incidental Take Permit No. 16230.

Summer (Jun-Aug 2021)  
n = 454



**Figure 2.** Number of contacts (n=454) during summer (June – August) to schedule trips. Contact type categories include the following: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not fishing because of medical issues; 7) Booked trip; 8) Hung up, got angry, trip refused; 9) Call back later time/date; 10) Saw in person; 11) Disconnected; 12) Wrong number; 13) No answer; 14) No answer, left voicemail; 15) Not fishing because of natural disaster (e.g., hurricane). Contact types are shown as those when the observer contacted a fisherman (light blue bars), when the observer did not (dark blue bars), and when the fisherman returned an observer’s call (black bars).

## Red Drum Landings 2020-2022

Landings are complete through October 18, 2021.

2020 landings are final. 2021 landings are preliminary.

Year	Month	Species	Pounds	2009-2011	2013-2015
				Average	Average
2020	9	Red Drum	32,104	28,991	35,003
2020	10	Red Drum	57,299	43,644	63,659
2020	11	Red Drum	26,704	14,318	27,646
2020	12	Red Drum	12,067	3,428	2,197
2021	1	Red Drum	11,372	5,885	1,700
2021	2	Red Drum	16,674	3,448	3,996
2021	3	Red Drum	2,552	5,699	3,971
2021	4	Red Drum	***	***	***
2021	5	Red Drum	11,651	13,730	9,661
2021	6	Red Drum	14,239	12,681	6,985
2021	7	Red Drum	10,301	13,777	15,618
2021	8	Red Drum	12,147	21,252	15,846

**FY20 Fishing Year (Sept 1, 2020 - Aug 31, 2021) Landings 207,110**

Year	Month	Species	Pounds	2009-2011	2013-2015
				Average	Average
2021	9*	Red Drum	24,733	28,991	35,003
2021	10	Red Drum		43,644	63,659
2021	11	Red Drum		14,318	27,646
2021	12	Red Drum		3,428	2,197
2022	1	Red Drum		5,885	1,700
2022	2	Red Drum		3,448	3,996
2022	3	Red Drum		5,699	3,971
2022	4	Red Drum		7,848	6,528
2022	5	Red Drum		13,730	9,661
2022	6	Red Drum		12,681	6,985
2022	7	Red Drum		13,777	15,618
2022	8	Red Drum		21,252	15,846

**FY21 Fishing Year (Sept 1, 2021 - Aug 31, 2022) Landings 24,733**

\*partial trip ticket landings only

\*\*\*landings are confidential

YEAR	MONTH	SPECIES	POUNDS	DEALERS	TRIPS	AVERAGE (2007-2009)
2017	1	SOUTHERN FLOUNDER	1,677	38	122	7,713
2017	2	SOUTHERN FLOUNDER	2,758	55	215	4,617
2017	3	SOUTHERN FLOUNDER	8,254	67	874	23,512
2017	4	SOUTHERN FLOUNDER	9,591	83	787	68,389
2017	5	SOUTHERN FLOUNDER	33,105	105	1,121	122,514
2017	6	SOUTHERN FLOUNDER	74,799	115	1,905	154,090
2017	7	SOUTHERN FLOUNDER	75,032	108	1,757	170,387
2017	8	SOUTHERN FLOUNDER	102,890	116	2,366	201,862
2017	9	SOUTHERN FLOUNDER	235,915	128	2,849	396,301
2017	10	SOUTHERN FLOUNDER	549,825	142	3,977	781,717
2017	11	SOUTHERN FLOUNDER	302,372	123	2,004	392,150
2017	12	SOUTHERN FLOUNDER	166	7	8	37,303
2018	1	SOUTHERN FLOUNDER	610	14	43	7,713
2018	2	SOUTHERN FLOUNDER	1,833	34	154	4,617
2018	3	SOUTHERN FLOUNDER	2,815	43	387	23,512
2018	4	SOUTHERN FLOUNDER	8,142	74	769	68,389
2018	5	SOUTHERN FLOUNDER	18,342	90	951	122,514
2018	6	SOUTHERN FLOUNDER	42,501	105	1,407	154,090
2018	7	SOUTHERN FLOUNDER	57,283	117	1,496	170,387
2018	8	SOUTHERN FLOUNDER	72,495	121	1,916	201,862
2018	9	SOUTHERN FLOUNDER	109,125	114	1,776	396,301
2018	10	SOUTHERN FLOUNDER	363,339	109	3,062	781,717
2018	11	SOUTHERN FLOUNDER	226,856	89	1,355	392,150
2018	12	SOUTHERN FLOUNDER	471	5	5	37,303
2019	1	SOUTHERN FLOUNDER	524	25	74	7,713
2019	2	SOUTHERN FLOUNDER	558	23	69	4,617
2019	3	SOUTHERN FLOUNDER	1,412	44	216	23,512
2019	4	SOUTHERN FLOUNDER	5,966	66	448	68,389
2019	5	SOUTHERN FLOUNDER	36,666	92	1,038	122,514
2019	6	SOUTHERN FLOUNDER	61,199	109	1,438	154,090
2019	7	SOUTHERN FLOUNDER	59,404	109	1,554	170,387
2019	8	SOUTHERN FLOUNDER	95,629	109	1,779	201,862
2019	9	SOUTHERN FLOUNDER	51,734	59	551	396,301
2019	10	SOUTHERN FLOUNDER	327,394	120	2,337	781,717
2019	11	SOUTHERN FLOUNDER	159,595	58	537	392,150
2020	3	SOUTHERN FLOUNDER	***	***	***	23,512
2020	4	SOUTHERN FLOUNDER	***	***	***	68,389
2020	8	SOUTHERN FLOUNDER	***	***	***	201,862
2020	9	SOUTHERN FLOUNDER	86,553	30	790	396,301
2020	10	SOUTHERN FLOUNDER	340,711	138	2,623	781,717
2020	11	SOUTHERN FLOUNDER	52,602	25	68	392,150
2021	3	SOUTHERN FLOUNDER	***	***	***	23,512
2021	4	SOUTHERN FLOUNDER	***	***	***	68,389
2021	5	SOUTHERN FLOUNDER	***	***	***	122,514
2021	6	SOUTHERN FLOUNDER	***	***	***	154,090
2021	7	SOUTHERN FLOUNDER	***	***	***	170,387
2021	8	SOUTHERN FLOUNDER	31	3	4	201,862
2021	9	SOUTHERN FLOUNDER	45,242	15	525	396,301
2021	10	SOUTHERN FLOUNDER	11,961	6	73	781,717

NOTE: 2021 data are preliminary. 2017-2020 data are complete.

\*\*\*Data are confidential