

NC Marine Fisheries Commission

# Supplemental Materials

November 2022 Business Meeting

News Release ~Rescheduled Public Rule  
Hearing

---

ASMFC Nov. 2022 Meeting Summary

---

Marine Patrol Update Memo

---

Roy Cooper  
*Governor*

Elizabeth S. Biser  
*Secretary*



Kathy B. Rawls  
*Director*

---

Release: Immediate  
Date: Nov. 7, 2022

Contact: [Patricia Smith](#)  
Phone: 252-726-7021

---

### **Public hearing for two marine fisheries proposed rules rescheduled for Dec. 16**

**MOREHEAD CITY** – The N.C. Marine Fisheries Commission will hold a public hearing on two marine fisheries proposed rules at 1 p.m. Dec. 16 at the Division of Marine Fisheries' Central District Office, 5285 Highway 70 West, Morehead City. The hearing was originally scheduled for a Nov. 1 web conference but was cancelled due to technical difficulties.

Those who wish to speak at the hearing may sign up on location prior to the meeting.

The first proposed rule sets requirements for the harvest classification of shellfish growing waters in and around marinas, docking facilities, and other mooring areas. It is proposed for re-adoption and amendment to help ensure that North Carolina remains in full compliance with national requirements so N.C. shellfish can continue to be sold through interstate commerce. Proposed amendments would allow the N.C. Division of Marine Fisheries to determine necessary buffer closures for shellfish growing waters in and around these areas based on a more scientific and public health-based rationale and make implementation and enforceability of requirements clearer.

The second proposed rule makes amendments to mutilated finfish requirements.

The current mutilated finfish rule (15A NCAC 03M .0101) has been on the books since 1991. It requires while fishing or aboard a vessel, the head and tail remain attached to any finfish that is subject to a possession limit, including a size limit, recreational bag limit, commercial trip limit, or season. It makes three exceptions:

1. Mullet used as bait;
2. Hickory shad used as bait; and
3. Tuna in a commercial fishing operation that meets the measurement required in a separate rule.

Currently, there is no provision to add species to the list of exceptions without going through a lengthy permanent rulemaking process. The proposed amended rule would give the Director of the Division of Marine Fisheries authority to add or remove species from the list of exceptions by proclamation to address variable conditions as warranted.

For instance, American eel, spot, Atlantic croaker, and bluefish are now subject to possession limits that did not exist when the rule was adopted. They are all commonly used as cut bait, creating a conflict with the current rule. The proposed amended rule would allow the director to add these species to the list of exceptions or specify terms of use.

Additionally, the exception for mullet may need to be modified based on the recent striped mullet stock assessment and potential management measures developed through the upcoming fishery management plan.

Due to the adjusted hearing schedule, the deadline for written comments has also been extended to 5 p.m. Dec. 16, 2022. Members of the public may submit written comments through an online form or through the mail to N.C. Marine Fisheries Commission Rules Comments, P.O. Box 769, Morehead City, N.C. 28557. Comments must be posted online or be received by the N.C. Division of Marine Fisheries by 5 p.m. Dec. 16, 2022.

---

**Website:** <http://www.ncdenr.gov>

**Facebook:** <http://www.facebook.com/ncdeq>

**Twitter:** <http://twitter.com/NCDEQ>

**RSS Feed:** <http://portal.ncdenr.org/web/opa/news-releases-rss>

1601 Mail Service Center, Raleigh, NC 27699-1601

Roy Cooper  
*Governor*

Elizabeth S. Biser  
*Secretary*



Kathy B. Rawls  
*Director*

The online comment form and text of the proposed rules can be found on the N.C. Marine Fisheries Commission's [Proposed Rules Page](#).

The proposed rule changes will be presented to the N.C. Marine Fisheries Commission for final approval in February 2023 and have an earliest effective date of May 1, 2023.

For questions about the N.C. Marine Fisheries Commission rulemaking process, email [Catherine Blum](#), rulemaking coordinator for the N.C. Division of Marine Fisheries.

**WHO:** Marine Fisheries Commission  
**WHAT:** Public Hearing for Proposed Rules  
**WHEN:** Dec. 16 at 1 p.m.  
**WHERE:** N.C. Division of Marine Fisheries  
Central District Office  
5285 Highway 70 West, Morehead City

###



# Atlantic States Marine Fisheries Commission

## 80<sup>th</sup> Annual Meeting Summary

*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

80<sup>th</sup> Annual Meeting  
November 7-10, 2022

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

### Meeting Summaries, Press Releases and Motions

#### TABLE OF CONTENTS

<b>ATLANTIC HERRING MANAGEMENT BOARD (NOVEMBER 7, 2022)</b> .....	<b>3</b>
<i>Meeting Summary</i> .....	3
<i>Motions</i> .....	3
<b>HABITAT COMMITTEE (NOVEMBER 7, 2022)</b> .....	<b>4</b>
<i>Meeting Summary</i> .....	4
<b>AMERICAN LOBSTER MANAGEMENT BOARD (NOVEMBER 7, 2022)</b> .....	<b>4</b>
<i>Meeting Summary</i> .....	4
<i>Motions</i> .....	6
<b>ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (NOVEMBER 7, 2022)</b> .....	<b>6</b>
<i>Meeting Summary</i> .....	6
<i>Motions</i> .....	7
<b>ATLANTIC STRIPED BASS MANAGEMENT BOARD (NOVEMBER 7, 2022)</b> .....	<b>8</b>
<i>Press Release</i> .....	8
<i>Motions</i> .....	9
<b>SHAD AND RIVER HERRING MANAGEMENT BOARD (NOVEMBER 8, 2022)</b> .....	<b>10</b>
<i>Meeting Summary</i> .....	10
<i>Motions</i> .....	11
<b>LAW ENFORCEMENT COMMITTEE</b> .....	<b>11</b>
<i>Meeting Summary</i> .....	11

<b>COASTAL PELAGICS MANAGEMENT BOARD (NOVEMBER 8, 2022)</b> .....	<b>12</b>
<i>Meeting Summary</i> .....	12
<i>Motions</i> .....	13
<b>ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (NOVEMBER 8-10, 2022)</b> .....	<b>13</b>
<i>Meeting Summary</i> .....	13
<b>CLIMATE CHANGE SCENARIO PLANNING INITIATIVE WORKSHOP (NOVEMBER 8, 2022)</b> .....	<b>14</b>
<i>Meeting Summary</i> .....	14
<b>EXECUTIVE COMMITTEE (NOVEMBER 9, 2022)</b> .....	<b>14</b>
<i>Meeting Summary</i> .....	14
<i>Motions</i> .....	16
<b>BUSINESS SESSION (NOVEMBER 9, 2022)</b> .....	<b>16</b>
<i>Meeting Summary</i> .....	16
<i>Motions</i> .....	16
<b>COASTAL SHARKS MANAGEMENT BOARD (NOVEMBER 9, 2022)</b> .....	<b>16</b>
<i>Meeting Summary</i> .....	16
<i>Motions</i> .....	17
<b>CAPTAIN DAVID H. HART AWARDS (NOVEMBER 7 &amp; 9, 2022)</b> .....	<b>17</b>
<i>Press Release</i> .....	17
<b>ATLANTIC MENHADEN MANAGEMENT BOARD (NOVEMBER 9, 2022)</b> .....	<b>19</b>
<i>Press Release</i> .....	19
<i>Motions</i> .....	21
<b>HORSESHOE CRAB MANAGEMENT BOARD (NOVEMBER 10, 2022)</b> .....	<b>23</b>
<i>Press Release</i> .....	23
<i>Meeting Summary</i> .....	25
<i>Motions</i> .....	25
<b>INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (NOVEMBER 7, 2022)</b> .....	<b>26</b>
<i>Meeting Summary</i> .....	26
<i>Motions</i> .....	27

## **ATLANTIC HERRING MANAGEMENT BOARD (NOVEMBER 7, 2022)**

### ***Meeting Summary***

The Atlantic Herring Management Board met to receive an update on the New England Fishery Management Council's (NEFMC) recommended 2023-2025 specifications for Atlantic herring; set the quota periods for the 2023 Area 1A fishery; and consider the vacant ASMFC seat on the NEFMC's Herring Committee.

The Board received an update on the NEFMC's recommended Atlantic herring fishery specifications for the 2023-2025 fishing years. In September 2022, the NEFMC voted on the 2023-2025 specifications package to be submitted to NOAA Fisheries for review and approval. NEFMC's recommended specifications are based on the 2022 Atlantic herring stock assessment and recommendations from the NEFMC Scientific and Statistical Committee, which are consistent with the Atlantic herring biomass-based control rule and with the Atlantic herring rebuilding plan. The specifications include the sub-annual catch limits (sub-ACL) for each Atlantic herring management area, which for Area 1A would be 3,592 metric tons in 2023. NOAA Fisheries final rule to implement 2023-2025 specifications is expected to be published in January or February 2023. The Board will consider action to approve 2023-2025 specifications after publication of NOAA's final rule.

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 2023 Area 1A fishery, 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.

During the discussion of quota periods, the Board raised concerns about the challenge of managing the Area 1A fishery under low quotas. It was noted the postponed Draft Addendum III (postponed as of May 2020) was developed to consider new approaches for managing the Area 1A fishery under low quotas, including alternative quota period options. The Board will likely discuss postponed Draft Addendum III at a 2023 Board meeting to consider whether the types of management options in Draft Addendum III should be revisited.

The Commission's seat on the NEFMC's Atlantic Herring Committee is currently vacant with the recent retirement of Ritchie White, past New Hampshire Governor Appointee. The Board selected Mr. Ray Kane from Massachusetts as the new ASMFC representative on the NEFMC's Atlantic Herring Committee. Mr. Kane stated that he would step down from his current role on the NEFMC's Atlantic Herring Advisory Panel to take on this new Committee role.

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

### ***Motions***

**Move to allocate the 2023 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. Griffin and seconded by Mr. Reid. Motion approved by unanimous consent.

**Move to select Ray Kane as the ASMFC representative on the New England Fishery Management Council's Atlantic Herring Committee.**

Motion made by Mr. Abbott and seconded by Ms. Griffin. Motion approved by unanimous consent.

### **HABITAT COMMITTEE (NOVEMBER 7, 2022)**

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

The Habitat Committee received updates on the Atlantic Coastal Fish Habitat Partnership, the Northeast Regional Habitat Assessment Data Explorer, East Coast Climate Change Scenario Planning, aquaculture advancements at NOAA's Greater Atlantic Regional Fisheries Office, and the New England and Mid-Atlantic Fishery Management Councils. The Committee also checked-in on the status on the next Habitat Management Series publication on Acoustic Impacts to Fish Habitat, the 2022 issue of *Habitat Hotline Atlantic*, Fish Habitats of Concern designations, and the habitat section for the upcoming Bluefish Benchmark Stock Assessment. The Habitat Committee welcomed Robert Atwood (NH Fish and Game) and Forrest Vanderbilt (U.S. Geological Survey) as new members. Russ Babb (NJ DEP) was unanimously voted in as the new Chair, and Kate Wilke (The Nature Conservancy) was unanimously voted in as the new Vice-Chair.

### **AMERICAN LOBSTER MANAGEMENT BOARD (NOVEMBER 7, 2022)**

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

The American Lobster Management Board (Board) met to consider a number of items: (1) an update on ongoing litigation related to the take of North Atlantic Right whales in the American lobster fishery; (2) the annual data update of American lobster indices; (3) next steps on Draft Addendum XXVII on increasing protection of spawning stock biomass of the Gulf of Maine/Georges Bank (GOM/GBK) stock; (4) an update on the implementation of American Lobster Addendum XXIX and Jonah Crab Addendum IV; (5) a progress update on the Jonah crab benchmark stock assessment; and (6) Fishery Management Plan (FMP) Reviews for the 2021 fishing year.

NOAA Fisheries provided an update on the status of ongoing court cases regarding the take of North Atlantic right whales in the American lobster fishery, including the case brought by the Center for Biological Diversity and several other environmental organizations versus Secretary Raimondo and the Maine Lobstermen's Association. In this case, the Court held that aspects of the 2021 Biological Opinion and the 2021 Final Rule violated requirements of the Endangered Species Act and the Marine Mammal Protection Act (MMPA). The parties have all submitted their written briefs over the past two months. The Court has scheduled a hearing for Thursday, November 10<sup>th</sup> in which the parties will be able to make oral arguments. The Court will then be in position to issue its remedy order, which is expected to occur in the coming weeks before the end of the year.

The 2020 American Lobster Stock Assessment recommended an annual data update process to allow the Board to more closely monitor changes in stock abundance between stock assessments. The objective of this process is to present information, including any potentially concerning trends, that could indicate a need for additional research or consideration of management changes. Young-of-year (YOY) settlement

indicators, trawl survey indicators, and ventless trap survey (VTS) sex-specific abundance indices were updated through 2021 and provide insights to future stock conditions. Generally, the GOM stock indicators show declines from the time series highs observed in the stock assessment. GBK indicators, which do not include YOY or VTS indicators, show conditions similar to those included in the stock assessment. The Southern New England indicators show continued unfavorable conditions, with some further signs of decline since the stock assessment.

The Board discussed next steps in the development of Draft Addendum XXVII on increasing protection of spawning stock biomass of the GOM/GBK stock. In January 2022, the Board approved the Draft Addendum for public comment; however, the Interstate Fisheries Management Program Policy Board postponed public hearings to allow additional time for the Board to consider pending information on stock condition and right whales risk reduction measures. In August, the Board further delayed hearings and tasked the Plan Development Team (PDT) to provide guidance on the impacts of the proposed management measures under the Magnuson-Stevens Act, which prohibits the import and sale of lobsters smaller than the Commission's lowest minimum possession limit. Staff reviewed the management options and provided an update to the proposed trigger index that would be used to trigger implementation of gauge size changes in the GOM/GBK stock management areas. The 2021 index value is 0.765, which represents a 23% decline in the index, and surpasses the first two trigger levels proposed in the document. After considering the updated trigger index proposed in the draft addendum, the Board rescinded the approval of Draft Addendum XXVII for public comment in order to make changes to the options within the document. The Board and directed the PDT to modify (1) the proposed options to include a single trigger level which falls within a 30% to 45% decline in the trigger index, and (2) the implementation years for scheduled gauge and vent size changes. The Board will consider approval of Draft Addendum XXVII for public comment at its next meeting.

Staff gave an update on the implementation of American Lobster Addendum XXIX and Jonah Crab Addendum IV, which establish electronic tracking requirements for federally-permitted vessels in both fisheries. A Work Group comprised of state and federal partners was convened to develop a request for quotes from vessel tracking device manufacturers, which was released in the fall of 2020. Five applications for type approval were received and the Work Group is in the process of evaluating the devices for approval. ACCSP completed the SAFIS API for tracking data submission and is developing the application for viewing vessel tracks and monitoring vessel compliance.

Staff provided a progress update on the benchmark stock assessment for Jonah crab. The assessment data workshop was held in June 2022, and the assessment methods workshop was held in early October 2022. At this workshop, the Stock Assessment Subcommittee continued development of potential stock indicators and discussed possible assessment methods. The assessment is scheduled for completion in the fall of 2023.

The Board will review and consider approval of the FMP Reviews for the 2021 fishing year for lobster and Jonah crab by email following the meeting. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.



### ***Motions***

**Move to rescind the following two motions passed in August 2022 and January 2022 meetings, respectively:**

- **Move to postpone consideration of public hearings on Draft Addendum XXVII until the Annual Meeting to allow the Plan Development Team (PDT) time to address challenges raised by existing Magnuson-Stevens Act language regarding possession of lobsters smaller than the lowest minimum size limit specified in the American Lobster FMP. This could include language which differentiates harvest vs. possession limits to reduce impacts on dealers and processors. The Law Enforcement Committee should also review new language that may be suggested by the PDT.**
- **Move to approve Draft Addendum XXVII for Public Comment, as amended today.**

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

### **Main Motion**

**Move that the PDT simplify section 3.2 of Draft Addendum XXVII to the American Lobster FMP, by creating a single trigger level, that shall act as a backstop, protecting the stock from further declines. The PDT shall use the Technical Committee's trigger level recommendation (Sept 10, 2021 Memo to the Board), utilizing a three-year running average of the trigger index when it declines by 45% from the reference period.**

Motion made by Mr. Keliher and seconded by Mr. Abbott. Motion amended.

### **Motion to Amend**

**Move to amend the percentage to a range of 30% to 45%**

Motion made by Ms. Patterson and seconded by Mr. Reid. Motion passes with one abstention.

### **Main Motion as Amended**

**Move that the Plan Development Team simplify Section 3.2 of Draft Addendum XXVII to the American Lobster FMP, by creating a single trigger level, that shall act as a backstop, protecting the stock from further declines. The PDT shall use the Technical Committee's trigger level recommendation (Sept 10, 2021 Memo to the Board), utilizing a three-year running average of the trigger index when it declines by 30-45% from the reference period.**

Motion approved with one abstention.

### **Move to change the years in Issue 2 Option E to 2025 and 2027**

Motion made by Mr. Keliher and seconded by Mr. Abbott. Motion approved with one abstention.

## **ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (NOVEMBER 7, 2022)**

### ***Meeting Summary***

The ACCSP Coordinating Council met to consider the FY2023 Partner and Administrative proposals and the Atlantic Recreational Implementation Plan.

The Council voted to fund the all three maintenance and all six new FY2023 proposals as ranked by the Advisory and Operations Committees. The Council also supported the development of a workgroup to address questions on ACCSP future funding approach for data collection applications for all data types. Several members supported the transparency and robust process of project ranking discussions. Within

the ACCSP Administrative proposal, the Council supported including activities such as the Accountability Workshop as appendices for consideration as optional components to maintain transparency and provide alignment with the proposal ranking criteria.

The Council voted to approve the Atlantic Recreational Implementation Plan (2023-2027). This document includes regional priorities for data collection, and will be submitted to MRIP. The priorities in the implementation plan are also used in the annual ACCSP request for proposals.

The Council was presented an update of ACCSP program activities, including addition of the Potomac River Fisheries Commission to the confidential data access process, partnerships on data collection tools for MRIP survey state conduct, ACCSP software development timelines, development of spatial data tools, fishermen One Stop Reporting, and status of the SciFish citizen science project.

The Council thanked Mr. Carmichael for his tenure as Chair, and elected Dr. McNamee (RI DEM) as Chair and Ms. Knowlton (GA CRD) as Vice-Chair. The Council and staff recognized Ms. Lupton (recently retired from NC DMF) for her contributions to ACCSP standards, policies, and projects over the past 27 years.

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

### ***Motions***

**Move to approve the ACCSP FY2023 projects as presented to the ACCSP Coordinating Council, with unallocated funds to be held in the ACCSP Administrative grant for future determination.**

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

**Move to approve the Atlantic Recreational Implementation Plan (2023-2027), as presented to the ACCSP Coordinating Council.**

Motion made by Ms. Knowlton and seconded by Mr. Bell. Motion approved by unanimous consent.

**Motion to elect Dr. McNamee as Coordinating Council Chair.**

Motion made by Mr. McKiernan and seconded by Mr. Gilmore. Motion approved by unanimous consent.

**Motion to nominate Ms. Knowlton as Coordinating Council Vice-Chair.**

Motion made by Ms. Fegley and seconded by Ms. Lupton. Motion approved by unanimous consent.



## **ATLANTIC STRIPED BASS MANAGEMENT BOARD (NOVEMBER 7, 2022)**

### ***Press Release***

### **Atlantic Striped Bass Assessment Update Finds Resource No Longer Experiencing Overfishing but Remains Overfished**

### ***Board Approves Draft Addendum I for Public Comment to Consider Voluntary Commercial Quota Transfers***

Long Branch, NJ – The Commission’s Atlantic Striped Bass Management Board reviewed the results of the 2022 Atlantic Striped Bass Stock Assessment Update, which indicates the resource is no longer experiencing overfishing but remains overfished relative to the updated biological reference points. Female spawning stock biomass (SSB) in 2021 was estimated at 143 million pounds, which is below the SSB threshold of 188 million pounds and below the SSB target of 235 million pounds. Total fishing mortality in 2021 was estimated at 0.14, which is below the updated fishing mortality threshold of 0.20 and below the updated fishing mortality target of 0.17.

The 2022 Assessment Update used the same model from the approved peer-reviewed 2018 Benchmark Stock Assessment. Data through 2021 were added to the model, and the model structure was adjusted for 2020-2021 to account for the regulation changes implemented through Addendum VI to Amendment 6. The assessment model was able to handle missing data due to COVID-19, but overall, COVID-19 increased uncertainty in the 2020 and 2021 data.

The 2022 Assessment Update also included short-term projections to determine the probability of SSB being at or above the SSB target by 2029, which is the stock rebuilding deadline. Under the current fishing mortality rate, there is a 78.6% chance the stock will be rebuilt by 2029, indicating a reduction in catch is not necessary at this time. The projections and the updated fishing mortality reference points took into account the period of low recruitment the stock has experienced in recent years.

“This 2022 assessment was the first check-in point for progress toward stock rebuilding by 2029,” said Board Chair Marty Gary with the Potomac River Fisheries Commission. “It is extremely important that we continue to monitor fishery removals and conduct regular stock assessments to keep evaluating rebuilding progress and stay on track.” The next stock assessment update is scheduled for 2024, and the Board will review the 2022 removals as soon as the data are available to evaluate whether catch remains at sustainable levels.

The Assessment Update will be available next week on the Commission’s website at <http://www.asmfc.org/species/atlantic-striped-bass> under Stock Assessment Reports. An overview of the assessment is available at [http://www.asmfc.org/uploads/file/636967f9AtlStripedBassStockAssessmentOverview\\_2022.pdf](http://www.asmfc.org/uploads/file/636967f9AtlStripedBassStockAssessmentOverview_2022.pdf).

### **Draft Addendum I**

The Board also approved Draft Addendum I to Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass for public comment. The Draft Addendum considers allowing for the voluntary transfer of striped bass commercial quota in the ocean region between states that have ocean quota.

The Board initiated Draft Addendum I in August 2021 after deciding that changes to the striped bass commercial quota system would not be considered during the ongoing development of Amendment 7. With the adoption of Amendment earlier this year, the Board re-initiated discussions on, and ultimately approved, Draft Addendum I for public comment to consider voluntary quota transfers which could provide some relief to states seeking additional quota. The Draft Addendum proposes a range of options that would permit voluntary transfers of commercial quota, including options based on stock status and options allowing the Board to set criteria for transfers on a regular basis.

The Draft Addendum will be posted to the website next week at <http://www.asmf.org/about-us/public-input>. A subsequent press release will provide the details on the public hearing schedule and how to submit written comments. The Board will meet to review submitted comment and consider final action on the addendum in February 2023 at the Commission's Winter Meeting in Arlington, VA.

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

###

PR22-31

### ***Motions***

#### **Main Motion**

**Move to approve Draft Addendum I to amendment 7 to the Interstate Fishery Management Plan for public comment.**

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

#### **Motion to Amend**

**Motion to amend to add "if the stock is overfished, apply a 5% conservation tax to address discrepancy that a pound of striped bass quota is not equal across all states." This would apply to options B and D.**

Motion made by Ms. Ware and seconded by Mr. Grout. Motion carries without objection.

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

**Move to approve Draft Addendum I to amendment 7 to the interstate fisheries management plan for public comment, and add if the stock is overfished, apply a 5% conservation tax to address discrepancy that a pound of striped bass quota is not equal across all states. This would apply to options B and D.**

Motion passes without objection.

**Move to approve Craig Poosikian representing Massachusetts to the Striped Bass Advisory Panel.**

Motion made by Mr. Kane and seconded by Dr. Davis. Motion passes without opposition.

## **SHAD AND RIVER HERRING MANAGEMENT BOARD (NOVEMBER 8, 2022)**

### ***Meeting Summary***

The Shad and River Herring Management Board met to consider updates to American shad habitat plans and Sustainable Fishery Management Plans (SFMPs), approve the Terms of Reference (TORs) and Stock Assessment Subcommittee (SAS) membership for the 2023 River Herring Benchmark Stock Assessment, and approve two nominations for the Advisory Panel (AP).

The Board considered an addition to the Massachusetts American Shad Habitat Plan to include the Taunton River. Under Amendment 3 to the FMP, all states and jurisdictions are required to develop habitat plans including information on habitat threats and restoration programs affecting American shad. The Taunton River addition was developed to begin a stocking project that aims to stock 20 million fish over the next six to eight years. In 2022, the first year of the plan, five million shad larvae were stocked. The Board approved the shad habitat plan, as presented.

The Board also considered updates to the Massachusetts and Maine SFMPs for River Herring. Amendments 2 and 3 to the Shad and River Herring FMP require all states and jurisdictions that have a commercial fishery to submit a SFMP for river herring and American shad, respectively. Plans are updated and reviewed by the Technical Committee every five years. The Massachusetts update included new information for the Nemasket River and added the Herring River to the plan. The Board approved the presented Massachusetts SFMP.

The Maine SFMP for River Herring includes an addendum, approved in 2019, that allows for three limited fisheries through 2024 with a scheduled review in 2022. The Board received a status update on the limited fisheries and approved them to continue as described in the addendum for the remainder of the five-year period, at which point the Board will consider allowing the permitted municipalities to continue under the Maine SFMP.

The Board approved the presented Draft TORs and SAS nominations for the 2023 River Herring Benchmark Stock Assessment. The assessment is scheduled to be presented to the Board at the Annual Meeting in October 2023.

Ben German and Jonathan Watson of the NOAA National Marine Fisheries Service Habitat and Ecosystem Services Division presented the River Herring Habitat Conservation Plan. The Plan was developed by the Atlantic Coast River Herring Collaborative Forum (River Herring Forum) who brings together river herring practitioners, managers, researchers, and community groups from across the species range to exchange information and the Commission is a member. The plan builds on a previous conservation plan developed through the River Herring Technical Expert Working Group in 2015 to include recent developments in river herring habitat conservation and provide recommendations for future methods to conserve and restore coastwide river herring populations. The final plan is scheduled to be published in late 2022 or early 2023.

The Board considered and approved the nomination of Paul Perra and Jerry Audet of Massachusetts to the Shad and River Herring Advisory Panel. For more information contact James Boyle, Fishery Management Plan Coordinator at [jboyle@asmfc.org](mailto:jboyle@asmfc.org).

## ***Motions***

### **Move to approve the updated Shad Habitat Plan from MA as presented today.**

Motion made by Mr. Armstrong and seconded by Mr. Reid. Motion passes by unanimous consent.

### **Move to approve the updated River Herring Sustainable Fishery Management Plan from MA as presented today.**

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

### **Move to approve the continuation of the provisional river herring fisheries as described in the addendum to the Maine river herring SFMP for the remainder of the five-year period ending in 2024, at which time the Technical Committee will use the established sustainability criteria to evaluate if the municipalities may continue harvest under the SFMP.**

Motion made by Mr. Keliher and seconded by Dr. Rhodes. Motion passes by unanimous consent.

### **Move to approve the Stock Assessment Subcommittee and Terms of Reference for the 2023 Benchmark Stock Assessment as presented today.**

Motion made by Mr. Clark and seconded by Ms. Fegley. Motion passes by unanimous consent.

### **Move to approve the nominations of Paul Perra and Jerry Audet from Massachusetts to the Shad & River Herring Advisory Panel.**

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

## **LAW ENFORCEMENT COMMITTEE**

### ***Meeting Summary***

The Law Enforcement Committee (LEC) met to review a working draft of the vessel tracker application for federal American lobster and Jonah crab fisheries; discuss species issues; and review the enforceability guidelines document.

ACCSP staff presented a working draft of the vessel track application, including how data flows, the process for the LEC to access the application, and a demonstration. The track view allows for vessel tracks to be followed and speed identified. The LEC provided feedback on the application including components it would want to see built into the application, such as the ability to review multiple vessel tracks from a specified date, range, and area.

The LEC discussed possible enforcement issues and potential methods to reduce regulatory loop holes if the American lobster management program allowed for a smaller minimum sized lobster to be imported into the United States than that allowed to be harvested under Amendment 3. The Committee will discuss potential solutions with state managers before coming back to the Committee for additional recommendations to the American Lobster Board.

The Committee discussed how states would enforce the proposed modifications to the North Atlantic right whale speed rule if it were to go into effect. The NOAA law enforcement member shared that NOAA is experimenting with different types of radar, including hand held. NOAA is working on ways to enforce the speed restrictions for boats that do not have AIS (AIS is one of the primary enforcement tools for the current speed zones). State enforcement officers would like to

see increased engagement with the states on this issue. Without increased resources, it will be difficult for the states to enforce the proposed speed restrictions.

The Committee reviewed the latest version of [Guidelines for Resource Managers on the Enforceability of Fishery Management Measures](#) and determined that some revisions are needed to better address new management measures and better reflect current practices. The Committee agreed each member would review the document and provide recommendations for changes to be considered by the Committee on a conference call in January.

The Committee reviewed species assignments to ensure each species Board has an assigned law enforcement representative that is familiar with current law enforcement issues.

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

## **COASTAL PELAGICS MANAGEMENT BOARD (NOVEMBER 8, 2022)**

### ***Meeting Summary***

The Coastal Pelagics Management Board met to receive an update on the 2022 stock assessment for Spanish mackerel; receive an update on differences between the Interstate and Federal Fishery Management Plans (FMPs) for Spanish mackerel; and review state compliance and FMP Reviews for the 2021 fishing year for Spanish mackerel and Atlantic cobia.

The Board received an update from the South Atlantic Fishery Management Council (SAFMC) on the status of the 2022 stock assessment for Spanish mackerel (SEDAR 78). SEDAR 78 is an operational (i.e., update) assessment for Atlantic Spanish mackerel with terminal year 2020. The SAFMC's Scientific and Statistical Committee (SSC) reviewed SEDAR 78 in August 2022 and noted several concerns regarding data and model fit. Additional model runs were conducted in October 2022 using revised MRIP shore-based landings estimates, but there continue to be SSC concerns. The SSC created a working group to develop terms of reference for assessment revisions, and a revised assessment is scheduled for completion in April 2023. At that time, the SSC will determine whether the revised assessment should be used to inform management recommendations. Potential management action by the SAFMC is on hold until the assessment concerns are resolved and the acceptable biological catch (ABC) is updated to reflect current MRIP estimates (based on the Fishing Effort Survey).

The Board also received an update on differences between the Interstate FMP and the federal Coastal Migratory Pelagics FMP for Spanish mackerel. The last update to the Interstate FMP was the Omnibus Amendment (2011) and its Addendum I for Spanish Mackerel (2013). Differences between the Interstate and Federal FMPs exist in terms of commercial management zones, commercial trip limits and closures, allowable gears, recreational season, and recreational accountability measures. The Board initially discussed this in February 2020, and postponed considering action to address the differences until completion of the 2022 stock assessment for Spanish mackerel.

During the Spanish mackerel discussions, the Board agreed to hold off on any potential management action for state waters, including addressing differences between the FMPs, until the

revised assessment is complete and the SAFMC determines what management action, if any, may be considered for federal waters. The Board also agreed to form a Spanish Mackerel Technical Committee to be prepared for any tasks following the revised stock assessment. In the interim, ASMFC staff will work with the States to compile information on each state's fisheries to provide the Board with a profile on Spanish mackerel fisheries along the coast, including growing fisheries at the northern end of the management unit.

The Board reviewed state compliance and FMP Reviews for the 2021 fishing year for both Spanish mackerel and Atlantic cobia. For Spanish mackerel, all states' regulations were found to be consistent with the FMP, and the Board approved all *de minimis* status for Rhode Island, New Jersey, and Delaware. For Atlantic cobia, all states' regulations were found to be consistent with the FMP, and the Board approved all *de minimis* requests from Rhode Island, New Jersey, Delaware, Maryland, Georgia, and Florida. The Cobia Plan Review Team (PRT) noted multiple states could exceed cobia *de minimis* thresholds over the next few years, which would require additional states to implement in-season monitoring of commercial landings and require state-specific recreational harvest targets to be re-calculated to incorporate additional states. Additionally, the current state-by-state allocation of recreational quota is based on landings data through only 2015, which may need to be updated to reflect more recent years. During the upcoming development of 2024 specifications, the Board can consider these potential updates to state recreational harvest targets.

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

### ***Motions***

**Move to approve the Spanish Mackerel FMP Review for the 2021 fishing year, state compliance reports, and *de minimis* requests for Rhode Island, New Jersey, and Delaware.**

Motion made by Ms. Fegley and seconded by Mr. Haymans. Motion approved by unanimous consent.

**Move to approve the Atlantic Cobia FMP Review for the 2021 fishing year, state compliance reports, and *de minimis* requests for Rhode Island, New Jersey, Delaware, Maryland, Georgia, and Florida.**

Motion made by Mr. Haymans and seconded by Mr. Bell. Motion approved by unanimous consent.

### **ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (NOVEMBER 8-10, 2022)**

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

The Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee received a presentation from The Nature Conservancy on recent habitat restoration projects in New Jersey, many of which were partially funded by ACFHP. The Committee discussed the transition plan over the next few months as a new director is hired. The rest of the time was spent on strategic and action planning for next five-year strategic plan and two-year action plan. The Steering Committee welcomed new members Robert Atwood (NH Fish and Game) and Eric Schneider (RI DEM).



## **CLIMATE CHANGE SCENARIO PLANNING INITIATIVE WORKSHOP (NOVEMBER 8, 2022)**

### ***Meeting Summary***

Commissioners and proxies participated in a workshop as part of the East Coast Climate Change Scenario Planning Initiative (Initiative). This is a joint initiative among the Commission, the three East Coast Regional Fishery Management Councils, and NOAA Fisheries. Through this Initiative, fishery scientists and managers are working collaboratively and engaging diverse fishery stakeholders to explore jurisdictional and governance issues related to climate change and fish stock distributions. The Initiative uses scenario planning as a structured process for managers to explore and describe multiple plausible futures, termed “scenarios,” and consider how to best adapt and respond to them.

The purpose of the workshop was for Commissioners and proxies to have in-depth discussions on the four scenarios developed for this Initiative, and to provide ideas and recommendations to be considered in the Initiative’s next steps. The four scenarios represent different potential futures considering two uncertainties: 1) how predictable or unpredictable conditions will be; 2) whether stocks will be increasing/maintained or declining. Commissioners and Proxies discussed the challenges and opportunities presented by each scenario, and recommended considerations to add under each scenario.

Looking across all scenarios, Commissioners and proxies discussed the identified management themes of cross-jurisdictional governance, data & science, alternative ocean uses, and adaptability. They identified recurring ideas that are particularly important to them, including the need for flexible management response; building collaboration, trust and transparency among stakeholders at the table; incorporating politicians into the process, recognizing the impact of politics on decision-making; considering social and economic impacts and maintaining access for fishermen; developing stock assessment tools to account for changing environmental conditions; and evaluating what type of governance and management structure would lead to effective, nimble management.

Commission feedback was captured by the Initiative’s Core Team to inform the Initiative’s upcoming Summit in February 2023. The Commission will be sending ten representatives to participate in the Summit.

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

## **EXECUTIVE COMMITTEE (NOVEMBER 9, 2022)**

### ***Meeting Summary***

The Executive Committee (Committee) met to discuss several issues, including the FY22 Audit; CARES Update, the Draft *De Minimis* Policy; North Atlantic right whale spending strategy; Conservation Equivalency Process; potential stipend for Legislative and Governor-appointed Commissioners; a draft letter in support of the Reinvesting in Shoreline Economies and

Ecosystems Act of 2021 (RISEE); and future annual meetings update. The following action items resulted from the Committee's discussions.

- The Executive Committee reviewed and approved the FY22 Audit, as recommended by the Administrative Oversight Committee.
- Staff provided an update on the balances in the CARES Act and Consolidated Appropriations Act (CAA) cooperative agreements. In CARES, there is projected to be about \$55,000 unspent, which the Commission will ask to re-budget to overhead for the Commission. In CAA, there is projected to be roughly \$5 million remaining that will be available to states that need additional funds. Staff will prepare a spreadsheet for the Executive Committee outlining the proposed re-allocation.
- The Committee reviewed the Draft *De Minimis* Policy and approved it for consideration by the ISFMP Policy Board.
- Staff presented a proposed spreadsheet for allocation of the North Atlantic right whale funds. The Committee discussed the spending strategy and agreed to the proposed allocation. The four northern states will develop individual spend plans and staff will work with the states from Connecticut through Maryland to develop and submit one combined spend plan. NOAA noted they are ready to review the spend plans and plan to turn them around within one to two weeks after submission.
- The Committee reviewed the proposed Conservation Equivalency Process, and approved it for Management & Science Committee review.
- A Committee member raised the question of providing a stipend to the Legislative and Governor Appointee Commissioners for their volunteer service to the Commission. The suggestion focused on providing stipends for participation in meetings beyond the four quarterly meeting weeks and joint meetings with the Mid-Atlantic Council, noting this work is more than should be required of a volunteer. Staff was directed to look at the Council process and develop proposed options for review at a future Committee meeting.
- Staff presented a letter drafted in support RISEE, noting if passed, 37.5% of the money generated through off-shore energy would be dedicated to the states and 12.5% will also be available through competitive grants. The Committee approved the letter of support be forwarded to the ISFMP Policy Board for action.
- Staff presented the schedule for future annual meetings; 10/14-19/23 – Beaufort, NC; 2024 – Maryland; 2025 – Delaware; 2026 – Rhode Island; 2027 – South Carolina; 2028 – Massachusetts; 2029 – Pennsylvania; and 2030 – Georgia.

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

### ***Motions***

**On behalf of the Administrative Oversight Committee, move acceptance of the FY22 Audit.**

Motion made by Mr. Cimino. Motion passes unanimously.

## **BUSINESS SESSION (NOVEMBER 9, 2022)**

### ***Meeting Summary***

The Commission, via its Business Session, reviewed and approved the 2023 Action Plan to guide the Commission's activities over the next year. The Plan will be available on the Commission website at <http://www.asmfc.org/about-us/guiding-documents>. The Commission also re-elected Spud Woodward and Joe Cimino as its Chair and Vice-Chair, respectively. For more information, please contact Robert Beal, ASMFC Executive Director, at [rbeal@asmfc.org](mailto:rbeal@asmfc.org).

### ***Motions***

**Move to approve the 2023 Action Plan as modified today.**

Motion made by Mr. Fote and seconded by Mr. Clark. Motion carries without objection.

**Move to re-elect Spud Woodward as Commission Chair and Joe Cimino as Commission Vice-Chair.**

Motion made by Mr. Keliher on behalf of the Nominating Committee. Motion approved without objection.

## **COASTAL SHARKS MANAGEMENT BOARD (NOVEMBER 9, 2022)**

### ***Meeting Summary***

The Coastal Sharks Management Board met to consider a process to set 2023 specifications and review the Fishery Management Plan (FMP) Review and state compliance for the 2020 fishing year. Regarding specifications, NOAA Fisheries Highly Migratory Species Division published the [proposed 2023 Atlantic shark specifications in September](#). The proposed rule includes a start date of January 1 for all shark management groups, with quota levels and possession limits remaining unchanged from 2022. The proposed initial 2023 possession limit for the aggregate large coastal sharks (LCS) other than sandbar is 55 sharks per vessel trip, and the initial possession limit for blacknose sharks is eight sharks per vessel trip. NOAA Fisheries may reduce the retention limits as needed to ensure the quotas are not exceeded. Upon the release of NOAA's final rule later this year, the Board will set the 2023 coastal shark specifications via an email vote.

The Board reviewed and approved the FMP Review and state compliance for the 2020 fishing year, as well as *de minimis* status for Massachusetts.

A Board member inquired about the process for adding rays to the list of species managed under the authority of the Commission. Concerns were raised regarding unregulated recreational harvest via bowfishing within Delaware state waters. The Board agreed that more information on recreational and commercial harvest of rays, as well as any information on stock status should be gathered to help inform whether additional action should be taken. Once this information is gathered, it will be presented to the Board.

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

### ***Motions***

**Move to approve the 2023 coastal sharks specifications via an email vote after NOAA Fisheries HMS Division publishes the final rule for the 2023 Atlantic Shark commercial fishing season.**

Motion made by Mr. Clark and seconded by Mr. Batsavage. Motion carries without objection.

**Move to approve the Coastal Sharks FMP Review for the 2020 fishing year, state compliance reports, and the *de minimis* request from Massachusetts.**

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

### **CAPTAIN DAVID H. HART AWARDS (NOVEMBER 7 & 9, 2022)**

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

#### **Douglas Grout and Jason McNamee Named Captain David H. Hart Award Recipients for 2020 and 2022**

Long Branch, NJ – At its 80<sup>th</sup> Annual Meeting in Long Branch, New Jersey, the Atlantic States Marine Fisheries Commission presented Douglas Grout, New Hampshire’s Governor Appointee, and Dr. Jason McNamee, Rhode Island Administrative Commissioner, the Captain David H. Hart Award for 2020 and 2022, respectively. The Commission instituted the Hart Award in 1991 to recognize individuals who have made outstanding efforts to improve Atlantic coast marine fisheries. The Hart Award is named for one of the Commission’s longest serving members, who dedicated himself to the advancement and protection of marine fishery resources, Captain David H. Hart, from the State of New Jersey.

“Having just returned to in-person meetings this May, we have a lot of catching up to do when it comes to acknowledging the achievements of those who have contributed to the success of the Commission and fisheries management along the Atlantic coast,” stated ASMFC Awards Committee Chair Jim Gilmore from New York. “This week we have the privilege of honoring two outstanding recipients for the Captain David H. Hart Award – Douglas Grout as the 2020 recipient and Dr. Jason McNamee as the 2022 recipient. I cannot think of a better way for us to celebrate our first Annual Meeting together since 2019 by honoring these two worthy gentlemen.”

#### ***Douglas Grout, New Hampshire Governor Appointee to the Commission***

For nearly four decades, Douglas Grout has worked across all levels of government in the fields of marine fisheries science, management, and policy. A longstanding Commission participant, Doug has played a role in nearly all aspects of the Commission’s science and management programs – from his early work as a member of the Management and Science Committee and numerous technical and stock assessment committees, to his involvement and leadership on several species management boards including northern shrimp, striped bass, and American lobster. As Commission Chair from 2015-2017,

Doug oversaw the development of the Commission's Stock Assessment and Peer Review Process, leading the way for external peer reviews of benchmark stock assessments for Atlantic sturgeon, American shad, horseshoe crab, and many more since.

Through his extensive involvement with the New England Fishery Management Council, Doug led the Council in the development of an amendment to improve catch monitoring and bycatch caps for shad and river herring. He also served in a leadership role on the Council's Habitat Committee as it developed new protection measures, including those contained in the Omnibus Deep Sea Coral amendment.

Back in his home state, Doug devoted 36 years working for the New Hampshire Fish and Game Department, starting as a fish culturist and ultimately serving as Chief of Marine Fisheries from 2008-2020. During his time as Chief, he oversaw programs that included marine and anadromous resource management, monitoring, and education. He was also actively involved with the Great Bay National Estuarine Research Reserve and the Piscataqua Region Estuaries Partnership, with the goal of protecting and enhancing these nationally significant estuarine resources.

Doug's full body of work clearly highlights his commitment to fisheries science, management, and environmental policy. Throughout it all, he has maintained a steadfast manner, collaborative nature, and relentless work ethic which make him a treasured colleague and a cherished member of the fisheries science and management community.

***Dr. Jason McNamee, Deputy Director of the Marine Fisheries Division for the Rhode Island Department of Environmental Management (RI DEM)***

Dr. Jason McNamee is being recognized for his longstanding technical contributions, exceptional leadership, and commitment to sound fisheries management along the Eastern Seaboard. Since joining the RI DEM over two decades ago, Jason has advanced the quality of stock assessments and promoted the use of sound fisheries science in the management decision-making process. Jason has served in several positions within his agency and the Commission, and has been a contributing member, often in leadership positions, on numerous Commission species technical committees, stock assessment subcommittees, science advisory committees, and, more recently, species management boards.

Jason played a key role in a number of benchmark stock assessments, including those for Atlantic menhaden, summer flounder, tautog, and black sea bass. Notably, he led the Tautog Stock Assessment Subcommittee in developing an assessment that incorporated regional structure to address management board concerns. Further, he helped develop and implement a novel model approach to provide a method



to assess this data-poor stock and further corroborate assessment results. As Atlantic Menhaden Technical Committee Chair, Jason took a leadership role in the development of modeling approaches and ecosystem-based reference points. He also played a lead role in the development of management strategy evaluation, now being used by the Mid-Atlantic Fishery Management Council for summer flounder, as well as the Commission's risk and uncertainty policy.

In all the groups Jason has been a part of, he has consistently provided thoughtful and unbiased insights during committee discussions and has gone above and beyond to apply his technical knowledge and analytical skills to address challenging issues. Jason's leadership in developing new models and reference points for stock assessments has made him an enormous asset to the Commission and to science-based fisheries management in general.

In addition to his leadership and analytical support, Jason is an outstanding colleague, who is enthusiastic about his work, considerate of others' viewpoints, and able to maintain a calm demeanor even under the most adversarial conditions.



###

PR22-30

## **ATLANTIC MENHADEN MANAGEMENT BOARD (NOVEMBER 9, 2022)**

### ***Press Release***

### **Atlantic Menhaden Board Sets 2023 TAC at 233,550 MT & Approves Addendum I to Address Commercial Allocations, Episodic Event Set Asides, and Incidental Catch/Small-scale Fisheries**

Long Branch, NJ – The Commission's Atlantic Menhaden Management Board set the 2023 total allowable catch (TAC) at 233,550 mt, which is an approximate 20% increase from the 2021-2022 TAC based on the positive stock status of the resource under ecological reference point-based management. According to Technical Committee analysis, this increase has a less than 40% probability of exceeding the target set by the ecological reference points (ERPs) adopted in 2020. Given the positive results of the 2022 Stock Assessment Update, the Board approved this modest increase to provide additional fishing opportunities, while maintaining a conservative risk level of exceeding the ERP target.

The Board also approved Addendum I to Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Addendum changes the allocations for the commercial fishery. It creates a

three-tiered system for minimum allocations to the states, with Pennsylvania receiving 0.01%; South Carolina, Georgia, Connecticut, Delaware, North Carolina, and Florida receiving 0.25%; and the remaining states continuing to receive a minimum of 0.5%.

Furthermore, the Addendum allocates the remainder of the TAC, excluding the 1% reserved for the Episodic Event Set Aside (EESA) Program, on a state-by-state basis based on landings history of the fishery from 2018, 2019, and 2021. Regarding the Incidental Catch/Small-Scale Fishery (IC/SSF) provision, the Addendum codifies the ability for states to elect to divide their quotas into sectors, enabling individual sectors to enter into the provision at different times. Additionally, the Addendum removes purse seines as a permitted small-scale directed gear, thereby, prohibiting them from harvesting under the IC/SSF provision. Finally, the Addendum counts IC/SSF landings against the TAC and if IC/SSF landings cause the TAC to be exceeded, then the Board must take action to modify one or both of permitted gear types and trip limits under the provision.

The Board initiated Draft Addendum I in August 2021 in response to the recommendations of a Board Work Group charged with evaluating provisions of the current management program and providing strategies to refine those provisions. Under the EESA Program, 1% of the TAC is reserved at the start of the fishing year and Northeastern states from Maine to New York who can demonstrate a large influx of menhaden and have caught their state quota may apply to harvest during the event to reduce discards and prevent fish kills. Additionally, after a state quota allocation is met, the state may enter into the IC/SSF provision where certain small-scale directed gears and non-directed gears may continue to harvest menhaden at a reduced trip limit.

Since Amendment 3 was adopted in 2017, the EESA and IC/SSF provisions have been impacted by recent trends in landings. The impacts have been most notable in New England, where states rely on the EESA to keep their commercial fisheries open while working to secure quota transfers. An increasing abundance of menhaden in New England has led to a rise in landings under the IC/SSF provision once commercial quotas have been met. Addendum I aligns state quotas with recent landings and resource availability while maintaining access to the resource for all states, reduce dependence on quota transfers, and minimizing regulatory discards.

The new TAC and allocations are effective January 1, 2023; all remaining measures will become effective May 1, 2023. States implementation plans must be submitted by January 1, 2023 for Board review at the Winter Meeting. The Addendum will be available by the end of November on the Commission website at <http://www.asmfc.org/species/atlantic-menhaden> under Management Plans and FMP Reviews.

For more information, please contact James Boyle, Fishery Management Plan Coordinator, at [jboyle@asmfc.org](mailto:jboyle@asmfc.org) or 703.842.0740.

**Table 1. Addendum I Atlantic Menhaden Allocations\***

State	Allocation (%)
ME	4.80%
NH	1.19%
MA	2.12%
RI	0.81%
CT	0.33%
NY	0.86%
NJ	11.00%
PA	0.01%
DE	0.27%
MD	1.17%
PRFC	1.09%
VA	75.20%
NC	0.37%
SC	0.25%
GA	0.25%
FL	0.29%
<b>TOTAL</b>	<b>100.00%</b>

\*Note: Allocation percentages shown here are rounded for clarity, quotas will be based on unrounded percentages values.

###

**Motions**

**Main Motion**

**Move to set the total allowable catch for 2023 through 2025 at 259,500 MT.**

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

**Motion to Amend**

**Motion to amend to replace 259,500 MT with 233,550 MT.**

Motion made by Ms. Ware and seconded by Ms. Patterson. Motion passes without objection.

**Main Motion as Amended**

**Move to set the total allowable catch for 2023 through 2025 at 233,550 MT.**

**Motion to Amend**

**Move to amend to replace 233,550 with 213,840 MT.**

Motion made by Mr. LaFrance and seconded by Dr. Colden. Motion fails (5 in favor, 13 opposed).

**Main Motion as Amended**

**Move to set the total allowable catch for 2023 through 2025 at 233,550 MT.**

**Motion to Amend**

**Move to amend to replace 233,550 MT with 225,000 MT.**

Motion made by Ms. Fegley and seconded by Mr. Lustig. Motion fails (7 in favor, 11 opposed).

**Main Motion as Amended**

**Move to set the total allowable catch for 2023 through 2025 at 233,550 MT.**

Motion carries unanimously.

**Main Motion**

**Move to approve a modified version of Option B of Section 3.1.1 allocation. Step 1 so that the following states are at 0.25% PA, SC, GA, CT, DE, NC, FL and the remaining states will all receive a base allocation of 0.5%**

Motion made by Mr. Haymans and seconded by Mr. McDonough. Motion amended.

**Motion to Amend**

**Motion to amend that Pennsylvania moves from 0.25% to 0.01%**

Motion made by Ms. Patterson and seconded Mr. Miller. Motion carries (12 in favor, 2 opposed, 1 null, 3 abstentions).

**Main Motion as Amended**

**Move to approve a modified version of option B of section 3.1.1 allocation. Step 1 so that the following states are at 0.25% SC, GA, CT, DE, NC, FL; that PA is at 0.01%; and the remaining states will all receive a base allocation of 0.5%**

Motion carries (15 in favor, 1 opposed, 2 abstentions).



**Main Motion**

**Move to approve under Section 3.1.2 Timeframe Option 3A: Combination, sub-option 1: 25/75.**

Motion made by Mr. Clark and seconded by Mr. Geer.

**Motion to Substitute**

**Move to substitute Option 4.B moving average: provision to limit states' moving average landings if total landings exceed the total allowable catch.**

Motion made by Ms. Ware and seconded by Ms. Patterson. Motion fails (8 in favor, 10 opposed).

**Main Motion**

**Move to approve under Section 3.1.2 Timeframe Option 3A: Combination, sub-option 1: 25/75.**

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

**Motion to Substitute**

**Move to substitute Option 2: 2018, 2019, and 2021.**

Motion made by Ms. Meserve and seconded by Mr. Gilmore. Motion passes (8 in favor, 7 opposed, 3 abstentions).

**Main Motion as Substituted**

**Move to approve Section 3.1.2 Option 2: 2018, 2019, and 2021.**

Motion passes (12 in favor, 3 opposed, 3 abstentions).

**Move to approve overage payback Option 2**

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

**Move to approve Option 1 (status quo) under Section 3.2.1.**

Motion made by Ms. Patterson and seconded by Mr. Cimino. Motion passes unanimously.

**Move to approve under Section 3.3.1 Option 2 (States may split quota by sector/fishery/gear type).**

Motion made by Mr. Cimino and seconded by Mr. Geer. Motion carries unanimously.

**Main Motion**

**Move to adopt Option 2 in Section 3.3.2 (No purse seines, all other small-scale and non-directed gears maintained).**

Motion made by Ms. Meserve and seconded by Ms. Fegley.

**Motion to Substitute**

**Move to substitute to maintain purse seines in IC/SSF with a reduced trip limit of 4,000 lbs for purse seines only.**

Motion made by Ms. Ware and seconded by Mr. Abbott. Motion tabled.

**Move to table until after the Board addresses Section 3.3.4.**

Motion made by Mr. Nowalsky and seconded by Mr. Reid. Motion carries unanimously.

**Move to approve under Section 3.3.3 Option 1 (status quo).**

Motion made by Mr. Gilmore and seconded by Mr. Clark. Motion passes unanimously.

**Move to adopt Option 2A Sub-option 1 and Option 2B Sub-option 1 in Section 3.3.4 (to evaluate incidental catch and small-scale fishery landings annually against the coastwide total allowable catch and to allow the modification of the daily trip limit and/or gear types included in the incidental catch/small-scale fisheries provision via Board action).**

Motion made by Dr. Colden and seconded by Mr. Grout. Motion carries unanimously.

**Main Motion**

**Move to adopt Option 2 in Section 3.3.2 (No purse seines, all other small-scale and non-directed gears maintained).**

Motion made by Ms. Meserve and seconded by Ms. Fegley.

**Motion to Substitute**

**Move to substitute to maintain purse seines in IC/SSF with a reduced trip limit of 4,000 lbs for purse seines only.**

Motion made by Ms. Ware and seconded by Mr. Abbott. Motion fails (5 in favor, 9 opposed, 3 abstentions, 1 null).

**Main Motion**

**Move to adopt Option 2 in Section 3.3.2 (No purse seines, all other small-scale and non-directed gears maintained).**

Motion made by Ms. Meserve and seconded by Ms. Fegley. Motion passes (14 in favor, 1 opposed, 3 abstentions).

**Move to approve the Addendum as modified today and have the allocations be effective January 1, 2023 and the remaining measures will be effective May 1, 2023. Implementation plans will be submitted by January 1, 2023 and reviewed by the Board at the Winter Meeting in 2023**

Motion made by Ms. Patterson and seconded by Mr. Gilmore. Motion passes unanimously.

**HORSESHOE CRAB MANAGEMENT BOARD (NOVEMBER 10, 2022)**

***Press Release***

**Horseshoe Crab Board Sets 2023 Specifications for Horseshoe Crabs of Delaware Bay-Origin & Adopts ARM Framework Revision via Addendum VIII**

Long Branch, NJ – The Commission’s Horseshoe Crab Management Board approved harvest specifications for horseshoe crabs of Delaware Bay-origin. Taking into consideration the recommendations of the Adaptive Resource Management (ARM) Framework Revision, the Board set a harvest limit of 475,000 male horseshoe crabs and zero female Delaware Bay-origin horseshoe crabs for the 2023 season.

“The ARM Framework Revision represents a considerable advancement in the science upon which we manage horseshoe crabs in the Delaware Bay Region,” stated Board Chair John Clark of Delaware. “ASMFC is very proud of this effort and the improvements that have been made to the model and data inputs for both horseshoe crabs and red knots. The Board’s action today is consistent with the goal of balancing ecosystem and fishery needs.”

Acknowledging public concern about the status of the red knot population in the Delaware Bay, the Board elected to implement a zero female horseshoe crab harvest for the 2023 season as a conservative measure. To make up for the lost harvest of larger female crabs, the Board agreed to increase Maryland and Virginia’s male harvest quotas with an offset ratio of 2:1 males to females. Using the allocation methodology established in Addendum VIII, the following quotas were set for New Jersey, Delaware, Maryland, and Virginia:

	<b>Delaware Bay Origin Horseshoe Crab Quota (no. of crabs)</b>	<b>Total Quota**</b>
<b>State</b>	<b>Male Only</b>	<b>Male Only</b>
Delaware	164,364	164,364
New Jersey	164,364	164,364
Maryland	126,221	255,980
Virginia*	20,052	81,331

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

\*\*Total harvest quotas for Maryland and Virginia include crabs which are not of Delaware Bay origin.

The Board also approved Addendum VIII to the Interstate Fishery Management Plan (FMP) for Horseshoe Crab. Addendum VIII adopts the changes to the ARM Framework as recommended in the peer-reviewed 2021 ARM Framework Revision, and allows its use in setting annual bait harvest specifications for horseshoe crabs of Delaware Bay-origin. The Board initiated Draft Addendum VIII in January 2022, after accepting the 2021 Revision of the ARM Framework and Peer Review Report for management use. The 2021 Revision includes improvements to the ARM Framework’s population models for horseshoe crabs and red knots and incorporates more sources of horseshoe crab removal data, including mortality due to the biomedical industry and commercial discards from other fisheries. Given these improvements, which address previous peer review critiques, the ARM Revision was endorsed by the independent peer review panel as the best scientific information for the management of horseshoe crabs in the Delaware Bay Region that accounts for the forage needs of migratory shorebirds.

Since 2013, horseshoe crabs in the Delaware Bay Region (New Jersey, Delaware, Maryland, and Virginia) have been managed under the ARM Framework to set harvest levels with consideration of the needs of migratory shorebirds. The ARM was developed jointly by the Commission, U.S. Fish and Wildlife Service, and U.S. Geological Survey in recognition of the importance of horseshoe crab eggs to migratory shorebirds stopping over in the Delaware Bay region. In particular, horseshoe crab eggs are an important food source for the rufa red knot, which is listed as threatened under the Endangered Species Act.

Under Addendum VIII, the 2021 ARM Revision will be used to annually produce bait harvest recommendations for male and female horseshoe crabs of Delaware Bay-origin, based on the abundance of horseshoe crabs and red knots. The maximum number of male and female horseshoe crabs the ARM Revision can recommend (500,000 males and 210,000 females) and the conceptual model of horseshoe crab abundance influencing red knot survival and reproduction remain unchanged, with the objective of ensuring horseshoe crab abundance does not become a limiting factor for the population growth of red knots. While the methodology for allocating the overall quota among the four Delaware Bay states is also unchanged, the state allocations have been updated to reflect the most current genetic information on the proportion of each state’s harvest that is of Delaware Bay-origin.

The Addendum will be available next week on the Commission website, [www.asmf.org](http://www.asmf.org), under Management Plans & FMP Reviews. A more detailed overview of the 2021 ARM Revision can be found [here](#). The final ARM Revision and Peer Review Report is available [here](#). The U.S. Geological Survey released the software code for the ARM Framework models on November 3, which is posted on GitLab at <https://code.usgs.gov/cooperativeresearchunits/hsc-adp/-/releases>. A description of the software release can be found in a Readme summary at <https://code.usgs.gov/cooperativeresearchunits/hsc-adp/-/tree/main>.

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

###

PR22-32

### ***Meeting Summary***

In addition to approving Addendum VIII and setting Delaware Bay-origin harvest specifications for 2023, the Board populated a work group to review the best management practices (BMPs) for handling biomedical collections, and approved the Fishery Management Plan (FMP) Review for the 2021 fishing year.

The Board approved nominations for individuals to serve on the work group that will review and update the best management practices (BMPs) for handling biomedical catch. The work group includes technical committee and advisory panel members with expertise in horseshoe crab biology, ecology, and biomedical processing. The Board is expected to review the recommendations of the work group at the Spring 2023 meeting.

The Board also discussed forming a work group to evaluate current goals and objectives for the Delaware Bay horseshoe crab fishery and ecosystem. Staff will provide additional information to the Board on available resources and approaches for the work group at its next meeting.

Finally, the Board approved the Fishery Management Plan (FMP) Review and state compliance reports for horseshoe crab for the 2021 fishing year. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org).

### ***Motions***

#### **Main Motion**

**Move to implement Option B: Implement the ARM revision for setting bait harvest specifications for DE-Bay origin horseshoe crabs and Suboption B1: round down continuous optimal harvest specifications to the nearest 25,000 crabs, with the intent to allow the 2:1 offset for MD and VA if the Board sets female harvest at zero during specification setting.**

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

#### **Motion to Amend**

**Motion to amend to replace Suboption B1 with Suboption B2.**

**Motion made by Mr. Jacobson and seconded by Dr. Davis.**

Motion fails (2 in favor, 11 opposed, 2 abstentions).

## **Main Motion**

**Move to implement Option B: Implement the ARM revision for setting bait harvest specifications for DE-Bay origin horseshoe crabs and Suboption B1: round down continuous optimal harvest specifications to the nearest 25,000 crabs, with the intent to allow the 2:1 offset for MD and VA if the Board sets female harvest at zero during specification setting.**

Motion made by Ms. Madsen and seconded by Mr. Luisi. Motion carries (14 in favor, 1 abstention).

**Move to approve Addendum VIII as modified today with an implementation date effective today.**

Motion made by Dr. Davis and seconded by Ms. Madsen. Motion approved unanimously.

**Move to accept the 2023 Adaptive Resource Management harvest specifications with 475,000 males and no female harvest on Delaware Bay-origin crabs. In addition, the 2:1 offset will be added to MD's and VA's allocations due to no female harvest.**

Motion made by Ms. Madsen and seconded by Mr. Luisi. Motion passes with 1 abstention.

**Move to approve the nominations to the work group to review best management practices for handling biomedical collections.**

Motion made by Mr. Hasbrouck and seconded by Dr. McManus. Motion passes by unanimous consent.

**Move to approve the FMP Review, state compliance reports, and *de minimis* requests for South Carolina, Georgia, and Florida for the 2021 fishing year.**

Motion made by Mr. Luisi and seconded by Mr. Gilmore. Motion approved by unanimous consent.

## **INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (NOVEMBER 7, 2022)**

### ***Meeting Summary***

The Interstate Fisheries Management Program Policy Board met to receive an update from Executive Committee; consider approval of the *De Minimis* Policy; receive a report from the Habitat Committee; receive a report from the Atlantic Coast Fish Habitat Partnership; receive a report from the Law Enforcement Committee; receive and update on ongoing stock assessments; and consider sending a letter of support to Senate Leadership on the Reinvesting in Shoreline Economies and Ecosystems (RISEE) Act.

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

The Commission includes *de minimis* provisions in Interstate FMPs to reduce the management burden for states that have a negligible effect on the conservation of a species. The *de minimis* provisions in FMPs vary by species and include a range of requirements for management measures, reporting requirements, and *de minimis* qualification periods. Staff presented a draft policy that would establish *de minimis* standards across all FMPs but allow for exceptions for unique characteristics of a species. Included in the new policy is the requirement for FMPs to establish baseline regulations that will provide a minimum level of conservation and prevent regulatory loop holes but not require *de minimis* states to change regulations on an annual basis. The Policy Board approved the *De Minimis* Policy as presented.

Dr. Lisa Havel provided updates on the Atlantic Coastal Fish Habitat Partnership (ACFHP) and Habitat Committee (HC) (both summaries can be found earlier in this document). The ACFHP Steering Committee met this week to primarily focus on transition plans and strategic and action planning for the next year, as well as review a presentation from The Nature Conservancy on funded projects. Dr. Havel announced ACFHP is currently [accepting project applications](#) to restore and conserve habitat necessary to support coastal, estuarine-dependent, and diadromous fish species along the U.S. Atlantic coast. Federal funding that is available through the National Fish Habitat Partnership program will be used to support the top ranked proposals.

Dr. Havel presented a draft of the Fish Habitats of Concern designations. The draft document describes the regulatory and policy context for habitat descriptions in Commission FMPs. The Policy Board raised a few questions concerning some of the species' designations for the HC and requested additional time to review the documents before considering approval.

The Policy Board received updates on several ongoing assessments some of which are being conducted via the Northeast Fisheries Science Center (NEFSC). Black drum, spiny dogfish (NEFSC) and bluefish (NEFSC) assessment reports have recently been finalized and will go to peer review this winter. The black sea bass (NEFSC) assessment recently requested an extension. It was previously scheduled for a review in February 2023, but a new timeframe has not been announced. The red drum assessment has just started and the committee will bring terms of reference before the Sciaenids Board for approval this spring.

The Policy Board agreed to send a letter of support for the RISEE Act to Senate Leadership. Currently, all operating fees, rentals, bonuses, royalties, and other payments for offshore wind in the U.S. exclusive economic zone are deposited in the U.S. Treasury. The RISEE Act, would provide 37.5% of these revenues to coastal states, 12.5% to the National Oceans and Coastal Security Fund, and 50% would continue to be deposited in the U.S. Treasury. The RISEE Act will offset some of the negative consequences of offshore wind development by providing states, local governments, Tribal Nations, nongovernmental organizations, public-private partnerships, and academic institutions with resources to mitigate the necessary changes imposed by construction, access restrictions, and increased use of shore-side infrastructure. Importantly, the RISEE Act will provide a dedicated funding stream to coastal states and the National Oceans and Coastal Security Fund, which has a proven track record of success in protecting against rising sea levels by enhancing infrastructure resiliency, protecting and restoring coastal marine habitats, and supporting sustainable marine resource management.

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

### ***Motions***

#### **Move to approve the *De Minimis* Policy as presented today.**

Motion made by Mr. Grout and seconded by Mr. Haymans. Motion carries without objection but with one abstention.



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

October 28, 2022

**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

**Issue**

Annual update to the North Carolina American Shad Sustainable Fishery Management Plan (SFMP) including 2023 management measures. The N.C. Division of Marine Fisheries (DMF) American Shad SFMP, effective 2018–2022, identified sustainability parameters based on the female (roe) portion of the stock for four areas of the state: Albemarle Sound-Roanoke River, Tar-Pamlico River, Neuse River, and Cape Fear River. An updated SFMP for 2023–2027 with data through 2022 is under development and due to the Atlantic States Marine Fisheries Commission (ASMFC) in December for Technical Committee review and Board approval in January 2023.

**Action Needed**

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

**Overview**

This memo provides an update on the status of the sustainability parameters and management measures planned for 2023 under the current SFMP. No sustainability parameters exceeded the threshold in 2022, except for the Neuse River relative abundance index. Exceeding a sustainability parameter for a single year does not trigger management. The 2022 American shad management measures will be maintained for the 2023 season in all areas except the Albemarle Sound-Roanoke River and Cape Fear River (Table 1). The commercial season in the Albemarle Sound will be expanded in 2023 to provide additional opportunities for harvest. The 2022 American shad harvest season was limited due to anchored, large mesh, float gill net restrictions implemented for the conservation of striped bass. Similar constraints on the use of this gear in the fishery will continue in 2023. Extending the season will provide opportunities for limited harvest of American shad with other gears. Additionally, a one-day season shift is necessary in the Cape Fear River to return to the original season dates.

Table 1. Management measures by area for the 2023 North Carolina American shad season.

<b>Management Area</b>	<b>Commercial Fishery Management</b>	<b>Recreational Fishery Management</b>
Albemarle Sound-Roanoke River	February 15–April 14	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 20–April 11	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 ASMFC approved the N.C. American Shad 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 regulatory 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 fishing mortality ( $F$ ) 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 used to set the upcoming year's American shad management measures (season length and daily creel limits) for each area.

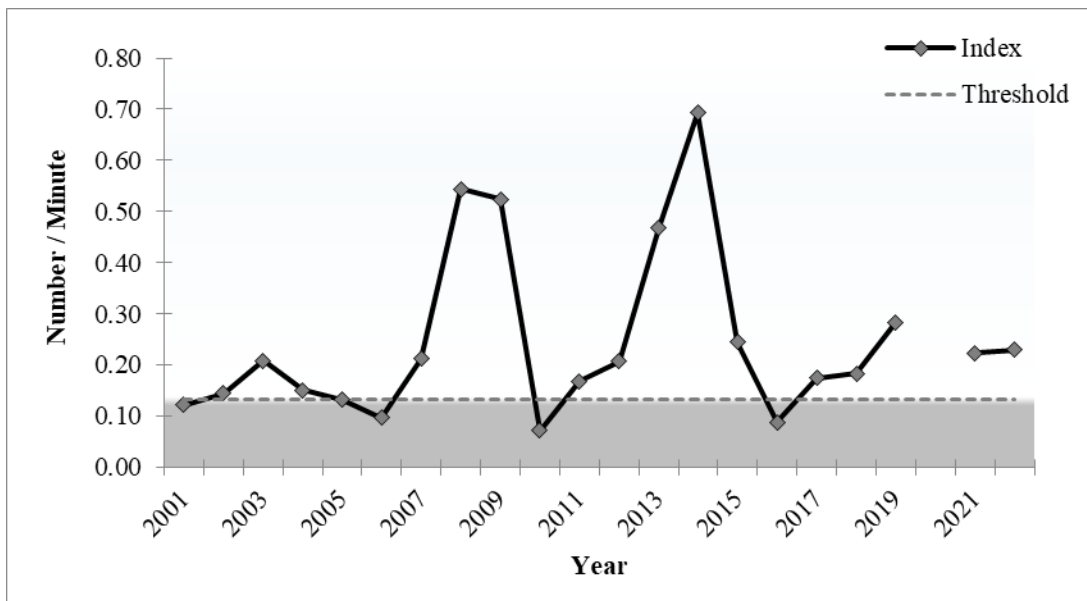
The N.C. American Shad Work Group conducts annual updates to sustainability parameters, determines seasons by management area, and conducts evaluations of the SFMP. The Work Group consists of biologists from the DMF and Wildlife Resources Commission (WRC). On review of the 2022 sustainability parameter updates, the Work Group elected to maintain the 2022 management measures for the 2023 season, except in the Albemarle Sound-Roanoke River and Cape Fear River management areas. The commercial season is expanding in the Albemarle Sound to account for a reduction in landings due to additional gear and area restrictions related to striped bass conservation. In 2022, American shad harvest from the Albemarle Sound was the lowest in the time series due to management restrictions implemented for striped bass conservation. Expanding the season for this management area allows for harvest from other fisheries with little risk of exceeding the relative  $F$  threshold as striped bass management measures will remain at least as restrictive for 2023. The Albemarle Sound independent gill net survey resumed in 2022 and updates to sustainability parameters for female relative abundance and female relative  $F$  did not exceed their respective thresholds. The commercial season in the Cape Fear River is returning to the original dates in 2023 as a one-day shift to prevent the season from opening on the weekend is no longer necessary.

The 2022 parameter updates are provided below for the Albemarle Sound-Roanoke River (Figures 1-3), Tar-Pamlico River (Figures 5-6), Neuse River (Figures 8-9), and Cape Fear River (Figures 11-12). The 2022 updates show sustainability parameters did not exceed the respective thresholds, except for the Neuse River relative abundance index. This is the first year the Neuse River relative abundance index has exceeded the threshold since 2010. Low water levels on the Neuse River prevented WRC from sampling above Milburnie Dam (Raleigh, NC), which may have contributed to the low numbers of females sampled in 2022 (WRC personal communication).

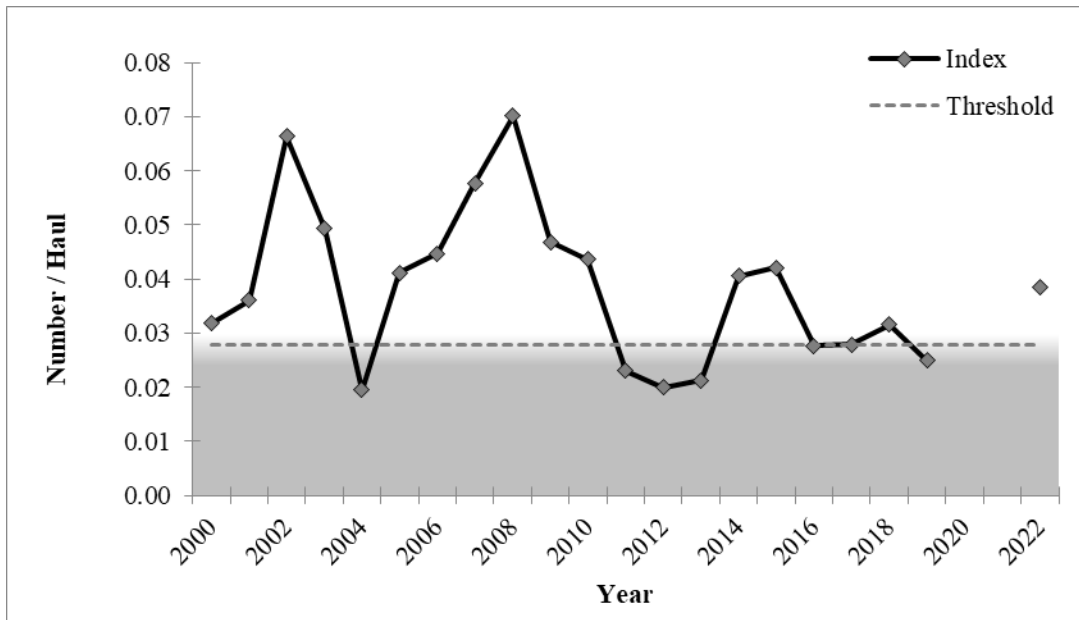
During the 2022 commercial season, gill nets configured for harvesting American shad (i.e., anchored, large mesh, float gill nets) were allowed only in portions of the Albemarle Sound Management Area (ASMA) for the period starting 12:01 a.m. on March 2, 2022 (Proclamation M-5-2022). These nets were subsequently removed at 12:01 a.m. on March 15, 2022 (Proclamation M-6-2022). The closing date for anchored, large mesh, float gill nets occurred when the ASMA striped bass quota was met, and this type of gill net gear was removed from the water to prevent additional striped bass discards. While American shad could still be harvested commercially from other gears through March 24, 2022, anchored, large mesh, float gill nets are the predominant gear in the fishery. Therefore, removal of this gear impacted overall landings of American shad from the Albemarle Sound for the remaining commercial season.



American shad harvest in the Albemarle Sound decreased from 52,555 lb in 2021 to 5,045 lb in 2022 (Figure 4). The Tar-Pamlico River and Neuse River systems have seen significant reductions in commercial harvest since the March 18, 2019 (Proclamation M-6-2019) prohibition of gill nets upstream of the Bayview to Aurora ferry line in the Tar-Pamlico River and the Minnesott Beach to Cherry Branch ferry line in the Neuse River (Figures 7 and 10). In 2022, 463 pounds and 228 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 largely due to a decline in participants. Since 2017, anchored, large mesh gill nets have been prohibited north of the CSX railroad bridge in Navassa, NC, due to a shortnose sturgeon interaction (Proclamation M-4-2017). This closed area is where the American shad fishery has historically occurred. In 2022, 42 trips landed a total of 2,899 lb from the Cape Fear River (Figure 13). Currently, commercial harvest of American shad from the Cape Fear River primarily occurs below Lock and Dam 1 near Riegelwood, NC using drift gill nets.

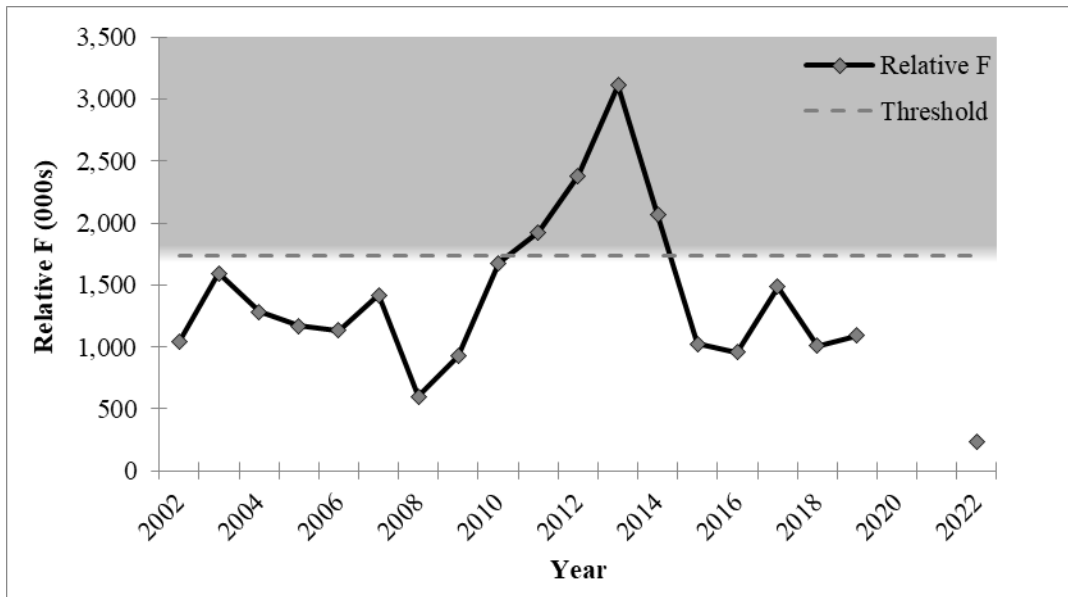


**Figure 1.** Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2001–2022, **Roanoke River, NC**. The threshold represents the 25<sup>th</sup> percentile (where 75 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2022 index value **did not** exceed the threshold.*



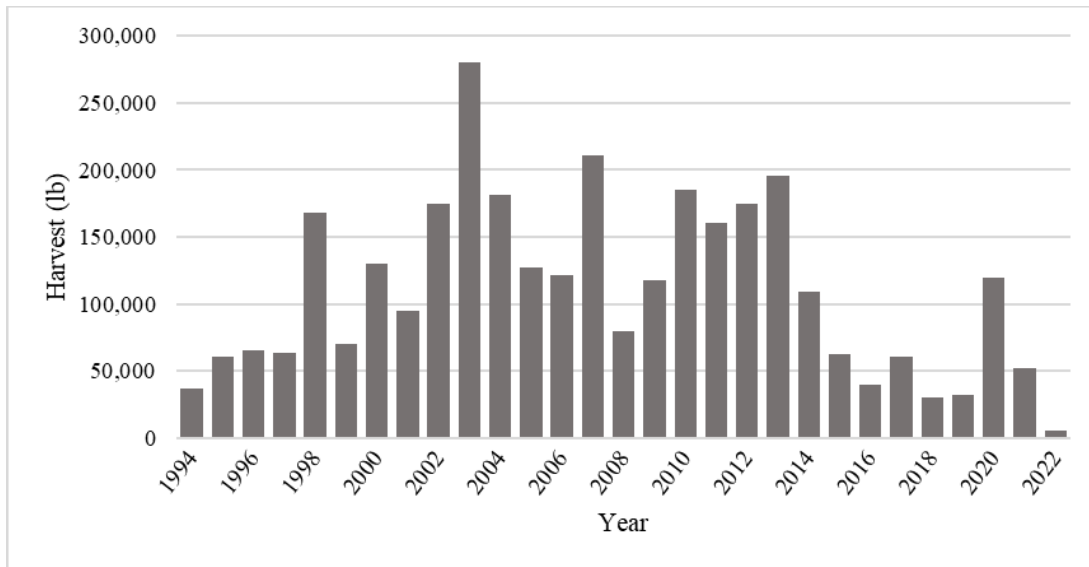
**Figure 2.** Female American shad catch-per-unit-effort index of abundance from the independent gill net survey, 2000–2022\*, **Albemarle Sound, NC** (January–May). The threshold represents the 25<sup>th</sup> percentile (where 75 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2022 index value **did not** exceed the threshold.*

\*Albemarle Sound independent gill net survey data are preliminary for 2022 and represent catches based on changes to survey methodology.

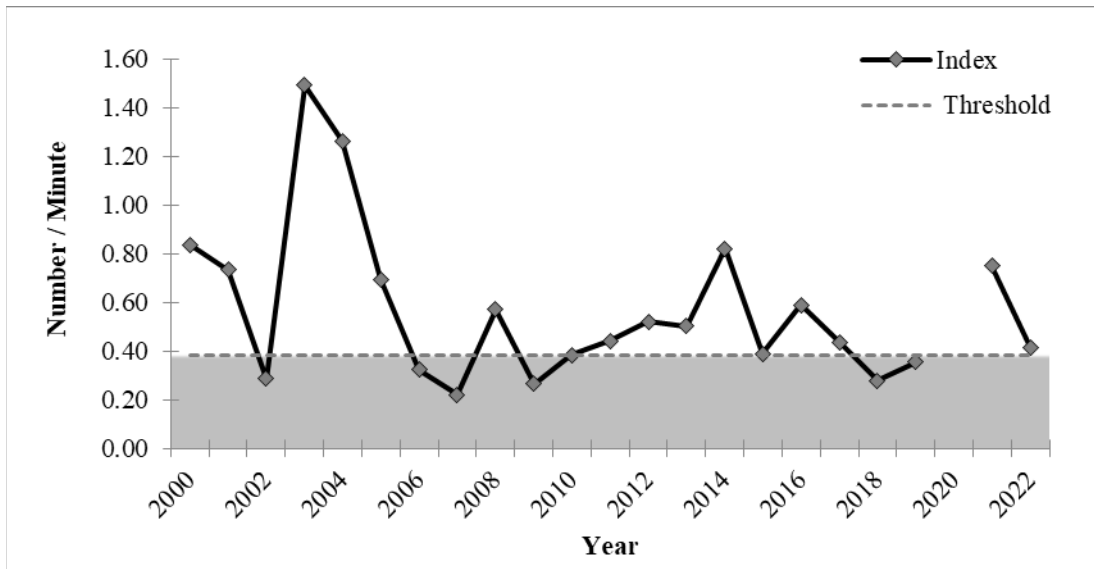


**Figure 3.** Estimates of American shad female relative *F* based on female CPUE from the independent gill net survey and commercial harvest, 2002–2022\*, **Albemarle Sound, NC**. The threshold represents the 75<sup>th</sup> percentile (where 25 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2022 index value **did not** exceed the threshold.*

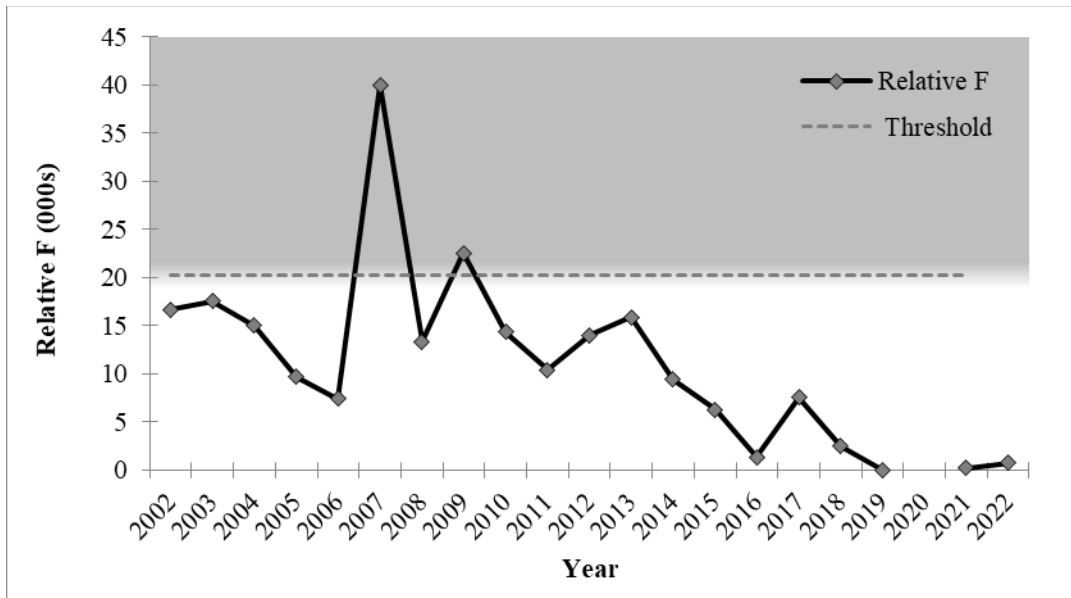
\*Albemarle Sound independent gill net survey data are preliminary for 2022 and represent catches based on changes to survey methodology.



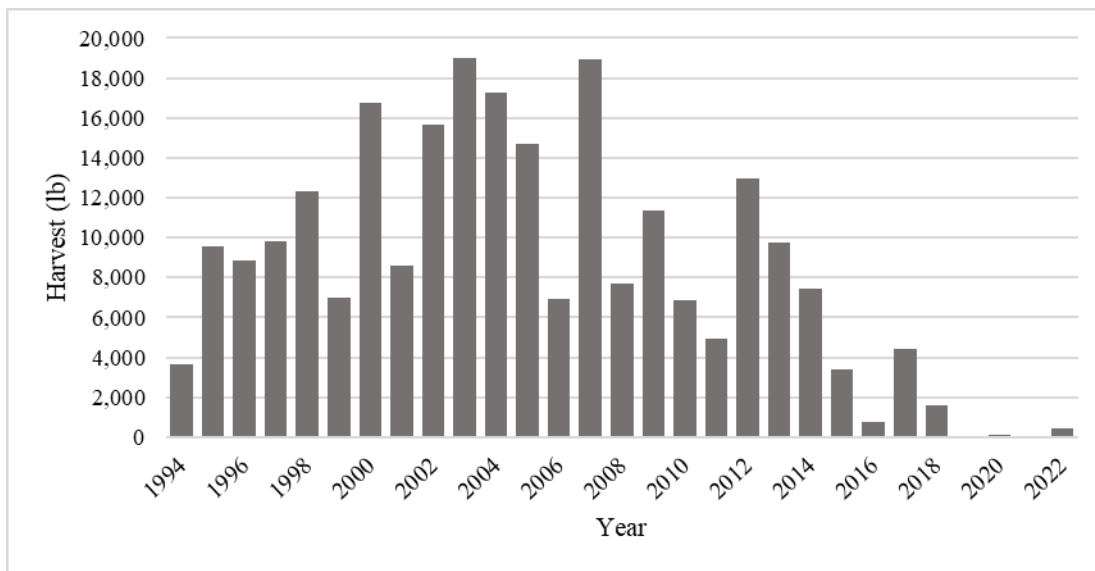
**Figure 4.** American shad commercial landings, 1994–2022, Albemarle Sound, NC.



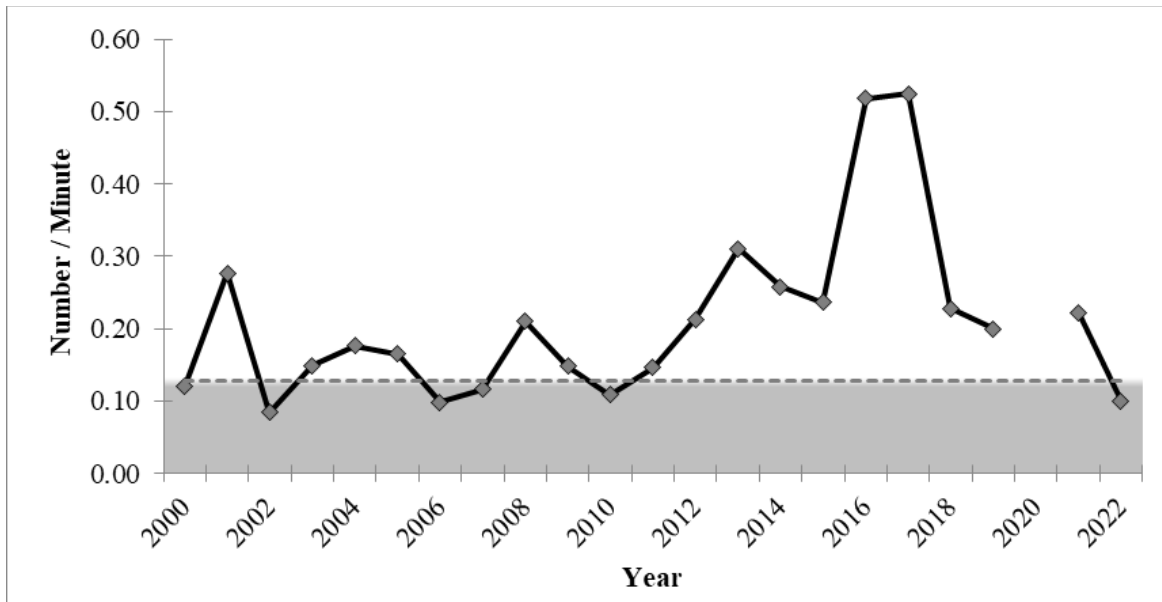
**Figure 5.** Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2000–2022, Tar-Pamlico River, NC. The threshold represents the 25<sup>th</sup> percentile (where 75 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2022 index value **did not** exceed the threshold.*



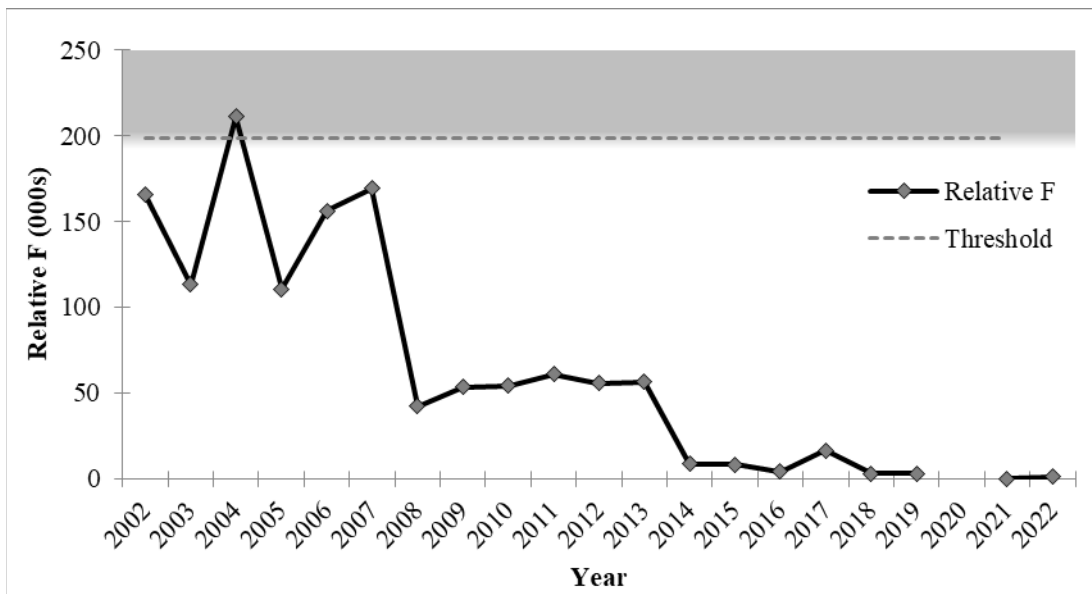
**Figure 6.** Estimates of American shad female relative  $F$  based on female CPUE from the independent gill net survey and commercial landings, 2002–2022, **Tar-Pamlico River, NC**. The threshold represents the 75<sup>th</sup> percentile (where 25 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2022 index value **did not** exceed the threshold.*



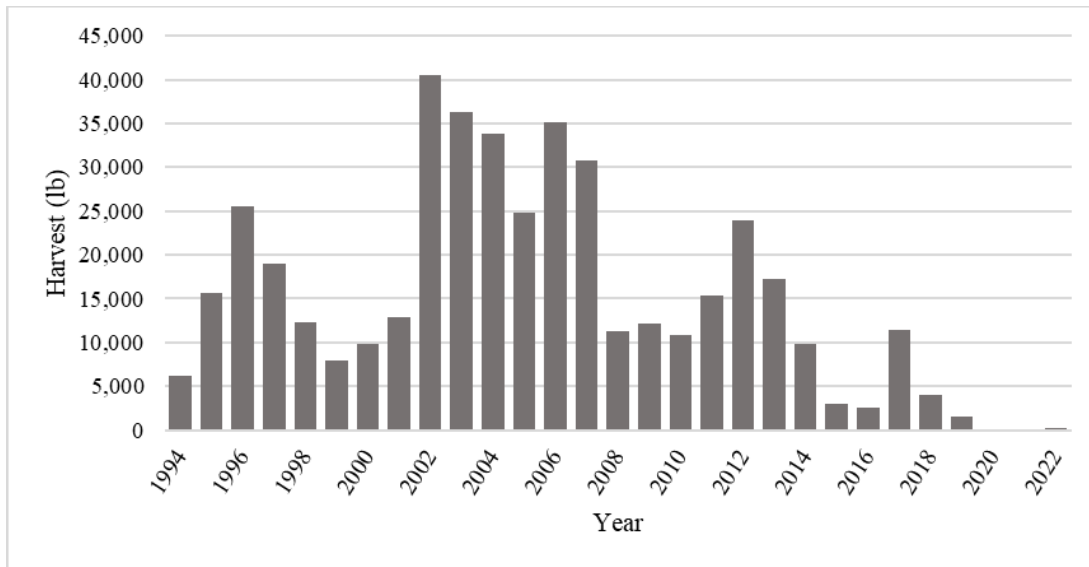
**Figure 7.** American shad commercial landings, 1994–2022, **Tar-Pamlico River, NC**. *No harvest reported in 2019.*



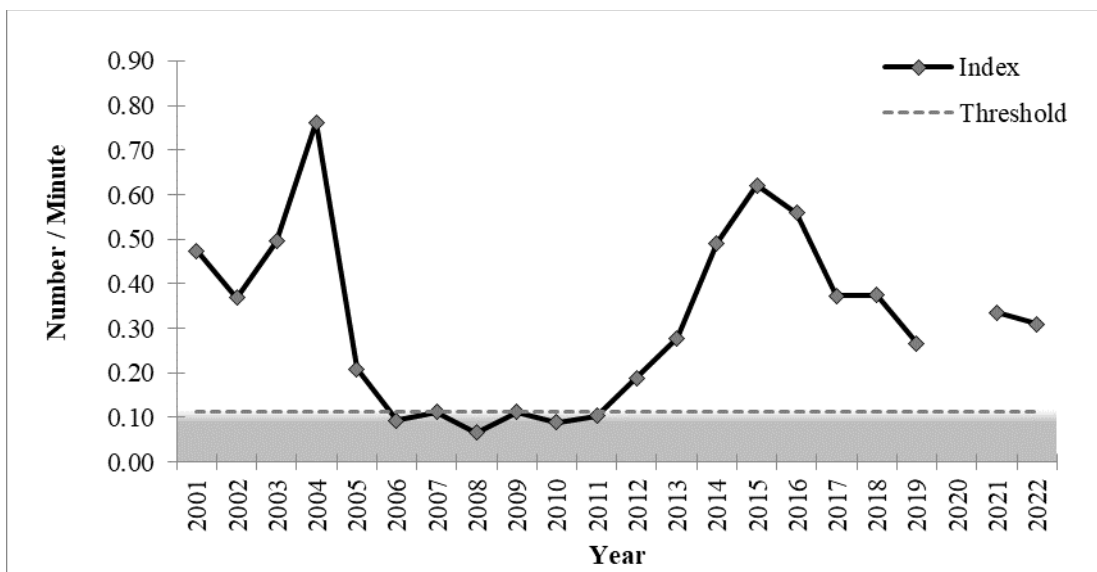
**Figure 8.** Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2000–2022, **Neuse River, NC**. The threshold represents the 25<sup>th</sup> percentile (where 75 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2022 index value **did** exceed the threshold.*



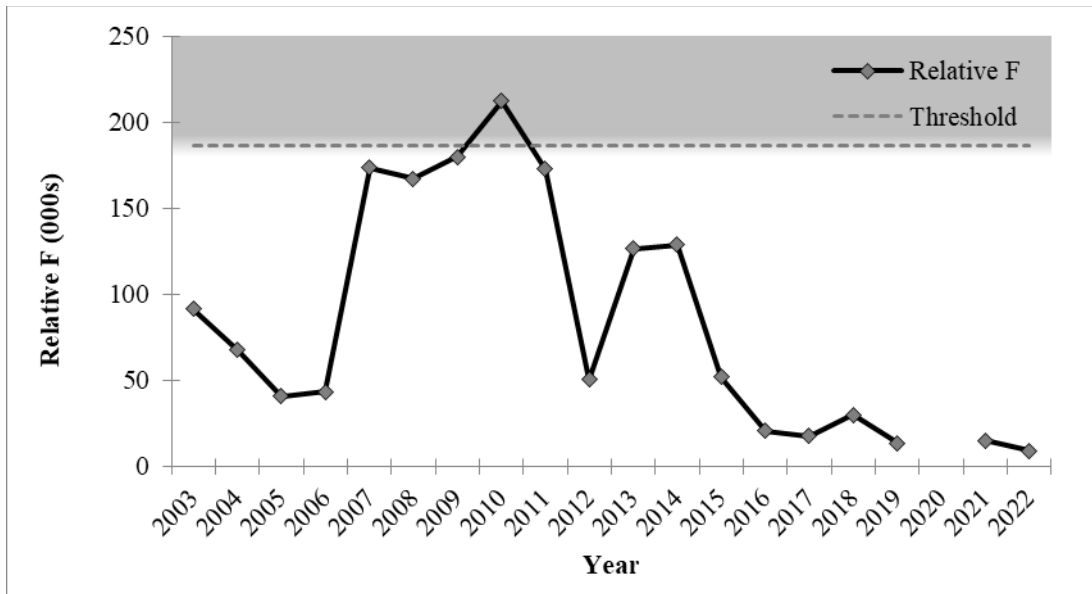
**Figure 9.** Estimates of American shad female relative  $F$  based on female CPUE from the independent gill net survey and commercial landings for 2002–2022, **Neuse River, NC**. The threshold represents the 75<sup>th</sup> percentile (where 25 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2022 index value **did not** exceed the threshold.*



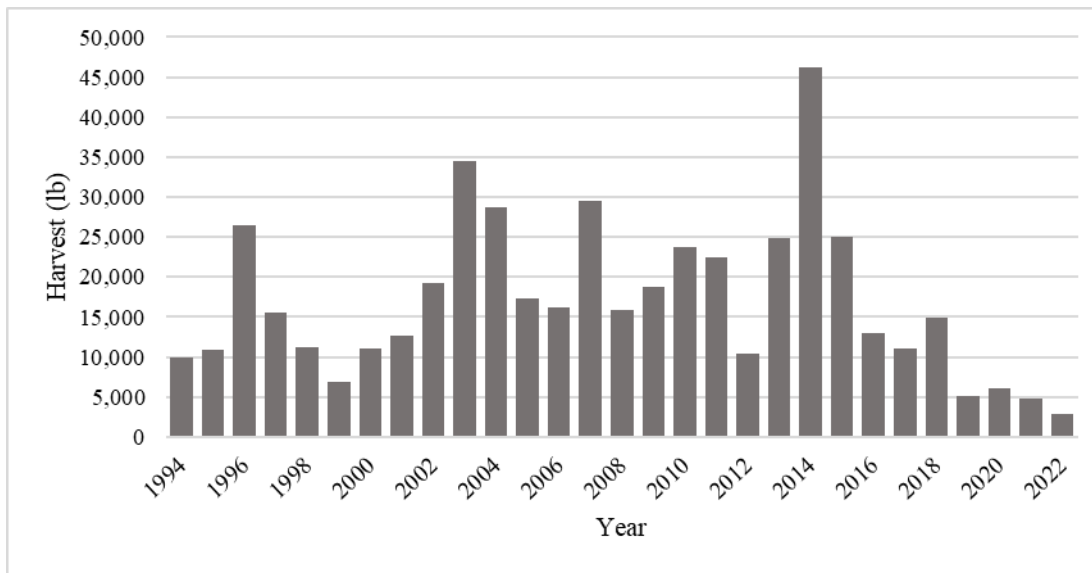
**Figure 10.** American shad commercial landings for 1994–2022, **Neuse River, NC**. In 2020, 2021, and 2022, only 109, 16, 228 pounds were harvested respectively.



**Figure 11.** Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2001–2022, **Cape Fear River, NC**. 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 2022 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 2003–2022, **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 2022 index value **did not** exceed the threshold.*



**Figure 13.** American shad commercial landings for 1994–2022, **Cape Fear River, NC**.

November 14, 2022

## MEMORANDUM

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

---

### Issue

Law Enforcement report update.

### Action Needed

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

### Overview

The Marine Patrol Education Team provides outreach to communities across the state, educating the public about marine fisheries. The Team puts on presentations to local schools, organizations, and expos. Recently the team has attended both the Nags Head and the Hatteras surf fishing tournaments, they participated in the Outer Banks Seafood Festival, Day at the Docks in Hatteras and conducted and participated in various elementary school programs.

During the 2022 Flounder Marine Patrol increased patrols as part of a Division-wide effort to ensure necessary data were collected to monitor the fishery and to ensure compliance with current management. Based on increased recreational effort and the newly implemented daily quota monitoring requirements in the commercial fishery the Division mobilized all available staff in the effort. During the recreational flounder season, officers performed over 10,000 checks on Coastal Recreational Fishing License holders. This number of check's is roughly double the number of check's from the previous month. Officers also performed over 1200 checks of Standard Commercial Fishing License holders, which is also roughly double the number of check's during the previous month. During this time Marine Patrol officers served 5 Notice of violations to Estuarine Gill Net Permit holders and 11 NOV's to Estuarine Flounder Dealer Permit holders. In addition, officers conducted 187 large mesh gill net observations in coordination with the Division's Observer Program.

We have recently hired four new Officers who will be serving in Dare, Currituck and Camden Counties, and one officer stationed on the large MP patrol boat, Roanoke, stationed at Oregon Inlet. And finally, all current Marine Patrol Officers have completed their required 24 hours of in-service training, along with CPR training.