

Director's Report

November 2023 Business Meeting

<u>Document</u>	<u>Page</u>
Atlantic States Marine Fisheries Commission Meeting Report	02
Mid-Atlantic Fishery Mgmt. Council Meeting Summary Report	34
South Atlantic Fishery Mgmt. Council Meeting Report	49
Marine Patrol Quarterly Update Memo	57
Protected Resource Program Update Documents	58



Atlantic States Marine Fisheries Commission

2023 Annual Meeting Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2023 Annual Meeting
October 16-19, 2023

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

ATLANTIC HERRING MANAGEMENT BOARD (OCTOBER 16, 2023)	4
<i>Meeting Summary</i>	4
<i>Motions</i>	4
AMERICAN LOBSTER MANAGEMENT BOARD (OCTOBER 16, 2023)	5
<i>Press Releases</i>	5
<i>Meeting Summary</i>	8
<i>Motions</i>	8
TAUTOG MANAGEMENT BOARD (OCTOBER 16, 2023)	9
<i>Meeting Summary</i>	9
<i>Motions</i>	10
ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (OCTOBER 16 & 17, 2023)	10
<i>Meeting Summary</i>	10
HORSESHOE CRAB MANAGEMENT BOARD (OCTOBER 16, 2023)	11
<i>Press Release</i>	11
<i>Meeting Summary</i>	11
<i>Motions</i>	12
SHAD & RIVER HERRING MANAGEMENT BOARD (OCTOBER 16, 2023)	13
<i>Meeting Summary</i>	13
ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (OCTOBER 17, 2023)	14
<i>Meeting Summary</i>	14

<i>Motions</i>	14
LAW ENFORCEMENT COMMITTEE (OCTOBER 17 & 18, 2023)	15
<i>Meeting Summary</i>	15
ATLANTIC MENHADEN MANAGEMENT BOARD (OCTOBER 17, 2023)	17
<i>Meeting Summary</i>	17
<i>Motions</i>	18
COASTAL PELAGICS MANAGEMENT BOARD (OCTOBER 17, 2023)	18
<i>Meeting Summary</i>	18
<i>Motions</i>	19
COASTAL SHARKS MANAGEMENT BOARD (OCTOBER 17, 2023)	19
<i>Meeting Summary</i>	19
<i>Motions</i>	20
EXECUTIVE COMMITTEE (OCTOBER 18, 2023)	20
<i>Meeting Summary</i>	20
<i>Motions</i>	21
BUSINESS SESSION OF THE COMMISSION (OCTOBER 18, 2023)	21
<i>Press Release</i>	21
<i>Meeting Summary</i>	23
<i>Motions</i>	23
CAPTAIN DAVID H. HART AWARD (OCTOBER 18, 2023)	23
<i>Press Release</i>	23
SPINY DOGFISH MANAGEMENT BOARD (OCTOBER 18, 2023)	24
<i>Meeting Summary</i>	24
<i>Motions</i>	25
HABITAT COMMITTEE (OCTOBER 18 & 19, 2023)	25
<i>Meeting Summary</i>	25
ATLANTIC STRIPED BASS MANAGEMENT BOARD (OCTOBER 18, 2023)	25
<i>Press Release</i>	25
<i>Meeting Summary</i>	26
<i>Motions</i>	27
AMERICAN EEL MANAGEMENT BOARD (OCTOBER 19, 2023)	28
<i>Meeting Summary</i>	28
<i>Motions</i>	28
INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (OCTOBER 19, 2023)	28
<i>Meeting Summary</i>	28
<i>Motions</i>	30

SCIAENIDS MANAGEMENT BOARD (OCTOBER 19, 2023) 31
Meeting Summary 31
Motions 32

ATLANTIC HERRING MANAGEMENT BOARD (OCTOBER 16, 2023)

Meeting Summary

The Atlantic Herring Management Board met to set the quota periods for the 2024 Area 1A (inshore Gulf of Maine) fishery, receive an update from the New England Fishery Management Council, and elect a Vice-Chair.

The Board considered quota periods for the 2024 Area 1A fishery. Per Amendment 3 to the Interstate Fishery Management Plan for Atlantic Herring, 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 2024 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. These 2024 quota periods are the same as the quota periods implemented for the last four fishing years. The Area 1A fishery to close when 92% of the sub-ACL is projected to be reached, as required by Amendment 3.

The Board received an update from the New England Fishery Management Council (Council) on [development of Amendment 10](#) to the federal Atlantic Herring Fishery Management Fishery Management Plan. The Council had already been working on an action “revisiting the Inshore Midwater Trawl Restricted Area that was developed under Amendment 8.” At its September 2023 meeting, the Council renamed the action to “minimize user conflicts related to the Atlantic herring fishery.” The Council also designated the action as an amendment intended to “address spatial and temporal allocation and management of Atlantic herring at the management unit level to minimize user conflicts, contribute to optimum yield, and support rebuilding of the resource.” The Council plans to conduct scoping meetings to inform the range of issues to be considered in Amendment 10. The Council’s Herring Committee and Plan Development Team will develop a scoping document and meeting schedule to be reviewed by the Council at their January 2024 meeting.

Finally, the Board approved Doug Grout, the New Hampshire Governor’s Appointee, as the new Vice-Chair.

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

Motions

Move that the Board implement seasonal quota for the 2024 Area 1A sub-ACL seasonally with 72.8% available from June through September and 27.2% allocated from October through December, with no landings prior to June 1, and for underages to be rolled over into the next quota period for 2024.

Motion made by Mr. Kaelin and seconded by Mr. Train. Motion passes by unanimous consent.

Move to nominate Doug Grout as Vice-Chair of the Atlantic Herring Board.

Motion made by Ms. Griffin and seconded by Dr. Davis. Motion passes by unanimous consent.

Press Releases

Jonah Crab Benchmark Stock Assessment and Peer Review Finds Population Abundance Remains Above Historic Lows but Needs to be Closely Monitored

Beaufort, NC – The 2023 Jonah Crab Benchmark Stock Assessment and Peer Review Report indicates the range-wide population of Jonah crab remains above historic lows of the 1980s and 1990s. However, evidence of declining catch per unit effort (CPUE) in the fishery presents substantial concern and uncertainty for the status of the stock.

Based on life history and fishery characteristics, the assessment divided the population into four stocks: offshore Gulf of Maine (OGOM), inshore GOM (IGOM); offshore Southern New England (OSNE) and inshore SNE (ISNE). According to the stock indicators, IGOM, OGOM, and OSNE recruit, exploitable, and spawning abundance conditions from 2019-2021 were neutral or positive relative to historical periods. Indicators generally agree across these stocks that abundance has not been depleted compared to the historic low abundance observed in the 1980s and 1990s. There are no reliable abundance indicators for the ISNE stock so no determination about the condition of this stock's abundance could be made at this time. Young-of-the-year settlement indicators generally show neutral conditions and do not indicate that recruitment in the GOM stocks will decline to historical lows in the near future. Settlement conditions are unknown for SNE stocks.

“As the first range-wide assessment of Jonah crab along the Atlantic coast, this assessment represents a significant advancement in our understanding of the species, its life history characteristics, and distinct fisheries by stock unit,” stated Board Chair Jason McNamee of Rhode Island. “I commend the members of the Stock Assessment Subcommittee and Technical Committee for their successful completion of a challenging, data poor assessment.”

According to the Peer Review Panel, “Despite the limited availability of current data, there is considerable urgency for the assessment due to a very steep, three-year, decline in landings. Commercial landings have declined 51% in three years, after an unprecedented 30-fold rise in landings. Although the recent decline is not well-detected in fishery-independent stock indicators, there is some evidence of declining CPUE in the fishery, creating substantial concern and uncertainty for the status of the stock. Given the mixed signals, the status of the Jonah crab stock is highly uncertain.

Current conditions closely resemble early stages of the collapse of the Canada Jonah crab fishery in the early 2000s. In the first three years of the crash, Canada landings dropped 58%. Within five years, landings fell 97%, and stock biomass could no longer support a fishery. Fishery-independent trawl indicators had not fully captured the signals of a rapidly declining stock. However, declining fishery CPUE was observable preceding and during the landings crash.

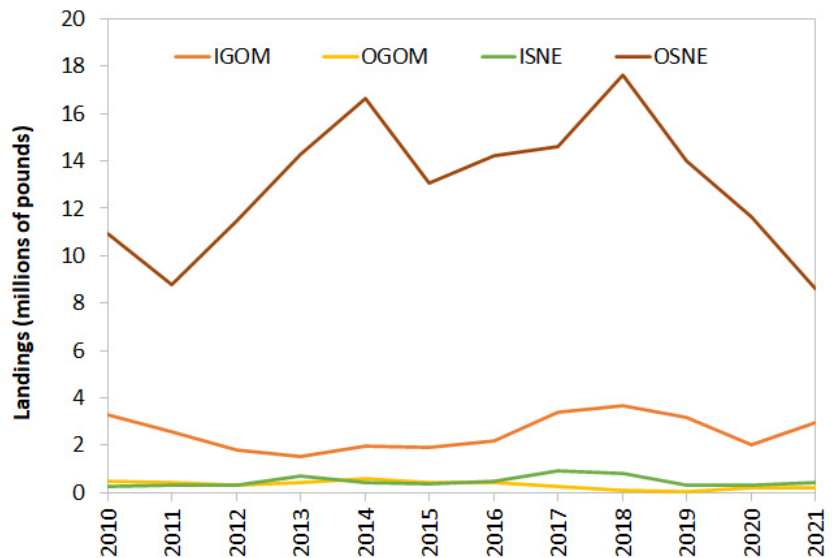
Given the high level of uncertainty in the status of the Jonah crab stock, the Panel strongly recommends close monitoring of annual stock indicators in the next few years. Annual indicators can determine whether sharply declining recent landings are signaling the start of a ‘bust’ phase of a

boom-and-bust arc, or are due to fishery and market-related factors uncoupled with Jonah crab abundance.”

There are notable differences between the fisheries that operate in each of the stock areas. The vast majority of coastwide landings have come from the OSNE stock, accounting for 70-85% of annual coastwide landings from 2010-2021. The IGOM stock has supported the second largest fishery, accounting for 9-24% of annual coastwide landings from 2010-2021. Both the ISNE and OGOM have supported smaller fisheries, never accounting for more than 5% of annual coastwide landings from 2010-2021.

The high proportion of participants contributing to Jonah crab landings indicates a directed fishery in the OSNE stock that targets Jonah crab, yet only a small number of participants account for the large magnitude of landings from this stock. The other three stocks have fisheries that are characteristic of bycatch fisheries that are targeting American lobster. These fisheries have low proportions of participants that land Jonah crabs from pot/trap gears. In the case of the IGOM stock, there is a relatively high number of participants targeting lobsters and not landing Jonah crabs. This represents considerable capacity for growth in a Jonah crab fishery if these participants were to switch to targeting Jonah crab.

Jonah Crab Commercial Landings by Stock Area



Landings have shown different trends across stocks, but the landings from OSNE declined steadily from the time series high in 2018 (17.6 million pounds) in the last three years of the time series (2019-2021). This trend is believed to be influenced by factors other than available abundance but should continue to be monitored closely. There was insufficient information to describe fishing mortality or exploitation with confidence and these population parameters remain major uncertainties.

In response to the assessment findings and peer review panel recommendations, the American Lobster Management Board accepted the Benchmark Stock Assessment and Peer Review Report for management use and tasked the Technical Committee with recommending possible measures or actions to address the concerns about stock status and recent fishery trends.

A stock assessment overview, which provides a more detailed description of assessment results, as well as the stock assessment and peer review report will be available on the Commission’s website at <https://asmfc.org/species/jonah-crab> under Stock Assessment Reports. For more information on the stock assessment, please contact Jeff Kipp, Senior Stock Assessment Scientist, at jkipp@asmfc.org; and for more information on Jonah crab management, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org.

PR23-23

American Lobster Board Extends Addendum XXVII Implementation Date to January 1, 2025

Beaufort, NC – The Commission’s American Lobster Management Board modified the implementation date for measures under Addendum XXVII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster to January 1, 2025 (see table for specific dates). Addendum XXVII was adopted in May 2023, and established a trigger mechanism to automatically implement management measures to provide additional protection of the Gulf of Maine/Georges Bank (GOM/GBK) spawning stock biomass.

Under Addendum XXVII, changes to gauge and escape vent sizes in Lobster Conservation Management Areas (LCMAs) 1 (Gulf of Maine), 3 (offshore federal waters) and Outer Cape Cod (OCC) would be initiated based on an observed decline in recruit abundance indices of 35% from the reference level (equal to the three-year average from 2016-2018). With the inclusion of recently released 2022 data in the time series, the trigger index has declined by 39%, surpassing the trigger point of a 35% decline. The measures triggered include two increases to the minimum gauge size in LCMA 1, a corresponding change in the LCMA 1 escape vent size, and a single decrease to the maximum gauge size in LCMA 3 and OCC.

“Because the trigger was tripped much more quickly than we anticipated, the delay in implementing the gauge size increase will provide the Gulf of Maine states the opportunity to coordinate with Canada regarding possible trade implications, and give the industry and gauge makers additional time to prepare for these changes,” stated Pat Keliher from Maine.

Addendum XXVII also implements a standard v-notch definition of 1/8” with or without setal hairs in LCMA 3 and OCC, and a standard maximum gauge size of 6 ¾” for state and federal permit holders in LCMA 3 and OCC. Additionally, for LCMA 1 and 3 permit holders, states must limit the issuance of trap tags to equal the harvester trap tag allocations unless trap losses are documented. The implementation date for these measures is now January 1, 2025.

The following table specifies the timing of management changes for each of the three LCMAs addressed under Addendum XXVII as modified.

When change(s) will be implemented	What change will be implemented		
	LCMA 1	LCMA 3	Outer Cape Cod
January 1, 2025	Trap tags issuance limited to harvester allocation		v-notch definition: 1/8” with or without setal hairs; Maximum gauge size: 6 ¾”
January 1, 2025	Minimum gauge size: 3 5/16”		
January 1, 2027	Minimum gauge size: 3 3/8”		
January 1, 2028	Escape vent size: 2 x 5 3/4” rectangular; 2 5/8” circular		
January 1, 2029		Maximum gauge size: 6 ½”	Maximum gauge size: 6 ½”

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

PR23-24

Meeting Summary

In addition to accepting the Jonah Crab Benchmark Stock Assessment and Peer Review Report for management use, and modifying the implementation date for Addendum XXVII, the Board also reviewed the 2024 annual data update for American lobster, and approved Terms of Reference for the next Lobster Benchmark Stock Assessment.

An annual data update process between American lobster stock assessments was recommended during the 2020 stock assessment to more closely monitor changes in stock abundance. Data sets updated during this process indicate exploitable lobster stock abundance conditions expected in subsequent years and include young-of-year settlement indicators, trawl survey indicators, and ventless trap survey sex-specific abundance indices. This is the third data update including data through 2022. In general, Gulf of Maine indicators show declines from time series highs observed during the stock assessment, and Georges Bank indicators show slight improvement since the stock assessment. Southern New England indicators show continued unfavorable conditions with some further signs of decline since the stock assessment.

Staff presented draft Terms of Reference (TORs) and timeline for the next benchmark stock assessment for American lobster, which is scheduled for completion in 2025. Given the evidence that environmental conditions impact the lobster population, the Board requested that the assessment also identify, describe, and, if possible, quantify the effect of environmental and climatic drivers on stock abundance at various time scales.

Additionally, the Board discussed a potential action at the New England Fishery Management Council that is considering scallop fishery access on the Northern Edge on Georges Bank. The Board tasked the Lobster Technical Committee to compile information on the lobster resource and fishery in and around the Northern Edge that could help characterize potential impacts on the lobster population and fishery in the area.

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

Motions

Move to accept the Jonah Crab Benchmark Stock Assessment and Peer Review Report for management use.

Motion made by Mr. McKiernan and seconded by Mr. Train. Motion passes by (11 in favor).

Motion to task the Technical Committee to recommend possible management measures or other options to correct what appear to be deficiencies in the stock.

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

Motion to amend the approval of Addendum XXVII to change the implementation date. The implementation date for all management measures shall be January 1, 2025, including those measures triggered under Section 3.2. Year 2 and year 3 measures would be implemented by January 1 of the following calendar years for which they are required.

Motion made by Mr. Keliher and seconded by Mr. Borden. Motion passes (10 in favor, 1 opposed).

Move to modify terms of reference 4 to identify, describe, and, if possible, quantify the effect of environmental/climatic drivers on stock abundance considering annual to decadal scales

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

Move to task the Lobster Technical Committee (TC) to compile information on the lobster resource and fishery in and around the Northern Edge on Georges Bank. This is in relation to a potential action at the New England Fishery Management Council (NEFMC) which is considering scallop fishery access on the Northern Edge. A starting place for this tasking could be reviewing information that the Lobster TC compiled when ASMFC commented on the NEFMC's Omnibus Habitat Amendment 2. Areas of interest include:

- **Information on the presence and abundance of lobsters, including ovigerous lobsters, in and around the Northern Edge by month/season**
- **Lobster fishery effort in and around the Northern Edge by month/season**
- **Potential impacts of mobile gear on the lobster population in the area**
- **Information on the habitat type and depth preference of lobsters which could inform our understanding of lobsters on the northern edge if there are limitations in the data**
- **Whether current reporting by Area 3 vessels is representative, or an underestimate, of lobster effort in the Northern Edge area and how future requirements (i.e., federal eVTR requirement, vessel tracking) will impact the data available**

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

TAUTOG MANAGEMENT BOARD (OCTOBER 16, 2023)

Meeting Summary

The Tautog Management Board met to consider a Technical Committee (TC) report on the commercial tagging program and discuss potential changes to the program.

In response to a Board task at the August meeting to identify and evaluate alternative tag types, the TC met and identified the T-bar, Petersen disc, and dart tags as potential alternatives to test along with the smaller NBT tag. However, the TC noted that with the timeframe between the August and October meetings, only the smaller NBT tag could be evaluated and the study would be limited to two weeks. In order to conduct a more robust study that would include all potential tag types over 30 days, results will not be available until summer 2024.

The Board also discussed proposals to suspend the commercial tagging program while alternative tags are evaluated. In response to public comments and the results of the TC surveys reviewed in August 2023, New York requested that the Board consider either pausing the program through emergency action or a fast-tracked addendum until the Board could consider alternative tags, or potentially suspending the program indefinitely if a new tag could not be identified. The Board agreed that alternative tags need to be studied with the goal of finding a tag that could meet the objectives of the program and alleviate the concerns of live market harvesters and dealers. However, based on feedback from the Law Enforcement Committee that the program appears to be achieving its goal of reducing the number of illegal fish in the market, there were concerns about the effects on compliance if there was a pause in the program. In addition, there were states that have seen an increase in the value of their fish since the tagging program has been implemented. Ultimately the Board decided to maintain the program in its current form for the 2024 fishing year, during which time the alternative tags can be researched. For more information, please contact James Boyle, Fishery Management Plan Coordinator at jboyle@asmfc.org.

Motions

Main Motion

Move that the Tautog Management Board, by emergency action, as defined in the ISFMP Charter, suspend the Coastwide Commercial Tautog Tagging Program for 180 days to prevent additional negative impacts to the live market fishery and initiate an Addendum that will implement the suspension for the remainder of the 2024 fishing year and consider a longer term suspension if a suitable tag, satisfying Objective 4 in section 4.4.1 of Amendment 1, cannot be identified in time for implementation for 2025.

Motion made by Mr. Maniscalco and seconded by Dr. Davis

Motion to Substitute

Motion to substitute to initiate a fast-track addendum that will address negative impacts to the live market fishery, satisfying Objective 4 in section 4.4.1 of Amendment 1.

Motion made by Mr. Hasbrouck and seconded by Dr. Davis. Motion fails (1 in favor, 8 opposed).

Main Motion

Move that the Tautog Management Board, by emergency action, as defined in the ISFMP Charter, suspend the Coastwide Commercial Tautog Tagging Program for 180 days to prevent additional negative impacts to the live market fishery and initiate an Addendum that will implement the suspension for the remainder of the 2024 fishing year and consider a longer term suspension if a suitable tag, satisfying Objective 4 in section 4.4.1 of Amendment 1, cannot be identified in time for implementation for 2025.

Motion made by Mr. Maniscalco and seconded by Dr. Davis. Motion fails (1 in favor, 8 opposed).

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (OCTOBER 16 & 17, 2023)

Meeting Summary

The Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee met to review the 2023-2024 Action Plan; discuss accomplishments and next steps; updated subcommittees and working groups; and delved into fundraising strategies, including the ACFHP Business Plan and BIL/IRA funding opportunities. The Committee also finalized its FY25 ACFHP funding application and heard from guest speakers, including Todd Miller from the North Carolina Coastal Federation and Jason Olive and Ryan Roberts from the National Fish Habitat Partnership. Despite an unsuccessful attempt at securing \$24,582,681 for the NOAA Climate Resilience Regional Challenge for eight oyster reef restoration projects spanning from Florida to New Hampshire, the Committee remained optimistic about the NOAA Transformational Habitat Restoration opportunity, targeting \$15 million for multi-habitat restoration projects in focused watersheds in Georgia, Delaware, and New Hampshire. The ACFHP FY25 Funding Application, open from October 31, 2023 to January 31, 2024, supports fish habitat conservation projects, with no specified upper funding limit but a mandatory 1:1 non-federal match requirement (Tribes exempted). The application process places more emphasis on diversity, equity, inclusion, and public access. For more information, please contact Simen Kaalstad, ACFHP Director, at skaalstad@asmfc.org.

HORSESHOE CRAB MANAGEMENT BOARD (OCTOBER 16, 2023)

Press Release

Horseshoe Crab Board Sets 2024 Specifications for Delaware Bay-Origin Horseshoe Crabs

Beaufort, NC – The Commission’s Horseshoe Crab Management Board approved harvest specifications for Delaware Bay-origin horseshoe crabs. Taking into consideration the output of the Adaptive Resource Management (ARM) Framework Revision, the Board set a harvest limit of 500,000 male and zero female Delaware Bay-origin horseshoe crabs for the 2024 season.

“The Board stands behind the ARM Framework Revision as the best available tool to set harvest limits for horseshoe crabs of Delaware Bay-origin. As a result of its use, the Delaware Bay horseshoe crab population has been increasing, with abundance of both female and male horseshoe crabs in the Delaware region at an all-time high since 2003. Despite this positive finding, the Board elected to implement zero female horseshoe crab harvest for the 2024 season as a conservative measure, considering continued public concern about the status of the red knot population in the Delaware Bay,” stated Board Chair John Clark of Delaware.

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:

	Delaware Bay-Origin Horseshoe Crab Quota (no. of crabs)	Total Quota**
State	Male Only	Male Only
Delaware	173,014	173,014
New Jersey	173,014	173,014
Maryland	132,865	255,980
Virginia*	21,107	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.

As part of its ongoing discussions regarding how best to manage Delaware Bay-origin horseshoe crabs and in response to the Stakeholder Survey, the Board will move forward with a Horseshoe Crab Management Objectives Workshop. The Workshop will include a small group of managers, scientists, and stakeholders to explore different management objectives for the Delaware Bay-origin horseshoe crab, with a focus on multi-year specification setting and modeling approaches when selecting no female harvest. The intent would be to provide a report to the Board in time for the 2025 specification setting process next fall. For more information, please contact Caitlin Starks, Senior Fishery Management Coordinator, at cstarks@asmfc.org or 703.842.0740.

PR23-25

Meeting Summary

In addition to setting Delaware Bay-origin harvest specifications for 2024, the Board considered the results of stakeholder survey on Delaware Bay management objectives, received a report on synthetic endotoxin testing reagents, approved the Fishery Management Plan (FMP) Review for the 2022 fishing year, and appointed a new Advisory Panel member.

In May 2023 the Board formed a work group to develop a survey to be distributed to stakeholders to guide the Board in evaluating management objectives for the Delaware Bay horseshoe crab bait fishery, and whether to consider future changes to management. The survey was distributed to stakeholders from the Delaware Bay states (New Jersey, Delaware, Maryland, and Virginia) including bait harvesters and dealers, fishermen who use horseshoe crab as bait, biomedical fishery and industry participants, and environmental groups. The results of the survey suggest the harvest of female horseshoe crabs does hold value for commercial fishery, and there is interest across stakeholder groups in modifying the management program for the Delaware Bay region.

Staff provided information on the synthetic alternatives to LAL, the endotoxin testing reagent derived from horseshoe crab blood, as requested by the Board. Recently, an expert committee of the US Pharmacopeia (USP) proposed a new standard including additional techniques for bacterial endotoxin testing using non-animal derived reagents, including recombinant Factor C (rFC) and recombinant cascade reagents (rCR). It also would provide information for manufacturers of new and existing biopharmaceuticals on how to incorporate them into their quality testing. The Board requested that a subject matter expert from the USP or the Food and Drug Administration attend a future meeting to provide additional detail on the efficacy of rFC and rRC compared to LAL.

The Board approved the FMP Review and state compliance reports for horseshoe crab for the 2022 fishing year, as well as *de minimis* status for South Carolina, Georgia, and Florida. Additionally, it approved the nomination of Sam Martin, a commercial fisherman for Maryland.

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

Motions

Move to accept the 2024 Adaptive Resource Management harvest specifications with 500,000 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. Pugh. Motion passes by unanimous consent.

Move to use the Stakeholder Survey Report as a basis for a Horseshoe Crab Management Objectives workshop, which would include a small group of managers, scientists, and stakeholders to explore different management objectives for the Delaware Bay-origin horseshoe crabs. This workshop should focus on multi-year specification setting and modeling approaches when selecting no female harvest. The intent would be to provide a report to the full Board in time for the 2025 specification setting process.

Motion made by Ms. Madsen and seconded by Mr. Cimino. 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 2022 fishing year.

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

Move to approve Advisory Panel nomination for Sam Martin from Maryland.

Motion made by Mr. Luisi and seconded by Ms. Madsen. Motion passes by unanimous consent.

Move to task the Adaptive Resource Management Subcommittee with preparing a response to the September 2023 review of the ARM Framework by Dr. Kevin Shoemaker.

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

SHAD & RIVER HERRING MANAGEMENT BOARD (OCTOBER 16, 2023)

Meeting Summary

The Shad and River Herring Management Board met to receive a progress update on the River Herring Benchmark Stock Assessment and consider the Fishery Management Plan (FMP) Review for the 2022 fishing year.

The Board received an update on the River Herring Benchmark Stock Assessment. The Assessment Workshop was held from August 21-25, 2023. The Stock Assessment Subcommittee determined that the current timeline was not feasible, given the remaining workload, and recommended shifting the completion of the assessment forward one meeting week cycle. Instead of being peer-reviewed in Winter 2023 for presentation to the Board in February 2024, the assessment will now be peer-reviewed in early spring 2024 and presented to the Board at the Spring Meeting in May 2024.

The Board also reviewed the FMP Review and state compliance reports for the 2022 fishing year. In 2022, river herring landings were approximately 2.82 million pounds, which was a 34% increase from 2021, including approximately 2,600 pounds in bycatch landings. However, the Plan Review Team (PRT) noted that inconsistent sources of bycatch data between states make it difficult to evaluate bycatch annually. Non-confidential American shad landings totaled an estimated 110,027 pounds, a 44% decrease from 2021. Bycatch landings decreased by 75% to represent 7.5% of the total commercial landings. Hickory shad landings amounted to an estimated 98,962 pounds, a 0.5% decrease from 2021, although bycatch landings increased by 40% to represent 3% of commercial landings. The PRT noted that a number of states could not complete the monitoring requirements of Amendments 2 and 3 due to persistent funding and staffing issues, among some other minor issues with the compliance format. However, the PRT did not consider any of the issues significant. Therefore, the Board approved the 2022 FMP Review, state compliance reports, and *de minimis* requests.

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

Motions

Move to approve the Shad and River Herring Fishery Management Plan Review and state compliance reports, and *de minimis* requests for ME, NH, MA, and FL for American shad and NH, GA, and FL for river herring for the 2022 fishing year.

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

ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (OCTOBER 17, 2023)

Meeting Summary

The Atlantic Coastal Cooperative Statistics Program (ACCSP) Coordinating Council met to consider the FY2024 Partner and Administrative proposals and the Citizen Science SciFish Policies.

The Council voted to fund the ACCSP Administrative grant as base plus option 2 for required software platform development. The Council voted to support six maintenance proposals for FY2024 ranked and recommended by the Advisory and Operations Committees. The Council voted to fully support three new proposals and two proposals (from MAMFC and RI) at reduced scope to make the most progress with limited resources. The Council noted appreciation to the Operations and Advisors Committees for their work to rank proposals and provide thoughtful recommendations to utilize both the annual funding as well as \$250K unallocated funds from previous years.

The Council also approved the ACCSP Citizen science policies document for SciFish, allowing for creation of the SciFish Advisory panel and preparing for implementation of the SciFish application and project builder in the first half of 2024.

The Council was presented an update of ACCSP program activities, including software development timelines, updated on the Biological and Bycatch data collection program inventories now searchable in the ACCSP Data Warehouse, and the need for more Advisors to be appointed by Council members. For more information, please contact Geoff White, ACCSP Director, at Geoff.White@accsp.org.

Motions

Move to approve the FY2024 ACCSP Administrative grant as the base budget inclusive of Option 2 (\$50K) for a total of \$2,310,327.

Motion made by Mr. Carmichael and seconded by Ms. Burgess. Motion passes (19 in favor).

Move to approve the top six (6) FY2024 ACCSP Maintenance projects as recommended by the Operations Committee and Advisors, including \$65,819 of the \$250K carry-over funds.

Motion made by Ms. Salmon and seconded by Ms. Braun. Motion passes (20 in favor).

Main Motion

Move to accept the recommendations of the operations committee with the modification of funding both the MAFMC proposal “Improving Catch and Effort Data Collection from Recreational Tilefish Anglers” and the RIDEM proposal “The Economic Impact of Rhode Island’s Fishing Industry” per the agreement these two entities reached to alter their funding request to not exceed the new proposal allocation.

Motion made by Mr. McKiernan and seconded by Ms. Zobel. Motion amended.

Motion to Amend

Motion to amend to add “if Rhode Island Department of Environmental Management (RIDEM) and the Mid-Atlantic Fishery Management Council (MAFMC) are unable to reach an agreement on how to split the funds the final arbitrator would be the ACCSP Leadership Committee.”

Motion made by Ms. Burgess and seconded by Ms. Ware. Motion passes (20 in favor).

Main Motion as Amended

Move to accept the recommendations of the operations committee with the modification of funding both the MAFMC proposal “Improving Catch and Effort Data Collection from Recreational Tilefish Anglers” and the RIDEM proposal “The Economic Impact of Rhode Island’s Fishing Industry” per the agreement these two entities reached to alter their funding request to not exceed the new proposal allocation. If RIDEM and MAFMC are unable to reach an agreement on how to split the funds the final arbitrator would be the ACCSP Leadership Committee

Motion passes by unanimous consent.

Move to approve early funding option (November 2023) be used for Option 2 of the Administrative Grant (\$50,000) and for the new SC DNR project to add HMS fields to VESL (\$112,900).

Motion made by Ms. Burgess and seconded by Mr. Carmichael. Motion passes by unanimous consent.

Motion to approve the SciFish Policies and launching of the SciFish Project Builder and application.

Motion made by Mr. Carmichael and seconded by Mr. Clark. Motion passes by unanimous consent.

LAW ENFORCEMENT COMMITTEE (OCTOBER 17 & 18, 2023)

Meeting Summary

The Law Enforcement Committee (LEC) conducted a hybrid meeting during the Commission’s 81st Annual Meeting in Beaufort, NC. The committee welcomed LTC. Jeff Sabo as the new representative from the Pennsylvania Fish and Boat Commission.

Species Issues

American Lobster – The LEC discussed the status of the trigger indices under Addendum XXVII of Amendment 3 of the American Lobster Fishery Management Plan. Every October the American Lobster Management Board reviews trawl and ventless trap survey results to see if the 35% decline in the recruit abundance has occurred. If the 35% decline in the recruit abundance is reached, then the following management consideration will take effect.

- **1st Gauge Increase** – The first 1/16th of an inch gauge increase will take effect June 1st of the year after a determination by the Board that a 35% decline in recruitment abundance has occurred.
- **2nd Gauge Increase** – On June 1st, three years after the Board’s determination, the second 1/16th of an inch gauge increase for LMA1 harvesters will take effect.
- **Escape Vent Increase** – On June 1st, four years after the Board’s determination, lobster trap escape vent size increases will take effect.

The Committee was updated on the actions of the American Lobster Management Board in extending Addendum XXVII Implementation date to January 1, 2025.

Atlantic Striped Bass – Toni Kerns updated the LEC on the status of Draft Addendum II to Amendment 7 of the Atlantic Striped Bass ISFMP. Specific discussion was on the proposed compliance measures found in Section 3.0 of the Draft Addendum. The LEC looks forward to providing comments at the appropriate time on the specific management options.

Tautog Tagging Study – The LEC was briefed by staff on the status of the Tautog Tagging Study being conducted by the Technical Committee and the State of New York. The study will assess the varied types of tags in different environments. This study is to be completed in late 2023 with recommendations to the Tautog Management Board in 2024. The goal behind this study is to identify a tag for use that will not damage a fish in the live market and hold the appropriate information necessary for tracking within the fishery.

Spiny Dogfish – Staff provided information on actions taken by the Mid-Atlantic and New England Fishery Management Councils to reduce sturgeon bycatch in the several federal large mesh gillnet fisheries. The LEC discussed the following topics:

- In response to the 2021 Biological Opinion and 2022 Action Plan to Reduce Atlantic Sturgeon Bycatch in Federal Large Mesh Gillnet Fisheries, a joint FMAT/PDT of the New England and Mid-Atlantic Fisheries Management Councils formed to develop a range of alternatives to reduce sturgeon bycatch in the monkfish and spiny dogfish fisheries.
- Review Progress and Timeline Updates on the Mid-Atlantic and New England Fishery Management Councils' Joint Action on the Spiny Dogfish Fishery to Reduce Atlantic Sturgeon Bycatch.

Other issues

Members reviewed the current ASMFC document *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures* (August 2015). This document has not been updated since 2015. With the always evolving strategies to address the development of fishery management plans, the LEC wished to keep this document relevant for the fishery managers of today. The LEC assigned a subcommittee in the Spring 2023. This subcommittee conducted three meetings over the summer months and has prepared a draft document for review and consideration by the full LEC. The next step will be to score and prioritize the management measures contained in the document. This will occur in late 2023, with a goal of this Boards approval in early 2024.

A presentation of the second phase of the NACLELA/ICCA Wildlife Officer Exchange Program was offered. In this phase the US agency representative travelled to the foreign nation to learn about their respective program. This program is of interest as the Chair of the LEC, Deputy Chief Jason Snellbaker (NJ) was invited by the organizers to participate in this program in his role as a state officer and a NACLELA graduate. This exchange was with an ICCA graduate from the Fisheries Compliance and Enforcement agency of Belize. Deputy Chief Jason Snellbaker shared his experience of traveling to Belize and learning about their fishery enforcement program. This shared experience helped to increase international collaboration and individual capacity to address wildlife crime globally.

The Committee also discussed how best to utilize the [Interstate Wildlife Violators Compact](#). Specifically, how best to share license sanctions among participating jurisdictions. For example, if the

State of Maine were to issue a license sanction for a violation of their regulations; the State of New Hampshire or Massachusetts or any compact partnered state with like regulation, can also revoke the privilege of this same fisher in their state. This would be based on the Maine suspension. For our member state agencies, this is an unused resource that could help protect our marine fisheries and offer a deterrent.

A closed session of our meeting was afforded to openly discuss new and emerging law enforcement issues. Respective agencies were provided time to highlight their agencies and offer current enforcement efforts. For more information, please contact Kurt Blanchard, LEC Coordinator, at kurt.blanchard@verizon.net.

ATLANTIC MENHADEN MANAGEMENT BOARD (OCTOBER 17, 2023)

Meeting Summary

The Atlantic Menhaden Management Board met to receive an update on the ecological reference point (ERP) benchmark stock assessment, review the Virginia Chesapeake Bay Menhaden Study Design Report, and consider approval of the 2022 Fishery Management Plan (FMP) Review.

The Board received an update on the ERP Benchmark Stock Assessment. The ERP Workgroup met in October to conduct a Data and Methods Workshop to review new data sources; discuss high priority updates to the ecosystem models, including identifying potential new predators to add to the model; and discuss ongoing ecosystem indicator work in Maryland and Virginia. The ERP Benchmark Stock Assessment is scheduled to be presented to the Board at the 2025 Annual Meeting.

The Board reviewed the Virginia Chesapeake Bay Menhaden Study Design Report from the Virginia Institute of Marine Science (VIMS). In response to public concerns about the impacts of Atlantic menhaden commercial fishing in Chesapeake Bay, the Virginia General Assembly passed legislation that directed VIMS to develop a plan for studying Atlantic menhaden in Virginia waters. The Report outlines priority research recommendations, including methodologies, appropriate research agencies, collaborative stakeholders, timelines, and costs associated with those recommendations.

The Board approved the FMP Review for the 2022 fishing year, as well *de minimis* requests from Pennsylvania, South Carolina, Georgia, and Florida. The coastwide total allowable catch (TAC) for the 2022 fishing year was 194,400 mt. According to state compliance reports, total catch in 2022 including directed, incidental/small-scale fishery (IC/SSF), and episodic event set aside (EESA) landings was approximately 195,387 mt. IC/SSF landings, which did not count towards the coastwide TAC, amounted to an estimated 8,156 mt representing a 46% increase from 2021. Therefore, non-incidental landings in 2022 totaled 187,231 mt, which is approximately 96% of the coastwide TAC and a 1% decrease from 2021. While bait landings increased from 2021, reduction landings decreased by 2%.

The Plan Review Team questioned whether the current 10-fish biological sampling requirement is sufficient to categorize the impact of the commercial gear types on the menhaden population and whether it is appropriate for states to substitute fishery-independent data. Staff reported that

these issues will be evaluated as part of the 2025 Atlantic Menhaden Single-Species Stock Assessment Update. For more information contact James Boyle, Fishery Management Plan Coordinator at jboyle@asmfc.org.

Motions

Move to approve the Fishery Management Plan Review, state compliance reports, and *de minimis* requests for PA, SC, GA, and FL for Atlantic menhaden for the 2022 fishing year.

Motion made by Mr. Hasbrouck and seconded by Mr. Miller. Motion passes by unanimous consent.

COASTAL PELAGICS MANAGEMENT BOARD (OCTOBER 17, 2023)

Meeting Summary

The Coastal Pelagics Management Board met to receive an update on the 2025 SouthEast Data, Assessment, and Review (SEDAR) stock assessment for Atlantic cobia; set state waters recreational management measures for Atlantic cobia for the 2024 fishing year; receive a Cobia Technical Committee (TC) report regarding reallocation of recreational quota; and receive an update from the South Atlantic Fishery Management Council (SAFMC) regarding Framework Amendment 13 to the Coastal Migratory Pelagics (CMP) Fishery Management Plan (FMP) and upcoming mackerel port meetings.

The Board received a presentation on the status of the upcoming stock assessment for Atlantic cobia, which is scheduled to be peer reviewed in 2025 through the SEDAR process. The 2025 cobia assessment will function differently from SEDAR 58, the previous assessment for the species. Significant participation from the Commission and state staff will require the Board to establish an Atlantic Cobia Stock Assessment Subcommittee (SAS). The assessment will face a number of challenges including, but not limited to, the loss of the sole abundance index for the species and the need to consider new data sources and modeling frameworks. Additionally, as part of the stock assessment, the Cobia TC has expressed interest in reexamining the management boundary for Atlantic cobia which currently sits at the Florida Georgia state line. The 2025 stock assessment for Atlantic cobia is expected to be presented to the Board in early 2026.

Next, the Board received a TC report and recommendation for setting state waters recreational management measures in 2024. Typically, the TC would determine state management measure changes through comparing each state's recent harvest to state harvest targets. However, this year, in addition to harvest target evaluations, the Board also tasked the TC with reviewing the impacts of status quo recreational management measures. Ultimately, the Board agreed with the TC recommendation, and chose to maintain status quo state waters recreational management measures for the 2024 fishing season.

The second TC report to the Board focused on recent trends in state and regional cobia landings compared to harvest targets. The TC noted current recreational allocations are calculated based on states' percentages of coastwide landings through 2015. However, harvest patterns since 2015 appear to have changed such that a majority of cobia harvest now occurs outside of the Southeast region. The TC recommended the Board consider taking action to address recreational quota reallocation of Atlantic cobia, but noted the timing of Board action should consider upcoming

changes to the Marine Recreational Information Program Fishing Effort Survey and the potential for a stock boundary reexamination alongside the next stock assessment. After receiving the TC report and recommendation, the Board initiated an addendum to address recreational Atlantic cobia quota reallocation. The Board recommended the Plan Development Team (PDT) explore options to consider the seasonality of the species in various regions, reevaluate what a soft target is, and if state-by-state soft targets are appropriate for managing pulse fisheries like Atlantic cobia. The Board will form a PDT following the Commission's Annual Meeting, and will receive an update from the PDT and better define addendum alternatives at the Commission's next meeting in January.

Lastly, the Board received an update from SAFMC regarding upcoming mackerel port meetings and CMP Framework Amendment 13. CMP Framework Amendment 13 will adopt the new acceptable biological catch (ABC) level for Spanish mackerel and is expected to be approved in June 2024. Mackerel port meetings are expected to start in Spring 2024, and will serve as pre-scoping for an upcoming SAFMC plan amendment addressing management of Atlantic Spanish mackerel.

For more information, please contact Chelsea Tuohy, Fishery Management Plan Coordinator, at ctuohy@asmfc.org.

Motions

Move to maintain status quo state waters recreational management measures for Atlantic cobia for the 2024 fishing season.

Motion made by Ms. Madsen and seconded by Mr. Woodward. Motion passes by unanimous consent (Roll call: In favor – RI, NY, DE, MD, PRFC, VA, NC, SAFMC; Abstentions – FL, NOAA Fisheries; Null – GA, SC).

Move to initiate an addendum addressing recreational Atlantic cobia quota reallocation. The Board recommends that the Plan Development Team explore options outside of the current state-by-state quota allocation system, specifically a coastwide soft target with regional management measures designed to meet the coastwide soft target while considering the need for fishing opportunity based on the seasonality of the species in various regions.

Motion made by Ms. Madsen and seconded by Mr. Batsavage. Motion passes (9 in favor, 2 null, 2 abstentions).

Move to elect Mr. Spud Woodward from Georgia as the Vice Chair of the Coastal Pelagics Management Board.

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

COASTAL SHARKS MANAGEMENT BOARD (OCTOBER 17, 2023)

Meeting Summary

The Coastal Sharks Management Board met to consider a process to set 2024 specifications. NOAA Fisheries Highly Migratory Species Division published the proposed 2024 Atlantic shark specifications in August. The proposed rule includes a start date of January 1 for all shark management groups, with quota levels and possession limits remaining unchanged from 2023. The proposed initial 2024 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. The proposed rule also considers options for the 2024 and future fishing years to automatically open the commercial fishing year on January 1 of each year under the base quotas and default retention limits, and to increase the default commercial retention limit for the LCS fisheries. Upon the release of NOAA's final rule later this year, the Board will set the 2024 coastal shark specifications via an email vote.

Additionally, the Board elected Mike Luisi as Vice-Chair. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator at cstarks@asmfc.org.

Motions

Move to approve the 2024 coastal sharks specifications via an email vote after NOAA Fisheries publishes the final rule for the 2024 Atlantic Shark Commercial Fishing season.

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

Move to nominate Mike Luisi as Vice Chair of the Coastal Sharks Board.

Motion made by Mr. Clark and seconded by Ms. Meserve. Motion approved by unanimous consent.

EXECUTIVE COMMITTEE (OCTOBER 18, 2023)

Meeting Summary

The Executive Committee (EC) met to discuss several issues, including the FY23 Audit, an increase to the per diem allowance; an update on Consolidated Appropriations Act (CAA) and a Legislative Committee update. The following action items resulted from the Committee's discussions:

- The FY23 Audit was reviewed by the Administrative Oversight Committee (AOC) and forwarded to the Executive Committee with a recommendation for approval. The motion to approved unanimously.
- Staff presented a report on the potential for an increase in Per Diem rates for Commission meetings. The increase would be from Commission General and Administrative (G&A) funds, not federal funds. Staff presented an analysis of the impact this increase would have on the Commission budget and it was determined to be less than \$15,000 annually. A motion was made to implement this change and it passed.
- Staff presented the Executive Committee with multiple legislative updates per the recommendation of the Legislative Committee. Topics included: the speakership battle and its potential impacts on the budget, the Recovering America's Wildlife Act, the FISHES Act, unconfirmed upcoming priorities for Congress, and updates on internal Commission planning documents.
- Staff gave an update on the Consolidated Appropriations Act (CAA) funds. CAA has approximately \$7 million remaining and the states are expected to disburse it all by July 31, 2024.
- Mr. Keliher presented an overview of the American Unagi aquaculture facility in Hancock County, Maine. The facility is highly effective in growing out glass eels to supply the domestic unagi market.

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

Motions

On behalf of the Administrative Oversight Committee, move acceptance of the FY23 Audit.

Motion made by Joe Cimino. Motion passes unanimously.

Move the Commission approve a 30% increase to the per diem allowance which will come from G&A, not federal funds.

Motion made by Mr. Abbott and seconded by Mr. Miller. Motion passes (14 in favor, 1 opposed, 1 abstention).

BUSINESS SESSION OF THE COMMISSION (OCTOBER 18, 2023)

Press Release

Joseph Cimino Elected ASMFC Chair

Beaufort, NC – Yesterday, member states of the Atlantic States Marine Fisheries Commission (Commission) thanked Spud Woodward of Georgia for an effective two-year term as Chair and elected Joseph Cimino of New Jersey to succeed him.

“I’m honored to be chosen by my fellow Commissioners to lead our efforts for the next two years. One of my priorities will be to work with my colleagues in the states and federal agencies to seek resources to fund fundamental fisheries data collection and science activities to support our management programs. Other topics that will be the focus over the next two years will be our ability to adapt to climate-induced changes in fisheries and how best to respond to the possible recalibration of recreational fishing effort and harvest data from the Marine Recreational Information Program Fishing Effort Survey,” said Mr. Cimino.



Mr. Cimino continued, “I want to thank outgoing Chair, Spud Woodward for his commitment to updating our foundational guidance documents on our Appeals Process, *De Minimis* Policy, and Conservation Equivalency Guidelines. These clearly articulated guidelines and processes are fundamentally important to ensuring that we treat each other fairly and without undue burden in the management process. Newly elected Vice-chair Dan McKiernan and I will strive to emulate his success by working with our stakeholders, state, federal, and academic partners, Congress, and especially Bob Beal and the outstanding staff to ensure *Cooperative and Sustainable Management of Atlantic Coastal Fisheries* is not just a vision statement but a reality.”

Under Mr. Woodward’s leadership, the Commission made important strides in furthering its strategic goals. Management accomplishments over the past two years include decisive action to initiate rebuilding of Atlantic striped bass; the adoption of a new amendment for summer flounder, scup and black sea bass to address the reallocation of the resource between commercial and recreational

sectors; approved changes to the management of recreational fisheries for bluefish, summer flounder, scup and black sea bass through adoption of recreational measures setting process; and the approval of new addenda for American lobster, Atlantic menhaden, and horseshoe crab – all with the shared goal of providing the states and their stakeholders fair access to these resources while ensuring the species' health and long-term sustainability. An outstanding number of benchmark stock assessments and assessment updates were completed, including American eel, Atlantic menhaden, Atlantic striped bass, black drum, bluefish, Jonah crab, winter flounder, and revision to the Adaptive Resource Management Framework.

Working with the three East Coast Regional Fishery Management Councils and NOAA Fisheries, significant progress was also made on how fisheries managers can best address changing fish stock availability or distribution caused by climate change with the development of potential governance and management actions that could help prepare fishery management organizations for future challenges related to climate change.

Further, advances in habitat conservation were made by the Atlantic Coastal Fish Habitat Partnership (ACFHP) through its funding of seven on-the-ground projects, which will open over 40 river miles and conserve over 300 acres of fish habitat. These include dam removal and fishway projects in New Jersey and Massachusetts, as well as saltmarsh and seagrass restoration projects in North Carolina and Florida. ACFHP also partnered with the Southeast Aquatic Resources Partnership and The Nature Conservancy to spatially prioritize fish habitat conservation sites through GIS mapping and analyses for the Atlantic region of the U.S. from Maine to Florida.

From a data collection and management perspective, the Atlantic Coastal Cooperative Statistics Program (ACCSP) also made progress under Mr. Woodward's leadership. ACCSP supported 27 partner agency data collection projects, and expanded the scope and security of the ACCSP Data Warehouse. ACCSP established citizen science policies and data collection systems including SciFish; supported implementation of the SouthEast For-Hire Integrated Electronic Reporting system; completed the Atlantic Regional Recreational Data Needs Implementation plan; and made progress on a methodology to more fully use for-hire logbooks in Marine Recreational Information Program's catch statistics.

Mr. Cimino directs the New Jersey Department of Environmental Protection's (NJDEP) Marine Resources Administration, which includes the bureaus of marine fisheries and marine habitat and shellfisheries. He represents the NJDEP at various inter- and intra-state meetings, including the New Jersey Marine Fisheries Council and the Delaware Bay and Atlantic Shellfisheries Councils, the Mid-Atlantic Fishery Management Council, and the Atlantic States Marine Fisheries Commission, where he has represented the State of New Jersey since 2019 and prior to that the Commonwealth of Virginia from 2015-2018. Mr. Cimino directs the research and monitoring programs of the Administration to ensure they provide the information necessary for sound management of marine and shellfish resources. He started his marine fisheries career as a seasonal technician for New York State Department of Environmental Conservation's Hudson River Fisheries Unit, he then spent two years with North Carolina's Division of Marine Fisheries. During his 14 years with the Virginia Marine Resources Commission, he held various roles, ultimately finishing his time there as the Deputy Chief of Fisheries. Mr. Cimino has degrees from SUNY Cobleskill and Plattsburgh in Fisheries and Wildlife Technology and Environmental Science, respectively.

The Commission also elected Dan McKiernan, Director of Massachusetts Division of Marine Fisheries, as its Vice-Chair.

###

PR23-27

Meeting Summary

In addition to electing new leadership, the Commission reviewed and approved the 2024 Action Plan, which guides the Commission's activities over the next year. It also received a brief overview of the Draft 2024-2028 Strategic Plan, which will be considered for final action in January at the Commission's Winter Meeting. For more information, please contact Robert Beal, Executive Director, at rbeal@asmfc.org.

Motions

Motion to approve the 2024 Action Plan.

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

On behalf of the nomination committee, move to elect Joe Cimino as ASMFC Chair.

Motion made by Mr. Keliher. Motion unanimously approved.

On behalf of the nomination committee, move to elect Dan McKiernan as ASMFC Vice-Chair.

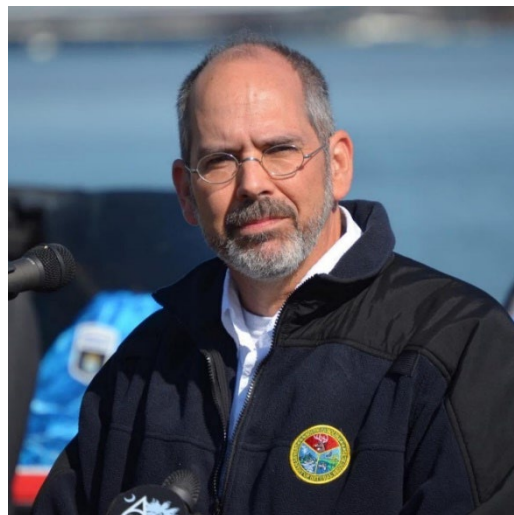
Motion made by Mr. Keliher. Motion unanimously approved.

CAPTAIN DAVID H. HART AWARD (OCTOBER 18, 2023)

Press Release

Robert H. Boyles, Jr. Named 2023 Captain David H. Hart Award Recipient

Beaufort, NC – At its 81st Annual Meeting in Beaufort, North Carolina, the Atlantic States Marine Fisheries Commission presented Robert H. Boyles, Jr., Director of the South Carolina Department of Natural Resources, the Captain David H. Hart Award for 2023 for his longstanding contributions to and exceptional leadership towards the sustainable management of marine resources along the Eastern seaboard. 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.



For nearly three decades, Mr. Boyles has dedicated his career to the conservation and management of marine resources within his home state of South Carolina, within the South Atlantic region through his longstanding participation on the South Atlantic Fishery Management Council, and along the entire

Atlantic coast as Commissioner and past Chair and Vice-chair of the Atlantic States Marine Fisheries Commission (ASMFC). Robert was an ASMFC Commissioner from 2004 – 2020. Over that time, he was a thoughtful contributor to our process; chairing management boards for Atlantic menhaden, horseshoe crab, and South Atlantic species, as well as the Atlantic Coastal Cooperative Statistics Program Coordinating Council.

Over the five years that he served as Commission Chair and Vice-chair, he exemplified leadership through his innate ability to understand and facilitate the cooperative nature of the Commission’s Compact. He quickly became and will always be considered the senior statesman of the Commission, with a knack for poignantly quoting one of the nation’s founding members to refocus commissioners on addressing the fundamental question at hand. Mr. Boyles was an advocate for transparent decision making; a great supporter of the Commission, respecting the opinions of both senior veterans and new commissioners alike; and a promoter of unity among states, especially during difficult and contentious deliberations.

Mr. Boyles’ notable accomplishments include greater protection of shad and river herring, with the closure of state waters in the absence of approved sustainability management plans. He also advanced the Commission’s first multispecies approaches to management through the development of the horseshoe crab Adaptive Resource Management Framework and the inclusion of data on predator demands in the Atlantic menhaden stock assessment, setting us on the course for the current management of Atlantic menhaden through the use of ecological reference points.

Although his appointment as Director of the South Carolina Department of Natural Resources precluded his continued service to the Commission, Mr. Boyles continues to advocate for the protection of South Carolina’s Marine Resources through his directorship of the Department as well as serving on multiple national boards, including Chair of the Southeastern Association of Fish and Wildlife Agencies, Vice-Chair of the South Carolina Sea Grant Consortium, and Chair of the National Fish Habitat Board.

###

PR23-26

SPINY DOGFISH MANAGEMENT BOARD (OCTOBER 18, 2023)

Meeting Summary

The Spiny Dogfish Management Board met to review an update on the joint action of the Mid-Atlantic and New England Fishery Management Councils (Councils) to reduce sturgeon bycatch and to consider the Fishery Management Plan (FMP) Review for the 2022/2023 fishing year.

The Board received an update on the Councils’ joint action to reduce sturgeon bycatch in the monkfish and spiny dogfish fisheries. The Board reviewed the range of alternatives that were recently approved by both Councils. Final action on the alternatives is planned for April 2024. Accordingly, the Board will plan to review the final action and consider complementary action for state waters at the Spring Meeting in May 2024.

The Board was presented the FMP Review for the 2022/2023 fishing year. Commercial landings increased by 28% from 2021-2022 and were approximately 43% of the coastwide quota. Recreational harvest decreased by 41%, but dead discards increased by 8%, from the previous fishing year. The Board approved the FMP Review, state compliance, and *de minimis* requests from New York and Delaware. For more information, please contact James Boyle, FMP Coordinator, at jboyle@asmfc.org.

Motions

Move to approve the Fishery Management Plan Review, state compliance reports, and *de minimis* requests for DE and NY for the 2022-2023 fishing year.

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

HABITAT COMMITTEE (OCTOBER 18 & 19, 2023)

Meeting Summary

The Commission's Habitat Committee met on October 18 & 19, following a field trip to the North River Wetlands Preserve that was hosted by Todd Miller from the North Carolina Coastal Federation. During the meeting, the Committee addressed the *Habitat Hotline Atlantic*; status of the current Acoustics Impacts Habitat Management Series document; and welcomed guest speakers, Bill Crowell and Judd Kenworthy from the Albemarle-Pamlico National Estuary Partnership. The discussion surrounding the next issue of the *Habitat Hotline Atlantic* focused on format, topics, and the necessity for following up with Commissioners and the broader audience in order to include the most relevant content. Notably, the Committee made progress in designating Fish Habitats of Concern (FHOC) for all Commission-only managed species. These designations were based on the ecological importance of the habitats, sensitivity to human-induced environmental degradation, potential stress from development activities, and habitat rarity. The FHOC document was approved by the ISFMP Policy Board. For more information, please contact Simen Kaalstad, ACFHP Director, at skaalstad@asmfc.org.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (OCTOBER 18, 2023)

Press Release

Atlantic Striped Bass Board Approves Draft Addendum II for Public Comment to Consider Measures to Reduce Fishing Mortality in 2024

Beaufort, NC – The Commission's Atlantic Striped Bass Management Board approved for public comment Draft Addendum II to Amendment 7 to the Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass. The Draft Addendum considers management measures designed to support stock rebuilding by reducing fishing mortality to the target in 2024.

The Board initiated the Draft Addendum in response to the low probability of meeting the 2029 stock rebuilding deadline if the unexpectedly high 2022 fishing mortality rate continues. The Draft Addendum builds upon the 2023 emergency action by considering management measures intended to reduce fishing mortality to the target level in 2024. Projections indicate that a 14.5% reduction in total removals relative to 2022 is needed to have a 50% chance of being at or below the fishing

mortality target in 2024. For the recreational fishery, the Draft Addendum proposes recreational bag and size limit options for the ocean and Chesapeake Bay regions, including options with different limits for the for-hire modes. To address concerns about recreational filleting allowances and compliance with recreational size limits, the Draft Addendum includes an option that would establish minimum requirements for states that authorize at-sea/shore-side filleting of striped bass (e.g., racks must be retained). For the commercial fishery, the Draft Addendum proposes a quota reduction option that would reduce commercial quotas by up to 14.5%, with the final percent reduction to be determined by the Board.

For measures beyond 2024, the Board will consider the results of the upcoming 2024 stock assessment update to inform subsequent management action. To enable an expedited management response to the 2024 stock assessment update, the Draft Addendum proposes an option that would enable the Board to respond to the results of the stock assessment updates more quickly, via Board action, if the stock is not projected to rebuild by 2029.

The Draft Addendum will be posted to the website no later than October 31st at <https://asmfc.org/about-us/public-input>. A subsequent press release will provide the details on the public hearing schedule and how to submit written comments. The Board will meet to review submitted comments and consider final action on the addendum in January 2024 at the Commission's Winter Meeting in Arlington, VA. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740.

###

PR23-27

Meeting Summary

In addition to approving Draft Addendum II for public comment, the Atlantic Striped Bass Management Board received an update on management of the Albemarle Sound-Roanoke River striped bass stock.

The Albemarle Sound-Roanoke River (A/R) striped bass stock is assessed and managed by North Carolina (NC) under the auspices of the Commission. NC provides regular updates to the Board regarding A/R stock assessments and management changes. The 2020 and 2022 A/R striped bass stock assessments determined the stock was overfished and experiencing overfishing, and abundance indices indicate continued stock decline. In particular, juvenile recruitment has been very low for several consecutive years. The resulting total allowable landings (TAL) level needed to reduce fishing mortality to its target is effectively too low to manage. For this reason and due to continued concern about stock decline and low recruitment, NC is implementing a harvest moratorium in the [Albemarle Sound Management Area](#) starting in 2024 via the adaptive management framework under Amendment 2 of the NC Estuarine Striped Bass FMP. In addition, the 2023 fall recreational and commercial seasons in the Albemarle Sound will not open because there is little quota remaining and because of stock status concerns. It is currently unknown if a harvest moratorium will be implemented in the Roanoke River Management Area.

Finally, the Board recognized outgoing Board Chair Marty Gary, New York's Administrative Commissioner and formerly with the Potomac River Fisheries Commission, for completing his two-year term as Board Chair. Vice-Chair Megan Ware, Maine's Administrative Proxy, will assume the Chair role at the January 2024 Board meeting. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org.

Motions

Main Motion

Move to remove from section 3.1.2 (Chesapeake Bay Recreational Options) of Draft Addendum II, Alternative Set B (B1 - B4), Alternative Set C (C1-C4), and E4.

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

Motion to Amend

Motion to amend to add E3 for removal.

Motion made by Mr. Grout and seconded by Dr. Armstrong. Motion passes (10 in favor, 6 opposed).

Move to remove from section 3.1.2 (Chesapeake Bay Recreational Options) of Draft Addendum II, Alternative Set B (B1 - B4), Alternative Set C (C1-C4), E4, and E3.

Motion passes by unanimous consent.

Motion to add the following options to section 3.1.1. Ocean Recreational Fishery:

- **Option D. 1 fish at 30" to 33" with 2022 seasons (all modes) (12.8% overall reduction, 45% harvest reduction and 2% increase in release mortality)**
- **Option E. 1 fish at 30" to 33" with 2022 seasons for private vessel/shore anglers; 1 fish at 28"-33" with 2022 seasons for the for-hire mode**

Motion made by Dr. Davis and seconded by Mr. Cimino. Motion passes (15 in favor, 1 opposed).

Main Motion

Move to specify that any for-hire mode specific limit optioned in Section 3.1, Recreational Fishery Management, applies only to patrons during a for-hire trip; captain and crew during a for-hire trip are subject to the private vessel/shore angler limits.

Motion made by Dr. Armstrong and seconded by Mr. Clark. Motion amended.

Motion to amend to replace "specify" with "add an option".

Motion made by Mr. Grout and seconded by Mr. Hasbrouck. Motion passes (13 in favor, 1 opposed, 2 abstentions).

Move to add an option that any for-hire mode specific limit optioned in Section 3.1, Recreational Fishery Management, applies only to patrons during a for-hire trip; captain and crew during a for-hire trip are subject to the private vessel/shore angler limits.

Motion passes (12 in favor, 2 opposed, 2 abstentions).

Motion to remove section 3.2.2 Commercial Maximum Size Limit options and 3.2.3 Gill Net Exemption options from Draft Addendum II.

Motion made by Dr. Davis and seconded by Mr. Clark. Motion passes by unanimous consent.

Motion to approve Draft Addendum II for public comment as modified today.

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

AMERICAN EEL MANAGEMENT BOARD (OCTOBER 19, 2023)

Meeting Summary

The American Eel Management Board met to consider progress in the development of two Draft Addenda to address the coastwide commercial quota for yellow eel and Maine’s glass eel commercial quota for the 2025 fishing year and beyond, and a report from the Advisory Panel.

In August, the Board initiated two addenda. The first considers reducing the yellow eel commercial catch cap in response to the recent stock assessment finding that the coastwide stock is depleted. Specifically, the draft addendum will consider options for setting the coastwide cap using a new tool proposed in the assessment called *I_{TARGET}*. *I_{TARGET}* uses abundance indices and catch to recommend harvest levels aiming to achieve increases in stock abundance. The Plan Development Team (PDT) has met twice, and recommends that the addendum include an option using the configuration of *I_{TARGET}* recommended in the assessment, and another using a more recent time series (1988-1999) as a reference period. The Board provided guidance to the PDT to add additional options, and provide clear rationales for each in the document.

The PDT working on the development of the draft addendum addressing Maine’s glass eel quota has met once to discuss potential management options, including status quo and a reduced quota. The PDT will provide recommended management options to the Board at its next meeting.

The Board also received a report from the Advisory Panel (AP). The AP met in September to review the recent benchmark stock assessment, receive an update on ongoing management actions, and provide comments on the fishery. Only three advisors were in attendance on the call, and they expressed concern about reduced participation in the AP.

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

Motions

No motions made.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (OCTOBER 19, 2023)

Meeting Summary

The Interstate Fisheries Management Program (ISFMP) Policy Board met to receive an update from the Executive Committee (see Executive Committee Summary); consider changes to the Conservation Equivalency Guidance document; receive an update from NOAA Fisheries on Inflation Reduction Act funds for North Atlantic Right whales; review reports from the Assessment Science Committee, Law Enforcement Committee (see Law Enforcement meeting summary), Atlantic Coastal Fish Habitat

Partnership (see ACFHP meeting summary) and the Habitat Committee (see Habitat Committee meeting summary); and consider approval of Fish Habitats of Concern document, and other business.

Conservation Equivalency Guidance Document

The Commission has been working to update the Conservation Equivalency (CE) Policy and Technical Guidance Document to reflect current use of CE and change the policy have more requirements verses recommendations. The new policy will not allow the use of CE programs if the stock is overfished or depleted unless the species board votes, via 2/3 majority, to allow for its use. The revised policy has guidance for when CE is not allowed, standards for state proposals, how the review process is conducted, and information on coordination with federal partners. The Policy Board approved the revised document, which will be available on the Commission website under [Guiding Documents](#) by the end of October.

North Atlantic Right Whale Funding from the Inflation Reduction Act

The Department of Commerce and NOAA Fisheries announced next steps to conserve and recover endangered North Atlantic right whales (NARW) with [\\$82 million in funding](#). This funding will support the application of existing technologies (e.g., PAMs) and the development and implementation of technologies to enable vessels to detect and avoid NARW and other large whales. NOAA Fisheries will continue to develop and evaluate new technologies — such as those that use high-resolution satellite information — to enhance NARW monitoring and improve understanding of the whales’ distribution and habitat use. NOAA Fisheries will invest in four major areas over the next three years to include monitoring and computer modeling of whale distribution, vessel strike risk reduction, on-demand fishing gear, and enforcement efforts.

Assessment Science Committee Report

The river herring assessment, originally scheduled to be presented to the Shad and River Herring Management Board in February 2024, has now been moved to May. Following the Assessment Workshop in August, the Stock Assessment Subcommittee decided that it needed more time. The spot and croaker benchmark assessments, which are usually conducted together have been uncoupled. The assessment for Atlantic croaker will be completed in 2024, while spot assessment has been moved to 2025. The shift in completion of the spot assessment was made because the stock synthesis lead moved on to a new job and there is no one to immediately replace them. Additionally, there is a project being conducted on spot at the University of Maryland that follows a concurrent timeline as the new spot assessment schedule which could prove useful. The Policy Board approved the revised Commission assessment schedule.

The Board reviewed and approved the Fish Habitats of Concern Document prepared by the Habitat Committee. The document describes the regulatory and policy context for habitat descriptions in interstate fishery management plans. It also provides descriptions of fish habitats of concern for species managed only by the Commission.

Other Business

The Policy Board discussed recent actions by the New England and Mid-Atlantic Fishery Management Councils (Councils) requesting information on an industry-based survey from the Northeast Fisheries Science Center (NEFSC). The Commission supported the Councils’ concerns that the Center’s survey

may have continued difficulties in gathering the necessary data to support the activities of the Councils' and Commission. The Commission agreed to send a letter to the NEFSC requesting the Center complete a white paper by January 12, 2024 outlining an industry-based survey that is complementary to the Spring and Autumn Bottom Trawl Surveys.

Staff will solicit information from the states in order to quantify pot fisheries that use horseshoe crab as bait along the coast. This information will be presented to the Horseshoe Crab Management Board at its next meeting.

Lastly, staff updated the Board on a [webinar the MAFMC](#) will conduct on November 1, from 2-5 p.m., to solicit stakeholder input on several summer flounder regulations related to commercial minimum mesh sizes and their exemptions. For more information, please contact Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org.

Motions

Move to delete “come from a period of high availability” from the closed period guidance of the document. The new sentence would read: Any closed period must include at least two consecutive weekend periods (Friday, Saturday and Sunday).

Motion made by Dr. Davis and seconded by Mr. Haymans. Motion passes by unanimous consent.

Main Motion

Move to approve the 4th option for inclusion in the document for when CE is not allowed.

Motion made by Dr. McNamee and seconded by Mr. Clark. Motion amended.

Motion to Amend

Move to amend to replace the 4th with 3rd option.

Motion made by Mr. Batsavage and seconded by Ms. Madsen. Motion passes (12 in favor, 5 opposed).

Main Motion as Amended

Move to approve the 3rd option for inclusion in the document for when CE is not allowed.

Motion to Amend

Motion to amend to add “depleted.”

Motion made by Dr. Davis and seconded by Mr. Kane. Motion passes with one opposition.

Main Motion as Amended

Move to approve the 3rd option for inclusion in the document for when CE is not allowed. The new Option 3 reads: CE is not permitted if the stock is overfished or depleted, unless allowed by board via 2/3 majority vote (the rules on voting in Article II. Section 1. apply)

Motion passes.

Main Motion

Move to approve Option 1 for non-quantifiable measures.

Motion made by Mr. Grout and seconded by Dr. McNamee.

Move to substitute for Option 2

Motion made by Ms. Burgess and seconded by Mr. Dyar. Motion fails (6 in favor, 11 opposed).

Main Motion

Move to approve Option 1 for non-quantifiable measures.

Motion made by Mr. Grout and seconded by Dr. McNamee. Motion passes with one opposition.

Move to approve the Conservation Equivalency: Policy and Technical Guidance Document as modified today.

Motion made by Ms. Fegley and seconded by Ms. Braun. Motion carries by unanimous consent.

Move to approve the Fish Habitats of Concern Document.

Motion made by Mr. Clark and seconded by Dr. Rhodes. Motion carries by unanimous consent.

Move that the Commission supports the New England and Mid-Atlantic Fisheries Management Council’s request for information on an industry-based survey and the Commission send a similar letter requesting the NEFSC completes a white paper by January 12, 2024 outlining an industry-based survey that is complementary to the Spring and Autumn bottom trawl survey for the Commission and Councils.

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

SCIAENIDS MANAGEMENT BOARD (OCTOBER 19, 2023)

Meeting Summary

The Sciaenids Management Board met to consider several items: update of the black drum indicators; Fishery Management Plan Reviews and state compliance reports for red drum, Atlantic croaker, and spotted seatrout; and an update on the ongoing benchmark stock assessments for red drum, spot, and Atlantic croaker.

The Board received a presentation from the Chair of the Black Drum Technical Committee (TC) on the results of an update to the black drum indicators of stock abundance and stock and fishery characteristics developed during the 2023 benchmark stock assessment, as well as recommendations from the TC based on the results of the update. This update incorporated two additional years of data (2021 and 2022). Overall, the indicators showed mixed signs of stability and declines since the assessment. However, the updated indicator values did not deviate outside the historical range of observed values. The TC did not express concern at this time and recommended no changes to the current black drum stock assessment schedule, but to continue to closely monitor the indicators. The Board agreed with the TC’s recommendations.

The Board reviewed and approved the 2022 Fishing Year FMP Reviews and state compliance reports for red drum, Atlantic croaker, and spotted seatrout. *De minimis* status was approved for New Jersey’s and Delaware’s 2024 red drum fisheries. For Atlantic croaker, *de minimis* status was approved for New Jersey (commercial and recreational), Delaware (commercial and recreational), South Carolina (commercial), and Georgia (commercial). For spotted seatrout, *de minimis* status was approved for New Jersey and Delaware.

The Board received an update on the ongoing red drum, spot, and Atlantic croaker benchmark stock assessments. The Red Drum Stock Assessment Subcommittee (SAS) has met several times since the assessment was initiated in late 2022, and has an in-person Assessment Workshop planned for November 6-9, 2023, in Charleston, SC. The red drum assessment is scheduled for completion in fall 2024. The Atlantic Croaker and Spot SAS has met several times as well, most recently for an assessment workshop in September. After losing a lead modeler of the assessments, the Atlantic Croaker and Spot SAS also met in August to discuss potential changes to the assessment timeline for both species. The Atlantic Croaker and Spot SAS recommend decoupling the spot and croaker assessments, and focusing on the Atlantic croaker assessment first, to be peer reviewed in 2024. Work on the spot benchmark stock assessment would follow, to be peer reviewed in 2025. In addition, the Board approved a nomination of Trey Mace to the Spot and Atlantic Croaker SAS.

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

Motions

Move to approve the Red Drum FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* status for New Jersey and Delaware.

Motion made by Ms. Fegley and seconded by Ms. Burgess. Motion passes by unanimous consent.

Move to approve the Atlantic Croaker FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* status for New Jersey, Delaware, South Carolina, and Georgia commercial fisheries and New Jersey and Delaware recreational fisheries.

Motion made by Ms. Madsen and seconded by Mr. Miller. Motion passes by unanimous consent.

Move to approve the Spotted Seatrout FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* status for New Jersey and Delaware.

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

Move to approve the nomination of Trey Mace to the Spot and Atlantic Croaker Stock Assessment Subcommittee.

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

August 2023 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met August 8-11, 2023, in Annapolis, MD. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/august-2023>.

HIGHLIGHTS

During this meeting, the Council:

- Set 2024-2025 specifications for summer flounder, scup, and bluefish and 2024 specifications for black sea bass*
- Reviewed an evaluation of commercial scup discards and scup GRAs and agreed to consider the issue further in 2024*
- Reviewed progress and provided input on a framework/addenda to consider revisions to the process for setting recreational management measures for summer flounder, scup, black sea bass, and bluefish*
- Discussed the findings of a recent pilot study that evaluated potential sources of bias in the Marine Recreational Information Program's Fishing Effort Survey questionnaire*
- Set preliminary Atlantic mackerel specifications for 2024-2025 and requested that NOAA Fisheries take emergency action to limit directed fishing for mackerel in 2023
- Adopted a status quo river herring and shad cap for the Atlantic mackerel fishery in 2024-2025
- Reviewed the outcomes of the recently completed East Coast Climate Change Scenario Planning Initiative and provided input on next steps for near-term and potential longer-term actions
- Discussed NOAA Fisheries' Draft Climate Governance Policy and directed staff to develop a letter based on the SSC and staff comments presented at the meeting
- Agreed to continue the suspension of the Research Set-Aside program and work with regional management partners to prioritize cooperative research and identify funding opportunities to support the Council's research needs
- Developed comments in response to the NOAA Fisheries Advanced Notice of Public Rulemaking regarding potential future changes to the guidelines for National Standards 4, 8, and 9
- Presented the MAFMC Award of Excellence to Dr. Lee Anderson
- Presented the Ricks A Savage award to Dr. Mark Terceiro
- Bid farewell to departing Council member Dewey Hemilright; swore in new Council member Robert Ruhle and reappointed members Sonny Gwin, Michelle Duval, Paul Risi, and Dan Farnham
- Elected Wes Townsend as Council Chair and Mike Luisi as Council Vice-Chair
- Received a presentation on the National Fish and Wildlife Foundation's Electronic Monitoring and Reporting Grant Program
- Reviewed comments from the Highly Migratory Species (HMS) Committee on several HMS management initiatives and directed staff to submit the comments to NOAA Fisheries.

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

Summer Flounder, Scup, Black Sea Bass, and Bluefish Specifications

The Council met jointly with the Atlantic States Marine Fisheries Commission’s (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) to set specifications and commercial measures for summer flounder, scup, and black sea bass. The Council also met jointly with the Commission’s Bluefish Management Board to set specifications and recreational measures for bluefish. The table below summarizes commercial quotas and recreational harvest limits (RHL) for all four species (2023 values are provided for comparison purposes). The Council will forward its recommendations to NOAA Fisheries for final approval, while the Commission’s actions for state waters are final. See the sections below the table for additional details about the recommendations for each species.

	Commercial Quota <i>millions of pounds</i>			Recreational Harvest Limit <i>millions of pounds</i>		
	2023	2024	2025	2023	2024	2025
Summer Flounder	15.27	8.79	8.79	10.62	6.35	6.35
Scup	14.01	21.15	18.80	9.27	13.18	11.84
Black Sea Bass	4.80	6.00	N/A	6.57	6.27	N/A
Bluefish	4.29	2.42	3.03	14.11	11.96	15.70

Summer Flounder 2024-2025 Specifications

The 2023 management track assessment indicated that the summer flounder stock was not overfished but overfishing was occurring in 2022. While the overfishing limit has not been exceeded in recent years, it appears the projections associated with the previous assessment were overly optimistic. The assessment has been slightly underestimating fishing mortality and overestimating stock biomass, the effect of which was compounded by adding three years of data to the assessment model (2020-2022). In addition, stock recruitment has been below average since 2011 and the high estimate of 2018 recruitment in the last assessment was revised downward to recent below-average levels with the new assessment results.

The Council and Board considered two approaches for setting the Acceptable Biological Catch (ABC) for summer flounder – one with varying ABCs for each year, and one with a constant ABC across 2024-2025. The Council and Board reviewed Scientific and Statistical Committee (SSC) recommendations using both approaches and ultimately selected the constant approach, resulting in an ABC of 19.32 million pounds for both years. This represents a 42% decrease compared to the 2023 ABC. Under the recently revised commercial/recreational allocations, 55% of the ABC is allocated to the commercial sector, and 45% is allocated to the recreational sector. After accounting for each sector’s expected discards, the Council and Board adopted a commercial quota of 8.79 million pounds and a RHL of 6.35 million pounds for 2024 and 2025.

The Council and Board recommended no changes to the commercial measures for 2024. These include a 14” minimum fish size, minimum mesh size (5.5” diamond or 6.0” square mesh), and mesh exemption programs. Staff and a contractor are currently working to evaluate the commercial minimum mesh size exemption programs and the commercial minimum mesh size regulations. A final report is expected in December 2023. Any potential changes adopted as a result of these evaluations would likely be effective in 2025 or later. Recreational bag, size, and season limits for upcoming years will be discussed during the December 2023 Council and Board meeting.

Scup 2024-2025 Specifications

The 2023 management track assessment found that scup was not overfished and overfishing was not occurring in 2022. For 2024, the Council and Board approved an ABC of 43.82 million pounds. This represents a 48% increase compared to the 2023 ABC. Under the recently revised commercial/recreational allocations, 65% of the ABC is allocated to the commercial sector and 35% is allocated to the recreational sector. After accounting for each sector’s expected discards, this ABC results in a commercial quota of 21.15 million pounds and an RHL of 13.18

million pounds. For 2025, the Council and Board approved an ABC of 39.74 million pounds, resulting in a commercial quota of 18.80 million pounds and an RHL of 11.84 million pounds. The Council and Board agreed that no changes are needed to the commercial management measures, which can be modified through the specifications process. Recreational bag, size, and season limits for upcoming years will be discussed during the December 2023 Council and Board meeting.

Black Sea Bass 2024 Specifications

No updated stock assessment information is available for black sea bass this year; therefore, the SSC agreed to set the 2024 ABC equal to the 2023 ABC. The Council and Board made no changes to the annual catch limits or annual catch targets compared to 2023. They approved a 2024 commercial quota of 6.00 million pounds, a 25% increase from 2023, and a 2024 RHL of 6.27 million pounds, a 5% decrease from 2023. While these values are based on the same methodology used to set the 2023 measures, updated dead discard projections for each sector led to a change in the quota and RHL. An updated management track stock assessment is anticipated to be available in 2024 for setting 2025-2026 specifications.

The Council and Board also set a black sea bass commercial in-season closure buffer for the first time. Previously, the commercial black sea bass fishery has been required to close in-season once the coastwide quota is projected to be landed. Under changes to the regulations made through Amendment 23, which are expected to be effective on January 1, 2024, the entire commercial fishery would close in-season once landings are projected to exceed the coastwide quota plus an additional buffer of up to 5%. The intent of this buffer is to minimize negative economic impacts when coastwide quota is reached before all states have fully harvested their allocations. The Council and Board agreed to use a 5% commercial in-season closure buffer for 2024. Given recent patterns in the fishery, an in-season closure is not expected for 2024; however, the Council and Board agreed that in the unlikely event that it is needed, a 5% buffer could have some socioeconomic benefits with little risk to stock status.

The Council and Board agreed that no changes are needed to the other commercial measures which can be modified through the specifications process. Recreational bag, size, and season limits for 2024 will be discussed during the December 2023 Council and Board meeting.

Bluefish 2024-2025 Specifications

The 2023 management track assessment found that bluefish was not overfished and overfishing was not occurring in 2022. However, the stock was not fully rebuilt to the biomass target. Based on the results of this assessment, bluefish remains under the Council and Commission's approved 7-year rebuilding plan, which began in 2022, due to the stock's previously overfished status.

Based on the SSC's recommendation, the Council and Bluefish Board approved an ABC of 17.48 million pounds for 2024 and 21.83 million pounds for 2025. These ABCs are about 43% and 29% lower than the 2023 ABC, respectively. Members of the Council and Bluefish Board supported the Monitoring Committee's progress on the development of a tool to convert qualitative and quantitative sources of management uncertainty into a quantitative value. This tool is intended to help the Monitoring Committee determine whether uncertainty buffers are needed each year between the Annual Catch Limits and the Annual Catch Targets for each sector. For 2024-2025 the Council and Board agreed with the Monitoring Committee's recommendation that no buffer for management uncertainty is needed. After accounting for each sector's expected discards, the Council and Bluefish Board adopted a commercial quota of 2.42 million pounds in 2024 and 3.03 million pounds in 2025 and an RHL of 11.96 million pounds for 2024 and 15.70 million pounds for 2025.

The Council and Bluefish Board also reviewed recent recreational harvest trends and recommended status quo 2024 recreational management measures given that recent recreational harvest has been very close to the 2024 RHL. The status quo measures include a 5 fish bag limit for the for-hire sector and a 3 fish bag limit for private anglers. Because bluefish is still under a rebuilding plan, the percent change approach under the recreational harvest control rule was not applied.

Scup Commercial Discards Report and Other Management Issues

The Council and Board reviewed an evaluation of commercial scup discards and the scup gear restricted areas (GRA). First implemented in 2000 and 2001, the Northern and Southern GRAs are intended to reduce scup discards in small mesh fisheries during certain times of the year. GRA regulations and boundaries have been reviewed and modified several times over the years. The following are several key findings from the report:

- Although commercial scup discards have decreased since a peak in 2017 and represent a small percentage of annual scup biomass, absolute discards in recent years remain relatively high compared to other periods since implementation of the GRAs.
- The GRAs appear to have contributed to the rebuilding of the scup stock since the early 2000s. However, given the more recent spatial patterns of scup discards, consideration of alternative measures or modifications to the GRAs may be warranted.
- Continued use of GRAs should consider changes that have high probability of reducing where discards **will be** rather than reacting to where they **have been**.

Following the report, the Council tasked the SSC with reviewing and providing feedback on the commercial discard report. The Council also asked the SSC to provide input on potential analysis or modeling approaches that could examine the predictability of scup bycatch using environmental data or any other alternative approaches to reduce scup discards. The Council agreed that the identified research as well as a related Framework action to consider GRA modifications, or other measures to further reduce scup discards, should be added to the Council's 2024 Implementation Plan. Given the Council's decision, the Board recommended the Commission add this topic to its 2024 Action Plan.

During this agenda item, the Council and Board also discussed a motion to initiate a framework/addendum to consider bi-directional quota transfers between the commercial and recreational sectors for the summer flounder, scup, and black sea bass fisheries. While some Council and Board members felt that the issue should be prioritized given the recent recreational overages for scup and black sea bass, others expressed concern that the public had not been given notice or an opportunity to provide comments on the potential initiation of a framework/addendum. The Council's Executive Director also noted that new actions generally need to be planned for during the development of each year's annual implementation plan to ensure that staff time and resources are allocated appropriately. After a lengthy discussion, the motion ultimately failed. However, the action will likely be considered during the October 2023 Council Meeting when the Executive Committee begins development of the Council's 2024 Implementation Plan.

Recreational Measures Setting Process Framework/Addenda

The Council and the Commission's Interstate Fisheries Management Program Policy Board (Policy Board) met to review progress and discuss next steps for a framework/addenda to consider revisions to the process for setting recreational management measures for summer flounder, scup, black sea bass, and bluefish. This is a follow-on action to the Harvest Control Rule Framework/Addenda, which implemented the Percent Change Approach for setting recreational measures. The Percent Change Approach was used for the first time to set 2023 bag, size, and season limits for summer flounder, scup, and black sea bass. It may be used for bluefish once that stock is no longer under a rebuilding plan. In taking final action on the previous framework/addenda, the Council and Policy Board agreed that the Percent Change Approach should sunset by the end of 2025 with the goal of implementing a longer-term process for setting recreational measures starting with the 2026 measures.

During this meeting, the Council and Policy Board agreed to change the name of this new management action from "Harvest Control Rule Framework/Addenda 2.0" to "Recreational Measures Setting Process Framework/Addenda" to better describe the scope of the action. They also provided staff with guidance on further development of alternatives within this action, including further development of options to refine the Percent Change Approach, consideration of the appropriate starting point for measures under all alternatives, and greater

consideration of the fishing mortality rate resulting from the recreational fishery when setting measures. They agreed that further consideration should be given to the implications of the alternatives for management uncertainty buffers, as currently defined in the Fishery Management Plan. The Council and Policy Board supported the plans to use the Summer Flounder Management Strategy Evaluation model to assist with development of this action. They also agreed that the SSC should assist with development of this action. The Council will develop specific terms of reference for SSC involvement at a later date with input from the Policy Board.

The Council appointed two members to a new work group of Council members and Commissioners. The purpose of this work group is to serve as a liaison between the Council/Policy Board and the technical team which has been formed to assist with development of management alternatives (i.e., the Fishery Management Action Team/Plan Development Team). The Council and Policy Board also agreed that further consideration should be given to the best ways to involve recreational fishery stakeholders throughout development of this action.

Marine Recreational Information Program Pilot Study

Marine Recreational Information Program (MRIP) staff provided a brief update on findings of a recent pilot study that evaluated potential sources of bias in the recreational Fishing Effort Survey (FES) questionnaire for shore and private boat modes. The FES currently asks respondents to report their fishing activity over a 2-month period and then over a 12-month period. In the pilot study, conducted over the course of 6 months, the order of these questions was reversed so respondents were asked first about their fishing trips in the previous 12 months. This study found switching the sequence of questions resulted in fewer reporting errors and effort estimates that were generally 30 to 40 percent lower for shore and private boat modes than estimates produced from the current design. However, results varied by state and fishing mode. These results are based on a pilot study that had a limited time frame and geographic scope, and much more extensive work needs to be done to determine the true impacts of the survey design. MRIP is planning a larger-scale follow-up in 2024. The follow-up study will further evaluate the order of the questions, as well as asking about 1-month periods, rather than the current 2-month periods. The revised survey design will be administered alongside the current design, and then potential modifications for future surveys and calibrations for past estimates will be evaluated.

Atlantic Mackerel 2024-2025 Specifications

The 2023 management track stock assessment for Atlantic mackerel found that the stock remains overfished, with spawning stock biomass estimated to be at about 12% of the biomass target. Although the assessment found that overfishing was no longer occurring in 2022 (likely due to the low U.S. catch in 2022 and the near-total closure of the Canadian commercial fishery), the stock is not rebuilding as projected. Because the assessment is scheduled for additional peer review in September 2023, the Council agreed to set preliminary 2024-2025 specifications which will be revisited in December 2023 after the SSC considers the peer review (the Council also asked for 2024-2025 rebuilding ABCs that approximate an average of the calculated 2024-2025 ABC sequence and would still support a 61% chance to rebuild mackerel by 2032).

Based on the recommendations of the SSC, the Council adopted ABCs of 2,726 metric tons (MT) for 2024 and 3,900 MT for 2025. After accounting for expected Canadian catch, U.S. recreational catch, and U.S. commercial discards, the Council recommended setting the commercial quota at 394 MT for 2024 and 1,568 for 2025. The 2024 quota represents an 89% reduction from the already-low 2023 quota. No changes to recreational measures are currently being considered.

To constrain catch to the very low quotas while avoiding excessive discarding, the Council recommended setting an initial trip limit of 20,000 pounds for limited access permits and 1,000 pounds for open access permits. Once 80% of the quota has been landed, the limited access trip limit would be reduced to 1,000 pounds.

Projections indicate that landing the full 2023 quota will likely lead to overfishing in 2023. Given this information, the Council requested that NOAA Fisheries take emergency action to limit directed fishing for mackerel in 2023 as

soon as possible via trips limits of 20,000 pounds for limited access permits and 5,000 pounds for open access/incidental permits.

Council discussion acknowledged the negative impacts on fishing communities due to the depleted status of mackerel and agreed that if any states pursue fishery disaster declarations/relief, Council staff will assist with those applications.

River Herring and Shad (RH/S)

After reviewing a staff update on river herring and shad (RH/S), the Council adopted a status-quo RH/S cap of 129 metric tons (MT) for 2024-2025 on the Atlantic mackerel fishery. While the RH/S Committee recommended an 89 MT cap to maintain incentive for the mackerel fishery to avoid RH/S, due to mackerel's depleted status there will not be substantial directed fishing for mackerel in 2024-2025. The Council will revisit potential changes to the RH/S cap once there is sufficient quota for a substantial directed mackerel fishery. The Council will also consider exploration of modeling approach for shad and river herring bycatch avoidance approaches during 2024 priorities discussions.

Longfin Squid 2024-2026 Specifications

The Council adopted near status-quo longfin squid specifications for 2024-2026. Slightly more squid were set aside for potential discards, resulting in a commercial quota of 22,894 metric tons (approximately 51 million pounds) for these years. The Council notes that a research track stock assessment for longfin squid is beginning later this year and is scheduled to be reviewed in early 2026. A follow-up management track assessment would then be conducted and used to determine catches for 2027 and beyond.

Illex Hold Baseline Framework

The Council continues development of a framework to consider a volumetric vessel hold baseline requirement and upgrade restriction for all *Illex* limited access permits. A similar volumetric requirement is in place for the directed mackerel fishery, and most regional limited access programs have other baselines (horsepower and length) to control increases in fishing power/capacity. About 30 of the current 76 *Illex* limited access permits already have this requirement and upgrade restriction due to their mackerel limited access permits, so this action would affect the other 46 permits. The Council reviewed the draft alternatives and discussed several technical issues related to implementation of such a baseline. The Mackerel, Squid, and Butterfish Committee will meet before the Council takes final action later in 2023. Additional information and updates are available on the [Illex Hold Baseline Framework](#) page.

East Coast Climate Change Scenario Planning

The Council reviewed the outcomes of the recently completed [East Coast Climate Change Scenario Planning Initiative](#), including two documents summarizing the main themes and potential actions that emerged through the process. These documents include a report of the East Coast Scenario Planning Summit meeting held in February 2023, as well as a Potential Action Menu that expands on, clarifies, and prioritizes the governance and management actions identified during the summit. The Potential Action Menu is intended to serve as a living document that will continue to guide collective and individual priorities for East Coast management organizations for potential actions identified through the scenario planning process.

The Council also reviewed staff recommendations for near-term and potential longer-term actions for the Mid-Atlantic Council to undertake in response to the scenario planning process. Based on the Council's feedback, several actions will be added to the draft 2024 implementation plan for consideration by the Executive Committee in October. In addition, an East Coast Climate Coordination Group has been formed consisting of leadership from all participating East Coast management organizations. This group will be responsible for tracking progress on the scenario planning actions, estimating resources needed, and supporting coordinated implementation of actions.

The group will meet this fall to identify possible collective priorities for addressing potential actions that require coordination among multiple groups.

NOAA Fisheries Climate Governance Policy

The Council discussed development of comments on a draft NOAA Fisheries procedural directive titled “Guidance on Council Authority for Preparing Fishery Management Plans for Stocks that May Extend across the Geographic Areas of more than one Council, pursuant to MSA §304(f)” (also referred to as the “Fisheries Climate Governance Policy”). The draft policy is intended to provide guidance on when and how the Secretary of Commerce will review and assign management authority over fisheries found across more than one Council jurisdiction. NOAA Fisheries has invited the regional fishery management councils to provide comments on the draft policy, with a deadline of November 17, 2023.

During this meeting, the Council discussed [SSC comments](#) and [preliminary staff comments](#) on the draft policy, both of which highlight a number of serious concerns about the policy itself and its potential implications for Mid-Atlantic fisheries and stakeholders. The following are several key points that were discussed by the Council:

- The draft policy is overly prescriptive, lacks specific objectives, and does not adequately describe the problem that it is attempting to address.
- The draft policy treats changes in Council management authority as a first course of action for addressing shifting stock distributions. Revisions of management authority could be extremely disruptive and should be exercised as a last resort when other approaches to address governance and representation concerns (such as those identified through the East Coast Climate Change Scenario Planning Initiative) have been deemed inadequate.
- The proposed process could lead to near-constant reviews for some species, creating the possibility of frequent changes in management authority.
- Some of the review criteria are potentially problematic and/or unclear in their underlying intent, rationale, and technical justification. The heavy reliance on commercial revenue and recreational fishing effort, as well as the inclusion of “certain Council actions” as a review trigger, are particularly concerning.
- The draft policy does not acknowledge the complexities of evaluating changes in stock distribution and does not explain how such analyses would utilize the best scientific information available and what kind of peer review would be conducted.
- The draft policy is poorly organized, difficult to follow, and lacks critical details needed to ensure consistent and predictable implementation of the policy.

The Council generally expressed support for the staff and SSC comments and directed staff to draft a letter for submission to NOAA Fisheries. The Council also agreed to solicit public comments on the draft policy to be submitted to NOAA Fisheries separately. Additional information and updates are available on the Council’s [Climate Governance Policy](#) page.

Research Set-Aside Program Redevelopment Update

The Council received an update on the status of the potential redevelopment of the Council’s Research Set-Aside (RSA) program. In 2014, the Council voted to suspend the RSA program due to a number of concerns associated with the program that included administrative, oversight, enforcement, and science issues. In June 2022, the Council reviewed and supported the continued development of a redesigned RSA program framework that would try to address the issues of the original program. The Atlantic States Marine Fisheries Commission (Commission) and state partners would play a critical role in the dockside administration and enforcement components of a redesigned program, particularly for jointly managed species.

Given the importance of Commission and state partner cooperation, the Council requested feedback from the ASMFC regarding their interest in redeveloping the RSA program. The Commission’s Policy Board met in July and

recommended the Council only consider an RSA program for those species that are not jointly managed with Commission (i.e., summer flounder, scup, black sea bass, bluefish, and spiny dogfish would not be part of an RSA program). The Policy Board suggested that this approach would address monitoring and enforcement issues, minimize the administrative burden on the states, and allow the Council to potentially continue redevelopment of an RSA program.

However, the Council noted that without the support and participation from the Commission and state partners, and with the loss of revenue generated from jointly managed species (historically accounted for 95% of all RSA revenue) to support research, implementing a successful RSA program would be extremely challenging and potentially impossible. Given these challenges, the Council agreed to continue the suspension of the RSA program and work with regional management partners to prioritize cooperative research and identify funding opportunities to support the Council’s research needs.

National Standard 4, 8, and 9 Guidelines

The Council developed comments in response to the National Marine Fisheries Service (NMFS) Advanced Notice of Public Rulemaking (ANPR) regarding potential future changes to the guidelines for National Standards 4 (allocation), 8 (communities) and 9 (bycatch). It’s been 25 years since the guidelines for the National Standard 4 were last revised and 15 years for National Standard 8 and 9 guidelines. Given the amount of time since the last revisions and an increasing number of management challenges, NMFS is seeking comment on those areas that may benefit from further review and/or update with a focus on climate-related impacts, including changes in stock distribution, and equity and environmental justice (EEJ) considerations.

The Council identified a range of comments for each National Standard, but overall felt that the existing guidelines provide the Council with sufficient direction to address current management challenges, including those related to climate change, and include enough flexibility to consider future issues and priorities and, as such, should remain largely unchanged. Staff will develop a comment letter for NMFS consideration to be submitted by the comment period deadline of September 12, 2023.

Council Awards

Award of Excellence

The Council presented its Award of Excellence to Dr. Lee Anderson in recognition of his outstanding contributions to fisheries science, management, and policy in the Mid-Atlantic region. The award was established in 2016 and has only been given one other time. Dr. Anderson has been involved in the Mid-Atlantic Council process for almost the entirety of the Council’s 47-year history. He was one of three economists appointed to the Council’s Scientific and Statistical Committee when it was first formed in 1976. He was later appointed to the Council, holding Delaware’s obligatory seat from 1986 to 1995 and 2007 to 2016. He served for three years as Council Chair (1992-1995) and a total of ten years as Vice-Chair (1990-1992, 2008-2016). After his departure from the Council in 2016, he was reappointed to the SSC and served until early 2023.

Throughout his years on the Council and SSC, Dr. Anderson brought a wealth of knowledge that helped the Council understand and account for the economic forces that shape fisheries management decisions. His expertise and leadership were particularly instrumental in the Council’s development of an individual transferable quota program (ITQ) system for the Atlantic surfclam and ocean quahog fisheries, which was the first catch share program in the United States.



In addition to his contributions to the Council, Dr. Anderson is a true pioneer in the study of the economic principles that govern fisheries management. His book, *The Economics of Fisheries Management*, has served as an important learning tool for fisheries economists nationally and internationally. He has written or edited six books and over sixty scientific papers on fisheries economics and the economics of fisheries management. Over the course of his career, he acted in an advisory capacity to a wide range of fishery management organizations, federal agencies, and international governments.

Ricks E Savage Award

Dr. Mark Terceiro was presented with the Council’s Ricks E Savage award. The award is given each year to a person who has added value to the Council process and management goals through significant scientific, legislative, enforcement, or management activities. Dr. Terceiro began his career in 1986 with the Population Dynamics Branch of the Northeast Fisheries Science Center. During that entire time, he has served as the lead assessment biologist for summer flounder, a species that supports economically and socially important commercial and recreational fisheries throughout the region. He also served as the lead assessment biologist for bluefish early in his career and as the lead assessment biologist for scup since the early 2000s.

Dr. Terceiro has been a member of the Council’s Summer Flounder, Scup, and Black Sea Bass Monitoring Committee for much of his career, and has patiently, consistently, and effectively explained complex assessment results to Council members and the public. Dr. Terceiro captured his vast institutional knowledge of the history of science, management, and politics of this fishery in “The Summer Flounder Chronicles,” a three-part series published in 2001, 2010, and 2018 in the journal *Reviews in Fish Biology and Fisheries*. He has worked tirelessly to improve the science that supports the management process, and the Council has benefitted from his long tenure with the Science Center.



Council Membership and Leadership

Departing Council Member

The Council bid farewell to departing Council member Captain Dewey Hemilright. Capt. Hemilright is a commercial fisherman based in Wanchese, North Carolina. He was appointed to the Council in 2012 to fill a mid-term vacancy and went on to serve three additional full terms, for a total of 11 years. Capt. Hemilright participated on most of the Council’s Committee during his time on the Council, including serving for seven years as chair of the HMS Committee. He also served as liaison to the South Atlantic Council and as Council representative on the NOAA Fisheries HMS Advisory Panel. Capt. Hemilright was thanked for his dedicated service to the Council.



New and Reappointed Council Members

The Council welcomed one new Council member: Captain Robert Ruhle of Wanchese, North Carolina. Capt. Ruhle owns and operates the F/V Darana R along with his father, James Ruhle, who previously served three terms on the Mid-Atlantic Council. Robert has been fishing commercially since 1994. Over the course of his career, he has

been active in numerous Mid-Atlantic and New England fisheries and has fished from Hatteras to Canada, primarily focusing on *Illex* squid, Longfin squid, Atlantic Mackerel, Atlantic herring, Atlantic Croaker, and Butterfish. He also participates in the Summer Flounder, Black Sea Bass, and Scup fisheries. Capt. Ruhle has served multiple terms as an advisor, and currently is an Advisor for the Mid-Atlantic Council, serving on Atlantic Mackerel/Squid/Butterfish, Summer Flounder/Scup/Black Sea Bass, River Herring/Shad, and Ecosystems and Ocean Planning Advisory Panels.

The Council also swore in four reappointed members: Sonny Gwin (Maryland, 3rd term), Michelle Duval (Pennsylvania, 2nd term), Paul Risi (New York, 2nd term), and Danny Farnham (New York, 2nd term).

Election of Officers

During the yearly election of officers, Council members elected Paul Weston (Wes) Townsend as Council Chair and Mike Luisi as Vice Chair. Mr. Townsend is currently in his third term as an appointed member holding Delaware's obligatory seat. He is the owner/operator of the F/V PAKA out of Indian River Inlet in Delaware and has extensive experience with commercial fishing in state and federal waters. He previously served as Council Vice Chair from 2020 to 2023. Mr. Luisi has served as Maryland's designated state official since 2010 and previously served as Council Chair from 2016 to 2023.

Other Business

National Fish and Wildlife Foundation Electronic Monitoring and Reporting Grant Program

The Council received a presentation on funded projects and opportunities through the National Fish and Wildlife Foundation (NFWF) Electronic Monitoring and Reporting Grant Program. These projects focus on voluntary collaborative projects in areas that advance sustainable fisheries through data modernization and innovative technologies in fisheries data collection. NFWF is [currently soliciting full proposals](#) for the 2023 Electronic Monitoring and Reporting Grant Program with an application deadline of October 16th.

Highly Migratory Species (HMS)

Based on Council direction at the June 2023 meeting, the Council's HMS Committee met on July 11, 2023, to discuss and develop comments in response to multiple NOAA HMS management initiatives. The Council reviewed a summary of the Committee's discussion and recommended the comments be submitted to NOAA HMS leadership on behalf of the Council.

Next Meeting

The next Council meeting will be held **October 3-5, 2023, in New York City, NY**. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.

October 2023 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met October 3-5, 2023, in New York, NY. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/october-2023>.

HIGHLIGHTS

During this meeting, the Council:

- Selected preferred alternatives and took final action on the Illex Vessel Hold Capacity Framework
- Approved a range of alternatives for a joint framework action being developed with the New England Council to reduce sturgeon bycatch in the monkfish and spiny dogfish gillnet fisheries
- Recommended several revisions to a draft policy and process document for Council review of Exempted Fishing Permit (EFP) applications
- Approved an updated list of risk elements to be included in a revised Ecosystem Approach to Fisheries Management (EAFM) risk assessment
- Reviewed recreational tilefish permitting and reporting in the Greater Atlantic region and discussed future efforts to improve angler awareness and compliance
- Reviewed the findings of the management track assessments for spiny dogfish and Atlantic mackerel
- Received an update on NOAA Fisheries' habitat activities in the Greater Atlantic region
- Received updates on offshore wind development in the region, including presentations from the Bureau of Ocean Energy Management and New York State Energy Research and Development Authority
- Received presentations from Northeast Fisheries Science Center (NEFSC) staff on a range of topics
- Requested that the NEFSC develop a white paper outlining an industry-based survey that is complementary to the spring and autumn Bottom Trawl Survey
- Provided input on proposed actions and deliverables for the 2024 Implementation Plan (Executive Committee)

***Illex* Vessel Hold Capacity Framework**

The Council took final action on a framework action intended to restrict future increases in capacity in the *Illex* squid fishery. After reviewing public comments and considering recommendations from the Mackerel, Squid, Butterfish Committee and Advisory Panel, the Council voted to implement a volumetric vessel hold baseline requirement and 10% upgrade restriction for all 76 *Illex* limited access permits (30 already have the requirement due to their Atlantic mackerel permits). As with the existing length and horsepower baseline restrictions, the rationale/goal for a hold baseline and upgrade restriction is to cap fishing power. If approved by NOAA Fisheries, vessels will be notified of deadlines to obtain a certification for their vessel hold volume by qualified individuals. The Council also approved requiring *Illex* and Tier 1 longfin squid vessels to provide a non-binding annual declaration of their intended processing method (at-sea freezing, refrigerated seawater, iced, etc.). This information would be considered during future evaluations of catch per unit of effort (CPUE) analyses.

Monkfish and Dogfish Joint Framework to Reduce the Bycatch of Atlantic Sturgeon

The Mid-Atlantic and New England Fishery Management Councils are developing a joint framework action to reduce interactions with sturgeon by the monkfish and spiny dogfish gillnet fisheries. During this meeting, the Mid-Atlantic Council reviewed recommendations from the Joint Monkfish and Dogfish Committee and FMAT/PDT

and approved the range of alternatives to be considered in the joint framework. The New England Council approved an identical range of alternatives the prior week at their September 2023 Meeting. The approved range of alternatives includes management measures such as time/area closures, gear modifications, and soak time restrictions, with the goal of reducing sturgeon interactions in bycatch hotspot areas. Final action for both Councils is scheduled for April 2024.

Exempted Fishing Permit Application Review Policy and Process

The Council discussed a draft policy and process document for Council review of Exempted Fishing Permit (EFP) applications for species listed as Ecosystem Components under the Unmanaged Forage Omnibus Amendment. The draft document incorporated recommendations from the Ecosystem and Ocean Planning Advisory Panel and Committee as well as staff. EFPs are issued by the NOAA Fisheries Regional Offices. Therefore, the draft document summarized the federal requirements which apply to all EFPs and included additional considerations for catch of forage species, including greater emphasis on ecosystem impacts.

The Council agreed to a few revisions to the document. They agreed to add more details on the desired contents of reports summarizing the outcome of use of an EFP. They also agreed to more clearly indicate that this document is not binding on NOAA Fisheries and does not change the federal requirements for EFPs. They also considered presenting the document as a guide to prospective EFP applicants rather than a Council policy and process document. Some Council members thought this re-framing would better communicate that the document summarizes the desired process for Council review but does not change the federal process. The Council decided to postpone adoption of a revised document until their December meeting to provide more time to finalize the preferred language.

Ecosystem Approach to Fisheries Management Risk Assessment Review

The Council reviewed and approved an updated list of risk elements to be included in a revised Ecosystem Approach to Fisheries Management (EAFM) risk assessment. The initial risk assessment was completed in 2017 and is intended to identify and prioritize ecosystem interactions and help the Council decide where to focus limited resources to address priority ecosystem considerations in its science and management programs. Over the last year, the Council's Ecosystem and Ocean Planning Committee and Advisory Panel conducted a comprehensive review of the risk assessment with the goal of producing an updated risk assessment that incorporates the latest scientific information, reflects the Council's current priorities, and can be adaptive and responsive to new and changing conditions that can support a variety of Council management needs.

The updated assessment will include 28 different risk elements that will track aspects that may threaten the Council's ability to achieve the ecological, socio-economic, and management objectives desired for Council-managed fisheries. A revised risk assessment will be completed in spring and will include the most up-to-date information and relevant indicators derived from the 2024 Mid-Atlantic State of the Ecosystem report developed by the Northeast Fisheries Science Center. The Council will review and approve the new EAFM risk assessment for use by the Council in future management documents, priorities, and decisions in April 2024.

Private Recreational Tilefish Permitting and Reporting

In August 2020, recreational permitting and reporting requirements were implemented for private tilefish anglers. During this meeting the Council received a presentation from the Greater Atlantic Regional Fisheries Office (GARFO) on the status of private recreational tilefish (golden and blueline) permitting and reporting. The [update](#) included information related to the number of permits issued, recreational trips, and landings reported since the requirements were initially implemented.

Council staff also provided an update on future outreach efforts and plans to improve compliance with and awareness of the permitting and reporting requirements. As a result of the presentation and subsequent discussion, the Council recommended that efforts to improve compliance and awareness should go beyond outreach and that staff should consider alternative approaches. The Council also recommended holding a joint meeting of the Tilefish Committee and the Law Enforcement Committee in 2024 to continue discussions and consider a possible path moving forward.

Spiny Dogfish and Atlantic Mackerel Assessments

Staff updated the Council on the spiny dogfish and Atlantic mackerel management track assessments, which were recently peer-reviewed and found to be “technically sufficient to...provide scientific advice.” In 2022 mackerel was still overfished (not overfishing) and spiny dogfish was just slightly above its biomass target (not overfishing). The Council’s SSC will evaluate these assessments to provide Acceptable Biological Catch (ABC) advice on October 30, 2023 (<https://www.mafmc.org/ssc>). The Council will consider the SSC’s mackerel advice in December 2023. The SSC’s spiny dogfish advice will be considered by the Spiny Dogfish Committee, followed by action from the Mid-Atlantic Fishery Management Council in December 2023 and then by action from the New England Fishery Management Council in January 2024 (spiny dogfish are jointly managed by the Councils).

Habitat Activities Update

Karen Greene and Sue Tuxbury, from GARFO’s Habitat and Ecosystem Services Division (HESD), updated the Council on the status of their essential fish habitat (EFH) consultation role in offshore wind development projects that are currently underway. They also highlighted several U.S. Army Corps of Engineers’ coastal storm risk management studies and port development projects proposed in the region (project links available in posted [presentation](#)). They also noted the recently approved national guidance on incorporating climate change into EFH consultations from NOAA Fisheries.

Offshore Wind Updates

Bureau of Ocean Energy Management

Ursula Howson, from the Bureau of Ocean Energy Management (BOEM), provided an update on several offshore wind energy projects in the Mid-Atlantic region. The presentation also highlighted two ongoing studies funded by BOEM. One study will analyze the potential and actual changes in surfclam, ocean quahog, and Atlantic sea scallop fishing activities as a result of offshore wind development. Another study which is taking place off Virginia will evaluate the effectiveness of nature inclusive design materials in promoting marine grown and enhancing habitat. BOEM may use the results of this study to inform future requirements regarding the materials that must be used for materials such as scour protection around turbine and offshore substation foundations or external cable armoring.

New York State Offshore Wind Master Plan 2.0: Deep Water

Morgan Brunbauer, from the New York State Energy Research and Development Authority (NYSERDA), provided an update on New York State’s “Offshore Wind Master Plan 2.0: Deepwater.” A primary goal of this initiative is to identify additional areas offshore of New York which may be suitable for wind energy development, as the existing lease areas will not allow the state to meet their current goal of 9 GW of offshore wind energy by 2035. NYSERDA staff summarized the timeline for several ongoing and potential future studies to inform this effort. NYSERDA aims to finalize these studies by the end of 2023 and make a formal request to BOEM in early 2024 to initiate the BOEM process to define new lease areas. The NYSERDA recommendations will be based on consideration of the various studies as well as input and engagement as appropriate with the offshore wind industry, federal and regional state partners, elected officials, maritime users, non-governmental organizations, other stakeholders, and the public.

Northeast Fisheries Science Center Presentations

Federal Survey Performance, Issues, and Planning for the Future

Dr. Kathryn Ford and Peter Chase provided an overview of several Northeast Fisheries Science Center (NEFSC) surveys, including the NOAA ship Henry B. Bigelow bottom trawl survey and the R/V Hugh R. Sharp Scallops Survey. They also provided an update on past survey performance, 2023 survey issues, potential future contingency plans, and future scheduling. As a result of the presentation and subsequent discussion, the Council passed a motion requesting the NEFSC to develop a white paper to be submitted to the Council by January 12, 2024, outlining an industry-based survey that is complementary to the spring and autumn Bottom Trawl Survey.

Northeast Fisheries Observer Program Update

Katherine McArdle provided an update on the Northeast Fisheries Observer Program (NEFOP). In 2023 the full Standard Bycatch Reporting Methodology (SBRM) discard analysis occurred for first time since the COVID-19 pandemic (data gap issues). For the current year, a total of 6,926 seadays are needed with a total of 5,630 seadays made available based on funding. There is an increase in seadays to the small mesh otter trawl fleet relative to the previous several years. Outreach has occurred with the fleet, and permit holder letters were sent out in August when the SBRM was rolled out. NEFOP coverage overall has been proceeding well despite the delays to the rollout of the 2023 Sea Day Schedule. The first quarter of the year did have shortfalls in the mid-Atlantic small mesh bottom trawl accomplishments (completing 65% of the tasked days). The NEFOP contract was modified in June of 2023 and resulted in an increase in observer pay – this should improve observer retention. Data review is occurring as anticipated and the NEFSC does not anticipate any delays will impact the 2024 SBRM cycle.

Cooperative Research Update

The NEFSC's Cooperative Research Branch has expanded its portfolio in recent years to address the evolving research needs of fisheries in the northeast region and has enhanced communication and coordination of cooperative research among the science and fishing communities. Dr. Anna Mercer provided an overview of the Cooperative Research Branch's portfolio, with focus on new research initiatives pertinent to the Council, including the longfin squid biological sampling program (SQUIBS), the Illex squid size monitoring program (ILXSM), research on oceanographic drivers of Illex productivity, a pilot hook and line survey, a recreational biological sampling program (RecBio), research on offshore wind impacts on fishing operations, and collaborative monitoring of scallop disease and reproduction. Dr. Mercer also shared the outcomes of the 2023 Northeast Cooperative Research Summits, which engaged over 250 fishermen and scientists in sharing, discussing, and prioritizing cooperative research in the northeast region. Planning for the 2024 Northeast Cooperative Research Summit, which will be held in New Jersey, is currently underway.

Presentation on Maternal Effects Research

Mark Wuenschel presented the results of several recent studies examining whether the potential for greater reproductive output of larger females challenges a common assumption that spawning stock biomass is an appropriate metric of population reproduction irrespective of the stock's size structure. Maternal effects may take the form of larger females producing more eggs, better eggs that lead to higher survival, or expanded seasonal spawning windows. Loss of larger fish thus has the potential to create disproportional negative impacts on stock productivity. Yellowtail flounder showed maternal effects in fecundity (number of eggs) relative to fish size while summer flounder showed maternal effects in terms of extra spawning events for larger fish. Implications for management could include considering measures that maintain a diverse size and age structure. Assessments may also need to better account for the different relative reproductive value of a given spawning stock biomass if the stock structure is composed of smaller or larger fish.

Executive Committee – 2024 Implementation Plan

The Executive Committee met to discuss the 2024 Implementation Plan. The Council develops Implementation Plans each year to ensure progress toward achieving the goals and objectives of its 5-year strategic plan. First, the Committee received a progress update on the 2023 Implementation Plan. The Committee then reviewed, and recommended several revisions to, a draft list of actions and deliverables that had been developed by staff for 2024. The revised list will be used to develop a complete 2024 Implementation Plan for review by the Council in December.

Next Meeting

The next Council meeting will be held **December 12-14, 2023, in Philadelphia, PA**. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.

2024 Marine Resource Education Program Workshop – Apply Now!

The Marine Resource Education Program (MREP) is accepting applications for the next Greater Atlantic Fisheries Science and Management Workshop, to be held **February 12-16, 2024 in Falmouth, Massachusetts**.

- [APPLY HERE](#)

MREP is designed to equip fishermen with tools to engage in shaping regulatory action and to participate in collaborative science. Created by fishermen, for fishermen, this workshop will bring commercial, charter, and recreational fishermen from North Carolina to Maine together with regional scientists and managers to learn the processes, share insights, and network. The workshop is free and includes hotel lodging, meals, and travel reimbursement for accepted participants.

Space is limited, and preference will be given to applications received by November 13, 2023. The application takes approximately 5-10 minutes to complete. Accepted participants will be notified in early January 2024.

MREP Fisheries Science &
Management Workshop
February 12 – 16, 2024
Sea Crest Beach Hotel
Falmouth, MA

Apply today! Scan the QR code or visit:
mrep.gmri.org/apply





South Atlantic Fishery Management Council

News Release

FOR IMMEDIATE RELEASE
September 20, 2023

CONTACT: Kim Iverson
Public Information Officer
Toll Free: 866/SAFMC-10 or 843/571-4366
kim.iverson@safmc.net

Federal Council Approves Amendment to Implement Electronic Logbook Reporting for Federally Permitted Commercial Vessels

Federally permitted commercial fishermen are required to report information about their individual fishing trips and have been doing so through the NOAA Fisheries Southeast Fishery Science Center's Coastal Fisheries Logbook Program since the program began in 1990. Over the years, the program has expanded and the format for the reporting forms has changed, but the use of paper logbooks has remained constant. Members of the South Atlantic Fishery Management Council approved a comprehensive amendment that would replace the current paper-based logbook and require electronic reporting, eliminating the need for carbon copies and paper mailings.

If approved by the Gulf of Mexico Fishery Management Council and subsequently the Secretary of Commerce, the joint Comprehensive Amendment Addressing Electronic Reporting for Commercial Vessels would apply to commercial vessels permitted in the South Atlantic snapper grouper, Atlantic dolphin wahoo, Atlantic and Gulf coastal migratory pelagic (CMP), and Gulf Reef Fish fisheries. The requirements may also affect vessels fishing in the Greater Atlantic Region and in other fisheries (e.g., Highly Migratory Species) that have the permits noted above.

Data collection programs, such as the Coastal Fisheries Logbook Program, provide essential information required to assess stock status and monitor harvest. The move to electronic reporting is expected to improve timeliness and efficiency of commercial logbook data collection and management, improve monitoring and compliance, and eventually support one-stop reporting for vessels that hold multiple permits. Developed jointly with the Gulf of Mexico Fishery Management Council, the amendment is expected to be approved by the Gulf Council during its October 23-26, 2023, meeting.

"As a fisherman that fishes every day and has to fill out daily logbooks, sometime twice a day, this is much appreciated," said Jimmy Hull, a commercial fisherman and owner of Hull's Seafood in Ormond Beach, Florida. "It takes a long time to fill out paper logbooks and sometimes mistakes are made, but with e-logbooks, reporting will be more accurate, and I can do this daily and more quickly. Overall, I see this as a positive and full speed ahead." Hull, a former member and Chair of the Council's Snapper Grouper Advisory Panel, also noted the advisory panel has been supportive of this effort for several years.

Other Business

The Council received a presentation from the NOAA Fisheries Office of Science and Technology regarding a pilot study conducted on the Marine Recreational Information Program's Fishing Effort Survey (FES).

(Continued)

Electronic Logbook Reporting (Continued)

Preliminary results suggest the order of the questions in the survey may lead to an overestimation of recreational fishing effort, in some cases 30 to 40%. Council members discussed their concerns, and the implications of the FES pilot study and steps NOAA Fisheries will take over the next few years to address the potential bias. The Council approved a series of motions outlining their approach to address the impact of biased FES estimates on management and assessment activities. This included reviewing each amendment discussed during the meeting to consider how bias in recreational catch and effort estimates could impact proposed actions.

The Council approved a Habitat Program Evaluation and Blueprint to establish goals and objectives for its habitat program that ensure Magnuson-Stevens Fishery Conservation and Management Act requirements are addressed, clarify processes for developing habitat policies and comments, and provide overall direction for the program. The Habitat Blueprint also includes modifications to the Council's Habitat and Ecosystem Advisory Panel.

The Council discussed the status of Snapper Grouper Regulatory Amendment 35 with actions to reduce catch levels for Red Snapper and require the use of single-hook rigs when fishing for snapper grouper species. The amendment was approved by the Council in March of this year but has not been submitted for Secretarial review. The Council will continue discussion of the amendment during its December meeting.

Additional information about the Council's September meeting, including final committee reports and reports from meetings of the Full Council are available from the Council's website at: <https://safmc.net/events/september-2023-council-meeting/>. The next meeting of the South Atlantic Council will be held December 4-8, 2023, in Beaufort, North Carolina.

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

South Atlantic Fishery Management Council
Full Council and Committee
SUMMARY MOTIONS
September 11-15, 2023

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

Full Council Session I

MOTION 1: APPROVE EDITS TO OPTION 1 IN THE COMPREHENSIVE AMENDMENT ADDRESSING ELECTRONIC REPORTING FOR COMMERCIAL VESSELS.

Option 1: Modify the reporting requirements to require the owner or operator of a vessel for which a commercial fishing permit for South Atlantic snapper grouper, Atlantic dolphin and wahoo, coastal migratory pelagic species or Gulf reef fish has been issued to maintain a fishing record for each trip on an electronic software approved by the National Marine Fisheries Service. Completed fishing records must be electronically transmitted to the Science and Research Director no later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, a report must be submitted on one of the electronic forms no later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

MOTION 2: APPROVE THE COMPREHENSIVE AMENDMENT ADDRESSING ELECTRONIC REPORTING FOR COMMERCIAL VESSELS FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.

MOTION 3: DURING THE SEPTEMBER COUNCIL MEETING AND PRIOR TO DISCUSSION ON EACH AMENDMENT THAT UTILIZES MRIP-FES DATA, THE COUNCIL WILL DISCUSS THE FOLLOWING:

1. THE AMENDMENT'S DEPENDENCY ON MRIP-FES DATA,
2. ANY MSA OR FEDERAL DEADLINES REQUIRED TO COMPLETE THE AMENDMENT, AND
3. IF THE COUNCIL IS INTERESTED IN MOVING FORWARD WITH THE AMENDMENT AND SUBSEQUENT TIMELINE OR POSTPONING FURTHER DISCUSSION UNTIL THE MRIP FES BIAS EVALUATION STUDY IS COMPLETE.

MOTION 4: DURING THE SEDAR COMMITTEE, THE COUNCIL WILL DISCUSS THE ONGOING AND UPCOMING PROJECTS REQUESTED BY THE SAFMC, CONSIDER THEIR DEPENDENCY ON MRIP-FES, AND PROVIDE RECOMMENDATIONS TO BE CONSIDERED AT THE NEXT SEDAR STEERING COMMITTEE.

MOTION 5: DIRECT THE EXECUTIVE COMMITTEE AT THEIR OCTOBER 2023 MEETING TO RE-EVALUATE AND PRIORITIZE THE WORKLOAD IN ACCORDANCE WITH THE COUNCIL’S ACTIONS DURING THE SEPTEMBER 2023 MEETING TO ADJUST FMP AMENDMENT TIMELINES AND SAFMC SEDAR PRIORITIES IN LIGHT OF THE RECENT NOTIFICATION OF POSSIBLE BIAS IN ESTIMATES PROVIDED BY THE MRIP-FES PROGRAM.

MOTION 6: DIRECT STAFF TO DO THE FOLLOWING:

- Prepare a presentation on management triggers to inform activities related to climate change response for the March 2024 Council meeting.
- Request a presentation from SEFSC on status and outcomes from the 2020 Atlantic Science Coordination Workshop for the December 2023 Council meeting.
- Request an update from the SEFSC on progress to address differences in fishery independent surveys across regions (Southeast and Northeast) that currently limit the use of survey information to evaluate climate impacts on fish stocks for the December 2023 meeting.
- Finalize comment letter on governance procedural directive.
- Submit a FOIA request to the USCG to obtain information on the number, frequency, and duration of closures in the EEZ as a result of space-related activities over the past 10 years.
- Prepare a letter to support the state’s positions regarding shrimp imports and the effect they are having on the domestic shrimp industry.

Mackerel Cobia Committee

MOTION 7: APPROVE THE PURPOSE AND NEED STATEMENT AS PRESENTED.

The purpose of this amendment is to revise the acceptable biological catch, annual catch limits, annual optimum yield and recreational annual catch target for Atlantic migratory group Spanish mackerel, based on the results of the latest stock assessment.

The need for this amendment is to ensure catch limits are based on the best scientific information available and to ensure overfishing does not occur in the Atlantic migratory group Spanish mackerel fishery.

MOTION 8: APPROVE CMP FRAMEWORK AMENDMENT 13 FOR SCOPING.

MOTION 9: ADOPT THE FOLLOWING TIMING AND TASKS:

- Continue work on CMP Framework Amendment 13, bringing the amendment to the Mackerel Cobia AP for discussion and holding scoping hearings prior to the December 2023 meeting.
- Continue development of port meetings, discussing possible meeting structure and locations with the planning team and Mackerel Cobia AP. Planning team members have been requested from NC, SC, GA, and FL state agencies.
- Convene an in-person meeting of the Mackerel Cobia AP this fall to discuss the topics listed above and note the importance of attendance.

Habitat and Ecosystem Committee

MOTION 10: APPROVE THE SAFMC HABITAT BLUEPRINT

MOTION 11: APPROVE THE HABITAT AND ECOSYSTEM ADVISORY PANEL JOB DESCRIPTION AS WRITTEN.

MOTION 12: APPROVE THE REVISED 2023 BEACH RENOURISHMENT AND LARGE-SCALE OCEAN ENGINEERING POLICY STATEMENT.

MOTION 13: APPROVE LIST OF AGENDA ITEMS FOR NOVEMBER 2023 HABITAT AND ECOSYSTEM AP MEETING

- NOAA Fisheries HCD EFH Consultation Update
- NOAA Fisheries EFH 5 Year Review (Subcommittees Reports)
- Update: SECAS and Conservation Blueprint
- US Navy Atlantic Fleet Training and Testing EIS
- Offshore Wind Activities in South Atlantic Region
 - Update on BOEM Research and Energy Development Activities
- EFH Policy Statement on Energy
- SAFMC Habitat Blueprint
 - Review the Habitat Blueprint and Input on the Blueprint Workplan
 - Develop a plan to prepare the initial Habitat Annual Report at the Spring 2024 meeting
 - Policy considerations and priorities (e.g., flow and artificial reef)
- Update on the South Atlantic Salt Marsh Initiative
- Space Operations off Florida

MOTION 14: ADOPT THE FOLLOWING TIMING AND TASKS:

- Habitat and Ecosystem AP fall meeting planning incorporating approved agenda items.
- Confirm and coordinate with presenters for the fall AP meeting.
- Prepare Habitat Blueprint Workplan for review in December 2023
- Add discussion of Lake Okeechobee discharges to workplan for HEAP
 - Intent is to focus the discussion on impacts to Oculina reef off Florida and impacts to the deepwater shrimp fishery.

SEDAR Committee

MOTION 15: APPROVE STATEMENTS OF WORK FOR 2026 SEDAR PROJECTS, AS MODIFIED.

For Snowy Grouper and Spanish Mackerel:

- Develop sensitivities to explore potential impact of bias in recreational landings.

For Dolphin:

- Ensure the evaluation includes an exploration of the potential impact of biased recreational landings.

- Evaluate potential distributional shifts or impacts of climate on Dolphin.
- Incorporate fleet dynamics for the commercial sector.

MOTION 16: APPOINT KAI LORENZEN TO THE SEDAR 82 GRAY TRIGGERFISH RESEARCH TRACK REVIEW PANEL, APPOINT STEVE TURNER AND FRED SERCHUK TO THE SEDAR79 MUTTON SNAPPER BENCHMARK ASSESSMENT PANEL, AND APPOINT STEVE TURNER AND KAI LORENZEN TO THE SEDAR92 BLUELINE TILEFISH OPERATIONAL REVIEW PANEL.

MOTION 17: ADOPT THE REVISED SEDAR PROJECT SCHEDULE INCLUDED IN SEDAR PROJECT SCHEDULE RECOMMENDED CHANGES DOCUMENT (FIGURE 3 IN FINAL COMMITTEE REPORT) AS THE RECOMMENDED SCHEDULE FOR SOUTH ATLANTIC PROJECTS.

Snapper Grouper Committee

Note: Motions 18-22 pertain to the Private Recreational Permitting Amendment (SG Amendment 46)

MOTION 18: ACCEPT THE EDITS TO THE PURPOSE AND NEED STATEMENTS.

The purpose of the amendment is to develop a recreational permitting system that will identify the universe of private anglers or vessels targeting South Atlantic snapper grouper species and will enhance the ability to collect recreational effort and catch data. Also work to promote best recreational fishing practices through education.

The need for the amendment is to improve the quality of effort and catch data for the private component of the recreational sector that targets South Atlantic snapper grouper species, while minimizing, to the extent practicable, adverse social and economic effects. Also improve education on best fishing practices.

MOTION 19: REMOVE ALTERNATIVES 3 AND 6 IN ACTION 2 TO THE CONSIDERED BUT REJECTED SECTION.

Action 2. Specify the species that would be covered by a private recreational snapper grouper permit

Alternative 3. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any assessed species in the snapper grouper fishery management unit for which recreational harvest is allowed.

Alternative 6. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species with a size or bag limit.

MOTION 20: REMOVE ACTION 3 TO THE CONSIDERED BUT REJECTED SECTION.

Action 3. Specify the effective term of a private recreational snapper grouper permit

Alternative 1 (No Action). A federal permit is not required for a private angler or private vessel when fishing for, harvesting, or possessing snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 2. A federal private recreational snapper grouper permit would remain valid for the calendar year that it was issued.

Alternative 3. A federal private recreational snapper grouper permit would remain valid for one year from issuance.

Alternative 4. A federal private recreational snapper grouper permit would expire on the date of birth for the permit holder.

MOTION 21: REMOVE ACTION 6 TO THE CONSIDERED BUT REJECTED SECTION AND CLARIFY IN ACTION 5 THAT THE INTENT IS FOR THE EDUCATION COMPONENT TO BE MANDATORY.

Action 6. Specify whether an education component in the private recreational portion of the snapper grouper fishery would be mandatory or voluntary

Alternative 1 (No Action). There is not a required education component for private recreational anglers to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 2. An education component would be mandatory for all private recreational permit holders to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 3. An education component would be voluntary for all private recreational permit holders to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

MOTION 22: REMOVE ALTERNATIVE 2 IN ACTION 8 TO THE CONSIDERED BUT REJECTED SECTION.

Action 8. Specify the timing of education component requirements for the private recreational portion of the snapper grouper fishery in the South Atlantic region

Alternative 2. An education component would need to be completed each calendar year.

MOTION 23: INITIATE A FRAMEWORK ACTION TO MODIFY THE GAG AND BLACK GROUPER VESSEL LIMIT TO 2 FISH COMBINED PER VESSEL.

MOTION 24: INCLUDE BLACK SEA BASS ON-DEMAND POT GEAR IN THE BLACK GROUPER AND GAG FRAMEWORK AMENDMENT.

MOTION 25: APPROVE THE ‘WHAT IT MEANS TO ME’ PROJECT AND BEGIN FILMING AT FALL AP MEETINGS.

MOTION 26: ADD DISCUSSION OF REGULATORY AMENDMENT 35 TO THE DECEMBER 2023 AGENDA.

MOTION 27: DIRECT STAFF TO DO THE FOLLOWING:

- Continue to develop Amendment 48 including bringing together the WAG and WSC to discuss cost recovery, monitoring, participation and eligibility. Provide the Committee with an update on the WAG and WSC meetings at the December 2023 Council meeting.
- Prepare an Amendment 46 public hearing document for approval at the December 2023 Council meeting.
- Continue to develop the BFP MVP and ‘What It Means to Me’ program. Identify possible participants for ‘What it Means to Me’ during the Fall 2023 AP meetings.

- Begin development of a framework amendment that will address the Gag and Black Grouper vessel limit and Black Sea Bass commercial on-demand gear to approve for scoping in December 2023.
- Request the SSC withdraw the stock ABC for yellowtail snapper in light of the MRIP-FES data issue and the availability of SRFS data for the species.
- Request the FWC consider prioritizing the yellowtail snapper assessment to include SRFS data.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

November 16, 2023

MEMORANDUM

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

Issue

Quarterly update on Marine Patrol law enforcement activities.

Action Needed

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

Overview

Marine Patrol officers have had an active 2023 fall fishing season with our officers meeting the challenges of enforcing the commercial and recreational flounder season as well as answering calls for service to the community. We continue to fill staff vacancies and are finalizing our mandated and specialized officer training for the year. We have attended education and outreach events and have secured grant monies to purchase new equipment.

Between September 1 and October 24, Marine Patrol wrote 9 citations and 12 warnings during the flounder season. During the WRC's flounder season, we wrote 4 warnings for violations of the transportation rule. In addition to our on the water duties, a marine patrol officer assisted during an active shooter situation at Fort Fisher State Park. We placed the DMF headquarters on lock down while Morehead City police officers were trying to apprehend a breaking & entering suspect in the parking lot. And finally, Harnett County Emergency Management called for Marine Patrol's assistance in looking for a missing child who thankfully was located before our officers arrived on scene.

Marine Patrol officers, along with other Division employees, staffed the DMF's display at the North Carolina State Fair in Raleigh this October. We participated in the Seafood Festival in Morehead City and National Night Out as well as attending other educational events at various schools in our local communities.

The swift water rescue team was activated and made ready to assist when Hurricane Ophelia made landfall near Emerald Isle. Luckily, no emergency situations arose during that storm. The Swift Water Team recently received a \$45,000 grant from Homeland Security which will go toward the purchase of equipment and a \$19,620 grant from the FDA and AFDO which will go toward the purchase of new rain gear for all officers.

The Marine Patrol is in the process of hiring two officer positions, one in Hatteras and one in Hyde County. We are in the initial stages of this process and anticipate scheduling interviews by the end of the month.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

October 20, 2023

MEMORANDUM

TO: N.C. Marine Fisheries Commission

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

SUBJECT: Protected Resources Program Update

Issues

Summary information is provided from the Division's Protected Resources Program for observer program activities during summer (June-August) 2023. Seasonal reports to National Marine Fisheries Service (NMFS) are required for the Sea Turtle Incidental Take Permit (ITP) and monthly reports, if there is an observed take, are required for the Atlantic Sturgeon ITP. The summer seasonal report can be found in the briefing materials. There were no monthly reports submitted as there were not sturgeon incidental takes during summer.

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

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

Action Needed

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

Overview of the ITP report

During summer 2023, the estuarine anchored large-mesh gill-net fishery remained closed state-wide. Closures to the estuarine anchored small-mesh gill-net fishery varied by month and Management Unit (MU). For the entire season, MUs A, C, and D2 were open to anchored small-mesh gill nets, and MU D1 remained closed from a proclamation published during spring (Proclamation [Proc.] M-9-2023). Though MU E was closed during spring (Proc. M-9-2023), it was reopened on August 10 after fishermen contacted staff about the extant closure and agreed to arrange observed trips if the MU was reopened (Proc. M-14-2023). Staff were unable to locate small-mesh gill-net effort in much of MU B except for Shallow Water Gill Net Restricted Area (SGNRA) 2 and 4 (Figure 1). To ensure continued compliance with the ITP, on August 10 all of MU B except these areas was closed to anchored gill nets (Proc. M-14-2023).

During summer, NCDMF staff conducted 20 small-mesh gill-net observations (Table 1). Estimated observer coverage of the small-mesh gill-net fishery met or exceeded 1% minimum threshold in all open MUs. Management Unit D1 remained closed as NCDMF staff received no contact from any fishermen in regards to reopening that MU. There were no observed sea turtle or Atlantic sturgeon interactions during summer.

Observers and Marine Patrol officers logged 233 unsuccessful attempts to find and observe anchored gill-net effort (i.e., No-Contact trips) during summer 2023 (Table 2).

During summer 2023, 326 contacts occurred with 38% ($n=125$) representing occasions where observers and fishermen spoke to each other (Figure 2). Only 3% ($n=11$) of the 326 contacts resulted in a booked trip.

The final document can be found at the following link:

Summer 2023 Seasonal Sea Turtle ITP Report

Table 1. For estuarine anchored small-mesh gill nets, estimated percent observer coverage calculated from observed trips (<4 inch) and estimated fishing trips using Trip Ticket Program data (<5 inch) by management unit during summer (June-August) 2023 of ITP Year 2023. Management Units D1 was closed to estuarine anchored gill nets.

Management Unit	Estimated Fishing		Percent Observer Coverage
	Trips	Observed Trips	
A	192	5	2.6
B	840	8	1.0
C	65	2	3.1
D1	closed	closed	closed
D2	17	2	11.8
E	65	3	4.6
Total	1,179	20	1.6

Table 2. Number of “No-Contact” trips by management unit completed by Marine Patrol and observers during summer (June-August) 2023 for Incidental Take Permit Year 2023. “No Contact” refers to unsuccessful attempts to find and observe anchored gill-net effort.

Management Unit	Marine Patrol	Observer	Total
	No-Contact Trips	No-Contact Trips	No-Contact Trips
A	70	0	70
B	32	10	42
C	53	2	55
D1	closed	closed	closed
D2	20	4	24
E	42	0	42
Total	217	16	233

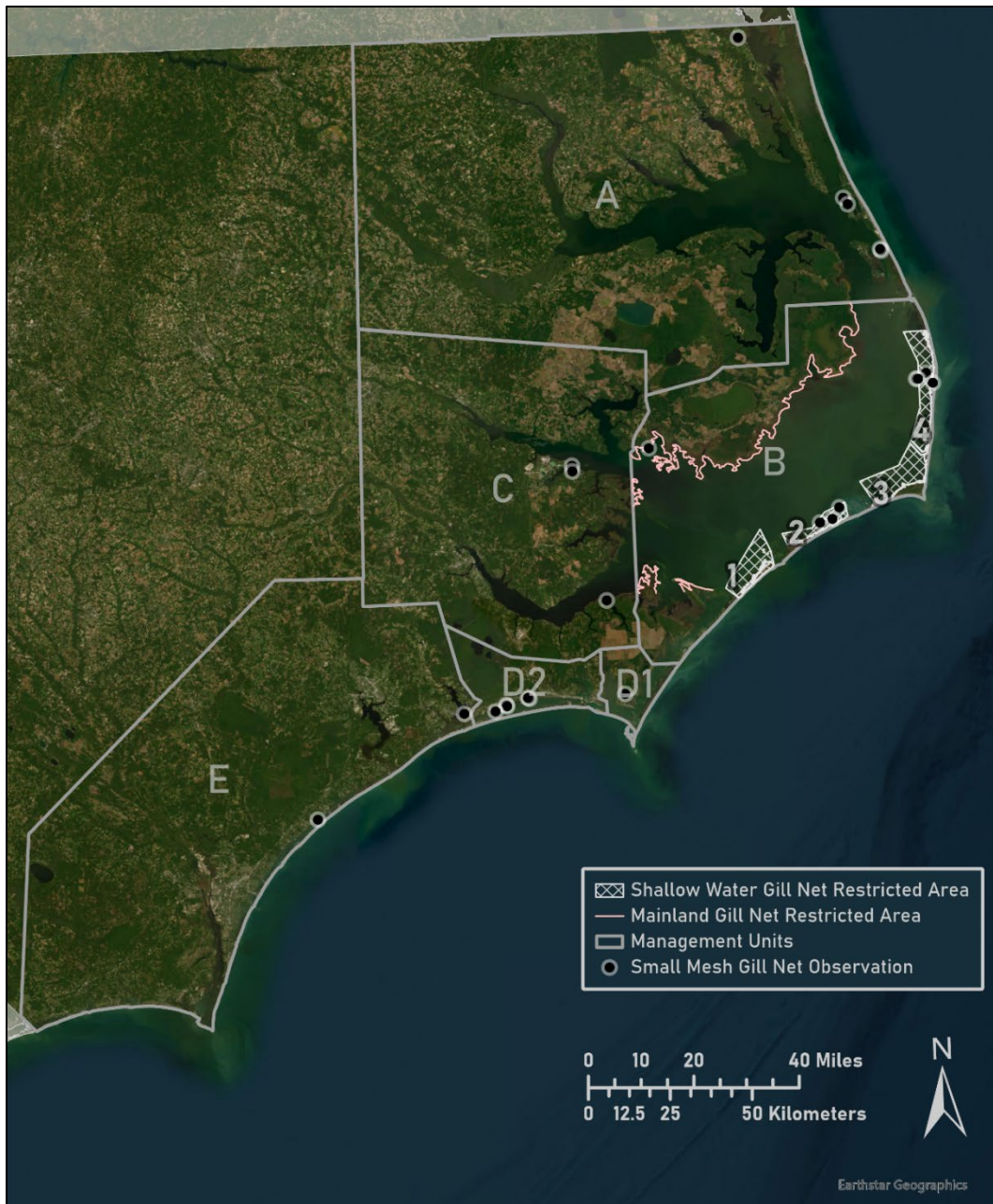


Figure 1. Map of observed small-mesh (<4 ISM) gill-net trips ($n=20$), June–August 2023 (summer) of ITP Year 2023. Note that in some areas, multiple observations may be depicted as fewer observations due to the point layering and map scale. For example, a single point may be visible; however, multiple points may exist at that location. For observed trip totals within each management unit, please see Table 1

Summer (June-August) 2023
n=326

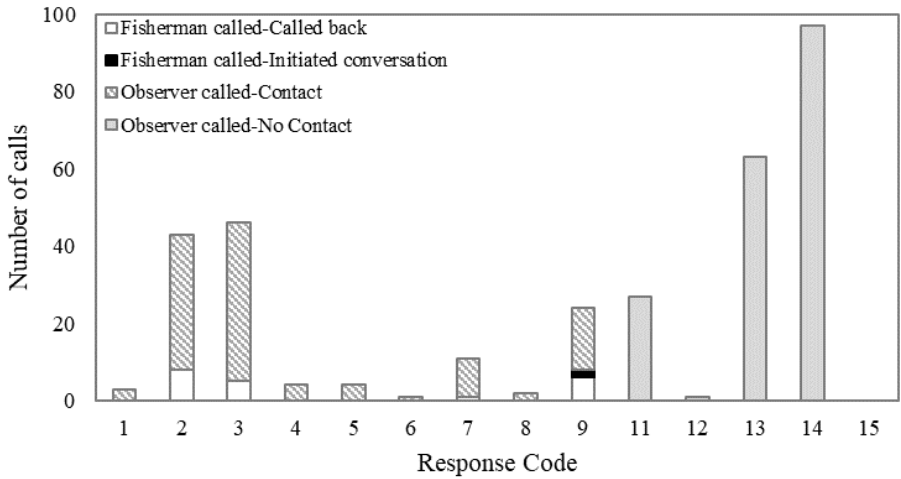


Figure 2. Contact attempts (*n*=326) during June–August 2023 (summer) to schedule trips. Contact response categories include the following: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not fishing because of medical issues; 7) Booked trip; 8) Hung up, got angry, and/or trip refused; 9) Call back later time/date; 10) Saw in person; 11) Disconnected; 12) Wrong number; 13) No answer; 14) No answer, left voicemail; 15) Not fishing because of natural disaster (e.g., hurricane). Contact responses are stratified by occasions when observers initiated a successful contact (gray striped bars), when the observer initiated an unsuccessful contact (gray bars), when the fisherman returned an observer’s call (white bars), and when the fisherman initiated contact (black bars).

2023 Summer Seasonal Progress Report
for Activities under Endangered Species Act
Section 10 Incidental Take Permit No. 16230
June 1–August 31, 2023
ITP Year 2023



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

September 2023

TABLE OF CONTENTS

List of Tables	3
List of Figures	4
Summary	5
Tables	7
Figures	10

LIST OF TABLES

Table 1. Proclamations (Proc.) affecting anchored gill-net fisheries during June–August 2023 (summer)..... 7

Table 2. For small-mesh gill nets, estimated percent observer coverage calculated from observed trips (<4 inches stretched mesh [ISM]) and estimated fishing trips using Trip Ticket Program data (<5 ISM) by management unit during June–August 2023 (summer) of ITP Year 2023..... 7

Table 3. Summary of “No-Contact” trips by management unit completed by Marine Patrol and observers during June–August 2023 (summer) of ITP Year 2023. “No Contact” refers to unsuccessful attempts to find and observe anchored gill-net effort. 7

Table 4. Total annual authorized and actual takes (observed and estimated) of sea turtles by species and, for estimated takes, by condition for the 2023 ITP Year to date (September 2022–August 2023). Estimated takes denoted as not applicable (n/a) are for species whose authorized takes in the ITP are expressed only as counts. Because there were no observed takes during spring or summer, this table is unchanged since the fall 2023 report..... 8

Table 5. Fisherman contact code and associated descriptions for fisherman contact attempts during June–August 2023 (summer) of ITP Year 2023..... 8

Table 6. Citations written by Marine Patrol officers for anchored gill nets by date and violation code during June–August 2023 (summer) of ITP Year 2023..... 9

Table 7. Notice of Violations (NOVs) for Estuarine Gill Net Permit (EGNP) holders using anchored gill nets by date and violation code issued during June–August 2023 (summer) of ITP Year 2023. 9

LIST OF FIGURES

- Figure 1.** Map depicting areas in Management Unit B open and closed to estuarine anchored small-mesh gill nets per Proclamation M-14-2023, effective August 10, 2023..... 10
- Figure 2.** Map of observed large-mesh (≥ 4 inches stretched mesh [ISM]) and small-mesh (< 4 ISM) gill-net trips, June–August 2023 (summer) of ITP Year 2023. Note that in some areas, multiple observations may be depicted as fewer observations due to the point layering and map scale. For example, a single point may be visible; however, multiple points may exist at that location. For observed trip totals within each management unit, please see Table 2.11
- Figure 3.** Contact attempts ($n=326$) during June–August 2023 (summer) to schedule trips. Contact response categories include the following: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not fishing because of medical issues; 7) Booked trip; 8) Hung up, got angry, trip refused; 9) Call back later time/date; 10) Saw in person; 11) Disconnected; 12) Wrong number; 13) No answer; 14) No answer, left voicemail; 15) Not fishing because of natural disaster (e.g., hurricane). Contact responses are stratified by occasions when observers initiated a successful contact (light green), when the observer initiated an unsuccessful contact (dark green), when the fisherman returned an observer’s call (light blue), and when the fisherman initiated contact (dark blue). 12

SUMMARY

This report summarizes activities of the North Carolina Division of Marine Fisheries (NCDMF) Observer Program during June-August 2023 (i.e., summer) of the Incidental Take Permit (ITP) Year 2023 (September 1, 2022–August 31, 2023) for ITP No. 16230. Throughout this document, all references to gill nets are for estuarine anchored gill nets only unless stated otherwise. Mesh-size categories for gill nets are large-mesh, defined as ≥ 4 inches stretched mesh (ISM), and small-mesh, defined as < 4 ISM. Finally, data used in this seasonal report are preliminary and subject to change.

During summer 2023, the estuarine anchored large-mesh gill-net fishery remained closed state-wide. Closures to the estuarine anchored small-mesh gill-net fishery varied by month and Management Unit (MU). For the entire season, MUs A, C, and D2 were open to anchored small-mesh gill nets, and MU D1 remained closed from a proclamation published during spring (Proclamation [Proc.] M-9-2023; Table 1). Though MU E was closed during spring (Proc. M-9-2023), it was reopened on August 10 after fishermen contacted staff about the extant closure and agreed to arrange observed trips if the MU was reopened (Proc. M-14-2023; Figure 1). Staff were unable to locate small-mesh gill-net effort in much of MU B except for Shallow Water Gill Net Restricted Area (SGNRA) 2 and 4 (Figure 2). To ensure continued compliance with the ITP, on August 10 all of MU B except these areas was closed to anchored gill nets (Proc. M-14-2023).

Prior to the start of the summer season, the Observer Program projected the number of observed trips by mesh-size category, month, and MU needed to meet the coverage levels required by the ITP. For the small-mesh gill-net fishery in all management units except for MU B, this coverage projection was calculated as 2% of the average number of fishing trips reported to the Trip Ticket Program by month and MU from the previous five years, 2017–2022. For MU B, estimated fishing effort was prorated for August with the following steps. During 2018–2022, there were 1,627 reported small-mesh anchored trips in MU B during summer. Of those, 1,255 (77%) were landed in towns where trips in open areas of MU B were likely to be offloaded: Wanchese, Nags Head, Hatteras Island towns, and Ocracoke. We applied this 77% to prorate estimated trips during August 2023, which lowered the estimated trips for the season and the associated observer quota to meet the 1 and 2% thresholds.

During summer, NCDMF staff conducted 20 small-mesh gill-net observations (Table 2; Figure 2). Estimated observer coverage of the small-mesh gill-net fishery met or exceeded 1% in all open MUs. Management Unit D1 remained closed from summer as NCDMF staff received no contact from any fishermen in regards to reopening that MU.

Observers and Marine Patrol officers logged 233 unsuccessful attempts to find and observe anchored gill-net effort (i.e., No-Contact trips) during summer 2023 (Table 3).

There were no observed sea turtle interactions during summer 2023 (Table 4).

In addition to alternative platform trips, observers attempt to locate trips through other methods. Initially, observers attempt to contact fishermen via phone using fisherman-provided contact information of current Estuarine Gill Net Permit (EGNP) holders, prioritizing those who have

reported gill-net landings over the previous three years. If observers fail to schedule a trip in advance through phone calls, observers scout for fishermen at boat ramps and attempt to organize impromptu on-board observations. Fishermen contacts and contact attempts are then logged in a database. For each contact or contact attempt, responses are categorized and recorded as one of 15 response categories (Table 5; Figure 3). During summer 2023, 326 phone calls were made with 38% ($n=125$) representing occasions where observers and fishers spoke to each other. Only 3% ($n=11$) of the 326 contacts resulted in a booked trip. For two contacts, the callee expressed hostility towards NCDMF staff.

As a condition of the EGNP, fishermen are required to provide current contact information so that observers can schedule trips. Additionally, fishermen are required to update their contact information within 14 days if there is a change. During spring 2023, observers began to closely track contact attempts that ended in a disconnected number and again attempted contact after 14 days. If the number was still disconnected on the second attempt, a Notice of Violation (NOV) was initiated. This approach continued during summer 2023. An NOV is the NCDMF's administrative process to suspend a permit and is initiated by an officer or other division employee when a permit holder is found to be in violation of general or specific permit conditions.

As part of their regular duties, Marine Patrol officers monitor fishing activity to ensure regulatory compliance. When Marine Patrol officers find gear or fishing practices to be out of compliance, they can issue either Citations, NOVs, or both. A citation is an enforcement action taken by a Marine Patrol officer for person(s) found to be in violation of general statutes, rules, or proclamations under the authority of the North Carolina Marine Fisheries Commission and is considered a proceeding for district court. A citation and an NOV may both be initiated by the same permit condition violation; however, they are two separate actions. For this report, NOVs or citations associated with gill-net activities or the ENGP (database codes "NETG" and "EGNP") were compiled. The NCDMF issued seven citations (Table 6) and five NOVs for anchored gill nets during summer 2023 (Table 7). Some of the suspensions were rescinded, due to permit compliance following issuance of the NOV in cases where it was their first violation of these permit conditions.

TABLES

Table 1. Proclamations (Proc.) affecting anchored gill-net fisheries during June–August 2023 (summer).

Effective Date	Proc. Number	Regulation change
4/28/2023	M-9-2023	This proclamation supersedes proclamation M-3-2023 dated January 11, 2023. It reduces the yardage limits for gill nets less than 4 inches stretched mesh used in Management Unit B, establishes a drift gill net yardage limit for the Spanish Mackerel fishery that occurs in Management Unit B and closes Management Units D1 and D2 to the use of fixed or stationary gill nets less than 4 inches stretch mesh while allowing an exemption for actively fished nets.
8/10/2023	M-14-2023	This proclamation supersedes proclamation M-13-2023 dated May 24, 2023. It closes portions of Management Unit B and opens Management Unit E to the use of fixed or stationary gill nets less than 4 inches stretch mesh.

Table 2. For small-mesh gill nets, estimated percent observer coverage calculated from observed trips (<4 inches stretched mesh) and estimated fishing trips using Trip Ticket Program data (<5 ISM) by management unit during June–August 2023 (summer) of ITP Year 2023.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	192	5	2.6
B	840	8	1.0
C	65	2	3.1
D1	<i>Closed</i>	<i>Closed</i>	<i>Closed</i>
D2	17	2	11.8
E	65	3	4.6
Total	1,179	20	1.6

Table 3. Summary of “No-Contact” trips by management unit completed by Marine Patrol and observers during June–August 2023 (summer) of ITP Year 2023. “No Contact” refers to unsuccessful attempts to find and observe anchored gill-net effort.

Management Unit	Marine Patrol No-Contact Trips	Observer No-Contact Trips	Total No-Contact Trips
A	70	0	70
B	32	10	42
C	53	2	55
D1	<i>Closed</i>	<i>Closed</i>	<i>Closed</i>
D2	20	4	24
E	42	0	42
Total	217	16	233

Table 4. Total annual authorized and actual takes (observed and estimated) of sea turtles by species and, for estimated takes, by condition for the 2023 ITP Year to date (September 2022–August 2023). Estimated takes denoted as not applicable (n/a) are for species whose authorized takes in the ITP are expressed only as counts. Because there were no observed takes during spring or summer, this table is unchanged since the fall 2023 report.

Species	Observed (live/dead)		Estimated			
	Authorized	Actual	Authorized		Actual	
			Alive	Dead	Alive	Dead
Green	18	5	330	165	67.2	17.0
Hawksbill	8	0	n/a	n/a	n/a	n/a
Kemp's ridley	12	0	98	49	17.7	0.0
Leatherback	8	0	n/a	n/a	n/a	n/a
Loggerhead	24	1	n/a	n/a	n/a	n/a
Any Species	8	1	n/a	n/a	n/a	n/a
Total	78	7	428	214	84.9	17.0

Table 5. Fisherman contact code and associated descriptions for fisherman contact attempts during June–August 2023 (summer) of ITP Year 2023.

Code	Description	Total
1	Left message with someone else	3
2	Not fishing general	43
3	Fishing other gear	46
4	Not fishing - weather	4
5	Not fishing - boat issues	4
6	Not fishing - medical issues	1
7	Booked trip	11
8	Hung up, got angry, trip refused	2
9	Call back later time/date	24
10	Saw in person	0
11	Disconnected	27
12	Wrong number	1
13	No answer	63
14	No answer, left voicemail	14
15	Not fishing - natural disaster	0
Response Total		326

Table 6. Citations written by Marine Patrol officers for anchored gill nets by date and violation code during June–August 2023 (summer) of ITP Year 2023.

Date	Code	Description
6/5/2023	NETG01	Leave gill net in coastal waters unattended
6/5/2023	EGNP11	Failure to attend nets
6/19/2023	NETG16	Use an unattended gill net in a restricted area
7/11/2023	NETG22	Improperly set gill net
7/25/2023	EGNP01	Fishing gill net without a valid Estuarine Gill Net Permit
8/21/2023	NETG03	Using gill net with improper buoys or identification
8/21/2023	NETG01	Leave gill net in coastal waters unattended

Table 7. Notice of Violations (NOVs) for Estuarine Gill Net Permit (EGNP) holders using anchored gill nets by date and violation code issued during June–August 2023 (summer) of ITP Year 2023.

Date	Code	Description
6/5/2023	EGNP99	Failure to comply with statutes(s), rules(s), and/or proclamation(s)
6/21/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days
6/21/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days
6/21/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days
6/26/2023	EGNP08	Failure to notify DMF of a change in phone number within 14 days

FIGURES

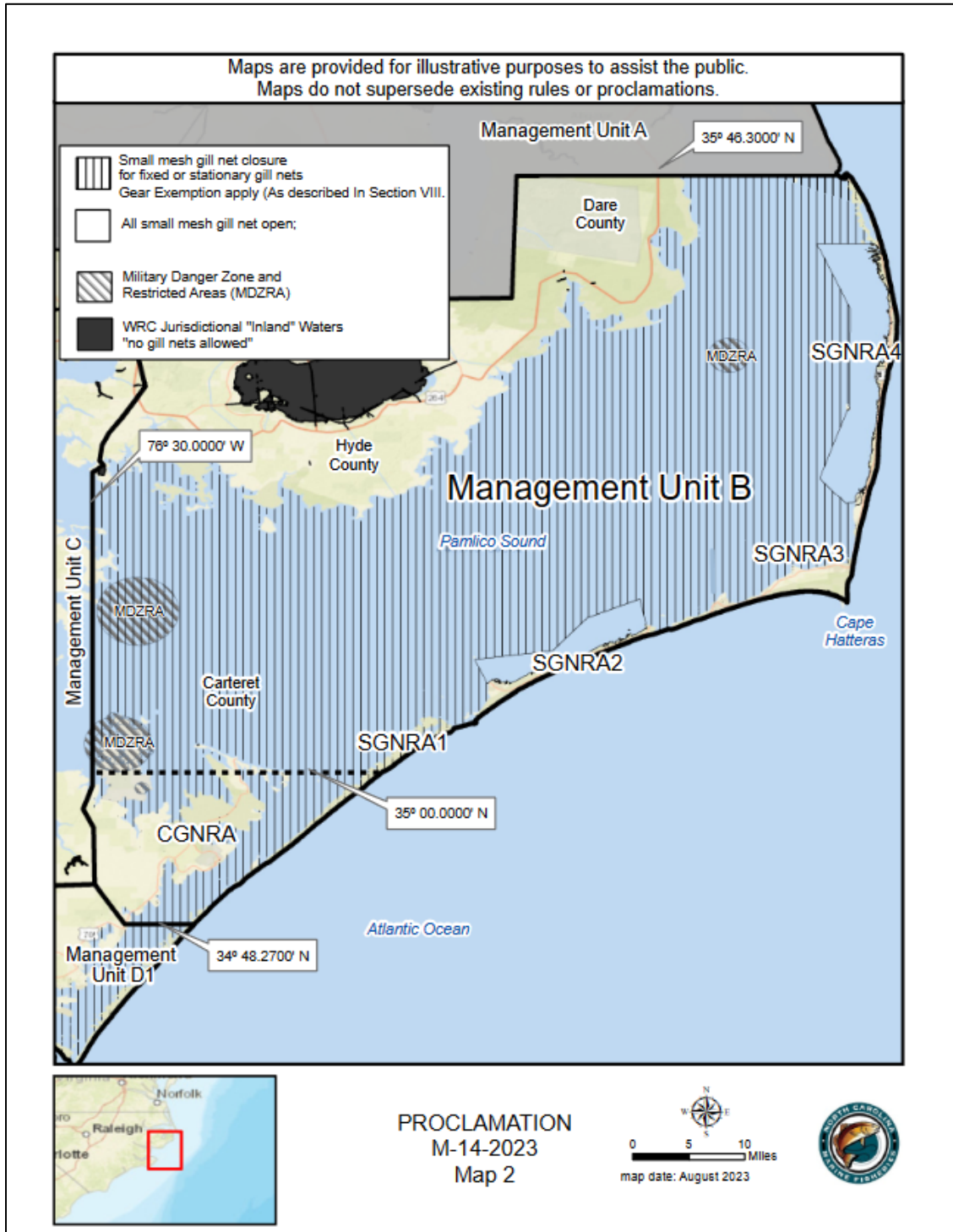


Figure 1. Map depicting areas in Management Unit B open and closed to estuarine anchored small-mesh gill nets per Proclamation M-14-2023, effective August 10, 2023.

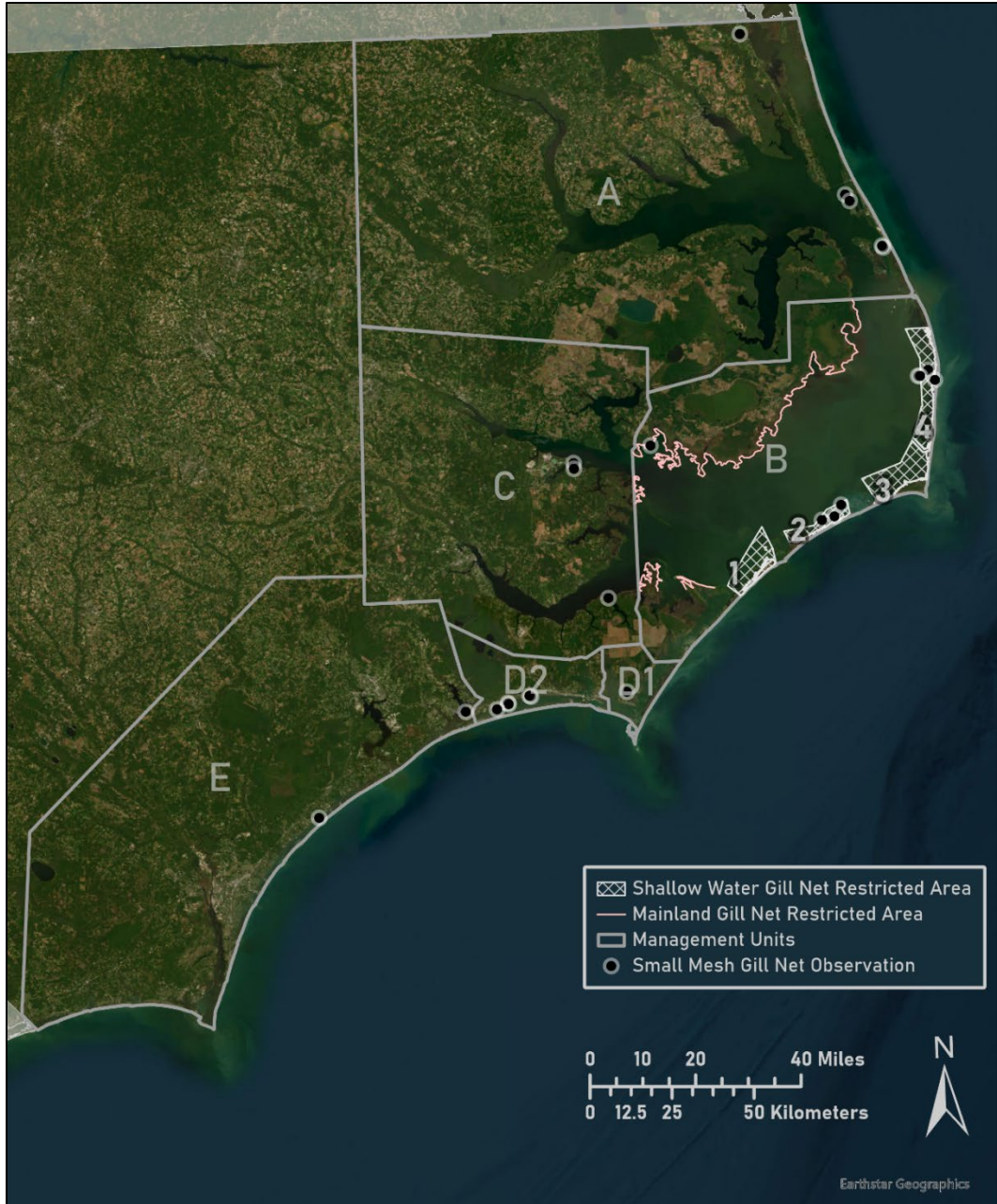


Figure 2. Map of observed large-mesh (≥ 4 inches stretched mesh [ISM]) and small-mesh (< 4 ISM) gill-net trips, June–August 2023 (summer) of ITP Year 2023. Note that in some areas, multiple observations may be depicted as fewer observations due to the point layering and map scale. For example, a single point may be visible; however, multiple points may exist at that location. For observed trip totals within each management unit, please see Table 2.

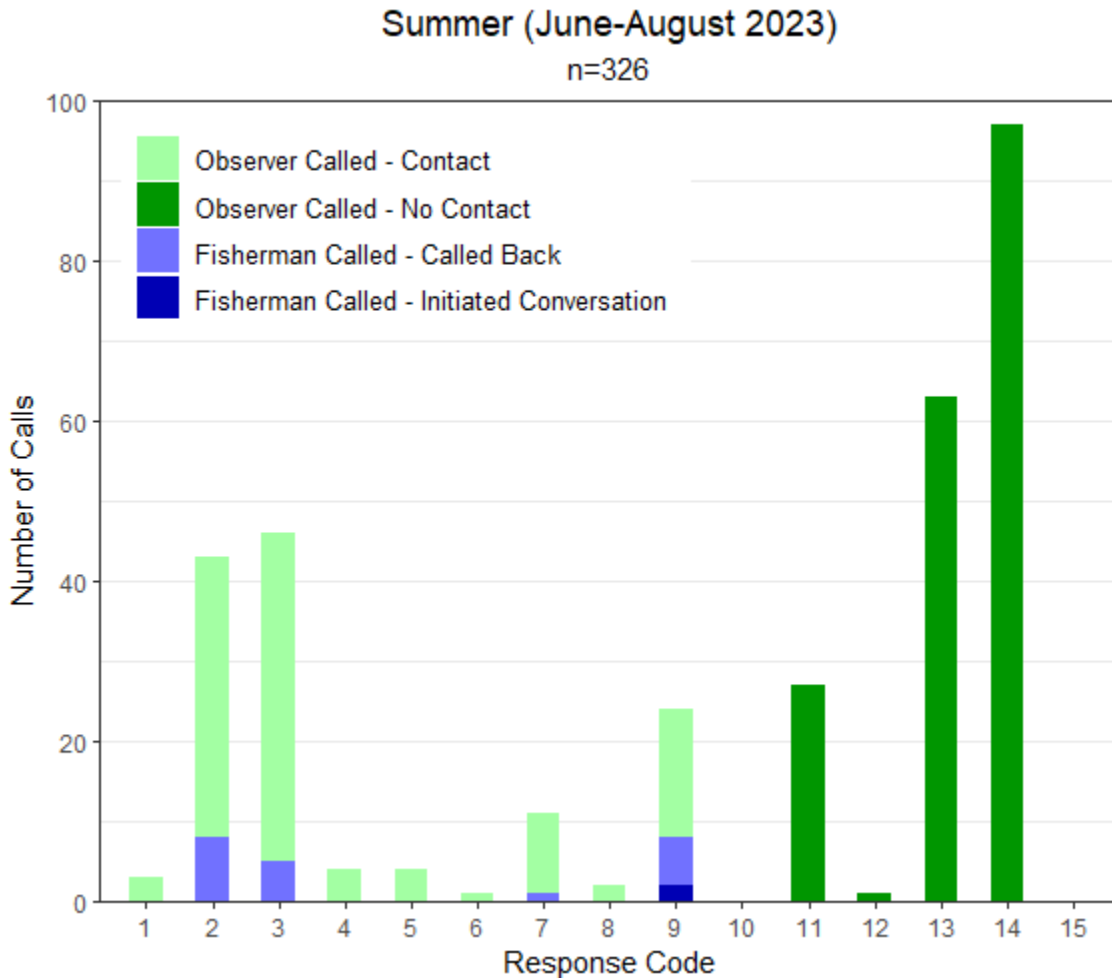


Figure 3. Contact attempts ($n=326$) during June–August 2023 (summer) to schedule trips. Contact response categories include the following: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not fishing because of medical issues; 7) Booked trip; 8) Hung up, got angry, trip refused; 9) Call back later time/date; 10) Saw in person; 11) Disconnected; 12) Wrong number; 13) No answer; 14) No answer, left voicemail; 15) Not fishing because of natural disaster (e.g., hurricane). Contact responses are stratified by occasions when observers initiated a successful contact (light green), when the observer initiated an unsuccessful contact (dark green), when the fisherman returned an observer’s call (light blue), and when the fisherman initiated contact (dark blue).