

# Director's Report

November 2024 Quarterly Business Meeting

## Documents

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Atlantic States Marine Fisheries  
Commission Meeting Report

Mid-Atlantic Fishery Management  
Council Meeting Summary Report

South Atlantic Fishery Management  
Council Meeting Report

SAFMC Federal For-Hire Permit  
Enforcement Review

Protected Resources Program Update  
Documents



# Atlantic States Marine Fisheries Commission

## ASMFC 82<sup>nd</sup> Annual Meeting

*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

ASMFC 82<sup>nd</sup> Annual Meeting  
October 21 - 24, 2024

For more information, please  
contact Toni Kerns, ISFMP,  
Tina Berger, Communications  
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703.842.0740

### Meeting Summaries, Press Releases and Motions

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## **ATLANTIC HERRING MANAGEMENT BOARD (OCTOBER 21, 2024)**

### ***Meeting Summary***

The Atlantic Herring Management Board met to consider setting specifications for the 2025-2027 fishing years and to set quota periods for the 2025 Area 1A fishery.

In September 2024, the New England Fishery Management Council (NEFMC) voted on a 2025-2027 specifications package to be submitted to NOAA Fisheries for review and approval. NEFMC's recommended specifications are based on the 2024 Atlantic herring stock assessment and use the Atlantic herring biomass-based control rule. NEFMC noted these specifications are very low, and the 2025 Annual Catch Limit (ACL) would be the lowest in the history of the FMP. In addition to the specifications package, NEFMC also put forward two requests to NOAA Fisheries. First, the Council requested an in-season adjustment to reduce the default 2025 specifications (currently in place) to the new, lower specifications before the 2025 fishing year begins. Second, NEFMC also requested nullification of the quota carryover from 2023 to 2025 given concern about the magnitude of those carryover amounts relative to the very low quotas for 2025. The Board adopted the 2025-2027 specifications package as recommended by NEFMC, contingent on the final rule being published by NOAA Fisheries.

The Board considered quota periods for the 2025 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 2025 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 2025 quota periods are the same as the quota periods implemented for the last five fishing years.

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

### ***Motions***

**Move to adopt the following specifications for the 2025-2027 fishing years for Atlantic herring as recommended by the New England Fishery Management Council, contingent on the final rule being published by NOAA Fisheries:**

#### **For 2025**

- **Annual Catch Limit (ACL) / Domestic Annual Harvest = 2,710 mt**
- **Area 1A Sub-ACL = 783 mt**
- **Area 1B Sub-ACL = 117 mt**
- **Area 2 Sub-ACL = 753 mt**
- **Area 3 Sub-ACL = 1,057 mt**

### **For 2026 and 2027**

- Annual Catch Limit (ACL) / Domestic Annual Harvest = 6,854 mt
- Area 1A Sub-ACL = 1,981 mt
- Area 1B Sub-ACL = 295 mt
- Area 2 Sub-ACL = 1,905 mt
- Area 3 Sub-ACL = 2,673 mt
- For all three years
- Border Transfer = 0 mt each year
- Fixed Gear Set-Aside = 30 mt each year
- Research Set-Aside as a Percentage of Sub-ACLs = 0% each year

Motion made by Ms. Patterson and seconded by Mr. Hasbrouck. Motion passes (7 in favor, 1 opposed).  
Roll Call: In favor – ME, NH, MA, RI, NY, NJ, NOAA Fisheries; Opposed – CT.

**Move to implement seasonal distribution of quota for the 2025 Area 1A sub-ACL 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. The fishery will close when 92% of the seasonal period's quota has been projected to be harvested.**  
Motion made by Ms. Patterson and seconded by Mr. Kaelin. Motion carries with one abstention (NOAA Fisheries).

### **AMERICAN LOBSTER MANAGEMENT BOARD (OCTOBER 21, 2024)**

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

#### **American Lobster Board Approves Addendum XXXI to Postpone Implementation of Addendum XXVII Measures**

Annapolis, MD – The Commission's American Lobster Management Board approved Addendum XXXI to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Addendum postpones the implementation of certain measures from Addendum XXVII to July 1, 2025 to allow Canada more time to consider implementing complementary management measures, as well as reduce potential impacts to the US and Canadian lobster industries.

In October 2023, a series of changes to the current gauge and escape vent sizes in Lobster Conservation Management Areas (LCMAs) 1 (Gulf of Maine), 3 (federal waters), and Outer Cape Cod (OCC) were triggered based on observed changes in recruit abundance indices. Initially, these measures were to be implemented in June 2024. However, in response to concerns raised by industry and the State of Maine, the Board extended the implementation date to January 1, 2025 to allow 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.

In June 2024, US and Canadian lobster fishery managers and industry members met to discuss the management structures and stock assessments of the two countries. Based on these discussions, the Board determined that postponing implementation for an additional six months would allow further consideration of complementary measures by Canada, as well as offset potential impacts to the lobster industry that imports smaller lobster in the early part of the year.

Based on Addendum XXXI, the following measures will be implemented starting July 1, 2025:

- Measures under Section 3.1 of Addendum XXVII to create a common size limit and v-notch definition for state-only and federal permit holders fishing in OCC
- Increases in the LCMA 1 minimum gauge and vent sizes, and decrease to the maximum gauge size for LCMA 3 and OCC under Section 3.2 of Addendum XXVII

Addendum XXXI does not postpone regulations prohibiting the issuance of 10% additional trap tags in Areas 1 and 3 above the trap limit or allocation; this provision will become effective January 1, 2025. Addendum XXXI will be available on the Commission website, [www.asmfc.org](http://www.asmfc.org), on the American lobster webpage by next week. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

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PR24-29

### ***Meeting Summary***

In addition to approving Addendum XXXI, the Board received a stock assessment progress update, a data update of American lobster stock indices, a report on the Fishery Management Plan (FMP) Review for the 2023 Fishing Year, and discussed Addendum XXIX vessel tracking requirements.

The ongoing benchmark stock assessment is expected to be completed and presented to the Board in October 2025. Two workshops have been held to review available data and discuss modeling methods. An assessment workshop will be held in February to finalize the assessment models.

The Board reviewed the annual Data Update for American lobster stock indices, as recommended by the 2020 stock assessment. The Data Update provides the Board with the most recent indices of exploitable lobster stock abundance conditions so it can monitor changes in stock abundance between assessments. Young-of-year (YOY) settlement indicators, trawl survey indicators, and ventless trap survey abundance indices were updated with 2023 data, and compared to the stock assessment time series. Since the last year of assessment data (2018), Gulf of Maine indicators for recruits and adults continue to show declines from time series highs observed during the stock assessment, but YOY indicators show some improvement. Georges Bank indicators show slight improvement since the stock assessment, while Southern New England indicators show continued unfavorable conditions, with most updated indicators at or near time series lows.

The Board approved the FMP Review and state compliance reports for American lobster and Jonah crab for the 2023 fishing year, as well as de minimis status for Delaware, Maryland, and Virginia. Additionally, it discussed the requirement of Addendum XXIX for federally-permitted vessels to use tracking devices for the collection of spatial fishing effort data at all times. The Board acknowledges privacy concerns from fishermen about tracking data being collected during personal non-fishing trips, and is also considering law enforcement concerns about the difficulty of enforcing the regulations if the devices could be turned on and off manually. The Board will continue to explore possible modifications to the approved tracking devices and rules that could address these concerns while minimizing data losses and enforcement challenges.

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

### ***Motions***

#### **Move to adopt Option B and approve Addendum XXXI, as modified today, to be effective immediately**

Motion made by Mr. McKiernan and seconded by Mr. Grout. Motion passes with one objection. Roll Call: In favor – ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA; Opposed – NOAA.

#### **Move to approve the Lobster and Jonah Crab FMP Reviews for the 2023 fishing year, state compliance reports, and de minimis status for DE, MD, and VA.**

Motion made by Mr. Luisi and seconded by Mr. Train. Motion passes without opposition.

### **ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (October 21 & 22, 2024)**

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

The ACFHP Steering Committee approved several key items, including the New England Fishery Management Council membership application and the FY26 Project Funding Application. The Committee also discussed an operations budget increase from \$85,000 to \$125,000, with an additional \$40,000 in coordination funding under consideration. Updates on Science & Data initiatives included plans to inform guidance for seed-based submerged aquatic vegetation (i.e., eelgrass) restoration techniques and develop related workshops. Two new work groups were created to engage with the Federal Energy Regulatory Commission relicensing process for hydropower projects and updates to State Wildlife Action Plans. Additionally, the Committee began developing the next 2025-2026 ACFHP action plan to guide upcoming priorities. Guest speakers Jason Olive (USFWS), Alex McOwen (NOAA), and Daniel Wieferich (USGS) contributed updates on National Fish Habitat Partnership (NFHP) activities and insights on national habitat initiatives and opportunities for collaboration.

Project updates included progress on FY24 restoration efforts, such as the Maryland Coastal Bays Salt Marsh Restoration project, which recently expanded its scope from 39 to 114 acres of wetland restoration across two private properties, and the design and permitting for the Upper E.R. Collins Dam Removal, opening 3 miles of the Pequest River in New Jersey. For FY25, ACFHP retained top-tier funding status, securing approximately \$300,000 for three projects: Cedar Grove Dam and No Name Dam removals on the Pequest River, which will restore 57 miles of river habitat as part of a larger dam removal initiative that includes the Upper and Lower E.R. Dams; and the Matanzas River Oyster Reef Restoration in Florida, which will create 500 feet of living shoreline using innovative oyster arches. The meeting also highlighted the new [NFHP Project Accomplishment Map](#), now live on the NFHP website ([fishhabitat.org](http://fishhabitat.org)), which showcases project successes and active initiatives across the 20 regional fish habitat partnerships (FHPs).

For more information, please contact Simen Kaalstad, ACFHP Director, at [skaalstad@asmfc.org](mailto:skaalstad@asmfc.org).

### **ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (OCTOBER 21, 2024)**

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

The ACCSP Coordinating Council met to consider the FY2025 Partner and administrative proposals. The Council approved the ACCSP administrative grant and all three (3) maintenance proposals for FY2025 ranked and recommended by the Advisory and Operations Committees. The Council also voted

to fully support the top four ranked new proposals, with the additional support for the Maine halibut sampling if funding allows. The Council noted appreciation to the Operations and Advisors on the work done to rank proposals and provide thoughtful recommendations to utilize available funding.

The Council was presented an update of ACCSP program activities, including software development timelines, status of 2024 action plan items, planning for 2025 ASMFC Action Plan, 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](mailto:geoff.white@accsp.org).

### ***Motions***

#### **Move to approve the ACCSP Administrative Proposal.**

Motion made by Ms. Salmon and seconded by Mr. Gary. Motion passes by unanimous approval.

#### **Move to approve the three (3) Maintenance Proposals as recommended by the Operations and Advisory Committees.**

Motion made by Ms. Kennedy and seconded by Mr. Dyar. Motion passes by unanimous approval.

#### **Move to approve the top four (4) ranking New Proposals, through the Maine Black Sea Bass project.**

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

#### **Move that the Maine halibut proposal remain above the line to be funded if additional funding become available.**

Motion made by Mr. Keliher and seconded by Ms. Burgess. Motion approved by consent.

#### **Move to approve Rene Zobel as Vice-chair of the ACCSP Coordinating Council**

Motion made by Mr. Beal and seconded by Mr. McKiernan. Motion passes by consent.

### **HORSESHOE CRAB MANAGEMENT BOARD (OCTOBER 21, 2024)**

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

#### **Horseshoe Crab Board Sets 2025 Specifications for Horseshoe Crabs of Delaware Bay-Origin and Initiates Draft Addendum IX to Consider Multi-Year Specifications**

Annapolis, MD – The Commission’s Horseshoe Crab Management Board approved harvest specifications for horseshoe crabs of Delaware Bay-origin. Taking into consideration the output of the Adaptive Resource Management (ARM) Framework, the Board set a harvest limit of 500,000 male horseshoe crabs and zero female Delaware Bay-origin horseshoe crabs for the 2025 season.

The Board elected to maintain zero female horseshoe crab harvest for the 2025 season as a conservative measure, considering continued public concern about the status of the red knot population in the Delaware Bay. 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.

The Board also initiated Draft Addendum IX, which will consider adding an additional specifications tool that would allow for male-only harvest for multiple years. The Draft Addendum responds to recommendations from the Horseshoe Crab Management Objectives Workshop held in July 2024. The Workshop convened a small group of stakeholders to explore management objectives for the Delaware Bay-origin horseshoe crab fishery. The workshop participants recommended the Board establish an interim solution to maintain male-only harvest while changes to the ARM Framework are explored to better align the model with stakeholder values.

The Board will consider Draft Addendum IX for public comment in February 2025. For more information, please contact Caitlin Starks, Senior Fishery Management Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

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PR24-30

### **Meeting Summary**

In addition to setting Delaware Bay harvest specifications and initiating Draft Addendum IX, the Board also considered a report on the outcomes of the July Management Objectives Workshop, and the FMP Review for the 2023 fishing year.

In July, a workshop was held with stakeholders interested in Delaware Bay region horseshoe crab management. Workshop participants represented harvesters and dealers, biomedical industry, environmental NGOs, shorebird and horseshoe crab scientists, and resource managers. The workshop aimed to identify stakeholders’ values and concerns regarding the ARM Framework, as well as common ground for management. The Board considered several potential next steps based on the consensus recommendations developed at the workshop. In addition to considering the ability set multi-year specifications for male-only harvest through Draft Addendum IX, the Board supported recommendations to begin a dialogue with key stakeholders to better understand essential concerns for management, explore changes to the reward and utility functions of the ARM model with stakeholder input, evaluate the Advisory Panel membership to ensure adequate representation of various stakeholder groups, and improve science communication about the ARM and channels for public participation.

The Board approved the FMP Review and state compliance reports for horseshoe crab for the 2023 fishing year, as well as *de minimis* status for South Carolina, Georgia, and Florida. The Plan Review Team recommended the Board evaluate the season start date for commercial bait harvest in the Delaware Bay region; a common season start date for Delaware, Maryland, and Virginia to protect crabs during the spawning season will be considered in Draft Addendum IX.

Lastly, Eric Reid from Rhode Island was elected Vice-Chair to the Horseshoe Crab Board. For more information, please contact Caitlin Starks, Senior Fishery Management Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org).

### ***Motions***

**Move to initiate an addendum to consider the ability to set multi-year specifications for male-only horseshoe crab harvest of Delaware Bay-origin Horseshoe Crab based on the ARM Framework or an alternative male-only harvest specification setting method.**

Motion made by Mr. Clark and seconded by Mr. McKiernan. Motion approved by consent with 3 abstentions (South Carolina, Georgia, and Florida).

**Move to accept the 2025 Adaptive Resource Management harvest specifications with 500,000 males and no female harvest of 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 Mr. Cimino and seconded by Mr. Clark. Motion approved by consent with 3 abstentions (South Carolina, Georgia, and Florida)

**Move that the draft addendum initiated today also consider establishing a season start date of June 8 for the Delaware Bay region.**

Motion made by Mr. Clark and seconded by Mr. Kane. Motion passes with abstentions from South Carolina, Georgia, and Florida.

**Move to approve the Horseshoe Crab FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* status for South Carolina, Georgia, and Florida.**

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

**Move to nominate Eric Reid as Vice-Chair of the Horseshoe Crab Board.**

Motion made by Mr. McKiernan and seconded by Mr. Luisi. Motion passes.

### **SCIAENIDS MANAGEMENT BOARD (OCTOBER 22, 2024)**

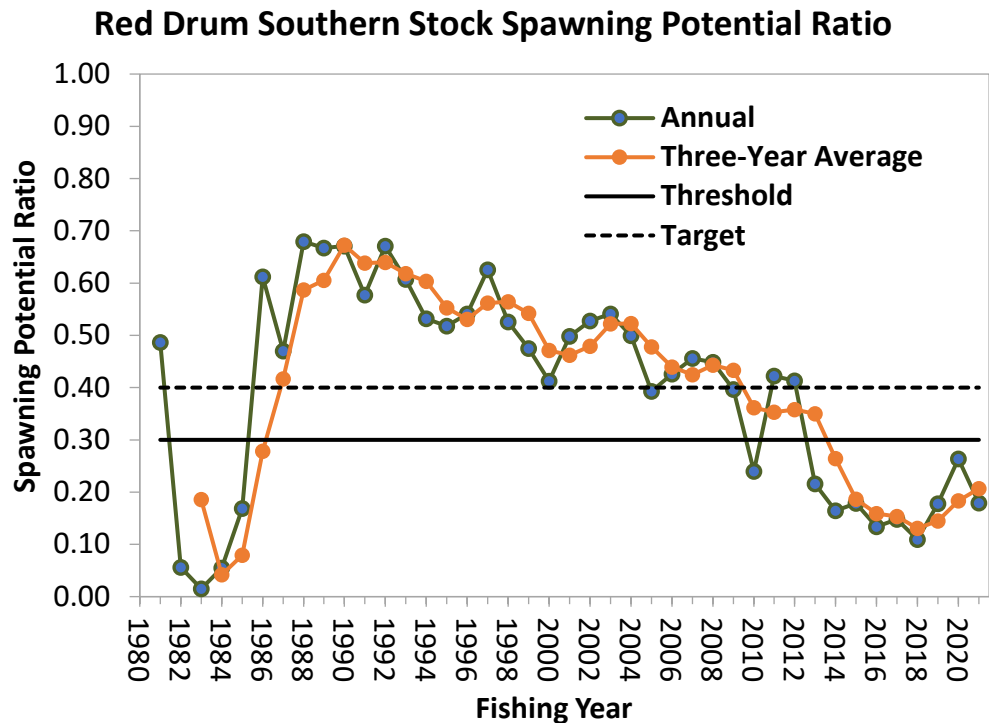
#### ***Press Release***

#### **Red Drum Benchmark Stock Assessment Finds Mixed Results for the Northern and Southern Stocks: Northern Stock Not Overfishing and Overfishing Not Occurring; Southern Stock Overfished and Experiencing Overfishing**

Annapolis, MD – The 2024 Red Drum Benchmark Stock Assessment and Peer Review Report indicates the northern stock of red drum (New Jersey through North Carolina) is not overfished and not experiencing overfishing, while the southern stock (South Carolina through the east coast of Florida) is overfished and experiencing overfishing.

The two stocks were assessed separately, using different methods. The southern stock was assessed using the Stock Synthesis (SS) assessment model. Stock status is based on the latest three-year (2019-2021 September-August fishing years) averages of population measures. The three-year average spawning potential ratio (SPR) is less than the 30% SPR threshold, indicating the stock is experiencing overfishing. Spawning potential ratio is a measure of spawning biomass expected under current fishing

mortality levels compared to spawning stock biomass expected if no fishing mortality were occurring. The three-year average female spawning stock biomass (SSB) was 8,737 metric tons (19.27 million pounds), less than the SSB threshold of 9,917 metric tons (21.87 million pounds), indicating the stock is overfished.



A robust, technically-sound SS model could not be developed for the northern stock, so the stock was assessed using a traffic light analysis (TLA). The TLA assigns a color (red, yellow or green) to categorize relative levels of metrics that reflect the condition of red drum adult abundance and fishery performance (i.e., fishing mortality). Although these metrics were not red in the last three years of the assessment, indicating the stock was not overfished nor experiencing overfishing, consistent yellow fishery performance metrics indicated increasing fishing mortality in recent years. Continued monitoring of the northern stock and the increasing trend in fishing mortality is recommended in future years through updates to the TLA.

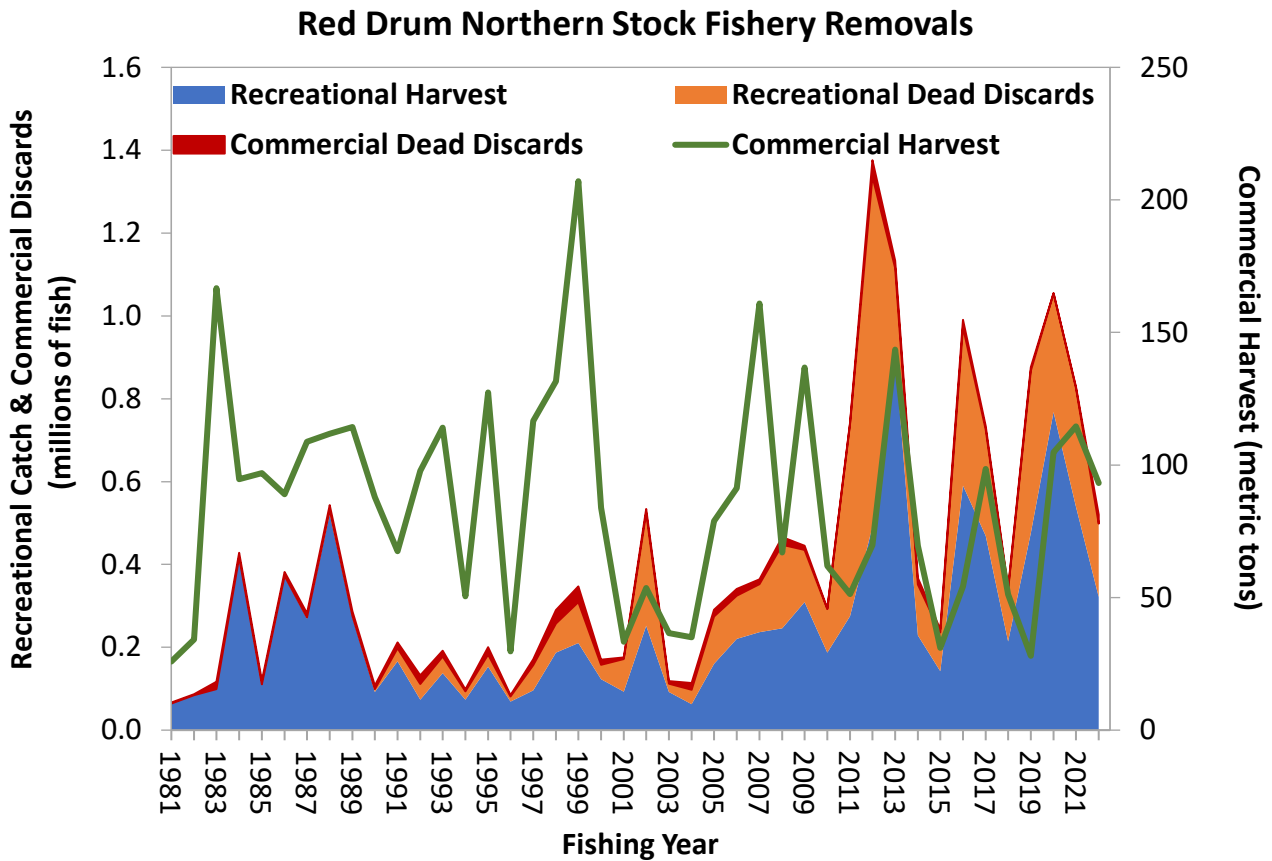
Red drum fisheries are predominately recreational. Removals (harvest + dead discards) increased to relatively high levels at the end of the assessment time series for both stocks. In the northern stock, removals have increased to time series highs. In the southern stock, they have increased to levels similar to time series highs observed in the early 1980s.

Commercial landings currently only occur in the northern stock, but are a small proportion of total removals and have fluctuated without trend.

The Commission’s Sciaenids Management Board accepted the benchmark stock assessment and peer review reports for management use and tasked the Red Drum Technical Committee with additional analyses to evaluate possible paths forward for red drum management.

A more detailed description of the stock assessment results, as well as the Benchmark Stock Assessment and Peer Review Reports, will be available on the Commission website at <https://asmfc.org/species/red-drum> under Stock Assessment Reports.

For more information on the stock assessment, please contact Jeff Kipp, Senior Stock Assessment Scientist, at [jkipp@asmfc.org](mailto:jkipp@asmfc.org); and for more information on red drum management, please contact Tracey Bauer, Fishery Management Plan Coordinator, at [tbauer@asmfc.org](mailto:tbauer@asmfc.org).



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PR24-31

**Meeting Summary**

In addition to considering the 2024 Red Drum Benchmark Stock Assessment and Peer Review Reports, the Sciaenids Management Board (Board) met to consider several items: discussion of the Risk and Uncertainty Tool inputs for red drum; update of the black drum indicators; and Fishery Management Plan Reviews and state compliance reports for black drum and spotted seatrout.

The Board received a progress update on the Commission’s Risk and Uncertainty Tool (Tool) for red drum, as previously introduced to the Board at its [October 3, 2024 meeting](#). Briefly, the Tool uses information on stock status, model uncertainty, management uncertainty, ecosystem considerations, and socioeconomic factors to recommend the probability of success that management actions should strive to achieve. The Board reviewed preliminary input values to the Tool as recommended by the Red Drum Technical Committee and Committee of Economics and Social Sciences, as well as a summary of preliminary weightings for all inputs from a survey completed by Board members. The Board will continue to discuss the Tool’s inputs and how they are weighted, in addition to inputs based on preliminary projections, for red drum at future meetings.

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 abundance and stock and fishery characteristics developed during the 2023 benchmark stock assessment, as well as recommendations from the TC based on a prior request from the Board to reevaluate the frequency of future updates. This update incorporated one additional year of data (2023). The TC agreed that, generally, there were no concerning trends in the indicators, which continued to fall within their respective historical ranges. The TC recommended scheduling the next data update to the indicators in 2026, and moving the next black drum stock assessment from 2027 to 2028. The Board agreed with the TC's recommendations. For more information, please refer to the [TC memo](#) summarizing the results of the data update.

The Board reviewed and approved the 2023 Fishing Year FMP Reviews and state compliance reports for black drum and spotted seatrout. For spotted seatrout, *de minimis* status was approved for New Jersey and Delaware.

For more information, please contact Tracey Bauer, Fishery Management Plan Coordinator, at [Tbauer@asmfc.org](mailto:Tbauer@asmfc.org).

### ***Motions***

**Move to accept the 2024 Red Drum Benchmark Stock Assessment and Peer Review Report for management use.**

Motion made by Mr. Dyar and seconded by Mr. Geer. Motion approved by unanimous consent.

**Motion to request the Stock Assessment Subcommittee/Technical Committee to produce the static spawning potential ratio for a range of slot size limits (between 14" and 27") associated with bag limits ranging from 0 to 5 fish per person for: (a) the southern region and/or (b) SC, GA, FL individually.**

Motion made by Mr. Dyar and seconded by Mr. Woodward. Motion approved by unanimous consent

**Move to approve the Black Drum FMP Review and state compliance reports for the 2023 fishing year.**

Motion made by Mr. Woodward and seconded by Mr. Rhodes. Motion carries by unanimous consent.

**Move to approve the Spotted Seatrout FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* status for New Jersey and Delaware.**

Motion made by Mr. Woodward and seconded by Mr. Cimino. Motion carries by unanimous consent.

### **LAW ENFORCEMENT COMMITTEE (OCTOBER 22 & 23, 2024)**

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

The Law Enforcement Committee (LEC) conducted a hybrid meeting during the 82nd Annual meeting of the Atlantic States Marine Fisheries Commission (ASMFC) in Annapolis, Maryland. The

Committee welcomed LTC. Doug Daniels as the new representative from the Pennsylvania Fish and Boat Commission.

### **Species Issues**

**Atlantic Striped Bass** – Staff updated the LEC on the status of the Recreational Release Mortality Working Group findings and recommendations from a series of meetings held over this past summer. Members of the LEC participated in the work group discussions and provided comments on the enforceability of “targeting” and gear provisions. Staff also provided an update on the stock status and the potential for management changes in 2025.

**Atlantic Cobia** – Staff provided an update on the proposed regional recreational management measures considered under Addendum II of the Atlantic Cobia FMP.

**Spiny Dogfish** – Staff presented the sturgeon bycatch reduction measures of Draft Addendum VII to the Spiny Dogfish FMP. The proposed management options under Section 3 were discussed by the LEC. The LEC recognized that not all jurisdictions have like permitting of this fishery and appreciate the Boards efforts to consider enforcement of this proposal. In consideration of the proposed options, the consensus of the LEC is to support Option 2.

The LEC will continue to monitor the development of this addendum and offer guidance where appropriate.

**Winter Flounder** – Staff updated the LEC on the Board approval of the conservation equivalency proposal of a Consecutive Daily Trip Limit Pilot Program for the Commonwealth of Massachusetts. As presented, this proposal will allow for fishermen fishing Massachusetts state waters, north of Cape Cod, to take and possess a consecutive two-day trip limit of winter flounder, with certain program requirements. At the time of Board’s consideration of this proposal, the LEC offered shared experiences with similar programs utilized in other fisheries and supported this pilot program based on the commitment of close monitoring and enforcement by the state. MA DMF has committed to providing a review of the pilot program in its annual compliance report. To enhance enforceability, the LEC wishes to reinforce the use of VMS in this type of program.

### **Other Business**

**“Guidelines”** – The LEC was updated on the ISFMP Policy Board approval of the *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures* (May 2024). The sixth edition of this document was approved at the May 2024 ISFMP Policy Board meeting. Members were encouraged to share this document with their respective commissioners as well as fishery managers in their home state.

**Global Conservation Law Enforcement Network (GCLLEN)** – Members of the National Associations of Conservation Law Enforcement Chiefs (NACLEC) presented on the GCLLEN. This is a new communication and information network that provides a platform for global collaboration of conservation law enforcement agencies. Users will have the ability to network and message with specific subject matter experts from participating countries.

**Case Study** – Members from the United States Department of Justice and NOAA Office for Law Enforcement presented on a case from “Operation One-Way Chandelier.” This investigation and prosecution were part of a multi-year investigation into fisheries fraud in New York. The investigation led to an indictment of one fisher, a wholesale fish dealer, and two of its managers for conspiracy to commit mail and wire fraud and obstruction in connection with a scheme to illegally overharvest at least 200,000 #’s of summer flounder and 20,000#’s of black sea bass. An estimated combined wholesale value of \$885,000. On July 11, 2024, the fisher, the last of the indicted individuals was sentenced to serve 30 months incarceration.

**On Demand Fishing** – The LEC discussed the topic of “on demand fishing” with the Chair of both the American Lobster Management Board and the New England Fishery Management Council NEFMC LEC. The purpose of the discussion was to highlight this topic and to ask the LEC to consider collaborating with the Council’s law enforcement advisors in future development of regulations related to on-demand trap gear.

**LEC Role and Expectation** – With membership turnover within the LEC over the past few years, the new Chair, Scott Pearce, asked for training on the Role and Expectations of the LEC membership. The LEC members were provided information on the ISFMP Charter, 2025 Action Plan and ASMFC resources. The travel guidelines of the Commission were also reviewed.

**Website** – The LEC was also briefed on the status of the ASMFC website upgrade and has provided relevant information and graphics to support the upgrade.

A closed session of our meeting was afforded to openly discuss new and emerging law enforcement issues.

Respective agencies were provided with time to highlight their agencies and offer current enforcement efforts. For more information, please contact Kurt Blanchard, Law Enforcement Committee Coordinator, at [kurt.blanchard@verizon.net](mailto:kurt.blanchard@verizon.net).

## **COASTAL PELAGICS MANAGEMENT BOARD (OCTOBER 22, 2024)**

### ***Meeting Summary***

The Coastal Pelagics Management Board met to receive an update on the Cobia Stock Assessment SEDAR 95; consider 2025-2026 cobia recreational management measures for the Northern Region; review a Cobia Technical Committee Report on the confidence interval approach for cobia recreational harvest evaluations; and receive an update on South Atlantic Fishery Management Council port meetings for king and Spanish mackerel.

A benchmark stock assessment for Atlantic migratory group cobia, SEDAR 95, is being conducted through the SouthEast Data, Assessment and Review (SEDAR) process. Assessment work began in March 2024 with an initial expected completion date of November 2025. However, the timeline has been delayed (likely by at least one year) due to staff availability for a lead assessment analyst at the NOAA Southeast Fisheries Science Center. The Board discussed the challenges of this delay, particularly regarding the next set of harvest specifications starting in 2027 with the current specifications expiring at the end of 2026. Additionally, this is a benchmark stock assessment

requiring more time for analysis and peer review to consider development of a new index of abundance and new modeling approaches, if needed. If this new stock assessment is not available to inform 2027 specifications, the Board would only have information from the previous stock assessment, which had a terminal year of 2017. The Board did acknowledge that the delayed timeline would align with the anticipated availability of revised MRIP data, so the new MRIP data could be incorporated into the stock assessment. The Board discussed whether assessment work could continue in some capacity before a lead assessment analyst from NOAA Fisheries is available, but the Board ultimately decided to wait for further updates from NOAA Fisheries and revisit this issue as needed over the next several months.

Cobia Addendum II established a new regional recreational allocation framework resulting in new regional harvest targets based on the current coastwide total recreational harvest quota in place through 2026. To determine 2025-2026 measures for each region, the average 2021-2023 recreational harvest for each region was compared against its regional harvest target. The Northern Region's (Rhode Island through Virginia) average harvest was above its target, requiring a 15.9% reduction in harvest. The Southern Region's (North Carolina through Georgia) average harvest was below its target, so states in the Southern Region will maintain status quo measures for 2025. The Cobia Technical Committee (TC) developed a suite of recreational management options for the Northern Region estimated to meet the required 15.9% reduction. Each option is comprised of three components: regionwide size limit, regionwide vessel limit, and a season for Maryland, Potomac River Fisheries Commission, and Virginia. Data are not available to calculate any reduction associated with implementing a season for Rhode Island through Delaware. The Board approved the TC's methodology for developing recreational options to meet the Northern Region reduction. States in the Northern Region will coordinate to select a regionwide size limit, regionwide vessel limit, and season for Maryland, PRFC, and Virginia. States will then submit implementation plans for Board consideration by January 1, 2025, and must implement the new measures by April 1, 2025. If States in the Northern Region cannot come to a consensus on which measures to implement, a virtual Board meeting will be scheduled to select measures.

The Board reviewed a Cobia TC report on the Addendum II confidence interval provision, which allows the Board to switch from the current rolling average approach using point estimates for harvest evaluations to a confidence interval approach using the 95% confidence intervals around the point estimate instead. The TC provided initial input on what the confidence interval approach might look like as applied to current data, and explored different confidence interval levels besides 95% (Note: the confidence interval level can only be changed via addendum). Overall, the TC noted that more time to consider this approach would be beneficial, including discussion by the Board of how the rolling average and confidence interval approaches would align with their management goals. The Board agreed that Board input is needed to inform further TC discussion, but the best way to gather that input is not clear at this point. Additionally, the confidence interval approach is one of several issues to consider simultaneously along with the stock assessment timeline and the challenge of setting future specifications and recreational management measures. One specific challenge the Board will have to address is how to consider 2027 regional recreational measures since there will only be one year of data available (2025 data) under the new measures being implemented in 2025. The Board will revisit these issues over the next several months as more updates on the stock assessment timeline are received and as the next specifications process approaches.



The South Atlantic Fishery Management Council is conducting a series of port meetings for king and Spanish mackerel in 2024 to gain a comprehensive understanding of those fisheries from stakeholders to inform management efforts. Port meetings have already taken place in North Carolina, New England states (virtual), New York, Georgia, South Carolina, and Florida. Port meetings in Virginia, Maryland, and New Jersey have been scheduled for November 18-21, 2024, and staff will distribute outreach materials to Board members in those states.

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

### ***Motions***

**Move to approve the Cobia Technical Committee methodology for developing recreational management options to meet the northern region reduction. States in the northern region will select a set of measures for 2025-2026 and submit implementation plans for Board consideration by January 1, 2025. States in the northern region must implement the new measures by April 1, 2025. If states in the northern region cannot come to a consensus on which measures to implement, a virtual Board meeting will be scheduled to select measures.**

Motion made by Mr. Geer and seconded by Mr. Cimino. Motion passes by consent with 3 abstentions (SC, GA, FL).

### **AMERICAN EEL MANAGEMENT BOARD (OCTOBER 22, 2024)**

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

The American Eel Management Board met to consider information on possible future actions under the Convention on International Trade in Endangered Species (CITES) that may impact American eel fisheries, and the Fishery Management Plan (FMP) Review for the 2023 Fishing Year. The Board received a presentation on several possible actions related to American eel that are being discussed within CITES committees: listing under Appendix II or Appendix III, and a resolution on American eel. Listing under CITES Appendix II would restrict international trade of American eel with permit and certificate requirements for export. Listing under Appendix III would require exporters to provide documentation proving legal acquisition of the product. A resolution would provide non-binding guidance to the parties on how to interpret the provisions of the Convention. The Board expressed concerns that listing American eel under Appendix II or III would be detrimental to American eel fisheries, especially if live eel exports are delayed by required certification processes. The Board agreed to send a letter to the US Fish and Wildlife Service opposing an Appendix II or III listing for American eel.

The Board also considered the FMP Review for the 2023 fishing year. As recommended by the Plan Review Team, the Board tasked the Committee on Economic and Social Sciences to conduct an analysis of domestic and international market demand for American eel as food and bait. The Board approved the FMP Review and state compliance reports for the 2023 fishing year, as well as *de minimis* status for New Hampshire, Massachusetts, Pennsylvania, the District of Columbia, and Georgia.

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

### **Motions**

**Move to approve the American Eel FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* status for New Hampshire, Massachusetts, Pennsylvania, DC, and Georgia.**

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

## **ATLANTIC MENHADEN MANAGEMENT BOARD (OCTOBER 22, 2024)**

### ***Meeting Summary***

The Atlantic Menhaden Management Board met to review an update from the Work Group on Precautionary Management in Chesapeake Bay, consider approval of the 2023 Fishery Management Plan (FMP) Review, receive a progress report on the ecological reference point (ERP) benchmark stock assessment, and elect a Vice Chair.

In August, the Board established a Work Group to gain additional information and evaluate options for further precautionary management in Chesapeake Bay. The Work Group met in September and October to discuss the Board task and establish a problem statement. In drafting a problem statement, the Work Group sought confirmation from the Board that their task is to develop potential future management measures to address the problem statement, but that it is the responsibility of the Board to evaluate the validity of the statement and decide if or when management action would be appropriate. The Work Group will continue to evaluate potential data sources and develop management solutions to provide a full report to the Board at the 2025 Spring Meeting.

The Board approved the FMP Review for the 2023 fishing year, as well *de minimis* requests from Pennsylvania, South Carolina, Georgia, and Florida. The coastwide total allowable catch (TAC) for the 2023 fishing year was 233,550 mt. According to state compliance reports, total catch in 2023 including directed and episodic event set aside (EESA) landings was approximately 166,844 mt, which is approximately 71% of the TAC and a 15% decrease from 2022. For the first time since the implementation of the incidental catch/small-scale fishery (IC/SSF) provision, there were no reported IC/SSF landings.

The Board received a progress report on the ERP benchmark stock assessment. The Stock Assessment Subcommittee and ERP Work Group will meet for a Methods Workshop in November 2024 to discuss natural mortality estimates and updates to the single-species model, as well as explore various modeling approaches to evaluate the health of the stock and inform the management of the species in an ecological context. The ERP benchmark stock assessment and single-species stock assessment update are both scheduled to be presented to the Board at the 2025 Annual Meeting. The Board also elected Joe Cimino as Vice Chair.

For more information, please contact James Boyle, Fishery Management Plan Coordinator at [jboyle@asmfc.org](mailto: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 2023 fishing year.**

Motion made by Mr. Grout and seconded by Mr. Gilmore. Motion approved by consent.

## **EXECUTIVE COMMITTEE (OCTOBER 23, 2024)**

### ***Meeting Summary***

The Executive Committee (Committee) met to discuss several issues, including review of the FY24 Audit, a Legislative Committee update and a future annual meeting locations update. The following action items resulted from the Committee's discussions:

- The FY24 Audit was reviewed by the Administrative Oversight Committee and forwarded to the Executive Committee with a recommendation for approval. The Committee approved the audit.
- Legislative Program Coordinator Alexander Law provided an update to the Executive Committee on the low level of productivity from Congress since his last update, future responsibilities they have for passage of appropriations bills and thanked the Commissioners for their engagement with him up on Capitol Hill.
- Mrs. Leach provided an update on future Annual Meeting locations. In October 2025, the Annual Meeting will be in Delaware; in 2026, Rhode Island; in 2027, South Carolina; in 2028, Massachusetts; in 2029, Pennsylvania and in 2030, Georgia.

For more information, please contact Laura Leach, Director of Finance & Administration, at [lleach@asmfc.org](mailto:lleach@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to accept the FY24 Audit.**

Motion made by Mr. McKiernan on behalf of the Administrative Oversight Committee. Motion passes by unanimous consent.

## **BUSINESS SESSION OF THE COMMISSION (OCTOBER 23, 2024)**

### ***Meeting Summary***

The Business Session of the Commission met to review and consider approval of the 2025 Action Plan and re-elect the Commission Chair and Vice-Chair. The Commission approved the 2025 Action Plan, which guides the Commission's activities over the next year as they pertain to management, science, data collection, law enforcement, habitat conservation, outreach, and finance and administration. The 2025 Action Plan is available [here](#).

The Commission unanimously affirmed the appointment of Joseph Cimino (New Jersey Department of Environmental Protection) as ASMFC Chair, and Dan McKiernan (Massachusetts Division of Marine Fisheries) as Vice-Chair for another year of service.

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

## ***Motions***

### **Move to accept the 2025 Action Plan as presented today.**

Motion made by Mr. McKiernan on behalf of the Administrative Oversight Committee. Motion approved by consent.

### **Move to re-nominate Joe Cimino as Chair**

Motion by Mr. Keliher on behalf of the Nominating Committee. Motion approved by consent.

### **Move to re-nominate Dan McKiernan as Vice-chair**

Motion by Mr. Keliher on behalf of the Nominating Committee. Motion approved by consent.

## **SHAD AND RIVER HERRING MANAGEMENT BOARD (OCTOBER 23, 2024)**

### ***Meeting Summary***

The Shad and River Herring Management Board met to consider updates to the river herring Sustainable Fishery Management Plans (SFMPs) for New Hampshire and Maine, including a proposal from New Hampshire to reopen their river herring fishery; and to consider updates to the American shad SFMPs for Massachusetts and Connecticut.

SFMPs for American shad and river herring are required for all states and jurisdictions that have a commercial fishery under Amendment 2 (river herring) and Amendment 3 (American shad) to the Shad and River Herring FMP. Plans are updated and reviewed by the Technical Committee every five years.

The river herring SFMP update from New Hampshire included updates to instantaneous mortality rates, standard error calculations for Visual Time Counts, and an added figure of a juvenile abundance index from the state's juvenile seine survey. Along with the updated SFMP, New Hampshire submitted a proposal to reopen the river herring fishery, which was closed in 2021 due to low spawning run counts in 2019 and 2020. With new passage estimates in the Exeter River, the Great Bay indicator Stock in New Hampshire has been above the fishery-independent target escapement level of 94,598 fish for the past four years. With the exception of the Cocheco River, the proposal requested to open the state fishery for the upcoming 2025 fishing season, which is one year earlier than the recommended five-year closure, as stated in the [Technical Guidance on the Implementation of Amendments 2 and 3 to the Shad and River Herring Fishery Management Plan](#). The proposal states that the reasons for the low spawning run counts in 2019 and 2020 were primarily driven by errors in counting, rather than true declines in river herring abundance. Specifically, New Hampshire notes that there were issues with quantifying river herring in both the Cocheco and Exeter Rivers. In the Cocheco River, equipment failure and fishway modifications led to a loss of efficiency and inaccurate electronic fish counting. In the Exeter River, the majority of river herring are utilizing restored spawning habitat between the former Great Dam and Pickpocket Dam and not accessing the habitat above Pickpocket Dam fishway, where the new electronic counting station was installed after the Great Dam removal. The Board approved the presented SFMP and proposal to reopen the fishery.

The updated Maine SFMP for river herring included the addition of five additional commercial fisheries: Sewall Pond, Wights Pond, Chemo Pond, Pennamaquan Lake, and Pushaw Lake. The plan

also includes updated fishery independent surveys; a recalculated 25th percentile metric; updated Z estimates from the 2024 River Herring Benchmark Stock Assessment; and an added age range requirement, all of which are to be used as management triggers. Of the five new commercial fisheries that were requested to be opened, Sewall and Wights Pond were provisional fisheries approved from 2019-2024, Chemo Pond and Pushaw Lake were added due to significant improvements as a result of restoration efforts, and Pennamaquan Lake previously supported a fishery prior to the moratorium in 2012. The Board approved the presented SFMP.

Massachusetts and Connecticut submitted updated SFMPs for American shad. In Massachusetts, the updated plan requested continued recreational harvest in the Merrimack and Connecticut Rivers under the previously approved sustainability metrics. The plan also includes the addition of a description of stocking efforts in the Taunton River. Over five million shad larvae have been stocked each year from 2022-2024 in collaboration with the U.S. Fish and Wildlife Service. The SFMP update from Connecticut requested continued commercial and recreational harvest on the Connecticut River, in conjunction with Massachusetts, under the previously approved sustainability metrics. The Board approved both SFMPs as presented.

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

### ***Motions***

**Move to approve the updated River Herring Sustainable Fishery Management Plan and proposal to reopen the fishery from New Hampshire, as presented today.**

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

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

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

**Move to approve the updated Shad Sustainable Fishery Management Plans from Connecticut and Massachusetts, as presented today.**

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

### **HABITAT COMMITTEE (OCTOBER 23 & 24, 2024)**

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

The Habitat Committee discussed priority topics and ongoing initiatives. The Committee reviewed content and format options for the 2024 edition of *Habitat Hotline Atlantic*, scheduled for release in December. The publication will feature an overview of ASMFC Habitat Committee's recent activities, including executive summaries of the Fish Habitats of Concern (FHOC) and Habitat Management Series (HMS): Acoustic Impacts documents, with a special focus on Atlantic Shell Recycling programs and state-by-state updates on recycling efforts.

The Committee also began developing the next issue of the HMS, focusing on best management practices and key elements of shell recycling initiatives along the Atlantic coast. To support this, a standardized questionnaire and survey tool for gathering information was introduced. A draft of the next HMS Shell Recycling issue is expected by May 2025 for review and approval at the ASMFC Spring Meeting. The Committee also announced new leadership roles, with Kate Wilke from The Nature Conservancy stepping into the role of Chair and Eric Schneider from Rhode Island Department of Environmental Management as Vice-Chair. Moving forward, the Committee aims to provide a thorough guidance document on Atlantic coastal shell recycling and continue expanding state-level contributions for the *2024 Habitat Hotline*.

For more information, please contact Simen Kaalstad, Habitat Committee Coordinator, at [skaalstad@asmfc.org](mailto:skaalstad@asmfc.org).

### **ATLANTIC STRIPED BASS MANAGEMENT BOARD (OCTOBER 23, 2024)**

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

## **Atlantic Striped Bass Stock Assessment Update Finds Resource Remains Overfished with a Less Than 50% Chance of Rebuilding by 2029 Board to Meet in December to Consider Changing Measures for 2025 to Increase Probability of Rebuilding the Stock**

Annapolis, MD – The Commission’s Atlantic Striped Bass Management Board reviewed the results of the 2024 Atlantic Striped Bass Stock Assessment Update, which indicates the resource is not experiencing overfishing but remains overfished relative to the updated biological reference points. Female spawning stock biomass (SSB) in 2023 was estimated at 191 million pounds, which is below the SSB threshold of 197 million pounds and below the SSB target of 247 million pounds. Total fishing mortality in 2023 was estimated at 0.18, which is below the fishing mortality threshold of 0.21 and above the fishing mortality target of 0.17. The 2024 Assessment Update included data through 2023 and used the same model from the approved peer-reviewed 2018 Benchmark Stock Assessment. The model structure was the same as the 2022 Stock Assessment Update, which accounted for the period of low recruitment the stock is experiencing and for new management changes starting in 2020.

The Board continued to express concerns about low recruitment and the lack of strong year-classes to support the stock and the fishery. Six of the last seven year-classes since 2015 have been below average, with only the 2018 year-class being above average. The 2018 year-class is starting to grow into the slot limit for the ocean recreational fishery and will become more available to ocean harvest in 2025.

The 2024 Assessment Update also included short-term projections to determine the probability of SSB being at or above the SSB target by 2029, which is the stock rebuilding deadline. The model structure for projections from 2024-forward was modified to explicitly account for the narrower slot limits implemented in 2023 and 2024. A range of projection scenarios were considered to explore two primary sources of uncertainty for the rebuilding trajectory through 2029: the level of

fishery removals for the current, in-progress 2024 fishing year and the fishing mortality rate from 2025 through 2029.

The Board agreed with the Technical Committee and Stock Assessment Subcommittee that the most likely projection scenario is lower removals in 2024 compared to 2022 and 2023, followed by an increase in

fishing mortality in 2025, and a subsequent decrease and stabilization of fishing mortality from 2026 through 2029. A decrease in removals for 2024 is projected based on preliminary low 2024 catch data, likely due to the strong 2015 year-class growing out of the current recreational ocean slot limit and the implementation of Addendum II measures to reduce fishing mortality in 2024. An increase in 2025 fishing mortality would correspond to the 2018 year-class entering the current recreational ocean slot limit, and the subsequent decrease and stabilization from 2026 through 2029 would align with the 2018 year-class growing out of the slot limit and the lack of strong year-classes behind it. In this scenario, the probability of rebuilding by 2029 is less than 50%.

Based on these projections, the Board will hold a special Board meeting in December 2024 to consider Board action to change 2025 management measures to reduce fishing mortality and increase the probability of rebuilding to at least 50%. Under Addendum II to Amendment 7, the Board can change management measures through Board action, instead of developing an addendum, if the stock assessment indicates a less than 50% probability of the stock rebuilding by 2029. Ahead of the December meeting, the Board tasked the Technical Committee with updating the projections based on additional 2024 catch data and developing recreational size limit and seasonal closure management options for consideration.

A subsequent press release will provide details on the meeting date and format (in-person or virtual), and the anticipated timeline for the availability of meeting materials and the public input process (which may differ from the standard public comment timelines to allow for the compilation and summary of public comment in advance of the meeting).

The 2024 Atlantic Striped Bass Stock Assessment Update will be available at <https://asmfc.org/species/atlantic-stripped-bass> under stock assessment reports early next week. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org) or 703.842.0740.

###

PR24-32

### ***Motions***

#### **Main Motion**

**Move to schedule a special Striped Bass Management Board meeting in December 2024 to consider Board Action in response to the 2024 Stock Assessment Update. The Board will consider action to revise the 2025 recreational seasons and or size limits and 2025 commercial quotas to achieve a 50% probability of rebuilding by 2029 under the “low 2024 removals with F increase in 2025 only” projection.**

Motion made by Ms. Meserve and seconded by Mr. Gary.



### **Motion to Substitute**

**Move to substitute to initiate an addendum to address reducing total removals (harvest and discard mortality/recreational and commercial) in the coastwide striped bass fishery using the technical committee’s most likely projection scenario (F2024=Low Removals, F Increases in 2025 Only and Returns to 2024 Low Levels) and a 50% probability of achieving the spawning stock biomass (SSB) target level by 2029. The intent of this addendum is to provide the Board with coastwide and regional alternatives for the recreational and commercial fishery for implementation on January 1, 2026.**

Motion made by Mr. Luisi and seconded by Mr. Clark. Motion fails (6 in favor, 9 opposed, 1 abstention).

### **Main Motion**

**Move to schedule a special Striped Bass Management Board meeting in December 2024 to consider Board Action in response to the 2024 Stock Assessment Update. The Board will consider action to revise the 2025 recreational seasons and or size limits and 2025 commercial quotas to achieve a 50% probability of rebuilding by 2029 under the “low 2024 removals with F increase in 2025 only” projection.**

Motion made by Ms. Meserve and seconded by Mr. Gary.

### **Motion to Substitute**

**Move to substitute to schedule a special Striped Bass Management Board meeting in December 2024 to consider Board Action in response to the 2024 Stock Assessment Update. The Board MAY consider action to revise the 2025 recreational seasons and/or size limits and 2026 commercial measures via board action. The Board could also consider recreational or commercial measures with an addendum for 2026 and beyond to achieve a 50% probability of rebuilding by 2029 under the low 2024 removals with F increase in 2025 only projection.**

Motion made by Mr. Geer and seconded by Mr. Clark. Motion fails (7 in favor, 7 opposed, 2 abstentions).

### **Main Motion**

**Move to schedule a special Striped Bass Management Board meeting in December 2024 to consider Board Action in response to the 2024 Stock Assessment Update. The Board will consider action to revise the 2025 recreational seasons and or size limits and 2025 commercial quotas to achieve a 50% probability of rebuilding by 2029 under the “low 2024 removals with F increase in 2025 only” projection.**

Motion made by Ms. Meserve and seconded by Mr. Gary.

### **Motion to Amend**

**Move to amend to change “commercial quotas” to “commercial measures.”**

Motion made by Mr. Clark seconded by Mr. Sikorski. Motion fails for lack of majority (8 in favor, 8 opposed).

### **Main Motion**

**Move to schedule a special Striped Bass Management Board meeting in December 2024 to consider Board Action in response to the 2024 Stock Assessment Update. The Board will consider action to revise the 2025 recreational seasons and or size limits and 2025 commercial quotas to**



achieve a 50% probability of rebuilding by 2029 under the “low 2024 removals with F increase in 2025 only” projection.

Motion made by Ms. Meserve and seconded by Mr. Gary. Motion passes (14 in favor, 1 opposed, 1 null).

## **SPINY DOGFISH MANAGEMENT BOARD (OCTOBER 24, 2024)**

### ***Press Release***

### **Spiny Dogfish Board Approves Draft Addendum VII for Public Comment to Consider Action to Reduce Atlantic Sturgeon Bycatch Board Revises 2024/2025 Fishing Year Commercial Quota to 10.25 Million Pounds**

Annapolis, MD – The Commission’s Spiny Dogfish Management Board approved Draft Addendum VII to the Interstate Fishery Management Plan for Spiny Dogfish for public comment. The Draft Addendum considers potential measures to maintain consistency with the federal Fishery Management Plan in response to the [proposed rule](#) to implement Spiny Dogfish Framework Adjustment 6.

The Mid-Atlantic and New England Fishery Management Councils developed Spiny Dogfish Framework Adjustment 6 in response to a 2021 Biological Opinion and 2022 Action Plan that called for reducing bycatch of Atlantic sturgeon in spiny dogfish gillnet fisheries. The coastwide Atlantic sturgeon population is made up of five distinct population segments, all of which are listed as threatened or endangered under the Endangered Species Act, and Atlantic sturgeon harvest has been under a coastwide moratorium in federal and state waters since 1998. The Commission’s Fishery Management Plan for Atlantic sturgeon maintains the moratorium through at least 2038, and while [the 2024 stock assessment update](#) showed signs of improvement, the stock remains depleted coastwide.

The Board initiated Draft Addendum VII in August 2024 after the Councils recommended measures to NOAA Fisheries to prohibit overnight soaks for federal spiny dogfish permit holders on gillnets with 5”-10” mesh in November and May for a certain area of state and federal waters off of New Jersey, as well as for gillnets of 5.25”-10” mesh in November through March in specified areas off of Maryland and Virginia. The options in the Draft Addendum aim to establish equivalent overnight soak restrictions for spiny dogfish harvesters in state waters that do not possess a federal spiny dogfish permit.

The Draft Addendum will be posted to the website next week at <http://www.asmfc.org/about-us/public-input>. A subsequent press release will provide 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 February at the Commission’s Winter Meeting.

The Board also revised the commercial quota for the 2024/2025 fishing from 11,331,747 to 10,249,260 pounds to be consistent with the federal quota. For more information, please contact James Boyle, Fishery Management Plan Coordinator, at [jboyle@asmfc.org](mailto:jboyle@asmfc.org).

## ***Motions***

### **Move to approve Draft Addendum VII for Public Comment, as amended today.**

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

### **Move to amend the spiny dogfish commercial quota to 10,249,260 pounds for the 2024/2025 fishing year.**

Motion made by Mr. Luisi and seconded by Ms. Meserve. Motion accepted without opposition.

## **INTERSTATE FISHERIES MANAGEMENT PROGRAM (ISFMP) POLICY BOARD & MID-ATLANTIC FISHERY MANAGEMENT COUNCIL (OCTOBER 24, 2024)**

### ***Meeting Summary***

The ISFMP Policy Board met to receive a report from the Executive Committee (see Executive Committee meeting summary); a progress report on the Northeast Trawl Advisory Panel (NTAP) work on an industry-based survey (IBS); review committee reports from the Law Enforcement, Habitat Committee and Atlantic Coastal Fish Habitat Partnership Steering Committee (see meeting summaries of all 3 groups); consider a letter request from the American Lobster Management Board; receive a report from Bureau of Ocean and Energy Management (BOEM) on fish kills in the wind energy area off of Virginia; and consider the Recreational Measures Setting Process Draft Addenda/Framework for public comment with the Mid-Atlantic Fishery Management Council (Council).

### **Northeast Trawl Advisory Panel Report**

NTAP has made progress since the last update to the Commission in May. Its meetings have been focused on the IBS. The IBS survey is not part of the contingency plan for the R/V Bigelow, instead it will be a new data source that will be able to reach areas the R/V Bigelow cannot. The R/V Bigelow contingency plan should be out within the month and will be presented by NOAA Fisheries. The IBS is still under development and had not been funded. The Senate budget had funding language but the House budget did not. Survey work would not start until a new budget year that is not part of a continuing resolution. There are three long term objectives for the IBS: (1) improve resource assessments by providing indices of abundance complementary to the bottom trawl survey, (2) sample areas that cannot be sampled by the bottom trawl survey, and (3) add resiliency to the survey data stream. The pilot survey period last two years. Phase one will begin spring 2025 and include a five-day survey to focus on standardizing procedures. It is estimated this phase will cost around \$300,000. The F/V Darana R will be used for the pilot and will occur in and around the wind energy area off of Virginia. The funding is expected to come from the Northeast Fisheries Science Center. The operation will be focused on the fishing versus the biosampling component. A draft operating procedures manual is expected by spring 2025. Phases two and three will begin in the fall of 2025 at an estimated cost of approximately \$3 million. These phases will be focusing on vessel requirements, operational feasibility of day and night sampling, and maneuvering wind areas. These phases will expand on what is learned during phase one, use multiple vessels, increase the special and temporal footprint, and test the survey design that will be drafted. If funding is acquired and the pilot is successful, a new survey would begin in 2027.

## **Lobster Letter**

At the recommendation of the American Lobster Management Board, the Policy Board agreed to send a letter to Canada Division of Fisheries and Oceans to encourage the continued collaboration between Canada and US on lobster science, particularly as the US is working on the lobster benchmark stock assessment.

## **BOEM Report**

Brian Hooker with BOEM provided a presentation on recent fish kills around the wind energy areas off of Virginia. The incidents began in May 2024 and mostly consist of Atlantic croaker but also include spot. BOEM has robust information of pile-driving impacts to fish in areas that are close to turbine foundations. Therefore, it is anticipated there could be fish injury or mortality events associated with construction work and is included in construction permits. The fish kills were reported by staff observing the construction work for impacts to protected species and marine mammals. Thirty-nine observations at 24 foundation locations have occurred with an average of 450 dead fish per observations. Some of the observations occurred when construction was not occurring. Double bubble curtains are put in place up to a few days before construction to mitigate the amount of sound that transfers during the piling. Fish kill observations were seen near the pile, outside the bubble curtain and between the two. There is not a definitive determination of the cause of the fish death, some fish have damaged air bladders but other fish have broken necks and vertebrae. BOEM's working hypothesis is that a combination of the piling and bubble curtains is impacting the fish. BOEM is working on potential protocols that can be undertaken do to minimize these fish kills. These observations are within the mortality amounts seen in typical fisheries bycatch.

## **Joint Meeting of the Policy Board and Council: Recreational Measures Setting Process Draft Addenda/Framework**

The Policy Board was then joined by the Council for a joint meeting to review the range of options presented in the Recreational Measures Setting Process Draft Addenda/Framework. The draft addenda/framework consider changes to the process used by the Commission and the Council to set recreational management measures (bag, size, and season limits) for summer flounder, scup, black sea bass, and bluefish. The option that is ultimately selected by the Policy Board and Council is intended replace the currently used Percent Change Approach implemented through the Harvest Control Rule Framework/Addenda, which will sunset at the end of 2025. Key differences between the five options in the draft addenda include the information considered when setting measures and the circumstances under which measures would change.

The Policy Board approved the draft addenda for public comment, with public hearings to take place in the coming months. The Commission will distribute a press release on the draft addendum's availability and public hearing schedule once the hearing details have been finalized.

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

## **Motions Board**

**Move to approve Draft Addendum XXXVI to the Summer Flounder, Scup, and Black Sea Bass FMP and Draft Addendum III to the Bluefish FMP for public comment as modified today.**

## **Council**

### **Move to approve the range of options in the Recreational Measures Setting Process Framework/Addenda as modified today.**

Motions made by Mr. Gilmore and seconded by Mr. Grist. Motions approved by unanimous consent.

## **SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD & MAFMC (OCTOBER 24, 2024)**

### ***Press Release***

### **ASMFC and MAFMC Approve Changes to Summer Flounder Commercial Mesh Size Exemptions**

Annapolis, MD – The Atlantic States Marine Fisheries Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and the Mid-Atlantic Fishery Management Council (Council) have jointly approved modifications to two exemptions from the summer flounder commercial minimum mesh size requirements. The Board adopted these changes through Addendum XXXV to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, and the Council recommended identical measures through a framework action which will be submitted to the National Marine Fisheries Service for review and implementation.

Current regulations for the summer flounder trawl fishery require a minimum mesh size of 5.5-inch diamond mesh or 6.0-inch square mesh to retain more than 200 pounds of summer flounder from November through April, or 100 pounds of summer flounder from May through October. The Small Mesh Exemption Program provides an exemption from these requirements for authorized vessels fishing in a designated area from November 1 through April 30. This exemption is designed to allow vessels to retain some bycatch of summer flounder while operating in other small-mesh fisheries. Through this action, the Board and Council agreed to expand the exemption area by moving the boundary of the northern portion of the area approximately five miles west, then connecting the western boundary to the southern scup Gear Restricted Area. While this has the appearance of notably increasing the size of the exemption area, a large portion of the area overlaps with the Frank R. Lautenberg deep sea coral zone, where bottom tending gear is already prohibited. The intent of this change is to increase economic opportunities for industry while continuing to protect the summer flounder stock and prevent regulatory discards.

The Board and Council also voted to implement a tiered monitoring approach for the Small Mesh Exemption Program. Current regulations allow the Greater Atlantic Regional Fisheries Office Regional Administrator to terminate the program for the remainder of the season if vessels fishing under the exemption are discarding on average more than 10%, by weight, of their entire catch of summer flounder per trip. Under the new tiered monitoring approach, the discard trigger will be increased to 25%, and once the trigger is reached, a more detailed review of discards will be conducted to determine whether the exemption should be rescinded. The intent of this review is to allow for a more comprehensive consideration of the drivers of, and appropriate response to, discards.

Finally, the Board and Council approved a revised definition of the term “flynet” as it relates to the flynet exemption from the summer flounder commercial minimum mesh size requirements. The revised definition encompasses similar high-rise net types which have very large mesh in the wings, with mesh size decreasing through the body of the net. These nets are not designed to catch flatfish and generally catch small amounts of summer flounder.

Addendum XXXV, including the map showing the approved boundaries, will be posted at <https://asmfc.org/species/summer-flounder> under Management Plans and FMP Reviews once the map is finalized. Updates on the Council’s framework will be posted at <https://www.mafmc.org/actions/summer-flounder-commercial-mesh-exemptions>.

For more information, please contact either Chelsea Tuohy, ASMFC Fishery Management Plan Coordinator at [ctuohy@asmfc.org](mailto:ctuohy@asmfc.org) or Kiley Dancy, Mid-Atlantic Fishery Management Council, at [kdancy@mafmc.org](mailto:kdancy@mafmc.org).

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### ***Motions***

#### **Board and Council**

**Move to adopt in Section 3.1, Option B Expanded Small Mesh Exemption Program Exemption Area, in Section 3.2, Option C Tiered Discard Monitoring Approach, and in Section 3.3, Option B Modified Flynet Definition.**

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

Council motion made by Mr. Gilmore and seconded by Mr. Cimino. Motion approved by unanimous consent.

#### **Board**

**Move to approve Addendum XXXV to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. The effective date of any FMP modifications would be consistent with the effective date published in the final rule in the Federal Register or November 1, 2025 whichever is sooner.**

Motion made by Mr. Reid and seconded by Mr. Cimino. Motion approved by consent with one abstention. Roll Call: in favor - NC, VA, PRFC, DE, MD, NJ, NY, CT, MA; abstention – NOAA.

#### **Council**

**Move to submit the Summer Flounder Commercial Mesh Size Exemptions Framework with preferred alternatives as identified today to NMFS.**

Motion made by Mr. Cimino and seconded by Mr. Gilmore. Motion approved by consent with one abstention (NOAA).

## August 2024 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met August 12-15, 2024, in Philadelphia, PA. The following is a summary of actions taken and issues considered during the meeting. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/august-2024>.

### **HIGHLIGHTS**

During this meeting, the Council:

- Reviewed management track stock assessments for golden tilefish, black sea bass, and Atlantic surfclam
- Adopted 2025-2027 specifications for golden tilefish
- Adopted (status quo) 2025 specifications for the Mid-Atlantic blueline tilefish fishery
- Adopted 2025 specifications for black sea bass
- Reviewed 2025 specifications for summer flounder and recommended no changes
- Reviewed 2025 specifications for scup and recommended minor increases to the commercial quota and recreational harvest limit
- Reviewed a draft document for public hearings for the Summer Flounder Mesh Exemptions Framework/Addendum
- Received an update on improvements to the Marine Recreational Information Program's (MRIP) Fishing Effort Survey (FES)
- Reviewed progress on development of the Recreational Measures Setting Process Framework/Addenda and provided guidance on the draft range of alternatives
- Reviewed 2025 specifications for bluefish and recommended no changes
- Reviewed 2025 specifications for Atlantic surfclam and ocean quahog and recommended no changes
- Received a presentation on the [final report](#) from the Council's Program Review and discussed potential next steps
- Developed comments on NOAA Fisheries' draft Ecosystem Based Fisheries Management Road Map
- Received an update on Northeast Trawl Advisory Panel (NTAP) activities
- Received a presentation on the National Fish and Wildlife Foundation Electronic Monitoring and Reporting Grant Program

### Golden Tilefish 2025-2027 Specifications

The Council reviewed the stock status and performance of the golden tilefish fishery and adopted multi-year specifications (catch and landings limits) for 2025-2027, as summarized in the table below. The [2024 Management Track Assessment](#) for golden tilefish found that the stock was not overfished in 2023, but overfishing was occurring. The Council's Scientific and Statistical Committee (SSC) noted various sources of uncertainty in the assessment, including the absence of a fishery independent survey, gaps in aging data, reliance on multiple separate fishery-dependent indices, and the lack of reliable recreational catch data. The SSC provided two sets of acceptable biological catch (ABC) recommendations: one with varying ABCs for each year and one with a constant ABC across all three years. The SSC and Monitoring Committee both noted that the constant ABC approach would provide greater stability for the industry. The Council ultimately selected the constant ABC approach, approving an ABC of 1.87 million pounds for each year 2025-2027. The Council recommended that the small projected recreational landings of 54,013 pounds (calculated based on average

recreational landings for the 2022-2023 period) be accounted for under management uncertainty. The Council did not recommend any changes to the current recreational bag limit or commercial/incidental trip limit.

<b>Summary of Golden Tilefish Specifications for 2025, 2026, and 2027</b>	
Acceptable Biological Catch (ABC)	1.87 million pounds
Commercial Quota – IFQ Fishery	1.72 million pounds
Incidental Quota	68,949 pounds
Incidental Trip Limit	500 pounds (227 kg) or 50 percent, by weight, of all fish, including the golden tilefish, on board the vessel, whichever is less
Recreational Bag Limit	8-fish recreational bag-size limit per angler per trip

### Blueline Tilefish 2025 Specifications

The Council adopted status quo 2025 specifications for the blueline tilefish fishery north of the North Carolina/Virginia border. Specifications were set for a single year because an updated stock assessment is expected to be available for management in 2025 to inform multi-year specifications for 2026-2028. The Council’s recommendations are summarized in the table below.

The Council discussed several sources of uncertainty highlighted by the SSC, including the lack of reference points for the portion of the stock north of Cape Hatteras and the lack of reliable recreational catch data. Council members expressed concern about low rates of reporting among private recreational tilefish anglers. A contractor has been hired to identify and recommend solutions to improve awareness and compliance with tilefish permitting and reporting requirements. A final report will be presented to the Council in October.

<b>Summary of Blueline Tilefish 2025 Specifications</b>	
<b>Acceptable Biological Catch</b>	100,520 pounds
<b>Recreational Total Allowable Landings</b>	71,912 pounds
<b>Recreational Trip Limits</b>	Private Boat: 3 fish USCG uninspected for-hire vessel: 5 fish USCG inspected for-hire vessel: 7 fish
<b>Commercial Total Allowable Landings</b>	26,869 pounds
<b>Commercial Trip Limits</b>	500 pounds (until 70% of quota is met, then reduced to 300 pounds)

### Summer Flounder, Scup, and Black Sea Bass 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 2025 specifications for black sea bass and review previously adopted 2025 specifications for summer flounder and scup. The Council and Board considered recommendations from the Scientific and Statistical Committee (SSC), Monitoring Committee, and Advisory Panel, as well as comments from members of the public.

#### **Black Sea Bass 2025 Specifications**

The Council and Board received a presentation on the [2024 Black Sea Bass Management Track Stock Assessment](#) and associated projections for 2025. The Council and Board acknowledged that many improvements have been made to the stock assessment in recent years. However, they also expressed concern that the projections are predicting a sharp decline in biomass in the future, necessitating a 20% reduction in the acceptable biological catch (ABC) for 2025, despite generally consistent increases in biomass for the past several years. They also



noted that projections based on the previous assessment model for several prior specifications cycles consistently predicted similarly sharp declines in biomass which were not realized according to the 2024 Management Track Assessment. Concerns were expressed about the negative socio-economic impacts of a 20% decrease in the ABC, increases in discards, and compliance with more restrictive measures. With biomass currently more than double the target level and overfishing not occurring, it is challenging to communicate the conservation need for a 20% reduction in the ABC. The management track assessment will be updated next year, with plans already underway to thoroughly evaluate the projection methodology and make revisions as appropriate. These updates will be used to inform the 2026-2027 catch and landings limits.

The Council is bound by the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requirement to set catch limits which do not exceed the recommendations of its SSC. However, the Commission is not bound by this same law. Therefore, the Board voted to suspend the typical joint management process for the 2025 black sea bass specifications, allowing them to adopt different catch and landings limits than the Council. The Board then voted to maintain status quo catch and landing limits for 2025. The Council considered passing a similar motion; however, as this would violate the MSA, the Council ultimately passed a substitute motion to set the 2025 specifications based on the SSC’s recommended 2025 ABC, using the same methods as prior years to calculate expected dead discards in each sector to derive the commercial quota and the recreational harvest limit. The values adopted by the Board and the Council are shown in the table below.

The specifications adopted by the Board are final. The specifications adopted by the Council must be reviewed and, if approved, implemented by NOAA Fisheries. If NOAA Fisheries approves and implements the specifications recommended by the Council for 2025, this would create disparities between the state and federal specifications. This would require all federal permit holders to be bound by more restrictive measures than those who are only subject to state measures (e.g., individuals fishing in state waters who do not also have federal permits). The NOAA Fisheries Greater Atlantic Regional Fisheries Administrator indicated that the agency will use the proposed and final federal rulemaking process to consider what flexibilities are available to ensure alignment between the state and federal regulations consistent with the regulations.

The Council and Board adopted a 5% in-season commercial closure buffer for 2025, meaning the commercial fishery would close if 105% of the quota is projected to be landed prior to the end of the year. They made no changes to any other federal commercial management measures.

Landings limit	Approved by Board for 2025 <i>millions of pounds</i>	Approved by Council for 2025 <i>millions of pounds</i>
<b>Commercial quota</b>	6.00	4.78
<b>Recreational harvest limit</b>	6.27	4.46

***Summer Flounder 2025 Specifications Review***

The Council and Board recommended no changes to the [previously adopted](#) 2025 catch and landings limits for summer flounder. The 2025 limits are the same as those implemented for 2024, including a commercial quota of 8.79 million pounds and a recreational harvest limit of 6.35 million pounds. The Council and Board made no changes to the commercial management measures for summer flounder.

***Scup 2025 Specifications Review***

The Council and Board recommended minor changes to the previously adopted 2025 catch and landings limits for scup. Earlier this year, a small error was discovered in the projections used to set 2024-2025 specifications. Correcting the error resulted in a small increase in the projected ABC and overfishing limit (OFL) for 2025. After reviewing the revised ABC provided by the Council’s SSC, the Council and Board adopted a revised commercial quota of 19.54 million pounds and a recreational harvest limit of 12.31 million pounds for 2025. These updates



represent a minor increase, about 4%, compared to the limits previously approved for 2025. The Council and Board did not recommend any changes to commercial management measures for scup. The Council will forward its recommendations to NOAA Fisheries for final approval, while the Commission's actions for state waters are final.

### Summer Flounder Mesh Exemptions Framework/Addendum

The Council and Board reviewed, and the Board approved, a draft addendum document for public comment for this action. They also indicated support for a regulatory language clarification related to the annual evaluation of the flynet exemption, which would clarify the regulations to be consistent with the language in the Fishery Management Plan. A minimum 30-day comment period and hearing process will be conducted by the Commission. Information regarding public hearing dates and how to provide comments will be posted to the Commission's website later this month. Comments received will be provided to both the Council and Board for consideration prior to final action, scheduled for the week of October 21 at the Commission's Annual Meeting in Annapolis, MD (day and time to be determined).

### Marine Recreational Information Program (MRIP) Update and Listening Session

The Council and Board received a presentation from Dr. Katherine Papacostas, MRIP Program Manager, regarding ongoing improvements to the program's Fishing Effort Survey (FES). These improvements center on re-ordering survey questions about how often people went fishing, as well as increased survey sampling, and are anticipated to result in revised catch data time series estimates in spring 2026, depending on favorable peer review in 2025 of changes being tested in 2024. Until then, NOAA Fisheries has advised that the existing MRIP data should continue to be used where they are currently to inform stock assessments and management. Council and Board members and other attendees also had an opportunity to provide input on a joint federal-state effort to re-envision the recreational fisheries data collection program. This initiative aims to transition to an improved recreational data collection partnership that better meets regional needs. [Click here to learn more or provide input.](#)

### Recreational Measures Setting Process Framework/Addenda

The Council and the Commission's Interstate Fishery Management Program Policy Board (Policy Board) reviewed progress on development of the Recreational Measures Setting Process Framework/Addenda, which considers changes to the process for setting recreational bag, size, and season limits for summer flounder, scup, black sea bass, and bluefish. They reviewed modifications to the draft range of alternatives recommended by the Fishery Management Action Team/Plan Development Team (FMAT/PDT) as well as a summary of a review by the SSC. The Council and Policy Board endorsed the FMAT/PDT recommendation to remove an alternative referred to as the "Biological Reference Point Approach" from further consideration due to its complexity. They also agreed that approaches based on recreational fishing mortality rate targets and options for revising the starting point for measures cannot be fully developed in the time remaining for completion of this action. However, these topics could be further developed through separate management actions if they remain priorities. They also agreed that the work group of Council members and Commissioners will work with the FMAT/PDT to develop language to clarify the role of the RHL in this management action. Prior to the next meeting of the Council and Policy Board in late October, the FMAT/PDT will complete development of the range of alternatives and will develop a draft addenda document for public hearings.

### Bluefish 2025 Specifications Review

The Council met jointly with the ASMFC's Bluefish Management Board (Bluefish Board) to review [previously adopted](#) 2025 specifications for bluefish. Bluefish are in the 3rd year of a 7-year rebuilding program. After considering available information on recent catches and fishery performance, the Council and Bluefish Board

agreed that no changes are needed to the previously implemented specifications, which include a commercial quota of 3.03 million pounds and a recreational harvest limit of 15.7 million pounds. The Council and Board also made no changes to recreational bag limits (3 fish per day for private anglers and 5 fish per day for for-hire vessels).

### [Atlantic Surfclam and Ocean Quahog 2025 Specifications Review](#)

The Atlantic surfclam and ocean quahog fisheries are approaching the fifth year of multi-year specifications previously set for the 2021-2026 fishing years. During this meeting, the Council reviewed recent information for both stocks and considered whether any changes to 2025 specifications are warranted. The [2024 Management Track Assessment](#) for Atlantic surfclam found that the stock was not overfished, and overfishing was not occurring in 2024. Based on the assessment results, the Council's SSC recommended that the 2025 and 2026 overfishing limits (OFLs) and acceptable biological catches (ABCs) be revised to reflect the best scientific information available. Although the revised ABC for 2025 is about 17% higher than the ABC originally adopted for 2025, the Council concluded that no changes to the catch target or quota for the upcoming fishing year are warranted. Staff noted that the surfclam fishery has not landed 100% of the quota since 2003, and only 41% of the quota was landed in 2023. The industry has also expressed support for maintaining status quo quotas. To maintain the current measures, the Council voted to recommend the Regional Administrator suspend the minimum shell length for surfclam in 2025. The Council also made no changes to the 2025 catch and landings limits for ocean quahog. These specifications are described in detail in the [final rule](#) published May 13, 2021.

### [Council Program Review](#)

Brett Wiedoff and Duncan Wood, from the Parnin Group, presented the results of the [final report](#) from the Council's Program Review. The Council contracted the Parnin Group in 2023 to identify potential ways to improve the process of developing federal fisheries management regulations, particularly regarding responsiveness to climate-change and fisheries-related challenges. While the overall assessment of the Council's regulatory process was positive, the report notes that there are several areas of improvement for the Council to consider. The report provides 17 recommendations to address areas of improvement, ranging from quick fixes to long-term systemic updates. The Council discussed these findings and plans to further consider which recommendations should be included in the Council's 2025-2029 Strategic Plan (to be discussed in October 2024), annual implementation plans (2025 and beyond), and other staff work priorities.

### [NOAA Fisheries Ecosystem-Based Fisheries Management \(EBFM\) Road Map](#)

The Council reviewed and developed comments on the revised [EBFM Road Map](#) developed by NOAA Fisheries. The Road Map provides national level guidance for regional implementation of the continued movement toward managing fisheries at the ecosystem level and will guide NOAA Fisheries' EBFM efforts over the next five years.

Overall, the Council was very supportive of the updated Road Map and encouraged the continued development of the science and decision support tools needed to help implement climate-ready fisheries management; however, they noted these efforts should not come at the expense of core fisheries data collection and stock assessment needs. They also encouraged NOAA Fisheries to coordinate, collaborate, and partner with the Council to identify EBFM milestones, develop management goals and priorities, and seek opportunities for management on-ramps. The Council identified a range of additional comments that will be included in a comment letter to be submitted by the comment deadline of August 31, 2024.

## Other Business

### ***Northeast Trawl Advisory Panel (NTAP) Updates***

The Council received an update on recent NTAP activities, including a summary of their most recent meeting held on July 11, 2024, in New Bedford, Massachusetts. At the NTAP meeting the group received several informative presentations, including multiple presentations on long-standing surveys that operate on industry platforms around the United States. These presentations were planned to help inform their continued discussions on the Industry-Based Survey Pilot Project. The NTAP Working Group will continue such conversations at their next meeting on August 22, 2024.

### ***National Fish and Wildlife Foundation Electronic Monitoring and Reporting Grant Program***

Dr. Willy Goldsmith gave a presentation on the National Fish and Wildlife Foundation (NFWF) Electronic Monitoring and Reporting Grant Program. This year, the organization anticipates awarding award up to \$4.8 million in grants that catalyze the voluntary implementation of electronic technologies for fisheries catch, effort, and/or compliance monitoring, and improvements to fishery information systems in U.S. fisheries. Additional information is available in the [request for proposals](#). Proposals are due October 2, 2024.

## Next Meeting

The next Council meeting will be held **October 8-10, 2024, in Dewey Beach, DE**. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.

### **Acronyms**

- ABC – Acceptable Biological Catch
- EBFM – Ecosystem-Based Fisheries Management
- FES – Fishing Effort Survey
- FMP – Fishery Management Plan
- FMAT/PDT – Fishery Management Action Team/Plan Development Team
- NTAP – Northeast Trawl Advisory Panel
- MRIP – Marine Recreational Information Program
- MSA – Magnuson-Stevens Fishery Conservation and Management Act
- OFL – Overfishing Limit
- RHL – Recreational Harvest Limit
- SSC – Scientific and Statistical Committee



## October 2024 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met October 8-10, 2024, in Dewey Beach, DE. The following is a summary of actions taken and issues considered during the meeting. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/october-2024>.

### **HIGHLIGHTS**

During this meeting, the Council:

- Reviewed and approved a strategic plan for 2025-2029
- Adopted butterfish specifications for 2025-2026
- Recommended status quo 2025 specifications for Atlantic mackerel in 2025
- Deferred action on 2025 spiny dogfish specifications pending further consideration by the Scientific and Statistical Committee
- Received an update on the private recreational tilefish permitting and reporting program and considered recommendations for improving angler awareness and compliance
- Recommended that NOAA Fisheries pause soliciting for new monkfish RSA projects until the program's underlying economic and programmatic issues are addressed
- Received a presentation on a proposed rule to modify and/or expand reporting requirements for Atlantic HMS species and agreed to submit comments
- Received an overview of draft outcomes, recommendations, and possible action items from the 8th National Scientific Coordination Subcommittee (SCS) Workshop
- Received presentations on several topics related to offshore wind energy development
- Received an update from the NOAA Fisheries regional office on habitat and offshore wind activities of interest in the Mid-Atlantic region
- Approved several changes to the guidelines for the Council's three awards
- Reviewed and provided feedback on proposed actions and deliverables for the 2025 Implementation Plan (Executive Committee)

### 2025-2029 Strategic Plan

The Council reviewed and approved a strategic plan for 2025-2029. The plan builds upon the foundation of the 2020-2024 plan, integrating lessons learned, progress achieved, and input from Council members and stakeholders. The document is organized around five goal areas: Communication, Science, Management, Ecosystem and Governance. The Council will use the plan to guide its management activities and operations over the next five years. The final document will be posted at <https://www.mafmc.org/strategic-plan> in the coming weeks.

### 2025-2026 Butterfish Specifications

The Council reviewed the stock status and performance of the butterfish fishery and adopted multi-year specifications for 2025-2026. Based on the recommendations provided by the Scientific and Statistical Committee (SSC), the Council adopted Acceptable Biological Catches (ABC) of 17,115 metric tons (MT) for 2025 and 13,842 MT for 2026. These ABCs are products of the Council's risk policy and projections using the [2024 management track assessment](#), which found the butterfish stock is above its target biomass. The Council is removing a 5% management uncertainty buffer given catches appear well constrained. After potential discards

are deducted, the commercial quotas would be 11,324 MT (25.0 million pounds) in 2025 and 8,051 MT (17.7 million pounds) in 2026 (both substantially above recent landings).

The Council also considered a modification to the butterfish mesh regulations to add flexibility in the types of mesh that can be used for directed fishing. The Council deferred action until the next meeting after NMFS raised concerns about enforcement's ability to discern differences in some relevant mesh configurations. A Law Enforcement Committee meeting will be held in November 2024 to further evaluate any issues.

### 2025 Atlantic Mackerel Specifications

The Council reviewed the stock status and performance of the Atlantic mackerel fishery and recommended maintaining the previously adopted 2025 specifications and management measures, including a commercial quota of 868 MT. Next year's 2025 stock assessment will assess rebuilding progress and will be used to inform 2026-2027 specifications.

### 2025 Spiny Dogfish Specifications

The Council reviewed the stock status and performance of the spiny dogfish fishery and deferred action on modifying 2025 spiny dogfish specifications until the next meeting. Updated catch information led to lower projections for 2025, and industry provided input that the resulting lower quotas could collapse the spiny dogfish fishery by forcing the last processor out of business. The Council requested its SSC calculate an ABC equal to the catch associated with a 50% probability of overfishing under a suspension of the Council's risk policy (which would otherwise dictate a lower 46% chance of overfishing and a lower catch).

### Private Recreational Tilefish Permitting, Reporting, and Program Evaluation

In August 2020, new recreational permitting and reporting requirements were introduced for private tilefish anglers. During this meeting, the Council received several presentations offering key insights into the program's performance and areas for improvement. These included an overview of the Council's historical and recent efforts, followed by an update from the Greater Atlantic Regional Fisheries Office (GARFO) on the current status of permitting and reporting. The [GARFO update](#) provided detailed information on the number of permits issued, recreational trips taken, and landings reported since the program's inception.

Dr. Willy Goldsmith (Pelagic Strategies) and Jill Stevenson (Stevenson Sustainability Consulting) also presented a [final evaluation](#) of the angler permit and reporting program. The report highlighted significant gaps in the program, pointing to persistently low compliance and annual reporting rates. The evaluation provided actionable recommendations for enhancing the program's effectiveness.

Following the presentations and subsequent discussion, the Council endorsed several recommendations identified through program evaluation final report. These recommendations will be incorporated into the Council's 2025 Implementation Plan, aiming to address the identified challenges and improve the overall compliance and efficiency of the tilefish permitting and reporting program.

### Monkfish Fishery Performance Report and Monkfish Research Set Aside Improvements

The Council reviewed recent monkfish fishery performance and several ongoing efforts to improve the Monkfish Research Set Aside (RSA) program. The Council mirrored a motion from the New England Fishery Management Council recommending that NMFS pause soliciting for new monkfish RSA projects until the program's underlying economic and programmatic issues are addressed. The Councils also requested that NMFS consider letting the two current Monkfish RSA projects continue selling RSA days-at-sea into 2025 and 2026 to fund their work on developing monkfish catch per unit of effort (CPUE) indices in support of upcoming assessments.

## Proposed Rule: Electronic Reporting Requirements for Atlantic Highly Migratory Species

Guy DuBeck and Karyl Brewster-Geisz from NOAA Fisheries Atlantic Highly Migratory Species (HMS) presented an update on a recent proposed rule on electronic reporting. The proposed rule is intended to modify and/or expand reporting requirements for Atlantic HMS, including reporting by commercial, for-hire, and private recreational vessel owners and dealers. Following the presentation, the Council agreed it would be important to provide formal written comments on the proposed rule given the Council's existing electronic reporting requirements and the overlap in stakeholders.

## Scientific Coordination Subcommittee 8<sup>th</sup> National Workshop Outcomes

The Council received an overview of draft outcomes, recommendations, and possible action items from the 8<sup>th</sup> National Scientific Coordination Subcommittee (SCS) Workshop. The SCS is a subcommittee of the Council Coordination Committee (CCC) and consists of the chairs and other selected members of the SSCs from each of the eight regional fishery management councils. The 8<sup>th</sup> SCS workshop was hosted by the New England Fishery Management Council and was held on August 26-28, 2024, in Boston, Massachusetts. The theme for the workshop was "Applying Acceptable Biological Catch (ABC) Control Rules in a Changing Environment" with the goal of providing actionable guidance to support the Councils in their management considerations given the environmental change and scientific uncertainty each region is experiencing. The Council will receive an update on the final workshop recommendations and action items once the proceedings report is available in the spring of 2025.

## Offshore Wind Energy Updates

The Council received presentations on several topics related to offshore wind energy development, including updates from the Bureau of Ocean Energy Management (BOEM), the Mid-Atlantic Regional Council on the Ocean, the New Jersey Offshore Wind Research and Monitoring Initiative, the Northeast Fisheries Science Center, and the NOAA Fisheries Greater Atlantic Regional Fisheries Office. Council members expressed concern about observations this summer of dead Atlantic croaker near pile driving activities for the Coastal Virginia Offshore Wind project and dead hake near pile driving activities for Revolution Wind. Council members asked about the causes of these fish kills and how to prevent similar issues in the future. BOEM staff indicated that evaluations of the potential causes, including necropsies, are ongoing. Council members and public comments also expressed concerns that offshore wind energy development may be contributing to reduced squid catches in recent years.

## Habitat Updates

Karen Greene, with NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) Habitat and Ecosystem Services Division (HESD), provided project updates on port development (including Key Bridge collapse recovery efforts), infrastructure, energy, and U.S. Army Corps of Engineers federal navigation and civil work projects within the Mid-Atlantic. Of note, the Environmental Protection Agency is considering a possible offshore fishery enhancement beneficial use site using dredged material from the New York Bight, as the Historic Area Remediation Site (HARS) is nearing capacity. In addition, several hydropower dams on the Delaware River and Susquehanna River are under consideration for hydropower retrofits and/or relicensing; HESD is engaging in discussions to ensure safe and efficient upstream and downstream passage of diadromous species, while balancing invasive species concerns. NOAA/US Fish and Wildlife Service also released a guidance document on tidal wetland restoration in the Mid-Atlantic that stresses more holistic marsh restoration approaches.

## Council Awards Discussion

The Council approved several changes to the guidelines for the Council's three awards (Ricks E Savage Award, Award of Excellence, James A. Ruhle Cooperative Research Award). The approved changes are intended to



clarify the purpose of each award and improve the nomination and selection procedures. The revised guidelines include updated/expanded award descriptions for the Ricks E Savage Award and the Award of Excellence. Additionally, the Council endorsed staff's recommendation to shift the timing for the Ricks E Savage Award due to the February meeting being held virtually beginning in 2025. Under the revised process, the Executive Committee will review nominations for the Ricks E Savage Award at the October meeting, and the award will be presented at the December meeting. The revised guidelines also specify that any nominations received throughout the year for the Award of Excellence and Cooperative Research Award will be considered at the October meeting. Additional information about Council awards is available at <https://www.mafmc.org/awards>.

### Executive Committee – 2025 Implementation Plan

The Executive Committee met to review and provide feedback on a draft list of actions and deliverables for the 2025 Implementation Plan. The Council develops Implementation Plans each year to ensure progress toward achieving the goals and objectives of its 5-year strategic plan. During the meeting, the Committee received a progress update on the 2024 Implementation Plan and then reviewed a draft list of actions and deliverables for 2025. The full Council will review a draft 2025 Implementation Plan at the December meeting.

### Next Meeting

The next Council meeting will be held **December 9-12, 2024**, in Annapolis, Maryland. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.



# South Atlantic Fishery Management Council

## News Release

FOR IMMEDIATE RELEASE  
September 23, 2024

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### **Council Approves Changes to Snapper Grouper Fishery; Receives Red Snapper Notification**

Members of the South Atlantic Fishery Management Council approved two amendments to the Snapper Grouper Fishery Management Plan that, if approved by the Secretary of Commerce, would modify current federal regulations for species in the snapper grouper management complex. The Council considered input received during public comment and recommendations from its Snapper Grouper Advisory Panel and Scientific and Statistical Committee before taking action during its quarterly meeting in Charleston, South Carolina. The following amendments were approved:

- **Regulatory Amendment 36 - Gag and Black Grouper Recreational Vessel Limits and On-Demand Gear for Black Sea Bass Pot Fishery**
  - The amendment would revise the recreational vessel limits for Gag and Black Grouper. To remain consistent with a bag limit of one Gag or Black Grouper, the amendment would change the aggregate private recreational vessel limit to two fish of either species per day. For-hire (charter and headboat) would have the same vessel limit per *trip*.
    - Gag are currently overfished and experiencing overfishing. Black Grouper are included in the amendment due to misidentification issues that occur in some areas within the region. The Council will address Black Grouper regulations again following the results of a management strategy evaluation underway for the species.
  - The amendment would also revise transit stowage requirements for commercial black sea bass pots with on-demand (ropeless) gear.
- **Amendment 55 – Scamp, Yellowmouth Grouper, and the Other Shallow Water Grouper Complex**
  - Scamp and Yellowmouth Grouper are overfished, but overfishing is not occurring. A rebuilding plan is needed to address the overfished stock status. Measures proposed in Amendment 55 would establish a Scamp and Yellowmouth Grouper Complex. A rebuilding plan would be established for the new management complex along with catch levels, sector allocations, and accountability measures.
  - Updates would be made to the Other Shallow Water Grouper Complex (Rock Hind, Red Hind, Coney, Graysby, and Yellowfin Grouper), to remove Yellowmouth Grouper.

#### **Red Snapper**

During its meeting, the Council received a litigation briefing from NOAA General Counsel noting there are three Red Snapper cases currently under litigation. One lawsuit alleges that NOAA Fisheries violated the Magnuson-Stevens Fishery Conservation and Management Act because it failed to address overfishing of Red Snapper. The settlement agreement for this case was approved on August 22, 2024, and includes NOAA

*(Continued)*



Fisheries agreeing to complete and submit a Secretarial amendment to end overfishing of red snapper. The Final Rule for the amendment must be submitted to the Federal Register by June 6, 2025.

The Council will be able to comment on the Secretarial amendment, and there will be opportunities for public comment prior to implementation. For additional details, see the [Fishery Bulletin from NOAA Fisheries](#).

### **Other Business**

The Council continued discussion of management measures proposed for the Black Sea Bass fishery that will be addressed in Snapper Grouper Amendment 56. The amendment will also consider revised catch level recommendations and status determination reference points. The Scientific and Statistical Committee will discuss Black Sea Bass during its October 22-24, 2024 meeting and provide recommendations for the Council to consider when it meets again in December. Public scoping meetings on proposed measures are tentatively scheduled for early 2025.

The Council approved a motion to amend both the Coral and Shrimp Fishery Management Plans to establish a Shrimp Fishery Access Area along the eastern edge of the Northern Oculina Coral Habitat Area of Particular Concern, located off the central east coast of Florida. The designated area would allow access to historical fishing areas used by the rock shrimp fishery while minimizing impacts on deepwater coral.

A listening session hosted by the Marine Recreational Information Program, administered by NOAA Fisheries, was held during the meeting week. Fishery managers use data from the program to make management decisions affecting recreational fisheries. Council members received an update on a large-scale study being conducted to determine differences in recreational fishing effort estimates between different survey designs. The program is also re-evaluating approaches to data collection partnerships. Council members provided an extensive list of recommendations and members of the public also provided input.

### **New Chair and Vice Chair**

During the meeting the Council elected Trish Murphey, representative for the North Carolina Division of Marine Fisheries and former vice-chair as the new chair of the Council. She replaces Dr. Carolyn Belcher. Jessica McCawley, state representative for the Florida Fish and Wildlife Commission was elected vice chair. Both will serve two-year terms.

Additional information about the Council's September meeting, including final committee reports, is available from the Council's website at: <https://safmc.net/events/september-2024-council-meeting/>. The next meeting of the South Atlantic Fishery Management Council is scheduled for December 2-6, 2024, in Wrightsville Beach, 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 16-19, 2024**

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 (CLOSED)**

**MOTION 1:** APPOINT ROM WHITAKER AND CHRIS KIMREY TO THE FOR-HIRE REPORTING ADVISORY PANEL.

**MOTION 2:** APPOINT BOB ZALES AND HALEY STEPHENS TO THE FOR-HIRE REPORTING ADVISORY PANEL.

**MOTION 3:** APPOINT OSCAR NAVARRETE TO THE SNAPPER GROUPER ADVISORY PANEL.

**MOTION 4:** RESCIND THE APPOINTMENT OF OSCAR NAVARRETE TO THE SNAPPER GROUPER AP

**MOTION 5:** RE-ADVERTISE THE GEORGIA SNAPPER GROUPER ADVISORY PANEL SEAT AND APPOINT IN DECEMBER.

**MOTION 6:** APPOINT ALL APPLICANTS IN TABLE 1, ATTACHMENT 2B, TO THE CITIZEN SCIENCE POOL.

**MOTION 7:** APPOINT BOB ZALES TO THE CITIZEN SCIENCE OPERATIONS COMMITTEE.

**MOTION 8:** ESTABLISH MARYLAND AND VIRGINIA LIAISON SEATS ON THE SHRIMP ADVISORY PANEL

**Full Council Session I**

**MOTION 9:** APPROVE THE REVISED SSC WORKGROUP APPROACH.

**MOTION 10:** DIRECT STAFF TO DO THE FOLLOWING:

1. Request that SERO staff present to the Council at the December 2024 meeting on:
  - The level of reporting compliance that would be needed to begin validation, start the comparison of logbook data with MRIP estimates, and use logbook data in management.

- The mechanics of how a “hail-in/hail-out” requirement would work for for-hire vessels.
  - The approval process for landing locations.
    - How was it previously carried out in the Gulf of Mexico?
    - How would private landing locations be approved?
    - How would this approval process operate for permitted vessels in the GARFO region?
    - How important are approved landing locations in relation to validation? Why are they necessary and how are they useful?
    - An example of how a validation survey would be administered, what percentage of permitted vessels would need to be sampled, and information on how validation was completed previously in the Gulf of Mexico.
2. Prepare a summary allocation review report for Atlantic Spadefish and the Jacks Complex for approval at the December 2024 meeting.

### **SEDAR Committee**

#### **MOTION 11: DIRECT STAFF TO DO THE FOLLOWING:**

- Provide information on life history to help determine which stocks should be considered for Key Stocks.
- Request that the SSC review the proposed SEDAR process changes and provide input on the proposed changes, key stocks and intervals between assessments for committee consideration in December 2024
- Request that the SSC provide guidance on stocks that could be adequately managed using alternatives to intensive aged-based stock assessments. The SSC should consider both assessed and unassessed stocks, may consider this as part of the unassessed stocks effort, and may consider a working group to address this request.

### **Habitat and Ecosystem Committee**

**MOTION 12: MOVE FORWARD WITH AN AMENDMENT TO BOTH THE CORAL AND SHRIMP FMPs TO ESTABLISH A SFAA.**

#### **MOTION 13: ADOPT THE FOLLOWING TIMING AND TASKS.**

- Add the Shrimp 12/Coral 11 Joint amendment to the Council work plan and prepare for review for scoping at the December meeting

**NOTE: During discussion of the Council’s workplan at the end of the meeting, the Council opted for moving this item to the March 2025 agenda instead.**

### **Snapper Grouper Committee**

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

**MOTION 14:** APPROVE REGULATORY AMENDMENT 36 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPEL FISHERY OF THE SOUTH ATLANTIC REGION 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.

*Scamp/Yellowmouth Grouper (SG Amendment 55)*

**MOTION 15:** SELECT ALTERNATIVE 4 AS THE PREFERRED ALTERNATIVE FOR SUB-ACTION 2D.

**Action 2d. Establish the optimum yield for the Scamp and Yellowmouth Grouper complex.**

**Preferred Alternative 4.** Establish an optimum yield of 95% of maximum sustainable yield for the Scamp and Yellowmouth Grouper complex.

**MOTION 16:** MOVE ACTIONS 6 AND 7B TO THE CONSIDERED BUT REJECTED APPENDIX.

**Action 6.** Reduce the recreational fishing season for scamp and yellowmouth grouper

**Sub-Action 7b.** Establish a recreational vessel limit

**MOTION 17:** APPROVE SNAPPER GROUPEL AMENDMENT 55 (SCAMP AND YELLOWMOUTH GROUPEL) 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 18:** DIRECT STAFF TO DO THE FOLLOWING:

- Prepare Snapper Grouper Regulatory Amendment 36 (Gag and Black Grouper Recreational Vessel Limits and Black Sea Bass On-Demand Pots) and Amendment 55 (Scamp and Yellowmouth Grouper Complex) for transmittal to the Secretary of Commerce.
  - Review and revise codified text as needed
- Develop outreach materials/media for stakeholders about Regulatory Amendment 36 and Amendment 55 regulations.
- Investigate black sea bass effort data and work with the Science Center to update assumptions for catch projections.
- Convene the Snapper Grouper Advisory Panel in October 2024
- Conduct scoping webinars for Amendment 56 (Black Sea Bass Assessment Response) AFTER the December Meeting.
- Convene the Commercial Snapper Grouper Management Subcommittee between the September and December 2024 Council meetings.

NC Marine Fisheries Commission

## **Director's Report**

**November 2024 Quarterly Business Meeting**

# Federal For-Hire Permit Review

## SAFMC Federal For-Hire Permit Enforcement Review

October 23, 2024

### I. SUBJECT

An exploration of potential enforcement to increase compliance with South Atlantic Fishery Management Council (SAFMC) federal for-hire fishing permits in North Carolina. This paper does not address Mid Atlantic Fishery Management Council federal for-hire fishing permits.

### II. ORIGINATION

Marine Fisheries Commission. This is a request from Commissioner Tom Roller and is specific to SAFMC for-hire permits.

### III. BACKGROUND

The mission of the NC Division of Marine Fisheries (NCDMF) Marine Patrol is to ensure sustainable marine and estuarine fisheries for the benefit of the people of North Carolina. Their jurisdiction includes all coastal waters, extending to three miles offshore, and ranges to 200 miles offshore for some federally regulated species. Officers monitor 2.5 million acres of water and over 4,000 miles of coastline where an estimated 4,000 commercial fishermen, and 2 million recreational anglers fish. It is the responsibility of the Marine Patrol to make sure these fishermen comply with general statutes, rules, and proclamations that are developed to protect and regulate the harvest of the state's fisheries.

NOAA's Office of Law Enforcement (OLE) has a similar mission to protect marine wildlife and habitat by enforcing federal laws and to ensure resources are available for future generations. It supports the core mission mandates of NOAA Fisheries, maximizing productivity of sustainable fisheries and fishing communities, as well as protection, recovery, and conservation of protected species by enforcing compliance with marine resource protection laws and regulations under NOAA's purview. OLE jurisdiction covers ocean waters between 3 and 200 miles offshore and includes 3.36 million square miles of open ocean and over 95,000 miles of US coastline.

To increase the efficiency of federal enforcement efforts, OLE enters into Joint Enforcement Agreements (JEA) with states which deputize state and territorial marine law enforcement agencies to enforce federal laws and regulations and provides funding to state law enforcement to enforce federal regulations. However, in 2015, the NC General Assembly passed Session Law 2015-201 that forbids the Department of Environment and Natural Resources (now Department of Environmental Quality) from entering a JEA with OLE. This prevents Marine Patrol from receiving funding from NOAA fisheries to perform law enforcement services in support of federal regulations.

This Session Law also directed the NCDMF to study the JEA. NCDMF studied the impacts, costs, and benefits of entering into a JEA and whether the state should authorize an agreement. It also required NCDMF to establish a stakeholder advisory group and to include for-hire license holders, commercial fishing license holders and relevant staff to the NCDMF. Public comments were also received. Based on the information gathered and public comment, the NCDMF did not recommend establishing a JEA with OLE (NCDMF, 2016).

NCDMF Marine Patrol enforces NC statutes and rules but also enforces proclamations. These are public notices that suspend or implement rules affected by variable conditions. Proclamations can set certain fishing seasons and areas, harvest and gear limits, and conditions governing fisheries. Proclamation authority and proclamations are codified in rules. The ability to manage and enforce regulations in federal waters is codified in 15A NCAC 03M .0512 Compliance With Fishery Management Plans. This rule provides the NCDMF Director with proclamation authority to comply with federal regulations incorporated in Federal Fishery Management Council Management Plans via the NC Interjurisdictional Fishery Management Plan. The ability to enforce federally required permits is through this proclamation authority.

Currently the state does not require NC for-hire vessels to hold federal permits outright. However, through two proclamations, the state mirrors some SAFMC federal requirements for federally permitted for-hire vessels. There are two federal for-hire permits with bag limits and unlawful to sell requirements listed in proclamations that are enforced by DMF Marine Patrol.

- **South Atlantic Snapper-Grouper Charter/Head Boat Permit (FF-30-2024, FF-40-2024)**  
Unlawful to exceed the recreational bag limits for snapper grouper species when fishing with more than four persons (including Captain and mate) on board when carrying paying customers, regardless of possession of the federal commercial permit. It is also unlawful to sell or offer for sale any species of snapper-grouper when fishing with more than four persons (including Captain and mate) regardless of possession of the federal commercial permit.
- **South Atlantic Coastal Migratory Pelagic Permit (Charter Boat and Head Boat) (FF-51-2022)**  
Permit holders must comply with the king mackerel possession limits (3 per person per day) when fishing with more than three persons (including Captain and mate) on board. Unlawful to sell or offer for sale king mackerel taken from a charter vessel or head boat with both a NMFS Coastal Migratory Pelagic Permit (Charter Boat and Head Boat) and a NMFS Commercial King Mackerel Permit while operating as a for-hire vessel. Unlawful to possess more than 15 Spanish Mackerel per person per day in NC coastal and joint fishing waters.

Based on SAFMC federal permit data (Figure 1), the number of charter vessel permits issued for NC vessels has remained consistent since 2008. The number of state for-hire licenses (Figure 2) has increased over time and is driven by the increase in the number of Blanket For-Hire Vessel CRFL licenses issued. This increase is most likely from the COVID-19 pandemic when an overwhelming majority came from the ‘small boat’ fleet (18-32 ft) that are able to be traileered from site to site (Dallis Tucker, NDCMF, Personal Communication). Most of these vessels stay around the 0–3-mile area but during good weather, will fish further out for pelagic and bottom species (Dallis Tucker, NDCMF, Personal Communication). Focusing on enforcement of compliance with state for-hire licenses in state waters is a higher priority than enforcement of SAFMC federal for-hire permits in either the EEZ or in state waters.

#### **IV. AUTHORITY**

##### Code of Federal Regulations

50 CFR622.370(c) Dealer permits and conditions –  
 50 CFR622.20(c) Permits and endorsements.  
 50 CFR622.170(b) Permits and endorsements.  
 50 CFR622.369 Description of zones  
 50 CFR622.170(a)(1) South Atlantic snapper-grouper

##### NC General Statutes

NCGS 113-134 Rules  
 NCGS 113-134.1. Jurisdiction over marine fisheries resources in Atlantic Ocean  
 NCGS 113-170.4. Rules as to possession, transportation, and disposition of fisheries resources  
 NCGS 113-170.5. Violations with respect to coastal fisheries resources  
 NCGS 113-174.3 For-Hire Licenses  
 NCGS 113-182. Regulation of fishing and fisheries  
 NCGS 113-183.1 Fishery Management Plans  
 NCGS 113-221.1 Proclamations: emergency review  
 NCGS 113-143B-289.52. Marine Fisheries Commission – powers and duties

##### NC Rules

15A NCAC 03H .0103 Proclamations, general  
 15A NCAC 03M .0512 Compliance with fishery management plans

#### **V. DISCUSSION**

##### SAFMC Federal For-Hire Permits

A for-hire fishing vessel is defined by 50 CFR 600.1400 as a “vessel on which passengers are carried to engage in angling or spear fishing, from whom a consideration is contributed as a condition of such carriage, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person having an interest in the vessel”. NOAA Fisheries requires the use of federal for-hire permits by captains to take paying passengers fishing in federal waters.

Currently there are three open access for-hire permits required in the South Atlantic waters of the Exclusive Economic Zone (3 to 200 miles off of the Atlantic coast);

- *South Atlantic Charter/Headboat for Snapper-Grouper (SC) 50 CFR 622.170(b)*  
This is a charter and head boat vessel permit that allows captains to take for-hire fishing trips in federal waters (3 to 200 miles) off the Southern Atlantic states to catch and keep Snapper-Grouper. Fish may not be sold with this permit.
- *South Atlantic Charter/Headboat for Coastal Migratory Pelagic (CHS) 50 CFR 622.369*  
This is a charter and Head boat vessel permit that allows captains to take for-hire fishing trips in federal waters (3 to 200 miles) off the Southern Atlantic states and the Mid-Atlantic states to catch and keep Coastal Migratory Pelagic Fish (Spanish and King mackerel, cobia)
- *Atlantic Charter/Headboat for Dolphin and Wahoo (CDW) 50 CFR 622.270(a)*  
This is a charter and Head boat vessel permit that allows captains to take for-hire fishing trips in federal waters (3 to 200 miles) off the Southern Atlantic states to catch and keep Dolphin or Wahoo.

The following SAFMC Fishery Management Plan (FMP) Amendments established the for-hire permit requirements as well as reporting requirements.

**The Comprehensive Head Boat Reporting Amendment** (April 2013) required submission of electronic fishing records to the Science and Research Director weekly for Snapper-Grouper (Amendment 31), Dolphin and Wahoo (Amendment 6), and the Coastal Migratory Pelagic (CMP) resources (Amendment 22).

**The Comprehensive For-Hire Electronic Reporting Amendment** (March 2017) modified reporting requirements for federally permitted charter vessels and head boats in Snapper-Grouper Amendment 39, Dolphin/Wahoo Amendment 9, and CMP Amendment 27. This amendment required mandatory electronic reporting for charter vessels and modified the timing of head boat reporting by reducing the grace period allowed for submitting reports.

**Snapper-Grouper Amendment 7** (January 1995) required all charter and head boats fishing for or possessing species in the snapper-grouper management unit on a for-hire basis, to annually obtain a federal permit. The science director would select an appropriate number of individuals to maintain logbooks and those selected would be required to maintain a fishing record for each fishing trip.

**Coastal Migratory Pelagic Amendment 2** (March 1987) required permits for charter boats fishing for coastal migratory pelagics as well as for commercial Spanish mackerel boats.

**Dolphin and Wahoo Fishery Management Plan** (June 2004) established a separate management unit for dolphin and wahoo (removed from the CMP FMP). This FMP also established a dealer permit, a for-hire vessel, and commercial vessel permits as well as reporting requirements.

These permits are not required for for-hire vessel operations to catch and keep fish in state waters (0 – 3 miles). Currently, there are no limited access for-hire permits in Atlantic federal waters, but there are two limited access for-hire permits in the Gulf of Mexico federal waters. However, the SAFMC has recently began discussions to consider limited access for-hire permits in the south Atlantic.

#### NC For-Hire Licenses

A for-hire vessel operation is defined by NC G.S. 113-174(2a) “a charter boat, headboat, dive boat, or other vessel hired to allow individuals to engage in recreational fishing. The NCDMF requires the use of state for-hire licenses by captains who take paying passengers fishing in coastal waters.

Blanket licenses allow anglers to fish aboard licensed for-hire vessels or on licensed ocean piers to fish without having an individual Coastal Recreational Fishing License (CRFL). There are two blanket for-hire licenses (Captain’s and Vessel) that are designed for charter, guide, and headboats that can be purchased for six or fewer passengers or more than six passengers.



There are three different open access for-hire licenses available to fish in NC coastal fishing waters (estuarine and coastal ocean 0-3 miles). A for-hire operator needs one of these licenses to operate for-hire fishing in NC coastal fishing waters.

- Non-Blanket Vessel. This license is intended for dive boats and charter vessels not wishing to provide recreational license privileges to passengers.
- Blanket Vessel (CRFL). This license is intended for charter boats and head boats wishing to provide recreational license privileges to passengers.
- For-Hire Captains (CRFL). This license is intended for guides with multiple vessels wishing to provide recreational license privileges to passengers on all vessels.

## Enforcement

Marine Patrol actively enforces state for-hire licenses as these operations occur in estuarine and inshore waters within three miles. However, the ability for Marine Patrol to actively enforce SAFMC federal for-hire vessel permit requirements is difficult. The Marine Patrol has 56 officers that work in three law enforcement districts along the coast. In addition to enforcing state commercial and recreational licensing and permitting requirements, they patrol waterways, piers, and beaches in coastal areas. They also inspect seafood houses, vehicles transporting seafood, and restaurants all over the state to make sure everyone is complying with fisheries rules. Officers use a variety of different size boats, aircraft and patrol vehicles to accomplish these tasks.

Although Marine Patrol possesses three vessels capable of offshore work, there is no capacity to meet the coverage needed to effectively enforce SAFMC federal regulations in the EEZ. These vessels are used to enforce regulations in water bodies like Pamlico Sound, Albemarle Sound and along the ocean shoreline. The lack of a JEA also impacts enforcement priorities leaving Marine Patrol to focus on state regulations instead of federal regulations in the EEZ.

For-hire vessels fishing in the EEZ are required to have both a SAFMC federal for-hire permit and the captain must have a NC for-hire license. For example, if a for-hire vessel is fishing for Spanish mackerel in the EEZ and traverses into state waters the captain must have a SAFMC federal coastal migratory for-hire permit and a NC for hire license. However, if the vessel is fishing for Spanish mackerel in state waters only, the captain only needs to possess a NC state for-hire license.

Owners and operators of vessels that have SAFMC federal for-hire vessel permits are required to report all trips through the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program, regardless of where fishing occurs, including other regional or state waters. The purpose of this program is to provide more accurate and reliable fisheries information about for-hire catch, effort, and discards. These data are critical to population assessments and better fisheries management. Electronic reporting also provides more timely, accurate, and reliable information for species that have low catches, small annual catch limits, or are rarely encountered.

This program is experiencing poor compliance resulting in under reporting and lack of validation. During the December 2023 SAFMC meeting, the Council recommended an action to modify SEFHIER to improve compliance, strengthen reporting requirements, and explore validation. The Council also initiated work on a comprehensive amendment to establish limited entry for the South Atlantic for-hire fisheries for Snapper-Grouper, Coastal Migratory Pelagics, and Dolphin and Wahoo FMPs with a control date of December 8, 2023. Additionally, the Council stipulated that SAFMC federal for-hire permit holders that have not reported catch to the SEFHIER program on or prior to December 5, 2023, will not be assured of future access should a management regime that limits participation in the sector be prepared and implemented.

The impact of non-federally permitted vessels who land SAFMC federally managed, or state managed species in state waters is unknown. In North Carolina, there are no reporting requirements for for-hire vessel captains. This is due to Session Law 2015-201 that repealed a mandatory requirement of for-hire logbooks. Although the General Assembly granted the DMF the authority to require logbooks in 2013, there was so much opposition from the for-hire industry that it resulted in the repeal of the requirement in 2015. Hence, trying to fill that data gap through a state for-hire program is not possible.

Another data gap comes from underreporting or no reporting of landings from those who operate a for-hire business in federal waters with and without the required permits. Under reporting or not reporting at all to SEFHIER may impact the for-hire fishery in the future. Concerns include the for-hire industry being underrepresented within the south Atlantic as well as NC being underrepresenting within the south Atlantic for-hire fleet. This could have an impact on economic information and any potential future sector allocations that may become a management strategy for the for-hire sector. Increasing enforcement of SAFMC federal for-hire permits by NC Marine Patrol may increase compliance with federal license requirements as well as inform for-hire vessel captains of the requirements of reporting their catch through the SEFHIER program, addressing a data gap.

There are two scenarios to consider in addressing compliance:

1. Maintain status quo
2. Require SAFMC federal for-hire vessel permit if targeting federally managed species in EEZ

The first scenario is to continue not enforcing SAFMC federal for-hire permit requirements in the EEZ and state waters (status quo). It is unclear if fishing in federal waters without a SAFMC for-hire permit is a widespread problem in NC or the south Atlantic. Other than from MFC commissioner Roller, no anecdotal complaints have been noted from the public nor were brought up at recent SAMFC Mackerel Port Meetings held in NC. Florida has experienced some violations of SAFMC federal for-hire permit requirements in parts of its coast and have had enforcement operations to catch violators (Jessica McCawley, FWC, Personal Communication). Georgia has not viewed this as an issue but if officers encounter violations, they are referred to NOAA OLE as needed (Captain Chris Hodge, Ga DNR, Personal Communication). Anecdotal information received at SCDNR Summit Charter Meetings indicates that violations are happening, but the extent of these violations is unknown (Amy Dukes, SCDNR, Personal Communication). In addition, the SAFMC has not noted any concerns that this is a widespread problem, but as noted earlier, are working to address reporting compliance into the SEFIER program. Review of NOAA OLE reports of summary settlements of unpermitted charter activity in the south Atlantic also indicates that violations are rare with 6 total violations from July 1, 2023, through June 30, 2024 (Table 1). Should NOAA OLE consider unpermitted for-hire vessels a priority, NOAA officers can be shifted to that area to increase enforcement. Additionally, Marine Patrol is already enforcing possession limits to protect the resources that are managed via federal for-hire permits when those resources enter North Carolina waters.

The second scenario is to enforce all for-hire vessels fishing in the EEZ to have a SAFMC federal for-hire vessel permit (CMP, SG, DW) if targeting federally managed species. This would be required through proclamation authority under 15A NCAC 03M .0512 and the Interjurisdictional FMP. However, enforcement capabilities in the EEZ by state law enforcement is limited as noted earlier. Proving that fish were taken in federal waters after coming to the dock is difficult in court. If a for-hire vessel comes in with federal species and no federal permit the captain can claim the fish was caught within three miles. Even if it is obvious the fish (most snapper-groupers, dolphin, wahoo, etc.) were most likely caught in federal waters, the burden of proof is on the officer. To prove the fish were caught in federal waters, the officer would have to have witnessed the action or have a witness to the action. Also, a judge will most likely side with the fisherman if the officer is unable to prove the fish were caught in federal waters. However, despite these enforcement challenges, there will likely be some increase in level of compliance with the requirements.

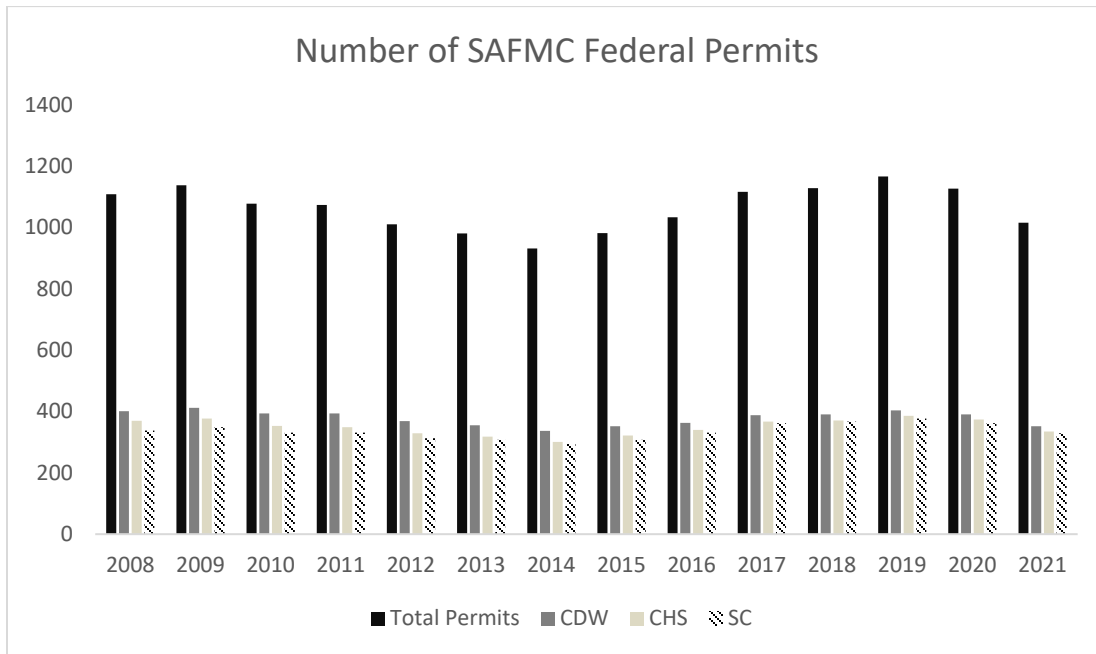
## **VI. CONCLUSION**

The NCDMF has made the decision to continue to not enforce SAFMC for-hire permits. Marine Patrol enforcement priorities of state rules and proclamations as well as the capacity to enforce federal requirements in the EEZ makes it impractical at this time. As noted earlier, Marine Patrol enforces two SAFMC federal for-hire bag limit requirements and unlawful to sell requirements and will continue to do so. Enforcement of SAFMC federal for-hire permits at the dock or in state waters is impractical because when checking fishers, marine patrol cannot prove if the fish were harvested in the EEZ or in state waters. Restoring the authority to establish a Joint Enforcement Agreement and NC entering into a JEA agreement with NOAA Fisheries would need to be re-evaluated before undertaking this enforcement.

To assist in enforcing rules where charter boat captains may be out of compliance with SAFMC federal regulations, including permitting, fishermen witnessing non-compliance can call the NOAA OLE Hotline 24 hours a day, seven days a week at (800) 853-1964 to report them. This could possibly be a deterrent to others who may be out of compliance due to the considerable cost of a federal violation. In addition, this topic can be elevated to the SAFMC's

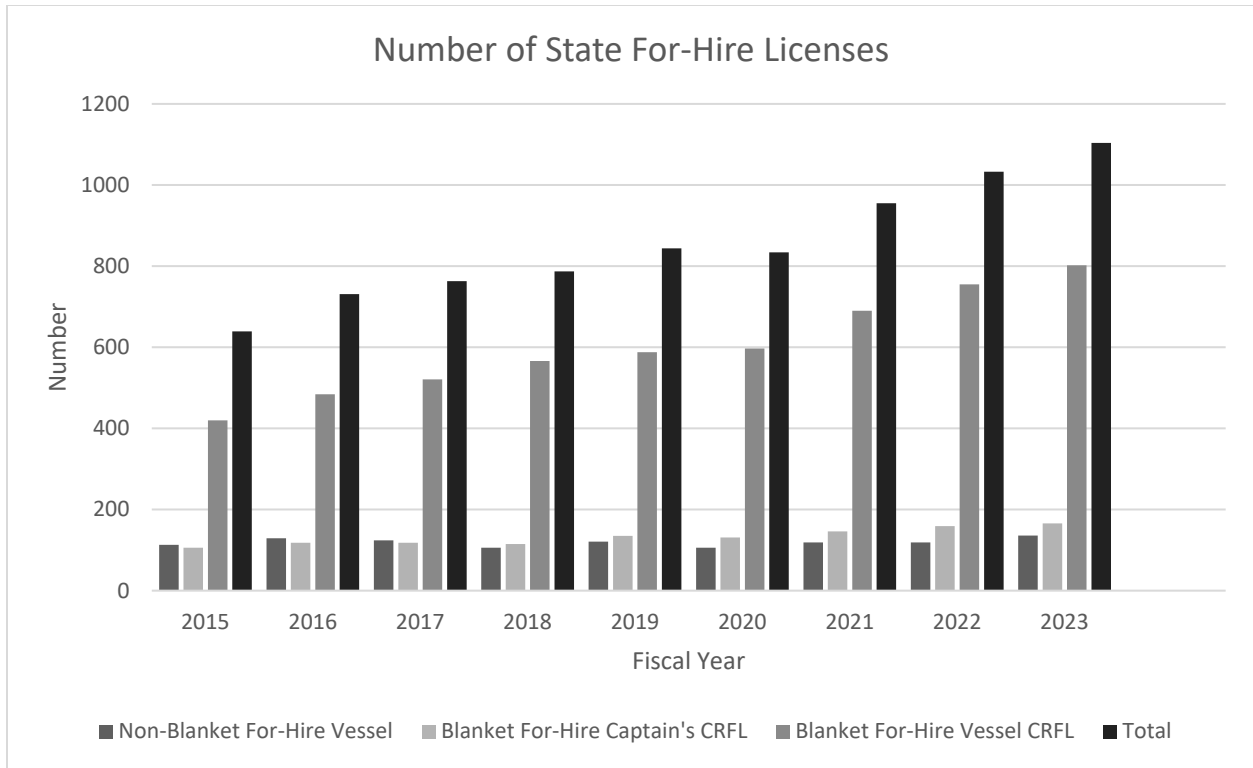
Law Enforcement Advisory Panel to inquire more about how widespread unpermitted for-hire operations are in the south Atlantic.

Increasing outreach efforts to for-hire industry through NCDMF license clerks can provide information and links to SAFMC and MAFMC permit requirement resources during license renewals and pre-sales. Additionally, NCDMF can provide educational outreach through social media to the public about licensing and permitting requirements when looking for potential for-hire fishing opportunities.



Data provided by SEFSC

Figure 1. Total Number of SAFMC Federal Charter Vessel Permits Homeported in North Carolina by Permit Type (2008-2021). CDW=Dolphin/Wahoo Permit. CHS=Coastal Migratory Pelagics Permit. SC=Snapper Grouper Permit



Data provided by NCDMF

Figure 2. Total Number of State For-Hire Licenses by License Type (2015-2023)

Table 1. Overview of Summary Settlements, Unpermitted Charter Activity-Open Access Permit. July 1, 2023 through June 30, 2024 (NOAA 2023, 2024a, 2024b, 2024c)

NOAA OLE Fiscal Year	NC	SC	Ga	Fl (Keys and east)	Total
<b>Jul 1-Sept 30, 2023, FY-23</b>				1	1
<b>Oct 1-Dec 31, 2024, FY-24</b>	1			1	2
<b>Jan 1-Mar 30, 2024, FY-24</b>				3	3
<b>Apr 1-Jun 30, 2024, FY-24</b>					0
<b>July 1, 2023-June 30, 2024 Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>6</b>

## VII. LITERATURE CITES

- NCDMF. 2016. Report to the North Carolina General Assembly Environmental Review Commission under Senate Bill 374, Session Law 2015-201. North Carolina Department of Environment Quality, Division of Marine Fisheries, Morehead City, NC. 38 p.
- NOAA. 2023. Fiscal Year 2023, Quarter 4 Fishery Management Council Report. National Oceanic and Atmospheric Administration Southeast Division, St Petersburg, FL. 29 p.
- NOAA. 2024a. Fiscal Year 2024, Quarter 1 Fishery Management Council Report. National Oceanic and Atmospheric Administration Southeast Division, St Petersburg, FL. 30 p.
- NOAA. 2024b. Fiscal Year 2024, Quarter 2 Fishery Management Council Report. National Oceanic and Atmospheric Administration Southeast Division, St Petersburg, FL. 36 p.
- NOAA. 2024c. Fiscal Year 2024, Quarter 3 Fishery Management Council Report. National Oceanic and Atmospheric Administration Southeast Division, St Petersburg, FL. 29 p.

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Date, Revised: October 26, 2024



ROY COOPER  
*Governor*

MARY PENNY KELLEY  
*Secretary*

KATHY B. RAWLS  
*Director*

October 31, 2024

## MEMORANDUM

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

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

**SUBJECT:** Protected Resources Program Update

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### Issues

#### *New Incidental Take Permit*

The National Marine Fisheries Service (NMFS) issued a renewed Incidental Take Permit (ITP; No. 27106) for sea turtles and sturgeon interactions in certain estuarine gill-net fisheries on October 2, 2024 (<https://www.fisheries.noaa.gov/action/incidental-take-permit-north-carolina-division-marine-fisheries-sea-turtles-and-sturgeon>). The ITP's Conservation Plan includes measures to monitor, avoid & minimize, and mitigate incidental takes in estuarine gill nets covered by the permit. On October 9, a news release was issued outlining the general differences in the ITP Conservation Plan between the old permits and the new one. The most notable and consequential difference is the reduction in the numbers of authorized takes (Table 1). The lower take numbers are based on more recent levels of fishing effort, interaction rates for each species, and a review of requested takes in the application by the NMFS. In the new ITP, authorized takes, except for the most rare species, are based on two-year rolling totals across the state rather than annual totals by management unit (MU). This approach allows greater flexibility for the Division to streamline adaptive management options to keep incidental takes below authorized levels by using annual take targets for half of the two-year rolling totals. In regards to authorized takes, another change is how observed takes not identified to species are accounted for in the authorized take numbers. In the new ITP, unidentified sturgeon will be assigned as Atlantic Sturgeon, the more common species in North Carolina's estuarine waters. Unidentified sea turtles will be apportioned to the most common three species in accordance to their proportion in historical observer data as follows: 0.83 Green Sea Turtle, 0.14 Kemp's Ridley Sea Turtle, 0.03 Loggerhead Sea Turtle.

The lower levels of authorized takes have already influenced the need to use adaptive management to maintain take levels below the annual take target for dead green sea turtles. Between issuance of the ITP on October 2 and October 18, there were six observed dead green sea turtles in large-mesh gill nets ( $n = 4$ ) and small-mesh gill nets ( $n = 2$ ). These six sea turtles represent an estimated 76.5 dead green sea turtles across the fisheries out of an annual take target of 85. As a result,

Proclamation M-21-2024 was issued on October 24 that, among other things, closed Management Unit D1 to gill net activities covered by the ITP and implemented net attendance requirements for those activities in Management Units B, D2, and E. The decision to close all of Management Unit D1 was based on the two dead green sea turtles observed on a single small-mesh gill net trip there on October 18 and the fact that sea turtles are common in that management unit. The gill net attendance requirements in other management units where sea turtles may occur were put in place to effectively reduce soak times whereby any sea turtles that may be entangled in the gear would be more likely to be released alive. Should another dead green sea turtle be observed and the estimated number exceed the annual take target, the overage would be “borrowed” from the following ITP year, lowering the annual take target for that year. As water temperatures decrease and sea turtles become less common, the Division will consider removing these added restrictions.

**Table 1.** Authorized incidental takes by species in two-year rolling totals or, for rare species, totals across the duration of the permit. Takes include predicted overall takes across the fisheries whenever possible; otherwise takes are based on counts of observed takes. Takes are either combined or separate for mesh-size category and disposition. Mesh-size categories are large ( $\geq 5$  ISM [inches stretch mesh) and small ( $< 5$  ISM). Annual Take Targets used by the Division to maintain takes below authorized levels are also shown.

Species	Mesh-size Category	Disposition	Predicted or Observed Takes	Authorized 2-year rolling takes	Annual Take Targets
Atlantic Sturgeon	Large & Small	Live	Predicted	436	218
	Large & Small	Dead	Observed	6	3
Green sea turtle	Large & Small	Live	Predicted	542	271
	Large & Small	Dead	Predicted	170	85
Kemp’s ridley sea turtle	Large	Live	Observed	10	5
	Large	Dead	Observed	4	2
	Small	Live or Dead	Observed	4	2
Loggerhead sea turtle	Large & Small	Live or Dead	Observed	4	2
Species	Mesh-size Category	Disposition	Predicted or Observed Takes	Authorized Total Take Over Permit Duration	Annual Take Targets
Shortnose Sturgeon	Large & Small	Live or Dead	Observed	4	n/a
Hawksbill sea turtle	Large & Small	Live or Dead	Observed	2	n/a
Leatherback sea turtle	Large & Small	Live or Dead	Observed	2	n/a

There are two notable changes in the monitoring portion of the new ITP. One change is the requirement for observed coverage to be based on estimated fishing effort rather than actual fishing effort. Previously, the Observer Program would estimate fishing effort and set an observer sea-day schedule accordingly. However, if fishing effort was greater than estimated, the Division could go out of compliance. In the new ITP, the Division is required to provide an observer sea-day schedule and calculation rationale for estimating fishing effort in advance of each season to request NMFS concurrence. This approach means that if actual fishing effort is greater than estimated, the Division will remain in compliance as long as the original sea day schedule is fulfilled. The other change in the new ITP is the requirement for the Division to implement the Observer Trip Scheduling System (OTSS). See updates below for the status of the OTSS.

For the avoid & minimize portion of the new ITP, measures from the previous ITPs to reduce incidental takes were maintained. The only change in the new ITP is the requirement for overnight soak time restrictions for the flounder gill-net fishery to be applied to MUs A and C, where previously they were only required for MUs B, D1, D2, and E.

During the ITP renewal process, several other changes were made to update the delineations of MUs where needed, to align the definition of large- and small-mesh size categories with the Division's definitions, and to clarify which gill-net fisheries are not covered by the ITP. The changes in MU delineations included moving the boundary line between MU B and D1 in Core Sound north to the 35° 00.000' N latitude line such that Core Sound is completely contained in MU D1. Large-mesh gill nets for flounder will still be able to be set between 35° 00.000' N south to 34° 48.270' N (now in the northern D1 subunit). Prohibition of this gear south of 34° 48.270' N (now in the southern D1 subunit) between May 8 through October 14 as required by the previous ITPs remains in effect. The other change is to include all of Turnagain Bay in MU C instead of split between MUs B and C as it was in the previous ITPs. Previous ITPs also had two different definitions for mesh-size categories. The new ITP defines large-mesh as 5 inches or greater stretched mesh and small-mesh as less than 5 inches stretched mesh; this is consistent with the Division's Trip Ticket Program and the previous Atlantic sturgeon ITP (No. 18102). Finally, the definitions of gill-net fisheries exempted from the ITP were updated. The revised definitions offer greater consistency with the descriptions of gear in the ITP application, and are as follows:

- Run-around, strike, or drop gill nets - gill nets that are actively fished by either (1) using the boat to run a net around a school of fish, creating a closed circle, or (2) using the boat after the net is set to herd fish into the net without delay, whereby soak time does not exceed 30 minutes from the end of the set to the beginning of the haul.
- Drift gill nets - gill nets that are used to capture fish while being moved along by water currents whereby the net stays attached to the vessel from deployment through retrieval.

### *Observer Trip Scheduling System*

The Division continues to coordinate with NC Department of Information Technology and an outside state-contracted vendor to develop the Observer Trip Scheduling System (OTSS). The OTSS will help ensure ITP observer coverage requirements are met and observer coverage is distributed evenly among participants and is more representative of the fishery. Once the OTSS is implemented, fishermen who plan to fish gill nets covered by the ITP will have to report planned fishing activity the week prior using either an automated call-in system or web-based portal.



Afterwards, they will be randomly selected to carry an observer. The OTSS also includes automatic notifications to the fishermen to remind them when the system is open for them to report in and to let them know whether or not they have been selected to be observed for the following week.

The Observer Program is currently testing the OTSS. During September, additional testing of the OTSS call-in system and web-based portal was done by members of the commercial fishing industry, including those on the Marine Fisheries Commission. Input from the external testers is being incorporated into the OTSS and the drafting of training materials. An implementation date in February 2025 is planned. In-person training meetings have been scheduled as outlined below. Informational packets will be mailed to fishermen who hold an Estuarine Gill Net Permit.

January 16	January 21	January 22
<b>NCDMF Central District Office</b> 5285 Hwy 70 West Morehead City 5:30 p.m. – 7:30 p.m.	<b>Hatteras Community Building</b> 56658 NC Hwy 12 Hatteras 5:30 p.m. – 7:30 p.m.	<b>Dare County Admin. Building</b> 954 Marshall Collins Drive Manteo 5:30 p.m. – 7:30 p.m.
January 23	January 28	January 30
<b>Pasquotank County Library</b> 100 East Colonial Avenue Elizabeth City 5:30 p.m. – 7:30 p.m.	<b>NCDMF Pamlico District Office</b> 943 Washington Square Mall Hwy 17, Washington 5:30 p.m. – 7:30 p.m.	<b>Cape Fear Community College</b> 411 North Front Street Wilmington 5:30 p.m. – 7:30 p.m.

#### *Recent Incidental Take Permit Reports*

The previous sea turtle and Atlantic Sturgeon ITPs were effective during summer months of 2024 (June-August). The sea turtle ITP required seasonal reports be submitted to NMFS. The Atlantic Sturgeon ITP required monthly reports, if there was an observed take, or an email stating there were no takes. Summary information is provided from the Division’s Protected Resources Program for observer program activities during summer (June-August) 2024. The summer seasonal report can be found in the briefing materials. There were no monthly reports submitted as there were no sturgeon incidental takes during summer months.

#### **Action Needed**

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

#### **Overview of the ITP report**

During summer (June–August) 2024, the estuarine anchored large-mesh gill-net fishery remained closed state-wide. At the beginning of summer, the small-mesh gill-net fishery was open in all MUs except for MU D1 (Proclamation M-10-2024). Additionally, small-mesh (<5 ISM) gill-net attendance requirements remained in place from spring. Due to a lack of observed effort and reports from fishermen, MU A was closed to anchored gill nets on July 29 to ensure compliance with the ITP (M-14-2024).

During summer, Division staff conducted 22 small-mesh gill-net observations (Table 2). Estimated observer coverage met or exceeded the ITP-required levels for the small-mesh gill-net fishery in

all open MUs (i.e., B, C, D2, and E). There were no observed sea turtle or Atlantic sturgeon interactions during summer.

During the 22 observations, two sea turtle interactions were documented (Table 3). Both observed sea turtle takes occurred on the same trip in MU B (1 loggerhead; 1 green). They were released alive. The observed takes did not exceed authorized take levels (Table 4).

Observers and Marine Patrol officers logged 343 unsuccessful attempts to find and observe anchored gill-net effort (i.e., No-Contact trips) during summer 2024 (Table 5). The No-Contact trips in MU A highlight the efforts to find fishing activity before the decision was made to close this MU to small-mesh gill nets.

During summer 2024, 919 phone calls or in-person contacts were made with 33% (n = 303) representing occasions where observers and fishermen spoke to each other. Of the 303 conversations, 54 of them (18% of conversations) were a result of fishers returning or initiating phone calls. Nevertheless, only 1% (n = 6) of the 919 contacts resulted in a booked trip.

**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 2024 (summer) of ITP Year 2024. Management Unit (MU) D1 was closed during spring 2024 and remained closed during summer. MU A was closed July 29, 2024, due to a lack of observable effort; estimated fishing trips for MU A are prorated for the months of June and July only.

Management Unit	Estimated Fishing		Percent Observer Coverage
	Trips	Observed Trips	
A	127	0	0.0
B	847	12	1.4
C	63	4	6.3
D1	<i>Closed</i>	<i>Closed</i>	<i>Closed</i>
D2	11	2	18.2
E	155	4	2.6
Total	1,203	22	1.8

**Table 3.** Summary of observed sea turtle interactions (n = 2) in anchored gill nets during June–August (summer) 2024 for Incidental Take Permit Year 2024. Note that both sea turtles were captured during the same trip. MU=Management Unit. CCL=Curved Carapace Length. CCW=Curved Carapace Width.

Date	MU	Mesh-Size Category	Latitude (N)	Longitude (W)	Species	Condition	CCL (mm)	CCW (mm)
8/16/2024	B	Small	34.86608	-76.32107	Loggerhead	Alive	537	515
8/16/2024	B	Small	34.86560	-76.32079	Green	Alive	296	277

**Table 4.** Total annual authorized and actual takes (observed and estimated) of sea turtles by species and, for estimated takes, by condition for the 2024 ITP Year to date (September 2023–August 2024). Estimated takes denoted with an en dash (–) are for species whose authorized takes in the ITP are expressed only as counts. Both are listed under “Any Species.”

Species	Observed (live/dead)		Estimated			
	Authorized	Actual	Authorized		Actual	
			Alive	Dead	Alive	Dead
Green	18	3	330	165	52.6	0.0
Hawksbill	8	0	–	–	–	–
Kemp's ridley	12	1	98	49	19.1	0.0
Leatherback	8	0	–	–	–	–
Loggerhead	24	1	–	–	–	–
Any Species	8	2	–	–	–	–
Total	78	7	428	214	71.7	0.0

**Table 5.** Summary of “No-Contact” trips by Management Unit completed by Marine Patrol and observers during June–August 2024 (summer) of ITP Year 2024. “No Contact” refers to unsuccessful attempts to find and observe anchored gill-net effort. Management Unit (MU) D1 was closed during spring 2024 and MU A was closed July 29, 2024, due to a lack of observable effort

Management Unit	Marine Patrol No-Contact Trips	Observer No-Contact Trips	Total No-Contact Trips
A	63	3	66
B	21	26	47
C	24	4	28
D1	<i>Closed</i>	<i>Closed</i>	<i>Closed</i>
D2	16	3	19
E	179	4	183
Total	303	40	343