

DIRECTOR'S REPORTS

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PROTECTED RESOURCES UPDATE

LANDINGS UPDATE



Atlantic States Marine Fisheries Commission

2021 Summer Meeting Webinar Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2021 Summer Meeting Webinar
August 2-5, 2021

Toni Kerns, ISFMP, or
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Meeting Summaries, Press Releases and Motions

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AMERICAN LOBSTER MANAGEMENT BOARD (AUGUST 2, 2021)

Press Release

ASMFC American Lobster Board Initiates Draft Addendum XXIX

The Commission's American Lobster Management Board initiated Draft Addendum XXIX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Draft Addendum considers implementing electronic tracking requirements for federally-permitted vessels in the American lobster and Jonah crab fishery, with the goal of collecting high resolution spatial and temporal effort data.

"In my opinion, this is the single most important thing the American Lobster Board can do to ensure the viability of the American lobster fishery," stated Board Chair Dan McKiernan from Massachusetts. "Through the proposed action, the Board seeks to significantly improve our understanding of stock status, identify areas where lobster fishing effort might present a risk to endangered North Atlantic right whales, and provide important information to help reduce spatial conflicts with other ocean uses, such as wind energy development and aquaculture."

A number of challenges facing the fishery (e.g., rising water temperatures, protected species interactions, reduced recruitment) present a critical need for the collection of enhanced spatial and temporal data via electronic tracking devices in the offshore fishery. The stock assessment models that estimate exploitation and abundance for American lobster could be greatly improved with these data, as they would provide size composition data at a finer resolution than what is currently available. Additionally, the models used to assess the location of vertical lines in the fishery and their associated risk to endangered right whales could be substantially improved with vessel tracking data, which could impact federal risk reduction requirements for the fishery. Better understanding the footprint of the U.S. lobster fishery will also be vital to ocean planning efforts to minimize spatial conflicts with other ocean uses such as aquaculture, marine protected areas, and offshore energy development, as well as provide fishery managers tools to help maintain industry fishing grounds. Furthermore, vessel tracking could improve the efficiency and efficacy of offshore law enforcement efforts.

Draft Addendum XXIX will propose specifications for tracking devices to ensure the collected data meet both management and assessment needs. These specifications include data reporting rates, preferred technologies, and minimum standards for tracking devices. Implementation timelines, as well as budgetary and staff resource needs will be further discussed as the Draft Addendum is developed. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

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PR21-14

Meeting Summary

In addition to initiating a Draft Addendum to consider implementing electronic tracking requirements for federally-permitted vessels in the American lobster and Jonah crab fishery, the American Lobster Management Board (Board) considered a number of items: a progress report on the development of Draft Addendum XXVII on Gulf of Maine/Georges Bank resiliency, a Jonah Crab pre-assessment report

and recommendations on initiating a stock assessment from the Jonah Crab Technical Committee (TC), and paths forward for developing a management strategy evaluation (MSE) for the lobster fishery.

Staff updated the Board on the development of the Draft Addendum XXVII, which aims to proactively increase biological resiliency of the Gulf of Maine/Georges Bank (GOM/GBK) stock. The Plan Development Team (PDT) provided draft management options and considerations for developing a trigger mechanism that would automatically implement management measures to improve the biological resiliency of the GOM/GBK stock if the trigger is reached. The TC also provided preliminary recommendations for defining management triggers based on indices of abundance and identified management measures most likely to increase stock resiliency, such as changes to minimum and maximum gauge sizes. The TC is currently developing an analysis to project the impacts of various gauge size changes on the stock and the fishery. The PDT will finalize the Draft Addendum based on the results of this analysis, and the Board will consider Draft Addendum XXVII for public comment in October 2021.

The Jonah Crab TC Chair presented a pre-assessment report to the Board, which provided the TC's evaluation of available data sets, findings on potential approaches for a near-term stock assessment to provide management advice, and research recommendations to advance future stock assessments. To date, there is no range-wide stock assessment of Jonah crab, stock status is unknown, and there has been limited science-based advice available to support management of the fishery. Given the data available, a steady increase in landings as the fishery has developed, and persistent uncertainty about sustainability and market limitations, the TC recommends moving forward with a stock assessment. The TC believes conducting a near-term stock assessment would help answer questions about the status and sustainability of the resource and provide more information with which to manage the fishery in a shorter timeframe. The Board agreed with this recommendation and approved the initiation a stock assessment for Jonah crab to be completed in 2023.

The Board also discussed proposed paths forward for the development of a management strategy evaluation (MSE) for the lobster fishery. In May, the TC recommended the Board pursue a two-phase MSE focused on the Gulf of Maine/Georges Bank (GOM/GBK) stock, with the goal of providing short-term management guidance while concurrently building the framework to expand the MSE to a spatially explicit approach. As the first steps in the MSE process, the TC recommended 1) forming a steering committee composed of Board and TC members, Commission staff, members of the Commission's Committee on Economics and Social Sciences, industry stakeholders, and individuals with past experience in MSE, and 2) conducting a workshop to develop management goals and objectives. Though the Board expressed interest in pursuing an MSE, it postponed development of an MSE in order to prioritize ongoing work on other actions. Considering current workloads for Draft Addenda XXVII and XXIX, the Board again agreed to delay discussing next steps for MSE until its next meeting.

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

Motions

Move to initiate an addendum to implement electronic tracking for federally-permitted vessels in the lobster and Jonah crab fishery, with the goal of collecting high resolution spatial and temporal effort data. This tracking data shall be collected under the authority of the Atlantic Coastal Fisheries

Cooperative Management Act. The PDT should use the Work Group report on vessel tracking as guidance when developing options and system characteristics.

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

Move to initiate a stock assessment for Jonah crab to be completed in 2023

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

ATLANTIC LARGE WHALE TAKE REDUCTION TEAM UPDATE (AUGUST 2, 2021)

Meeting Summary

NOAA Fisheries provided an overview of North Atlantic right whale mortalities and gear interactions by fishery and gear type along the Atlantic coast. It also updated the states on its efforts and those of the Atlantic Large Whale Take Reduction Team to develop recommendations to modify the Atlantic Large Whale Take Reduction Plan (ALWTRP) to reduce risk to North Atlantic right whales in a number of fisheries. There are two rulemakings in process. Phase I focuses on the Northeast American lobster and Jonah crab trap fisheries, and is in its final stages of rulemaking. Phase 2 focuses on a number of additional fisheries, including gillnets on a coastwide basis and Atlantic mixed species trap/pot fisheries, and is in the initial scoping phases. The video of this session, can be found [here](#).

For more information, please contact Colleen Coogan with NOAA Fisheries at colleen.coogan@noaa.gov or visit the ALWTRP webpage at <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-plan>.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (AUGUST 3, 2021)

Press Release

**States Achieve Required Coastwide Reductions in Atlantic Striped Bass Total Removals
*Development of Draft Amendment 7 Continues; Board Initiates Addendum to Amendment 6***

The Commission's Atlantic Striped Bass Management Board's review of the performance of the 2020 fishery yielded positive news, with the states achieving Addendum VI's goal of reducing total removals by 18% relative to 2017 levels. In fact, the states realized an estimated 28% reduction in total removals coastwide in numbers of fish from 2017 levels. Total removals include commercial harvest, commercial dead discards, recreational harvest, and recreational release mortality. Addendum VI was initiated in response to the 2018 benchmark assessment and aims to reduce total removals in order to end overfishing and reduce fishing mortality to the target level in 2020. The next stock assessment update for striped bass, scheduled to occur in 2022, will provide an update on the status of stock relative to the biological reference points.

The COVID-19 pandemic disrupted data collection for the Marine Recreational Information Program (MRIP) dockside sampling program, but MRIP was able to fill those data gaps using information from 2018 and 2019. While this does increase the uncertainty around the estimates of total recreational catch, there is still high confidence in those estimates and the estimates of the realized reductions.

After considering 2020 fishery performance, the Board provided guidance on a number of topics related to the development of Draft Amendment 7 (e.g., recreational release mortality, conservation equivalency, management triggers). Amendment 7 was initiated in August 2020 to update the

management program to reflect current fishery needs and priorities as the status and understanding of the resource and fishery has changed considerably since implementation of Amendment 6 in 2003. The Amendment is intended to build upon Addendum VI's action to end overfishing and initiate rebuilding. The Plan Development Team will continue to develop options for the Draft Amendment based on the guidance received from the Board.

Concurrent with the development of Draft Amendment 7, the Board initiated an addendum to Amendment 6 to consider allowing the voluntary transfer of commercial striped bass quota between states/jurisdictions that have commercial quota. This action is in response to a request from the State of Delaware to reconsider Delaware's current commercial quota allocation.

Based on progress made on Draft Amendment 7 and Draft Addendum VII to Amendment 6, the Board's next opportunity to meet and consider possible approval of both documents for public comment will be in October during the Commission's Annual Meeting. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740.

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PR21-15

Meeting Summary

The Atlantic Striped Bass Management Board met to review the draft Fishery Management Plan (FMP) Review and state compliance for fishing year 2020; review the juvenile abundance index (JAI) for the Albemarle Sound-Roanoke River (A-R) striped bass stock; provide guidance to the Plan Development Team (PDT) on the development of Draft Amendment 7; and consider options for addressing commercial quota allocation in a future management document.

The Board received a report from the Technical Committee (TC) on the JAI for the A-R striped bass stock in North Carolina. The A-R JAI showed recruitment failure for three consecutive years (2018, 2019, 2020), which tripped the recruitment-based management trigger established through Amendment 6 to the Atlantic Striped Bass FMP. The TC reviewed potential factors contributing to A-R recruitment declines and considered recommending action to the Board. The TC's report noted recent management action by North Carolina to reduce the total allowable landings for the Albemarle Sound and Roanoke River management areas in response to the 2020 A-R stock assessment. The TC report also noted results from an analysis of river flow and young-of-year recruitment conducted by the North Carolina Division of Marine Fisheries. The low JAI values from 2017–2020 align with high flow rates observed during those years which exceeded the upper bound of flow that provides the greatest chance of successful striped bass spawns. Considering North Carolina's recent management action to reduce striped bass total allowable landings and the ongoing monitoring and analysis of river flow impacts on recruitment, the TC recommended no action by the Board. Following the TC's recommendation, the Board did not take any action in response to the recruitment-based management trigger that was tripped by the A-R JAI in 2020.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740.

Motions

Move to approve the FMP Review for the 2020 fishing year and state compliance reports.

Motion made by Mr. Hasbrouck and seconded by Mr. Armstrong. Motion approved by unanimous consent.

Move to initiate an addendum to amendment 6 to allow voluntary transfers of commercial striped bass quota as outlined in the memo of July 26th, 2021 to the Atlantic Striped Bass Management Board regarding these transfers

Motion made by Mr. Clark and second by Mr. Geer. Motion passes (8 in favor, 7 opposed).

Move to approve Chris Dollar and Charles Green representing Maryland to the Striped Bass Advisory Panel.

Motion made by Mr. Luisi and seconded by Mr. Gary. Motion stands approved by unanimous consent.

TAUTOG MANAGEMENT BOARD (AUGUST 3, 2021)

Meeting Summary

The Tautog Management Board (Board) met to receive a progress report on the stock assessment update, review the Risk and Uncertainty Decision Tool for tautog, and consider the Fishery Management Plan (FMP) Review for the 2020 fishing year and implementation of the commercial tagging program.

The Stock Assessment Subcommittee (SAS) is continuing work updating each of the regional assessment models. The COVID-19 pandemic impacted data collection in 2020 and resulted in delays in data availability as well as some missing data. The SAS was able to overcome these challenges, and the assessment update is anticipated to be completed later this fall. In conjunction with the assessment update, the Board was also presented an overview of the Risk and Uncertainty Decision Tool, which the ISFMP Policy Board previously approved using tautog as a pilot case. The Decision Tool will be developed with feedback from the Board, Technical Committee (TC), Advisory Panel (AP), and Committee on Economic and Social Sciences (CESS) to provide the Board a framework for making management changes in response to the stock assessment update if needed.

The Board was also presented with the FMP Review for the 2020 fishing season. Coastwide commercial landings and recreational harvest declined from 2019 to 2020 and this trend is likely attributed to restrictions from the COVID-19 pandemic affecting market demand for tautog with restaurants and markets closed along the coast. A few states saw their commercial landings increase, most notably Massachusetts and Rhode Island which exceeded their state quotas and have adjusted their 2021 state quotas to account for those overages. The Board approved the FMP Review, state compliance, and *de minimis* requests from Delaware and Maryland.

The Board was presented reports from the TC, a subset of the AP, and the Law Enforcement Committee (LEC) on the implementation of the commercial tagging program in 2020. Generally, the tagging program was implemented with minimal issues in most states, with challenges largely attributed to learning how to apply tags correctly. New York and Connecticut both implemented the tagging program starting in 2021. New York TC members reported they received many complaints, most notably about increased mortality associated with tagging while at sea. Based on feedback from New York, the TC recommended the Board consider additional research and tagging trials to evaluate

alternative tag types. To address these concerns, the Board agreed Rhode Island, and Massachusetts should discuss and share best tagging practices with New York prior to the Annual Meeting.

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Move to accept the FMP Review for the 2020 fishing year, state compliance reports, and *de minimis* requests from Delaware and Maryland.

Motion made by Dr. Davis and seconded by Mr. Miller. Motion passes unanimously.

SCIAENIDS MANAGEMENT BOARD (AUGUST 3, 2021)

Meeting Summary

The Sciaenids Management Board met to review the annual Traffic Light Analysis (TLA) for spot and Atlantic croaker; receive a recommendation on the use of a TLA for black drum; approve the red drum and Atlantic croaker annual Fishery Management Plan (FMP) Reviews, state compliance reports, and *de minimis* requests; consider approval of a croaker state implementation plan from Florida; and receive an update on the Red Drum Simulation Stock Assessment.

Review Traffic Light Analysis (TLA) for Spot and Atlantic Croaker and Technical Committee Recommendations

The Board was presented with the findings of the TLA reports from the Spot and Atlantic Croaker Technical Committees (TCs). The TLAs use recreational and commercial landings for a harvest metric and several fishery-independent surveys for an abundance metric. While both commercial and recreational harvest datasets were available for 2020, there are caveats associated with the 2020 data due to interrupted sampling because of the COVID-19 pandemic. The pandemic had a greater effect on fishery-independent sampling with several surveys missing 2020 data altogether. Additionally, the Chesapeake Bay Multispecies Monitoring and Assessment Program, which is used for both species, was not available for 2019-2020 due to lack of calibration factors, although it will be available in the future. Data limitations lead to an 'unknown' status for the 2021 TLAs for both species for abundance metrics. Harvest metrics could be calculated for the TLA but since management measures were triggered last year to reduce harvest, the metrics should not be used since they reflect a decrease in harvest due to the management action. Because management measures were triggered in 2020, both species must retain triggered management measures until 2023 (spot) and 2024 (Atlantic croaker) due to the timeline outlined in Addendum III for each species. Therefore, despite the challenges faced when running the TLAs for spot and croaker, the TC recommended retaining current triggered management and reevaluate in 2022 to determine stock status when additional data becomes available.

Review Technical Committee memo with recommendations for the Black Drum Traffic Light Approach and Benchmark Stock Assessment

At the March meeting of the Sciaenids Board, the Board tasked the TC with evaluating the use of a TLA for black drum if the TC recommended delaying the next benchmark stock assessment currently scheduled for 2022. The TC met and reviewed updated data to discuss the merit of a TLA compared to the scheduled stock assessment. The TC determined that continuing with the scheduled stock assessment is preferred over the development of a TLA at this time to provide updated reference

points for the stock based on recalibrated MRIP data. The benchmark stock assessment will continue as scheduled in 2022.

Fishery Management Plan Reviews for Red Drum and Atlantic Croaker, and Review of State Implementation Plan from Florida

The Board reviewed and approved the 2020 Fishing Year FMP Reviews and state compliance reports for red drum and Atlantic croaker. *De minimis* requests were approved for New Jersey's and Delaware's 2022 red drum fisheries. For Atlantic croaker, *de minimis* status was approved for New Jersey (commercial and recreational), Delaware (commercial and recreational), South Carolina (commercial), and Georgia (commercial). Due to the triggering of management measures from the 2020 TLA for Atlantic croaker, non-*de minimis* states must make changes to their commercial fishery that are projected to reduce the 10-year average of state commercial harvest by 1%. Given its level of harvest, Florida no longer qualified for *de minimis* status and submitted a state implementation plan, which was approved by the Board, for its commercial Atlantic croaker fishery, requiring a vessel limit in state waters.

Update on Red Drum Modeling Process and Simulation Stock Assessment

Staff provided a short overview of the ongoing Simulation Stock Assessment for red drum. Work is continuing on schedule, with a peer-review anticipated for spring 2022.

Other Business

During other business, the Board elected Chris Batsavage as Vice Chair for the Sciaenids Management Board.

For more information, please contact Savannah Lewis, Fishery Management Plan Coordinator, at slewis@asmfc.org or 703.842.0740.

Motions

Move to approve the Red Drum FMP Review for the 2020 fishing year, state compliance reports, and *de minimis* status for New Jersey and Delaware.

Motion made by Mr. Cimino and seconded by Mr. Bell. Motion is approved by consent.

Move to approve the Atlantic croaker state implementation plan from Florida.

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

Move to nominate Chris Batsavage as Vice-chair of the Sciaenids Management Board

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

EXECUTIVE COMMITTEE (AUGUST 4, 2021)

Meeting Summary

The Executive Committee (EC) met to discuss several issues, including the second round of CARES assistance, pending shark finning legislation, future meetings format, Recovering Americas Wildlife Act and Conservation Equivalency. The following action items resulted from the Committee's discussions:

- Mr. Beal provided a brief overview of the second round of CARES assistance, technically known as the Consolidated Appropriations Act of 2021, or “The ACT”. The Commission has received the Cooperative Agreement and half of the states have submitted Spend Plans. Mr. Beal reminded the Committee the funds must be obligated by 9/30/21, and Congress prefers the funds are disbursed by this date, but the funds will not revert if not spent by the states by 9/30/21. We have the flexibility and time to get these funds to fisheries participants who need them.
- The Administrative Oversight Committee was unable to meet to discuss the Statement of Investment Policy Guidelines; but will meet before the Annual Meeting to discuss it. The Vice-Chair proposed this topic be moved to the EC agenda at Annual Meeting for action.
- The EC received an update on federal shark conservation legislation introduced in the 117th Congress. The four bills discussed were:
 - S. 1106 - Shark Fin Sales Elimination Act, Booker (D-NJ)
 - H.R.2811 - Shark Fin Sales Elimination Act of 2021, Sablan (D-MP)
 - S. 1372 - Sustainable Shark Fisheries and Trade Act of 2021, Rubio (R-FL)
 - H.R. 3360 - Sustainable Shark Fisheries and Trade Act of 2021, Webster (R-FL)

The Commission’s Legislative Committee has raised concerns about discarding legally harvested shark parts, as required by S. 1106 and H.R. 2811. The Legislative Committee will continue to monitor these bills and will react as needed.

- Mr. Beal reported the staff will be looking into the possibility of a hybrid meeting for the 80th Annual Meeting in Long Branch, NJ October 18-21, 2021. The EC will continue to monitor the situation regarding the Delta variant of Covid-19 and keep the Commissioner apprised. Chair Keliher recommended travelers hold off on purchasing plane tickets at this time.
- The EC approved sending a letter in support of the Recovering Americas Wildlife Act to the Senate.

The EC discussed Conservation Equivalency (CE) with the thought it might be time to review its policy, based on the successes and failures of the current approach to CE. The policy was last revised in 2016 and much has changed in the interim. Chair Keliher will appoint a workgroup to develop a specific charge, which, after approval by the EC will be given to the Management & Science Committee for action.

For more information, please contact Laura Leach, Director of Finance and Administration, at lleach@asmfc.org or 703.842.0740.

Motions

No motions made.

SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD CONCURRENT WITH THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL (AUGUST 4, 2021)

Press Release

**New York's Black Sea Bass Baseline Commercial Quota
Increased to 8% under Addendum XXXIII**

The Commission's Summer Flounder, Scup and Black Sea Bass Management Board (Board) approved a 1% increase in New York's black sea bass commercial allocation, bringing New York's baseline share of the coastwide quota to 8%. This action modifies the state commercial quota allocations that had been previously approved through Addendum XXXIII to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. The final 2022 state-by-state commercial shares can be found in the table on page 2.

Addendum XXXIII, approved in February 2021, addressed significant changes in the distribution of black sea bass that have occurred since the original allocations were implemented in 2003, while also accounting for the states' historical harvest of black sea bass. Among other things, the Addendum changed Connecticut's baseline allocation from 1% to 3% of the coastwide quota to address its disproportionately low allocation compared to the increased availability of black sea bass in state waters of Long Island Sound (LIS). The remaining state shares (with the exception of Maine and New Hampshire) were allocated using their adjusted historical allocations (to account for the Connecticut change) as well as a portion based on the most recent regional biomass distribution information from the stock assessment.

In March, New York appealed the allocation changes approved by the Board in February. The Commission's appeal process provides states/jurisdictions the opportunity to appeal management decisions if a state/jurisdiction finds a Board decision has not been consistent with language of an FMP, resulted in unforeseen circumstances or impacts, did not follow established processes, or was based on flawed technical information. Through its appeal, New York argued that its baseline quota should increase similarly to that of Connecticut as it too had experienced a significant disparity between allocation and the abundance/availability of black sea bass in LIS, which is shared by New York and Connecticut.

In May, the Interstate Fisheries Management Program Policy Board (Policy Board) considered the appeal and found it was justified based on New York's arguments. This included data showing New York's historical allocation was based largely on its ocean fishery. Since 2010, there has been an exponential increase of black sea bass in LIS. This increased availability has resulted in an expansion of New York's commercial black sea bass landings from LIS from 24% (2004-2008) to 51% (2015-2019) of the state's total landings.

The Policy Board remanded Section 3.1.1 of Addendum XXXIII (which only addresses baseline allocations) back to the Board for corrective action to address impacts to New York's baseline allocation in a manner comparable to the consideration given to Connecticut. The Policy Board's action specified the Board must increase New York's baseline allocation by up to 2%, while maintaining Connecticut's baseline allocation of 3%. No other aspects of these allocations, and no other alternatives in the associated Addendum, may be revised by the Board.

Based on the Policy Board’s directive, the Board considered a number of motions with various increases in New York’s baseline quota and ultimately approved a 1% increase. As a joint partner in the management of black sea bass, the Mid-Atlantic Fishery Management Council also approved the same changes to New York’s commercial quota share. The Council will forward its revised recommendations, which include adding the state-by-state shares to the federal Fishery Management Plan, to NOAA Fisheries for final approval.

Revised State Shares of Black Sea Bass Commercial Quota

State	Addendum XXXIII Approved Baseline Allocations	New Baseline Allocations	Difference for New Baseline	Resulting 2022 Allocation*
ME	0.25%	0.25%	0.00%	0.40%
NH	0.25%	0.25%	0.00%	0.40%
MA	12.77%	12.62%	-0.15%	15.44%
RI	10.81%	10.68%	-0.13%	13.06%
CT	3.00%	3.00%	0.00%	3.67%
NY	7.00%	8.00%	1.00%	9.79%
NJ - N	9.83%	9.71%	-0.12%	19.81%
NJ - S	9.83%	9.71%	-0.12%	
DE	5.00%	5.00%	0.00%	4.09%
MD	10.81%	10.68%	-0.13%	8.73%
VA	19.65%	19.42%	-0.23%	15.88%
NC	10.81%	10.68%	-0.13%	8.73%
Total	100%	100%	0%	100.00%

*These allocations represent the baseline quota plus the regional biomass distribution based on the results of the 2021 Operational Stock Assessment. These allocations will be updated if future assessments indicate a change to the biomass distribution.

For more information, please contact Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org or 703.842.0740.

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PR21-16

Motions

Main Motion

Move to increase New York’s baseline allocation in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. New York’s baseline allocation for Black Sea Bass will be increased by 2%. This action maintains Connecticut’s baseline allocation of 3% and maintains the percentage of quota redistributed according to regional biomass. The remaining states’ baseline quotas will be adjusted consistent with the allocation tables provided during this meeting.

Board: Motion made by Mr. Hasbrouck and seconded by Dr. McNamee

Council: Motion made by Mr. DiLernia and seconded Mr. Farnham

Motion to Amend

Move to amend to change 2% to 1%

Board: Motion made by Mr. Cimino and seconded by Mr. Batsavage. Motion passes (6 in favor, 5 opposed, 1 abstentions).

Council: Motion made by Mr. Cimino and seconded by Mr. Batsavage. Motion passes (14 in favor, 4 opposed, 1 abstention)

Main Motion as Amended

Move to increase New York's baseline allocation in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. New York's baseline allocation for Black Sea Bass will be increased by 1%. This action maintains Connecticut's baseline allocation of 3% and maintains the percentage of quota redistributed according to regional biomass. The remaining states' baseline quotas will be adjusted consistent with the allocation tables provided during this meeting.

Motion to Amend

Move to amend the New York baseline black sea bass allocation be increased by 1.75%

Board: Motion made by Mr. Gilmore and seconded by Dr. McNamee. Motion fails (4 in favor, 6 opposed, 1 abstention, 1 null)

Council: Motion made by Mr. Risi and seconded by Mr. Farnham. Motion fails (4 in favor, 14 opposed, 1 abstention)

Main Motion as Amended

Move to increase New York's baseline allocation in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. New York's baseline allocation for Black Sea Bass will be increased by 1%. This action maintains Connecticut's baseline allocation of 3% and maintains the percentage of quota redistributed according to regional biomass. The remaining states' baseline quotas will be adjusted consistent with the allocation tables provided during this meeting.

Board: Motion passes (11 in favor, 1 abstention).

Council: Motion passes (18 in favor, 1 opposed).

Move to rescind the main motion as adopted at the February 1, 2021 meeting.

Council Only: Motion made by Mr. DiLernia and seconded by Mr. Farnham. Motion passes by consent.

Move to submit the Black Sea Bass Commercial State Allocation Amendment to NMFS with the preferred alternatives as approved at the December 16, 2020 and February 1, 2021 meetings as amended by the action today.

Council Only: Motion made by Mr. Cimino and seconded by Ms. Davidson. Motion carries based on unanimous consent with one abstention by GARFO.

ATLANTIC MENHADEN MANAGEMENT BOARD (AUGUST 4, 2021)

Press Release

ASMFC Atlantic Menhaden Board Initiates Addendum on Fishery Measures

The Commission's Atlantic Menhaden Management Board initiated an addendum to Amendment 3 to consider changes to commercial allocations, the episodic event set aside (EESA) program, and the incidental catch and small-scale fisheries provision. This action responds to the recommendations of a

Board work group charged with evaluating provisions of the current management program and providing strategies to refine those provisions.

Amendment 3 (2017) established commercial fishery allocations, allocating a baseline quota of 0.5% to each jurisdiction with the rest of the total allowable catch (TAC) allocated based on historic landings between 2009 and 2011. The work group report outlined landings have shifted in recent years, with some states landing significantly more quota (through transfers and other FMP provisions) than they are allocated due to changes in abundance of menhaden and availability of other bait fish. The Board action aims to align state quotas with recent landings and availability while maintaining access to the resource for all states, reduce dependence on quota transfers, and minimize regulatory discards.

The addendum will also propose changes to the EESA and incidental catch and small-scale fisheries provisions. Both provisions have been impacted by recent trends in landings, most notably in New England where states rely on the EESA to keep their commercial fishery open while working to secure quota transfers. The increasing abundance of menhaden in New England has also led to a rise of landings under the incidental catch and small-scale fisheries provision once commercial quotas have been met. The Board is interested in exploring options to promote accountability such as capping the total amount of landings under this category or to count these landings against the TAC. Management alternatives for the incidental catch and small-scale fisheries will also consider changes to the current eligibility of gear types under the provision. In addition to these topics, the Board indicated the management document should maintain flexibility to respond to management needs in the future.

The Board will consider the Draft Addendum at the Annual Meeting in October and provide feedback, if needed, to further develop the document. For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

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PR21-17

Meeting Summary

The Atlantic Menhaden Management Board met to review data needs for the potential development of a spatially-explicit model for menhaden, consider initiating an addendum based on the work group report on Amendment 3 provisions (for more details see press release), and discuss fish kills in a number of states this year.

In February, the Board tasked the Technical Committee (TC) and Ecological Reference Point Work Group (ERP WG) with providing more information on potential spatially-explicit modeling approaches for menhaden, a research recommendation identified in the 2019 benchmark assessment. Specifically, the Board requested information on what data would be needed, a timeline for development and implementation, and if the assessment could resolve questions regarding management of menhaden in the Chesapeake Bay. The TC and ERP WG discussed potential approaches for developing a spatially-explicit model that varied in range of spatial complexity, data needs, and timelines. The TC and ERP WG highlighted that pursuing any of the spatially-explicit approaches would likely extend the timeline to complete the next benchmark assessment, currently scheduled for 2025, though the length of additional time needed would depend on the management objectives and modeling approach. After preliminary discussion, the Board will provide guidance on priorities for the next benchmark and potential spatial modeling efforts at the Annual Meeting in October.

The Board also received public comment on the number of menhaden mortality events that have occurred in multiple states this year. While menhaden mortality events can occur seasonally when schools of menhaden get stuck in waters with low oxygen levels, the Board shared the public's concerns given the frequency and distribution of the mortality events. New Jersey indicated that in evaluating samples from some of these events in its state waters, the cause was attributed to the presence of the bacteria *Vibro anguillarum*. To better track and monitor these fish kills, the Board requested staff work with the U.S. Fish and Wildlife Service to provide a summary of menhaden mortality events over the last year at the Annual Meeting.

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator at krootes-murdy@asmfc.org.

Motions

Move to initiate an addendum to consider changes to commercial allocation, the episodic events set aside, and the small-scale/incidental catch provision. The purpose of this action is to address the issues outlined in the Atlantic Menhaden work group memo and the PDT should use the strategies provided in the work group memo as a starting point.

Motion made by Ms. Ware and seconded by Mr. Hasbrouck. Motion approved by unanimous consent.

WIND ENERGY DEVELOPMENT WORKSHOP (AUGUST 5, 2021)

Meeting Summary

Peter Burns and Andy Lipsky, representing NOAA Fisheries Greater Atlantic Regional Fisheries Office and Northeast Fisheries Science Center, respectively, provided updates on NOAA Fisheries' role in the offshore wind development process, including data exchange, regulatory process, survey mitigation, and research on interactions of offshore wind on NOAA trust resources. The presentations from the Workshop can be found [here](#). For more information, please contact Peter Burns (GARFO) at Peter.Burns@noaa.gov or Andy Lipsky (NEFSC) at andrew.lipsky@noaa.gov.

ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM (ACCSP) COORDINATING COUNCIL (AUGUST 5, 2021)

Meeting Summary

The ACCSP Coordinating Council met to review funding projects and future projections, receive an update on progress by the Accountability subgroup, and discuss Atlantic Recreational Priorities. The Council was provided an overview of ACCSP proposals submitted for FY2022. Eight maintenance proposals and four new proposals were submitted in addition to the ACCSP Administrative proposal. All proposals will be ranked by the Operations and Advisors Committees in September and brought to the Council for action in October, 2021. A funding summary from 2018-2022 was presented, with projections of maintenance proposals for 2022-2025.

The Council was also provided an update on the Accountability small group. The group has defined accountability, inventoried current practices on data validation & quality control, and surveyed data managers and consumers on data gaps. The next step is to document best practices regarding data validation and data corrections. The Council discussed Atlantic Recreational Priorities and identified

three additional suggestions for 2022-2026 including citizen science, in-season monitoring, and regional coordination for consistent use of MRIP data.

For more information, please contact Geoff White, ACCSP Director, at geoff.white@accsp.org.

Motions

No motions were made.

INTERSTATE FISHERIES MANAGEMENT PROGRAM (ISFMP) POLICY BOARD (AUGUST 5, 2021)

Meeting Summary

The ISFMP Policy Board (Policy Board) met to review a presentation on the Marine Recreational Information Program (MRIP) updates, received reports on the State Director's Meeting and from the Executive Committee (see Executive Committee meeting summary earlier in this document), updates on the East Coast Scenario Planning Initiative and the Mid-Atlantic Fishery Management Council's (MAFMC) Research Steering Committee to Evaluate Restarting the Research Set-Aside (RSA) Program, as well as reports from the Assessment Science Committee, Habitat and Artificial Reef Committees, and the Atlantic Coastal Fish Habitat Partnership (ACFHP).

Reports from the Executive Committee and State Directors Meeting

Commission Chair Pat Keliher presented the Executive Committee Report (see Executive Committee meeting summary earlier in this document). The Chair also provided an overview of the State Directors Meeting, which occurred on August 2. Notably, the meeting began with the directors welcoming Janet Coit as NOAA's Assistant Administrator for Fisheries. Chair Keliher expressed his excitement to have someone of Ms. Coit's caliber and experience with East Coast fisheries issues (as past Director of Rhode Island) to be working with the states at the federal level. Her knowledge of the inner workings of state fisheries management combined with her understanding of the Commission's process will make her a great partner for the states. Ms. Coit talked about some of her priorities for state/federal cooperation on the Atlantic coast, including issues associated with wind energy development, the East Coast Climate Change Scenario Planning Initiative, Atlantic large whale protections, and finding ways to minimize bycatch. Paul Doremus presented NOAA's budget and priorities for FY 2021 and 2022, while ASMFC Executive Director Bob Beal discussed Commission funding priorities, which included the Atlantic Coastal Fisheries Cooperative Management Act, NEAMAP and SEAMAP, ACCSP/FINs, Interjurisdictional Fisheries Act, and Recreational Data Collection. Jen Anderson provided an update of on NOAA's activities regarding the right whale conservation framework, and Sam Rauch discussed NOAA's efforts to increase diversity within the agency and on the regional management councils. State Directors discussed focusing on increasing diversity at the advisory panel and technical committee levels as a first step. Brian McManus from Florida talked about improvements to the fishery disaster process to decrease the time needed to distribute assistance in fishery disasters.

MRIP: 2020 Catch Estimates

Richard Cody, NOAA Fisheries, provided an overview on 2020 recreational harvest estimates and other updates to MRIP. While the COVID-19 pandemic disrupted the Access Point Angler Intercept Survey (APAIS), its overall impact on recreational fishing data collection was lower than first expected, with NOAA Fisheries being able to fill gaps in 2020 catch data with data collected in 2018 and 2019. These imputed data — also known as proxy or replacement data — match the time, place, and fishing mode combinations that would have been sampled had the APAIS continued uninterrupted. Imputed data

were combined with observed data to produce catch estimates using MRIP's standard estimation methodology. To ensure imputed data weren't over-represented against observed data, the original sample weights for the 2018 and 2019 catch records were down-weighted.

NOAA Fisheries' recently released a [Recreational Fishing Survey and Data Standards](#) guide. These standards were established to promote data quality, consistency, and comparability across the recreational fishing surveys administered and funded through MRIP, thereby, facilitating the shared use of the statistics these surveys produce. The standards set clear criteria for what NOAA Fisheries considers sound recreational fishing survey management practices, and their establishment removes ambiguities about whether a practice should be considered a recommendation or a requirement. While these standards were established in 2020, several are already in use. The implementation of the remaining standards will be phased-in. Once the standards are fully implemented, previously published data will be updated. If those data do not meet the standards, they will not be provided as part of the agency's marine recreational fisheries statistics

East Coast Scenario Planning Initiative

Staff presented an update on the progress of the East Coast Scenario Planning Initiative the Commission has been working on with the 3 Atlantic Coast Councils and NOAA Fisheries. The Initiative is a way of exploring how fisheries management might have to evolve over the next couple of decades as climate change becomes a bigger issue. No one knows exactly how climate change will play out, and the precise effects that it will have, so the Initiative partners are using scenario planning to explore what might happen and how management agencies might adapt to those potential changes. The Initiative is a structured, engaging way to bring a wide variety of stakeholders together with different perspectives to discuss complex issues. Staff announced the date of three workshops in late August/early September to introduce scenario planning and gather general input on important environmental drivers. Anyone interested in this topic is encouraged to attend a webinar and can find information on how to join [here](#). Additionally, planning partners will also be conducting outreach on those upcoming workshops.

MAFMC RSA Program

Adam Nowalsky discussed the MAFMC's effort to explore possibly reinstating the RSA. MAFMC is hosting a series of 4 workshops (3 webinars and 1 in-person meeting) to explore the possible redevelopment of the RSA program. The goal of these workshops is to develop recommendations regarding whether and how the RSA program should be redeveloped. Each webinar will target a separate topic related to RSA (research, funding, and enforcement). The Scientific and Statistical Committee (SSC) Economic Working Group will work collaboratively with the Council's Research Steering Committee to provide economic input specific to each webinar topic, as well as develop meeting reports and briefing materials for the in-person workshop in the fall. The first webinar was held in July and focused on identifying how research goals will be prioritized, projects will be screened, and results will be communicated to the Council and stakeholders. The Council's SSC Economic Working Group also gave a report on these topics.

Changes to ASMFC Stock Assessment Schedule

Staff presented the Assessment Science Committee's recommended revisions to the Commission's stock assessment schedule, which were approved by the Policy Board. The update of the Ecological Reference Point (ERP) assessment in 2022 was removed to be consistent with the ERP Work Group's recommendation to only update the single-species assessment before the next benchmark. The striped

bass assessment update was shifted from 2021 to 2022 to allow time for management changes to take effect and to avoid challenges that could result from having a 2020 terminal year for the assessment. In addition, the 2023 assessment update was shifted to 2024 to maintain the two-year assessment update schedule. A benchmark assessment for black drum was scheduled for 2022 per the Black Drum Technical Committee's recommendation. The assessment schedule was revised to indicate that the 2023 river herring assessment will be a benchmark assessment. The expected completion date for the Spanish mackerel assessment shifted from 2021 to 2022.

Reports from ACFHP, Habitat Committee & Artificial Reef Committee

Dr. Lisa Havel provided updates on the ACFHP, Habitat Committee (HC), and Artificial Reef Committee. The ACFHP Steering Committee met virtually June 29-30, 2021. It discussed the National Fish Habitat Conservation through Partnerships Act enactment, received updates on current on-the-ground projects and the fundraising development strategy, approved the 2021 Melissa Laser Fish Habitat Conservation Award recipient, and welcomed Restore America's Estuaries as the newest ACFHP partner. For FY2021 National Fish Habitat Action Plan – US Fish and Wildlife Service (USFWS) funding, \$1.5 million will be provided for operational support and 3 on-the-ground projects: Living with Water – USS Battleship North Carolina Habitat Restoration (Wilmington, NC), Armstrong Dam Removal (Braintree, MA), and Ecological Restoration of 39 Salt Marsh Acres at Great Meadows Marsh (Stratford, CT). ACFHP is also a partner in the Bill Burton Pier outreach project, led by Coastal Conservation Association of Maryland and funded by NOAA Recreational Fisheries. ACFHP also endorsed 4 projects recently, two of which are on-the-ground: Carysfort Estuarine and Rockland Hammock Restoration (Key Largo, FL), and Cape Sable Coastal Wetland Restoration (Everglades, FL).

The HC met virtually June 24, 2021 and discussed the status and next steps for the documents they are currently working on: Acoustic Impacts to Fisheries, Fish Habitats of Concern, and the 2021 issue of *Habitat Hotline Atlantic*. The Committee also discussed developing a comment letter on the proposed elimination of dredge windows in the U.S. Army Corps of Engineers Savannah District, which the Policy Board unanimously agreed to send. The HC has also welcomed new members: Alexa Fournier (NY), David Dippold (PA), and Randy Owen (VA).

Dr. Havel also presented on the Artificial Reef Committee's newly published update to the 1988 publication [*Profiles of State Artificial Reef Programs and Projects*](#). The update highlights accomplishments of Atlantic state artificial reef programs over the past 30+ years.

ASMFC Appeals Process

Lastly, under other business, the Chair of the Summer Flounder, Scup and Black Sea Bass Board (Board) raised a process issue under the Commission's appeals process that arose during the Board's discussions of New York's appeal of Addendum XXXIII. The Policy Board agreed to have a review of the appeals process, with the Executive Committee reviewing any suggested changes to the process before coming back to the Policy Board for final consideration.

For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

Motions

No motions were made.

Press Release

**ASMFC Approves Amendment 2 to the Bluefish FMP
to Adjust Allocation and Establish a Rebuilding Plan**

The Atlantic States Marine Fisheries Commission approved the Amendment 2 to the Interstate Fishery Management Plan (FMP) for Bluefish: *Allocation and Rebuilding Program*. The Amendment updates the FMP goals and objectives, initiates a rebuilding plan, establishes new allocations between the commercial and recreational sectors, implements new commercial allocations to the states, revises the process for quota transfers between sectors, and revises how the management plan accounts for management uncertainty.

The Commission's Bluefish Management Board and the Mid-Atlantic Fishery Management Council (Council), who jointly manage bluefish, initiated the Amendment in December 2017 to consider revisions to the commercial and recreational fisheries allocations and the state-specific commercial allocations. In 2019, an operational stock assessment for bluefish indicated the stock was overfished, and the Board and Council subsequently incorporated the rebuilding plan in the Amendment.

Given the stock's overfished condition, the Amendment establishes a 7-year rebuilding plan to be achieved through a constant fishing mortality approach. Rebuilding progress will be analyzed through management track stock assessments every two years. The 2021 management track assessment will be used to inform specifications for the 2022-2023 fishing years. The Amendment also revises sector allocations, increasing the recreational allocation from 83% to 86% of the acceptable biological catch and decreasing the commercial allocation from 17% to 14%. Catch data from 1981-2018 were used as the basis for sector allocations since this time series captures the cyclical nature of the fishery, while providing each sector with sufficient access to the resource considering historical usage.

The Amendment revises state-by-state commercial allocations to better reflect the current distribution of the stock and the needs of the states' commercial fisheries. The Amendment allocates a baseline quota of 0.1% to each state, and then allocates the rest of the commercial quota based on landings data from 2009 to 2018 (see Table 1 below). Recognizing that several states will be losing quota during a time when the coastwide commercial quota is already at an historic low, the Amendment phases-in the allocation changes over 7 years in order to reduce short-term economic impacts to the affected commercial fishing industries. State allocations will be reviewed by the Commission and Council within 5 years.

The Amendment updates the sector transfer process to allow for quota transfers in either direction between the commercial and recreational sectors. Previously, quota could only be transferred from the recreational sector to the commercial fishery. The transfers will now be capped at 10% of the acceptable biological catch for a given year.

Table 1. Revised state allocation percentages of the bluefish commercial quota based on 2009-2018 landings data with a minimum default allocation of 0.1%. Previous allocations are provided for comparison purposes.

State	Previous Allocations Under Amendment 1	Revised Allocations to be Phased in Over 7 Years
Maine	0.67%	0.11%
New Hampshire	0.41%	0.22%
Massachusetts	6.72%	10.12%
Rhode Island	6.81%	9.61%
Connecticut	1.27%	1.09%
New York	10.39%	19.76%
New Jersey	14.82%	13.85%
Delaware	1.88%	0.49%
Maryland	3.00%	1.92%
Virginia	11.88%	5.87%
North Carolina	32.06%	32.03%
South Carolina	0.04%	0.10%
Georgia	0.01%	0.10%
Florida	10.06%	4.78%

Finally, the Amendment modified the management uncertainty tool within the FMP to a sector-specific approach. It allows the Commission and Council to apply a buffer to either sector, in the form of a quota reduction, to account for management uncertainty during specifications. While this tool has not been used often, the modified approach allows managers to better target areas of uncertainty within one sector without reducing the quota or harvest limit in the other sector.

Given the joint nature of the Amendment and the federal process that requires the Council’s Amendment to undergo federal review and rulemaking, the implementation date for the Commission plan will be set once NOAA Fisheries approves the Council’s Amendment. The Amendment is expected to go into effect for the 2022 fishing year.

For more information, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at dleaning@asmfc.org or 703.842.0740.

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PR21-18

Motions

Move on behalf of the Bluefish Management Board the approval of the Bluefish Allocation and Rebuilding Amendment to the Bluefish Interstate Fishery Management Plan 2. The effective date of the FMP modifications would be consistent with the effective date published in the final rule in the Federal Register.

Motion by Mr. Batsavage. Motion passes without objection.



June 2021 Council Meeting Summary

The following summary highlights actions taken and issues considered at the Mid-Atlantic Fishery Management Council's meeting June 7-10, 2021. This meeting was conducted by webinar due to the ongoing COVID-19 pandemic. Presentations, briefing materials, and motions are available on the [meeting page](#).

During this meeting, the Council:

- Selected preferred alternatives and approved the Bluefish Allocation and Rebuilding Amendment for submission to NOAA Fisheries*
- Received an update on the Recreational Reform Initiative and discussed next steps*
- Reviewed and recommended no changes to 2022 specifications for Atlantic surfclam and ocean quahog
- Reviewed and recommended no changes to 2022 specifications for butterfish and longfin squid
- Recommended increasing the acceptable biological catch (ABC) for *Illex* squid for 2021 and 2022
- Reviewed a report on commercial landings of unmanaged species and Ecosystem Component species
- Discussed an exempted fishing permit for thread herring from Lund's Fisheries and agreed to write a comment letter during a future comment period
- Received presentations from NOAA Fisheries staff on habitat and aquaculture activities in the Greater Atlantic region
- Received several presentations on regional offshore wind activities
- Agreed to rescind submission of the Black Sea Bass Commercial State Allocation Amendment to allow for reconsideration of black sea bass state allocations in coordination with the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board
- Agreed to write a letter to the NOAA Fisheries Southeast Regional Office and/or the South Atlantic Fishery Management Council recommending that the new socioeconomic data fields be made voluntary on for-hire trip reports
- Received an update on the development of one-stop reporting functionality in the NOAA FishOnline eVTR application and discussed the implications for dual permit holders
- Received a presentation on the Marine Recreational Information Program 2020 catch estimates and methodology used to bridge data gaps caused by COVID-19
- Reviewed plans for a series of four Research Set-Aside workshops to be held later this year

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

Bluefish Allocation and Rebuilding Amendment

The Council met jointly with the Atlantic States Marine Fisheries Commission's (Commission) Bluefish Management Board (Board) to consider final action on the Bluefish Allocation and Rebuilding Amendment. After reviewing a summary of oral and written comments submitted by 378 individuals and organizations, the Council and Board selected preferred alternatives and voted to recommend approval of the Amendment. The Council will forward the Amendment to NOAA Fisheries for final consideration and implementation while the Commission will consider final approval of the Amendment at its August meeting. A summary of the preferred alternatives is provided below.

- **Fishery Management Plan (FMP) Goals and Objectives.** The Council and Board adopted the goals and objectives recommended by the Fishery Management Action Team.

- **Commercial/Recreational Allocations: Alternative 2a-4 (86% Recreational, 14% Commercial).** This alternative allocates 86% of the annual catch limit (ACL) to the recreational sector and 14% of the ACL to the commercial sector. These allocations are based on catch data from 1981-2018 and landings data from 2014-2018 and 2009-2018. The revised allocations represent a 3% increase for the recreational sector and an equivalent decrease for the commercial sector compared to the previous allocations established through Amendment 1.
- **Allocation Change Phase-In: Alternative 2b-1 (No Phase In).** The Council and Board considered but did not recommend an option to phase in the revised sector allocations over multiple years.
- **Commercial Allocations to the States: Alternative 3a-3 (2009-2018 Landings Data), 3b-2 (Phase-In), 3c-1 (No Trigger), 3d-2 (0.1% Minimum Default Allocation).** These alternatives allocate a baseline quota of 0.1% to each state and then allocate the rest of the commercial quota based on landings data from 2009 to 2018. The decision to base state commercial allocations on more recent data is intended to improve efficiency within the commercial fishery and better reflect the current distribution of the stock. The allocation changes will be phased in over 7 years to reduce short-term economic impacts to the affected commercial stakeholders. The Council and Board also committed to reviewing the approved state allocations within 5 years.
- **Rebuilding Plan: Alternative 4d (7 Years).** This rebuilding plan utilizes a constant fishing mortality approach and is projected to rebuild the stock within 7 years.
- **Sector Transfers: Alternative 5a-2 (Bi-Directional Transfers) and 5b-2 (10% Transfer Cap).** These alternatives allow for quota transfers in either direction between the commercial and recreational sectors. Previously, quota could only be transferred from the recreational sector to the commercial fishery. The transfers will now be capped at 10% of the acceptable biological catch for a given year.
- **Management Uncertainty: Alternative 6b (Post-Sector Split).** This alternative allows the Council and Board to apply a buffer to either sector, in the form of a quota reduction, to account for management uncertainty during specifications.
- **De Minimis Provisions: Alternative 7a (Status Quo).** The Board considered but did not recommend changes to the *de minimis* provision in the Commission's current Bluefish FMP.

See the [press release](#) for additional details, including a table with the revised state commercial allocations. More information and background documents are available on the [Bluefish Allocation and Rebuilding Amendment](#) page.

Recreational Reform Initiative

The Council met jointly with the Commission's Interstate Fishery Management Plan Policy Board (Policy Board) to receive an update on the [Recreational Reform Initiative](#). The presentation covered progress made to date and plans for future development of a Harvest Control Rule approach to setting recreational bag, size, and season limits for summer flounder, scup, black sea bass, and bluefish. The NOAA Fisheries Regional Administrator put forward a proposal for a Harvest Control Rule alternative for further development by the Fishery Management Action Team/Plan Development Team. The Council and Policy Board agreed that this proposal warrants further development.

Surfclam and Ocean Quahog 2021 Specifications Review

The surfclam and ocean quahog (SCOQ) fisheries are approaching the second year of multi-year specifications previously set for the 2021-2026 fishing years. The Council reviewed updated catch and landings information for both stocks, as well as recommendations from staff, the Surfclam and Ocean Quahog Advisory Panel (AP), and the Scientific and Statistical Committee (SSC), and determined that no changes to 2020 measures are warranted. To

maintain the current measures, the Council also voted to recommend suspending the minimum shell length for surfclams in 2022. These specifications are described in detail in the [final rule](#) published May 13, 2021.

Longfin Squid, Butterfish, and *Illex* Squid Specifications and Other Management Issues

The longfin squid and butterfish fisheries are approaching the second year of previously-set multi-year specifications. The Council reviewed updated catch and landings information for both stocks, as well as recommendations from staff, the Mackerel, Squid, Butterfish AP, and the SSC, and determined that no changes to previous actions are warranted. The longfin squid quota would remain the same and the butterfish quota would increase 81% for 2022 from 2021. These specifications are described in detail in a [proposed rule](#) published May 27, 2021. After reviewing similar information for *Illex* squid, the Council recommended increasing the acceptable biological catch (ABC) by 10%, from 30,000 MT to 33,000 MT for both 2021 and 2022 (the *Illex* quota would increase similarly).

The Council also considered two issues identified in the Council's response to the 2020 Executive Order on Seafood Competitiveness. First, the Council reviewed the current 10,000-pound *Illex* trip limit implemented once the directed *Illex* fishery closes. Based on a review of observer data from longfin trips after *Illex* fishery closures in 2017-2019, staff reported that instances of *Illex* catch above 10,000 pounds were relatively infrequent, and the majority of discards occurred due to market concerns rather than regulations. The Council did not recommend any changes to *Illex* management measures at this time. Second, the Council reviewed the appropriateness of the current 3-inch mesh requirement for retaining more than 5,000 pounds of butterfish (designed to reduce catch of small butterfish during directed fishing). Based on a review of observer data from 2017-2019 longfin trips, staff found that instances of butterfish catch above 5,000 pounds were relatively infrequent and that the majority of observed discards occurred due to market concerns. The Council did not recommend any changes to the butterfish mesh regulations. Staff will continue to monitor observer data for issues with regulatory discarding.

Unmanaged Landings

The Council reviewed a report on commercial landings from Maine through North Carolina of species that are not managed at the state or federal level, as well as commercial landings of the species designated as Ecosystem Components through the Council's Unmanaged Forage Omnibus Amendment. The goal of this report is to look for signs of developing commercial fisheries for unmanaged species. The Council asked questions about some landings trends but did not express concern about any increases in landings.

The Council also discussed an exempted fishing permit (EFP) application from Lund's Fisheries. The application requests the ability to catch up to 3,000 MT (6.6 million pounds) of Atlantic thread herring in 2022. This requires an exemption from the 1,700-pound possession limit implemented through the Unmanaged Forage Omnibus Amendment. The goal of the EFP is to demonstrate the potential for a commercial thread herring purse seine fishery in Mid-Atlantic federal waters. EFPs are issued by NOAA Fisheries. The agency publishes Federal Register notices for EFP applications, with associated comment periods. A Federal Register notice has not yet published for this application. The Council agreed to work through the Ecosystem and Ocean Planning Committee to write a comment letter on this EFP application after first getting input from the SSC.

Habitat Updates

Staff from NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) Habitat and Ecosystem Services Division (HESD) provided updates on habitat-related activities and projects of interest in the region. The first presentation from Karen Greene focused primarily on the draft NOAA Mitigation Policy for Trust Resources. The Council will be submitting a comment letter on that draft policy, which is open for comment until July 12, 2021. Ms. Greene also provided brief updates on climate and coastal resiliency projects and infrastructure and port development in the Greater Atlantic region. The second presentation from Peter Burns included updates on aquaculture projects and Aquaculture Opportunity Areas (AOAs).

Offshore Wind

The Council received several presentations on offshore wind energy development. First, Brian Hooker (Bureau of Ocean Energy Management or BOEM) provided updates on a proposed sale notice for additional offshore wind energy leases in the New York Bight as well as updates on select environmental studies. Next, Peter Burns (NOAA Fisheries GARFO) provided an update on recent activities and offshore wind data query tools. Finally, the Council received presentations from two wind developers on several projects of interest in the region. Vineyard Wind provided an update on the Vineyard Wind 1 project, including compensatory fisheries mitigation, fisheries science, and other topics. Ørsted provided an update on the South Fork Wind project, with emphasis on fisheries monitoring efforts. Ørsted also presented on the Ocean Wind project, including environmental and fisheries monitoring efforts.

The Council discussed observations from a party boat captain based in Ocean City, MD suggesting that black sea bass stop feeding or temporarily leave areas where sub-bottom profilers are used for offshore wind survey work. The Council agreed to send a letter to Mid-Atlantic wind lease holders, BOEM, and NOAA Fisheries requesting that sub-bottom profilers not be used for survey work during September 15 through November 15 this year to avoid impacts on important recreational fisheries in the region. This is a time of year when the recreational black sea bass season is open but recreational fisheries for other important species are closed.

Black Sea Bass Commercial State Allocations

The Executive Director of the Atlantic States Marine Fisheries Commission (Commission) briefed the Council on a recent decision by the Commission's Policy Board's to remand the black sea bass commercial state allocations to the Summer Flounder, Scup, and Black Sea Bass Management Board (Management Board) for corrective action. The Council discussed the implications of this decision and agreed to revisit these allocations jointly with the Management Board.

As background, in December 2020 and February 2021 the Council and Management Board [jointly approved](#) several changes to the management program for black sea bass commercial fisheries through the Council's Black Sea Bass Commercial State Allocation Amendment and the Commission's Addendum XXXIII. These changes included modifying the state allocations of the commercial black sea bass quota, adding the state allocations to the Council's FMP, and modifying the federal in-season closure regulations. Under the allocation changes approved in February 2021, Connecticut's baseline allocation would increase from 1% to 3% of the coastwide quota to address its disproportionately low allocation compared to the increased availability of black sea bass in state waters. In March 2021, the State of New York appealed these allocation changes, arguing that New York's baseline quota should increase similarly to that of Connecticut as it had also experienced a significant disparity between allocation and abundance/availability of black sea bass in Long Island Sound. The Commission's Policy Board considered this appeal in May 2021 and found that it was justified. They remanded the specific section of Addendum XXXIII addressing baseline allocations back to the Management Board for corrective action to address impacts to New York's baseline allocation in a manner comparable to the consideration given to Connecticut. A detailed summary of this action is available in the [ASMFC Spring 2021 Meeting Summary](#) (beginning on p. 13).

If the Council and Commission do not maintain identical recommendations for these allocations, this will pose challenges for implementation at the federal level and may result in disapproval of portions of the Council's amendment by the Secretary of Commerce. For this reason, the Council agreed to rescind submission of the amendment to NOAA Fisheries for review and to revisit these allocations in coordination with the Management Board later this year. Based on the remand, only the base allocations will be reconsidered. Other actions taken through the Black Sea Bass Commercial State Allocation Amendment/Addendum XXXIII will not be revised.

Electronic Reporting Issues

South Atlantic For-Hire Electronic Reporting Requirements

The Council discussed concerns about new for-hire electronic reporting requirements in the Southeast region. Last year the Southeast Regional Office (SERO) implemented the South Atlantic Fishery Management Council's (SAFMC) For-hire Reporting Amendment, which requires weekly electronic reporting for all South Atlantic Snapper-Grouper, Atlantic Coastal Migratory Pelagics, and Atlantic Dolphin Wahoo Charter/Headboat permit holders. This action affects a portion of GARFO for-hire permit holders who also hold Southeast charter/headboat permits. In addition to changing the timing and mechanism of reporting, this action added a new requirement to report socioeconomic data from each trip, including trip fee, fuel used, and the price of fuel. The Council has received a number of complaints about these socioeconomic questions. Specific concerns include the increased reporting burden, the lack of clarity in the utility of these questions, lack of buy in, and the probability of inaccurate data if a for-hire captain does not readily know the amount of fuel used or the price of fuel. Given the impact of these requirements on some Mid-Atlantic for-hire operators with dual permits, the Council agreed to send a letter to SERO and/or SAFMC recommending that the socioeconomic data fields be made optional.

GARFO Update on eVTR and One-Stop-Reporting

GARFO Regional Administrator Michael Pentony provided an update on the development of one-stop reporting functionality in the NOAA FishOnline eVTR application. Beginning on November 10, 2021, all commercial vessels with federal permits for species managed by the Mid-Atlantic or New England Council will be required to submit vessel trip reports electronically as eVTRs within 48 hours of the end of a trip. Vessel operators will be able to choose between several NOAA Fisheries-approved eVTR applications. GARFO has previously indicated that the FishOnline application would be ready to support one-stop reporting for dual permitted vessels (those holding both a GARFO permit and a SERO and/or HMS permit) by the time commercial eVTR requirements are implemented. During the meeting, Mr. Pentony informed the Council that development of one-stop reporting through FishOnline is behind schedule and will not be available until mid-2022. This will have the most direct impact on the 41 dual permit holders currently using FishOnline who may have been expecting one-stop reporting to be available later this year. The majority of the remaining dual permit holders are either using ACCSP's eTrips application, which already offers one-stop reporting, or they are using paper VTRs and can select eTrips when they transition to electronic reporting. In the upcoming months the Council will work with GARFO to conduct outreach and training on eVTR applications and reporting requirements. Dual permit holders will be encouraged to choose eTrips if they wish to use one-stop reporting.

Other Business

Presentation: MRIP 2020 Estimates

Dr. Richard Cody (NOAA Fisheries Office of Science and Technology) gave a presentation on the recently-released 2020 MRIP catch estimates and the methodology used to bridge the data gaps in 2020 caused by COVID-19. The presentation can be viewed [here](#).

Research Set-Aside

The Council received an update on four upcoming workshops (3 webinars and 1 in person) which will explore potential redevelopment of the Research Set-Aside (RSA) program. The first workshop will be held on July 15 and will focus on research. The funding and enforcement workshop webinar meetings are scheduled for August 31 and October 14, respectively. Finally, an in-person workshop will be held in November (location and specific date TBD) to summarize and report the recommendations of the series of workshops.

Next Meeting

The next Council meeting will be held **Monday, August 9 – Thursday, August 12, 2021** in Philadelphia, Pennsylvania. The meeting will be conducted using a hybrid format, with some in-person components as well as continued virtual meeting access. Stay tuned for additional details about how to participate on our website and via our email list.



South Atlantic Fishery Management Council

News Release

FOR IMMEDIATE RELEASE
June 21, 2021

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Council Approves Management Measures for Dolphin and Wahoo in Federal Waters along the Atlantic Coast

The South Atlantic Fishery Management Council approved proposed management measures affecting fisheries for Dolphin and Wahoo in federal waters along the Atlantic coast during its meeting last week. Measures include modifying the recreational vessel trip limit for Dolphin from 60 fish to 54 fish per vessel per trip while maintaining the 10 fish per person daily bag limit. The measures are being proposed through Amendment 10 to the Dolphin Wahoo Fishery Management Plan for the Atlantic. If approved by the Secretary of Commerce, the new measures could be implemented in 2022.

The proposed reduction in the daily trip limit was reached after much discussion by the Council in an effort to address concerns expressed by fishermen, primarily from South Florida and the Florida Keys, about declines in the size and number of Dolphin landed in recent years. In contrast, many fishermen involved in the for-hire fishery off the coast of North Carolina opposed reductions to the current 60 fish vessel limit, citing negative economic impacts to the charter industry and noting limited changes to the numbers and sizes of Dolphin fish observed in their area over the past few years. A reduction of 48 Dolphin per vessel had been considered earlier as a preferred measure. Options to apply reductions in specific areas were also considered but ruled out. For example, an option to reduce recreational vessel limits for Dolphin for the east coast of Florida resulted in nominal reductions in harvest (<1%) given that more than 90% of trips harvested less than 10 fish per vessel per trip.

Council Chair Mel Bell noted the difficulty in managing the Dolphin fishery along the Atlantic coast. "Dolphin is a highly migratory species by nature that is harvested internationally. We don't have a stock assessment for Dolphin or Wahoo. We're missing the actual data. We've heard so many differences between what is being observed between Florida and North Carolina, private anglers and for-hire," said Bell. "This attempt to compromise is difficult." He noted the Council will continue to monitor the fishery and can take further action in the future.

Amendment 10 includes actions to update Annual Catch Limits (ACL) for both Dolphin and Wahoo largely based on updated recreational landings and modify allocations between recreational and commercial sectors. The recreational sector allocation for Dolphin would increase from 96.07% to 97.55% of the total ACL.

The amendment would also revise recreational accountability measures to allow for temporary reductions in bag limits, vessel limits, and the season should the sector ACL be projected to be met for Dolphin and temporarily reduce the bag limit, length of the season, or implement a vessel limit for Wahoo to prevent the sector ACL

(Continued)

Dolphin Wahoo Measures (*continued*)

from being exceeded (post season). In addition, the amendment would remove the requirement for an Operator Card for for-hire and commercial federal Dolphin Wahoo permit holders and allow possession of limited quantities of Dolphin or Wahoo onboard commercial vessels with trap, pot or buoy gear on board.

The Council removed a proposed measure to reduce the recreational bag limit for Wahoo after considering recommendations from its advisory panels, public comment and updated data analyses. The current limit is 2 Wahoo per person per day. Council members had considered the reduction to address concerns that the recreational ACL could be met and result in a closure of the fishery, including the for-hire sector, in late fall. The Council agreed to address additional management measures in its future work plan.

Other Business

During the meeting week the Council received stock assessment presentations and fishery overviews for Gag grouper, golden Tilefish and Red Snapper. The stock assessment for Gag found the stock is overfished and undergoing overfishing. The Council has begun developing an amendment to incorporate fishing level recommendations from its Scientific and Statistical Committee (SSC) and address management needs. Fishing level recommendations will also be incorporated into an amendment to update fishing levels for Tilefish. The stock is not considered overfished or undergoing overfishing, but the SSC cautioned about the high level of uncertainty in the assessment.

The Council discussed the results of a recent stock assessment for Red Snapper. The assessment shows that abundance of Red Snapper is at an all-time high, reflecting what fishermen are seeing on the water. The stock remains listed as overfished and undergoing overfishing. Overfishing is primarily due to the high number of Red Snapper that are released by fishermen year-round and don't survive. Council members recognize that these issues are an effect of regulations and the high number of interactions expected when a stock is abundant, and the species is aggressive and desirable.

The stock remains overfished, as expected, because the population is early in its recovery period and it will take time to rebuild the age structure. For example, the abundance of fish age 3 and older has recovered to a greater extent than the abundance of fish age 10 and older. Red Snapper can live to be over 50 years old. The good news is that stock rebuilding is on track and consistent with the Council's rebuilding plan. Recovering the entire stock, not just the youngest ages, is important to ensuring stable fisheries over the long term.

The Council's SSC will meet later this summer to provide fishing level recommendations for Red Snapper after reviewing alternative recruitment scenarios and considering the use of descending devices and other best practices in the fishery. The Council will develop an amendment to address the SSC recommendations and agreed to work to address short-term and long-term measures to help meet Red Snapper management challenges. Additional information, including the stock assessment and a video presentation outlining the issues affecting the recovery of the Red Snapper stock is available from the [Meeting Story Map](#).

Council members also reviewed public comment on a proposed Rock Shrimp Fishery Access area within the Oculina Bank Coral Habitat Area of Particular Concern, an area off the east coast of Florida where deepwater Oculina coral is found. Council members heard concerns about the impacts of trawling near the coral areas and also acknowledged the historic trawling grounds and the work and cooperation from its Deepwater Shrimp Advisory Panel members in establishing the original protected area. The Council is scheduled to address Coral Amendment 10 again during its September meeting.

The next meeting of the South Atlantic Fishery Management Council is scheduled for September 13-17, 2021, in Charleston, SC. Information from this week's meeting, including [Committee Reports](#) and the [June 2021 Meeting Story Map](#) is available from the Council's website.

South Atlantic Fishery Management Council
Full Council and Committee Reports
SUMMARY MOTIONS
June 14-18, 2021

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

Law Enforcement Committee

MOTION 1: SELECT USCG LT. JAMES BRUCE TO RECEIVE THE 2020 LAW ENFORCEMENT OFFICER OF THE YEAR AWARD.
APPROVED BY COUNCIL

Full Council Session I

Habitat Protection and Ecosystem-Based Management Advisory Panel

MOTION 1: APPOINT SAM YOUNG (FL) TO THE HABITAT ADVISORY PANEL.
APPROVED BY COUNCIL

MOTION 2: REAPPOINT THOMAS JONES (GA) TO THE HABITAT ADVISORY PANEL FOR A ONE YEAR TERM.
APPROVED BY COUNCIL

MOTION 3: APPOINT DAVID WHITAKER (SC) TO THE HABITAT ADVISORY PANEL.
APPROVED BY COUNCIL

MOTION 4: APPOINT KEVIN SPANIK (AT-LARGE/RESEARCH) TO THE HABITAT ADVISORY PANEL
APPROVED BY COUNCIL

MOTION 5: REAPPOINT DR. STEVE ROSS (AT-LARGE/RESEARCH) TO THE HABITAT ADVISORY PANEL.
APPROVED BY COUNCIL

Law Enforcement Advisory Panel

MOTION 1: REAPPOINT KEVIN ROBERSON (RECREATIONAL) TO THE LAW ENFORCEMENT ADVISORY PANEL.
APPROVED BY COUNCIL

MOTION 2: APPOINT ALANA HARRISON (COMMERCIAL) TO THE LAW ENFORCEMENT ADVISORY PANEL.
APPROVED BY COUNCIL

Mackerel Cobia Advisory Panel

MOTION 1: REAPPOINT IRA LAKS, KEITH BOWEN, AND STEVE ENGLISH TO THE MACKEREL COBIA ADVISORY PANEL.
APPROVED BY COUNCIL

MOTION 2: APPOINT CHARLES GRIFFIN TO THE MACKEREL COBIA ADVISORY PANEL.
APPROVED BY COUNCIL

MOTION 3: APPOINT ANTHONY BENEVENTO TO THE MACKEREL COBIA ADVISORY PANEL.
APPROVED BY COUNCIL

Snapper Grouper Advisory Panel

MOTION 1: REAPPOINT ROBERT LORENZ AND JAMES PASKIEWICZ TO THE SNAPPER GROUPE ADVISORY PANEL
APPROVED BY COUNCIL

Scientific and Statistical Committee (SSC)

MOTION 1: REAPPOINT DR. YAN LI TO THE NORTH CAROLINA SEAT ON THE SSC.
APPROVED BY COUNCIL

MOTION 2: APPOINT DR. JENNIFER SWEENEY-TOOKES TO THE SOCIAL SCIENTIST SEAT ON THE SSC.
APPROVED BY COUNCIL

MOTION 3: REAPPOINT DR. CHRIS DUMAS TO THE SOCIO-ECONOMIC SEAT ON THE SSC.
APPROVED BY COUNCIL

MOTION 4: REAPPOINT DR. FRED SERCHUK AND DR. ALEXEI SHAROV TO THE SSC.
APPROVED BY COUNCIL

Open Session

MOTION 1: APPROVE THE SOUTH ATLANTIC RESEARCH AND MONITORING PRIORITIZATION PLAN FOR 2021-2025 AS MODIFIED.
APPROVED BY COUNCIL

Dolphin Wahoo Committee

Dolphin Wahoo Amendment 10

MOTION 1: DESELECT ALTERNATIVE 4 AND SELECT ALTERNATIVE 3 AS PREFERRED IN ACTION 4.

Action 4. Revise sector allocations and sector annual catch limits for wahoo

Preferred Alternative 3. Allocate 97.55% of the revised total annual catch limit for wahoo to the recreational sector. Allocate 2.45% of the revised total annual catch limit for wahoo to the commercial sector. This is based on approximately maintaining the current commercial annual catch limit and allocating the remaining revised total annual catch limit to the recreational sector.

Alternative 4. Allocate 97.00% of the revised total annual catch limit for wahoo to the recreational sector. Allocate 3.00% of the revised total annual catch limit for wahoo to the commercial sector. This is based on the Council's intent to explore alternatives for sector allocations that would not result in a decrease in the current pounds of wahoo available to either sector.

APPROVED BY COUNCIL

MOTION 2: DESELECT SUB-ALTERNATIVE 2D AND SELECT SUB-ALTERNATIVE 2E AS PREFERRED IN ACTION 11.

Action 11. Reduce the recreational vessel limit for dolphin

Note: Alternative 1 (No Action), Alternative 2 and Alternative 3 (including their respective sub-alternatives) do not apply to headboats. The current limit of 10 dolphin per paying passenger onboard a headboat will not change under this action and its alternatives.

Preferred Alternative 2. The recreational daily bag limit is 10 dolphin per person, not to exceed:

Sub-alternative 2d. 48 dolphin per vessel, whichever is less.

Preferred Sub-alternative 2e. 54 dolphin per vessel, whichever is less.

APPROVED BY COUNCIL

MOTION 3: DESELECT ALTERNATIVE 2 AND SELECT ALTERNATIVE 1 AS PREFERRED IN ACTION 12.

Action 12. Reduce the recreational bag limit and establish a recreational vessel limit for wahoo

Preferred Alternative 1 (No Action). The recreational daily bag limit is 2 wahoo per person. There is no recreational vessel limit for wahoo.

Alternative 2. The recreational daily bag limit is 1 wahoo per person.

APPROVED BY COUNCIL

MOTION 4: MOVE ACTION 12 TO THE CONSIDERED BUT REJECTED SECTION.

Action 12. Reduce the recreational bag limit and establish a recreational vessel limit for wahoo.

APPROVED BY COUNCIL

MOTION 5: APPROVE THE IPT'S SUGGESTED EDITS TO THE PURPOSE STATEMENT IN AMENDMENT 10.

The *purpose* of Dolphin Wahoo Amendment 10 is to revise the catch levels [acceptable biological catch (ABC) and annual catch limits (ACL)], sector allocations, accountability measures, and management measures for dolphin and wahoo. Management measures address authorized gear, and the operator card requirement in the dolphin and wahoo fisheries, as well as ~~and~~ the recreational vessel limits in the dolphin fishery.

APPROVED BY COUNCIL

MOTION 6: APPROVE AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR THE DOLPHIN AND WAHOO FISHERY OF THE ATLANTIC FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.

APPROVED BY COUNCIL (1 objection, 1 absent)

Timing and Tasks

MOTION 7: APPROVE THE FOLLOWING TIMING AND TASKS:

- 1) PREPARE AMENDMENT 10 FOR SUBMISSION.
- 2) PREPARE INFORMATION ON AN AMENDMENT THAT WOULD ADDRESS THE IDENTIFIED RETENTION AND SIZE LIMIT TOPICS FOR REVIEW AT THE SEPTEMBER 2021 MEETING.

APPROVED BY COUNCIL

Mackerel Cobia Committee

Coastal Migratory Pelagics Amendment 34

MOTION 1: SELECT ALTERNATIVE 3 AS PREFERRED UNDER ACTION 1 IN CMP AMENDMENT 34.

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

Alternative 3. The total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel is equal to 95% of the updated acceptable biological catch level.

APPROVED BY COUNCIL

MOTION 2: ADD AN ALTERNATIVE TO ACTION 2 THAT WOULD ALLOCATE 62.9% TO THE RECREATIONAL SECTOR AND 37.1% TO THE COMMERCIAL SECTOR.

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

APPROVED BY COUNCIL

MOTION 3: SELECT THE NEW ALTERNATIVE (ALLOCATE 62.9% TO THE RECREATIONAL SECTOR AND 37.1% TO THE COMMERCIAL SECTOR) AS THE PREFERRED ALTERNATIVE

APPROVED BY COUNCIL

MOTION 4: SELECT ALTERNATIVE 2 AS PREFERRED UNDER ACTION 4 IN CMP AMENDMENT 34.

Action 4. Increase the recreational bag and possession limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida.

Alternative 2. Increase the daily bag limit for Atlantic migratory group king mackerel to three fish per person in the exclusive economic zone off Florida.

APPROVED BY COUNCIL

MOTION 5: ADD AN ALTERNATIVE FOR ONLY REDUCING RECREATIONAL HARVEST TO 22-IN FL AND SELECT AS PREFERRED.

Action 5. Reduce the minimum size limit for recreational and commercial harvest of Atlantic migratory group king mackerel.

APPROVED BY COUNCIL

Coastal Migratory Pelagics Amendment 32

MOTION 6: IN ACTION 2, MOVE ALTERNATIVE 4 TO CONSIDERED BUT REJECTED.

Action 2 – Modify the Gulf Group Cobia Stock Apportionment Between the Gulf Zone and the Florida East Coast (FLEC) Zone and Update the Zones’ ACLs Based on the ACL Selected in Action 1.

Alternative 4: Modify the Gulf Group Cobia stock ACL apportionment at 62% to the Gulf Zone and 38% to the FLEC Zone, based on the MRIP-FES average landings for Gulf Group Cobia for the years 2001 – 2015, and use this apportionment to update the Zone ACLs based on the Gulf Group Cobia ACL(s) in Action 1.

APPROVED BY COUNCIL

MOTION 7: SELECT ALTERNATIVE 2 AS PREFERRED UNDER ACTION 4

Action 4 – Update and/or Establish Annual Catch Targets (ACT) for the Gulf Group Cobia Zones Based on the Apportionment Selected in Action 2 and FLEC Zone Sector Allocation in Action 3.

Alternative 2: Use the Gulf Council’s ACL/ACT Control Rule to calculate ACTs for the Gulf Zone and the recreational sector in the FLEC Zone.

APPROVED BY COUNCIL

MOTION 8: SELECT ALTERNATIVE 2 UNDER ACTION 7 AS PREFERRED

Action 7 – Modify the Framework Procedure.

Alternative 2: Modify the Framework Procedure to update the responsibilities of each Council for setting regulations for the Gulf Group Cobia. The responsibilities of each Council would be modified as follows:

1. Recommendations with respect to the Atlantic migratory groups of king mackerel, Spanish mackerel, ~~and cobia~~ will be the responsibility of the South Atlantic Council, and those for the Gulf migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the Gulf Council, with the following exceptions:
 - a. The South Atlantic Council will have the responsibility to:
 - set vessel trip limits;
 - closed seasons or areas;
 - gear restrictions;
 - per person bag and possession limits;
 - size limits;
 - in-season and post-season accountability measures;
 - specification of ACTs or sector ACTs for the east coast of Florida including the Atlantic side of the Florida Keys for Gulf migratory group Cobia (i.e., Florida East Coast Zone).

APPROVED BY COUNCIL

MOTION 9: SELECT ALTERNATIVE 3 UNDER ACTION 3 AS PREFERRED

Action 3 – Modify the FLEC Zone Cobia Allocation Between the Commercial and Recreational Sectors and Update each Sector’s ACLs Based on the ACLs and Apportionments Selected in Actions 1 and 2.

Alternative 3: Retain the FLEC Zone cobia ACL allocation of 8% to the commercial sector and 92% to the recreational sector and update the ACL(s) selected in Action 2 based on MRIP-FES landings.

APPROVED BY COUNCIL (1 ABSTENTION)

Timing and Tasks

MOTION 10: ADOPT THE FOLLOWING TIMING AND TASKS:

1. Continue work on CMP Amendment 34 and prepare a draft for discussion and approval for public hearings at the September 2021 meeting.
2. Continue work with Gulf Council staff on CMP Amendment 32 and prepare a draft for discussion and approval for public hearings at the September 2021 meeting.

APPROVED BY COUNCIL

Snapper Grouper Committee

MOTION 1: INITIATE A PLAN AMENDMENT TO REBUILD AND END OVERFISHING OF GAG GROUPER.

APPROVED BY COUNCIL

Snapper Grouper Amendment 50 (Red Porgy)

MOTION 2: APPROVE PURPOSE AND NEED AS MODIFIED

Purpose for Action

The purpose of this fishery management plan amendment is to establish a rebuilding plan, set an acceptable biological catch, sector allocations and annual catch limits for South Atlantic Red Porgy based on the results of the most recent stock assessment, and modify management and accountability measures.

Need for Action

The need for this fishery management plan amendment is to end overfishing of South Atlantic Red Porgy, rebuild the stock, and achieve optimum yield while minimizing, to the extent practicable, adverse social and economic effects.

APPROVED BY COUNCIL

MOTION 3: SELECT ALTERNATIVE 5 UNDER ACTION 1 AS PREFERRED

Action 1. Establish a Rebuilding Plan for Red Porgy

Alternative 5. Establish the rebuilding plan to equal the time estimated to rebuild the stock with a 50% probability of success while maintaining fishing mortality at 75% of the Maximum Fishing Mortality Threshold during the rebuilding period. For Red Porgy, 75%MFMT = 75%FMSY. This would equal 26 years with the stock reaching a 50% probability of rebuilding success in 2047. 2022 would be Year 1.

APPROVED BY COUNCIL

MOTION 4: MOVE ALTERNATIVE 5 TO THE CONSIDERED BUT REJECTED

APPENDIX

Action 2. Revise the Red Porgy Total Annual Catch Limit and Annual Optimum Yield

Alternative 5. Revise the total annual catch limit and annual optimum yield for Red Porgy and set equal to zero. The 2022 annual catch limit and annual optimum yield would remain in place until modified.

APPROVED BY COUNCIL

MOTION 5: MOVE ALTERNATIVE 4 TO THE CONSIDERED BUT REJECTED

APPENDIX

Action 3. Revise the Red Porgy sector allocations and sector annual catch limits

Alternative 4. Remove sector allocations and manage under the total annual catch limit.

APPROVED BY COUNCIL

MOTION 6: SELECT ALTERNATIVE 3 AS PREFERRED FOR ACTION 3

Action 3. Revise the Red Porgy sector allocations and sector annual catch limits

Alternative 3. Apply the current allocation formula: Annual catch limit = ((mean landings 2006-2008)*0.5) + ((mean landings 1986-2008)*0.5) to the revised total annual catch limit. This would result in a commercial allocation of 51.43% and a recreational

allocation of 48.57%. using revised recreational landings estimates from the Fishing Effort Survey.

APPROVED BY COUNCIL

MOTION 7: SELECT SUB-ALTERNATIVES 2A AND 3A AS PREFERRED (15 FISH PER TRIP IN EACH SEASON)

Action 4. Action 4. Modify Red Porgy commercial trip limits

Alternative 2. Reduce the commercial trip limit for Red Porgy from January 1 – April 30 to:

2a. 15 fish per trip

Alternative 3. Reduce the commercial trip limit for Red Porgy from May 1 – December 31 to:

3a. 15 fish per trip

APPROVED BY COUNCIL

MOTION 8: MOVE ALTERNATIVES 3 AND 4 TO THE CONSIDERED BUT REJECTED APPENDIX

Action 5. Modify Red Porgy recreational management measures

Sub-Action 5a. Bag and vessel limits

Alternative 3. Establish a recreational vessel limit for private recreational and charter vessels for Red Porgy as:

Alternative 4. Establish a vessel limit for headboats for Red Porgy as:

APPROVED BY COUNCIL

MOTION 9: SELECT SUB-ALTERNATIVE 2A AS PREFERRED

Action 5. Modify Red Porgy recreational management measures

Sub-Action 5a. Bag and vessel limits

Alternative 2. Reduce the recreational bag limit for Red Porgy to:

2a. 1 fish per person per day, or 1 fish per person per trip, whichever is more restrictive.

APPROVED BY COUNCIL

MOTION 10: SELECT ALTERNATIVES 3 AND 4 UNDER ACTION 5B AS PREFERRED

Action 5. Modify Red Porgy recreational management measures

Sub-Action 5b. Recreational fishing season

Alternative 3. Establish a recreational fishing season for Red Porgy; harvest would be allowed during May through June.

Alternative 4. Establish a recreational fishing season for Red Porgy; harvest would be allowed during July through August.

APPROVED BY COUNCIL

MOTION 11: ADD NEW ALTERNATIVE ESTABLISHING A RECREATIONAL FISHING SEASON FOR RED PORGY FROM JUNE THROUGH AUGUST

Action 5. Modify Red Porgy recreational management measures

Sub-Action 5b. Recreational fishing season

APPROVED BY COUNCIL

MOTION 12: ADD THE ALTERNATIVE BELOW TO ACTION 6

Action 6: Modify Red Porgy recreational accountability measures

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

APPROVED BY COUNCIL (1 OPPOSED)

MOTION 13: APPROVE AMENDMENT 50 FOR PUBLIC HEARINGS. DIRECT STAFF TO HOLD PUBLIC HEARINGS DURING THE SEPTEMBER 2021 MEETING.

APPROVED BY COUNCIL

Timing and Tasks

MOTION 14: INITIATE A PLAN AMENDMENT FOR TILEFISH TO INCORPORATE NEW ABC RECOMMENDATION AND CONSIDER REVISIONS TO ALLOCATIONS.

APPROVED BY COUNCIL

MOTION 15: DIRECT STAFF TO DO THE FOLLOWING:

- Draft Options Papers for the Gag Grouper and Tilefish amendments for the December 2021 Council Meeting.
- Work with NOAA General Counsel and SERO to develop options for rebuilding timelines for Gag Grouper for discussion in September 2021.
- Request an assessment projection estimating the rebuilding timeline for Gag Grouper with no harvest allowed (landed F=0) but accounting for discard mortality.
- Conduct public hearings for Amendment 50 DURING the September 2021 meeting.
- Add language regarding SMZs being designated as Essential Fish Habitat-Habitat Areas of Particular Concern to Amendment 50.
- Conduct preliminary catch level analysis for Yellowtail Snapper, including potential closures due to changes in catch levels, for consideration at the September 2021 meeting.
- Schedule an SSC meeting in Summer 2021 for the SSC to revisit results of the SEDAR 73 (Red Snapper) stock assessment and recommendations for the OFL and ABC.
- Draft an Options Paper to adjust catch levels and for Red Snapper (based on the SSC's OFL and ABC recommendations from their Summer 2021 Meeting) and revise sector allocations. Prepare this for review at the September 2021 meeting.

APPROVED BY COUNCIL

Habitat Protection and Ecosystem-Based Management Committee

MOTION 1: ADOPT THESE AS GOALS AND OBJECTIVES OF THE HABITAT BLUEPRINT AND PROGRAM.

Goals and Objectives

Goal 1. Comply with the habitat mandates of the MSA and its amendments.

- Describe and identify essential fish habitat (EFH) for the fishery as required in Council FMPs.
- Provide information for use in FMP development to minimize, to the extent practicable, adverse effects on such habitat caused by fishing.
- Identify other actions to encourage the conservation and enhancement of such habitat.
- Provide information to support the Council's role in mandatory EFH reviews.
- Provide information to support Council comments on activities by Federal or State agencies that may impact the habitat of the resources managed by the Council.

Goal 2. Provide information to support Council communication on habitat issues.

- Provide habitat research needs for consideration in Council Research Monitoring
- Provide habitat research needs and Council habitat priorities to inform regional planning and research efforts.
- Provide information to support Council responses to habitat related requests for information.
- Provide information to support Council outreach activities on habitat issues.

APPROVED BY COUNCIL

Coral Amendment 10

MOTION 2: APPROVE THE PURPOSE AND NEED STATEMENTS IN CORAL AMENDMENT 10

Purpose for Action

The purpose of Coral Amendment 10 is to determine whether to establish a shrimp fishery access area along the eastern edge of the northern extension of the Oculina Bank Habitat Area of Particular Concern where the permit holders of a valid limited access Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) would be able to fish for and possess rock shrimp.

Need for Action

The need for Coral Amendment 10 is to increase economic and social benefits to rock shrimp fishermen by increasing access to historic rock shrimp fishing grounds, while maintaining protection of the Oculina deep water coral ecosystems.

APPROVED BY COUNCIL

MOTION 3: APPROVE ACTION IN CORAL AMENDMENT 10

Action 1. Establish a shrimp fishery access area along the eastern edge of the northern extension of the Oculina Bank Habitat Area of Particular Concern.

APPROVED BY COUNCIL

Timing and Tasks

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

- Provide minutes of public meetings when rock shrimp was discussed in 2014.
- Provide information to Council members on where to find research on sediment plumes.
- Prepare Coral Amendment 10 for consideration for approval at the September 2021 meeting.

APPROVED BY COUNCIL



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

August 6, 2021

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Steve Poland, Chief of Fisheries Management

SUBJECT: Highly Migratory Species Update

Issue

Highly Migratory Species activity update.

Action Needed

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

Overview

Bluefin Tuna

National Marine Fisheries Service (NMFS) published the [Draft Environmental Impact Statement \(DEIS\) and proposed rule for Amendment 13](#). This amendment explores options for reassessing the allocation and distribution of shares in the Individual Bluefin Quota program and elimination of the purse seine category. The DEIS and rule is open to public comment through September 20, 2021.

The [final rule regarding the use of Restricted Fishing Days \(RFD\) for Atlantic Tuna General Category and HMS Charter/Headboat fisheries](#) published August 6, 2021. Fishing is restricted on Tuesdays, Fridays, and Saturdays for the above permit categories from September to November for the 2021 fishing year. During RFDs, general category permitted vessels may not possess, retain, land, or sell Bluefin Tuna. This includes catch-and-release and tag-and-release. Charter and headboat permitted vessels can fish for and retain Bluefin Tuna during RFDs but only under applicable HMS Angling recreational seasons and limits.

Sharks

A [proposed rule](#) was published on August 6, 2021 to adjust quotas and retention limits for Atlantic commercial shark fisheries and establish the season dates for 2022. Quotas would be adjusted to account for overages in the 2021 season. Comment will be accepted through September 6th, 2021.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

August 22, 2021

MEMORANDUM

TO: N.C. Marine Fisheries Commission

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

SUBJECT: Protected Resources Program Update

Issue

Summary information is provided from the division's Protected Resources Program for observer program activities during spring (March-May). Seasonal reports to National Marine Fisheries Service (NMFS) are required for the Sea Turtle Incidental Take Permit (ITP) and monthly reports, if there is an observed take, are required for the Atlantic Sturgeon ITP.

Action Needed

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

Overview

During spring 2021, all observed trips were alternative platform trips to limit potential COVID-19 exposure between fishermen and observers. Estimated observer coverage was less than the required 7% for large-mesh gill nets in Management Unit C and overall for the season (Table 1), and less than the required 1% for small-mesh gill nets in Management Units C, D2, and E (Table 2). This is despite 286 attempts overall to find effort on the water (i.e., No-Contact trips) (Table 3). The Observer Program continues to have difficulty scheduling observed trips with fishermen. Out of 312 calls or in-person contacts during spring, observers spoke with a fisherman 34% of the time and successfully scheduled an observed trip only three times.

There were no observed sea turtle interactions and five sturgeon interactions recorded during spring 2021 (Table 4). Take levels of Atlantic Sturgeon did not reach or exceed allowable thresholds.

Table 1. For large-mesh gill nets, estimated percent observer coverage calculated from observer data (>4 inch) and estimated fishing trips using Trip Ticket Program data (>5 inch) by management unit for spring (March – May) 2021. Estimated fishing trips for Management Units A and C were calculated as the 5-year average from 2016-2020. Management Units B, D1, D2, and E were closed to large-mesh gill nets during spring.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	762	54	7.1
B	closed	closed	closed
C	376	0	0.0
D1	closed	closed	closed
D2	closed	closed	closed
E	closed	closed	closed
Total	1,138	54	4.7

Table 2. For small-mesh gill nets, estimated percent observer coverage calculated from observer data (<4 inch) and estimated fishing trips using Trip Ticket Program data (<5 inch) by management unit for spring (March – May) 2021. Estimated fishing trips were calculated as the 5-year average from 2016-2020. On April 4, 2020, Management Unit D1 was closed to anchored small-mesh gill nets.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	656	11	1.7
B	1,363	26	1.9
C	212	2	0.9
D1	closed	closed	closed
D2	28	0	0.0
E	111	0	0.0
Total	2,370	39	1.6

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

Management Unit	Marine Patrol No-Contact Trips	Observer No-Contact Trips	Total No-Contact Trips
A	33	0	33
B	15	9	24
C	9	13	22
D1	closed	closed	closed
D2	26	7	33
E	148	4	152
Overall	253	33	286

Table 4. Sturgeon interactions during observations of large- and small-mesh gill nets during spring (March – May) 2021.

Date	Species	Condition	Management Unit	Mesh Size Category
3/4/2021	Unidentified	Alive	A	Large
3/4/2021	Unidentified	Alive	A	Large
3/15/2021	Atlantic	Alive	A	Large
3/15/2021	Atlantic	Dead	A	Large
3/15/2021	Atlantic	Alive	A	Large
4/14/2021	Atlantic	Alive	B	Small

2021 Spring Seasonal Progress Report
Incidental Take Permit No. 16230
March 1 – May 31, 2021



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

July 2, 2021

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SUMMARY

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

During spring 2021, significant regulatory changes remained in effect for the large-mesh gill-net fishery for southern flounder (*Paralichthys lethostigma*). These regulations were included in Amendment 2 of the Southern Flounder Fishery Management Plan adopted by the North Carolina Marine Fisheries Commission on August 23, 2019. This action was taken because the most recent southern flounder stock assessment indicated that the stock is overfished and overfishing is occurring. North Carolina state law requires management actions be taken to end overfishing within 2 years and recover the stock from an overfished condition within 10 years. To this end, the large-mesh gill-net fishery closed statewide on November 2, 2020, and remained closed with two notable exceptions.

Exemptions were implemented for large-mesh gill nets used to harvest American shad (*Alosa sapidissima*) in portions of Management Units A and C during spring. Management Unit A was opened on March 2, 2021, and Management Unit C was opened February 15, 2021 (Figure 1). Other gear and area restrictions in Management Unit C, however, have greatly reduced large-mesh gill-net effort targeting shad. For example, since March 15, 2019 (Proclamation M-6-2019) all gill nets are prohibited in upstream portions of the Pamlico and Neuse rivers, and tie-down and distance from shore restrictions remain in place for gill nets with a stretched mesh length 5 inches or greater in the western Pamlico Sound and rivers as an effort to minimize striped bass bycatch in accordance with Supplement A to Amendment 1 of the Estuarine Striped Bass Fishery Management Plan. These restrictions reportedly make it difficult to successfully target and catch shad using anchored gill-net gear. As a result, reported large-mesh gill-net trips went from an average of 966 trips in spring between 2016-2018 to only 45 trips during spring 2019 before Proclamation M-6-2019 was effective and only one trip during spring 2020. A complete list of anchored gill-net proclamations implemented during spring 2021 can be found in Table 1. Proclamations can be found online at <https://deq.nc.gov/fisheries-management-proclamations>.

Projected observer coverage needed to meet levels required in the ITP was calculated for the small-mesh gill-net fishery in each management unit using the average reported fishing trips to the Trip Ticket Program during spring from the previous five years (2016-2020). This same approach was used for the large-mesh gill-net fishery in Management Units A and C, recognizing that effort in C may be lower than the five-year average (376 trips). Management Units B, D1, D2, and E were closed to large-mesh gill nets during spring so no observer coverage was assigned to those units. As a reminder, the sea turtle ITP defines large-mesh gill nets as those with ≥ 4 -inch webbing, but the TTP data are categorized as large-mesh gill nets for those with ≥ 5 -inch webbing.

All observed trips during spring 2021 were alternative platform trips due to the COVID-19 pandemic. Because each alternative platform trip requires two observers, Marine Patrol officers contributed additional effort to ensure that observer coverage requirements were met. There were

no observed sea turtle interactions during observations of large- or small-mesh gill nets (see below) during spring 2021.

Estimated observer coverage of the large-mesh gill-net fishery was 7.1% and 0% in Management Units A and C respectively (Table 2). Marine Patrol and observers completed 22 unsuccessful attempts to find and observe anchored gill-net effort (i.e., “No-Contact” trips) in Management Unit C, but no large-mesh gill-net effort was found. The observer program communicated with Marine Patrol, fish-house samplers, and NCDMF’s shad species lead to find predicted effort. While no large-mesh gill-net effort was found, Marine Patrol and observers did find small-mesh gill-net effort. In addition, they found and observed five “drop” or “strike” net trips (i.e., not anchored gear) during spring in Management Unit C. Although this gear type is not included in the ITP, occasional observer coverage is useful to characterize this fishery.

Estimated observer coverage of the small-mesh gill-net fishery exceeded 1% in Management Units A and B, but not in the other open Management Units C, D2, and E (Table 3). This is despite the 286 No-Contact trips logged by observers and Marine Patrol officers (Table 4). Small-mesh gill-net effort remains difficult to locate if a trip is not arranged with a fisherman because haulback timing is unpredictable and soak times can be short. Also, many fishermen reportedly fish at night when alternative platform trips are not conducted by observers due to safety concerns.

As part of their regular duties, Marine Patrol officers checked gill nets for compliance. Occasionally, citations and/or Notice of Violations (NOVs) were issued to fishermen when gear or fishing practices were out of compliance. A citation is an enforcement action taken by a Marine Patrol officer for person(s) found to be in violation of General Statutes, Rules, or Proclamations under the authority of the Marine Fisheries Commission and is considered a proceeding for District Court. A NOV is the Division’s administrative process to suspend a permit and is initiated by an Officer or Division employee when a permit holder is found to be in violation of general or specific permit conditions. A citation and a NOV may both be initiated by the same permit condition violation; however, they are two separate actions. For this report, NOVs or citations under the codes “EGNP” and “NETG” were compiled, as they are applicable to the estuarine gill-net permits and violations. Marine Patrol issued five citations and zero Notice of Violations (NOV) for large- and small-mesh gill nets during spring 2021 (Table 5).

As per the ITP, the NCDMF established the Estuarine Gill Net Permit (EGNP) in September 2014 to register all fishermen participating in anchored large -and small-mesh gill-net fisheries. Permits are renewed on an annual basis, based on the fiscal year for licenses. Contact information associated with the EGNPs are used by observers to call fishermen to schedule trips. Observers also attempt to contact fishermen in person at boat ramps and on the water when possible. Each contact attempt by phone or in-person was logged into a database with categories of the response (e.g., left voicemail, booked trip) (Table 6). During spring 2021, observers logged 312 contacts with only 3 of them resulting in a booked trip (Table 6). To help arrange trips, the Observer Program has been working with the License & Statistics Section to distill the list of fishermen with active EGNPs to those that have actually reported landings with anchored gear (by mesh size) during the last three years. This finalized list was obtained during May 2021 and immediately used to streamline the pool of fishermen that the observers prioritized calling. This approach started late in the spring season but should help meet coverage requirements in the future.

TABLES

Table 1. Openings and closings of management units by date and regulation changes for anchored large- and small-mesh gill nets during spring (March – May) 2021.

Year	Date	Regulation change
2019	18-Mar	This proclamation supersedes proclamation M-5-2019, dated March 7, 2019. This proclamation prohibits the use of ALL gill nets upstream of the ferry lines from the Bayview Ferry to Aurora Ferry on the Pamlico River and the Minnesott Beach Ferry to Cherry Branch Ferry on the Neuse River. It maintains tie-down (vertical net height restrictions) and distance from shore restrictions for gill nets with a stretched mesh length 5 inches and greater in the western Pamlico Sound and rivers (excluding the areas described in Section I. B.) in accordance with Supplement A to Amendment 1 to the N.C. Estuarine Striped Bass Fishery Management Plan. (M-6-2019)
2020	20-Apr	This proclamation implements yardage and time-setting restrictions for gill nets with a stretched mesh length less than 4 inches and attendance restrictions for gill nets with a stretched mesh length less than 5 inches in the Internal Coastal Waters of the state, south of Management Unit A. Yardage limit increases will be considered for the May-October Spanish mackerel drift gill net fishery. Those increases will be implemented by proclamation at a later time. This proclamation also stated it is unlawful to use fixed, stationary, or unattended gill nets in Management Unit D1. (M-4-2020)
2021	15-Feb	This proclamation supersedes proclamation M-20-2020 dated October 30, 2020. This proclamation opens Management Unit C to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches and implements gear exemptions for the shad fishery in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan. (M-6-2021)
2021	2-Mar	This proclamation supersedes proclamation M-5-2021 dated January 29, 2021. It opens a portion of Management Unit A to the use of floating gill nets configured for harvesting American shad by removing vertical height and setting restrictions for all gill nets with stretched mesh lengths of 5¼ through 6½ inches. FF-2-2021 makes it unlawful to possess American shad for commercial purposes prior to 12:01 A.M. Wednesday, March 3, 2021 and after midnight Wednesday, March 24, 2021. (M-7-2021)
2021	8-Mar	This proclamation supersedes proclamation M-12-2020 dated July 20, 2020. It increases the yardage limits for gillnets with a stretched mesh length less than 4 inches in Management Unit B and maintains yardage limits for Management Units C, D1, D2 and E. It also maintains attendance requirements for gillnets with a stretched mesh length less than 5 inches. (M-8-2021)

Table 1 continued

Year	Date	Regulation change
2021	12-Mar	This proclamation supersedes proclamation M-7-2021 dated February 25, 2021. It closes a portion of Management Unit A to the use of all gill nets and reduces the maximum amount of yards allowed for gill nets configured for harvesting American shad. (M-9-2021)
2021	18-Mar	This proclamation supersedes proclamation M-9-2021 dated March 9, 2021. In Management Unit A, it removes gill nets configured for harvesting American shad. It maintains that it is unlawful to use fixed or stationary gill nets with a stretched mesh length other than 3 ¼ inches, and opens a portion of Management Unit A to the use of run-around, strike, drop, and trammel gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish. (M-10-2021)
2021	15-Apr	This proclamation supersedes proclamation M-6-2021 dated January 29, 2021. This proclamation closes Management Unit C and maintains closures in all other management units south of Management Unit A to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section II.; coincides with the commercial shad fishery closure) in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan. (M-11-2021)
2021	3-May	This proclamation supersedes proclamation M-10-2021 dated March 17, 2021. In Management Unit A, it implements small mesh gill net attendance requirements. It maintains that it is unlawful to use fixed or stationary gill nets with a stretched mesh length other than 3 inches through 3 ¾ inches and keeps open a portion of Management Unit A to the use of run-around, strike, drop, and trammel gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish. (M-12-2021)
2021	7-May	This proclamation supersedes proclamation M-8-2021 dated March 4, 2021. It increases the yardage limits for the commercial Spanish mackerel drift gill net fishery in Management Unit B. It also reduces the yardage limit for anchored gill nets in Management Unit B. (M-13-2021)

Table 2. For large-mesh gill nets, estimated percent observer coverage calculated from observed data (>4 inch) and estimated fishing trips using Trip Ticket Program data (>5 inch) by management unit for spring (March – May) 2021. Estimated fishing trips for Management Units A and C were calculated as the 5-yr average from 2016-2020. Management Units B, D1, D2, and E were closed to large-mesh gill nets during spring. See Table 1 for proclamation list outlining openings and closings for each management unit.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	762	54	7.1
B	closed	closed	closed
C	376	0	0.0
D1	closed	closed	closed
D2	closed	closed	closed
E	closed	closed	closed
Total	1,138	54	4.7

Table 3. For small-mesh gill nets, estimated percent observer coverage calculated from observer trips (<4 inch) and estimated fishing trips using Trip Ticket Program data (<5 inch) by management unit for spring (March – May) 2021. Estimated fishing trips were calculated as the 5-yr average from 2016-2020. On April 4 2020, Management Unit D1 was closed to anchored small-mesh gill nets. See Table 1 for proclamation list outlining openings and closings for each management unit.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	656	11	1.7
B	1,363	26	1.9
C	212	2	0.9
D1	closed	closed	closed
D2	28	0	0.0
E	111	0	0.0
Total	2,370	39	1.6

Table 4. Number of "No-Contact" trips by management unit completed by Marine Patrol and observers during spring (March – May) 2021. "No Contact" refers to unsuccessful attempts to find and observe anchored gill-net effort.

Management Unit	Marine Patrol No-Contact Trips	Observer No-Contact Trips	Total No-Contact Trips
A	33	0	33
B	15	9	24
C	9	13	22
D1	closed	closed	closed
D2	26	7	33
E	148	4	152
Overall	253	33	286

Table 5. Citations written by Marine Patrol for anchored gill nets by date and violation code during spring (March – May) 2021. No Notice of Violations (NOVs) were issued during spring.

Date	Code	Description
3/10/2021	NETG03	Using gill net with improper buoys or identification
4/8/2021	NETG04	Leave gill net in waters when could not be legally fished
4/23/2021	NETG10	Gill net with illegal mesh size
4/27/2021	EGNP26	Observer harassment
4/27/2021	NETG03	Using gill net with improper buoys or identification

Table 6. Contacts attempted (n=312) by observers to schedule trips categorized by contact type category¹ (0-15) and total number by month (a), percent by month (b), and percent for the season (c) during spring (March – May) 2021.

(a) Number per month

Month	Contact type category															Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
March	3	26	2	3	1	1	0	1	5	0	7	0	23	27	0	99
April	2	7	0	0	1	0	3	0	2	0	5	1	12	13	0	46
May	3	25	9	2	2	1	0	0	14	0	12	4	45	50	0	167
Total	8	58	11	5	4	2	3	1	21	0	24	5	80	90	0	312

(b) Percent by month

Month	Contact type category															Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
March	3.0	26.3	2.0	3.0	1.0	1.0	0.0	1.0	5.1	0.0	7.1	0.0	23.2	27.3	0.0	100.0
April	4.3	15.2	0.0	0.0	2.2	0.0	6.5	0.0	4.3	0.0	10.9	2.2	26.1	28.3	0.0	100.0
May	1.8	15.0	5.4	1.2	1.2	0.6	0.0	0.0	8.4	0.0	7.2	2.4	26.9	29.9	0.0	100.0
Total	2.6	18.6	3.5	1.6	1.3	0.6	1.0	0.3	6.7	0.0	7.7	1.6	25.6	28.8	0.0	100.0

(b) Percent across season

Month	Contact type category															Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
March	1.0	8.3	0.6	1.0	0.3	0.3	0.0	0.3	1.6	0.0	2.2	0.0	7.4	8.7	0.0	31.7
April	0.6	2.2	0.0	0.0	0.3	0.0	1.0	0.0	0.6	0.0	1.6	0.3	3.8	4.2	0.0	14.7
May	1.0	8.0	2.9	0.6	0.6	0.3	0.0	0.0	4.5	0.0	3.8	1.3	14.4	16.0	0.0	53.5
Total	2.6	18.6	3.5	1.6	1.3	0.6	1.0	0.3	6.7	0.0	7.7	1.6	25.6	28.8	0.0	100.0

¹ Contact type categories: 1) Left message with someone else 2) Not fishing general 3) Fishing other gear 4) Not fishing because of weather 5) Not fishing because of boat issues 6) Not fishing because of medical issues 7) Booked trip 8) Hung up, got angry, trip refusal 9) Call back later time/date 10) Saw in person 11) Disconnected 12) Wrong number 13) No answer 14) No answer, left voicemail 15) Not fishing because of natural disaster (e.g., hurricane)

FIGURES

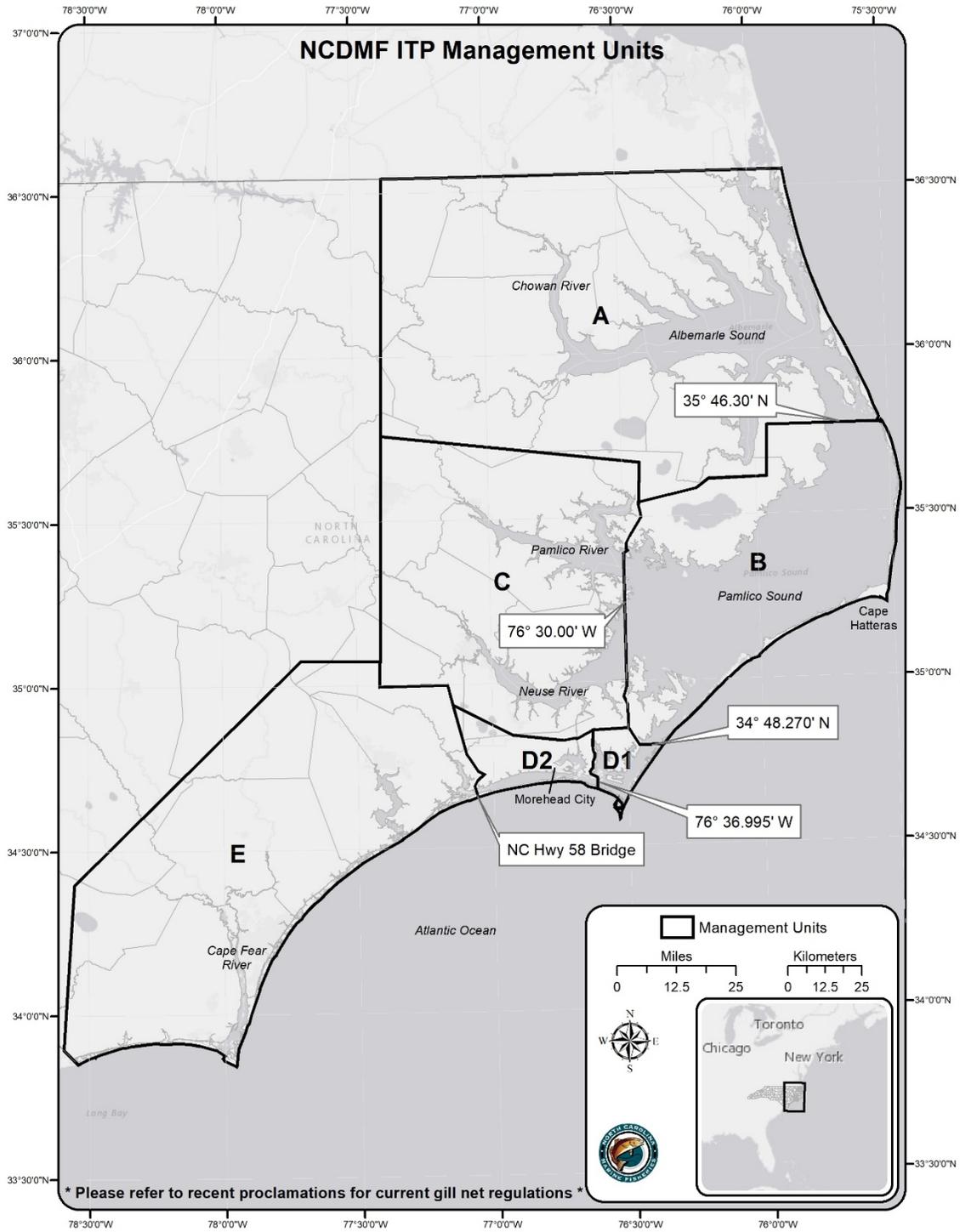


Figure 1. Map of ITP management units.



ROY COOPER
Governor

DIONNE DELLI-GATTI
Secretary

JOHN G. BATHERSON
Acting Director

Monthly Progress Report
Incidental Take Permit No. 18102
April 9, 2021

Angela Somma
Office of Protected Resources (F/PR)
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Angela:

During March 2021, the anchored large mesh gill net fishery for shad opened in management unit A. The anchored small mesh fishery was open state-wide during the month. There were two live Atlantic sturgeon, one dead Atlantic sturgeon, and two unidentified sturgeon observed in anchored large mesh gill nets for management unit A during March and zero in anchored small mesh gill nets (Table 1). There were 54 anchored large mesh gill net trips observed in management unit A during this period. There were 9 anchored small mesh gill net trips observed statewide. There were zero reported Atlantic sturgeon interactions during this period. Cumulative estimated and observed interactions for ITP year 2021, March 1-31, 2021 are included in Table 2.

Table 1. Summary of observed sturgeon interactions in anchored large mesh gill nets for the month of March 2021 for ITP Year 2021.

Date	Condition	Species	Management Unit	Gear Type	Length of Net (yds)	Soak Time (min)	Net Sets (#)
3/4/2021	Alive	Unidentified	A	Large Mesh	100	720	4
3/4/2021	Alive	Unidentified	A	Large Mesh	100	1,440	10
3/15/2021	Alive	Atlantic	A	Large Mesh	70	1,440	8
3/15/2021	Alive	Atlantic	A	Large Mesh	70	1,440	8
3/15/2021	Dead	Atlantic	A	Large Mesh	70	1,440	8

Table 2. Summary of estimated and/or observed cumulative Atlantic sturgeon interactions through the month of March 2021 by management unit and disposition for anchored large and small mesh gill nets for ITP Year 2021.

Management Unit	Atlantic Sturgeon			
	Large Mesh		Small Mesh	
	Alive	Dead	Alive	Dead
A	54.9	8.4	0	0
B ¹	0	0	0	0
C ¹	1	0	0	0
D ¹	0	0	0	0
E ¹	0	0	0	0
Total	55.9	8.4	0	0

¹ Indicates observed takes

Sincerely,

John McConnaughey, Protected Species Biologist
 Division of Marine Fisheries, NCDEQ

cc: Barbie Byrd
 Meghan Gahm
 Kathy Rawls
 Dee Lupton
 Celeste Stout



ROY COOPER
Governor

DIONNE DELLI-GATTI
Secretary

KATHY B. RAWLS
Director

Monthly Progress Report
Incidental Take Permit No. 18102
May 7, 2021

Angela Somma
Office of Protected Resources (F/PR)
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Angela:

During April 2021, the anchored small mesh fishery was open state-wide (minus management unit D1) during the month and the anchored large mesh fishery was closed. There was one live Atlantic sturgeon observed in small mesh gill nets for management unit B during April (Table 1). There were 21 anchored small mesh gill net trips observed in management unit B during this period. There were zero reported Atlantic sturgeon interactions during this period. Cumulative estimated and observed interactions for ITP year 2021, April 1-30, 2021 are included in Table 2.

Table 1. Summary of observed sturgeon interactions in anchored large mesh gill nets for the month of April 2021 for ITP Year 2021.

Date	Condition	Species	Management Unit	Gear Type	Length of Net (yds)	Soak Time (min)	Net Sets (#)
4/14/2021	Alive	Atlantic	B	Small Mesh	100	720	10

Table 2. Summary of estimated and/or observed cumulative Atlantic sturgeon interactions through the month of April 2021 by management unit and disposition for anchored large and small mesh gill nets for ITP Year 2021.

Management Unit	Atlantic Sturgeon			
	Large Mesh		Small Mesh	
	Alive	Dead	Alive	Dead
A	54.9	8.4	0	0
B ¹	1	0	0	0
C ¹	1*	0	0	0
D ¹	0	0	0	0
E ¹	0	0	0	0
Total	56.9	8.4	0	0

¹ Indicates observed takes

* Small mesh take

Sincerely,

John McConnaughey, Protected Species Biologist
 Division of Marine Fisheries, NCDEQ

cc: Barbie Byrd
 Meghan Gahm
 Kathy Rawls
 Dee Lupton
 Celeste Stout

Red Drum Landings 2019-2021

Landings are complete through July 16, 2021.

2019 and 2020 landings are final. 2021 landings are preliminary.

Year	Month	Species	Pounds	2009-2011	2013-2015
				Average	Average
2019	9	Red Drum	1,508	28,991	35,003
2019	10	Red Drum	8,080	43,644	63,659
2019	11	Red Drum	5,357	14,318	27,646
2019	12	Red Drum	1,763	3,428	2,197
2020	1	Red Drum	1,853	5,885	1,700
2020	2	Red Drum	1,322	3,448	3,996
2020	3	Red Drum	1,040	5,699	3,971
2020	4	Red Drum	2,425	7,848	6,528
2020	5	Red Drum	4,473	13,730	9,661
2020	6	Red Drum	5,890	12,681	6,985
2020	7	Red Drum	6,839	13,777	15,618
2020	8	Red Drum	13,592	21,252	15,846

FY20 Fishing Year (Sept 1, 2019 - Aug 31, 2020) Landings 54,142

Year	Month	Species	Pounds	2009-2011	2013-2015
				Average	Average
2020	9	Red Drum	32,104	28,991	35,003
2020	10	Red Drum	57,299	43,644	63,659
2020	11	Red Drum	26,704	14,318	27,646
2020	12	Red Drum	12,067	3,428	2,197
2021	1	Red Drum	11,372	5,885	1,700
2021	2	Red Drum	16,674	3,448	3,996
2021	3	Red Drum	2,552	5,699	3,971
2021	4	Red Drum	***	***	***
2021	5	Red Drum	11,034	13,730	9,661
2021	6	Red Drum	13,086	12,681	6,985
2021	7	Red Drum	***	***	***
2021	8	Red Drum			

FY21 Fishing Year (Sept 1, 2020 - Aug 31, 2021) Landings 183,124

*partial trip ticket landings only

***landings are confidential

YEAR	MONTH	SPECIES	POUNDS	DEALERS	TRIPS	AVERAGE (2007-2009)
2017	1	SOUTHERN FLOUNDER	1,677	38	122	7,713
2017	2	SOUTHERN FLOUNDER	2,758	55	215	4,617
2017	3	SOUTHERN FLOUNDER	8,254	67	874	23,512
2017	4	SOUTHERN FLOUNDER	9,591	83	787	68,389
2017	5	SOUTHERN FLOUNDER	33,105	105	1,121	122,514
2017	6	SOUTHERN FLOUNDER	74,799	115	1,905	154,090
2017	7	SOUTHERN FLOUNDER	75,032	108	1,757	170,387
2017	8	SOUTHERN FLOUNDER	102,890	116	2,366	201,862
2017	9	SOUTHERN FLOUNDER	235,915	128	2,849	396,301
2017	10	SOUTHERN FLOUNDER	549,825	142	3,977	781,717
2017	11	SOUTHERN FLOUNDER	302,372	123	2,004	392,150
2017	12	SOUTHERN FLOUNDER	166	7	8	37,303
2018	1	SOUTHERN FLOUNDER	610	14	43	7,713
2018	2	SOUTHERN FLOUNDER	1,833	34	154	4,617
2018	3	SOUTHERN FLOUNDER	2,815	43	387	23,512
2018	4	SOUTHERN FLOUNDER	8,142	74	769	68,389
2018	5	SOUTHERN FLOUNDER	18,342	90	951	122,514
2018	6	SOUTHERN FLOUNDER	42,501	105	1,407	154,090
2018	7	SOUTHERN FLOUNDER	57,283	117	1,496	170,387
2018	8	SOUTHERN FLOUNDER	72,495	121	1,916	201,862
2018	9	SOUTHERN FLOUNDER	109,125	114	1,776	396,301
2018	10	SOUTHERN FLOUNDER	363,339	109	3,062	781,717
2018	11	SOUTHERN FLOUNDER	226,856	89	1,355	392,150
2018	12	SOUTHERN FLOUNDER	471	5	5	37,303
2019	1	SOUTHERN FLOUNDER	524	25	74	7,713
2019	2	SOUTHERN FLOUNDER	558	23	69	4,617
2019	3	SOUTHERN FLOUNDER	1,412	44	216	23,512
2019	4	SOUTHERN FLOUNDER	5,966	66	448	68,389
2019	5	SOUTHERN FLOUNDER	36,666	92	1,038	122,514
2019	6	SOUTHERN FLOUNDER	61,199	109	1,438	154,090
2019	7	SOUTHERN FLOUNDER	59,404	109	1,554	170,387
2019	8	SOUTHERN FLOUNDER	95,629	109	1,779	201,862
2019	9	SOUTHERN FLOUNDER	51,734	59	551	396,301
2019	10	SOUTHERN FLOUNDER	327,394	120	2,337	781,717
2019	11	SOUTHERN FLOUNDER	159,595	58	537	392,150
2019	12	SOUTHERN FLOUNDER	0	0	0	37,303
2020	1	SOUTHERN FLOUNDER	0	0	0	7,713
2020	2	SOUTHERN FLOUNDER	0	0	0	4,617
2020	3	SOUTHERN FLOUNDER	***	***	***	23,512
2020	4	SOUTHERN FLOUNDER	***	***	***	68,389
2020	5	SOUTHERN FLOUNDER	0	0	0	122,514
2020	6	SOUTHERN FLOUNDER	0	0	0	154,090
2020	7	SOUTHERN FLOUNDER	0	0	0	170,387
2020	8	SOUTHERN FLOUNDER	143	3	5	201,862
2020	9	SOUTHERN FLOUNDER	86,644	31	792	396,301
2020	10	SOUTHERN FLOUNDER	340,684	138	2,622	781,717
2020	11	SOUTHERN FLOUNDER	52,642	27	71	392,150
2020	12	SOUTHERN FLOUNDER	0	0	0	37,303
2021	1	SOUTHERN FLOUNDER	0	0	0	7,713
2021	2	SOUTHERN FLOUNDER	0	0	0	4,617
2021	3	SOUTHERN FLOUNDER	***	***	***	23,512
2021	4	SOUTHERN FLOUNDER	***	***	***	68,389
2021	5	SOUTHERN FLOUNDER	***	***	***	122,514
2021	6	SOUTHERN FLOUNDER	***	***	***	154,090

*2021 data are preliminary. 2017-2020 data are complete.

***Data are confidential