

Annual Fishery Management Plan Update
N.C. Division of Marine Fisheries and Marine Fisheries Commission
July 31, 2020

Authority and Process

The Fisheries Reform Act of 1997 and its subsequent amendments established the requirement to create fishery management plans (FMPs) for all of North Carolina's commercially and recreationally significant species or fisheries. The contents of the plans are specified, advisory committees are required, and reviews by the Department of Environmental Quality secretary, Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, Joint Legislative Commission on Governmental Operations, and legislative Fiscal Research Division are mandated.

All initial FMPs identified on the priority list have been developed. Annually, the division reviews all state FMPs, as well as all federally-managed and Atlantic States Marine Fisheries Commission (ASMFC)-managed species for which there are FMPs for North Carolina. Upon review, amendment of a state plan is required when changes to management strategies are necessary. An information update for a plan, which includes changes in factual and background data only, may be completed if there are no management changes.

At the MFC's August 2019 business meeting, staff first provided an update on changes being implemented designed to achieve efficiencies in the FMP process. Changes include the timing of the steps in initial development of draft FMPs, how the division works with the FMP advisory committee and how the committee operates, and what the FMP documents look like. Before the initial development of a draft FMP, a scoping period is held to notice the public the review of the FMP is underway, inform the public of the stock status (if applicable), solicit input from the public on the list of potential management strategies to be developed, and recruit advisers to serve on the FMP advisory committee. These changes are being incorporated beginning with Amendment 3 to the Southern Flounder FMP and Amendment 2 to the Shrimp FMP.

Status of State FMPs

The review of six of 13 state plans is currently underway. These plans are the Southern Flounder, Shrimp, Estuarine Striped Bass, and Spotted Seatrout FMPs. Review of the Striped Mullet and N.C. FMP for Interjurisdictional Fisheries is just beginning.

Amendment 2 to the **Southern Flounder FMP** began with a coast-wide (North Carolina to the east coast of Florida) stock assessment for Southern Flounder that determined the stock is overfished (stock size is too small) and overfishing (excessive fishing mortality) is occurring. Reductions in total removals of southern flounder are required by state law to achieve a sustainable harvest, end overfishing within two years and recover the stock from an overfished condition within 10 years. At its August 2019 business meeting the MFC approved Amendment 2 to the Southern Flounder FMP. Upon adoption, Amendment 2 authorized the division to immediately begin development of Amendment 3 where more comprehensive management strategies and measures are being developed based on the results of the 2019 coast-wide stock assessment.

Development of Amendment 3 is underway and may augment management with more comprehensive strategies, but will not restart the rebuilding timeframe identified through Amendment 2. Consistent with the recent changes to the FMP process, a scoping document outlining potential management strategies for Amendment 3 was drafted and a scoping period for Amendment 3 was held in December 2019. The MFC received a summary of the public input from the scoping period at its February 2020 meeting, provided input to the division on management strategies, and approved the goal and objectives for Amendment 3. The division is considering input from the scoping period and the MFC and is drafting Amendment 3. The division plans to work with the Southern Flounder FMP AC to further develop draft Amendment 3 later this year. Amendment 3 is expected to be completed in 2021.

The division is continuing with the development of the **Shrimp FMP** Amendment 2, which began in 2019. Consistent with the recent changes to the FMP process, a scoping document outlining potential management strategies for Amendment 2 was drafted and a scoping period for Amendment 2 was held in January 2020. The MFC received a summary of the public input from the scoping period at its February 2020 meeting, provided input to the division on management strategies, and approved the goal and objectives for Amendment 2. The division is considering input from the scoping period and the MFC and is drafting Amendment 2. An advisory committee for the FMP will be appointed later in 2020. The division plans to work with the FMP AC to further develop draft Amendment 2 later this year.

The division is continuing with the development of the **Estuarine Striped Bass FMP** Amendment 2, which is being jointly developed with the N.C. Wildlife Resources Commission. Results from a peer-reviewed benchmark stock assessment utilizing data through 2017 are expected in 2020. Consistent with the recent changes to the FMP process, a scoping document outlining potential management strategies for Amendment 2 will be drafted and a scoping period for Amendment 2 will tentatively be held in November 2020.

A benchmark stock assessment for the **Spotted Seatrout FMP** is underway coinciding with the scheduled FMP review. The prior stock assessment from 2014 indicated the stock is not overfished and is not experiencing overfishing. The division decided to include data through 2019 in the stock assessment to be more reflective of recent fishing activity.

Amendment 1 to the **Striped Mullet FMP** was approved in November 2015. Review of the FMP is just beginning; a benchmark stock assessment will be undertaken. The 2013 stock assessment indicated overfishing was not occurring, but it could not determine the overfished status. Though commercial landings and abundance from independent indices in 2017 were near historic lows, an update of the 2013 stock assessment model with data through 2017 indicated overfishing is not occurring. The striped mullet commercial fishery primarily targets mature females during the fall when they are migrating to the ocean to spawn, which could lead to poor recruitment. Review of 2019 commercial landings indicated neither the maximum (2.76 million pounds) nor minimum (1.13 million pounds) triggers had been exceeded.

The N.C. **FMP for Interjurisdictional Fisheries** Information Update was approved in November 2015. No change in management strategies was necessary, so the plan was updated with the most current factual and background data. The goal of the FMP for Interjurisdictional Fisheries is to adopt FMPs, consistent with N.C. law, approved by the federal Councils or the ASMFC by reference and implement corresponding fishery regulations in North Carolina to provide compliance or compatibility with approved FMPs and amendments, now and in the future. The review of this plan is just beginning.

The N.C. **River Herring FMP** Amendment 2 was adopted by the MFC in 2015. An Atlantic coast-wide stock assessment update for river herring was completed in August 2017, with data through 2015, by the ASMFC. Results indicate river herring remain depleted and at near historic lows on a coast-wide basis¹. The division recommends the next review of the River Herring FMP begin in 2021, one year later than originally planned. This will provide additional time to submit to the ASMFC an updated N.C. Sustainable FMP for River Herring and evaluate the need to preserve both a state and ASMFC river herring plan, the potential for achieving efficiencies by addressing any redundancy in management, and the possibility of retiring the state FMP while continuing to manage river herring via the N.C. FMP for Interjurisdictional Fisheries and the ASMFC's Interstate FMP for Shad and River Herring.

¹ Atlantic States Marine Fisheries Commission (ASMFC). 2017. River herring stock assessment update, Volume II. 682 pp.

The **Hard Clam FMP** Amendment 2 and the **Eastern Oyster FMP** Amendment 4 were approved in February 2017 and the implementing rules became effective May 1, 2017. Stock assessments cannot be conducted due to limited data; therefore, population size and the rate of removals from each population are unknown. For the Hard Clam FMP, harvest fluctuates, often in response to changes in demand, improved harvesting methods, and increases in polluted shellfish area closures. For the Oyster FMP, commercial landings from public bottom have been variable, and landings from private bottom in the past few years have increased significantly due to more interest in aquaculture. Work is underway with N.C. State University and the Nature Conservancy to develop methodologies to determine stock status for eastern oysters. The next review of both FMPs will begin in 2022.

The management program currently in place for the N.C. **Red Drum FMP** has resulted in a stock that has met ongoing management targets. Therefore, at its August 2017 business meeting, the MFC approved the division recommendation for the 2016 annual FMP update to fulfill the scheduled review of the N.C. Red Drum FMP. All management strategies that have led to management targets being met will be maintained as outlined in both the state FMP and the ASMFC FMP. Stock conditions will be monitored and reported through each subsequent annual FMP update and the MFC will continue to receive the FMP review schedule annually. The next scheduled review of this plan will begin in 2022.

The division is continuing to implement Amendment 3 to the **Blue Crab FMP**, which was adopted by the MFC in February 2020 to address the overfished status and end overfishing. Results of the 2018 benchmark stock assessment indicate the blue crab stock is overfished and overfishing is occurring. An update to the 2018 benchmark stock assessment will begin no sooner than 2023 and will include data through the previous year. The next scheduled review of this plan will begin in 2025.

The division recommends the 2020 annual FMP update fulfill the scheduled review of the **Bay Scallop FMP**. Bay scallop abundances have remained at historically low levels since the last scheduled review. This has not allowed a commercial or recreational harvest season to be opened, thus no stricter changes in management can be enacted. All management strategies that have been in place will be maintained as outlined in the state FMP. Stock conditions will be monitored and reported through each subsequent annual FMP update and the MFC will continue to receive the FMP review schedule annually. The next scheduled review of this plan will begin in 2025.

The division recommends the 2020 annual FMP update fulfill the scheduled review of the **Kingfishes FMP**. The management program currently in place for kingfishes has resulted in a stock that has met ongoing management targets. All management strategies that have been in place will be maintained as outlined in the state FMP. Stock conditions will be monitored and reported through each subsequent annual FMP update and the MFC will continue to receive the FMP review schedule annually. The next scheduled review of this plan will begin in 2025.