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MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Charlton Godwin, Biologist Supervisor, Elizabeth City; Biological Review Team Chair (BRT)
Jeffrey Dobbs, FMP Coordinator
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SUBJECT: 2025 Annual Fishery Management Plan Review

Authority and Process

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

Annually, the Division of Marine Fisheries (division) reviews all State, federal (Fishery Management Councils), and Atlantic States Marine Fisheries Commission (ASMFC) managed FMPs where North Carolina is directly involved. Stock conditions and management are monitored and reported through annual FMP Reviews. Any recommended changes to the annual State FMP Schedule are informed by this review process for the DEQ Secretary's consideration.

Status of State FMPs

Out of 13 State FMPs, the Southern Flounder, Kingfishes, and Red Drum plans are currently under review. In 2024, the DEQ Secretary approved the division request to delay review of the Blue Crab and Bay Scallop FMPs and the FMP for Interjurisdictional Fisheries by one year, as explained below. Recommendations for maintaining or changing the schedule are shown in italics.

Currently Under Review

Southern Flounder (under review): At the August 2024 Marine Fisheries Commission (MFC) business meeting, the MFC passed a motion "to ask the DMF Director to ask the DEQ Secretary to modify the FMP Review Schedule to amend the Southern Flounder FMP for the review of the plan to begin in 2024. The intent is to allow for more recreational access while maintaining the rebuilding requirements of [the Southern Flounder FMP] Amendment 3". The DEQ Secretary approved the schedule change in November 2024, which included development of a focused amendment (Amendment 4) to give the MFC the

opportunity to consider implementing the 50/50 sector allocation shift in 2025 instead of 2026 as prescribed in Amendment 3. Additionally, the Secretary approved concurrent development of a more comprehensive amendment (Amendment 5) to explore long-term solutions to the issue of recreational access while maintaining Amendment 3 rebuilding requirements. Additionally, the DEQ Secretary approved the division's request to broaden the scope of Amendment 5 to allow for consideration of a range of management options based on results of NC-specific quantitative analyses. Amendment 4 (the focused amendment) was adopted by the MFC in August 2025 and the 50/50 sector allocation shift was implemented for the 2025 recreational and commercial flounder seasons. Amendment 5 (the comprehensive amendment) is in development and is anticipated to be adopted in late 2027.

Kingfishes (under review): Management strategies continue to be maintained as outlined in the State FMP. Stock conditions are monitored via management triggers and reported through the annual FMP Review. The Kingfishes FMP prescribes that if two or more triggers are activated in two consecutive years then data will be evaluated further and the need for management changes will be considered. While three management triggers were activated for two consecutive years in 2023 and 2024, survey changes likely affected indices of Southern Kingfish relative abundance. Additionally, trigger analysis in 2025 indicated none of the triggers activated. Scheduled review of the plan began in 2025 and includes a comprehensive review of available data and reevaluation of management triggers.

Red Drum (under review): A benchmark stock assessment was completed by ASMFC in 2024 with data through fishing year 2021. Results indicate the northern Red Drum stock (which includes North Carolina) is not overfished and overfishing is not occurring. However, an increasing trend in fishing mortality associated with increased fishing effort in the Chesapeake Bay was noted as a concern. In response to stock assessment results, Addendum II to Amendment 2 was adopted by the ASMFC Sciaenid's Management Board in October 2025. For the northern stock, Addendum II provides consistent regulations across the Chesapeake Bay region, encompassing Maryland, the Potomac River Fisheries Commission, and Virginia. Addendum II does not require North Carolina to change current management. Scheduled review of the plan began in 2025 and includes an evaluation of stock assessment results, North Carolina fishery trends, and other available data.

Blue Crab (under review): Amendment 3 was adopted in February 2020 to address the overfished status and end overfishing, as indicated by the 2018 benchmark stock assessment. Following full implementation of Amendment 3 management measures in 2021, division monitoring programs continued to observe historically low commercial landings, coupled with continued low abundance of all Blue Crab life stages. An update to the 2018 stock assessment was completed in 2023, but concerns raised by external peer reviewers informed the division's decision to not approve the updated stock assessment for management purposes. In 2024, the DEQ Secretary approved the division request to delay the plan review one year to afford time to implement Amendment 3 adaptive management. To address continued stock declines, in 2025 the division developed a draft revision with management options to further address the requirements to end overfishing and achieve sustainable harvest, but the MFC did not vote on adoption of the revision. A benchmark stock assessment is underway with completion tentatively scheduled for late 2026. *No schedule change is recommended.*

Review Begins After 2026

Bay Scallop (review begins 2027 contingent on DEQ Secretary approval): After many years of low abundance, the Bay Scallop season was opened, consistent with requirements of the FMP, in specific regions in 2021, 2022, and 2023 at the lowest allowed harvest levels but was not opened in 2024 or 2025. In 2024, the DEQ Secretary approved the division request to delay the plan review one year to reduce overlap in ongoing plan reviews and upon identification of no immediate need for management changes. As a result, the next comprehensive plan review is scheduled to begin in 2026. *However, the division is*

requesting an additional one-year delay in the comprehensive review of the Bay Scallop FMP, such that the comprehensive review would begin in 2027. Doing so aligns review of the Bay Scallop FMP with the comprehensive review of the Shrimp FMP and development of an MFC rulemaking issue paper for protection of habitat within the MFC's authority, consistent with the N.C. Coastal Habitat Protection Plan (CHPP). The Bay Scallop FMP and the Shrimp FMP have historically addressed habitat issues, specifically protection of Submerged Aquatic Vegetation (SAV).

Shrimp FMP (review begins 2027): Amendment 2 was adopted by the MFC at its February 2022 business meeting to further reduce bycatch of non-target species and minimize ecosystem impacts, including adaptive management for future action to address issues related to SAV. The May 2024 Revision to Amendment 2 documents supporting data and the MFC's rationale for not taking further action to address SAV protection under the Shrimp FMP Amendment 2, instead directing the division to develop more comprehensive management options to protect SAV habitat from all activities under the authority of the MFC, consistent with the CHPP. The draft 2026 CHPP is expected to include a framework for development of MFC rules for protection of habitats, including SAV, which if adopted would begin in 2027 and align with the next comprehensive review of the Shrimp FMP and the Bay Scallop FMP. *No schedule change is recommended.*

Estuarine Striped Bass (review begins 2027): Amendment 2 was jointly developed with the Wildlife Resources Commission (WRC) and adopted by the MFC at its November 2022 business meeting. The 2022 Albemarle-Roanoke (A-R) stock assessment update indicated the stock continued to decline since the previous assessment and remains overfished with overfishing occurring. Based on stock assessment results, the January 2024 Revision to Amendment 2 implemented a harvest moratorium in the Albemarle Sound and Roanoke River Management Areas. No stock status is available for the three stocks that occur in the Central Southern Management Area; however, a population model indicates the stocks are depressed to a level where sustainability is unlikely. As prescribed in Amendment 2, in 2025 the division reviewed the Tar-Pamlico and Neuse rivers Striped Bass data through 2024 and determined the harvest and gill net closures were ineffective at increasing adult abundance, expanding the age structure, and promoting natural recruitment. The Striped Bass stocks in the Tar-Pamlico and Neuse rivers are currently not sustainable and factors other than fishing mortality and inadequate spawning stock abundance are preventing sustainability. The March 2026 Revision to Amendment 2 documents the adaptive management measures implemented to allow limited recreational and commercial Striped Bass harvest in the Tar-Pamlico and Neuse rivers in April 2026 with restrictions in place to focus harvest on stocked fish while providing protection of wild spawned A-R fish that use those systems. The next comprehensive plan review is scheduled to begin in 2027. *No schedule change is recommended.*

River Herring (review contingent on DEQ Secretary approval): The 2024 Atlantic coast-wide stock assessment update indicated River Herring remain depleted and at near historic lows coast-wide. River Herring in North Carolina are managed under three FMP's: two separate N.C. FMPs, Amendment 2 to the N.C. River Herring FMP and the N.C. FMP for Interjurisdictional Fisheries (IJ FMP), and the ASMFC Amendment 2 to the Interstate FMP for Shad and River Herring. The next comprehensive review of the N.C. River Herring FMP is scheduled to begin in 2027. *However, the division is requesting the DEQ Secretary approve transitioning River Herring management from Amendment 2 to the N.C. River Herring FMP exclusively to the N.C. IJ FMP, which adopts, by reference, FMPs approved by the ASMFC or federal councils (e.g., the ASMFC Amendment 2 to the Interstate FMP for Shad and River Herring). Transitioning management solely to the N.C. IJ FMP does not alter the current approach to River Herring management, nor the authority delegated to the MFC or further delegated to the division director to manage River Herring. Transitioning management creates efficiencies by removing redundancies between the ASMFC Interstate FMP and two separate N.C. FMPs. Additionally, any future plans to allow river herring harvest in N.C. must be developed through an ASMFC Sustainable Fishery Plan, (e.g. the NCDMF Sustainable Fishery Plan for American Shad) so the additional state FMP for River Herring is no longer needed. If the*

DEQ Secretary approves the division request to transition River Herring management, review of the River Herring FMP will no longer appear on the FMP Review Schedule.

Interjurisdictional Fisheries (review begins 2028): An Information Update to the N.C. FMP for Interjurisdictional Fisheries (IJ FMP) was adopted in May 2022. An information update incorporates changes in factual and background data since the last review of the plan and does not alter management strategies or management measures or introduce and address new management issues not previously included in the FMP. The goal of the IJ FMP is to adopt FMPs, consistent with N.C. law, approved by the ASMFC or federal councils 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. In 2024, the DEQ Secretary approved the division request to delay the plan review one year to reduce overlap in ongoing plan reviews. As a result, the next comprehensive plan review is scheduled to begin in 2028. *No schedule change is recommended.*

Striped Mullet (review begins 2029): Amendment 2 was adopted by the MFC at its May 2024 business meeting. The MFC adopted regulations intended to reduce Striped Mullet harvest with a goal of ending overfishing and rebuilding the stock. The regulations included commercial day of week harvest closures and recreational possession limits. Adaptive management allows for adjustment to season closures, day of week closures, trip limits, and gill net yardage and mesh size restrictions to ensure management targets are being met, based on results of stock assessment updates, concerning stock conditions, or fishery trends. While commercial landings remained high in 2025, fishery-independent indices also showed continued high abundance suggesting increased landings are related to increased stock abundance. In addition, the length and age structures of the population do not indicate cause for concern. The Amendment 2 adaptive management framework specifies the stock assessment be updated at least once between full reviews of the FMP. Until a stock assessment can be scheduled, the division plans to conduct further review and analysis of available Striped Mullet data to explore recent trends and stock characteristics. Results will be presented at a future MFC meeting. The next comprehensive plan review is scheduled to begin in 2029. *No schedule change is recommended.*

Spotted Seatrout (review begins 2030): Amendment 1 to the Spotted Seatrout FMP was adopted by the MFC in March 2025. The MFC adopted regulations intended to reduce Spotted Seatrout harvest and end overfishing of the stock, including commercial day of week harvest closures (that mirror Striped Mullet closures), a recreational slot limit, and a lower recreational bag limit. Adaptive management allows for adjustment to season closures, day of week closures, size limits, trip, bag or vessel limits, and gear restrictions to ensure management targets are being met. Amendment 1 also changed the adaptive management framework for cold stun events. In May 2026 the division presented information to the MFC about the effects of a cold stun that occurred in 2025 on the Spotted Seatrout stock and did not recommend any management changes. Information about the effects of the 2026 cold stun on the Spotted Seatrout stock is scheduled to be presented to the MFC in 2027. The Amendment 1 adaptive management framework specifies the stock assessment be updated at least once between full reviews of the plan to gauge success in maintaining sustainable harvest and to monitor changes in fishing mortality (*F*). Given current stock assessment priorities, an update to the Spotted Seatrout stock assessment will occur at the discretion of the division. The next comprehensive plan review is scheduled to begin in 2030. *No schedule change is recommended.*

Eastern Oyster and Hard Clam (review begins 2030): Amendment 5 to the Eastern Oyster FMP and Amendment 3 to the Hard Clam FMP were adopted by the MFC in May 2025. Previous FMP reviews have addressed issues unique to private aquaculture of oysters and clams on shellfish leases and franchises. The expansion of the aquaculture industry, recent management implemented by the MFC and division, and the minimal connection to wild stocks have eliminated the need to consider aquaculture in the FMPs. As a result, Amendment 5 to the Eastern Oyster FMP and Amendment 3 to the Hard Clam FMP focus solely on

management of N.C.'s wild oyster and clam stocks. Stock assessments have not been completed for these species due to data limitations; therefore, population size and rate of removals are unknown. Amendment 5 to the Eastern Oyster FMP balances the value of oysters as a fishery resource and essential habitat by implementing deep-water oyster recovery areas (DORAs), cultch supported harvest, and rotational harvest cultch sites. Amendment 3 to the Hard Clam FMP phases out the use of mechanical harvest methods by 2028. Both plans adopted a strategy for the division to further explore options to estimate recreational shellfish participation and landings, and to distribute Shellfish Sanitation and Recreational Water Quality health and safety information. The next comprehensive review of both plans is scheduled to begin in 2030. *No schedule changes are recommended.*