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COASTAL CONSERVATION ASSOCIATION NORTH CAROLINA

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Dear Sciaenid Board and Atlantic Croaker Technical Committee,

The purpose of this letter is to express general concern from the North Carolina Wildlife Federation (NCWF) and Coastal Conservations Association North Carolina (CCA NC) over the ongoing status of Atlantic croaker, and to raise specific issues with the updated, benchmark stock assessment currently being prepared. Data we have compiled from ASMFC croaker management documents and fishery management plans clearly demonstrate the current stock condition is dire. Of course, many of the comments NCWF and CCA NC make here apply equally to other sciaenid species managed by ASMFC, especially spot and weakfish.

The most recent ASMFC stock status summary indicates that "Atlantic coast commercial landings of Atlantic croaker exhibit a cyclical pattern," The issue is not whether Atlantic croaker landings have historically been cyclical, but rather, whether the causes underlying that cyclic trend are based on biological factors, rather than on economics or other non-biological factors. While variability in commercial landings may have occurred in the past, overall, landings have had a consistently declining trend since 47 million pounds were landed in 2003, to 0.5 million pounds in 2023, the lowest value of the time series from1950-2024. That is a 99% decline, and rather than spurring mild concern, alarm bells should be ringing.

For Atlantic croaker, the failure of ASMFC management to restore and rebuild the stock to historic abundance levels is a classic tale of two common dilemmas: (1) "best available data" being non-representative of the coastwide population, and (2) uncertain stock assessment results that have caused fisheries managers to hesitate in taking meaningful management actions.

As was recently documented in a widely accepted, peer-reviewed research paper in the journal *Science*, modern stock assessment results typically overstate the robustness of our coastal fish stocks, characteristically leading to management decisions that allow harvest at unsustainable levels. It is our belief that this finding is entirely appropriate for ASMFC management of Atlantic croaker and other sciaenid species where biomass targets are set inappropriately low for such important ecosystem components and available data are rudimentary at best.

While commercial landings anchor formal stock assessments, recreational landings of Atlantic croaker from New Jersey through Florida have also exhibited a declining trend from 2007 through 2024. Recreational landings in 2024, in both numbers of fish and weight, were time series lows. An estimated 87.3% of the total recreational catch of Atlantic croaker was released in 2024, the highest percentage on record for the fourth year in a row. That number is telling—it is highly likely that the increase in recreational releases corresponds to a marked decrease in the sizes of fish available for harvest, thereby dissuading anglers from retaining fish for personal consumption.

Taken together with the harvest data, Atlantic croaker population age truncation and declines in all measurable population parameters indicate a coastwide stock that clearly meets at least one accepted definition of a collapsed stock. Despite that truth, due to conflicting regional trends in abundance and harvest, as well as other uncertainties, the most recent Atlantic croaker stock assessment, like its predecessors, was not recommended as suitable for management use. The result has been what amounts to status quo management of a collapsed stock, rather than aggressive management intervention that has a reasonable chance of recovery. That result is unacceptable to NCWF and CCA NC and should be unacceptable to ASMFC as well.

But inadequate ASMFC management of sciaenids is not limited to Atlantic croaker. The approval of Amendment 3 of ASMFC's weakfish FMP resulted in two key actions that the Board felt would not only protect and rebuild weakfish but would ensure protection and restoration of Atlantic croaker and spot as well. Those actions were the closure of the flynet fishery off North Carolina south of Cape Hatteras, and the requirement that South Atlantic states implement a 50% reduction in shrimp trawl bycatch. Yet nearly 30 years after those requirements were implemented, all three of these stocks have collapsed coastwide. While the effects on the ecosystem are unknown, consideration of the dramatic reduction in available, preferred forage for numerous coastal marine resources must certainly contribute to our shared management failures across the board.

It is the informed opinion of NCWF and CCA NC that two critical factors, mostly ignored by managers and scientists, have significantly and foreseeably contributed to the failure of management measures deemed by ASMFC to be sufficient to rebuild sciaenid stocks to achieve their expected results.

First, the ASMFC Sciaenid Habitat Plan recommended that nursery areas for sciaenid species (e.g., Atlantic croaker, spot, and weakfish) be fully protected from trawl activity. Unfortunately, this recommendation to protect these critical habitats has been ignored by North Carolina, the state that likely has been both the largest overall producer of recruits of these species coastwide, as well as the greatest coastwide harvester of these stocks combined. While North Carolina claims to have an adequate primary nursery area protection program, it fails to acknowledge that the program exists only because North Carolina is the only state that allows extensive trawling in defined critical nursery habitats

(e.g., Pamlico Sound) for these valuable, interjurisdictional fisheries. In fact, shrimp trawling is permitted throughout much of Pamlico Sound with nets as large as 220 feet, in the same locations where the Pamlico Sound juvenile abundance surveys have proved sciaenid nursery significance.

The University of North Carolina at Chapel Hill Collaboratory recently issued its findings in a 2025/2026 legislative report that examined the issues affecting North Carolina marine fisheries. This report is available online and, among many other findings, concludes that North Carolina:

1) primary nursery areas are not functioning as intended and there is no clear evidence that they have enhanced the populations of any species except for brown shrimp,
2) is not achieving the fundamental purpose of the laws that govern fisheries management in North Carolina,
3) has the highest percentage of overfished stocks in the region, and
4) DMF does not have the technical expertise to address these issues.

Second, the ASMFC Weakfish Board and Technical Committee has assumed that implementing BRD requirements would result in a 50% reduction in shrimp trawl bycatch, thereby enhancing recruitment into numerous fisheries. The specific assumption was that 50% of the weakfish that encountered trawls—and by design, other bycaught species as well—would escape trawl capture and survive to serve as new recruits into the fishery. There is zero evidence this has happened, and after three decades of BRD use, the coastwide populations of Atlantic croaker, spot, and weakfish remain depleted.

But that result was entirely foreseeable for multiple reasons. First, all North Carolina BRD testing to prove bycatch reduction was done at the tow level, rather than at the population level. In fact, DMF readily admits that tow level bycatch reduction results cannot be extrapolated to the populations level. In short, there is no evidence that BRDs have resulted in populations level benefits to the primary species taken by that gear—Atlantic croaker, spot and weakfish.

Second, shrimp trawl bycatch mortality is enormous. While there is little hard data on the total extent of that mortality, extensive observations of shrimp trawl activity show that few if any fish survive the culling process that typically is delayed by as much as an hour after arriving on deck. Additionally, clouds of gulls, joined by an extraordinary aggregation of sharks, bottlenose dolphins, and predatory fishes follow trawl nets and consume much that escapes through meshes or BRDs. It is highly likely that, despite the misgivings of some researchers and managers at employing bycatch ratios, finfish bycatch as compared to shrimp landed is closer to an 8 pounds of bycatch to 1 pound of shrimp than the 4:1 ratio consistently reported in the literature, further negating the assumption that BRDs are effective in reducing bycatch at the population level by half. The primary species taken as

bycatch in North Carolina's estuarine shrimp trawl fishery include Atlantic croaker, spot, weakfish, blue crab, kingfishes, summer and Southern flounder.

And finally, ASMFC management measures fail to account for trawl redundancy in the North Carolina estuarine shrimp trawl fishery, where a fish that escapes an initial trawl has a very high likelihood of encountering multiple additional trawls within the finite confines of Pamlico Sound, and thereby being lost to the population.

These multiple resource concerns from estuarine trawls have been discussed in open public forums for decades. Nevertheless, the State of North Carolina has collected no data nor made satisfactory responses to lessen any of these concerns. Instead, it continues to blindly support BRDs as the only mechanism necessary to mitigate shrimp trawl bycatch losses of juvenile finfish.

The ongoing update to the ASMFC croaker stock assessment is making another effort to characterize shrimp trawl bycatch in the south Atlantic to determine its effect on the coastwide fishery. Unfortunately, the suspect quality of data being used to generate these estimates, particularly the data uncertainty associated with this exercise, will likely render stock assessment results unusable for management purposes for another management cycle, and the issue of stock recovery will be placed on the back burner yet again.

We believe there are specific, critical unknowns about shrimp trawl bycatch that preclude adequate Board management of Atlantic croaker, spot and weakfish until they are known:

1) A key component of the bycatch data being used for the current update raises important question related to fishing effort. North Carolina says that shrimp trawl effort data comes from its trip ticket program. That is true only insofar as the number of trips is concerned, and in reality, North Carolina has no estimate of the effort required to generate shrimp trawl bycatch estimates. Specifically, the bycatch report examines catch by net hour. What is the source of this information? In North Carolina, for each "trip," the State has no idea how many nets are used, the sizes of nets fished, how many tows are made or how long the tows last. As an example, a small boat fishing one 45-ft, net for half a day counts the same as an 80-foot vessel pulling 220 ft of headrope over a 5-day trip. Thus, effort data, at least for North Carolina, is meaningless. An independent examination of these data and a revamp of policy as it pertains to trawl effort coastwide is critical.

2) The trawl bycatch data relied upon by ASMFC—SEAMAP data, coupled with rudimentary, episodic, and incomplete observer program data from various sources—either have infinitesimally small sample sizes or only survey oceanic trawls. Observer coverage from North Carolina studies conducted from 2012-2015 were substantially more intense than anything being used by ASMFC today. Those studies found that the numbers of Atlantic croaker that were encountered in the

estuarine shrimp trawl fishery exceeded 500 million fish per year. Furthermore, a large portion of these fish were not small juveniles that would likely have succumbed to natural mortality sources—length frequency distributions of these late juveniles indicate sizes that overlap with those taken in the directed commercial and recreational fisheries. The argument that these fish are so small they would die anyway is not only incorrect, but it also completely ignores the critical ecosystem role, regardless of size, that Atlantic croaker, along with spot and weakfish, play for many other coastwide fisheries that are the subject of our shared responsibilities as resource trustees. Any anecdotal reports of a decline in the bycatch associated with shrimp trawls should raise another red flag regarding the decline in abundance of recruits rather than any presumed gear modification effects.

Given these critical, unresolved data issues pertaining to shrimp trawl bycatch, and given the voluminous scientific documents that characterize bottom trawls as the most wasteful and destructive fishing practice on the planet, it is unfathomable how the Board can accept and use flawed shrimp trawl bycatch estimates that allow ASMFC to justify continued status quo. To that point, it is equally unfathomable that the current ASMFC FMP for Atlantic croaker determined that a mere 1% reduction in the directed fisheries, while completely ignoring shrimp trawl bycatch—the number one source of Atlantic croaker fishing mortality coastwide—was adequate to end overfishing and rebuild a stock that has declined by 99% to long-term health. That has not happened, and common sense predicted that it could not possibly happen under such passive, inadequate management recommendations.

The historical ASMFC response to the shrimp trawl issue has been to infer that it is a “North Carolina problem.” If that were true, the coastwide populations of Atlantic croaker, spot and weakfish would not be depleted to the point of collapse. That depletion documents that this is an ASMFC, interjurisdictional management problem that North Carolina is incapable of addressing, or unwilling to address, on its own.

We believe that the estuarine shrimp trawl bycatch effects on coastwide stocks of Atlantic croaker, spot and weakfish are so severe that it requires aggressive management actions by ASMFC, such as immediately prohibiting bottom shrimp trawls in all east coast estuarine nursery areas, consistent with the ASMFC Sciaenid Habitat Plan. In addition, to rebuild the Atlantic croaker and spot stocks to reasonable abundance, the NCWF and CCA NC believe that the size limits for spot and Atlantic croaker must be set to correspond with the L75 data for each species as minimum standards moving forward. The biological necessity and benefits to population resiliency concept of an expanded age structure for these fish stocks is clearly documented in modern fisheries literature. Eliminating shrimp trawl bycatch in estuaries and providing protection through size limits is paramount to measurably improving these fisheries.

But the data problems facing ASMFC in terms of a fair assessment of Atlantic croaker do not end with shrimp trawls.

While we cannot speak to other jurisdictions, it is well established that commercial landings data from North Carolina for Atlantic croaker, spot and weakfish is highly suspect and unreliable. That is critical, because North Carolina commercial landings for all these species have historically dominated coastwide harvest. Despite all the regulations impacting weakfish implemented as the result of ASMFC management, for example, ASMFC has no estimate of the losses to weakfish incurred in non-directed fisheries. Bycatch from flynets or gillnets that harvest over 100 pounds (the current trip limit) are unknown, as are landings by commercial fishermen that are not sold to a licensed dealer. The Board may recall that some flynet catches offshore North Carolina harvested 50,000 pounds of weakfish in a single tow. We know of no evidence to suggest this is not continuing to happen today, resulting in enormous quantities of regulatory discards and resultant loss to the weakfish stock. If ASMFC has such evidence, it should be published; if not, ASMFC should obtain the facts pertaining to flynet bycatch—and bycatch in gillnets and any other relevant gears—as a part of its ongoing management of weakfish (as well as spot and Atlantic croaker).

With weakfish, ASMFC has worsened the lack of any expected results from the flynet closure and shrimp trawl bycatch reductions in "determining" that some fish or other marine creature has decided to change its diet to feast on increasingly rare weakfish, and that it is this increase in natural mortality that has caused the weakfish stock to collapse. Increased natural mortality of weakfish remains a convenient, but unproven, hypothesis—and was achieved only by taking the very unusual step of allowing natural mortality to vary within ASMFC's stock assessment model to make the data "fit"—without any implementing mechanism. But the natural mortality scapegoat has allowed fisheries managers to sidestep the fact that for decades we failed to control what we could control—fishing mortality. The results, as seen in the coastwide weakfish population, speak for themselves.

ASMFC depends to a large degree on quota management to ensure the health of the stocks it oversees. But quota management can never work properly until all removals from the managed stock are reasonably known. It is blatantly clear that North Carolina does not reasonably know removals from most, if any, of its coastal fish stocks, creating a systemic quota management problem. For example, the current Southern flounder commercial quota is approximately 300,000 pounds annually, down from a high of over 4 million pounds landed in 1995, administered over a season that is only weeks long. Based on N.C. DMF data, an estimated 2-3 million pounds of Southern flounder are discarded dead from numerous other active gear types, e.g., shrimp trawls, crab trawls, crab pots, gill nets, gigs, and pound nets, that persist during the closed season. These mortalities are completely ignored in commercial quota monitoring. This is unacceptable for Southern flounder, and there is no reason to believe it is not the same for other quota-managed species, e.g., striped bass, summer flounder, Spanish mackerel, king mackerel, black sea bass, red drum, and bluefish. The failure to manage quotas appropriately is a plausible reason for ASMFC's meager track record of recovering depleted fish stocks.

ASMFC, like other fisheries management agencies, is a trustee for the coastal fisheries resources owned by citizens. That role demands actions that preserve those resources for use by current and future generations of those citizens, and thus a precautionary approach to fisheries management in general, and resource exploitation in particular.

What we observe when examining the data for Atlantic croaker—as well as spot and weakfish—is an excessively truncated age structure, collapsed fisheries from an historic abundance perspective, and declining recruitment. As previously noted in reference to the latter point, hundreds of millions of recruits are lost annually to the devastating impacts of estuarine shrimp trawling in North Carolina alone. Taking a true precautionary management approach would seem to dictate that ASMFC undertakes a complete revision of its FMPs for Atlantic croaker, spot, and weakfish to address, at a minimum, the critical management issues raised in this letter.

NCWF and CCA NC have compiled voluminous supporting evidence to document these decades-long fisheries management failures and would be happy to discuss these issues at any time with appropriate people within ASMFC or fisheries managers in other states. Thank you for your consideration of the content of this letter.

Best Regards,



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cc: Dan McKiernan Chairman