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January 31, 2022

**MEMORANDUM**

**TO:** Marine Fisheries Commission  
Northern Advisory Committee

**FROM:** David Behringer, Fisheries Biologist  
Lee Paramore, Northern District Manager  
Fisheries Management Section

**SUBJECT:** Meeting of the Marine Fisheries Commission's Northern Regional Advisory Committee, January 11, 2022. Recommendations for the Southern Flounder Fishery Management Plan Amendment 3

The Marine Fisheries Commission's (MFC) Northern Advisory Committee (AC) held a meeting on January 11, 2022 via webinar.

The following Advisory Committee members were in attendance: Everett Blake, Melissa (Missy) Clark, Herman (Wayne) Dunbar, Carl Hacker, Thomas Newman, Jim Rice, Roger Rulifson, Jamie Winslow, Sara Winslow (Absent – Keith Bruno and Raymond Pugh)

Staff: David Behringer, Lee Paramore, Anne Markwith, Mike Loeffler, Steve Poland, Kathy Rawls, Deborah Manley, Corrin Flora, Hope Wade, Chris Nealon, Carter Witten, Alexander Batchelder, Lara Klibansky, Tina Moore, Drew Cathey, Casey Knight, Brandi Salmon, Chris Stewart, Hannah Carter, Kevin Brown, Shelby White, Alan Bianchi, Ami Staples, Charlton Godwin, Dee Lupton, Dan Zapf, Dana Gillikin, Daniel Ipock, Jesse Bisette, Janelle Johnson, Pam Zuaboni, Tracey Bauer, McLean Seward

Public: Glenn Skinner, Ken Seigler, Mike Waine, Willow Patten, Steve House, Pam Morris (Southern AC), David Sneed, Bill Mason

Northern Regional AC Chair Sara Winslow called the meeting to order at 6:03 p.m. She welcomed the new AC members (Melissa Clark, Carl Hacker, and Wayne Dunbar) and asked them to give a brief introduction.

A call for attendance was performed and attendance recorded. The Northern AC had nine members present (two absent) and a quorum was met.

## **APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES**

**A motion was made to approve the agenda by Jim Rice. Second by Melissa Clark. The motion passed without objection.**

**A motion was made to approve the minutes from the Northern AC meeting held on October 13, 2021. Motion by Jim Rice to approve minutes. Second by Jamie Winslow. Motion passes with one abstention.**

## **MARINE FISHERIES COMMISSION UPDATE**

Lara Klibansky, MFC Liaison, welcomed the new and re-appointed members on the Northern AC. She noted the MFC Office staff are here to support advisors; when issues are under review they can reach out to us with any questions.

At the November MFC meeting, the Commission annually approved nominees on obligatory seats for the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, and South Atlantic Fishery Management Council. The MFC also approved the goal and objectives of the Fishery Management Plan (FMP) for Interjurisdictional Fisheries. MFC approval to send the Striped Bass FMP Amendment 2 to the ACs in March and the FMP for Interjurisdictional Fisheries in April for review is scheduled to occur at the February 2022 MFC meeting.

The Southern flounder FMP Amendment 3 was approved for AC review tonight and public comment closes on Jan. 14, 2022. There was a recorded listening session for this plan and any input on the quality and ideas for continuing with this format is welcome. During the November MFC meeting, the Commission selected their preferred options for the Shrimp FMP Amendment 2 and approved to send the plan for DEQ Secretary and Legislative review. The Shrimp FMP Amendment 2 is scheduled for final approval in February. The Coastal Habitat Protection Plan was also approved at the November MFC meeting. This is a departmental plan. The MFC, Coastal Resources Commission, and Environmental Management Commission must give approval to the plan; all three approved the plan in November.

## **PRESENTATION ON SOUTHERN FLOUNDER FISHERY MANAGEMENT PLAN AMENDMENT 3**

Mike Loeffler and Anne Markwith presented the recommendations in the Southern Flounder FMP amendment. After presenting each issue paper, Staff fielded questions and comments from AC members.

### ***Sustainable Harvest Issue Paper***

#### **Commercial Quota – Mobile Gears and Pound Nets**

No questions or discussion.

### Commercial Sub-allocation

Staff confirmed that overages would result in pound for pound paybacks by gear and area. Staff also confirmed that in recent years, pound net and gill net effort has dropped (# of participants and amount of gear). An AC member asked what would happen if a specific region/gear does not use up all their quota. Essentially, could their unused quota be applied to other region/gear's overages to prevent or minimize paybacks that occur in the following year. Staff stated that how that potential scenario would be handled has not been decided, but if you want to err on the side of caution, you would not allow quota transfers between regions/gears.

### Recreational Season

An AC member commented about how short seasons create a "race to fish" situation. They also asked how comfortable the Division is with the level of angler survey coverage. Staff expressed high confidence in the MRIP AFIS sampling coverage. Another AC member brought up the idea of implementing a trip ticket system or recreational tag allocations so that there is not a 45-day lag in recreational landings data. Staff noted that based on the small quota and the high number of recreational fishermen, creating a system to allocate tags to fishermen is not feasible at this time. However, staff noted that there is an internal working group that is investigating options for real-time monitoring of recreational landings.

An AC member also brought up the possibility of using the funds from the observer program, in the case that the large mesh gill net flounder fishery is phased out, to fund a recreational creel survey. Staff stated that a creel survey is possible. However, the observer program observes other fisheries. Also, funding for the observer program comes from commercial license fees. Based on this, the funds would need to come from somewhere else.

One AC member expressed concern about the recreational overages that have occurred in the last two years and asked why a recreational season is being considered for 2022. Staff stated that paybacks for overages were not part of Amendment 2. Staff also noted that reducing the bag limit from four to one fish could constrain harvest.

The idea of prohibiting specific baits or lures and eliminating flounder tournaments in the offseason was brought up by AC members. Staff responded that baits or lures for flounder are not used just for flounder and that while the Division does not support catch and release in the off-season, this is not something that could be enforced.

### Commercial Trip Limits

No questions or discussion.

### Recreational Bag Limit

An AC member asked if there could be different season lengths based on different bag limit options. The AC member does not believe a 4-fish bag limit should be an option, especially when considering a six-week season and landings data from 2020 and 2021. The AC member also proposed the idea of a one-week season in July, which would allow the Division to evaluate landings and then potentially have a second season in the fall to land the remaining quota. Staff noted that this type of approach could work and has been considered, but the number of anglers is way too high during the summer months. The AC member also expressed concern that with a six-week season and one fish bag limit, the recreational industry will significantly exceed their quota

in 2022 and the required paybacks would force the fishery to close the following two years. The Division acknowledged the potential of there being no recreational season due to payback-induced closures.

#### Recreational Commercial Gear License

An AC member asked if just large mesh gill nets could be prohibited, rather than all RCGL gears. Staff noted that this change would require statutory change at the legislative level.

#### ***Increased Recreational Access Issue Paper***

An AC member asked about the ratio of flounder species caught in the ocean during the proposed window. Staff responded that the ratio of landings varies from year to year, but it can be as high as 50% southern flounder.

#### ***Inlet Corridors Issue Paper***

No questions or discussion.

#### ***Adaptive Management Issue Paper***

No questions or discussion.

#### ***Slot Limits Issue Paper***

Some AC members expressed support for slot limits and asked why smaller slot size options were not considered. This questioning was based on the idea of allowing the larger, more fecund females to escape. Staff explained at this time, we do not have length frequency of discard data that would enable analysis of how a smaller minimum size would impact landings. Staff also noted that the Catch-U-later App is designed to collect length frequency of discard data. An AC member also discussed including slot limits into the adaptive management framework. Another AC member expressed concern about the discard weight being used in Division's analyses and is concerned that discards are being underestimated. Staff also mentioned the need to consider how implementing a slot for recreational hook & line would affect recreational gigging and commercial regulations.

#### ***Phase out of Large Mesh Gill Nets***

Some AC members expressed that they do not support phasing out of large mesh gill nets. It was also brought up that if large mesh gill nets are to be phased out, fishermen need to be given sufficient notice so that they can plan ahead. It was also expressed that removing gill nets does not address reducing landings of southern flounder. There are other issues with gill nets such as bycatch and user-conflicts, but they do not directly affect the flounder fishery. Also, Staff confirmed that the Division is applying for a new ITP.

#### ***Carry Forwards from Amendment 2***

No questions or discussion.

## **PUBLIC COMMENT**

**Glenn Skinner**; Executive Director, NCFA – On the topic of phasing out large mesh gill nets, there is a lot of misinformation. There is no waste, there is more waste of red drum, spotted speckled trout, and flounder in the recreational hook and line fishery as well as interactions with protected species. The ITP is the only thing that makes interacting with these endangered species legal. We have two legal fisheries (gill net and the shrimp trawl fisheries). The FRA states it is a goal to ensure the long-term viability of the fishery; these include the hook and line fishery, gill nets, pound nets, and the gig fishery. These gears were all viable when the Amendment 2 was adopted and they should be when it recovers. Allocation is another big issue, and the current allocation threatens the viability of the pound net fishery. I would like you all recommend that the MFC revisits allocation. We need to wait until the stock recovers and then try for parity.

## **DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR SOUTHERN FLOUNDER FISHERY MANAGEMENT PLAN AMENDMENT 3**

### *Sustainable Harvest Issue Paper*

#### Commercial Quota – Mobile Gears and Pound Nets

**Motion by Jim Rice to support the division’s recommendation of Option 1.1.A and 1.2.A. Second by Everett Blake.**

No additional discussion occurred.

**The motion passed 7-1-1.**

#### Commercial Sub-allocation

**Motion by Everett Blake to support the division recommendation of Option 2.2: Maintain current sub-allocations for pound net fishery. Second by Jim Rice.**

Staff confirmed that under this option, gill nets, gigs, and other mobile gears would take the reduction. An AC member expressed concern that since the pound net season is not at optimal time, pound nets may leave fish on the table if their quota increases via transfer from the mobile gears. Staff commented that DMF would set an opening date, and season would remain open until landings reached the closure threshold. Staff also noted that the pound net fishery is very capable of reaching the quota, even with an increase via allocation shift. An AC member voiced support for option 2.1. Another AC member noted that gill netting is a less expensive option and constraining either sector is unfair. Maintaining both fisheries will enable flexibility in the gear used by fishermen.

**The motion passed 6-3.**

#### Recreational Season

**Motion by Jim Rice to support the division’s recommendation on managing the recreational fishery by season. Second by Jamie Winslow.**

No additional discussion occurred.

**The motion passed without dissent.**

Commercial Trip Limits

**Motion by Jim Rice to support Option 4A: Implement trip limit for pound net and gigs upon reopening after reaching division closure threshold. Second by Everett Blake.**

Everett Blake requested to change the wording to include all commercial gears, including gill nets. Jim Rice rejected the friendly amendment and explained that he did not want to include gill nets because dead discards are much more likely to occur using gill nets when trip limits are imposed, compared to pound nets or gigs. Staff clarified that if the season reopened, any remaining quota would stay within the sub-allocation it was originally assigned to.

**The motion passed 6-3.**

Recreational Bag Limit

**Motion by Roger Rulifson to support the division recommendation of Option 5.A: 1 fish/person/day. Second by Melissa Clark.**

No additional discussion occurred.

**The motion passed 7-1-1.**

Recreational Commercial Gear License

**Motion by Everett Blake to follow the division recommendation Option 6B: Prohibit use of RCGL to harvest flounder. Second by Roger Rulifson.**

No additional discussion occurred.

**The motion passed 5-2-2.**

*Increased Recreational Access Issue Paper*

**Motion by Thomas Newman Increase Recreational Access Option 1: Status quo, manage as one group. Second by Jamie Winslow.**

Thomas Newman explained that recreational harvest has exceeded the quota in recent years, so it is not a good idea to open up a spring ocellated season if there is a good change of exceeding the recreational quota even without a spring season. He stated that a spring fishery could be a good option in the future if recreational landings can be controlled, but not while in a rebuilding phase. Jamie Winslow stated that there could be enforcement issues since the fishing is occurring in the ocean and landings may be underreported.

**The motion passed without dissent.**

*Inlet Corridors Issue Paper*

**Motion by Jim Rice support Option 1: Status Quo, do not establish inlet corridors during spawning migration. Second by Roger Rulifson.**

No additional discussion occurred.

**The motion passed 8-0-1.**

*Adaptive Management Issue Paper*

**Motion by Roger Rulifson support Option 1- adaptive management framework. Second by Jamie Winslow.**

Staff provided clarification on what falls under adaptive management. Staff stated that adaptive management can be used to change management measures, but not management strategies and that it is geared towards providing flexibility to ensure goals are met. AC members expressed support due to the fact that adaptive management will prevent getting locked into specific management measures for an extended period of time and will be a more nimble approach.

**The motion passed without dissent.**

*Slot Limits Issue Paper*

**Motion by Jim Rice slot limits be considered as soon as the division has sufficient data on discard size distribution to inform the size of slot. Second by Everett Blake.**

Staff indicated that slot limits are considered a management strategy. Therefore, they cannot be added later using adaptive management. However, the Division could go to the Commission at a later date and request that slot sizes be reconsidered.

**The motion passed 7-0-2.**

*Phase out of Large Mesh Gill Nets*

**Motion by Jamie Winslow support Option 2: Status quo, allow large-mesh gill nets to harvest southern flounder during the commercial season. Second by Melissa Clark.**

No additional discussion occurred.

**The motion passed 8-0-1.**

**PLAN AGENDA ITEMS FOR THE NEXT MEETING**

Based on the MFC update, the Striped Bass FMP Amendment 2 will be provided to the MFC ACs in March and the FMP for Interjurisdictional Fisheries in April if approved by the MFC in February for AC recommendations and public comment.

The meeting was adjourned at 9:30 p.m.