

Committee Reports

February 2023 Business Meeting

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ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Feb. 3, 2023

MEMORANDUM

TO: Marine Fisheries Commission
Northern Region Advisory Committee

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

SUBJECT: Meeting of the Marine Fisheries Commission's Northern Region Advisory Committee, Jan. 10, 2023 for orientation of new members and updates.

The Marine Fisheries Commission's (MFC) Northern Region Advisory Committee (AC) held a meeting on Jan. 10, 2023, via WebEx and also had a listening station at the Division of Marine Fisheries Central District Office, Morehead City, North Carolina. Advisory Committee members could attend in either setting and communicate with other committee members. Public comment was available to online attendees if they signed up in advance and was available to the public attending at the listening station.

The following Advisory Committee members were in attendance: Roger Rulifson, Everett Blake, Sara Winslow, Jamie Lane, Carl Hacker, Jon Worthington, Thomas Newman, Dale Martin (Absent: Keith Bruno, Melissa Clark, Herman Dunbar)

Division of Marine Fisheries (DMF) Staff: Lara Klibansky, Hope Wade, Paula Farnell, David Behringer, Lee Paramore, CJ Schlick, Corrin Flora, Dan Zapf, Jeff Dobbs, Laura Lee, Willow Patten

Public: Online via WebEx: No members of the public attended via WebEx or the listening station. Eight viewers watched on YouTube.

The Northern Region AC had seven members present and a quorum was met. An eighth member joined later during the meeting after the roll call was taken.

Northern Region AC Chair Sara Winslow called the meeting to order at 6:09 p.m.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Roger Rulifson. Second by Everett Blake. The motion passed 6-0-1.

A motion was made to approve the minutes from the Northern Region AC meeting held on October 18, 2022. Motion by Jamie Lane to approve the minutes. Second by Carl Hacker. The motion passed unanimously.

2023 ANNUAL ADVISORY COMMITTEE'S ORIENTATION PRESENTATION

Lara Klibansky thanked all members for volunteering their service on the committee. She then provided a presentation that focused on the duties of the AC. She started with a brief history on the Division of Marine Fisheries, celebrating its 200-year anniversary this year. The first fisheries specific legislation was passed in 1822 for oysters. Fisheries management has been ongoing in NC for a long time and expanded from legislation from a single fishery to many fisheries with both commercial and recreational interests. The Fisheries Reform Act (FRA) adopted in 1997 ushered in new ways to manage fisheries in the state. The FRA is comprehensive legislation that provides for cooperation between stakeholders, restructured the MFC, mandated the creation of state managed Fishery Management Plans (FMPs) as well as the Coastal Habitat Protection Plan (CHPP), and a new licensing system. General Statute 143B-289.57 establishes the MFC ACs and provides the objectives of the committees to assist the MFC in the performance of its duties.

Klibansky described the FMP process, showing the steps of development and where the MFC ACs are formally brought into the FMPs for their review and input. She noted there are other informal opportunities to provide feedback as well. This AC meeting is an example of an informal opportunity to provide feedback. There are 13 FMPs formally reviewed approximately every five years. Scheduling the reviews can fill up meetings quickly and DMF staff provide the MFC a Workplan as a tracking tool to monitor varying work steps in a plan during development. It is recommended that the AC members review the Workplan at least once a year to see when a plan will come to the AC for review and input. Many other tools are available on the website – meeting recordings, annual FMP reviews, and the statistics report otherwise known as the “Big Book”. A lot of resources are available to you. Klibansky noted the three DMF staff in the MFC Office. Herself as the Liaison between DMF and the MFC. She introduced Paula Farnell as the new Program Assistant and identified Catherine Blum as the DMF Rule Coordinator. We also have an attorney with the Department of Justice. Klibansky and Farnell are the two main points of contact in the MFC office for the MFC ACs and MFC Commissioners. Farnell then went over some of the material provided to the AC and noted members can reach out to her by cell phone. After the January AC meeting the office will be sending the AC an overview of the year ahead and links to documents on the website.

After the presentation there were no questions from the AC. It was noted by a member of the AC that the FRA charges that the MFC shall consider all findings and recommendations of the ACs and that in recent history many AC members have not felt like this was the case and as a result we have lost some good AC members.

Discussion of Stock Assessment 101 Presentation

A Stock Assessment 101 video was sent to the AC to view prior to the meeting. The AC chair noted that the presentation was very good, and the floor was opened for questions. CJ Schlick, Stock Assessment Scientist was present during the meeting to address any questions on stock assessments. There were no questions during the meeting. Staff noted DMF stock assessment staff contact information is available online and can be provided upon request and that staff are always willing to talk and answer any questions.

MARINE FISHERIES COMMISSION UPDATE

Before the update, the AC asked if the MFC office will be sending out any regular updates to the AC through email. Staff noted that this would be the case moving forward and there are plans to send updates to the ACs at least quarterly and hopefully monthly. The Division also recently obtained the ability to communicate through social media and will be providing links to AC members in the future so they can

follow the Division social media pages. Klibansky then gave the MFC update. She recognized newly appointed MFC commissioner, Sarah Gardner, noting that she was sworn in before the Northern Region AC meeting in October and participated at the MFC meeting in November. At their meeting in October, the MFC discussed joint fishing waters delineation rules shared by the MFC and the NC Wildlife Resources Commission (WRC). The MFC tasked DMF to work with WRC to make progress on a plan moving forward. The MFC approved nominees for Mid-Atlantic Council Appointments. Nominees included: Mike Blanton, Thomas Newman, Robert Ruhle, and Jess Hawkins. The Striped Bass FMP Amendment 2 was adopted by the MFC, which includes management continuing the closure of gill nets above the Ferry Line on the Tar/Pamlico and Neuse rivers. The MFC approved the goal and objectives for Amendment 2 to the Striped Mullet FMP. The MFC also approved Supplement A to Amendment 1 to allow management measures to be in place sooner than what can be developed through Amendment 2. The supplement will consider a 22 percent reduction with a season closure from Nov. 7 – Dec. 31. Public comments are being received on the supplement before final approval is considered by the MFC at its February business meeting.

The upcoming MFC meeting is Feb 22 – 24, 2023 at the Doubletree Hotel in New Bern. Items on the agenda include an information paper on false albacore, overviews of the spotted seatrout and striped mullet fisheries, and the revision to the latest Blue Crab FMP amendment to update the list of approved diamondback terrapin excluder devices. The blue crab revision will also be provided next week at the Shellfish/Crustacean AC for their consultation. The MFC will also vote on final approval of the striped mullet supplement and final approval of three rules, one of which is the mutilated finfish rule which if approved will not be effective until 2024.

Striped Mullet FMP Supplement Update

Klibansky gave a quick update on the striped mullet supplement and noted that the public comment period was still open. She then introduced the striped mullet staff leads, Dan Zapf and Jeff Dobbs, to take any questions. An AC member noted that the proposed supplement would shut down the commercial fishery during most of November and December and wanted to know if there had been any consideration for requiring a closure to recreational harvest. Staff confirmed that there will be a closure for the recreational harvest of mullet (i.e. via cast net) that aligns with the dates (Nov. 7 – Dec. 31) of the commercial closure. An AC member discussed that the recreational fishery is not monitored with trip tickets like the commercial fishery and that there can be waste in the recreational fishery from fish that are captured and not used and that this is not captured in data to the same level of detail compared to the commercial fishery. Staff stated that the stock assessment used recreational data provided by MRIP and noted some of the shortcomings of this type of data. Staff also noted that some similar comments had been received from the public and that further options for both the recreational and commercial fishery will be considered during the development of Amendment 2. Staff noted that there was a good deal of uncertainty with harvest estimates in the recreational fishery. Further information was provided on the different recreational fisheries that commonly used finger mullet and cut bait. It was noted that this will be impactful to the recreational fishery although the magnitude of impact is not fully understood. The AC had discussion about how bait shops and recreational anglers will be affected during this closure and whether they will be able to sell frozen mullet during the closure. Staff commented that in order to be in possession of mullet during any closure, anglers would likely need to retain a receipt showing purchase but this would be an enforcement question. Discussion continued on how possession of bait by recreational fishermen would be handled from the law enforcement side and how the Division planned to make anglers aware of any closure. Staff noted that public outreach would be a priority if this moves forward. The AC noted that many anglers throw cast nets to catch bait but they are just targeting bait and not necessarily striped mullet so this may be an issue if they are not be aware of regulations. Another member noted that this closure would be a hard hit for the commercial industry and noted that many in industry feel this closure is unjustified given the recent rebound in the number of striped mullet the last

couple of years. It was commented that identification of mullet in the recreational fishery could be an issue. Staff noted that any closure would apply to both striped and white mullet to avoid this issue. There was discussion on the ratio of white to striped mullet in the recreational cast net fishery, noting that most harvest is of white mullet. Staff provided some clarifications for the AC related to questions on how commercial landings data impact the stock assessment results. Staff noted how the various data sources inform the model including not just landings and total removals but also biological life history and fishery independent survey data. There were no further questions from the AC.

PUBLIC COMMENT

No public comment occurred.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

The next meeting in April will be held in-person. Currently there is no new information to bring to the committees except the striped mullet amendment in October. The AC discussed the location of future in-person meetings. Staff mentioned the Dare County building as a potential option. Members of the AC expressed support for holding meetings in Washington, NC. There was discussion about alternating meetings between Manteo and Washington. Staff confirmed that AC members will be able to attend virtually if they cannot make it in person. AC members also asked about having a joint AC meeting with the other ACs once a year. Staff is looking into this possibility.

The meeting adjourned at 7:15 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Jan. 13, 2023

MEMORANDUM

TO: Marine Fisheries Commission
Southern Regional Advisory Committee

FROM: Chris Stewart, Biologist Supervisor
Tina Moore, Southern District Manager
Fisheries Management Section

SUBJECT: Meeting of the Marine Fisheries Commission's Southern Regional Advisory Committee, Jan. 11, 2023 for orientation of new members and updates.

The Marine Fisheries Commission's (MFC) Southern Regional Advisory Committee (AC) held a meeting on Jan. 11, 2023, via webinar and a listening station at the Division of Marine Fisheries Central District Office, Morehead City, North Carolina. Advisory Committee members could attend in either setting and communicate with other committee members. Public comment could occur online if the public signed up in advance and also if public attended at the listening station.

The following Advisory Committee members were in attendance: Fred Scharf, Samuel Boyce (came online at 6:16 pm), Jason Fowler, Tom Smith, Pam Morris, Jerry James, Scott (Jeff) Harrell, Truby Proctor (came online at 6:15 pm), Kenneth Siegler, Michael Yates (Absent – Tim Wilson).

Division of Marine Fisheries (DMF) Staff: Lara Klibansky, Hope Wade, Debbie Manley, Corrin Flora, Tina Moore, Chris Stewart, Garland Yopp, Jeff Dobbs, Dan Zapf, Paula Farnell, Laura Lee, Steve Poland, Willow Patten,

Public: Online via Webex: Rob Eberle and Drew Smedley. No public were in attendance at the listening station. Twenty viewers watched on YouTube.

The Southern Regional AC had eight members present at the start of the meeting and a quorum was met.

Southern Regional AC Chair Fred Scharf called the meeting to order at 6:05 p.m. The Chair opened the floor for new members to provide introductions to the committee and welcomed the reappointments of Pam Morris, Tom Smith, and Tim Wilson. New members included: Truby Proctor, Kenneth Siegler, Michael Yates.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Jason Fowler. Second by Kenneth Siegler. The motion passed without objection.

Siegler asked if the AC was providing the MFC a recommendation for the supplement to the Striped Mullet FMP Amendment 1 tonight. Lara Klibansky indicated the ACs are not providing recommendations on the supplement. The purpose of this meeting is to give the AC an update on the supplement and allow the committee members a chance to ask the species leads questions.

A motion was made to approve the minutes from the Southern Regional AC meeting held on October 19, 2022. Motion by Tom Smith to approve the minutes. Second by Jason Fowler. The motion passed without objection.

2023 ANNUAL ADVISORY COMMITTEE'S ORIENTATION PRESENTATION

Lara Klibansky thanked all members for volunteering their service on the committee. This presentation focused on the duties of the AC. She started with a brief history on the Division of Marine Fisheries, celebrating its 200-year anniversary this year. The first fisheries specific legislation was passed in 1822 for oysters. Fisheries management has been ongoing in NC for a long time and expanded from legislation from a single fishery to many fisheries with both commercial and recreational interests. The Fisheries Reform Act (FRA) adopted in 1997 ushered in new ways to manage fisheries in the state. The FRA is comprehensive legislation forming cooperation between stakeholders, restructured the MFC, mandated the creation of state managed Fishery Management Plans (FMPs) as well as the Coastal Habitat Protection Plan (CHPP), and a new licensing system. General Statute 143B-289.57 establishes the MFC ACs and provides the objectives of the committees to assist the MFC in the performance of its duties.

Klibansky described FMP process, showed the steps of development, and where the MFC ACs are formally brought the FMPs for their review and input. She noted there are other informal opportunities to provide feedback as well. This meeting is an example of an informal opportunity to provide feedback. There are 13 FMPs reviewed approximately every five years. Scheduling the reviews can fill up meetings quickly and DMF staff provides the MFC a Workplan as a tracking tool to monitor varying work steps in a plan in development. It is recommended the AC members review the Workplan at least once a year to see when a plan comes to the AC for your review and input. Many other tools are available on the website – meeting recordings, annual FMP reviews, and the statistics report otherwise known as the “Big Book”. A lot of resources are available to you. Klibansky noted the three DMF staff in the MFC Office. Herself as the Liaison between DMF and the MFC. She introduced Paula Farnell the new Program Assistant and identified Catherine Blum the DMF Rule Coordinator. We also have an attorney with the Department of Justice. Klibansky and Farnell are the two main points of contacts in the MFC office for the MFC advisory Committees and MFC Commissioners. Farnell went over some of the material provided to the AC and noted members can reach out to her by cell phone. After the January AC meetings the office will be sending the committees an overview of the year ahead and links to documents on the website.

Scharf noted other states do not have the same approach with a mandated FMP process having clear steps for public input as the FMPs are developed and adopted. There are a lot of steps in the development of an FMP to follow. So if any members have question anytime please reach out to staff. Scharf said Klibansky as well as staff leads of this committee, Chris Stewart and Tina Moore attend all the meetings so talk to them or call them with your questions.

Discussion of Stock Assessment 101 Presentation

A video was sent to the AC to review prior to the meeting to provide resources available to you online. Laura Lee, Stock Assessment Scientist was also available online to address any questions on stock assessments. No questions were asked. Scharf noted Lee leads a team of scientists who work on stock assessments at both the State and Federal level and if you have questions reach out to her as needed.

MARINE FISHERIES COMMISSION UPDATE

Klibansky gave an update on the newly appointed MFC commissioner, Sarah Gardner. Sworn in before the Finfish Standing AC in October and she participated at the MFC meeting in November. At their meeting in November the MFC discussed joint fishing waters delineation on the rules shared by MFC and NC Wildlife Resource Commission (WRC). The MFC tasked DMF to work with WRC to make progress on a plan moving forward. The MFC approved nominees for Mid-Atlantic Council Appointments. Nominees included: Mike Blanton, Thomas Newman, Robert Ruhle, and Jess Hawkins. The Striped Bass FMP Amendment 2 was adopted, which includes continuing the closure of gill nets above the Ferry Line on the Tar/Pamlico and Neuse rivers. The division is currently developing Amendment 2 to the Striped Mullet FMP as well as a supplement to Amendment 1 to allow management measures to be in place sooner than what can be developed through Amendment 2. The Supplement looking at about a 22 percent reduction with a season closure from Nov. 7 – Dec. 31.

The upcoming MFC meeting is Feb 22 – 24, 2023 at the Doubletree Hotel in New Bern. Items on the agenda include an information paper on False albacore, overviews of the spotted seatrout and striped mullet fisheries, the revision to the latest Blue Crab FMP amendment to look at diamondback terrapin excluder devices. The blue crab revision will also be provided next week at the Shellfish/Crustacean AC for their consultation. In February, the MFC will vote on final approval of the striped mullet supplement and final approval on three rules, one of most interest on mutilated finfish.

Striped Mullet FMP Supplement Update

Dan Zapf, Striped Mullet FMP co-lead, started talking about issues being explored in the latest amendment. The plan was taken out for scoping to gain input from the public. Feedback received from the public to achieve sustainable harvest of the stock included: quotas, season closures, area closures, the desire to maintain the closures to gill nets on the Tar/Pamlico and Neuse rivers above the Ferry Lines, and day of the week closures. We heard we need to protect larger and smaller fish, so minimum and maximum sizes of fish will be explored and measures to extend the season. We will also look further into the small mesh gill net fishery as directed by the MFC in species-specific plans. The division will look at primary gears used to harvest striped mullet, regulations in place to support sustainable harvest, and consider ways to reduce regulatory complexity and user conflicts. An information paper will be developed to look specifically in more detail on the recreational fishery. Recreational statistics are limited because striped mullet are mostly used for live bait and are released or rarely brought back to the dock. A DMF cast study found that 29% of recreationally caught mullet are striped mullet and the rest are white mullet. We want to identify the uncertainty in the data and any holes that can be fixed moving forward. Staff are also delving into the stop net fishery; historical it was a high volume and major component of the removals but not so much now since it is restricted to an area along Bogue Banks. The division will also explore migration corridors, this topic has come up across several plans and could be applied to striped mullet. The division would appreciate additional ideas from the AC.

Scharf noted the seasonal closure in the supplement is a short-term approach to achieve sustainable harvest and Amendment 2 will introduce a long-term solution. Siegler identified his concern the Nov. 7 – Dec. 31 closure will solely impact the striped mullet fishery south of Bogue Sound. Another concern is the landings data. The 2021 landings are the highest in ten years and 2021 is the tenth highest since 1972. Siegler noted that under Amendment 1 these landings do not meet the triggers; therefore, a supplement is not needed. In regard to the spawning period for mullet, Siegler discussed regional differences in the spawning periods and how it impacts the fishery. In the southern part of the state the striped mullet are coming in later in the year (Mid-Nov.) with roe of enough size to sell. The supplement would close the fishery when the fish are row up. The southern region sees spawned out striped mullet (snakes) in

December coming back to aggregate with the ones that didn't leave the sounds. They go back up to Beaufort Inlet and Morehead City area, you know they are spawned out because we see mud in their guts or entrails. When they are full of mud they are not spawning; they stop eating when they are spawning. They'll go back up the river, but they won't spawn, they will just reabsorb the roe; therefore, we should be allowed to harvest these fish.

Zapf thanked Mr. Siegler for the striped mullet behavior prior and post spawning run. The supplement does not account for area management because it is meant to implement simple measures to end overfishing immediately. As part of Amendment 2, the division will look at the area component and regional differences in the fishery. During the scoping period the public and members of the MFC specifically asked that we incorporate regional differences in the plan. Also, I want to be clear the trigger for management is the stock assessment and not the landings, the assessment found that the stock is overfished and overfishing is occurring. The DEQ secretary directed DMF to complete the supplement to end overfishing immediately and the MFC recommended moving forward with the supplement. The previous trigger you are describing is for landings above and below levels established in Amendment 1. Once these triggers are hit, the data is reviewed to determine why the triggers got hit. Under Amendment 1, the only time since its adoption that landings fell below the trigger was in 2016 and we completed a stock assessment update which determined the stock was not overfished and overfishing was not occurring.

Siegler said we are still under Amendment 1 triggers and not the supplement. That is not the way it is supposed to work. The supplement should not be used to shut down the fishery. The stock has no issues, there are no reductions needed. What are you protecting by eliminating harvest of the large fish? Zapf said we are not eliminating the harvest of large fish. The intent of the seasonal closures is to protect spawners. An end of year closure allows fish to move out to the ocean and spawn regardless their size. Once in the ocean, harvest is minimal, so there is an added layer of protection. Siegler added that the vast majority of fish or "snakes" coming back into the estuary break up into small groups and do not spawn. The fish have already gone through the spawning process when they start to show back up in the catch.

Klibansky clarified that the amendment is where the management is housed; however, the larger process dictates the steps moving forward when a stock assessment is completed with new information. Scharf added the supplement is a stop gap measure to address overfishing while staff and the PDT work on Amendment 2. Siegler again questioned what triggers a supplement. Scharf clarified, the triggers get the division to look at the data and the stock assessment results dictated the need for a supplement. The 2022 assessment determined that harvest was too high and spawning stock biomass is too low; therefore, the DEQ secretary recommended moving forward with a supplement while staff develop Amendment 2. Siegler said the assessment is changing history because it raised the trigger point by five percent four years ago. There is no problem with the stock and there is a problem with the model being used in the assessment. Zapf noted a correction, in that the threshold to determine overfishing has been the same since original 2002 assessment at 25%. The target was moved from 30% to 35% in the 2016 update.

Tom Smith asked when the reductions are calculated do you also estimate the probability of it meeting its goal? Zapf noted that we do not look at the chance of success for ending overfishing but do for long-term rebuilding. DMF recommend managing to target to increase chances the ending the overfished status. Klibansky noted that supplement has not had final approval yet. Scharf asked about the timing of Amendment 2 and asked when it will be brought back to the AC for recommendations. Scharf further noted that it would be nice to have some lead time for AC members to reach out to stakeholders prior to the next meeting. Klibansky indicated that she will send out a workplan of when the FMPs will come to the AC and that workplans are always subject to change. Currently, the amendment is expected for MFC ACs review in October with final adoption by the MFC in February 2024. Scharf said the AC could set aside some time for more discussion about Amendment 2 in April. Siegler again expressed his concerned

with the supplement and the proposed seasonal closures that will shut down half the state. Zapf said the division plans to have the amendment adopted in February 2024 and unless items in the supplement are adopted under Amendment 2, they will go away.

Siegler asked why management measures are focused on the most valuable part of the fishery (spawners/roe mullet) rather than on the recruitment side (finger mullet) of the fishery? We're still targeting the spawning stock for southern flounder now and they have a similar age structure and migration pattern. How does closing to spawning mullet have a better effect? Zapf explained, the majority of striped mullet commercial landings occur from Oct. 15 – Nov. 15. It's a pulse fishery that occurs over a short period of time. It's very consistent over time; however, the 2022 landings extended further into end of year. The suggested closure period allows fish to move out of estuaries into the ocean to spawn. If the closure occurred earlier in year, say January through July, we would not achieve the needed reductions. Landings from those months combined do not account for much and any the landings could be recouped later in the year. What's good for the fishery is not always what is good for the spawning stock. Siegler noted that he thinks you would get more bang for the buck putting in measures to improve recruitment. Zapf indicated that the supplement should allow for greater recruitment because you are putting more eggs in the system. Siegler had questions on the age structure of the harvested fish. Zapf said the division typically sees fish between 13 and 15-inches at the fish houses; most of these fish are two years of age. Their weight is variable depending on the time of year. Siegler indicated that the two-pound fish make up most of the spawning stock and he would like to see more information on market grades. Zapf indicated that the division plan on exploring this data further in Amendment 2.

PUBLIC COMMENT

No public signed up in advance to speak.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

The next meeting in April will be held in-person. Currently there is no new information to bring to the committees except the striped mullet amendment in October. The committee determined the next meeting will be held in Morehead City and will offer the online option for members who wish to be virtual. Scharf requested agenda topics be sent to the Chair and Vice-Chair for future discussion since this is our committee and our chance to get together and talk about issues for a southern region perspective.

Tom Smith motioned to adjourn; it was seconded by Ken Siegler. The meeting adjourned at 7:38 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Jan. 23, 2023

MEMORANDUM

TO: Marine Fisheries Commission
Finfish Advisory Committee

FROM: Jason Rock, Biologist Supervisor
Lee Paramore, Northern District Manager
Fisheries Management Section

SUBJECT: Meeting of the Marine Fisheries Commission's Finfish Advisory Committee, Jan. 12, 2023 for orientation of new members and updates.

The Marine Fisheries Commission's (MFC) Finfish Advisory Committee (AC) held a meeting on Jan. 12, 2023, via webinar and a listening station at the Division of Marine Fisheries Central District Office, Morehead City, North Carolina. Advisory Committee members could attend in either setting and communicate with other committee members. Public comment could occur online if the public signed up in advance and was available to public attending at the listening station.

The following Advisory Committee members were in attendance: Tom Roller, Sarah Gardner, Mike Blanton, Bill Tarplee, Allyn Powell, Lewis Dunn, Larry Lord, David Mense, Brent Fulcher, and Thomas Brewer (Absent: Jeff Buckel, Scott Whitley, Randy Proctor, and Chris Hickman).

Division of Marine Fisheries (DMF) Staff: Lara Klibansky, Hope Wade, Jason Rock, Lee Paramore, Corrin Flora, Justin Lott, Jeff Dobbs, Dan Zapf, Paula Farnell, Steve Poland, Willow Patten, CJ Schlick

Public: Online via Webex: Al Adam and David Sneed. No public were in attendance at the listening station. Seventeen viewers watched on YouTube.

The Finfish AC had ten members present and a quorum was met.

Finfish AC Co-Chair Tom Roller called the meeting to order at 6:06 p.m.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Mike Blanton. Second by Sarah Gardner. The motion passed unanimously.

A motion was made to approve the minutes from the Finfish AC meeting held on October 20, 2022. Motion by Sarah Gardner to approve the minutes. Second by David Mense. The motion passed unanimously.

2023 ANNUAL ADVISORY COMMITTEE'S ORIENTATION PRESENTATION

Lara Klibansky thanked all members for volunteering their service on the committee. This presentation focused on the duties of the AC. She started with a brief history on the Division of Marine Fisheries, celebrating its 200-year anniversary this year. The first fisheries specific legislation was passed in 1822 for oysters. Fisheries management has been ongoing in NC for a long time and expanded from legislation from a single fishery to many fisheries with both commercial and recreational interests. The Fisheries Reform Act (FRA) adopted in 1997 ushered in new ways to manage fisheries in the state. The FRA is comprehensive legislation that provides for cooperation between stakeholders, restructured the MFC, mandated the creation of state managed Fishery Management Plans (FMPs) as well as the Coastal Habitat Protection Plan (CHPP), and a new licensing system. General Statute 143B-289.57 establishes the MFC ACs and provides the objectives of the committees to assist the MFC in the performance of its duties.

Klibansky described the FMP process, showing the steps of development, and where the MFC ACs are formally brought into the FMPs for their review and input. She noted there are other informal opportunities to provide feedback as well. This AC meeting is an example of an informal opportunity to provide feedback. There are 13 FMPs formally reviewed approximately every five years. Scheduling the reviews can fill up meetings quickly and DMF staff provide the MFC a Workplan as a tracking tool to monitor varying work steps in a plan during development. It is recommended that the AC members review the Workplan at least once a year to see when a plan will come to the AC for your review and input. Many other tools are available on the website – meeting recordings, annual FMP reviews, and the statistics report otherwise known as the “Big Book”. A lot of resources are available to you. Klibansky noted the three DMF staff in the MFC Office. Herself as the Liaison between DMF and the MFC. She introduced Paula Farnell as the new Program Assistant and identified Catherine Blum as the DMF Rule Coordinator. We also have an attorney with the Department of Justice. Klibansky and Farnell are the two main points of contact in the MFC office for the MFC Advisory Committees and MFC Commissioners. Farnell then went over some of the material provided to the AC and noted members can reach out to her by cell phone. After the January AC meetings the office will be sending the committees an overview of the year ahead and links to documents on the website.

Discussion of Stock Assessment 101 Presentation

A Stock Assessment 101 video was sent to the AC to view prior to the meeting. CJ Schlick, Stock Assessment Scientist was also present during the meeting to address any questions on stock assessments. One member noted there is an external peer review for the stock assessment and asked if there is a similar review for the data used in stock assessments. Lee Paramore discussed the internal workshops to evaluate data sources and that one of the Terms of Reference (TOR) for the external peer review is to evaluate the appropriateness of the data used in the stock assessment. CJ Schlick added that the internal Plan Development Team may also include external members if needed to evaluate data sources.

MARINE FISHERIES COMMISSION UPDATE

Klibansky gave an MFC update. She recognized newly appointed MFC commissioner, Sarah Gardner noting that she was sworn in before the Finfish AC meeting in October and participated at the MFC meeting in November. At their meeting in November the MFC discussed joint fishing waters delineation on the rules shared by MFC and NC Wildlife Resource Commission (WRC). The MFC tasked DMF to work with WRC to make progress on a plan moving forward. The MFC approved nominees for Mid-Atlantic Council Appointments. Nominees included: Mike Blanton, Thomas Newman, Robert Ruhle, and Jess Hawkins. The Striped Bass FMP Amendment 2 was adopted by the MFC, which includes management continuing the closure of gill nets above the Ferry Line on the Tar/Pamlico and Neuse rivers. The MFC approved the goal and objectives for Amendment 2 to the Striped Mullet FMP. The MFC also

approved Supplement A to Amendment 1 to allow management measures to be in place sooner than what can be developed through Amendment 2. The Supplement will consider a 22 percent reduction with a season closure from Nov. 7 – Dec. 31. Public comments are being received on the supplement before final approval is considered by the MFC at its February business meeting.

The upcoming MFC meeting is Feb 22 – 24, 2023 at the Doubletree Hotel in New Bern. Items on the agenda include an information paper on false albacore, overviews of the spotted seatrout and striped mullet fisheries, the revision to the latest Blue Crab FMP amendment to update the list of approved diamondback terrapin excluder devices. The blue crab revision will also be provided next week at the Shellfish/Crustacean AC for their consultation. The MFC will also vote on final approval of the striped mullet supplement and final approval of three rules, the one of most interest to the Finfish AC is the mutilated finfish rule which if approved will not be effective until 2024.

Striped Mullet FMP Supplement Update

AC members asked about the public comment opportunities for the striped mullet supplement and staff informed the AC that public comment will be allowed via email prior to the upcoming MFC meeting in February or in person during the public comment period. One AC member noted that landings were up in 2022 and that fishermen in the southern portion of the state will be cut out of the fishery by the supplement. This member felt the closure period is unfair to some parts of the state. Members also suggested commercial landings data be used to manage the stock because it is more reliable than numbers estimated from a stock assessment. Staff discussed the increase in landings the last couple of years and noted they are aware this uptick is not in the current stock assessment. Staff also mentioned that it is difficult to say if the recent increase in landings is due to an increase in the population or more effort in the fishery. The division has seen an increase in our fishery-independent indices the past couple of years as well as some older fish in the fishery although most harvest is still age-2 fish. Another AC member said they have some questions about the 2018 and 2022 stock assessments and would like to discuss them further with staff at a later date. Staff indicated they are willing to meet to discuss the assessments further.

PUBLIC COMMENT

One member of the public signed up to speak at the meeting. Al Adam, of the NC Beach Buggy Association, asked about enforcement during the mullet closure period and if fishermen will be able to use mullet for bait. Klibansky said she would follow up with him after the meeting with the relevant information.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

The next meeting in April will be held in-person. Currently there is no new information to bring to the committees except the striped mullet amendment in October. The committee discussed the location of future in-person meetings. There was discussion about having meetings in Morehead City, Washington, and alternating between locations. Klibansky indicated she would consult further with the committee chairs after the meeting and said there will still be a virtual option for AC members to participate if needed for in-person meetings.

The meeting adjourned at 7:09 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Jan. 18. 2023

MEMORANDUM

TO: Marine Fisheries Commission
Shellfish/Crustacean Advisory Committee

FROM: Anne Deaton, Habitat Program Manager, Habitat and Enhancement Section
Tina Moore, Southern District Manager, Fisheries Management Section

SUBJECT: Meeting of the Marine Fisheries Commission's Shellfish Crustacean Advisory Committee, Jan. 17, 2023 for orientation of new members and updates.

The Marine Fisheries Commission's Shellfish/Crustacean advisory committee (AC) held a meeting on Jan. 17, 2023, via webinar and a listening station at the Division of Marine Fisheries, Central District Office, Morehead City, NC. Advisory Committee members could attend in either setting and communicate with other committee members. Public comment could occur online if the public signed up in advance and also if public attended at the listening station.

The following AC members were in attendance: Mike Blanton, Ana Shellem, Mary Sue Hamann, Doug Cross, Mike Marshall, Brian Shepard (came online at 6:15 p.m.), Ted Wilgis, Lauren Burch, Jim Hardin, (Absent: Bruce Morris, Tim Willis, Adam Tyler)

Division of Marine Fisheries (DMF) Staff: Lara Klibansky, Paula Farnell, Hope Wade, Debbie Manley, Corrin Flora, Tina Moore, Anne Deaton, Steve Poland, Carter Witten, Jason Rock, Jeff Dobbs, Lee Paramore, Dan Zapf, Casey Knight, Joe Facendola, Brett Wilson (UNCW), Amanda Williard (UNCW), McLean Seward, Robert Corbett, Laura Lee

Public: None in attendance, 20 viewers watched on YouTube.

Shellfish/Crustacean Chair Mike Blanton called the meeting to order at 6:05 p.m.

Chair Blanton provided some general guidance for order of the meeting. Lara Klibansky went over the ethics statement for the MFC members. No conflict was noted among MFC members to serve on the AC

A call for attendance was performed. The Shellfish/Crustacean AC met quorum.

APPROVAL OF AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Doug Cross. Second by Jim Hardin. The motion passed without objection.

A motion was made by Ana Shellem to approve the minutes from the Shellfish/Crustacean AC meeting held on October 25, 2022. Second by Doug Cross. Motion passed without objection.

2023 ANNUAL ADVISORY COMMITTEE'S ORIENTATION PRESENTATION

Lara Klibansky thanked all members for volunteering their service on the committee. This presentation focused on the duties of the AC. She started with a brief history on the Division of Marine Fisheries, celebrating its 200-year anniversary this year. The first fisheries specific legislation was passed in 1822 for oysters. To put this long timeline in perspective; in 1822, James Munroe was the fifth President and there were 24 states that comprised the United States.

Fisheries management has been ongoing in NC for a long time and expanded from legislation from a single fishery to many fisheries with both commercial and recreational interests. The Fisheries Reform Act (FRA) adopted in 1997 ushered in new ways to manage fisheries in the state. The FRA is comprehensive legislation forming cooperation between stakeholders, restructured the MFC, mandated the creation of state managed Fishery Management Plans (FMPs) as well as the Coastal Habitat Protection Plan (CHPP), and a new licensing system. General Statute 143B-289.57 establishes the MFC ACs and provides the objectives of the committees to assist the MFC in the performance of its duties.

Klibansky described FMP process, showed the steps of development, and where the MFC ACs are formally brought the FMPs for their review and input. She noted there are other informal opportunities to provide feedback as well. This AC meeting is an example of an informal opportunity to provide feedback. There are 13 FMPs reviewed approximately every five years. Scheduling the reviews can fill up meetings quickly and DMF staff provides the MFC a workplan as a tracking tool to monitor varying work steps in a plan in development. It is recommended the AC members review the workplan at least once a year to see when a plan comes to the AC for review and input. Many other tools are available on the website – meeting recordings, annual FMP reviews, and the statistics report otherwise known as the “Big Book”. A lot of resources are available to the AC. Klibansky noted the three DMF staff in the MFC office, with herself as the Liaison between DMF and the MFC. Paula Farnell is the new Program Assistant and Catherine Blum is the DMF Rule Coordinator. We also have an attorney with the Department of Justice. Klibansky and Farnell are the two main points of contacts in the MFC office for the MFC Advisory Committees and MFC Commissioners. Farnell went over some of the material provided to the AC and noted members can reach out to her by cell phone. After the January AC meeting the office will be sending the committees an overview of the year ahead and links to documents on the website.

Discussion of Stock Assessment 101 Presentation

A video was sent to the AC to review prior to the meeting. Laura Lee was also available online to address any questions on stock assessments. No questions were asked. Mary Sue Hamann thanked staff for preparing the information and noted it was helpful.

MARINE FISHERIES COMMISSION UPDATE

Klibansky followed up on an item this AC requested at their last meeting on the CCA lawsuit. In discussion with the DEQ attorney we can only provide a brief statement. The state did not appeal and the case is continuing in Superior Court. The State's response is due today, Jan. 17, 2023 and we are finishing up the response. No further background can be provided.

Klibansky gave an update on the newly appointed MFC commissioner, Sarah Gardner. Sworn in before the Finfish Standing AC in October and she participated at the MFC meeting in November. At their meeting in October the MFC discussed joint fishing waters delineation on the rules shared by MFC and

NC Wildlife Resource Commission (WRC). The MFC tasked DMF to work with WRC to make progress on a plan moving forward.

The MFC approved nominees for Mid-Atlantic Council obligatory seat. Nominees included: Mike Blanton, Thomas Newman, Robert Ruhle, and Jess Hawkins. The Striped Bass FMP Amendment 2 was adopted, which includes continuing the closure of gill nets above the Ferry Line on the Tar/Pamlico and Neuse rivers. The division is currently developing Amendment 2 to the Striped Mullet FMP as well as a supplement to Amendment 1 to allow management measures to be in place sooner than what can be developed through Amendment 2. The Supplement is looking at about a 22% reduction with a season closure from Nov. 7 – Dec. 31.

The upcoming MFC meeting is Feb. 22 – 24, 2023 at the Doubletree Hotel in New Bern. Items on the agenda include an information paper on False Albacore, overviews on the spotted seatrout and striped mullet fisheries, and the revision to the latest Blue Crab FMP amendment to look at diamondback terrapin excluder devices that is in consultation with this AC tonight. In February, the MFC will be provided the public comments received on the supplement for striped mullet and will vote on its final approval.

Striped Mullet FMP Supplement Update

Klibansky noted DMF staff are working on Amendment 2 while the supplement is open to public comment. The MFC selected their preferred recommendation Option 2 – end of season closure from Nov. 7 – Dec. 31 at its Nov. 2022 business meeting. The closure would apply to both recreational and commercial harvest and is estimated to achieve a 22% reduction. The floor was open for striped mullet leads, Jeff Dobbs or Dan Zapf, to address any questions. No questions were provided from the AC.

BLUE CRAB AMENDMENT 3 REVISION: CONSULTATION FOR DIAMONDBACK TERRAPIN EXCLUDER DEVICE CHANGES

Joe Facendola provided background from the Blue Crab FMP Amendment 3 on Diamondback Terrapin Management Areas (DTMAs) and the devices required to exclude diamondback terrapins (DBT) from crab pots Mar. 1 through Oct. 31 in these designated areas. The issue of diamondback terrapins in crab pots have been discussed in all blue crab FMPs since the later 1990s. Diamondback terrapins have low reproductive output and are vulnerable to impacts from humans, including fishing gears and habitat loss. Independent researchers along the Atlantic and Gulf states of the U.S. have determined crab pots pose a serious threat to their populations as well as coastal development. Amendment 2 passed an MFC Rule in 2014 to allow the DMF Director proclamation authority to impose gear modifications in pots to reduce impacts on DBT. The framework for the criteria behind DTMA's and approved excluder devices for use was adopted in Amendment 3 in 2020. The first DTMA's in Masonboro Sound (Masonboro Island) and the Lower Cape Fear (Bald Head Island) were initiated through a revision in 2020 to Amendment 3 of the Blue Crab FMP and implemented in 2021. The goal is to provide a highly targeted approach to minimize crab loss and maximize DBT survival. His approach considered the seasonality of DBT activity, water depth and distance from shore, DBT presence, consider use of existing designated conservations areas, and stakeholder input. The two areas where DTMA's now exist, off Masonboro and Bald Head islands, had documented DBT presence and there was no development on the islands, so it's not likely many other factors are impacting DBT in these areas except crab pots. Facendola went over the excluders approved for use under the plan and criteria needed to approve new excluder devices. To approve new devices, they are to be built in consultation with industry and evaluated in field studies. The new device should consider cost to crabbers, blue crab loss in catch, while reducing impacts to DBT. There is also a required consultation with the Shellfish/Crustacean Standing AC as part of the criteria in the framework.

University of North Carolina – Wilmington (UNCW) researcher Brett Wilson, graduate student working with Dr. Amanda Southwood-Williard, provided an overview of their work on the use of different funnel designs as DBT excluders. They had two local crabbers working with them to evaluate the crabber proposed modifications to the pot funnels. The sampling used 3 designs: 1) Standard pot as a control with 12 hex meshes at the funnel - Control, 2) A reinforced design with 10-gauge wire and 12 hexagon mesh shrunk to size – RFD, and 3) Narrow funnel design with 9 hexagon mesh at the entrance – NFD. The NFD was designed by crabbers and was successful in the trials; it also gained the most interest from fishermen. Three sites were selected for the study where DBT and blue crabs overlapped. The field trials did triplicate sets of each design, so one set equaled three pots – Control/RFD/NFD. Five to ten sets were completed at each site and fished every 24 hours.

Over 200 DBT were caught over two seasons with the majority being caught in the standard Control pots. The NFD pots had a 74% reductions in DBT and the RFD pots had a 49% reduction in DBT. Further analysis determined that significantly lower numbers of DBT were caught in the RFD and NFD pots when compared to the Control pots. DBT are sexually dimorphic, meaning females tend to grow larger than males, and the NFD pots excluded females more. NFD pots were successful at reducing capture of DBT and modelling on crab loss determined no significant difference between pot types on legal-sized blue crabs caught. The largest crabs were captured in NFD pots.

Comparisons were also conducted in a commercial setting and added to routine fishing operations with observers onboard to capture data on a per pot basis. Sixteen onboard trips were observed with 24 DBT caught in total, 23 from the standard crab pot and one DBT in a RFD pot. No DBT were caught in NFD designs in the observed commercial trips. Comparison of blue crab CPUE showed no significant difference in crab catch between pot types and crab catch was slightly higher in NFD than in the other two pot designs. Soak times were typically 24 hours in duration. The NFD worked well at excluding DBT and retaining crab catch. Wilson noted that he understood that requiring crabbers to modify their pots comes with a cost and also time. The NFD is a less expensive way to modify the gear and can be included in the initial manufacturing of new pots. They are also looking at ways to use hog rings to shrink the funnel entrance by two meshes on each side. They tested these modifications for a few weeks at the end of this summer with similar results. Twelve DBTs were captured all in the standard pots and no difference in the size and CPUE of crabs in the catch. Future work will continue testing on the NFD and expanding to other regions in the state. There was also a separate study conducted in tandem with this one looking at DBT genetics to determine their dispersal and site fidelity. The Baldhead Island DBT seem to be genetically distinct from the DBT in Masonboro Sound.

Hamman asked whether it was worth expanding the sampling of these excluders to areas where DBT are less abundant and how will compliance be handled? Wilson noted it would be worth it in that it shows no reduction in crab catch, in fact the fishermen felt the crab retention rates were better in the NFD pots because the crabs have a harder time escaping the pots once they move in. There are plans to host workshops with crabbers to show them how the design is effective and minimizes crab loss. The definition of the funnel has to be clear in its measurement and mesh requirements so that Marine Patrol can assess and enforce.

Hamman also asked if this would impact the peeler crab fishery? Wilson said they have not looked specifically at the peeler crab fishery. Lauren Burch asked questions on the number of data points collected in the study and whether it is enough to use for these changes. Wilson went into details on the data collected at each site and it was noted the study was robust, considered a gold standard in the sample size compared to other DBT research in the pot fishery. The study also was conducted in a real-world commercial situation and strongly endorsed by the fishermen who worked on the research. Further discussion entailed on costs and time needed to modify the pots. Many crabbers have over 1,000 pots they would have to convert. Ideally there would be a phase-in period for the modifications. When asked if the

requirement would be expanded to other areas less than ten feet deep or 800 feet from shore, Facendola said this was a starting point because of known terrapin occurrences. At the workshop for crabbers, the researchers would like to ask what the life expectancy of a pot is in their area to determine a realistic phase-in period. It was noted that pot durability varies with salinity, lasting a shorter time in higher salinity waters (1-2 years).

Ted Wilgis asked whether there are concerns for the funnels staying rigid and keeping to the same size and is there confidence in maintaining the season in DTMA's from Mar. 1 – Oct. 31 to require excluders to protect the DBT? Wilson noted minimal warping in the funnels throughout the testing and it is really keeping the funnel to the meshes. The research was not conducted much outside the time window, but it is fair to say these months are when DBT are most active. Telemetry work in Masonboro Sound is a little shorter but within the window from Mar. through Oct.

Cross praised the crabber and UNCW for this study and mentioned that once they convert to using the NFD they may not switch back because of the good retention of crabs. It should also be noted the Commercial Fishing Resource Funding committee endorsed and provided the money for this grant. This funding was initially provided to assist in getting NC's classification on the Seafood Watch by Monterey Bay upgraded from red. Dialogue needs to be pushed with Monterey Bay to end red-listing NC crabs. Cross said this needs further discussion at the MFC and need to get both DMF and the MFC to send letters to Monterey Bay. Cross thinks this NFD is beneficial to all potters and suggested giving crabbers a year to switch their gear over.

Shellem noted that stone crab catches are also of importance in Masonboro Sound. She builds her own traps and catches them by hand. Stone crabs are abundant and may want to take into consideration if catches of stone crabs decline when using NFD. Facendola said the study did not take into consideration impacts to stone crabs while using NFD. The next step in the study is to look at bycatch in the samples. Very few stone crab landings occur in the DTMA's.

Blanton brought the discussion back to the rigidity of the NFD, because his concern was that any mesh regardless of size can be manipulated or change in shape due to weakening. He asked if this be addressed with the 10-gauge wire instead or lose the term rigid? Facendola said Marine Patrol had similar concerns with defining the term "rigid" and using 10-gauge wire will lose the ability for the pot to have the NFD manufactured. Requiring the excluders to be rigid also diminishes the appeal and adds an extra step for the crabbers to modify their pots. Blanton added that higher salinity areas degrade the pots quicker and he is unsure how often crabbers in different regions have to replace their pots. Cross noted the easiest way to enforce the NFD is to include a percentage not to exceed the size of the opening. Blanton said easiest way would be for Marine Patrol to have something to use as a measure. Sam Romano really stuck to this work endorsing through the funding groups and working on the water to get the results. This research has been tremendous for the industry and glad to see the positive results as it will likely be needed in more areas.

Cross asked if this committee needs to provide recommendations to take to the MFC. Chair Blanton said he would entertain any motions from the committee. Klibansky said tonight the committee does not need to put forward a motion since the AC is just being consulted about this adaptive management. The committee can put forward a motion though if it wants. Blanton said a supporting motion would be important to be on the record, but not necessary for the MFC to see.

Doug Cross made the motion to support the approval of the NFD for use in DTMA's and support all items including to remove the "rigid" language as provided by DMF. Ana Shellem seconded the motion.

Discussion revolved around the rigid language and whether the tunnel can maintain a certain size. Burch requested a clarification on whether the NFD would take the place of the need for a DBT excluder. Blanton noted that the allowed excluders would be in the revision and include the NFD as one. More discussion ensued on the funnel maintaining its shape and dimensions. Cross suggested a pattern be provided as well to aid crabbers to make adjustment to the pots. Blanton said an expected shape must be kept for it to work as intended.

A friendly amendment was accepted to the original motion. The motion now reads:

Doug Cross made the motion to support the approval of the narrow funnels for use in DTMA's and to remove the option to use a 4 x 16 cm plastic or 10-gauge wire, and "made rigid" language. Also, recommend the Division consider developing a pattern to ensure compliance and enforcement. The motion was seconded by Ana Shellem.

The motion passed with one abstention.

PUBLIC COMMENT

Chris Matteo said he had no planned comments but had a suggestion. Simple solution to maintain the rigidity to the funnel. Shellfish leaseholders with cages use Aquamesh. That may work to maintain a more rigid mesh for the excluder.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Klibansky said the next meeting in April is scheduled in-person and so far, the only agenda item is the February MFC update. The only other item in the long-term planning for the AC is the Striped Mullet FMP Amendment 2 in Oct.

A meeting location in April will be determined after further discussion amongst staff and the co-chairs. Ana Shellem will chair the next meeting. Blanton noted in discussion with staff leads, the co-chairs had provided a list of items for the upcoming meetings. They would like for the committee to have the opportunity to discuss so the committee members can prepare in advance and be more informed when the FMPs come to them for recommendations. The list of topics include:

- Monterey Bay Seafood Watch red list for blue crabs.
 - The history behind the listing and process to be upgraded to yellow/green on this list.
- Background information on Blue Crab FMP Amendment 3.
 - Review last assessment, timeline for development of new assessment, potential management actions if stock status changes.
- Overview of adaptive management across the various FMPs, including blue crab, and how adaptive management is used.
- Update on the NC State oyster research.
- Background information on Oyster FMP Amendment 4 and moving forward with development of Amendment 5 in 2023.
- Update on the Shellfish Lease program.

The meeting adjourned at 8:15 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Jan. 26, 2023

MEMORANDUM

TO: Marine Fisheries Commission
Habitat and Water Quality Advisory Committee

FROM: Anne Deaton, Habitat Program Manager, Habitat and Enhancement Section
Jimmy Harrison, Fisheries Resource Specialist, Habitat and Enhancement Section

SUBJECT: Meeting of the Marine Fisheries Commission's Habitat and Water Quality Advisory Committee, Jan. 18, 2023 for orientation of new members and updates.

The Marine Fisheries Commission's (MFC) Habitat and Water Quality Advisory Committee (AC) held a meeting on Jan. 18, 2023, via webinar and a listening station at the Division of Marine Fisheries, Central District Office, Morehead City, NC. Advisory Committee members could attend in either setting and communicate with other committee members. Public comment could occur online if the public signed up in advance and also if public attended at the listening station.

The following AC members were in attendance: Ana Shellem, Doug Rader, Jack Durham, David Glenn, Joel Fodrie, Nathan Hall, Scott Leahy, Markham Parrish, Lisa Rider, Mark Sonder (Absent: James Hall)

Division of Marine Fisheries (DMF) Staff: Lara Klibansky, Paula Farnell, Hope Wade, Debbie Manley, Corrin Flora, Anne Deaton, Jimmy Harrison, Steve Poland, Jason Parker, Jeff Dobbs, Dan Zapf, Laura Lee

Public: None in attendance, 7 viewers watched on You Tube.

Habitat and Water Quality Chair Ana Shellem called the meeting to order at 6:05 p.m.

Lara Klibansky went over the ethics statement for the MFC members. No conflict was noted among MFC members that serve on the AC.

A call for attendance was performed and a quorum was met.

APPROVAL OF AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Nathan Hall. Second by Scott Leahy. The motion passed without objection.

A motion was made by Doug Rader to approve the minutes from the Habitat and Water Quality AC meeting held on October 26, 2022. Second by Nathan Hall. Motion passed with one abstention (Mark Sonder).

2023 ANNUAL ADVISORY COMMITTEE'S ORIENTATION PRESENTATION

Klibansky provided a presentation on the MFC orientation, duties of the MFC advisory committees, and the meeting cycle. Lara encouraged AC members to reach out to Lara or other staff if there are any follow-up questions. The presentation focused on the duties of the AC. She started with a brief history on the Division of Marine Fisheries, celebrating its 200-year anniversary this year. The first fisheries specific legislation was passed in 1822 for oysters. To put this long timeline in perspective; in 1822, James Munroe was the fifth President and there were 24 states that comprised the United States.

Fisheries management has been ongoing in NC for a long time and expanded from legislation for a single fishery to many fisheries with both commercial and recreational interests. The Fisheries Reform Act (FRA) adopted in 1997 ushered in new ways to manage fisheries in the state. The FRA is comprehensive legislation forming cooperation between stakeholders, restructured the MFC, mandated the creation of state managed Fishery Management Plans (FMPs) as well as the Coastal Habitat Protection Plan (CHPP), and a new licensing system. General Statute 143B-289.57 establishes the MFC ACs and provides the objectives of the committees to assist the MFC in the performance of its duties.

Klibansky described the FMP process, showed the steps of development, and where the MFC ACs are formally brought the FMPs for their review and input. The quarterly AC meetings will also include staff updates on various issues to keep members updated of MFC business, and to provide opportunity to ask questions and provide feedback, such as tonight's informal chance to discuss striped mullet with biologists. There are 13 FMPs reviewed approximately every five years. Scheduling the reviews can fill up meetings quickly and DMF staff provides the MFC a workplan as a tracking tool to monitor varying work steps in development of a FMP. It is recommended the AC members review the workplan at least once a year to see when a plan comes to the AC for your review and input. Many other tools are available on the website – meeting recordings, annual FMP reviews, and the statistics report otherwise known as the “Big Book”. A lot of resources are available to you. Klibansky noted the three DMF staff in the MFC office, with herself as the Liaison between DMF and the MFC, Paula Farnell is the new Program Assistant, and Catherine Blum is the DMF Rule Coordinator. There is also an attorney with the Department of Justice. Klibansky and Farnell are the two main points of contacts in the MFC office for the MFC Advisory Committees and MFC Commissioners. Farnell went over some of the material provided to the AC and noted members can reach out to her by cell phone. After the January AC meeting the office will be sending the committees an overview of the year ahead and links to documents on the website.

At the conclusion of the presentation, Mark Sonder asked how AC members could provide recommendations to the MFC. Klibansky responded that discussion from AC meetings, issues the committee wants to put forward to the MFC, or any motions made would be included in the minutes. All meeting documents are provided to the MFC at their business meetings. At the last MFC meeting, the Vice Chairman requested that committee chairs be available for questions at MFC meetings. Sonder also asked how to provide suggested topics for future AC meetings. Klibansky responded that at the end of the meetings, there's time to propose items for upcoming meetings. Sonder then asked if AC members could submit questions in the days after meetings. Lara Klibansky responded that they could and that these would then be discussed with staff leads and committee chairs when working on the next meeting agenda.

Doug Rader noted that it's his view that the job of the AC is to consider a wide array of issues that the AC may entertain, then come to a consensus on which to move forward to the MFC. Those could be related to FMPs under development, or not. Because habitat and water quality effects managed species, both habitat and FMP needs should be intertwined, perhaps beyond what a stock assessment-driven model by itself might bring. Rader noted that while the MFC regulatory purview extends primarily to the direct

regulation of fisheries, input through the CHPP Steering Committee (SC) allows integrated management for fisheries since the CHPP SC includes CRC and EMC members that do have regulatory authority over habitat and water quality issues. While the AC can request agenda items, members should recognize that staff will need adequate time to plan and address agenda items. Rader also said the AC needs time to hammer out priority topics, develop a formal action, and then work with staff to present that for response from the commission.

Discussion of Stock Assessment 101 Presentation

A video was sent to the AC to review prior to the meeting. Laura Lee was available to address any questions on stock assessments. Rader asked Lee about the extent that habitat and water quality issues are incorporated into the stock assessments and whether/how the AC can provide useful information for stock assessments. Lee responded that they're still trying to understand correlation between habitat/water quality and population dynamics. It is important to encourage research in those areas so we can improve our understanding and model those relationships. Habitat and water quality variables are used in development/computing of indices in stock assessment models. Shellem indicated that at a previous striped mullet meeting, commercial fishermen discussed their concerns with water quality impacting the stock assessments more than anything, including nets. Shellem asked what kind of information or data can be gathered to bring back to the AC to aid in discussing this controversial issue. Rader said it would be good to get a general understanding of what is known about water quality in relation to striped mullet and then work through the plan thinking about what additional information is needed to improve management outcomes for fishery.

Hall noted that the North Carolina Policy Collaboratory has funded a research project through UNC, and his work in this project involves looking at relationship of water quality to fisheries. He then asked what kind of habitat and water quality conditions are relevant for striped mullet. He can look at the available data and maybe provide answers to these questions through this and other funded projects.

Rader agreed with Hall and suggested framing questions about individual species in terms of broader systems. Start with the species life history – 1) where and when are they at different life stages, and 2) what are the habitat/water quality threats and opportunities in those locations that could be affecting the species. Dan Zapf noted that as part of Amendment 2 of striped mullet FMP, they do a review of the life history and habitat characteristics that are important for striped mullet. It is difficult to pin down specific habitat variables that are important to striped mullet life history because their life history is diverse, and are habitat generalists. Striped mullet spawn in the ocean, then grow and mature in estuaries. Most are observed in mid-salinity upper estuary habitats, but they have been seen very far up the rivers this year due to weather conditions. As Amendment 2 is developed, the team will be putting together life history and habitat and water quality items that are important for striped mullet. Likely won't have anything to provide for next meeting. Klibansky asked if we have this information in annual FMP updates that can be sent to the group, such as the research needs for specific species. Zapf responded that some of it is available in the annual update (<https://deq.nc.gov/about/divisions/marine-fisheries/managing-fisheries/fishery-management-plans>). The 2022 stock assessment has detailed information on research that's been going on regarding habitat and life history characteristics for striped mullet, so this is a really good resource. Deaton added that there's info in 2016 CHPP (source document) and 2021 CHPP Amendment (Habitat Mapping and Monitoring Issue Paper) about water quality trends in different river basins based on DWR water quality monitoring data.

Rader asked Klibansky to remind everyone of upcoming deadlines/forthcoming FMP work. Klibansky responded that this information should be in the MFC workplan and the most recent upcoming FMP updates include striped mullet, spotted seatrout, and oyster/clam. Corrin Flora noted that the blue crab stock assessment update is likely to happen this year. Depending on what the stock assessment update

shows, it may trigger some adaptive management items. This item would go to the regional and shellfish/crustacean ACs, and probably to HWQ AC as well. Rader wanted to ensure that the AC understands that the next couple years will have a broad spectrum of species, habitats, and issues.

Mark Parrish noted that habitat and water quality has been decimated in his area and asked about any studies being done on bay scallops and SAV. Deaton responded that there have been studies on bay scallops but that was from a while ago. Joel Fodrie noted scallops have been so patchy that studies/experiments in real time are difficult. SAV has become more patchy in some areas so they are looking into whether this may be impacting scallop populations. They have also been looking at relationship of bay scallops to water temperatures and predators. Jeff Dobbs noted there's a lot of work in Virginia coming from the hatchery side, but unclear as to the findings of those studies. Some studies in New York have filled in some data gaps. Compiling what is currently known would be helpful. Rader asked Deaton for verification that SAV is a priority habitat under CHPP. Deaton responded yes and noted that the division has a monitoring program to determine if the scallop fishery can open, however they have remained low, restricting harvest in most areas, except for occasional openings. There is local information that scallops in the southern part of the state (Onslow/Pender Counties) were on an uptick, but then declines were observed, possibly due to ray predation. Parrish noted that the decline in SAV in the Sound area has really seemed to correlate to the stock issues with numerous species, but noted that predation is also causing stock declines. Habitat and water quality could be the problem (salinity, acidity, temperature, etc.), as loss of SAV removes protective habitat and food resources for many species. Deaton noted that Bogue Sound has had the highest SAV loss for high salinity water bodies, based on mapping and monitoring. Klibansky suggested bringing this up at our next meeting. Rader indicated that that would be useful, particularly if it's presented from a scallop-SAV perspective.

MARINE FISHERIES COMMISSION UPDATE

Klibansky followed up on an AC request from their last meeting on the CCA lawsuit. In discussion with the DEQ attorney we can only provide a brief statement. The state did not appeal and the case is continuing in Superior Court. The State's response is due today, Jan. 17, 2023 and we are finishing up the response. No further background can be provided.

Klibansky gave an update on the newly appointed MFC commissioner, Sarah Gardner. Sworn in before the Finfish Standing AC in October and she participated at the MFC meeting in November. At their meeting in October the MFC discussed joint fishing waters delineation for the rules shared by MFC and NC Wildlife Resource Commission (WRC). The MFC tasked DMF to work with WRC to make progress on a plan moving forward.

The MFC approved nominees for Mid-Atlantic Council obligatory seat. Nominees included: Mike Blanton, Thomas Newman, Robert Ruhle, and Jess Hawkins. The Striped Bass FMP Amendment 2 was adopted, which includes continuing the closure of gill nets above the Ferry Line on the Tar/Pamlico and Neuse rivers. The division is currently developing Amendment 2 to the Striped Mullet FMP as well as a supplement to Amendment 1 to allow management measures to be in place sooner than what can be developed through Amendment 2. The Supplement is looking at about a 22 percent reduction with a season closure from Nov. 7 – Dec. 31.

The upcoming MFC meeting is Feb 22 – 24, 2023 at the Doubletree Hotel in New Bern. Items on the agenda include an information paper on False Albacore, overviews on the spotted seatrout and striped mullet fisheries, the revision to the latest Blue Crab FMP amendment to look at diamondback terrapin excluder devices that was in consultation with the Shellfish/Crustacean AC this week. In February, the MFC will be provided the public comments received on the supplement for striped mullet and will vote on its final approval.

Striped Mullet FMP Supplement Update

Klibansky noted DMF staff are working on Amendment 2 while the supplement is open to public comment. The MFC selected their preferred recommendation Option 2 – end of season closure from Nov. 7 – Dec. 31 at its meeting in Nov. The closure would be to both recreational and commercial harvest estimated to achieve a 22% reduction. The floor was open for striped mullet leads, Jeff Dobbs or Dan Zapf, to address any questions.

Parrish asked what the Option 2 closure was based on. Zapf replied that it was based on the spawning season. The fish are moving into the ocean during that period to spawn and they become more vulnerable to the fishery while they're moving in schools. That is also the period when highest landings occur, specifically from October 15 through November 15. Targeting the season closure during this time was the only realistic way to have a reduction in commercial landings. It was also based on the life history of the species. Parrish responded that he thought the largest factor affecting stripe mullet is the roe fishery - what was once a local delicacy is now international and that is causing rising prices and targeting of striped mullet roe. When you target a species for its roe, it is pushed towards extinction. Fishermen understand this and appreciate that there is still time before closure to have a market for striped mullet, keeping it commercially viable while allowing spawning migrations to maintain the stock. It was also noted that the time of year restriction is not an arbitrary date and is actually aimed at having the greatest benefit on stock.

Sonder said that when it comes to illegal/unmarked gillnets, the contents of these nets should be documented for conservation and science purposes. He asked why the public cannot take photos of the contents or be made aware of the exact contents of illegal gillnets. Zapf responded that we do have an interest in what's being caught/harvested in the gillnet fishery. The DMF gets harvest information from commercial trip tickets. But regulations on certain species result in discards. Through the gill net observer program, data is collected on everything in the nets (including harvest, discards, and any protected species), but only a percentage of all trips are observed. In NC, there is a law that prohibits the public from interfering with commercial fishing gear. Sonder replied that he meant not necessarily interfering/disrupting, just to know what is in them and that he has been told not to touch or photograph nets. Officer Parker said that if you see any illegal net, call Marine Patrol immediately and they can inspect nets and deal with those as necessary. Officer Parker also noted that the public frequently submit photos to show the location of a net and that is fine, but the public is not allowed to pick up gill nets because it's a permitting/licensing issue. Sonder asked if Marine Patrol document what's in the net (species, how many, etc.)? The Marine Patrol officer replied that the information would be included in the incident report but a variety of factors may affect the detail of what is recorded. Marine Patrol do try to include as much detail as possible on net contents.

PUBLIC COMMENT

There was no public comment.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Klibansky said the next meeting in April is scheduled in-person and so far, the only agenda item is the February MFC update. The only other item in the long-term planning for the AC is the Striped Mullet FMP Amendment 2 in Oct.

Deaton provided habitat and water quality related information requested at the previous meeting. A Water Quality Summit was held by NCCF, Pew, and DEQ to kick off forming a public-private partnership to

engage in actions to improve water quality, which was a recommendation in the CHPP. Objectives of the Summit were to provide outreach on the state of NCs coastal water quality and how that impacts stakeholders (included farming, fishing, and city representation), educate them on the value and success of public private partnerships, and recruit continuing participation CHPP water quality actions. Stakeholders gave presentations that show how their local area is being impacted by water quality. There were breakout groups to brainstorm on specific actions that could be taken. This resulted in forming two sub workgroups – Working Land and Waters Workgroup and Conservation and Coastal Resilience Workgroup. The former has met and is working on drafting a resolution to send to the General Assembly expressing the need for additional state appropriations for Department of Agriculture’s agricultural cost share program This program allows farmers to voluntarily implement BMPs to improve water quality. The current amount is relatively low and there is more demand than funds.

DWR is continuing to develop water clarity standards through a Nutrient Criteria Development Plan. Water clarity standard language has been drafted as well as a white paper written by Scientific Advisory Council (SAC) members. Additional steps are needed before going to the EMC for review later this year. Once there is a standard, exceedances will have to address nutrient and sediment levels. It’s likely that this will primarily require addressing runoff rather than point sources. Other CHPP implementation underway is interagency planning on how to update wetland maps, enhancing shellfish mapping and monitoring, and continuing to work with APNEP SAV Team on SAV mapping and monitoring.

Deaton reviewed a table provided to the AC in their meeting materials. It lists the habitat and water quality actions in the most recent Oyster and Clam FMPs and the status of those actions. She noted that this is an example of what staff is compiling for all of the FMPs as requested by the HWQ AC. They will be finalizing the spreadsheet and can provide it to the AC as a complete file or by species. AC members can review these at a future meeting and provide input on prioritizing what has not been completed.

APNEP Comprehensive Conservation Management Plan (CCMP) is currently being updated. It is expected to be completed this year.

Deaton provided information on where to find data on fish kills & algal blooms. The DWR has an interactive map of reported and investigated algal blooms and fish kills. There are also reports that include details on species and environmental conditions.

<https://ncdenr.maps.arcgis.com/apps/dashboards/7543be4dc8194e6e9c215079d976e716>

There is also information in 2016 and 2021 CHPP amendments.

<https://deq.nc.gov/about/divisions/marine-fisheries/habitat-information/coastal-habitat-protection-plan>

Another source of water quality information is the UNC-CH MODMON website, although it is specific to the Neuse River. This site contains data pertaining to water quality conditions, as well as a list of publications to look up references utilized. They also post updates on the website. This can be used as an indicator of stress in NC estuaries. The AC may be interested in a presentation on this data/project and AC member Nathan Hall is directly involved with it.

<https://paerllab.web.unc.edu/modmon/>

Future informational agenda items include striped mullet habitat and water quality concerns, habitat and water quality recommendations in FMPs, update on South Atlantic Fishery Management Council (SAFMC) work on climate vulnerability assessments, new information on shellfish and water quality trends, and conditions for striped bass spawning migrations (flow, obstructions, etc.)

Rader noted the spreadsheet should be very helpful moving forward and can be used as a framework as FMPs cycle through to help understand the most important issues. Regarding shellfish and water quality trends, there is information available in the 2016 CHPP Amendment and from the Shellfish Sanitation

section. Rader mentioned the climate vulnerability assessment and generalized that for the committee. Rader discussed how changes due to climate change such as the prevalence of intense storms and droughts are changing the system and we need to understand how these system changes impact habitat and water quality, recruitment, habitat suitability for life history stages, development, and FMP outcomes. Deaton suggested that the AC invite a NOAA scientist to give a presentation on the climate vulnerability assessment. A powerpoint on NOAA South Atlantic Fisheries Science Center Climate Vulnerability Assessment can be found here: https://safmc.net/documents/2022/11/fc3_a5b_esr-cva-update_dec2022.pdf/ . Rader added staff should decide on the best way to brief the AC on the topic (coastwide and locally) so the AC is up to date with what to expect.

Rader asked AC members to bring up any other future topics. He mentioned scallop harvest related to relationships between predators, population, and habitat concentrations. He also said there is more to know about SAV bed dynamics among species that use those areas.

Hall noted that he hasn't seen data on changes in inlet dynamics, which is important because most estuaries are behind the Outer Banks with just the few inlets separating them from the ocean. How will a greater exchange with the ocean impact fisheries/habitats/etc? Rader replied that previous studies looked at general info on likelihood of stability in the Outer Banks area. They discussed getting someone to brief the AC on changing inlets and review NOAA's latest SLR models and how this will affect the inlets and subsequently other habitats and species.

Scott Leahy brought up the issue of waterfront development impacts on fish habitat. He recently went through the CAMA process for building a dock. His takeaway from this process was that for a small permit fee, he could encroach on public trust resources with no mitigation required. For example, installing a living shoreline or constructing an oyster reef. Regarding his dock, he was told he could not put oysters under his own dock to voluntarily mitigate impacts (ie. Under Dock Oyster Culture permit) because it's in closed shellfish harvest waters. He suggested looking at mitigation strategies for public development. Rader replied that the CHPP legislation originally had intent to look at system-wide needs and habitat losses and put in place mitigation/avoidance/offset programs. He suggested it could be useful to pick a habitat type at risk and look at a mitigation strategy pilot program (possibly a voluntary mitigation bank).

Sonder asked if MFC has authority to address hog farm impacts to coastal waters. He noted that it's been well documented that hog farm lagoons (upstream of coast) overflow, which end up in the waterways. Can the MFC put something forward regarding these farms, since their impacts on habitat, water quality, and species have been well documented? Deaton replied that there's a moratorium on new hog farms in the flood plains. There was also a buy-out program that bought out some of the farms. They are regulated by the EMC. There are compliance checks and staff investigations of lagoons. MFC does not have direct authority over hog farms, but the issue could be brought to the CHPP SC. The MFC or the CHPP SC could send a letter to the EMC about their concerns. Sonder replied that there have been lots of letters and lawsuits over many years, yet the problem exists. Lisa Rider noted that the Coastal Carolina Riverwatch has lots of information related to animal farming and agricultural impacts on waterways and habitats. (<https://coastalcarolinariverwatch.org/white-oak-new-river-alliance/>). There was a year-long program that included both recreational and commercial fishermen. A survey among NC fishermen found the primary concern among fishermen was industrial agriculture and factory farming. She said that right now, "boots on the ground" advocacy is what is needed. Rider noted that if the AC made a recommendation to the MFC to raise their concerns to others that have authority over this, it would go a long way to addressing the issue. The lobbying power of fishermen could result in significant change. Sonder asked if there were penalties for violations. Rider replied that much like those that develop illegally, they are given time to get into compliance, but runoff issues may still occur from these facilities.

Jack Durham wanted to know how to get everyone's contact info. Klibansky replied that DMF staff are not allowed to share information, but members can contact each other, and give Klibansky permission to share their contact information.

The meeting adjourned at 8:11 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

January 26, 2023

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: William Brantley, Grants Program Manager, Administrative and Maintenance Services Section

SUBJECT: December 8, 2022, Commercial Fishing Resource Fund Committee Meeting

Issue

The N.C. Commercial Fishing Resource Funding Committee met jointly with the N.C. Marine Fisheries Commission Commercial Resource Fund Committee at 6:00 p.m. on Thursday, December 8, 2022, through Webex to consider funding for their 2023 funding cycle.

Findings

The joint committees approved funding for a project titled, "Trophic impacts of the invasive blue catfish in the Albemarle Sound ecosystem." Two other proposals were not approved for funding.

Action Needed

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

Attachments

- 1) Draft meeting minutes from the December 8, 2022 joint meeting



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

MEMORANDUM

TO: N.C. Marine Fisheries Commission Commercial Resource Fund Committee and the Funding Committee for the N.C. Commercial Fishing Resource Fund

FROM: William Brantley, Grants Program Manager
Division of Marine Fisheries, NCDEQ

DATE: January 26, 2023

SUBJECT: MFC Commercial Resource Fund Committee and Funding Committee for the N.C. Commercial Fishing Resource Fund Meeting Minutes

The MFC Commercial Resource Fund Committee and the Funding Committee for the N.C. Commercial Fishing Resource Fund met at 6:00 p.m. on Thursday, December 8, 2022, through Webex. The following members attended:

MFC Commercial Resource Fund Committee: Chairman Doug Cross, Mike Blanton, Ana Shellem

Funding Committee for the N.C. Commercial Fishing Resource Fund Members: Chairman Ernest Doshier, Glenn Skinner, Steve Weeks, Britton Shackelford, and Doug Todd.

Absent: Gilbert Baccus

Public Comment: Public comment was received through webpage and US mail

Approval of Agenda and Minutes

Chairman Ernest Doshier and Mike Blanton called the meeting to order for the Funding Committee for the N.C. Commercial Fishing Resource Fund and the MFC Commercial Resource Fund Committee. William Brantley read the conflict-of-interest reminder, and no conflicts were noted by the Chairmen. Brantley conducted a roll call for both committees. One member was absent at the time of roll call for the MFC Commercial Resource Fund Committee. One member was absent from the Funding Committee for the N.C. Commercial Fishing Resource Fund.

The meeting agenda and minutes were reviewed.

Motion by Glenn Skinner to approve the agenda. Second by Doug Todd. Motion passed unanimously through a roll call vote of present members.

Motion by Ana Shellem to approve the agenda. Second by Mike Blanton. Motion passed unanimously through a roll call vote of present members.

Motion by Glenn Skinner to approve the minutes from the September 29, 2022 meeting. Second by Steve Weeks. Motion passed unanimously through a roll call vote of present members.

Motion by Ana Shellem to approve the minutes from the September 29, 2022 meeting. Second by Mike Blanton. Motion passed unanimously through a roll call vote of present members.

William Brantley briefed the committees on the scope of the meeting, which was to review the three RFP applications that were previously tabled. Comments from the prior discussion on the proposals were summarized and sent to the applicants for their response. Each applicant provided a response, and these were attached in the meeting packet for the joint committee review.

Public comment was sent to the members on December 7, 2022; two comments were received.

CFRF REQUEST FOR PROPOSALS (RFP) REVIEW

Motion by Glenn Skinner to bring the following bring the following proposals off the table: *Water quality for fisheries: Addressing marine debris impacts to coastal commercial fisheries NC; Tropic impacts of the invasive blue catfish in the Albemarle sound ecosystem; and Rapid response alerts for consumer education.* Second by Steve Weeks. Motion passed unanimously through a roll call vote of present members.

Chairman Doug Cross joined the meeting.

Motion by Mike Blanton to bring the following bring the following proposals off the table: *Water quality for fisheries: Addressing marine debris impacts to coastal commercial fisheries NC; Tropic impacts of the invasive blue catfish in the Albemarle sound ecosystem; and Rapid response alerts for consumer education.* Second by Ana Shellem. Motion passed unanimously through a roll call vote.

Water quality for fisheries: Addressing marine debris impacts to costal commercial fisheries in NC: Chairman Doshier called for discussion on the proposal. Mike Blanton noted the importance of plastics and marine debris, but also expressed concerns on prioritization of the proposal efforts and industry impacts. Sampling efforts and distinguishing the impacts on species during different milestones of life history was discussed. Ana Shellem noted the clarification of the sampling area would be beneficial. Steve Weeks stated that he would like to

see an opportunity to rectify the plastics problem versus studying it. Chairman Cross called for a motion.

Motion by Mike Blanton to not approve the project titled *Water quality for fisheries: Addressing marine debris impacts to coastal commercial fisheries in NC* as presented. Second by Ana Shellem. Motion passed unanimously through a roll call vote.

Motion by Doug Todd to not approve the project titled *Water quality for fisheries: Addressing marine debris impacts to coastal commercial fisheries in NC* as presented. Second by Glenn Skinner. Motion passed unanimously through a roll call vote of present members.

Trophic impacts of the invasive blue catfish in the Albemarle sound ecosystem: Mike Blanton noted that after reading the response by the applicant, he understood the flexibility on sampling areas and was in support of the proposal. Glenn Skinner stated that he supported it as well, and in the future, the research may lead toward future management.

Motion by Ana Shellem to approve the project titled *Trophic impacts of the invasive blue catfish in the Albemarle sound ecosystem* as presented. Second by Mike Blanton. Motion passed unanimously through a roll call vote.

Motion by Glenn Skinner to approve the project titled *Trophic impacts of the invasive blue catfish in the Albemarle sound ecosystem* as presented. Second by Britton Shackelford. Motion passed unanimously through a roll call vote of present members.

Rapid response alerts for consumer education: Mike Blanton cited concerns on personnel costs in the proposal; however, he expressed support for the content creation portion of the application. This could lead to an obligation of the joint committees for long term funding. Chairman Cross and Chairman Doshier noted there could be some duplicative efforts in the proposal from what was already funded by the committees. Britton Shackelford stated concerns on promoting the fishing industry over other priorities. Glenn Skinner discussed the differences between the Always NC Fresh campaign and the NC Catch proposal; with emphasis on there was no obligation for long term funding. Skinner inquired about partial funding of the proposal, one year at a time instead of a full term. Chairman Cross agreed to consider discussion on funding the proposal in one-year increments. Blanton reiterated that this was still somewhat duplicative, and would have preferred to have seen a proposal with a definitive start and end milestone. Skinner noted that this proposal would support sustainable commercial fishing in the state. Steve Weeks supported funding the proposal for one year, stating the proposal had differences between what was already funded, and could provide engagement opportunities for the consumers. Chairman Cross noted the importance of the consumer in the management process.

Motion by Doug Cross to fund the project titled *Rapid response alerts for consumer education* for one year at \$150,000 with the stipulation that there is collaboration with the committees. Motion fails for lack of a second.

Motion by Mike Blanton to not approve the project titled *Rapid response alerts for consumer education* as presented. Second by Ana Shellem. Motion passed with Blanton and Shellem voting ‘aye’ and Cross abstained.

Motion by Glenn Skinner to not approve the project titled *Rapid response alerts for consumer education* as presented. Second by Britton Shackelford. Motion passed with a roll call of present members, with Shackelford, Skinner, Todd, and Doshier voting ‘aye’ and Weeks abstained.

Issues from Committee Members

Chairman Cross asked for members to go ahead and begin considering projects for the next RFP. He would like the Committees to consider the issues with Seafood Watch program and their nominal listing of the blue crab industry in North Carolina.

Blanton stated he appreciated each of the members and the quality of discussion that is offered for each proposal these committees receive. He also noted that he would like to discuss how to take the Always NC Fresh campaign to a new level in the future.

ADJOURNMENT

Motion by Mike Blanton to adjourn. Second by Ana Shellem. Motion passed unanimously through a roll call vote.

Motion by Glen Skinner to adjourn. Second by Britton Shackelford. Motion passed unanimously through roll call vote of present members.

Meeting adjourned.

WB