



COMMITTEE REPORTS

Nominating Committee

Southern Regional Advisory Committee

Northern Regional Advisory Committee

Finfish Standing Advisory Committee

Shellfish/Crustacean Standing Advisory Committee

**Habitat and Water Quality Standing
Advisory Committee**



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Oct. 15, 2021

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Chris Batsavage, Special Assistant for Councils

SUBJECT: South Atlantic Fishery Management Council Obligatory Seat for North Carolina

Issue

The N.C. General Statutes require the Marine Fisheries Commission to approve nominees for federal fishery management council seats for the governor's consideration, and that the statutes allow the governor to consult with the commission regarding additions to the list of candidates. The governor must nominate no fewer than three individuals for a federal fishery management council seat.

Findings

The Marine Fisheries Commission's Nominating Committee forwarded the following individuals to the Marine Fisheries Commission for the South Atlantic Fishery Management Council Obligatory Seat:

South Atlantic Fishery Management Council Obligatory Seat

- Tim Griner, a commercial fisherman and dealer from Charlotte and the current N.C. obligatory member on the South Atlantic Fishery Management Council
- Scott Buff, a commercial fisherman and dealer from Oak Island
- Charlie Locke, a commercial fisherman from Wanchese
- Thomas Newman, a commercial fisherman from Williamston

Action Needed

The commission needs to approve nominees for the N.C. South Atlantic Fishery Management Council Obligatory Seat.

For more information, please refer to:

- The draft minutes from the Sep. 29, 2021 Nominating Committee Meeting
- The nominees' biographies



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

MEMORANDUM

TO: N.C. Marine Fisheries Commission
MFC Nominating Committee

FROM: Chris Batsavage and Dana Gillikin
Division of Marine Fisheries, DEQ

DATE: Oct. 18, 2021

SUBJECT: Marine Fisheries Commission Nominating Committee Meeting Minutes

The N.C. Marine Fisheries Commission Nominating Committee met on Friday, Sep. 29, 2021 at 1:00 p.m. via webinar.

The following were in attendance:

Committee members: Robert McNeill, James (Pete) Kornegay, Mike Blanton, Tom Roller
Staff: Kathy Rawls, Chris Batsavage, Lara Klibansky, Dana Gillikin, Trish Murphey, William Brantley
Public: Tim Griner, Dewey Hemilright

Chairman McNeill called the meeting to order. The agenda was approved without modification.

Motion by Tom Roller to approve the October 16, 2020 meeting minutes. Seconded by Pete Kornegay.

Roll Call Vote			
Commissioner	Aye	Nay	Abstain
Mike Blanton	X		
James Kornegay	X		
Robert McNeill	X		
Tom Roller	X		

Motion passes unanimously.

Public comment

No public comment given at the meeting or received via email.

Review of N.C. General Statutes and federal Magnuson-Stevens Act requirements

Batsavage briefly reviewed the N.C. General Statutes pertaining to the selection of nominees for federal fishery management council seats. He stated that the N.C. Marine Fisheries Commission must approve a slate of candidates for the governor’s consideration, and that the statutes allow the governor to consult with the commission regarding additions to the list of candidates. Batsavage also described the federal statutes and regulations pertaining to qualification of candidates and noted that the governor must submit

a list of no less than three nominees for an appointment. The commission will review the list of candidates approved by the committee at its business meeting on Nov. 18-19, 2021.

Review and selection of candidates for the South Atlantic Fishery Management Council obligatory appointment

Batsavage reviewed the bios of the candidates for the South Atlantic Fishery Management Council obligatory seat, briefly describing the background and qualifications of each: Tim Griner, Scott Buff, Charlie Locke, and Thomas Newman. Batsavage noted that Mr. Griner is completing his second three-year term and is eligible for another three-year term.

After a brief discussion of the candidates, the committee made the following motion:

Motion by Tom Roller to forward the names of Tim Griner, Scott Buff, Charlie Locke, and Thomas Newman to the Marine Fisheries Commission for consideration for the South Atlantic Fishery Management Council obligatory seat. Seconded by Pete Kornegay.

Roll Call Vote			
Commissioner	Aye	Nay	Abstain
Mike Blanton	X		
James Kornegay	X		
Robert McNeill	X		
Tom Roller	X		

Motion passed.

Motion by Tom Roller to adjourn. Seconded by Pete Kornegay.
Meeting adjourned.

Robert Timothy Griner, Charlotte, NC

Mr. Griner was born and raised in Charlotte, but grew up fishing the inshore and offshore waters of Brunswick County. He earned a B.S. in engineering from North Carolina State University and had a successful career in civil engineering, mostly in commercial construction. In 2009, business began to slow, and Mr. Griner found himself spending more and more time fishing. He began sharing his catch with family and friends; after some of his friends showed their chef friends those fish, the chefs approached Mr. Griner to see if he would be interested in supplying fish for a few local Charlotte restaurants. In 2010, Mr. Griner obtained his state and federal dealer and vessel permits, and started the Charlotte Fish Company. The business started with small trips, bringing back fish for just a few restaurants, but since then Mr. Griner has focused on building a clientele of small Charlotte restaurants whose menus cater to use of locally-sourced ingredients. He now supplies over 60 restaurants in the Charlotte area. Mr. Griner holds federal vessel permits for snapper grouper, dolphin wahoo, and king and Spanish mackerel. In addition to the two vessels he owns, Mr. Griner also packs fish for two additional vessels out of Brunswick County. Over the past several years, Mr. Griner has become more involved in management of the fishery, attending South Atlantic Council public hearings, including Snapper Grouper Visioning Project port meetings. He is dedicated to educating both chefs and consumers about the wide variety of available from North Carolina's offshore waters.

2018 Update:

- Appointed to the South Atlantic Fishery Management Council in 2016, currently serving as the NC commercial representative (Obligatory Seat).
- Completed NMFS/NOAA Council Training Course – Silver Spring, MD
- Completed MREP Fisheries Science Workshop
- Completed MREP Fisheries Management Workshop
- Participant in the 2018 SEDAR Cobia Stock ID Workshop
- SAFMC Representative for the Gulf of Mexico Council Meeting: 2017 Biloxi, Miss.
- SAFMC Representative for the Gulf of Mexico Council Meeting: 2018 Gulf Shores, AL.

2021 Update

- Reappointed to the South Atlantic Fishery Management Council in 2019, currently serving as the NC commercial representative (Obligatory Seat).
- SAFMC Representative for the Gulf of Mexico Council Meeting: 2019 Biloxi, Miss.
- SAFMC Representative for the Gulf of Mexico Council Meeting: 2020 Webinar
- Attended Council Coordinating Committee meeting: 2019 Charleston, SC
- SAFMC Representative in SEDAR 60 – Red Porgy
- SAFMC Representative in SEDAR 68 – Scamp Grouper
- SAFMC Representative in SEDAR 71 – Gag Grouper
- SAFMC Representative in SEDAR 73 – Red Snapper

Brian Scott Buff, Oak Island, NC

I was born and raised in Morganton, North Carolina and moved to Brunswick County, North Carolina in the late 90's. I have been an owner, operator and very passionately active in the industry since 1998 when I purchased my first commercial vessel. Today, I now own and operate 7 Snapper/Grouper boats in the South Atlantic and 2 in the Gulf of Mexico. 1 shrimp vessel, 1 Gulf of Mexico charter vessel, 1 Gulf of Mexico Snapper/Grouper vessel, a Fish House (fish market) in Supply, North Carolina and 2 retail markets in Southport, NC and Supply, NC respectively. In addition to my 20 years of experience in the industry I also have held my 100 Ton Master License for 17 years. I am very knowledgeable with in the industry; having already served one term on the South Atlantic Fishery Management Council's Snapper-Grouper Advisory Panel. I look forward to the opportunity for consideration with in the council, to provide my passion and knowledge in order to positively impact our fishing community.

In addition to my aforementioned fishing industry engagement, I am the owner of a respectable General Contracting company in Oak Island, NC since 2003.

Charlie Locke, Wanchese, NC

Charlie is a full-time, dayboat commercial fisherman and U.S. Coast Guard licensed captain harvesting sustainable seafood off the Outer Banks, N.C., using multiple gears including float and anchored gillnet, bottom and surface longline, bandit reel, and trolling. Harvested species range from inshore net fish, such as sea mullet and Spanish mackerel, to offshore bottom fish which includes tilefish, grouper, and amberjack. He is one of just roughly a dozen commercial directed shark fishermen in North Carolina.

LICENSES & PERMITS:

- NOAA Fisheries 2020 Shark Research Fishery Permit
- NOAA Fisheries South Atlantic King Mackerel
- NOAA Fisheries South Atlantic Shark Directed
- NOAA Fisheries South Atlantic Snapper-Group, Unlimited
- NOAA Fisheries South Atlantic Open Access Permits: Dolphin/Wahoo, Spanish Mackerel, Smooth-Hound Shark
- NOAA Fisheries Atlantic Tunas/Swordfish General Commercial
- N.C. Standard Commercial Fishing License

TRAINING & CERTIFICATIONS:

- NOAA Fisheries Sea Turtle Safe Handling & Release Gear Workshop, 2019
- U.S. Coast Guard 50-Ton Master Captain's License, 1995
- PADI Open Water Diver, 1989

INDUSTRY SERVICE:

- South Atlantic Fishery Management Council Mackerel Cobia Advisory Panel North Carolina Commercial Seat 3/20 – present
- NOAA Fisheries Atlantic Large Whale Take Reduction Team North Carolina Commercial Gillnet Seat 4/06 – present
- N.C. Marine Fisheries Commission Kingfish FMP Advisory Committee, Commercial Seat 4/06 – 11/07
- N.C. Marine Fisheries Commission Striped Mullet FMP Advisory Committee, Commercial Seat 3/04 – 4/06

RESEARCH COLLABORATIONS:

- "Refinement and testing of a microprocessor-based shark bycatch reduction device (BRD) using an academic-industry partnership," National Sea Grant Office Highly Migratory Species Competition, PI: Sara Mirabilio (North Carolina Sea Grant), October 2019 – present.
- "Assessing effectiveness of a low-profile gillnet in reducing the bycatch of sea turtles in the commercial large-mesh gillnet fishery for monkfish," NOAA Fisheries Northeast Fishery Science Center, PI: Henry Milliken, February – March 2017; February 2020 – present.
- "Life history, behavioral ecology, and genetic stock structure of elasmobranchs in the South Atlantic," S.C. Department of Natural Resources, PI: Bryan Frazier, July 2019 – December 2020.
- "Post-release survivorship, life history traits, and stock characteristics of scalloped and Carolina hammerhead sharks," NOAA Fisheries Cooperative Research Program, PI: Dean Grubbs (Florida State University), July-August 2019.

Thomas Newman, Williamston, NC

Mr. Newman is the owner/operator of the 40-ft. F/V Gotta Go with his homeport in Hatteras, NC. He has been commercial fishing for 25 years mostly in North Carolina, but ranging as far north as New York and has fished many seasons in Virginia. He is currently serving on the Mackerel Cobia Advisory Panel (South Atlantic Fishery Management Council) and Northern Regional Advisory Panel (North Carolina Marine Fisheries Commission). Mr. Newman holds permits and fishes for Spanish mackerel, bluefish, spiny dogfish, smooth dogfish, king mackerel, croakers, large and small coastal sharks and monkfish, species which are mainly managed by the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Atlantic States Marine Fisheries Commission. He is a member of the Coastal Carolina River Watch, serves on the Citizen Science Projects Advisory Team (SAFMC), and is involved in state and federal fisheries management issues working directly with fisheries managers and industry groups.

Mr. Newman received a B.S. in biology from Furman University in 2008. His focus was towards wildlife management but he also did a study abroad marine biology program in the Florida Keys and Belize directly observing habitats and multiple aquatic species. For his senior project he traveled to New Mexico to study an isolated population of desert bighorn sheep in the Fra Cristobal Range. The results of this study was published in *The Southwestern Naturalist*:

Evaluation of Methods Used to Estimate Size of a Population of Desert Bighorn Sheep (*Ovis canadensis mexicana*) in New Mexico

Author(s): Travis W. Perry, Thomas Newman, and Katherine M. Thibault

Source: *The Southwestern Naturalist*, 55(4):517-524. 2010.

Mr. Newman is also involved in climate change scenario planning and is looking forward to continue working with recreational, commercial, and ecosystem stakeholders to get ahead of these issues we are already seeing while planning for the future. He believes that flexibility, adaptation, and all user groups working together are going to be imperative for the future of our oceans.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

October 13, 2021

MEMORANDUM

TO: Marine Fisheries Commission
Southern Advisory Committee

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

SUBJECT: Meeting of the Marine Fisheries Commission's Southern Regional Advisory Committee, October 12, 2021. Recommendations for the Coastal Habitat Protection Plan (CHPP).

The Marine Fisheries Commission's (MFC) Southern Advisory Committee (AC) held a meeting on October 12, 2021 via webinar.

The following Advisory Committee members were in attendance: Fred Scharf, Jerry James, Jason Fowler, Tom Smith, Cane Faircloth, Adam Tyler, Pam Morris. James Rochelle tried to be present on the virtual platform but had difficulties with staying online and participating. (Absent – Samuel Boyce, Tim Wilson, Edwin Bebb)

Staff: Tina Moore, Chris Stewart, Anne Deaton, Jimmy Johnson, Casey Knight, Dan Zapf, Dana Gillikin, Deborah Manley, Ashley Bishop, David Behringer, Lee Paramore, Garland Yopp, McLean Seward, Anne Markwith, Corrin Flora, Lara Klibansky, Jesse Bisette, Kim Harding, Kathy Rawls, Alan Bianchi, Brandi Salmon, Hannah Carter, Nolen Vinay

Public: Ken Vogt, Ann Stewart, Anne Coan, Kelly Garvy, Leda Cunningham

Southern Regional AC Chair Fred Scharf called the meeting to order at 6:04 p.m.

A call for attendance was performed and attendance recorded. The Southern AC had seven members present and quorum was met.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Adam Tyler. Second by Tom Smith. The motion passed without objection.

A motion was made to approve the minutes from the Southern AC meeting held on July 20, 2021 by Jason Fowler. Second by Cane Faircloth. The motion passed with one abstention.

2022 ADVISORY COMMITTEE PLANNING MEETING UPDATE

Lara Klibansky, MFC liaison, provided an overview on how the division will move to topic specific listening sessions before all MFC AC meetings in 2022. She went through a timeline on the public and MFC AC review process. The purpose of the listening session is to more effectively engage the public with the leads for informational opportunities and to gain feedback from the public. Stakeholder input is essential to DMF and the MFC. The listening sessions will begin in 2022 and will be scheduled one week before the scheduled MFC AC meetings. The MFC AC members can attend but the sessions will also be recorded and will be available for viewing prior to the AC's scheduled meetings. The presentation portion of the AC meetings will be a brief overview of the meeting topics detailed during the listening session so the committees and leads can have longer, focused discussions.

A question was raised if the advisory committees will be meeting in-person or virtual in the upcoming year. The MFC is scheduled to meet in person at their November 2021 meeting in Emerald Isle, but it is unknown at this time when the MFC ACs will return to in-person meetings. Feedback is welcome from AC members on interest for in-person or virtual meetings.

2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

Anne Deaton and Jimmy Johnson presented the recommendations in the Coastal Habitat Protection Plan amendment after attempts to provide the information through a pre-recorded video were unsuccessful.

PUBLIC COMMENT

Ann Stewart, Surf City resident, worked with the Department of State for 22 years and spent much of that involved with international environmental policy. She wants to consider addressing issues occurring further inland, such as indiscriminate logging (wood pellet industry), as what's happening there is affecting coastal water quality. Concerned with the lack of development of low impact strategies for inland communities important for addressing stormwater runoff, but there is a lack of understanding about LID in inland counties. A wall of water came down to the coast from inland areas after Hurricane Florence and caused all types of issues for many coastal communities. We need to identify where more inland impacts and activities occur such as logging and the wood pellet industry. She also expressed concern with the use of plastic discs in wastewater and washing downstream during system overflows; she has heard reports that they have been washing up on local beaches. She would like to see some type of holding or treatment of wastewater like what is done in the Potomac River to ensure it doesn't run untreated into coastal and inland waters. She asked if there is a recommendation for public and private partnerships to meet on a regular basis and bring more public awareness to the school systems on habitat concerns. She noted that a simple visual like showing aerial images from different time periods showing the large change in land use cover can be effective in demonstrating changes that have occurred to the environment and improve public awareness.

Ken Vogt, is an active volunteer with the North Carolina Coastal Federation, but is speaking as a member of the public. Focus needs to occur on wastewater treatment. Wastewater treatment has

come a long way, but there is still room for improvement in the removal of microplastics and other contaminants of emerging concern (CECs) that treatment plants are not designed to remove. Removal will require new technology and improvements. Non-point pollutants (i.e., runoff from pet waste, car washing, over fertilizing, etc.) are a great concern. He identified that a watershed land use rule is needed and was surprised how little attention was given to stormwater runoff in the CHPP. He said most violations are probably because of runoff, which has little regulation currently and needs to be addressed by state and local government. Climate change also deserves more attention. Because of climate change 100-year storms are more like 25-year storms. Data and statistics are not keeping up with climate change. We are designing based off of old technology. Uncontrolled runoff is likely greater than expected and more information is needed to understand land use adjacent to waterways and their influences on the water. Wetlands can trap runoff to some extent.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION ON THE 2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

Fred Scharf opened the floor for further discussion amongst members of the committee. Members applauded the work put in on the CHPP and moving habitat and water quality issues forward. It is recommended that the interagency workgroups also bring in the local experts, older local commercial and recreational fishermen, who have seen the changes over the years firsthand. One committee member noted that better enforcement is also needed. An example was provided on maintaining stormwater retention ponds as required by permits. Jimmy Johnson agreed but also noted staffing limitations have made it harder to maintain compliance and is the focus of the Environmental Rule Compliance and Enforcement to Protect Coastal Habitats issue paper in the draft amendment.

Discussions moved on to the Wastewater Infrastructure and Solutions for Water Quality Improvement issue paper and wastewater treatment facilities, particularly in small towns. Many small towns have very little funding to meet the requirements and more funding is needed from DEQ to maintain wastewater treatment plants. The infrastructure of these plants is often overwhelmed after storm events because the small towns cannot afford the collection system maintenance and holding capacity that is needed. Providing inspection cameras to check the lines would be a big help. What runs into these small streams makes it to the coast.

Questions came forward, in regard to the Protection and Restoration of Wetlands Through Nature-based Solutions, on the mitigation process with living shorelines and it was questioned if they be used to facilitate development. It seems like there is an explosion in coastal development and there is nothing as good as a natural shoreline. Anne Deaton explained Virginia uses living shorelines for nutrient credits, more related to the nutrient load going into the water. A committee member noted giving credits is more or less mitigation. Living shorelines likely help with water quality, but a natural shoreline is always better. Money drives development and mitigation is not the solution.

It was questioned whether any of these new developments are opposed by MFC or the agencies that review these permits. Deaton said the commission does not comment on new development permits. DEQ staff, including DMF's two Fisheries Resource Specialists, review applications

and make recommendations to avoid or minimize impacts to fish, habitat, and water quality, and sometimes object to portions of projects. This often results in modifications that minimize impacts.

Discussion continued about point and non-point source runoff. High flooding events have become more of a problem with coastal development. Florida is also having recurring issues with red and brown tide events, and it was suggested staff further discuss with Florida staff and see what they have learned and how that may help us prevent red and brown tides from happening in North Carolina.

Discussions occurred on the requests for funding for ongoing monitoring in Coastal Habitat Mapping and Monitoring to Assess Status and Trends issue paper in the plan. Recurring funds are imperative for monitoring to be continuous. Monitoring is opportunistic now when funding can be found. It was identified that it would be good to develop public and private partnerships, along with securing recurring funds through the General Assembly. Secure funding would help staff to conduct permit compliance inspections.

Development has been increasing substantially along the coast. There is a need to develop water quality standards to assess impacts and potentially slow down some of the development. Water quality metrics are critical so the linkages between land use practices and impacts from development can be strengthened. Research is ongoing to strengthen the linkages.

Motion by Adam Tyler that the Southern Advisory Committee supports the intent of the 2021 draft Amendment to the CHPP and the inclusion within the plan of the stakeholder recommendations to explore including the formation of a public/private partnership with stakeholders to seek state, federal and private funding to support the plans recommended actions and stakeholder recommendations. Second by Pam Morris

It was noted during discussion of the motion the public partnership piece may make this more complicated and not put the burden on the state. The rationale behind adding this piece was to achieve funding from sources where the state cannot.

The motion passed without dissent.

Jimmy Johnson recognized Casey Knight and Trish Murphey for their time and effort in assisting with compiling the information in the draft 2021 CHPP Amendment.

MARINE FISHERIES COMMISSION UPDATE

Tina Moore provided the MFC update. The MFC voted at its August meeting to approve the CHPP 2021 Amendment for public comment and MFC AC review, which your committee reviewed tonight. The MFC reviewed an information paper on existing small mesh gill net rules. The paper looked at current rules related to small mesh gill nets and summarized available data on the small mesh gill net fishery. The paper, developed at the request of the Department and MFC, addressed potential modifications to the fishery intended to reduce regulatory complexity, reduce bycatch and to the extent possible, reduce conflict between user groups. The MFC after

review voted not to initiate rulemaking on small mesh gill nets at this time, but rather to refer the issue to the FMP process through the individual species plans as they occur.

Other items from the August MFC meeting included:

- Set the cap on SCFL eligibility pool at 500 for 2021-2022 fiscal year
- Doug Cross was re-elected as MFC Vice-Chairman
- Approved the five-year FMP schedule for review and approval by the DEQ Secretary

The next MFC meeting is November 17-19 in Emerald Isle. On the agenda is:

- Southern Flounder FMP Amendment 3 to vote to send the draft out for review by the public and MFC ACs.
- Shrimp FMP Amendment 2 to vote on preferred management options for DEQ Secretary and Legislative committee for their review.
- CHPP review of input from ACs and public, and vote on approval of the plan. Once all three commissions have approved the plan, it will be sent to the DEQ Secretary and Legislative Commission on Governmental Operations for their review and final adoption of the plan amendment.
- Interjurisdictional FMP is in the beginning stages of review. The MFC will vote to approve the goal and objectives of plan

The Estuarine Striped Bass FMP Amendment 2 is still in the plan development stage. Workshops were recently completed with the striped bass AC. The timeline has the MFC approve to send to MFC AC review at their meeting in February 2022. The spotted seatrout stock assessment is underway with completion tentatively planned for spring 2022. The striped mullet stock assessment is also underway and will go through formal peer review next month in November.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Based on the MFC update the Southern Flounder FMP Amendment 3 is scheduled for Southern Regional AC review in January 2022. Lara Klibansky provided clarification on the upcoming schedule in 2022 for MFC ACs. She will be following up in email the 2022 schedule with all the advisory committees.

The meeting was adjourned at 8:07 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

October 27, 2021

MEMORANDUM

TO: Marine Fisheries Commission
Northern Advisory Committee

FROM: David Behringer, Biologist
Fisheries Management Section

SUBJECT: Meeting of the Marine Fisheries Commission's Northern Regional Advisory Committee, October 13, 2021. Recommendations to the Marine Fisheries Commission to approve the recommendations in the 2021 CHPP

The Marine Fisheries Commission's (MFC) Northern Regional Advisory Committee (NRAC) held a meeting on October 13 via webinar.

The following Advisory Committee members were in attendance: Sara Winslow, Everett Blake, Jim Rice, Roger Rulifson, Thomas Newman, Raymond Pugh, Jamie Winslow (Absent - Keith Bruno, James Neely, Jr., Kenneth Shivar)

Staff: Dana Gillikin, Daniel Ipock, David Behringer, Hope Wade, Lara Klibansky, Lee Paramore, Tina Moore, Kathy Rawls, Jimmy Johnson, Casey Knight, Anne Deaton, Chris Lee, Alan Bianchi, Jesse Bissette, Nolen Vinay, Dan Zapf, Debbie Manley, Kim Harding, Corrin Flora

Public: Kelly Garvy, Anne Coan

MFC: Martin Posey

Northern Regional AC Chair Sara Winslow called the meeting to order at 6:01 p.m.

A roll call for attendance was performed and attendance recorded. Seven members of the Northern AC were present. The AC had a quorum.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Roger Rulifson. Second by Jim Rice. Motion approved 7-0.

Prior to the vote to approve the minutes from the previous meeting, Jim Rice noted that on the July meeting minutes, the text says support for option 8 and 11 but the text describing the options is say option 8 and 10, not 11 (page 4). Staff confirmed that descriptive text was correct but the option numbers listed need to be corrected.

A motion was made to approve the minutes with the noted corrections from the Northern Advisory Committees meeting held on July 21, 2021 by Jim Rice. Second by Ray Pugh. Motion approved 7-0.

2022 ADVISORY COMMITTEE MEETING PLANNING UPDATE

Lara Klibansky, MFC liaison, provided an overview on how the division will move to topic specific listening sessions before all MFC AC meetings in 2022. She went through a timeline on the public and MFC AC review process. The purpose of the listening session is to more effectively engage the public with the leads for informational opportunities and to gain feedback from the public. Stakeholder input is essential to DMF and the MFC. The listening sessions will begin in 2022 and will be scheduled one week before the scheduled MFC AC meetings. The MFC AC members can attend but the sessions will also be recorded and will be available for viewing prior to the AC's scheduled meetings. The presentation portion of the AC meetings will be a brief overview of the meeting topics detailed during the listening session so the committees and leads can have longer, focused discussions.

One AC member commented that he likes the idea and asked if they will be notified. Division staff confirmed that the AC members will be notified and there will be a public announcement.

2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

Anne Deaton and Jimmy Johnson presented the recommendations in the Coastal Habitat Protection Plan amendment through a pre-recorded video.

PUBLIC COMMENT

No public comment occurred.

DISCUSSION ON THE 2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

One AC member asked how far inland is considered "coastal", in Wastewater Infrastructure Solutions for Water Quality Improvement issue paper (recommended actions 7.1-7.5) and how far inland the wastewater treatment recommendations will be applied. They stated that they live 160 miles upstream on the Cape Fear River and there is a lot of strain on water usage by upstream municipalities. Inland municipalities buy water from towns on the Cape Fear River and then transfer their wastewater treatment back to those same towns. Division staff noted that the CHPP recommendations apply up to the fall line where coastal fish can swim. The AC member noted that if water upstream of the CHPP's recommended coverage area is polluted, it will flow downstream and negatively impact coastal waters. The AC member suggested that we should

extend the recommendations to maintain wastewater infrastructure further upstream. In response to the water allocation transfers, staff noted that the Wastewater Infrastructure Solutions for Water Quality Improvement issue paper focused more on wastewater leaks, but that they will pass the concerns on to the steering committee. Staff also stated that the recommendations in the CHPP may be able to be applied statewide, rather than just the area defined as “coastal”.

One member expressed that the document was well organized. The member, who has been involved with the industry workgroup for the Coastal Carolina River Watch, noted that a lot of coastal towns have antiquated wastewater systems and small municipalities cannot afford to update their systems. The outdated and overloaded systems are problematic when it comes to overages and leaks, especially during flooding and large rainfall events. Updating and replacing these systems needs to be high on the priority list. The member also asked if the 3.5 trillion-dollar infrastructure plan recently passed by congress included funds for wastewater treatment projects. Staff noted that there is some money in the spending plan allocated for coastal communities and that communities would have to apply to receive funding. Staff was unsure about the specifics of funding and allocation, though.

Another AC member expressed frustration that it has taken 24 years since the enactment of the Fisheries Reform Act of 1997 to get to this point. The member stated that water quality has been deteriorating; blue-green algae blooms have become more prevalent and wastewater infrastructure has been deteriorating. The AC member also asked about submerged aquatic vegetation (SAV) mapping and if there would be a review of the available historical data. Staff noted that the Division would use historical data for comparisons. Old map overlays go back to 1981. Habitat/SAV mapping has been conducted opportunistically in a piecemeal fashion with the Albemarle-Pamlico National Estuary Partnership (APNEP) and other grants.

The AC member also commented that the impact of forestry and agriculture on wetlands is ignored and they feel that this is a big area for concern. They noted that there are instances where wetland areas are logged right up to the edge of the water and this is allowed because it is currently considered to not have an impact on wetlands. Staff noted that the impact of logging on wetlands is considered temporary because of the best management practices (BMPs) that are in place and there are high levels of compliance within the industry.

Another AC member agreed with the previous AC member and considers the agriculture and forestry exemptions “the elephant in the room”. The AC member then noted that the recommendations of the CHPP are required to be implemented by the legislature. They stated that cheerleading will not get done what needs to be done. We need dollars and legislation and some of this is not in plan. They also wanted to know how aggressive the communication with the general assembly and Governor will be. Staff responded that we currently have more support from DEQ than we have ever had and we also have NGO support who can be more outspoken and directly speak with the general assembly and Governor. In regards to the discussion about the agriculture and forestry exemptions, Staff explained that the Protection and Restoration of Submerged Aquatic Vegetation (SAV) through Water Quality Improvements Issue Paper lays out a series of steps that need to be taken. First, mapping needs to take place and new monitoring standards will be implemented. Once that has occurred, the Division of Water Resources (DWR)

will be able to evaluate the sources of nutrients and sediment. Then DWR can come up with a list of BMPs.

An AC member asked if we know how well BMPs are being followed or the rate of compliance and stated that details are unknown. Staff noted a need for outreach to get stakeholder groups to agree to voluntary actions to minimize the impact of development on water quality. The AC member stated that he is concerned that we are focusing too heavily on limiting impacts and slowing the decline of water quality rather than also striving to actually mitigate and improve water quality. The AC member stated that they feel a sense of urgency to be more aggressive to make actual improvements. Staff agreed with the member's comments and also noted that healthier coastal habitats will minimize the impacts of climate change and increase community resilience.

One AC member asked about the possibility of creating areas to retain runoff and allow nutrients to settle to prevent it from entering the coastal waterways. This is similar to something that was done in the Lake Mattamuskeet area. The AC member also discussed the possibility of creating a system where landowners could get paid to set aside land for this purpose. Staff noted that there is currently someone on the team who works with similar topics and that it will be relayed to the committee for further review. Staff did mention that since these are often low-lying areas, the water being retained can seep into the water table and move laterally into coastal systems.

Another AC member brought up research being done in Hyde county to assess carbon storage in peat-rich soil and the possibility of farmers allowing some of their land to convert back into wetlands for carbon credits. The AC member asked if NC is looking at a carbon credit program to convert agriculture lands into marsh lands. Staff was not familiar with carbon credits being offered or plans to implement a carbon credit system. Staff did however note that part of the risk and resiliency plan is looking at assessing carbon storage in different habitats such as SAV and wetlands to be able to quantify net carbon reduction. This information can be used to assess the feasibility of a carbon credit program in the future.

AC members also discussed septic systems. One asked if there are surveys to monitor leakage and noted that most are not far from water. Another AC member commented that there are a lot of new houses being built in the Outer Banks and the whole area is on septic. They also noted that many sound-side waters are regularly closed for swimming during the summer. Staff noted that there was some work being done in the Currituck area looking at septic tank seepage. Staff also stated that there are issues with other wastewater systems in low-lying areas but they are better than septic systems. Other staff also stated the need to research alternative systems.

Another AC member said that he has had this issue on his mind for 30 years dealing with Lake Mattamuskeet and Pamlico peninsula. He said that the water column is just high to support septic systems and that we need to look ahead to see how we will deal with sea-level rise in the next 100 years; the northern part of the state is more susceptible to sea-level rise. How will we handle the infrastructure and what will we do for the people whose property goes underwater? The same AC member also noted that some researchers in NC have been examining impacts of nitrogen in

our sounds and have found that aerosols and ammonia from waste ponds and livestock production are contributing to this issue. The AC member noted that there is nothing in the CHPP that addresses this issue. A different AC member agreed about the aerosols/ammonia issues and stated that something addressing this should be added to the CHPP. The AC member also commented that Septic systems are failing at individual homes and they have a cumulative impact in addition to municipal plants. The CHPP should focus on individual septic systems in addition to municipal wastewater systems.

An AC member asked if there is any planned interaction with Virginia for the CHPP, considering that the upper reaches of the Albemarle Sound watershed are located in Virginia. Staff stated that APNEP staff have been in contact with VA to talk about nutrient load in Albemarle Sound.

VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR THE 2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

Motion made by Roger Rulifson that the Northern Regional Advisory Committee accept the recommendations of the 2021 CHPP with additions to the Wastewater Infrastructure Solutions for Water Quality Improvement Issue Paper relative to concerns about septic systems and infrastructure. Second by Jim Rice. Motion passed 7-0.

In regard to the motion above, an AC member commented that homeowners need to be educated on how to manage septic systems. Old towns have had tremendous failures and heavier rain events have magnified overflow problems and put wastewater straight into the sound. The issue will get worse with sea-level rise.

Motion made by Jim Rice that the NRAC also recommends inclusion of a recommended action in the Protection and Restoration of Submerged Aquatic Vegetation (SAV) through Water Quality Improvements Issue Paper to address and reduce nitrogen loading to the atmosphere from livestock waste lagoons, which is a significant source of nitrogen input to our coastal waters. Second by Roger Rulifson. Motion passed 7-0.

In regard to the motion above, one AC member noted that many of these farms are grandfathered in despite being large farms and that they should be forced to abide

Roger provided a citation Paerl, H. W., Dennis, R. L., & Whitall, D. R. (2002). Atmospheric deposition of nitrogen: implications for nutrient over-enrichment of coastal waters. *Estuaries*, 25(4), 677-693.

MARINE FISHERIES COMMISSION UPDATE

Staff provided the MFC update. The MFC voted at its August meeting to approve the CHPP 2021 Amendment for public comment and MFC AC review, which your committee reviewed tonight. The MFC reviewed an information paper on existing small mesh gill net rules. The paper looked at current rules related to small mesh gill nets and summarized available data on the small mesh gill net fishery. The paper, developed at the request of the Department and MFC, addressed potential modifications to the fishery intended to reduce regulatory complexity, reduce

bycatch and to the extent possible, reduce conflict between user groups. The MFC after review voted not to initiate rulemaking on small mesh gill nets at this time, but rather to refer the issue to the FMP process through the individual species plans as they occur.

Other items from the August MFC meeting included:

- Set the cap on SCFL eligibility pool at 500 for 2021-2022 fiscal year
- Doug Cross was re-elected as MFC Vice-Chairman
- Approved the five-year FMP schedule for review and approval by the DEQ Secretary

The next MFC meeting is November 17-19 in Emerald Isle. On the agenda is:

- Southern Flounder FMP Amendment 3 to vote to send the draft out for review by the public and MFC ACs.
- Shrimp FMP Amendment 2 to vote on preferred management options for DEQ Secretary and Legislative committee for their review.
- CHPP review of input from ACs and public, and vote on approval of the plan. Once all three commissions have approved the plan, it will be sent to the DEQ Secretary and Legislative Commission on Governmental Operations for their review and final adoption of the plan amendment.
- Interjurisdictional FMP is in the beginning stages of review. The MFC will vote to approve the goal and objectives of plan.

The Estuarine Striped Bass FMP Amendment 2 is still in the plan development stage. Workshops were recently completed with the striped bass AC. The timeline has the MFC approve to send to MFC AC review at their meeting in February 2022. The spotted seatrout stock assessment is underway with completion tentatively planned for spring 2022. The striped mullet stock assessment is also underway and will go through formal peer review next month in November.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Based on the MFC update the Southern Flounder FMP Amendment 3 is scheduled for Southern Regional AC review in January 2022. Lara Klibansky will be following up in email the 2022 schedule with all the advisory committees.

The meeting was adjourned at 7:51 pm.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

October 19, 2021

MEMORANDUM

TO: Marine Fisheries Commission
Finfish Advisory Committee

FROM: Lee Paramore, Northern District Manager
Fisheries Management Section

SUBJECT: Meeting of the Marine Fisheries Commission's Finfish Advisory Committee, October 14, 2021. Recommendations for the Coastal Habitat Protection Plan (CHPP).

The Marine Fisheries Commission's (MFC) Finfish Advisory Committee (AC) held a meeting on October 14, 2021 via webinar.

The following Advisory Committee members were in attendance: Sam Romano, Tom Brewer, Ken Siegler, William Tarplee, Scott Whitley, Sara Winslow, Randy Proctor, Tom Roller (Absent - Brent Fulcher, Jeff Buckel)

Staff: Tina Moore, Hope Wade, Deborah Manley, David Behringer, Lee Paramore, Alan Bianchi, Corrin Flora, Lara Klibansky, Daniel Ipock, Jimmy Johnson, Anne Deaton, Casey Knight, Chris Stewart, Nolan Vinay, McLean Seward, Kim Harding, Dan Zapf

MFC Member: Martin Posey

Public: Joe Huie, Clifton Bell, Anne Coan, Leda Cunningham, Kelly Garvy, April Hardy

Finfish AC Chair Tom Roller called the meeting to order at 6:03 p.m.

A call for attendance was performed and attendance recorded. The Finfish AC had eight members present and quorum was met.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Sam Romano. Second by Sara Winslow. Motion approved 8-0.

A motion was made to approve the minutes from the Finfish AC meeting held on July 22, 2021 by Ken Siegler. Second by Randy Proctor. Motion approved 8-0.

2022 ADVISORY COMMITTEE PLANNING MEETING UPDATE

Lara Klibansky, MFC liaison, provided an overview on how the division will move to topic specific listening sessions before all MFC AC meetings in 2022. She went through a timeline on the public and MFC AC review process. The purpose of the listening session is to more effectively engage the public with the leads for informational opportunities and to gain feedback from the public. Stakeholder input is essential to DMF and the MFC. The listening sessions will begin in 2022 and will be scheduled one week before the scheduled MFC AC meetings. The MFC AC members can attend but the sessions will also be recorded and will be available for viewing prior to the AC's scheduled meetings. The presentation portion of the AC meetings will be a brief overview of the meeting topics detailed during the listening session so the committees and leads can have longer, focused discussions.

2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

Anne Deaton and Jimmy Johnson presented the recommendations in the Coastal Habitat Protection Plan amendment through a pre-recorded video.

PUBLIC COMMENT

Clifton Bell, environmental scientist with Brown and Caldwell, commenting on behalf of the NC Water Quality Association, a statewide coalition of public water, sewer and stormwater utilities. Will also be providing written comments. Comments are specific to the white paper on SAV. Supports amendment intent to protect and restore SAV as a valuable ecological resource. Believes that SAV acreage goals should be non-regulatory goal. Commended staff for putting together the mosaic of studies and information available on SAVs. Noted that it is difficult to determine the interannual variation in SAV acreage over time and the maximum coverage that is achievable. Suggest that goal be rounded to the nearest thousands for acreage to avoid perception of higher precision on targets. Water clarity should be the primary parameter for SAV related water quality targets. Natural no grow zones should be recognized. Concur that light targets should be adopted for SAV beds expressed as percent instant light. Should not just consider appropriate depth application for SAV based on uniform salinities but should be waterbody region or segment specific, based on characteristics such as sediment type, and hydrodynamic conditions, and realizing that some areas are just unsuitable for SAV growth due to sediment re-suspension and deposition.

NC SAV strategy should not focus only on nutrients nor underemphasize the importance of other stressors. Gave example from document that emphasized nutrients without reference to other stressors (Figure 4.10). Noted that in many high salinity areas, it is turbidity and not nutrients that are the limiting factor for light attenuation. Recommended Figure 4.10 be replaced with a broader framework that makes it clear that other stressors are also factors. Listed examples of sediment, dissolved organic matter, filter feeders and physical disturbance. The individual components of light attenuation should be used for region specific diagnostic purposes rather than as regulatory water clarity criteria. Do not need a statewide or region wide criteria for chlorophyll a. Noted that in Chesapeake Bay, water clarity and not chlorophyll a was used as a standard. Chlorophyll a explicitly as a regulatory tool should not be used. Should not be presuming or adopting nutrient concentration criteria. NC Water Quality Association agrees that

nutrient load reductions may be necessary if research shows algal light attenuation is a main stressor on SAV. Nutrient concentrations tend to be poor predictors of biological responses. Incorrect diagnosis of nutrient load as reason for SAV reductions could lead to misdirection of resources. Noted that Chesapeake Bay efforts did not adopt nutrient or turbidity concentrations as criteria for SAV protection. Recommend that the authors delete references to nutrient concentration criteria while retaining discussion of nutrient load reductions in some settings.

Joe Huie, currently working as a contractor with the NC Coastal Federation as part of debris clean-up program, involved previously in commercial fishing industry around Sneads Ferry. Parents own fish house. Supports action of CHPP. Addresses water quality issues related to finfish. Been overlooked for long time because it is a complex issue that requires much effort to fix. Working on clean-up crews from Jacksonville to Fort Fisher over past couple of years and has seen a lot of destruction of grass through the building of piers, docks and seawalls. Picked up nearly 2 million pounds of debris out of the marshes and wetlands that contributes to water quality issues. Supports protecting SAV and emphasized importance to fish, crabs and other organisms. Supports reductions in stormwater runoff. Important to address these issues, but need community input to help in developing and implementing these plans. Many people are still unaware that programs like this exist so there is need for expanded outreach and education.

April Hardy, resident of Emerald Isle. Supports CHPP and thanked DEQ for effort in caring for resources. Enjoys living on coast and wants to protect habitat. Peoples desire to live here depends on protecting the habitat and water quality. Husband has an Under Dock Oyster Cage (UDOC) permit. He has seen dramatic increase in sediment and algae that collects on his oyster cages in recent years. NC water quality seems to be deteriorating and following in similar path to water quality issues seen in central and southern Florida along the Gulf. Noted stressors such as nutrients and storm water runoff and issues with algae blooms leading to loss of marine life. Growth on coast and up the watershed is concerning as this has cumulative impact on coast and is getting worse with climate change. We are seeing increased flooding. Supportive of CHPP effort to use nature as infrastructure. Supports moving away from concrete and bulkheads and moving towards building for climate resilience with natural solutions like wetlands and oysters. Need to protect wetlands. Relieved to learn that state is trying to protect water quality. Need collaborative effort with communities. Noted success of Oyster Steering Committee and said maybe that could be used as model for CHPP.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION ON THE 2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

The committee began discussion on the CHPP. It was noted that the CHPP document is well done and identifies many issues. Concern expressed that it has taken over two decades to get to this point. Water quality issues need to be addressed as well as wetlands protection and things like infrastructure for septic systems and wastewater treatment. Some concern was expressed that agricultural and forestry practices and those industries are not being held to the same standard.

It was mentioned the DWR has a mobile app for reporting algal blooms since 2016, that is a great tool but the public is not aware of it – need more outreach.

Concern was expressed over development and marsh loss. It was commented that permits are often provided but there is limited enforcement for violations and mitigation efforts are not closely monitored. Need staff to carry out monitoring and enforcement. Funding for this should be a priority. We can have good science and a good plan but if things are not enforced we are not making progress.

Comments on tables presented on SAVs in plan that go back 20-30 years. Some large changes 15 years ago but appears things have improved some more recently. Need to be a focus on more recent contributors to SAV loss.

A committee member who works in the forestry industry said that they spend a lot of time implementing Best Management Practices (BMPs) in Stream Management Zones (SMZs) as a way to minimize impacts. Noted that farms tend to no longer have buffers and often farm up to ditches and creeks. Wetlands are being overloaded and it is too much to expect the estuary to fix that. Also need to extend efforts inland to look at impacts.

There was discussion on the need for all three Commissions to stay involved with CHPP implementation as priority. Over the past decades, our state's regulatory commissions and agencies have taken effective steps to control physical habitat disturbance, but have not taken similar effect actions to protect and restore coastal water quality. Funding and staff are key but also need public buy-in and need the General Assembly to support initiatives with funding. More discussion on public participation and need to raise public awareness of CHPP and issues with habitat protection and water quality. They in turn can influence the General Assembly.

Staff provided some examples of outreach and education that has taken place and the involvement of PEW and the NCCF in getting the word out. Public and NGOs are key to getting word and further elevating this as priority with legislature. Pew and NCCF developed a new website to promote education and advocacy for healthy coastal habitats (<https://www.nccoastalcoalition.org/>)

Staff noted the written comments provided by Brent Fulcher in support of the CHPP. Mr. Fulcher was not able to be in attendance.

Staff went over the Northern and Southern AC recommendations for the CHPP.

Motion by Scott Whitley that the Finfish Advisory Committee supports the intent of the 2021 draft Amendment to the CHPP and the inclusion within the plan of the stakeholder recommendations to explore including the formation of a public/private partnership with stakeholders to seek state, federal and private funding to support the plans recommended actions and stakeholder recommendations.

Second by Sara Winslow

Motion carries 7-0 with one abstention.

The committee discussed the need for another motion to address requiring crop agriculture and animal operation to maintain buffers along coastal waters to improve water quality and wetlands. There was brief discussion by the committee on buffers and how they work. It was considered to add “undisturbed buffers” to the motion. However it was noted that many places used cover crops for buffers and buffers around agricultural fields in general are not undisturbed. Staff also noted that there was an appendix in the amendment that addresses improving water quality through use of BMPs and most are voluntary to help farmers offset costs.

Motion by Scott Whitley to include that they work with Division of Soil and Water Conservation to introduce vegetative buffer zones on farmland and livestock operations in the coastal region and near river water ways.

Second by Ken Seigler

Motion carries 8-0.

The committee also briefly discussed impact occurring on the water with boating activities and pollution for oil and exhaust. It was also noted that boating activity and props can damage SAV. Noted that plan does not specifically address this type of pollution and that there is need for folks to take personal responsibility when using the resource.

MARINE FISHERIES COMMISSION UPDATE

Lee Paramore provided the MFC update. The MFC voted at its August meeting to approve the CHPP 2021 Amendment for public comment and MFC AC review, which your committee reviewed tonight. The MFC reviewed an information paper on existing small mesh gill net rules. The paper looked at current rules related to small mesh gill nets and summarized available data on the small mesh gill net fishery. The paper, developed at the request of the Department and MFC, addressed potential modifications to the fishery intended to reduce regulatory complexity, reduce bycatch and to the extent possible, reduce conflict between user groups. The MFC after review voted not to initiate rulemaking on small mesh gill nets at this time, but rather to refer the issue to the FMP process through the individual species plans as they occur.

Other items from the August MFC meeting included:

- Set the cap on SCFL eligibility pool at 500 for 2021-2022 fiscal year
- Doug Cross was re-elected as MFC Vice-Chairman
- Approved the five-year FMP schedule for review and approval by the DEQ Secretary

The next MFC meeting is November 17-19 in Emerald Isle. On the agenda is:

- Southern Flounder FMP Amendment 3 to vote to send the draft out for review by the public and MFC ACs.
- Shrimp FMP Amendment 2 to vote on preferred management options for DEQ Secretary and Legislative committee for their review.
- CHPP review of input from ACs and public, and vote on approval of the plan. Once all three commissions have approved the plan, it will be sent to the DEQ Secretary and Legislative Commission on Governmental Operations for their review and final adoption of the plan amendment.

- Interjurisdictional FMP is in the beginning stages of review. The MFC will vote to approve the goal and objectives of plan. The Finfish AC will serve as the FMP committee for this plan.

The Estuarine Striped Bass FMP Amendment 2 is still in the plan development stage. Workshops were recently completed with the striped bass AC. The timeline has the MFC approve to send to MFC AC review at their meeting in February 2022. The spotted seatrout stock assessment is underway with completion tentatively planned for spring 2022. The striped mullet stock assessment is also underway and will go through formal peer review next month in November.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Based on the MFC update the IJA FMP could come back to the Finfish AC in December and the Southern Flounder FMP Amendment 3 is scheduled for Finfish AC review in January 2022 contingent on MFC approval to send out to public. Lara Klibansky will be following up in email the 2022 schedule with all the advisory committees.

The meeting was adjourned at 7:50 p.m.

DRAFT



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

October 20, 2021

MEMORANDUM

TO: Marine Fisheries Commission
Shellfish/Crustacean Advisory Committee

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

SUBJECT: Meeting of the Marine Fisheries Commission's Shellfish Crustacean Advisory Committee, October 19, 2021. Recommendations for the Coastal Habitat Protection Plan (CHPP).

The Marine Fisheries Commission's Shellfish/Crustacean advisory committee (AC) held a meeting on October 19, 2021 via webinar.

The following AC members were in attendance: Sam Romano, James (Pete) Kornegay, Martin Posey, Jim Hardin, Mike Marshall, Adam Tyler, Ted Wilgis, Tim Willis (Absent: Bruce Morris, Brian Shepard)

Staff: Corrin Flora, Anne Deaton, Dana Gillikin, Hope Wade, Carter Witten, Debbie Manley, Anne Markwith, Tina Moore, Lee Paramore, Casey Knight, Lara Klibansky, Alan Bianchi, Trish Murphey, Jimmy Johnson, Stephen Poland, Alan Bianchi, Chris Stewart, Dan Zapf

Public: Rachel Faison, Anne Coan, Elizabeth Coutis, Lewis Piner, Kelly Garvy, Leda Cunningham

Shellfish/Crustacean Chair Martin Posey called the meeting to order at 6:04 p.m.

Chair Posey provided some general guidance for order of meeting and noted the conflict of interest statement for Commissioners serving on the AC.

A call for attendance was performed. The Shellfish/Crustacean AC had 8 members present and quorum was met.

APPROVAL OF AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Jim Hardon. Second by Sam Romano. The motion passed without objection.

A motion was made to approve the minutes from the Joint Finfish and Shellfish/Crustacean AC meeting held on June 16, 2021 by Tim Willis. Second by Sam Romano. The motion passed with no dissent.

2022 ADVISORY COMMITTEE PLANNING MEETING UPDATE

Lara Klibansky, MFC liaison, provided an overview on how the division will move to topic specific listening sessions before all MFC AC meetings in 2022. She went through a timeline on the public and MFC AC review process. The purpose of the listening session is to more effectively engage the public with the leads for informational opportunities and to gain feedback from the public. Stakeholder input is essential to DMF and the MFC. The listening sessions will begin in 2022 and will be scheduled one week before the scheduled MFC AC meetings. The MFC AC members can attend but the sessions will also be recorded and will be available for viewing prior to the AC's scheduled meetings. The presentation portion of the AC meetings will be a brief overview of the meeting topics detailed during the listening session so the committees and leads can have longer, focused discussions.

MARINE FISHERIES COMMISSION UPDATE

Due to delays with the audio to work for the video, the MFC Update was completed as staff tried to work through the technical issues earlier than scheduled on the agenda.

Tina Moore provided the MFC update. The MFC voted at its August meeting to approve the CHPP 2021 Amendment for public comment and MFC AC review, which your committee reviewed tonight. The MFC reviewed an information paper on existing small mesh gill net rules. The paper looked at current rules related to small mesh gill nets and summarized available data on the small mesh gill net fishery. The paper, developed at the request of the Department and MFC, addressed potential modifications to the fishery intended to reduce regulatory complexity, reduce bycatch and to the extent possible, reduce conflict between user groups. The MFC after review voted not to initiate rulemaking on small mesh gill nets at this time, but rather to refer the issue to the FMP process through the individual species plans as they occur.

Other items from the August MFC meeting included:

- Set the cap on SCFL eligibility pool at 500 for 2021-2022 fiscal year
- Doug Cross was re-elected as MFC Vice-Chairman
- Approved the five-year FMP schedule for review and approval by the DEQ Secretary

The next MFC meeting is November 17-19 in Emerald Isle. On the agenda is:

- Southern Flounder FMP Amendment 3 to vote to send the draft out for review by the public and MFC ACs.

- Shrimp FMP Amendment 2 to vote on preferred management options for DEQ Secretary and Legislative committee for their review.
- CHPP review of input from ACs and public and vote on approval of the plan. Once all three commissions have approved the plan, it will be sent to the DEQ Secretary and Legislative Commission on Governmental Operations for their review and final adoption of the plan amendment.
- Interjurisdictional FMP is in the beginning stages of review. The MFC will vote to approve the goal and objectives of plan

The Estuarine Striped Bass FMP Amendment 2 is still in the plan development stage. Workshops were recently completed with the striped bass AC. The timeline has the MFC approve to send to MFC AC review at their meeting in February 2022. The spotted seatrout stock assessment is underway with completion tentatively planned for spring 2022. The striped mullet stock assessment is also underway and will go through formal peer review next month in November.

No comments or questions were raised by the committee members.

2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

The committee was provided a presentation by Anne Deaton and Jimmy Johnson of recommendations on the Coastal Habitat Protection Plan amendment.

A question was raised on how it would work for a public/private partnership to help find funding sources. Jimmy Johnson responded that has not been completely worked through yet. The intention is to have more people at the table for discussions and it provides the opportunity to seek out grants and appropriations that state agencies cannot. Anne Deaton also noted It will also help rally support and add more outreach for CHPP action.

PUBLIC COMMENT

Rachel Faison, owner of Ghost Fleet oyster farm in Topsail and Stump sounds. Our family farm provides oysters for restaurants, seafood markets, and ecotours. We farm sustainably and our mission is to provide sustainably harvested products to the consumer while improving water quality. Water quality is of utmost importance to our farms. If we are closed due to pollution, we cannot sell our product. Our farm fully supports the CHPP. Healthy ecosystems benefit our farms, we need good water quality and ecosystems to grow strong oysters.

Lewis Piner, long time member of NCCF and board member of NCCF, from Morehead City. Water quality is a big issue. I want to give anecdotal information from a few weeks ago. The NC Coastal Federation had a tent at the seafood festival called wine and brine. To allow people to taste and see oysters from 8 local growers and publicize the NC oyster trail. Over 300 people were in attendance. Local money and jobs are happening because of clean water. People thought they had to go to other states for clean oysters. We need to support clean water. I fully endorse the CHPP. It is all about clean water and supporting the local people and the local water.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION ON THE 2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

Chairman Posey requested an update on the recommendations provided from the Southern and Northern regional ACs and the Finfish AC last week. All committees endorsed the CHPP with some additions for focus. The Southern and Finfish AC had a similar recommendation to include the formation of a public/private partnership with stakeholders to seek funding sources to support the recommendations in the CHPP. The Finfish AC also recommended to work with the Division of Soil and Water Conservation to introduce vegetative buffer zones on farmland and livestock operations in the coastal region and near river water ways. The Northern AC recommended the addition of their concerns about septic systems and infrastructure and to address the reduction of nitrogen loading to the atmosphere from livestock waste lagoons, identified as a significant source of nitrogen input to the waters.

Motion by Adam Tyler that the Shellfish/Crustacean Advisory Committee supports the intent of the 2021 draft Amendment to the CHPP and the inclusion within the plan of the stakeholder recommendations to explore including the formation of a public/private partnership with stakeholders to seek state, federal and private funding to support the plans recommended actions and stakeholder recommendations. Second by Ted Wilgis.

No further discussion. **The motion passed, 8-0.**

Committee members thanked all staff preparing the draft and receiving stakeholder input. A question was raised on how this information is communicated to the legislature. Jimmy Johnson explained after the votes in November from the three commissions the plan goes to the DEQ secretary and then it is sent to the legislative committee for their review. It is anticipated the DEQ liaison would be active in discussing with the legislative members. The state will need to rely on other entities to promote the CHPP to their state representatives.

A member asked what entities may push back on the CHPP? There are some groups that will have some heartburn if stronger protection measures come into plan. For example, wastewater treatment plants and especially smaller plants without a lot of funding sources may have difficulty in keeping up with higher standards. By in large the CHPP is well received, and this is just one example. Improving our habitats and water quality is more of a voluntary approach through little steps.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Lara Klibanksy will be providing an update in email on the 2022 schedule to all MFC advisory committees.

The meeting was adjourned at 7:17 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

October 21, 2021

MEMORANDUM

TO: Marine Fisheries Commission
Habitat and Water Quality Advisory Committee

FROM: Anne Deaton, Habitat Program Supervisor
Casey Knight, Habitat Biologist
Habitat and Enhancement Section

SUBJECT: Marine Fisheries Commission's Habitat and Water Quality Advisory Committee Meeting, October 20, 2021. Recommendations for the Coastal Habitat Protection Plan (CHPP)

The Habitat and Water Quality Advisory Committee (AC) Meeting met virtually at 6:00 pm Wednesday October 20, 2021. The following attended:

Advisors: Martin Posey, Pete Kornegay, Bob Christian, Joel Fodrie, Nathan Hall, Chris Moore, Scott Leahy, Jerry Spoo, Mike Street, Brian Boutin

Staff: Anne Deaton, Casey Knight, Jimmy Johnson, Steve Poland, Tina Moore, Jason Parker, Corrin Flora, Lara Klibansky, Trish Murphey, Alan Bianchi, Dana Gillikin, Hope Wade, Debbie Manley, Lee Paramore,

Public: Avery Davis Lamb, Jonathan Hinkle, Tom Looney, Colleen Karl, Anne Coan, Rebecca Dorhan, E. Kountis, Tom Looney, Kelly Garvy, Leda Cunningham

Habitat and Water Quality AC Chair Pete Kornegay called the meeting to order at 6:03 pm. A roll call for attendance was performed and all Habitat and Water Quality AC members were present.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Martin Posey. Second by Mike Street. The motion passed without objection.

A motion was made to approve the minutes from the Habitat and Water Quality AC meeting held on June 17, 2021 by Nathan Hall. Second by Martin Posey. The motion passed without objection.

2022 ADVISORY COMMITTEE PLANNING MEETING UPDATE

Lara Klibansky, Marine Fisheries Commission (MFC) liaison, provided an overview on how the division will move to holding topic-specific listening sessions before all MFC AC meetings in 2022. She went through a timeline on the public and MFC AC review process. The purpose of the listening session is to more effectively engage the public with the leads for informational opportunities and to gain feedback from the public. Stakeholder input is essential to DMF and the MFC. The listening sessions will begin in 2022 and will be scheduled one week before the scheduled MFC AC meetings. The MFC AC members can attend but the sessions will also be recorded and will be available for viewing prior to the AC's scheduled meetings. The presentation portion of the AC meetings will be a brief overview of the meeting topics detailed during the listening session so the committees and leads can have longer, focused discussions.

2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

Anne Deaton and Jimmy Johnson presented the recommendations in the Coastal Habitat Protection Plan amendment through a pre-recorded video. Chair Kornegay asked for any questions from the committee members.

Scott Leahy asked about the responsibility of the property owner to maintain the shoreline, noting that if someone wants to build a dock, they should have to do a positive environmental project as well to offset impacts, such as a living shoreline or growing oysters under the dock. Deaton answered that NC Coastal Resources Commission (CRC) does not allow mitigation unless it is a project that provides substantial public benefit, such as a bridge. She noted that one CHPP recommendation is to investigate living shorelines be allowed as a mitigation credit.

Leahy met with a NC Coastal Federation (NCCF) employee and was told that constructing a living shoreline at his site would be expensive and he couldn't grow oysters under his dock without a Under Dock Oyster Culture (UDOC) permit. Deaton said he could do either, but needs a permit. He suggested the process be streamlined and made easier for property owners that wants to do something good for the environment. Joel Fodrie added that DMF's Shellfish Sanitation Section has concerns with oyster culture in some locations due to human health safety when consumed.

Fodrie noted that while the issue paper SAV Protection and Restoration through Water Quality Improvements identifies water quality as a paramount concern, the maps in the paper do not show a lot of the dynamics in the high salinity where continuous beds have become patchy. Same overall acreage, but it is now patchy. That is an important issue which is not addressed and the driver might not be WQ for these shallow high salinity areas. Anne says there's a lot to figure out between the dense and patchy beds. Patchy grass beds are still valuable to fisheries. Need better mapping and research to figure out what is going on. Fodrie mentioned the APNEP report that shows a shift in some areas from continuous to patchy, primarily north of Hatteras behind the banks. He asked if triggers or thresholds could be used where the state "shall take action" if SAV declines by a certain amount, like what is done in some FMPs with overfished status. He asked if there was a pathway toward

this. Deaton noted we need more science to do that. Nathan Hall agreed, saying that we don't know what that action should be because we do not know what human activities or stressors are causing the grass loss. Deaton noted the recommendations would work towards that. Once you have water quality standards for SAV, management actions could be taken, similar to TMDLs in impaired waters.

Casey Knight mentioned that the SAV issue paper does include the information he referenced from the APNEP report and the issue needs to be examined more to determine cause. We can move toward triggers then, which is why we drafted the recommended actions to be specific and time bound. Martin Posey added that compounding factors make triggers and consequences difficult and to the extent there is uncertainty it needs to be worked through gradually.

Bob Christian commended staff on a good report/plan. It is well written and authoritative. He pointed out that flow and water quality are very interconnected. The plan mentions large storms increasing loading but could add more emphasis on low-flow conditions. Coastal plain streams have experienced a decadal decrease in base flow. Decreased flow causes positive and negative water quality impacts. The positive is that loads go down. The negative is static water and intrusion of saltwater. Also, if wastewater effluent is in the stream, it can have greater impacts. He also noted that the elephant not in the room is agriculture. The plan does not do enough with agriculture. Best Management Practices (BMPs) are mentioned, but the NC Department of Agriculture (NCDA&CS) is not. Since agricultural runoff impacts water quality (nutrients, pesticides), they need to be brought into the process in a bigger way. Need to make that happen at the higher managerial level. This would have an opportunity to give the plan more teeth.

PUBLIC COMMENT

Avery Lamb, with Creation Justice Ministries, read Rev. Gerald Godette's comments because he had a last-minute conflict. Rev. Godette is the minister at St. Paul African Methodist Episcopal Zion Church, in Aurora and he is also a Marine Biologist. The church sits directly on Pamlico River, was flooded before, and will flood again. With support they can improve their physical and social resilience and bounce back quick. He spoke on the importance of public-private partnerships, with the example that the power of a church isn't in the pastor, but in the collective members of the congregation. The NC Oyster Blueprint is a good example of partnerships improving efforts. He emphasized the importance of the CHPP's recommended actions that protect and restore natural habitats and increase climate resilience. We need to invest in protecting and restoring these ecosystems provided to us.

Jonathan Hinkle/GPI— was a member of the NCCF-Pew Water Quality Stakeholder Workgroup. The group had wide stakeholder representation, including agriculture, and many technical presentations and shared cross cutting ideas. He said there is a need for public private partnership and implementation of the CHPP and water quality actions are important. As a stormwater engineer he sees degraded water quality every day. There are multiple opportunities with HB 500 for the CHPP and others in the water quality community working within departments of the state. Dept of Public Safety would be a potential working partner on coastal projects and functional lift in water quality for SAV and water quality improvement.

Tom Looney/ self – has 40 yrs in technology industry and is member of NCCF board. He grew up north of NC, where the habitat was destroyed, and he doesn't want that to happen here. He was involved with developing the NC Strategic Plan for Shellfish Mariculture, He learned a lot through that about the impact of storms and stormwater and knew more needed to be done. When the plan was presented to the legislature, clean water was the first question legislators asked about because it is needed for oysters. CHPP needs that type of public-private partnership to reach success. The Oyster Steering Committee is willing to collaborate on the initiative.

Colleen Karl/ Chowan Edenton Environmental Group – long time Chowan County resident in Edenton, background in oceanography and Chair of the Chowan-Edenton Environmental Group. Their organization is a group of scientists that document and collect algal bloom samples, which have been a problem since 2015. They have noticed the reoccurrence of severe cyanobacteria blooms and are actively looking for cross-cutting ideas to reduce nutrients and lessen the impact of the blooms. This year, Bennett's Millpond had excessive blooms present from July through October. As local citizens, they want to help the research community determine the causes of such events and increase awareness. The Chowan Edenton Environmental Group supports the CHPP and offers to help advance initiatives in the plan. (Note- audio cut out, but Ms. Karl submitted written comments and that was used for these minutes).

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION ON THE 2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

Motion by Jerry Spoo that the Habitat and Water Quality Advisory Committee supports the intent of the 2021 draft Amendment to the CHPP and the inclusion within the plan of the stakeholder recommendations to explore including the formation of a public/private partnership with stakeholders to seek state, federal and private funding to support the plans recommended actions and stakeholder recommendations. Second by Bob Christian

Mike Street mentioned that when DEQ first started working on the CHPP, they had representatives from NCDA&CS. They are needed at the table for buffers, Tar-Pam rules. He also likes the idea of the public-private partnership. Johnson replied that NCDA&CS continues to be involved with CHPP team. Division of Soil and Water Conservation, and Forest Service have contributed to the Amendment, but we may need someone else more closely aligned with the commission. Johnson said we may need to request other team members from them and he will look into it. The committee discussed if a separate motion was needed to emphasis involvement from NCDA&CS. It was decided that it would be better coming from the CSC.

The motion passed without dissent.

Johnson recognized Casey Knight and Trish Murphey for their time and effort in assisting with compiling the information in the draft 2021 CHPP Amendment.

MARINE FISHERIES COMMISSION UPDATE

Deaton provided the MFC update. The MFC voted at its August meeting to approve the CHPP 2021 Amendment for public comment and MFC AC review, which your committee reviewed

tonight. The MFC reviewed an information paper on existing small mesh gill net rules. The paper looked at current rules related to small mesh gill nets and summarized available data on the small mesh gill net fishery. The paper, developed at the request of the Department and MFC, addressed potential modifications to the fishery intended to reduce regulatory complexity, reduce bycatch and to the extent possible, reduce conflict between user groups. The MFC after review voted not to initiate rulemaking on small mesh gill nets at this time, but rather to refer the issue to the FMP process through the individual species plans as they occur.

Other items from the August MFC meeting included:

- Set the cap on SCFL eligibility pool at 500 for 2021-2022 fiscal year
- Doug Cross was re-elected as MFC Vice-Chairman
- Approved the five-year FMP schedule for review and approval by the DEQ Secretary

The next MFC meeting is November 17-19 in Emerald Isle. On the agenda is:

- Southern Flounder FMP Amendment 3 to vote to send the draft out for review by the public and MFC ACs.
- Shrimp FMP Amendment 2 to vote on preferred management options for DEQ Secretary and Legislative committee for their review.
- CHPP review of input from ACs and public, and vote on approval of the plan. Once all three commissions have approved the plan, it will be sent to the DEQ Secretary and Legislative Commission on Governmental Operations for their review and final adoption of the plan amendment.
- Interjurisdictional FMP is in the beginning stages of review. The MFC will vote to approve the goal and objectives of plan.

The Estuarine Striped Bass FMP Amendment 2 is still in the plan development stage. Workshops were recently completed with the striped bass AC. The timeline has the MFC approve to send to MFC AC review at their meeting in February 2022. The spotted seatrout stock assessment is underway with completion tentatively planned for spring 2022. The striped mullet stock assessment is also underway and will go through formal peer review next month in November.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Based on the MFC update, the Habitat and Water Quality AC may be asked to review the Southern Flounder FMP Amendment 3, which is scheduled for review in January 2022. There were no other suggested agenda items.

The meeting was adjourned at 7:39p.m.