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May 5, 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, April 13, 2023

The Marine Fisheries Commission's (MFC) Finfish Advisory Committee (AC) held a meeting in person on Apr. 13, 2023, at the Division of Marine Fisheries, Central District Office, Morehead City. There was also an option for AC members and the public to join the meeting via WebEx and the meeting was live streamed on YouTube. Advisory Committee members could attend in person or on WebEx and could 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 in person.

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

Division of Marine Fisheries (DMF) Staff: Lara Klibansky, Lee Paramore, Corrin Flora, Justin Lott, Lucas Pensinger, and Debbie Manley.

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 13 members present and a quorum was met.

Finfish AC Co-Chair Sarah Gardner called the meeting to order at 6:05 p.m.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Lewis Dunn. Second by Jeff Buckel. The motion passed unanimously.

A motion was made to approve the minutes from the Finfish AC meeting held on January 12, 2023. Motion by Bill Tarplee to approve the minutes. Second by Lewis Dunn. The motion passed unanimously.

MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky provided an update on the February MFC meeting. The February MFC business meeting was held in New Bern. A recording of the meeting can be found on the NC Department of Environmental Quality YouTube channel and additional information can be found on the Division's website. The commission reviewed a false albacore information paper specific to North Carolina. This paper was prepared at the commission's request and is an update to the 2017 false albacore information paper. A motion was made to develop state-level rulemaking language with management options starting with status quo and allowing for growth for the fishery at various percentage points. Staff are evaluating data, defining terms (i.e., status quo), and will present the analysis at the MFC's May meeting. A final issue paper with management options will be presented at the August or November 2023 business meetings.

Staff gave the commission an overview of the spotted seatrout fishery. The commission provided input on the development of the FMP and Commissioner Cross gave specific management options for consideration. The scoping period for spotted seatrout recently closed and staff will provide the AC an overview later tonight. Public input is a very important part of the FMP process.

The development of the striped mullet supplement and amendment were also discussed at the February MFC meeting. In November, the commission unanimously approved Supplement A to Amendment 1 to go out for public comment for striped mullet which includes a November 7 – December 31 closure to achieve a 22.1% reduction. At the February meeting, the commission was to make its final approval of the supplement; however, after much discussion, no decision was made but the MFC directed the Division to develop regional considerations in the supplement. Staff are currently working on adding regional options to the supplement that will be presented at the May business meeting. Supplement A will only be a temporary measure to address overfishing and will potentially only impact the 2023 season while comprehensive management is developed through Amendment 2, which should be complete prior to the 2024 season.

The Coastal Habitat Protection Plan (CHPP) Amendment was adopted in 2021 and initiated the development of the Stakeholder Engagement for Collaborative Coastal Habitat Initiative (SECCHI). This initiative is meant to develop a public-private partnership to encourage stakeholder engagement. Recently, the SECCHI drafted a coastal habitat resolution requesting the state legislature provide additional cost share funding specific to water quality issues such as nutrient loading and run-off. The resolution was brought before the Marine Fisheries, Environmental Management, Coastal Resources, and Soil and Water Conservation commissions. The MFC as well as the other commissions voted to support this resolution for more funding and encourage people to participate in these types of programs to improve water quality.

A member of the AC enquired if a supplement was the appropriate action at this time given that striped mullet landings in 2022 had increased dramatically and was the fifth largest in history. It seems the stock does not require immediate action. Staff noted that landings are high in 2022 but also cautioned that landings don't always correlate to fishing mortality and while 2022 did see an increase, the assessment still shows a history of overfishing and is in an overfished state and that led to the determination to pursue a supplement to immediately address overfishing. The Division will be going back to the MFC with the supplement in May for their consideration. An AC member noted the unusual number of large fish, particularly males in the harvest in the last year and noted that this was further evidence that a supplement may not be warranted. Staff noted age data are still being looked at for 2022 but recent data does indicate some truncation of the age structure and most of harvest comes from a couple of age classes. An additional comment was made as to why the assessment for striped mullet did not include a continuity run and why there were such differences between the prior assessment and the current assessment. It was noted that the striped mullet leads and assessment staff had addressed this issue and had put together some information related to this topic and that they could be consulted to provide more details. Staff did

note that the assessment does go before an independent peer review panel and they do review the appropriateness of the data and model. The panel did conclude that the current assessment was a stable model that provided sound management advice on the condition of the striped mullet stock. There was additional discussion on data used in the models. It was noted the maturity index was updated in the current model based on newer data. The gill net survey and electrofishing survey were also discussed. The AC asked about the timeline of Amendment 2 and the next assessment. Staff noted that Amendment 2 could potentially be implemented before the fall fishery in 2024 and any new assessment would ideally have a few years of management to assess impacts to spawning stock.

JULY JOINT MFC ADVISORY COMMITTEES MEETING PLANNING

Klibansky noted the meeting will be held on Monday July 10th at the Pine Knoll Shores Aquarium and will likely be held from 10 a.m. to 3 p.m. There will be a virtual option and travel will be covered. The goal is to have presentations on some of the topics discussed earlier (stock assessment, FMP development, bycatch, etc.). There may be one or two outside presentations (water quality, climate change). We want discussion amongst the ACs and staff. The event will be recorded if you can't be there in person or virtual and it will be on the web to be viewed by the public only.

The AC discussed the July AC meeting, and several spoke to the opportunity this would be to help educate on various aspects of management and interact with various groups/ACs and discuss various challenges related to both the commercial and recreational fisheries in a structured way. The AC also talked about including more discussions about habitat and how it is impacting the life history of the various species that have FMPs. Staff noted that this is something that the Habitat and Water Quality AC has asked for specifically in their meetings.

SPOTTED SEATROUT SCOPING SUMMARY AND DISCUSSION

Lucas Pensinger gave an introduction as the spotted seatrout co-lead. He reviewed the scoping process and noted that over 700 individuals participated, either through attending a scoping meeting, submitting written comments or participating in the online questionnaire. For most of the topics brought up, comments varied from support for to support against, and often, everything in between. Lucas reminded the AC this would be a great time to hear their input for potential management strategies.

Lucas proceeded to provide an update on the following comments as they relate to each potential management strategy:

Sustainable harvest options suggested included:

- No quota
- Seasonal closures
- Bag limit reduction
- Trip limit reduction
- Increase minimum size

Recreational management options suggested included:

- Seatrout specific
 - Gamefish
 - Outreach re: catch and release best practices
 - No RCGL harvest
 - Boat limits
 - Eliminate captain/crew limit
 - Limit entry

- General
 - Reduce tournament impact
 - Gear requirements

Commercial Management options suggested included:

- Seatrout specific
 - Hook and line fishery
 - Limited entry
- General options suggested included:
 - Reduce gill net effort
 - Reduce all commercial effort
 - Close personal consumption loophole
 - Commercial subsidies to phase out gill nets
 - Area limits
 - Increase gill net mesh size
 - Required gill net attendance

Protect Spawning Stock Biomass options suggested included:

- Slot limit
- Bag limit
- Increase minimum size
- Cold stun closures

Area Management options suggested included:

- Close areas to gill nets
- Close areas to all spotted seatrout fishing
- Regional/localized management

Commissioner Cross's Proposal

- Overwhelmingly comments were against and felt it was unnecessary
- No quota
- Do not end catch-and-release fishing

General Ideas

- Ecosystem/multi-species management
- Stock fish
- Increase enforcement efforts
- Look at management in other states
- Recreational reporting app

Once the summary was complete, the Chair opened the floor to questions. An AC member asked what other states regionally manage spotted seatrout, specifically with FMP development. Staff noted that most states do not develop FMP's like NC. An ASMFC plan does exist and it was noted that it only has the requirement of setting a minimum size limit of no less than 12 inches. Staff also noted that in N.C. our legislation through the Fisheries Reform Act (FRA) mandates management for sustainable harvest through an FMP. The FRA is the basis for our stock assessments and FMPs. Another AC member asked what other states have stock assessments. Staff provided a quick overview of assessments and stock status of the spotted seatrout fisheries in other south Atlantic and Gulf states. Discussion ensued on the various management strategies of the other states including strategies like slot limits and seasonal closures.

An AC member asked about the impact of release mortality on a species like spotted seatrout and why can't we just have a bag limit and no size limit. Given that many of the fish will die from release is it reasonable to have a minimum size limit? Staff noted that the studies in N.C. indicate that around 10% of fish released are assumed to die so we conclude that 90% will survive. Given this, a minimum size limit does allow a large portion of the population to spawn at least once prior to harvest or being subjected to release mortality. Staff also noted that most anglers will defer from catching small spotted seatrout if they are below the legal-size limit. There was additional discussion on hook and line release mortality studies and the factors that contribute to higher release mortality. It was noted that hook and release mortality is a significant source of removals relative to commercial discards. Some additional discussion occurred on the idea of removing size limits and only allowing what is captured to be harvested until a bag limit is attained. This was noted as an idea for exploration for the plan. It was noted that there is some question on enforceability of such a measure although it does provide some biological merit in theory. Some AC members noted that catch and release is a significant portion of this fishery and this would be highly impactful. How release mortality impacts a slot limit as a management option was discussed. In some cases, you could be creating more discards because an angler now has to catch more fish to capture a limit of fish in the slot. Staff noted that this a good example of how regulations sometimes impact behavior and that is very difficult to account for when trying to meet expected reductions. The AC further acknowledged that this discussion emphasizes the importance of promoting fishing practices that minimize release mortality through education of the angling public. The idea is for continued access to the resource but in doing so we have to figure out how to minimize the impact to the greatest extent possible. This philosophy of catch and release and ethical angling has been well established in freshwater but needs further development with the public in saltwater.

An AC member asked about the timing of the assessment and the impact of COVID. Staff noted that the terminal year of the assessment pre-dated COVID. The AC member noted that we saw a spike in effort during COVID that is not typical of the fishery and those few years should not be considered the norm. An AC member noted that this stock is not heavily managed by ASMFC and he suspects it is due to the stock's vulnerability to cold stuns and that management is really just a moving target since the cold kills are the driving factor on abundance. Staff clarified that ASMFC has had some limited discussion on not retaining a plan for spotted seatrout, this was not related to cold kills but to the lack of the stock being highly migratory. Some states preferred to keep management at the ASMFC level because this was the basis for their management on spotted seatrout.

An AC member commented on how we manage fisheries and stated that in most fisheries we are primarily managing with our regulations for a scenario that creates discards and then we have to manage for the waste that the regulations create. The Division needs to work harder to manage the waste and learn how not to create it. The AC member commented that he did not buy into the hook and line study results because the studies conducted need to mimic the practices in the fishery and not a best-case scenario. Staff agreed that mimicking how fishing occurs is the best sample design to a hook and line release mortality study. The member noted that we need to limit access to resource on the recreational side because effort is not sustainable and the discard mortality in the future will limit the fishery. Most education on how to catch and release goes on deaf ears. Just let them keep their limit and go to the dock and that would be enforceable. Another AC member disagreed with the idea of a catch and quit management strategy and said this type of strategy in an inshore fishery that has a large catch and release component requires a different approach. There was additional discussion on gear size and selectivity in the commercial fishery primarily centered around ways to manage fisheries different by allowing retention outside of typical size limits to reduce discard mortality. Red drum and flounder were given as examples of FMPs where size limits were creating discards, and this is a major contributor to fishing mortality and the spotted seatrout may be an FMP where other ideas can be explored to avoid this issue.

An AC member asked what data exist relative to spotted seatrout that would indicate that there is an issue with the stock. Staff noted that biomass in the stock is not the issue. The stock is above the target. What we have seen in the fishery is an increase in fishing effort and that fishing mortality in the terminal year was above the threshold. The higher effort in the fishery has also corresponded to a period of higher abundance and it shows the capacity to exploit the stock exists with increased effort during times of abundance and good angler success. A member asked why we need a stock assessment when winter kills can be such a factor and why can't we just use fishery independent indices to set management from. Staff noted that the most current stock assessment addressed the research need from the prior assessment which was to account for natural mortality from winter kills. This new approach incorporates information on the natural mortality of cold stuns and the model was able to pick up on those signals. This was an improvement over our prior stock assessment. There was additional discussion on cold kills and how it impacts the stock across all sizes of fish in the population. Staff noted that as opposed to indices of abundance a stock assessment provides a much broader picture based on more data inputs. It allows us to quantify fishing mortality and biomass as opposed to just trends. An AC member noted that based on his look at the data from the prior assessment, it did not appear that closures of the fishery after a cold kill have had any impact on stock recovery. Staff responded that they felt it would be best to look at results from the current stock assessment where variable natural mortality from cold kill is part of the assessment. The member noted it may also have been more of the recruitment after a spawn following a cold kill was not different before or after the cold kill regulation. Staff noted they appreciated the input and could look further into this observation.

Another AC member suggested that there are techniques such as Management Strategy Evaluations to look at an iterative process to determine what management strategies may perform best. In the modeling one of the techniques is to go out and scope the public on what they would want to see in the fishery and then evaluate how that strategy may perform. Through scoping did we see much support for some of the ACs suggestion for a catch and quit strategy or was catch and release more widely requested? Staff noted that catch and quit was not a popular idea during scoping. There was interest in a trophy fishery and particularly in allowing a slot limit with a trophy fish. Most spoke directly in opposition to catch and quit in reference to the Cross proposal. The AC member then further noted that if catch and release is a preferred management strategy of the public and that if the fishery continues to expand, it is possible other measures such as limiting effort could be required in some scenarios and these are all things to be evaluated.

An AC member asked about reproductive capacity of spotted seatrout related to size and if there is a size limit or slot limit that could be set to maximize reproductive potential. Staff noted that this is possible but not sure we have the data to determine the exact size where this could be maximized. Staff noted that specific fecundity data is not readily available in N.C. but that in general fecundity increases at a high rate as size increases. An AC member noted that it is not just the size of the fish but the abundance of the fish across sizes that is important in determining egg production. Further discussion provided some examples of management for other species where fecundity data does allow for measures of spawner potential and egg production to be used as a measure of stock status.

Another AC member commented that the effectiveness of any rule and regulation is directly tied to the ability to enforce those measures. He noted that he has had a lot of feedback and it was also brought up during scoping meetings that enforcement seems to be lacking in coastal N.C. How can we as a committee step up any weaknesses in enforcement to make the Commission aware of this issue? Staff noted that the Division has limited officers and the best course of action is to make your legislators aware of the need for increased enforcement to protect our coastal fishery resources. It is the prerogative of the AC if they desire to make a statement to the MFC. Staff noted that comments from the AC would be captured in the minutes and provided to the MFC at their May meeting and that three MFC members were

present and serve as members of the Finfish AC. There was some discussion on reciprocity with WRC officers on water and if that existed. Staff noted that there is overlap in joint waters but generally fishery regulations don't overlap as each agency has their own regulations and jurisdictions. Staff noted that Marine Patrol does work closely with WRC officers in various situations. Additional discussion centered around the need for stability with not just Marine Patrol but also with other positions across the Division and the high rate of turnover that occurs and losing talented staff.

An AC member noted that while we often disagree on issues and come from different sectors it should be noted that we have great fisheries and the level and quality of data provided by the Division should be commended. Based on experience at the federal level on various committees, many other states look to N.C. for the data they provide and that is something we should be proud of.

PUBLIC COMMENT

There was no public comment.

The meeting adjourned at 8:22 p.m.