

**Finfish Standing Advisory Committee
Morehead City – Central District Office
April 13, 2023
6 p.m.**

- 6:00 p.m. Call to Order*
- Vote on the Approval of the Agenda****
- Vote on the Approval of the Minutes from January 12, 2023 ****
- 6:05 p.m. Marine Fisheries Commission Update – Lara Klibansky
- 6:15 p.m. Spotted Seatrout Scoping Period Discussion (no presentation) – Lucas Pensinger,
Jason Rock
- 6:45 p.m. July Joint Meeting Planning
- 7:15 p.m. Public Comment
- 7:30 p.m. Issues from AC Members
- 8:00 p.m. Adjourn

** Times indicated are merely for guidance. The committee will proceed through the agenda until completed.*

***Action Items*

****Applies only to Marine Fisheries Commission members*

*N.C.G.S. 138A-15(e) mandates at the beginning of any meeting of a board, the chair shall remind all members of their duty to avoid conflicts of interest under Chapter 138. The chair also shall inquire as to whether there is any known conflict of interest with respect to any matters coming before the board at that time. ****

*N.C.G.S. 143B-289.54(g)(2) states a member of the Marine Fisheries Commission shall not vote on any issue before the Commission that would have a "significant and predictable effect" on the member's financial interest. For purposes of this subdivision, "significant and predictable effect" means there is or may be a close causal link between the decision of the Commission and an expected disproportionate financial benefit to the member that is shared only by a minority of persons within the same industry sector or gear group. A member of the Commission shall also abstain from voting on any petition submitted by an advocacy group of which the member is an officer or sits as a member of the advocacy group's board of directors. A member of the Commission shall not use the member's official position as a member of the Commission to secure any special privilege or exemption of substantial value for any person. No member of the Commission shall, by the member's conduct, create an appearance that any person could improperly influence the member in the performance of the member's official duties. ****

*Commissioners having questions about a conflict of interest or appearance of conflict should consult with counsel to the Marine Fisheries Commission or the secretary's ethics liaison. Upon discovering a conflict, the commissioner should inform the chair of the commission in accordance with N.C.G.S. 138A-15(e). ****



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Jan. 23, 2023

MEMORANDUM

TO: Marine Fisheries Commission
Finfish Advisory Committee

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

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

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

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

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

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

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

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

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

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

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

2023 ANNUAL ADVISORY COMMITTEE'S ORIENTATION PRESENTATION

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

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

Discussion of Stock Assessment 101 Presentation

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

MARINE FISHERIES COMMISSION UPDATE

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

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

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

Striped Mullet FMP Supplement Update

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

PUBLIC COMMENT

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

PLAN AGENDA ITEMS FOR THE NEXT MEETING

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

The meeting adjourned at 7:09 p.m.