



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).

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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