



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

April 25, 2022

MEMORANDUM

TO: Marine Fisheries Commission
Northern Region Advisory Committee

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

SUBJECT: Meeting of the Marine Fisheries Commission's Northern Regional Advisory Committee, March 15, 2022. Recommendations for the Estuarine Striped Bass Fishery Management Plan Amendment 2.

The Marine Fisheries Commission's (MFC) Northern Advisory Committee (AC) held a meeting on March 15, 2022. The meeting was a hybrid meeting; some members of the AC were in person at the Morehead City Central District Office while others attended virtually. Listening sessions for the public were also held in Dare and New Hanover County.

The following Advisory Committee members were in attendance: Everett Blake, Missy Clark, Carl Hacker, Thomas Newman, Jim Rice, Jamie Winslow, Sara Winslow, Keith Bruno, Raymond Pugh (Absent: Roger Rulifson and Herman Dunbar)

Staff: Charlton Godwin, Nathaniel Hancock, Todd Mathes, Joe Facendola, David Behringer, Lee Paramore, Kathy Rawls, Steve Poland, Deborah Manley, Tina Moore, Chris Stewart, Dan Zapf, Mike Loeffler, Casey Knight, Corrin Flora, Lara Klibansky, Chris Batsavage, Daniel Ipock, Chris Nealon, Ashley Bishop, Garland Yopp, Chris Smith (Wildlife Resources Commission; WRC), David Belkoski (WRC), Lorena de la Garza, Brandi Salmon, Alan Bianchi, Meredith Whitten, Hannah Carter, Chris Lee, Kirk Rundle (WRC), Jesse Bisette, Cara Kowalchuk, Anne Markwith, McLean Seward, Jeremy McCargo (WRC), Jeff Dobbs

Public: Glenn Skinner, Bill Gorham, Reese Stecher, Joey Van Dyke, Steve House (Dare County Commissioner)

Northern AC Chair Sara Winslow called the meeting to order at 6:01 p.m. A call for attendance was performed and attendance was recorded. The Northern AC had nine members present (two absent) and a quorum was met.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Jim Rice. Second by Everett Blake. The motion passed without objection.

A motion was made to approve the minutes from the Northern AC meeting held on January 11, 2022. Motion by Missy Clark to approve minutes. Second by Jim Rice. The motion passed without objection.

PRESENTATION ON ESTUARINE STRIPED BASS FISHERY MANAGEMENT PLAN AMENDMENT 2

Charlton Godwin, Nathaniel Hancock, Todd Mathes, and Joe Facendola presented the recommendations in the Striped bass FMP Amendment 2. Staff then fielded questions and comments from AC members.

Questions and comments from AC

The AC asked for clarification about the section in the FMP that discussed gear restrictions and limits and recreational/commercial discards in the Neuse and Pamlico Rivers (pg 91-96). Staff explained that observer data was used to assess striped bass interactions in the shad fishery above the ferry lines. American and hickory shad are typically more in the middle of the rivers while striped bass are closer to shore. Observer data showed that when nets were greater than 200 yards from shore, there was very little interaction with striped bass. The AC and Staff also discussed a research paper, Rock et al. 2016, that found that there was a 75% reduction in striped bass discards after gear regulations (36-inch tie-downs and nets setbacks 50 yards from shore) went into effect in 2008.

One AC member commented that commercial fishermen do not have access to the area above the ferry lines, but in the past they have had very clean fisheries such as the jack (hickory shad) fishery. The AC member asked why the MFC voted to remove consideration of allowing any gillnet types/sizes, rather than allowing considerations based on mesh size or other gear regulations. Staff stated that the MFC did not give specific justification for why they removed the consideration, but that the MFC did not support the option. The AC member also asked if it is possible to completely shut the area down to recreational fishermen since commercial fishermen are not allowed in the area. Staff noted that the issue paper did consider the differences of different mesh sizes and fishing methods (i.e. strike netting).

An AC member noted that the funding/stocking agreement with the United States Fish and Wildlife Service (USFWS) in 1986 was specifically to restore self-sustaining populations of anadromous species, primarily striped bass. The AC member asked if USFWS will continue to pay to rear and stock fish if the goal is no longer to restore a self-sustaining population? Staff stated that if restoring a self-sustaining population is no longer the goal, USFWS would likely no longer fund stocking. Staff clarified who provides funding and who runs the hatcheries and conducts the stocking in each river: WRC is currently the sole stocker in the Cape Fear River. Tar/Pam/Neuse stocking comes from USFWS Edenton hatchery. USFWS originally stocked all three rivers on a rotating basis. WRC staff noted that they are still hopeful of reaching the goal of

establishing a self-sustaining population in the Tar and Neuse Rivers. If USFWS stopped funding for these systems, alternative funding sources and capacity to stock would need to be determined. Staff also clarified that no stocking of hybrid striped bass occurs. Another AC member commented that recent advancements in hatchery sciences is leading to higher production and less expensive fry.

An AC member brought up the gillnet closures above the ferry lines again. They stated that gillnet closures have not impacted striped bass. The tie-down and setback from shore requirements protected striped bass.

An AC member asked if a near-real-time monitoring system similar to trip tickets will ever be implemented for the recreational sector? Staff responded that the Division and WRC have a specific survey just for collecting recreational striped bass catch data. The data is available within a few weeks, which is much quicker than MRIP survey data. Based on the low TAL, overages will likely occur, but sector- and area-specific paybacks are proposed in this amendment, so that would be a form of accountability for the recreational sector. The AC member re-emphasized their opinion that a trip ticket program should be established for the recreational sector.

An AC member asked if there has been any update to the following research: 1) food chain interruptions in the A-R stock that occurred in the 1990s; 2) Increases in blue/green algae blooms, eutrophication, and low dissolved oxygen in recent years; and 3) Hook & release mortality. Staff replied that it has been at least ten years since there has been direct research on zooplankton abundance as a food source for larval striped bass in the lower Roanoke River. There are also no recent updates to hook & release mortality estimates. The release mortality used for the AR stock is 6.4%. During the most recent coast-wide Atlantic State Marine Fisheries Commission (ASMFC) stock assessment, there was discussion about using monthly/seasonal release mortality values in the assessment. The ASMFC ended up using 9% for all regions and seasons.

An AC member noted that there has been five years of recruitment failure. Can anything else be done to get ideal flows? WRC staff indicated that they speak with the Corps at least once a week during the spawning period. They have tried to keep the lake low at the beginning of the year to increase storage capacity in order to have more ideal flows. Recent years have had high rain in the spring which has exceeded the reservoir's holding capacity. The Corps is willing to start the reservoir levels lower than normal, but they cannot hold additional water because it would cause flooding and other damage.

AC member stated that the cost (1.28\$ per/stage-2 fish) is less than he thought and stated that fishermen want to keep these fish. They suggested raising license fees to fund more stocking. They also commented that it is essentially a put & take fishery. Staff responded that natural spawning is minimal in Cape Fear but the goal is still to restore a naturally supported fishery.

PUBLIC COMMENT

Glenn Skinner, Executive Director of the NC Fisheries Association, requested that the Northern AC recommend to the MFC to lift the gill net bans above the ferry lines in the Tar-Pamlico and

Neuse Rivers and allow harvest of striped bass. As previously stated by Staff, gill net restrictions in place prior to net bans (tie-downs and setbacks) were effective in reducing striped bass mortality. The moratorium was put into place to protect an abundance of striped bass that hadn't been seen in a long time. That increase in abundance occurred while harvest in both sectors was allowed. If water flow and other environmental issues are figured out, there is no reason you can't rebuild this stock while allowing harvest of striped bass and other fisheries in the same area. The summer strike net mullet fishery, as well as other fisheries, were heavily impacted by the net bans. In 2019, the MFC forced the DMF Director to issue the proclamation to ban nets above the ferry lines after he had previously declined. The MFC called an emergency meeting with only 48 hours' notice and no public comment, disregarded the science, and forced the Director to issue the proclamation. Shortly after this occurred, DEQ Secretary Regan issued a press release condemning the MFC for their actions. The net ban is not necessary and it needs to go back to how it was before, with the previous tie-down and setback rules in place.

Steve House, Dare County Commissioner, read a resolution that was adopted by the Dare County Board of Commissioners in a unanimous vote. The resolution endorses shifting a greater allocation of the A-R stock recreational quota from the RRMA to the ASMA to protect and preserve the striped bass stock. Endorsement of this resolution was based on differences in both the timing and location of the fisheries as well as the overall size of the areas; the RRMA fishery occurs on the spawning grounds during spawning, while the RRMA fishery does not, and the ASMA is larger in acreage.

Reese Stecher, a Charter Captain in the Oregon Inlet area since 1997, asked for clarification on appendix 2.3a. He asked: "how does the RRMA still have a season this year even though they exceeded their quota by over 100%?" Staff responded that the table is based on the proposed payback system in Amendment 2, but we are currently operating under the packback system in Amendment 1. Under the current system, the entire TAL (all sectors combined) has to be exceeded before paybacks are made. RRMA exceeded their quota, but because ASMA was under quota, the RRMA was only responsible for part of the previous year's overage. Last year they had a two-week season and this year they have a four-day season. Reese responded that it doesn't seem like a penalty. The past six years we have had really good fishing where I fish and I disagree about the assessment of the stock. However, if there is an issue with the striped bass population, the first thing to do would be to eliminate a harvest season during the spawn on the spawning grounds. RRMA is the only place in the country that has a catch/harvest season on the spawning grounds during the spawn. If the RRMA harvest season is not eliminated, the allocation between the RRMA and the ASMA needs to be based on the size of the water bodies. Eliminating the harvest in RRMA will not affect the economy of that region. Most of the fishing is catch and release and they will continue to have fishing.

Bill Gorham, owner of Bowed Up Lures, said that it is impeccable timing that fishing access is restricted for both sectors and then it comes out that the population is not self-sustaining with any level of mortality. The catch and release crowd will be next to be cut out of fisheries, everyone needs to watch what they ask for. If the recreational and commercial sectors, DMF, and NGOs all went to Raleigh and requested more funding, we would probably get much more than we asked for because it is a good return on investment for a put & take fishery in the CSMA. Limiting access to striped bass is adding additional fishing pressure to southern flounder and

spotted seatrout. A recreational reporting app should be implemented. Closures are a death sentence to fisheries. He supports sector-specific paybacks as proposed in Amendment 2.

**VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION
FOR ESTUARINE STRIPED BASS FISHERY MANAGEMENT PLAN AMENDMENT 2**

Albemarle-Roanoke Sustainable Harvest Issue Paper

Manage for Sustainable Harvest Through Harvest Restrictions

A motion was made by Jim Rice to establish a moratorium on all harvest of striped bass in the RRMA and ASMA until quantifiable measures of stock recovery have been met. Second by Carl Hacker.

Jim Rice stated that the A-R stock is the last remaining self-sustaining stock in NC and it has had five years of recruitment failure. Population trends are dangerously low but options are business as usual. Harvest needs to be eliminated and we should reduce mortality as much as possible until the stock recovers. Jamie Winslow stated that years of closures have not worked in Cape Fear and CSMA so closing the fishery wouldn't make sense. Jim Responded that the Roanoke River has a self-sustaining spawning population and it has recovered before after cut backs were enacted. We need good years of recruitment. Jamie responded that catch and release will still occur which will still impact striped bass. A moratorium will be detrimental to other commercial fisheries and there is not sufficient accountability on recreational sector. Jim agreed that catch & release is a significant contributor to the mortality. Thomas Newman feels that biggest issue is the catch & release/dead discards in the spawning area. Raymond Pugh agrees.

A substitute motion was made by Raymond Pugh to establish a fishing moratorium on striped bass in the RRMA during spawning season- April and May annually. Second by Jamie Winslow.

The substitute motion failed 4-5.

The original motion by Jim Rice failed 2-7.

Commercial Fishery Managed as Bycatch Fishery

Motion by Jamie Winslow to continue status quo of a bycatch fishery. Second by Thomas Newman.

No discussion occurred between committee members.

The motion passed 8-1.

Accountability Measures to Address TAL Overages

A motion was made by Thomas Newman to accept option 3.D; if the landings in any one of the management areas' three fisheries (RRMA recreational, ASMA recreational, and ASMA commercial) exceeds their allocated TAL in a calendar year, any landings in excess of the TAL will be deducted from that fisheries' allocated TAL the next calendar year. Second by Missy Clark.

No discussion occurred between committee members.

The motion passed without dissent.

Size Limits to Expand Age Structure

Motion by Raymond Pugh to support options 4.C and 4.E; implement a 18-25 inch harvest slot in the ASMA and maintain the 18-22 inch slot limit and no fish greater in the RRMA. Second by Thomas Newman.

Jim Rice reiterated that he thinks there should be no harvest allowed, but he likes that 4.E protects the larger, more fecund fish. Sara Winslow asked Staff what percentage of the recreational harvest is fish that are 22-25 inches. Staff responded that around 90-95% of harvest is between 18 and 24 inches. The majority of striped bass caught commercially in the large mesh gill net fisheries are less than 25 inches. Moving the top end of the slot below 25 inches would increase dead discards in the commercial fisheries. Striped bass fecundity really starts to increase around 25 inches.

The motion passed 8-1.

Gear Modifications and Area Closures to Reduce Discard Mortality

Motion by Thomas Newman to support options 5.A and 5.E; allow commercial harvest of striped bass with gill nets and recreational harvest and catch-and-release fishing in the ASMA and RRMA including on the spawning grounds. Require non-offset, barbless circle hooks when fishing live or natural bait in inland waters of the RRMA May 1 through June 30. Second by Jamie Winslow.

No discussion occurred between committee members.

The motion passed 6-3.

Adaptive Management

Motion by Thomas Newman to support adaptive management. Second by Missy Clark.

Keith Bruno acknowledged that sometimes the Division needs to act quickly but adaptive management gives the Division a lot of power to make changes without consulting the ACs and the public. Sara Winslow noted her support for adaptive management because it enables action to occur without having to go through the FMP process which is time consuming.

The motion passed 8-1.

Tar-Pamlico and Neuse Rivers Sustainable Harvest Issue Paper

Striped Bass Harvest

Motion by Keith Bruno to support option 1.B; end no-possession measure. Second by Thomas Newman.

Thomas Newman stated that his reason for supporting 1.B is due to the fact that it is not a self-sustaining population so people should be able to catch stocked fish. Everett Blake noted that possession and size limits need to be considered if no-possession is ended. Jim Rice commented that we currently don't know if these river systems are capable of being self-sustaining because we don't have large, older females in the population. Sara commented the importance of the environmental conditions that need to be addressed. Jamie asked if this would apply to both recreational and commercial. Staff responded that if no-possession ended, nets above the ferry lines would not necessarily be allowed. That would have to be voted on separately. Thomas Newman added that if you created a \$5 striped bass harvest permit, everyone would buy it and you could use all of that money to fund additional stocking. Section Chief Poland noted that license fees are dealt with at the legislative level and not by the MFC, although the MFC could vote to support that idea.

The motion passed 6-2-1.

Gill Net Restrictions or Limits

Motion by Jamie Winslow to end the gill net closure above the ferry lines. Second by Keith Bruno.

Keith Bruno stated that there needs to be distinction and specificity in different sizes of mesh, target species, fishing style, and other aspects of the proposed gill net fishing in order for the MFC to actually consider it. A friendly amendment to the motion was proposed by Thomas Newman. The final motion was written as follows:

Motion by Jamie Winslow to end the gill net closure above the ferry lines and return to NCDMF regulations prior to the 2019 closure. Second by Keith Bruno.

The Motion passed 7-1-1.

Adaptive Management

Motion by Thomas Newman to accept adaptive management. Second by Jim Rice.

No discussion occurred between committee members.

The motion passed 8-1.

Cape Fear River Sustainable Harvest Issue Paper

Harvest or No Possession

Motion by Jim Rice to maintain the no-possession limit. Second by Raymond Pugh.

Jim Rice supports no-possession due to the recent evidence of some spawning in the Cape Fear as well as the recent changes to the fish passages. A friendly amendment was proposed by Everett Blake. The final motion was written as follows:

Motion by Jim Rice to support options 1 and 5; maintain the no possession provision and adaptive management. Raymond Pugh.

Sara Winslow clarified that this motion is applied to all of the tributaries of the Cape Fear River system.

The motion passed 7-0-2.

Hook and Line as a Commercial Gear Issue Paper

Commercial Use to Harvest with Hook and Line

Motion by Keith Bruno to support option 1; do not allow hook and line as a commercial gear for estuarine striped bass. Second by Thomas Newman.

No discussion occurred between committee members.

Motion passed 8-1.

Adaptive Management

Motion by Jim Rice to support adaptive management. Second by Thomas Newman.

Keith Bruno asked if adaptive management is irrelevant in this instance since the AC just voted to not allow hook and line as a commercial gear for striped bass. Staff confirmed that adaptive management is applying to the use of hook and line.

The motion was withdrawn.

MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky, MFC liaison, provided the update. In February, the MFC approved the draft Estuarine Striped Bass FMP Amendment 2 for MFC AC review and public comment through April 1, 2022. We are holding the listening sessions a week before the AC meetings. This allows the public to hear presentations from staff about the documents. We allow questions after the presentation to anyone in the session. They are recorded and put online in the 'Hot Topics' section of the webpage for the species. Amendment 3 for southern flounder was approved with the DMF recommendations. The MFC also approved a two-year delay in reaching 50/50 parity, moving the date from 2021 to 2023 with parity occurring in 2026. The MFC also approved a resolution that they would consider a moratorium if there are continued overages in the commercial and/or recreational fisheries. Amendment 2 to the shrimp FMP was adopted in February and DMF is moving forward on implementation on the management strategy. In May, the MFC will be provided an information updated on the FMP for Interjurisdictional Fisheries. The MFC will have no rule items in May, the next rule package will come to them in August.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

No items are planned at this time. Klibansky noted the MFC ACs will not likely need to meet again until October 2022 and she will send an email to all committees with updates as they become available. The meeting adjourned at 9:24 p.m.