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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.