

**Northern Regional Advisory Committee
NC Estuarium
April 11, 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 10, 2023 ****
- 6:05 p.m. Marine Fisheries Commission Update – Lara Klibansky
- 6:15 p.m. July Joint Meeting Planning
- 6:30 p.m. Spotted Seatrout Scoping Discussion (no presentation) – Lucas Pensinger, Jason Rock
- 7:00 p.m. Estuarine Striped Bass Season Update – Charlton Godwin
- 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

Feb. 3, 2023

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 Region Advisory Committee,
Jan. 10, 2023 for orientation of new members and updates.

The Marine Fisheries Commission's (MFC) Northern Region Advisory Committee (AC) held a meeting on Jan. 10, 2023, via WebEx and also had 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 was available to online attendees if they signed up in advance and was available to the public attending at the listening station.

The following Advisory Committee members were in attendance: Roger Rulifson, Everett Blake, Sara Winslow, Jamie Lane, Carl Hacker, Jon Worthington, Thomas Newman, Dale Martin (Absent: Keith Bruno, Melissa Clark, Herman Dunbar)

Division of Marine Fisheries (DMF) Staff: Lara Klibansky, Hope Wade, Paula Farnell, David Behringer, Lee Paramore, CJ Schlick, Corrin Flora, Dan Zapf, Jeff Dobbs, Laura Lee, Willow Patten

Public: Online via WebEx: No members of the public attended via WebEx or the listening station. Eight viewers watched on YouTube.

The Northern Region AC had seven members present and a quorum was met. An eighth member joined later during the meeting after the roll call was taken.

Northern Region AC Chair Sara Winslow called the meeting to order at 6:09 p.m.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Roger Rulifson. Second by Everett Blake. The motion passed 6-0-1.

A motion was made to approve the minutes from the Northern Region AC meeting held on October 18, 2022. Motion by Jamie Lane to approve the minutes. Second by Carl Hacker. The motion passed unanimously.

2023 ANNUAL ADVISORY COMMITTEE'S ORIENTATION PRESENTATION

Lara Klibansky thanked all members for volunteering their service on the committee. She then provided a presentation that 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 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 ACs 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 meeting the office will be sending the AC an overview of the year ahead and links to documents on the website.

After the presentation there were no questions from the AC. It was noted by a member of the AC that the FRA charges that the MFC shall consider all findings and recommendations of the ACs and that in recent history many AC members have not felt like this was the case and as a result we have lost some good AC members.

Discussion of Stock Assessment 101 Presentation

A Stock Assessment 101 video was sent to the AC to view prior to the meeting. The AC chair noted that the presentation was very good, and the floor was opened for questions. CJ Schlick, Stock Assessment Scientist was present during the meeting to address any questions on stock assessments. There were no questions during the meeting. Staff noted DMF stock assessment staff contact information is available online and can be provided upon request and that staff are always willing to talk and answer any questions.

MARINE FISHERIES COMMISSION UPDATE

Before the update, the AC asked if the MFC office will be sending out any regular updates to the AC through email. Staff noted that this would be the case moving forward and there are plans to send updates to the ACs at least quarterly and hopefully monthly. The Division also recently obtained the ability to communicate through social media and will be providing links to AC members in the future so they can

follow the Division social media pages. Klibansky then gave the MFC update. She recognized newly appointed MFC commissioner, Sarah Gardner, noting that she was sworn in before the Northern Region AC meeting in October and participated at the MFC meeting in November. At their meeting in October, the MFC discussed joint fishing waters delineation rules shared by the MFC and the NC Wildlife Resources 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, and 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, one of which is the mutilated finfish rule which if approved will not be effective until 2024.

Striped Mullet FMP Supplement Update

Klibansky gave a quick update on the striped mullet supplement and noted that the public comment period was still open. She then introduced the striped mullet staff leads, Dan Zapf and Jeff Dobbs, to take any questions. An AC member noted that the proposed supplement would shut down the commercial fishery during most of November and December and wanted to know if there had been any consideration for requiring a closure to recreational harvest. Staff confirmed that there will be a closure for the recreational harvest of mullet (i.e. via cast net) that aligns with the dates (Nov. 7 – Dec. 31) of the commercial closure. An AC member discussed that the recreational fishery is not monitored with trip tickets like the commercial fishery and that there can be waste in the recreational fishery from fish that are captured and not used and that this is not captured in data to the same level of detail compared to the commercial fishery. Staff stated that the stock assessment used recreational data provided by MRIP and noted some of the shortcomings of this type of data. Staff also noted that some similar comments had been received from the public and that further options for both the recreational and commercial fishery will be considered during the development of Amendment 2. Staff noted that there was a good deal of uncertainty with harvest estimates in the recreational fishery. Further information was provided on the different recreational fisheries that commonly used finger mullet and cut bait. It was noted that this will be impactful to the recreational fishery although the magnitude of impact is not fully understood. The AC had discussion about how bait shops and recreational anglers will be affected during this closure and whether they will be able to sell frozen mullet during the closure. Staff commented that in order to be in possession of mullet during any closure, anglers would likely need to retain a receipt showing purchase but this would be an enforcement question. Discussion continued on how possession of bait by recreational fishermen would be handled from the law enforcement side and how the Division planned to make anglers aware of any closure. Staff noted that public outreach would be a priority if this moves forward. The AC noted that many anglers throw cast nets to catch bait but they are just targeting bait and not necessarily striped mullet so this may be an issue if they are not be aware of regulations. Another member noted that this closure would be a hard hit for the commercial industry and noted that many in industry feel this closure is unjustified given the recent rebound in the number of striped mullet the last

couple of years. It was commented that identification of mullet in the recreational fishery could be an issue. Staff noted that any closure would apply to both striped and white mullet to avoid this issue. There was discussion on the ratio of white to striped mullet in the recreational cast net fishery, noting that most harvest is of white mullet. Staff provided some clarifications for the AC related to questions on how commercial landings data impact the stock assessment results. Staff noted how the various data sources inform the model including not just landings and total removals but also biological life history and fishery independent survey data. There were no further questions from the AC.

PUBLIC COMMENT

No public comment occurred.

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 AC discussed the location of future in-person meetings. Staff mentioned the Dare County building as a potential option. Members of the AC expressed support for holding meetings in Washington, NC. There was discussion about alternating meetings between Manteo and Washington. Staff confirmed that AC members will be able to attend virtually if they cannot make it in person. AC members also asked about having a joint AC meeting with the other ACs once a year. Staff is looking into this possibility.

The meeting adjourned at 7:15 p.m.