

Northern Regional Advisory Committee
Meeting via Webinar
January 10, 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 October 18, 2022 ****
- 6:10 p.m. 2023 Annual AC Orientation Presentation– Lara Klibansky
- Discussion of Stock Assessment 101 Presentation
- 6:40 p.m. Marine Fisheries Commission Update – Lara Klibansky
- Striped Mullet FMP Supplement Update – Dan Zapf, Jeff Dobbs
- 7:40 p.m. Public Comment
- 7:55 p.m. Plan Agenda Items for Next Meeting
- 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

Oct. 27, 2022

MEMORANDUM

TO: Marine Fisheries Commission
Northern Regional 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, Oct. 18, 2022 for 2023 Meetings Planning and Updates.

The Marine Fisheries Commission's (MFC) Northern Regional Advisory Committee (AC) held a meeting on Oct. 18, 2022. The meeting was a hybrid meeting; some members of the AC and Division of Marine Fisheries (DMF) staff were in person at the Dare County Municipal Building in Manteo, North Carolina, while others attended virtually through Webex. The meeting was also streamed on Youtube for the public. AC members could attend in either setting and communicate with other committee members, whereas public comment could only occur via the in-person setting.

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

DMF Staff: Lee Paramore, David Behringer, Charlton Godwin, Dan Zapf, Mike Loeffler, Corrin Flora, Lara Klibansky, Deborah Manley, Hope Wade, and Edward Mann attended in person and Steve Poland, Casey Knight, Daniel Ipock, Lorena de la Garza, and Shelby White attended virtually.

Public: None in attendance, 19 viewers watched on YouTube.

Northern Regional AC Chair Sara Winslow called the meeting to order at 6:02 p.m. All eleven Northern Regional AC advisors were present 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 Thomas Newman. The motion passed without objection.

A motion was made to approve the minutes from the Northern Regional AC meeting held on March 15, 2022. Motion by Missy Clark to approve the minutes. Second by Raymond Pugh. The motion passed without objection.

MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky, MFC Liaison, gave an update on the newly appointed MFC commissioners and who they replaced. Pete Kornegay (science seat) left due to personal reasons and Dr. Doug Rader will continue his term until 2023. Ana Shellem is replacing Sam Romano (commercial seat) and Donald Huggins is replacing Tom Hendrickson (at-large seat). At the November business meeting Sarah Gardner will fill an at-large seat and she will be sworn in at the Finfish AC meeting on Oct. 20, 2022. Klibansky reminded everyone the AC solicitation period is open through Nov. 1. The DMF is looking for applicants for all ACs and encouraged current AC members to reapply. The MFC chair will select AC members and staff will notify applicants by Dec. 1.

Next the committee was provided an overview of the May and August 2022 MFC business meetings. At the May meeting, the review of the N.C. River Herring Fishery Management Plan (FMP) was approved as an information update (not an amendment) because the Atlantic States Marine Fisheries Commission is currently conducting a stock assessment and it will be prudent to wait until the results of the assessment are finalized before making management changes. Amendment 3 to the Southern Flounder FMP was approved at the May meeting, completing the cycle for this plan. Results of the 2022 Striped Mullet Benchmark Stock Assessment were presented to the MFC at its May business meeting. The peer reviewed stock assessment indicates the N.C. striped mullet stock is overfished, and overfishing is occurring in the terminal year of the assessment (2019). At its November meeting, the MFC will be given the results of the scoping period for the review of the Striped Mullet FMP and vote to approve the goal and objectives of draft Amendment 2.

At the August meeting, the MFC tabled the final vote on the selected management measures for estuarine striped bass to give the new commissioners time to fully review the draft Amendment 2 to the FMP; the preferred management measures were approved at the May meeting. The DMF held two meetings in October to review the amendment with the newly appointed commissioners. The MFC is scheduled to select management measures for and give final approval of the Estuarine Striped Bass FMP Amendment 2 at its November business meeting. Dolphin (mahi mahi) was also discussed at the August meeting and the MFC asked the DMF to draft a letter opposing any new regulations (bag limits). Lastly, the MFC asked that a white paper be developed for false albacore; concerns were raised because it is a highly migratory species with no regulations.

The November meeting will be held at the Islander Hotel & Resort in Emerald Isle from Nov. 16th to the 18th. The results of the 2022 stock assessment for spotted seatrout and outcome of the peer review will be presented as an informational update.

Blue catfish continues to be a topic brought up by commissioners as a major concern due to their potential for impacts to other species and their population expansion, particularly in the Albemarle Sound. The DMF recently provided a presentation to the MFC on blue catfish and continues to actively collect data (diet, etc.) on blue catfish and has investigated available literature as well as management on blue catfish by other states such as Virginia. This will continue to be a topic of interest to the MFC moving forward.

Questions and comments from AC

The AC discussed the DMF's plans regarding false albacore. This was based on the motion that passed during the MFC's business meeting in August to update the 2017 false albacore informational document and to frame potential management options for future consideration. AC members asked for clarification about what this motion and white paper involves and what it means for management. Staff explained that the DMF will update the information in the 2017 white paper so that the most up to date information is available in the event that management is deemed necessary in the future. An AC member, who is also on

the SAFMC Mackerel Cobia Advisory Panel (AP), brought up the fact that false albacore was discussed at their last meeting. He stated that there is general concern from both the commercial and recreational industries. The AC member stated that the general consensus of the SAFMC Mackerel Cobia AP was that false albacore do not meet the Magnuson Stevens Act criteria for a stock in need of conservation and management at this time and they voted to recommend to not create an FMP. It was also noted that false albacore are classified as “little tunny” in the NEFSC database and “false albacore” in the SEFSC database, which could cause confusion when compiling data for the white paper.

Many members of the AC were very vocal and supportive of meeting on a more regular basis. AC meetings could also serve as a good opportunity for the public to get involved and learn more about the process, as well as ask questions and express concerns. It was stated that there is a public perception that DMF/MFC does not listen to the public but that having more regular meetings and opportunities for public involvement would help to mitigate these negative perceptions. The AC meetings also provide a lower stress environment compared to the MFC meetings. Members of the AC also mentioned that Director Rawls and Colonel Witten’s visit/outreach in Hatteras during a recent surf fishing tournament was well received by the fishermen and they encouraged more outreach. Staff also provided an overview of the ways the DMF notifies the public about upcoming meetings and asked for any suggestions on how to more effectively reach the public. AC members also brought up the idea of having some sort of event where all of the AC members and the MFC commissioners could meet and get to know each other. They feel that doing so would help to build relationships and promote better communication between the two groups.

FISHERY MANAGEMENT PLANS UPDATE

Flora gave an update on Amendment 3 to the Southern Flounder FMP, noting the 2022 season was based on management from the amendment and it may be a few months before the data are finalized. The commercial season is wrapping up and there have been some positive signs.

For the 2022-2023 FMP Review Schedule, river herring, hard clam, oyster, striped mullet, estuarine striped bass, and spotted seatrout are under review; the review of river herring has concluded. The blue crab stock assessment will also be updated and will include data through 2022; this will be a stock assessment update. The assessment update will add six years of data through 2022 with two to three years of management having occurred under the current FMP amendment. The DMF is also working with UNCW to evaluate new bycatch reduction devices to reduce diamondback terrapin interactions. The Shellfish/Crustacean AC will review this in early in 2023 and it will eventually come back to the Northern Regional AC too.

No management changes were deemed necessary for river herring; the information update is summarized in the 2022 FMP review. Staff are currently reviewing data and existing management for the Hard Clam and Oyster FMPs. Staff will bring information to the ACs in late 2023; a scoping period will likely begin around that same time. The MFC will review the preferred management measures for estuarine striped bass in November. Due to low juvenile abundance in the Albemarle-Roanoke stock, the DMF conducted a stock assessment update. The DMF and Wildlife Resources Commission staff are continuing to work on this update and based on the initial review of the results, the DMF director did not open the fishery in Albemarle Sound and continues to assess the subject.

For spotted seatrout, the peer review panel agreed that the stock assessment was the best available data to manage the fishery. The assessment contains data up to 2019 and indicated that biomass exceeded the target, but overfishing is occurring. In early 2023 the DMF will have scoping meetings for this plan.

Next, Flora discussed striped mullet and said that the stock is overfished, and overfishing is occurring in 2019. Because of stock concern the DEQ Secretary asked the MFC to work with the DMF to implement a supplement. If approved, this would be in place until the next amendment is adopted. At the November meeting, the MFC will review the scoping input and vote to approve the goal and objectives. The proposed management strategies for Amendment 2 include: Sustainable Harvest, Recreational Fishery Management, Small Mesh Gill net Management, Stop Net Fishery Management, and Migration Corridors. The DMF had three scoping meetings and an online questionnaire. Management actions in Amendment 2 will focus on ending overfishing and rebuilding the spawning stock biomass to provide sustainable harvest. The MFC will review the supplement in November and vote to approve it to go out for public comment. If all goes as planned, the next amendment could be in place as early as 2024 or 2025.

Questions and comments from AC

The AC asked about why hook and line is an approved commercial mobile gear for flounder. AC members stated that people who are not active in the commercial fishery but who hold a SCFL are using this as a loophole to land flounder for personal consumption without reporting or selling their catch. They felt that this is a loophole and people are taking advantage of the system. The AC member also noted the discrepancy between hook and line rules for flounder compared to other species such as striped bass, red drum, and spotted seatrout; for those species, commercial fishermen can use hook and line to catch and sell those species but they are limited to the recreational bag limit, not the commercial bag limit. Staff explained that hook and line has always been a commercial gear for flounder but that minimal landings have come from that gear. When the flounder season reopened for mobile gears, hook and line was listed as a viable gear. Another AC member commented that hook and line is a relatively clean gear and could be a good option, but if those landings are not being recorded on trip tickets, it should not be allowed. Staff also noted that people who hold a SCFL can also use gigs to harvest the commercial limit but not sell their catch. Discussions around personal consumption and reporting requirements have and are occurring within the DMF and by the MFC.

Discussion then moved to the striped mullet supplement. The reduction needed to end overfishing would be approximately 10% to reach the threshold and approximately 20-30% to reach the target. Staff noted that the DMF director requested the supplement to be straightforward, and a season closure is the most likely option. Season closures under consideration are November 1st or 15th through December 31st. The AC discussed the possibility of having a small bycatch quota after the roe season to allow fishermen to land a small amount of mullet and prevent regulatory discards while fishing for trout or other species. AC members also explained that there is one roe buyer that buys almost all the roe mullet. The buyer is only looking to buy in bulk, so setting a trip limit during roe season could cause the buyer to stop purchasing. Large quantities are necessary for it to be worthwhile for the buyer. There was consensus that a trip limit during roe season is not a good idea. They also noted that moving forward, if a closure is necessary, it would be better to close the fishery during the first half of roe season rather than the latter half. This is because the roe ratio is better later in the season (12% at the beginning of the season and 18% at the end). An AC member also noted that mullet is one of the species allowed as a bycatch-equivalent for red drum and asked if there would be other species that could be added to that list. Staff stated that the DMF director has the authority to change the species designated as “targeted species” in regards to being able to land red drum.

AC members provided the following additional comments: yardage limits would not be a good idea based on the style of fishing. Mesh size regulations could be an option. We could look at DMF data to examine what size mesh catches what sized fish. Regional management would be ideal. The bait fishery has become more popular with the increase in targeting big red drum. The bait fishery is an important option

for many commercial fishermen. Recreational fishermen like the smaller “cobb” mullet, which are targeted using 2.5” stretched mesh.

PUBLIC COMMENT

There was no public in attendance.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

No action items are planned at this time. Klibansky said the MFC ACs will meet again at their scheduled quarterly meeting in January 2023 when she will give an update on the outcome of the November MFC business meeting and the ACs will receive a presentation on stock assessments.

At the end of the meeting, AC member Jim Rice announced that he will not reapply when his term is up in January 2023. The meeting adjourned at 8:00 p.m.