



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

October 27, 2021

**MEMORANDUM**

**TO:** Marine Fisheries Commission  
Northern Advisory Committee

**FROM:** David Behringer, Biologist  
Fisheries Management Section

**SUBJECT:** Meeting of the Marine Fisheries Commission's Northern Regional Advisory Committee, October 13, 2021. Recommendations to the Marine Fisheries Commission to approve the recommendations in the 2021 CHPP

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The Marine Fisheries Commission's (MFC) Northern Regional Advisory Committee (NRAC) held a meeting on October 13 via webinar.

The following Advisory Committee members were in attendance: Sara Winslow, Everett Blake, Jim Rice, Roger Rulifson, Thomas Newman, Raymond Pugh, Jamie Winslow (Absent - Keith Bruno, James Neely, Jr., Kenneth Shivar)

Staff: Dana Gillikin, Daniel Ipock, David Behringer, Hope Wade, Lara Klibansky, Lee Paramore, Tina Moore, Kathy Rawls, Jimmy Johnson, Casey Knight, Anne Deaton, Chris Lee, Alan Bianchi, Jesse Bisette, Nolen Vinay, Dan Zapf, Debbie Manley, Kim Harding, Corrin Flora

Public: Kelly Garvy, Anne Coan

MFC: Martin Posey

Northern Regional AC Chair Sara Winslow called the meeting to order at 6:01 p.m.

A roll call for attendance was performed and attendance recorded. Seven members of the Northern AC were present. The AC had a quorum.

**APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES**

**A motion was made to approve the agenda by Roger Rulifson. Second by Jim Rice. Motion approved 7-0.**

Prior to the vote to approve the minutes from the previous meeting, Jim Rice noted that on the July meeting minutes, the text says support for option 8 and 11 but the text describing the options is say option 8 and 10, not 11 (page 4). Staff confirmed that descriptive text was correct but the option numbers listed need to be corrected.

**A motion was made to approve the minutes with the noted corrections from the Northern Advisory Committees meeting held on July 21, 2021 by Jim Rice. Second by Ray Pugh. Motion approved 7-0.**

## **2022 ADVISORY COMMITTEE MEETING PLANNING 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.

One AC member commented that he likes the idea and asked if they will be notified. Division staff confirmed that the AC members will be notified and there will be a public announcement.

## **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**

No public comment occurred.

## **DISCUSSION ON THE 2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT**

One AC member asked how far inland is considered "coastal", in Wastewater Infrastructure Solutions for Water Quality Improvement issue paper (recommended actions 7.1-7.5) and how far inland the wastewater treatment recommendations will be applied. They stated that they live 160 miles upstream on the Cape Fear River and there is a lot of strain on water usage by upstream municipalities. Inland municipalities buy water from towns on the Cape Fear River and then transfer their wastewater treatment back to those same towns. Division staff noted that the CHPP recommendations apply up to the fall line where coastal fish can swim. The AC member noted that if water upstream of the CHPP's recommended coverage area is polluted, it will flow downstream and negatively impact coastal waters. The AC member suggested that we should

extend the recommendations to maintain wastewater infrastructure further upstream. In response to the water allocation transfers, staff noted that the Wastewater Infrastructure Solutions for Water Quality Improvement issue paper focused more on wastewater leaks, but that they will pass the concerns on to the steering committee. Staff also stated that the recommendations in the CHPP may be able to be applied statewide, rather than just the area defined as “coastal”.

One member expressed that the document was well organized. The member, who has been involved with the industry workgroup for the Coastal Carolina River Watch, noted that a lot of coastal towns have antiquated wastewater systems and small municipalities cannot afford to update their systems. The outdated and overloaded systems are problematic when it comes to overages and leaks, especially during flooding and large rainfall events. Updating and replacing these systems needs to be high on the priority list. The member also asked if the 3.5 trillion-dollar infrastructure plan recently passed by congress included funds for wastewater treatment projects. Staff noted that there is some money in the spending plan allocated for coastal communities and that communities would have to apply to receive funding. Staff was unsure about the specifics of funding and allocation, though.

Another AC member expressed frustration that it has taken 24 years since the enactment of the Fisheries Reform Act of 1997 to get to this point. The member stated that water quality has been deteriorating; blue-green algae blooms have become more prevalent and wastewater infrastructure has been deteriorating. The AC member also asked about submerged aquatic vegetation (SAV) mapping and if there would be a review of the available historical data. Staff noted that the Division would use historical data for comparisons. Old map overlays go back to 1981. Habitat/SAV mapping has been conducted opportunistically in a piecemeal fashion with the Albemarle-Pamlico National Estuary Partnership (APNEP) and other grants.

The AC member also commented that the impact of forestry and agriculture on wetlands is ignored and they feel that this is a big area for concern. They noted that there are instances where wetland areas are logged right up to the edge of the water and this is allowed because it is currently considered to not have an impact on wetlands. Staff noted that the impact of logging on wetlands is considered temporary because of the best management practices (BMPs) that are in place and there are high levels of compliance within the industry.

Another AC member agreed with the previous AC member and considers the agriculture and forestry exemptions “the elephant in the room”. The AC member then noted that the recommendations of the CHPP are required to be implemented by the legislature. They stated that cheerleading will not get done what needs to be done. We need dollars and legislation and some of this is not in plan. They also wanted to know how aggressive the communication with the general assembly and Governor will be. Staff responded that we currently have more support from DEQ than we have ever had and we also have NGO support who can be more outspoken and directly speak with the general assembly and Governor. In regards to the discussion about the agriculture and forestry exemptions, Staff explained that the Protection and Restoration of Submerged Aquatic Vegetation (SAV) through Water Quality Improvements Issue Paper lays out a series of steps that need to be taken. First, mapping needs to take place and new monitoring standards will be implemented. Once that has occurred, the Division of Water Resources (DWR)

will be able to evaluate the sources of nutrients and sediment. Then DWR can come up with a list of BMPs.

An AC member asked if we know how well BMPs are being followed or the rate of compliance and stated that details are unknown. Staff noted a need for outreach to get stakeholder groups to agree to voluntary actions to minimize the impact of development on water quality. The AC member stated that he is concerned that we are focusing too heavily on limiting impacts and slowing the decline of water quality rather than also striving to actually mitigate and improve water quality. The AC member stated that they feel a sense of urgency to be more aggressive to make actual improvements. Staff agreed with the member's comments and also noted that healthier coastal habitats will minimize the impacts of climate change and increase community resilience.

One AC member asked about the possibility of creating areas to retain runoff and allow nutrients to settle to prevent it from entering the coastal waterways. This is similar to something that was done in the Lake Mattamuskeet area. The AC member also discussed the possibility of creating a system where landowners could get paid to set aside land for this purpose. Staff noted that there is currently someone on the team who works with similar topics and that it will be relayed to the committee for further review. Staff did mention that since these are often low-lying areas, the water being retained can seep into the water table and move laterally into coastal systems.

Another AC member brought up research being done in Hyde county to assess carbon storage in peat-rich soil and the possibility of farmers allowing some of their land to convert back into wetlands for carbon credits. The AC member asked if NC is looking at a carbon credit program to convert agriculture lands into marsh lands. Staff was not familiar with carbon credits being offered or plans to implement a carbon credit system. Staff did however note that part of the risk and resiliency plan is looking at assessing carbon storage in different habitats such as SAV and wetlands to be able to quantify net carbon reduction. This information can be used to assess the feasibility of a carbon credit program in the future.

AC members also discussed septic systems. One asked if there are surveys to monitor leakage and noted that most are not far from water. Another AC member commented that there are a lot of new houses being built in the Outer Banks and the whole area is on septic. They also noted that many sound-side waters are regularly closed for swimming during the summer. Staff noted that there was some work being done in the Currituck area looking at septic tank seepage. Staff also stated that there are issues with other wastewater systems in low-lying areas but they are better than septic systems. Other staff also stated the need to research alternative systems.

Another AC member said that he has had this issue on his mind for 30 years dealing with Lake Mattamuskeet and Pamlico peninsula. He said that the water column is just high to support septic systems and that we need to look ahead to see how we will deal with sea-level rise in the next 100 years; the northern part of the state is more susceptible to sea-level rise. How will we handle the infrastructure and what will we do for the people whose property goes underwater? The same AC member also noted that some researchers in NC have been examining impacts of nitrogen in

our sounds and have found that aerosols and ammonia from waste ponds and livestock production are contributing to this issue. The AC member noted that there is nothing in the CHPP that addresses this issue. A different AC member agreed about the aerosols/ammonia issues and stated that something addressing this should be added to the CHPP. The AC member also commented that Septic systems are failing at individual homes and they have a cumulative impact in addition to municipal plants. The CHPP should focus on individual septic systems in addition to municipal wastewater systems.

An AC member asked if there is any planned interaction with Virginia for the CHPP, considering that the upper reaches of the Albemarle Sound watershed are located in Virginia. Staff stated that APNEP staff have been in contact with VA to talk about nutrient load in Albemarle Sound.

### **VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR THE 2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT**

**Motion made by Roger Rulifson that the Northern Regional Advisory Committee accept the recommendations of the 2021 CHPP with additions to the Wastewater Infrastructure Solutions for Water Quality Improvement Issue Paper relative to concerns about septic systems and infrastructure. Second by Jim Rice. Motion passed 7-0.**

In regard to the motion above, an AC member commented that homeowners need to be educated on how to manage septic systems. Old towns have had tremendous failures and heavier rain events have magnified overflow problems and put wastewater straight into the sound. The issue will get worse with sea-level rise.

**Motion made by Jim Rice that the NRAC also recommends inclusion of a recommended action in the Protection and Restoration of Submerged Aquatic Vegetation (SAV) through Water Quality Improvements Issue Paper to address and reduce nitrogen loading to the atmosphere from livestock waste lagoons, which is a significant source of nitrogen input to our coastal waters. Second by Roger Rulifson. Motion passed 7-0.**

In regard to the motion above, one AC member noted that many of these farms are grandfathered in despite being large farms and that they should be forced to abide

Roger provided a citation Paerl, H. W., Dennis, R. L., & Whitall, D. R. (2002). Atmospheric deposition of nitrogen: implications for nutrient over-enrichment of coastal waters. *Estuaries*, 25(4), 677-693.

### **MARINE FISHERIES COMMISSION UPDATE**

Staff 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.

### **PLAN AGENDA ITEMS FOR THE NEXT MEETING**

Based on the MFC update the Southern Flounder FMP Amendment 3 is scheduled for Southern Regional AC review in January 2022. Lara Klibansky will be following up in email the 2022 schedule with all the advisory committees.

The meeting was adjourned at 7:51 pm.