

Southern Regional Advisory Committee
Meeting via Webinar
January 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 October 19, 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. 20, 2022

MEMORANDUM

TO: Marine Fisheries Commission
Southern Regional Advisory Committee

FROM: Tina Moore, Southern District Manager
Chris Stewart, Biologist Supervisor
Fisheries Management Section

SUBJECT: Meeting of the Marine Fisheries Commission's Southern Regional Advisory Committee, Oct. 19, 2022 for 2023 Meetings Planning and Updates.

The Marine Fisheries Commission's (MFC) Southern Regional Advisory Committee (AC) held a hybrid meeting on Oct. 19, 2022, via webinar and in-person at the Department of Environmental Quality Regional Office, Wilmington, North Carolina. Advisory Committee 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: Fred Scharf, Samuel Boyce, Cane Faircloth, Jason Fowler, Tom Smith, Pam Morris, Jeffrey Harrell (Absent – Jerry James, James Rochelle, Adam Tyler, and Tim Wilson).

Division of Marine Fisheries (DMF) Staff: Lara Klibansky, Hope Wade, Debbie Manley, Corrin Flora, Tina Moore, Chris Stewart, Garland Yopp, Jason Parker, Mike Loeffler, Jeff Dobbs

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

Southern Regional AC Chair Fred Scharf called the meeting to order at 6:06 p.m.

A call for attendance was performed and attendance recorded. The Southern Regional AC had six members present at the start of the meeting and a quorum was met. Cane Faircloth joined the meeting online at 7:52 p.m. Jeff Harrell was online at the beginning of the meeting and left about 6:40 p.m.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Pam Morris. Second by Tom Smith. The motion passed without objection.

Fred Scharf noted that staff corrected a misspelling of Samuel Boyce's name in the second paragraph of page eight of the minutes. A motion was made to approve the minutes from the Southern Regional AC meeting held on March 16, 2022. Motion by Sam Boyce to approve the minutes. Second by Pam Morris. The motion passed without objection.

MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky 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.

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 sea trout and outcome of the peer review will be presented as an informational update. Dr. Scharf asked who was conducting the assessment. Staff indicated that it is a DMF assessment, and that the DMF is working with researchers at NCSU. The new model incorporates cold stun events and assesses stocks within North Carolina (north of Cape Fear River only, due to genetic differences in the stock) and Virginia.

Blue catfish continues to be a topic brought up by commissioners as a major concern due to their impact to other species, particularly in the Albemarle Sound. The DMF continues to actively collect data (diet, etc.) on blue catfish and has participated in blue catfish workshops in Virginia. Dr. Scharf noted that he and a researcher at ECU have submitted a proposal to do genetic, diet, and trophic analyses on blue catfish in western Albemarle Sound. If the proposal is funded, they would work with commercial gill netters and explore using electrofishing gear as a means of removal.

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.

2023 ANNUAL MFC ADVISORY COMMITTEE MEETINGS PLANNING

Klibansky reviewed the 2023 calendar and noted that in past years the AC did not meet unless there was something the MFC needed input on; however, moving forward we would like to meet on a regular basis to give updates and talk about less contentious topics. The next meeting with an action item will be October 2023 for the management of striped mullet. In January, there will be new AC members and the ACs will receive a presentation from one of the DMF stock assessment biologists to orient the new members. It will likely be a Webex meeting. In the future we will alternate between Webex and in-person meetings; however, staff will set up listening stations for the public at various locations when the meetings are virtual. The AC agreed they liked in person meetings, but also liked the convenience of having hybrid meetings and said it was nice not to have to travel. Dr. Scharf said that he especially liked talking with the other AC members before and after the meetings. Morris commented that she would like to see more fishermen attend the meetings and would prefer going back to having Northern, Central, and Southern ACs. Morris further noted that the fisheries and gear are so different between regions it can be difficult to make informed decision. Morris also suggested the existing regional AC lines could be moved down to better suit areas that use similar gears and fishing methods. Dr. Scharf also commented that prior to going to two regional ACs, there was more participation from Sneads Ferry and Brunswick County fishermen. Klibansky noted that it has been hard to fill the seats in the past with three regional ACs and budget and staffing constraints are an ongoing issue. There was agreement that meeting more frequently was beneficial.

Tom Smith said at the next AC meeting he would like an update on the fish passage work being done on the Cape Fear River. Corrin Flora noted that the data is still preliminary; however, both the modified rock archway and the pulses appear to have increased passage of striped bass. It may be several months before the results are ready to share. Smith noted that there are so many dynamic things going on with that fishery any update would be appreciated.

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 is finalized. The commercial season is wrapping up and there have been some positive signs. Dr. Scharf noted both sectors had indicated more and bigger fish are available and asked if the DMF was seeing that in their surveys. Mike Loeffler said staff is seeing some sign in the DMF trawl survey with large numbers of juveniles in the northern part of the state, as well as good catch in our gill net program. So far, staff has also seen more age-3 fish and even an age-7 fish this year.

For the 2022-2023 FMP Review Schedule, hard clam, oyster, striped mullet, estuarine striped bass, and spotted seatrout are under review; the review of river herring has concluded. The 2018 benchmark 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 Southern 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. DMF and Wildlife Resources Commission staff are continuing to work on this update and based on the initial review of the results, the 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 was up to the target, but overfishing is occurring. In early 2023 DMF will have scoping meetings for this plan. Morris asked who the reviewers were and if it was the same method used as last time. Staff said the reviewers are people outside of the DMF who are familiar with the species and are experts in the field. The new model now accounts for cold stuns based on data collected in North Carolina; the assessment can be found online. Dr. Scharf noted how you could see similar trends in the landings data and the independent data, but it was nice to see how they could bounce back so quickly.

Next, Flora discussed striped mullet and said the stock is overfished, and overfishing is occurring in 2019. Because of stock concern the DEQ Secretary asked the MFC to work with 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. At the scoping meeting held in Wilmington there were concerns expressed about the number of finger mullet harvested and how the model incorporated landings data. Participants also expressed interest in serving on the Striped Mullet FMP AC. Dr. Scharf asked for more information on the development of the supplement. Flora said management is temporary, needs to be simple and effective, and is meant to end overfishing within one year. The MFC will review the supplement in November and vote to approve it to go out for public comment. The supplement could be implemented as early as 2023. If all goes as planned the Amendment 2 could be in place as early as 2024 or 2025.

Jeff Dobbs asked the AC if they had any management ideas for Amendment 2 to the striped mullet FMP. Staff noted the seasonal closures were the only option being evaluated for the supplement, but other options could be explored in the amendment. Morris said she felt the biological reference points changed and the impact of hurricanes has a lot to do with the fishery; she did not believe the stock was overfished. Dobbs noted that only reference point that changed was for the target SPR and not for the threshold; thus, not impacting the overfished status. He further noted that the same model was used, and the new inputs made the model more stable. While the old model was good for management, it could not determine the overfished status. The old model indicated that we were on the verge of overfishing in the terminal year Smith agreed and noted that we were told we were fishing on the edge of the threshold, and we took the minimum reduction the last go round, so this is not unexpected. The AC discussed how the terms overfished can be misleading. Morris felt that the commercial fishery bears the brunt of the blame and regulations while water quality issues, development, etc. all contribute to the status of the fishery, further noting that this was not conveyed at the last meeting. Staff indicated that this was the input staff was looking for from the ACs by meeting more frequently.

Dr. Scharf asked what harvest reductions needed for stiped mullet; staff indicated between 9% (threshold) and 20-30% (target) for the supplement. Dobbs further noted that this was just a stop gap measure and additional ideas were needed for the amendment. Staff noted that at the scoping meetings the need for adaptive management was brought up frequently and that it would be a good option as this species, as they tend to bounce back quickly. Adaptive management would likely be based off some type of

abundance index and not landings data such as our recently expanded electrofishing and gill net surveys. Staff indicated that a 20-30% reduction was needed. Morris said that she could not go for that or end of the season closures and expressed the need to keep historic fisheries such as the stop net fishery going. Smith indicated that escapement was needed. Dobbs said that most of the harvest occurs Oct. 15-Nov. 15 and if opened later in the year recoupment is an issue. Morris again expressed her concern about the importance of the roe fishery and the stop net fishery; further noting that regional differences in the gears should be considered. Staff noted there are some concerning trends in the data and that they are seeing age truncation in the fishery. Morris expressed concern about how the landings data was used. Dobbs noted that it just informs the DMF about removals and the fishery-independent data tracks well with the landings; both of which show a decline in recent years.

Dobbs asked if maximum mesh size restrictions would work. Staff heard comments about cast net mesh sizes at the Wilmington scoping meeting. Morris commented that the markets are not what they once were and the desire to have larger fish has diminished. She further noted the expense of rehangg gill nets. Smith asked about the life expectancy of a gill net and if fishermen used different mesh sizes throughout the year. Morris said they did about every year or two, and they often cut out bad webbing; she later noted mesh size restrictions could be an option. Dobbs next asked if migration or area and season closures were viable options. Smith felt we need to allow the fish to spawn, and to limit harvest in the ocean when they are spawning. Dobbs added there were other fisheries in the ocean that may also be impacted. There was some concern that if one fishery was to close, effort may shift to another area or gear. Morris highlighted the need to continue the stop net fishery.

PUBLIC COMMENT

There was no public in attendance.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

No items are planned at this time. Klibansky said the MFC ACs will not likely need to meet again until 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. Dr. Scharf also asked for an update on the outcome of the 2022 flounder season.

Samuel Boyce motioned to adjourn; it was seconded by Pam Morris. The meeting adjourned at 8:15 p.m.