



ROY COOPER
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October 13, 2021

MEMORANDUM

TO: Marine Fisheries Commission
Southern 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, October 12, 2021. Recommendations for the Coastal Habitat Protection Plan (CHPP).

The Marine Fisheries Commission's (MFC) Southern Advisory Committee (AC) held a meeting on October 12, 2021 via webinar.

The following Advisory Committee members were in attendance: Fred Scharf, Jerry James, Jason Fowler, Tom Smith, Cane Faircloth, Adam Tyler, Pam Morris. James Rochelle tried to be present on the virtual platform but had difficulties with staying online and participating. (Absent – Samuel Boyce, Tim Wilson, Edwin Bebb)

Staff: Tina Moore, Chris Stewart, Anne Deaton, Jimmy Johnson, Casey Knight, Dan Zapf, Dana Gillikin, Deborah Manley, Ashley Bishop, David Behringer, Lee Paramore, Garland Yopp, McLean Seward, Anne Markwith, Corrin Flora, Lara Klibansky, Jesse Bisette, Kim Harding, Kathy Rawls, Alan Bianchi, Brandi Salmon, Hannah Carter, Nolen Vinay

Public: Ken Vogt, Ann Stewart, Anne Coan, Kelly Garvy, Leda Cunningham

Southern Regional AC Chair Fred Scharf called the meeting to order at 6:04 p.m.

A call for attendance was performed and attendance recorded. The Southern AC had seven members present and quorum was met.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

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

A motion was made to approve the minutes from the Southern AC meeting held on July 20, 2021 by Jason Fowler. Second by Cane Faircloth. The motion passed with one abstention.

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.

A question was raised if the advisory committees will be meeting in-person or virtual in the upcoming year. The MFC is scheduled to meet in person at their November 2021 meeting in Emerald Isle, but it is unknown at this time when the MFC ACs will return to in-person meetings. Feedback is welcome from AC members on interest for in-person or virtual meetings.

2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

Anne Deaton and Jimmy Johnson presented the recommendations in the Coastal Habitat Protection Plan amendment after attempts to provide the information through a pre-recorded video were unsuccessful.

PUBLIC COMMENT

Ann Stewart, Surf City resident, worked with the Department of State for 22 years and spent much of that involved with international environmental policy. She wants to consider addressing issues occurring further inland, such as indiscriminate logging (wood pellet industry), as what's happening there is affecting coastal water quality. Concerned with the lack of development of low impact strategies for inland communities important for addressing stormwater runoff, but there is a lack of understanding about LID in inland counties. A wall of water came down to the coast from inland areas after Hurricane Florence and caused all types of issues for many coastal communities. We need to identify where more inland impacts and activities occur such as logging and the wood pellet industry. She also expressed concern with the use of plastic discs in wastewater and washing downstream during system overflows; she has heard reports that they have been washing up on local beaches. She would like to see some type of holding or treatment of wastewater like what is done in the Potomac River to ensure it doesn't run untreated into coastal and inland waters. She asked if there is a recommendation for public and private partnerships to meet on a regular basis and bring more public awareness to the school systems on habitat concerns. She noted that a simple visual like showing aerial images from different time periods showing the large change in land use cover can be effective in demonstrating changes that have occurred to the environment and improve public awareness.

Ken Vogt, is an active volunteer with the North Carolina Coastal Federation, but is speaking as a member of the public. Focus needs to occur on wastewater treatment. Wastewater treatment has

come a long way, but there is still room for improvement in the removal of microplastics and other contaminants of emerging concern (CECs) that treatment plants are not designed to remove. Removal will require new technology and improvements. Non-point pollutants (i.e., runoff from pet waste, car washing, over fertilizing, etc.) are a great concern. He identified that a watershed land use rule is needed and was surprised how little attention was given to stormwater runoff in the CHPP. He said most violations are probably because of runoff, which has little regulation currently and needs to be addressed by state and local government. Climate change also deserves more attention. Because of climate change 100-year storms are more like 25-year storms. Data and statistics are not keeping up with climate change. We are designing based off of old technology. Uncontrolled runoff is likely greater than expected and more information is needed to understand land use adjacent to waterways and their influences on the water. Wetlands can trap runoff to some extent.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION ON THE 2021 COASTAL HABITAT PROTECTION PLAN AMENDMENT

Fred Scharf opened the floor for further discussion amongst members of the committee. Members applauded the work put in on the CHPP and moving habitat and water quality issues forward. It is recommended that the interagency workgroups also bring in the local experts, older local commercial and recreational fishermen, who have seen the changes over the years firsthand. One committee member noted that better enforcement is also needed. An example was provided on maintaining stormwater retention ponds as required by permits. Jimmy Johnson agreed but also noted staffing limitations have made it harder to maintain compliance and is the focus of the Environmental Rule Compliance and Enforcement to Protect Coastal Habitats issue paper in the draft amendment.

Discussions moved on to the Wastewater Infrastructure and Solutions for Water Quality Improvement issue paper and wastewater treatment facilities, particularly in small towns. Many small towns have very little funding to meet the requirements and more funding is needed from DEQ to maintain wastewater treatment plants. The infrastructure of these plants is often overwhelmed after storm events because the small towns cannot afford the collection system maintenance and holding capacity that is needed. Providing inspection cameras to check the lines would be a big help. What runs into these small streams makes it to the coast.

Questions came forward, in regard to the Protection and Restoration of Wetlands Through Nature-based Solutions, on the mitigation process with living shorelines and it was questioned if they be used to facilitate development. It seems like there is an explosion in coastal development and there is nothing as good as a natural shoreline. Anne Deaton explained Virginia uses living shorelines for nutrient credits, more related to the nutrient load going into the water. A committee member noted giving credits is more or less mitigation. Living shorelines likely help with water quality, but a natural shoreline is always better. Money drives development and mitigation is not the solution.

It was questioned whether any of these new developments are opposed by MFC or the agencies that review these permits. Deaton said the commission does not comment on new development permits. DEQ staff, including DMF's two Fisheries Resource Specialists, review applications

and make recommendations to avoid or minimize impacts to fish, habitat, and water quality, and sometimes object to portions of projects. This often results in modifications that minimize impacts.

Discussion continued about point and non-point source runoff. High flooding events have become more of a problem with coastal development. Florida is also having recurring issues with red and brown tide events, and it was suggested staff further discuss with Florida staff and see what they have learned and how that may help us prevent red and brown tides from happening in North Carolina.

Discussions occurred on the requests for funding for ongoing monitoring in Coastal Habitat Mapping and Monitoring to Assess Status and Trends issue paper in the plan. Recurring funds are imperative for monitoring to be continuous. Monitoring is opportunistic now when funding can be found. It was identified that it would be good to develop public and private partnerships, along with securing recurring funds through the General Assembly. Secure funding would help staff to conduct permit compliance inspections.

Development has been increasing substantially along the coast. There is a need to develop water quality standards to assess impacts and potentially slow down some of the development. Water quality metrics are critical so the linkages between land use practices and impacts from development can be strengthened. Research is ongoing to strengthen the linkages.

Motion by Adam Tyler that the Southern 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 Pam Morris

It was noted during discussion of the motion the public partnership piece may make this more complicated and not put the burden on the state. The rationale behind adding this piece was to achieve funding from sources where the state cannot.

The motion passed without dissent.

Jimmy Johnson recognized Casey Knight and Trish Murphey for their time and effort in assisting with compiling the information in the draft 2021 CHPP Amendment.

MARINE FISHERIES COMMISSION UPDATE

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.

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 provided clarification on the upcoming schedule in 2022 for MFC ACs. She will be following up in email the 2022 schedule with all the advisory committees.

The meeting was adjourned at 8:07 p.m.