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KATHY B. RAWLS
Director

Nov. 4, 2024

MEMORANDUM

TO: Marine Fisheries Commission
Northern Standing Advisory Committee

FROM: Charlton Godwin, Biologist Supervisor
Fisheries Management Section

SUBJECT: Meeting of the Marine Fisheries Commission's Northern Regional Advisory Committee,
Oct. 8, 2024, to provide recommendations for the Spotted Seatrout Fishery Management
Plan Amendment 1

The Marine Fisheries Commission's (MFC) Northern Regional Advisory Committee (AC) held a meeting on Oct. 8, 2024, at the Department of Environmental Quality's Washington Regional Office, Washington North Carolina, and via webinar. AC members could attend in either setting to communicate with other committee members.

The following Advisory Committee members were in attendance in person: Sara Winslow, Jamie Winslow, Wayne Dunbar, Thomas Newman, Roger Rulifson. The following members were present online: Carl Hacker.

Division of Marine Fisheries (DMF) staff present: Lucas Pensinger, Melinda Lambert, Charlton Godwin, Kathy Rawls, Hope Wade, Jason Rock, Capt. Chris Lee, Dan Zapf, Jeff Moore, Brandi Salmon, Jesse Bisette, Officer Candace Rose, Michale Thompson, Alan Bianchi.

Public that signed in: Kim Tavasso, Wilbur Vitols, Paul Lane.

The Northern Regional AC had five members present in person at the start of the meeting, therefore a quorum was not met.

Northern Regional AC Chair Sara Winslow called the meeting to order at 6:00 p.m. The full meeting can be viewed online [Northern Regional AC Oct 8, 2024](#)

APPROVAL OF THE AGENDA AND MINUTES FROM PREVIOUS MEETING

There was not a quorum present so no motions and votes were made.

PRESENTATION OF THE DRAFT SPOTTED SEATROUT FISHERY MANAGEMENT PLAN AMENDMENT 1



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Staff started the presentation with a timeline of the FMP process and asked that the AC give their recommendations to send to the MFC for the draft Spotted Seatrout Fishery Management Plan (FMP). Staff will present the standing and regional ACs' recommendations at the November MFC meeting. The MFC will select its preferred management options at its November meeting and then vote on final adoption of Amendment 1 in February 2025. The goal of Amendment 1 is to manage the Spotted Seatrout fishery to maintain a self-sustaining population that provides sustainable harvest based on science-based decision-making processes. Since current management was fully put in place in 2012, recreational harvest has accounted for about 86% of total harvest and commercial harvest has accounted for about 14%. Landings in both sectors are variable, but recreational landings have generally increased throughout the time series with periods of low harvest in both sectors following cold stuns. Landings in both sectors dramatically increased in 2019 and remained high through 2022. However, recreational landings decreased sharply in 2023. Commercial landings also decreased in 2023 although that drop was not as steep as what we see recreationally. Approximately 70% of recreational harvest occurs in the peak October–February season. A similar pattern is seen for the commercial sector. Historically anchored gills nets landed most of the commercial catch; however, in recent years runaround gill nets land most of the fish.

The last stock assessment indicated spawning stock biomass (SSB) was well above the threshold; thus, the stock is not overfished. However, fishing mortality (F) or the rate at which fish are removed due to fishing, was above the maximum ratio ($F/F_{20\%}$ ratio = 1) in the terminal year indicating that overfishing was occurring. To keep spotted seatrout biomass at levels that support the fishery we have seen in recent years, we need to end overfishing by reducing fishing mortality. The options presented today are intended to benefit the stock and end overfishing. The first issue paper looks at characterizing the small mesh gill net fishery for spotted seatrout, the predominate gear used to harvest the species commercially. This paper examines mesh size restrictions and trip and yardage limits. The next issue paper is the sustainable harvest issue paper. Management measures discussed in this issue paper are quantifiable and projected to meet the required reduction in spotted seatrout harvest based on the terminal year of that stock assessment. At least a 19.9% harvest reduction is required to meet the fishing mortality or F threshold, while a 53.9% harvest reduction is needed to reach the F target. Harvest reductions in the issue paper are based on harvest from 2019 to 2022. Management measures that reduce harvest so that F falls somewhere in between the threshold and target need to be somewhere between 19.9% and 53.9% to achieve the highest probability of SSB staying above the target.

AC member Newman asked what was the recruitment value used in the projections? Pensinger said it was the mean of the recent recruitment, 2012–2022 he thought. Newman asked why it was not the same years as the average of the average F for the terminal year, 2019–2022. Pensinger noted he would have to go back though the stock assessment to say for sure. But we can certainly find that information. I can look it up when Melinda takes over for the second half of the presentation. Staff continued the presentation which was to show the projections that would end overfishing and keep SSB above the Target.

To achieve the reductions needed to end overfishing, options include size limits, season closures, bag/trip limits, stop net management, combinations of measures, and adaptive management. Staff then reviewed supplemental options that would benefit the population but could not be quantified, which include vessel limits, effort controls, gear requirements, tournament restrictions, and commercial hook and line harvest.



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Staff next discussed how adaptive management could be used to address cold stuns. Currently the Director can close the spotted seatrout fishery by Proclamation through June 15 in the event of a severe cold stun which allows surviving fish a chance to spawn before being subject to harvest. The issue paper discusses additional management options on top of the seasonal closure through June 15. Management measures that could be adjusted through cold stun adaptive management specifically include temporary measures like extended season closures, reduced bag and trip limits, and size limits. The cold stun adaptive management process would start with the Division evaluating the cold stun by analyzing water temperatures, reviewing cold stun reports, and using onsite data collected by Division staff. It would also include analysis of fishery independent data looking at indices of abundance and length frequencies. If a cold stun was deemed especially severe, then the Director can implement temporary management measures using adaptive management.

The preliminary DMF management recommendation to end overfishing is for a January through February statewide harvest closure for both sectors, a 14–20-inch recreational slot limit with an allowance for one fish over 26-inches, a 3 fish recreational bag limit, and a commercial harvest closure from 11:59 p.m. Friday to 12:01 a.m. Tuesday, October through December. This mirrors the fall weekend closures recently adopted in Amendment 2 of the Striped Mullet FMP. Additionally, the preliminary Division management recommendation is for no changes to the quota in the Bogue Banks stop net fishery, but to formalize the management of that fishery in Amendment 1. And finally, the preliminary Division recommendation is to adopt the adaptive management framework to allow the Division to respond more quickly to ensure sustainability goals are met. The preliminary recommendations would result in a recreational harvest reduction of just over 1.3 million pounds or 39.5% while commercial harvest would be reduced by about 228 thousand pounds or 40.2%. This would combine to a total harvest reduction of 39.6%. When we look at the breakdown of each sector's contribution to the total harvest reduction, we see that it aligns almost exactly with the proportion of total harvest (85% recreational, 15% commercial), making these reductions equitable.

AC member Dunbar asked why if the commercial catch is 14% you want to cut them back by 40.2%, and if the recreational catch is 86% you want to cut them back 39.5%, which is less than the commercial cut. What's up with that? Staff responded that there were a few more slides that might clear that up and we could talk about it then if that were OK? Staff continued the presentation. Dunbar noted later that looking at the harvest, the recreational fishery is the problem, not the commercial. Commercial hasn't really gone up while the recreational has gone up a lot. Way more than commercial. Why does the commercial take so much of a reduction? Staff responded that commercial harvest has increased some too, but you are right not as much as recreational. But through the timeseries the 85% recreational-15% commercial split in harvest percentages has stayed pretty much the same through time.

Chair Sara Winslow asked that AC members please hold discussion of the potential management options and discussion in general until after staff have gotten through the presentation. Then we will take public comment, then come back to the AC for full discussion, but let's let them get through their presentation first.



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The preliminary Division recommendation in Appendix 3 is to eliminate the captain/crew allowance for spotted seatrout. This idea had some support from the for-hire industry and would stop the practice of harvesting multiple captain/crew limits in a day. The preliminary Division recommendation for Cold Stun Management is to extend the harvest closure in the event of a severe cold stun through June 30 and adopting the cold stun adaptive management framework. Extending the closure through June 30 protects spotted seatrout that survive the cold stun through the entire peak in spawning. The adaptive management framework allows the Division flexibility in responding to an exceptionally bad cold stun.

Sara Winslow opened the floor to AC members to ask questions about the presentation before moving into Public Comment. Newman wanted to ask a couple of questions about the projections graph. He liked the graph and was glad it was in there, it helps a lot. Pensinger noted the answer to the previous question was the last five years were used to balance out a couple of really low recruitment years and a really high recruitment year in that time period, 2015–2019. Newman asked why the chart of projections went all the way out to 2035 instead of just 2 years like the statue to end overfishing, so end the graph in 2026. Newman also asked why the purple line was so far above the red 50% probability line? Why basically are we taking such a drastic reduction so much more than the minimum needed? All we need to do is meet FRA requirements, which is a 50% probability to end overfishing. We are taking a humongous cut when we don't need that much. Also wondering when our next stock assessment is. Staff indicated we really don't know until we get some stock assessment staff on board. We currently do not have a stock assessment scientist on staff. Last question on the graph of projections by Newman: do these projections take into effect the increase in discards due to the closures and/or slot limits? Staff indicated no they do not. But even with the increase in discards, there will still be a lot of saved fish. Newman pointed out that if we could just decrease that catch-and-release mortality from 10% to 8% that would be the reduction we would need. Newman pointed out that the elephant in the room is the fact that recreational releases have gone up ten-fold in the last years. Closures are just going to increase those releases. We are not even touching that part of the fishery. 1.6 million fish dying in some years is a lot. I wish we could look at reducing discards and stop hearing DMF say we just can't do anything about discards. Chair Winslow mentioned that for years the Division has puts out all types of information about reducing discards and best handling practices for spotted seatrout and other species. But a lot of that is not enforceable relative to angler behavior. Newman says this is a problem in every fishery up and down the coast including the South Atlantic. We cut harvest and turn everything into a discard fishery. We can't keep going like that. Jesse Bisette mentioned that is a good point but as you mentioned that one of the major challenges coming up in Fisheries Management is how to handle the increase in recreational trips and effort that has been increasing for the past two decades and are expected to continue to increase. Roger asked if someone could review the rules on cold stun. Is it legal to collect cold stun fish if they are dead? Staff responded that if the fishery has been closed due to a cold stun, then no you cannot harvest them. But if the cold stun is just happening and the fishery had not been closed, you could keep them.

PUBLIC COMMENT

There were three members of the public that provided comment.



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Kim Tavasso: My belief is that the decision to change has already been made. And I see that the numbers of speckled trout caught have gone up. I think there is a pretty easy answer for that. Its due to a lack of options. We can't catch flounder, can catch striped bass, can only keep one drum. In 2020 the flounder caught commercially was about 480,000 pounds. The trout went up in the commercial sector. So that's not a surprise that trout harvest has gone up. We are running out of options for fish to keep. I want the commercial industry to make a living, but I want to be able to catch a fish too. My fear is the fishing industry in NC is headed for a demise. If you look at the trip tickets, the commercial industry caught 175.8 million pounds of seafood. In 2020 that number had fallen to 35 million pounds. Going down at a rate of about 3% per year. We are running out of options. If we don't do something soon the commercial industry is going to die and the recreational industry is going to go along with it. Please work on this hard folks. I'd like to see a solution. Thank you.

Wilbur Vitols: I'm from New Bern and born in NC. My memory is that we took whatever species we wanted and how many of them we wanted. There is no denying that this unchecked recreational fishing had significant impact. But it is now apparent that trying to fix the problem we have also had a huge impact while ignoring the most logical ways to fix the decline of all species. At recent meetings it also appears the division is ignoring the voice of the public as represented by the trout AC. The proposed trout regulations with size limits and bag limits could be supported, but including the elimination of the guides' bags this will reduce the trout catch by over 45%. But it also seems not logical to close this fishery for two months but allowing nets for mullet that will kill trout too. I'm not against commercial fishing, I think you all need to work and it's a good thing for the state, but I know unless we change things now this is headed in the same direction as the trout regs and closures. So reduce the recreational bag limit to three and use the slot size system as proposed, and yes based on historical data put in quota system for the commercial sector with a cap, that is equal in scale to the impact of the recreational side. I know that's not what you'd like to see but I think that is fair. Use an adaptive management system that will allow for adjustments and not wait for a 5-year schedule or that will result in a closure. Enforcement, we must have enforcement with serious consequences such as loss of licenses and equipment seizures. I'm willing to take one for the team but there needs to be equal enforcement and equal sharing of the burden by all parties. I appreciate the work you all do, and I know this is a terribly complicated issue. But we are on that slippery slope. Thank you.

Paul Lane: I'm a commercial fisherman been at it about 40 years now. I'm opposed to any reductions or regulations for several reasons, but the main reason is a fellow named Louis Daniel said it is unmanageable. Due to a cold stun, they will get wiped about all out and it will take several years for the to rebound. And in my 40 years I've seen that, it is true. You can do whatever you want to, but you cannot manage a speckled trout. And be careful what you wish for people want something done about this, but I've never seen anything given back once it's been taken. I'm opposed to any regulations, there's no need for it to be done, but sometimes things get done for no reason, but this shouldn't be done.

DISCUSSIONS ON RECOMMENDATIONS OF MANAGEMENT OPTIONS TO THE DRAFT SPOTTED SEATROUT FISHERY MANAGEMENT PLAN AMENDMENT 1 FOR MFC CONSIDERATION

Chair Sara Winslow closed Public Comment and turned the floor back over to the AC to discuss potential management options.



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Jamie asked when we lost the Neuse River in one document it showed that the Neuse and Bay Rivers had about 26% of the speckled trout harvest. If we've already lost 26%, then you are taking another 42%, are you accounting for the fact the Neuse River is closed? We've already lost 26% and now you are wanting to take an additional 42%. Seems like we have already taken our cut and reduction. Staff responded that the reductions calculated are from 2019 to 2022, so the time period that we are looking at encompasses the ferry line closures on the Neuse, so that reduced harvest is accounted for. But those fish move out of those areas in the summer and fall so those fish are available to harvest. Jamie emphasized that they don't fish for speckled trout so much in the summer, it is mostly in the winter when they are up the rivers. Jamie asked is there a scenario outside of this where we could have a one on one with your stock assessment scientist to see the statistics that go into to the assessment, like how you calculate the standard deviations etc. and go through and look at all your inputs and graphs. Staff responded that we don't currently have a stock assessment scientist, but the spotted seatrout lead would be happy to sit down with you and go over those. One little input in a formula can have a major impact in 20 years of the model. Staff agreed that it is complicated math but again would be glad to sit down anytime and walk through the assessment results.

Chair Winslow asked you showed on one of the slides the 2023 landings do you know if the effort for commercial and recreational effort was up or down. Staff responded they do know recreational trips were down somewhat but were not sure about the commercial. Sara asked if the quota had ever been reached in the stop net fishery? Staff responded not once. Newman asked about the fishing mortality and spawning stock biomass graph the terminal year of the stock assessment you used the average F from 2016–2019 and used that? How good do you all feel about that? Are we still confident with that terminal year estimates since it is the most uncertain year in the assessment. Staff responded we had lots of conversations with the peer reviewers about that last terminal year estimate and a lot of the conversation was about the variance in that year, but it was also about the fact that removals in that year were an outlier at the time. They are no longer an outlier. All years since 2019 except for 2023 were very similar to 2019 landings. Newman said you would expect landings to be high if we have highest biomass we have ever had. And that's what's so concerning, during these early periods we were overfishing and the stock was low and then all of a sudden, the stock turns around and starts getting more and more biomass and now we are so close to that line of overfishing to have such a huge reduction doesn't make sense. Why do we need this 40% reduction? Staff responded the preliminary reductions are based on a combination of things, but one of them is folks want that high level of biomass, so we wanted to take reductions that will keep it there. Also, effort has increased a lot and our ability to control effort is limited. So, for a combination of those reasons, we wanted to recommend measures that are more cautions, that keeps spawning stock biomass at levels that the public enjoy. That's not unique to NC as you mentioned earlier. Newman said that we are not accounting for effort, we are simply shifting harvest to discards. Removals are staying about the same. For the commercial sector there is a breaking point where we can't operate if harvest gets so low. For the recreational sector harvest is not that big of a deal. We are losing fish houses, and every time just cut harvest and shift everything to discards. And we are not even looking reducing discards or discard mortality. We never touch the catch-and-release fishing sector. Winslow asks when the last catch-and-release mortality was done. Staff responded for NC it was 2002. But the results were pretty consistent with other studies, including more recent studies. We have seen ranges



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from 5%-15% or 20%. Dunbar said my bottom line is I'm like this man over here been fishing for 40 plus years. We've had good years, and we've had bad years, but right now we've never seen more speckled trout than right now. I wish there was something we could do to help some of these stocks, but there's nothing you can do. Mother nature is going to have her way. There are more fish in the sounds now than I've seen in my life. We just caught 125,000 pounds of flounder in just a few days. Three or four days. That's a lot of flounder. And the red drum they are running rampant. We've protected them for 20 years. There are a lot of wolves running around out there eating all the little rabbits. The croakers have shown back up, the big croakers. The fish are going to come and go in cycles and not much you can do about it.

The chair closed the discussion and since there was no quorum no motion could be made. She turned the floor over to Jesse for some updates and questions about the next meeting preferences. Jesse informed the AC the next scheduled meeting is in January which will be about the oyster/clam FMP. Do you have any preferences about when that meeting should occur in January or December, especially since we are trying to have it in person? So, if you have a preference let us know. Just email or call me. Newman said the South Atlantic meets in December so probably January will be better.

The meeting was adjourned at 7:41.