



ROY COOPER
Governor

MARY PENNY KELLEY
Secretary

KATHY B. RAWLS
Director

Oct. 15, 2024

MEMORANDUM

TO: Marine Fisheries Commission
Southern Regional Advisory Committee

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

SUBJECT: Meeting of the Marine Fisheries Commission's Southern Regional Advisory Committee, Oct 9, 2024, to provide recommendations for the Spotted Seatrout Fishery Management Plan Amendment 1

The Marine Fisheries Commission's (MFC) Southern Regional Advisory Committee (AC) held a meeting on Oct. 9, 2024, at the Department of Environmental Quality Wilmington Regional Office, Wilmington, North Carolina and via webinar. AC members could attend in either setting and communicate with other committee members. Public comment was received in-person and the meeting was streamed to the public not in attendance via YouTube.

The following Advisory Committee members were in attendance: Fred Scharf, Jeremy Skinner, Pam Morris, Ken Siegler, Sam Boyce, Tom Smith, Jason Fowler (Absent – Tim Wilson, Michael Yates, Jeff Harrell and Truby Proctor)

Division of Marine Fisheries (DMF) Staff: Kathy Rawls, Lucas Pensinger, Melinda Lambert, Jason Parker, Chris Stewart, Tina Moore, Jason Rock, Dan Zapf, Garland Yopp, Hope Wade, Jesse Bissette, Jeff Dobbs

Public: Glenn Skinner. There were 28 viewers on You Tube.

MFC Members: Sammy Corbett, William Service

The Southern Regional AC had seven members present at the start of the meeting and a quorum was met.

Southern Regional AC Chair Fred Scharf called the meeting to order at 6:00 p.m. The Chair opened the floor for the AC members and DMF staff to provide introductions.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

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

A motion was made to approve minutes from April 10, 2024 by Jason Fowler. Second by Tom Smith. The motion passed without objection.

PRESENTATION ON THE DRAFT SPOTTED SEATROUT FISHERY MANAGEMENT PLAN AMENDMENT 1

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; however, landings can extend into the winter months. 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.

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. 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- to 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. 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.

Scharf opened the meeting for clarifying questions regarding the presentation and stock status. Fred asked about the current regulations (i.e., four fish bag limit, 14 in minimum size limit, closure after cold stun until June 15) and asked if the DMF recommendation is to extend the cold stun closure for two weeks. Staff indicated that was correct. Siegler noted they will spawn Aug. into Sept. Smith asked if 39% reduction would keep spawning stock biomass at the target. Staff noted that it would and explained it would be between the black and purple lines in the figure shown; however, the fishing mortality rate would need to be calculated. Siegler asked if a 15-inch size limit was looked at. Pensinger noted it was as well as slot limits. At the workshop, there was some support for a slot even though it may be unrealistic as it would be very tight and would only reduce the catch by a tenth of a percent. Siegler expressed his concerns with discards. Pensinger noted that while the bigger fish do contribute more to the stock, there are not as many of them and fewer landed. Further noting that there is limited research on fecundity. Scharf asked if all the combinations included a trophy fish option and asked how much it contributed to the reductions. Staff noted it was not very much; about 0.5%. Siegler cited the need to protect fish in every age group. Boyce asked how long it takes for a fish to grow to 26 inches. Pensinger noted about 3-20 years. Scharf added that it is probably about six years on average, and it depends on diet, location, among other factors. Boyce asked if all three options had a trophy fish as part of the three fish bag limit. Staff indicated that they did.

Siegler noted that a robust mortality study is needed for the stock assessment. In 2008, 88% discards were sub legal fish and noted that the 14-inch size limit has created more discards. Sigler asked what percent of released fish that are sub legal die. Staff noted that MRIP only documents if the fish was harvested or released and it doesn't identify if it was because it was over bag limit or undersized. Siegler noted that most of the mortality is coming from fish under 14 inches. Pensinger noted that the Jeff Gearheart study didn't find that size was a factor, but they did include it as a co-variate in their model. What was significant was deep hook or injuries. About 10% of fish fell under that condition. There was a range of mortality rates found in published literature, but the mortality rate used in the assessment came from the NC study. Siegler added that when the spikes are schooled up, anglers can catch 75-100 fish, so it has to be a problem. Most releases are below 14 inches. The stresses on a 24 inch and 12-inch spike are different from what I have

seen. Smith noted water temperature had a lot to do with mortality if I recall. Staff noted that for spotted sea trout, water temperature was a significant source of mortality. However, in a Sea Grant gill net study, water temperature did have a significant impact on striped bass, not spotted seatrout. Smith noted that cooler water should help when the fishery is really seeing a lot of effort. Pensinger noted that this type of data is difficult to get and that MRIP and the carcass collection program doesn't see the fish that get released. Boyce noted one of the goals was outreach and interjurisdictional cooperation and didn't see any of that in the plan. Further citing he has seen literature about hook type, but no promotion of not fishing on spikes. Pensinger noted that this is promoted via the ethical angling program. Boyce again noted that ethical angling needs to be included in the plan.

Scharf asked for clarification why slot limits are so prevalent in the management options provided. Was there a lot of support for this? Pensinger replied that there was. Scharf asked about option 5.e and noted that it achieved a 30% reduction, 5.j adds a slot and it goes up to 39.5%. This really illustrates how much the slot can do. Pensinger noted the public support for the trophy fish allowance (one fish >26 inches) as many people wanted an opportunity to break the state record. Scharf noted that allowing one fish over 26 appeared to be insignificant. Pensinger noted that it was, so it was dropped and that most of the reductions came from the slot limit. He added that the bag limit helped with escapement. Siegler asked how the Jan.-Feb. closure would work with the NCWRC rules related to non-game fish? Pensinger noted there should be enough lead time to get the rules adjusted. Boyce noted that during striped bass season, you will run into some spotted seatrout particularly in Brunswick Co. and that it could be an issue. Scharf also noted that could be an issue in New River as well.

Morris noted that the spotted sea trout stock assessments have been shaky for a while. It was overfished, in one, another said it was never overfished, etc. How confident are you with your assessment? Your figure, that projects out to 2035 how confident are you? Staff noted that the 2008/2009 assessment assigned some of the mortality to natural winter mortality. In the current assessment, winter mortality was allowed to be variable which is more realistic and found higher natural mortality (M) in cold stun years. Pensinger noted that it was a better model, and he is more confident but noted that the projections always have assumptions, and the conditions don't always happen the way we want. Recruitment varies, there will be cold stuns, hurricanes, etc. It gives a good snapshot of the fishery. Morris asked why more restrictions were needed for the commercial side when all the mortality is coming from the recreational fishery. She further noted that gill nets let the little fish through. Pensinger noted that the commercial landings from 2018 to 2019 increased over 100% and that the percentage of the reductions are based on the proportion of the landings taken by each sector. He further noted that in the division's gill net study, smaller fish are rarely caught, and it would take a very small range of mesh sizes to have a commercial slot limit. Smith noted a slot would not work for commercial sector. Morris concluded that we need to do the right thing for both sides. Bissette noted that people focus on the harvest reductions too much, and that we don't always get the reductions that we need. Thus, it may be best to focus on the options that are more preferable than others. While you must look at the reductions, we need to look at the totality of the options and how it would impact how each sector fishes. While 40% is a lot, we need to look at the options as a whole. Siegler noted that with flounder, the commercial sector caught 70% of the landings while the recreational sector caught 30%; nothing stopped the recreational sector from catching as much as the commercial sector. If you would have left it alone and have no allocation, everyone could catch what they needed. What happened to flounder will happen with spotted seatrout. You are creating conflict. Smith added that public perception is always an issue and if it doesn't appear to be equitable, it creates a problem.

Siegler noted that in 2013, the Finfish AC recommend that fishermen be allowed two limits per fishermen on one boat with a single set of gear. Noting that it was safer to have two people on board. We would be taking gear out of the water, while still allowing each to catch their limits. He further added that the NCMFC approved it 9-0 to go in the next FMP. I didn't see anything about in this FMP. Morris noted how the current regulation came in rule, noting that while that was discussed for a 25 fish trip limit, ultimately a 75 fish

limit was agreed upon. Siegler again cited that if two trip limits were allowed on one boat with one complement of gear, it would get gear out of the water. Scharf next opened the floor to public comment.

PUBLIC COMMENT

Glenn Skinner, Executive Director NC Fisheries Association, asked for clarification about the target spawning stock biomass (SSB) projections shown in the Appendix 2. Skinner noted that at 50% probability (blue line in figure), it looks like if we keep fishing at this rate for the next 11 years, the stock will not be overfished because we will not hit the threshold. Pensinger noted that the figure is solely for the target and not the threshold, adding a different chart would have to be made for the threshold. He added the y-axis is the probability of staying above the target SSB and explained what each of the color-coded lines meant in relation to the target SSB level. He further noted that the purple line would get SSB where it needs to be for the target and that a lot of assumptions would have to be met. Scharf noted that the projections can't be used in the other direction. Pensinger added that going higher than the purple line, would lead to a higher probability of ending overfishing, thus keeping people happy with the biomass. He noted the 50% probability is not coming into play as we are not trying to rebuild the stock, we are just trying to end overfishing. Siegler asked why project past two years. Pensinger noted that we must look long term and keep SSB above the target. There are a lot of fish available, and we want to keep SSB above the target, thus keeping people happy. Scharf added that there are statutory requirements, nothing says the preferred management measures can't go over the target.

Skinner also noted that he had concerns with stock assessment, it is hard for the industry to get past an assessment that changes so much. SSB keeps changing. Overfishing occurred, then it didn't, etc. There is so much uncertainty with recreational data and it's going to change again. There is reason for us to doubt SSB and F, because they have changed drastically. We saw the same issues with southern flounder and striped mullet. We can't take harsh reduction with so much uncertainty. I don't see how you can overfish a stock in one year. We can't support management that doesn't address recreational dead discards. You are just turning harvest into dead discards. Skinner next asked about the MRIP FES estimates. Scharf went over how some of the federal councils have dealt with the uncertainty and how the bias could not just be in one direction. The messaging went out too early before we knew what was going on, making some people think the bias went in one direction. At this point there is no way to determine which direction the bias goes until the comprehensive review of the FES is complete. He further added that with the spotted seatrout assessment the impact of cold stuns was not incorporated in the first assessment and a compressive study was done using tagging data to determine quantitative impact; thus, things changed. The current assessment does a much better job incorporating this data. The models keep advancing but can be frustrating for all involved. Skinner noted that a 40-50% harvest reduction is huge especially when a slight degree of uncertainty can lead to where we are today. We need to use two years, not just the last year. Scharf added that the impact of the last year of an assessment (terminal) is downgraded because a three-year average is used. Skinner added that nobody knows what is happening with these stocks. With all the model changes, new inputs, etc., it's hard to determine if we achieved anything.

VOTE TO RECOMMEND MANAGEMENT OPTIONS TO THE DRAFT SPOTTED SEATROUT FISHERY MANAGEMENT PLAN AMENDMENT 1 FOR MFC CONSIDERATION

Motion by Tom Smith to recommend option 5.i in Appendix 2 of the draft Spotted Seatrout Fishery Management Plan Amendment 1 for the recreational fishery (Jan-Feb closure, 3 fish bag limit, 14-20" slot limit with 1 fish over 26"). Second by Sam Boyce. Motion passes 5-0-2.

Scharf called for a discussion on the motion and asked if the spotted seatrout workgroup supported the DMF approach. Jeremy Skinner noted that at the spotted seatrout AC meeting this option was a lesser of evils and said there were a lot of different opinions. Siegler noted that the slot limit seemed narrow and was

concerned with discards. Smith noted it was a 39.5% recreational reduction; however, since the recreational fishery is the biggest user group they must do their part. Adding while it's hard to quantify discards, it's the right thing to do and the MFC makes final decision. Boyce noted that a lot of people are already throwing back fish over 20 inches. Smith noted that the slot allows people to keep fish that are eating size and that discards will happen if fishing is occurring. Some people will still fish on undersize trout, and you can't stop that unfortunately. Morris added that they grow fast and have lots of babies, so it's not an issue. Siegler again disagreed with a slot.

Motion by Tom Smith to recommend extending the closure to June 30th following a severe cold stun. Second by Sam Boyce. Motion passed passes 7-0.

Siegler said he would like a 10% bycatch allowance during the cold stun closures like had been done in the past. Pensinger noted that there was not an allowance for keeping fish when the fishery was closed. Pensinger noted that at one point there was an allowance, and the people could collect cold stunned fish, but currently when it's closed its closed. He added that we are still operating under the original FMP with supplement measures, it should still be no allowance. Morris noted that if it's there, it's still there. Staff indicated that if it's there, it will continue. The question was called.

Motion by Tom Smith to recommend option 1.b in Appendix 3 of the draft Spotted Seatrout Fishery Management Plan Amendment 1 (eliminate the captain/crew allowance in the recreational spotted seatrout fishery). Second by Fred Scharf. Motion passes 7-0.

Morris asked what the spotted seatrout workgroup had to say about eliminating the captain and crew allowance. Skinner noted they weren't against it. Smith said, individuals should only be able to catch their limit and not someone else's, it's only fair.

Motion by Fred Scharf to recommend adopting the adaptive management framework for sustainable harvest in Appendix 2 (option 7) and the adaptive management framework for cold stun management in Appendix 4 of the draft Spotted Seatrout Fishery Management Plan Amendment 1 (option 4). Second by Jason Fowler. Motion passed 4-0-3.

Scharf explained the adaptive management allows for more flexibility between plans to address emerging issues. Adding that the division can't add new things, but only tweak existing measures. Moore noted that adaptive management allows specific management to be quickly implemented via proclamation as needed to react to stock concerns that meet the variable conditions described in the FMP and in rule. Input from the public is also considered in the process it's not just the will of the Division or the MFC. Morris indicated that she has not been satisfied with adaptive management. Moore asked Morris to give an example of recent times where it didn't work. Siegler indicated he didn't think it worked for the striped mullet fishery. Morris said with the blue crab plan. Moore asked if the dissatisfaction was with the plan or the management between plans. Morris noted that three to five years is not very long to wait between plans and adaptive management really is not needed. Fowler added it just allows you to change things before the next plan. Siegler again noted his dissatisfaction with how adaptive management was used for the striped mullet FMP. Staff clarified how adaptive management is used. Smith noted that adaptive management has been approved for several species recently and that flexibility is need. Siegler noted the original process of looking at it every five years allows you to see how changes impacted the fishery. You never see how the changes impacted the fishery. Scharf added that you can't account for human behavior. You can look at effort and removal rates and see what modifications are needed after the first year. It's not just the director, it's also the MFC. Pensinger noted that we do not make changes without input. Moore gave the example of how adaptive management was used to implement diamond back terrapin excluders in the Masonboro Sound area following some research that was done in collaboration with UNCW and a local fisherman. Adaptive management helped to balance the needs with the fishermen and reduce diamond back terrapin catches in

pots. This allowed closure windows to be developed. It required input from Shellfish/Crustacean AC and the MFC for the areas.

Motion by Sam Boyce to recommend adopting option 1.a from Appendix 2 of the draft Spotted Seatrout Fishery Management Plan Amendment 1 (no change to commercial size limit). Second by Tom Smith. Motion passed 7-0.

Siegler indicated that he would like to allow two allowance (75 fish) on one vessel with one gear limit. Scharf indicated that the DMF position was for status quo on the commercial bag limit.

Motion by Ken Siegler to recommend allowing one vessel with one set of gear with two commercially licensed individuals on board to possess two commercial trip limits of spotted seatrout. Second by Jeremy Skinner. Motion passed 7-0.

Scharf noted that this would make things more efficient. Morris added there would be less discards and is like what is allowed for clams and oysters. Siegler noted it would take gear out of the water. Smith indicated if it was one set of gear, then he was good with the motion. Moore noted that a similar allowance is done for flounder pound nets. Morris noted that there should be less discards. Smith then asked that a motion be made to close the commercial season while the recreational season was closed. Pensinger indicated that the DMF recommendation is a statewide closure for both sectors.

Motion by Tom Smith to close the commercial spotted seatrout fishery in January and February to match the recreational closure period. Second by Fred Scharf. Motion passes 4-3.

Smith indicated that he didn't want to address trip limits at this time. Morris asked what the commercial harvest was during this time. Pensinger indicated it was approximately 20% of the harvest. Siegler added you will see the fish when it ices over. Morris noted that it would be closed due to a cold stun so it wouldn't matter. Skinner indicated that he didn't agree with the recommendation because it's about the only thing you can fish for during that time of the year. Siegler asked if the DMF position also mirrored the mullet closure. He also added that a lot of other fisheries would be closed as well. Fowler read the difference between the motion on the floor and the DMF recommendation. Smith noted that his motion was just for the Jan. and Feb. closures. Skinner noted that he didn't want any of it regardless. Scharf asked if most of the reductions were coming from this time. Pensinger noted that about half of the commercial reductions were from Jan. and Feb. closure, the other half is from the weekend closure. The division was concerned with recoupment and thus wanted to match the mullet closure. Spotted seatrout don't leave the system like mullet, spotted seatrout will aggregate and more susceptible to harvest. Mullet will leave the system. Siegler noted that when the fish move to inland waters there will be an issue with WRC, especially when mullet fishing. He added that you are going to catch a few trout and red drum while fishing for mullet. Scharf noted that he is not an advocate for weekend closures because people change behavior, so it doesn't work. Scharf added that this will get at least half of the commercial reductions that are needed. Siegler again noted that it's the only fish around. Pensinger noted that the commercial season closure alone accounted for a 21% harvest reduction and that it meets the statute to end overfishing. Morris said there isn't any overfishing to address. Fowler asked about the stop net fishery. Pensinger noted that fishery is monitored using a quota and they have not met that in years. What the DMF recommends is to formalize the MOU in the FMP and not change anything.

Motion by Ken Siegler to recommend option 4.a in Appendix 2 of the draft Spotted Seatrout Fishery Management Plan Amendment 1 [4,595 lb stop net season quota with terms and conditions of stop net fishery and responsibilities of the stop net crew outlined in Memorandum of Agreement (MOA)]. Seconded by Pam Morris. Motion passes 3-2-2.

Staff indicated that it eliminates the needed to track down people to get the signatures needed for the MOA and makes issuing the proclamation easier. Nothing changes, it only formalizes the process. Pensinger noted that only one person fishes the fishery, and he agrees with the recommendation. Siegler later objected to the need to formalize MOA, stating that if it is working currently why change it? Scharf called the question.

ISSUES FROM AC MEMBERS

Bissette indicate at the next meeting the AC will be discussing the Oyster and Clam FMPs in Jan. He asked if there was any interest in having the meeting in Dec. since we need to meet in person. Some members indicated they had a lot going on in Dec. Scharf noted it may be best to have it in Morehead City since most members live near there. Bissette indicated that the meeting will remain scheduled for Jan. for now. Smith asked what happened at the Aug. MFC meeting. Bissette noted a presentation on the draft options of the Spotted Seatrout Amendment 1 was given, an update on blue crab, as well as rule making updates. He noted that blue crab was coming back to the AC in April. The MFC also voted to request the Secretary to reopen the Southern Flounder FMP; however, the DMF has not heard back from Sectary's office. Scharf indicated that while he would be stepping down from the AC, he will attend the Jan. meeting.

Pam Morris motioned to adjourn, seconded by Samuel Boyce. The meeting ended at 8:58 p.m.

DRAFT