



COMMITTEE REPORTS

NORTHERN & SOUTHERN REGIONAL AC JUNE 15, 2021

FINFISH & SHELLFISH/CRUSTACEAN AC JUNE 16, 2021

HABITAT & WATER QUALITY AC JUNE 17, 2021

SOUTHERN REGIONAL AC JULY 20, 2021

NORTHERN REGIONAL AC JULY 21, 2021

FINFISH STANDING AC JULY 22, 2021



ROY COOPER
Governor

JOHN NICHOLSON
Interim Secretary

KATHY B. RAWLS
Director

June 29, 2021

MEMORANDUM

TO: Marine Fisheries Commission
Northern and Southern Advisory Committees

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

SUBJECT: Joint Meeting of the Marine Fisheries Commission's Northern and Southern Regional Advisory Committees, June 15, 2021. Recommendations for the Shrimp Fishery Management Plan Amendment 2

The Marine Fisheries Commission's Northern and Southern Advisory Committees held a joint meeting on June 15 via webinar.

The following Advisory Committee members were in attendance:

Northern Advisors: Sara Winslow, Everett Blake, Jim Rice, Roger Rulifson, Thomas Newman, Jamie Winslow (Absent - Keith Bruno, James Neely, Raymond Pugh, Jr., Kenneth Shivar)

Southern Advisors: Fred Scharf, Jerry James, Edwin Bebb, Samuel Boyce, Jason Fowler, Jerry James, Pam Morris, Tom Smith, Adam Tyler, Cane Faircloth (Absent – Tim Wilson, James Rochelle)

Staff: Corrin Flora, Chris Stewart, Daniel Irock, David Behringer, Dan Zapf, Hope Wade, Jason Rock, Lee Paramore, Carter Witten, Chris Batsavage, Kathy Rawls, Patricia Smith, Trish Murphrey, Anne Deaton, Dana Gillikin, Kevin Brown, Jesse Bissette, Alan Bianchi, Lorena delaGarza, Casey Knight, Jimmy Johnson, Ashley Bishop, Tracey Bauer, Chris Lee, McLean Seward, Rachel Howard, Brandi Salmon, Tina Moore

Public: Jerry Schill, Charles Atkinson, April Adams, Ken Seigler, Keith Tosto, H.J. Smith, Katy West

Southern Regional Advisory Chair Fred Scharf called the meeting to order at 6:07 p.m., followed by a call to order of the Northern Regional Advisory Committee by Chair Sara Winslow.

Chairman Scharf provided background information on how the meeting would be conducted and explained the role of the Advisory Committee to provide advice to the Marine Fisheries Commission to inform their decisions.

A role call for attendance was performed and attendance recorded. Both committees had a quorum.

APPROVAL OF AGENDA AND APPROVAL OF THE MINUTES

Northern Advisory Committee motion to approve agenda by Roger Rulifson. Second by Everett Blake. Motion approved 6-0.

Northern Advisory Committee motion to approve minutes from the September 12, 2019 meeting by Jim Rice. Second by Everett Blake. Motion approved 6-0.

Southern Advisory Committee motion to approve agenda by Thomas Smith. Second by Jason Fowler. Motion approved 8-0.

Southern Advisory Committee motion to approve minutes from the April 8, 2020 meeting by Cane Faircloth. Second by Everett Blake. Motion approved 8-0.

Chairman Scharf further explained the meeting process and provided some basic ground rules.

REVIEW AMENDMENT 2 OF THE SHRIMP FISHERY MANAGEMENT PLAN

A presentation on Shrimp Fishery Management Plan Amendment 2 was presented to both advisory committees by Division staff Chris Stewart, Dan Zapf, and Jason Rock. Staff provided an overview of the shrimp fishery in North Carolina, reviewed the goal and objectives of the plan, and reviewed the four issue papers in the plan. The issue papers provide a range of management options to address the goal and objectives of the plan. The issues covered include:

- Management of shrimp trawling for protection of critical sea grass and shell bottom habitats
- Shrimp management in Special Secondary Nursery Areas (SSNAs)
- Reducing shrimp trawl bycatch through area closures that increase connectivity between closed areas
- Managing effort and gear in the North Carolina shrimp fishery to reduce bycatch

This presentation can be found at:

[https://deq.nc.gov/about/divisions/marine-fisheries/shrimp-amendment2#amendment-2-shrimp-fmp-advisory-committee-workshops-\(march-2021\)](https://deq.nc.gov/about/divisions/marine-fisheries/shrimp-amendment2#amendment-2-shrimp-fmp-advisory-committee-workshops-(march-2021))

Staff noted that any options the advisory committees choose need not be exclusive to one of the issue papers but rather the issues were presented in a manner that one set of recommendations could build on other options to address plan objectives and advise the Marine Fisheries Commission. The Marine Fisheries Commission is slated to select its preferred management options at their meeting in August 2021.

The presentation was followed by a question period for committee members to address staff for clarifications on the presentation and plan.

Multiple members stressed that the lack of accurate data regarding the quantity of bycatch and/or the impact of bycatch makes it hard to know what benefits may be realized versus the potential negative impact to the fishery. Members noted that no reduction target was specified and the plan has no specific quantifiable goal. Staff reiterated the ability to quantify the specific bycatch amounts or direct benefits is hindered by the data limitations. One question asked for clarification on gears that would be defined as non-trawl gears that may be allowed access in any additional closed trawl areas should they occur. Questions and discussion also occurred on the availability of fish abundance data by area/region and season to use for potential closures. Some areas (i.e. Bogue/Core Sound) lack data while other areas like Pamlico Sound have surveys that provide information on relative fish abundance through hotspot analysis. Staff noted that the various options would allow for some areas to consider closures based on what we know about critical habitat because we do not have species abundance data in all areas. Committee members noted that recent regulations achieved an additional 40% reduction in shrimp trawl bycatch over previously required gear configurations, with changes just implemented as recently as 2019. Members asked if benefits of these regulations have been evaluated. Staff clarified that new configurations are for Pamlico Sound and current testing in the ocean is underway.

PUBLIC COMMENT

Jerry Schill, North Carolina Fisheries Association, noted that adequate data do not exist for additional regulations, but we regulate anyway. He noted that he has been involved with bycatch discussions since 1987 with TEDs, BRDs, net ban bills, etc. that have had nothing to do with conservation but more to do with the outright elimination of specific gears used in the commercial fishery. He requested that the Division quantify the benefits of management scientifically and not politically.

Charles Atkinson, operator of a small trawl boat, agreed with Jerry's comments, noting that perception over reality is being given precedence. Habitat and water quality are not being addressed. He spoke to the benefits of trawling to the ecosystem and asked that traditional fisheries not be eliminated.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR AMENDMENT 2 OF THE SHRIMP FISHERY MANAGEMENT PLAN

Chairman Scharf asked that motions be kept to the four issue papers presented. The committees then began deliberation on each issue paper. Initial deliberations were across committees until a motion was made.

ISSUE: Management of shrimp trawling for protection of critical sea grass and shell bottom habitats (using Table 2.1 in Shrimp FMP Amendment 2 to guide discussion)

Committee conversation suggested it made sense to close trawl areas to line up with mechanical harvest areas. Several comments on the lack of specific recommendations or specific quantifiable

goals in the plan made this task difficult, but general discussion noted that the goal is to minimize impacts to critical habitats. Some discussion on submerged aquatic vegetation (SAV) and the fact that most SAV areas are currently closed or occur in areas that are not heavily trawled occurred. It was noted that the issues are trying to identify areas not to shrimp trawl but maybe should focus on identifying areas that can be trawled. Committee discussion moved towards sticking with status quo, noting again the lack of more specific, quantifiable goals.

Northern Advisory Committee - Motion by Everett Blake in regard to Management of Shrimp Trawling for Protection of Critical Sea Grass and Shell Bottom Habitats remain at status quo. Second by Jamie Winslow. **Motion passes 5-0-1**

Southern Advisory Committee - Motion by Pam Morris in regard to Management of Shrimp Trawling for Protection of Critical Sea Grass and Shell Bottom Habitats remain at status quo. Second by Adam Tyler. **Motion fails 3-5-1**

Further discussion occurred among the Southern advisors on not providing specific recommendations. Concern was again expressed over the inability to quantify actions. There was also discussion on whether a recommendation of status quo could also include a statement on why any changes would have negative impact to fisheries.

ISSUE: Shrimp management in Special Secondary Nursery Areas

Discussion on any changes redesignation would have to environmental regulations occurred. Staff noted that areas would need to be changed to primary nursery before that was a concern. Making SSNAs Permanent Secondary Nursery Areas (SNAs) would prevent trawling in those areas. It was discussed that shrimping commonly occurs in southern SSNAs when open but northern areas either do not open or have much less shrimping activity. Staff noted that opening and closing areas based on shrimp size does not meet plan objectives and that a static season would be necessary for any SSNAs.

Northern Advisory Committee - Motion by Jim Rice to designate Roanoke Sound Area SSNA to SNA. **Motion failed due to lack of second.**

The Northern Advisory Committee did not provide a recommendation on this SSNA issue paper.

Southern Advisory Committee - Motion by Thomas Smith to designate all SSNA listed to SNA. Second by Edwin Bebb. **Motion tied with 4-4-1 with chair abstaining.** Chair asked for a second vote on motion by Thomas Smith due to tie. **Motion passes 5-4**

ISSUE: Reducing shrimp trawl bycatch through area closures that increase connectivity between closed areas

The northern area was reviewed first. Maps of closed areas and examples of area closures were reviewed by staff. Committee commented on the difficulty with moving forward given no concrete suggestions in the plan and no data on what reductions would be achieved or desired. Staff further explained hot spot analysis to show where species tend to be concentrated and have potential for high bycatch relative to other areas. Some concern was expressed that lines

(closures) simply shift effort and impacts to the shrimp fishery but have no known benefit to fish stocks. Members noted that closing river mouths favors larger vessels over small vessels. Potential options discussed included using distance from shore or maps of SAV to determine how area closures could be formed. Also, comments were made on making closures seasonal but committee members expressed hesitancy if impact to stocks cannot be determined.

Northern Advisory Committee - Motion by Everett Blake that Northern AC could support seasonal limited closing by proclamation given there is proof of impact to juvenile species within a limited geography. There must be a time limit. Second by Roger Rulifson. **Motion fails 2-3-1**

Southern Advisory Committee - Motion by Pam Morris the Southern Regional AC supports no additional area closures without supporting information to inform those closures. Second by Adam Tyler. **Motion passes 5-4**

ISSUE: Managing effort and gear in the North Carolina shrimp fishery to reduce bycatch

Members discussed that there is always uncertainty in data, but the issue is no that there is no stated goal or measurable way to determine success. It was also noted that we do not know the impact to the fishery from any of the proposed actions.

Northern Advisory Committee - Motion by Everett Blake Northern Regional AC cannot support these options because there are no quantifiable data or targets to apply to the options. Second by Jamie Winslow. **Motion passes 6-0**

Southern Advisory Committee - Motion by Adam Tyler, the Southern Regional AC cannot support these options because there are no quantifiable data or targets to apply to the options. The AC recommends the MFC supports focused studies of the effects of effort and gear studies on bycatch. Second by Jason Fowler. **Motion passes 8-0-1**

Staff provided a brief MFC update and said a full update would be emailed to members.

The meeting was adjourned at 10:51 pm.



ROY COOPER
Governor

JOHN NICHOLSON
Interim Secretary

KATHY B. RAWLS
Director

June 28, 2021

MEMORANDUM

TO: Marine Fisheries Commission
Finfish and Shellfish/Crustacean Advisory Committees

FROM: Lee Paramore, Biologist Supervisor, Fisheries Management Section
Tina Moore, Southern District Manager, Fisheries Management Section
Anne Deaton, Habitat Program Manager, Habitat and Enhancement Section

SUBJECT: Joint Meeting of the Marine Fisheries Commission's Finfish and Shellfish/Crustacean Advisory Committees on June 16, 2021 for Recommendations on the Shrimp Fishery Management Plan Amendment 2

The Marine Fisheries Commission's Finfish and Shellfish/Crustacean advisory committees held a joint meeting on June 16, 2021 via webinar.

The following advisory committee members were in attendance:

Finfish Advisors: Tom Roller, Sam Romano, Jeff Buckel, Brent Fulcher, Randy Proctor, Ken Siegler, Willam Tarplee, Scott Whitley, Sara Winslow (Absent: Thomas Brewer)

Shellfish/Crustacean Advisors: Sam Romano, James Kornegay, Martin Posey, Jim Hardin, Mike Marshall, Bruce Morris, Brian Shepard, Adam Tyler, Ted Wilgis, Tim Willis

Staff: Corrin Flora, Anne Deaton, Dana Gillikin, Chris Stewart, Hope Wade, Carter Witten, David Behringer, Debbie Manley, Anne Markwith, Tina Moore, Jason Rock, Lee Paramore, Kevin Brown, Dan Zapf, Tracey Bauer, Casey Knight, Lara Klibansky, Beth Govoni, Alan Bianchi, Trish Murphey, Lorena delaGarza, Brandi Salmon, Kathy Rawls, Jennifer Lewis

Public: Mark Hooper, Rick Sasser, Glenn Skinner, Nathan King, Keith Totso, Angie Fearing, Mark Jones

Shellfish/Crustacean Chair Sam Romano called the meeting to order at 6:18 p.m. Chair Romano provided some general guidance for order of meeting and noted the conflict of interest statement for Commissioners serving on the advisory committees.

Roll call for Shellfish/Crustacean Advisory Committee with attendance recorded. A quorum was present with all in attendance.

APPROVAL OF AGENDA AND APPROVAL OF THE MINUTES

Shellfish/Crustacean - Motion by Tim Willis to approve the meeting agenda. Second by Martin Posey. **Motion passed unanimously.**

Shellfish/Crustacean - Motion by Tim Willis to approve meeting minutes of the October 1, 2019 business meeting. Second by Adam Tyler. **Motion passed unanimously.**

Chair Tom Roller called the Finfish Advisory Committee to order and thanked those in attendance.

Roll call for Finfish Advisory Committee with attendance recorded. A quorum was present with one member absent.

Finfish - Motion by Ken Seigler to approve the meeting agenda. Second by Brent Fulcher. **Motion passed unanimously.**

Finfish - Motion by Brent Fulcher to approve meeting minutes from the June 3, 2019 business meeting. Second by Jeff Buckel. **Motion passes 7-0 with two abstentions.**

REVIEW AMENDMENT 2 OF THE SHRIMP FISHERY MANAGEMENT PLAN

Division staff Jason Rock provided a brief synopsis of the discussion points from the prior night's meeting of the Northern and Southern Regional Advisory Committees. A presentation on Shrimp Fishery Management Plan Amendment 2 was then presented to both advisory committees by Division staff Chris Stewart, Dan Zapf, and Jason Rock. Staff provided an overview of the shrimp fishery in North Carolina, reviewed the goal and objectives of the plan, and reviewed the four issue papers included in the plan. The issue papers provide a range of management options to address the goal and objectives of the plan. The issues covered included:

- Management of shrimp trawling for protection of critical sea grass and shell bottom habitats
- Shrimp management in Special Secondary Nursery Areas
- Reducing shrimp trawl bycatch through area closures that increase connectivity between closed areas
- Managing effort and gear in the North Carolina shrimp fishery to reduce bycatch

This presentation can be found at:

[https://deq.nc.gov/about/divisions/marine-fisheries/shrimp-amendment2#amendment-2-shrimp-fmp-advisory-committee-workshops-\(march-2021\)](https://deq.nc.gov/about/divisions/marine-fisheries/shrimp-amendment2#amendment-2-shrimp-fmp-advisory-committee-workshops-(march-2021))

Staff noted that any options the advisory committees choose need not be exclusive to one of the issue papers but rather the issues were presented in a manner that one set of recommendations could build on other options to address plan objectives and advise the Marine Fisheries Commission. The Marine Fisheries Commission is slated to select its preferred management options at their meeting in August.

The presentation was followed by a question period for committee members to gain clarifications from staff on the presentation and plan.

A question was asked about what other activities would be allowed in proposed no-trawl areas and whether other means (gears) used to capture shrimp would be allowed in closed areas. There was interest in knowing what the shrimp AC and other committees recommended. Staff summarized recommendations. It was also clarified that the FMP AC role (to assist DMF in development of the FMP) is different than the MFC ACs role to advise the Commission. Staff summarized discussions with the shrimp AC and provided specific input which informed the draft plan. Discussion continued on whether the Division had information or recommendations on where most critical habitats would be located. Staff said examples provided in the presentation gave known critical habitats, including known SAV and shell bottom. Further questions came up over socioeconomics and how those concerns would be addressed with impacts to communities and fisheries. Staff clarified that it was addressed some in the issue papers, but more data was needed to fully know how it will translate. Questions and concerns were raised over prior bycatch work and the reductions previously taken and whether those changes have been fully evaluated in terms of impact/benefit. Discussions continued on Special Secondary Nursery Areas, whether any had been opened in recent years, and whether SAV were present. Staff provided information on where openings occur and available habitat data. The advisors asked about increased shrimping effort in the ocean and whether catches had shifted. Staff noted annual variability and recent increases in white shrimp available in years like 2019, but that shrimp distribution returned to more normal in 2020. Committee members referenced the need for increased observer coverage in all areas including the ocean. Further comments were received on potential benefits of trawling and what studies were available. Staff noted studies of ecosystem benefits have been inconclusive and we know that trawls do damage some sensitive habitat such as SAV and shell bottom.

PUBLIC COMMENT

Glenn Skinner, commercial fisherman, addressed habitat protection and reductions already taken on bycatch. He believes there has been enough areas closed to trawling. NC has been leader in bycatch reduction. He wanted to know the benefits for what has already been done before any more action is taken. And he supports habitat protection but should address and evaluate what is working.

Mark Hooper, Core Sound, believes that the DMF online questionnaire is misleading. There is no way that all the areas currently open are all being trawled and effort is centered around channels. Need to give shrimpers a break.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR AMENDMENT 2 OF THE SHRIMP FISHERY MANAGEMENT PLAN

Chairman Romano then opened floor to general comments from committee. Concern by a member that FMP objectives should ensure the long-term viability and sustainability of a species or a fishery, as identified in statute and this plan does not accomplish that objective. Another

member noted that there needed to be flexibility with any seasonal closures due to weather. Some concern was expressed that the Division did not provide any specific recommendations and that the benefit of any prior reductions can't be quantified. NC has a long history of actions to reduce bycatch back into the 1980's and the impact has never been quantified. Most recent management action to achieve a 40% bycatch reduction was only recently implemented. There is a need to support studies to quantify these items and need to have better data on critical habitat to help with decisions.

ISSUE: Management of shrimp trawling for protection of critical sea grass and shell bottom habitats (using Table 2.1 to guide discussion)

Chairman Roller opened floor to the Finfish advisors to any motion on habitat issue. A brief discussion ensued with no members willing to bring motion forward.

Shellfish/Crustacean advisors commented on the need to move forward on SAV and shell bottom protection but unsure what areas to recommend.

Shellfish/Crustacean Advisory Committee - Motion by Mike Marshall that the Shellfish/Crustacean Advisory Committee support the modification of existing shrimp trawl closure lines as shown in this appendix. **Motion fails due to no second.**

The Shellfish/ Crustacean committee discussed their desire for more information on where SAVs or sensitive habitat may be in danger from trawling. A member noted that blue crabs are highly associated with SAV and SAV and shell bottom do need protection. The committee wanted DMF to come back to them with more details. Staff clarified that the MFC intent is to choose their preferred recommendations at their August business meeting and therefore it is not likely to come back to the AC. Staff also offered to open maps of known SAV and shell bottom that were provided in plan and presentation.

Shellfish/Crustacean Advisory Committee - Motion by Brian Shepard that the division identify SAV and Shell Bottom areas that are threatened by trawling and mechanical harvest. **Second by Tim Willis withdrawn, and ultimately full motion withdrawn.**

Shellfish/Crustacean – no motion passed on habitat issue. Moving on to next issue.

ISSUE: Shrimp management in special secondary nursery areas

Questions on impact to area above New River bridge and if shrimp landings would be reduced. Staff indicated that approximately half of shrimp landings in this waterbody would be impacted.

Shellfish/Crustacean Advisory Committee - Motion by Brian Shepard to keep all SSNA as they are. Second by Adam Tyler. **Motion fails 3-4-3.**

No further motions provided by Shellfish/Crustacean AC on this issue.

The Finfish advisors discussed northern Special Secondary Nursery Areas and when they had last opened. Some have never been opened (Kitty Hawk and Buzzards Bay) and the only other one, Shallowbag Bay, has been closed without opening in recent years. Some contain SAV, and are designated due to species diversity. From that respect keeping them closed would be beneficial. Staff noted changes would also impact where gill net attendance is required.

Finfish Advisory Committee had no recommendation on special secondary nursery areas.

ISSUE: Reducing shrimp trawl bycatch through area closures that increase connectivity between closed areas

The Finfish advisors began discussion on issue to increase connectivity between closed areas. Members expressed concern over not knowing how to address. Finfish did not put forth a recommendation on this issue.

Shellfish/Crustacean Advisory Committee - Motion by Tim Willis shellfish/crustacean AC does not agree with closing all internal waters. **Second by Brian Shepard. Motion passes 6-1-3.**

Shellfish/Crustacean Advisory Committee - Motion by Adam Tyler that the shellfish/crustacean AC does not agree with any additional seasonal closures in internal waters. Second by Brian Shepard. **Motion passes 4-3-3.**

ISSUE: Managing effort and gear in the North Carolina shrimp fishery to reduce bycatch

Discussion arose that industry would support more research to address many concerns. It was noted the potential availability of funds from Commercial Fishing Resource Fund. Some discussion occurred on where funds are generated and how they are used.

Shellfish/Crustacean Advisory Committee - Motion by Brian Shepard to continue to work toward bycatch reduction with gear modifications and devices with industry input taking the lead with the support of the division. Second by Bruce Morris. **Motion passes 8-0-2.**

Finfish Advisory Committee - Motion by Sara Winslow to continue to work toward bycatch reduction with gear modifications and devices with industry input taking the lead with the support of the division. **Second by Brent Fulcher. Motion passes 7-0-1**

Finfish Advisory Committee - Motion by Ken Seigler recommend consider the use of non-trawl gears in special secondary, secondary, and non-trawl areas to the taking of shrimp. Specifically seines to take shrimp. **Motion fails due to no second.**

Discussion continued on bycatch and issues with quantifying bycatch. Is it bycatch or lack of data that is the problem. Some comments were made that industry desires to be good stewards of the resource but need to quantify what impacts of bycatch are and what are acceptable levels. Can't continue to regulate and ask the same questions with no answers, need good data. Discussion on how best to word motion to convey concerns.

Finfish Advisory Committee - Motion by Brent Fulcher to recommend strongly encouraging the Division of Marine Fisheries to enhance data collection to obtain the data to be able to better quantify bycatch in the shrimp trawl fishery, and its impacts on the populations of concern. Second by Bill Tarplee. **Motion passes 7-1-1**

Staff provided an update of recent and upcoming MFC topics to committees

Meeting was adjourned at 9:56 pm.



ROY COOPER
Governor

JOHN NICHOLSON
Interim Secretary

KATHY B. RAWLS
Director

June 23, 2021

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Anne Deaton, Habitat Program Manager
Habitat and Enhancement Section

SUBJECT: Habitat and Water Quality Advisory Committee Meeting June 17, 2021 and
Recommendations for Shrimp Fishery Management Plan Amendment 2

The Habitat and Water Quality Advisory Committee (AC) Meeting met virtually at 6:00 pm Thursday June 17, 2021. The following attended:

Advisors: Martin Posey, Pete Kornegay, Bob Christian, Joel Fodrie, Nathan Hall,
Chris Moore, Scott Leahy, Wayne Spoo

Absent: Mike Street, Brian Boutin

Staff: Anne Deaton, Kevin Brown, Laura Lee, Jason Rock, Kathy Rawls, Tina
Moore, Jason Parker, Hope Wade, Chris Stewart, Corrin Flora, Lara
Klibansky, Dan Zapf, Trish Murphey, Anne Markwith, Patricia Smith,
Carter Witten, Kim Harding, Brandi Salmon, Debbie Manley, Jesse
Bissette, Tracey Bauer, Alan Bianchi, Jennifer Lewis, Jimmy Johnson,
Dana Gillikin

Public: Barbara Garrity-Blake, Rick Sasser

Chairman Martin Posey called the meeting to order at 6:00 pm. He welcomed two new members, Wayne Spoo and Scott Leahy.

APPROVAL OF AGENDA

Pete Kornegay made a motion to approve the agenda. Wayne Spoo seconded the motion. **The motion passed unanimously.**

APPROVAL OF MINUTES

Pete Kornegay made a motion to approve the Oct 3, 2019 meeting minutes. Nathan Hall seconded the motion. **The motion passed without dissent.**

REVIEW AMENDMENT 2 OF THE SHRIMP FISHERY MANAGEMENT PLAN

Chris Stewart, Dan Zapf, and Jason Rock gave a presentation on the Shrimp Fishery Management Plan (FMP) Amendment 2. They reviewed the plan goal and objectives, overview of the fishery, bycatch, and data limitations. They provided background on the four issue papers and possible options for management recommendations. The issue papers were 1) Management of Shrimp Trawling for Protection of Critical Sea Grass and Shell Bottom Habitats, 2) Shrimp management in special secondary nursery areas (SSNAs), 3) Reducing Shrimp Trawl Bycatch Through Area Closures that Increase Connectivity Between Closed Areas, and 4) Managing Effort and Gear in the NC Shrimp Fishery to Reduce Bycatch. They noted that the issue papers were interconnected. For example, restricting areas to protect seagrass and shell bottom would also reduce bycatch since these habitats are nursery areas.

This presentation can be found at:

[https://deq.nc.gov/about/divisions/marine-fisheries/shrimp-amendment2#amendment-2-shrimp-fmp-advisory-committee-workshops-\(march-2021\)](https://deq.nc.gov/about/divisions/marine-fisheries/shrimp-amendment2#amendment-2-shrimp-fmp-advisory-committee-workshops-(march-2021))

Following the presentations, Commissioner Posey asked if members had any clarification questions. There were questions regarding whether the area closures would move the fishery offshore rather than reduce the fishery, and what the scale of the fishery impact is to benthic habitat and to the fish populations. Stewart explained that approximately 70% of the fleet are vessels less than 50 ft, so they likely would not be able to work far out into Pamlico Sound or in the ocean. Also, there is not an estimate of the proportion of the bottom that is trawled annually, making it difficult to quantify the extent of bottom disturbance and likelihood of fish being caught. Stewart noted that there are areas open to trawling that are not trawlable, and other areas that are trawled more frequently. There were questions on how maintaining connectivity for fish through area closures would reduce bycatch. It was explained that by closing certain nearshore areas and hot spots adjacent to nursery areas, bays, creek, and river mouths there would be a safe corridor for late juvenile and subadult fish, allowing them to reach more open areas and disperse, reducing likelihood of being caught as bycatch. The creek mouths are like bottlenecks where fish are concentrated as they migrate to deeper open water.

An AC member asked to what extent the habitat, SSNA, or area closures would protect low salinity submerged aquatic vegetation (SAV), and whether it would be better to simply close trawling in all SAV and shell bottom. An AC member asked if we know how much SAV and shell bottom were in SSNAs and Secondary Nursery Areas (SNAs) and they would be interested in knowing that, because the extent of habitat protected is key to reducing impacts; it is not just the fish bycatch. There was a question regarding spot and croaker, and if they are still abundant in trawled areas, is that an indication that trawling is not significantly impacting their population. Staff discussed variability in fish populations and lack of a stock assessment, which makes it impossible to quantify what proportion of the population is impacted. There was discussion on how the Gulf of Mexico fishery addressed bycatch reduction through effort reduction, and whether that was considered in NC. Staff replied that in the Gulf, they focused on reducing shrimp trawl effort at certain depths and used electronic logbooks to track effort. That strategy in addition to reducing directed adult harvest of red snapper successfully reduced fishing mortality but it was noted that initial management focused on reducing bycatch mortality in shrimp trawls alone did not lead to recovery of the stock. Another question was if the staff had tried to

determine the factors contributing to high bycatch to shrimp ratios and try to manage fishery by avoiding those areas/criteria. Rock noted they had looked at observer data and factors that influence bycatch, but due to limited data, the analysis was inconclusive.

PUBLIC COMMENT

Barbara Garrity-Blake, President of NC Catch said that the organization is dedicated to educating consumers and support data driven and transparent actions for FMPs. She does not think this plan does that. The options are overly broad, there are considerable data limitations, and no clear rationale to the options to gain stakeholder support. She recommended continuing with existing management measures to see if they are effective before making additional changes. North Carolina leads the country in bycatch reductions. Any additional closures would impact communities from the Pamlico Sound to Shallotte. When discussing ecological connectivity, Garrity-Blake asked the commission to consider socioeconomic connectivity for food security, the cultural heritage of the communities, and access to shrimp to the consumers and restaurants.

DISCUSSION

The AC began discussing protection of SAV and shell bottom from trawling. Zapf went through the potential boundary modifications on an interactive map. Leahy brought up that straight line closures are much easier for enforcement. It was noted by several AC members that there were too many options, and the AC could be more effective if they were responding to a few preferred options, rather than asked to select from a large pool of options or develop their own recommendations. Spoo said that conducting a decision analysis is necessary to properly evaluate the options based on defined criteria, and measures of success are necessary to determine if selected management actions are effective. Several others agreed on the need to have measures of success. Decision analysis involves identifying and assessing all aspects of a decision, and taking actions based on the decision that produces the most favorable outcome. In this case, there will be a trade-off between the extent jobs, fish populations, and habitat are affected. Spoo asked if the decision analysis could be done before the AC or Marine Fisheries Commission (MFC) vote on recommendations and offered to assist. Staff explained that the AC could recommend that analysis be done, but it would cause a delay in the process, much of the quantifiable data will likely not be available to inform the decision, and it is ultimately up to the MFC. Some AC members thought they needed more information to make recommendations on the issue papers. Others suggested they could start with the smaller actions that would provide habitat and bycatch benefits, while not causing major impact on the fishery. Examples were Pamlico Sound where SAV occurred outside the no trawl boundary, and Core Sound. Or they could rule out voting on options they thought would have a very large impact on the fishery, until they had more information. Commissioner Posey noted that they could also recommend other actions to the MFC, including more broad protection for SAV and shell bottom habitat.

The AC's hesitation to make recommendations was not because they thought changes were unnecessary, but because of lacking information, particularly on ecological and economic impacts of recommending large management changes. However, there was consensus that they supported actions protecting SAV and shell bottom.

VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR AMENDMENT 2 OF THE SHRIMP FISHERY MANAGEMENT PLAN

Nathan Hall made a motion to align shrimp trawling areas with Mechanical Clam Harvest Areas in Core Sound and North River and allow trawling to continue in Straits Channel. Motion was seconded by Joel Fodrie. There was further discussion about amending the motion to include other waterbodies, but no changes were made. **The motion passed 6-0-2.**

Nathan Hall made a motion that the Habitat and Water Quality AC supports management strategies for protection of SAV and shell bottom habitat from trawling impacts. Motion was seconded by Chris Moore. **The motion passed 6-0-2.** The intent of the motion was protection of SAV and shell bottom in general, and not limited to only the habitat issue paper.

Wayne Spoo made a motion to amend the current document to include formal decision analyses for the options presented in the FMP and other options discussed during the Habitat and Water Quality AC meeting. The analyses will be presented to the MFC for review at a future date. Motion was seconded by Bob Christian. **The motion passed 5-0-3.**

There was no additional discussion or voting on the other issue papers. Deaton provided a summary of the May MFC meeting. Chris Moore made a motion to adjourn. Nathan Hall seconded the motion. **The motion passed, and the meeting adjourned at 9:30 pm.**

DRAFT



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

July 27, 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 Committees, July 20, 2021. Recommendations for the Small Mesh Gill Net Rules Modifications.

The Marine Fisheries Commission's (MFC) Southern Advisory Committee (AC) held a meeting on July 20, 2021 via webinar.

The following Advisory Committee members were in attendance: Fred Scharf, Jerry James, Samuel Boyce, Jason Fowler, Tom Smith, Cane Faircloth (Absent – Tim Wilson, James Rochelle, Edwin Bebb, Adam Tyler, Pam Morris)

Staff: Tina Moore, Chris Stewart, Steve Poland, Dan Zapf, Carter Witten, Dana Gillikin, Hope Wade, Daniel Irock, Ashley Bishop, David Behringer, Lee Paramore, Garland Yopp, McLean Seward, Anne Markwith, Chris Batsavage, Corrin Flora, Hannah Thurlow, Lara Klibansky, Tracey Bauer

Public: Glenn Skinner, Rebekah Woodburn

Southern Regional AC Chair Fred Scharf called the meeting to order at 6:00 p.m.

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

APPROVAL OF AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Jason Fowler. Second by Jerry James. Motion passed 6-0.

A motion was made to approve the minutes from the joint Southern and Northern ACs meeting held on June 15, 2021 by Jerry James. Second by Sam Boyce. Motion approved 6-0.

Steve Poland provided a note on behalf of Lara Klibansky, MFC Liaison who was unable to attend the meeting. The role of the Southern Regional AC members is to assist the DMF as well as the MFC in making management decisions. The information paper also has a supporting decision document, which is not meant to replace the paper but provide an outline on the context for these discussions to gain your input. Your input is appreciated and please let staff know if this format is helpful or not. We are continuing to try to make improvements on the process.

SMALL MESH GILL NET RULES MODIFICATION INFORMATION PAPER

Steve Poland provided a presentation on the history behind development of the information paper. In early 2020 the Department of Environmental Quality (DEQ) Secretary requested DMF to conduct a thorough review of the small mesh gill net fishery to simplify regulatory complexity, to reduce bycatch, and to sustain stocks important to recreational and commercial fishermen. The DMF with the endorsement of the MFC issued a proclamation in March 2020 limiting the allowable yardage and modifying attendance requirements in portions of the state to small mesh gill nets. DMF also formed a workgroup to review current rules, fisheries data and develop options addressing regulatory complexity and bycatch reduction for consideration by the MFC.

The information paper was presented to MFC in November 2020, now the MFC ACs are tasked with reviewing the information paper. Current rules and authorities were outlined and information gathered from commercial fishermen across the state. The paper includes a description of small mesh gill nets fisheries in NC, all available data, previous actions, and actions for consideration at this meeting which are highlighted in the decision document. Topics covered in the decision document include yardage limits, attendance requirements, set time and area restrictions, and minimum mesh size in the small mesh gill net fishery in all Internal Coastal Waters south of the Albemarle Sound, identified as areas south of Management Unit A.

Clarification was requested by the committee on what was included in the proclamation issued in March 2020. Poland stated the proclamation put in yardage limits and attendance requirement statewide for Internal Coastal Water south of Albemarle Sound and allowed an increased yardage for the Spanish mackerel drift gill net fishery later in the year when that fishery was active. A committee member asked if this topic will come back to the ACs and will there be an economic analysis completed on the decisions. Poland responded that the feedback from the MFC ACs will be provided to the MFC at their August 2021 meeting to select their recommendations. It will be up to the discretion of the MFC to determine if this topic will go back to the MFC ACs for further input. The MFC is not mandated to bring this topic back to the MFC ACs for further input. The MFC is asking for committee's input in order to make a decision at their next meeting. If potential rule changes are recommended by the MFC then an economic analysis is part of the rule making process. There are a lot of steps through the rule making process, it is intentionally long and deliberative for its thoroughness to completion.

PUBLIC COMMENT

Glenn Skinner, commercial fisherman from Carteret County. This process was not initiated due to biological concerns. Former Director, Steve Murphey, noted this is a user conflict issue and political pressure is how we are here. Gill nets are the most regulated gear in the state. Rules are complicated, some rules are necessary in some areas and not in others due to species occurrence. Please consider that the rules are in place are adequate and there is no reason to adopt a blanket set of rules. The yardage restrictions put in place with the March 2020 proclamation are not necessary. More yardage is need in larger bodies of water for efficiency. I want to make the AC aware that this is not a biological issue and do not feel pressure to satisfy those who want gill nets out of the water.

It was noted that several comments were sent by email and have been forwarded to the members and cc'd to the MFC commissioners. Electronic (email) comments will not be included in the minutes but will be available upon request from DMF.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR SMALL MESH GILL NET RULE MODIFICATIONS

Steve Poland went through the decision document to guide the discussion through each of the key topics. Specific questions and clarifications were made to address committee member questions. One of the options includes setbacks of gill nets from improved shorelines, and there is no definition for an improved shoreline. Marine patrol officers addressed questions on enforceability of some of the options. In particular, measuring the lengths of net and what items are in rule versus proclamations. The maximum net lengths in the paper identify the total yardage that can be set by a fishing operation. Officers can identify overages in net length with GPS if the overage is considerable, when the overage is by a small amount then the officer has to take the net to the shore and measure with a tape measure.

It was identified in each of the first three options the MFC added further exemptions and the committee asked the rationale behind those exemptions. The options provided are to reduce regulatory complexity, bycatch, and user conflict. The workgroup came up with a set of options to address those three areas of concern. The highlighted options in the paper identify which ones the MFC supported or added from the original paper. Poland noted some of the options are focused on conflict occurring more often at certain times of the year. The maximum yardage (2,000 yard) was put in place to facilitate the bait fishery; time frame put in place to diminish interactions with protected species as well as user conflicts and bycatch issues. There was also a safety-at-sea component for the exemptions.

Proposed Management Options

Yardage Limits

Since March 2020, there has been small mesh gill net yardage limits set at 800 yards statewide via proclamations with an exemption for drift gill nets for the Spanish mackerel fishery. The exemption went away when the fishery closed. The committee discussed the differences between the options for yardage limits. Option 9 allows the Director the flexibility to allow up to 1,500 yards in an operation. Multiple options can be chosen for management. It was noted that this

fishery has struggled over the last 20 years with user conflict and bycatch and have made only nominal changes over time. Other states have removed gill nets, elimination of gill nets as an option should be discussed to let the MFC know there is concern.

A motion was made by Jerry James that the Southern AC recommends small mesh gill nets be prohibited in all Internal Coastal Waters, seconded by Tom Smith. The intent behind this motion was to make sure the MFC knows that this is something this committee is discussing. It was raised that the full extent of information on the impacts on fishing communities and economics behind the impacts are not provided to the committee. Discussion continued on the lack of data has been the excuse used not to make decisions, while multiple species have declined over the years. Water quality and habitat issues are still a problem; but these types of problems are only adding to the need to do something. Economic impacts would be assessed if rules are changed. Gill netting is not as much an issue in the smaller waterbodies in the southern regions of the state, a complete ban would be a huge impact on NC's heritage. Discussion continued on other states' gill net regulations; TX, FL, and SC have banned gill nets, some of the Gulf states allow gill netting. NC is more liberal than most states but there is a long history here with this gear. The industry has changed a lot over the years with measures taken to reduce user conflicts for large mesh gill nets and this is the first attempt to really reduce the user conflicts in this small mesh gill net industry. Poland reviewed the gill net trips (small and large mesh) from 2009-2019. Set nets have declined, runaround gill nets have increased. Drift nets have fluctuated; declined since 2000, remained stable, and increased in recent years. Director Murphey noted the use of gill nets is a contentious issue that consumes a lot of the division's time; thus, the Secretary asked that DMF start the conversation with the MFC to review and address any issues with the small mesh fishery.

The motion is for the MFC to study or consider the committee's recommendation. This is a serious issue that needs to be addressed. **A friendly amendment to the motion was accepted. A motion was made by Jerry James that the Southern AC recommends that the MFC consider the prohibition of small mesh gill nets in all Internal Coastal Waters. Second by Tom Smith. The motion carried 3-2 with 1 abstention.**

It was requested to note that the commercial members were not present at this meeting. Committee members noted that pollution and water quality should be addressed before shutting down a fishery. Closing fisheries will allow more corporations to do as they want to reduce water quality and continue to divide the fishing sectors. It was agreed that water quality is an issue and the will of the Southern AC is for the MFC to address the issue of small mesh gill nets.

Discussion went back to yardage limits. It was identified that Option 10 – Allow for an exemption up to 2,000 yards through proclamation from December 1st – April 30th could be coupled with other options and all other options are stand alone. What members have heard from the commercial sector is while there is regulatory complexity in place, the bottom line there are many complex fisheries due to geography, weather, etc. Based on the MFC input it seems they do not want to take away the Director's proclamation authority.

A motion was made by Tom Smith to support Option 9 for yardage limits. Second by Jerry James. Option 9 specifies that the allowable yardage of gill nets with stretched mesh less than four inches shall not exceed 800 yards per vessel in Internal Coastal Waters north of the

Highway 58 Bridge and 500 yards south of the Highway 58 Bridge, regardless of the number of individuals involved. The DMF Director may by proclamation allow up to 1,500 yards of drift gill net and specify the area and time it may be fished.

South of the Highway 58 Bridge the average is 500 total net yards for an operation because there is limited water. Option 10 does not seem relevant to the southern region, particularly Management Unit E. But may be more relevant for Management Units D1 and D2, which is under the Southern AC coverage area. Most of the net yardage options would be more impactful in Management Unit B. **The motion passed 5-0 with one abstention.**

Attendance Requirements

The committee discussed the complexity in the attendance requirements statewide. The attendance requirement when the gear is set within 200 yards from the shoreline was implemented to reduce bycatch of red drum through the state Fishery Management Plan (FMP). All shallow water habitat requires attendance through the red drum plan, with some exceptions for the spot fishery from Core Sound south. The complexity of the attendance requirements came from the various plans. Through feedback from the public, DMF refined the areas over time. The MFC highlighted options, most related to being able to fish multiple gears. Some options would allow more flexibility in how to use the gill nets. Further discussion occurred on the difference between each of the options. Particularly on how far apart nets can be set in an operation and still maintain attendance. It was noted the attendance requirements were put in place to reduce bycatch of species through their FMPs.

A motion was made by Tom Smith to support Option 3 for attendance requirements because it will have the biggest positive impact on bycatch reduction. The motion was seconded by Jerry James. Option 3 requires year-round statewide attendance within 200 yards of shore and/or within designated areas currently in rule, whichever is more restrictive. **Motion passes 5-0 with 1 abstention.**

Set Time and Area Restrictions

Scharf reviewed the options and noted that most of these are intended to reduce user conflict. Option 6 reflects what's currently in place for large mesh gill nets. Questions were raised on how do officers deal with issues with real safety concerns, particularly in the mornings? Staff noted that officers use a common-sense approach to assess the situation like weather conditions, and act on what is seen once on site. Each situation is handled on a case by case basis. Committee members discussed that it would be easier to have the set times the same for small and large mesh gill nets. It was noted none of the options would impact large mesh gill nets. Large mesh gill nets are more regulated due to the various FMPs and Incidental Take Permit requirements and monitoring for protected species interactions.

A motion was brought forward by Tom Smith to support Option 5 for set time restrictions. Second by Sam Boyce. Option 5 specifies that nets may not be fished from midnight on Friday to midnight on Sunday statewide. Cane Faircloth had to leave the meeting at 9:06 p.m., the committee no longer had quorum. **The motion was supported unanimously by consensus.**

Mesh Size Limits

Discussion occurred on bycatch as an issue in gill nets with a mesh size less than three inches. One member noted an interest to use this smaller mesh size in the striped mullet fishery to catch bait. Staff noted that most fisheries using mesh sizes less than three inches are to target spot and kingfish (sea mullet), but very limited. In the past the smaller mesh size was used for weakfish.

A motion was made by Jerry James to support Option 4 for mesh size in an effort to reduce bycatch. Second by Tom Smith. Option 4 increases the minimum mesh size to 3-inch stretched mesh. The committee no longer had quorum. **The motion was supported unanimously by consensus.**

PLAN AGENDA ITEMS FOR THE NEXT MEETING

The next Southern Regional AC meeting will be on October 12th to discuss the Coastal Habitat Protection Plan, which will be a good opportunity to discuss water quality concerns. A call for AC members to participate in the Striped Bass FMP workshops is advertised and applications will be received through July 30, 2021. The Striped Bass FMP workshops are scheduled to occur in early October. Spotted seatrout and striped mullet are working through updates to their stock assessments and they will be going through FMP development in 2022.

The meeting was adjourned at 9:28 p.m.

DRAFT



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

August 2, 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, July 21, 2021. Recommendations to the Marine Fisheries Commission for Small Mesh Gill Net Rules Modification

The Marine Fisheries Commission's Northern Advisory Committee (AC) held a meeting on July 21 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: Alan Bianchi, Carter Witten, Chris Lee, Chris Stewart, Dan Zapf, Dana Gillikin, Daniel Irock, David Behringer, Hope Wade, Lara Klibansky, Lee Paramore, Lorena de la Garza, McLean Seward, Tina Moore, Tracey Bauer, Corrin Flora, Steve Poland, Chris Nealon, Nolan Vinay, Hannah Thurlow, Mike Loeffler, Ashley Bishop, Jason Rock, Kathy Rawls, Rachel Howard

Public: David Sneed, Rebekah Woodburn

MFC: Tom Roller

Northern Regional Advisory Chair Sara Winslow called the meeting to order at 6:02 p.m.

A role call for attendance was performed and attendance recorded. Six members of the Northern AC were present at the start of the meeting. One member joined after approval of the agenda and minutes. The AC had a quorum.

APPROVAL OF AGENDA AND APPROVAL OF THE MINUTES

**A motion was made to approve agenda by Roger Rulifson. Second by Jamie Winslow.
Motion approved 6-0.**

**A motion was made to approve minutes from the joint Southern and Northern Advisory Committees meeting held on June 15, 2021 by Roger Rulifson. Second by Jamie Winslow.
Motion approved 6-0.**

Lara Klibansky addressed the group by introducing herself and summarizing her role as the Division's MFC Liaison. She also explained that the role of the Northern Regional AC members is to assist the DMF as well as the MFC in making management decisions. The information paper also has a supporting decision document, which is not meant to replace the paper but provide an outline on the context for these discussions to gain your input. Your input is appreciated and please let staff know if this format is helpful or not. We are continuing to try to make improvements on the process.

SMALL MESH GILL NET RULES MODIFICATION INFORMATION PAPER

Steve Poland provided a presentation on the history behind development of the information paper. In early 2020 the DEQ Secretary requested DMF to conduct a thorough review of the small mesh gill net fishery to simplify regulatory complexity, to reduce bycatch, and to sustain stocks important to recreational and commercial fishermen. The DMF with the endorsement of the MFC issued a proclamation in March 2020 limiting the allowable yardage and modifying attendance requirements in portions of the state to small mesh gill nets. DMF also formed a workgroup to review current rules, fisheries data and develop options addressing regulatory complexity and bycatch reduction for consideration by the MFC.

The information paper was presented to MFC in November 2020, now the MFC ACs are tasked with reviewing the information paper. Current rules and authorities were outlined and information gathered from commercial fishermen across the state. The paper includes a description of small mesh gill nets fisheries in NC, all available data, previous actions, and actions for consideration at this meeting which are highlighted in the decision document. Topics covered in the decision document include yardage limits, attendance requirements, set time and area restrictions, and minimum mesh size in the small mesh gill net fishery in all Internal Coastal Waters south of the Albemarle Sound, identified as areas south of Management Unit A.

Clarification was requested by the committee on what was included in the proclamation issued in March 2020. Poland stated the proclamation put in yardage limits and attendance requirement statewide for Internal Coastal Water south of Albemarle Sound and allowed an increased yardage for the Spanish mackerel drift gill net fishery later in the year when that fishery was active.

PUBLIC COMMENT

No public comment occurred.

INITIAL CLARIFYING QUESTIONS/COMMENTS

Steve Poland went through the decision document to guide discussions through each of the key topics. Prior to discussing the four identified issues, the AC members asked clarifying questions and provided general thoughts and comments.

AC members asked for clarification on the basis for selecting 1,500 yards for the Spanish mackerel drift net fishery. Staff noted that it was determined by the group that while 1,500 yards is less than the average yardage employed in that fishery, it would not be too constraining on effort and landings. AC members noted that the drift gill net fishery is a very clean fishery that has very little bycatch and should not be subjected to further regulations.

AC members also asked clarifying questions about the data presented and felt that sufficient detail was not provided to them. They expressed a desire for temporal data on impacts of specific mesh sizes on specific species. They also wanted analyses examining how specific reductions would constrain harvest and reduce bycatch. One AC member also emphasized the necessity for Division staff and the MFC to use the findings from Chris Wilson's graduate thesis titled "Mesh size selectivity of gill nets in western Pamlico Sound; 1999). Poland indicated the charge of the workgroup was to look at the complexity of the regulations in the small mesh gill net fishery and identify where or if the rules can be simplified.

It was also noted by AC members that species to protect were not identified in the issue paper. Staff noted that specific species have not been identified, but that if species are identified, the Division can conduct additional quantitative analyses that focus on specific species. AC members also noted that no data or goals related to user conflict were identified.

AC members also as Marine Patrol staff to clarify the definition of "attendance" and asked about data related to how attendance requirements affect how actively fishermen fish their nets.

There was consensus between AC members that due to differences in waterbody size and characteristics, fishing methods, and target species, rule complexity is inevitable.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR SMALL MESH GILL NET RULES MODIFICATION

Steve Poland then went through the options for all four objectives.

Yardage Limits

AC members noted that yardage has always had enforceability issues. Marine Patrol staff agreed but said they are able to use a combination of GPS and physical measurements to enforce yardage limits.

AC members also reiterated their concerns about recommending regulations without quantitative data to inform their recommendations. One AC member recommended waiting three years to see how the 800-yard limit impacted fisheries. Collecting data on the impact of that regulation will

enable AC members to make more informed decisions. The AC member also felt that as of right now, the AC should be recommending things to study, not rules to make.

AC members also feel that because North Carolina has complex fisheries that vary by region, complex rules are a necessity. It was also stated that it is irresponsible to attempt to simplify regulations without solid data to understand how various options would affect fishermen and the resource. MFC/DMF need to identify quantifiable goals. One AC member suggested breaking up the state into discrete regions, similar to how it is done for the large mesh gill net fishery.

One AC member stated that they do not want the drift net fishery to be stuck at 1,500 yards. Some years are much better than others and during down years, much more yardage is needed to land the same amount of fish.

The AC noted that consideration for changes to regulation started when the governor requested the Secretary of DEQ look into gill net regulations after a user conflict issue over speckled trout occurred. The user conflict turned into a resource issue. Another AC member stated that user conflict is a legitimate reason to consider additional regulations, but that user conflict data is necessary. It was noted that no specific goals were identified.

Motion by Everett Blake to consider options to set upper limits to yardage requirements by region for small mesh gill nets; consider exclusions for small mesh drift gill nets. Second by Jim Rice. Motion passes 7-0

Attendance Requirements

AC members asked what the logic was for considering the 500-yard attendance requirement. Division staff explained that this option was included because fisherman in the southern region often fish multiple short shots of net and the 100-yard attendance restriction makes it hard for them to set multiple shots of net.

AC members asked if there is any data available about how often nets are fished as a result of the attendance requirements. Division staff explained that attendance requirements are meant to encourage fishermen to more actively fish their nets and that implementing attendance requirements has shifted effort away from areas where attendance is required and has also shifted effort from set netting to runaround netting.

Motion by Jamie Winslow for *status quo* on modifying current restrictions (no further restrictions on time and area for attendance); Support for Options 8 and 11. Second by Everett Blake. The motion passed 7-0.

Option 8, specifies that the allowable yardage of gill nets, with stretched mesh less than four inches, shall not exceed 800 yards per vessel in Internal Coastal Waters regardless of the number of individuals involved. The DMF director may by proclamation allow up to 1,500 yards of drift gill net and specify the area and time it may be fished.

Option 10, allow for an exemption up to 2,000 yards through proclamation from December 1st – April 30th.

Set Times and Area Restrictions

AC members stated that status quo is working well. It was noted again that user conflict is a legitimate reason to consider changes to regulations, but specific examples of user conflict must be presented in order to address it. One AC member reiterated that option 8 may be unlawful due to public trust doctrine.

Motion by Thomas Newman to keep status quo for set time and area restrictions. Second by Jamie Winslow. The motion passed 7-0.

Mesh Size Limits

AC members asked if there is data to support why additional regulations on mesh size is being considered. Anything other than status quo would reduce harvest. Sea mullet, spot, and croaker were identified by members of the committee of species whose harvest would be reduced if minimum mesh size was increased.

Motion by Jamie Winslow to support *status quo* for minimum mesh size, unless specific problems are identified that need to be addressed such as excessive discards or bycatch mortality in particular fisheries. Second by Thomas Newman. Motion passed 7-0.

AC members asked if it was possible for the Trip Ticket Program to collect additional data related to specific mesh size and target species. This data would enable the MFC and ACs to make more informed decisions. An AC member noted that trip tickets for federal NOAA permits does collect more gear-specific data.

Motion by Jim Rice that the Trip Ticket program be modified to collect information on target species, mesh size, soak time, net length and any other information that would be informative to management of the small mesh gill net fishery. Second by Everett Blake. The motion passed 7-0.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

The next Northern Regional AC meeting will be on October 13th to discuss the Coastal Habitat Protection Plan, which will be a good opportunity to discuss water quality concerns. A call for AC members to participate in the Striped Bass FMP workshops is advertised and applications will be received through July 30, 2021. The Striped Bass FMP workshops are scheduled to occur in early October. Spotted seatrout and striped mullet are working through updates to their stock assessments and they will be going through FMP development in 2022.

The meeting was adjourned at 8:59 pm.



ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

KATHY B. RAWLS

Director

August 2, 2021

MEMORANDUM

TO: Marine Fisheries Commission
Finfish Advisory Committee

FROM: Lee Paramore, Biologist Supervisor
Fisheries Management Section

SUBJECT: Meeting of the Marine Fisheries Commission's Finfish Advisory Committees, July 22, 2021. Recommendations for the Small Mesh Gill Net Rules Modifications.

The Marine Fisheries Commission's (MFC) Finfish Advisory Committee (AC) held a meeting on July 22, 2021 via webinar.

The following AC members were in attendance: Sam Romano, Tom Brewer, Jeff Buckel, Brent Fulcher, Ken Siegler, Willam Tarplee, Scott Whitley, Sara Winslow, Randy Proctor (joined late), (Absent - Tom Roller)

Staff: Tina Moore, Dan Zapf, Steve Poland, Carter Witten, William Boyd, Hope Wade, McLean Seward, David Behringer, Lee Paramore, McLean Seward, Alan Bianchi, Corrin Flora, Hannah Thurlow, Lara Klibansky, Tracey Bauer, Charlton Godwin, Lorena de la Garza, Daniel Ipock, Chris Nealon

Public: Glenn Skinner, Rebekah Woodburn, April Adams, Katy West

MFC Member: Pete Kornegay

Finfish AC Chair Sam Romano called the meeting to order at 6:05 p.m. and noted the conflict of interest statement for Commissioners serving on the AC.

A roll call for attendance was performed and attendance recorded. The Finfish AC had eight members present and a quorum was met. Randy Proctor joined the call as a ninth member after the roll call.

APPROVAL OF AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Brent Fulcher. Second by Sara Winslow. Motion passed 8-0.

A motion was made to approve the minutes from the joint Finfish and Shellfish/Crustacean ACs meeting held on June 16, 2021 by Brent Fulcher. Second by Ken Siegler. Motion approved 8-0.

Lara Klibansky, Marine Fisheries Commission Liaison gave an introduction to her position and role and covered the role of the Finfish AC members to assist the DMF as well as the MFC in making management decisions. She highlighted some changes that have been made to help with guiding the committee through its deliberations. This included a supporting decision document that accompanied the information paper. She noted that the inclusion of this paper is not meant to replace the information paper but provides an outline on the context to help guide discussion and input. Committee input is appreciated and please let staff know if this format is helpful or not. We are continuing to try to make improvements on the process.

SMALL MESH GILL NET RULES MODIFICATION INFORMATION PAPER

Steve Poland provided a presentation on the history behind development of the information paper. In early 2020 the DEQ Secretary requested DMF to conduct a thorough review of the small mesh gill net fishery to simplify regulatory complexity, to reduce bycatch, and to sustain stocks important to recreational and commercial fishermen. The DMF with the endorsement of the MFC issued a proclamation in March 2020 limiting the allowable yardage and modifying attendance requirements in portions of the state to small mesh gill nets. DMF also formed a workgroup to review current rules, fisheries data and develop options addressing regulatory complexity and bycatch reduction for consideration by the MFC.

The information paper was presented to MFC in November 2020, now the MFC ACs are tasked with reviewing the information paper. Current rules and authorities were outlined and information gathered from commercial fishermen across the state. The paper includes a description of small mesh gill net fisheries in NC, all available data, previous actions, and actions for consideration at this meeting which are highlighted in the decision document. Topics covered in the decision document include yardage limits, attendance requirements, set time and area restrictions, and minimum mesh size in the small mesh gill net fishery in all Internal Coastal Waters south of the Albemarle Sound, identified as areas south of Management Unit A.

The MFC is asking for committeees' input in order to make a decision at their next meeting. If potential rule changes are recommended by the MFC then an economic analysis is part of the rule making process. There are a lot of steps through the rule making process, it is intentionally long and deliberative for its thoroughness to completion.

Upon completion of the presentation, the floor was opened to any clarifying questions from committee members. There no questions and the public comment portion of the meeting began.

PUBLIC COMMENT

Glenn Skinner, commercial fisherman from Carteret County and representative of North Carolina Fisheries Association, noted that he had missed the previous night's meeting but was in attendance for the Southern AC meeting. He stated that he was disappointed in the DMF presentation because there was a need for more data to be presented. No information was presented for user conflicts such as the number of conflicts or the location of conflicts even though that was a basis for the paper. Data provided do not give the ACs the needed information to make informed decisions. It is apparent that the motivation for this is driven by political and not biological needs. Stated that it was time for the Division to use bycatch and other data relevant to making these decisions. He implored the committee to address the lack of data in their deliberations.

Several comments were sent by email and have been forwarded to the members and cc'd to the MFC commissioners. Electronic (email) comments will not be included in the minutes but will be available upon request from DMF.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR SMALL MESH GILL NET RULE MODIFICATIONS

Steve Poland then reviewed the decision document to help guide the discussion of the committee through each of the key topics. He covered the current regulations related small mesh gill nets in estuarine waters as well as the proposed options. After a full review of all options, the committee began deliberations and questions.

Chairman Romano noted that there were a lot of options for consideration and asked if there were any questions or comments. A member noted that there was no indication of the benefits of any of the measures included in paper. Discussion of comments from prior night (Northern AC) that also noted lack of documentation on need for new regulations and the lack of biological information provided. As an AC it would be very helpful to have that type of information.

Proposed Management Options

Yardage Limits

Members noted that while there are no yardage limits in rule for small mesh, there are now currently limits in proclamation. What was the purpose of implementing yardage limits? Was it to meet quota monitoring on federal species? It does not seem the data are there to justify these decisions. Why do we have the current 800- and 1500-yard limits that were implemented this last year? Was there any socioeconomic impact?

Staff reiterated that the request to look at small mesh issue was a directive from DEQ and decision to put in current yardage limits were made based on looking at average yardage for most fisheries. The intention was not to eliminate any fisheries but to implement some reasonable limits on effort. While this did limit some effort, fisheries largely continued without much impact. Conservation benefits from actions and proposed changes are not intended to achieve a specific biological target as currently presented in paper and the data in the paper provide a general characterization of the ongoing fisheries in terms of mesh sizes used and yardage fished.

Committee raised question of why we don't have options specific to species to look at bycatch in ways that previous FMP's have handled bycatch. It was noted that previous FMPs have done a good job with this. It is hard to make decisions not knowing needs of each fishery. The committee also asked if after making any recommendations, would they be able to revisit this issue? Staff noted that any further review by the ACs would be at the discretion of the MFC.

A motion was made by Brent Fulcher that the MFC does not make any gill net fishery more restrictive than 2,000 yards unless already restricted by current FMP. Seconded by Tom Brewer. Motion passes 7-0 with one abstention.

It was further discussed that this motion was a fair trade off without data provided to support fishermen and their business needs. There is no justification if this is based on any specific biological need or an existing bycatch issue. These types of issues have most effectively been dealt with in species specific FMPs that provide this type of data. Committee began crafting another motion to reflect their discussions and to further inform the MFC on any decision they may make.

Motion by Jeff Buckel to ask DMF staff to provide information on bycatch by various gill net fisheries to the MFC to help with decisions on yardage and mesh size. Seconded by Brent Fulcher. Motion passes unanimously

Staff asked for some clarification on which species would be of interest, those in paper and/or additional species? Committee members indicated those that make up bulk of effort for the three gear types described (set, run-around and drift gill nets). Should probably look at yardage and mesh size also.

Attendance Requirements

Committee noted that attendance measures have been dealt with extensively in existing FMPs and had been tweaked over time based on data specific to species and areas.

Motion by Brent Fulcher to support Option 1 (*Status quo*) and 11 for attendance requirements. Seconded by Scott Whitley. Motion passes 6-1 with one abstention.

Option 11 - No attendance requirement statewide from December 1 – April 30th.

There was further discussion on proclamations and rules. Some comments that fewer proclamations would reduce complexity.

Motion by Jeff Buckel to provide support for Option 2 for attendance issue unless already restricted by current FMP. Seconded William Tarplee. Motion passes 8-0 with one abstention.

Option 2: Codify restrictions currently in proclamation into rule.

Set Time and Area Restrictions

Committee moved to set time and area restrictions options. Discussion ensued on the use of existing mediation process to handle conflicts and over public trust issues likely associated with Option 8 limiting nets use around docks.

Motion by Brent Fulcher to support Option 1 and 2 for set time and area restrictions; oppose consideration of Option 9 and continue with mediation process. Seconded by Ken Siegler. Motion passes 8-0 with one abstention.

Option 1: Status quo (See overview of current regulations)

Option 2: Codify restrictions currently in proclamation into rule.

Motion by Scott Whitley to oppose the consideration of Option 8 for set time and area restrictions and we recognize public trust doctrine. Seconded by Ken Siegler.

Motion passes 8-1

Option 8: Specify that nets may not be set within 200 feet of docks and improved shorelines. Allow exemption for personal docks and docks where the fishing operation has written permission to fish within 200 feet of dock and/or improved shoreline.

Mesh Size Limits

A brief discussion occurred by the committee about mesh sizes. More data was needed before any recommendations on further restrictions to the fishery could be justified.

Motion by Brent Fulcher to support status quo for modifying mesh size and ask DMF provide information to help with decisions on mesh size. Seconded by Tom Brewer.

Motion passes unanimously

PLAN AGENDA ITEMS FOR THE NEXT MEETING

The next Finfish AC meeting will be in October to discuss the Coastal Habitat Protection Plan. The Committee will be informed when date is finalized. A call for AC members to participate in the Striped Bass FMP workshops is advertised and applications will be received through July 30, 2021. The Striped Bass FMP workshops are scheduled to occur in early October.

The meeting was adjourned at 8:08 p.m.