



COMMITTEE REPORTS

Northern Regional Advisory Committee

Southern Regional Advisory Committee

Finfish Standing Advisory Committee

**Joint Meeting of the MFC Commercial Resource
Fund Committee and the Funding Committee for
the N.C. Commercial Fishing Resource Fund**



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

January 31, 2022

MEMORANDUM

TO: Marine Fisheries Commission
Northern Advisory Committee

FROM: David Behringer, Fisheries Biologist
Lee Paramore, Northern District Manager
Fisheries Management Section

SUBJECT: Meeting of the Marine Fisheries Commission's Northern Regional Advisory Committee, January 11, 2022. Recommendations for the Southern Flounder Fishery Management Plan Amendment 3

The Marine Fisheries Commission's (MFC) Northern Advisory Committee (AC) held a meeting on January 11, 2022 via webinar.

The following Advisory Committee members were in attendance: Everett Blake, Melissa (Missy) Clark, Herman (Wayne) Dunbar, Carl Hacker, Thomas Newman, Jim Rice, Roger Rulifson, Jamie Winslow, Sara Winslow (Absent – Keith Bruno and Raymond Pugh)

Staff: David Behringer, Lee Paramore, Anne Markwith, Mike Loeffler, Steve Poland, Kathy Rawls, Deborah Manley, Corrin Flora, Hope Wade, Chris Nealon, Carter Witten, Alexander Batchelder, Lara Klibansky, Tina Moore, Drew Cathey, Casey Knight, Brandi Salmon, Chris Stewart, Hannah Carter, Kevin Brown, Shelby White, Alan Bianchi, Ami Staples, Charlton Godwin, Dee Lupton, Dan Zapf, Dana Gillikin, Daniel Ipock, Jesse Bissette, Janelle Johnson, Pam Zuaboni, Tracey Bauer, McLean Seward

Public: Glenn Skinner, Ken Seigler, Mike Waine, Willow Patten, Steve House, Pam Morris (Southern AC), David Sneed, Bill Mason

Northern Regional AC Chair Sara Winslow called the meeting to order at 6:03 p.m. She welcomed the new AC members (Melissa Clark, Carl Hacker, and Wayne Dunbar) and asked them to give a brief introduction.

A call for attendance was performed and attendance recorded. The Northern AC had nine members present (two absent) and a quorum was met.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Jim Rice. Second by Melissa Clark. The motion passed without objection.

A motion was made to approve the minutes from the Northern AC meeting held on October 13, 2021. Motion by Jim Rice to approve minutes. Second by Jamie Winslow. Motion passes with one abstention.

MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky, MFC Liaison, welcomed the new and re-appointed members on the Northern AC. She noted the MFC Office staff are here to support advisors; when issues are under review they can reach out to us with any questions.

At the November MFC meeting, the Commission annually approved nominees on obligatory seats for the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, and South Atlantic Fishery Management Council. The MFC also approved the goal and objectives of the Fishery Management Plan (FMP) for Interjurisdictional Fisheries. MFC approval to send the Striped Bass FMP Amendment 2 to the ACs in March and the FMP for Interjurisdictional Fisheries in April for review is scheduled to occur at the February 2022 MFC meeting.

The Southern flounder FMP Amendment 3 was approved for AC review tonight and public comment closes on Jan. 14, 2022. There was a recorded listening session for this plan and any input on the quality and ideas for continuing with this format is welcome. During the November MFC meeting, the Commission selected their preferred options for the Shrimp FMP Amendment 2 and approved to send the plan for DEQ Secretary and Legislative review. The Shrimp FMP Amendment 2 is scheduled for final approval in February. The Coastal Habitat Protection Plan was also approved at the November MFC meeting. This is a departmental plan. The MFC, Coastal Resources Commission, and Environmental Management Commission must give approval to the plan; all three approved the plan in November.

PRESENTATION ON SOUTHERN FLOUNDER FISHERY MANAGEMENT PLAN AMENDMENT 3

Mike Loeffler and Anne Markwith presented the recommendations in the Southern Flounder FMP amendment. After presenting each issue paper, Staff fielded questions and comments from AC members.

Sustainable Harvest Issue Paper

Commercial Quota – Mobile Gears and Pound Nets

No questions or discussion.

Commercial Sub-allocation

Staff confirmed that overages would result in pound for pound paybacks by gear and area. Staff also confirmed that in recent years, pound net and gill net effort has dropped (# of participants and amount of gear). An AC member asked what would happen if a specific region/gear does not use up all their quota. Essentially, could their unused quota be applied to other region/gear's overages to prevent or minimize paybacks that occur in the following year. Staff stated that how that potential scenario would be handled has not been decided, but if you want to err on the side of caution, you would not allow quota transfers between regions/gears.

Recreational Season

An AC member commented about how short seasons create a "race to fish" situation. They also asked how comfortable the Division is with the level of angler survey coverage. Staff expressed high confidence in the MRIP AFIS sampling coverage. Another AC member brought up the idea of implementing a trip ticket system or recreational tag allocations so that there is not a 45-day lag in recreational landings data. Staff noted that based on the small quota and the high number of recreational fishermen, creating a system to allocate tags to fishermen is not feasible at this time. However, staff noted that there is an internal working group that is investigating options for real-time monitoring of recreational landings.

An AC member also brought up the possibility of using the funds from the observer program, in the case that the large mesh gill net flounder fishery is phased out, to fund a recreational creel survey. Staff stated that a creel survey is possible. However, the observer program observes other fisheries. Also, funding for the observer program comes from commercial license fees. Based on this, the funds would need to come from somewhere else.

One AC member expressed concern about the recreational overages that have occurred in the last two years and asked why a recreational season is being considered for 2022. Staff stated that paybacks for overages were not part of Amendment 2. Staff also noted that reducing the bag limit from four to one fish could constrain harvest.

The idea of prohibiting specific baits or lures and eliminating flounder tournaments in the offseason was brought up by AC members. Staff responded that baits or lures for flounder are not used just for flounder and that while the Division does not support catch and release in the off-season, this is not something that could be enforced.

Commercial Trip Limits

No questions or discussion.

Recreational Bag Limit

An AC member asked if there could be different season lengths based on different bag limit options. The AC member does not believe a 4-fish bag limit should be an option, especially when considering a six-week season and landings data from 2020 and 2021. The AC member also proposed the idea of a one-week season in July, which would allow the Division to evaluate landings and then potentially have a second season in the fall to land the remaining quota. Staff noted that this type of approach could work and has been considered, but the number of anglers is way too high during the summer months. The AC member also expressed concern that with a six-week season and one fish bag limit, the recreational industry will significantly exceed their quota

in 2022 and the required paybacks would force the fishery to close the following two years. The Division acknowledged the potential of there being no recreational season due to payback-induced closures.

Recreational Commercial Gear License

An AC member asked if just large mesh gill nets could be prohibited, rather than all RCGL gears. Staff noted that this change would require statutory change at the legislative level.

Increased Recreational Access Issue Paper

An AC member asked about the ratio of flounder species caught in the ocean during the proposed window. Staff responded that the ratio of landings varies from year to year, but it can be as high as 50% southern flounder.

Inlet Corridors Issue Paper

No questions or discussion.

Adaptive Management Issue Paper

No questions or discussion.

Slot Limits Issue Paper

Some AC members expressed support for slot limits and asked why smaller slot size options were not considered. This questioning was based on the idea of allowing the larger, more fecund females to escape. Staff explained at this time, we do not have length frequency of discard data that would enable analysis of how a smaller minimum size would impact landings. Staff also noted that the Catch-U-later App is designed to collect length frequency of discard data. An AC member also discussed including slot limits into the adaptive management framework. Another AC member expressed concern about the discard weight being used in Division's analyses and is concerned that discards are being underestimated. Staff also mentioned the need to consider how implementing a slot for recreational hook & line would affect recreational gigging and commercial regulations.

Phase out of Large Mesh Gill Nets

Some AC members expressed that they do not support phasing out of large mesh gill nets. It was also brought up that if large mesh gill nets are to be phased out, fishermen need to be given sufficient notice so that they can plan ahead. It was also expressed that removing gill nets does not address reducing landings of southern flounder. There are other issues with gill nets such as bycatch and user-conflicts, but they do not directly affect the flounder fishery. Also, Staff confirmed that the Division is applying for a new ITP.

Carry Forwards from Amendment 2

No questions or discussion.

PUBLIC COMMENT

Glenn Skinner; Executive Director, NCFA – On the topic of phasing out large mesh gill nets, there is a lot of misinformation. There is no waste, there is more waste of red drum, spotted speckled trout, and flounder in the recreational hook and line fishery as well as interactions with protected species. The ITP is the only thing that makes interacting with these endangered species legal. We have two legal fisheries (gill net and the shrimp trawl fisheries). The FRA states it is a goal to ensure the long-term viability of the fishery; these include the hook and line fishery, gill nets, pound nets, and the gig fishery. These gears were all viable when the Amendment 2 was adopted and they should be when it recovers. Allocation is another big issue, and the current allocation threatens the viability of the pound net fishery. I would like you all recommend that the MFC revisits allocation. We need to wait until the stock recovers and then try for parity.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR SOUTHERN FLOUNDER FISHERY MANAGEMENT PLAN AMENDMENT 3

Sustainable Harvest Issue Paper

Commercial Quota – Mobile Gears and Pound Nets

Motion by Jim Rice to support the division’s recommendation of Option 1.1.A and 1.2.A. Second by Everett Blake.

No additional discussion occurred.

The motion passed 7-1-1.

Commercial Sub-allocation

Motion by Everett Blake to support the division recommendation of Option 2.2: Maintain current sub-allocations for pound net fishery. Second by Jim Rice.

Staff confirmed that under this option, gill nets, gigs, and other mobile gears would take the reduction. An AC member expressed concern that since the pound net season is not at optimal time, pound nets may leave fish on the table if their quota increases via transfer from the mobile gears. Staff commented that DMF would set an opening date, and season would remain open until landings reached the closure threshold. Staff also noted that the pound net fishery is very capable of reaching the quota, even with an increase via allocation shift. An AC member voiced support for option 2.1. Another AC member noted that gill netting is a less expensive option and constraining either sector is unfair. Maintaining both fisheries will enable flexibility in the gear used by fishermen.

The motion passed 6-3.

Recreational Season

Motion by Jim Rice to support the division’s recommendation on managing the recreational fishery by season. Second by Jamie Winslow.

No additional discussion occurred.

The motion passed without dissent.

Commercial Trip Limits

Motion by Jim Rice to support Option 4A: Implement trip limit for pound net and gigs upon reopening after reaching division closure threshold. Second by Everett Blake.

Everett Blake requested to change the wording to include all commercial gears, including gill nets. Jim Rice rejected the friendly amendment and explained that he did not want to include gill nets because dead discards are much more likely to occur using gill nets when trip limits are imposed, compared to pound nets or gigs. Staff clarified that if the season reopened, any remaining quota would stay within the sub-allocation it was originally assigned to.

The motion passed 6-3.

Recreational Bag Limit

Motion by Roger Rulifson to support the division recommendation of Option 5.A: 1 fish/person/day. Second by Melissa Clark.

No additional discussion occurred.

The motion passed 7-1-1.

Recreational Commercial Gear License

Motion by Everett Blake to follow the division recommendation Option 6B: Prohibit use of RCGL to harvest flounder. Second by Roger Rulifson.

No additional discussion occurred.

The motion passed 5-2-2.

Increased Recreational Access Issue Paper

Motion by Thomas Newman Increase Recreational Access Option 1: Status quo, manage as one group. Second by Jamie Winslow.

Thomas Newman explained that recreational harvest has exceeded the quota in recent years, so it is not a good idea to open up a spring ocellated season if there is a good change of exceeding the recreational quota even without a spring season. He stated that a spring fishery could be a good option in the future if recreational landings can be controlled, but not while in a rebuilding phase. Jamie Winslow stated that there could be enforcement issues since the fishing is occurring in the ocean and landings may be underreported.

The motion passed without dissent.

Inlet Corridors Issue Paper

Motion by Jim Rice support Option 1: Status Quo, do not establish inlet corridors during spawning migration. Second by Roger Rulifson.

No additional discussion occurred.

The motion passed 8-0-1.

Adaptive Management Issue Paper

Motion by Roger Rulifson support Option 1- adaptive management framework. Second by Jamie Winslow.

Staff provided clarification on what falls under adaptive management. Staff stated that adaptive management can be used to change management measures, but not management strategies and that it is geared towards providing flexibility to ensure goals are met. AC members expressed support due to the fact that adaptive management will prevent getting locked into specific management measures for an extended period of time and will be a more nimble approach.

The motion passed without dissent.

Slot Limits Issue Paper

Motion by Jim Rice slot limits be considered as soon as the division has sufficient data on discard size distribution to inform the size of slot. Second by Everett Blake.

Staff indicated that slot limits are considered a management strategy. Therefore, they cannot be added later using adaptive management. However, the Division could go to the Commission at a later date and request that slot sizes be reconsidered.

The motion passed 7-0-2.

Phase out of Large Mesh Gill Nets

Motion by Jamie Winslow support Option 2: Status quo, allow large-mesh gill nets to harvest southern flounder during the commercial season. Second by Melissa Clark.

No additional discussion occurred.

The motion passed 8-0-1.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Based on the MFC update, the Striped Bass FMP Amendment 2 will be provided to the MFC ACs in March and the FMP for Interjurisdictional Fisheries in April if approved by the MFC in February for AC recommendations and public comment.

The meeting was adjourned at 9:30 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

January 18, 2022

MEMORANDUM

TO: Marine Fisheries Commission
Southern Advisory Committee

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

SUBJECT: Meeting of the Marine Fisheries Commission's Southern Regional Advisory Committee, January 12, 2022. Recommendations for the Southern Flounder Fishery Management Plan Amendment 3

The Marine Fisheries Commission's (MFC) Southern Advisory Committee (AC) held a meeting on January 12, 2022 via webinar.

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

Staff: Tina Moore, Chris Stewart, Anne Markwith, Michael Loeffler, Steve Poland, Kathy Rawls, Deborah Manley, Corrin Flora, Ashley Bishop, Hope Wade, Chris Nealon, Carter Witten, Alexander Batchelder, Lara Klibansky, Lee Paramore, Drew Cathey, Garland Yopp, Casey Knight, Brandi Salmon, David Behringer, Hannah Carter, Kevin Brown, Nolen Vinay, Shelby White, Stephen Johnson, Trish Murphey, Alan Bianchi, Ami Staples, Charlton Godwin, Dee Lupton, Daniel Zapf, Trey Baranyai, Jason Rock, Willow Patten, Jason Walsh

Public: Ken Seigler, Glenn Skinner, Stuart Creighton, David Sneed, Michael Waive, Mary Hamann, Missy Clark, Bill Gorham

MFC Commissioner: Tom Roller

Southern Regional AC Chair Fred Scharf called the meeting to order at 6:05 p.m.

A call for attendance was performed and attendance recorded. The Southern AC had 9 members present and quorum was met.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

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

A motion was made to approve the minutes from the Southern AC meeting held on October 12, 2021. Motion by Jerry James to approve minutes. Second by Cane Faircloth. Motion passes without dissent.

MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky, MFC Liaison, welcomed the new and re-appointed members on the Southern Advisory Committee (AC). She noted the MFC Office staff are here to support advisors; when issues are under review they can reach out to us with any questions.

At the November MFC meeting the Commission approves nominees annually on obligatory seats for Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, and South Atlantic Fishery Management Council. The MFC also approved the goal and objectives of the Fishery Management Plan (FMP) for Interjurisdictional Fisheries. MFC approval to send the Striped Bass FMP Amendment 2 to the ACs in March and the FMP for Interjurisdictional Fisheries in April for review is scheduled to occur at the February 2022 MFC meeting.

The Southern Flounder FMP Amendment 3 was approved for AC review tonight and public comment closes on Jan. 14, 2022. There was a recorded listening session for this plan and any input on the quality and ideas for continuing with this format is welcome. During the November MFC meeting, the Commission selected their preferred options for the Shrimp FMP Amendment 2 and approved to send the plan for DEQ Secretary and Legislative review. The Shrimp FMP Amendment 2 is scheduled for final approval in February. The Coastal Habitat Protection Plan was also approved at the November MFC meeting. This is a departmental plan. The MFC, Coastal Resources Commission, and Environmental Management Commission must give approval to the plan; all three approved in November.

A suggestion was made that it would be helpful to split the listening session into two parts, the presentation and then the question portion. Staff indicated they would look in to splitting up the listening session and troubleshoot any audio quality issues in the next session.

PRESENTATION ON SOUTHERN FLOUNDER FISHERY MANAGEMENT PLAN AMENDMENT 3

Mike Loeffler and Anne Markwith presented the DMF recommendations. After presenting each issue paper, Staff fielded questions and comments from AC members for Amendment 3.

Sustainable Harvest Issue Paper

Commercial Quota – Mobile Gears and Pound Nets

Questions were raised to confirm mobile gears included gigs and gill nets and the intent with the gear separation was to reserve some of the available harvest in the fall for gill nets. Historic landings were used from the NC Trip Ticket Program (NCTTP) to come up with the amounts allocated to each gear and discussed in-depth with the Southern Flounder AC to show the advantages of spreading out the landings across the regions and gear.

Commercial Sub-allocation

No direct questions were raised by the AC members. Scharf noted that the MFC has voted to phase in a 70% / 30% commercial/recreational allocation to a 50% / 50% split by 2024. So, the issue is: does the reduction happen equally across the gears? The DMF recommendation is to maintain the current pound net allocation and the reduction would be for the mobile gears as the allocation shifts. This was based on the viability of the pound net fishery and cost and labor to operate the fishery. If the pound net quota were reduced the fishery may not be viable.

Recreational Season

Questions were raised on paybacks and whether the recreational season currently in place would maintain the quota. Based on previous estimates, recreational harvest should be able to maintain the quota but behavioral shifts have contributed to overages in the recreational sector this season. Staff went into the overages in the 2020 and 2021 recreational seasons. The recreational sector total allowable landings (TAL) are about 152,000 lb and actual landings in 2020 were around 456,000 lb. Preliminary recreational landings in 2021 are estimated at about 630,000 lb.

Discussion moved to the 1-fish proposed bag limit for the recreational sector. It was noted that if gigs go to a 1-fish bag limit no one is going to use that gear. AC members noted that this past season was a derby fishery during the recreational open harvest period and a question was raised whether there are bigger fish. Markwith noted the length frequency has started to shift, there are bigger fish in the population and a lot of smaller fish. Andrew Cathey, Biologist Supervisor for the NC Coastal Angling Program, provided details on the recreational data collections (MRIP and mail surveys) that derive recreational harvest information. Cathey indicated that 2020 catch rates have expanded and angler success increased. Most anglers in the past caught only 1-fish and now we are landing two to four fish per trip.

Discussion moved onto the changes in the recreational allocation and question was asked if allocation shifts to recreational would mean the recreational season can shift as well? Markwith noted that the 2020 and 2021 recreational total allowable landings are exceeding the 40% and 50% allocation. So, bag limit is very important as it would constrain harvest to limit overages. Discussions occurred on the likelihood of having no recreational season due to prior year overages. Cathey noted that they had looked at various scenarios and the DMF's season recommendation to open the recreational season Aug. 16 to Sept. 30 was to allow access to tourists and locals while the fish are moving.

Other committee members agreed this past recreational open period was a derby fishery with a lot of fish killed as discards and indicated a lot of people would not support this to continue. AC members stated they would rather a 1-fish bag limit to allow a longer open harvest season.

The following question was raised: if the recreational overage was because of more or larger fish, so why were the commercial sector's overages not on a similar scale? Loeffler explained the commercial sector did exceed in 2021 (80,000 lb). This is the second year for the fisheries managed by seasons and because of southern flounder's growth rate, it is expected to see larger fish in the fall months. Part of the overage is due to the larger fish harvested, but a significant portion of the catch were 15 inch to 16 inch fish. This was expected after the initial closure and now two years with reduced harvest. When you have over a million anglers, there is a potential for the recreational fishery to harvest significant numbers. You see a high volume of fish harvested in a short period of time. Cathey confirmed the average weight of fish in 2021 was ~2.1 lb; however, the bulk of the harvest was coming from these 15 inch to 16 inch fish. An AC member noted a short season only gives a small amount of fish and less people have the opportunity to enjoy the fishery. Those who get out more are catching the fish and not giving others a chance to catch them. We really need to discuss the bag limits and learn more on the truncated distribution. Cathey explained in 2017 there were only two year-classes of fish that made up most of the catch. Now we are seeing an expansion of age classes showing up in our surveys, which is a sign that the fishery is recovering.

Commercial Trip Limits

This option is to bring forward trip limits to re-open a fishery that is closed as it gets close to its annual quota. It was discussed with the Southern Flounder AC that there should be an 80% threshold, which is very common for various fisheries, to shut down the fishery and allow time for accounting of all the landings. In the discussions, the closure threshold for mobile gears could be higher and big weather events that would push fish and cause large landings were considered. DMF would determine the number of participants and come up with a trip limit by gear to harvest the remaining quota. A trip limit could also be considered in the AC recommendations during the entire open harvest season as well.

Recreational Bag Limit

A question was raised on whether the recreational season could close when the quota is within 80% of the TAL? Markwith responded that we can't monitor recreational harvest in real time, a struggle for all states. MRIP is set up in two-week waves and it takes roughly 45 days to get the data. The effort component for the recreational fishery also comes from a mail survey completed every 2 months. MRIP was not designed to monitor a recreational quota. Loeffler added DMF has an internal workgroup that is trying to identify and develop a way to monitor the recreational fishery for quota fisheries (phone app, etc.).

An AC member commented that we are talking of a derby fishery with a one fish limit and fish are getting bigger; is there a point when we are going to get more dead discards? Will high grading occur more frequently? Loeffler explained there is always the possibility that behavior will change. Some will high grade, some may not participate as heavily. If recruitment increases and spawning stock biomass (SSB) goes up, then angler behavior will also change. Increased success is what is behind the need for a one fish bag limit. Under a two and three fish bag limit we will continue to see significant catches over a short period of time. As time goes on, we may be able to get a longer season through adaptive management as the TAL shifts to the recreational sector. Angler behavior is extremely difficult to predict.

Discussion shifted to the possibility of a tagging system for the recreational sector. Loeffler noted at this stage in rebuilding there is not a lot of fish to go around, so it would be difficult. The internal working group discussed and had more questions than answers like: How do we allocate the tags? Would only some anglers get a tag? How do we constrain harvest at a 72% reduction and allow the fishery to operate as the stock recovers? What we see in the data is most fishermen catching flounder are not targeting flounder so they may not have a tag. The AC member understood there was not enough fish to go around but made the point that we need to limit how many are coming out of the water. At some point somebody is not going to be happy. There is a small group of people taking a large number of fish while others have none. A question was raised whether other states have looked into a harvest tagging program? Loeffler explained it would be a form of limited entry and that would take time to be done properly. Cathey gave examples with high profile species with a harvest tag program, like bluefin tuna and billfish. NOAA sees a lot of noncompliance. Even at a \$1,000 fine, it does not deter people. Another AC member noted a tagging program would be very problematic due to the volume of the fishermen. If you had to report what you caught by the time you got on shore, that would be something to consider but hard to do. Cathey said that the new smart phone app allows anglers to report flounder discards. We are currently building an app where people report their catch with pictures. We are trying to do this as we speak, but it needs time to develop.

Recreational Commercial Gear License

No questions or discussion.

Increased Recreational Access Issue Paper

Loeffler noted the season in the issue paper is very specific to maintain sustainable harvest, as water temperatures increase, catches of southern flounder increase; therefore, adding an extra two weeks to the season with a one fish bag limit runs the risk of exceeding the TAL. With the allowable catch for the 6-week period in the fall, harvest had to be minimized in the spring to stay under the TAL. A question was raised, why would we open additional areas when the goal is to rebuild the stock? Staff noted that there are risks associated with this opening. However, the data would be available before the main recreational season opens in August. One AC member noted there could be issues with enforcement and people getting a ticket for an honest mistake. Another AC member noted similar concerns and was unsure if the risks were worth the rewards. Loeffler noted that this may be more appropriate when the stock recovers or is in better shape. Some members liked the educational aspects within the paper and agreed that the development of the Catch-U-Later App is needed moving forward for southern flounder management. Another member said they would like to see a species-specific flounder fishery to help keep some of the flounder fisheries open.

Inlet Corridors Issue Paper

Scharf noted that ongoing data collection will inform whether this option is viable moving forward.

Adaptive Management Issue Paper

Scharf identified the options in this paper would allow DMF to make management changes to address issues as they arise via proclamations after the plan is adopted.

Slot Limits Issue Paper

Scharf stated slot limits work well for a number of species. It seems eventually it's going to get to a point where it would do some good for our very large fish (say 19"). Staff noted the biggest concern for DMF is turning the catch into discards. Discussion continued that there is the potential for waste, but there is a chance to save bigger fish. Loeffler explained the management measures from Amendment 2 have allowed about a million pounds of fish to escape, and we are likely going to get that in 2021. We are letting some of these large fish escape now, that is good news.

Phase out of Large Mesh Gill Nets

A question was raised as to what would happen if you gave the gill net portion of the allocation to the other fisheries and what would it do to the fishery as a whole? An AC member asked what's going on with the Incidental Take Permit (ITP)? Loeffler stated the current ITP ends in Aug. 2023, and DMF is developing an ITP application for an additional 10 years. If we update the ITP for another 10 years, the large mesh fishery would continue. One AC member noted that there are certain people who do not like gill nets and removing this gear is unfair to those fishermen.

Carry Forwards from Amendment 2

No comments from the AC.

PUBLIC COMMENT

Per the AC Chair and after discussion with the committee, the public comment portion of the agenda occurred in the middle of the presentation and discussion of the plan with the AC for the benefit of members of the public.

Stuart Creighton, CCA NC – DMF is touting adaptive management measures to aid the objective for many FMPs, but they are only effective if done in a timely manner. The division needs to be more proactive in determining fishery specific needs. A recreational only slot limit is unfair. Slot limits can work but they must be applied to both user groups. DMF is correct to not recommend this measure. Removing RCGL gear is appropriate, as there has been no reporting since 2008. It should not be allowed. Removing large mesh gill nets should be done due to bycatch concerns, interactions with protected species, and the cost of maintaining the ITP. Currently, commercial fishermen don't report all interactions. DMF has less than 3% rate contacting fishermen as well to observe on their boats. Phasing out large mesh gill nets would eliminate the need for an ITP. The money saved by doing away with the ITP and observers could be used to observe the shrimp trawl fishery. Pound nets and gigs could catch all the flounder needed. We need to address trawl bycatch in a comprehensive manner. There are clear hot spots for juvenile flounder in western Pamlico Sound and at the mouth of the Neuse and Pamlico rivers. Neither the shrimp FMP nor the latest Coastal Habitat Protection Plan amendment address this problem; therefore, Amendment 3 must address this.

Glenn Skinner, NCFA – On the topic of phasing out large mesh gill nets, there is a lot of misinformation. There is no waste, there is more waste of red drum, spotted speckled trout, and flounder in the recreational hook and line fishery as well as interactions with protected species. The ITP is the only thing that makes interacting with these endangered species legal. We have two legal fisheries (gill net and the shrimp trawl fisheries). The Fisheries Reform Act states it is a goal to ensure the long-term viability of the fishery; these include the hook and line fishery, gill nets, pound nets, and the gig fishery. These gears were all viable when the Amendment 2 was adopted, and they should be when it recovers. Allocation is another big issue, it's absurd that the MFC did this before the fishery recovered. I would like you all recommend that the MFC revisits allocation. We need to wait till the stock recovers and then try for parity. Changing the allocation now violates the FRA.

Scharf asked if there was any opposition from the other members to allow Bill Gorham to speak who had not signed up? One member said it was allowed as long it was one and only one person and noted that Mr. Gorham should have signed up earlier.

Bill Gorham, Thanked the committee for allowing him to speak. He is the owner of Bowed Up Lures and is the proxy on the ASMFC for Senator Bob Steinburg. I have been trying to find a pathway forward, but it does appear the derby fishery has made it unstable. Only after two years of a closure, interest falls out. I have a hard time with a 50% chance of success as it stands now. I would love for the AC to make a plea for the Director and DEQ Secretary to reconsider the seasons as it doesn't provide a viable pathway forward.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR SOUTHERN FLOUNDER FISHERY MANAGEMENT PLAN AMENDMENT 3

Tim Wilson left the meeting before the motions and votes were taken. Eight members were in attendance and quorum was still met.

Sustainable Harvest Issue Paper

Commercial Quota – Mobile Gears and Pound Nets

**Motion by Tom Smith to accept the division recommendation options 1.1.A and 1.2.A.
Second by Sam Boyce.**

Pam Morris asked whether the Northern line could be moved to Beaufort Inlet to be in line with the how pound nets are fished north of Beaufort Inlet? Loeffler explained the line now is set to the B-D line used for the ITP. If moved it could cause issues with enforcement to the ITP, impact fisheries in these areas, and require a recalculation of all the allowable landings for these areas. Other AC members noted concerns with moving the line because of the ITP aspects.

The motion passed without dissent.

Commercial Sub-allocation

Motion by Jerry James to accept the division's recommendation of Option 2.2, maintain the current sub-allocation for pound net fishery. Second by Tom Smith.

AC members discussed that this does not change the allocation set by the MFC and will make the total allowable landings decrease for the mobile gears while pound nets would be maintained. Members discussed the expense of operating pound nets over the mobile gears and DMF's rationale behind their initial recommendation.

The motion passed 7-1.

Recreational Season

Motion by Tom Smith to accept the division's recommendation Option 3 for a recreational season. Second by Jerry James.

A clarification was made that paybacks are part of DMF's initial recommendation if harvest exceeded the TAL.

The motion passed without dissent

Commercial Trip Limits

Motion by Jerry James to accept the division's recommendation to implement a trip limit for pound net and gigs upon reopening after reaching the division's closure threshold. Second by Jason Fowler.

Clarifications were addressed by staff that trip limits would only be for these gears once 80% of their quota was reached. The Southern Flounder AC also supported this recommendation. One member noted this will cause a perception problem, recreational anglers and giggers will be limited to 1-fish and it will appear that some commercial gears have more access to the fish.

The motion passed without dissent.

Recreational Bag Limit

Motion by Cane Faircloth to support one fish/person/day bag limit if it included a considerably longer open season (during summer / fall). Second by Tom Smith.

Questions arose on catch rates in the last few years and overages in the recreational sector. Staff confirmed that catch rate increased in 2020 and 2021. More anglers were reaching their daily limit than in the past. The reduced bag limit, based on projections, will get us to sustainable harvest level and prevent overages. It was noted the lower bag limit will also be a negative for the charter industry. Loeffler noted other southern states have implemented reduced bag limits, shorter season, and commercial trips limits. An AC member said recreational giggers will not put effort into a 1-fish bag limit. Discussion went back and forth over the reduced bag limit and a longer season needed for the recreational sector.

The motion passed 5-0, with 3 abstentions.

Recreational Commercial Gear License

Motion by Sam Boyce to support the division recommendation, prohibit the use of RCGL gear to harvest flounder. Second by Tom Smith.

The number of licenses for these gears are down to about 1/3 of what they once were. They are limited to the recreational limit and with a low limit, with a chance for a lot of discards.

The motion passed without dissent.

Increased Recreational Access Issue Paper

**Motion by Pam Morris to support Option 1: status quo, manage as one group.
The motion failed due to lack of a second.**

Motion by Cane Faircloth to support the division recommendation, Option 2: 1 fish ocellated bag March 1 April 15 in the ocean; 1 fish any species bag during southern flounder season. Second by Tom Smith.

This was the DMF's attempt to try this in a very risk-adverse way by starting in the spring and maybe increase later with the data from the Catch U Later App and some educational training. Discussion ensued on whether the general public can tell the difference between the flounder species. AC members agreed they liked the education component and to bring forward more public awareness on species identification.

The motion passed 7-1.

Inlet Corridors Issue Paper

Motion by Tom Smith to maintain the ability to implement inlet corridors as adaptive management if research indicates it is appropriate. Second by Cane Faircloth.

A question was raised whether DMF can look at this in the near term or in the next amendment with or without this recommendation. Corrin Flora indicated that if a strategy is not in the plan, then it will not be addressed until the next amendment.

The motion passed 7-0 with 1 abstention.

Adaptive Management Issue Paper

Motion by Samuel Boyce to support the division recommendation to adopt an adaptive management framework. Second by Jerry James.

An AC member requested a reassessment of the rebuilding timeline as this plan is running the risk of ruining the fisheries. A question was raised on the difference between proclamation authority and the use of adaptive management as tools used by the Director. Loeffler explained that the MFC allows the director the flexibility to use the adaptive management outlined specific to the plan without having to gain approval from the MFC.

The motion passed without dissent.

Slot Limits Issue Paper

Motion by Jerry James support the division recommendation, Option 1: status quo, no slot limit. Second by Tom Smith.

Discussion occurred whether a slot limit could fall under adaptive management or not in this plan. Since this is a stand-alone strategy, it could not be included in adaptive management. Scharf continued the discussion. Examples were provided where a slot limit has worked for mostly freshwater and long-lived species that have a long reproductive lifespan. Flounder don't get that old and once they move out into the ocean, they are somewhat protected where there is little pressure. The offshore environment provides a spatial refuge, more or less a slot. We just need to continue to get escapement to the ocean and reduce harvest in estuarine waters based on our understanding of their life history. Right now, we just don't have the data we need.

The motion passed 7-0 with 1 abstention.

Phase out of Large Mesh Gill Nets

Motion by Pam Morris to support Option 2: Status quo. Allow large mesh gill nets to harvest southern flounder during the commercial season. Second by Cane Faircloth.

It was noted the season was only 3 weeks for gill nets. Some members asked how can fishermen make a living in this short season, while other members noted it is a lucrative three weeks.

The motion failed 2-5, with 1 abstention.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Based on the MFC update, the Striped Bass FMP Amendment 2 will be provided to the MFC ACs in March and the FMP for Interjurisdictional Fisheries in April if approved by the MFC in February for AC recommendations and public comment.

The meeting was adjourned at 10:50 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

February 4, 2022

MEMORANDUM

TO: Marine Fisheries Commission
Finfish Advisory Committee

FROM: Lee Paramore, Northern District Manager
Fisheries Management Section

SUBJECT: Meeting of the Marine Fisheries Commission's Finfish Advisory Committee, January 13, 2022. Recommendations for the Southern Flounder Fishery Management Plan Amendment 3

The Marine Fisheries Commission's (MFC) Finfish Advisory Committee (AC) held a meeting on January 13, 2022 via webinar.

The following Advisory Committee members were in attendance: Brent Fulcher, David Mense, Allyn Powell, Randy Proctor, Sam Romano, Ken Siegler, William Tarplee, Tom Roller (Absent – Thomas Brewer, Jeff Buckel, Scott Whitley)

Staff: Tina Moore, Chris Stewart, Anne Markwith, Mike Loeffler, Steve Poland, Kathy Rawls, Deborah Manley, Corrin Flora, Hope Wade, Carter Witten, Lara Klibansky, Lee Paramore, Drew Cathey, Casey Knight, Brandi Salmon, Alan Bianchi, Daniel Ipock, David Behringer, Alexander Batchelder, Ami Staples, Charlton Godwin, Chris Nealon, Daniel Zapf, Dee Lupton, Jessie Bissette, Kevin Brown, Mclean Seward, Nolen Vinay, Shelby White, Tracey Bauer, Trey Baranyai, Jason Rock, Justin Lott, Lorena de la Garza, Chris Batsavage, Jason Walsh

Public: David Sneed, Michael Waine, Bill Gorham, Meredith Wanie

Finfish AC Chair Tom Roller called the meeting to order at 6:05 p.m.

A call for attendance was performed and attendance recorded. The Finfish AC had 8 members present and quorum was met.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Ken Siegler. Second by David Mense. The motion passed without objection.

**A motion was made by Randy Proctor to approve the minutes from the Finfish AC meeting held on October 14, 2021. Second by Sam Romano.
Motion passed 6-0 with 2 abstentions from new members.**

MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky, MFC Liaison, welcomed the new and re-appointed members on the Finfish Advisory Committee (AC). She noted the MFC Office staff are here to support advisors, when issues are under review, they can reach out to us with any questions.

At the November MFC meeting the commission approved annual nominees on obligatory seats to the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, and South Atlantic Fishery Management Council. The MFC also approved the goal and objectives of the Fishery Management Plan (FMP) for Interjurisdictional Fisheries. In February the MFC is scheduled to approve to send to advisory committees for your review in March the Striped Bass FMP Amendment 2 and in April the FMP for Interjurisdictional Fisheries.

The Southern Flounder FMP Amendment 3 being reviewed tonight was also approved for AC review and public comment closes on Jan. 14, 2022. There was a recorded listening session for this plan and any input is welcome on the quality and ideas for continuing with this format. During the November MFC meeting the commission selected their preferred options for the Shrimp FMP Amendment 2 and approved to the send the plan for DEQ Secretary and Legislative review. The Shrimp FMP Amendment 2 is scheduled for final approval in February. The Coastal Habitat Protection Plan was also approved at the November MFC meeting. This is a departmental plan. The MFC, Coastal Resources Commission, and Environmental Management Commission must give approval to the plan; in November all three approved.

There were no questions from AC members following the update. As a final note, AC members were reminded to have copies of the southern flounder decision document ready as a reference to the various issue papers in the full FMP and that it would help guide them through discussions.

PRESENTATION ON SOUTHERN FLOUNDER FISHERY MANAGEMENT PLAN AMENDMENT 3

Mike Loeffler and Anne Markwith presented the DMF recommendations for Amendment 3. Stopping for AC questions at each break.

Sustainable Harvest Issue Paper

Commercial Quota – Mobile Gears and Pound Nets

An AC member questioned if it was possible to break out gears into just mobile and fixed gears and not have allocation split across recreational and commercial sectors. A member noted that all mobile gears are mobile whether they are commercial or recreational. Suggested that this would bring mobile versus fixed gear allotment to 50/50 parity. A member also suggested that a subcommittee of stakeholders for each gear category be formed to provide input on how to catch fish they are allotted. Staff noted that the MFC has already directed the division on allocation between commercial and recreational sectors moving from the current 70/30 split to a 50/50

commercial and recreational split by 2024. If the AC wanted the MFC to act on this type of proposal, a recommendation could be made to ask them to consider this.

It was asked what the other AC's recommended on the commercial quota management area issue. Staff noted that both the Southern and Northern AC supported the Division recommendation of 1.1.A and 1.2.A for monitoring the commercial quota with two management areas for mobile gears and three for fixed gears. The AC inquired into how the lines for management areas were chosen and why they are different for mobile and fixed gears. Staff explained the lines for fixed gears lay out very well with the current pound net sets and boundaries are established and understood in that fishery. For mobile gears it was important to consider established ITP management boundaries and lines. This aids in management for any potential area closures due to sturgeon or turtle takes and makes established lines clear for enforcement. Further questions inquired about how the movement of flounder may impact landings in each management area and why mobile gears are not managed in three areas like fixed gears. Staff clarified that allocations are set within areas based on historical landings and the management by area does not shift harvest from one area to another (each area maintains its proportion of harvest). Further sub-dividing would complicate quota monitoring and enforcement. Mobile gears were only divided into two areas due to their ability to move as fish move as opposed to pound nets that are dependent on weather to make the fish move. A follow-up question was asked about pound nets in southern region and where they occurred. Staff noted all pound nets in the southern region occur in Core Sound. Staff clarified those pound nets were designated to the southern region based on how the fishery performs with timing of fish movement and also based on feedback from industry. There was some discussion on situations where a user falls into the category of both a commercial or recreational fisher and operates within the mobile gear categories where they could be commercial one day or recreational the next and whether situations like this create an issue. Staff clarified this issue is only specific to the commercial sector and landings captured on trip tickets. Users such as giggers would only be able to operate and harvest as commercial during the open season for that sector and gear. A committee member noted that the pound net fishery is dependent on the timing of fish movement to be effective and that is a primary reason for the current lines. The member stated that focus for this issue needs to be on how to fairly divide the allocation that is available. The division proposal did a good job of that based on proposed management areas. A member also expressed concern that SPR target is too high and not sure the fishery can attain those values, but the burden needs to be spread out as evenly as possible across sectors.

Commercial Sub-allocation

A member voiced concern that the 72% reduction was beyond what is required, and that the allocation should be based on historical data. Using historical data is the precedence in how these matters have been handled in other fisheries and this did not happen at the special MFC meeting where the MFC voted on allocation. Member gave example of how ASMFC recently updated allocations based on the new MRIP estimates for the summer flounder fishery and noted that good management should be based on scientific data. Other discussion noted that it is possible even at a 50/50 allocation that the recreational sector is still not going to meet the 72% reduction.

Recreational Season

Questions were raised on the design of MRIP and its utility in quota monitoring. A member asked if there was any consideration to just having a 45-day season broken into shorter periods of

open dates during the year to allow harvest estimates to be calculated between openings. Staff noted that multiple options were considered including a spring and fall season but those still result in very truncated seasons and could potentially marginalize tourists if overages are hit in the fall. A single season (i.e. six-week season) provides the best way to estimate landings using MRIP. Staff also noted how the current seasons have been a learning experience with changes in fishing behavior and that exploring openings during different times of year is something that can be explored as more quota becomes available. A member asked if a spring season were allowed, would this be separate amount or added to current quota. Staff clarified that any southern flounder landings in a spring season would be subtracted from the fall should that occur. Another member suggested spreading out landings by only allowing harvest during certain days of the week. Staff noted that this was explored but also noted that punctuated seasons counters the design of MRIP and may result in limited intercepts and inability to estimate landings with good precision.

Commercial Trip Limits

A question was asked regarding how harvest triggers would be set for the implementation of trip limits and whether unused quota could be rolled into next year. Staff noted triggers are not currently set and that the AC can bring forward recommendations for both triggers and how to handle overages and underages. Staff also stressed that the division does not currently support any rollover for unused quota due to the current depleted state of the stock.

Recreational Bag Limit

It was noted that a one fish bag limit may not be popular but may help with the derby fishing that was observed this past season. The committee was interested in any information on changes in effort and angler success. Staff confirmed data indicated both effort and success per trip have increased with the shortened seasons. We are now seeing more people catch the 4-fish bag limit. Landings were high again in 2021 even with shortened season. It was asked if a 4-week season and a 2 fish bag limit may meet the reduction. Staff noted that various seasons and bag limits have been considered and that this is something that could be looked at but based on analysis, a one fish limit is the only viable option that maintains the TAL. The committee noted that the one fish limit has not been favorable based on public feedback. A question was asked related to the size of fish and if larger fish are also seen in the commercial fishery. Staff noted that the data on size of fish in commercial fishery from this most recent season is just now available and will be investigated.

Recreational Commercial Gear License

Based on question from AC, staff clarified that any landings from RCGL gear come off of the recreational TAL. There was also clarification that RCGL nets are not used exclusively for flounder, however the division has required the removal of large mesh gill nets during times when the flounder season is closed. The only exceptions are for specific fisheries that don't typically encounter flounder like the winter blue catfish fishery in Albemarle Sound.

Increased Recreational Access Issue Paper

Some concern was expressed that the idea of allowing additional access during a rebuilding period could further jeopardize the stock. This may not be the right timing to consider this. Staff noted that there has been much deliberation about this topic and the public brought up a desire to

potentially still harvest ocellated flounder in the ocean. The limited March opening may allow some access to ocellated flounder with very minimal impact to southern flounder. Could be considered as a more viable option down the road. A committee member asked what years were used for the analysis and noted in recent years his catches have resulted in more southern flounder in the ocean than what he has seen in past. Staff responded that analysis was based on 2017. There was also an inquiry about law enforcement and returning from the ocean to inshore waters with ocellated flounder in possession. Marine Patrol noted that the angler would need to verify where they were fishing if asked and you would not be able to stop and fish inshore if you had ocellated fish in your possession.

Inlet Corridors Issue Paper

No questions or discussion during presentation.

Adaptive Management Issue Paper

No questions or discussion during presentation.

Slot Limits Issue Paper

Inquiry on how implementing a slot limit would impact the gig fishery. Staff noted that it would be hard to have a slot limit with a gig fishery. Would it be possible to do a slot limit for each sector, possibly even gear specific (this could also allow some of larger fish to be donated for science)? Staff noted that the current issue paper is set up to discuss a recreational slot limit but you could take it to any sector. One of the issues with the slot limit analysis is that we don't see a large proportion of bigger fish so it is hard to meet meaningful reductions with a slot limit due to the truncated length frequencies of harvest. We also would like to keep slots consistent across any gears to alleviate issues with enforcement. Some additional discussion by the committee was that slot limits are not intended as an action to extend the season, but rather to allow larger fish to escape and spawn and potentially harvest more smaller males. Some members felt there was a need to consider a slot limit on smaller fish but we keep moving the slot option to larger fish and this is the wrong way to go. Staff noted that in future we may have more data on size of releases from ongoing work with Catch-U-Later app to gather information on lengths of discarded fish.

Phase out of Large Mesh Gill Nets

A member noted that majority of removals from this gear are harvested and that discards are not that significant. Discards in the recreational fishery are much higher and far more impactful to stock. The idea to eliminate is driven by a dislike of the gear and not based on data. There was discussion on economics of eliminating this gear. Ability to move into other gears such as pound nets would be cost prohibitive. Staff agreed it is economically not feasible that gill netters would move into the pound net fishery. Member noted that hook and line mortality on releases is 9% and 1 in 9 fish are discarded. Based on discards, it is possible the weight of dead discards could exceed recreational harvest. The committee inquired about bycatch in gill nets and specifically the bycatch of other species. Staff noted that this information is provided in the plan. A member noted that when looking at bycatch it is important to consider what is marketable bycatch and

what is not. Staff then summarized this information on bycatch as outlined in the plan and directed the committee to the plan for a table summarizing the data they were requesting.

Carry Forwards from Amendment 2

No comments from the AC.

PUBLIC COMMENT

Per the AC Chair and after discussion with the committee, the public comment portion of the agenda occurred in the middle of the presentation and discussion of the plan with the AC for the benefit of members of the public. There was no public comment offered.

DISCUSSION AND VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR SOUTHERN FLOUNDER FISHERY MANAGEMENT PLAN AMENDMENT 3

Sustainable Harvest Issue Paper

Commercial Quota – Mobile Gears and Pound Nets

**Motion by David Mense to accept division recommendation Option 1.1.A and 1.2.A.
Second by Allyn Powell.**

No additional discussion on this motion.

The motion passed 6-0 with one abstention.

Commercial Sub-allocation

Motion by Ken Seigler to set the allocation for pound nets at 186,000 pounds and an allocation based on gear (fixed or mobile) divided equally between the user groups achieving 50/50 parity by February 23, 2022.

Motion failed for lack of a second.

**Motion by Brent Fulcher support option 2.1 Sub allocations based on 2017 landings.
Second by Allyn Powell.**

AC members discussed the benefit of doing Option 2.1 Sub allocations based on 2017 landings versus the Division recommendation of Option 2.2 Maintain the current sub-allocations for pound net fishery. Committee members noted that the 2017 allocation kept the cuts fair without giving one gear preference over the other. The shift in allocation is not based on science and is not a resource issue but a preference issue.

The motion passed 6-0 with one abstention.

Recreational Season

Motion by David Mense to support the division recommendation Option 3 of a single recreational season. Second by Bill Tarplee.

No additional discussion on this issue.

The motion passed 6-0 with one abstention.

Commercial Trip Limits

**Motion by Brent Fulcher support Option 4C Status quo, no trip limits.
Second by Sam Romano.**

Discussion that doing anything other than status quo would not be fair, in particular those who fish more gear will be disadvantaged. Example given for those who have many pound nets versus those who fish just a few. Additional concern expressed that this could create unnecessary discards.

The motion passed 5-0 with two abstentions.

Recreational Bag Limit

**Motion by David Mense support division recommendation Option 5.A. 1 fish/person/day.
Second by Allyn Powell.**

The AC recognized this will not be well received. Question of whether the bag limit could be changed with adaptive management and staff noted that we would not be able to increase the bag limit to increase harvest short of an assessment update. Based on overages to date, there is no viable alternative. A member expressed interest in additional analysis with a two-fish bag limit. Comment that we should have a longer season if we are forced to a one fish bag limit. Discussion then ensued on the timing of the next assessment and when that may happen. Staff noted that other states have recently made regulatory changes and would likely want several years of data to evaluate success. Staff indicated that if we continue to see positive signs in the stock it may possible to adjust timeline but yet to be determined. A committee member expressed concern that we are managing to a very high SPR that may not be attainable. If discards in the recreational fishery keep increasing, there may not be any fishery. Questioned if current conditions, environmental or otherwise, could support the levels of harvest we saw 20 years ago.

The motion passed 3-2-2.

Recreational Commercial Gear License

Motion by Brent Fulcher support Option 6A: Allow RCGL to harvest flounder when commercial and recreational fisheries both open. Second by Ken Seigler.

This is a license allowed by the General Assembly and we should continue with it. We need a free and open fishery that does not restrict based on gear preference.

The motion passed 5-2.

Increased Recreational Access Issue Paper

Motion by Ken Siegler to support Option 1: Status quo, manage as one group.

Second by Sam Romano. Motion was withdrawn.

Motion by Brent Fulcher to recommend the commission to design an ocean caught recreational ocellated flounder fishery that will not hinder the present southern flounder fishery established in Amendment 3.

Second by Ken Seigler.

Initially some discussion/concern that any harvest will take away from recreational harvest of southern flounder. Staff clarified that ocellated flounder harvested would not count against the southern flounder quota. More discussion on the size and availability of summer flounder and ocellated flounder from year to year and by region. Members noted a robust gulf flounder fishery in southern portion of state. After discussion, the original motion was withdrawn. Additional discussion ensued after the second motion. It was discussed that the division would work with ASMFC to establish an ocellated season that would be separate from the southern flounder season. Some concern expressed that this fishery could potentially result in additional southern flounder discards.

The motion passed 6-0 with two abstentions.

Inlet Corridors Issue Paper

Motion by Allyn Powell to support Option 1: Status quo, do not establish inlet corridor during spawning migration. Second by David Mense.

No additional discussion on this motion.

The motion passed 6-0 with 1 abstention.

Adaptive Management Issue Paper

Motion Brent Fulcher to support Option 2: do not adopt. Second by Sam Romano. Motion failed, 4-4-0.

Motion by William Tarplee support Option 1 Adopt adaptive management framework. Second by David Mense. Motion failed 4-4-0.

A member expressed concern that we are overmanaging the fishery and this only serves to potentially increase restrictions (shorten season etc.) without an option to relax any regulations prior to a new assessment that likely will not be completed until 2027. Other discussion questioned whether the director may already have this authority under proclamations. Staff clarified that not all options under adaptive management can be implemented by proclamation unless the plan provides the framework to do so. Additional comments ensued that the reasons for adaptive management would be that it provides needed flexibility to manage. Additional concern expressed that adaptive management as presented, while it does provide a useful tool for management, particularly between assessments, only serves to offer more restrictions. It should be able to go either way, but it doesn't.

No motion was passed on this issue.

Slot Limits Issue Paper

Motion by David Mense to support Option 1 Status quo, no slot limit. Second by Allyn Powell

Comment was made that there was ample literature on this species to not support a slot limit.

The motion passed 4-0 with 4 abstentions.

Phase out of Large Mesh Gill Nets

Motion by Ken Seigler to support Option 2: Status quo, allow large mesh gill nets to harvest southern flounder during the commercial season. Second by Allyn Powell.

It was noted that it needs to be fair and equitable across user groups and gears. The mortality rate for gill nets is sufficiently low and can be a sustainable gear. A lot of other species captured with gill nets would be lost if this gear is phased out. The impact is far beyond flounder and we should not eliminate just because of a dislike for the gear. There is a need to account for socioeconomic impact of this measure. Given the magnitude of the recreational removals and the already shortened seasons, the pound net fishery is likely to be destroyed. Gill nets at least have the flexibility to continue under such a restricted fishery.

The motion passed 5-2, with 1 abstention.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Based on the MFC update, the Striped Bass FMP Amendment 2 will be provided to this MFC AC committees in March. The AC will receive notification of any meeting dates after the February MFC meeting.

The meeting was adjourned at 10:54 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

MEMORANDUM

TO: N.C. Marine Fisheries Commission Commercial Resource Fund Committee and the Funding Committee for the N.C. Commercial Fishing Resource Fund

FROM: William Brantley, Grants Program Manager
Division of Marine Fisheries, NCDEQ

DATE: November 24, 2021

SUBJECT: MFC Commercial Resource Fund Committee and Funding Committee for the N.C. Commercial Fishing Resource Fund Meeting Minutes

The MFC Commercial Resource Fund Committee and the Funding Committee for the N.C. Commercial Fishing Resource Fund met at 6:00 p.m. on Thursday, November 4, 2021 through Webex. The following attended:

MFC Commercial Resource Fund Committee: Chairman Doug Cross, Sam Romano, Mike Blanton

Funding Committee for the N.C. Commercial Fishing Resource Fund Members: Chairman Ernest Doshier, Glenn Skinner, Steve Weeks, Britton Shackelford, Gilbert Baccus, and Doug Todd.

Public Comment: Public comment was received through webpage and US mail

APPROVAL OF AGENDA AND MINUTES

Chairman Ernest Doshier and Chairman Doug Cross called the meeting to order for the Funding Committee for the N.C. Commercial Fishing Resource Fund and the MFC Commercial Resource Fund Committee. William Brantley read the conflict of interest of reminder, and no conflicts were noted. Brantley conducted a roll call for both Committees. All members were present from the Funding Committee for the N.C. Commercial Fishing Resource Fund and the MFC Commercial Resource Fund Committee.

The meeting agenda was then reviewed.

Motion by Sam Romano to approve the agenda. Second by Mike Blanton. Motion passed unanimously through a roll call vote.

Motion by Glenn Skinner to approve the agenda. Second by Steve Weeks. Motion passed unanimously through a roll call vote of present members.

Minutes from the February 12, 2021 MFC Commercial Resource Fund Committee meeting and the Funding Committee for the N.C. Commercial Fishing Resource Fund were reviewed. Doug Todd noted

a correction in the N.C. Commercial Fishing Resource Fund's motion, which reflected a "second by Blanton."

Motion by Skinner to approve the minutes of the February 12, 2021 meeting with the correction. Second by Todd. Motion passed unanimously through roll call vote.

Motion by Blanton to approve the minutes of the February 12, 2021 meeting with the correction. Second by Romano. Motion passed unanimously through roll call vote.

Brantley briefed the committees on points from Session Law 2020-3 and gave a brief elaboration on the agenda items

Brantley also stated that public comment for the meeting had been accepted by mail and webpage, and comments received were included in the member's meeting packets.

Financial Report

Brantley briefed the Committees that the Fiscal Year 2021 transfer into the Commercial Fishing Resource Fund was \$749,557. Funds that were unobligated from previous project completion was \$331,086. With consideration to the existing balance, this leaves \$1,205,633 available for the Committees to spend on projects in NCGS 113-173.1.

Past Project Reports

Semi-annual project reports and one final report were reviewed from previous RFP's. Blanton requested additional information on NCSU's oyster spring mortality project, and why little funds had been expended on the project by the University. Brantley noted that costs could be delayed due to the University's accounting process, however he would reach out to the Principal Investigator for additional information and would send the update to the Committees.

DMF Southern Flounder Satellite Tagging Update

DMF biologists Shelby White and Mike Loeffler gave updates on the program funded by the Committees. This is a collaborative project with UNCW's CRFL funded satellite flounder tagging program. In 2020, 100 tags were placed in southern flounder. Preliminary data shows evidence of inner and outer shelf movement, but further analysis is needed. Year 2 is in progress, and adjusted release times have been implemented to increase randomness. NC tagging will occur in Hatteras, Core Sound, and Cape Fear regions.

Chairman Cross inquired to the sex of the tagged fish and if tagging should include males for consideration in future management actions. White noted that the tag size could be an issue with smaller fish, and that determining sex in the field would be difficult. Skinner asked about flounder research in the Gulf states, and males not returning after leaving the estuaries. Loeffler stated that DMF staff was aware of some research in the Gulf, and they would be listening to the Gulf States Marine Fisheries Commission's southern flounder symposium in March 2022. Skinner asked if the research was showing indications of water temperature and sex determination, and Loeffler responded that some North Carolina research had reviewed this topic. Romano asked how this satellite tagging research would affect the stock assessment, Loeffler responded that the information gleaned from the program would continuously assist with other data programs for a robust stock assessment. Skinner noted that the study was nearing completion, and that DMF should consider the next steps in this research program. Blanton asked about the percentage of tags with regard to their early/scheduled pop off times, as well as the

high-reward tags that had been reported. White stated that DMF staff remains in discussion with Wildlife Computers on increasing the technology.

Chairman Doshier asked about a preliminary report timeframe. Loeffler noted that other data elements would be coming in through Spring 2022, and additional information would be available then.

Request for Proposals (RFP) Discussion

Skinner requested the following:

RFP for a study to look at recreational and commercial fishery data:

- Compare data collection for the recreational and commercial sectors
- Evaluate trends in commercial and recreational contribution to overall harvest and fishing mortality within NC's mixed-used marine fisheries
- Evaluate the effectiveness of management strategies in both the commercial and recreational sectors for achieving the intended goals/reductions
- Evaluate whether management actions through time have represented de-facto reallocations between sectors
- Conduct a synthesis and critical evaluation of alternative frameworks and actions aimed at managing recreational marine fisheries to maximize equitability and/or to increasing fisher welfare

RFP for a study to examine the estuarine shrimp trawling fishery:

- Evaluate the impacts, if any, of estuarine shrimp trawling in NC on overall abundance of spot, croaker, and weakfish using all available data including but not limited to:
 - Historical trends in overall abundance of spot, croakers, and weakfish
 - Trends in shrimp trawl effort
 - Data from DMF fishery independent and dependent surveys
 - Management of the shrimp trawl fishery (area closures, habitat protections, gear restrictions, gear modifications, etc.)

RFP for a study to review gamefish designations:

- Evaluate the effectiveness of gamefish designation and gear bans, enacted in other states, at increasing overall abundance and/or preventing future stock declines and further management restrictions (decreased bag limits, increased size limits, seasonal closures, etc.) for species like Red Drum, Speckled Trout, Striped Bass, Southern Flounder, etc.

RFP for a project to address consumer education:

- Enact a consumer education program to elevate consumer awareness and education

Romano requested the following:

RFP for a study to review natural predation:

- Research natural predation and the effects on fisheries, focusing on species of concern or species that are overfished, and how it affects our stock assessment and fisheries management plans.

Shackelford requested the following:

RFP for a study to review natural predation:

- Natural predation effects that cormorants have on North Carolina's fisheries.
- Natural predation effects that sharks have on North Carolina's fisheries.
- Natural predation effects that cow nose rays have on North Carolina's fisheries.

Blanton requested the following:

RFP for a study to review blue catfish:

- Research the abundance of blue catfish in Albemarle Sound and tributaries
- Examine the ecosystem and predatory impacts to the Albemarle Sound
- Impacts on native fish species to the Albemarle Sound

RFP for a multi-year project to address marine debris:

- Cleanup of marine debris, such as a crab pot cleanup.

Chairman Cross requested the following:

RFP for a study to examine the estuarine shrimp trawling fishery:

- Accurately assess how much bottom is being trawled in the different water bodies by documenting actual effort and coverage in the shrimp trawl fishery.
- Compare areas that have been closed to trawling versus areas that are consistently trawled, which may include implementation of a pilot program and/or test sites

Brantley noted the Division of Marine Fisheries would be drafting the RFP for the committees based off of their requests, and the Committees could review it at their next called meeting.

ISSUES FROM COMMITTEE MEMBERS

None were noted.

ADJOURNMENT

Motion by Blanton to adjourn. Second by Romano. Motion passed unanimously through roll call vote.

Motion by Todd to adjourn. Second by Skinner. Motion passed unanimously through roll call vote.

Meeting adjourned.

WB