

NC Marine Fisheries Commission

Committee Reports

November 2022 Business Meeting

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ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

MEMORANDUM

TO: N.C. Marine Fisheries Commission
MFC Nominating Committee

FROM: Chris Batsavage and Catherine Blum
Division of Marine Fisheries, DEQ

DATE: Oct. 25, 2022

SUBJECT: Marine Fisheries Commission Nominating Committee Meeting Minutes

The N.C. Marine Fisheries Commission Nominating Committee met on Tuesday, Oct. 11, 2022 at 1:00 p.m. via webinar.

The following were in attendance:

Committee members: Robert McNeill, Ana Shellem, Mike Blanton, Tom Roller
Staff: Chris Batsavage, Lara Klibansky, Catherine Blum, Hope Wade,

Chairman McNeill called the meeting to order. The agenda was approved without modification.

Motion by Tom Roller to approve the October 11, 2022, meeting agenda as presented. Seconded by Ana Shellem.

Roll Call

Mike Blanton	Aye
Robert McNeill	Aye
Ana Shellem	Aye
Tom Roller	Aye

Motion carries.

Motion by Mike Blanton to approve the September 29, 2021, meeting minutes as presented. Seconded by Ana Shellem.

Roll Call

Mike Blanton	Aye
Robert McNeill	Aye
Ana Shellem	Aye
Tom Roller	Aye

Motion carries.

Mike Blanton recuses himself from any further discussion.

Public comment

No public comment given at the meeting or received via email.

Review of N.C. General Statutes and federal Magnuson-Stevens Act requirements

Batsavage briefly reviewed the N.C. General Statutes pertaining to the selection of nominees for federal fishery management council seats. He stated that the N.C. Marine Fisheries Commission must approve a slate of candidates for the governor’s consideration, and that the statutes allow the governor to consult with the commission regarding additions to the list of candidates. Batsavage also described the federal statutes and regulations pertaining to qualification of candidates and noted that the governor must submit a list of no less than three nominees for an appointment. The commission will review the list of candidates approved by the committee at its business meeting on Nov. 17-18, 2022.

Review and selection of candidates for the Mid-Atlantic Fishery Management Council obligatory appointment

Batsavage reviewed the bios of the candidates for the Mid-Atlantic Fishery Management Council obligatory seat, briefly describing the background and qualifications of each: Mike Blanton, Jess Hawkins, Thomas Newman, and Robert Ruhle. Batsavage noted that Dewey Hemilright, the current N.C. Obligatory Member on the Mid-Atlantic Fishery Management Council is completing his third consecutive three-year term and is not eligible for reappointment.

After a brief discussion of the candidates, the committee made the following motion:

Motion by Tom Roller to forward the names of Michael C. Blanton, Jess Harold Hawkins III, Thomas Newman, and Robert L. Ruhle to the Marine Fisheries Commission for consideration for the Mid-Atlantic Fishery Management Council obligatory seat. Seconded by Ana Shellem.

Roll Call

Mike Blanton	Recused
Robert McNeill	Aye
Ana Shellem	Aye
Tom Roller	Aye

Motion carries.

Tom Roller motion to adjourn. Seconded by Ana Shellem.

Meeting adjourned.

Michael C. Blanton, Elizabeth City, NC

Mr. Blanton is a sole proprietor, small boat (<25ft) commercial fisherman primarily participating in North Carolina's (NC) state-managed fisheries within the Albemarle Sound and surrounding waters. He grew up in Elizabeth City, NC, where he currently resides, participating in both recreational and commercial fisheries, since his early childhood days. Taking a keen interest in North Carolina's commercial industry, he spent his teenage years, working alongside lifelong fishermen, learning the commercial waterman trades of the area on multiple vessels and at a local fish/crab wholesale dealer. Mr. Blanton has now been an active full time commercial fisherman for over 8 years with the majority of his participation being in the blue crab industry as a crab potter, utilizing multiple finfish gillnet/hook-and-line fisheries as seasonal alternatives, including Menhaden, flounder, American Shad, Striped mullet, White Perch, and catfishes, respectively. Additional experience and involvement includes the Federal Longline/Hook-and-line Tuna Fishery, Ocean Gillnet Fisheries for Spiny Dogfish, Bluefish, Weakfish, Atlantic Croaker, Spot, and Sea Mullet, along with Shrimp Trawl Fisheries.

Mr. Blanton is currently serving his second term as a commercial representative on the NC Marine Fisheries Commission (NCMFC). He was originally appointed to his first term in August of 2019. Additional NCMFC responsibilities include: committee and board assignments to the NCMFC Nominating Committee, Standard Commercial Fishing License Eligibility Board, and NC Commercial Fishing Resource Fund Committee, along with, Shellfish/Crustacean Advisory Committee (co-chair) and Finfish Advisory Committee (vice chair). He also served as a permanent proxy for the NC Legislative Appointee to the Atlantic States Marine Fisheries Commission (ASMFC) from 2018-2020, at times working collaboratively with the Mid Atlantic Fisheries Management Council (MAFMC) on jointly managed species.

Prior to his appointments on the state and interstate management bodies, Mr. Blanton served on the NCMFC Northern Regional Advisory Committee and the ASMFC Striped Bass Advisory Panel. He has also served as a board member for the NC Fisheries Association and OBX Catch - a local seafood advocacy group that promotes and educates consumers on the economic importance of fresh, local seafood. He participated Fish Camp 2018- a fisheries workshop hosted by NC Sea Grant which created an opportunity to educate and inform young and upcoming fishermen of the fisheries management processes. Mr. Blanton also attended and completed three formal fisheries science and management education workshops in 2016, which include the MREP Greater Atlantic Fisheries Science 100 (Norfolk, VA), MREP Greater Atlantic Fisheries Management 100 (Norfolk, VA), and MREP Greater Atlantic Fisheries Science 200 (Woods Hole, MA).

Above all, Mr. Blanton is a strong advocate for sustainable seafood harvest, consumer access to fresh, local seafood, and habitat and water quality restoration. He has spent countless hours in policy discussions with federal, state and local leaders concerning the complexities of fisheries management. Volunteered at numerous public events promoting outreach that include: Day at the Docks, in Hatteras, NC and the NC Seafood Festival in Morehead City, NC. Mr. Blanton also connected with multiple young fishermen, offering in depth mentorship to help insure the future of NC's commercial fishing industry, with plans to continue to be an advocate for sustainability, along with fair and equitable access for all user groups.

Jess Hawkins, Morehead City, NC

North Carolina Marine Fisheries Commission Nominating Committee:

I would be honored to be considered by the North Carolina Marine Fisheries Commission (MFC) to serve on the Mid Atlantic Fishery Management Council (MAFMC) in the upcoming obligatory seat vacancy. I believe with my background and experience that I could serve effectively in that role representing North Carolina.

I have a Master of Science degree in biology and retired as a fisheries scientist with the NC Division of Marine Fisheries (DMF) in 2006 after 30 years of service. I have served as Chief of Fisheries Management (the main research/management section of DMF), studying and conserving both state and federally managed species. The last 12 years of my career I was the Executive Assistant to the Director, working as the liaison with the MFC, developing rules and policies for North Carolina with extensive stakeholder input (approximately 100 meetings per year with advisors and MFC members.) I became quite familiar with fisheries issues facing North Carolina, including management of species occurring in federal jurisdiction. I represented the state in numerous meetings during controversial and difficult circumstances and at all times tried to conduct myself professionally. I have also worked with many of the leading fisheries scientists in our state.

After retiring from DMF, I was honored by an appointment to the MFC from 2007-2009, serving in an at-large seat. I thoroughly enjoyed my tenure and am excited to potentially serve our state on another body dealing with fisheries governance. I also received the Governor's Award of the Order of the Long Leaf Pine in 2006 and the Governor's Award as Wildlife Conservationist of the Year in 1994.

Since my retirement I have served as an educator at the NC Aquarium, teaching the public about ecology and conservation. I also was privileged to be hired as an instructor of marine fisheries ecology at Duke Marine Laboratory for three years. I also co-taught marine fisheries ecology at NC State CMAST facility for six years, recently retiring from that endeavor. These opportunities have allowed me to track conservation policies and actions of many fisheries issues impacting North Carolina. I have also consulted on scientifically based issues involving fisheries conservation for stakeholder groups. I continue to monitor both state and federal fisheries management issues

Recreational fishing is my main hobby and something I am passionate about. I grew up on the coast of North Carolina and have recreationally fished all of my life, fishing from Dare to New Hanover counties, both inshore and offshore.

I also am president and owner of Crystal Coast Ecotours, where I provide people the opportunity to experience the wonderful natural resources of North Carolina. I have successfully operated this business for the last 12 years and we are ranked as the top outdoor activity in Morehead City by reviewers. I know how regulations and circumstances can affect aquatic associated businesses. I hold a Master's Captain License from the US Coast Guard.

I would be honored to be considered for this opening. I have attached a resume with additional information.

Jess H. Hawkins III

Thomas Newman, Williamston, NC

Mr. Newman is the owner/operator of the 40-ft. F/V Gotta Go with his homeport in Hatteras, NC. He has been commercial fishing for 25 years mostly in North Carolina but ranging as far north as scalloping in New York and has fished many seasons in Virginia gill netting for monkfish. He is currently serving on the Mackerel Cobia Advisory Panel (South Atlantic Fishery Management Council), the Northern Regional Advisory Panel (North Carolina Division of Marine Fisheries), and the Weakfish and Coastal Sharks Advisory Panels (Atlantic States Marine Fisheries Commission). Mr. Newman holds permits and fishes for Spanish mackerel, bluefish, spiny dogfish, smooth dogfish, king mackerel, croakers, large and small coastal sharks and monkfish, species which are mainly managed by the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, and the Atlantic States Marine Fisheries Commission. He also works part-time for the North Carolina Fisheries Association, is a member of the Coastal Carolina River Watch, serves on the Citizen Science Projects Advisory Team (SAFMC), and is involved in state and federal fisheries management issues working directly with fisheries managers and industry groups.

Mr. Newman received a B.S. in biology from Furman University in 2008. His focus was towards wildlife management but he also did a study abroad marine biology program in the Florida Keys and Belize directly observing habitats and multiple aquatic species. For his senior project he traveled to New Mexico to study an isolated population of desert bighorn sheep in the Fra Cristobal Range. The results of this study was published in *The Southwestern Naturalist*:

Evaluation of Methods Used to Estimate Size of a Population of Desert Bighorn Sheep (*Ovis canadensis mexicana*) in New Mexico

Author(s): Travis W. Perry, Thomas Newman, and Katherine M. Thibault

Source: *The Southwestern Naturalist*, 55(4):517-524. 2010.

Mr. Newman is also involved in climate change scenario planning and is looking forward to continue working with recreational, commercial, and ecosystem stakeholders to get ahead of these issues we are already seeing while planning for the future. He believes that flexibility, adaptation, and all user groups working together are going to be imperative for the future of our oceans.

Robert L. Ruhle

Wanchese NC

Robert Ruhle owns and operates the F/V DARANA R along with his father James Ruhle, who served 3 consecutive terms as a Mid Atlantic Council member for NC. His Uncle Phillip Ruhle also served on the New England council. His proximity to the council was highly educational to both the process and function of the councils, as well as provided insight to the innerworkings of Fisheries Management.

Robert is a member of Commercial Fisherman of America and NCFA.

He has been fishing commercially since 1994 and a Captain since 2001 although his fishing career began in 1983 when he first went to sea with his father aboard the family's 90' trawler. He has held an NC commercial fishing license since 1988.

Over the course of his career he has been active in numerous Mid Atlantic and New England fisheries and has fished from Hatteras to Canada. Primarily focusing on Illex squid, Longfin squid, Atlantic Mackerel, Sea herring, Atlantic Croaker and Butterfish.

He also participates in the Fluke, Black Sea Bass, Scup fisheries, Landing in both North Carolina and Virginia.

Mr. Ruhle has served multiple terms and currently is an Advisor for the Mid Atlantic Council serving on Atlantic Mackerel/Squid/Butterfish, Summer Flounder/Scup/Black Sea Bass, River herring/Shad, Ecosystems and Ocean Planning, and Sturgeon. Mr. Ruhle has been very active in his capacity as an advisor and always made himself available to attend meetings as well as work with the council staff on many different issues. Robert is also an ASMFC advisor for the Northeast Trawl Advisory Panel (NTAP) and a member of the NTAP working group.

Robert has participated all 3 MREP modules, (Management, Science 1 and Science 2) and has had over 20 yrs experience in co-operative research. He has worked on projects ranging from Gear selectivity to bycatch reduction with academic partners from, URI, Cornell, Managment, Scimfish , Rutgers, NOAA and VIMS. He has been a participant in the NOAA Study Fleet program since 2008.

Mr. Ruhle has been very active and a primary component in the Northeast Area Monitoring and Assessment Program (NEAMAP) trawl survey since 2006. Alongside VIMS, NEAMAP is conducted onboard the F/V DARANA R biannually during the spring and fall of each year. During his association with the survey, Mr. Ruhle has gained in depth knowledge of Fisheries/Scientific data collection methods as well as its use in Fisheries management practices. Over the course of NEAMAP, Mr. Ruhle has been a party to a multitude of outreach programs associated with the trawl survey.



ROY COOPER
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ELIZABETH S. BISER
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KATHY B. RAWLS
Director

Oct. 27, 2022

MEMORANDUM

TO: Marine Fisheries Commission
Northern Regional 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, Oct. 18, 2022 for 2023 Meetings Planning and Updates.

The Marine Fisheries Commission's (MFC) Northern Regional Advisory Committee (AC) held a meeting on Oct. 18, 2022. The meeting was a hybrid meeting; some members of the AC and Division of Marine Fisheries (DMF) staff were in person at the Dare County Municipal Building in Manteo, North Carolina, while others attended virtually through Webex. The meeting was also streamed on Youtube for the public. AC members could attend in either setting and communicate with other committee members, whereas public comment could only occur via the in-person setting.

The following Advisory Committee members were in attendance: Sara Winslow, Missy Clark, Raymond Pugh, Herman Dunbar, Keith Bruno, Carl Hacker, and Thomas Newman attended in person. Everett Blake, Jim Rice, Jamie Winslow, and Roger Rulifson attended virtually.

DMF Staff: Lee Paramore, David Behringer, Charlton Godwin, Dan Zapf, Mike Loeffler, Corrin Flora, Lara Klibansky, Deborah Manley, Hope Wade, and Edward Mann attended in person and Steve Poland, Casey Knight, Daniel Ipock, Lorena de la Garza, and Shelby White attended virtually.

Public: None in attendance, 19 viewers watched on YouTube.

Northern Regional AC Chair Sara Winslow called the meeting to order at 6:02 p.m. All eleven Northern Regional AC advisors were present 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 Thomas Newman. The motion passed without objection.

A motion was made to approve the minutes from the Northern Regional AC meeting held on March 15, 2022. Motion by Missy Clark to approve the minutes. Second by Raymond Pugh. The motion passed without objection.

MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky, MFC Liaison, gave an update on the newly appointed MFC commissioners and who they replaced. Pete Kornegay (science seat) left due to personal reasons and Dr. Doug Rader will continue his term until 2023. Ana Shellem is replacing Sam Romano (commercial seat) and Donald Huggins is replacing Tom Hendrickson (at-large seat). At the November business meeting Sarah Gardner will fill an at-large seat and she will be sworn in at the Finfish AC meeting on Oct. 20, 2022. Klibansky reminded everyone the AC solicitation period is open through Nov. 1. The DMF is looking for applicants for all ACs and encouraged current AC members to reapply. The MFC chair will select AC members and staff will notify applicants by Dec. 1.

Next the committee was provided an overview of the May and August 2022 MFC business meetings. At the May meeting, the review of the N.C. River Herring Fishery Management Plan (FMP) was approved as an information update (not an amendment) because the Atlantic States Marine Fisheries Commission is currently conducting a stock assessment and it will be prudent to wait until the results of the assessment are finalized before making management changes. Amendment 3 to the Southern Flounder FMP was approved at the May meeting, completing the cycle for this plan. Results of the 2022 Striped Mullet Benchmark Stock Assessment were presented to the MFC at its May business meeting. The peer reviewed stock assessment indicates the N.C. striped mullet stock is overfished, and overfishing is occurring in the terminal year of the assessment (2019). At its November meeting, the MFC will be given the results of the scoping period for the review of the Striped Mullet FMP and vote to approve the goal and objectives of draft Amendment 2.

At the August meeting, the MFC tabled the final vote on the selected management measures for estuarine striped bass to give the new commissioners time to fully review the draft Amendment 2 to the FMP; the preferred management measures were approved at the May meeting. The DMF held two meetings in October to review the amendment with the newly appointed commissioners. The MFC is scheduled to select management measures for and give final approval of the Estuarine Striped Bass FMP Amendment 2 at its November business meeting. Dolphin (mahi mahi) was also discussed at the August meeting and the MFC asked the DMF to draft a letter opposing any new regulations (bag limits). Lastly, the MFC asked that a white paper be developed for false albacore; concerns were raised because it is a highly migratory species with no regulations.

The November meeting will be held at the Islander Hotel & Resort in Emerald Isle from Nov. 16th to the 18th. The results of the 2022 stock assessment for spotted seatrout and outcome of the peer review will be presented as an informational update.

Blue catfish continues to be a topic brought up by commissioners as a major concern due to their potential for impacts to other species and their population expansion, particularly in the Albemarle Sound. The DMF recently provided a presentation to the MFC on blue catfish and continues to actively collect data (diet, etc.) on blue catfish and has investigated available literature as well as management on blue catfish by other states such as Virginia. This will continue to be a topic of interest to the MFC moving forward.

Questions and comments from AC

The AC discussed the DMF's plans regarding false albacore. This was based on the motion that passed during the MFC's business meeting in August to update the 2017 false albacore informational document and to frame potential management options for future consideration. AC members asked for clarification about what this motion and white paper involves and what it means for management. Staff explained that the DMF will update the information in the 2017 white paper so that the most up to date information is available in the event that management is deemed necessary in the future. An AC member, who is also on

the SAFMC Mackerel Cobia Advisory Panel (AP), brought up the fact that false albacore was discussed at their last meeting. He stated that there is general concern from both the commercial and recreational industries. The AC member stated that the general consensus of the SAFMC Mackerel Cobia AP was that false albacore do not meet the Magnuson Stevens Act criteria for a stock in need of conservation and management at this time and they voted to recommend to not create an FMP. It was also noted that false albacore are classified as “little tunny” in the NEFSC database and “false albacore” in the SEFSC database, which could cause confusion when compiling data for the white paper.

Many members of the AC were very vocal and supportive of meeting on a more regular basis. AC meetings could also serve as a good opportunity for the public to get involved and learn more about the process, as well as ask questions and express concerns. It was stated that there is a public perception that DMF/MFC does not listen to the public but that having more regular meetings and opportunities for public involvement would help to mitigate these negative perceptions. The AC meetings also provide a lower stress environment compared to the MFC meetings. Members of the AC also mentioned that Director Rawls and Colonel Witten’s visit/outreach in Hatteras during a recent surf fishing tournament was well received by the fishermen and they encouraged more outreach. Staff also provided an overview of the ways the DMF notifies the public about upcoming meetings and asked for any suggestions on how to more effectively reach the public. AC members also brought up the idea of having some sort of event where all of the AC members and the MFC commissioners could meet and get to know each other. They feel that doing so would help to build relationships and promote better communication between the two groups.

FISHERY MANAGEMENT PLANS UPDATE

Flora gave an update on Amendment 3 to the Southern Flounder FMP, noting the 2022 season was based on management from the amendment and it may be a few months before the data are finalized. The commercial season is wrapping up and there have been some positive signs.

For the 2022-2023 FMP Review Schedule, river herring, hard clam, oyster, striped mullet, estuarine striped bass, and spotted seatrout are under review; the review of river herring has concluded. The blue crab stock assessment will also be updated and will include data through 2022; this will be a stock assessment update. The assessment update will add six years of data through 2022 with two to three years of management having occurred under the current FMP amendment. The DMF is also working with UNCW to evaluate new bycatch reduction devices to reduce diamondback terrapin interactions. The Shellfish/Crustacean AC will review this in early in 2023 and it will eventually come back to the Northern Regional AC too.

No management changes were deemed necessary for river herring; the information update is summarized in the 2022 FMP review. Staff are currently reviewing data and existing management for the Hard Clam and Oyster FMPs. Staff will bring information to the ACs in late 2023; a scoping period will likely begin around that same time. The MFC will review the preferred management measures for estuarine striped bass in November. Due to low juvenile abundance in the Albemarle-Roanoke stock, the DMF conducted a stock assessment update. The DMF and Wildlife Resources Commission staff are continuing to work on this update and based on the initial review of the results, the DMF director did not open the fishery in Albemarle Sound and continues to assess the subject.

For spotted seatrout, the peer review panel agreed that the stock assessment was the best available data to manage the fishery. The assessment contains data up to 2019 and indicated that biomass exceeded the target, but overfishing is occurring. In early 2023 the DMF will have scoping meetings for this plan.

Next, Flora discussed striped mullet and said that the stock is overfished, and overfishing is occurring in 2019. Because of stock concern the DEQ Secretary asked the MFC to work with the DMF to implement a supplement. If approved, this would be in place until the next amendment is adopted. At the November meeting, the MFC will review the scoping input and vote to approve the goal and objectives. The proposed management strategies for Amendment 2 include: Sustainable Harvest, Recreational Fishery Management, Small Mesh Gill net Management, Stop Net Fishery Management, and Migration Corridors. The DMF had three scoping meetings and an online questionnaire. Management actions in Amendment 2 will focus on ending overfishing and rebuilding the spawning stock biomass to provide sustainable harvest. The MFC will review the supplement in November and vote to approve it to go out for public comment. If all goes as planned, the next amendment could be in place as early as 2024 or 2025.

Questions and comments from AC

The AC asked about why hook and line is an approved commercial mobile gear for flounder. AC members stated that people who are not active in the commercial fishery but who hold a SCFL are using this as a loophole to land flounder for personal consumption without reporting or selling their catch. They felt that this is a loophole and people are taking advantage of the system. The AC member also noted the discrepancy between hook and line rules for flounder compared to other species such as striped bass, red drum, and spotted seatrout; for those species, commercial fishermen can use hook and line to catch and sell those species but they are limited to the recreational bag limit, not the commercial bag limit. Staff explained that hook and line has always been a commercial gear for flounder but that minimal landings have come from that gear. When the flounder season reopened for mobile gears, hook and line was listed as a viable gear. Another AC member commented that hook and line is a relatively clean gear and could be a good option, but if those landings are not being recorded on trip tickets, it should not be allowed. Staff also noted that people who hold a SCFL can also use gigs to harvest the commercial limit but not sell their catch. Discussions around personal consumption and reporting requirements have and are occurring within the DMF and by the MFC.

Discussion then moved to the striped mullet supplement. The reduction needed to end overfishing would be approximately 10% to reach the threshold and approximately 20-30% to reach the target. Staff noted that the DMF director requested the supplement to be straightforward, and a season closure is the most likely option. Season closures under consideration are November 1st or 15th through December 31st. The AC discussed the possibility of having a small bycatch quota after the roe season to allow fishermen to land a small amount of mullet and prevent regulatory discards while fishing for trout or other species. AC members also explained that there is one roe buyer that buys almost all the roe mullet. The buyer is only looking to buy in bulk, so setting a trip limit during roe season could cause the buyer to stop purchasing. Large quantities are necessary for it to be worthwhile for the buyer. There was consensus that a trip limit during roe season is not a good idea. They also noted that moving forward, if a closure is necessary, it would be better to close the fishery during the first half of roe season rather than the latter half. This is because the roe ratio is better later in the season (12% at the beginning of the season and 18% at the end). An AC member also noted that mullet is one of the species allowed as a bycatch-equivalent for red drum and asked if there would be other species that could be added to that list. Staff stated that the DMF director has the authority to change the species designated as “targeted species” in regards to being able to land red drum.

AC members provided the following additional comments: yardage limits would not be a good idea based on the style of fishing. Mesh size regulations could be an option. We could look at DMF data to examine what size mesh catches what sized fish. Regional management would be ideal. The bait fishery has become more popular with the increase in targeting big red drum. The bait fishery is an important option

for many commercial fishermen. Recreational fishermen like the smaller “cobb” mullet, which are targeted using 2.5” stretched mesh.

PUBLIC COMMENT

There was no public in attendance.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

No action items are planned at this time. Klibansky said the MFC ACs will meet again at their scheduled quarterly meeting in January 2023 when she will give an update on the outcome of the November MFC business meeting and the ACs will receive a presentation on stock assessments.

At the end of the meeting, AC member Jim Rice announced that he will not reapply when his term is up in January 2023. The meeting adjourned at 8:00 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Oct. 20, 2022

MEMORANDUM

TO: Marine Fisheries Commission
Southern Regional 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, Oct. 19, 2022 for 2023 Meetings Planning and Updates.

The Marine Fisheries Commission's (MFC) Southern Regional Advisory Committee (AC) held a hybrid meeting on Oct. 19, 2022, via webinar and in-person at the Department of Environmental Quality Regional Office, Wilmington, North Carolina. Advisory Committee members could attend in either setting and communicate with other committee members, whereas public comment could only occur via the in-person setting.

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

Division of Marine Fisheries (DMF) Staff: Lara Klibansky, Hope Wade, Debbie Manley, Corrin Flora, Tina Moore, Chris Stewart, Garland Yopp, Jason Parker, Mike Loeffler, Jeff Dobbs

Public: None in attendance, eight viewers watched on YouTube.

Southern Regional AC Chair Fred Scharf called the meeting to order at 6:06 p.m.

A call for attendance was performed and attendance recorded. The Southern Regional AC had six members present at the start of the meeting and a quorum was met. Cane Faircloth joined the meeting online at 7:52 p.m. Jeff Harrell was online at the beginning of the meeting and left about 6:40 p.m.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

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

Fred Scharf noted that staff corrected a misspelling of Samuel Boyce's name in the second paragraph of page eight of the minutes. A motion was made to approve the minutes from the Southern Regional AC meeting held on March 16, 2022. Motion by Sam Boyce to approve the minutes. Second by Pam Morris. The motion passed without objection.

MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky gave an update on the newly appointed MFC commissioners and who they replaced. Pete Kornegay (science seat) left due to personal reasons and Dr. Doug Rader will continue his term until 2023. Ana Shellem is replacing Sam Romano (commercial seat) and Donald Huggins is replacing Tom Hendrickson (at-large seat). At the November business meeting Sarah Gardner will fill an at-large seat and she will be sworn in at the Finfish AC meeting on Oct. 20, 2022.

Klibansky reminded everyone the AC solicitation period is open through Nov. 1. The DMF is looking for applicants for all ACs and encouraged current AC members to reapply. The MFC chair will select AC members and staff will notify applicants by Dec. 1.

Next the committee was provided an overview of the May and August 2022 MFC business meetings. At the May meeting, the review of the N.C. River Herring Fishery Management Plan (FMP) was approved as an information update (not an amendment) because the Atlantic States Marine Fisheries Commission is currently conducting a stock assessment and it will be prudent to wait until the results of the assessment are finalized before making management changes. Amendment 3 to the Southern Flounder FMP was approved at the May meeting, completing the cycle for this plan. Results of the 2022 Striped Mullet Benchmark Stock Assessment were presented to the MFC at its May business meeting. The peer reviewed stock assessment indicates the N.C. striped mullet stock is overfished, and overfishing is occurring in the terminal year of the assessment (2019). At its November meeting, the MFC will be given the results of the scoping period for the review of the Striped Mullet FMP and vote to approve the goal and objectives of draft Amendment 2.

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The November meeting will be held at the Islander Hotel & Resort in Emerald Isle from Nov. 16th to the 18th. The results of the 2022 stock assessment for spotted sea trout and outcome of the peer review will be presented as an informational update. Dr. Scharf asked who was conducting the assessment. Staff indicated that it is a DMF assessment, and that the DMF is working with researchers at NCSU. The new model incorporates cold stun events and assesses stocks within North Carolina (north of Cape Fear River only, due to genetic differences in the stock) and Virginia.

Blue catfish continues to be a topic brought up by commissioners as a major concern due to their impact to other species, particularly in the Albemarle Sound. The DMF continues to actively collect data (diet, etc.) on blue catfish and has participated in blue catfish workshops in Virginia. Dr. Scharf noted that he and a researcher at ECU have submitted a proposal to do genetic, diet, and trophic analyses on blue catfish in western Albemarle Sound. If the proposal is funded, they would work with commercial gill netters and explore using electrofishing gear as a means of removal.

Dolphin (mahi mahi) was also discussed at the August meeting and the MFC asked the DMF to draft a letter opposing any new regulations (bag limits). Lastly, the MFC asked that a white paper be developed for false albacore; concerns were raised because it is a highly migratory species with no regulations.

2023 ANNUAL MFC ADVISORY COMMITTEE MEETINGS PLANNING

Klibansky reviewed the 2023 calendar and noted that in past years the AC did not meet unless there was something the MFC needed input on; however, moving forward we would like to meet on a regular basis to give updates and talk about less contentious topics. The next meeting with an action item will be October 2023 for the management of striped mullet. In January, there will be new AC members and the ACs will receive a presentation from one of the DMF stock assessment biologists to orient the new members. It will likely be a Webex meeting. In the future we will alternate between Webex and in-person meetings; however, staff will set up listening stations for the public at various locations when the meetings are virtual. The AC agreed they liked in person meetings, but also liked the convenience of having hybrid meetings and said it was nice not to have to travel. Dr. Scharf said that he especially liked talking with the other AC members before and after the meetings. Morris commented that she would like to see more fishermen attend the meetings and would prefer going back to having Northern, Central, and Southern ACs. Morris further noted that the fisheries and gear are so different between regions it can be difficult to make informed decision. Morris also suggested the existing regional AC lines could be moved down to better suit areas that use similar gears and fishing methods. Dr. Scharf also commented that prior to going to two regional ACs, there was more participation from Sneads Ferry and Brunswick County fishermen. Klibansky noted that it has been hard to fill the seats in the past with three regional ACs and budget and staffing constraints are an ongoing issue. There was agreement that meeting more frequently was beneficial.

Tom Smith said at the next AC meeting he would like an update on the fish passage work being done on the Cape Fear River. Corrin Flora noted that the data is still preliminary; however, both the modified rock archway and the pulses appear to have increased passage of striped bass. It may be several months before the results are ready to share. Smith noted that there are so many dynamic things going on with that fishery any update would be appreciated.

FISHERY MANAGEMENT PLANS UPDATE

Flora gave an update on Amendment 3 to the Southern Flounder FMP, noting the 2022 season was based on management from the amendment and it may be a few months before the data is finalized. The commercial season is wrapping up and there have been some positive signs. Dr. Scharf noted both sectors had indicated more and bigger fish are available and asked if the DMF was seeing that in their surveys. Mike Loeffler said staff is seeing some sign in the DMF trawl survey with large numbers of juveniles in the northern part of the state, as well as good catch in our gill net program. So far, staff has also seen more age-3 fish and even an age-7 fish this year.

For the 2022-2023 FMP Review Schedule, hard clam, oyster, striped mullet, estuarine striped bass, and spotted seatrout are under review; the review of river herring has concluded. The 2018 benchmark blue crab stock assessment will also be updated and will include data through 2022; this will be a stock assessment update. The assessment update will add six years of data through 2022 with two to three years of management having occurred under the current FMP amendment. The DMF is also working with UNCW to evaluate new bycatch reduction devices to reduce diamondback terrapin interactions. The Shellfish/Crustacean AC will review this in early in 2023 and it will eventually come back to the Southern Regional AC too.

No management changes were deemed necessary for river herring; the information update is summarized in the 2022 FMP review. Staff are currently reviewing data and existing management for the Hard Clam and Oyster FMPs. Staff will bring information to the ACs in late 2023; a scoping period will likely begin

around that same time. The MFC will review the preferred management measures for estuarine striped bass in November. Due to low juvenile abundance in the Albemarle-Roanoke stock the DMF conducted a stock assessment update. DMF and Wildlife Resources Commission staff are continuing to work on this update and based on the initial review of the results, the director did not open the fishery in Albemarle Sound and continues to assess the subject.

For spotted seatrout, the peer review panel agreed that the stock assessment was the best available data to manage the fishery. The assessment contains data up to 2019 and indicated that biomass was up to the target, but overfishing is occurring. In early 2023 DMF will have scoping meetings for this plan. Morris asked who the reviewers were and if it was the same method used as last time. Staff said the reviewers are people outside of the DMF who are familiar with the species and are experts in the field. The new model now accounts for cold stuns based on data collected in North Carolina; the assessment can be found online. Dr. Scharf noted how you could see similar trends in the landings data and the independent data, but it was nice to see how they could bounce back so quickly.

Next, Flora discussed striped mullet and said the stock is overfished, and overfishing is occurring in 2019. Because of stock concern the DEQ Secretary asked the MFC to work with DMF to implement a supplement. If approved, this would be in place until the next amendment is adopted. At the November meeting the MFC will review the scoping input and vote to approve the goal and objectives. The proposed management strategies for Amendment 2 include: Sustainable Harvest, Recreational Fishery Management, Small Mesh Gill net Management, Stop Net Fishery Management, and Migration Corridors. The DMF had three scoping meetings and an online questionnaire. Management actions in Amendment 2 will focus on ending overfishing and rebuilding the spawning stock biomass to provide sustainable harvest. At the scoping meeting held in Wilmington there were concerns expressed about the number of finger mullet harvested and how the model incorporated landings data. Participants also expressed interest in serving on the Striped Mullet FMP AC. Dr. Scharf asked for more information on the development of the supplement. Flora said management is temporary, needs to be simple and effective, and is meant to end overfishing within one year. The MFC will review the supplement in November and vote to approve it to go out for public comment. The supplement could be implemented as early as 2023. If all goes as planned the Amendment 2 could be in place as early as 2024 or 2025.

Jeff Dobbs asked the AC if they had any management ideas for Amendment 2 to the striped mullet FMP. Staff noted the seasonal closures were the only option being evaluated for the supplement, but other options could be explored in the amendment. Morris said she felt the biological reference points changed and the impact of hurricanes has a lot to do with the fishery; she did not believe the stock was overfished. Dobbs noted that only reference point that changed was for the target SPR and not for the threshold; thus, not impacting the overfished status. He further noted that the same model was used, and the new inputs made the model more stable. While the old model was good for management, it could not determine the overfished status. The old model indicated that we were on the verge of overfishing in the terminal year Smith agreed and noted that we were told we were fishing on the edge of the threshold, and we took the minimum reduction the last go round, so this is not unexpected. The AC discussed how the terms overfished can be misleading. Morris felt that the commercial fishery bears the brunt of the blame and regulations while water quality issues, development, etc. all contribute to the status of the fishery, further noting that this was not conveyed at the last meeting. Staff indicated that this was the input staff was looking for from the ACs by meeting more frequently.

Dr. Scharf asked what harvest reductions needed for stiped mullet; staff indicated between 9% (threshold) and 20-30% (target) for the supplement. Dobbs further noted that this was just a stop gap measure and additional ideas were needed for the amendment. Staff noted that at the scoping meetings the need for adaptive management was brought up frequently and that it would be a good option as this species, as they tend to bounce back quickly. Adaptive management would likely be based off some type of

abundance index and not landings data such as our recently expanded electrofishing and gill net surveys. Staff indicated that a 20-30% reduction was needed. Morris said that she could not go for that or end of the season closures and expressed the need to keep historic fisheries such as the stop net fishery going. Smith indicated that escapement was needed. Dobbs said that most of the harvest occurs Oct. 15-Nov. 15 and if opened later in the year recoupment is an issue. Morris again expressed her concern about the importance of the roe fishery and the stop net fishery; further noting that regional differences in the gears should be considered. Staff noted there are some concerning trends in the data and that they are seeing age truncation in the fishery. Morris expressed concern about how the landings data was used. Dobbs noted that it just informs the DMF about removals and the fishery-independent data tracks well with the landings; both of which show a decline in recent years.

Dobbs asked if maximum mesh size restrictions would work. Staff heard comments about cast net mesh sizes at the Wilmington scoping meeting. Morris commented that the markets are not what they once were and the desire to have larger fish has diminished. She further noted the expense of rehangg gill nets. Smith asked about the life expectancy of a gill net and if fishermen used different mesh sizes throughout the year. Morris said they did about every year or two, and they often cut out bad webbing; she later noted mesh size restrictions could be an option. Dobbs next asked if migration or area and season closures were viable options. Smith felt we need to allow the fish to spawn, and to limit harvest in the ocean when they are spawning. Dobbs added there were other fisheries in the ocean that may also be impacted. There was some concern that if one fishery was to close, effort may shift to another area or gear. Morris highlighted the need to continue the stop net fishery.

PUBLIC COMMENT

There was no public in attendance.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

No items are planned at this time. Klibansky said the MFC ACs will not likely need to meet again until January 2023 when she will give an update on the outcome of the November MFC business meeting and the ACs will receive a presentation on stock assessments. Dr. Scharf also asked for an update on the outcome of the 2022 flounder season.

Samuel Boyce motioned to adjourn; it was seconded by Pam Morris. The meeting adjourned at 8:15 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Oct. 28, 2022

MEMORANDUM

TO: Marine Fisheries Commission
Finfish Advisory Committee

FROM: Lee Paramore, Northern District Manager
Jason Rock, Biologist Supervisor
Fisheries Management Section

SUBJECT: Meeting of the Marine Fisheries Commission’s Finfish Advisory Committee,
October 20, 2022 for 2023 Meetings Planning and Updates.

The Marine Fisheries Commission’s (MFC) Finfish Advisory Committee (AC) held a meeting on Oct. 20, 2022. The meeting was a hybrid meeting; some members of the AC were in person at the Morehead City Central District Office while others attended and participated virtually. Members of the public were able to attend and comment in person or had the option to attend the meeting online without an option to comment.

The following AC members were in attendance: Thomas Brewer, Jeff Buckel, Sarah Gardner, David Mense, Allyn Powell, Ken Siegler, William Tarplee, Tom Roller (Absent – Mike Blanton, Brent Fulcher, Randy Proctor, Scott Whitley)

Division of Marine Fisheries (DMF) Staff: Jason Rock, Tina Moore, Corrin Flora, Debbie Manley, Hope Wade, Carter Witten, Lee Paramore, Charlton Godwin, Steve Poland, Jeff Dobbs, Dan Zapf, Ashely Bishop, Lucas Pensinger, and Shelby White.

Public: None in attendance, 36 viewers watched on YouTube.

Finfish AC Chair Tom Roller called the meeting to order at 6:06 p.m. A call for attendance was performed and attendance was recorded. The Finfish AC had eight members present and a 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 Allyn Powell. The motion passed without objection.

A motion was made to approve the minutes from the Finfish AC meeting held on March 17, 2022 by Doug Mense. Second by Allyn Powell. The motion passed without objection.

MARINE FISHERIES COMMISSION UPDATE

Lee Paramore gave an update on the newly appointed MFC members and who they replaced. Pete Kornegay (science seat) left due to personal reasons and Doug Rader will continue his term until 2023. Ana Shellem is replacing Sam Romano (commercial seat), Donald Huggins is replacing Tom Hendrickson (at-large seat), and Sarah Gardner is replacing Martin Posey (at-large seat).

Paramore reminded everyone we are in the AC solicitation period through Nov. 1. The division is looking for applicants for all ACs and encouraged current members to reapply. The MFC Chair will select AC members and staff will notify applicants by Dec. 1. The AC asked if it would be possible to provide brief resumes for all MFC and AC members so they could be familiar with one another's background and expertise when having discussions. Staff indicated they would investigate this.

Next the committee was provided an overview of the May and August 2022 MFC business meetings. At the May meeting, the review of the N.C. River Herring Fishery Management Plan (FMP) was approved as an information update (not an amendment) because the Atlantic States Marine Fisheries Commission is currently conducting a stock assessment and it will be prudent to wait until the results of the assessment are finalized before making management changes. Amendment 3 to the Southern Flounder FMP was approved at the May meeting, completing the cycle for this plan. Results of the 2022 Striped Mullet Benchmark Stock Assessment were presented to the MFC at its May business meeting. The peer reviewed stock assessment indicates the N.C. striped mullet stock is overfished, and overfishing is occurring in the terminal year of the assessment (2019). At its November meeting, the MFC will be given the results of the scoping period for the review of the Striped Mullet FMP and vote to approve the goal and objectives of draft Amendment 2.

At the August meeting, the MFC tabled the final vote on the selected management measures for estuarine striped bass to give the new commissioners time to fully review the draft Amendment 2 to the FMP; the preferred management measures were approved at the May meeting. The DMF held two meetings in October to review the amendment with the newly appointed commissioners. The MFC is scheduled to select management measures for and give final approval of the Estuarine Striped Bass FMP Amendment 2 at its November business meeting.

The results of the 2022 stock assessment for spotted seatrout and outcome of the peer review workshop will be presented as an informational update. The AC asked what reduction is needed for spotted seatrout to end overfishing. Staff indicated the assessment was just finalized and those calculations have yet to be completed.

Blue catfish continues to be a topic brought up by commissioners as a major concern due to their impact to other species, particularly in the Albemarle Sound. The DMF continues to actively collect data (diet, etc.) on blue catfish and has participated in blue catfish workshops in Virginia.

Dolphin (mahi mahi) was also discussed at the August meeting and the MFC asked the DMF to draft a letter opposing any new regulations (bag limits). Lastly, the MFC asked that a white paper be developed for false albacore; concerns were raised because it is a highly migratory species with no regulations.

The November MFC meeting will be held at the Islander Hotel & Resort in Emerald Isle from Nov. 16th to the 18th.

2023 ANNUAL AC MEETINGS PLANNING OVERVIEW

Paramore reviewed the 2023 calendar and noted that in past years the AC did not meet unless there was something the MFC needed input on; however, moving forward the AC will meet on a regular basis to receive updates and talk about less contentious topics. The next meeting with an action item will be October 2023 for striped mullet. In January 2023, there will be new AC members and the ACs will receive a presentation from one of our stock assessment biologists to orient the new members. It will likely be a WebEx (virtual) meeting. In the upcoming year, meetings will alternate between virtual and in-person meetings; however, there will be listening stations for the public at various locations when the meetings are virtual. AC members will continue to also have the option to attend virtually when meetings are in person.

FISHERY MANAGEMENT PLANS UPDATE

Corrin Flora gave an update on Amendment 3 to the southern flounder FMP, noting the 2022 season was based on management from the amendment and it will be a few months before the data is finalized. The commercial season is wrapping up and there have been some positive signs in the fishery. The AC was interested in which portions of the commercial fishery were still open and how that was being communicated to the public. Staff noted that proclamations have been going out with changes and those have also been accompanied by news releases. The AC noted they have been seeing larger numbers of juvenile southern flounder in shallow water areas and were interested to know if the division was seeing this in their own sampling. Staff indicated they have been seeing this as well as some sign of some older fish in the population. The committee also asked if the annual sampling data was available publicly and staff indicated that data for all managed species, including survey data, is available through the annual FMP Updates and those are readily available on the DMF website.

For the 2022-2023 FMP Review Schedule, river herring, hard clam, oyster, striped mullet, estuarine striped bass, and spotted seatrout are under review. The blue crab stock assessment is also scheduled to be updated beginning in 2023 and will include data through 2022; this will be a stock assessment update of the prior benchmark assessment. The assessment update will add six years of data through 2022 with three years of management under the current FMP amendment. The DMF is also working with UNCW to evaluate new bycatch reduction devices to reduce diamondback terrapin interactions. The Shellfish/Crustacean AC will review this in early 2023. The AC asked which surveys are used in the blue crab stock assessment and staff provided details. The AC also asked if the division has made progress on implementing a pot survey for blue crabs. Staff informed the AC that progress was stalled during the COVID-19 pandemic but plans remain to reinstate discussions. The AC also noted that blue crab landings are down, coastwide, not just in North Carolina.

No management changes were deemed necessary during the review of the River Herring FMP; the plan was approved as an information update and is summarized in the 2022 FMP review. Staff are currently reviewing data and existing management for the Hard Clam and Oyster FMPs. The scoping period for these plans will likely begin in late 2023.

The MFC will review the recommended management measures of Estuarine Striped Bass FMP Amendment 2 in November 2022. Due to continued low juvenile abundance in the Albemarle-Roanoke stock the DMF conducted a stock assessment update in 2022. DMF and Wildlife Resources Commission (WRC) staff are continuing to work on this assessment update. Based on the initial review of the results the director did not open the fall recreational fishery in Albemarle Sound and continues to assess the matter. The AC asked about the recruitment sampling results for 2022. Staff indicated that sampling showed another very low recruitment year for the Albemarle/Roanoke stock.

For spotted seatrout, an independent peer review panel agreed the division's stock assessment was the best available science to manage the stock. The assessment contains data through 2019 and indicated spawning stock biomass is above the target, but overfishing is occurring. The DMF is moving forward with FMP development. In early 2023, DMF will have scoping meetings for this plan.

Next, Flora discussed striped mullet and said the stock is overfished, and overfishing is occurring in 2019. Due to concern about the stock, the Department of Environmental Quality Secretary asked the MFC to work with DMF to implement a supplement to address overfishing. If passed, the supplement will be in place until a next amendment is adopted. Amendment 2 to the Striped Mullet FMP is currently underway. At the November meeting the MFC will review the scoping input and vote to approve the goal and objectives of Amendment 2. The proposed management strategies for Amendment 2 include: sustainable harvest, recreational fishery management, small mesh gill net management, stop net fishery management, and migration corridors. For the scoping period, DMF held three public meetings and provided an online questionnaire to allow for public input. Management actions in Amendment 2 will focus on ending overfishing and rebuilding the spawning stock biomass to provide sustainable harvest. The AC asked several questions about the benchmark stock assessment that were discussed and answered by staff. There was discussion and questions on prior model results and how it would be helpful to more fully understand any factors that were driving differences between the assessments.

Next, staff discussed the scoping input that was received and asked the AC for management ideas for Amendment 2 to the Striped Mullet FMP. Staff clarified further that a season closure is the only option being considered for the supplement, but other more broad and comprehensive options are available to be explored during the development of the amendment. Staff heard concerns about the proposed closure period in the supplement and some on the AC stressed that anything that could be done to add fishing days in November would be a benefit to the roe fishery. Some AC members preferred to see gear restrictions (specifically gill net mesh size restrictions) to limit roe harvest in lieu of a season closure and to allow the bait fishery to operate unimpeded. The AC also mentioned that if a season closure is considered, the division will need data on the roe weight and roe to body weight ratio across the fall season for the different regions of the state because it is regionally variable and season closures for a given date may impact

areas differently. This will be important to understanding the regional differences and economic impacts of a season closure for the striped mullet roe fishery. An AC member noted that in southern region of state, November has always been a very important month for the roe fishery, and this may differ from more northern areas. There were questions and discussion on the movement of mullet by season and prior tagging study work. There were also discussions on the market conditions for striped mullet roe and if it has rebounded since the first year of the COVID-19 pandemic.

PUBLIC COMMENT

None in attendance.

PLAN AGENDA ITEMS FOR NEXT MEETING

In January the AC will receive educational information on stock assessments. The meeting is scheduled to be a virtual meeting. AC meetings are an avenue to bring up issues, concerns, and discuss new information.

The meeting adjourned at 7:52 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Oct. 26, 2022

MEMORANDUM

TO: Marine Fisheries Commission
Shellfish/Crustacean Advisory Committee

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

SUBJECT: Meeting of the Marine Fisheries Commission's Shellfish Crustacean Advisory Committee, October 25, 2022. 2023 Meetings Planning and Updates.

The Marine Fisheries Commission's Shellfish/Crustacean advisory committee (AC) held a meeting on Oct. 25, 2022, via webinar and in-person at the Division of Marine Fisheries, Central District Office, Morehead City, NC. Advisory Committee members could attend in either setting and communicate with other committee members whereas public comment could only occur via the in-person setting.

The following AC members were in attendance: Mike Blanton, Ana Shellem, Mary Sue Hamann, Doug Cross, Mike Marshall, Bruce Morris, Brian Shepard, Ted Wilgis, Tim Willis (Absent: Adam Tyler, Jim Hardin)

Division of Marine Fisheries (DMF) Staff: Lara Klibansky, Hope Wade, Debbie Manley, Corrin Flora, Tina Moore, Anne Deaton, Chris Stewart, Daniel Ipock, Steve Poland, Carter Witten, Jeff Dobbs

Public: None in attendance, six viewers watched on You Tube.

Shellfish/Crustacean Chair Mike Blanton called the meeting to order at 6:03 p.m.

Chair Blanton provided some general guidance for order of the meeting and noted the conflict of interest statement for Commissioners serving on the AC. Blanton asked the AC members to give an brief introduction.

A call for attendance was performed. The Shellfish/Crustacean AC had nine members present and quorum was met.

APPROVAL OF AGENDA AND APPROVAL OF THE MINUTES

A motion was made to approve the agenda by Mike Marshall. Second by Bruce Morris. The motion passed without objection.

A motion was made to approve the minutes from the Shellfish/Crustacean AC meeting held on October 19, 2021 by Ana Shellem. Second by Mike Marshall. The motion passed without objection.

MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky gave an update on the newly appointed MFC commissioners and who they replaced. Pete Kornegay (science seat) left due to personal reasons and Dr. Doug Rader will continue his term until 2023. Ana Shellem is replacing Sam Romano (commercial seat) and Donald Huggins is replacing Tom Hendrickson (at-large seat). At the Finfish AC meeting on Oct. 20, 2022, Sarah Gardner was sworn in and will fill an at-large seat at the November business meeting.

Klibansky reminded everyone the AC solicitation period is open through Nov. 1. The DMF is looking for applicants for all five ACs and encouraged current AC members to reapply. The MFC chair will select AC members and staff will notify applicants by Dec. 1.

The Coastal Habitat Protection Plan (CHPP) was the last item this committee reviewed and approved. It was approved by all three commissions, and all recommended the development of a public/private partnership to help with research and outreach to implement CHPP actions. Several meetings since adoption of the CHPP have occurred and implementation of this plan is underway.

Next the committee was provided an overview of the May and August 2022 MFC business meetings. At the May meeting, the review of the N.C. River Herring Fishery Management Plan (FMP) was approved as an information update (not an amendment) because the Atlantic States Marine Fisheries Commission is currently conducting a stock assessment and it will be prudent to wait until the results of the assessment are finalized before making management changes. Amendment 3 to the Southern Flounder FMP was approved at the May meeting, completing the cycle for this plan. Results of the 2022 Striped Mullet Benchmark Stock Assessment were presented to the MFC at its May business meeting. The peer reviewed stock assessment indicates the N.C. striped mullet stock is overfished, and overfishing is occurring in the terminal year of the assessment (2019). At its November meeting, the MFC will be given the results of the scoping period for the review of the Striped Mullet FMP and vote to approve the goal and objectives of draft Amendment 2.

At the August meeting, the MFC tabled the final vote on the selected management measures for estuarine striped bass was tabled to give the new commissioners time to fully review the draft Amendment 2 to the FMP; the preferred management measures were approved at the May meeting. The DMF held two meetings in October to review the amendment with the newly appointed commissioners. The MFC is scheduled to select management measures for and give final approval of the Estuarine Striped Bass FMP Amendment 2 at its November business meeting.

The results of the 2022 stock assessment for spotted sea trout and outcome of the peer review will be presented as an informational update at the November meeting.

In May, the MFC was given a presentation on blue catfish. This is an issue several commissioners have brought up as a major concern due to their impact to other species, particularly in the Albemarle Sound. The DMF continues to actively collect data (diet, etc.) to determine their impact.

Dolphin (mahi mahi) was also discussed at the August meeting and the MFC asked the DMF to draft a letter opposing any new regulations (bag limits). At the August business meeting, the MFC asked that a white paper be developed for false albacore; concerns were raised because it is a highly migratory species with no regulations.

The November MFC meeting will be held at the Islander Hotel & Resort in Emerald Isle from Nov. 16th to the 18th.

Tim Willis asked for an update on the Coastal Conservation Association (CCA) lawsuit vs. the state of NC. Klibansky indicated that she could not comment on ongoing legal cases at this time. Willis said the outcome would impact several of the issues that were just discussed.

2023 ANNUAL MFC ADVISORY COMMITTEE MEETINGS PLANNING

Klibansky reviewed the 2023 calendar and noted that in past years the AC did not meet unless there was something the MFC needed input on; however, moving forward we would like to meet on a regular basis to give updates and talk about less contentious topics. The next meeting with an action item will be October 2023 for the management of striped mullet. In January, there will be new AC members and the ACs will receive a presentation from one of the DMF stock assessment biologists to orient the new members. In the future we will alternate between Webex and in-person meetings; the schedule will be finalized once we received input from the ACs. Marshall indicated that he like the idea of meeting more regularly and thought it was important to interact with the members more frequently. Sue Hamann asked if AC members were required to attend commission meetings. Staff indicated that it is not required but AC members can always attend online. MFC updates will be given at each of the four planned AC meetings. Additional AC meeting may be held if requested by the AC.

FISHERY MANAGEMENT PLANS UPDATE

Corrin Flora gave an update on Amendment 3 to the Southern Flounder FMP, noting the 2022 season was based on management from the amendment and it may be a few months before the data is finalized. She noted that the division will not have the Marine Recreational Information Program (MRIP) data until the end of November. Staff noted that the recreational season ended in September and the commercial season is wrapping up and there have been some positive signs. There has also been positive sign in the fishery-independent data as well. Willis asked for more information on MRIP. Flora explained that MRIP is a federal program that produces catch and effort estimates for recreational fisheries. NC is one of the largest contributors to this program. Outreach materials and data is available online. Hamann asked about how the recent management measures have impacted the for-hire fleet. Staff indicated that there is legislation in place that limits our ability to use logbooks to collect data; thus, the landings and discard data are lumped in with all recreational harvest. MRIP does have a charter headboat survey that allows us to look at some of this data. Recently the division received a grant to conduct an economic study on the charter headboat fleet. The last survey was done 10 years ago; Klibansky will send this out to the AC.

For the 2022-2023 FMP Review Schedule, hard clam, oyster, striped mullet, estuarine striped bass, and spotted seatrout are under review; the review of river herring has concluded. The 2018 benchmark blue crab stock assessment will also be updated as part of adaptive management and will include data through 2022. The terminal year of the last assessment was 2016 and indicated that the stock was overfished and overfishing was occurring. The assessment update will add six years of data through 2022 with two to three years of management having occurred under the current FMP amendment. The DMF is also working with UNCW to evaluate new bycatch reduction devices (BRD) to reduce diamondback terrapin interactions in crab pots. The Shellfish/Crustacean AC will review this in early in 2023. Blanton noted the Commercial Fisheries Resource Fund Committee approved giving money to support additional testing of the devices. Flora noted that there were positive results from the current study with hope to expand the study statewide. The new BRD design, narrows the funnel of the pot down and doesn't require the addition of new gear. Cross indicated the need for this came about because the Monterey Bay Aquarium Seafood Watch added blue crab to their red list which restricts sales to high end markets and has crippled the crab meat picking market. Willis asked for an update on the terrapin abundance numbers. Flora indicated that the NC Wildlife Resource Commission conducts a survey and was recently expanded to 12 areas. Colonel Carter Witten with Marine Patrol noted there are two areas where BRDs are required from

Mar. 1 to Oct. 31st with great compliance. Staff further noted that many pot builders are incorporating the new funnel design in pots and BRDs are more readily available. If you need any additional details on this work contact Joe Facendola, DMF. Blanton asked when the data for the stock assessment update would be available. Flora commented that it will likely be ready by April 2023; a summary could be available as early as the July or August. Willis asked if the blue crab landings were down, noting that he had heard from some crabbers up north landings were low. Flora indicated that we review the indices and landings annually with our FMP reviews which can be found online. Klibansky will send a copy out as well. Willis also asked if shrimp landings were down and when the data would be available. Flora commented that shrimp are an annual crop so no stock assessment is done, but landings data can be found in the FMP update.

No management changes were deemed necessary for river herring; the information update is summarized in the 2022 FMP review and will serve as the five-year review of the plan. Staff are reviewing data and existing management for the Hard Clam and Oyster FMPs. Staff will bring information to the ACs in late 2023; a scoping period will likely begin around that same time. The MFC will review the preferred management measures for estuarine striped bass in November. Due to low juvenile abundance in the Albemarle-Roanoke stock the DMF conducted a stock assessment update. DMF and Wildlife Resources Commission staff are continuing to work on this update and based on the initial review of the results, the Director did not open the fishery in Albemarle Sound and continues to assess the subject.

For spotted seatrout, the peer review panel agreed the stock assessment was the best available data to manage the fishery. The assessment contains data up to 2019 and showed biomass was high and therefore not overfished, but overfishing is occurring. Hamann asked staff to define for overfished and overfishing. In early 2023 DMF will have scoping meetings for this plan.

Ted Wilgis asked when the AC would receive an update on the oyster FMP. Flora indicated staff are currently reviewing data and current management. We would like to further develop potential management strategies before bringing them out for scoping in October 2023. Hamann asked if there has been research investigating bird interactions and shellfish aquaculture, specifically fecal contamination from birds roosting. Witten indicated that this has been an issue in NJ. Staff indicated the Interstate Shellfish Sanitation Conference (ISSC) and Federal Drug Administration (FDA) have not established guidelines for this yet; however, the ISSC is now requiring growers to have a bird mitigation plan in their Aquaculture Operation Plan (AOP). Growers must comply or will not be able to transport product out of state. Marine Patrol and the Habitat Enhancement Lease Program enforce and oversee AOPs in NC. In March 2023, the ISSC will discuss this further. Cross noted that this is more of an issue for surface cages and is not an issue for bottom leases. Flora further noted that the amendment would only focus on wild oysters.

Next, Flora discussed striped mullet and said the stock is overfished, and overfishing is occurring in 2019. Because of stock concern the DEQ Secretary asked the MFC to work with DMF to implement a supplement. This will be in place until the next amendment is adopted. At the November meeting the MFC will review the scoping input and vote to approve the goal and objectives. The proposed management strategies for Amendment 2 include: Sustainable Harvest, Recreational Fishery Management, Small Mesh Gill net Management, Stop Net Fishery Management, and Migration Corridors. The DMF had three scoping meetings and an online questionnaire. Management actions in Amendment 2 will focus on ending overfishing and rebuilding the spawning stock biomass to provide sustainable harvest. The MFC will review the supplement in November and vote to approve it to go out for public comment. The supplement could be implemented as early as 2023. If all goes as planned the Amendment 2 could be in place as early as 2024 or 2025. Flora indicated the division is looking for Striped Mullet AC members and the AC will come up with recommendations in a workshop setting. Hamann asked what the publics' concerns were. Staff indicated concerns with the terminal year of the

assessment, lack of electrofishing data, inclusion of the gill net survey, and how the landings data is used. Dobbs noted inclusion of the new data made the model more stable; however, it did change the overall stock status. Flora noted that all assessments are taken out for peer review. Overall, all the concerns of the peer review panel were addressed and the assessment was deemed appropriate for management. We issue press releases for these workshops and the public is welcome to attend. Cross also expressed concerns that the electrofishing data was not included. Dobbs spoke on how data from the independent gill net survey was included which had better spatial coverage and statistical power than the electrofishing data, therefore including data from the electrofishing survey was redundant.

Dobbs gave an overview of the striped mullet scoping meetings. He noted people wanted adaptive management based on abundance indices, not landings as they are influenced by environmental conditions and market demands. Stakeholder expressed need for regional management, noting differences in migration patterns, gears, and markets across the state. Gill net minimum and maximum mesh size restriction as well as migration corridors have been suggested as potential management options. The MFC has not implemented any overarching gill net restrictions; however, will address these in species-specific plans. Dobbs asked the AC if they had any management ideas for Amendment 2 to the Striped Mullet FMP. Cross expressed the need to evaluate how other economic factors influence landings across all plans; further noting that fuel costs and other operating costs have recently reduced effort in the shrimp, scallop, and summer flounder trawl fisheries. Staff noted the division assesses landings and effort annually and the data can be found in the License and Statistic Big Book; commissioners will receive a copy at their November meeting. Klibansky noted she would provide the Big Book as well as the FMP updates to the AC at the January meeting. Blanton asked what options were included in the supplement. Staff noted the options are still being evaluated by the Director and we looking at an end of season closure in the supplement, but other options could be explored in the amendment. Blanton also asked if any tagging studies have been conducted recently. Dobbs gave a summary of study that was conducted in NC from 1998-2001 with returns into 2004; noting that over 14,000 were tagged with roughly 400 returns. There was high site fidelity and many of the fish tagged returned to where they were originally tagged after spawning in the ocean. While there were a few fish that migrated out of state, there is little evidence of long distance migration. Blanton expressed the need to conduct another tagging study to investigate escapement and improve the rate of recapture.

PUBLIC COMMENT

There was no public in attendance.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

No items are planned at this time. Klibansky said the MFC ACs will not likely need to meet again until January 2023 when she will give an update on the outcome of the November MFC business meeting and the ACs will receive a presentation on stock assessments.

Blanton asked if at the January meeting, they could receive a presentation on adaptive management measures and how they have been incorporated into other plans, specifically how they may be applied to Amendment 3 to the Blue Crab FMP. Wilgis asked if the traffic light approach was still being used for the blue crab assessment. Flora indicated that it was a benchmark assessment. Additionally, Blanton asked for more information on Monterey Bay Aquarium Seafood Watch program, specifically how to be delisted. Klibansky said she would pull together some information for the January meeting. Cross indicated that what gets put on the list is highly influenced donor contributions.

Blanton asked Cross if he had any updates on the shellfish lease program. Cross indicated that AOPs have been streamlined and he would like to put off any updates until the January meeting. Klibansky noted

there will be a shellfish lease program update under the Director's report at November MFC meeting and will be included as a part of the January commission update. Wilgis asked for more information from DMF and NCSU on the oyster assessment methodology and timeline. Staff noted the NCSU research was not an assessment, but is providing survey methodology to capture estimates of oyster abundance and the data could be used to inform an assessment after a data stream of at least 10-years is completed.

Mike Blanton motioned to adjourn; it was seconded by Ana Shellem. The meeting adjourned at 7:53 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

October 28, 2022

MEMORANDUM

TO: Marine Fisheries Commission
Habitat and Water Quality Standing Advisory Committee

FROM: Anne Deaton, Habitat Program Supervisor, Habitat Enhancement Section
Jimmy Harrison, Fisheries Specialist, Habitat Enhancement Section

SUBJECT: Meeting of the Marine Fisheries Commission's Habitat and Water Quality Standing Advisory Committee, Oct. 26, 2022

The Marine Fisheries Commission's (MFC) Habitat and Water Quality Standing Advisory Committee (AC) held a hybrid meeting on Oct. 26, 2022, via webinar and in-person at the Division of Marine Fisheries (DMF) Central District Office, Morehead City, North Carolina. Advisory Committee members could attend in either setting and communicate with other committee members whereas public comment could only occur via the in-person setting.

The following AC members were in attendance: Doug Rader, Ana Shellem, Bob Christian, Nathan Hall, James (Stanley) Hall, Markham Parrish. The following AC members were absent: Joel Fodrie

DMF Staff: Anne Deaton, Tina Moore, James Harrison, Lara Klibansky, Hope Wade, Debbie Manley, Jason Parker, Jeff Dobbs, Steve Poland

Public: Lisa Rider; 14 on YouTube

Habitat and Water Quality AC chair Doug Rader called the meeting to order at 6:02 p.m.

Introductions were made and attendance recorded. The Habitat and Water Quality AC had six members present at the start of the meeting and a quorum was met.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

Doug Rader asked the committee to approve the agenda by consensus. All members agreed without objection.

A motion was made by Markham Parrish to approve the minutes from the Habitat and Water Quality AC meeting held on October 20, 2021 and was seconded by Ana Shellem. The motion passed without objection.

MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky gave an update on the newly appointed MFC commissioners and who they replaced. Pete Kornegay (science seat) left due to personal reasons and Dr. Doug Rader will continue Kornegay's term until 2023. Ana Shellem is replacing Sam Romano (commercial seat) and Donald Huggins is replacing Tom Hendrickson (at-large seat). At the November business meeting Sarah Gardner will fill an at-large seat and she was sworn in at the Finfish AC meeting on Oct. 20, 2022.

Klibansky reminded everyone we are in the AC solicitation period which is open through Nov. 1. The DMF is looking for applicants for all ACs and encouraged current AC members to reapply. The MFC chair will select AC members and staff will notify applicants by Dec. 1. Rader asked if there is a certain number of members required for the ACs and if AC members can recruit members. Klibansky replied that 11 is the maximum and that the MFC appoints members with a goal of balance across different stakeholders. There are two openings on the AC and Klibansky agreed with Rader that members can recruit people.

Next the committee was provided an overview of the May and August 2022 MFC business meetings. Since the last Habitat and Water Quality AC meeting in October 2021, the Coastal Habitat Protection Plan (CHPP) 2021 Amendment was approved by the three environmental commissions unanimously, and implementation is underway. At the May MFC meeting, the review of the N.C. River Herring Fishery Management Plan (FMP) was approved as an information update (not an amendment) because the Atlantic States Marine Fisheries Commission is currently conducting a stock assessment and it will be prudent to wait until the results of the assessment are finalized before making management changes. Amendment 3 to the Southern Flounder FMP was approved at the May meeting, completing the cycle for this plan. Results of the 2022 Striped Mullet Benchmark Stock Assessment were presented to the MFC at its May business meeting. The peer reviewed stock assessment indicates the N.C. striped mullet stock is overfished, and overfishing is occurring. The terminal year of the assessment is 2019. At its November meeting, the MFC will be given the results of the scoping period for the review of the Striped Mullet FMP and vote to approve the goal and objectives of draft Amendment 2.

At the August meeting, the MFC tabled the final vote on the selected management measures for estuarine striped bass to give the new commissioners time to fully review the draft Amendment 2 to the FMP; the preferred management measures were approved at the May meeting. The DMF held two meetings in October to review the amendment with the newly appointed commissioners. The MFC is scheduled to select management measures for and give final approval of the Estuarine Striped Bass FMP Amendment 2 at its November business meeting.

The results of the 2022 stock assessment for spotted sea trout and outcome of the peer review will be presented as an informational update at the MFC's November business meeting.

Blue catfish continues to be a topic brought up by commissioners as a major concern due to their impact to other species, particularly in the Albemarle Sound. The DMF continues to actively collect data (diet, etc.) on blue catfish and has participated in blue catfish workshops in Virginia.

Dolphin (mahi mahi) was also discussed at the August meeting and the MFC asked the DMF to draft a letter opposing any new regulations (bag limits). Lastly, the MFC asked that a white paper be developed (or the 2017 document updated) for false albacore and consider management options; concerns were raised because it is a highly migratory species with no regulations. Markham asked if there is a size limit for dolphin because there are dolphin in N.C. year-round. Steve Poland replied no, partially due to lower numbers of fish at that time and concern over dead discards. Studies have found that the size at maturity is 20 inches. Tagging studies indicate dolphin stocks are shifting north. In N.C. and waters further north,

more dolphin are being seen. Rader commented that we will see this more with additional species due to warming temperatures and climate change. He suggested that fishery management may want to consider more comprehensive management rather than species by species.

The November MFC meeting will be held at the Islander Hotel & Resort in Emerald Isle from Nov. 16th to the 18th.

2023 ANNUAL MFC ADVISORY COMMITTEE MEETINGS PLANNING

Klibansky reviewed the 2023 MFC calendar and noted that in past years the AC did not meet unless there was something the MFC needed input on; however, moving forward we would like to meet on a regular basis to give updates and talk about less contentious topics, even when there are no action items from the MFC. In January, there will be new AC members and the ACs will receive a presentation from one of the DMF stock assessment biologists to orient the new members. It will be a virtual meeting. In the future we will alternate between Webex and in-person meetings; however, staff will set up listening stations for the public at various locations when the meetings are virtual. The next AC meeting in January will be virtual.

Markham asked if the AC will get materials in advance and was told yes. Rader noted that he would like them to consider their role, discuss priority habitat and water quality issues that cross multiple species, and make sure the AC agenda aligns with MFC business. Rader asked if there were topics they can take a leadership role in, getting ahead for habitat and water quality issues in FMPs or CHPP. Anne Deaton said that the staff could compile all the Habitat and Water Quality recommended management actions from FMPs for the AC to review. Rader said that would be a good information for the AC to review so that they can consider actions needed. Markham noted there are some common problems such as loss of submerged aquatic vegetation, decline in water quality, but they are difficult for the AC to address (eg. agriculture impacts) because they cannot do anything. Rader explained that they can, with one example being writing letters to appropriate commissions. It is the AC's responsibility to advise the MFC. Rader suggested discussing more specific issues at the January meeting.

FISHERY MANAGEMENT PLANS UPDATE

Poland gave an update on Amendment 3 to the Southern Flounder FMP, noting the 2022 season was based on management from the amendment and it may be a few months before the data is finalized. He noted that the division will not have the Marine Recreational Information Program (MRIP) data until the end of November. There have been reports that fishermen are seeing more and larger flounder, indicating that the fishery is heading in the right direction.

Poland, when asked about any new updates on southern flounder regionally, said there are no reports from other states. Discussions will likely occur in 2024 with other states to inform the stock assessment since southern flounder in the South Atlantic region is considered one stock. N.C. is waiting on the other states to implement management measures. There will be an update by the end of 2024. Stanley Hall noted that new gear restrictions on shrimp trawls (2" bar spacing) are greatly reducing bycatch of flounder.

For the 2022-2023 FMP Review Schedule, hard clam, oyster, striped mullet, estuarine striped bass, and spotted seatrout are under review; the review of river herring has concluded. The 2018 benchmark blue crab stock assessment will also be updated as part of adaptive management and will include data through 2022. The terminal year of the last assessment was 2016 and indicated that the stock was overfished and overfishing was occurring. The assessment update will add six years of data through 2022 with two to three years of management having occurred under the current FMP amendment. The DMF is also working with UNC-W to evaluate new bycatch reduction devices to reduce diamondback terrapin interactions in crab pots.

No management changes were deemed necessary for river herring; the information update is summarized in the 2022 FMP review and will serve as the five-year review of the plan. Staff are reviewing data and existing management for the Hard Clam and Oyster FMPs. Focus will be on cultch planting efforts and new management strategies. Staff will bring information to the ACs in late 2023; a scoping period will likely begin around that same time. Rader asked if anything novel regarding oyster and clams was expected to be brought to committee. Deaton replied that shellfish harvest closures have not been increasing greatly, but there is a trend of temporary areas are closing more frequently or staying closed longer. There are increasing efforts to develop management plans to address runoff. For example, the N.C. legislature allocated funds for developing a Newport River Watershed Restoration Plan. There is a CRFL study finishing up that is examining the rate and effect of sedimentation at multiple tidal creeks by Joel Fodrie. Rader asked if there were any updates on status/trends for nursery areas. Rader expects the AC to have questions about habitat and water quality and productivity trends in nursery areas and the effects of that on FMP species. Rader asked if there was any new information or studies on the extent of heavy metal concentration. Deaton responded that there have been some studies and sampling, but not to the extent of previous efforts. Rader would like staff to present any new information on shellfish and water quality trends so the AC can begin discussing actions needed. Deaton noted there have been some recent relevant studies. One study looked at the impact of sedimentation on oyster reefs, other habitat, and primary nursery function. Another assessed Primary Nursery Area function and current monitoring protocol.

The MFC will review the preferred management measures for estuarine striped bass in November. Due to low juvenile abundance in the Albemarle-Roanoke stock the DMF conducted a stock assessment update. DMF and Wildlife Resources Commission staff are continuing to work on this update and based on the initial review of the results, the Director did not open the fishery in Albemarle Sound and continues to assess the subject. Doug commented that the AC should be aware that one sticking point in the amendment was whether there would be a potential to establish spawning populations in the different systems to jumpstart stock increases. The South Atlantic Fishery Management Council (SAFMC) had a policy related to establishment of flows that allowed the federal agencies to provide input on flow measures to maintain fisheries resources. After this FMP process, Rader said there is a need to assess spawning in the upper Neuse, Tar-Pamlico, and other areas, and the effect of altered flow on spawning.

For spotted seatrout, the peer review panel agreed the stock assessment was the best available data to manage the fishery. The assessment contains data up to 2019 and showed biomass was high and therefore not overfished, but overfishing is occurring. In early 2023 DMF will have scoping meetings for this plan.

Poland discussed striped mullet and said the stock is overfished, and overfishing is occurring in 2019. Because of stock concerns, the Department of Environmental Quality (DEQ) Secretary asked the MFC to work with DMF to implement a supplement. This will be in place until the next amendment is adopted. At the November meeting the MFC will review the scoping input and vote to approve the goal and objectives. The proposed management strategies for Amendment 2 include: Sustainable Harvest, Recreational Fishery Management, Small Mesh Gill net Management, Stop Net Fishery Management, and Migration Corridors. The DMF had three scoping meetings and an online questionnaire. Management actions in Amendment 2 will focus on ending overfishing and rebuilding the spawning stock biomass to provide sustainable harvest. The MFC will review the supplement in November and vote to approve it to go out for public comment. The supplement could be implemented as early as 2023. If all goes as planned the Amendment 2 could be in place as early as 2024 or 2025. Jeff Dobbs noted inclusion of the new data made the model more stable; however, it did change the overall stock status. The DMF issues press releases for these workshops and the public is welcome to attend.

Dobbs gave an overview of the striped mullet scoping meetings. He noted people wanted adaptive management based on abundance indices, not landings as they are influenced by environmental conditions and market demands. Stakeholders expressed need for regional management, noting differences in migration patterns, gears, and markets across the state. Gill net minimum and maximum mesh size restriction as well as migration corridors have been suggested as potential management options. The MFC has not implemented any overarching gill net restrictions; however, will address these in species-specific plans. Dobbs asked the AC if they had any management ideas for Amendment 2 to the Striped Mullet FMP. Markham explained that mullet migrate along the east coast, and are in Maryland waters earlier, and in N.C. waters in August and September. He has concerns that people are cast netting for mullet and bringing the fish to large tractor trailers, where they are then transported and sold elsewhere. Staff noted that the fishermen would have to be licensed, but there were questions on whether the sales are getting recorded on trip tickets. Jason Parker, Marine Patrol officer that attended virtually, stated later to Deaton that the fish would be required to go through a fish dealer if they were landed here and transported out of state.

Rader asked about striped mullet spawning and nursery area locations and whether there would be habitat or water quality concerns. Dobbs explained they are mature in one to two years, they go out of the estuary to spawn in the ocean, not very far offshore. Currents carry larvae to the small estuarine creeks where they live through the summer, and cooling water triggers spawning migrations. During “mullet blows” they move from the rivers to the ocean by December. A tagging study found limited movement in the ocean. Rader asked Dobbs to bring back any habitat and water quality issues related to striped mullet in January. Bob Christian asked if mullet were common in fish kills. Staff did not think so but can look at fish kill data that Division of Water Resources collects. Rader asked if there were new trends with hypoxia in N.C. Nathan Hall, who studies water quality in the Neuse River and other waters extensively, stated it was about the same over the last 20 years, with the Neuse River having hypoxic bottom waters most of the summer. He said that high amounts of organic sediment can cause hypoxia without an algal bloom and that hypoxia does not always result in fish kills. Markham mentioned that a study by Tar-Pamlico Foundation found that hypoxia triggered algal blooms. N. Hall said it’s possible but complex. After further discussion, Rader asked staff to synthesize what is known currently regarding hypoxia, patterns and trends, correlation with fish kills and algal blooms.

Poland said the supplement is intended to be simple, effective, and end overfishing within one year. The MFC will review the supplement in November and vote to approve it to go out for public comment. If all goes as planned the next amendment could be in place as early as 2024 or 2025.

PUBLIC COMMENT

There was no public comment.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

No items are planned at this time. Klibansky said the MFC ACs will not likely need to meet again until January 2023 when she will give an update on the outcome of the November MFC business meeting and the ACs will receive a presentation on the stock assessment process. There will also be an AC orientation. Klibansky mentioned the MFC will be given an update on the lease program changes in November.

Bob Christian noted that CHPP Water Quality Summit occurred last week and asked if Deaton could provide some initial outcomes from that at the January AC meeting. Deaton said we could and noted that they expect multiple water quality initiatives coming from that meeting, including forming an active Stakeholder Engagement for Collaborative Coastal Habitats Initiative (SECCHI). Rader noted wanting updates on other habitat initiative. Examples included APNEP activities, water clarity and nutrient criteria

development, Mid and South Atlantic Council activities, and Council work on climate vulnerability assessments. Staff will compile a list of requested habitat and water quality topics to present to the AC in the future.

Rader adjourned the meeting by consensus at 7:47 p.m.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

October 27, 2022

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: William Brantley, Grants Program Manager, Administrative and Maintenance Services Section

SUBJECT: September 29, 2022, Commercial Fishing Resource Fund Committee Meeting

Issue

The N.C. Commercial Fishing Resource Funding Committee met jointly with the N.C. Marine Fisheries Commission Commercial Resource Fund Committee at 6:00 p.m. on Thursday, September 29, 2022, through Webex to consider funding for their 2023 funding cycle.

Findings

The joint committees approved extending a public relations project, as well as three proposals that were submitted as a result of the Commercial Fishing Resource Fund Request for Proposals. Three proposals were tabled, and four proposals were not approved for funding.

Action Needed

For informational purposes only, **no action is needed at this time.**

Attachments

- 1) Draft meeting minutes from the September 29, 2022 joint meeting



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: October 24, 2022

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, September 29, 2022, through Webex. The following members attended:

MFC Commercial Resource Fund Committee: Chairman Doug Cross, Mike Blanton, Ana Shellem

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

Absent: Gilbert Baccus

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 reminder, and no conflicts were noted by the Chairmen. Brantley conducted a roll call for both committees. All members were present from the MFC Commercial Resource Fund Committee. One member was absent from the Funding Committee for the N.C. Commercial Fishing Resource Fund.

The meeting agenda and minutes were reviewed.

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

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

Motion by Glenn Skinner to approve the minutes from the March 3, 2022 meeting. Second by Britton Shackelford. Motion passed unanimously through a roll call vote of present members.

Motion by Mike Blanton to approve the minutes from the March 3, 2022 meeting. Second by Ana Shellem. Motion passed unanimously through a roll call vote.

The committees were briefed on points from Session Law 2020-3 since the meeting was occurring during a state of emergency and provided a brief overview of the agenda.

Financial Report

Brantley briefed the Committees that the fiscal year 2022 transfer into the Commercial Fishing Resource Fund was \$714,273. After obligations for on-going projects from the Fund, this leaves \$1,824,663.80 available for the Committees to spend on projects allowed for in NCGS 113-173.1.

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 UNC-Wilmington's Coastal Recreational Fishing License funded satellite flounder tagging program. In 2020, 130 tags were placed in southern flounder. In 2021, 94 tags were placed in southern flounder. Thus far, 63 tag releases occurred inshore, 68 were on the inner shelf, and 14 were on the outer shelf. 27 mrPAT tags will be used in 2022, mostly focused on the Core Sound area. Chairman Cross inquired about the sex of the tagged fish. White noted that field testing the sex of the flounder could not occur with the current sampling equipment available to staff. Shackelford asked about information obtained from the use of traditional tags of southern flounder and a future presentation on conventional tagging efforts. Loeffler noted the Division's multispecies tagging program began in 2014 and has tagged over 5,000 southern flounder. A future presentation on conventional tagging could be prepared for a future meeting.

Public Relations Project Extension

Chairman Cross noted the quality of the PR project, and a one-year extension was an option for the Committees to consider for extending the project at a similar cost and budget. Skinner spoke on the outreach impacts the project is having, and the organization has proven their stewardship of the funding they have received. Blanton agreed with the extension and noted that the content was excellent.

Motion by Britton Shackelford to approve extending the SA Cherokee project one year with a similar scope and budget. Second by Glenn Skinner. Motion passed unanimously through a roll call vote of present members.

Motion by Mike Blanton to approve extending the SA Cherokee project one year with a similar scope and budget. Second by Ana Shellem. Motion passed unanimously through a roll call vote.

CFRF REQUEST FOR PROPOSALS (RFP) REVIEW

Elevating consumer awareness of domestic shark fisheries: Promoting the sustainability of the US shark fishery with MSC certification: Skinner and Chairman Cross noted the importance of MSC certification but acknowledged the limited number of coastal and pelagic species that were listed in the proposal. Members considered future maintenance of the certification once it was received. Weeks stated concerns over the ownership of the MSC certification: the state, Commercial Fishing Resource Funding committees, or the applicant? Skinner also mentioned MSC pre-assessments as an option in the future to see where the fishery stands with the MSC, prior to full certification. Blanton issued concerns on assurances of certification.

Motion by Glenn Skinner to not approve the project titled *Elevating consumer awareness of domestic shark fisheries: Promoting the sustainability of the US shark fishery with MSC certification*. Second by Steve Weeks. Motion passed unanimously through a roll call vote of present members.

Motion by Mike Blanton to not approve the project titled *Elevating consumer awareness of domestic shark fisheries: Promoting the sustainability of the US shark fishery with MSC certification*. Second by Ana Shellem. Motion passed unanimously through a roll call vote.

Water quality for fisheries: Addressing marine debris impacts to costal commercial fisheries in NC: Skinner noted that this was a continuation of a prior project from the Fund and questioned what the direct action was to improve water quality. Chairman Cross concurred and inquired to any integration into the Coastal Habitat Protection Plan. Chairman Cross asked to table this project until other projects had been reviewed. The joint Committees agreed to postpone the decision until the end of the meeting.

*The floor was re-opened for discussion after all proposals had been discussed.

Motion by Glenn Skinner to table the project titled *Water quality for fisheries: Addressing marine debris impacts to costal commercial fisheries in NC*. Second by Steve Weeks. Motion passed unanimously through a roll call vote of present members.

Motion by Ana Shellem to table the project titled *Water quality for fisheries: Addressing marine debris impacts to costal commercial fisheries in NC*. Second by Mike Blanton. Motion passed unanimously through a roll call vote.

Trophic impacts of the invasive blue catfish in the Albemarle sound ecosystem: Chairman Cross reiterated concerns over blue catfish in the Albemarle sound and that further research is needed. Blanton stated he agreed with Cross, but he had questions on the methodology of the project and sampling areas, and what would be gained from the project's conclusion. Blanton noted that before the projects are approved, he would like to hear from the research team, especially with concern to what is listed as the most commercially important species within the proposal. Chairman Cross asked if the proposal could be tabled, pending further clarification. Brantley stated that if the Committees felt they had met the objectives, and only needed clarification on the proposal, then that would be an option to consider. Shackelford noted the open-ended nature of the methodology. Skinner stated he had spoken with the research team, and there was flexibility in the sampling areas and predation species.

Motion by Glenn Skinner to table the vote on the project titled *Trophic impacts of the invasive blue catfish in the Albemarle sound ecosystem*. Second by Steve Weeks. Motion passed unanimously through a roll call vote of present members.

Motion by Mike Blanton to table the vote on the project titled *Trophic impacts of the invasive blue catfish in the Albemarle sound ecosystem*. Second by Ana Shellem. Motion passed unanimously through a roll call vote.

Integrating multi-scaler indicators of management effectiveness to support sustainable and equitable development of the eastern oyster fishery in NC: Chairman Cross stated he felt that market conditions heavily influenced the oyster fishery, and this proposal focused on competition among stakeholders. Weeks and Chairman Doshier stated concerns over the value to the fishery if it was funded. Shackelford brought forth discussion on market factors and how current stakeholders consider those conditions in their current business practices.

Motion by Glenn Skinner to not approve the project titled *Integrating multi-scaler indicators of management effectiveness to support sustainable and equitable development of the eastern oyster fishery in NC*. Second by Britton Shackelford. Motion passed unanimously through a roll call vote of present members.

Motion by Mike Blanton to not approve the project titled *Integrating multi-scaler indicators of management effectiveness to support sustainable and equitable development of the eastern oyster fishery in NC*. Second by Ana Shellem. Motion passed unanimously through a roll call vote.

Rapid response alerts for consumer education: Skinner noted his support of the project scope and the ability of the program to quickly inform consumers. Chairman Cross also noted that consumers were often overlooked on management decisions, and consumer involvement would be a positive for the industry. Shellem stated that she had formally sat on the NC Catch board and wanted to recuse herself from discussion on the proposal. Blanton asked for clarification on what the program would be rapidly responding to, inquired to the clarity of the overall intent of the proposal, and questioned the threshold for when to respond. Skinner stated one of the

abilities of the proposal is that it would permit rapid consumer education on the impacts of impending management decisions. Cross concurred that this would allow consumers to hear fishery management plan considerations that were being discussed, that would impact the availability of certain species of consumers. Shackleford acknowledged the ambiguity of the proposal on who makes determinations for responses, but he wanted clarification on triggers and education of the consumers; and how that would occur (i.e. single-species, multi-species, regional impacts, etc). Brantley asked the Chairmen for clarity on what questions the Committees wanted further information on if the motion moved to table. Chairman Cross said clarification was needed on events that trigger the use of funds, decisions on how much is allocated on each event, and any other details to further understand how the project functions. Blanton acknowledged the milestone schedule in the proposal, and he would like to see how it targets audiences other than the methods they are already funding (Always NC Fresh) or already occurring (NC DMF press releases). He would prefer that applicants be available in the future for discussion on their proposals.

Motion by Mike Blanton to table the discussion on the project titled *Rapid response alerts for consumer education*. Second by Doug Cross. Motion passed with Cross and Blanton voting ‘aye’ and Shellem recused herself.

Motion by Glenn Skinner to table the discussion on the project titled *Rapid response alerts for consumer education*. Second by Britton Shackleford. Motion passed unanimously through a roll call vote of present members.

Lost fishing gear recovery project in NC coastal waters: Chairman Cross stated that this was a continuation of previous work that the Committees had funded. Cross inquired as to the funding amounts for the last project, Brantley referenced the budget report that reflects the Committees approving \$115,599 in 2021 for a one-year project. Weeks asked about funds being released for approved projects, and Brantley stated that the recipients operated under reimbursable contracts with the DEQ. Shellem noted the importance of the program. Shackleford asked about the status of equipment that was recovered, and if it was destroyed once recovered. Blanton stated the pots were offered back to the fishermen.

Motion by Steve Weeks to approve the project titled *Lost fishing gear recovery project in NC coastal waters*. Second by Britton Shackleford. Motion passed unanimously through a roll call vote of present members.

Motion by Ana Shellem to approve the project titled *Lost fishing gear recovery project in NC coastal waters*. Second by Mike Blanton. Motion passed unanimously through a roll call vote.

Ecosystem based approach to determine predation impacts on commercially important species in NC: Chairman Cross stated that it was general knowledge that the species in the proposal impacted the ecosystem through predation. Shackleford summarized that the scope

may be too broad. Weeks noted the importance of documenting and quantifying the impacts that this proposal sought to cover.

Motion by Britton Shackelford to not approve the project titled *Ecosystem based approach to determine predation impacts on commercially important species in NC*. Second by Doug Todd. Motion passed with Shackelford, Skinner, Todd, and Doshier voting ‘aye’ and Weeks voting ‘nay.’

Motion by Mike Blanton to not approve the project titled *Ecosystem based approach to determine predation impacts on commercially important species in NC*. Second by Ana Shellem. Motion passed unanimously through a roll call vote.

A comparison of commercial and recreational marine fisheries management and allocation approaches in NC: Dynamics related to efforts to rebuild depleted stocks: Weeks stated the purpose of this project is to evaluate the trends of commercial and recreational fisheries to the contributions of harvest and to evaluate systemic biases resulting in the de facto reallocations between the sectors. Skinner stated he felt that cuts in the commercial sector from Fishery Manager Plans were occurring with unrealized cuts in the recreational sector, and it is essentially reallocating the resource; management measures need to be effective in both sectors. Chairman Cross stated that reallocation was concerning, and this project would be a move in the right direction for data-based decisions. Chairman Doshier discussed the impacts of the recreational sector in fisheries. Shackelford stated recreational mortality is impactful, but the proposal is broad.

Motion by Glenn Skinner to approve the project titled *A comparison of commercial and recreational marine fisheries management and allocation approaches in NC: Dynamics related to efforts to rebuild depleted stocks*. Second by Britton Shackelford. Motion passed unanimously through a roll call vote of present members.

Motion by Mike Blanton to approve the project titled *A comparison of commercial and recreational marine fisheries management and allocation approaches in NC: Dynamics related to efforts to rebuild depleted stocks*. Second by Ana Shellem. Motion passed unanimously through a roll call vote.

Evaluating the impact of shrimp trawl industry on estuarine dependent fisheries: Chairman Cross stated he had a high interest in shrimp trawl bycatch and the industry has questions they want answered; however, this proposal does not target the objectives in the RFP. Skinner stated he had spoken with the applicant, and while the proposal offers valuable data, it does not capture the intent of the RFP. Skinner also noted that the state needs to implement a program to annually capture effort in the shrimp trawl fishery. Shellem noted the impacts of climate change on the fishery. Shackelford stated that the proposal assumes a bycatch issue.

Motion by Steve Weeks to not approve the project titled *Evaluating the impact of shrimp trawl industry on estuarine dependent fisheries*. Second by Glenn Skinner. Motion passed unanimously through a roll call vote of present members.

Motion by Ana Shellem to not approve the project titled *Evaluating the impact of shrimp trawl industry on estuarine dependent fisheries*. Second by Mike Blanton. Motion passed unanimously through a roll call vote.

Incorporation of bycatch technology in the NC blue crab commercial fishery: Blanton opened discussion, and the provided some history on the project the Committees had funded that preceded this proposal. He also expressed concern about the Seafood Watch group and their opinion of fisheries throughout the nation. Blanton stated his concern about genetic analysis on the turtles captured in the study. Chairman Cross said this study would provide results that the Seafood Watch group had asked for in the fishery.

Motion by Mike Blanton to approve the project titled *Incorporation of bycatch technology in the NC blue crab commercial fishery*. Second by Ana Shellem. Motion passed unanimously through a roll call vote.

Motion by Doug Todd to approve the project *Incorporation of bycatch technology in the NC blue crab commercial fishery*. Second by Glen Skinner. Motion passed unanimously through a roll call vote of present members.

Issues from Committee Members

Glenn Skinner asked for time to discuss the Always NC Fresh campaign in connection with the NC Seafood Festival, considering the impending tropical storm expected to impact the area. The weather impacts are expected to affect the attendance, and the Committees could reallocate time and expenses for more a more impactful campaign. Chairman Cross and Shellem offered discussion in concurrence.

Blanton expressed the benefits that the Committees would have in asking applicants to be in attendance for proposal discussion during the next RFP review meeting. Skinner stated that the applicants are available outside of a meeting for discussion if members want to reach out for individual discussion.

The 'Always NC Fresh' logo was discussed, and Mike Blanton asked for clarification on ownership. Chairman Cross stated the need to consult with counsel. Skinner asked for guidance from the Committees to speaking on behalf of the Always NC Fresh campaign, or who can use the public relations material. The conversation moved to suggest that the committees need an answer on giving permissions to use the material along with putting a process in place for approval, and the MFC general counsel would be the first step.

ADJOURNMENT

Motion by Ana Shellem to adjourn. Second by Mike Blanton. Motion passed unanimously through a roll call vote.

Motion by Glen Skinner to adjourn. Second by Steve Weeks. Motion passed unanimously through roll call vote of present members.

Meeting adjourned.

WB