



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

January 29, 2024

MEMORANDUM

TO: Marine Fisheries Commission
Southern Regional Advisory Committee

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

SUBJECT: Meeting of the Marine Fisheries Commission's Southern Regional Advisory Committee, Jan. 10, 2024 to provide recommendations for management options for Marine Fisheries Commission Consideration on draft Amendment 2 to the Striped Mullet Fishery Management Plan

The Marine Fisheries Commission's (MFC) Southern Regional Advisory Committee (AC) held a meeting on Jan. 10, 2024, at the Department of Environmental Quality Wilmington Regional Office, Wilmington, North Carolina and via webinar. Advisory Committee members could attend in either setting and communicate with other committee members.

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

Division of Marine Fisheries (DMF) Staff: Chris Stewart, Tina Moore, Kathy Rawls, Jeff Dobbs, Willow Patten, Dan Zapf, Brandi Salmon, Corrin Flora, Hope Wade, Garland Yopp, Ashley Bishop, Carter Witten, Debbie Manley, Anne Deaton, Jesse Bisette, Alexander Batchelder, Genny Ivec, Savannah Starling. Kim, Hardison

Public: Glenn Skinner, Lee Parsons, Joe Romano, Taylor Barefoot, Adam Child, Bob Parish, Luke Ingraham, Jack Spruill, Andy Wood, Sheel Patel, Bonnie Monleone. Thirty-nine viewers watched on YouTube.

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

Southern Regional AC Chair Fred Scharf called the meeting to order at 6:05 p.m. The Chair opened the floor for the AC members and DMF staff to provide introductions.

APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES

Fred Scharf asked the AC members if they approved of moving public comment after the Striped Mullet FMP draft Amendment 2 discussion but before the Southern AC votes on recommendations.

A motion was made to approve the modified agenda by Tom Smith. Second by Sam Boyce. The motion passed without objection.

A motion was made to approve the minutes from the Southern Regional AC meeting held on Apr. 12, 2023. Motion by Jason Fowler to approve the minutes. Second by Sam Boyce. The motion passed without objection.

STRIPED MULLET FMP DRAFT AMENDMENT 2

Discussion of Draft Amendment 2

Jeff Dobbs noted a full presentation on the management options is available online and today would be a verbal discussion following the Decision Document as part of the digital materials sent to the group and posted online. Dobbs said today's action item is to provide a recommendation to the MFC for Striped Mullet FMP Amendment 2 to achieve sustainable harvest. A 21.3 to 35.4% reduction in commercial harvest relative to commercial landings in 2019 is needed to rebuild the stock and end overfishing. Management options include season closures, size limit, trip limits, day of week options as well as combinations of various options. The DMF recommendation is for a day of the week trip limits (Option 5.n. – Jan. 1-31 and Nov. 16 – Dec. 31 50 lb., Sat-Sun 50 lb, Feb. 1 – Oct. 15 500 lb.) with as stop net catch cap (Option 6.b. – 30,000 lb. annual catch cap). Scharf asked about the measures put in place for 2023 as part of the supplement. Dobbs noted that an immediate reduction was needed; the division opted for regional season closures. However, fishermen indicated the 2023 season closures were difficult, particularly in the southern region. Therefore, for Amendment 2 DMF recommended a combination of management measures to achieve sustainable harvest while still allowing harvest to occur and reduced discards. Seigler noted there would be an abundance of discards with a 500-pound trip limit. Dobbs said trip limits would not occur during the roe fishery and would limit discards. Typically, the fish houses are not asking for high volume during this time. The meat and bait market demands are also lower during this time. Hopefully people will not change their gear configuration and fishing practices. Trip limits would only occur on Saturday and Sunday.

Smith indicated that has sat on three striped mullet FMPs now and each time we have done the bare minimum, basically catching the last fish that could be caught. We keep spinning our wheels and more needs to be done to increase escapement and rebuild the population. Several AC members agreed simpler is better and easier to enforce. Dobbs indicated at the options being presented came out of the workshop and that stakeholder indicated they didn't want complete season closures. The division wanted to do everything we could to reduce the impact to the roe fishery; however, we wanted to take an extremely conservative approach. Seigler said he would feel more comfortable with a minimum mesh size limit and felt that any reductions gained on Saturday and Sunday would be recouped the following week. Seigler further noted that if you went to a 1 3/8-inch bar mesh in a gill net it would allow escapement and those fish would contribute to the spawning stock for the next two years. Dobbs indicated gear restrictions are on the table. Scharf asked what was discussed regarding gear restrictions at the mullet workshop. Dobbs noted that the Striped Mullet AC was concerned mesh restrictions would impact other fisheries such as the white perch and sea mullet fisheries. More information can be found gill net issue paper.

Boyce asked about adaptive management, specifically how it would be applied between plans. He further noted that in year four it didn't make sense to implement it. Dobbs noted that if stock conditions change, we can make changes without reopening the plan. Flora noted the same language has been used in multiple plans. It's less prescriptive, we could do it twice if need be. We have a limited number of assessment biologists and the more prescriptive we get, the more our hands are tied. If the indices say we are doing good based on the annual FMP update, then we wouldn't need to do anything. Boyce said the wording made it sound like the stock would be assessed multiple times between reviews. Staff further noted that a

benchmark assessment occurs when more surveys are added to the assessment or other major changes occur; however, updates occur only when new data is added to the already existing data streams in the last assessment. Updates can shorten the time it takes to assess a stock. Dobbs went on to add that if the stock is recovered within two years, management would be loosened. Flora added the FMP update could be used to assess the stock as many of the indices used in the assessment are updated on an annual basis to monitor the stock. Dobbs further noted that if the target is not met, adaptive management gives us the ability to make changes during the 5-year cycle.

Boyce expressed his concern that when most recreational fishermen run out of bait, their 50 fish, they would only go out and get 50 more and it would be very difficult for Marine Patrol to enforce this measure. Therefore, he recommended that the division should conduct more messaging to explain why this is in place, so the public understands. Flora noted one of the objectives of the plan is public outreach and division would post best fishing practices to reduce discard mortality for the recreational fishery. Seigler asked how the fish limit was determined. Patten said the MRIP data showed that recreational fishermen landed less than 50 mullet. Seigler indicated that he would like to see the limit lower. Smith said fishermen use mullet for a lot of different things and that live bait is also a big part of fishery.

PUBLIC COMMENT

Glenn Skinner - Executive Director of the North Carolina Fisheries Association, and commercial fisherman – I have fished the roe mullet fishery for 30 years. Commercial landings have increased dramatically since the stock assessment has been completed. The 2022 fishing year had the fifth highest landings on record. Not only are our landings increasing, but the division’s surveys are also increasing. The electrofishing data was not used in the stock assessment it is seeing large amounts of fish. The stock is rapidly expanding, and we are seeing larger fish. Some fish are as old as 3 years, indicating the stock is expanding. We saw much larger fish this year. We are currently not fishing at a very high rate and when the environmental conditions are right you see increases like this. Last year we had several 10,000 pounds sets. Which is all our nets would hold. We need to keep this simple and be equitable for everyone. Let’s do a weekend closure, it meets the reduction needed and treats everyone the same no matter what fishery you are in. This stock is rapidly expanding based on the data I’ve seen; it is not overfished. Regarding the spawning stock biomass, we caught more fish last year than the stock assessment says exists. We need more data.

Taylor Barefoot – Commercial fishermen from Wilmington – I agree with Glenn, it needs to be cut and dry, no 500 pounds one day and 50 pounds another. The 500-pound trip limit doesn’t work for Spanish, you can’t control what hits the net. We need to go to the weekend closure. We can’t divide the state into two different halves, it’s not fair. We as fishermen need to work together to find a solution that works for everyone. Commercial fishermen need to make a living and provide for our families.

Lee Parsons – Charter boat captain for hire, recreational fisherman, has a major in marine technology and a minor in marine biology – I also have been a commercial fisherman in the strike net mullet fishery for roe. As a biologist, I have a problem with the roe fishery, you can’t build the population back up if you keep taking the babies. I can live with 50 fish per trip, I can get other things to use as bait. It takes me 100 baits to run a trip on a good day. However, the drum fishery is going down, particularly in the southern region of the state. You need to work with other states. Is it fair to constrain fishermen in NC when you can go to other states and catch all you want. How can it work. When it comes to red drum you need to do research on caged oyster leases. Bottom leases work great. The fish don’t like the caged oysters. Red drum and speckled trout don’t like it due to the noise. You need to put a moratorium on caged oyster leases until a study can be done.

Jake Spruill – Defer to speak later, comments are not related to striped mullet. Left before giving comment.

Andy Wood – deferred to speak later in the meeting, comments are not related to striped mullet. Comments are provided closer to the end of the meeting.

Sheel Patel - Defer to speak later, comments are not related to striped mullet. Left before giving comment.

Joe Romano – Commercial fisherman and owner of Sea View Crab Co. – I back what Glenn said. Putting another derby fishery in place messes up everything; the price, floods the markets, deters buyers, etc. The Saturday and Sunday closure is equitable. The division is not hearing what the fishermen are saying. We need collaborative undertaking to tackle these issues. I believe if we have a problem, which I don't think we do, then why would we allow people to catch fish in cast nets before they are old enough to spawn. Data collection is the problem. The mullet fishermen can't be wrong, there are more fish than ever. This is not just for fun, it is food, substance, it's our heritage, it's our livelihoods. We are on the hills of losing many of our fisheries. If you shut us down on November 16th, you are cutting us out. Mullet don't operate on a calendar. Please support us with a Saturday and Sunday closure.

Bonnie Monleone – Defer to speak later, comments are not related to striped mullet. Left before giving comment.

Vote to Recommend Management Options for MFC Consideration

Smith said while simpler is best, just doing weekend closures only gets us to the number. It's likely that fishermen will continue to catch the same amount no matter what days are cut. Skinner indicated that once the fish make it to the ocean, they are no longer available; therefore, there will be reductions. Smith noted they are not entirely lost as the stop netters would still catch them. Skinner agreed, adding that they had a better shot than the estuarine gill netters. Boyce noted that the 30,000-pound stop net limit should address those concerns. Seigler expressed his concern the stop net limit would result in a large number of discards. The question was asked whether the limit was a daily cap or a season cap. Staff indicated once the limit was met the stop net fishery would close. Staff said you could approach it with payback if needed. Dobbs further noted the fishery rarely catches 30,000 pounds annually. Smith questioned how Marine Patrol would enforce the proposed management measures. Colonel Carter Witten, Larine Patrol noted the flat closures are the easiest to enforce and they currently enforce trip limits for several fisheries. It comes down to how the proclamation is written. Scharf said the challenge was enforcing the 500-pound trip limit. Witten further noted that most fishermen know what they have caught by sight alone. If an officer suspects that someone is over the limit, and they require fishermen to go back to the dock and weight their catch.

Scharf asked if Option 7, the seasonal catch limit, was essentially an annual quota. He noted for flounder the division tracks the landings on a daily basis. Would the division use the same infrastructure? There are always concerns with temporal closures that effort will get reallocated due to changes in fleet behavior. It's hard to know how it plays out until you do it. Typically, most states do not manage with annual catch quotas; however, NOAA commonly uses them. I know DMF tries to anticipate the shifts in effort and build it in, but it's hard to know. Annual catch limits work, because when the quota is met, fishing ends and escapement occurs. Dobbs said we know there will be recoupment if we are leaning towards the target. This is an extremely diverse fishery. People depend on the fishery throughout the year. By putting a catch limit in without other measures, you are going to disproportionately affect the roe fishery. Without having a hard end date, the reduction is shared across the fisheries. With a catch cap you are limited to the 2019 landings. Scharf added that the fishing year could start earlier in the year, say October 1. It could still disproportionately impact another part of the fishery. For example, you may not have a summer fishery. Dobbs noted that staff discussed a roe and non-roe season; however, you could have a period of time with no harvest. The catch cap is when you have exhausted all measures. Using a combination of options would be better for fishermen. Smith expressed the need to have a robust biomass first and need to aim for the high end of the reduction so we don't find ourselves back in the same situation. Scharf asked about the

reductions that were implemented with the other plans. Staff noted that the other plans haven't limited harvest and the 200 recreational limit was more an enforcement issue. Scharf noted that the stock was not in an overfished state at the time. Seigler said the biggest difference between plans was that the target changed since Amendment 1; and that is why reductions are now needed. Staff noted that while the target did change from 30% to 35%, it's the threshold that determines the overfished status and it has not changed. Scharf noted targets can change in an assessment due to fleet behavior. It's not driven by the status of the stock. Staff further noted the target was raised from 30% to 35% due to striped mullet's ecological role as a forage species, a better understanding of their life history, and the desire to create a buffer. It's a more conservative point so it could be more sustainable. We didn't account for it before, but we wanted to address it. Seigler questioned the model, adding if the old model was used, we wouldn't need management. Staff indicated that the peer reviewers identified several changes that could be made to the model to improve it; and they were incorporated in the 2022 model. This model found that the stock was overfished and overfishing was occurring. Scharf added the assessment has been approved for management and this is the best model that we have; however, the data ends in 2019, so anything you are seeing in recent years can't be accounted for. Our role is to provide input on the best options to go with. The challenge is due the complexity of the fishery, due to gears, user groups, seasonality. We try to spread the reductions across users to create fair and equitable reductions. Be aware that simple measures usually lead to one or two user groups taking a big hit.

Smith noted that when you put in monthly trip limits, it seems like you need an annual stopping point once "X" amount is caught. You have no season, you need escapement. Scharf asked about DMF recommendation and the commercial trip limits (Option 5.n.). Dobbs added the 50 lb. trip limit would stop the targeted and still allow incidental catch and allow some users to keep fish. Scharf asked about why the landings differed when the stop net cap was added. Staff indicated that for some years it could be an increase for the stop net fishery as they rarely land 30,000 pounds. We understand the cultural aspect of the fishery to NC. The 30,000-pound cap came from the workshop. Right now, there are only about four participants and it's not an emerging industry. Pam Morris noted she had the same concerns as Seigler with the division's recommendation. Further noting that there are a lot of fish out there right now, and we are only regulating people. Morris said she didn't support trip limits and didn't want to see any further regulations on the stop net fishery.

Sustainable Harvest – Commercial Fishery

Motion by Tom Smith to approve DMF recommendation 5.n., 6.b. and 10 for the commercial fishery.

Skinner noted he didn't agree with the motion as it was too complex. Smith said while he too believes that simpler is better, he merely just wanted to get the discussion going. While he feels a quota or a total allowable catch would be ideal, these options still allow fishing to occur while getting the needed reductions. Skinner disagreed and said he supported option 5.a. Scharf added that weekend closures would achieve the needed reduction if there were no shift in behavior. Seigler added the motion would cut out fishermen in the southern part of the state as the fish don't show up until Thanksgiving. Staff indicated that this would actually extend the season as compared to 2022. It was asked if the division examined different opening dates for north and south, more or less creating two roe mullet seasons. Dobbs indicated that it could be an option and part of the AC recommendation, but staff would need additional time to calculate the reductions. Dobbs noted when it was discussed at the workshop, fishermen were opposed to it. A friendly amendment was offered and accepted to modify the motion to include a north/south season for an equitable reduction using the Highway 58 Bridge at Emerald Isle. Dobbs noted that at the mullet workshop it was calculated and there was only a three-day difference using the landing from the last 5 years. Staff added it was not favored by fishermen. Dobbs noted that the line could be drawn at the 58 Bridge. Scharf called the motion to a vote.

The motion adjusted with the friendly amendment reads: Motion by Tom Smith to approve DMF recommendation 5.n., 6.b. and 10 for the commercial fishery. With staff looking to adjust the roe season north and south for equitable reduction. Seconded by Truby Proctor.

The motion passed 7-3.

Motion by Ken Seigler for Option 5.a. and the requirement of a minimum 1 3/8-inch bar mesh in gill nets from January 1 - March 31.

Seigler said he felt the motion would get an additional 35% reduction. Dobbs noted any reductions from reducing the minimum mesh size could not be quantifiable. We can calculate a reduction based on minimum fish size. Flora noted that since Option 5.a. meets the reduction, there would be no need to calculate this.

The motion failed due to lack of a second.

Motion by Ken Seigler for Option 5.a. and Option 10. Second by Jeremy Skinner.

Scharf asked if we could put forth both motions. Staff indicated yes, but it would be subject to the MFC interpretation. Both motions meet the reductions needed; however, one is more conservative. Seigler agrees there will be some recoupment with Option 5.a. However, it is simpler. The weekend only closure is fair to everyone. Skinner noted that he would agree with option 5.n if there was a problem with the stock. The numbers we are seeing indicate things are getting better, thus more extreme measures are not needed. Smith again, just doing the minimum has not worked and we will never fully realize the reduction if we don't go with the other motion. Skinner and Seigler disagreed. Scharf noted that if the stock is expanding and it supports your notion the division can use adaptive management (Option 10) if the stock rebounds faster than expected. Discussion circled back around to the stop net fishery cap and its contribution. Staff indicated that it made up such a small percentage of the harvest it changed the numbers only slightly. The stop net fishery would not be bound to anything, but the 30,000 cap. Option 10 was added as a friendly amendment to the motion.

Skinner asked if the amendment started in 2023. Staff indicated yes.

Motion fails 3-5 with two abstentions.

Sustainable Harvest – Recreational Fishery

Motion by Sam Boyce for Options 1.b. and 2.b. for the recreational fishery. Second by Jason Fowler.

Staff clarified the for-hire option allows the captain to have the fish on the boat prior to the clients getting on the boat; the limit would still be 50 fish per person. Seigler took issue with the commercial harvest being restricted on the weekends while letting recreational fishermen have 50 fish. Scharf said the recreational sector makes up less than 2% of the harvest. Seigler noted 50 juvenile mullet allowed per day for recreational use is not equitable when the commercial fishermen are limited to 50 pounds a day on the weekend, which equates to only 25 fish allowed commercially on those days.

Ken noted that in roe mullet terms that's 50 juvenile mullet equates out to 50 bait fish, which is not equitable if the commercial fishermen are limited to only 50 pounds on the weekends.

Motion passes 8-0 with two abstentions.

ISSUES FROM AC MEMBERS

Scharf encouraged the AC to provide staff as well as he and Tom Smith with topics to be discussed at future meetings.

Andy Wood, a member of the public who wished to defer comments until later after public comment in the meeting spoke briefly and provided staff with a letter from the Coastal Plain Conservation Group. Andy Wood – I would like to speak about eels, shad, sturgeon, and striped bass. We need holistic management. Beyond the saltwater and freshwater environments, management should look to how land use impacts fisheries. Please consider coastal forest destruction related to the wood pellet industry. It feeds an industry that is in economic crisis. Their whole plan of cutting and sending trees to England to burn is flawed and it would be better if we just exported coal. What’s going on the land impacts the seas. Please see my handout for more details. The handout was saved with meeting materials and available upon request.

Scharf reminded the AC members that the Marine Fisheries Commission Update from 2023 was included in the digital package of materials that was sent out. Staff indicated that paper handouts are no longer mailed to the AC member and can be available at the meetings upon request. Staff noted the division will hold a Flounder Symposium in New Bern at the Riverfront Convention Center on March 20, 2024. The symposium is open to the public and is an opportunity for stakeholders, researchers and DMF staff to discuss research related to Southern Flounder in North Carolina. The details of the flounder symposium can be found on the division’s website.

Jeremy Skinner motioned to adjourn, seconded by Tom Smith. The meeting ended at 8:52 p.m.