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April 28, 2023

**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, Apr. 12, 2023 for updates.

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The Marine Fisheries Commission's (MFC) Southern Regional Advisory Committee (AC) held a meeting on Apr. 12, 2023, at the Division of Marine Fisheries Central District Office, Morehead City, 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, Samuel Boyce, Jason Fowler, Tom Smith (came online at 6:10 pm), Pam Morris, Jerry James, Kenneth Siegler, Michael Yates (Absent – Scott (Jeff) Harrell, Truby Proctor, Tim Wilson).

Division of Marine Fisheries (DMF) Staff: Chris Stewart, Paula Farnell, Corrin Flora, Hope Wade, Garland Yopp, Ashley Bishop, Jason Rock, Lucas Pensinger, Jessie Bissette

Public: No public were in attendance at the Central District Office. Twenty-five viewers watched on YouTube.

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

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

**APPROVAL OF THE AGENDA AND APPROVAL OF THE MINUTES**

**A motion was made to approve the agenda by Jason Fowler. Second by Pam Morris. The motion passed without objection.**

**A motion was made to approve the minutes from the Southern Regional AC meeting held on Jan. 11, 2023. Motion by Jerry James to approve the minutes. Second by Jason Fowler. The motion passed without objection.**

## MARINE FISHERIES COMMISSION UPDATE

Lara Klibansky could not attend, Paula Farnell gave the update. The Feb. MFC business meeting was held in New Bern. A recording of the meeting can be found on the NC Department of Environmental Quality YouTube channel and additional information can be found on the Division's website. The commission reviewed a false albacore information paper specific to North Carolina. This paper was prepared at the commission's request and is an update to the 2017 false albacore information paper. A motion was made to develop state-level rulemaking language with management options starting with status quo and allowing for growth for the fishery at various percentage points. Staff are evaluating data, defining terms (i.e., status quo), and will present the analysis at the MFC's May meeting. A final issue paper with management options will be presented at the Aug. or Nov. 2023 business meetings. At the Northern AC, a question was asked about the South Atlantic Marine Fisheries Management Council (SAFMC) and the Atlantic States Marine Fisheries Commission (ASMFC) stance on false albacore. Currently, there has only been discussion and no action has been taken; however, if management measures are taken through either the SAFMC or ASMFC, NC can implement measures through current proclamation authority. The information paper being developed by staff is specific to NC.

Staff gave the commission an overview of the spotted seatrout fishery. The commission provided input on the development of the FMP and Commissioner Cross gave specific management options for consideration. The scoping period for spotted sea trout recently closed and staff will provide you all an overview later tonight. Public input is a very important part of the FMP process.

The development of the striped mullet supplement and amendment were also discussed at the February MFC meeting. In November, the commission unanimously approved Supplement A to Amendment 1 for striped mullet which includes a Nov. 7<sup>th</sup> – Dec. 31<sup>st</sup> closure to achieve a 22.1% reduction. At the February meeting, the commission was to make its final approval of the supplement; however, after much discussion, no decision was made. Staff are currently working on regional options at the request of the commission to be presented at the May business meeting. Supplement A will only be a temporary measure to address overfishing and will potentially only impact the 2023 season while comprehensive management is developed through Amendment 2, which should be complete prior to the 2024 season.

The Coastal Habitat Protection Plan (CHPP) Amendment was adopted in 2021 and initiated the development of the Stakeholder Engagement for Collaborative Coastal Habitat Initiative (SECCHI). This initiative is meant to develop a public-private partnership to encourage stakeholder engagement. Recently, a coastal habitat resolution was developed and brought before the Marine Fisheries, Environmental Management, and Coastal Resources commission to get additional cost share funding specific to water quality issues such as nutrient loading and run-off. The MFC voted to support this resolution for more funding and get people to participate in these types of programs to improve water quality. The CRC and EMC also chose to support this resolution.

### *Questions from AC members*

Scharf asked the dates of the next MFC meeting. Staff indicated that it is May 24-26 at the Beaufort Hotel. James asked if the division is looking at grants for water quality. Staff will provide more information at the next meeting. James indicated the Attorney General's office has an enhancement grant that closes in May that should be considered. Boyce asked for more information on false albacore and if there is a large commercial component to the fishery. Staff noted that the presentation is on the web. Regarding commercial fishery, most fish are caught incidentally while targeting other species and sold mostly for cut bait. Recreationally, it's mostly a catch and release fishery. Several AC members commented that they typically just throw them back.

Farnell noted that the southern AC will receive a brief update on fish passage in the Cape Fear and will receive a more in-depth presentation at a later date. She further indicated that staff are working on topics for the joint AC July workshop which may include stock assessment and FMP development. The next FMP to be discussed by the Southern AC will be striped mullet later this fall, there will be several other FMPs that will come to the ACs in early 2024. Staff will send an updated workplan that outlines the timeline for each FMP. Bycatch and bycatch reduction keeps coming up as well as how various fishing gears impact habitat and water quality; thus, you all may receive a presentation in future on these topics. Farnell encouraged the members to send any additional topics to staff so we can utilize these meetings when there are no action items. Scharf noted that Director Rawls has made a push to increase communication between the division and the ACs as well as get more input from the ACs on agenda items to be discussed at our quarterly meetings.

### **JULY JOINT MFC ADVISORY COMMITTEES MEETING PLANNING**

Scharf asked if there was a framework or agenda for the July meeting. Farnell indicated that the meeting will be held on Monday July 10<sup>th</sup> at the Pine Knoll Shores Aquarium and will likely be held from 10 am to 3 pm. There will be a virtual option and travel will be covered. The goal is to have presentations on some of the topics discussed earlier (stock assessment, FMP development, bycatch, etc.). There may be one or two outside presentations (water quality, climate change). We want discussion amongst the ACs and staff. The event will be recorded if you can't be there in person or virtual. James asked if it would be open to the public. Farnell indicated it would be on the web to be viewed by the public only. James discussed the need to get more public involvement, particularly from the recreational sector. Several AC members noted that there has been an influx of comments from recreational fishermen on the division's social media pages; however, most of it has been critical. Fowler noted that we need to get more people to provide comments at the meeting in lieu of posting negative comments on social media. Scharf indicated that he liked the idea of the joint meeting being more informal so that members can build working relationships across the ACs. He further noted that it was a great opportunity to get to know other members and develop solutions to common problems faced by the ACs. Farnell agreed that many of the issues overlap, and it is a great way for the AC members to interact.

### **SPOTTED SEATROUT SCOPING PERIOD**

Lucas Pensinger and Jason Rock gave a brief overview of comments received during March 13-24 spotted seatrout scoping period. Overall, there was a lot of participation with over 700 people providing comments online or in person. Comments ranging from strongly "for" and "against" and everything in between. Regarding sustainable harvest, comments ranged from no quota/quota, seasonal closures, bag limit reduction, trip limit reduction, and increase in minimum size. For recreational management there was support for making spotted seatrout a game fish, outreach for catch and release best practices, ending the use of recreational commercial gear licenses, boat limits, eliminating captain and crew limits, and limited entry. General recreational comments included reducing the impact of catch and release tournaments, and gear requirements. Commercial comments included making it entirely a hook and line fishery with limited entry. General commercial comments included gill net limits, closing the personal consumption loophole, area limits, subsidies to phase out gill nets, increased gill net mesh size, gill net attendance regardless of area or time, and limited entry. Regarding protecting spawning stock biomass, comments included bag limit reductions, increase minimum size, and modifying cold stun protocols. Area management came up quite a lot during the scoping period and included closing certain areas to gill nets and/or all spotted seatrout fishing, and regional management. Commissioner Cross's strategy was also discussed at the scoping meetings and the public was overwhelming against quota allocation. Overall, there was general opposition to a quota and ending catch and release fishing. Multispecies management, stocking, increasing enforcement, considering management in other states, and developing a recreational reporting app (mandatory and optional reporting) were also brought up.

James asked if there was a lot of support for commercial hook and line. Pensinger noted there were a few people who supported it; however, there were very few comments received from commercial fishermen. Staff are in the process of tallying all the numbers. Morris commented that most fish pass through the large mesh used in the commercial fishery and that most don't catch 75 fish. She further noted that since it's mostly a recreational fishery, there is no real need to put any further restriction on the commercial fishery. Morris asked staff about the benchmark stock assessment, noting that she had major concerns with using the most recent three years to assess the stock. Rock noted that assessment had data up to 2019 and the peer reviewers recommended using the average from 2017-2019 to base management off of; specifically when looking at fishing mortality and biomass. Rock further noted that only the model changed to better track cold stuns and that the reference points did not change. The AC had a brief discussion on the impact of cold stuns. Staff indicated the last cold stun closure occurred in 2018. While cold stuns can have an impact, the stock is not overfished, the biomass is there; however, fishing mortality is too high, thus overfishing is occurring. Boyce noted that while the stock assessment ends in 2019, the catch has continued to increase, and he expressed concern that there were not enough fish to sustain the fishery. Pensinger indicated that may be an argument for more conservative management to err on the side of caution. The AC further discussed how the fishery has grown in recent years and noted that there were both more fish available as well as more effort (trips). Pensinger noted that the trend is there, we saw effort increasing up to 2019. Flora noted that from a process point all management will be based on the three-year average and effort is monitored in the FMP update each July. Boyce asked if adaptive management could be used to address increases in effort. Flora noted that adaptive management will be included in all upcoming plans. Boyce next asked about ecosystem management and if adaptive management could be used when stricter regulations for other species (i.e., flounder) drives effort up in other fisheries such as trout. Staff noted that we can't predict how effort will change and that we would be hard pressed to put further restrictions on another fishery based on how effort may shift. Smith further cited the need for more regional management and that the effort will always be there. Rock noted that adaptive management usually revolves around the outcome of a stock assessment; however, triggers could be added into the plans to help get in front of a problem before the FMP is back under review. The AC next discussed developing conservation easements or buffers. Staff indicated to do something along those lines would require a quota. Morris indicated that she was against a quota. She further noted that it seems that every time a model is updated there are different results. The AC all agreed that technology has gotten better, and effort has increased.

Scharf asked staff to comment on how the public inputs are used to make changes to the management strategies that are present to the MFC. Pensinger noted that if you look at the scoping document you will see that some of the options changed. For example, the area closures consideration came up enough during the scoping period and now added where it wasn't a consideration at first. Regarding the timeframe of the process, as we gather the input from the ACs we will draft issue papers, Amendment 1, etc. The spotted sea trout AC meetings are likely going to happen late Oct. or Nov. 2023 and we will come back to the MFC next Aug. for them to approve. Scharf asked if the issue papers will come back to the ACs. Rock noted that once we have the Spotted Seatrout AC comments, we will make final revisions and then need to get approval from the MFC to take the plan out to the public, and then back to the regional and standing ACs. Flora noted that the southern AC will likely review the FMP in Jan. 2024.

James asked if there was a way to regulate areas where small trout are aggregated and if more information on ethical angling could be added to the plan. Pensinger and Marine Patrol noted it would be almost impossible to keep people out of areas where small trout are aggregated and stressed the need for public outreach. Boyce and Yates agreed the public needs to be better informed about catch and release mortality.

## **CAPE FEAR FISH PASSAGE OVERVIEW**

Scharf gave a brief history on the inception of the locks and dams on the Cape Fear River, noting that the Army Corps of Engineers (ACOE) originally built the structures for shipping and commerce. Currently, the locks are not functional, and the dams are used to store water for local municipalities and industry as well as control flooding. These structures restrict access to historic spawning grounds for anadromous fish populations such as American shad, striped bass, and Atlantic sturgeon. Ten years ago, a rock arch ramp (swim-way) was built at Lock and Dam #1 to allow fish passage; however, the structure was not built to the original specifications due to funding limitation. Over the course of 2013-2015, it was evaluated for fish passage (striped bass, American shad, flathead catfish). American shad did reasonably well (~55-65% passage); however, it did not work very well for striped bass (~20% passage). In 2021, the Cape Fear River Water was funded from the Coastal Recreational Fishing License Grant Program to modify the rock arch. Scharf is currently working with Clemson University researchers and ACOE to re-evaluate if the new modifications have improved fish passage. Preliminary data from the spring of 2022 indicates moderate increase in passage (~40%) by striped bass; however, more tags need to be put out to fully evaluate passage. The goal is to have 100 striped bass and 100 American shad tagged to match the original study. His lab is also currently tagging and tracking Atlantic sturgeon and collecting eggs. Using high resolution acoustic receivers, they have been able to track fine and broad scale movement of sturgeon on the spawning grounds. The goal is to have the work completed by the summer, and hopefully have something to share with the AC this fall. His lab is also tracking the movement and habitat preference of juvenile Atlantic sturgeon in the rivers; juvenile sturgeon remain in their natal rivers for up to three years. The goal with this project is to develop conservation measures to limit the impact of ship strikes. Scharf is also collecting genetic information on Atlantic sturgeon in the Cape Fear River to examine mixing of sub-adults in the southern rivers along the Atlantic coast.

Smith asked about the pulse flows. Scharf noted that the e-flows are environmental pulse of water being release from Jordan Lake to fully submerge the dams. Initial data from the Clemson University study has indicated the e-flows have increased passage. Using acoustic receivers above and below the dams they can further track movement during these flows. Smith asked for more information on how far fish have to go for the eggs to be viable. Scharf indicated they have caught sturgeon eggs at their mats below the dams. He is hopeful the e-flows will promote passage of striped bass above locks and dams 2 and 3 and will further promote better spawning success. Scharf noted there is a federal infrastructure bill, that will allow the locking structures to be repaired, which would enable the ACOE to do conservation locking in the spring. Smith expressed his concern that if we can't show spawning is occurring that the Wildlife Resource Commission will stop stocking striped bass. Scharf noted that there is a lot of opposition to this and there is discussion to try a different brood stock. Smith further noted how big the striped bass fishery once was and how important it is today. Boyce asked about spawning in the Northeast Cape Fear and if there has been any evidence of a spawning population. Stewart indicated that the division has caught two juveniles in survey and data from telemetry work indicates the fish appear to make spawning runs in both the mainstem Cape Fear and Northeast. Stewart further noted that genetic samples show evidence of wild spawned fish. Smith next inquired about the distance needed for the eggs to be suspended in the water column to be viable. Stewart indicated elevated salinities in the river in recent years may be further impacting the distance needed. Smith asked if sturgeon faced the same difficulties associated with egg buoyancy. Scharf noted they are demersal and stick to the bottom and his lab is able to collect them using egg mats. His lab has seen gravid female sturgeon and has collected eggs at lock and dam #1. Our next goal is to determine the number of adults that come back to spawn each year. The AC further discussed the difficulties for sturgeon to get over the dams due to their size and although it would be difficult to do, it would be best to remove the dams as done in other systems.

## **PUBLIC COMMENT**

No public signed up in advance to speak.

## **ISSUES FROM AC MEMBERS**

Farnell and Scharf encouraged the AC to provide staff with topics to be discussed at future meetings as well as the joint July meeting. Farnell reminded the AC they can join staff in the field. Morris and Farnell reminded the AC to come to the upcoming 200<sup>th</sup> DMF Anniversary Celebration on June 10<sup>th</sup>.

Tom Smith motioned to adjourn; it was seconded by Ken Siegler. The meeting adjourned at 7:49 p.m.

DRAFT