Motions from the Marine Fisheries Commission advisory committees on cobia.

Southern Advisory Committee	Northern Advisory Committee	Finfish Advisory Committee
Advise MFC to complement federal June 20 season closure in state waters.	Recommend MFC maintain the current minimum size limit (33 inches) and one fish per person possession limit through June 20, 2016. After June 20, 2016 implement a two-fish per vessel possession limit, becoming out of compliance with federal regulations. Recommend the MFC request NMFS to reconsider the biological boundary between the Gulf and Atlantic cobia stocks.	Recommend MFC maintain the current minimum size limit (33 inches) and one-fish per person possession limit through June 20, 2016. After June 20, 2016, implement a two-fish per vessel possession limit, becoming out of compliance with federal regulations. Recommend the MFC request NMFS to reconsider the biological boundary between the Gulf and Atlantic cobia stocks. Request MFC come up with ways to collect additional recreational catch data on cobia with a tag system being one option. Recommend MFC request commercial sector annual catch limit be reduced by same percentage as recreational sector annual catch limit. Request MFC work with Michelle Duval to develop coast wide state-by-state allocations for cobia.

Marine Fisheries
ENVIRONMENTAL QUALITY

PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

BRAXTON DAVIS
Director

MEMORANDUM

TO: Marine Fisheries Commission
Northern Regional Advisory Committee

FROM: Katy West
Holly White
Division of Marine Fisheries

DATE: April 22, 2016

SUBJECT: Northern Regional Advisory Committee Meeting April 7, 2016

The Northern Regional Advisory Committee met at 6 p.m. on Thursday, April 7, 2016 at the Department of Environmental Quality Washington Regional Office. The following attended:

Advisers: Sara Winslow (Chair), Glenn Barnes, Raymond Pugh Jr., Riley Williams, Gilbert Trip, Everett Blake, Keith Bruno, Michael Blanton, Steve Bradshaw, and Jim Rice

Absent: Dell Newman

Staff: Kathy Rawls, Catherine Blum, Michelle Duval, Tina Moore, Jason Rock, Corrin Flora, Trish Murphey, Lee Paramore, Charlton Godwin, Joseph Facendola, Nancy Fish, Steve Murphey, Odell Williams, and Holly White

Public: Jerry Schill, Charles Carawan, Sharon Carawan, Charlie Beasley, Gilbert Baccus, Jimmy Noslos, Dossey Pruden, Chad Hemilright, Carl Mann, Reggie Bishop, Luke Midgett, John Midgett, Forrest Oakes, Eric Brals, Steve Braddy, Gregory Terrance, Jeremy Baccus, Donald Baccus, Chase Baccus, Chris Simpson, Robert Bass, Joey Swanner, Steve Midgette, Lee Morris, Perry Wood Beasley, Lauren Berry, Wayne Burch, Terry Pratt, Jimmy Nobles, Bill Rich, Blaudia Cahoon, Lyle Cahoon, Rusty Poole, Larry Gill, Patrick Clarke, Jerry Warren, Tara Forema, Dennis Foreman, Wiley Van Pelt, Cory Carawan, Calli Carawan, Josh Spencer, Wayne Twiford, Wayne Twiford III, Hunter Stuart, Scott Ankney, Gene Ashton, Kim Fong, Carroll Fong, Cameron Whitaker, Justin Revere, Rick Caton, Brent Fulcher, Jonathan Fulcher, Brian Hodges, John Silver, Zeb Mayo, Josh Halsey, Adam Spencer, Jared Jarvis, Jessica Jarvis, Phil Jethro, Anthony Sawyer, and Harvey Sawyer

An additional 17 members of the public signed in but their names were not legible.

Sara Winslow, serving as chair, called the meeting to order.

DRAFT

MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

Motion by Steve Bradshaw to approve the meeting agenda. Seconded by Jim Rice. Motion passed unanimously.

APPROVAL OF MINUTES

There were two modifications to the April 9, 2015 Northern Regional Advisory Committee meeting minutes:

1. Remove Sara Winslow from the list of Advisers present at the April 9, 2015 meeting.
2. Correct spelling error in the 1st paragraph on page 3. "She also reviewed the environmental factors for both species ~~se~~ as well as the different threats to the environments of both species."

Motion by Jim Rice to approve the April 9, 2015 Northern Regional Advisory Committee meeting minutes with two corrections 1) remove Sara Winslow from the list of Advisers present and 2) correct a spelling error in the 1st paragraph on page 3. Seconded by Everett Blake. Motion passed unanimously.

REVIEW OF THE DRAFT ISSUE PAPER REDUCING SHELLFISH LICENSE OYSTER HARVEST LIMITS STATEWIDE

Joe Facendola, fishery management plan co-lead gave a presentation on the draft issue paper "Reducing Shellfish License Oyster Harvest Limits Statewide." He explained that the Commission at its meeting in February made a motion to reduce the bushel limits on oysters for shellfish license holders to 2 bushels per person/ 4 bushels per vessel statewide. This management strategy (for the entire state as opposed to just the southern area) was not presented to the public therefore the Commission requested that this be presented to the regional committees for their input. Facendola, reviewed the North Carolina Division of Marine Fisheries and committee recommendations as well as the Marine Fisheries Commission motions made at the February meeting.

Facendola provided background on the Shellfish License, described landings and participants data grouped by waterbody of harvest (4 regions), and license holder data grouped into 5 regions by county of residence of license holder. He noted that a license holder may have landings come from multiple harvest regions. He noted that not all license holders sell their catch. The southern region had the highest number of shellfish licenses sold and highest percentage of total licenses sold with trip ticket landings. He noted that some individuals just sell clams. Sixteen percent of the licenses sold show public bottom oyster trips. The number of licenses sold, peaked in 2002 and again in 2011. In 2015, 27 percent of Shellfish License holders' landings had trip ticket landings for oysters off public bottom. The increase in landings in bushels appear to be increasing due to the Shellfish License holders. Annual average number of trips by Shellfish Licenses holders with landings is also increasing. Roughly thirty-nine percent of the public hand harvest oyster trip ticket landings statewide come from Shellfish License Holders fishing in the southern and central areas. In the southern region the number of Standard Commercial Fishing License holders has stayed relatively stable; however, the overall number of participants has increased. Overall, we are seeing a decrease in the number of bushels per trip.

In the central region the Standard Commercial Fishing License participants has remained somewhat steady. There is also a slight decline in the number of bushels per trip in this region as well. In the Pamlico and Northern regions there is relatively small growth in the number of participants. Facendola indicated that the removal of oysters from the Shellfish License would eliminate recreational use of the Shellfish License to land commercial limits of oyster and potentially reduce commercial harvest pressure and impacts (greatest in the southern region). Facendola expressed enforcement concerns as well. He reviewed the three options for the committee to vote on which included: Status quo, reduce the Shellfish License oyster bushel limit to a lower specified amount statewide, and reduce the Shellfish License oyster bushel limit to a specified amount regionally.

Jim Rice pointed out that commercial Shellfish License landings are derived from trip tickets and estimates of recreational landings from Shellfish License holders are not available. He noted that the point of issuing a license is to know who the fishers are so effort and harvest data can be verified. He asked if there were people the Division could talk to in order to estimate their landings (for oysters harvested with a Shellfish License for personal consumption). Facendola replied there is a group of recreational fishers that we can talk to, but for the recreational harvest estimate as a whole we currently do not have a way to calculate that. Keith Bruno clarified that we were only talking about harvest restrictions for Shellfish License holders, not Standard Commercial Fishing License holders. Facendola replied that was correct. Riley Williams wanted to know if the Shellfish License holders were commercial or recreational. Facendola replied that sixteen percent of the licenses sold show public bottom oyster trips.

Keith Bruno said that the fifty dollar Shellfish License promotes black market harvest of oysters. He thought that the issue of harvest limits for Shellfish License holders by region and the removal of oysters from the Shellfish License should be split into two different issues. Jim Rice said that the concern is there is not a cap on harvest for Shellfish License holders and this is effecting oyster harvest from the part of the state with the most Shellfish License holders. Rice pointed out that it will be a lengthy process to remove oysters from the Shellfish License, requiring legislative action. Rice recommended reducing the number of bushels harvested by a Shellfish License holder as an interim measure.

Michael Blanton asked what the recreational harvest allowance is without a Shellfish License. Facendola replied that it is one bushel per day and two bushels per vessel. The discussion moved briefly into enforcement. Jim Rice questioned why there would be a negative associated with regional management for enforcement. Facendola explained that would be due to the boundary separating the regions. Odell Williams, Marine Patrol, clarified that enforcement is based on possession limits. Keith Bruno explained that different possession limits are currently in play for Pamlico Sound oyster dredging operations and did not see where additional burden would be placed on law enforcement if possession limits for Shellfish License holders were split by region.

Everett Blake wanted to know if the Division has looked into requiring annual harvest data from people requesting Shellfish Licenses similar to what WRC requires for game permits, for example Blake provides data to the Wildlife Resource Commission each year that helps him attain a certain license for a duck blind or a permit for the following year. Blake asked if the

Division could require the same data submittal in order to issue an annual license. Jim Rice commented that he has to report what he takes on an annual basis in order to meet the requirements of his scientific collection permit issued by the division. The big argument, Rice notes, with recreational licenses is that you need to know who your user groups are so you can query them whether it's by a phone survey or data reporting as a condition of renewal. He says that it has become increasingly easy to do these queries. Facendola responded that getting oysters put on the recreational marine fishing license has been a challenge, and that it will also require legislative action. Facendola explained that the intent of the Shellfish License was not for use as a recreational license. Rice questioned that comment noting that the price of the license is only fifty dollars.

Keith Bruno made a motion to advise the Marine Fisheries Commission to get the legislative action together to remove oysters from the Shellfish License. He recommended that the harvest of oysters be defined by user groups as commercial and recreational. Harvest by each user group should be monitored in order collect information on harvest. The motion was seconded by Jim Rice.

Nancy Fish clarified that the Commission has already voted on this issue and they are only requesting input on to reduce the possession limit for oysters for Shellfish License holders statewide or only in the southern region (south of the 58 bridge). Tina Moore also clarified that the Committee had made a similar motion in December. Rice said that the Commission could choose to ignore the motion, as they frequently do, and this Committee works to provide the Commission with more information than they request.

The motion passed unanimously.

Riley Williams made a motion to support Option 3, reducing the possession limit for Shellfish License holder south of the 58 bridge to 2 bushels per person and 4 per vessel. Everett Blake seconded the motion.

Blanton requests that the possession limit for shellfish holders be enforced statewide in order to prevent overharvest in the northern region. He believes that this would make it fair across the board. The Shellfish License holders with commercial landings could work towards obtaining a commercial license.

Michael Blanton made a substitute motion of the motion by Riley Williams to advise the Marine Fisheries Commission to adopt a statewide possession limit of 2 bushels per person not to exceed 4 bushels per vessel for Shellfish License holders harvesting oysters from public bottom (consistent with the commission motion passed at the February 2016 meeting). The motion was seconded by Everett Blake. The motion passed, 9-1.

PUBLIC COMMENT

Gene Ashton, asked how you can regulate the numbers of something that you don't have actual numbers of, in relation to numbers of oysters harvested by the Shellfish License holders. Mr. Ashton suggested to make Shellfish License holders call in harvest, similar to what you have to do when you kill a deer. Mr. Ashton wants to see the data collected before actions are taken.

Facendola replied that the harvest estimates we have are derived from trip tickets, if harvested recreationally or for personal consumption we do not know the amounts. Facendola noted a decline in the number of bushels landed per trip as participation and the number of licenses sold increases, illustrates that there is a problem. He also stated that the division has a long-term goal of creating a fishery independent index of oyster abundance.

Jerry Schill, North Carolina Fisheries Association, requested mirroring what the Southern Regional Advisory Committee recommendation to implement specific restrictions on Shellfish License holders south of the 58 bridge, not state wide.

RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR THE SHELLFISH LICENSE

Keith Bruno made a motion to advise the Marine Fisheries Commission to get the legislative action together to remove oysters from the Shellfish License. He recommended that the harvest of oysters be defined by user groups as commercial and recreational. Harvest of by each user group should be monitored in order collect information on harvest. The motion was seconded by Jim Rice. The motion passed unanimously.

Riley Williams made a motion to advise the Marine Fisheries Commission to adopt a statewide possession limit of 2 bushels per person not to exceed 4 bushels per vessel for Shellfish License holders harvesting oysters from public bottom (consistent with the commission motion passed at the February 2016 meeting). The motion was seconded by Everett Blake. The motion carries 9-1.

REVIEW OF BLUE CRAB TRAFFIC LIGHT AND MANAGEMENT MEASURES

Jason Rock, Blue Crab fishery management plan co-lead gave an overview of the Blue Crab Traffic Light. He described the difference between qualitative and quantitative indicators as well as what the colors of the traffic light mean. Rock indicated that the Traffic Light was implemented in 2013 with Amendment 2 of the Blue Crab Fishery Management Plan. He described the indicators, management thresholds and management levels as well as the management triggers. He described the three year timeframe, noting that the timeframe was set in the Fishery Management Plan by the commission (and recommended by Division) to account of annual variability as well as providing safeguards for the stock. The adult abundance was tripped in 2015, reaching the 50 percent threshold. This was the third consecutive year that adult abundance was exceeded. The recruit abundance was also tripped in 2015 (75 percent threshold); this was the fifth consecutive year. The production trigger was not tripped in 2015 (44 percent Red).

Michael Blanton started off the discussion asking Jason Rock to clarify what the traffic light colors red, yellow, and green mean. He indicated (pointing to the crowd) that they do not understand where the colors fall concerning abundance estimates. Rock went through each of the indicators and described surveys incorporated, base years, and scaling used for each in order to qualify as red, yellow, or green. Blanton asked for further clarification of the traffic light indicators. Rock explained broadly that the Division conducts surveys and we compare our catch number or length frequencies to an average number from the set of base years (1987-2009). Rock additionally explained for any given year, that a bar would be 100% yellow if the number is

equal to the average for the base years. If the number is above the average the amount of yellow would decrease and the amount of green would increase. If the number is below the average the yellow would decrease and the red would increase.

Keith Bruno asked how the Division collected the numbers to put into the model to get the colors. He wanted to know who collected the samples and how they were collected. Rock explained that most of the numbers come from the different trawl surveys that the Division carries out. Sara Winslow explained that the data are collected from standardized sampling programs with set stations, and set periods of time that have been prosecuted from 1987 until present. Depending on the survey, the station location is fixed or random. This is also just surveys relative to recruits. Bruno moved the discussion on to how other data is collected, and used the example of the independent gillnet survey that is a random sample in areas where commercial fishermen do not work because of little to no catches. Winslow explained that many of the surveys, using the example of the Divisions' Program 120 sampling, are conducted in designated nursery areas. Steve Bradshaw asked if the surveys were conducted at the same time every year. Rock responded that they were.

Bruno moved the discussion back to the types of surveys other than drag/trawl. Rock explained that the Division uses different trawl surveys as well as commercial fish house sampling. Bruno explained that when staff are at his fish house he doesn't want them measuring the Jimmy crabs because they are worth the most money and are very fragile but he does allow them to measure Culls and Sooks. He asked if that would skew the results of the fish house data. Rock explained for the traffic light, the length at 50% maturity, is looking at the commercial female crabs. Blanton said that you cannot age a blue crab and the only thing that they have to go off of is the female whether it is mature of immature. Bruno then asked how the Division is calculating relative abundance. Rock explained that only data from the trawl surveys are used for that estimate.

Bruno described the crab harvest over the past two years. He said that two years ago crabs were terrible. Last spring crabbing was slow, but the week before the fourth of July the crabs started to show up in North Carolina, Virginia, and Maryland. He asked where those crabs came from because the data didn't show that they were there. He also said that the landings were not as high as they could have been because the markets were so flooded that the fish houses could only buy crabs a few days per week. He thinks that these lay days could have accounted for another 500,000 to 1,000,000 pounds. He has a hard time wrapping his head around the presentation because of what he has seen in the crab harvest at his fish house. He also said that with the increased gill net regulations, more crab pots have shown up in the water.

Everett Blake noted that there is a lot of red on the graphs but he does not see the relation in the landings or production. He said that for him personally he has caught more recreational crabs last year than he has in the past two years. Raymond Pugh echoed that commercial trip tickets from Dare County show that they are catching so many crabs that they cannot get rid of them. He just cannot see where there is a shortage of crabs. Bruno asked if there is any chance that the Division is wrong. Rock replied that there is always a chance. Rock also pointed out that the management plan requires that the Marine Fisheries Commission do something but does not specify what they have to do.

Bruno suggested that the (Northern) Advisory Committee send a strong message to the Commission that the sky is not falling in the crab industry. Winslow advised that regardless of what this Committee advises to the Commission, that each of the public in attendance should attend the next Commission meeting and comment.

Riley Williams commented that there is difference in someone that gets paid per hour to collect this data and someone that relies on it for their living. Williams personally does not feel comfortable with the Divisions numbers. If he was shown how many times we sampled and when we sampled then the colors would make more sense to him. Winslow explained that all of this information is contained in the Fishery Management Plan for Blue Crab. Williams questioned if it was done as it is outlined. Winslow replied that it was.

Blake asked if the Division could move to pot sampling. Blanton said that he has no faith in a summer trawl survey. He said that when these surveys are conducted crabs are extremely active, swimming fast, have a higher metabolism, and increased environmental factors (hypoxic or dead water) effect catch. He does not feel that a trawl is the correct method to survey crabs in the middle of the summer. He supports a winter dredge survey of dormant crabs. He feels that this is a better way to survey crabs. He said the summer trawl surveys are designed for finfish not crabs. Blanton requested that the committee ask the Commission to change the surveys used for crabs.

Jim Rice asked Rock if the Division collects water quality data at the sampling sites. Rock replied that they did. Rice asked if the Division ruled out data if there is evidence of hypoxic conditions at the site. Rock replied no. Winslow also pointed out that the surveys are conducted from March through October, not just during the summer.

Next Rock went through the Traffic Light Adaptive Management Measures (moderate and elevated for the adult and recruit abundances). Rock gave examples of what type of management measures could fall under the broad category. One option would be to increase the minimum size limit for male and immature female crabs. In doing so, going to 5.25 inches would be an estimated 35 percent reduction in landings (0 percent culling tolerance, 5 percent in rule). Going to 5.75 inches would give an estimated 52 percent reduction. Going to 6 inches, would be roughly a 69 percent reduction. Recoupment would be likely happen as crabs grow.

Another option would be to eliminate the harvest of v-apron crabs, immature hard crab females; however, this would have minimum reductions and recoupment would likely happen as crabs grow. Reducing the tolerance of sublegal crabs to a minimum of 5 percent, would have minimal reductions.

Moderate management measures also include removing escape ring exemptions for eastern Pamlico Sound and Newport River. Increasing the cull rings to 2 3/8 – 2 ½. Rock indicated that two studies looked at cull ring size and how it affected catch. The first study, catch rate of sublegal males was reduced by increasing cull ring size, legal males and mature females were maintained, body length of minimally legal male crabs was not less than the current minimum cull ring size.

Another gear modification would increase number of cull rings from 2 per pot. Rock also noted that it could be required that the cull ring be located near the floor of the upper chamber; 60 percent of sublegal crabs escaped in the first hour.

An adaptive management measure (recruit moderate) such as establishing a seasonal size limit on peeler crabs is another option. Establishing a 3.25 inch minimum size would yield roughly a 4.8 percent reduction, going up to 3.75 minimum size would yield roughly a 19 percent reduction. Another management measure would be to restrict trip level harvest of sponge crabs (tolerance quantity, sponge color). The committee could also chose to close crab spawning sanctuaries from September 1 through February 28 (now March 1 through August 31). Rock indicated that the sanctuaries are mostly in the northern part of the state. Another option is prohibiting the harvest of sponge crabs. The largest impact would be the Pamlico area, statewide it would be roughly a three percent reduction. Eastern Pamlico Sound would be impacted the hardest. This measure would require sponge crab excluders in specific areas. Rock noted that once eggs are damaged, the crabs typically release the eggs as some studies have indicated. Another management option would be to expand the existing and/or expand new crab spawning sanctuaries. The size of the new sanctuaries would vary with inlet size.

The harvest with dredges (currently around Oregon Inlet) could also be limited. Rock noted that the dredge landings mostly have been coming from oyster dredges (~2k lbs. /year). Another option would be to move the crab trawls back to the shrimp trawl lines in Pamlico and Neuse rivers; moving down toward the mouth of the rivers. Season closures are another adaptive management option for the recruit elevated scenario, closures could occur during periods where a lot of are sponge crabs are present in April and May (based on fish house data). Other season closures include (also related to peak sponge crab abundance). Gear modifications in the crab trawl fishery include increasing the tail bag minimum mesh to four inches statewide and also falls in the recruit elevated category. Some studies have shown a reduction in the number of sublegal crabs as you increase tail bag mesh size. Rock asked the committee to consider all the options listed and noted the members could also present options not listed.

Blake verified that because all of the traffic lights have been triggered the Commission has to do something. Rock replied that was correct but the severity of action is not defined in the FMP. Gilbert Trip said since something has to be done, the Committee should recommend the maximum reduction at a minimum expenditure to the commercial fishermen. Bruno partially agrees with the Trips' statement but does not think there needs to be a reduction, status quo is the least burdensome on the fishermen. Bruno recommends eliminating the possession of V-apron (immature female) hard blue crabs. He thinks that even though they would require more time culling they are easy to identify and remove. Additionally, he says that the crab is not worth as much so culling these V-aprons will not hurt the bottom line. Pugh asked about sponge crabs. Rock stated that Virginia only allows harvest of orange or yellow sponge (prohibit black and brown seasonally) whereas North Carolina allows harvest of all sponge colors.

The discussion moved to crab landings. Winslow stated that crab landings have remained relatively stable over the last five or six years, and Bruno added that landings had increased in the past three. Winslow continued that effort has increased due to attrition in the gill net fishery. Winslow said that if the population is growing and increasing the harvest would increase because

the fishing effort is increasing. Bruno contributed some of this to new crab fishermen not being familiar with crabbing, because they were from another commercial industry and also to the market being flooded (lay days).

Williams wanted to know if prohibiting the possession of V-apron crabs would mean no red or white line crabs. He also added that at this point in the season, adding any management measure involving cull rings would be burdensome to the fishermen. Rock said that he thought a cull ring management measure would not be implemented until next year because of the burden to the fishermen to modify pots.

Blake asked Bruno if the crab trawl line and shrimp trawl line could be the same. Bruno didn't know many crab trawlers, so he couldn't comment but he knew that a lot of fishermen trawl out of Engelhard, North Carolina during the spring/late winter. Blake thought that since the trawl numbers were low then that could be a management measure to entertain. Blanton then asked Rock what the Southern Advisory Committee recommended. Rock replied that the Southern advisory committee recommended 1) reducing the cull tolerance to 5% and gear modification but did not specify the type of modification, and 2) prohibiting the harvest of V-apron and black sponge crabs.

Pugh asked when crabs spawn. Rock replied they spawn from the spring through the fall, peak spawn is in spring.

Bruno wants the Committee to word something that says that we have so many conflicting reports of crab abundance as compared to the Divisions crab reduction. As a Committee we could not possibly recommend anything in good faith to do to crabs. Rice stated that the Commission is going to do something and that we have the opportunity to present something to influence them and possibly minimize the reductions. Bruno is only comfortable with recommending prohibiting V-aprons. Blake says that prohibiting V-aprons would help recruitment and suggest that we need to explore additional data gathering measures. Williams wants to clarify at what point are they going to identify immature crabs. Blanton recommends adding "hard crab".

Blanton said the percent of trips over the culling tolerance level is an issue. He thinks that crabbers need to fix the percent of trips over the current tolerance threshold of 10% and supports a 5% culling tolerance. He thinks that using a cull box will help. He said that the Committee needs to make a strong recommendation because the Commission will. Blanton also supports adding cull rings or changing the location of cull rings. The discussion moved to cull ring placement and phasing it in over a period of time. Most fishermen agreed that location of the ring makes a difference.

Keith Bruno made a motion to recommend the Commission prohibit the harvest of V-apron crabs, consistent with moderate management measure option A3 and keep a 10% cull tolerance across the board. Everett Blake seconded the motion.

Blanton does not support this motion because it is not enough of a reduction for the Commission.

The motion carried 9-1.

Bruno wanted to create a motion that would request the Division re-tool the surveys used for blue crab management. Rice explained that most fisheries do not have as substantial of a data set as the blue crab. He said that twenty years was a substantial amount of time. If this data isn't adequate then he recommended to the crabbers to suggest what would be. Bruno said that the Division needs to look into a winter dredge survey. Rice said that everything was fine with the data until something was a problem. Bruno stated that nobody cared about the data until there was a problem and then they didn't support the data.

Keith Bruno made a motion to recommend the commission investigate re-tooling the data collection system for the blue crab industry and work with the industry to identify a more appropriate sampling approach (ex. winter dredge survey). Riley Williams seconded the motion. The motion passed unanimously.

Michael Blanton made a motion to recommend the commission implement a 5% culling tolerance, eliminate the harvest of V-apron hard crabs, and add two additional cull rings. Glen Barnes seconded the motion.

Steve Bradshaw made a motion to amend the current motion to add install at least one cull ring within 1 full mesh of the bottom of the apron/stairs of the upper chamber of the pot, effective January 15, 2017.

> **Amended motion to recommend the commission implement a 5% culling tolerance, eliminate the harvest of V-apron hard crabs, and add two additional cull rings. Install at least one cull ring within 1 full mesh of the bottom of the apron/stairs of the upper chamber of the pot, effective January 15, 2017.**

Trip asked if there would be a size to the cull ring. Blanton responded that the cull ring would be phased in. Bruno does not see how we can vote this one in when we already have the 10% voted in and if both pass this it sends a mixed message to the Commission.

The motion failed, with a tied vote of 5-5.

Steve Bradshaw made a motion to add two additional cull rings with at least one cull ring within 1 full mesh of the bottom of the apron/stairs of the upper chamber of the pot, effective January 16, 2017. Jim Rice seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

Dave Futrell, commercial crabber in Pamlico River, he questioned the Divisions lack of confidence with the data and using this data to implement management measures on blue crabs. He thinks that 1) sporadic weather events, 2) most crabbers are not trawlers, and 3) we have a good collection of data with trip ticket system. He thinks that the data we have across the state looks good and doesn't show a problem. He doesn't understand why we are using survey data we are not confident with to enact management measures.

Charlie Beasley, Dealer (OBX Seafood), he said that just a few crabbers (10) caught millions of dollars' worth of blue crabs from the Pamlico Sound since November of 2015, trip ticket data will show you. He described that the shed starts in Albemarle Sound in May. They catch them in June (females) and they become dormant in July. Sometime around mid-August they just reappear. In 2015, in the first of August the crabs appeared and had another shed, he set his peeler pots. Talking to the guys around the dock he said that they were going to have a big fall in 2015. Last fall in one day Wanchese said they sent 2,500 bushels north in one day. In Engelhard, the crab house was buying 380, 100 pound crates per day and was having to turn guys away. He moved his pots to Hatteras Inlet in November, and they work the flood tide and water temperature at 43 degrees. The set their pots along that temperature mark through February. A lot of crabbers depend on crabbing around Hatteras Inlet in the winter, if crabbing in that sanctuary was restricted it would affect many people that are making their living on the crabs coming in the inlet.

Jerry Warren, wanted to talk about data on page 23 of the division website (he did not clarify what document he was referring to on the division website), referring to the annual number of license holders. He recalled the number of license issued and the number of licenses used and by how many participants from 2000 to present. He said that the number of crabbers are not increasing. Mr. Warren then read a letter from his boss **Wayne Dunbar**, commercial crabber, he has been crabbing for 38 years. He requested recreational fishermen be able to keep 1 red drum over 28 inches. He thinks that the cownose ray population increase is effecting the harvest of crabs. He opposes size limits on peelers, reducing tolerance of sub-legal crabs, expanding spawning sanctuaries, closed seasons. He supports eliminating V-apron possession (excluding pink and red line crabs).

Gene Ashton, says that crabbers have changed the fishing practice from quantity to quality. They target high dollar crabs. When picking houses closed, the demand for quantity moved to target value. He then asked the average age of the staff conducting the survey, saying that the majority were in their 20's. Adviser Winslow said that the staff member age conducting the survey ranges from 20 to 60 years old.

Jimmy Nobles, commercial crabber Pamlico River, he said that the management measures presented is not what the Blue Crab Plan Development Team discussed. He said that there are a definite number of crabs and the more pots that are put out means that there are just more people sharing the crabs. He also advised that all public present should go to the Commission meeting.

Gilbert Baccus, he says that we can't control the crab and has issues with the staff conducting the study. Some years you catch hardly anything and other years with abundance. Environmental factors effect catch and crab pots are easy to find, for purchase, this year. Usually you are calling around to find crab pots for purchase and now people are calling asking how many do you want to buy. It's an expensive venture to get in.

Paul Bule, recommended amending the fishery management plan for blue crab, resending the traffic light management for blue crab and returning to a total allowable catch based on the three high years of production (1996-1998).

David Gallop, commercial crabber in Columbia, believes that the surveys have large gaps in them because the surveys have changed a lot. He thinks that crabs are migrating a lot later and thinks that the data is not good except for the trip ticket landings. He does not support a 5% cull tolerance, not in favor of prohibiting V-aprons without a 1% cull tolerance. He wants the management process improved.

Jerry Schill, North Carolina Fisheries Association, there were 45 crab processing plants in 1987 and about 6 today. Things have changed with the inability to move from fishery to fishery. North Carolina used to brag about how diverse our fishery was. The diversity was also a conservation component. There were people that got into crab fishing because they were forced out of what they did before for economic reason, now it's because of regulations. The informal recommendation from the North Carolina Fisheries Association would be to mirror the Southern Advisory Committees recommendation.

Perry Wood Beasley, North Carolina Watermen United, he says the crab fishery is sustainable. He does not trust the data or samples. He said that division said that was a problem with recruit in 2006 and in 2008 they caught a lot of crabs. Currently, there are 1,109 crabbers in the state now and only 3% of the crab harvest is from sponge crabs. He says that there have been more crabs caught with less crabbers. He asked for how many test sites we have for samples, he checked and it was 104. He said that he gets reports of bad techniques. He recommends including water quality in management. He recommends a commercial team, with grant funds, that gets paid to troll beside us with crab trawl gear not mongoose nets to catch crabs not finfish. He supports prohibiting V-aprons because they have no meat and are illegal to sell up the road.

Terry Pratt, commercial fishermen, doesn't trust the data or stop light method. He recommends that the Committee request that the Commission revisit the management of blue crabs with the stop light method. He requests a method that is more representative of the real world.

Watson Stewart, commercial crabber, thinks that he is raising the little crabs because they feed off of the bait in the pots and use the pots for shelter from predators. He doesn't understand the trip ticket system. When you have lay days due to harvest in other states or flooded markets. How do you get crab loss when you cannot work? The crabs are there but you can't catch them.

Lauren Berry, commercial crabber, do we take out outliers from the data. Rock replied that we would remove outliers. She was referencing the old assessment where the increase jumped dramatically. She also said that in the literature it says that it takes a crab 60 seconds to get out of the pot. She attributed that time to them feeding. She supports a grant to grow crabs in the shedders for release into a hatchery.

Forrest Oaks, commercial crabber in Columbia, says if we don't recommend some the Commission will do it for us.

Mandy Hooper, thinks it's time to ask the commission to look at a water quality and predators to the stock.

RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR BLUE CRAB MANGEMENT MEASURES

Keith Bruno made a motion to recommend to prohibit the harvest of V-apron crabs, consistent with moderate management measure option A2 and keep a 10% cull tolerance across the board. Everett Blake seconded the motion. The motion carried 9-1.

Keith Bruno made a motion to recommend the commission investigate re-tooling the data collection system for the blue crab industry and work with the industry to identify a more appropriate sampling approach (ex. winter dredge surveys). Riley Williams seconded the motion. The motion passed unanimously.

Steve Bradshaw made a motion to add two additional cull rings with at least one cull ring within 1 full mesh of the bottom of the apron/stairs of the upper chamber of the pot, effective January 16, 2017. Jim Rice seconded the motion. The motion passed unanimously.

NATIONAL MARINE FISHERIES SERVICE 2016 RECREATIONAL COBIA SEASON

Michelle Duval, Executive Assistant for Councils gave an overview of the NOAA Fisheries 2016 Recreational Cobia season. Duval reviewed the Coastal Migratory Pelagic Amendment 20B and the event that led up to the June 20th closure. The presentation gave details of recreational harvest as well as additional information on size limit and bag limits and how they may prolong the season.

Since 1993, the fishery has been managed by NOAA. Duval described the catch limits and accountability measures. Noting that there are now two stocks of cobia; only one stock was identified in the old assessment. The average weight of fish has risen from 2013-2015. Duval also noted that there were targeted trips in 2015. Most recreational trips only had one fish and most all trips had fish greater than the minimum size of 33 inches fork length. The seasonal distribution of the landings are different for each state. North Carolina peaks in May/June, Virginia peaks in July/August. Overall the percent of landings and total number of pounds increased for all states; however, the percentages varied by state. The majority of harvest comes from private boats sight casting. In 2015, 82 percent of the harvest has occurred in state waters.

Next Duval reviewed the federal statutory requirements (annual catch limits, accountability measures, and averages used to determine annual catch limits). If only 2013 landings were used she noted that the fishery would close June 27. With one fish bag limit (commission recommendation), closure date would have be June 29. Duval noted that different years lead to different closure dates. This year NOAA choose to use the 2013-15 average, thus the June 20th closure date. The MFC requested that NOAA look at how an increase in size limit and lowering the vessel limit will affect the closure date. A May 23 start date was used for North Carolina. The date at which regulatory changes takes place really effects the days gained.

NOAA also looked at a combination of the two (vessel and size limits). Duval noted that whether you went with one or two fish that it really did not expand the fishery by much. A three fish vessel limit, would max out the season to June 30. NOAA used a May 1st start date for the North Carolina and Virginia combined analysis. If North Carolina puts regulations in before May

23 and Virginia puts regulation in before May 1, we could go to a 40 inch size limit with a two vessel limit and fish until July 3rd.

Next Duval reviewed the purpose of the interjurisdictional fishery management plan, describing the management measures in state waters. Duval noted that North Carolina can implement more strict measures or the state can challenge the federal measure with a simple majority. Next Duval reviewed the MFC Cobia management options, giving the pro and cons. Duval also noted that regardless of the option that the commission chooses, they may still want to appoint a compliance advisory panel. Next Duval reviewed the timeline (upcoming federal and state meetings) and asked for recommendations for the 2016 recreational cobia season.

Bradshaw said that based on the data everything was fine with cobia and the size of fish were increasing. They (NOAA Fisheries) even say that cobia are not being overfished. Rice wanted to know what the allowable catch target was before it was adjusted. Duval replied that it was 1.4 million pounds when Florida was included in the biological boundary, but now the boundary has been moved to the GA/FL boarder. Rice asked if we have information on size at age (sexual maturity). Duval replied that cobia are sexually mature at 31 inches. Winslow supports working with Virginia to extend the cobia season.

Duval told the Committee that the Southern Advisory Committee voted to complement the federal closure of June 20 in state waters.

Trip recommended to keep the current cobia minimum size limit at 2 fish per person until the ACL is met. Duval described the 45 day lag period in wave data, so it would be difficult to track when the ACL was met. Blake asked what the ramifications were for non-compliance. Duval said that we could end up with a shorter 2017 season because the quota would be recalculated for overharvest.

Everett Blake made a motion to recommend the Commission maintain the current minimum size limit (33 inches) and one fish per person possession limit through June 20, 2016. After June 20, 2016 implement a two fish per vessel possession limit, becoming out of compliance with Federal Regulations. Jim Rice seconded the motion. The motion carried 9-1.

Everett Blake made a motion to recommend that the Commission appoint a compliance advisory panel to help the North Carolina fishermen recoup the reduction in pound of allowable catch from the cobia reduction. Keith Bruno seconded.

Blake withdrew this motion, allowed by Keith Bruno.

Everett Blake made a motion to recommend the Commission request NOAA Fisheries reconsider the biological boundary between the Gulf and Atlantic cobia stocks. Steve Bradshaw seconded the motion. Motion carries unanimously.

PUBLIC COMMENT

Rick Caton, commercial fishermen from Hatteras, has been in the cobia fishery since he was 18 years old and is 58 years old now. He has problems with the numbers and pounds harvested in the presentation. If cobia is not overfished with no overfishing then why are we doing anything. Ocracoke, Hatteras, Oregon Inlet are big players in the cobia fishery. He has never been interviewed by an MRIP sampler for cobia in all of his years of fishing. He wants an updated economic impact statement. In the last 9 years he saw more cobia spawning. He wants to know if that is taken into account. He says that a vessel limit of 2 does not support their fishery. He supports in going out of compliance with the federal government and rising the size limit to between 37 or 40 inches. He opposes the captain and mate being excluded from the vessel possession limit.

Bill Gorham, passed out materials about the cobia reduction. He said that Virginia is being treated unfairly because they had no members working on the South Atlantic Amendments 18 and 20 that effects cobia. He also talked about discrepancies in minutes from previous South Atlantic Fishery Management Council Statistical Science Committee meetings concerning cobia. He supported going out of compliance with the federal regulations and need for additional data.

Cameron Whitaker, commercial fisherman from Hatteras, said he has never been sampled for and MRIP survey. He supports the state going out of compliance with the SAFMC.

RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR 2016 RECREATIONAL COBIA SEASON

Everett Blake made a motion to recommend the Commission maintain the current minimum size limit (33 inches) and one fish per person possession limit through June 20, 2016. After June 20, 2016 implement a two fish per vessel possession limit, becoming out of compliance with Federal Regulations. Jim Rice seconded the motion. The motion carried 9-1.

Everett Blake made a motion to recommend the Commission request NOAA Fisheries reconsider the biological boundary between the Gulf and Atlantic cobia stocks. Steve Bradshaw seconded the motion. Motion carries unanimously.

The Meeting adjourned at 11:00 p.m.

Enclosures

Cc:	Catherine Blum	Jess Hawkins	Gerry Smith
	Mike Bulleri	Dee Lupton	District Managers
	Scott Conklin	Nancy Marlette	Committee Staff Members
	Dick Brame	Katie Mills	Marine Patrol Captains
	Braxton Davis	Phillip Reynolds	Section Chiefs
	Charlotte Dexter	Jerry Schill	

Marine Fisheries
ENVIRONMENTAL QUALITY

PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

BRAXTON DAVIS
Director

MEMORANDUM

TO: Marine Fisheries Commission
Southern Regional Advisory Committee

FROM: Trish Murphey
Chris Stewart
Division of Marine Fisheries

DATE: Apr. 25, 2016

SUBJECT: Southern Regional Advisory Committee Meeting

The Southern Regional Advisory Committee met at 5:30 p.m. on Wed. Apr. 6, 2016 at the Division of Marine Fisheries Central District Office, 5285 Highway 70W, Morehead City. The following attended:

Advisers: Charles Griffin, Pam Morris, Ron McPherson, Chris Medlin, Randy Proctor, Bob Lorenz

Absent: Fred Scharf, Tom Smith, Amy Dickson, Phillip Smith, Chris Hunt

MFC: Chairman Sammy Corbett and Alison Willis

Staff: Trish Murphey, Chris Stewart, Kathy Rawls, Joe Facendola, Jason Rock, Michelle Duval, Tina Moore, Forrest Nelson, Corrin Flora, Nancy Fish, Catherine Blum, Carter Witten, Gary Wright

Public: David Bush, Brent Fulcher, Federico Creekmore, Glen Skinner, Wayne Dunbar, Ken Seigler, Charlie Renda, Jr., Michael Shutak, Carolyn Wood, Dale Seaford, Cathy Fulcher, Andrea O'Neal, Steve Weeks, Charlie Renda, Jan Willis, Lauren Salter

Pam Morris, serving as chair, called the meeting to order. Morris reminded the audience that this committee provides advice to the Marine Fisheries Commission and that this committee does not make rules. She reminded the public to sign up to speak.

MODICATION TO THE AGENDA

No motion was made to approve or modify the agenda.

APPROVAL OF MINUTES

DRAFT

Randy Proctor made a motion to approve the Dec. 21, 2015 minutes. The motion was seconded by Charles Griffin. The motion passed unanimously.

REVIEW OF THE DRAFT ISSUE PAPER REDUCING SHELLFISH LICENSE OYSTER HARVEST LIMITS STATEWIDE

Joe Facendola, Fisheries Management Plan co-lead gave a presentation on the draft issue paper "Reducing Shellfish License Oyster Harvest Limits Statewide. He explained that the commission at its meeting in February made a motion to reduce the bushel limits on oysters for shellfish license holders to 2 bushels per person/ 4 bushels per vessel statewide. This management strategy was not presented to the public therefore the commission requested that this be presented to the regional committees for their input. Facendola reviewed the Division and Advisory Committee recommendations as well as the Marine Fisheries Commission motions made at the February meeting. Facendola provided background on the Shellfish License, described landings and participants data grouped by waterbody of harvest (four regions) and license holder data grouped into five regions by county of residence of license holder. He noted that a license holder may have landings come from multiple harvest regions and that not all license holders sell their catch. The southern region had the highest number of shellfish licenses sold and highest percentage of total licenses sold with trip ticket landings. He noted that some individuals just sell clams with a shellfish license. Sixteen percent of the licenses sold show public bottom oyster trips, 32 percent show landings for any shellfish species. The number of licenses sold, peaked in 2002 and again in 2011. In 2015, 27 percent of shellfish licenses holders had trip ticket landings for oyster off public bottom. The increase in landings in bushels seem to be increasing due to the Shellfish License holders. Annual average number of trips by Shellfish Licenses holders with landings is also increasing. Roughly 39 percent of the public hand harvest oyster trip ticket landings statewide come from shellfish license holders fishing in the southern and central areas. In the southern region the number of Standard Commercial Fishing License holders have stayed relatively stable; however, the overall number of participants has increased. Overall, we are seeing a decrease in the number of bushels per trip. In the central region the Standard Commercial Fishing License participants has remained somewhat steady. There is a slight decline in the number of bushels per trip in this region as well. In the Pamlico and Northern regions there is relatively small growth in the number of participants. Facendola indicated that the removal of oysters from the shellfish license would eliminate recreational use of the Shellfish License to land commercial limits of oyster and potentially reduce commercial harvest pressure and impacts which is greatest in the southern region. Facendola expressed enforcement concerns as well. He reviewed the three options for the committee to vote on which included: Status quo, reduce the Shellfish License oyster bushel limit to a lower specified amount statewide, and reduce the Shellfish License oyster bushel limit to a specified amount regionally.

Bob Lorenz asked why the shellfish license was originally established. Morris indicated that it was done to benefit shell fish lease participants who had others working their leases. Lorenz asked if 39 percent was really all recreational. Facendola, indicated that the 30 percent in the southern region was just the percent of the total hand harvest oyster landings from shellfish license holders. Lorenz asked if you remove oyster, what could be harvested. Facendola indicated, scallops and clams. Chris Medlin, noted that people in his area typically got the license because they were going through hard times. He added that most do not have boats and he would

hate to see these guys pushed out. Lorenz asked if it made more sense to get a true count of the numbers oysters taken and maybe not knock out the recreational guys. Morris indicated that if you have paid for a license and have not used it; taking it away is not right. Nancy Fish, Marine Fisheries Commission liaison clarified that the commission is asking the committees to comment on if they should extend the two bushel limit statewide verses south of the Highway 58 Bridge. Morris indicated the commission chose not to go with what the Oyster/Clam Fishery Management Plan Advisory Committee decided when first asked and that her opinion has not changed. Tina Moore, Fisheries Management Plan co-lead reminded the committee of the motions made at their last meeting in December. She noted that they voted to eliminate oysters from the shellfish license and that they did not vote on the two bushel limit in the south. Moore also indicated that they voted to expand sampling as well.

Facendola next reviewed the pros and cons of each option. Lorenz asked if we could manage oysters like what is done with crabs (i.e., traffic light), noting the southern region of the state would likely have a red light, the central a yellow and both the Pamlico and northern areas a green light. He felt that option 3 would be best. Asking, why penalize everyone if the problem is localized in the southern region. Morris agreed and noted that what the original committee motion went with something along those lines.

PUBLIC COMMENT

No public comment

RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR THE SHELLFISH LICENSE

Bob Lorenz made a motion to support option 3 (Reduce the Shellfish License oyster bushel limit to a specified amount regionally) that reduces the southern region defined as south of the Highway 58 Bridge to two bushels per license (four bushels per vessel). The motion was seconded by Chris Medlin. The motion passed unanimously.

REVIEW OF BLUE CRAB TRAFFIC LIGHT AND MANAGEMENT MEASURES

Jason Rock, Blue Crab fishery management plan co-lead gave an overview of the Blue Crab Traffic Light. He gave a description of the difference between qualitative and quantitative indicators as well as what the colors of the traffic light mean. Rock indicated that the Traffic Light was implement in 2013 with Amendment 2 of the Blue Crab fishery management plan. He described the indicators, management thresholds and management levels as well as the management triggers. He described the three year timeframe, noting that the timeframe was set by the commission (and recommended by Division) to account of annual variability as well as providing safeguards for the stock. The adult abundance was tripped in 2015, reaching the 50 percent threshold. This was the third consecutive year that adult abundance was exceeded. The recruit abundance was also tripped in 2015 (75 percent threshold); this was the fifth consecutive year. The production trigger was not tripped in 2015 (44 percent Red). Next Rock reviewed the individual indicators for each component of the traffic light. Rock finished the presentation by showing how the traffic light tracked with the commercial hard crab landings 1987-2015.

Chris Medlin asked what changed from 1996-97. Rock indicated that there were several hurricanes; however, as of late we have not had too many. Morris asked if the division factored in the reduced number of commercial fishermen in the analysis. Rock indicated that effort data is not factored in; however, he did look at it. Rock noted that effort, number of trips, number of pots has remained stable for the last 10 years. Morris asked about independent data. Rock indicated the data comes from independent survey data. Morris asked if the 1990s were taken into account. Rock indicated that during the 1990s there were more trips; however, the number of pots was not as high. Morris noted that in the 1990s people were fishing over 2,000 pots each and indicated that there is much less effort in Core Sound now. She wanted to be sure that we are not penalizing crab fishermen because of biased data. Rock noted that when there was more effort there was more green years in the traffic light. However, landings data are not part of the traffic light and that they do not influence the results. Lorenz noted that he saw in the National Fishermen that 3 million plus pounds of blue crabs were harvested last year; the second biggest harvest in the last few years. He was under the impression that things were good. Rock indicated that the landings are half what they were in the 1990s; however, last year was a good year. Medlin noted that fishermen in his area have indicated that there has been a decline and that they suggest we eliminate sponge crabs, limit pots to 200-300 per fishermen, make Rich/Banks Channel a sanctuary, close south of Core Sound in February, and get more ghost pots out of the water. Medlin noted that this only represents the thoughts of fishermen in the Surf City / Topsail area. Both Lorenz and Medlin questioned why we still allow the harvest of sponge crabs. Morris indicated that in the 1950s a law was put in place to stop taking sponge crabs. Later this was rescinded, because the female crabs settle in grass beds and the scientists at the time indicated that only three crabs could support the fishery. Harvest in the Outer Banks would be severely limited if sponge crabs could not be harvested. Commission Chair Sammy Corbett wanted to clarify that the pot clean up lasted 11 days in the southern portion of the state and that no ghost pots were found following the end of the season; noting that he and Louis Daniel, Past Director, went out and could not find any along the ICW. Commissioner Corbett also commented on how the indices were calculated, noting that the data did not come from crab pots or shrimp trawls, but from several of the division's independent sampling programs as well as dependent fish house data. Rock described further how the fish house data were collected. Medlin asked if only three crabs could populate the sound. Rock indicated that on paper yes, but due to high mortality at that phase it would not be very likely.

Next Rock went through the Traffic Light Adaptive Management Measures (moderate and elevated for the adult and recruit abundances). Rock gave examples of what type of management measures could fall under the more broad measures. One option would be to increase the minimum size limit for male and immature female crabs. In doing so, going to 5.25 inches would be an estimated 35 percent reduction in landings (0 percent culling tolerance, 5 percent in rule). Going to 5.75 inches would give an estimated 52 percent reduction. Going to 6 inches, would be roughly a 69 percent reduction. Recoupment would be likely happen as crabs grow. Another option would be to eliminate the harvest of v-apron crabs, immature hard crab females; however, this would have minimum reductions and recoupment would likely happen as crabs grow. Reducing the tolerance of sublegal crabs to a minimum of 5 percent, would have minimal reductions. Moderate management measures also include removing escape ring exemptions for eastern Pamlico Sound and Newport River. Increasing the cull rings to 2 3/8 – 2 ½. Rock indicated that two studies looked at cull ring size and how it affected catch. The first study, catch

rate of sublegal males was reduced by increasing cull ring size, legal males and mature females were maintained, body length of minimally legal male crabs was not less than the current minimum cull ring size. Another gear modification would increase number of cull rings from 2 per pot. Rock also noted that it could be required that the cull ring be located near the floor of the upper chamber; 60 percent of sublegal crabs escaped in the first hour. An adaptive management measure (recruit moderate) such as establishing a seasonal size limit on peeler crabs is another option. Establishing a 3.25 inch minimum size would yield roughly a 4.8 percent reduction, going up to 3.75 minimum size would yield roughly a 19 percent reduction. Another management measure would be to restrict trip level harvest of sponge crabs (tolerance quantity, sponge color). The committee could also chose to close crab spawning sanctuaries from September 1 through February 28 (now March 1 through August 31). Rock indicated that the sanctuaries are mostly in the northern part of the state. Another option is prohibiting the harvest of sponge crabs. The largest impact would be the Pamlico area, statewide it would be roughly a three percent reduction. Eastern Pamlico Sound would be impacted the hardest. This measure would require sponge crab excluders in specific areas. Rock noted that once eggs are damaged, the crabs typically release the eggs as some studies have indicated. Another management option would be to expand the existing and/or expand new crab spawning sanctuaries. The size of the new sanctuaries would vary with inlet size. The harvest with dredges (one currently around Oregon Inlet) could also be limited. Rock noted that the dredge landings mostly have been coming from oyster dredges (~2k lbs. /year). Another option would be to move the crab trawls back to the shrimp trawl lines in Pamlico and Neuse rivers; moving down toward the mouth of the rivers. Season closures are another adaptive management option for the recruit elevated scenario, closures could occur during periods where a lot of are sponge crabs are present in April and May (based on fish house data). Other season closures include (also related to peak sponge crab abundance). Gear modifications in the crab trawl fishery include increasing the tail bag minimum mesh to four inches statewide and also falls in the recruit elevated category. Some studies have shown a reduction in the number of sublegal crabs as you increase tail bag mesh size. Rock asked the committee to consider all the options listed and noted the members could also present options not listed.

Lorenz noted that with all the available options presented it was a daunting task to make a motion. Lorenz indicated that he would like to limit bottom disturbance and to protect spawners. Lorenz asked Rock how many times a sponge crab can spawn. Rock indicated that once fertilized, a female crab can keep producing offspring throughout the year. Lorenz also asked about the planktonic stage of crabs. Rock indicated that there is a megalope stage and is distributed around the inlets. Rock indicated that they can have multiple sponges in the year. Medlin asked if they could have more sponges after being caught in a pot. Rock indicated yes they could have more. Corbett commented that he and fishermen in his area do not keep sponge crabs. Corbett also noted that he and other fishermen do not keep v-apron crabs either. He also does not have a problem with the five percent or three percent cull tolerance. The smaller crabs are not worth as much. Corbett went on to say, there are more pots, even though there are less crabbers/participants. He also noted that he would like to see the Amendment process started. Corbett clarified that the sponge crab excluder is more or less the terrapin excluder. Noting that he used them while working on a Sea Grant project. He saw a 100 percent reduction in stone crabs and he catches/sell a lot of stone crabs; thus his fear in going to excluders. As with flounder, seasonal closures will cripple the industry. Corbett also commented that season

closures will put the crab houses out of business and North Carolina will likely be importing of crabs from Virginia.

Morris, noted that the central area is quite different than the southern area. Core and Pamlico sounds are different; noting there are several members from this region who would like to talk. Morris opened the floor for public comment.

PUBLIC COMMENT

Glen Skinner – Commercial fisherman (crabber) from Carteret County - Really do not have an option he supports, noting that they are all valid options. He asked the committee strongly consider the diversity of the state, if you take sponge crabs away you will kill some areas. Please make your recommendation specific to each area.

Wayne Dunbar – President of Pamlico Co. Fisherman Association who has 38 years of crabbing, crabs are an annual crop (much like shrimp), he makes 90 percent of his living with crab pots. Pollution is the problem, let sport fishermen keep one drum over 28 inches (they take too many crabs, as well as cownose rays). As far as increasing the size limit of males and immature females; he is opposed to increasing the size limit for males (less money for everyone). He is opposed to a seasonal size limit for peelers; citing that size does not matter for soft crabs. In regards to reducing tolerance limits, it puts a burden on crabbers; we currently throw the little ones over. In regards to v-apron crabs, he is for this as it excludes pink and red line peeler crabs; this is a good idea. Restricting all harvest of sponge crabs, this will hurt everyone and excluders are bad as well. I am opposed to season closures opposed (February is high dollar time of year). He is opposed to expanding sanctuaries (limits crabbers even more). He is opposed to season and gear closures, we will face problems like what happened in Virginia (the price goes down after the market is flooded on opening day; the price fell below $0.80). Supply and demand is crab management in a nut shell. This year oystering got so bad, many went back to crabbing. We need to stay flexible, no more closures are needed. He opposes any gear modifications in the crab fishery. Alton Parker told him to be careful what you ask for, some of the rules he helped make are now causing me trouble. There is nothing wrong with the crab population. Last year we had one best years since the hurricanes. We had lay days due to many crabs on the market. Some scientists wants to justify their job. Crabs are an annual crop, regulations will not make a difference.

Ken Siegler – Commercial crabber – The excluder will eliminate stone crab market. The division is confused about the spawning areas, citing that crabs do not spawn directly in inlet areas, they are looking for grass to rub eggs on right off the shoals. He knows from experience. Spawning occurs outside the ocean front, tides are too great by inlets. “Transport” from recruitment abundance to adult abundance is limited due the red drum population (the crabs are being eating before they can be adults). Schools of red drum have wiped out the crabs. This has been seen in Virginia. Red drum were eating all the peelers and sponge crabs. Nobody is looking into this problem. We need to control the red drum population.

Brent Fulcher – 3rd generation commercial crab processor/dealer from Carteret/Craven County, Chair of North Carolina Fisheries Association - If you take sponge crabs out of the mix it will

not change anything; it will not increase production. Look at Virginia and Maryland, the do not allow harvest and things are no better there. He asked how the division got at the reduction from peelers. Noting that it does not relate to biomass. The problem is with management, big landings do not relate to CPUE due to the lack of participants (look at Cedar Island). There is less gear in most regions now than what was seen in the past. V-apron crabs is a good move, past that you will hurt the fishery. Look at the predation on crabs. Look at the huge landings in the shrimp trawls as bycatch in the 90s; that has now been reduced. The bycatch provides a good food source in past years, reductions in bycatch is related to reduced landings. Look at the Gulf States, the bycatch provides an additional food source. In regards to cull ring and their use in certain areas, there is another life phase/morphology of immature crab (Corbett – "Hickory Sook") that does not get any larger than three inches. The smaller rings were originally removed to exclude these crabs to limit the proliferation of these smaller crabs. Morris commented that she agreed with Brent and that the cull rings and sponge crab laws were rescinded because they were useless laws.

RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR BLUE CRAB MANAGEMENT MEASURES

Morris noted again that certain regions will be hurt more than others. Morris went on to say that around Drum Inlet you find dead crabs everywhere; noting that they die shortly after they spawned, they only live 18 months. Morris did not want her people to be damaged by something that is not reality. Lorenz indicated that he was taking the other side and that with all due respect he trust the division's science over professional experience. Lorenz asked Rock to speak up, if he believes different than what has been said. Lorenz went on to say that he likes ideas of protecting spawners and that he does not agree with A1 due to other states' size restrictions. Lorenz said he likes A2, A3, R2, R4 and possibly R7. This is a starting point, his bias is to protect the spawners as much as possible. Corbett asked Lorenz to further detail his thought on restricting the level of sponge crabs with R2 and how it was different than what is in R4; what is his reasoning? Lorenz stated that this is the simplest way to start in his opinion. Corbett noted that if you put the excluders in, that you might as well do it all. If excluders are forced to be put in pots, the industry will shut down. Randy Proctor noted that we are mandated to do something. He asked Corbett and Fulcher what they would do. Corbett noted the v- apron rule is good, he does not keep sponge crabs. However, Fulcher uses them at the picking house. Corbett went on to say that R4 (excluders) will put everyone out of work. Proctor asked Fulcher what is the most tolerable solution. Fulcher noted that the industry is diverse and is regionally specific, you need to look at more than just the resource. In the 1990s there were 40 plus picking houses, now there are eight. Production is down. If there is no market for them the landings will be down. You have to look at other forms to sell the product, thus the industry needs year around access. Fulcher noted that the v-bellies would be a good solution and as far as sponge crabs goes he is not in favor and that has not helped Virginia. Fulcher went on to say that sponge crabs are off the table as far as he is concerned. He further noted that crab trawl production is not what it used to be, the bottom is stagnate and the crabs are not migrating. If you expand your sponge crab area this may work. It appears to be working. Production has been stable since 2000, effort is down, but this does not tell the whole story. There will be peaks and valleys in the landings. Something happened in the late 1990s, no plants, no production, nowhere to sell crabs. The shrimp trawl industry is down, there have been major hurricanes. Too much management has become a problem, changing the industry. We need to look at a shorter periods of time. Proctor also noted that clean water is

needed, but we have to do something. Morris reminded the committee can choose their own path with this matter and that they do not have to follow the division's recommendations.

Rock asked if it would help if he reviewed each of the Adaptive Management Measures. Morris suggested that we break down what the committee can vote on. Rock noted that they can vote on the moderate and elevated management measures in the adult and recruit abundance characteristics. Lorenz noted that the size limit was not a viable option right now. Proctor agreed. Lorenz, Proctor, and Ron McPherson indicated that they agreed with A2 and A3. Charles Griffin asked if this was statewide or regional, indicating that he would like to see regional recommendations. Rock indicated that Commission would have to motion to apply these regionally. Morris noted that many of the fishermen in each region already have a gentlemen's agreement, thus it may not be needed. Rock indicated the management measures would apply statewide as indicated in the fishery management plan. Griffin stated that he is good with A2 and A3. Medlin stated he was good A3 and asked with A2, what percentage of crabbers come in with more than 5 percent and if it will have an impact. Corrin Flora, Blue Crab Fishery Management Plan co-lead indicated that 13.2 percent of the trips come in with more than five percent v-apron immature crabs. Medlin indicated that he was good with A3. Proctor makes a motion to go with A2 and A3,

Randy Proctor made a motion to reduce the tolerance of sub-legal size blue crabs to a minimum of 5 percent and directed the Marine Fisheries Commission to look at gear modifications to reduce sublegal catch and to eliminate harvest of v-apron immature hard crab females. The motion was seconded by Ron McPherson. The motion passed unanimously.

Rock asked that they go back to and look at the gear modification part. Morris indicated that committee understanding was that the commission would look into gear modification to reduce sublegal crab; however, the committee did not vote for specific ones. Both Proctor and McPherson agreed with this clarification.

The 'R' options were discussed next. Randy asked that they eliminate R6, R3, R5, and R4. The committee asked that size limit of peeler crabs also be taken off the table. Sponge crabs are the issue. Medlin noted that they should get rid of R1 and R6. McPherson noted that if you make it illegal to take sponge crabs it will not matter he is hearing; thus, why is this a topic, it limits crabbers, many don't take them. Griffin requested that they remove R1, R3, R5, R6, and R7. Medlin agreed to drop R1, R3, R5, and R6 but he would like to discuss R2 and R4. Morris reviewed the recommendation to take R1, R3, R5, R6, and R7 off the table. Lorenz indicated that he did not want to limit peeler crabs due to their value. Lorenz also asked what the modifications would be in R7. Rock indicated that would include a tail bag mesh increase from three to four inches, to reduce sub-legal crabs, noting that some would lose a percentage of catch and have to get new tail bags. Overall the committee was agreeable to removing R2 and portion of R4. Proctor asked about black sponge crabs. Rock noted that brown and black sponges are the later stages sponges. Lorenz asked more about excluders and how it limits sponge crabs. Morris noted that it limits stone crabs too. Corbett noted that in his experience, excluders also reduces the number of high value jimmy crabs. The discussion focused on the harvest of sponge crabs. Medlin asked what would be the easiest to enforce, and in regards to cull tolerance, what would

be the easiest to enforce percentage or color. Marine Patrol Major Dean Nelson explained that it would be fairly easy to do. Glen Skinner, indicated that the market does not like the black sponges due to ammonia content. Virginia does not allow fishermen to the take of brown and black sponge crabs. Morris noted it would be too hard to tell the difference between brown and black. Griffin indicated that he would like a regional breakdown. He asked about what the Northern Committee decided. Morris indicated that the Southern Committee is the first to vote and noted that Core Sound has the majority of the sponge crabs, thus it is not as a big of an issue for people in the northern portion of the state. Morris indicated that up north, they have more 'whale' and 'dick' crabs. Proctor stated that he is ok with eliminating black sponge crabs.

Randy Proctor made a motion to designate no take on black sponge crabs with a cull tolerance of 5 percent. Ron McPherson seconded the motion.

Discussion of the motion followed. Griffin asked how long would the rule be in effect. Rock indicated that they would be in place for 3 years until the triggers fall back. Morris stated that it will never happen. David Bush, noted that the color could change overnight. Bush asked they consider a percentage of black. Lorenz stated that he has trouble voting for this motion, noting that it is too soft of a management measure and that he would prefer something more restrictive for sponge crabs like R2 with a regional component. He indicated that he cannot believe we still allow the take of sponge crabs; noting that it is for the good of the resource and that North Carolina is the only state that allows this. Morris agrees with the regional aspect. However, we are our own state. They process our crabs, they still have issues with their crabs with the no sponge regulations. Let us separate the state, the central region of the state does not like or need it. Proctor asked Lorenz about some sponges being taken regionally or if it was all or nothing. Lorenz indicated that he would like to include all sponges.

Motion passes 4-2.

NATIONAL MARINE FISHERIES SERVICE 2016 RECREATIONAL COBIA SEASON

Michelle Duval, Executive Assistant for Councils gave an overview of the NOAA Fisheries 2016 Recreational Cobia season. Duval reviewed the Coastal Migratory Pelagic Amendment 20B and the event that led up to the June 20th closure. The presentation gave details of recreational harvest as well as additional information on size limit and bag limits and how they may prolong the season. Since 1993, the fishery has been managed by NOAA. Duval described the catch limits and accountability measures. Noting that there are now two stocks of cobia; only one stock was identified prior to the assessment. The average weight of fish has risen from 2013-2015. Duval also noted that there were more target trips for cobia in 2015. Most recreational trips only had one fish and most all trips had fish greater than the minimum size of 33 inches fork length. The seasonal distribution of the landings are different for each state. North Carolina peaks in May/June, Virginia peaks in July/August. Overall the percent of landings and total number of pounds increased for all states; however, the percentages varied by state. The majority of harvest comes from private boats sight casting. In 2015, 82 percent of the harvest has occurred in state waters. Next Duval reviewed the federal statutory requirements (annual catch limits, accountability measures, and averages used to determine annual catch limits). If only 2013 landings were used she noted that the fishery would close June 27; including the North Carolina one fish bag limit (commission recommendation), closure date would have be June 29. Duval

noted that different years lead to different closure dates. This year NOAA choose to use the 2013-15 average, thus the June 20th closure date. The Commission requested that NOAA look at how an increase in size limit and lowering the vessel limit will affect the closure date. A May 23 start date was used for North Carolina. The date at which regulatory changes takes place really effects the days gained. NOAA also looked at a combination of the two (vessel and size limits). Duval noted that whether you went with one or two fish in combination with a size limit increase, that it really did not change the projected closure date by much (maximum July 6). A three fish vessel limit in combination with an increased size limit, would max out the season to June 30. For the North Carolina and Virginia combined analysis, if North Carolina puts regulations in on May 23 and Virginia puts regulations in on May 1, we could go to a 40-inch size limit with a two fish vessel limit and fish until July 3rd, or until July 15th with a one fish vessel limit. A 45-inch size limit and a one-fish vessel limit would result in no closure. Next Duval reviewed the purpose of the Interjurisdictional Fishery Management Plan, describing the management measures in state waters. Duval noted that North Carolina can implement more strict measures or the state can challenge the federal measure with a simple majority. Next Duval reviewed the Commission's Cobia management options, giving the pro and cons. Duval also noted that regardless of the option that the commission chooses, they may still want to appoint a compliance advisory panel. Next Duval reviewed the timeline (upcoming federal and state meetings) and asked for recommendations for the 2016 recreational cobia season.

McPherson asked about how the lengths were collected for the recreational fisheries and about the percentage of undersize fish. How was that number calculated? He indicated that he sees more undersized fish and thinks the numbers are off. Duval indicated that the numbers are just those fish that are harvested, based on at dock interviews and phone surveys. This is what is brought back to the docks. McPherson asked if the 900,000 pounds was extrapolated. Duval explained that it is estimated by Marine Recreational Information Program (MRIP) national protocol. Lorenz noted that all this reminds him of the black sea bass. He asked if he was wrong; that in 2015 lots for fish were caught, mostly big fish. The CPUE was the same, thus it appears stable and healthy to him. He asked, if this is true, what is the problem? Duval noted that federal law requires that there is a quota regardless if overfishing is happening; this assures we do not overfish. It may be time to update the stock assessment to determine if we have had good recruitment since 2011. Lorenz stated that he is worried that the commercial quota will be blown out of the water. Duval noted that it could happen. Duval noted that there is not a federal commercial cobia permit currently, but there is a federal charter/for-hire permit required to fish in federal waters. . Griffin noted that commercial guys do not typically target cobia while netting and long lining. He suggested if there was a regulation to set an equal amount of bycatch to keep two cobia that may work; this is merely a suggestion. Duval noted that some are concerned, a charter boat guy will buy a Standard Commercial Fishing License to keep two. McPherson noted that you cannot do that. Once a crew comes out, it is a charter, noting that you cannot use a commercial license at that point; this will not be problem. Medlin worried that some will try to cheat, thus changing trips mid trip. Medlin asked how long we have to pay this overage back. Duval noted that this is not a payback. The season is merely being shortened to make sure we do not go past the annual catch target. Next year we have the same annual catch limit (620,000 pounds) and annual catch target (500,000 pounds); however, the length of the season could be shortened again if the annual catch limit is exceeded in 2016. The average 2015 and 2016 harvest will be used to determine if the 2016 recreational annual catch limit was exceeded.

Duval noted that the South Atlantic Council is working to change this accountability measure as soon as possible. Morris noted that in North Carolina the cobia season around the Cape is May to June, so would it not be better to accept the June 20 closure and be done with it.

RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR 2016 RECREATIONAL COBIA SEASON

Bob Lorenz made the motion to advice the Marine Fisheries Commission to complement the federal management measure in state waters for Cobia. The motion is seconded by Randy Proctor.

Discussion of the motion followed. McPherson indicated that he does not like it because he takes people on bottom fishing charters all the time, noting that people like catching and taking home big fish. He catches cobia more outside of June (August-September), thus limiting what his charters can keep. Medlin indicated that people gaffing cobia off the piers would be a problem because no one would use the nets. Duval asked the committee how they felt about an increase in the minimum size limits to increase season. Duval noted that the actions were for 2016 only with hopes to extend the season as much as possible. She stated that you would still be allowed to catch them; however you just could not keep them. Lorenz noted, why bother for one day. Morris agreed and worried that an increase in size limit would remain and would not go away. She suggest that the Commission not comply because it is only one year. McPherson asked that if number of pounds for 2016 were averaged with 2015 and it came out to be less than the 620,000 pounds then we would be ok. Duval, noted that she still has a few questions about how this will work, but because 2015 harvest was so high, that average would likely still exceed the 2016 annual catch limit. Proctor agreed with Chris about cobia on the pier and worried that this will be a problem noting that drop nets won't work for pier fishermen. Can we allow them as an exception? It was noted that no one gaffs big drum off piers, there was a big run off the Topsail piers this year and that if the word is out; no one will do it.

The motion passed 6-1.

PUBLIC COMMENT

Charlie Renda, Jr. – Member of Finfish Committee - We do not have a Joint Enforcement Agreement, we are a sovereign state, thus we do not have to comply, and most cobia are caught in state waters. This is a joint matter with eight states and we have been given a quota. The combination of the recreational and commercial catch will hurt the commercial catch. The recreational fish are not getting measured and counted like the commercial guys. Every commercial fish is accounted for. The recreational guys catch needs to be accounted for, especially the private fishermen. The estimation of 630k is just a guess. Combine these estimates with the commercial catch, is bad. Do not conform. We are the only place with no Joint Enforcement Agreement. Duval corrected a few comments Renda said, noting that the data are not combined. The accountability measure is what you are thinking about, not the data. If the total ACL is exceeded, the accountability measures get triggered. The commercial ACL was not exceeded, the recreational harvest was. They are not combined into one big quota. Renda did not

agree. Duval indicated that she would talk with him after the meeting. Morris indicated that she agreed and that we did not have to comply with this.

MARINE FISHERIES COMMISSION UPDATE

Fish review the agenda for the next Marine Fisheries Commission meeting to be held in Morehead City May 18-20, 2016. On the agenda are the Oyster/clam Shellfish License, Blue Crab Traffic Light, Cobia, reviewing several issue paper rules with voting in August. The Total Allowable Landings (Catch) TAL of southern flounder for pound nets by waterbodies will be presented at the May meeting. The will be other topics discussed as well.

Ron asked for a copy of the press release for what happened at the February Commission Meeting.

PLAN AGENDA ITEMS FOR NEXT MEETING

The next meeting will be July 6, 2016 in Morehead City. We met twice in row in Wilmington, thus the next meeting will be Morehead. Things will be back to normal afterwards. Morris commented for the record on red drum. She asked about the status of the Red Drum fishery management plan. Catherine Blum, Fishery Management Plan and Rules Coordinator, stated that the stock assessment was going to the ASMFC board in May. She also noting that the timeline has not been established and that the stock assessment is still undergoing peer review. We will know more in May. Morris stated that she thought the red drum were a scourge to other species. She stated that she felt that they have been not overfished for a while and the division has said they are recovered. She stated that the management measures need to be reviewed because of the predation impacts to other fisheries. She would like to see the slot limit and commercial limits reconsidered, among other things.

McPherson asked about recreational southern flounder closure. Chris Stewart, division biologist, stated that it would close October 16th and will open again on January 1st the following year.

The meeting adjourned at 9:35 PM.

Enclosures

Cc:	Catherine Blum	Jess Hawkins	Gerry Smith
	Mike Bulleri	Dee Lupton	District Managers
	Scott Conklin	Nancy Marlette	Committee Staff Members
	Dick Brame	Katie Mills	Marine Patrol Captains
	Braxton Davis	Phillip Reynolds	Section Chiefs
	Charlotte Dexter	Jerry Schill	

Marine Fisheries
ENVIRONMENTAL QUALITY

PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

BRAXTON DAVIS
Director

MEMORANDUM

TO: Marine Fisheries Commission
Finfish Advisory Committee

FROM: Kathy Rawls
Lee Paramore
Division of Marine Fisheries

DATE: April 15, 2016

SUBJECT: Finfish Advisory Committee Meeting

The Finfish Advisory Committee met on Wednesday, April 13, 2016 at 5:30 p.m., at the Department of Environmental Quality Regional Office, Washington, N.C. The following attended:

Advisers: Sammy Corbett (Marine Fisheries Commission), Thomas Brewer, Jeff Buckel, David Clem, Brent Fulcher, Charlie Renda, Ken Seigler, Leland Tetterton, and Scott Whitley

Absent: Mike Wicker (Marine Fisheries Commission), Sara Winslow

Commissioners: Chuck Laughridge, Joe Shute

Staff: Kathy Rawls, Lee Paramore, Michelle Duval, Nancy Fish, Catherine Blum, Katy West, and Sergeant Carter Witten

Public: Jerry Schill, Jon Worthington, Jake Worthington, C.R. Frederick, Rick Scarborough, Rick Caton, Martha Barnette Caton, John Welch, Robert Feldhay, Rick Smith, Reese Stecher, Aaron Kelly, Cameron Whitaker, Justin Revere, Joey VanDyke, Ches Tyson, Bill Gorham, Sean Hankinson, John Hankinson, Anthony Nevine, Paul Penke, Taylor Griffin

Sammy Corbett, serving as chair, called the meeting to order.

MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

Motion by Ken Seigler to approve the meeting agenda. Seconded by Scott Whitley. Motion passed unanimously.

APPROVAL OF MINUTES

Motion by Charlie Renda to approve the April 15, 2015 Finfish Advisory Committee meeting minutes. Seconded by Jeff Buckel. Motion passed unanimously.

NOAA FISHERIES 2016 RECREATIONAL COBIA SEASON

Dr. Duval presented information on federal cobia management and potential state waters options to extend the 2016 recreational cobia season. She provided the latest available data from the National Oceanic and Atmospheric Administration Fisheries.

PUBLIC COMMENT

The committee received public comment on potential state waters options to extend the 2016 recreational cobia season.

John Worthington, of Dare County is a recreational fisherman and charter captain from Camden. He said his problem is that it seems all of sudden there is a crisis. Questioned how the recreational data were collected and said he had never been interviewed. There is an economic impact to these captains that has not been considered. One fish will not be enough for customers to pay for a trip. He said he cannot get a clear picture on how this data is collected, either from the federal or state level. He recommended going out of compliance with the federal requirements to close in state waters.

C.R. Fredrick, of Swansboro is a commercial fisherman. He said he is not up to date on cobia fishing, but he hates to see it affect the charterboat captains. He understands that since the Annual Catch Limit was exceeded last year, something needs to be done to save the species from overfishing. He said it is high time we track every fish coming out of the water. The same kind of thing as trip tickets for the commercial sector is needed in the for-hire sector. Commercial fishermen make up the smallest group, but have the largest burden of accountability. If we want to practice conservation, he suggested considering no discards being allowed. This would reduce mortality and make it easier to track what is going on.

Rick Scarborough, of Hatteras has been a charterboat captain since 1987 and was a commercial fisherman before that. He said not one time has he been approached at the dock by a sampler or for a study regarding cobia. He has been approached about speckled trout and other species, but not about cobia. The Magnuson-Stevens Act came up in presentation and it requires an economic impact study to be completed. He said he has not heard of one being done. He does not agree with increasing the size limit above 33 inches just to add only an extra day or two of fishing. He also does not agree with a vessel limit for just an extra couple of days. He does agree with a per person limit. He said the three-mile limit for state waters was put in place for a reason: the State should control fishing within three miles of shore. The federal government has crammed so many laws down North Carolina's throat in the past, like with weakfish. The numbers being gathered from the recreational sector do not have a backbone. They look great on paper, but they are not accurate. He said when he is contacted for the for-hire phone survey, they ask what was targeted, but not what was caught. The recreational cobia closure is going to take about half of his customers away; financially it is going to hurt. It will affect customers, marinas, tackle shops, etc. He recommended going out of compliance with the federal requirements.

Discussion ensued among the committee members about how the for-hire phone survey works.

Rick Caton, of Custom Charters stated North Carolina should go out of compliance and stay with status quo. If overfishing is not occurring, he asked why we are here. He said it seems we are only here to have a crisis to manage. He would appreciate if the Marine Fisheries Commission would consider the amount of money the charter boat captains pay for the various license and permit fees that are required. As a result of that investment, the captain and mate should not be excluded from the fishery. He said two of the national standards of the Magnuson-Stevens Act have been violated. One of the "cons" in the presentation of going out of compliance was the Secretary of Commerce could choose to regulate the fishery in state waters. He wondered why the state has the three-mile line if that is the case. Charterboat fishermen have already been denied red snappers, snowy groupers, and blueline tilefish and the limits allowed in other fisheries are a joke. He expressed concern about how Florida can have 800,000 or more pounds of allowable landings, but then seven other states have to share an allocation. He said the main participants in the fishery are in Georgia, South Carolina, North Carolina, and Virginia. How the landings are divided is not "fair and equitable" as referenced in the national standards. There is not an up-to-date economic impact study, so we are just grabbing in the air to implement something. There are plenty of study panels for species under the North Carolina Marine Fisheries Commission and the South Atlantic Fishery Management Council, but there is not one just for cobia. The South Atlantic Fishery Management Council has one for King Mackerel that covers cobia, but those species are very different. He restated there is not a problem. He reiterated the need to take into consideration the amount the captain and mate pay for licenses and said they should be able to keep one or two fish and not be shut out.

Reese Stecher, of Oregon Inlet is a charterboat captain. He distributed handouts to the committee with information on the national standards in the Magnuson-Stevens Act and recited a portion of them. "Fair and equitable" was a phrase of interest to him. He said Florida is going to get 66 percent of this quota and the rest will be divvied up among four or five states. He said the very agencies that made the rules are breaking them. He asked if an economic study has been completed. (Dr. Duval said yes, as part of what was adopted to put the accountability standards in place.) He made a comparison to children bickering with each other about changing rules in the middle of a game and said the federal government is breaking the rules they made. Next, Mr. Stecher cited information from SEDAR-28 (the stock assessment for cobia.) He said the document states the stock is not overfished and is relatively robust. Finally, he provided information from the April 7, 2016 Northern Regional Advisory Committee meeting of the Marine Fisheries Commission and cited that committee's recommendation to the commission. He questioned the recent separation of the Gulf and Atlantic stocks of cobia. He said the commission has to look out for North Carolina's interest.

Brent Fulcher clarified the staff in attendance work for North Carolina, not the federal government.

Cameron Whitaker, of Hatteras is in the charterboat sector. He said he is young, but his father has been involved in the fishery for a long time. He expressed concern about Virginia charterboat fishermen coming to North Carolina to fish, potentially causing the Annual Catch

Limit to be exceeded again this year. He said once you lose something in a fishery you never get it back. He said the charterboat sector can survive a one-fish limit, but not a closure.

Bill Gorham, of Southern Shores stated that he was representing charterboat captains, recreational fishermen, and commercial fishermen from Maryland to Hatteras Inlet. He has been working to find the root cause of this issue. He said he was tasked with reading the cobia stock assessment (SEDAR 28) and other related documents, which amounted to hundreds of pages of information. If this issue was science-based, fishermen would have to accept this because no one benefits from overfishing. Amendment 20B to the Coastal Migratory Pelagics Fishery Management Plan split the stock within Florida between the Gulf and Atlantic stocks of cobia. The Annual Catch Limit in 2015 has been exceeded at least half the time going back at least 10 years. He said the federal government knew there were going to be issues, but they did not lower the limits beforehand. He said there will be a lot of comments and discussion about the stock assessment and genetics defining where the line is between the two stocks. Commercial and recreational fishermen suggested the Florida-Georgia line based on tagging data. He provided a handout and focused the committee's attention on the potential federal closure date and the dates of peak harvest in Virginia. He said Virginia did not have adequate representation from the beginning of this issue because their representatives were not in attendance at meetings where these decisions were being made. He stated that the South Atlantic Fishery Management Council committee meeting minutes showed the federal government wanted to pursue a landings reduction and rolling closures in 2009. But the stock assessment was not approved until 2013. He asked how this was possible. Looking at the harvest in 2013 and 2014, there was a tremendous increase in Virginia; there was also a large increase in North Carolina. Regarding how the Annual Catch Limit was set, the federal government knew it would be exceeded and now we are faced with this closure. A limit of one fish per vessel at a 45-inch minimum size limit is the only way to avoid the closure. He said that is designed to favor the peak harvest time in Virginia.

Joe Shute, Marine Fisheries Commission commissioner posed a question to the audience from his vantage point as a charter captain. He said there was a similar problem in the early 1990s with bluefin tuna. North Carolina was proactive and set up a tagging system for the state. It showed a 40-45-percent decrease from the level the federal government showed. He asked if those in the audience would be opposed to a harvest tagging system for cobia. Recently, he supported a North Carolina for-hire logbook but it was not supported. Now, a federal for-hire logbook will be implemented in the near future. He said this is the same kind of thing; North Carolina has data that could help and a tagging system would provide that data. The industry is going to have to make up its mind, especially the younger participants. If we like it or not, the federal government is going to control cobia. A couple of fishermen in the audience provided general feedback to Commissioner Shute about the pros and cons of going out of compliance with the federal requirements and how reductions are calculated.

Jerry Schill, president of the North Carolina Fisheries Association, said he has never heard of the Secretary of Commerce intervening, especially on a fishery that is not overfished and where overfishing is not occurring. It is unprecedented to have a closure for a fishery in that condition. North Carolina Fisheries Association will submit formal comments on this issue separately before the upcoming commission meeting. North Carolina Fisheries Association

board members have discussed data collection numerous times. He said they discussed the recreational data and logbooks too. The lack of data is not from the commercial folks, but rather from recreational participants. There is always a question if data will hurt us or help, but in this case, more data would help. Separately, Mr. Schill discussed the invasive species of blue catfish. Nixon Fishery alerted the North Carolina Fisheries Association to part of the 2015 farm bill that will require on-site inspectors for any processing of catfish. That will affect fishermen, packers, and others. Blue catfish is an invasive species that is prolific and aggressive. Virginia is ahead of North Carolina on addressing this as an invasive species. North Carolina is aware of it, but is not doing anything about it yet. He would like to see this committee recommend the Marine Fisheries Commission ask the Division of Marine Fisheries to address this. If we are shut out of processing catfish in 2017, there is no incentive to fish for them. We need to kill all the blue catfish because they are an invasive species that will hurt natural stocks.

VOTE ON RECOMMENDATIONS TO MARINE FISHERIES COMMISSION FOR 2016 RECREATIONAL COBIA SEASON

There were no additional public comments, so the committee proceeded to discuss the issue. Mr. Fulcher asked the audience what they think will help them. He said good data is important. He asked Dr. Duval for the number of recreational and commercial cobia trips. Dr. Duval showed the corresponding slide from the presentation again. Chairman Corbett summarized the public comments for Mr. Fulcher and said the recommendation from the public was to go out of compliance with the federal requirements.

Mr. Renda said most of the harvest is in state waters. The closure is in federal waters. He suggested not worrying about it since all the fishing is in state waters. It will take a couple of years for the federal government to work through its process, so stay with status quo.

Mr. Fulcher said he is trying to balance accountability for the resource with what the audience has expressed. Chairman Corbett referenced previous discussions about logbooks. Mr. Fulcher described the ramp surveys and how the data is extrapolated. Mr. Renda said the director issued a proclamation in February to reduce the recreational limit of cobia down from two to one fish in February, so that shows we are trying to do the right thing and be accountable.

Mr. Seigler is concerned about the split of cobia off the east coast of Florida between the Gulf and Atlantic stocks. He asked why Florida is getting 66 percent of the Annual Catch Limit. Dr. Duval corrected the information and said Florida is not getting that amount. The data is being confused with data about the Gulf stock of cobia; she elaborated on the boundaries between the different populations of cobia. Dr. Duval reiterated that annual catch limits are required for all federally-managed species. She provided a comparison to when closures have been put in place in the past in various commercial and recreational fisheries when an annual catch limit is exceeded, not as a result of the condition of a particular stock.

Dr. Buckel said genetics were used to tell the difference between the Gulf and Atlantic stocks of cobia, even though you cannot tell the difference just by looking at the fish. Chairman Corbett said the debates about the stock assessment and genetics would be best continued at the Marine Fisheries Commission level.

Cameron Whitaker asked Chairman Corbett what the real impacts of going out of compliance would be. Chairman Corbett described some examples from his personal perspective of the consequences.

Mr. Tetterton focused the discussion on the Atlantic stock of cobia. Mr. Renda said the Annual Catch Limit dropped 10,000 pounds from 2015 to 2016 for both the recreational and commercial sectors. Even though that sounds even, from a percentage standpoint, it is not even. He expressed concern about going over in 2016 too and asked his fellow committee-members what they thought about not complying with the federal requirements.

Dr. Buckel was asked his thoughts by Mr. Fulcher. Dr. Buckel said the bottom line is the stock assessment was completed, reviewed by experts, and was deemed usable for management. It is a species that some folks feel cannot be overfished, but if you asked Gulf fishermen, they wish they had done more in the past because the stock is not what it once was there. A little short-term pain would probably be worth it in the long run. He supports the formation of a Compliance Advisory Panel; that would be ideal. Going out of compliance has the potential to come back and bite North Carolina by shutting the state down completely. If we focus just on 2016, we may be worse off in 2017. He said as the biologist representative, he tries not to get too much into management and just focus on the science.

Mr. Tetterton said he fished commercially off-shore several years ago. He said the charter boats had limits even back then. If we stay with a one-fish bag limit and keep fishing in state waters past the federal closure date and there is no tagging program or analysis, we need to do something to account for the fish. He suggested giving fishermen a certain number of tags that would have to be turned in to account for the harvest of cobia. That would help dispute the stock assessment information. He said we need some kind of data to keep up with what is caught.

Mr. Seigler said 80 percent of the catch is coming from recreational harvest, but there is no way to account for it. That is the problem. Mr. Whitley confirmed that North Carolina is dependent on the federal numbers. So we need our own numbers, or there is no way to combat that. Chairman Corbett said that problem happened recently with the need for a regional stock assessment for southern flounder. But even doing that may result in a stock assessment that is not usable for management.

Mr. Renda said the federal government goes with a one-size-fits-all approach. What Florida and North Carolina are doing are two totally different things. Just when the tourist season starts up, we are going to get shut down. He asked if there is a way to push the federal government for state quotas. Dr. Duval said the South Atlantic Fishery Management Council made a motion to do just that and look at state-by-state quotas though the Atlantic States Marine Fisheries Commission. That is probably the only way to pursue this because the federal process is cumbersome; working through the Atlantic States Marine Fisheries Commission is a more flexible process.

Dr. Buckel asked if appointing a compliance advisory panel would be part of developing state-by-state quotas at the Atlantic States Marine Fisheries Commission. Dr. Duval said yes; that would be the best way to develop some parity.

Mr. Fulcher said it is going to take a lot of horsepower to get the jurisdiction of the Atlantic and Gulf cobia stocks to be changed. Chairman Corbett said the focus of this committee is to give the Marine Fisheries Commission a recommendation about what to do for the 2016 season.

Mr. Renda made a motion to only go in compliance with the closure in federal waters, not state waters. (Dr. Duval read the regional advisory committee recommendations at the committee's request.) Mr. Renda withdrew his motion.

Mr. Tetterton asked Dr. Duval to clarify what happens in state waters after June 20 when the federal closure will occur and she reiterated the status. Mr. Whitley asked what the intent of the Marine Fisheries Commission was by reducing the bag limit to one fish in February. Commissioner Shute said it was to extend the recreational season. Mr. Seigler asked what impact time restrictions might have, for example closing Mondays and Tuesdays each week. Chairman Corbett said a motion could be made recommending North Carolina's representatives on the South Atlantic Fishery Management Council ask the National Oceanic and Atmospheric Administration Fisheries to request data be calculated based on particular requests like a day-of-the-week closure.

The committee continued to ask clarifying questions of Dr. Duval about how the federal closure date is calculated. Dr. Duval said the calculations rely on all states closing their waters when federal waters close to determine the federal closure date. Chairman Corbett entertained a motion from the committee.

Mr. Renda made a motion for status quo. Motion died for lack of a second.

Mr. Tetterton made a motion to maintain the 33-inch size limit and one-fish recreational bag limit through June 20. After June 20, implement a two-fish per vessel limit, going out of compliance with the federal closure. Seconded by Brent Fulcher.

The committee continued to discuss the issue. Mr. Fulcher continued to question the data and supported some type of tag system to obtain more data. He said we have to balance the resource and harvest for all sectors. Mr. Tetterton stated that there is not enough recreational data like there is for the commercial sector.

Dr. Buckel asked the committee to consider the possibility that the data on 2015 harvest is correct. He asked Dr. Duval what the scenario would be from the federal government’s perspective. Mr. Fulcher said Dr. Duval already said that the 2017 season would likely be shorter, but these guys will be out of business June 20. Dr. Duval clarified that the Annual Catch Limit will not change until after the next stock assessment; it is set in regulation. What would potentially change is the length of the next season; this is based on the average catch over three years for when the Annual Catch Target will be reached. Discussion about the data continued.

Dr. Buckel reiterated Mr. Seigler's suggestion of day-of-the-week closures; he also asked if there is precedent for sector allocations (for-hire, private, pier, etc.) Dr. Duval said there is precedent

and referenced 2014 management actions for the management of striped bass. Dr. Buckel asked his fellow committee-members if that is something worth pursuing.

Mr. Fulcher supported state-by-state allocations and recognized it is more difficult for North Carolina to obtain those if they go out of compliance with the federal requirements. In the meantime, we need more data. If we go out of compliance and we exceed the Annual Catch Target again, it is going to get worse.

Mr. Fulcher asked if Coastal Recreational Fishing License funds could be used for cobia data collection. Commissioner Shute said it would need to go through the committee for that fund, but he did not see a reason why it could not be considered. It would need to be put in the funding cycle for next year though based on the timing of that process.

Chairman Corbett called for the vote. The motion passed 6-2. (Mr. Buckel and Mr. Renda opposed; Chairman Corbett did not vote.)

Dr. Buckel asked about consideration for getting a group of stakeholders together to consider alternative management measures, such as prohibiting harvest on certain days of the week, or sector allocations. Dr. Duval reiterated that the Marine Fisheries Commission must vote to appoint a compliance advisory panel, as required by the North Carolina Fishery Management Plan for Interjurisdictional Fisheries [note: North Carolina Commission Chair appoints members to the Compliance Advisory Panel and all panel recommendations go through Finfish and regional Advisory Committees before being presented to the full North Carolina Commission for consideration].

Mr. Fulcher made a motion to request the Marine Fisheries Commission ask the National Oceanic and Atmospheric Administration Fisheries to reconsider the biological boundary between the Gulf and Atlantic cobia stocks. Seconded by Ken Seigler. Following a brief discussion, Chairman Corbett called for the vote. The motion passed 8-0. (Chairman Corbett abstained.)

Mr. Whitley made a motion to request the Marine Fisheries Commission investigate ways to obtain additional data on recreational cobia catch, including a tagging system as one option. Seconded by Mr. Tetterton. Following a brief discussion, Chairman Corbett called for the vote. Motion passed 8-0. (Chairman Corbett abstained.)

Mr. Tetterton made a motion to restore the percentage of the commercial Annual Catch Limit that was reduced more than the recreational Annual Catch Limit (so that the percentage reductions were equal.) Seconded by Mr. Render. Chairman Corbett clarified that Mr. Tetterton's intent was the reduction should have been made on a percentage basis, not a poundage basis; Mr. Tetterton concurred. Following a brief discussion, Chairman Corbett called for the vote. Motion passed 8-0. (Chairman Corbett abstained.)

Mr. Fulcher made a motion for the Marine Fisheries Commission to work with North Carolina's representatives on the South Atlantic Fishery Management Council to develop coastwide state-by-state allocations for cobia management. Seconded by Mr.

Seigler. Following a brief discussion, Chairman Corbett called for the vote. Motion passed 8-0. (Chairman Corbett abstained.)

MARINE FISHERIES COMMISSION UPDATE

Mr. Paramore provided a brief update on recent actions of the Marine Fisheries Commission. He reviewed the commission's actions at its February 2016 business meeting and March meeting that was held for the sole purpose of nominating additional candidates to be considered for North Carolina's obligatory seat on the South Atlantic Fishery Management Council. He added that the Atlantic States Marine Fisheries Commission approved a small amount of funding to support a regional southern flounder stock assessment which is beginning this year and is scheduled to be completed in 2017.

OTHER BUSINESS

Chairman Corbett entertained a motion about the earlier public comment pertaining to the invasive species of blue catfish.

Motion by Mr. Fulcher to send to the Marine Fisheries Commission concerns about the impacts of the invasive species of blue catfish. Seconded by Mr. Tetterton. Following a brief discussion, Chairman Corbett called for the vote. Motion passed 7-0. (Chairman Corbett abstained; Mr. Tetterton left by the time of the vote.)

Mr. Renda provided comments about red fish (red drum.) From 2004-2016 the stock status has been listed as "recovering." He would like to see some kind of movement. Chairman Corbett said we are waiting for the federal stock assessment first. Mr. Paramore said a report on the results of the assessment is expected to be presented to the Atlantic States Marine Fisheries Commission the first week of May.

Seeing no further business, Chairman Corbett adjourned the meeting at 8:25 p.m.

Cc:	Catherine Blum	Jess Hawkins	Gerry Smith
	Mike Bulleri	Dee Lupton	District Managers
	Scott Conklin	Nancy Marlette	Committee Staff Members
	Dick Brame	Katie Mills	Marine Patrol Captains
	Braxton Davis	Phillip Reynolds	Section Chiefs
	Charlotte Dexter	Jerry Schill	