



# ONLINE PUBLIC COMMENT

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<a href="#">28</a>	05/18/2021 - 4:05pm	Lonnie	Brown	North Carolina	<p>How can a man that has flounder gaged for over 15 years and put all of his money into the business, make a living from the decreasing quota for the commercial fisherman. The people that gig are not overfishing since they are limited to when they can fish. They can only fish at night and when weather permits. Storms, wind and muddy water limits their fishing. Nobody can live on just one month of fishing. The people that gig should get a longer season since they have so much against them. The smaller commercial fisherman are just trying to make a living to survive from year to year and feed their families not to get rich. Not all commercial fisherman are able to get into other types of things in the fisheries to help with income. Due to health issues, gigging is the only thing that they able to do. Only allowed to work one month and still having to pay full price for licenses and other expenses, there is nothing left to live on. Why would you take a person's living from them that has worked so long in this fishery, instead wait for the ones that can have a choice to decide if they want to make this their living.</p>
<a href="#">27</a>	05/18/2021 - 3:53pm	BRUCE	MACLACHLAN	North Carolina	<p>Respected members of the North Carolina Marine Fisheries Commission.</p> <p>I am writing as a member of the 2021 Shrimp Fishery Management Plan Advisory Committee to express my concerns that the draft Shrimp Fishery Management Plan (FMP) Amendment 2 does not adequately address its overall goal or objectives. Specifically, the FMP does not contain sufficient guidance or recommendations to address these stated objectives:</p> <ul style="list-style-type: none"> <li>• Reduce bycatch of non-target species of finfish and crustaceans, as well as protected, threatened, and endangered species.</li> <li>• Promote the restoration, enhancement, and protection of habitat and environmental quality in a manner consistent with the CHPP.</li> <li>• Develop a strategy through the CHPP to review current nursery areas and to identify and evaluate potential areas suitable for designation.</li> <li>• Use biological, environmental, habitat, fishery, social, and economic data needed to effectively monitor and manage the shrimp fishery and its ecosystem impacts (i.e., bycatch, habitat degradation).</li> </ul> <p>As a member of the Shrimp Advisory Committee (AC) I first wish to express my gratitude to the Division of Marine Fisheries (DMF) staff and scientists for all of their hard work and their support of AC members. This was a highly informative experience for me and the DMF staff was entirely gracious and helpful throughout. That said, I believe there was a bias in the process toward</p>

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preserving the status quo and protecting the commercial interests involved in the shrimp fishery first and that critical points made by recreational and science seats on the AC were secondary, and in some cases muted, in the final summary. Ultimately, I do not think the draft FMP being presented to the MFC and the public addresses the key issues pertaining to bycatch reduction and that it fails to provide adequate protection to critical finfish nursery habitat.

Without reiterating the entire Shrimp FMP workshop, there were a number of areas in the process where the science and reasoning were flawed. First, DMF staff repeatedly asserted that bycatch and bycatch reduction efforts were “unquantifiable” and that overall fishing effort and bycatch within the shrimp fishery were down or reduced compared to previous years. Each of these points appear to be contradicted by a research paper authored by a DMF scientist, Kevin Brown, titled, “Characterization of the commercial shrimp otter trawl fishery in the estuarine and ocean (0-3 miles) waters of North Carolina” dated October 2015. This study quantified bycatch by species of finfish for different areas and gear types and recommended establishment of a “permanent funding source to continue the scientific observer coverage in commercial shrimp trawl fisheries, encompassing all seasons, areas, and gears; consider requiring mandatory observer coverage in North Carolina commercial trawl fisheries and continuing to partner with the industry to seek technological solutions to reduce bycatch; and conducting delayed mortality studies in the fishery.” These recommendations are not included in the 2021 Shrimp FMP amendment 2. Additionally, DMF’s assertion that effort within the shrimp fishery is down compared to previous years or decades is entirely flawed because DMF continues to use “trips” as its metric. Recreational and science members of the AC repeatedly pointed this out to the DMF staff, yet they appeared to be reluctant to adopt more accurate measures of effort such as observer coverage, log books or web based reporting as alternatives. Moreover, the DMF staff appeared to be reluctant to acknowledge that measured bycatch may appear to be down simply because the stock biomass of many of the finfish species of concern has been drastically reduced due to decades of shrimp trawling in North Carolina’s sounds and estuaries. When pressed on this issue by recreational and science AC members, DMF staff leads asserted that there just wasn’t sufficient information available. i.e. new stock assessments for croaker, weakfish, spot etc. etc. would be required; greater DMF sampling was required, but there isn’t enough money in the budget; greater observer coverage was required, but there isn’t enough money in the budget. The suggestion to have industry fund observers as an option was not captured in the final out brief.

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Another significant flaw in my opinion was the focus areas tended toward regional measures that distracted the discussion from what I regard as the key issue, and that is shrimp fishery bycatch in the Pamlico Sound and the lower portions of its major tributaries. The exception to that was the focus area dealing with area closures, but even that discussion did not zero in on the main issues. What I mean by that is the first two workshops (critical habitat and Special Secondary Nursery Areas (SSNA)) only addressed management measures outside the Pamlico sound (Roanoke, Croatan, Core and Bogue Sounds, the Southern Management Area from New River and south and some other areas), and the measures proposed almost invariably closed areas to shrimp trawling where very little or no trawling activity has occurred in recent years. e.g. water depth is too shallow, or they are already SSNAs that have been closed to trawling for several years or they are already protected shellfish or SAV habitat or crab sanctuaries near inlets. To me, this approach only obscured the key issue which is bycatch in the Pamlico Sound. This became entirely clear during the final Shrimp AC workshop on area closures when DMF presented its hot spot data.

When the DMF leads presented their own hot spot data it became clear to me that any distinctions between Primary Nursery Areas, Secondary Nursery Areas or Special Secondary Nursery Areas are only relevant to certain life stages of certain finfish, but are absolutely meaningless to the issue of impacts of shrimp trawling bycatch mortality. Actually, the two science members of the AC brought that up in the discussions. To their credit, DMF did offer one management option which was an area closure for much of the western shore of the Pamlico Sound, though this did not appear to garner any support from the DMF staff. In my opinion, that would be a significant improvement, but not nearly enough to restore the stocks of concern, especially weakfish. DMF staff leads suggested that by linking hot spots with targeted area or seasonal closures that juvenile finfish would have corridors to the ocean to complete their life cycles. I do not believe there is any data or scientific evidence to support that idea and that the only means of significant bycatch reduction are complete area closures based upon DMF's own hot spot data. As one of the science members of the Shrimp AC observed, "There is no significant ecological difference between a Primary Nursery Area, a Secondary Nursery Area and a Special Secondary Nursery Area." If shrimp trawling is permitted in any of these areas, significant finfish mortality will occur.

I believe that that DMF staff worked diligently to develop a Shrimp FMP that would be acceptable to all user groups and interests, but the 2021 Shrimp

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FMP amendment 2 fails to meet its stated objectives. I recommend that the MFC not approve this FMP in its current state, that it be returned to DMF to incorporate meaningful area closures in existing SSNAs within the Pamlico Sound and its lower tributaries based upon DMFs hot spot data.

Respectfully,  
Bruce D. MacLachlan

Dear Chairman Bizzell and MF Commissioners

Shrimp Trawling.

I am writing because I feel that the habitat aspects of shrimp trawling are not receiving the attention they deserve.

The first aspects are the obvious physical threats detailed in the CHPP including shrimp trawling, crab trawling, oyster dredging and clam kicking. We have known this since the first CHPP in the early 2000s, yet little has been done. As you know the CHPP has been largely ignored. Overwhelming research throughout the world has documented the negative physical impacts of these gears.

Another aspect of shrimp trawling that does not receive the attention is that habitat functions to serve as food, not just shelter. This includes forage fish. The shrimp trawl bycatch receives a lot of attention because the four most prominent species in the bycatch are in trouble, stock wise. However, overlooked is their role as prey for predators. 300 million juvenile fish (or whatever number you want to insert) is a significant loss of forage. When I sat on the SAFMC Habitat and Ecosystem AP, we often discussed forage as part of the habitat. Indeed, just this week the SAFMC made bullet mackerel and frigate mackerel part of the ecosystem plan for Dolphin/Wahoo\*.

The absurd notion that these dead finfish in shrimp trawl bycatch dumped overboard are feeding the crabs is ludicrous. If that were so why are crabs populations declining in the Pamlico and elsewhere? Why are crab pots a lot fuller in the Albemarle (no trawling)? Of course, these are oversimplifications, but you get the drift.

Best Available Science.

The second issue I wanted to address with you is more general. As a scientist, the following concept resonates strongly with me. I have been going to MFC

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05/18/2021 -  
3:36pm

Christopher

Elkins

North  
Carolina

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meetings now for almost 20 years and following the various issues. For all of that time, it seems like there is never enough data or good enough data for the MFC to act. Two fisheries come to mind, shrimp and S flounder, but I will just briefly review shrimp here.

Way back during the first shrimp plan it was known that shrimp bycatch, even using BRDs was a big problem. SAFMC and GFMCs literally had thousands of shrimp tow data. Yes the bycatch ratio dropped from 10:1 to 4:1 when BRDs were implemented, yet little or no progress has been made since then. At that time BJ Copeland was the scientist on the MFC. When we talked with him, he said we needed NC-specific data. Eventually we got NC data from Kevin Browns Shrimp Trawl bycatch characterization studies, and they were nearly identical to the SAFMCs data (for his ocean studies). The estuarine studies were similar in bycatch ratios, just that weakfish had been added to the mix. Well guess what, now the DMF says the data is not good enough. The data is the best available science, which fisheries management agencies have always used. You dont need to count every fish to manage them.

What is inexplicable is that in NC fisheries managers never seem to err on the side of caution, but on the side of maximum exploitation-just look at shrimp and Southern flounder. The worse the science, the more risk averse should be the management. According to many, the science in NC is shaky, yet we still go for maximum extraction. I use "extraction" properly here, as the year-based stock curves look like mining extraction curves.

The Division now wants CPUE data as bycatch ratios from Kevin Brown are not good enough. However, did they insist on proper bycatch studies in the plan? You may remember my remarks from the last meeting when I asked for observers on shrimp trawls to better understand bycatch and endangered species interactions. Was that recommended?

Recommending, no insisting on better studies, should not mean we wait until we have all the answers, when we know we are in trouble. Asking for better studies should not be an excuse for not making decisions now.

Our leaders with foresight recommended mask wearing and vaccines to prevent Covid. Those that did not ended up killing hundreds of thousands of Americans and prolonging the economic recovery. At some point we have to have the vision to entertain long term issues.

I know several biologists who have retired from the DMF with decades of

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service. The single regret they have is that the stocks are so much worse when they retired compared to when they started working.

Thanks for your service,

Chris Elkins PhD, retired  
UNC Departments of Medicine  
and of Microbiology and Immunology  
██████████, NC

Dear NC Marine Fisheries Commissioners,

The North Carolina Wildlife Federation would like to take this opportunity to provide comments on draft Shrimp FMP Amendment 2.

While the Marine Fisheries Commission (MFC) reviewed and rejected our petition for rulemaking at its August 2019, during that meeting, it was stated and assured throughout the conversation by MFC, as well as by the Director, that the specific recommendations in the petition would be well- vetted in draft Amendment #2

In 2019, the N.C. Wildlife Federation filed a second petition for rulemaking ("the Petition") requesting that the Commission amend its rules to do the following:

- Designate all Internal Coastal Waters not otherwise designated as Primary Nursery Areas, Secondary Nursery Areas, Special Secondary Nursery Areas, or otherwise closed to shrimp trawling as Shrimp Trawl Management Areas;
- Establish criteria for the opening of shrimp season in Shrimp Trawl Management Areas;
- Prohibit shrimp trawling in all Shrimp Trawl Management Areas on Tuesdays and Thursdays once the season has been opened; and
- Restrict the headrope length for shrimp trawls in Shrimp Trawl Management Areas and the other areas designated in 15A N.C. Admin. Code 3L .0103(d) to 110 feet total.

The goals of the Petition were to support a productive shrimp trawl fishery and rebuild and conserve depleted finfish populations. The measures proposed in the Petition would achieve these goals by managing the areas open to shrimping, the appropriate times when shrimp may be taken, and the gear used. The measures proposed in the Petition would ensure that shrimp trawling was conducted in a responsible manner that minimizes the bycatch of juvenile finfish species from estuarine waters.

At the August 2019 meeting, the MFC discussed the petition and voted to deny the petition with the dominating reason surrounding the forthcoming

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Tim

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North Carolina

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Shrimp FMP review process. Upon review and audit of the meeting discussions, the opposition by those Commissioners- who eventually ended up voting against the petition-focused upon process, timeframes, and additional public, stakeholder input exhaustively deferring to the FMP process. Commissioner Posey made the final comments prior to a vote to reject the petition. Dr. Posey pointed out that the MFC very specifically asked the FMP planning process to address the major tenets of the discussion in February 2019, calling it a mandate for the MFC to consider the petition requests. Dr. Posey further commented that the FMP process invites broader review of all the important components more easily. Other comments in support of rejection indicated the FMP process would be quicker and raised concerns over economic data. There was no discussion of the scientific basis by which the petition was filed upon.

Almost two years later, the MFC is now scheduled to vote on a draft Amendment 2 for public comment. Draft Amendment 2 both ignores several strategies proposed in the Petition and is inconsistent with the Division of Marine Fisheries' earlier positions on key proposals within the Petition. The following are our comments on several issues covered by draft Amendment 2:

1) Management of Shrimp Trawling for protection of critical sea grass and shell bottom habitat. Solution is to modify closure lines. The plan fails to consider the petition recommendations to establish Shrimp Trawl Management Areas (STMAs), inconsistent with the assurances conveyed to the petitioners during the August 2019 meeting and discussions with state leadership following the meeting. Simply redrawing arbitrary lines that do not take into account potential expansion of critical habitats is a misleading, paper exercise.

2) Shrimp management in Special Secondary Nursery Areas. The current draft Amendment 2 simply proposes to convert currently unfished Special Secondary Nursery Areas into permanent Secondary Nursery Areas. The specific discussion on these areas was that they were not fished anyway and would not create any problems for the industry. Again, this is inconsistent with the petition and the assurances that STMAs would be discussed.

3) Implement area closures to reduce bycatch. The draft appears to consider a suite of potential area closures to create buffers to reduce bycatch. Many of the areas considered are inland of the primary fishery in Pamlico Sound, e.g., Bay River, Neuse River, failing to provide protection for juvenile fishes once they reach the principle fishing grounds in Pamlico Sound. While we appreciate that Core Sound and other areas are included, we believe these



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options to be window dressing to avoid the real discussion of STMA's and substantive reductions in shrimp trawl bycatch and habitat destruction. ]The STMA's would allow areas to remain open under strict guidelines as opposed to a closure yet are not included in draft Amendment #2.

4) Measures to reduce bycatch are lumped into the final section of the draft Amendment 2 and include limiting days per week fishing, times of day, headrope length, tow times, limited entry, and addressing non-trawl shrimp fisheries. While this section does include several of the suggested options from the petition, no specifics are provided in which the public could comment. The petition proposed closing two additional days per week and limiting trawl headrope to 110 feet. The petition also suggested opening criteria so that shrimping would only commence when shrimp size was adequate and bycatch lower based on actual sampling. The draft provides no specific recommendations or even suggestions as to how these restrictions may look but does state that status quo fails to provide reductions in bycatch and that limited entry in the fishery is the "[m]ost effective way to limit effort in the shrimp trawl fishery."

The North Carolina Wildlife Federation has been intensely involved in shrimp trawl management to reduce bycatch and protect essential habitats, through two formal petitions for rulemaking, over the past 5 years. <https://ncwf.org/wp-content/uploads/2019-05-20-Petition-for-RM-amended-updated.pdf>  
The current Amendment #2, as we have already stated, raise serious concerns regarding science-based management and options that truly provide any progress towards meeting the goals of the plan. A major concern, and one that every MFC member should be aware of, are the inconsistencies in Amendment #2 and the DMF Fiscal Note that was developed in opposition of our initial petition for rule-making which was supported by a vote of the MFC. [https://ncwf.org/wp-content/uploads/2019-02-19-Ltr-to-MFC-re\\_-fiscal-note.pdf](https://ncwf.org/wp-content/uploads/2019-02-19-Ltr-to-MFC-re_-fiscal-note.pdf)

One need only read the Executive Summary of the Fiscal Note to understand the level of concern for our public trust resources. Specifically, and perhaps the most concerning statement in the entire document is "How an increase in stock abundance for species important to North Carolina would affect commercial and recreational fisheries is also unknown". It is critical for this process and the confidence in our scientists that this statement be fully explained.

Additionally, a major aspect of the DMF opposition to the Fiscal Note was the difficulty enforcing the proposed changes. Interestingly, the two day per week closure was considered unacceptable due to enforcement concerns in the

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Fiscal Note, yet draft Amendment #2 indicates that a two day per week closure is “easy to enforce”.

Throughout the Fiscal Note, the DMF focused on the lack of data and analysis to determine if common sense management actions of reducing bycatch is a benefit to the resource. These uncertainties are the cornerstone of their objections to taking any meaningful action.

Additionally, the DMF states that the benefits of the petition actions, those we encourage you to fully consider in Amendment #2, “do not happen immediately”. Of course not. They acknowledge the benefits, but because they cannot be assessed with 100% certainty, they are rejected. Further, it appears, in the Fiscal Note and Amendment #2, that we have no reliable data in which to say loss of habitat and excessive mortality on juvenile fishes of commercial and recreational importance is a problem. We disagree. Ample data exists to warrant significant and substantive changes to how we manage the highly destructive estuarine shrimp trawl unique to North Carolina.

The Fiscal Note indicates that the impacts of the petition “on consumers is also unknown”. Keep in mind that recent studies show that the chances of purchasing advertised, fresh local North Carolina shrimp that are actually fresh local shrimp is less than 50% and the cost of fresh local shrimp, whether fresh local or a farm raised import, is outside the budget of the vast majority of North Carolinians. The benefits of a healthy resource far outweigh any impact to the shrimp fishery.

The Fiscal Note states that “Fishery managers have a range of goals. They strive to maintain healthy fish populations and a healthy fishing industry, both recreational and commercial”. We strongly disagree. Fishery managers must strive to maintain or rebuild stocks to sustainable levels. The health of the fishing industry depends on success only on that front. The declines in many of our fisheries as a result of the habitat loss and bycatch mortality has left shrimp as perhaps the only viable fishery in the state, while all others suffer. The MFC has never reviewed the Fiscal Note to our knowledge and certainly not in any public forum. Since the petition should play a vital role in Amendment #2 discussions, as assured by numerous statements during the August 2019 meeting, it would seem appropriate to provide a thorough review and discussion on the Fiscal Note in a public setting with questions permitted by the public, particularly the petitioner. We believe there are many technical deficiencies, incorrect assumption, and discrepancies with the current FMP amendment that should be addressed prior to selecting options for public comment.

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<a href="#">24</a>	05/18/2021 - 1:33pm	Richard	Bucksar	North Carolina	<p>I have been surf fishing the Cape Lookout / Atlantic Beach area since the 80's. I don't need anyone to tell me that the recreational catch has plummeted. I've experienced the decline first hand for the past several years. I also don't need anyone to tell me why. It is commercial "interests" and allowing the "recreational" practices such as gigging. I am someone that spends several thousand dollars each year renting houses and spending at businesses in Atlantic Beach to Emerald Isle. It has now gotten to the point where I'm asking myself why. I am asking the N.C. Marine Fisheries Commission to do their job, and to actually manage our precious resource for the benefit of all of us, instead of the special interests of a few. R.W. Bucksar - [REDACTED] N.C.</p>

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<a href="#">23</a>	05/18/2021 - 12:27pm	Mike	Norris	North Carolina	Please keep 6 week Flounder season, creel at 4, and size limit at 15" just like last year.
<a href="#">22</a>	05/18/2021 - 10:54am	Robert	Lyndon	North Carolina	I believe if the state of NC would get the nets and Trawlers out of our sounds ,our fish stocks would be the best in this country its time to do the right thing and stop the nets and Trawlers from depleting our fish stock any more ,, follow the science,, before it's to late.. my kids and grandchildren would like to fish ,but the way it's going the only way there go I no to be able to do so is to go to another state that doesn't allow nets and Trawlers on the inside,, think about it long and hard ,, please for the sake for all of us ,, do the right thing
<a href="#">21</a>	05/18/2021 - 10:48am	David	Belk	North Carolina	Wildlife is best managed through regulation, yet many recreational fisherman feel that their concerns are not being met as fish stocks have plummeted under current management plans, which has led to judicial and legislative action. Please recognize that the vast majority of North Carolinians want sustainable fishery harvests and oppose gill nets and estuary trawling. You have the ability to ban gill nets and estuary trawling now which will make legislation unnecessary.
<a href="#">20</a>	05/18/2021 - 10:41am	Robert	Patterson	North Carolina	it is not the fishman who fishes with a line and hook that is hurting the flounder it is the people that are gigging and shrimp boats to close to shore. If you stop the recreational fisherman you will hurt the people that comes down on vacation to fish for flounder and that will hurt all the business on the coast. Please do not take away our flounder fishing
<a href="#">19</a>	05/18/2021 - 9:59am	JERRY	JAMES	North Carolina	THIS IS TO INFORM THE COMMISSION THAT I AND A LOT OF MY FELLOW FISHERMAN ARE DISPLEASED WITH THE DECISION TO ALLOCATE SOUTHERN FLOUNDER ON A 70/30 BASIS AND WOULD ASK THE COMMISSION TO RECONSIDER TO A 50/50 SPLIT. THANK YOU IN ADVANCE FOR YOUR CONSIDERATION JERRY
<a href="#">18</a>	05/18/2021 - 9:41am	Rick	Sasser	North Carolina	<p>Rules- We hear the commercial industry has too many, at least according to Commissioner Cross's interview on WNCT-TV last week. Commercial Rules- NC has 336 pages. The reason...no other state from Maine to Texas allows the commercial gears that NC allows spatially or temporally. These are mostly highly destructive gears, all at over-capacity, and unsustainable- estuarine effort using gillnets, long-haul seines, mechanical kicking, dredging, and otter trawls.</p> <p>You will hear no argument from the recreational sector to reduce the commercial regulation burden by adopting SC, GA, Florida, Alabama, Mississippi, Louisiana, or</p>

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Texas Rules here in NC.

Estuarine gillnets keep our long-lived species like red drum and striped bass stocks depressed. The occasional good year class of fish, intended to carry the stock for years, disappears when that age class reaches the size and “recruits” to harvest and discards in the large mesh gillnet fisheries. Unsustainable and highly destructive bottom disturbing gears have destroyed SAV and shell bottoms while continued use prevents re-establishment of those critical habitats.

Pick any state from SC to Texas, please, give us those rules. Doing so will help Commissioner Cross reduce the NC Rule Book to a fraction of its current size. The resource will thank you.

You have an opportunity to address shrimp trawling in the current FMP amendment that is underway. This commission must honestly address bycatch. Past commissions have recently promised to do so at least twice. The first promise failed. The 2015 Shrimp FMP Amendment 1 directing the industry to find gear modifications that produced a 40% bycatch reduction did not. The second promise was made at the end of the NCWF Petition for Rulemaking when the division promised to address the issues during the next FMP process- that time is here.

The stocks of Atlantic croaker, spot, weakfish, blue crab, flounders, and many other economically important fin and forage species cannot afford for this commission to kick the can down the road one more time.

The division has certainly provided reasons and excuses in the draft FMP to kick the can- lack of data, fallacies of the ratio method versus CPUE method, unknown effort, etc. The division included that “Gear testing studies should not be used to estimate bycatch”. That comment is specifically aimed at Citizen Science analysis clearly showing the industry bycatch reduction trials failed to accomplish a 40% bycatch reduction as mandated in the 2015 Shrimp FMP Amendment 1. The industry not only did not meet the 40% reduction, but it failed to produce any measurable reduction- zero. The “successful” test gear had a 3.6-to-1 bycatch ratio. Kevin Brown in his 2009 Pamlico Sound shrimp bycatch characterization study found a 3.3-to-1 bycatch ratio. There was no reduction in the industry led trials.

The late Steve Parrish, the gear specialist on the industry workgroup, cautioned the group that bycatch reductions were overstated because the industry was already using 1-3/4 inch mesh tail bags and some of the industry was using 1-7/8 inch mesh tail bags. Parrish clearly told the group that it was unrealistic to use a 1-1/2 inch tail bag mesh size as a control net.

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The industry “dumbed down” the control net to a 1-1/2” tail bag increasing the bycatch ratio to 6.3-to-1, thereby allowing the “test” net using a 1-3/4” tail bag, gear the industry was already using, to reduce bycatch back to 3.6-to-1. The second BRD (federal fisheye) does nothing to reduce juvenile bycatch. It was never independently tested as a variable. There was no reduction. The trials were a smoke and mirrors delaying tactic.

The recent Atlantic croaker and spot stock assessments found that shrimp trawl bycatch is the #1 source of total mortality for both stocks. The croaker stock assessment found that “shrimp trawl bycatch accounted for 81 - 99% of annual removals and averaged 91.6% of all removals”.

Weakfish have natal homing. Just like salmon return to their native river to spawn, weakfish return to their native NC inlet to spawn. When we kill juvenile weakfish in the Pamlico Sound shrimp trawl fishery, we are killing our future spawning stock. Like Atlantic croaker and spot, shrimp trawl bycatch accounts for the vast majority of total annual removals for weakfish.

The division has provided Hotspot data for the Pamlico Sound using the P-195 trawl survey. The weakfish data correlates very well with my own analysis using 27-years of data from 1987 – 2013. NC allows extensive trawling in the epicenter of our weakfish nursery areas- undesignated nursery areas. The same can be said for Atlantic croaker, spot, blue crab, kingfishes, flounders, and other species.

The division tells you that “closing the entire Pamlico Sound to shrimp trawling would be a severe management measure”. Yet, the division’s own Hotspot analysis identifying undesignated critical habitat nursery areas shows, per the division’s own words, that “no single area closure encompasses the range for all species, except a complete closure”.

The science, data, facts, photos, satellite images and GIS tracks clearly show that NC has failed to protect its nursery areas. During the 2013 Hergenrader Petition for Rule Making asking to close NC at the Colregs Lines to trawling, Connell Purvis, former Director of the NCDMF, clearly stated that “Shrimp is King”. Current nursery area designations were delineated to protect shrimp trawling. The end results are evident with our decline is croaker, spot, weakfish, blue crab, and flounder.

Shrimp trawl effort is not down. The division and industry will falsely claim that effort is down as much as 80%, therefore bycatch has been equally reduced. Neither is true. Catch equals landings plus discards including bycatch discards. Landings are

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					<p>at a historical high as much as 2.5-times the long-term average. Landings are a function of catch. Bycatch is a function of catch. There is no gear capable of sorting a three-to-five-inch shrimp from a three-to-five-inch juvenile finfish allowing the fish to escape unharmed that does not produce an unacceptable shrimp loss to the industry. To protect our economically import fin and forge fish, we must protect all of our nursery areas- designated and undesignated.</p> <p>I had hoped to assist the Shrimp Advisory Committee with years of citizen science research and data. But, after being named to the committee, fisheries management in NC being a political science, politics removed me from the AC prior to the first meeting. I did virtually attend the workshops as a viewer.</p> <p>If I can assist you in better understanding the issues and facts, please do not hesitate to ask.</p> <p>I ask that this commission have the courage to follow and use the best available science. Use your common sense. Please come to the table in good faith. If our resources are to recover, we must properly identify and delineate critical habitat with priority given to nursery area protection.</p> <p>Thank You</p>
<a href="#">17</a>	05/18/2021 - 9:11am	Vernon	Hunter	North Carolina	<p>Honorable Commissioners, I have made my living fishing commercially. I love shrimp and all seafood. But the inshore dragging in our sounds is unsustainable and simply must stop. This fishery has far too much bycatch, particularly of juvenile fish of threatened stocks like gray trout and both of our species of flounder. It is ruining other commercial fisheries as well as our valuable recreational fishery.</p> <p>Dragging also destroys the remaining oyster beds and reefs which help clean our waters. Please do what every other state on the east coast has done - ban inshore dragging.</p> <p>Thank you for your consideration,</p> <p>-Vernon Hunter</p>
<a href="#">16</a>	05/18/2021 - 9:11am	John	Keen	North Carolina	<p>I grew up in eastern North Carolina, but spend most of my adult life living, working and fishing al coastal states from Texas to Maryland.</p> <p>I moved back to NC to retire in 2009, and still own and operate the family farm west of [REDACTED].</p> <p>I was expecting NC fishing to be very good, second to none. It has been very</p>

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disappointing. Sea trout, flounder, striped bass just for starters, are nothing like they used to be and what I an used to in other states. Also, menhaden, herring, spots, croakers, and such are being over fished.

Use of trawls and Gill nets in shore are destroying the ability of the fisheries to reproduce and be what it should be. Management decisions are awful.

This is a public resource , the property of the citizens of North Carolina. Not for commercial use. I have been interested in, following, and involved in conservation of wildlife, fisheries, and land and water since I was a kid, over 65 years. I thought we had learned our lessons from miss use of public lands in the early 1900 s. Many creatures nearly or completely wiped out.

I have been a hunter and fisherman for 70 years. It is sad to see what is happening to our fisheries here in NC.

If we closed our inshore fisheries to commercial schimping and fishing for 3-5 years there would be a hugh improvement to the fish and other creatures living there.

Maybe limiting recreational fishing to catch and release for 2-3 years would allow the fishery to begin to recovery.

No in shore shrimping or gill nets in the future. As the fisheries recover, place better restrictions on size and number of fish taken by recreational fishermen.

North Caroline's has the ecosystem to be one of the best fisheries in America.

Good for the fish, fisherman, public, and economy.

Just do your jobs properly. Get rid of the politics, especially as it relates to commercial fishermen.

Thanks,  
John

I grew up in eastern North Carolina, but spend most of my adult life living, working and fishing al coastal states from Texas to Maryland.

I moved back to NC to retire in 2009, and still own and operate the family farm west of Goldsboro.

I was expecting NC fishing to be very good, second to none. It has been very disappointing. Sea trout, flounder, striped bass just for starters, are nothing like they used to be and what I an used to in other states. Also, menhaden, herring, spots, croakers, and such are being over fished.

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05/18/2021 -  
9:11am

John Keen

North  
Carolina

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					<p>creatures nearly or completely wiped out. I have been a hunter and fisherman for 70 years. It is sad to see what is happening to our fisheries here in NC.</p> <p>If we closed our inshore fisheries to commercial schimping and fishing for 3-5 years there would be a hugh improvement to the fish and other creatures living there. Maybe limiting recreational fishing to catch and release for 2-3 years would allow the fishery to begin to recovery. No in shore shrimping or gill nets in the future. As the fisheries recover, place better restrictions on size and number of fish taken by recreational fishermen. North Caroline's has the ecosystem to be one of the best fisheries in America. Good for the fish, fisherman, public, and economy.</p> <p>Just do your jobs properly. Get rid of the politics, especially as it relates to commercial fishermen. Thanks, John</p>
<a href="#">14</a>	05/18/2021 - 8:16am	Leonard	Nelson	North Carolina	<p>I believe a comprehensive 3rd party analysis of gill nets should be conducted by the state of North Carolina. The total value of commercial landings from gill nets can be compared against the impact to tourism, recreation, hospitality, and boating that are driven by healthy fisheries. We have excellent research universities who can conduct this study competently. This approach would allow us to establish a rational gill net policy based on economic facts rather than political influence.</p>
<a href="#">13</a>	05/18/2021 - 7:49am	Harley	Phillips	North Carolina	<p>How about representing all fishermen not just commercial. Recreational fisherman get left out all the time. Lots of money spent to enjoy fishing have same regulation for all. When season open for one make it open for all. I understand we need to do something to help fishery so let either open for all or close for all. No more special treatment for either commercial or recreational.</p>
<a href="#">12</a>	05/18/2021 - 7:48am	John	Lenzmeier	North Carolina	<p>Dear Commission.</p> <p>One of your objectives today is to review ideas on reducing the shrimp trawl by catch. So by you reviewing the topic you are admitting that trawling in the sounds with gear designed for the ocean is a problem. The consensus is that there is a problem. It's the solution that is the hard topic.</p> <p>The way I see it, the solutions become easier if you prioritize your intended end result.</p> <p>So what are your priorities? Or better yet, what should your priorities be?</p>

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Is your priority to have a healthy and sustainable fishery and marine environment for all current and future North Carolina residents to use and enjoy?

Or is your priority to allow a few very affluent, well capitalized, profitable and politically connected businesses to exploit a resource that they don't own for their personal profit & benefit?

The science is abundantly clear - trawling in the sound is decimating the young fish stocks. Maybe that's why NC is the only state on the east coast that allows this practice. All the other states have placed the health of the fishery above the interests of a select few commercial enterprises.

Why haven't we?

So what are your priorities? Perhaps a reading of your mission statement would be useful.

Here is another to-do when you have an hour. Read the the full complaint and motions from the lawsuit leveled against the state for mis-managing this public resource. The folks are Poyner-Spruill did a real good job of pointing out the obvious.

1105/18/2021 -  
6:42am

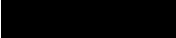
Jeff

Smith

North  
Carolina

Many times when people hear fishing tournaments, all they hear is big money gambling. But that's not the case for most non profit organizations. I am the president of the got em on carolina beach fishing club. We have 500 plus active members. Every year we host 5 members only flounder tournaments. Now we can not due to the limited season. I would like to see no closed season for recreational, and control the quota by limit and size. For instance, only 1 over 18" and then a slot to target male. 2 fish max. Per person 4 total per boat. Don't stop us from going fishing and spending money. And don't say if we close commercial we have to close rec. That's bs. You do what works for recreational to reduce flounder caught and you do separately what ever works for commercial. A commercial guy can not afford to go fish for 2 fish per trip, therefore the only fix is a quota for them. There's many options to put on rec guys.

1. Limit # of fish kept per week and only 1 over 18".
2. 1 fish per person per day
3. 2 fish per person per day
4. Slot, 15 " to 18" 2 max per day, 1 trophy fish per year over 18", must call it in while on the water.

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					<p>So many options available. And don't use, we can't police that. If someone wants to cheat and break the rules, then they will anyway. I honestly feel most recreational guys are playing by the rules.</p> <p>Thanks, jeff Smith  </p> <p>Please call if we can assist in gathering information from our members.</p>
<a href="#">10</a>	05/18/2021 - 6:39am	Kelly	Bordeaux	North Carolina	<p>Hello. I would like to see better shrimp trawling techniques/gear that helps limit bycatch. We kill too many small fish as bycatch. I would also like to eliminate trawling totally in inside waters. Ocean trawling is ok, but not inside because it kills many juvenile fish. One last thing, nets of any type should be banned from nursery areas. The nets in nursery areas kill the spawning adults and that is not good for the fishery. Heck, close the primary nursery areas to any fishing nets or hook/line. Thank you.</p>
<a href="#">9</a>	05/17/2021 - 8:27pm	David	Sneed	North Carolina	<p>We would like to first address concerns surrounding the development of Amendment 3 of the Southern flounder FMP. This discussion should be exclusively about how we are going to rebuild an important recreational and commercial fishery that has been decimated by decades of overfishing and denial.</p> <p>The total removals have been unequivocally too high. Since 1981, the commercial industry has historically taken over 83% of the annual harvest of Southern flounder so there should be no debate over who bears the most responsibility for the overfished status of Southern flounder. Not even a coastwide stock assessment can deflect that responsibility. The claims that CCA is advocating for a larger bag limit for recreational anglers is just another attempt to deflect the public's attention away from the reason recreational harvest is closed on flounder. This fishery is so depleted it must now be managed by a quota and the only fair way to allocate the remaining crumbs is to split it down the middle. That is about equity and not increased bag limits.</p> <p>Attempts by commercial fishermen to compare this equity to other species, specifically speckled trout and red drum, is further deflection. Currently speckled trout and red drum stocks are healthy and are not classified as overfished therefore they are not managed by a quota or Total Allowable Landings. For commercial fishermen to compare a 50/50 allocation of a quota managed Southern flounder fishery to healthy fisheries like trout and drum and suggest they should be allocated the same way makes absolutely no sense and should be seen for what it really is and that is the highest level of hypocrisy. Interesting they want to use trout and drum as a bargaining point but not shrimp and blue crabs. Commercial fishermen</p>

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are asking the public to ignore the impact they had on flounder stocks and reward them with more trout and drum simply because rec anglers had the audacity to suggest that the quota on flounder should be 50/50. Commercial fishermen have further suggested that they know what is best for rec anglers by telling us that we should stop advocating for parity in the next Southern flounder FMP and should instead be advocating for higher bag limits on red drum. Recreational anglers recognize that some fish are more valuable left in the water, including red drum. Most red drum caught by recreational anglers are released and provide a significantly higher return for the coastal economy than those commercially harvested.

Efforts to conserve, protect and rebuild our fisheries do not result in biased, burdensome over-regulation of commercial fishermen, who do not own the resource. Decades of overfishing and the continued use of destructive fishing gear does. Managing a gear that entangles and kills endangered species like sea turtles, Atlantic sturgeon and dolphins takes up half of the rule book and half of the effort at DMF. Same with managing shrimp trawling in the Pamlico Sound nursery – get the nets out of our inshore waters and you can eliminate the bulk of your burdensome regulations. Or you can continue to argue that protecting endangered species and attempting to eliminate wasteful bycatch is biased.

Let's be clear – CCA NC supports healthy and abundant fisheries for all to enjoy. We have heard the Chairman call for commissioners to put the health of the public trust resource first above commercial interests on several occasions and we support his thinking. Nothing we do now is for today.

David Sneed, Executive Director  
Coastal Conservation Association North Carolina

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8	05/15/2021 - 8:34pm	John	Foss	North Carolina	<p>How can a man that buys fishing licenses catch much less keep supper if he catches enough for the meal. The angler with the fishing pole isn't the problem with the depletion of a species anglers can release alive netters cant and kill all sizes. Makes no sense to continue purchasing the license..</p>
7	05/14/2021 - 5:24pm	Stuart	Creighton	North Carolina	<p>Good afternoon and thank you for allowing me to express my concerns ahead of your upcoming quarterly meeting. I will focus them on two key issues that you are scheduled to address, southern flounder and shrimp.</p> <p>First, southern flounder amendment 2 called for a 62% reduction in harvest for 2019 and a 72% harvest reduction for 2020. With the preliminary numbers in for both years across all user groups, it is obvious that this amendment did not reach its target reductions. The recreational harvest in 2020 of over 400,000 pounds is particularly disappointing, but none of these missed targets should come as a surprise. The approval process tok too long to be effective in 2019, and the lack of a quota with paybacks, insufficient monitoring and enforcement, and a brief 45 day season led to the exact kind of derby fishing that many noted could happen during the AC &amp; MFC meetings leading up to the approval and implementation of FMP Amendment 2. With the delays currently occurring over the new allocation plan and its impact on proposed amendment 3; 2021 will likely be no different, even with the shorter seasons mentioned in the meeting book by departmental leads. The repeated failure to manage southern flounder in a timely manner simply reinforces the point that the process needs to change. It is too cumbersome, too easy to delay needed actions, and too bureaucratic to include the difficult steps needed to properly recover a depleted stock.</p> <p>As it is currently written, amendment 3 is missing specific components that must be taken into account if it is truly going to rebuild southern flounder stocks. Damage done to both flounder habitat and population by trawling that is allowed in Pamlico Sound cannot be ignored. Current bycatch estimates indicate that as many as 480,000 juvenile southern flounder are killed each year as bycatch in the trawl fleet. That estimate alone provides good justification to close certain areas of Pamlico Sound as proposed in the pending amendment 2 to the shrimp FMP. The high recreational catch numbers make it hard to refute the proposed one southern flounder per person per day creel limit that is being proposed. What would make it more palatable would be a change to the proposed access to the ocean flounder fishery where the currently healthy populations of gulf and summer flounder reside. The Division proposal of an additional 45-day season in the ocean from March 1 - April 15 taking one ocellated flounder is just not practical. Weather and the location of the fish during that time of year makes it impractical to fish for them then. Instead, a single 90 day season should be opened in the</p>

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ocean from July 1 - September 30. Since both summer and gulf flounder populations are healthy, the 4 fish per person per day creel limit should be maintained. DMF staff can EASILY educate anglers on the differences in the species, and, if southern flounder are harvested, enforcement officers can give tickets with fines sufficient to dissuade accidental harvest of southern flounder. There is talk of changing the size limits on southern flounder to a slot of 12 - 18". In order for that to be effectively applied across BOTH user groups, large mesh gill nets would have to be banned from the commercial fishery as small mesh nets would have to be used to capture the smaller fish. RCGL gear would also have to be disallowed.

The failure of amendment 2 proves that enforcement officers (with full policing authority) will have to have a greatly increased presence on the water. Fishing effort from both groups will have to be monitored every day and night. The division must do a better job of accounting for unreported catch. Whether it is commercial harvest for "personal consumption", unreported giggering trips, RCGL netting, or multi-limits taken on a single day by a recreational boat, there is far more flounder harvested than is reported and that latent effort must be addressed.

Next, the proposed amendment 2 to the shrimp FMP is full of data, much of it designed to show that the Division is being thorough in its assessment of the shrimp fishery. In truth, they have been, and are to be commended for their efforts.

From the table on p. 157, comparing trips, participants, and landings, one thing is very obvious. Shrimping effort is NOT decreasing. When comparing the five year averages from 1994-98 and 2015-19, trips and participants are down, however, the average landings almost double in the years from 2015-19. This indicates not only more efficient harvesting methods, but also a change in the characteristics of the fleet. Now, 25% of the fleet harvests 75% of the shrimp as more of the large, four tailbag vessels designed to operate in the ocean work the Pamlico Sound.

The next comments center around the hotspot data found in pages 177 - 188 of FMP amendment 2.

The hotspot data is particularly telling in that it shows the ENTIRE Pamlico Sound is used as an undesignated secondary nursery by, at least: spot, croaker, weakfish, southern flounder, and summer flounder. Each species uses a different part of the sound in different parts of the year, but the clusters clearly show how each has a favored habitat found throughout the sound. Croaker, spot, and southern flounder cluster in the west central part of the sound (near the mouths of the Neuse and Pamlico Rivers). Weakfish, summer flounder, and croaker cluster in the northern areas of the sound. Their movement from June to September

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show ALL OF THE SOUND is used as a nursery area/migration corridor. The area surrounding Bluff Shoal seems to serve an important function, perhaps as a central migration corridor, as it delineates deeper and more shallow habitats. Many recent studies show that important micro-habitats exist, and are severely damaged by the bottom disturbing otter trawls, in the softer bottom areas of the sound. Also, a recently released study in Nature magazine shows that the bottom disturbing trawl gear is a significant source of re-releasing carbon into the atmosphere.

In this amendment, there are several management measures that the MFC will be considering and potentially voting on.

I URGE that area closure option 3: CLOSE Pamlico Sound to trawling be approved. Doing so makes all other management options non-essential. While the most impactful of all the options, it is the one that should have happened long ago. It also makes the most sense as the finfish abundance data is clear. The entire sound IS A NURSERY AREA, even though DMF and our Legislature has never designated it as such.

Should that option not be approved, I would recommend the following "cocktail" of management options be passed.

In the area closure options: Option 2 is "acceptable" as it does close most of the sound to trawling and does do a good job of isolating the finfish hotspots.

If these fail, we need to choose all options to close all rivers to trawling. Examples are: Option 4 which closes the Neuse River and Option 28 that closes the Cape Fear River.

Under Nursery Designations: Option 3 is best as it changes all SSNA's to SNA's.

With regard to Habitat Protection: Options 2 (protecting areas of SAV) & # (protecting shell bottom) should be endorsed concurrently.

For Gear Modification: Option 4 of reducing days is the best choice. PLEASE NOTE: Option 9 allowing other gear is a good choice IF AND ONLY IF all of Pamlico Sound is closed.

Thank you for your consideration with respect to these issues.

Stuart Creighton

CCA NC Fisheries Chairman

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<a href="#">6</a>	05/13/2021 - 7:57am	Wade	Howell	North Carolina	Until trawling is banned in Pamlico Sound and gill nets in the coastal rivers and creeks the fish stock situation will never be any better.
<a href="#">5</a>	05/12/2021 - 11:18am	Jack	Dunn	North Carolina	<p>I am writing to encourage the commission to adopt stringent rules for inshore shrimp trawling. Although I believe the practice should be banned altogether I understand that we need to take incremental steps in that direction that protect the fishery at large while providing a transition period to those that earn their living shrimping in North Carolina. I request two items be taken under consideration</p> <p>No other state allows inshore shrimp trawling; to the extent we allow it in North Carolina it should be reserved exclusively for North Carolinians(North Carolinians are not receiving reciprocity anywhere else). Please consider adopting legislation that requires any boat shrimping inshore in North Carolina to be registered and paying property tax in North Carolina and for the owners and captains of said vessel need to be residents of NC paying income tax in the State of North Carolina. If the intent behind not banning inshore trawling is to protect commercial fishing as a way of life in North Carolina we need to pass legislation that makes fishing in the waters of North Carolina a right exclusive to North Carolinians unless another state offers 100% reciprocity such that our fisherman derive equal amounts of income in harvest in the waters of that state. Additionally trawling should be limited to commercial fisherman who derive more than 70% of their state income from commercial fishing activities so that only those that rely on the fishery for a livelihood participate in this destructive practice.</p> <p>Second I would ask the commission to make it illegal for any trawler to have a net in the water within 1 mile of any land mass or marsh. Its critically important that we support the nursery environment for all species and limit bycatch and this is best done staying well clear of land and marsh environments that are critical spawning and nursery grounds.</p> <p>Relative to both recommendations I would ask the commission to consider penalties in line with measures the Chesapeake bay commission put in to bring back their striped bass population. Violation of either rule should be confiscation of the vessel by the state and one year in jail</p> <p>Thank you</p>



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4	05/12/2021 - 10:44am	william	brendle	North Carolina	<p>I have been flounder fishing all my life and i am now 73. My grandson is now 12 and he loveS to fish for them now but you have made it to where he has no time to fish. The 45 day season you have give the rec. fishermen is crazy. This season just causes everyone to fish at that time and puts a lot more pressure on the the fish. If you continue to let the commercial industry rape the flounder from our coastal waters with out any restrictions North Carolina is doomed. You need to put more restrictions on the commercial fishing like make the allocations more equal 50/50, not night time gigging (look like this would have been the first thing you would have thought of kills a lot of the big females and not everyone does it), no nets (this is our biggest problem nets every where), keep the trawlers out of the sounds(killing all of our baby fish) and i could go on and on. Just thing about it the other states have no nets and a lot less commercial fishermen and the are not having this problem. Do not know how you can justify what you are trying to do when the recreational fisherman bring in a lot more revenue to North Carolina.</p> <p>I am not saying to stop Commercial fishing just put out more restrictions on them (there nets, flounder trawlers and shrimp trawlers) lets be fair THE RECREATIONAL FISHERMEN ARE NOT THE PROBLEM</p>
3	05/12/2021 - 10:22am	James	Kenley	North Carolina	<p>I am a resident of [REDACTED]. I have fished our inshore waters for 40 years. Our Southern Flounder Fishery is all but collapsed. If you have children or grand children - I encourage you to think about the last time they actually caught a flounder at our coast. Those times have become increasingly fewer over time. Please change the course and enact effective measures that will stop overfishing and manage this public trust resource.</p>

MFC Webform Comments – 051021

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<a href="#">2</a>	05/08/2021 - 12:20pm	Jim	Stone	North Carolina	When is commercial flounder season opening and ending?
<a href="#">1</a>	05/08/2021 - 7:38am	Chris	McCaffity	North Carolina	<p>Please focus more on enhancing our fisheries and food supply than restricting the public's freedom to access them. Please put a moratorium on leasing any more of our public waters for private production. Please use our license fees along with a realignment of management priorities to regionally stock a variety of native larval-stage seafood that will increase recreational opportunity and seafood production. Hatcheries and habitat enhancements can be the perfect blend of public water aquaculture and wild-caught seafood that lives free and self-sufficient until harvested by independent fishermen. Wouldn't it be more beneficial to NC citizens for us to use proven management tools that promote freedom and food security for everyone instead of selling our public waters to a few global corporations? Shouldn't we preserve access to our public resources rather than making more of them off limits? Isn't it time we started thinking about ways to manage our public resources in ways that benefit everyone and the environment?</p>



## North Carolina Wildlife Federation

*Affiliated with the National Wildlife Federation*

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(704) 332-5696

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(919) 833-1923

May 18, 2021

Dear NC Marine Fisheries Commissioners,

The North Carolina Wildlife Federation would like to take this opportunity to provide comments on draft Shrimp FMP Amendment 2.

While the Marine Fisheries Commission (MFC) reviewed and rejected our petition for rulemaking at its August 2019, during that meeting, it was stated and assured throughout the conversation by MFC, as well as by the Director, that the specific recommendations in the petition would be well- vetted in draft Amendment #2

In 2019, the N.C. Wildlife Federation filed a second petition<sup>1</sup> for rulemaking (“the Petition”) requesting that the Commission amend its rules to do the following:

- Designate all Internal Coastal Waters not otherwise designated as Primary Nursery Areas, Secondary Nursery Areas, Special Secondary Nursery Areas, or otherwise closed to shrimp trawling as Shrimp Trawl Management Areas;
- Establish criteria for the opening of shrimp season in Shrimp Trawl Management Areas;
- Prohibit shrimp trawling in all Shrimp Trawl Management Areas on Tuesdays and Thursdays once the season has been opened; and
- Restrict the headrope length for shrimp trawls in Shrimp Trawl Management Areas and the other areas designated in 15A N.C. Admin. Code 3L .0103(d) to 110 feet total.

The goals of the Petition were to support a productive shrimp trawl fishery and rebuild and conserve depleted finfish populations. The measures proposed in the Petition would achieve these goals by managing the areas open to shrimping, the appropriate times when shrimp may be taken, and the gear used. The measures proposed in the Petition would ensure that shrimp trawling was conducted in a responsible manner that minimizes the bycatch of juvenile finfish species from estuarine waters.

At the August 2019 meeting, the MFC discussed the petition and voted to deny the petition with the dominating reason surrounding the forthcoming Shrimp FMP review process. Upon review and audit of the meeting discussions, the opposition by those Commissioners- who eventually ended up voting against the petition-focused upon process, timeframes, and additional public, stakeholder input exhaustively deferring to the FMP process. Commissioner Posey made the final comments prior to a vote to reject the petition. Dr. Posey pointed out that the MFC very

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<sup>1</sup> In February 2017, the Marine Fisheries Commission granted a petition for rulemaking submitted to it by the N.C. Wildlife Federation. The Commission failed to follow through on its obligations to initiate the rulemaking process at that time.

specifically asked the FMP planning process to address the major tenets of the discussion in February 2019, calling it a mandate for the MFC to consider the petition requests. Dr. Posey further commented that the FMP process invites broader review of all the important components more easily. Other comments in support of rejection indicated the FMP process would be quicker and raised concerns over economic data. There was no discussion of the scientific basis by which the petition was filed upon.

Almost two years later, the MFC is now scheduled to vote on a draft Amendment 2 for public comment. Draft Amendment 2 both ignores several strategies proposed in the Petition and is inconsistent with the Division of Marine Fisheries' earlier positions on key proposals within the Petition.

The following are our comments on several issues covered by draft Amendment 2:

- 1) Management of Shrimp Trawling for protection of critical sea grass and shell bottom habitat. Solution is to modify closure lines. The plan fails to consider the petition recommendations to establish Shrimp Trawl Management Areas (STMAs), inconsistent with the assurances conveyed to the petitioners during the August 2019 meeting and discussions with state leadership following the meeting. Simply redrawing arbitrary lines that do not take into account potential expansion of critical habitats is a misleading, paper exercise.
- 2) Shrimp management in Special Secondary Nursery Areas. The current draft Amendment 2 simply proposes to convert currently unfished Special Secondary Nursery Areas into permanent Secondary Nursery Areas. The specific discussion on these areas was that they were not fished anyway and would not create any problems for the industry. Again, this is inconsistent with the petition and the assurances that STMAs would be discussed.
- 3) Implement area closures to reduce bycatch. The draft appears to consider a suite of potential area closures to create buffers to reduce bycatch. Many of the areas considered are inland of the primary fishery in Pamlico Sound, e.g., Bay River, Neuse River, failing to provide protection for juvenile fishes once they reach the principle fishing grounds in Pamlico Sound. While we appreciate that Core Sound and other areas are included, we believe these options to be window dressing to avoid the real discussion of STMAs and substantive reductions in shrimp trawl bycatch and habitat destruction. [The STMAs would allow areas to remain open under strict guidelines as opposed to a closure yet are not included in draft Amendment #2.
- 4) Measures to reduce bycatch are lumped into the final section of the draft Amendment 2 and include limiting days per week fishing, times of day, headrope length, tow times, limited entry, and addressing non-trawl shrimp fisheries. While this section does include several of the suggested options from the petition, no specifics are provided in which the public could comment. The petition proposed closing two additional days per week and limiting trawl headrope to 110 feet. The petition also suggested opening criteria so that

shrimping would only commence when shrimp size was adequate and bycatch lower based on actual sampling. The draft provides no specific recommendations or even suggestions as to how these restrictions may look but does state that status quo fails to provide reductions in bycatch and that limited entry in the fishery is the “[m]ost effective way to limit effort in the shrimp trawl fishery.”

The North Carolina Wildlife Federation has been intensely involved in shrimp trawl management to reduce bycatch and protect essential habitats, through two formal petitions for rulemaking, over the past 5 years. <https://ncwf.org/wp-content/uploads/2019-05-20-Petition-for-RM-amended-updated.pdf>

The current Amendment #2, as we have already stated, raise serious concerns regarding science-based management and options that truly provide any progress towards meeting the goals of the plan. A major concern, and one that every MFC member should be aware of, are the inconsistencies in Amendment #2 and the DMF Fiscal Note that was developed in opposition of our initial petition for rule-making which was supported by a vote of the MFC.

<https://ncwf.org/wp-content/uploads/2019-02-19-Ltr-to-MFC-re-fiscal-note.pdf>

One need only read the Executive Summary of the Fiscal Note to understand the level of concern for our public trust resources. Specifically, and perhaps the most concerning statement in the entire document is “***How an increase in stock abundance for species important to North Carolina would affect commercial and recreational fisheries is also unknown***”. It is critical for this process and the confidence in our scientists that this statement be fully explained.

Additionally, a major aspect of the DMF opposition to the Fiscal Note was the difficulty enforcing the proposed changes. Interestingly, the two day per week closure was considered unacceptable due to enforcement concerns in the Fiscal Note, yet draft Amendment #2 indicates that a two day per week closure is “easy to enforce”.

Throughout the Fiscal Note, the DMF focused on the lack of data and analysis to determine if common sense management actions of reducing bycatch is a benefit to the resource. These uncertainties are the cornerstone of their objections to taking any meaningful action.

Additionally, the DMF states that the benefits of the petition actions, those we encourage you to fully consider in Amendment #2, “do not happen immediately”. Of course not. They acknowledge the benefits, but because they cannot be assessed with 100% certainty, they are rejected. Further, it appears, in the Fiscal Note and Amendment #2, that we have no reliable data in which to say loss of habitat and excessive mortality on juvenile fishes of commercial and recreational importance is a problem. We disagree. Ample data exists to warrant significant and substantive changes to how we manage the highly destructive estuarine shrimp trawl unique to North Carolina.

The Fiscal Note indicates that the impacts of the petition “on consumers is also unknown”. Keep in mind that recent studies show that the chances of purchasing advertised, fresh local North

Carolina shrimp that are actually fresh local shrimp is less than 50% and the cost of fresh local shrimp, whether fresh local or a farm raised import, is outside the budget of the vast majority of North Carolinians. The benefits of a healthy resource far outweigh any impact to the shrimp fishery.

The Fiscal Note states that “*Fishery managers have a range of goals. They strive to maintain healthy fish populations and a healthy fishing industry, both recreational and commercial*”. We strongly disagree. Fishery managers must strive to maintain or rebuild stocks to sustainable levels. The health of the fishing industry depends on success only on that front. The declines in many of our fisheries as a result of the habitat loss and bycatch mortality has left shrimp as perhaps the only viable fishery in the state, while all others suffer.

The MFC has never reviewed the Fiscal Note to our knowledge and certainly not in any public forum. Since the petition should play a vital role in Amendment #2 discussions, as assured by numerous statements during the August 2019 meeting, it would seem appropriate to provide a thorough review and discussion on the Fiscal Note in a public setting with questions permitted by the public, particularly the petitioner. We believe there are many technical deficiencies, incorrect assumption, and discrepancies with the current FMP amendment that should be addressed prior to selecting options for public comment.

Sincerely,



Tim Gestwicki  
CEO / North Carolina Wildlife Federation

**From:** [Klibansky, Lara](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** FW: [External] Fwd: Public Comment Submitted for the May 20, 2021 MFC Meeting  
**Date:** Tuesday, May 18, 2021 10:23:51 AM

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Letter for the books

Lara K. J. Klibansky  
Marine Fisheries Commission Liaison  
Executive Assistant for Councils and Commissions  
NC Division of Marine Fisheries  
Department of Environmental Quality



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[Lara.Klibansky@ncdenr.gov](mailto:Lara.Klibansky@ncdenr.gov)

P.O. Box 769  
3441 Arendell Street  
Morehead City, NC 28557

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**From:** Rob Bizzell [REDACTED]  
**Sent:** Tuesday, May 18, 2021 10:04 AM  
**To:** Klibansky, Lara <[Lara.Klibansky@ncdenr.gov](mailto:Lara.Klibansky@ncdenr.gov)>  
**Subject:** [External] Fwd: Public Comment Submitted for the May 20, 2021 MFC Meeting

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“Take care of business and make things happen”

Begin forwarded message:

**From:** rick sasser [REDACTED]

**Date:** May 18, 2021 at 9:56:17 AM EDT

**To:** Tom Roller <[Tom.Roller.mfc@ncdenr.gov](mailto:Tom.Roller.mfc@ncdenr.gov)>, [rbizzell@ncdenr.gov](mailto:rbizzell@ncdenr.gov), [Robert.B.McNeill.mfc@ncdenr.gov](mailto:Robert.B.McNeill.mfc@ncdenr.gov), "Cross, Doug" <[d.cross.mfc@ncdenr.gov](mailto:d.cross.mfc@ncdenr.gov)>, "Blanton, Mike" <[m.blanton.mfc@ncdenr.gov](mailto:m.blanton.mfc@ncdenr.gov)>, "Romano, Sam" <[s.romano.mfc@ncdenr.gov](mailto:s.romano.mfc@ncdenr.gov)>, [j.kornegay.mfc@ncdenr.gov](mailto:j.kornegay.mfc@ncdenr.gov), Martin Posey <[martin.posey.mfc@ncdenr.gov](mailto:martin.posey.mfc@ncdenr.gov)>, "Hendrickson, Tom" <[t.hendrickson.mfc@ncdenr.gov](mailto:t.hendrickson.mfc@ncdenr.gov)>

**Cc:** "Rawls, Kathy" <[kathy.rawls@ncdenr.gov](mailto:kathy.rawls@ncdenr.gov)>

**Subject: Public Comment Submitted for the May 20, 2021 MFC Meeting**

NCMFC Commission:

Rules- We hear the commercial industry has too many, at least according to Commissioner Cross's interview on WNCT-TV last week. Commercial Rules- NC has 336 pages. The reason...no other state from Maine to Texas allows the commercial gears that NC allows spatially or temporally. These are mostly highly destructive gears, all at over-capacity, and unsustainable- estuarine effort using gillnets, long-haul seines, mechanical kicking, dredging, and otter trawls.

You will hear no argument from the recreational sector to reduce the commercial regulation burden by adopting SC, GA, Florida, Alabama, Mississippi, Louisiana, or Texas Rules here in NC.

Estuarine gillnets keep our long-lived species like red drum and striped bass stocks depressed. The occasional good year class of fish, intended to carry the stock for years, disappears when that age class reaches the size and "recruits" to harvest and discards in the large mesh gillnet fisheries. Unsustainable and highly destructive bottom disturbing gears have destroyed SAV and shell bottoms while continued use prevents re-establishment of those critical habitats.

Pick any state from SC to Texas, please, give us those rules. Doing so will help Commissioner Cross reduce the NC Rule Book to a fraction of its current size. The resource will thank you.

You have an opportunity to address shrimp trawling in the current FMP amendment that is underway. This commission must honestly address bycatch. Past commissions have recently promised to do so at least twice. The first promise failed. The 2015 Shrimp FMP Amendment 1 directing the industry to find gear modifications that produced a 40% bycatch reduction did not. The second promise was made at the end of the NCWF Petition for Rulemaking when the division promised to address the issues during the next FMP process- that time is here.

The stocks of Atlantic croaker, spot, weakfish, blue crab, flounders, and many other economically important fin and forage species cannot afford for this commission to kick the can down the road one more time.



The division has certainly provided reasons and excuses in the draft FMP to kick the can- lack of data, fallacies of the ratio method versus CPUE method, unknown effort, etc. The division included that “Gear testing studies should not be used to estimate bycatch”. That comment is specifically aimed at Citizen Science analysis clearly showing the industry bycatch reduction trials failed to accomplish a 40% bycatch reduction as mandated in the 2015 Shrimp FMP Amendment 1. The industry not only did not meet the 40% reduction, but it failed to produce any measurable reduction-zero. The “successful” test gear had a 3.6-to-1 bycatch ratio. Kevin Brown in his 2009 Pamlico Sound shrimp bycatch characterization study found a 3.3-to-1 bycatch ratio. There was no reduction in the industry led trials.

The late Steve Parrish, the gear specialist on the industry workgroup, cautioned the group that bycatch reductions were overstated because the industry was already using 1-3/4 inch mesh tail bags and some of the industry was using 1-7/8 inch mesh tail bags. Parrish clearly told the group that it was unrealistic to use a 1-1/2 inch tail bag mesh size as a control net.

The industry “dumbed down” the control net to a 1-1/2” tail bag increasing the bycatch ratio to 6.3-to-1, thereby allowing the “test” net using a 1-3/4” tail bag, gear the industry was already using, to reduce bycatch back to 3.6-to-1. The second BRD (Federal Fisheye) does nothing to reduce juvenile bycatch. It was never independently tested as a variable. There was no reduction. The trials were a smoke and mirrors delaying tactic.

The recent Atlantic croaker and spot stock assessments found that shrimp trawl bycatch is the #1 source of total mortality for both stocks. The croaker stock assessment found that “shrimp trawl bycatch accounted for 81 - 99% of annual removals and averaged 91.6% of all removals”.

Weakfish have natal homing. Just like salmon return to their native river to spawn, weakfish return to their native NC inlet to spawn. When we kill juvenile weakfish in the Pamlico Sound shrimp trawl fishery, we are killing our future spawning stock. Like Atlantic croaker and spot, shrimp trawl bycatch accounts for the vast majority of total annual removals for weakfish.

The division has provided Hotspot data for the Pamlico Sound using the P-195 trawl survey. The weakfish data correlates very well with my own analysis using 27-years of data from 1987 – 2013. NC allows extensive trawling in the epicenter of our weakfish nursery areas- undesignated nursery areas. The same can be said for Atlantic croaker, spot, blue crab, kingfishes, flounders, and other species.

The division tells you that “closing the entire Pamlico Sound to shrimp trawling would be a severe management measure”. Yet, the division’s own Hotspot analysis identifying undesignated critical habitat nursery areas shows, per the division’s own words, that “**no single area closure encompasses the range for all species, except a complete closure**”.

The science, data, facts, photos, satellite images and GIS tracks clearly show that NC has failed to protect its nursery areas. During the 2013 Hergenrader Petition for Rule Making asking to close NC at the Colregs Lines to trawling, Connell Purvis, former Director of the NCDMF, clearly stated that “Shrimp is King”. Current nursery area

designations were delineated to protect shrimp trawling. The end results are evident with our decline in croaker, spot, weakfish, blue crab, and flounder.

Shrimp trawl effort is not down. The division and industry will falsely claim that effort is down as much as 80%, therefore bycatch has been equally reduced. Neither is true. Catch equals landings plus discards including bycatch discards. Landings are at a historical high as much as 2.5-times the long-term average. Landings are a function of catch. Bycatch is a function of catch. There is no gear capable of sorting a three-to-five-inch shrimp from a three-to-five-inch juvenile finfish allowing the fish to escape unharmed that does not produce an unacceptable shrimp loss to the industry. To protect our economically important fin and forage fish, we must protect all of our nursery areas- designated and undesignated.

I had hoped to assist the Shrimp Advisory Committee with years of citizen science research and data. But, after being named to the committee, fisheries management in NC being a political science, politics removed me from the AC prior to the first meeting. I did virtually attend the workshops as a viewer.

If I can assist you in better understanding the issues and facts, please do not hesitate to ask.

I ask that this commission have the courage to follow and use the best available science. Use your common sense. Please come to the table in good faith. If our resources are to recover, we must properly identify and delineate critical habitat with priority given to nursery area protection.

Thank You,

Rick Sasser



**From:** [Klibansky, Lara](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** Fwd: [External] May meeting  
**Date:** Wednesday, May 12, 2021 4:25:16 PM

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**From:** Bizzell, Rob <r.bizzell.mfc@ncdenr.gov>  
**Sent:** Wednesday, May 12, 2021 9:45:39 AM  
**To:** Klibansky, Lara <Lara.Klibansky@ncdenr.gov>  
**Subject:** Fwd: [External] May meeting

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**From:** Whitaker Romulus [REDACTED]  
**Sent:** Wednesday, May 12, 2021 8:30:30 AM  
**To:** Bizzell, Rob <r.bizzell.mfc@ncdenr.gov>  
**Subject:** [External] May meeting

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Rob,

I am hoping the NCMFC will look at the new proposed regulations for Dolphin/Wahoo by the SAFMC. These new limits could be devastating to the For-hire fishing industry in NC. The science does not support it. You would think with the new required daily logbook reporting for our industry they would at least let it work for 1 year before imposing these draconian new laws. We really need your support to keep the NC Charter fleet sustainable. If you need more information please let me know. Thanks in advance.

Good fishing,  
Capt. Rom Whitaker  
"Release"

**From:** [Klibansky, Lara](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** Fwd: [External] do the right thing get the nets out of our sounds ,, fix the problem  
**Date:** Wednesday, May 12, 2021 4:24:24 PM

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**From:** Bizzell, Rob <r.bizzell.mfc@ncdenr.gov>  
**Sent:** Wednesday, May 12, 2021 3:34:15 PM  
**To:** Klibansky, Lara <Lara.Klibansky@ncdenr.gov>  
**Subject:** Fwd: [External] do the right thing get the nets out of our sounds ,, fix the problem

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**From:** j.lyndon [REDACTED]  
**Sent:** Wednesday, May 12, 2021 11:58 AM  
**To:** Bizzell, Rob  
**Subject:** [External] do the right thing get the nets out of our sounds ,, fix the problem

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**From:** [Klibansky, Lara](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** FW: [External] Dolphin/wahoo plan  
**Date:** Friday, May 7, 2021 8:35:22 AM

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Lara K. J. Klibansky  
Marine Fisheries Commission Liaison  
Executive Assistant for Councils and Commissions  
NC Division of Marine Fisheries  
Department of Environmental Quality



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**From:** Bizzell, Rob <r.bizzell.mfc@ncdenr.gov>  
**Sent:** Friday, May 7, 2021 8:35 AM  
**To:** Klibansky, Lara <Lara.Klibansky@ncdenr.gov>  
**Subject:** Fwd: [External] Dolphin/wahoo plan

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**From:** The General Sport Fishing Inc. [REDACTED]  
**Sent:** Friday, May 7, 2021 4:05:17 AM  
**To:** Bizzell, Rob <[r.bizzell.mfc@ncdenr.gov](mailto:r.bizzell.mfc@ncdenr.gov)>  
**Subject:** [External] Dolphin/wahoo plan

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Can you please discuss the impact of the proposed dolphin/wahoo plan on the NC for hire industry at your next meeting. The proposal to cut our wahoo limit to one per person is very alarming. We as charter boat captains on the southern end of NC's outer banks have a very unique wahoo centric fishery that lasts months out of the year. Please help us to continue to make a living offshore fishing by having at limits that we can still attract customers and justify the 2,000\$ plus per day charge that a charter cost.

Capt. Wade Fickling



**From:** [Klibansky, Lara](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** Fwd: [External] Dolphin Charter boat limits  
**Date:** Friday, May 7, 2021 7:23:24 AM

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**From:** Bizzell, Rob <r.bizzell.mfc@ncdenr.gov>  
**Sent:** Thursday, May 6, 2021 10:08:39 PM  
**To:** Klibansky, Lara <Lara.Klibansky@ncdenr.gov>  
**Subject:** Fwd: [External] Dolphin Charter boat limits

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**From:** chris kimrey [REDACTED]  
**Sent:** Thursday, May 6, 2021 9:49 PM  
**To:** Bizzell, Rob  
**Subject:** [External] Dolphin Charter boat limits

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Mr. Bizzell,

I'm reaching out to voice my concern over the proposed reduction for daily dolphin limits on charter boats in the South Atlantic region. It is my understanding there isn't any current science to back the possible reduction, I'm hoping that during the June NCMFC meeting this will be a topic that is a priority. Our offshore charter fleet depends on this fishery and it's marketability to catch good numbers of dolphin a few months each year and unjustly reducing the daily catch limit could have a negative impact on a big part of our offshore charter fleet.

Thanks,  
Captain Chris Kimrey  
Mount Maker Charters

( [REDACTED] )  
[REDACTED]