

**Marine Fisheries Commission Business Meeting Minutes**  
**Beaufort Hotel**  
**Beaufort, North Carolina**  
**June 6, 2019**

The commission held a special meeting June 6 at the Beaufort Hotel in Beaufort, North Carolina.

The briefing book, presentations and audio from this meeting can be found at <http://portal.ncdenr.org/web/mf/060619-special-meeting> .

Actions and motions from the meeting are listed in **bolded** type.

**SPECIAL MEETING - MOTIONS AND ACTIONS**

Chairman Rob Bizzell convened the Marine Fisheries Commission special meeting at 1 p.m. on June 6 and reminded commissioners of their conflict of interest and ethics requirements.

The following commission members were in attendance: Rob Bizzell-Chairman, Mike Blanton, Cameron Boltes, Doug Cross, Tom Hendrickson, Pete Kornegay, Brad Koury, Chuck Laughridge and Sam Romano.

**Motion by Chuck Laughridge, to approve agenda. Second by Cameron Boltes.**  
**Motion carries with no opposition.**

**Public Comment Period**

The following individuals spoke:

- **Ken Seigler**, a commercial fisherman from Hubert and a member of the Finfish Advisory Committee, said that a large number of people prefer a two-year moratorium instead of a ten-year reduction. This solution would be easier for commercial fishermen. Working for a fourth of your pay will not work for most fishermen. With escapement, if you did a two-year moratorium, you will have all the year classes in the water plus two additional year classes, which would help the population of striped bass. The problem is there are no adult fish and this is confirmed by Division. We have a spawning and recruitment problem and the quickest way to address that is to let those fish go and grow for two years. At the end of two years, the division can reassess and take samples to know what fish are out there. Another concern he had was with red drum. He suggested that the division move the limit back to five fish a day with no required bycatch allowances for the commercial fishermen.
  
- **Randy King**, a commercial fisherman, doesn't see any decreases in his catches. He said each year it gets better. In New Hanover County, the flounder were "so thick" they were laying on top of each other. Even though some were only 14 inches, he thought that was a good indicator for the future. Last year he had some of the biggest catches he has seen since 1996 using less nets and fishing less days. He also said there is no shortage of red drum. His catches have not decreased. He's 58 years-old and a 'good' commercial fisherman. He's

concerned about getting another job if he can't fish. He said 80 miles out in the ocean, he found a lot of spots and supposed that maybe all the fish have moved out to the ocean.

- **David Inscore**, a commercial fisherman from Hampstead, NC, has not seen a decrease in flounder. He has seen an increase of red drum especially in overslot areas. Much of problem is people are culling their fish while out gigging. There are many 15-17" fish plus he has seen dead fish thrown back in the water. Spearfishing in the ocean is another issues and he wants the division to get better records on that. There are plenty of summer flounder in the water and he doesn't think "fishing" has slowed down. Participants are down because they are aging out and 'younger folks' are not coming into the fishing business. He wants the markets to be restructured on the retail side because the fish are there but there are a lot of new fish that need to be introduced into the markets.
- **George Leone**, seafood dealer in Carteret County, feels the proposed Amendment 2 to the Southern Flounder Fishery Management Plan is inappropriate due to the 62% and 72% recommended reductions. And to implement it right before the start of the fall season is "unconscionable". The fishermen aren't given time to prepare financially and this decision will impact the economy. Food, clothing, habitation, education, utilities all costs money and it is being torn from fishermen's grasp. This not only affects the fishermen's family but the seafood dealers, markets, restaurants, gas stations, net makers, convenience stores, and countless others will be affected. He suggested reducing the gear instead of the number of days. If the season is abbreviated, the risk outweighs the reward, especially if a hurricane strikes. All four states need to take an active role so that North Carolina is not punished to allow the other states to reap the benefits. He concluded saying that this is not a recreational vs commercial issue; it affects everyone.
- **Ron McCoy**, a member of the Southern Advisory Committee, began by quoting an excerpt from the 1997 Fisheries Reform Act (FRA). He reminded the group of the duties of the commission including to "manage, restore, develop, protect, cultivate and regulate the marine resources." He commended the commission for following its purpose and duty. This was the first commission to hold true to resource management. Past commissions only manage though "catch" and to "sustain catch" and Southern Flounder is a prime example of managing to sustain catch. He completely supports the Division's proposed 62% and 72% reductions. Why do we wait until a stock is in dangerous levels of decline before taking action? He implored the commission to hold true to their duties and functions outlined in the FRA.
- **Van Cuthrell**, a life-long commercial fisherman from Pamlico County, spoke on behalf of his brother Shelton of S & S Seafood and 22 other commercial fishermen. Fishable shoreline in the Pamlico, Pungo and Neuse rivers have been reduced by half due to striped bass protection measures this year. The closure has reduced participants and decreased flounder

landings. The reduction of the take needs to be quantified before more restrictions are put in Management Area C. Towns in this area are some of the most economically depressed areas. Jobs outside the fishing industry in our areas are very limited. He pleaded not to take the profit out of commercial fishing by reducing the yardage. The average fisherman uses 1800 yards per fishing operation which is necessary to make the trip profitable. Time rules were instituted for sea turtle interactions is not needed in Management Area C. Time restraints will make the jobs of fishermen more dangerous by forcing them on the water before daylight. Please do not endanger lives with rules that have no biological basis. Use science to quantify the reduction of landings before making these decisions about Area C. It can not be dismissed that 50% of the fishable shorelines have been taken away this year. These decisions by the commission were made against the best available science and the against the support of the DEQ Secretary and Director of the Division. More data is needed before making additional changes. Fishermen will not relocate as previously mentioned.

- **Johnathan Robinson**, is a Carteret County Commissioner, and chairs a county marine fisheries advisory board. He stated the County Board of Commissioners strongly opposes any more rules to commercial and recreational fishing in addition to the Amendment 2 to the Southern Flounder Fishery Management Plan. All management options in the amendment will cause extreme economic hardship. Fisheries are just a shadow of what they once were. The flounder fishery is still viable. Amendment 2 is driven by the statue of the state, but he doesn't like the accelerated timeframe of the amendment. The threshold that is proposed has a 50/50 chance of success, and is unattainable; it depends on the participation of other states.

Problems with the amendment include not accounting for reduced effort in the commercial fishery, uncertainty in the stock assessment, lack of data about offshore adult female flounder, inter-annual variation in recruitment, and environmental conditions that affect the proportion of males and females in the southern flounder population. He concluded his talk by saying "This is a fisheries hoax."

- **Glenn Skinner**, Executive Director of the N.C. Fisheries Association, said the magnitude of these reductions was never seen by industry until the last couple of months. The fishermen he has spoken to realize that a reduction is necessary, but they have already purchased and invested in their webbing for this year – the cost ranging from \$10,000 to \$40,000. He requested the MFC wait until the first week of December to make any changes to they can fish for at least three months this year. They need this fall to fish. Fishermen just struggled through a hurricane and lost their homes and everything they owned. Fishermen understand the statutes and needs for a reduction but to do something this year isn't necessary. To do something "this year" came strictly from the commission wanting to take action this year. There is also no way that visitors coming in the fall will know or understand the new laws or rules. There will be tickets written "left and right" and the harvest of fish will still occur because no one will know what is happening. As soon as Amendment 2 to the Southern Flounder Fishery Management Plan passes, the clock starts for the next review of the plan to occur within five years, even without action by the other states. All four states need to

implement reductions together or North Carolina carries the burden. The statutory requirements for ending overfishing in two years and rebuilding the stock in 10 years do not start until the adoption of the amendment, not the completion of the stock assessment. The process needs to slow down, and work needs to focus on the management measures for Amendment 3.

- **Chris Elkins**, recreational fisherman and member of the CCA-NC, thanked the division and commission for their hard work and knows their decisions are not easy. Only 3% of the ocean caught flounder are southern flounder. We believe non-federally permitted SCFL holders (commercial and recreational fishermen) should have access to other species of fish, since the fishing would NOT impact the southern flounder stock. Regulations for both sectors should remain in compliance under current and future ASMFC/Mid-Atlantic summer flounder rules. It would be unfair to allow commercial in the ocean and not recreational and vice-versa.
- **Ron McPherson**, an inshore charter boat captain, and recreational fisherman, said the 62% and 72% figures seems 'awful', but someone thinks it is what needs to be done. He asked the commission to at least back it off to 52%. He agrees that the commission should wait until December to implement the rules so commercial fishermen can use their gear. Overfishing has been going on for 28 years but the fish keep surviving and people keep catching them. Fishing may not be as good as it was 10 years ago, but the fish are not all gone.
- **Stanley Warlen**, a retired biologist from the Beaufort Lab and Carteret County resident, said the Southern Flounder has a geographic range from Florida to Virginia plus the Gulf of Mexico to Texas. To manage fisheries, we don't manage fish, we manage people. To have a fishery management plan, you must consider the entire range of species. We need a science-based coordinated plan with the other states. It's like changing only one tire on a car that has four flat tires. It doesn't help the car drive. We need a management strategy not just for "one state" but for the entire East Coast.
- **Clark Hutchinson**, a 50-year Carteret County resident, recreational fisherman and a CCA member, said the Division has come up with the science that we need to make the decisions on. The mechanisms have been put in place with the Fisheries Reform Act, but the past Commissions have failed to act, so this Commission needs to act now. There needs to be a balance from the economic interest as well as the recreational interest, but the Commission needs to act on the public resource, not only on flounder but also on all the other fisheries that you are charged to manage. Follow the science, follow the law and make the tough decisions. That is what managers do.
- **Tom Roller**, a full-time fishing guide from Carteret County for the past 17 years and serves on the southern flounder advisory committee, said the commission had opportunities to curtail harvest in the past and if they had acted then, this may not be required now. Also, he noted the low attendance in the room. If this meeting occurred in 2000 or 2005 there would

be 400 people in attendance. With only 12 comments received, virtually no one is here. Flounder is not as controversial as it once was because the fishery is depleted. He explained the Advisory Committee's motion. The committee voted for a 72% reduction. It was a 7-2 vote. The gears that takes the most should have "to pay" the most. Amendment 2 to the Southern Flounder Fishery Management plan is a good plan and he encouraged the commission to support it so we can protect southern flounder for future generations.

- **Curtis Edgerton**, a flounder gigger from Johnston County, said he has been flounder giggering since he was a boy. Considers the Division a friend not a foe and appreciates all the science that the Division provides. Noticed that the flounder population is not as big as it was, but there are a lot of people who like to flounder gig. He doesn't think everyone is as smart as they think they are when it come to the flounder regulations because if they were, we wouldn't be where we are today. Fifteen hundred years ago, everyone thought the earth was flat, but they were wrong. There has got to be a way to keep the enjoyment and the tradition of fishing alive so generations can enjoy flounder giggering. There is no way that flounder giggers are the problem. That is not what has destroyed the fish. Other things like, sewer spills and storms are factors. Please be fair across the board and don't let big government and big money cut out the little man for a man who spends big money on a big boat. And don't destroy my heritage.
- **Bert Owens**, a recreational angler from Beaufort, said that he understood the commission is trying to save fish. If there are no fish, there will be no tradition or heritage. But we must do what needs to be done, and he supports Amendment 2. Since people are already fishing this year, there will not be a 62% reduction this year. In regards to the ocean flounder fishery, please manage those separately; only 3% of flounder in the ocean are southern flounder and recreational fishermen should be able to go into the ocean to fish for southern flounder.

Chairman Bizzell asked the commission's counsel, Shawn Maier, to review G.S. 143B-289.52(c)(e1). Maier reviewed the statute that states a supermajority of the commission shall be necessary to override a recommendation from the division regarding measures needed to end overfishing or to rebuild overfished stocks and that a supermajority is six members.

### **Southern Flounder Fishery Management Plan Amendment 2**

Mike Loeffler and Anne Markwith, the co-leads for the Southern Flounder Fishery Management Plan Amendment 2, reviewed public and advisory committee recommendations.

#### ***Public Comment***

Public comments were accepted through three formats: mail, online, and at the joint advisory committee meeting. This meeting was held on June 3, 2019 and allowed for a maximum of 90 minutes of public comment. Mail and online comments were collected from May 23 through June 3, 2019 at midnight. Eleven comments were received through the mail, all (100%) were opposed to draft Amendment 2. Two hundred and forty-one responses were received through online tools, 91 in favor and 150 opposed to draft Amendment 2. Of those that indicated support for draft Amendment 2 the most indicated option for 2019 and 2020 was for Option C (62%

reduction) in 2019 (38% of responses), Option D (72% reduction) in 2020 (44% of responses). In addition, trip limits, fishing times, and gear changes received more responses than the no preference option for the additional non-quantifiable management measures (Table 1). Thirteen comments were received during the public comment period at the joint advisory committee meeting, three (23%) were in favor of and 10 (77%) were opposed to draft Amendment 2. The commission was provided with copies of the comment.

### *Advisory Committees*

#### *Southern Flounder FMP Advisory Committee Recommendation*

At the June 3, 2019 Southern Flounder FMP Advisory Committee meeting, the following recommendation was approved by the committee for the 2019 and 2020 fishing year and forward. For further information, including proposed seasons, see Section VIII, Recommendations of Draft Amendment 2. The committee voted to establish a season for the commercial and recreational fisheries to reduce *F* and allow the SSB to rebuild to the threshold in 2019 (Option B, 52% reduction) with the following additional modifications.

#### *FMP AC Management Option for 2020 and forward*

Starting Jan. 1, 2019 adopt a recommendation for a 52% reduction for the commercial and recreational fisheries with the following changes for the commercial fishery, calculated by the northern, central, and southern areas proposed by the division:

- Commercial pound net fishery, 40% reduction
- Commercial gig fishery, 40% reduction
- Commercial large-mesh gill net fishery, a reduction of approximately 71% would be needed to make up the difference to yield a 52% reduction for the commercial fishery overall. The AC recognizes that the division proposal for the Recreational Commercial Gear License large mesh gill net season of Sept. 15-Sept. 30 may be changed by this final percent reduction.

The committee recommendation also includes that management measures from Amendment 1 and Supplement A to Amendment 1, as stated above in the NCDMF recommendation, be carried forward. The recommendation also maintains regulations from the ASMFC Summer Flounder, Black Sea Bass, and Scup Addendum XXVIII for recreational size and bag limit for flounder and approves the continued development of Amendment 3.

In addition, the committee recommends prohibiting the use of picks, gaffs, gigs, and spears when removing flounder from pound nets. As of Jan. 1, 2020, the committee also recommends implementing a 1,500-yard limit for large mesh gill nets in Management Unit A, a 1,000-yard limit for large mesh gill nets in Management Units B and C, and a 750-yard limit for large mesh gill nets in Management Units D and E. Finally, the committee recommends a 52% reduction be applied to the recreational fisheries. The season for the recreational hook-and-line and gig fisheries will be July 16 through Sept. 30.

#### *Southern Advisory Committee Recommendation*

The Southern Advisory Committee met on June 3, 2019 and failed to reach consensus on a recommendation for draft Amendment 2.

#### *Northern Advisory Committee Recommendation*

The Northern Advisory Committee met on June 3, 2019 and passed a motion supporting the NCDMF recommendation of the 62% reduction in 2019 and 72% percent reduction from 2020

forward to include management carried forward from Amendment 1 and Supplement A to Amendment 1, maintaining the size and bag limits established by the ASMFC Summer Flounder, Black Sea Bass, and Scup Addendum XXVIII, and the continued development of Amendment 3. In addition, the Northern AC passed a motion asking the MFC to consider dividing the allowable days for gill netting amongst allowable fishing months for a given area due to the Sea Turtle ITP.

#### *Finfish Advisory Committee Recommendation*

The Finfish Advisory Committee met on June 3, 2019 and recommended a reduced harvest of 52%, not to exceed 52%, until Amendment 3 is completed. This recommendation includes management carried forward from Amendment 1 and Supplement A to Amendment 1, maintaining the size and bag limits established by the ASMFC Summer Flounder, Black Sea Bass, and Scup Addendum XXVIII, and the continued development of Amendment 3. The committee also recommended that the MFC ask the Secretary of DEQ to allow the Director of DMF to go out of compliance with ASMFC Summer Flounder Plan and adopt a 12-inch size limit and a 4-fish bag limit for southern flounder in North Carolina waters. The committee also requested the Southern Flounder AC look at a moratorium on all southern flounder harvest from Nov. 1, 2019 to Sept. 1, 2022.

Draft Amendment 2 to the Southern Flounder Fishery Management Plan, that contains options for several seasonal harvest closure scenarios to achieve up to a 72% reduction in southern flounder harvest for the commercial and recreational fishing sectors. Additionally, at the request of the commission, the draft amendment includes an option for a partial moratorium.

Options for non-quantifiable management measures to constrain effort, such as yardage and time restrictions for gill nets and daily harvest limits for pound nets and gigs, were also included in the draft amendment.

Loeffler then reviewed the division's recommendations to end overfishing and rebuild the overfished southern flounder stock.

The following management measures from Amendment 1 and Supplement A to Amendment 1 will be incorporated upon adoption of Amendment 2.

- From the Southern Flounder Fishery Management Plan Amendment 1: – Management measures, including restrictions that limit the number of days per week and the amount of yardage allowed for large mesh gill nets in various areas of the state;
  - A minimum distance (area dependent) between gill net and pound net sets, per rule 15A NCAC 03J .0103 (d); and
  - A recreational minimum size limit of 15 inches total length.
- From Supplement A to the Southern Flounder Fishery Management Plan Amendment 1:
  - A commercial minimum size limit of 15 inches;
  - A minimum mesh size of 6-inch stretch mesh to harvest southern flounder from a gill net; and
  - A minimum mesh size of 5.75-inch stretch mesh for flounder pound net escape panels.

- From N.C. Fishery Management Plan for Interjurisdictional Fisheries to maintain compliance with the Atlantic States Marine Fisheries Commission Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan Addendum XXVIII: – The recreational bag limit of no more than four flounder per person per day is maintained in Amendment 2.

Reduce fishing mortality in the commercial and recreational fisheries to a level that ends overfishing within two years and allows the SSB to increase to between the threshold and the target within 10 years via a 62% reduction ( $F=0.26$ ) in total removals in 2019 and beginning in 2020, via a 72% reduction ( $F=0.18$ ) in total removals.

- The commercial and recreational harvest seasons will close by proclamation immediately following the August 2019 Marine Fisheries Commission meeting and will re-open with the following schedule:
  - 2019 (62% reduction)
    - Commercial
      - Northern – Sept. 15 through Oct. 13;
      - Central – Sept. 15 through Oct. 17; and
      - Southern – Sept. 15 through Nov. 2.
    - Recreational Hook and Line and Gig Fishery ◻ Will not reopen in 2019
    - Recreational Commercial Gear License Gill Net Fishery ◻ Will not reopen in 2019
  - 2020 (72% reduction):
    - Commercial
      - Northern – Sept. 15 through Oct. 6;
      - Central – Sept 15 through Oct. 11; and
      - Southern – Sept 15 through Oct. 20.
    - Recreational hook and line and gig fishery ◻ Aug. 16 through Sept. 30
    - Recreational Commercial Gear License Gill Net Fishery ◻ Sept. 15 through Sept. 30 (the recreational and commercial seasons must both be open to allow this gear)
- Remove all gears that target southern flounder from the water (e.g., commercial and Recreational Commercial Gear License anchored large mesh gill nets, gigs) or make them inoperable (flounder pound nets) in areas and times outside of seasons implemented where southern flounder discards are likely to occur, with exceptions for the shad and catfish fisheries.
- Adoption of Amendment 2 authorizes concurrent development of Amendment 3 and more robust management strategies.
- The following non-quantifiable measures:
  - Reduce commercial anchored large-mesh gill net soak times to single overnight soaks where nets may be set no sooner than one hour before sunset and must be retrieved no later than one hour after sunrise the next morning in the Neuse,



- Tar/Pamlico rivers and the Albemarle Sound areas that have previously been exempt;
- Reduce the maximum yardage allowed in the commercial anchored large mesh gill net fishery by 25% for each Management Unit; allowing a maximum of 1,500-yards in Management Units A, B, and C, and a maximum of 750-yards in Management Units D and E unless more restrictive yardage is specified through adaptive management through the sea turtle or sturgeon Incidental Take Permits; and
  - Prohibit use of any method of retrieving live flounder from pound nets that cause injury to released fish (no picks, gigs, gaffs, spears, etc.).

This presentation can be found at:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_l\\_id=1169848&folderId=32926130&name=DLFE-140725.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=32926130&name=DLFE-140725.pdf) .

The commission voted to accept the division recommendations in their entirety and to forward the draft Amendment 2 to the Secretary of DEQ and the legislature for comment.

**Motion by Cameron Boltes to accept the recommendations of the DMF and DEQ in their entirety. Second by Pete Kornegay.  
Motion carries 5-4.**

**Motion by Doug Cross to amend the previous motion so that the reduction percentage on the flounder harvest be set at 52% beginning Dec. 1, 2019. Also, that the reduction percentage not exceed 58% until such time that the states that share this resource – SC, GA, FL – make reductions in catch that equal or surpass the reductions in this Amendment 2 plan now under consideration. This will stay in place in Amendment 2 until the data from additional measures can be calculated and a future reduction percentage considered, if necessary, to satisfy the 10 year stock required plan in Amendment 3. Second by Tom Hendrickson  
Motion fails 4-4**

**Motion by Chuck Laughridge to send Draft Amendment 2 to the Secretary of DEQ and the legislature for comment. Second by Pete Kornegay.  
Motion carries 6-3**

The meeting adjourned.

DRAFT

**Marine Fisheries Commission Business Meeting Minutes**  
**Courtyard by Marriott**  
**Jacksonville, North Carolina**  
**May 15-17, 2019**

The commission held a business meeting May 15-17 at the Courtyard by Marriott in Jacksonville, North Carolina.

The briefing book, presentations and audio from this meeting can be found at <http://portal.ncdenr.org/web/mf/05-2019-briefing-book>.

Actions and motions from the meeting are listed in **bolded** type.

**BUSINESS MEETING - MOTIONS AND ACTIONS**

On May 15, a public comment session was held beginning at 6 p.m. Chairman Rob Bizzell called the meeting to order. The following individuals spoke:

**Glenn Skinner**, Executive Director of the N.C. Fisheries Association, said the N.C. Fisheries Association opposes Amendment 2 to the Southern Flounder Fishery Management Plan. They do not oppose amending the plan, but they oppose the process; this is basically a supplement, which is prohibited in the settlement agreement. He stated that the Southern Flounder Advisory Committee was not allowed to explore their own options; they were only handed one option to vote on. He said the biggest concern is that we are harvesting almost 100% on females and there is nothing in the amendment to address this, like a slot limit.

**Stuart Creighton**, a recreational fisherman from Oriental, stated the Commission is scheduled to vote on the draft Amendment 2 for southern flounder to address a problem that has been ignored for 30 years. He can support the season closure management measure as proposed by the Division of Marine Fisheries as long as they incorporate sustainable measures of harvest in Amendment 3. He said he supports the following proposed management measures: ban use of recreational gill nets, require use of circle hooks, incorporate slot limit of 14-20" and a creel limit of two fish per person. For commercial, he supports banning the use of gill nets while allowing gigging and pound netting, a strict quota with paybacks, and prohibit spearing as a means of releasing fish from pound nets. He also suggested taking proactive measures for speckled trout if effort switches to that fishery.

**John Robbins**, a shoreline property owner from Dare County, said the shellfish lease program is beneficial, but the process is flawed. He said there is a proposed lease located 80 feet from his developed shoreline and 100 feet is the minimum. He said he is not trying to keep the applicant from having a lease, but the lease needs to be farther offshore. The area is already heavily used recreationally, such as for kiteboarding. The Dare County Commission passed a resolution against the oyster lease based on conflicts with historical use, asking the Division of Marine Fisheries to deny the lease. It is a months-long process for the outcome and he is losing lot sales in the meantime because the proposed lease is at the end of the docks for the development.

**David Sneed**, Executive Director of the Coastal Conservation Association of North Carolina, stated he has concerns with the current stock status of southern flounder. North Carolina General Statutes mandate the fishery management plan end overfishing and achieve sustainable harvest, but the Marine Fisheries Commission has never met this requirement in over 20 years. State statutes do not contain accountability measures, so there are no consequences for failing to properly manage this public trust resource. He said the CCANC supports the Division of Marine Fisheries recommendation to recover the fishery, not just end overfishing. He thanked the division staff and the Southern Flounder Advisory Committee for their hard work.

The meeting recessed at 6:16 p.m.

Chairman Rob Bizzell convened the Marine Fisheries Commission business meeting at 9 a.m. on May 16 and reminded commissioners of their conflict of interest and ethics requirements.

The following commission members were in attendance: Rob Bizzell-Chairman, Mike Blanton, Cameron Boltes, Doug Cross, Tom Hendrickson, Pete Kornegay, Brad Koury, Chuck Laughridge and Sam Romano.

**Motion by Chuck Laughridge to accept the agenda, allowing the chairman to move non-action items as needed for time management. Second by Brad Koury.**  
**Motion carries with no dissention.**

**Motion by Doug Cross to approve minutes from the February 20-22, 2019 meeting and the March 13, 2019 emergency meeting. Second by Chuck Laughridge.**  
**Motion carries with no dissention.**

#### **Public Comment Period**

**Chris Elkins**, with the Coastal Conservation Association of North Carolina, stated that CCANC recommends reductions to recover, not just end overfishing of southern flounder. It is important to include a conservation buffer in all measures to account for uncertainty. He said CCANC strongly supports the Division of Marine Fisheries reductions of 62% in 2019 and 72% in 2020. In developing Amendment 3, he suggested applying these reductions to specific gear types to minimize bycatch and waste. He thanked the staff and the Southern Flounder Advisory Committee for their work.

Due to the Commission being ahead of schedule with the published agenda, a second opportunity for public comment was provided later in the meeting. There was one additional member of the public who provided comments.

**Bob Lorenz**, a private boat recreational fisherman from Wilmington, serves on the South Atlantic Fishery Management Council Snapper Grouper Advisory Panel. He requested the commission's endorsement on two items for sensible regulations in federal waters (greater than three miles) for snapper grouper. First, he said there is a need for a permit or stamp to be added to the N.C. Coastal Recreational Fishing License for snapper grouper, similar to obtaining information about recreational crabbing effort when someone currently buys a license. He said recreational snapper grouper fishermen are unaccounted for in the Marine Recreational Information Program and both sectors are interested in collecting this information. The second item is the need for a Joint Enforcement Agreement with the federal government, especially to

enforce dead releases of snapper grouper species. He would like the commission's endorsement for release equipment that will soon be required to be carried on vessels.

### **Chairman's Report**

Chairman Bizzell reviewed correspondence that had been sent and received by the commission since the last business meeting and the commission was reminded of their ethics education and their Statement of Economic Interest requirements.

Commissioners were reminded of the meeting schedule for 2019:

Feb. 20-22 in Williamston  
May 15-17 in Morehead City/New Bern area  
Aug. 21-23 in Raleigh area  
Nov. 13-15 in Morehead City/New Bern area

Chairman Bizzell advised he wanted to have the commission consider conservation measures to avoid dead discards with recreational hook-n-line gears. First he wanted to get input from some of the advisory committees and then he planned on bringing recommendations forward at the August 2019 commission meeting.

### **Director's Report**

Division of Marine Fisheries Director Steve Murphey provided the commission with a detailed overview of fisheries-related bills being considered by the N.C. General Assembly.

Director Murphey then updated the commission on division activities occurring since the February 2019 business meeting, including:

- An update on the meeting he had organized with fisheries directors and staff from South Carolina, Georgia and Florida to discuss managing southern flounder on a regional basis, given that fishery management decisions are based on regional data for this species.
- New requirements that the commission had previously approved for gear configurations for shrimp trawls that go into effect July 1 for areas of the Pamlico Sound and portions of the Pamlico and Neuse rivers.
- A status report on the Hurricane Florence Commercial Fishing Assistance Program. The General Assembly authorized \$11.6 million to compensate commercial fishermen and shellfish harvesters for equipment and income losses from harvest reductions due to Hurricane Florence. Losses from harvest reductions were based on trip tickets compared over a prior comparable period for the months of September, October and November.
- The closure to harvest of more than 2,500 acres of shellfish waters due to high fecal coliform bacteria pollution.
- Implementation of a no gill net corridor along the ocean surf zones to reduce bottlenose dolphin interactions.
- Hiring of Thom Tears, a new stock assessment scientist.
- Promotion of Garland Yopp to Captain of Marine Patrol's southern district.

Staff also updated the commission on activities of the Atlantic States Marine Fisheries Commission and the Mid- and South Atlantic Fishery Management Councils and Highly Migratory Species.

### **Status of Rule Development to Clarify Standard Commercial Fishing License Transfers**

The commission had expressed interest in clarifying the circumstances under which standard or Retired Standard Commercial Fishing License transfers are allowed. Concern had been raised about third-party transfers allowing individuals to get a license without going through the eligibility board. Stephanie McInerny, the chief of the division's License and Statistics Section, updated the commission on continuing rule development to clarify Standard Commercial Fishing License transfers.

### **Biological Data Collection Programs and Sampling Design**

Division biologist Lee Paramore provided the commission with a presentation on the division's biological data collection programs and sampling design.

This presentation can be found at:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_l\\_id=1169848&folderId=32890414&name=DLFE-140522.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=32890414&name=DLFE-140522.pdf) .

Stock Assessment Fundamentals

Laura Lee, the division's chief stock assessment scientist, reviewed the basis of stock assessments with the commission

This presentation can be found at:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_l\\_id=1169848&folderId=32890414&name=DLFE-140524.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=32890414&name=DLFE-140524.pdf) .

### **Rulemaking**

Catherine Blum, the division's rulemaking coordinator, updated the commission on the status of rulemaking in support of the Period Review and Expiration of Existing Rules per G.S. 150B-21.3A.

The meeting recessed for the day.

The meeting reconvened at 9 a.m. on May 17.

### **Fishery Management Plan Update**

Catherine Blum, the division's Fishery Management Plan Coordinator, gave the commission an update on the status of North Carolina's ongoing fishery management plans.

### **Blue Crab Fishery Management Plan Amendment 3 Update**

Jason Rock and Corrin Flora, the co-leads for the Blue Crab Fishery Management Plan, updated the commission on the status of the ongoing plan development and the progress of the advisory committee.

### **Southern Flounder Fishery Management Plan Amendment 2**

Mike Loeffler and Anne Markwith, the co-leads for the Southern Flounder Fishery Management Plan, reviewed Draft Amendment 2 to the Southern Flounder Fishery Management Plan, that contains options for several seasonal harvest closure scenarios to achieve up to a 72% reduction

in southern flounder harvest for the commercial and recreational fishing sectors. Additionally, at the request of the commission, the draft amendment includes an option for a partial moratorium.

Options for non-quantifiable management measures to constrain effort, such as yardage and time restrictions for gill nets and daily harvest limits for pound nets and gigs, were also included in the draft amendment.

This presentation can be found at:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_l\\_id=1169848&folderId=32890414&name=DLFE-140523.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=32890414&name=DLFE-140523.pdf).

Reductions in harvest are required because a 2019 South Atlantic Southern Flounder Stock Assessment found that southern flounder is overfished and overfishing is occurring throughout the region. Overfished means the population is too small. Overfishing means the removal rate is too high. North Carolina law mandates that fishery management plans include measures to end overfishing within two years of adoption and rebuild the stock to achieve sustainable harvest within 10 years of adoption. A harvest reduction of at least 52% is needed to meet the statutory requirements.

To increase the probability of successfully rebuilding the resource, the division proposes a 62% reduction in southern flounder harvest (compared to 2017) in North Carolina this year and a 72% reduction in harvest beginning in 2020 until adoption and implementation of Amendment 3 to the Southern Flounder Fishery Management Plan, scheduled for completion in 2021.

The commission voted to accept the draft goal and objectives of the plan and to send draft Amendment 2 out to the commission's advisory committees and the public for review and comment.

**Motion by Pete Kornegay to accept the goal and objectives of draft Amendment 2 to the Southern Flounder Fishery Management Plan as presented by the Division of Marine Fisheries. Second by Cameron Boltes.**

**Motion carries with no dissention.**

**Motion by Tom Hendrickson to send draft Amendment 2 as presented by the division to the advisory committees and out for public comment with the addition of data pertaining to a partial moratorium. Second by Chuck Laughridge.**

**Motion carries 7-2.**

**Motion by Doug Cross to amend the previous motion to include the following measure as an option in draft Amendment 2: All hook and line gear directed at the capture of southern flounder be restricted to one barbless circle hook, including gear for live bait, cut bait, artificial bait (including all plastic and rubber baits, spoons, mirror lure type baits and any other artificial bait, regardless of type), and that each setup (rod and reel or hand line) has only one rig per setup. This measure**

**will stay in place until the completion and implementation of the Southern Flounder Fishery Management Plan Amendment 3. Second by Sam Romano.  
Motion fails 2-5 with two abstentions.**

Under *Issues from Commissioners*, there was discussion about the logistics of the upcoming advisory committee meetings, the need to write a letter regarding the dredging of Barden's Inlet and the desire of Commissioner Laughridge to have revenues from the Coastal Recreational Fishing License and the N.C. Commercial Fishing Resource Fund provide funding to Dr. Chris Dumus to do an economic study of the economic benefit of North Carolina's coastal fisheries.

The meeting adjourned.

DRAFT