

*CHAIRMAN'S  
REPORT*



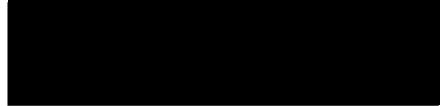
NORTH CAROLINA  
*Environmental Quality*

ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

August 28, 2019

W. Robert Bizzell, Chairman  
North Carolina Marine Fisheries Commission



Dear Chairman Bizzell,

The Marine Fisheries Commission (“Commission”) passed a motion to adopt the 2019 Fishery Management Plan (“FMP”) Review Schedule at its August 23, 2019 business meeting. The Commission may not revise the schedule for development of an FMP, once adopted, without approval of the Secretary of the Department of Environmental Quality. N.C.G.S. § 113-182.1(d). I approve the enclosed 2019 FMP Review Schedule.

The Commission passed a motion at its August 15, 2018 business meeting to begin development of Amendment 2 to the Shrimp FMP. The Division of Marine Fisheries (“DMF”) notified the Commission in November of 2018 that work would not start on development of Amendment 2 before the middle of 2019 due to staff limitations and other plans currently underway. The Commission’s disposition of two related Petitions for Rulemaking concerning the Shrimp FMP at its February and August 2019 meetings further delayed action on development of Amendment 2 and approval of that schedule. I now provide final approval for revision of the schedule and development of Amendment 2 to the Shrimp FMP in accordance with section 113-182.1(d).

The Commission also voted to adopt Southern Flounder FMP Amendment 2 at its August 23, 2019 meeting. DMF’s recommendation underlying Amendment 2 included that the adoption of the amendment authorizes concurrent development of Amendment 3 and more robust management strategies. The Commission selected this recommendation as part of its preferred management strategy for Amendment 2. To the extent that action revises the 2019 FMP Review Schedule, I approve that revision pursuant to section 113-182.1(d).

Sincerely,

A handwritten signature in black ink that reads "Michael S. Regan".

Michael S. Regan  
Secretary, NCDEQ



Cc: Stephen W. Murphey, Director  
Division of Marine Fisheries

Enclosure



North Carolina Department of Environmental Quality  
217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601  
919.707.8600

**N.C. FISHERY MANAGEMENT PLAN REVIEW SCHEDULE (July 2019 – June 2024)**

Revised Aug. 27, 2019

SPECIES (Date of Last Action)	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
<b>BLUE CRAB (11/13)</b>					
<b>SOUTHERN FLOUNDER (2/13)</b>	Amendment 2 Finalized Amendment 3 Begins	Amendment 3	Amendment 3 (if Rulemaking Required)		
<b>ESTUARINE STRIPED BASS (5/13) *</b>					
<b>SPOTTED SEATROUT (2/12) **</b>					
<b>SHRIMP (2/15)</b>					
<b>BAY SCALLOP (2/15)</b>					
<b>RIVER HERRING (2/15)</b>					
<b>INTERJURISDICTIONAL (11/15)</b>					
<b>KINGFISHES (11/15)</b>					
<b>STRIPED MULLET (11/15)</b>					
<b>HARD CLAM (2/17)</b>					
<b>OYSTER (2/17)</b>					
<b>RED DRUM (8/17)</b>					

\* In preparation for the review of the Estuarine Striped Bass Fishery Management Plan, the stock assessment process that began in 2017 for the Central Southern Management Area stocks and the Roanoke River Management Area stock is continuing. Supplement A to the Estuarine Striped Bass Fishery Management Plan was developed and adopted during 2018-2019.

\*\* A 2015 stock assessment indicated that the spotted seatrout stock in North Carolina and Virginia was not overfished and that overfishing was not occurring in the terminal year (2012) of the assessment. Due to staff workload for the review of other plans occurring in 2017 and since the stock was at viable levels and removals were considered sustainable for the long-term benefit of the stock, the next review of the plan was moved to 2019.



NORTH CAROLINA  
Environmental Quality

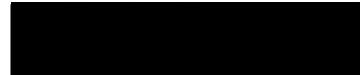
ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

September 20, 2019

VIA FEDERAL EXPRESS

Mr. Glenn Skinner  
Executive Director  
North Carolina Fisheries Association



Dear Glenn:

On September 10, 2019, I wrote to you denying your request to have the Division of Marine Fisheries ("DMF") issue a proclamation reopening the commercial Atlantic Spanish mackerel fishery. In that letter I emphasized the importance of compliance with the Atlantic States Marine Fisheries Commission ("ASMFC") Spanish Mackerel Fishery Management Plan.

Upon further exploration of the matter and due to recent developments during the past week, we have determined that a limited harvest could be allowed that would not result in non-compliance with the ASMFC Spanish Mackerel Plan. Additionally, the South Atlantic Fisheries Management Council met in Charleston, South Carolina this week and passed a motion to revise Spanish Mackerel accountability measures when the northern zone commercial sector quota is met, and at that time a stepdown to 500 pounds will occur. The Spanish Mackerel fishery will close when the total annual catch limit (commercial and recreational combined) is met or projected to be met.

Given this new information, I will allow the DMF Director to issue a proclamation for a limited daily limit and season to be determined at his discretion based on best available data. Thank you for your continued interest and support of North Carolina's marine and estuarine resources.

Sincerely,

A handwritten signature in cursive script that reads "Michael S. Regan".

Michael S. Regan

cc: Stephen W. Murphey  
Division of Marine Fisheries





## NORTH CAROLINA MARINE FISHERIES COMMISSION DEPARTMENT OF ENVIRONMENTAL QUALITY

### COMMISSIONERS

**ROY COOPER**  
Governor

**MICHAEL S. REGAN**  
Secretary

**ROB BIZZELL**  
Chairman

**MIKE BLANTON**  
Elizabeth City  
**CAMERON BOLTES**  
Washington  
**DOUG CROSS**  
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**TOM HENDRICKSON**  
Zebulon

**PETE KORNEGAY**  
Camden  
**DR. MARTIN POSEY**  
Wilmington  
**ROBERT McNEILL**  
Wilmington  
**SAM ROMANO**  
Wilmington

September 26, 2019

Commissioner Renee Cahoon (chair)  
N.C. Coastal Resources Commission  
217 W Jones St.  
Raleigh, NC 27603

Commissioner A. Stanley Meiburg (chair)  
Environmental Management Commission  
217 W Jones St.  
Raleigh, NC 27603

Dear Members of the N.C. Coastal Resources Commission (CRC) and Environmental Management Commission (EMC):

On behalf of the N.C. Marine Fisheries Commission (MFC), I would like to thank you for your dedication to protecting and enhancing coastal habitats and water quality throughout North Carolina. Your actions through policy and rulemaking directly influence the health of our critical fish habitats that support our coastal fisheries. As you know, the Fishery Reform Act of 1997 (G.S. 143B 279.8) requires our three commissions to approve and implement recommendations to protect and restore fish habitats and to ensure, to the maximum extent practicable, that our actions are consistent with the Coastal Habitat Protection Plan (CHPP). While our commission can take fishery management actions to protect fish habitat from fishing related activities, we cannot improve water quality or protect fish habitat from land-based activities without your assistance. Impervious surface limits, vegetated buffers, shoreline stabilization, stormwater management, and water quality standards all influence water quality.

We consistently hear from fishermen at public meetings that species are declining due to degraded habitat and water quality conditions. To partially address this, the draft Blue Crab Fishery Management Plan Amendment 3 includes an issue paper detailing water quality problems such as hypoxic events and pesticide runoff that are impacting blue crabs. Draft management options include informing other environmental commissions about specific areas where blue crabs have been impacted by water quality and to advise them on potential solutions. The MFC requests strong collaboration with your commission to work on opportunities such as this to protect critical fish habitat identified through the CHPP.

At our November meeting, agency staff will be updating the MFC on the status of the upcoming CHPP revision, priority habitat issues to be addressed, and a plan for collaborating among commissions and divisions to take impactful steps toward enhancing our coastal ecosystem. Protecting fish habitat and water quality will not only benefit North Carolina's fisheries, but will increase the resiliency of our

coastal communities and economies. Effectively managing our fish habitat and water quality through adequate and effective rules can avoid negative impacts to the coastal resources the public enjoys and values.

Thank you for consideration of this request; please feel free to contact me at r.bizzell.mfc@ncdenr.gov or [REDACTED] if I may be of assistance to you in this or any other matter.

Sincerely,



W. Rob Bizzell, Chairman  
N.C. Marine Fisheries Commission

Cc: Steve Murphey, Director, Division of Marine Fisheries  
Linda Culpepper, Director, Division of Water Resources  
Braxton Davis, Director, Division of Coastal Management  
Daniel Smith, Director, Division of Energy, Minerals, and Land Resources



NORTH CAROLINA  
*Environmental Quality*

ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

October 17, 2019

Gordon S. Myers  
Executive Director  
NC Wildlife Resources Commission  
NCSU Centennial Campus  
1751 Varsity Drive  
Raleigh, NC 27606

Dear Director Myers:

The Marine Fisheries Commission (“MFC”) and the Wildlife Resources Commission (“WRC”) exercise concurrent jurisdiction with respect to joint fishing waters. The MFC and WRC may make joint regulations as may be necessary for rational and compatible management of the marine, estuarine and wildlife resources in these waters. In cases of conflicting regulations, the MFC and WRC are empowered to make agreements concerning the harmonious settlement of such conflict in the best interests of the conservation of the marine, estuarine and wildlife resources of the State.

In January 2019 the MFC and WRC formed a Joint Committee on Delineation of Fishing Waters (“Joint Committee”) to fulfill the statutory responsibility to jointly determine boundaries defining inland, coastal, and joint fishing waters where there may be regulatory conflict between the agencies concerning those boundaries. Each agency had agreed to collaborate and develop the idea of using salinity as an objective and defensible methodology to determine those delineations. The Joint Committee recessed its last meeting in May 2019 after significant disagreement between the agencies regarding an agreeable salinity value.

At its August 29, 2019, business meeting and with very little direct notice to the MFC or the North Carolina Department of Environmental Quality (“NCDEQ”), the WRC proceeded to move forward with proposed boundaries for delineation of inland and coastal waters. Furthermore, without any additional consultation with the MFC, WRC instructed its staff to advance its decision by conducting a thorough review of the potential impacts, including holding multiple public input forums.

NCDEQ has serious concerns that WRC’s legal theory for proposing new delineations will not survive Rules Review Commission (“RRC”) review or, if challenged in the courts, judicial scrutiny. We understand that under the NC General Assembly’s periodic review of rules process, MFC and WRC must review each of their rules, including rules which set out the current delineations. In 2017, MFC conducted its review of rules pertinent to delineation (15A NCAC 03Q .0200 et seq.) and determined there was no basis to adjust those jurisdictional boundaries. The MFC classified these rules as necessary without substantive public interest and that they should remain in effect without further action. There were no comments received from either the public or WRC during the comment period indicating that these MFC rules needed to be modified to reflect new delineations. Equally as important, no comments





were received regarding the WRC's 15A NCAC 10C .0100 rule, including 10C .0108, which incorporates by reference 03Q .0200, and any later amendments. Based on the report portion of the periodic review requirements, our stakeholders have an expectation there will be no change to these rules.

NCDEQ understands that WRC is relying on a 2.6 parts per thousand ("ppt") salinity value for its proposal to define the boundary of inland waters. This is an arbitrary value of approximately half of what WRC staff presented to the Joint Committee as a defining line for inland and coastal waters. This value was suggested by the MFC chairman at a May 15, 2019 meeting of MFC and WRC directors, chairmen and legal counsel, only for consideration in map development to look at potential impacts. It is our further understanding that the MFC Chairman never intended to affirmatively advance the 2.6 ppt value to rulemaking or public comment. To the contrary, it was simply a suggestion to generate discussion.

The WRC's initial proposed salinity value was derived utilizing modeling based on a Chesapeake Bay study – a study area dissimilar to North Carolina's unique system of estuarine waters. This study method, when it has been applied to other areas such as Tampa Bay, has resulted in much lower salinity thresholds for fresh and estuarine waters. To the best of our knowledge, Virginia and Maryland have not changed their tidal and inland water boundaries based on the Chesapeake Bay study. The methodology upon which WRC relies also fails to consider any thoughtful discussion of the impacts of climate change and saltwater intrusion where there is a confluence of ocean and fresh water in the many estuarine waterways and sounds at issue. These flawed assumptions and omission of any consideration of climate change put WRC's calculations in serious question. As you know, NCDEQ's Division of Marine Fisheries ("DMF") conducted its own literature and existing rule search for salinity analysis and provided that analysis to the Joint Committee. DMF's research reflects a much lower salinity value, between 0.0 ppt, essentially the head of tide, and 0.9 ppt which is based upon the conversion of 500 ppm chloride concentration to salinity from the Environmental Management Commission ("EMC") halide concentration level in their estuarine waters definition at 15A NCAC 2B .0202(63). DMF's salinity range likely represents a value more consistent with available scientific literature.

In monitoring the activities of the Joint Committee process, NCDEQ identified serious concerns and unintended impacts of WRC's proposed boundaries on the regulatory authority of other NCDEQ Divisions beyond DMF, to include the Division of Coastal Management ("DCM"), the Division of Water Resources ("DWR"), and the Division of Energy, Mineral and Land Resources ("DEMLR"). While we have generally raised many of these concerns to you during the Joint Committee meetings, we wanted to ensure the concerns of NCDEQ Divisions were communicated directly to WRC. These concerns are described in greater detail below.

#### NC Marine Fisheries Program Impacts

DMF has numerous concerns with WRC's proposal. The first issue regards loss of coastal and commercial fishing waters. Employing a 2.6 ppt salinity threshold to define the inland and coastal boundary would result in a decrease of approximately 144,984 acres or 226.5 square miles of coastal and joint waters. We can assume that many traditional commercial gear(s) such as gill nets, pound nets and pots, along with crab shedding operations, would be restricted or forbidden in these waters based on existing restrictions. The proposed boundary changes would also likely result in a significant negative economic impact on commercial fishermen in certain counties. Moreover, commercial licenses would

probably not apply to new inland water designations, requiring Coastal Recreational Fishing License holders fishing these waters to purchase an inland license.

DMF would also be required to perform a comprehensive fiscal analysis to modify jurisdictional boundary rules. Since all jurisdictional boundaries are in MFC rules, and as such, a fiscal analysis would involve a huge effort for DMF staff. There are twenty-five (25) pages in the existing rules of boundary descriptions that could be affected. Moreover, mapping, ground-truthing and marking current lines took over a year of work by DMF staff and Marine Patrol – a similar mapping effort would be anticipated for changing the delineations as proposed by WRC. The fiscal analysis impact would almost certainly surpass the \$1,000,000.00 threshold for substantial economic impact prescribed in the NC Administrative Procedure Act. Prior to performing a fiscal analysis or providing any projection on the resources and time needed for the analysis, DMF staff would definitively need to know what specific activities and types of gear would be allowed in the new inland waters.

As with other NCDEQ Divisions, DMF has further concerns regarding habitat and water quality degradation. The WRC's proposed delineations would almost certainly reduce habitat and water quality protection in certain areas. For example, DMF would expect impacts to associated juvenile and adult fisheries from dredge and fill activities, reduced riparian buffers, and increased impervious surfaces near waterbodies, all of which impact water quality.

Specific impacts on the MFC's management of certain species are also expected. The presence of important recreational and commercial fishery species under MFC authority follow the criteria initially used to establish coastal and joint waters, but not inland waters. Examples of MFC state regulated species that are found in significant numbers within the new 2.6 ppt salinity areas include: Blue Crab, Southern Flounder, Striped Mullet, Spotted Sea Trout, and Sheepshead. Serious questions are also raised with respect to how these species would be effectively managed if the WRC proposal advances into rule. DMF is also concerned about impacts for Striped Bass management where a Fishery Management Plan ("FMP") amendment and three stock assessments are currently underway in conjunction with WRC.

There are potential significant statutory implications to DMF and MFC as well. Suitable waters identified by the NC General Assembly in NCGS § 113-215 for marine aquaculture leases could be affected as aquaculture use is specified for coastal fishing waters. The residency requirement for MFC Commissioners could be affected where the appointment of MFC seats by the Governor is tied to named coastal regions (with specific named counties in each of the regions). Both Gates and Hertford counties (MFC northeast coastal region) could be impacted by a 2.6 ppt value because these counties would then have no coastal waters, conceivably resulting in an appointed MFC member being statutorily unable to sit on the Commission.

Likewise, there are numerous MFC rule change implications, in addition to the descriptions contained in the 15A NCAC 03Q.0202 rules, that result from WRC's proposal: 03J.0203 Chowan River and Meherrin River; 03J.0204 Currituck Sound and its Tributaries; 03J.0209 Albemarle Sound/Chowan River - River Herring Management Areas; 03J.0301 Pots (descriptive areas for pot regulation); 03R.0112 Attended Gill Net Areas (descriptions Trent River, Neuse River); 03R.0114 Shrimp Trawl Prohibited Areas (descriptions); 03R.0115 Anadromous Fish Spawning Areas (descriptions - numerous); 03R.0201 Striped Bass Management Areas (descriptions); 03R .0202 River Herring Management Areas

(descriptions); and 03O.0503 Permit Conditions; Specific: Striped Bass Dealer. The fiscal analysis would also have to include impacts from changes to these rules.

### NC Coastal Program Impacts

When you presented the delineation issue on behalf of the WRC to the Coastal Resources Commission (“CRC”) at their February 2019 meeting, you inquired if CRC rulemaking could resolve any jurisdictional concerns that would result from a boundary change by the WRC and MFC. While staff initially assumed that the CRC may be able to resolve jurisdictional issues through rulemaking, following the recent action by WRC and a closer examination by the Commission’s and DCM’s counsel, it was concluded that the WRC’s proposed boundary changes will affect the CRC’s jurisdictional boundaries in a way that cannot be addressed solely through CRC rulemaking. In both the NC Coastal Area Management Act (“CAMA”) and the State Dredge and Fill law (“D&F”), the definitions of “Estuarine Waters” are statutory, and therefore would require legislative action or authority for any changes to be made by rule. The CAMA at NCGS § 113A-113 and the D&F at NCGS § 113-229 both explicitly tie their definitions to NCDEQ and WRC boundary lines, which in turn, defines the CRC’s jurisdictional Areas of Environmental Concern (“AEC”).

The Coastal Shorelines AEC includes the Estuarine Shorelines and Public Trust Shorelines subcategories. The CRC’s administrative rule, 15A NCAC 7H .0209(a), define Estuarine Shorelines as:

. . . those non-ocean shorelines extending from the normal high water level or normal water level along the estuarine waters, estuaries, sounds, bays, fresh and brackish waters, and public trust areas as set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environmental Quality [described in Rule .0206(a) of this Section] . . .

The Estuarine Shoreline AEC extends from normal high water level (“NHWL”) or normal water level (“NWL”) landward for a distance of 75 feet or 575 feet (when adjacent to Outstanding Resource Waters (“ORW”)), while the Public Trust Shorelines AEC are located inland of the dividing line between coastal fishing waters and inland fishing waters and extend only 30 feet landward of NHWL or NWL. In addition to a 30-foot buffer for all types of shorelines, which limits development to largely riparian uses, there is also a 30 percent (or 25 percent for ORWs) impervious surface limit within the AEC.

The proposed WRC changes to the Inland Waters boundaries would have a significant impact on the jurisdictional boundaries of the CRC, with approximately 1,652 miles of Estuarine Shoreline AEC converting to Public Trust Shoreline AEC. This would result in the reduction of jurisdictional area from 75 feet to 30 feet from NHWL/NWL, and would restrict the 30 percent impervious surfaces limitation to that much smaller AEC area, likely resulting in more impervious surfaces closer to the water and the resulting negative impacts to water quality and fish habitat.

The CAMA also defines a “coastal sound” in NCGS § 113A-103 to include the limits of seawater encroachment. If the current boundary changed based on a different analysis of salinity, and the CRC adopted by rule lines inconsistent with the analysis (for example, by adopting the previous Inland Fishing

Waters boundary), the CRC’s jurisdiction could possibly be challenged based on this possible inconsistency.

There may also be an implication for the CAMA Land Use Planning (“LUP”) Program since some local government land use plan policies incorporate the CRC’s AECs into their LUP plans and associated ordinances. Absent amendments to LUPs and related ordinances, this could result in development patterns not matching the LUP and its Future Land Use Map, creating confusion for developers and local government.

Finally, any rulemaking to develop new boundaries specifically for Coastal Shorelines and Estuarine Waters AEC’s would involve significant rule text development, fiscal analyses, and interagency discussions. There is also a potential for significant confusion among the regulated community and delegated local government permitting programs.

The table below shows “lost miles” where Estuarine Shoreline AEC would change to Public Trust AEC if the 2.6 ppt boundary lines are used. It is divided by county, and the percentage (%) represents total lost miles for each county divided by total lost miles (1,652) to show a comparative geographic distribution. Those counties marked with an asterisk (\*) are Tier 1 counties as of 2019 data.

	<b>County</b>	<b>Lost Miles</b>	<b>% of the Total Lost Miles</b>	<b>Comment</b>
1	Beaufort*	17.97	1.1%	
2	Bertie*	384.4	23.3%	
3	Brunswick	60.6	3.7%	
4	Camden	22.2	1.3%	
5	Chowan*	68.3	4.1%	
6	Craven	88.2	5.3%	
7	Currituck	102.5	6.2%	
8	Dare	41.8	2.5%	
9	Gates*	60.7	3.7%	Total loss of shoreline
10	Hertford*	118.5	7.2%	Total loss of shoreline
11	Hyde*	45.5	2.8%	
12	New Hanover	129.3	7.8%	
13	Pasquotank*	51.6	3.1%	
14	Perquimans*	75.6	4.6%	
15	Pender	216	13.1%	
16	Tyrrell*	64.1	3.9%	
17	Washington*	104.8	6.3%	
	<b>TOTAL:</b>	<b>1652.07</b>	<b>100.0%</b>	<b>0.1 missing due to rounding</b>

## NC Stormwater Program Impacts

Coastal stormwater permitting requirements apply to new development projects in the 20 coastal counties that: 1) disturb one acre or greater of land (projects that require an Erosion and Sedimentation Control Plan (“E&SC”)); 2) are projects that require a CAMA permit; and 3) are projects that do not require an E&SC plan and/or CAMA Major Development permit, but meet one the following criteria: a) nonresidential projects that propose to cumulatively add 10,000 square feet or more of built-upon area (“BUA”); or b) residential projects that are within one-half mile of and draining into SA waters and propose to cumulatively add more than 10,000 square feet of BUA, and result in a percentage of BUA greater than 12 percent for the property.

The maximum BUA limits within the coastal stormwater program are tied to whether the surface waters are classified as SA, Freshwater ORW (like SA or Primary Nursery Areas (“PNA”)) or are another classification within the 20 coastal counties and are generally more restrictive than BUA for non-coastal counties. Class SA waters are waters suitable for commercial shellfishing for market purposes (commercial harvesting) and all other tidal saltwater uses.

If the coastal water designation changes based on a boundary change so much so that those waters no longer support designated uses (e.g. commercial fishing), a reclassification of the surface waters could be warranted. If this change occurs, the need for a stormwater permit could vanish where a CAMA permit or where the proximity to SA waters were the trigger. (Note: for existing projects, a concern is if existing permitted facilities can remain permitted under these settings). Without permitting jurisdiction, the BUA limits would not apply for projects less than one acre for non-residential projects over 10,000 square feet of BUA in coastal counties or development activities that require a CAMA major permit which drain to ORW or High Quality Waters (“HQW”). Also, those current coastal counties which lose coastal fishing water designations could have a basis for removal from the coastal stormwater program, despite its direct proximity to coastal waters.

The likely result from such a change to the stormwater program include an increase of BUA without appropriate Stormwater Control Measures (“SCM”). This can cause flooding and an increase of pollutants to surface waters (e.g. total suspended solids, increases in fecal coliform, and nutrients) and a resulting degradation of water quality.

## NC Water Resources Program Impacts

The NC General Assembly in NCGS § 143-214.1 tasks the EMC with classifying all of the waters of the state and adopting use standards for each classification. The existing classifications for “Tidal Salt Waters” in 15A NCAC 02B .0101(d) provides for four classifications: SA, SB, SC, and SWL. The SWL (saltwater wetland) classification is tied to the CRC’s definitions of “coastal wetland” and “estuarine waters” and since the CRC’s estuarine waters definition at 15A NCAC 7H .0206 is tied to the WRC and NCDEQ boundary agreement, this water classification category is as well. Therefore, changes to the boundary agreement may necessitate the re-classification of those waters which change from coastal/joint to inland, which is estimated to be approximately 1,652 miles of shoreline. Further, if the definition of “Tidal Salt Waters” equates to “Estuarine Waters”, and any boundary agreement change would necessarily change the definition of “Estuarine Waters”, the other three classifications of “Tidal

Salt Waters” may also be impacted. Additionally, the supplemental class of HQW is tied to the MFC’s delineation of PNA boundaries, not the WRC’s PNA boundaries, pursuant to 15A NCAC 02B .0202.

There is also concern that the changes in classification or removal of use support will generate concerns with the U.S. Environmental Protection Agency and its anti-degradation provision, described under NC policy in 15A NCAC 02B .0201. Reclassification could result in the approval of wastewater discharges to receiving waters that are presently estuarine waters, and other waters that are unique and prone to depressed dissolved oxygen and eutrophication.

In conclusion, NCDEQ urges WRC to reconsider its action of August 29, 2019. The consequences to the environment are simply not acceptable. The interests of the people of the State of North Carolina compel you to give serious consideration to the subject matter of this letter. Please disseminate to your Commission members for consideration at WRC’s October 24, 2019 meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "John Nicholson", with a long, sweeping horizontal flourish extending to the right.

John Nicholson  
Chief Deputy Secretary  
North Carolina Department of Environmental Quality

PROPOSED CHANGES TO INLAND WATERS BOUNDARIES  
POSSIBLE NC COASTAL PROGRAM IMPACTS

When Gordon Meyers presented the delineation issue on behalf of the WRC to the Coastal Resources Commission (“CRC”) at their February 2019 meeting, DCM was asked if CRC rulemaking could resolve any jurisdictional concerns that would result from a boundary change by the WRC and MFC. While staff initially assumed that the CRC may be able to resolve jurisdictional issues through rulemaking, following the recent action by WRC and a closer examination by the Commission’s and DCM’s counsel, it was recently concluded that the WRC’s proposed boundary changes will affect the CRC’s jurisdictional boundaries in a way that cannot be addressed solely through CRC rulemaking. In both the NC Coastal Area Management Act (“CAMA”) and the State Dredge and Fill law (“D&F”), the definitions of “Estuarine Waters” are statutory, and therefore would require legislative action or authority for any changes to be made by rule. The CAMA at NCGS § 113A-113 and the D&F at NCGS § 113-229 both explicitly tie their definitions to NCDEQ and WRC boundary lines, which in turn, defines the CRC’s jurisdictional Areas of Environmental Concern (“AEC”).

The Coastal Shorelines AEC includes the Estuarine Shorelines and Public Trust Shorelines subcategories. The CRC’s administrative rules, 15A NCAC 7H .0209(a), define Estuarine Shorelines as:

. . . those non-ocean shorelines extending from the normal high water level or normal water level along the estuarine waters, estuaries, sounds, bays, fresh and brackish waters, and public trust areas as set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environmental Quality [described in Rule .0206(a) of this Section] . . .

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The CAMA also defines a “coastal sound” in NCGS § 113A-103 to include the limits of seawater encroachment. If the current boundary changed based on a different analysis of salinity, and the CRC adopted by rule lines inconsistent with the analysis (for example, by adopting the previous Inland Fishing Waters boundary), the CRC’s jurisdiction could possibly be challenged based on this possible inconsistency.

There may also be an implication for the CAMA Land Use Planning (“LUP”) Program since some local government land use plan policies incorporate the CRC’s AECs into their LUP plans and associated ordinances. Absent amendments to LUPs and related ordinances, this could result in development patterns not matching the LUP and its Future Land Use Map, creating confusion for developers and local government.

Finally, any rulemaking to develop new boundaries specifically for Coastal Shorelines and Estuarine Waters AEC’s would involve significant rule text development, fiscal analyses, and interagency discussions. There is also a potential for significant confusion among the regulated community and delegated local government permitting programs.

The table below shows “lost miles” where Estuarine Shoreline AEC would change to Public Trust AEC if the 2.6 ppt boundary lines are used. It is divided by county, and the percentage (%) represents total lost miles for each county divided by total lost miles (1,652) to show a comparative geographic distribution. Those counties marked with an asterisk (\*) are Tier 1 counties as of 2019 data.

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2	Bertie*	384.4	23.3%	
3	Brunswick	60.6	3.7%	
4	Camden	22.2	1.3%	
5	Chowan*	68.3	4.1%	
6	Craven	88.2	5.3%	
7	Currituck	102.5	6.2%	
8	Dare	41.8	2.5%	
9	Gates*	60.7	3.7%	Total loss of shoreline
10	Hertford*	118.5	7.2%	Total loss of shoreline
11	Hyde*	45.5	2.8%	
12	New Hanover	129.3	7.8%	
13	Pasquotank*	51.6	3.1%	
14	Perquimans*	75.6	4.6%	
15	Pender	216	13.1%	
16	Tyrrell*	64.1	3.9%	
17	Washington*	104.8	6.3%	
	<b>TOTAL:</b>	<b>1652.07</b>	<b>100.0%</b>	<b>0.1 missing due to rounding</b>



**From:** [Bizzell, Rob](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** Fwd: [External] circle hooks, live bait, prove the need and method first  
**Date:** Thursday, September 19, 2019 4:10:28 PM

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**From:** J D Fish [REDACTED]  
**Sent:** Thursday, September 19, 2019 1:10 PM  
**To:** Bizzell, Rob  
**Cc:** Chris Elkins; David Sneed  
**Subject:** [External] circle hooks, live bait, prove the need and method first

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Rob,

My friend Chris Elkins informed me of your service with the NCDMF and interest in circle hooks for bait fishermen as a means of protecting our fishing resource.

My family uses live bait (Shrimp, menhaden, finger mullet, etc) frequently while targeting everything from sheepshead, trout, flounder, slot drum, large drum, Cobia, Spanish and kings. We also use a variety of dead bait such as squid, mullet and menhaden.

We use j hooks, Kahle, circle and treble hooks. We use single j hook jigs and lead jigs with trebles, sometimes tipped with cut bait or trebles. We use MirrorLures, jigs with soft plastic.....we use it all.

Our frequency of deep hooking is very low. Live baiting for kings, Spanish or blues with typical trebles or lead casting or jigging lures does not result in deep hooking. We can release if desired but we following the rules and frequently enjoy our catch of NC seafood. We don't waste our catch and follow conservation principles. We have used circle and j hooks bottom fishing inshore and off and have seen no difference. We rarely /never gut hook with a j hook when bottom fishing. We can easily dehook and return undersized fish. We deep jig with lead jigs with j hooks or trebles tipped with bait. Gut hooking does not occur when jigging.

We can't imagine using circle hooks to catch some species such as sheepshead. Sheepshead are difficult to catch. Over the years we have caught hundreds of sheepshead with j hooks and live

bait without a single gut hook. We would not have caught this many with a circle hook( maybe none).

We have fished the Night time old red drum fishery at Cedar Island using the approved barbless circle hook rig. It works and allows safe release of these protected fish. We have not fished the current popping cork daytime overslot drum fishery but believe that gut hooking must not be common since there is a very protective attitude by experienced guides who created this fishery.

As far as Cobia,we have used bottom and surface methods with live and dead baits. We have used trebles, j hooks and circles. We tend to use trebles and live bait on surface and dead bait and j or circle on the bottom. Skates are a big problem when fishing on the bottom. We spend more time looking bait balls and site casting big spro jigs with soft plastic and catch blues or a few Cobia.

To summarize, I believe it is a big mistake to mandate circle hooks across the board. I just don't see or experience the issue of gut hooking and inability to catch and release when using live or dead bait.

If there is a specific fishery, with specific goal(example: harmless catch and release of old drum) in mind such as the nighttime old red drum fishery using bottom fishing method, then a **proven** successful method using circle hooks could make sense. The use of barbless circle hooks with short leaders was developed and proven before mandated. Our fishermen should not be penalized into using fishing methods that are not proven successful.

Make certain to not creat havoc without a true need and goal in mind while using a **proven** response.

Thank you for your service to the NCDMF in protecting and improving saltwater fishing resources in NC. We are so fortunate to have such great coastal habitat and greathistory for an abundant resource. We have the potential and the responsibility to**restore** our fishery and resource to world class stature that is possible.

J. D. Fish

██████████ and ██████████, NC

**From:** [Bizzell, Rob](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** Fwd: [External]  
**Date:** Friday, August 30, 2019 8:03:23 PM

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**From:** Brad Goodman [REDACTED]  
**Sent:** Friday, August 30, 2019 8:00 PM  
**To:** Bizzell, Rob  
**Subject:** [External]

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I'm very sad and angry that a decision was made that selfishly helps those trying to make money on fishing. I have gone to Ocracoke Island for the last 20 years. We have fished on the surf as well as to going flounder gigging. Over that time we have seen ups and downs between year-to-year on what we catch or what we see. There is no way that anyone can logically think that a person fishing with a rod or gig can come close to catch a what is called buy a commercial fisherman in a net. We have set back over the years and watched boats come in and have 3 to 400 flounder per catch from these commercial fisherman. If we catch a total of 40 fish over the course of a week we have done amazing but most of the time it's between 10 to 15 if we're lucky. We are not the only ones we see other giggers and fishermen every year with the same story. The only ones who are profiting from this decision you have made are commercial fishermen and charters. Will they tell you that absolutely not. They would be a fool to. But, anyone who can say that my fishing rod along with other fishing rods can help catch any Nets is naive. I have contacted the Senate on the federal level as well as house a Representatives and will continue to complain about this along with many many others to do everything in our power to have you guys removed from office and put someone there that can make a decision to help Ordinary People. We go fishing every October and look forward to a family fishing trip. You guys and the decisions you've made Rob not only my family but others of being able to enjoy family time together because you're afraid we're catching too many fish. Absolutely absurd. If you think that's the case then I want you to go to the next fish fry we have. It's been years since we've caught enough fish due to the regulations and throwing things back because we abide by the laws to be able to have a fish fry. We go to the market and will continue to watch these commercial fishermen bring in these flounder as well as other fish why were there at the Outer Banks in purchase fish so we will be able to have our fish fry as a family. Again I'm going to go as

high as I can and complain as often as I can until our voices are heard.

YOUR RESPONSE WOULD BE APPRECIATED AND SOME ACTION TO MAKE THIS  
WRONG A RIGHT WOULD BE NICE.

Brad Goodman from [REDACTED] NC

[Sent from Yahoo Mail on Android](#)

[Sent from Yahoo Mail on Android](#)

■

**From:** [Wanda Outland](#)  
**To:** [Hamilton, Cindi B](#)  
**Cc:** [Gillikin, Dana](#)  
**Subject:** [External] Commercial southern flounder seasons  
**Date:** Wednesday, September 11, 2019 8:09:05 AM

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I commercial fish for flounder with pound nets in [REDACTED], [REDACTED] County. After dealing with hurricane Dorian, can the DMF Director Murphy consider pushing our opening dates up one week? We spent three days picking up crab pots last week and getting boats out of harms way. We hired a diver Monday and Tuesday to cut off pound net poles that got rim racked from wind and storm surge. We have trees down at our home and at the fish house, but we do not have time to clean up anything because we are trying to get our nets set under new DMF guidelines. I hope no one at DMF has suffered from Dorian like our coastal families or lost income due to an awful hurricane.

Jessie Troy Outland, Sr.  
[REDACTED]

**From:** [Bizzell, Rob](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** Fwd: [External] Fisheries vote  
**Date:** Wednesday, August 28, 2019 6:42:22 PM

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**From:** vclemmons [REDACTED]  
**Sent:** Wednesday, August 28, 2019 5:11 PM  
**To:** Bizzell, Rob  
**Subject:** [External] Fisheries vote

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Sir, as a person born and raised in [REDACTED], have commercial fished, have chartered, pulled a trawl and recreation fished im really disappointed at the boards vote to shutdown flounder fishing for recreational fishing. To continue to let charter and commercial guys fish is a disgrace. The plant i worked at years ago shutdown, i chose the wrong profession. To continue to let a few rape our resources, you should be ashamed. Its easy to follow the money. Im not aligned with any recreational group, just a guy. How do most of you sleep at night. I know the damage firsthand what shrimp trawls do. I know how many flounder i caught in nets. To deny is utterly stupid and only a moron would argue otherwise. Have a good day!

Mark Clemmons

Sent via the Samsung Galaxy S7 edge, an AT&T 4G LTE smartphone

**From:** [Bizzell, Rob](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** Fwd: [External] Flounder  
**Date:** Thursday, September 19, 2019 4:10:38 PM

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Another

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**From:** My Gmail  
**Sent:** Thursday, September 19, 2019 11:35 AM  
**To:** Bizzell, Rob  
**Subject:** [External] Flounder

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Rob,

It was good to see you at the MFC meeting after a few years. I always look for your boat in the Big Rock and hope you do well. Some health and age problems have caused me to limit my involvement in fisheries and CCA NC. I appreciate the interest and passion you have for fisheries issues. You have great courage to step back into the fray at a very volatile time.

I spoke to the MFC meeting to try to put into historical perspective the continued failure of the MFC to take the necessary action restore southern flounder. This has been going on for 15 years. The sad thing is that we have known for longer than that what needs to be done but haven't done it. Even the several minimal regulations that have been instituted to curtail commercial fishing have been weakened by MFC action in some years. All the while, recreational fishermen have been subject to more severe regulation when they are a much smaller part of the problem. An example of this goes back to the very first southern flounder FMP in 2004 /2005. The DMF and the SF Advisory committee recommended a 28% reduction in harvest. The MFC voted to institute measures designed to reduce recreational harvest by 28% but instituted measures to reduce commercial harvest – then 85% of the harvest – by only 14%. The DMF scientist on the FMP committee was so disgusted, he quit and left NC. So did the next DMF scientist after a few months. And so it has gone over the last 15 years with different size limits, roll backs of closures, limits on gill netting due to turtle interactions but substantial increases in pound netting and on. All having little effect on recovery of the species to the point that the only way to reduce SF harvest is to pray for hurricanes as a conservation measure. Had the MFC instituted the proper conservation measures in 2004, we might not see such drastic regulations needed now.

The sad thing is to see recreational fishermen limited so severely in the new amendment when they have consistently supported conservation measures. I strongly believe the MFC should implement ways to open the recreational season for summer flounder and gulf flounder. In the past, there have been separate regulations for inside and ocean waters. This could be a possibility as well as education

for anglers to identify the differences among the flounder and curtail southern flounder harvest. Again, the commercial fishermen will continue to be allowed to use non-discriminatory gear to harvest in the ocean while recreational fishermen are closed out of the two flounder species they have helped to rebuild.

Unfortunately, the commercial industry will surely file suit against the Amendment 2 regulations. Some recreational groups may as well. This will drag out the implementation at least one season or more.

As for me and my fishing buddies, the new regulations are a terrible blow. Most of us are in our 60s and 70s+. I am 75 years old this year and probably won't see the recovery of southern flounder in my lifetime. Southern flounder are a fish my wife and children loved to fish for, catch and eat. I only hope my grandchildren might have that experience. As for me, I guess I'll have to go the South Carolina or Virginia or maybe even New York if I want to fish for flounder.

I wish you and the MFC the best but I have little hope of success.

Take care,

Bill Mandulak



**From:** [Bizzell, Rob](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** Fwd: [External] flounder fishing  
**Date:** Thursday, September 05, 2019 8:31:53 AM

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**From:** Kistler, Jimmy [REDACTED]  
**Sent:** Thursday, September 5, 2019 6:24 AM  
**To:** Bizzell, Rob  
**Subject:** [External] flounder fishing

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You people should be ashamed of yourselves!! You have ruined the recreational fishing in our state..... look at the amount of money that will be now spent in South Carolina and Virginia.....too much money passed under the damn table....flounder fishing is one of my passions and now it is no good in our state!! I am only saying this to you because you are the chairman!!!!

Thank you,

*Jimmy Kistler*

Middle School Science Teacher  
High School Biology Teacher  
CGS Teacher of the Year 2015

**From:** [Bizzell, Rob](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** Fwd: [External] Flounder  
**Date:** Thursday, September 05, 2019 9:41:28 PM

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**From:** Mike Lyerly [REDACTED]  
**Sent:** Thursday, September 5, 2019 9:38 PM  
**To:** Bizzell, Rob  
**Subject:** [External] Flounder

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Well I guess that I'll have to sale my house and move to SC where they allow you to catch and keep flounder! Joe Shute told it to our club years ago that you don't have any real way to know what the stock is. Your groups decision might very well hurt the local coastal environment! This was not a good decision from a recreational decision but we know who supports the commercial fishermen

Sent from my iPad

**From:** [Bizzell, Rob](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** Fwd: [External] flounder moratorium  
**Date:** Wednesday, August 28, 2019 6:41:47 PM

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**From:** Howard Coupland, [REDACTED]  
**Sent:** Wednesday, August 28, 2019 6:21 PM  
**To:** Bizzell, Rob  
**Subject:** [External] flounder moratorium

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Rob,

Why are we not allowed to keep summer and gulf flounder? Southern flounder stocks are the issue, correct? Also, why are you not using, much less gathering, ocean data? Flounder fishing on ARs (Artificial Reefs) is the best it has ever been! You have a lot to explain to us recreational fishermen who want to eat what they catch. I doubt you will respond.

**Howard Coupland, CCIM**

**Vice President of Brokerage**

[REDACTED]

[REDACTED] direct

[REDACTED] cell

Please excuse the brevity of this message and any typos as this was sent via my "smart" phone.

NC Division of Marine Fisheries  
3441 Arendell Street  
Morehead City, NC 28557  
Attn: Rob Bizzell

Re: Flounder moratorium

Another blow to the recreational fisherman. When is the last time a decision was made in favor of the recreational fisherman? Not at the last meeting when there was a 5 to 4 vote not to add regulations on the shrimp boats. I was on the Ocean Isle pier in June and counted nine (9) shrimp boats. With each passing they were leaving a sandy path as they caught everything that swims. Sorry that I missed the bulletin announcing that I could have spoken and passed out information at meeting in Raleigh. I am a 79 year old recreational fisherman who has seen the creel limits go down and the size limits go up many times. Please review the enclosed chart that shows our rules vs. the other southern states. Note how the fish (Spanish Mackerel) that spends it's entire life in the open ocean has basically the same size and creel limits for each state, but those fish that spend part of their life in the estuaries we have the largest size and lowest creel limit of southern states. Evidently we must be doing something wrong. We want the other southern states to follow our lead, but I think we need to follow their lead. We are going to correct the problem by 2028. If I live do you know how old I will be in 2028? Do you think if we were allowed one flounder per trip that my fishing buddies and me would deplete the total stock? I purchase South Carolina license each year so I guess I will have to drive a few miles so I can catch some flounder. I have some ideas on how to improve the stock without hurting the commercial fisherman.

W. Eugene Foster

[REDACTED]

[REDACTED] NC [REDACTED]

## SIZE AND CREEL LIMITS

July 8, 2019

	N. Carolina	S. Carolina	Georgia	Florida	Alabama	Mississippi	Louisiana	Texas
<b>Flounder</b>								
Size		15"	12"	12"	12"	12"	None	14"
Creel	0	10/20 (1)	15	10	10	10	10	5
								2 (8)
<b>Speckled Trout</b>								
Size	14"	14"	14"	15" - 20"	14"	15"	12"	15" - 25"
Creel	4	10	15	NE - 6 NW - 5 SE/SW - 4	10	15	25	N - 10 S - 5
<b>Black Drum</b>								
Size	14" - 25"	14" - 27"	14"	14" - 24"	n/a	n/a	16" - 27"	14" - 30"
Creel	10	5	15	5 (3)	n/a	n/a	5 (6)	5
<b>Red Drum</b>								
Size	18" - 27"	15" - 23"	14" - 23"	18" - 27"	16" - 26"	18" - 30"	16" - 27"	20" - 28"
Creel	1	2/6 (2)	5	NE - 2 NW/S - 1	3 (4)	3 (5)	5 (7)	3
<b>Spanish Mackerel</b>								
Size	12"	12"	12"	12"	None	12"	12"	14"
Creel	15	15	15	15	15	15	15	15
		(1) 10 per individual, 20 per boat						
		(2) 2 per individual, 6 per boat						
		(3) 1 over 24"						
		(4) 1 over 26"						
		(5) 1 over 30"						
		(6) 1 over 27"						
		(7) 1 over 27"						
		(8) Nov. 1 to Nov. 30						

## SIZE AND CREEL LIMITS

September 4, 2019

	N. Carolina	S. Carolina	Georgia	Florida	Alabama	Mississippi	Louisiana	Texas
<b>Flounder</b>		15"	12"	12"	12"	12"	None	14"
Size								
Creel	0	10/20 (1)	15	10	10	10	10	5
								2 (8)
<b>Speckled Trout</b>								
Size	14"	14"	14"	15" - 20"	14"	15"	12"	15" - 25"
Creel	4	10	15	NE - 6 NW - 5 SE/SW - 4	10	15	25	N - 10 S - 5
<b>Black Drum</b>								
Size	14" - 25"	14" - 27"	14"	14" - 24"	n/a	n/a	16" - 27"	14" - 30"
Creel	10	5	15	5 (3)	n/a	n/a	5 (6)	5
<b>Red Drum</b>								
Size	18" - 27"	15" - 23"	14" - 23"	18" - 27"	16" - 26"	18" - 30"	16" - 27"	20" - 28"
Creel	1	2/6 (2)	5	NE - 2 NW/S - 1	3 (4)	3 (5)	5 (7)	3
<b>Spanish Mackerel</b>								
Size	12"	12"	12"	12"	None	12"	12"	14"
Creel	15	15	15	15	15	15	15	15
	(1) 10 per individual, 20 per boat							
	(2) 2 per individual, 6 per boat							
	(3) 1 over 24"							
	(4) 1 over 26"							
	(5) 1 over 30"							
	(6) 1 over 27"							
	(7) 1 over 27"							
	(8) Nov. 1 to Nov. 30							

**From:** [Klibansky, Lara](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** FW: [External] Recreational vs Commercial fishing  
**Date:** Thursday, October 24, 2019 8:15:48 AM

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**From:** Bizzell, Rob <r.bizzell.mfc@ncdenr.gov>  
**Sent:** Wednesday, October 23, 2019 8:56 PM  
**To:** Klibansky, Lara <Lara.Klibansky@ncdenr.gov>  
**Subject:** Fwd: [External] Recreational vs Commercial fishing

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**From:** Don Carmichael [REDACTED]  
**Sent:** Wednesday, October 23, 2019 8:40 PM  
**To:** Bizzell, Rob  
**Subject:** [External] Recreational vs Commercial fishing

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I have been recreational fishing NC coast for over 50 years, I need someone to help me understand how it is fair to the recreational fisherman & how we are the problem . I can not fish or gig flounder right now ,we have been shut down since September 4th, Commercial guys are still at it . I normally spend over 3 weeks per year renting a place to stay & spending money at NC beach's to be able to fish. Please help me understand how recreational fisherman are the problem , if we are not the problem why are we not given the same time as commercial fisherman, we can only keep 4 flounder or speckled trout per day , what is the limit on commercial for both flounder or speckled trout.I was at Topsail fishing the I intracoastal last weekend , I could not believe how many small boats were out there netting . At the boat ramp I heard one commercial fisherman ask another one how he did , he replied even thou his time got cut short due to the weather Saturday he still had 45 to 50 speckled trout. Is speckledtroutgoing to be the next on the list. Please help me understand.

Sent from my iPad

**From:** [Bizzell, Rob](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** Fwd: [External] So Flounder Ammendment 2  
**Date:** Tuesday, August 27, 2019 5:40:00 PM

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Getting ready for the next meeting! Rob

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**From:** Willard Dean [REDACTED]  
**Sent:** Tuesday, August 27, 2019 5:38 PM  
**To:** Bizzell, Rob  
**Subject:** [External] So Flounder Ammendment 2

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Mr. Bizzell-

I have been a recreational hook and line flounder fisherman in NC for the past 35 years, and it is by far my favorite sporting activity. I have primarily fished in the Brunswick Co area ( specifically [REDACTED] and [REDACTED] areas ). I have tried to follow the proposals and votes last week by the commission. While I feel the adopted resolution is a bit severe, I do understand the need for further action. I can attest to the decline in population of “keeper flounder” over the past decade, and it has seemed to decline each year. A 15” flounder is now a rarity on most days.

I am concerned about a couple of areas in particular though:

-We are the only state implementing this type of extreme plan. I am especially concerned as my primary fishing location is in waters adjacent to S.C. It feels like we will be sacrificing, while benefiting S.C. as we will not be able to harvest flounders in waters near the state line - which will directly benefit fishing in the SC areas close by and not really help increase the population in my particular area.

-I am also extremely concerned with what was a surprising ‘amendment’ to the proposal to allow fishing guides to continue to operate “as normal”. I read that the boat limit would be 4 flounder. I know that most of the guides fish half day charters, so I have a suspicion that they may harvest more than 4 per day. Even if they do not, this just feels like we are all making an extreme sacrifice, but one group is being allowed to continue to flounder fish. If we are going to do this - it would seem that we should ALL abide by the same laws.



I appreciate the opportunity to share my concerns with you.

Thank you.

Willard Dean

**From:** [glen](#)  
**To:** [Gillikin, Dana](#)  
**Subject:** [External] southern flounder proposals  
**Date:** Saturday, August 17, 2019 1:33:41 PM

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Mr Gillikin, I am greatly concerned about what the Marine Fisheries Commission along with the NCDMF are about to do to those of us that commercial fish in NC for our living be it full time or part time. The NCDMF is saying that unless drastic cut backs in southern flounder landing are implemented this year that southern flounder may never recover. I served as an advisory member of the Southern Flounder plan and helped developed the first plan back in 2005 when it became effective. At that time the biologist informed us that flounder needed to reach a certain threshold target of 25% spr (spawning potential ratio) in order to be removed from the overfished condition. We were also informed that we had 10 years for this plan to reach its goal or else drastic measure would be required due to the Fisheries Reform Act. In 2009 a stock assessment of southern flounder was conducted and it was determined that the plan had not quite reached the goal or target. Then in 2010 the NCDMF decided to raise the requirements on the definition of overfished from a threshold of 25% to 35% which is over a 40% increase. The latest stock assessment still shows us that flounder are still overfished but have not seen the latest spr number which they have not made public from what I know and have read. My beef is that when they changed the definition of overfishing back in 2010 they should have started a new 10 year requirement as well since we very likely reached the original 2005 plan requirement. NCDMF needs to do a new stock assessment on southern flounder asap and give the plan until 2020 to produce the needed results. Many recreational fishermen all up and down our coast are reporting one of the best years in a long time for southern flounder which should indicate that our plans are working and many of us think that there is absolutely no need for additional drastic reductions that will basically destroy commercial fishing and will also hurt many recreational fishermen and their businesses as well. Thank you and your staff for taking the time to read this and any help on this matter would be greatly appreciated. Sincerely Glen Montgomery



# NORTH CAROLINA

State Board of Elections & Ethics Enforcement

Mailing Address:  
P.O. Box 27255  
Raleigh, NC 27611-7255

Phone: (919) 814-0700  
Fax: (919) 715-0135

## Ethics & Lobbying Education

The following information applies to public servants, legislators, legislative employees, and ethics liaisons. For information on lobbying education and awareness presentations for lobbyists and lobbyist principals.

**Mandatory Education.** The N.C. State Board of Elections and Ethics Enforcement provides mandatory ethics and lobbying education for *public servants, legislators, legislative employees* and *ethics liaisons*. Topics covered include:

- Filing a Statement of Economic Interest ("SEI")
- Monitoring and avoiding conflicts of interest
- The gift ban and its exceptions
- Prohibition on use of public position for private gain
- Lobbying and how it affects individuals covered by the State Government Ethics Act

Ethics education is the primary way individuals subject to the State Government Ethics Act are made aware of their public duties and responsibilities as well as the consequences for violating the ethics laws.

## Who Must Participate

- **Public Servants & Ethics Liaisons.** All public servants and ethics liaisons are required to attend a Commission-approved basic ethics and lobbying education presentation within six (6) months of the person's election appointment, or employment and attend a refresher presentation at least every two (2) years thereafter.
- **Legislators & Legislative Employees.** The Commission, jointly with the Legislative Ethics Committee, makes mandatory ethics education and lobbying presentations to all legislators within two (2) months of the legislator assuming his or her office. Legislative employees must also participate in ethics education within three (3) months of employment and attend a refresher at least every two (2) years.
- **Education Presentations & Schedule.** Ethics and lobbying education presentations for public servants and ethics liaisons are offered [online](#) and [live at Raleigh-only and distance education sites](#). Completing an online presentation or attending a live session meets either the basic or refresher mandatory education requirements. Visit <https://www.ncsbe.gov/Ethics/Education> to access online and live training options.

Ethics education for **legislators** is conducted in live sessions. Legislative employees may participate in ethics education online through the General Assembly.

- **Consequences for Failure to Attend.** Failure to attend an ethics and lobbying education presentation is a violation of the State Government Ethics Act and may result in the individual being recommended for removal from his or her public position or disciplined in his or her State job.

## Contact Information

For education related questions, contact:

NC State Board of Elections and Ethics Enforcement

Phone: (919) 814-3600

E-mail: [Education.Ethics@doa.nc.gov](mailto:Education.Ethics@doa.nc.gov)

## **2019 STATEMENT OF ECONOMIC INTEREST REMINDERS:**

Completed SEIs must be filed on or before April 15, 2019. If you have already filed a 2019 SEI, do not refile. The forms and instructions can be found at <https://ethics.ncsbe.gov/sei/blankForm.aspx>.

If you filed a 2018 SEI ***and*** you have had ***no changes*** since your 2018 filing, you may file a 2019 SEI No Change Form, located on the website.

### **You must file a 2019 Long Form if any of the following apply to you:**

- a. You filed a 2018 SEI ***but*** you have had changes since your 2018 filing;
- b. You did not file a 2018 SEI; or
- c. You are a first-time filer or have been appointed to a new or additional position/board.

This year, the State Board of Elections and Ethics Enforcement will roll out a new electronic process for filing SEIs. That electronic filing option will be available in **early February**.

You are encouraged to file your SEI electronically. However, if you want to file your SEIs before the updated electronic version is available, hard copies are available for filing now at the link above.

New commissioners will need to file a 2019 SEI; however, if you have not had any changes since you last filed, you can use the No Change Form, which is fairly easy to complete.

Please file by April 15th to avoid fines and other penalties.

## **SEI HELPFUL TIPS**

**1. PUBLIC RECORDS.** The State Board of Elections and Ethics Enforcement (State Board) is required to collect and maintain disclosures from certain persons covered by the State Elections and Ethics Enforcement Act Government Ethics Act (Elections and Ethics Act). By law, the information requested is public record and available to the public upon request. As public records, Statements of Economic Interest (SEI) are available on the Commission's website. Personal contact information, however, is not.

**2. CONTACT INFORMATION PAGE.** The Contact Information page, which includes your personal contact information, will not be available on the Commission's website, but is a public record.

**3. CHILDREN'S INITIALS.** Only list minor children's INITIALS on the SEI. List each child's full legal name on the Confidential Unemancipated Children's Form. If you are filing electronically, the form will be generated at the end of the SEI from the information that you provided on your electronic SEI. The Confidential Form is not a public record, and the State Board will not make it available to the public.

**4. READ EACH QUESTION CAREFULLY.** Read each question carefully and pay close attention to the time periods in each question as they do vary.

**5. ANSWER EACH QUESTION.** It is important to answer each question, including all applicable subparts. Even if your answer is "no" or "not applicable," make certain you answer each question. Many of the questions have "yes" and "no" boxes to check for your convenience. Incomplete SEIs may cause delays and negatively impact your public service on a covered board or as an employee.

**6. WHY ARE YOU FILING.** You must list the complete name of the state board or state agency employer for which you are filing the SEI. Without this information, your SEI may be delayed and negatively impact your public service on a covered board or as an employee.

**7. HOW TO FILE.** The State Board strongly recommends electronic on-line filing as it is secure, allows easy information updates, and gives you access to your electronic SEIs previously filed. Filing your SEI on-line is easy, quick, convenient, and reduces the chance of reporting errors. Getting started is easy. Follow the simple steps to create your own account and get access today: <https://EFILE.ncsbe.gov/> To file a paper version of the SEI, you must provide the State Board with a signed, original SEI form. Each SEI includes an "affirmation" and is a legally binding document. Faxed or emailed copies of your SEI CANNOT be accepted.

SEI Helpful Tips, continued

**8. INCOME.** List each source of income as requested on the SEI. The actual dollar amount is not required. Be sure to list your employer as a source of income in Question # 6 of the SEI.

**9. READ CAREFULLY.** Read each question carefully, as the Elections and Ethics Act requires that you disclose your financial holdings and obligations, personal property, and real property and may also include your knowledge of the holdings of both your immediate family and your extended family. "Immediate family" and "extended family" are defined terms in the Elections and Ethics Act, and those definitions are included with this document.

**10. REFLECT.** Think carefully about WHY you are filing, and whether it has any relationship to your position. Does your board or commission license or regulate you? For many of the boards, a subject matter expert like a licensee is needed. Answering "yes" does not prohibit your service on the board, and your perspective is valued.

**11. MAKE A COPY.** Make a copy of the SEI for your own records, and make a note in your calendar when you submit it, whether on-line or by mail or hand delivery. When you successfully submit your SEI electronically on-line, the final screen will provide a confirmation number and will be proof that you have satisfied your filing obligation. Please print the **confirmation screen for your records.**

**12. ETHICS LIAISON.** Contact your Ethics Liaison to assist you in your obligations under the Elections and Ethics Act. Your Ethics Liaison is good source of information about how to fill out your SEI.

**13. ON-LINE HELP.** The State Board has on-line resources to answer questions you may have about your SEI. For more information, please visit the State Board website which has education offerings.

**14. DEFINITIONS.** As noted above, certain terms are defined in the Elections and Ethics Act (“immediate family”). These definitions may be helpful to you in completing your SEI. A complete list of all definitions used in the Elections and Ethics Act is available on the State Board’s website, under “Ethics”. Some of the more common ones are attached to this document.

**15. YOUR INTERNET BROWSER.** Consider using Internet Explorer or Chrome to submit your SEI. Some users have had trouble using other browsers. **16. WE ARE HERE TO HELP YOU.** In addition to on-line resources and written materials, the State Board has expert staff ready to answer any questions you might have and assist you in completing and filing your SEI. Do not hesitate to contact us at [sei@ncsbee.gov](mailto:sei@ncsbee.gov) (919) 814-3600.

## 2020 Meeting Planning Calendar

January						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

March						
Su	Mo	Tu	We	Th	Fr	Sa
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May						
Su	Mo	Tu	We	Th	Fr	Sa
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June						
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21	22	23	24	25	26	27
28	29	30				

July						
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August						
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23	24	25	26	27	28	29
30	31					

September						
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27	28	29	30			

October						
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

November						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

	MFC
	ASMFC
	SAFMC
	MAFMC
	State Holiday

	Southern Regional AC
	Northern Regional AC
	Finfish AC
	Habitat and Water Quality AC
	Shellfish/Crustacean AC

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## 2019/20 Committee Assignments for Marine Fisheries Commissioners

9/9/19

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### **FINFISH ADVISORY COMMITTEE**

*Statutorily required standing committee comprised of commissioners and advisers that considers matters related to finfish.*

**Commissioners:** Cameron Boltes – chair, Sam Romano – vice chair

**DMF Staff Lead:** Lee Paramore - [lee.paramore@ncdenr.gov](mailto:lee.paramore@ncdenr.gov)

**Meeting Frequency:** Can meet quarterly, depending on assignments from MFC

### **HABITAT AND WATER QUALITY ADVISORY COMMITTEE & COASTAL HABITAT PROTECTION PLAN STEERING COMMITTEE**

*Statutorily required standing committee comprised of commissioners and advisers that considers matters concerning habitat and water quality that may affect coastal fisheries resources.*

**Commissioners:** Pete Kornegay – chair, Dr. Martin Posey – vice chair

**DMF Staff Lead:** Anne Deaton - [anne.deaton@ncdenr.gov](mailto:anne.deaton@ncdenr.gov)

**Meeting Frequency:** Committee can meet quarterly, depending on assignments from MFC. CHPP Steering Committee can meet a couple of times a year.

### **SHELLFISH/CRUSTACEAN ADVISORY COMMITTEE**

*Statutorily required standing committee comprised of commissioners and advisers that considers matters concerning oysters, clams, scallops and other molluscan shellfish, shrimp and crabs.*

**Commissioners:** Sam Romano – chair, Pete Kornegay – co-vice chair, Dr. Martin Posey – co-vice chair

**DMF Staff Lead:** Tina Moore - [tina.moore@ncdenr.gov](mailto:tina.moore@ncdenr.gov)

**Meeting Frequency:** Can meet quarterly, depending on assignments from MFC

### **CONSERVATION FUND COMMITTEE**

*Committee comprised of commissioners that makes recommendations to the MFC for administering funds to be used for marine and estuarine resources management, including education about the importance of conservation.*

**Commissioners:** Sam Romano - chair, Tom Hendrickson and Robert McNeill

**DMF Staff Lead:** Randy Gregory - [randy.gregory@ncdenr.gov](mailto:randy.gregory@ncdenr.gov)

**Meeting Frequency:** Meets as needed

### **LAW ENFORCEMENT AND CIVIL PENALTY COMMITTEE**

*Statutorily required committee comprised of commissioners that makes final agency decisions on civil penalty remission requests.*

**Commissioners:** Rob Bizzell - chair, Doug Cross and Tom Hendrickson

**DMF Staff Lead:** Col. Carter Witten – [carter.witten@ncdenr.gov](mailto:carter.witten@ncdenr.gov)

**Meeting Frequency:** Meets as needed

### **COASTAL RECREATIONAL FISHING LICENSE ADVISORY COMMITTEE**

*Committee consisting of the three recreational seats and the science seat to provide the DMF advice on the projects and grants issued using Coastal Recreational Fishing License trust funds.*

**Commissioners:** Pete Kornegay – chair, Rob Bizzell, Cameron Boltes, and Robert McNeill

**DMF Staff Lead:** Jamie Botinovch - [jamie.botinovch@ncdenr.gov](mailto:jamie.botinovch@ncdenr.gov)

**Meeting Frequency:** Meets as needed



## **NOMINATING COMMITTEE**

*Committee comprised of commissioners that makes recommendations to the MFC on at-large and obligatory nominees for the Mid- and South Atlantic Fishery Management Councils.*

**Commissioners:** Robert McNeill – chair, Pete Kornegay, Cameron Boltes and Mike Blanton

**DMF Staff Lead:** Chris Batsavage - [chris.batsavage@ncdenr.gov](mailto:chris.batsavage@ncdenr.gov)

**Meeting Frequency:** Typically meets once a year

## **STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY BOARD**

*Statutorily required three-person board consisting of DEQ, DMF and MFC designees who apply eligibility criteria to determine whether an applicant is eligible for a SCFL.*

**Commission Designee:** Mike Blanton

**DMF Staff Lead:** Marine Patrol Capt. Garland Yopp – [garland.yopp@ncdenr.gov](mailto:garland.yopp@ncdenr.gov)

**Meeting Frequency:** Meets two to three times a year, could need to meet more often depending on volume of applications

## **N.C. COMMERCIAL FISHING RESOURCE FUND COMMITTEE**

*Committee comprised of commissioners that the commission has given authority to make funding decisions on projects to develop and support sustainable commercial fishing in the state.*

**Commissioners:** Doug Cross – chair, Mike Blanton and Sam Romano

**DMF Staff Lead:** William Brantley – [william.brantley@ncdenr.gov](mailto:william.brantley@ncdenr.gov)

**Meeting Frequency:** Meets two to three times a year

## **WRC/MFC JOINT COMMITTEE ON DELINEATION OF FISHING WATERS**

*Committee formed to help integrate the work of the two commissions as they fulfill their statutory responsibilities to jointly determine the boundaries that define North Carolina's Inland, Coastal and Joint Fishing Waters as the agencies go through a statutorily defined periodic review of existing rules.*

**MFC Commissioners:** Rob Bizzell, Dr. Martin Posey and Pete Kornegay

**DMF Staff Lead:** Anne Deaton - [anne.deaton@ncdenr.gov](mailto:anne.deaton@ncdenr.gov)

**Meeting Frequency:** Meets as needed