

**Marine Fisheries Commission Business Meeting Minutes**  
**Doubletree by Hilton Brownstone University Hotel**  
**Raleigh, North Carolina**  
**Aug. 21-23, 2019**

The commission held a business meeting Aug. 21-23 at the Doubletree by Hilton Brownstone University Hotel in Raleigh, North Carolina.

The briefing book, presentations and audio from this meeting can be found at <http://portal.ncdenr.org/web/mf/08-2019-briefing-book>.

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

**BUSINESS MEETING - MOTIONS AND ACTIONS**

On August 21, a public comment session was held beginning at 6 p.m. Chairman Rob Bizzell called the meeting to order. The following individuals spoke:

**Rob Bizzell**, Chairman of the Marine Fisheries Commission stated that while written and spoken comments at public sessions are appreciated, direct phone calls to the commissioners is not the best form of communication for voicing a point of view. He instructed those concerned to go to the Division of Marine Fisheries website to sign up for notifications of public meetings in lieu of relying on internet forums, websites and chat rooms for information which is oftentimes incorrect. Time does not permit responding to the volume of phone calls the commissioners received as they are all volunteers and have jobs. Chairman Bizzell encouraged those concerned to be part of the process by signing up to be an advisory committee member, go to meetings to express opinions or submit comments in writing at least ten days before the meeting to ensure the comments make it into the briefing book.

**Joe Monette III**, New Bern, NC, voiced his opinion for the recreational and commercial user groups. He stated he has not seen a reduction in the amount of fish; this year has been exceptional with great weather and the amount of fish being caught via rod and reel is extraordinary. He urged the commission to look at other possible changes. He stated that most of the flounder caught in eastern North Carolina are shipped out; very few caught by commercial fishermen stay in NC because there is no market for them. Shutting it completely down is an economic failure to the tourist industry and commercial industry.

**Roy Rice**, a third generation gigger, stated he has read 14 pages of Amendment 2 to the Southern Flounder Fishery Management Plan. He asked the commission what was the most important factor when harvesting flounder? He answered "weather." He asked what were the two most important things under weather affect harvesting flounder? He answered, "wind and rain." What is the most important factor in regard to the water in harvesting flounder? He answered salinity and clarity. His point was that there are 365 days in a year; the weather dictates when and how often one can gig flounder.

**Ryan Speckman**, owner of Locals Seafood/Locals Oyster Bar, recreational fisherman and former biologist. He stated that he commended the DMF and staff, but stated that the decisions made

have human consequences. Due to regulation, commercial fishing is becoming less viable; new folks aren't being recruited into the industry and we are losing a whole generation of experienced, hardworking folks who aren't being replaced and that is bad for the seafood consumer. The economic impact starts at the dock and then moves down the supply chain. He stated that based on flounder stock assessment data, the recreational sector began to surpass the commercial sector in landing around 2003. Are we doomed for failure if our southern neighbors don't collaborate on Amendment 2?

**Stuart Creighton**, stated he supports the pending flounder restrictions and shorted seasons as a short term management measure. These measures protecting flounder are long overdue and should be enacted fully. He is hoping that Amendment 3 will enact practices that will rebuild the stock and restructure the flounder fishery so that both user groups can harvest flounder responsibly and sustainably. Hopes we can differentiate between the different species of flounder and keep the ocean open during the summer and fall as that catch is almost entirely summer and gulf flounder; both stocks are currently in good shape. He stated that the speckled trout stock is very healthy currently, but another cold stun even would jeopardize it. The coming pressure on the fishery from both user groups will certainly stress the health of the stock. The effort on trout will be enormous with the restrictions on flounder and the CSMA closure. Enact changes to protect the fishery now; ban gill nets and replace them with a commercial hook-n-line fishery with same daily creel limit. Use a circle hook; slot limit. Make speckled trout the next well-protected species.

**John Willis**, biology teacher at Duke and population geneticist. Strongly in favor of the commission voting yes on Amendment 2 as well as the NC Wildlife petition; critical first steps in rebuilding the stocks.

**Steve House**, Dare County Commissioner, distributed handouts of two resolutions passed unanimously by the Dare County Board of Commissioners. One in opposition of Amendment 2 and the other in opposition of the shrimp trawl petition. Congratulated the two new commissioners and the reappointment. Amendment 2 does not meet the 50% general assembly statute without the other states' involvement (SC, GA, FL). Already halfway thru 2019 season so only the pound net and gill net lose out. People need time to prepare for cuts to their family's income. Tourist season is based on recreational fisherman and will suffer. Shrimp petition under general statute, if sounds were designated as secondary nursery – it would be unlawful to use trawl nets if these were designated as a SSNA. More than 90% of the shrimp consumed is imported. This will put people out of jobs and is a health hazard.

**Bill Mandulak**, read from the March 25, 2004 minutes from Southern Flounder FMP committee; he stated that he attended most of those meetings. At every meeting Ray Brown asked the DMF biologist at the time if a 30% reduction was the minimum acceptable number that the division requires for the reduction in the flounder fishery; the biologist said yes. The plan brought forward to the commission at that time was a 28% reduction for recreational and commercial. The scientist recommended a 14% reduction for commercial fishery which would get us "half way there." The plan was implemented in 2006. The commercial fishery up 30%, not down 14% and the recreational fishery was up 10% instead of being down 28%. We've had one change after another and difficult to manage regulations. Now we're at a crisis point and it needs to be managed with quota. He suggested ½ million pounds for commercial and 250,000 for recreational. He suggested we take a look at protecting summer and gulf recreational fishery.

**Gary Holmes**, advocate for the recreational fishermen. He stated that closing the flounder season will be catastrophic and will cause pandemonium at the public boat ramps and waterways; negative impact on our economy. He suggested altering the seasons next year. He stated that the working guys can really only fish on weekend which would give them 12 good days to fish out of 45. He recommends that if we go to a 45-day season to close Sunday through Thursday. He suggested a May 1st through September 1<sup>st</sup> season.

**Andy Riewestahl**, stated he has concerns that recreational fisherman will have even less time to fish due having normal jobs during the week and only time to go fishing is weekends more so than commercial fisherman. He states that recreational fishermen spend a lot of money on gear. He feels the committees are attacking the wrong people. He feels the recreational fishermen are being treated unfairly; commercial fishermen catch more than recreational. He asked the commission to rethink the management options and find better solution; recreational fishermen need more time to fish.

**Ryan Williams**, charter boat captain from Holden Beach, NC for Hire Captains Association. The association formed so that they could have a voice with Marine Fisheries and Raleigh. While scanning through the southern flounder document, he realized charter-for-hire was not included, nor was it in the amendment. What he did find was there were 149,438 charter boat trips in 2017; 4 people per trip which equated about 600,000 people that fished in 2017. He stated that there were only 900,000 who could possibly fish in 2017 and hold a license. He stated that 40% of people in 2017 who fished did so on a charter boat; there is nothing about them in the documents. Their data is collected separately; not through the boat ramp survey, but a call-in survey. Where is the charter data? It is held from public comment and public view. Charter is best source for hook and line fishing data. He suggested to take that data and do something good with it.

**Cane Faircloth**, fifth generation commercial fisherman from NC, charter captain, board member of NC For Hire Captain Association. He urges the commission to do a supplement to Amendment; keep flounder fishery open for hire captains. He states he would like to do a voluntary trip ticket logbook program to assist in helping to collect accurate science and data. He asked the commission to consider them as commercial fisherman and give them a season from the middle of June to the middle of August for charter boats which he thinks is fair. He stated they can give accurate data. He asked the commission to use the charter fleet as the biggest asset in the management of the fishery in the future. He asked the commission to let them fill out trip tickets to help provide good science.

**Shane Britt, Captain and owner of Fin Fisheries Charter** in Holden Beach. He states that these regulations will put him and other charter boat captains out of business. We would like to see their data included more accurately.

**Jason Ceisner**, speaking today for his family as they fish in Carolina Beach every other weekend; his concern is for them. He stated he didn't realize how much impact this would have on the charter captains. While fishing recently his daughter caught a baby flounder in a three-foot cast net and so did his son. In all, they caught 8 flounder and were able to release them. He asked how many flounder are being caught in the shrimp fishery? I am concerned that these fish are not being released in the shrimp fishery.

**Preston McQueen**, of Triangle Flyfishers suggested everyone needs to come to a common ground. He stated that everyone in the room likes to fish or eat seafood and get enjoyment out of the coast. He said we all want the same thing where everyone can get their fair share of the resource; mother nature's share has to come out first. He stated it's the wrong attitude to catch as much as you can; just enjoy being out, the experience of fishing. He stated that there is a need for rules or laws to help everyone to have enough fish; look at the best practices. He suggested NC lead the pack with the strategies we use, and the others will learn from us. He stated the key message was to observe, react, and adjust.

**Troy Branham**, of Triangle Flyfishers stated that he supports Amendment 2 and Petition. He stated that the inshore fishing is so poor now that he doesn't want to invite people to come down to fish with him. He stated that drastic measures are now needed, but if we had done something sooner, we wouldn't be here. He stated that his friends now fish in SC and GA because those fisheries are so much better. He asked the commission to please do the right thing

**Robert Brown**, came to the meeting as a private citizen; former Dean of the College of Natural Resources at NC State, former head of wildlife and fisheries department at Texas A&M and Mississippi State, former teaching and research career in Texas, former national president of the Wildlife Society, chair of the Conservation and Education for the Boone and Crockett Club; he states that he is not a fisheries expert as most of his experience is with white tail deer, however noted that there is a correlation between things that happened with wildlife years before laws that were passed in 1910 and 1930s to protect wildlife. We don't have a model for fisheries conservation. He stated that the resource is owned by all Americans. He stated that commercial fishing is decimating fish stocks. Shrimping and gill netting are part of the cause of decline in our stocks; a tragedy of the commons. Enact regulations to protect our fisheries.

**James Fletcher**, United National Fisheries Association, gave handouts to the commissioner. He asked the commission to give us another way to handle this situation. He stated that nationwide, all agencies have not managed fisheries as they should have. He stated that the US imports 93% of the seafood that's consumed in this country. He asked the commission to read GS 13252; read article one. We need to better utilize our fisheries. We need to prevent the physical waste of our fisheries. Under the ASMFC rule, it allows the commission to provide for the stocking and rearing of fish; many nations of the world are enhancing fish stock and we need to as well. He stated that article 4 gives the commission the right to stock fish in the waters. He suggested the commission look at enhancement versus prevention.

**Sherill Styron**, severed on the board in past years and has fished all his life. A seafood dealer in SC told him that some of the best shrimp season in the fall were when we didn't have anything in the spring; if conditions and weather are just right, you'll have shrimp and fish. He stated that he believes the flounder reduction is an overkill; we are wasting a product if we are not catching it. There is no way a man can make a living shrimping by working 3 days a week with weather factored in. By reducing headrope to half and the big boats won't make.

**Burt Owens**, Beaufort, NC, contractor and current board president of CCA, – The Fisheries Reform Act requires the fisheries to be managed for both user groups. He believes the recreational side has not been fairly treated over the years; regulations hit recreational fishermen harder than the commercial side; not equitable. He stated we need to get the anglers on the waters more. He like an earlier comment suggesting we spread out the reductions for the recreational fishermen so

more people can fish; give them more weekends. He stated that the spot fishery down 80-90% since the Fisheries Reform Act; we need our own FMP, we need to bring back this fishery for the working man. He asked the commission to look into a FMP at the state level. He suggested opening the ocean flounder fishery year around; it should be fast tracked, we can't wait until amendment 3.

**Lori Wheeler**, recreational fishing license holder, states she doesn't fish seven days a week. She stated that she keeps getting limitations on her fishing license; size limits and cuts in bag limits. She heard the cost of the fishing license may increase again; she believes it should be decreasing. The limitations happen because there are fewer fish and she wonders why. She spoke to her point of view on the situation which is there is large-scale fishing inshore which should not be. There needs to be less inshore commercial fishing; they need to be offshore. She stated that most recreational fishermen only get weekends if the weather cooperates, thus the reductions will be greater than that of the commercial side. Need to limit the removal of females.

**Timothy Thomas**, it's his understanding the main reason for the closure is because it's easier than a rule change? He asked if it were not possible to reduce the catch limit below 4 flounder? He asked if there could be some type of compromise that doesn't result in complete closure.

**Nep Jones**, speaking for NC Trout Unlimited, a group with over 4500 members. He stated that he used to fish in creeks and at that time the creeks were loaded with fish; the fish are not there anymore. He and his group support the NCWF petition to limit shrimp trawling. He asked the commission to do all they can to make the flounder fishing better for all of us.

The meeting recessed at 7:01 p.m.

## **Aug. 22**

Prior to the meeting, Secretary of State Elaine Marshall swore in new Marine Fisheries Commission members: Dr. Martin Posey who replaced Brad Koury in the At-Large Seat and Sam Romano was reappointed to serve in a Commercial Seat. Robert McNeill was running late to the meeting and was sworn-in at a later time to replace Chuck Laughridge in the Recreational Seat.

Chairman Rob Bizzell convened the Marine Fisheries Commission business meeting at 9 a.m. on Aug. 22 and reminded commissioners of their conflict of interest and ethics requirements.

Catherine Blum reviewed evaluations from the State Board of Elections and Ethics Enforcement for actual and potential conflicts of interest for the new commissioners, as follows:

### **For Dr. Martin H. Posey:**

"We did not find an actual conflict of interest or the likelihood for a conflict of interest."

"Dr. Posey would fill the role of an at-large member on the Commission."

### **For Samuel K. Romano:**

"We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity."

“Mr. Romano fills the role of a member who is actively engaged in, or recently retired from, commercial fishing as demonstrated by currently or recently deriving at least fifty percent (50%) of annual earned income from taking and selling fishery resources in coastal fishing waters of the State. Mr. Romano owns financial interests in YPS LLC, a seafood retail company and Seaview Crab Co., which he co-owns with his brother. Because he would serve on the licensing authority for members of his own profession he has the potential for a conflict of interest. Accordingly, he should exercise appropriate caution in the performance of his public duties should issues involving his businesses or issues involving any of his family members, colleagues or competitors come before the Commission for official action.”

The following commission members were in attendance: Rob Bizzell-Chairman, Mike Blanton, Cameron Boltes, Doug Cross, Tom Hendrickson, James Kornegay, Robert McNeill, Dr. Martin Posey and Sam Romano.

**Motion by Mike Blanton to approve agenda. Second by Doug Cross.  
Motion carries with no opposition.**

**Motion by Sam Romano to approve minutes from the May 2019 and June 6 special meeting.  
Second by Tom Hendrickson.  
Motion carries with no opposition.**

### **Public Comment Period**

**Chairman Rob Bizzell** reread his comment from the August 21 public comment session.

**Capt. Charlie Schoonmaker**, stated that the past twenty years, science has proved we are in a decline. Science can help us and get in our way. Fish are not trees, they migrate and are harder to count. Let’s make plans for the future. There is a problem, we need to fix it, equality will be hard to find. Need to be fair across the board; reopening for a certain sector of people is not fair. What is good for the goose is good for the gander. Thanks for you for your efforts.

**Fred Harris**, fisheries biologist and former president of American Fisheries Society, thanked the Commission for their effort in mandating the new bycatch reduction devices (BRDs). However, it doesn’t seem as though it has helped. At the tow level this may work, but during the season, there are multiple tows over a generalized area. Increased survival is eliminated over the course of the season due the multiple recaptures. The shrimp trawl petition addresses this concern. The management options in the petition with BRD regulations are a solution. Moving forward with the petition we will see a reduction in bycatch, an increase of survival, we will see benefits at the community level and in the economy in the fisheries that the stocks support.

**For Robert McNeill:** (was sworn in outside the meeting room)

“We did not find an actual conflict of interest or the likelihood of a conflict of interest.”

“Mr. McNeill would fill the role of a recreational fisherman on the Commission.”

**Manley Fuller**, Vice President for Conservation Policy of the North Carolina Wildlife Federation, graduate of NCSU in the masters Wildlife Program, served for 32 years as president in the Florida Wildlife federation. As with the NCWF, the concern is with the health of the inshore fish population, which have suffered serious decline over the last 20 years. Echoes Mr. Harris' comment. The petition will help reduce bycatch, help the population, there is a time factor that will reduce the pressure on estuarine finfish, gear restriction will limit the size of shrimp trawls and headrope length. These are necessary steps in recovering fish populations. There are benefits associated with this. He stated that he looks forward working with you all. Please approve the shrimp trawl petition.

**Ron McCoy**, of Hampstead, NC said he fishes 2-4 times each month, supports Amendment 2 that recommends a 72% reduction, also supports the NCWF petition. He asked how did we get to this point; when do things get so critical? I believe we are here because people are apathetic. The citizens of NC don't really care about the future of the fisheries. He has heard it said many times, just let fish, God will take care of the fish will not help solve the problem. We have failed the resource. He said he fishes with his grandson and we can't catch anything but trash fish. The past is the past, you can run from it or learn from it. When will we stop running from the truth and learn from the gulf and Atlantic states on how to manage our resources correctly.

**Dave Timpy**, 6 pack charter captain license holder in Wrightsville Beach, spent 32 years with federal government. Stated he supports flounder recommendations. Only concern is that in the 2015 RFA letter, there is a lot of information we put together. According to DMF over 80% of the flounder are caught by commercial fishermen. The cuts should be fair, equal or less than the commercial cut. He stated that he supports the NCWF petition. We need to move forward just a commercial hook and line fishery only. Supports the use of barbless circle hooks and single hooks. Need more spearfishing regulations; currently it is not regulated. Doesn't support status quo; this is no time to do nothing.

**Kris Noble**, Hyde County manager, provided two resolutions to the commission. She stated there are 3 main industries are agriculture, tourism and commercial fishing; there will be severe economic impact to the people of Ocracoke. The industry keeps the island alive. People come for the seafood. The NCWF petition will devastate Hyde County. Shrimping is the life blood of the community; it filters down throughout the community. Demand a real economic impact study, look at the money from the time it hits the dock and makes it way around the community.

**Earl Pugh**, Chairman of Hyde County Commission – we recommend you vote against The Hyde County Board of Commissioners unanimously recommend that you go with the AC recommendation. Hyde county strongly opposes the petition. Shrimping is a key economic component in our community. Many of the bays are already closed to shrimping. Almost 1 million acres are closes to shrimp trawling (48% of the waters). On behalf of the citizens of Hyde County, please reject the petition.

**Kim Tavasso**, Recreational fisherman for over 60 years. He stated that no one can deny this fishery is on the verge of collapsing. We need to address bycatch as fast as we can. If we need a closure or season I agree with but let's do it equality.

**Joe Romano**, Serves on Blue Crab and Southern Flounder AC, one of the founders of Seaview Crab Company and has 14 years in personal investment in promoting NC fisheries and seafood.

Fisheries is all political now. Water pollution, changing weather conditions, inaccurate interpretation of data all trouble us. We question the division's opinion that we have overfished flounder for over 20 years. We have discussed the incompleteness of using 25 years of trip ticket data to measure a stock when we've had increasing regulations and decreasing commercial effort. We discussed the impossibility of creating state regulations for fish that spans four states and spawn outside of state waters, we harvest mature females, we don't know where and how many fish are offshore, this is all troublesome and have led to major issues when managing flounder. The public comment was overwhelmingly against the division's plan. I suggest you allow the AC to develop a long-term management plan as the Fisheries Reform Act intended. Please do the right thing.

**Glenn Skinner**, Executive Director of the NC Fisheries Association stated that the NCFA is opposed to the petition, this a burden on staff and the state budget, it takes their time from issues such as flounder. NCFA had a meeting last week, we recommend a 52% reduction with an implantation date no sooner than December 1, 2019 and no later than January 1, 2020; we need this time to prepare for the cuts and recoup investments already made. Everyone one is saying that the problem with flounder is inaction; this is not the case. In 2005 the commission adopted reductions in the southern flounder fishery that resulted in a 17.2% reduction. In 2009 the stock assessment was done the commercial reduction had been achieved; we were almost where we needed to be. During the time series, we've never seen target as high as we're trying to get it to; even in the 80's when there was little fishing pressure. In the comments, everyone is asking NC to do their part, the other states need to step up as well. It is impossible for one state to re-build a multi-state stock on their own. We will start the timeline once this is adopted; however, we will not have a 50% probability of success if the other states don't their part. We will be set up for failure if this recommendation is adopted.

**Hardy Plyler**, from Ocracoke, 45-year commercial fisherman, manager of Ocracoke Seafood Company, here today representing Ocracoke Waterman's Association. His comments are specific to Ocracoke pound net fishermen concerns with Amendment 2 flounder season for the central region; the lack of response or cooperation from the four states of SC, GA and FL to cut back their flounder season. He stated that the OI fisherman and Ocracoke Seafood submitted comments to DMF about the upcoming pound net season and are asking the MFC to please move the closure to October 1 through the 26th. This would help fishermen deal with hurricane season, this would allow fishermen to operate during peak flounder season as water temp change. We are very concern, that severe cutbacks will happen without buy in from other states; this will not help rebuild the fishery without their participation. This will devastate the economy. We endorse a 52% reduction starting January 1, 2020.

**Brent Fulcher**, NCFA Chairman, disputed recent talk of the shrimp industry not making an effort to reduce bycatch. He said measures have been put in place to reduce bycatch by some of the highest amounts ever achieved. Senate Bill 554, Marine Fisheries Reforms, will help all user groups; this was supported by the DMF. NCFA had concerns initially, but later supported this bill. We need to work as a group and find common ground. He said the taxpayers paid the burden on the first petition; he urged the commission to consider the cost with the new petition. He also said southern flounder should be managed by the Atlantic States Marine Fisheries Commission since it is a coastwide stock, not just a North Carolina stock.



**Ray Dixon**, a recreational fisherman, said in 1974 a law was passed that prevents people who have an economic interest from being on a voting board. He said he thinks that conflicts with the MFC's conflict of interest mandate and the MFC operating as a body. He said scientists need to make the decisions on fisheries. He does not support the use of gigs, pound nets, and trawl nets. The problem is poor fishery management and too much concern for commercial interests instead of the resource. He said he does not support Amendment 2 to the Southern Flounder Fishery Management Plan and he does not agree with opening the commercial season at the peak of the fishery.

**Walker Bradham**, a current resident of Raleigh, N.C. but originally from eastern North Carolina, said everyone seems to agree it is important to protect southern flounder, but not everyone agrees how to do it. He said Amendment 2 to the Southern Flounder Fishery Management Plan is flawed and the economic impacts to the poorest N.C. counties have not been considered. He asked if charter boat data was included in the stock assessment. If it was not, he said that data could help with the blind spot of how and when southern flounder spawn. He urged the commission to delay its vote on Amendment 2 and collect the necessary data.

**David Sneed**, CCANC Executive Director, supports Amendment 2 to the Southern Flounder Fishery Management Plan and implementing a 72% reduction in the fishery. He said the scientists were not listened to previously, resulting in where we are now with drastic measures needed. Reports are that while fishing is good this year, we are fishing on one- and two-year-old fish. Stocking is not needed if we prevent trawling of juvenile fish in the nursery areas. He said it is unfair to close the ocean flounder fishery to recreational fishermen. To keep the pressure off spotted seatrout, he said creeks and tributaries should be closed for the use of nets from January through March. Data from the charter industry is needed before implementing changes to hook and line gear requirements.

**Mary Ballance**, vice-chair of the Dare County Board of Education and member of the Southern Flounder Fishery Management Plan Advisory Committee, said we are working on the plan and we are not there yet with Amendment 2, but Amendment 3 is possible. She said the season closures in Amendment 2 will hurt pound netters, tackle shops, restaurants, and other small businesses and communities. No one has time to prepare for a 52% reduction. She said Amendment 2 does not have at least a 50% chance of being successful without the other states' participation. She urged the MFC to consider the lives and livelihoods of stakeholders, wait until Jan. 1, 2020 to implement the amendment, and work with the advisory committee.

**Sammy Moser**, from Burlington, N.C., fishes in Surf City, North Topsail Island, and Carolina Beach and said the fisheries are in serious decline. He said you cannot live in the past to make progress in the future; we cannot stay in the past for southern flounder. He supports the petition and Amendment 2 to the Southern Flounder Fishery Management Plan. He recommended the biggest reductions for those with the most harvest, particularly trawl nets and gill nets. He said other states have better fisheries and they made gear changes. No fish equals no fishermen.

**Billy Ray Lucas**, a recreational fisherman from Down East, N.C. and a member of the Carolina Fishers of Men Inshore Trail, does not support the Southern Flounder Fishery Management Plan Amendment 2 for this year. He has heard statistics like nine out of every 10 undersized flounder die when released, but he said it is not true. He disputed that the recreational fishery has more discards than the commercial fishery. He said the resource has been mismanaged in North

Carolina for the last 25 years and urged the MFC to follow the southern and Gulf states that have great fisheries. He said there are plenty of fish if you know how to fish for them. He recommended a 15 to 20-inch slot limit to let the larger females grow and spawn and a four-fish daily bag limit. He said there will be widespread economic impacts from Amendment 2 to the recreational fishery.

**Larry Baldwin**, Crystal Coast Water Keeper for Morehead City and the New River Alliance of Jacksonville, agrees with many of the items discussed in the petition and by commercial fishermen. While bycatch is a problem, we need to take a different approach based on water quality; we hear very little about this in the legislature regarding topics like pollution and plastics in the waters. He suggested slowing down a little, but also not kicking the can down the road. He said mistakes were made in the past that have led us to the monumental decision resting with the MFC. He said it may sound counter-intuitive to slow down, but he urged the MFC to get all the facts first and to get the legislature involved because they control the funding. He also said reductions need to be equitable among the other states.

**Dorsey Worthy**, a retired biologist from the NOAA Fisheries and a recreational fisherman, said he has seen successful fisheries reform in other states. A restored fishery creates economic benefits for everyone. He said water quality needs to be considered and he supports the petition.

**Myron Smith** is concerned with recreational catch and said it exceeds the commercial catch for nine species of fish. She said we have dead sea bottoms that need dispersing and that this was studied by ECU and needs to be further examined. Water quality is an issue and we need to keep the rivers and sounds clean.

**Lonnie Brown**, a commercial flounder gigger, said he fished an average of 87 days in 11 of the last 15 years; this year he has only been able to fish 34 days due to poor conditions. He said he saw plenty of fish in May and June until the waters warmed up. The fish will be more scarce until September and October when the larger fish start showing up. He said there are plenty of fish when the conditions are right.

**Tyler Egan (Handout)**

#### **Petition for Rulemaking by the N.C. Wildlife Federation/SELC**

A petition for rulemaking, which was submitted May 20 by the North Carolina Wildlife Federation, asks the commission to designate all Internal Coastal Waters not otherwise designated as primary nursery areas, secondary nursery areas, special secondary nursery areas, or otherwise closed to shrimp trawling as shrimp trawl management areas; establish criteria for the opening of shrimp season in shrimp trawl management areas; prohibit shrimp trawling in all shrimp trawl management areas on Tuesdays and Thursdays once the season has been opened; and restrict the headrope length for shrimp trawls in shrimp trawl management areas and the other areas designated in 15A N.C. Admin. Code 3L .0103(d) to 110 feet total. Does not affect ocean waters.

Specific requests of the petition include:

- Creates new designation of Shrimp Trawl Management Areas (STMAs);

- Designates all inside waters not otherwise designated as nursery areas, trawl net prohibited areas, or shrimp trawl prohibited areas as STMAS;
- Establishes criteria for the opening of shrimp season in new STMAS;
- Allows for shrimping on Mondays, Wednesdays, and Fridays in STMAS;
- Restricts head rope length for shrimp trawls to 110 feet total in STMAS.

Blakely Hildebrand, with the Southern Environmental Law Center, and Louis Daniel, on behalf of the N.C. Wildlife Federation, reviewed the commission with a petition for rulemaking, on behalf of the N.C. Wildlife Federation. Their presentation can be found at:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33237188&name=DLFE-141229.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33237188&name=DLFE-141229.pdf)

Director Murphey provided an update on the Shrimp Fisheries Management Plan (FMP) process. Specifically, he described the lengthy implementation process that has occurred since Amendment 1 was passed. In addition, he described the goals and objectives to be considered in the development of Shrimp FMP Amendment 2 per the Marine Fisheries Commission. He then gave the official position of the division and the Department of Environmental Quality which was that the Shrimp Fisheries Management Plan is the vehicle to address shrimp trawl bycatch and habitat protection. He then laid out the timelines for the FMP process if the MFC denied the petition and the alternative if the petition was approved.

Steve Murphey, the division's Director, provided the agency's response to the petition. The division's presentation can be found at:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33237188&name=DLFE-141230.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33237188&name=DLFE-141230.pdf)

The commission's counsel, Assistant Attorney General, Shawn Maier, reviewed the process and considerations for the petition for rulemaking. His presentation can be found at:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33237188&name=DLFE-141227.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33237188&name=DLFE-141227.pdf)

The commission voted 3 to 6 against granting the North Carolina Wildlife Federation Petition for Rulemaking.

**Motion by Pete Kornegay that the North Carolina Wildlife Federation Petition for Rulemaking submitted May 20, 2019 be granted. Seconded by Cameron Boltes.**

**Roll Call Vote:**

**Mike Blanton No**

**Cameron Boltes Yes**

**Doug Cross No**

**Tom Hendrickson No**

**Pete Kornegay Yes**

**Robert McNeill No**

**Dr. Martin Posey No**

**Sam Romano No**

**Rob Bizzell Yes**

**Motion fails 3-6**

Reasons given for denying the petition were: The Shrimp Fishery Management Plan was reopened in August of 2018; competing processes may interfere with one another and confuse the public. The commission has already directed the division to consider the major objectives and aspects of the previous petition during the Shrimp FMP process. Also, Doug Cross, argued the FMP process may be faster than the rulemaking process, if obstacles, like petitions, are removed. FMP process has more stakeholder input.

Reasons to support the petition were: The petition/rulemaking process would be faster than the FMP process with regards to protecting fish caught as bycatch in the shrimp fishery.

**Motion by Doug Cross to deny the shrimp petition as presented by the North Carolina Wildlife Federation for reasons discussed during the session. Seconded by Sam Romano.**

**Roll Call Vote:**

**Mike Blanton Yes**

**Cameron Boltes No**

**Doug Cross Yes**

**Tom Hendrickson Yes**

**Pete Kornegay No**

**Robert McNeill No**

**Martin Posey Yes**

**Sam Romano Yes**

**Rob Bizzell No**

**Motion carries 5-4**

**Election of Vice Chairman**

**Pete Kornegay nominated Cameron Boltes as vice chairman.**

**Mike Blanton nominated Doug Cross as vice chairman.**

**Doug Cross was elected vice chairman by a majority vote of the commission.**

**Chairman's Report**

Chairman Bizzell reviewed correspondence that had been sent and received by the commission since the last business meeting; mostly regarding the petition for rulemaking and Amendment 2 to the Southern Flounder Fishery Management Plan. He stated that approximately 245 letters were received for the petition and that the majority was in support. Approximately 38 letters were received regarding Amendment 2 to the Southern Flounder Fishery Management Plan and the majority was in opposition of the amendment.

At Commissioner Hendrickson's request, Chairman Bizzell composed a letter to the US Coast Guard and the US Army Corps of Engineers regarding maintenance of the Barden's Inlet navigational aids. A response was received from the USCG stating that markers will remain in place from the inlet to Buoy 24 allowing access to the lighthouse and some of the old channel.

Letters were sent to the General Assembly regarding Southern Flounder FMP Amendment 2 for their input. No response has been received. Director Murphey stated that the division had checked with Legislative Affairs and Department of Environmental Quality legal; the Secretary of DEQ has reviewed

it in depth and has been very involved. However, the committees don't meet when the Legislature is in session.

Commissioners were reminded they are required to take ethics training within six months of their appointment and every two years thereafter. Commissioners were also reminded of the annual requirement to submit a Statement of Economic Interest form by April 15 to the State Board of Elections and Ethics Enforcement.

It was determined the 2020 meeting schedule would be:

Feb. 19-21

May 13-15

Aug. 19-21

Nov. 18-20

Chairman Bizzell reviewed Senate Bill 648, S.L. 2019-37 MFC Requirements. Director Murphey stated that part of the session law includes multiple studies which the division will be bringing to the commission in November or earlier.

Recreational hook-n-line modifications - Chairman Bizzell (made a motion, but was withdrawn at the end of the discussion) Cameron asked about the studies. Chairman Bizzell differed to Director Murphey. Discussion... suite of options, pros/cons supporting information, etc. Cameron suggested getting industry involvement and for an update from the division at the November meeting. Rob asked that we have something to vote on in February to initiate rulemaking. Doug suggested the recreational seats take the lead on this issue.

**Motion by Rob Bizzell to begin rulemaking to limit the use of natural bait on hooks larger than 2/0 in size to non-offset circle hooks with the barbs bent down or removed and to require that the barbs on all treble hooks be bent down or removed. Motion seconded by Pete Kornegay. Motion withdrawn.**

### **Committee Reports**

Chairman Bizzell gave a verbal update on the WRC/MFC Joint Committee on Delineation of Water Boundaries – have not met since last MFC meeting. The Oct./Nov. deadline will not be reached.

### **Director's Report**

Division of Marine Fisheries Director Steve Murphey welcomed the new commissioners, thanked the outgoing commissioners and then updated the commission on division activities occurring since the May 2019 business meeting, including:

- (Can maybe pluck all of this from a word document – Steve may have it?)
- Update on Federal Fisheries Disaster Assistance
- Update on Revised FMP process – Kathy Rawls
- Use Conflict in Public Trust Waters – shellfish mariculture, gear conflicts

Division staff provided an overview of recent actions from the Atlantic States Marine Fisheries Commission and the Mid- and South Atlantic Fishery Management Councils, Highly Migratory Species, along with updates on the division's Protected Resources Program.

### **Standard Commercial Fishing License Eligibility Report/Set Eligibility Pool Cap**

Captain Garland Yopp with the Marine Patrol and chairman of the Standard Commercial Fishing License Eligibility Board gave a verbal report on the annual Standard Commercial Fishing License Eligibility Pool process and reviewed the number of licenses available for the pool for the 2019-2020 license/fiscal year.

**Motion by Mike Blanton to set the Eligibility Pool cap at 500 Standard Commercial Fishing Licenses for the 2019-2020 license year. Seconded by Sam Romano. Motion carries with no dissention.**

The meeting recessed for the day at 4:23 p.m.

### **Aug. 23**

The meeting reconvened at 8:30 a.m.

### **Stock Overview Report**

Lee Paramore, Fisheries Management Biological Supervisor, provided the commission with a summary of the 2018 Stock Overview Report.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33211494&name=DLFE-141207.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33211494&name=DLFE-141207.pdf)

### **2018 Landings Overview and Harvest Trends**

Stephanie McInerney, the chief of the division's License and Statistics Section, gave an overview of the 2018 landings and harvest trends for both commercial and recreational sectors.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33211494&name=DLFE-141205.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33211494&name=DLFE-141205.pdf)

### **Fishery Management Plan Update/Five-Year Schedule**

Catherine Blum, the division's Fishery Management Plan Coordinator, updated the commission on the status of the ongoing fishery management plans, previewed the 2017 Fisheries Management Plan Review document, provided an overview of division efforts to streamline fishery management plan documents and reviewed the proposed five-year fishery management plan schedule.

To access the Division of Marine Fisheries 2018 Fishery Management Plan Review go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33136338&name=DLFE-141310.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33136338&name=DLFE-141310.pdf)

The updated schedule can be found at:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33136338&name=DLFE-141308.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33136338&name=DLFE-141308.pdf)

**Motion by Doug Cross to proceed forward with the proposed draft fishery management plan schedule as presented by the Division of Marine Fisheries. Seconded by Martin Posey. Motion carries with no dissention.**

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

Mike Loeffler and Anne Markwith reviewed the commissions preferred management strategies and the comments from DEQ Secretary and legislative commission and committee. The MFC preferred management strategies included quantifiable and non-quantifiable management strategies. The focus was on the reduction in fishing mortality in the commercial and recreational fisheries to a level that ends overfishing in 2 years and allows the SSB to increase to between the threshold and target within 10 years. See presentation below for the details of the MFC preferred management strategies. He then described the implementation steps if Southern Flounder FMP Amendment 2 is adopted by the MFC.

The presentation can be found at:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33211494&name=DLFE-141206.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33211494&name=DLFE-141206.pdf)

The commission discussed the various options, specifically questioning why other management strategies were not evaluated. The point was made that because Amendment 2 was timeline was shortened by the commission, there was not time to evaluate every option. Instead, the only option possible, given the timeline, was harvest reductions, with other management strategies to be considered in Amendment 3. The issue of the multi-state nature of the stock we brought up and Director Murphey was questioned as to whether the other states had indicated they would be making any changes. It was the Director's opinion that the other states are waiting to see what action the MFC takes.

**Motion by Doug Cross to postpone the vote on the Southern Flounder Fishery Management Plan Amendment 2 to the November meeting and instruct the Division of Marine Fisheries director to consult with other states to determine what they plan to do, and come back with 52 percent reductions to be implemented Jan. 1, 2020. Seconded by Sam Romano.**

**Motion fails 3-6.**

**Motion by Pete Kornegay to adopt the Southern Flounder Amendment 2 as proposed by DMF. Seconded by Cameron Boltes.**

**Motion by Mike Blanton to amend the previous motion to allow seasonal flexibility in the commercial and recreational sectors to be determined by proclamation by the director of the Division of Marine Fisheries so long as the 62 percent/72 percent harvest reductions are met. Seconded by Doug Cross.**

**Motion carries 9-0.**

### **Amended Motion**

**Motion by Pete Kornegay to adopt the Southern Flounder Amendment 2 as proposed by the Division of Marine Fisheries, allowing seasonal flexibility in the commercial and recreational sectors to be determined by proclamation by the director of the Division of**

**Marine Fisheries so long as the 62 percent/72 percent harvest reductions are met. Seconded by Cameron Boltes.**

**Motion carries 6-3.**

**Motion by Cameron Boltes to ask the director of the Division of Marine Fisheries to consider a proclamation for the for-hire charter captains allowing them to possess four flounder per vessel per day when the recreational season is closed. Seconded by Mike Blanton.**

**Motion carries 5-2 with 2 abstentions**

**Motion by Mike Blanton to ask the Division of Marine Fisheries director to consider an exception to Rule 15A NCAC 03J.0501(b)(2) for existing flounder pound net sets. Second by Sam Romano.**

**Motion carries 7-0 with 2 abstentions.**

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

Jason Rock and Corrin Flora, division staff leads for the Blue Crab Fishery Management Plan, presented the Blue Crab FMP Amendment 3 which needs approval by the MFC to be sent out for public, and standing and regional advisory committee review. There were six issues addressed in Amendment 3, they are:

- Achieving sustainable harvest in the NC blue crab fishery
- Non-quantifiable management measures
- Water Quality Concerns
- Expanding Blue Crab Spawning Sanctuaries
- Framework for implementing terrapin excluder devices
- Bottom Disturbing Gear

During the comment period the issue of juvenile blue crab habitat was brought up by Commissioner Posey who urged the division to evaluate it or at least assess it's potential impact on the stock.

The presentation can be found at:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33211494&name=DLFE-141204.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33211494&name=DLFE-141204.pdf)

**Motion by Mike Blanton to approve Draft Amendment 3 to the Blue Crab Fishery Management Plan for public review and comment. Seconded by Martin Posey.**

**Motion carries with no dissention.**

**Motion by Martin Posey that in addition to the recommendations included with the current draft Blue Crab Fishery Management Plan Amendment 3, the Division of Marine Fisheries is encouraged to develop an issue paper with pertinent recommendations and/or research needs related to juvenile blue crab habitat availability, habitat quality, and habitat landscape issues analogous to the issue paper developed on water quality impacts (Appendix 4.3 of the draft Blue Crab Fishery Management Plan Amendment 3). Seconded by Mike Blanton.**

**Motion carries with no dissention.**



### **Rulemaking**

Catherine Blum, the division's Rulemaking Coordinator, provided the commission with an update on recent actions for the Periodic Review and Expiration of Existing Rules process 2019/2020 rulemaking cycle.

**Motion by Doug Cross to approve notice of text for rulemaking and the fiscal analysis to readopt rules per G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules:**

- **Tarpon, 15A NCAC 03M .0509**
- **License and Commercial Fishing Vessel Registration 15A NCAC 03O .0108**

**Seconded by Mike Blanton.**

**Motion carries with no dissention.**

### **Rule Suspension**

Kathy Rawls, the division's Fisheries Management Section Chief, relayed new rule suspensions since the last commission meeting.

**Motion by Pete Kornegay to approve continued rule suspension of portions of N.C. Marine Fisheries Commission Rule 15A NCAC 03L .0103(a)(1) Prohibited Nets, Mesh Lengths and Areas. Seconded by Tom Hendrickson.**

**Motion carries with no dissention**

### **Issues from Commissioners**

Chairman Bizzel directed comments to the two new commissioners about the MFC process and ensuring they ask questions if they have any concerns.

Commissioner Boltes – Thanked Chuck and Brad for their service as commissioners. Commissioner Boltes also requested an agenda item for the November meeting looking at speckled trout to be proactive about potential increases fishing pressure on the fishery.

Commissioner Blanton – Requested the Commission re-examine a for-hire logbook. Director Murphey stated that would require a change in statute, since the result of the divisions last attempt to develop a for-hire logbook ended in the divisions authority to require them being removed. Commissioner Boltes recommended a voluntary logbook. Ask that the for-hire stakeholders speak at the November MFC Business Meeting.

Commissioner Boltes requested clarification on the 2020 meeting locations.

Commissioner McNeill clarified his vote was against the petition on the previous day.

The meeting adjourned around 12:30 p.m.