



PRELIMINARY MATTERS

- August MFC Business Meeting Agenda
- MFC May Business Meeting Draft Minutes
- MFC June Special Meeting Draft Minutes

Marine Fisheries Commission Business Meeting AGENDA

Courtyard by Marriott Jacksonville, NC
August 17-18, 2022

N.C.G.S. 138A-15(e) mandates at the beginning of any meeting of a board, the chair shall remind all members of their duty to avoid conflicts of interest under Chapter 138. The chair also shall inquire as to whether there is any known conflict of interest with respect to any matters coming before the board at that time.

N.C.G.S. 143B-289.54.(g)(2) states a member of the Marine Fisheries Commission shall not vote on any issue before the Commission that would have a "significant and predictable effect" on the member's financial interest. For purposes of this subdivision, "significant and predictable effect" means there is or may be a close causal link between the decision of the Commission and an expected disproportionate financial benefit to the member that is shared only by a minority of persons within the same industry sector or gear group. A member of the Commission shall also abstain from voting on any petition submitted by an advocacy group of which the member is an officer or sits as a member of the advocacy group's board of directors. A member of the Commission shall not use the member's official position as a member of the Commission to secure any special privilege or exemption of substantial value for any person. No member of the Commission shall, by the member's conduct, create an appearance that any person could improperly influence the member in the performance of the member's official duties.

Commissioners having questions about a conflict of interest or appearance of conflict should consult with counsel to the Marine Fisheries Commission or the secretary's ethics liaison. Upon discovering a conflict, the commissioner should inform the chair of the commission in accordance with N.C.G.S. 138A-15(e).

Wednesday, August 17th

4:00 p.m. Commissioner Orientation – Lara Klibansky
6:00 p.m. Public Comment Period

Thursday, August 18th

9:00 a.m. Preliminary Matters

- Swearing in of New Commissioners
- Commission Call to Order* – Rob Bizzell, Chairman
- Moment of Silence and Pledge of Allegiance
- Review Ethics Evaluations of New Commissioners
- Conflict of Interest Reminder
- Roll Call
- **Approval of Agenda ****
- **Approval of Meeting Minutes****

9:10 a.m. Public Comment Period

9:40 a.m. Chairman's Report

- Letters and Online Comments
- Ethics Training and Statement of Economic Interest Reminder
- 2022 Meeting Schedule
- 2023 Proposed Meeting Schedule
- Ethics Liaison Appointment
- **Elect Vice Chair****
- Committee Reports

** Times indicated are merely for guidance. The commission will proceed through the agenda until completed.*

***Probable Action Items*

Thursday, August 18th continued...

- 10:40 a.m. Director's Report – Kathy Rawls
Reports and updates on recent Division of Marine Fisheries activities
- Division of Marine Fisheries Quarterly Update
 - Federal Economic Assistance Programs Update – Dee Lupton
 - Atlantic States Marine Fisheries Commission Update – Chris Batsavage
 - Mid-Atlantic Fishery Management Council Update – Chris Batsavage
 - South Atlantic Fishery Management Council Update – Trish Murphey
 - Climate Change Scenario Planning Workshop Overview – Lara Klibansky
 - Shellfish Lease Program Update – Owen Mulvey-McFerron
 - Coastal Habitat Protection Plan Updates – Anne Deaton
 - Incidental Take Permit Overview – Barbie Byrd
 - Informational Materials:
 - Marine Patrol Update
 - Protected Resources Update
 - Observer Program
 - Incidental Take Permit Updates
 - Landings Updates
 - Rule Suspensions
- 11:40 p.m. Standard Commercial Fishing License Eligibility Report/Set Eligibility Pool Cap – Capt. Garland Yopp
- **Vote on setting temporary cap on the number of licenses in the Eligibility Pool****
- 12:00 p.m. Lunch Break**
- 1:00 p.m. Annual Fisheries Management Plan Review – Brandi Salmon, Lee Paramore, Steve Poland
- 1:45 p.m. Fishery Management Plans
- Status of ongoing plans – Corrin Flora
 - 2022 Fishery Management Plan Review
 - **Vote on final approval of River Herring FMP Information Update****
 - Amendment 2 to the Estuarine Striped Bass FMP – Charlton Godwin, Todd Mathes, Nathaniel Hancock, Joe Facendola
 - **Vote of final approval of Amendment 2****
- 3:00 p.m. Rulemaking Update – Catherine Blum
- 2020-2021 Annual Rulemaking Cycle
 - “Package B” Update
 - 2021-2022 Annual Rulemaking Cycle
 - “Package A” Update
 - “Package B” Update

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***Probable Action Items*

Marine Fisheries Commission Business Meeting Agenda

- “Package C” Update
- 2022-2023 Annual Rulemaking Cycle – Catherine Blum, Shannon Jenkins
 - **Vote on Notice of Text to amend “Mutilated Finfish” Rule (15A NCAC 03M .0101)****
 - **Vote on Notice of Text to readopt “Marinas, Docking Facilities, and Other Mooring Areas” Rule (15A NCAC 18A .0911) per G.S. 150B-21.3A****

3:30 p.m. Issues from Commissioners

4:00 p.m. Meeting Assignments and Preview of Agenda Items for Next Meeting – Lara Klibansky

4:30 p.m. Adjourn

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***Probable Action Items*

Marine Fisheries Commission Business Meeting Minutes
Beaufort Hotel
Beaufort, North Carolina
May 25-26, 2022

The commission held a business meeting May 25-26 at the Beaufort Hotel in Beaufort, North Carolina. In addition to the public comment session, members of the public submitted public comment online or via U.S. mail. To view the public comment, go to:
<https://deq.nc.gov/media/29343/open>.

The briefing materials, presentations, and full audio from this meeting are available at:
<https://deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/marine-fisheries-commission-meetings#quarterly-business-meeting---may-25---26-2022>.

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

BUSINESS MEETING - MOTIONS AND ACTIONS

On May 25, a public comment session was held beginning at 6 p.m. Chairman Rob Bizzell called the meeting to order. The following individuals spoke:

Paul Lane, a commercial fisherman, urged the commission to lift the ban on gill nets above the ferry lines in the Central Southern Management Area. He said the fishermen need access to fish these areas and the public needs access, so he strongly urged the commission to lift the ban.

Jamie Lane said she participates in commercial fishing with gill nets. She said she wanted to speak about data that was collected in 2019 by DMF observers in the Neuse River in the hopes the commission will reconsider opening the area for gill net access above the ferry lines. She said their operation, which typically operates near the Highway 70 bridge, was observed 11 times during February 2019, with a total of 13 trip tickets submitted for that month. The first three small mesh gill net observations included the first trip in which 296 fish were caught and 293 of these were the target species, hickory shad. For the second trip, 279 fish were caught, 100 percent of which were the target species, hickory shad. The third trip had 179 fish, 173 of which were hickory shad, with three American shad; a bullhead catfish and two grinnels were the only discards. For all the February trips, a total of 1,009 fish were caught, 823 of which were the target species hickory shad, 91 were the target species American shad, and 49 fish were discarded, half of which were unmarketable. Comparatively speaking, she said the recreational data from 2019 showed there were 8,820 recreational trips in the Central Southern Management Area specifically targeting striped bass. For these trips, 959 striped bass were harvested until the closure, and 37,000 striped bass were discarded, which is a 97.5 percent discard rate. She said after the commercial closure, there were zero trips taken, zero fish harvested, and zero fish discarded by the commercial sector in the closure area. However, 1,591 targeted recreational trips occurred just for striped bass in the closed area, when 21 fish were harvested illegally and over 23,000 striped bass were discarded. She requested the commission reopen the Neuse River above the ferry lines to gill net access because the access was 100 percent eliminated in this closure to not only the commercial fishermen, but also the public that rely on the fishermen's

harvest. Doing so would not impact recreational access and the discard numbers showed that striped bass was still significantly impacted despite the commercial closure. In the gill net fishery, measures like tie-downs and distance from shore requirements have been taken, which have resulted in a nearly 82 percent discard reduction, by one study. She said the observer data and other data presented here reflects commercial fishermen have done what was needed.

Kelly Bordeaux, a Beaufort, N.C. resident for almost 30 years, said he was not representing a group, but he came to speak on behalf of his three young kids for the fisheries in general. For the issue of gill nets in the Neuse and Pamlico rivers above the ferry lines, he said the simple math is the striped bass fishery has been struggling historically and the nets are not helping, regardless of whether you are a commercial or recreational fisherman. He recommended taking them out of the water totally. Next, he recognized there are different user groups, but he said he is worried about the fishery in general. He said we have to look at the data and the science to see how the fishery is doing, good or bad, struggling or rebuilding. He said it is important to get marine fisheries folks to change things overall and to not worry about the users. He said if you went back 30 years and said 30 years from now you will only be able to fish for flounder one month out of the year and keep one fish you would say no way, but here we are. So, he is worried about what will be available for his kids in 30 years. By then, we would ask what happened to the fishery and what can be done? He said a good example is shrimp trawling data; people say they do not know about its bycatch, but shrimp trawling has been happening forever, so he questioned how we do not have good data on how much bycatch there is from shrimp trawling. He implored the commission to look at the science and data and make a decision on how the fishery is doing, not user groups.

Steve House, a Dare County Commissioner, provided a copy of two Dare County Commission resolutions to the Marine Fisheries Commission. He read an excerpt from the first resolution about the striped bass fishery: whereas North Carolina is the only state that allows fishing of the striped bass species during spawning season and in spawning areas during spawning season. He said that later in the meeting the commission would be finalizing the shrimp trawling, including where shrimp trawling has been eliminated in the crab spawning areas. He said there seems to be a little bit of hypocrisy there. He continued reading excerpts from the first resolution. Whereas the ASMA (Albemarle Sound Management Area) is 667,674 acres with a six-month season that is not during the spawning season, and the RRMA (Roanoke River Management Area) is 6,420 acres with a one-week season that is during and on the spawning grounds; and whereas the ASMA quota was reduced by 81 percent and finished the 2021 season 4,546 pounds under quota, while the RRMA's one-week season in 2021 went 14,742 pounds over quota; therefore, be it resolved, that the Dare County Board of Commissioners hereby endorses shifting a greater allocation of the striped bass quota to the ASMA in order to protect and preserve the striped bass stock, thus increasing the striped bass species' chances of spawning during spawning times. He then read excerpts from the second resolution that was in support of lifting the gill net ban. Whereas, in February 2019, after approval of the Striped Bass Fishery Management Plan Supplement A, the N.C. Marine Fisheries Commission requested that then-Director Steve Murphey issue a proclamation banning the use of gill nets above the ferry lines within the Neuse River and Tar-Pamlico River; and whereas Director Murphey wrote in a March 4, 2019, letter to the Marine Fisheries Commission "while I respect the concerns of both the public and the Marine Fisheries Commission, after careful consideration I have concluded that such a measure

is not supported by the scientific data that supports gill nets as the primary or even the most significant source of discard mortality. As you are aware, recreational effort will not be controlled under the supplement, and catch and release will be a source of discard mortality as well". Commissioner House added that North Carolina uses a mortality rate of 6.3 percent, whereas the federal government calculates it at 9.6 percent; then he continued reading excerpts from the second resolution. Whereas despite the lack of scientific justification, the Marine Fisheries Commission passed a motion to issue a proclamation prohibiting the use of gill nets by a 5-4 vote; therefore, be it resolved, that the Dare County Board of Commissioners hereby strongly endorses lifting the ban on gill nets.

Jimmy Siebold, a commercial fisherman from Pamlico County, urged the commission to open the upper Neuse and upper Pamlico rivers to be able to fish gill nets. He said without this there is no summer mullet fishery or shad fishing, like there used to be. He said without the summer mullet fishery when there are no crabs, they are starving, like they are right now. He said even as a full-time gill net fisherman, it is a time of struggle, especially with fuel prices. He said they could really use these rivers for the mullet fishery.

Billy Holland, a commercial fisherman, said he fished the upper end of the Neuse and Pamlico rivers as a child and onward. He said he understands what the commission has tried to do by closing striped bass and he said the commission probably has data to support it. He encouraged the commission to look at the spawning grounds itself and its quality; the upper Neuse and Tar-Pamlico rivers are sanded up. He suggested the commission look at the data from the early 1900s, for jetties that maintained a flow of water. He said the commission needs to open the rivers to gill netting. He said summer mullet is an important fishery and by closing it, the gill netters are concentrated in one spot. He said there is also a concentration of sport fishermen, which provides the potential for clashes. He said opening the gill net fishery will spread people back out.

Chris Elkins provided a handout and urged the commission to read and act on the public comments submitted by the Coastal Conservation Association of North Carolina (CCANC). He asked the commission to consider the comments as his own too. He gave "kudos" to the commission for following the CCANC recommendations for the central region striped bass fishery management plan. He said the commission's actions to remove nets above the ferry lines and institute a harvest moratorium to protect two exceptional year classes appear to have worked in spades. He said from anecdotal information, numerous spawning size fish have been caught and released, such as one report of a 36" fish. He said there are so many large fish there has been an influx of fly fishermen. He said striped bass reproduction is sporadic; perhaps every 10 years a single large class carries the stock for the next 10 years. He said the commission met its objective from the fishery management plan of obtaining spawning size fish, and now they need to be patient to see if the fish produce offspring. He said thus, it is mandatory to protect the commission's previous work by maintaining the harvest and gill net moratoria. He said if the commission lets nets back in it will be a slaughter of those spawning fish. Moreover, if the commission wants to expand the stock to its previous geographic range, they need to extend the gill net moratorium to that range. He thanked the commission for taking the side of conservation. He said if previous commissions had listened to CCANC, we would all be flounder fishing now.

Wayne Dunbar, a commercial fisherman and guide, relayed concerns about the restrictions placed on gill nets for commercial fishermen by closing certain river areas. He said these restrictions were put in place to protect hybrid striped bass, which cannot reproduce, are not native, and are not a natural resource to North Carolina. The river areas that have been restricted from commercial fishing are a natural resource. If these rivers are only restricted from commercial fishing, he asked how they can be considered to protect hybrid striped bass. He urged the commission to do the right thing by keeping politics out of its decisions. He said it is hard to understand how a commission backed by taxpayer money could make such a bad decision on commercial fishing. He said that growing up, he was always taught to respect other people, but it seems now there is always a conflict between commercial and recreational fishermen. After a long, hard look, he said it appears commercial fishermen always lose. He said he thinks it is time for the commission to support commercial fishermen. He continued with additional comments in support of opening gill nets above the ferry lines in the Neuse and Pamlico rivers. He said the actions by the commission to close these areas to commercial fishing is unjust to the 10 million residents of North Carolina by allowing a small group of anglers to fish and keep fish for their personal usage. He said there were 513,675 Coastal Recreational Fishing Licenses sold last year. If one-third of these license holders fish in these areas, which is a high estimate, the commission is allowing this relatively small group of people to have their own private fishing hole, which consists of about 75,000 acres or about 117 square miles. He said it leaves the other 10 million citizens of North Carolina without access to buy seafood provided by commercial fishermen caught from these rivers. He said the job of a commercial fishermen is to provide seafood for the people of North Carolina who don't fish but love to eat fish caught in North Carolina. He said there is no scientific data that shows gill nets are hurting anything. This closure has hurt a lot of people, including bait shops, restaurants, fish houses, and commercial fishermen in our communities. He urged the commission to do the right thing and open the rivers back up to the way it was prior to the closure.

Rusty Poole, a commercial fisherman, said the net bans are killing commercial fishermen. He said commercial fishermen sell bait up and down the Outer Banks to all the bait stores, but they cannot catch bait because they cannot go above the ferry lines to catch it. He said everyone is losing out, like the motels, fishermen, and restaurants, except for that select group that are allowed to fish these areas. He urged the commission to take the politics out of this, look at the numbers, straighten it out, and let commercial fishermen fish above the ferry lines.

Clint Belangia, a commercial fisherman from Pamlico County, asked the commission to lift the gill net ban above the ferry lines. He said prior to March 2019, he did the majority of his gill netting in the upper Neuse River, above Goose Creek. Now, commercial fishermen are losing out on summer mullet and shad fishing; the closure is hurting his family and his income. He said he has a wife, two small children, and a mortgage payment, and he depends on that body of water to make his living.

Milford Mounce, a commercial fisherman, asked the commission to consider opening commercial fishing above the ferry lines. The current situation bunches everybody up at the end of the river and he said he does not see scientific data that supports the closure.

Stuart Creighton said the issue of most importance right now is the pending attempt by the N.C. Fisheries Association to get gill nets opened above the ferry lines on the Neuse and Tar/Pamlico rivers. He said this is a bad idea for several reasons. Online public comment summaries in the meeting materials from the public comment period on the Estuarine Striped Bass FMP Amendment 2 indicate 60% of respondents do not want the nets and only 12% do. He said the NCFA claims this decision was made without science, yet the previous stock assessments clearly indicated the dire condition of the striped bass population and that significant actions were necessary. The 2018 Rachels and Ricks study showed that gill net interactions were the primary cause of the cryptic mortality experienced by striped bass on these rivers at that time. He said division studies claiming a lack of interactions with striped bass, given the current tie-down requirements, were severely lacking in observations. Over nine years, 119 observations across three rivers resulted in an average of six observations per river per year. He said that is a very low observation frequency considering the large volume of water that is being monitored. He said NCFA claims harms to commercial fishermen and loss of access to fresh N.C. seafood because of the closure; however, river-specific division harvest statistics show this is not the case. He said on both rivers, harvest of spotted seatrout and striped mullet have increased significantly since the gill net restrictions took place. Southern flounder harvest is down, but that is due to the restrictions imposed from Amendment 2. Red drum harvest remains low but constant. He reminded the commission that interactions with endangered species, specifically sturgeon, will increase. Several of the targeted species above the ferry lines, namely striped bass, striped mullet, southern flounder, and American shad, are overfished and overfishing is occurring. It makes no sense to reintroduce gears that will target these troubled species. He said if the commission has the gall to reverse its February vote and allow gill nets above the ferry lines, then you must also reintroduce striped bass harvest in these rivers as a put-grow-take fishery.

Alvia Hearren, Jr., a commercial fisherman, said to catch fish commercially he cannot drive just five miles to New Bern anymore due to the gill net closures; he has to drive 40 miles or more to Pamlico or Carteret counties where fishing is hit or miss, not in his own backyard, but in someone else's backyard. He said his ancestors came to Cedar Island in the early 1700s to fish and farm and they got by. He said there are a few descendants that still commercially fish today, but it is a generally older and smaller crowd. His grandfather taught him to fish in the Neuse River for shad in the spring, spots, croaker, mullet, and mackerel in summer, and a few trout in the fall; he said in his final years he wants to continue to fish commercially in the area where he learned how and when to fish, which is the upper Neuse River. But he cannot fish in his own backyard; instead, he has to go 40 or more miles to Pamlico or Carteret counties in someone else's backyard and hope the catch is worth the fuel and time to get there. He said the current net ban on the upper Neuse and Pamlico rivers was not based on scientific consensus, but an arbitrary decision not based on scientific or biological research. He said he studied marine biology at what is now Cape Fear Community College; he said he understands sustainable concepts and support them when backed by actual data. There were no hard fish facts behind this decision. He strongly advocates for removing the present net ban and returning them to the prior boundaries in accordance with prevailing regulations.

Jerry Schill, Director of Government Relations for the N.C. Fisheries Association, said three years ago, the commission called a special meeting and then-director Steve Murphey said there

was no scientific justification for banning gill nets. Subsequently, the commission did ban gill nets and then received a letter from the DEQ Secretary as a result. He said he has been involved in fisheries for a long time, but that was the first time he heard of a letter from a DEQ secretary chastising the commission formally. He said this is important because it shows the decision ignored science, for one. Many years ago, he said he attended a congressional hearing before the Merchant Marine Fisheries Committee in the U.S. House, which was chaired then by Congressman Walter B. Jones, Sr. who made a comment Mr. Schill has never forgotten: commercial fishermen will abide by fisheries regulations, albeit grudgingly, if they appreciate a good process that is based on science. He said this is a true statement. If you wonder why commercial fishermen have a real problem with this gill net ban, it is because they heard a statement from the Director of the Division of Marine Fisheries that outlines not only the lack of science, but also calling a special meeting that was uncalled for. He said if the commission wants people to appreciate the process and abide by regulations, then the commission needs to do its job.

Dwight Clark, of Carteret County, said he is a recreational fisherman and has a commercial fishing license. He said he fishes in Pamlico Sound and White Oak River. He said it is time to think outside the box because developing the Estuarine Striped Bass FMP is a marathon, not a sprint. He said he hears both sides of this argument: the commercial fishermen need to make a living by harvesting fish and the recreational fishermen are also entitled to access these same fish. Both sides deserve to collaborate and compromise in a way that meets both needs. To do this, first, he suggested the division create an advisory committee of commercial and recreational fishermen and come together to discuss perspectives, priorities, and solutions quarterly, and then communicate their efforts in a transparent manner to inform the public of management discussions. There could be press releases about these efforts and even have members of the press cover the discussions. He said that once discussions get to the commission, they are too technical and overwhelming, and the public loses the capacity to stay engaged. Second, he said it seems that restocking flounder is also a successful measure for replenishing the population and he suggested working with coastal community colleges on aquaculture not only to generate revenue but also replenish the population. He recently participated in an excellent course at Carteret Community College on shellfish aquaculture. He said now is the time to expand these education efforts to expand the capacity to address these problems. Third, he suggested doing more public outreach and having transparency behind decisions. He said to get children involved in programs that teach about fisheries management so kids can address this in the future when we are gone. Teaching the children also educates their parents through intergenerational transfer of knowledge; knowledge is power and everyone deserves to understand what the commission is doing to protect and conserve our natural resources and fisheries. He said what the commission does now will either haunt or empower future generations. He said the commission is in a unique position to quit chasing its tail and put programs into place to prepare coastal North Carolina's future, economy, and culture.

Donald Willis said he owns Custom Marine Fabrication and has been selling fishing tackle since the mid-1980s. He said what has been done in the upper Neuse and Tar/Pamlico rivers is a scientific experiment and was done to see if we can bring striped bass back. He said it is not time to bring the nets back at this time and destroy what we need to study to see what we have done. Some are saying there was no science because they do not want to know the answer.

Other states that have limited gill net harvest have seen results in the fishery and there are people that do not want to see that answer. He said the only way to find out is to study it and see if it is working. He asked why the commission would destroy it before having the results. He urged the commission to see if it is working first. He asked the commission to please see if fish are increasing in these areas and if it is bringing in tax revenue. He said this is the same as any public trust resource issue that is determined by how much tax revenue is brought in, like logging; we have to look at it like a business. He said it is a public trust resource and we have to treat it in such a way. He said to destroy this after three years of sacrifice before we see what has been done is the worst thing the commission can do.

David Sneed, Executive Director of the N.C. Coastal Conservation Association, thanked the division for its support and partnership on the improvements made to the Bayview Artificial Reef in the Pamlico River. He said the day after the meeting, a 3-D printed artificial reef designed to provide a thriving habitat for fish and other marine life will be submerged into the brackish waters of the Pamlico River, near Bath. There will be 100 reef cubes, each measuring three feet by three feet and weighing about 1850 pounds each will be transported by barge and deployed at the Bayview Artificial Reef site located about 100 yards off the shoreline near the mouth of Bath Creek. He said this partnership has been years in the making and was inspired by small donations from local residents and matched by corporate sponsors and the building conservation trust (BCT), which is CCA's national habitat enhancement program. Since its inception, funds provided by BCT have been incredibly impactful in the world of marine habitat conservation. Through a highly successful matching funds program, BCT has garnered over \$18M towards over 40 projects, all being placed in coastal waters throughout the U.S. The division partnered with CCA to cover the costs of the deployment using funds from the U.S. Fish and Wildlife Service Sportfish Restoration Program. He said CCA is very excited to bring this inshore artificial reef some new life and enhance the Pamlico River fishery and ecosystem for years to come. He said CCA hopes this is just the start of many new habitat enhancement projects from the division. CCA has already heard from anglers and guides further east asking how they can get involved in bringing another artificial reef project to their area. CCA is asking the director to use her proclamation authority to prohibit highly efficient gears on the Bayview Artificial Reef. It is CCA's understanding that the pending authority to prohibit highly efficient gears on artificial reefs will only apply to ocean sites, but the director does have the authority to restrict these gears on inshore artificial fishing reefs. Regarding southern flounder, he said the recent recreational overages were the result of derby fishing brought about by insufficient management action under the Southern Flounder FMP Amendment 2. Harvest and overages estimates that are provided by MRIP data were never intended to manage a fishery through a quota. He said additional funding should be secured to develop a better method to collect real-time data before a recreational quota is initiated. He recommended the division go to the legislature while the coffers are full to ask for financial assistance for fully developing a state-managed recreational data collection system.

Matthew Wallin, of Craven County, said as a North Carolinian it is his right to have access to a healthy, sustainable marine and estuarine resource. He said there has been prolonged mismanagement of the coastal resources by State agencies that continue to kick the can down the road; now the citizens are left with limited access to certain fisheries throughout the year based on quotas, seasons, and bag limits that restrict the ability to enjoy this public trust resource. He

said through no fault of their own the public continues to abide by the commission's management decisions that are meant to rebuild the fisheries, but instead there are an increasing number of fisheries that are overfished, with overfishing occurring. He said flounder is the poster child of this failed management strategy and is heavily targeted, both commercially and recreationally. He said we can argue about how we got to this point, but the problem still exists. The fisheries need to be rebuilt back to sustainable levels. He said the Southern Flounder FMP Amendment 3 is set up for failure. Effectively, there is a bounty on flounder, based on a short window, creating a sense of urgency and greed where fishermen catch as many as they can in a short time. He said it is no surprise that through MRIP and landings data, each group has surpassed its allowable quota. More than likely the same thing will happen with flounder again this year. Due to overages and paybacks, this will ultimately lead to a shortened, if not closed, season. He said he supports the development of a State-based, recreational data collection program to better understand the impact of the hook and line fishery. He said he believes the division needs to consider the number of dead discards in the trawl fishery. He said he supports a separate season for summer and Gulf flounder and managing each species separately outside of the southern flounder quota, with a daily one-fish bag limit year-round, and a slot limit, to end the derby-style fishery. Regarding the Estuarine Striped Bass FMP Amendment 2, he urged the commission to continue the gill net ban above the ferry lines on the Neuse and Tar/Pamlico rivers. He said the science is clear and striped bass abundance is low, not recovered, and overfished; American shad, striped mullet, and southern flounder are overfished too, all of which are prone to gill net interactions in the upper portions of these rivers. He said the Rachels and Ricks study shows the cryptic mortality of striped bass in these areas due to gill net interactions. He said he lives in New Bern and fishes the upper portions of the Neuse River quite often and sees that striped bass continue to grow with larger fish being caught, spotted seatrout are abundant and have a higher chance of escapement, there are puppy drum everywhere with over-slot fish up to 32 or 33 inches, and southern flounder are coming back.

Gregory Judy, a commercial fisherman, spoke about the gill net closure above the ferry lines in the Neuse and Pamlico rivers. He said he worked at the division for 41 years and a lot of his time was spent at the docks and in the fish houses collecting data on commercial landings. For gill nets, staff collected information about gear specifications, such as length of the net, stretch mesh, number of meshes, twine size, whether it was a drop net or a set net, whether it was a float net or sink net, and soak time and location. The division has very good data. He said on March 13, 2019, he said five members of the Marine Fisheries Commission ignored good data to advance their own agenda in another attempt to cripple the N.C. commercial fishing industry. Then-director Steve Murphey had declined to close these areas because the data collected at the fish houses and onboard commercial fishing vessels did not support a closure. But the net ban crowd trotted out some data from 1980 to combat the up-to-date and more concise available. He said there was no public input; to call it a public meeting was a falsehood. Except for the commissioners, those in attendance might as well been handcuffed and shackled; the history records what happened. He said the net ban Kool-Aid was served and five commissioners drank their fill before shoving the knife in the back of the commercial fishermen. He said the closure was put in place to protect native spawn striped bass; he asked how that has worked out. The recreational fishermen have unfettered access to the stock for catch and release. The division stocking has continued and there are tons of fish to be caught. He said since 2019, the spotted seatrout population has exploded. State record fish are being landed and probably record

numbers of dead striper discards too. From 2010 to 2019, average annual releases of spotted seatrout from the Central Southern Management Area exceeded 47,000 fish, when harvest was just average. He said he has friends that are avid recreational fishermen, and they tell him of their great success with spotted seatrout fishing and also their incidental catch of striped bass. He said it safe to say the recreational catch and release mortality currently exceeds 3,000 fish per year, twice the amount commercial fishing killed when they were still able to fish for 11 months of the year. So, the Neuse and Pamlico rivers have become an exclusive fishing pond for recreational anglers and fishing mortality be darned. He said the 2019 closure needs to be reversed. The commercial flounder season is only two to three weeks and the small mesh gill net restrictions prior to 2019 are adequate to prevent significant mortality of striped bass.

Thomas E. Newman III said he is a full-time commercial fisherman and a part-time employee of the N.C. Fisheries Association. He urged the commission to re-open the Pamlico and Neuse rivers to gill nets. He said the March 2019 river closure was unjustified and the decision to close the rivers to gill nets was not based on current scientific data or trends in the fisheries, or accurate fish stock data. The decision was instead made on flawed, outdated, and cherry-picked data to further special interest groups' agendas against commercial fishermen. He said commercial fishermen deserve equal access to have the opportunity to harvest fish in these areas. For many citizens of this State, the only way to get fresh seafood is to buy commercially harvested fish. To keep these areas closed is to limit consumer access to fresh seafood. He said we all pay taxes to support stocking our waters with striped bass. He said eggs and fry have been artificially put in our river systems since 1884, which is 138 years. Since 1944 alone, 55 million eggs, almost 100 million fry, and over 16 million phase-one and phase-two striped bass have been released in our State's river systems. He said this is pretty clear evidence that North Carolina's population of striped bass has not been self-sustaining for a long time. He said the current single biggest threat to North Carolina's striped bass population is discard mortality from the catch and release fishery, not gill nets. He said tens of thousands of fish are killed annually with no benefit. None of these fish feed anyone; the fish are just hooked and discarded after a few hours of so-called enjoyment by so-called sportsmen. He said when the commercial quota is met, the nets come out of the water. Commercial fishermen do not continually discard fish like the catch and release fisheries. He said there are many rules and regulations already in place for gill nets that have been proven to reduce striped bass discards. He urged the commission to end this limited access to just a privileged few and to reopen the Pamlico and Neuse rivers to nets and restore access to all citizens of the State.

Gary Cannon said he is a third-generation commercial fisherman and has been fishing all his life. He said the commission has heard comments about overfishing by gill nets, but he encouraged the commission to ride out to the boat ramps. He said commercial fishermen fish every day and you might see one or two gill netters in Neuse River. He said he has been fishing for the last month and might go days and only see one. If you go to the boat ramp, it is loaded with hook and line fishermen. He asked where all the discards are because he is strike netting mostly, so most of the fish that are caught are released right then. He said he is not reporting that they do not kill some fish, but not like commercial fishermen are blamed for. He said they were in the ocean last week fishing for mackerel and you could hear the recreational fishermen on the radio talking about how they caught the limit of 150 to 200 mackerel and then stayed and caught 40 or 50 more. He asked what anyone is doing catching mackerel on hook and line, because if

you do the fish is dead. He asked the commission to stop putting all the blame on the gill netters and put some of it on the hook and line fishermen. He said if the commission closes the rivers to commercial fishermen, close it to all fishermen. He said commercial fishermen are feeding their families. He urged the commission to ride around in these communities. Commercial fishing built Carteret and Pamlico counties and now there is nothing. He said the stores are closing and people are having to get other jobs. He said commercial fishermen are trying to save the fisheries and if he sees recreational fishermen when he is fishing, he talks to them and lets them know if he caught fish because he wants everyone to catch fish. He urged the commission not to put commercial fishermen out of business; they are just trying to feed their families.

Brandon Broughton (did not speak)

Braxton Bettis, a commercial fisherman, requested relief from the gill net ban. He said there is no other way to explain the gill net ban other than a punishment for the commercial fishermen, for their way of life. He said there is no scientific evidence that backs the choice made to take away the rivers from commercial fishermen to fish. The ban essentially made a private fishing hole for recreational use. He said the ban has affected commercial fishermen in a way where they have spent most of their year fishing for bait mullet, trout, or just regular bait. It has forced multiple fishermen to pile up on top of each other in a single area, which frustrates recreational fishermen even more. There are certain fish that never leave those rivers and stay there just to be caught by a hook, swallow it, have it ripped out, get left behind, and die. He said the closure was supposed to be temporary for striped bass, but it has turned into a permanent punishment for any commercial fishermen trying to make a living on the water.

Keith Carle said he relocated to North Carolina and has come to really enjoy and appreciate the fishery here. He said he has a couple of friends that take him flounder fishing, but this year, by limiting it to one fish per person, the cost of even launching the boat does not justify going fishing. He said in Arkansas, where he is from, if the population of any species was like this, they totally close the season or modify the season. He said they went to a three-point minimum deer rule where you could not shoot a buck unless it had at least three points on one side of its antlers. If your scientific study is accurate enough to limit flounder harvest to one fish, fishing will be poor for a couple of years, so he asked why not close it entirely to allow the population to rebound sufficiently to make it worthwhile to launch a boat and go fishing.

Bert Owens, of Beaufort, North Carolina, said he likes what was done when the nets were taken out above the ferry lines on the Neuse and Pamlico rivers. He said there were dire warnings back then from the commercial fishing association about how bad things were going to be. But the recent numbers show the commercial catch is going up since then for mullet and trout. He said no one was put out of business, sea turtle interactions are down, there is less pressure on overfished shad and flounder, user conflicts have to be down, there are more reports of bigger stripers upstream during the spawning run, and that is needed to bring the native stock back, for the females to get big; they put out much better spawn. That is what it will take; we need to leave them out there. Regarding flounder, he said the commission continues to shut the angling public out of access to ocean flounder, which is not overfished. He said the Mid-Atlantic Fishery Management Council said recreational harvest could be increased over 16 percent this year. He suggested that the division could help with some sampling. He said we got into this situation

with flounder after the commission passed some good conservation measures in February 2015. At that time, there was no need to go to short seasons like now, but the N.C. Fisheries Association sued and got the measures stopped. This allowed them to keep overfishing for a few more years until Amendment 2 passed, at which time the stock had gotten to the point that now, we have short seasons and small bag limits. He said that is history and the price of their bad judgements; those that stopped the conservation measures should be the ones to pay back, not the fishing public. Even now, N.C. commercial fishermen get the largest quota of summer flounder, which is good, but the fishing public only gets access to ocean flounder when southern flounder is open, and that is not good. Virginia has the second-largest quota and the public there gets four summer flounder with year-round access. New Jersey has the third-largest quota, and their public gets three fish from May to September. They are managing their fisheries with fairness, and the fishing public in our State deserves fairness too.

Rocky Carter, of Swansboro, said he has listed to the comments at the meeting about the mortality of striped bass released by recreational fishermen. He said he started fishing recreationally for striped bass in the early 1970s. Over the last 50 years, he has been able to catch and release several thousands of these fish that to his knowledge never died. He said he has been told by a commercial fisherman that all fish that are hooked die from bleeding to death; he does not believe they bleed to death after being caught. He said several times he caught striped bass twice; his hook was marked in their mouth and they looked like the same one he had caught. He said he knows they all look alike, but in his mind he caught the same fish twice. That said, he thinks striped bass historically have been overfished. He urged the commission to put rules in place and implement the plan to protect these fish on a long-term basis. No studies or stock assessments have been conducted showing these fish are recovered. He said we need to allow the recovery of this important North Carolina species. We need to acknowledge our declining fisheries and implement meaningful plans. He said renowned author, outdoorsman, and conservationist Thomas McGuane wrote we have reached the time on the life of the planet and humanity's demands upon it, when all outdoorsmen must become stewards of the resource. I believe he was referring to the people in this room.

Blake Dunbar, of Fairlake Shores Adventures, said he has heard the comments at the meeting from people that said they have never released a fish that did not live, but he said there are thousands and thousands of fish caught with a rod and reel every year that do not live. For flounder, he said it is like wildflowers and there are tons of them. He urged the commission to open the Neuse and Pamlico rivers for bait mullet and think about the sport shops in Hatteras.

Bradley Styron, of the Carteret County Fisherman's Association, said in 2019 when the gill net ban was concocted, we were told one of the main purposes was to protect juvenile striped bass. He has also been told that anadromous species return to their place of birth to spawn. He said it bothers him to think that the commission would close the Neuse River above the ferry lines, and when the fish returned, they went to the Roanoke River basin. So, if it is true that these anadromous fish return to where they were born, the commission is barking up the wrong tree. He said he did not and still does not see the purpose of closing the rivers to gill nets and he urged the commission to reopen it. He said the commission needs to look at reality, not perception. There were comments at this meeting about the damage from shrimp trawling, but look at the

places that are liveliest, which is where the shrimping occurs, versus the places that are closed and see what has happened.

David Connor, a commercial fisherman, said he thinks it is time to open the Neuse and Pamlico rivers back up to gill netting.

William Connor, a commercial fisherman from New Bern, said he mainly fishes crab pots, but he would like the option to catch mullet in the evenings so he can catch his own bait for the next day and to have something to fall back on if the crab fishing is not good.

Jonathan Fulcher, a fourth-generation commercial fisherman, said his family owns B&J Seafood in New Bern. He is a New Bern native, fished there during his whole childhood, and lives on the Neuse River. He said he fishes with rod and reel six days per week, and he uses lures with treble hooks. He said those fish do not fare well after a treble hook comes out of them. He encouraged the commission to open the Pamlico and Neuse rivers back up for gill netting. He said the closure was unprecedented and asked if it was so important to hold a special meeting in 2019 to close it, why not close the rivers for recreational fishing too. He said he does not see the reason and he is sorry everyone had to waste their time on this issue. He said the data shows the rivers need to be reopened. Recreational fishermen call their store and wonder why they cannot get jumping mullets to use to go drum fishing. It is because those areas are closed that are traditionally used to catch mullets this time of the year. They cannot go shad fishing in the spring. It is ridiculous they cannot go fishing with the economy and the way the world is going, and then we are worried about things like this. He asked the commission to let people provide for their family. He said there are more rockfish, red drum, and flounder in the Neuse River than there has ever been. He encouraged the commission to open the rivers back up.

Emily Fulcher (did not speak)

Hodge Jordan said he moved here in 1980 and is retired from the Marine Corps after 26 years. He said he has had an outside observation of this transformation. He said commercial fishermen are a special interest; so are recreational fishermen. We all have our own special interest. He said there is going to be a paradigm shift because the way we are fishing there are more recreational fishermen than ever have been; statistics prove this. So, there is more pressure on the fisheries than there has ever been. He said North Carolina is the last state that allows gill netting, which is an indiscriminate killer of fish. If gill nets could catch only the species they intended or if our species were not depleted by overfishing, whether due to commercial or recreational fishing; the stocks are declining. If the stocks were not depleted, then we would not be replenishing with restocking efforts of the striped bass. He said it is a paradox. Citizens pay to stock and netters take the fish out and sell them back to the public. He said he sees it as an oxymoron in real life. To lessen mortality of recreational fishing, go to barbless hooks; it is an easy way to do it. He said he wholeheartedly supports the ban on gill netting. He said he feels for the commercial fishermen and understands their plight, but this paradigm shift is coming, and it can only be that way because we have less fish and more competition for them.

The meeting recessed at 7:06 p.m.

May 26

Chairman Rob Bizzell convened the Marine Fisheries Commission business meeting at 9 a.m. on May 26 and reminded commissioners of their conflict of interest and ethics requirements.

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

**Motion by Martin Posey to approve the meeting agenda.
Second by Robert McNeill.**

Motion carries unanimously.

Motion by Tom Roller to approve the minutes of the Feb. 23-25, 2022, business meeting and the March 8, 2022, special meeting.

Second by Robert McNeill.

Motion carries unanimously.

Public Comment Period

A public comment session was held beginning at 9:05 a.m. The following individuals registered to speak during the public comment session:

Glenn Skinner, commercial fisherman and Executive Director of the N.C. Fisheries Association, spoke about the gill net closure above the ferry lines in the Neuse and Pamlico rivers. He said the commission heard a lot of comments at the previous night's meeting and even though the commission has tried to remove this issue as an option, the public has spoken and the advisory committees have given recommendations about restoring the use of gill nets in the upper parts of these rivers. He expressed hope that the commission will listen to the comments and do this. He proceeded to talk about the process that was used to put this gill net ban in place. He said the emergency meeting in March 2019 was held with only 48-hours-notice, and no public comment was allowed. He said the gill net ban that resulted has been in place for three years, which is outrageous and uncalled for. Mr. Skinner said the commission pushed the issue without input from the public and data was used from a drift net fishery that does not exist anymore, which is absurd. He said it was a means to an end and had nothing to do with science or conservation and was uncalled for. When the issue was finally addressed through the fishery management plan process at the February 2022 business meeting, the majority of the commission members voted to take the issue of allowing the use of gill nets off the table as an option. He said all three advisory committees discussed it. One advisory committee did not make a recommendation; the committee is chaired by a commissioner who attempted to prevent the committee from discussing the issue. Mr. Skinner said this is uncalled for. He said after the Finfish Advisory Committee meeting, that commissioner reached out to other advisory committee members from other advisory committees about their recommendations and verbally

attacked them. He reminded the commission that the commission does not advise the committee members; the committee members advise the commission. He said the commission has the rulemaking authority and the committees serve in an advisory position. One advisory committee member told Mr. Skinner he was verbally attacked; this should not happen. He said if the commission does not lift this gill net ban, they are not only supporting something that is not scientifically supported but they are also supporting the process that got it here. He said it is not appropriate for the commission to support something that did not have stakeholder input.

Cathy Fulcher, a business owner of B&J Seafood in Craven County, said her business supports many local commercial fishermen that used gill nets in the upper Neuse and Pamlico rivers prior to the arbitrary closure. She said her company has a long history of providing bait to recreational fishermen from all over the State, but since the gill net closure, they have not been able to provide bait to the many fishermen that come to the area to fish for drum. The primary bait used for drum fishing is mullet and most of the mullet fishing in spring and summer occurs in the upper Neuse and Pamlico rivers by gill netting. She requested the commission reopen all gill net fishing in the upper Neuse and Pamlico rivers to the extent it was prior to the arbitrary closure. She said doing so would allow her business to accommodate recreational and commercial fishermen who depend on the ability of her business to service them.

Chairman's Report

Chairman Bizzell gave a brief update on the water delineations and his planned meeting with WRC planned for June 6 to discuss a plan to move forward. He cautioned the process will be a long one but he's working on making progress.

Director's Report

Director Kathy Rawls gave a verbal update on recent Division of Marine Fisheries activities. Director Rawls gave an overview of plans for celebrating the upcoming 200-year anniversary of the Division. She also addressed her focus on improving outreach and communication with the public. She gave a brief overview of the actions she is leading, through the development of the Director's Communication Advisory Team, to accomplish this goal.

Deputy Director Dee Lupton gave a verbal update on the Federal Economics Assistance Programs.

Chris Batsavage gave verbal updates on the Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council.

Director Rawls gave a verbal update on South Atlantic Fishery Management Council.

Col. Carter Witten gave a verbal update on Marine Patrol activities including the Swift Water Training officer's recently attended.

Jason Boyd, the Division's Habitat and Enhancement Section Chief gave a verbal update on the Shellfish Lease Program.

Director Rawls gave an update on the Division's plan to update the Southern Flounder stock assessment to review progress since implementation of Amendment 2 management.

Mike Loeffler, the Division's flounder biologist, gave an update on the Floundering Around symposium held jointly by the Gulf States Fisheries Management Council and Louisiana State University. The Division's Flounder staff attended and presented during the symposium, as did other scientists and managers from around the Southeast.

Janelle Johnson, Division biologist, gave a presentation updating the MFC on the blue catfish fishery and concerns.

To view the presentation, go to:
<https://deq.nc.gov/media/29361/open>

Jacob Boyd provided an update on implementation of the Coastal Habitat Protection Plan.

Stock Assessments 101

C. J. Schlick, a Division stock assessment scientist, provided an overview of the stock assessment process the Division uses when evaluating the status of North Carolina's fisheries.

To view the presentation, go to:
<https://deq.nc.gov/media/29359/open>

Fishery Management Plans

Corrin Flora, the Division's Fishery Management Plan Coordinator provided a status update for ongoing Fishery Management Plans. Corrin presented the N.C. FMP for Interjurisdictional Fisheries for MFC review and vote on final adoption.

To view the presentation, go to:
<https://deq.nc.gov/media/29356/open>

N.C. FMP for Interjurisdictional Fisheries

Motion by Tom Roller to approve the 2022 Fishery Management Plan for Interjurisdictional Fisheries Information Update.

Second by Doug Cross

Motion carries without dissent.

Staff presented the Stock Assessment of Striped Mullet in North Carolina Waters.

To view the presentation, go to:
<https://deq.nc.gov/media/29357/open>

Amendment 2 to the Estuarine Striped Bass FMP

Division staff presented the public comment and the recommendations from the MFC Advisory Committees. The MFC then selected and voted on their preferred management.

To view the presentation, go to:
<https://deq.nc.gov/media/29358/open>

Motion by Sam Romano to the reinstate the original gill net rules for the Appendix 3, Management Option 2, and to make it the preferred management option.

Second by Doug Cross

Substitute motion by Tom Roller to keep the current prohibition of gill nets above the ferry lines and that the DMF study the effects of the gill net closure and reevaluate it at the next full amendment review.

Second by Robert McNeil

Friendly amendment by Martin Posey, accepted by Tom Roller and Robert McNeil, to clarify that this research be conducted, preferably within two years, and this closure be addressed based on that study.

Substitute motion with friendly amendment

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross		X		
Mike Blanton		X		
Tom Hendrickson	X			
Robert McNeill	X			
Dr. Martin Posey	X			
Tom Roller	X			
Sam Romano		X		
Chairman Rob Bizzell	X			

Motion carries 5-3

Motion by Tom Roller to keep the current prohibition of gill nets above the ferry lines and that the Division of Marine Fisheries study the effects of the gill net closure and reevaluate it at the next full amendment review. This research will be conducted, preferably, within two years, and this closure be addressed based on that study.

Second by Robert McNeil

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross		X		
Mike Blanton		X		
Tom Hendrickson	X			
Robert McNeill	X			
Dr. Martin Posey	X			
Tom Roller	X			
Sam Romano		X		
Chairman Rob Bizzell	X			

Motion carries 5-3

Motion by Tom Roller to accept the Division of Marine Fisheries' recommendations for the fishery management plan amendment, as modified with the above motion.

Second by Robert McNeil

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross		X		
Mike Blanton		X		
Tom Hendrickson	X			
Robert McNeill	X			
Dr. Martin Posey	X			
Tom Roller	X			
Sam Romano		X		
Chairman Rob Bizzell	X			

Motion carries 5-3

Motion by Tom Roller to send Draft Estuarine Striped Bass Fishery Management Plan Amendment 3 to secretary.

Second by Rob McNeil

Motion carries without dissention

Amendment 3 to the Southern Flounder FMP

Mike Loeffler and Anne Markwith presented the outcome of the departmental and legislative body review of Amendment 3 and reviewed the MFC preferred management options with the Commission.

To view the presentation, go to:

<https://deq.nc.gov/media/29360/open>

Motion by Doug Cross to give final approval to the Southern Flounder Fishery Management Plan Amendment 3 as presented.

Second by Martin Posey

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	X			
Mike Blanton	X			
Tom Hendrickson	X			
Robert McNeill		X		
Dr. Martin Posey	X			
Tom Roller		X		
Sam Romano			X	
Chairman Rob Bizzell			X	

Motion carries 4-2 with 2 abstentions

Rule Suspension

Steve Poland, the Division’s Fisheries Management Section Chief, presented two rules that need to be suspended to comply with recent management implementation.

Motion by Mike Blanton to suspend portions of the following rules for an indefinite period:

- **15A NCAC 03M .0515 DOLPHIN, Section (a)(2)**
- **15A NCAC 03L .0105 Recreational Shrimp Limits, Section 2**

Second by Tom Hendrickson

Motion carries with no dissention

Rulemaking Update

Catherine Blum gave the rulemaking update including the outcome of the RRC review of 2021-2022 “Package B”. Two rules in this package were objected to by the RRC which the commission reviewed.

Shawn Maier, the MFC Counsel, presented the Joint Rulemaking Update to the Commission. The MFC then voted on concurrence with the 11 WRC joint rules.

Motion by Doug Cross to approve the revised versions of 15A NCAC 03O .0114 and 03O .0209 as presented by DMF staff, pursuant to the May 20, 2022 North Carolina Rules Review Commission objection letter.

Second by Martin Posey

Motion carries with no dissent

Motion by Tom Hendrickson to concur with the 11 Wildlife Resources Commission’s joint rules in 15A NCAC 10C .0100.

Second by Martin Posey

Motion carries with no dissent

Issues from Commissioners

Commissioner McNeill suggested the MFC draft a letter regarding the crab meat labeling issue to the Department of Agriculture to bring it to their attention.

Motion by Martin Posey for Chairman Bizzell to write a letter to the Commissioner of Agriculture regarding moving forward with appropriate action on crab meat labeling concern.

Second by Robert McNeil

Motion carries unanimously

Meeting Assignments and Preview of Agenda Items for Next Meeting

Lara Klibansky, the MFC Liaison, reviewed the issues for the upcoming meetings.

The Meeting adjourned at 9:48 a.m.

**Marine Fisheries Commission Special Meeting Minutes
Virtual Meeting via WebEx
June 23, 2022**

The briefing book and audio from this meeting can be found at:
<https://deg.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/marine-fisheries-commission-meetings#special-meeting---june-23-2022>

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

SPECIAL MEETING - MOTIONS AND ACTIONS

On June 23 at 11:30 a.m. Chairman Rob Bizzell called the meeting to order and reminded commissioners of their conflict of interest requirements.

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

ROLL CALL		
Commissioner	Present	Absent
Doug Cross	x	
Mike Blanton	x	
Tom Hendrickson	x	
Robert McNeill	x	
Dr. Martin Posey	x	
Tom Roller	x	
Sam Romano	x	
Chairman Rob Bizzell	x	

**Motion by Tom Roller to approve the meeting agenda.
Seconded by Tom Hendrickson.**

ROLL CALL VOTE		
Commissioner	Present	Absent
Doug Cross	x	
Mike Blanton	x	
Tom Hendrickson	x	
Robert McNeill	x	
Dr. Martin Posey	x	
Tom Roller	x	
Sam Romano	x	
Chairman Rob Bizzell	x	

Motion passes without dissent.

2021-2022 Annual Rulemaking Cycle “Package C” – 9 Joint Rules

Commission Counsel Shawn Maier provided an update on the joint rulemaking process. The nine MFC joint rules are ready for the MFC’s final approval for re adoption. The WRC is scheduled to vote on final approval of the MFC rules June 28. Both agencies previously approved the set of WRC joint rules. After final approval of the set of MFC joint rules by both agencies, both sets of rules will be ready to file to the Rules Review Commission. The deadline for the remaining votes to occur is June 30, 2022.

Motion by Dr. Martin Posey to give final approval of re adoption of 15A NCAC 03Q .0101-.0109 (9 rules) per G.S 150B-21.3A.

Seconded by Tom Hendrickson.

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	X			
Mike Blanton	X			
Tom Hendrickson	X			
Robert McNeill	X			
Dr. Martin Posey	X			
Tom Roller	X			
Sam Romano	X			
Chairman Rob Bizzell	X			

Motion passes without dissention.

Discussion of Recent WRC Temporary Rulemaking Notice of Text – 15A NCAC 10C .0300, .0400, .0700 Inland Fishing

Shawn Maier provided an overview of recent WRC proposed temporary rules with potential impact on MFC regulation of marine and estuarine species. There is an approximate 20-day public comment period on the rules. The content of the rules is similar to the content of permanent rules the WRC approved earlier this year that are awaiting legislative review and on which the MFC and the DMF submitted public comments. Not all of the permanent rules have been proposed as temporary rules. These rules are separate from the joint rules.

The MFC briefly discussed the proposed rules and potential concerns, specifically about marine and estuarine species managed by fishery management plans, those species managed in joint fishing waters, and the sale of those species from a commercial fishing operation.

Motion by Doug Cross to submit public comment on WRC temporary rules addressing the MFC concerns.

Seconded by Mike Blanton.

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	X			
Mike Blanton	X			
Tom Hendrickson	X			
Robert McNeill		X		
Dr. Martin Posey	X			
Tom Roller		X		
Sam Romano	X			
Chairman Rob Bizzell	X			

Motion passes 6-2.

Having no further business to conduct, the meeting adjourned at approximately 11:55 a.m.