

NC Marine Fisheries Commission

Preliminary Matters

August 2024 Quarterly Business Meeting

Document

Meeting Agenda

Draft April Meeting Minutes

Draft May Meeting Minutes

Draft June Meeting Minutes

Marine Fisheries Commission Business Meeting AGENDA

Hilton Raleigh North Hills; Raleigh, NC
August 21-23, 2024

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 21, 2024

6:00 p.m. Public Comment Period

Thursday, August 22, 2024

9:00 a.m. Public Comment Period

9:30 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 ****

9:45 a.m. Chairman's Report

- Letters and Online Comments
- Ethics Training and Statement of Economic Interest Reminder
- 2025 Proposed Meeting Schedule
- **Elect Vice Chair ****

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

***Probable Action Items*

Marine Fisheries Commission Business Meeting Agenda

- 10:30 a.m. Director's Report – *Kathy Rawls*
- Reports and updates on recent Division of Marine Fisheries activities
 - Atlantic States Marine Fisheries Commission Update – *Chris Batsavage*
 - Mid-Atlantic Fishery Management Council Update – *Chris Batsavage*
 - South Atlantic Fishery Management Council Update – *Trish Murphey*
 - Section Updates – *Zach Harrison, Shannon Jenkins, Brandi Salmon, Col. Carter Witten, Jason Rock*
 - Informational Materials
 - Protected Resources Update Memo
- 11:15 a.m. Carcass Collection Program and N.C. Saltwater Fishing Tournament – *Amanda Macek*
- 11:45 a.m. Standard Commercial Fishing License Eligibility Report/Set Eligibility Pool Cap – *Capt. Garland Yopp, Chearin Lewis*
- **Vote on setting temporary cap on the number of licenses in the Eligibility Pool****
- 12:00 p.m. Lunch Break
- 1:30 p.m. Annual Fishery Management Plan Updates – *Charlton Godwin, Brandi Salmon*
- 2:30 p.m. Fishery Management Plans
- Blue Crab Fishery Management Plan Amendment 3 Adaptive Management Update – *Robert Corbett, McLean Seward*
 - Oyster/Clam fishery management plans update – *Joe Facendola, Bennett Paradis, Jeff Dobbs, Lorena de la Garza*
 - Spotted Seatrout Fishery Management Plan Amendment 1
 - Presentation of Draft Amendment 1– *Lucas Pensinger, Melinda Lambert*
 - **Vote on approval of draft Amendment 1 for Public and Advisory Committee Review ****
 - Southern Flounder Fishery Management Plan Amendment 3
 - Stock Assessment Update – *Anne Markwith, Holly White*
 - 2023 Landings Update – *Anne Markwith, Holly White*

Friday, August 23, 2024

- 9:00 a.m. **Rule Suspensions **** – *Jason Rock*
- 9:15 a.m. Rulemaking – *Catherine Blum*
- 2023-2024 Rulemaking Cycle Update
 - 2024-2025 Rulemaking Cycle
 - **Vote on Notice of Text for Rulemaking for amendment of 15A NCAC 03J .0301 to Simplify Pot Marking Requirements ****
 - **Vote on Notice of Text for Rulemaking for adoption of 15A NCAC 03M .0523 for False Albacore Management ****
 - **Vote on Notice of Text for Rulemaking for adoption of 15A NCAC 03O .0601-.0606 for Interstate Wildlife Violator Compact ****

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

**Probable Action Items

Marine Fisheries Commission Business Meeting Agenda

- 9:45 a.m. Submerged Aquatic Vegetation and N.C.'s Management Framework – *Charlie Deaton*
- 10:30 a.m. Multi-Species Tagging Program – *Ami Staples*
- 11:15 a.m. Issues from Commissioners
- 11:30 p.m. Meeting Assignments and Preview of Agenda Items for Next Meeting – *Jesse Bissette*
- 11:45 p.m. Adjourn

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

***Probable Action Items*

**Marine Fisheries Commission Special Meeting Minutes
Virtual Meeting via Webex
April 18, 2024**

The commission held a special meeting via Webex on April 18, 2024.

The briefing book and audio from this meeting can be found at:
<https://www.deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/past-marine-fisheries-commission-meetings#SpecialMeeting-April182024-14787>

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

SPECIAL MEETING - MOTIONS AND ACTIONS

On April 18 at 11:00 a.m. Chairman Rob Bizzell called the meeting to order and reminded commissioners of their conflict of interest and ethics requirements.

The following commission members were in attendance: Rob Bizzell – Chairman, Ryan Bethea, Mike Blanton, Sammy Corbett, Donald Huggins, Sarah Gardner, Dr. Doug Rader, and Tom Roller.

Motion to approve agenda by Commissioner Roller.

Motion seconded by Commissioner Rader.

Motion passed without dissention.

Session Law 2023-137, Section 6 –*Phased-in Mandatory Commercial and Recreational Reporting of Certain Fish Harvests*

Division of Marine Fisheries (DMF) Director Kathy Rawls provided opening remarks about this legislation, which she said directly impacts recreational and commercial fishermen. The law requires any person who recreationally harvests red drum, flounder, spotted seatrout, striped bass, and weakfish to report that harvest to the DMF. These reports are required whether the fish are caught in coastal or joint fishing waters, or inland fishing waters adjacent to coastal or joint fishing waters in North Carolina. The law also requires any person holding a commercial fishing license who is engaged in a commercial fishing operation to report all fish harvested to the DMF, regardless of sale. All fish means finfish, shellfish, and crustaceans. Director Rawls said the legislation phases in the requirements over a period of three years. DMF staff are actively developing the reporting processes and methods that will be used to meet this mandate. To do this, the DMF received a one-time legislative allocation of \$5 million for development of a harvest reporting system to support the mandatory reporting requirements. She said setting up a robust reporting system will take time and it will be necessary to have recurring funding for staffing and resources over the long term.

Director Rawls said the DMF staff has been meeting with Wildlife Resources Commission (WRC) staff to develop the temporary rules scheduled for action at this meeting. She said a

tremendous amount of outreach is needed to reach upwards of one million recreational anglers that fish North Carolina waters in any given year. She detailed the early efforts underway as the DMF begins using all its communication tools to inform regulated stakeholders about the new requirements. Director Rawls emphasized the importance of managing expectations and said the information gathered through this recreational reporting mechanism will not replace the Marine Recreational Information Program (MRIP), as MRIP is currently the only scientifically accepted recreational data collection tool for management on the East Coast. Rather, it is a starting point to look for additional ways of understanding the State's fisheries.

Chairman Bizzell opened the floor for questions. A question was posed inquiring how the requirements relate to the for-hire sector. DMF's Rulemaking Coordinator Catherine Blum explained that the legislation places the reporting requirements on "any person", so in instances like a for-hire fishing trip or on a blanket fishing pier, the for-hire business owner or pier owner is not responsible for reporting harvest, their customers are.

Next, Chairman Bizzell asked Assistant Attorney General and MFC Counsel Christine Ryan to describe the relevant requirements under the Administrative Procedure Act. Ms. Ryan explained the action before the MFC is to vote on noticing the proposed temporary rules for public comment. She described the steps in the process and said if the temporary rules are ultimately given final approval, they would be in place until permanent rules replace them. Chairman Bizzell asked if the MFC had questions; there were none.

Chairman Bizzell asked DMF's Rulemaking Coordinator to provide a summary of the MFC's temporary rules. Ms. Blum said there are two proposed temporary rules for the MFC's action, one for commercial harvest reporting requirements and one for non-commercial harvest reporting requirements. The temporary rules reflect what can be done in the short term to meet the requirements of the law, for harvest reporting tools that can be developed quickly. The permanent rules will reflect development of more robust harvest reporting tools. She explained that the proposed rule text is consistent with the text of the session law for terms like "harvest" and "person". Ms. Blum said for commercial harvest reporting, for the temporary rule, fishermen will continue to use trip tickets to report all fish that are harvested, including fish that are not sold. So, a commercial fisherman will need to go to a dealer to report their harvest of unsold fish that are kept. For recreational harvest reporting, for the temporary rule, fishermen will report the harvest of flounder, red drum, spotted seatrout, striped bass, and weakfish by going to the DMF website and entering the required information online. A DMF-issued paper form can be used, but the information on the paper form must be reported online by midnight the next day. The information to be reported includes the fisherman's license number or name and zip code, date of harvest, number of each species harvested, area of harvest, and type of gear used. DMF staff have been meeting with WRC staff to develop the temporary harvest reporting rules for both agencies. Ms. Blum reviewed the rulemaking timeline provided in the meeting materials with the MFC.

Chairman Bizzell again opened the floor for questions. A question was posed inquiring how recreational anglers would be expected to report. DMF's Rulemaking Coordinator said the staffs from both agencies discussed the numerous potential settings involved for recreational fishing, including for-hire, private vessel, shore, blanket pier, and public docks. She said to balance ease

of reporting, accuracy of data, and enforcement, the objective is for reporting to be completed when harvest is complete, which is defined in the proposed MFC temporary rules and is centered on when fish reach the shore.

Next, a question was posed about specific wording in the proposed rules, like "reduction to possession" and "fish" and potential confusion for stakeholders. DMF's Rulemaking Coordinator responded that the proposed rules were written with enforceability in mind, using current defined terms where possible. DMF's Rulemaking Coordinator acknowledged the concern expressed about potential confusion and expressed support for staff to integrate this concern in the ongoing outreach efforts. There were no further questions asked.

Motion by Commissioner Roller to approve publication of temporary rule 15A NCAC 031 .0123 COMMERCIAL HARVEST REPORTING REQUIREMENTS with a public comment period and public hearing.

Second by Commissioner Rader.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed unanimously.

Motion by Commissioner Roller to approve publication of temporary rule 15A NCAC 031 .0124 NON-COMMERCIAL HARVEST REPORTING REQUIREMENTS with a public comment period and public hearing.

Second by Commissioner Rader.

	ROLL CALL VOTE				
Member	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed unanimously.

Having no further business to conduct, the meeting adjourned at approximately 11:33 a.m.

DRAFT

Marine Fisheries Commission Business Meeting Minutes
Beaufort Hotel
Beaufort, North Carolina
May 22-24, 2024

The Marine Fisheries Commission (MFC) held a business meeting May 22-24, 2024, 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://www.deq.nc.gov/marine-fisheries/marine-fisheries-commission/may-2024/written-public-comments/open>.

The briefing materials, presentations, and full audio from this meeting are available at: <https://www.deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/past-marine-fisheries-commission-meetings#QuarterlyBusinessMeeting-May22-242024-15087>.

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

BUSINESS MEETING - MOTIONS AND ACTIONS

May 22, 2024

Chairman Rob Bizzell held a public comment session that began at 6 p.m. and ended at 6:25 p.m. The following comments were received:

Public Comment Period

Stuart Creighton provided a handout that was distributed to the commissioners. He said for nearly three decades, North Carolina has managed its marine and estuarine resources under the Fisheries Reform Act. He described the policies and regulations as cumbersome, inflexible and inefficient. He said, by design, changes to modify base Fishery Management Plans (FMPs) take an average of three to five years, and that a politically appointed MFC can undo years of work on a whim. He said due to resource management requirements being managed through separate FMPs, too many issues can be purposefully ignored while we watch species after species fall into decline. He gave an example of the Spotted Seatrout FMP in reference to small-mesh gear, and how it selected for 14-inch fish with very little spotted seatrout discard. He said the commercial industry claims it is a clean, selective gear and that the industry should be given a greater share of the fishery because they will manage it more effectively than the public anglers will. He said what is not mentioned is the effectiveness of the nets to remove sub-legal striped bass and red drum, leaving them as discarded fodder for scavengers. He said the striped mullet fishery is tied closely to the spotted seatrout fishery and said that each species was listed as the primary incidental catch for each fishery. He said the two species should be co-managed to mitigate bycatch losses that the coming restrictions in each amendment to each FMP will generate. Next, he spoke about striped bass, saying in North Carolina we commonly hear "It's all about flow." He said it is not flowrates, as good flowrates in the ASMA for the past five years have led to nothing but failed spawns. He said

the real issue is a lack of big fish, the best spawners, which Division of Marine Fisheries (DMF) staff show have been historically harvested in gillnets. He said blue catfish are competing with and/or consuming juvenile striped bass. He next addressed climate changes, noting that they may be altering spawning cycles, zooplankton availability, egg density or other factors that probably have not been investigated yet. He next said the benefits of Submerged Aquatic Vegetation (SAV) habitats are undeniable, noting they are one of the most critical areas.

Dallas Goodwin, a resident of Morehead City, originally from Cedar Island, spoke about striped mullet fishing. He said he had just learned of the Cedar Island mullet fishing conducted to raise money for the community cemetery; that landings were being limited to 50 lbs. on the weekend when they have the tournament. In reference to the tournament, he said it is family fun and a fundraiser, not a commercial operation. He wanted to speak on behalf of the tournament to see if the restriction could be lifted for them to continue to have their tournament on their designated Saturday to raise money for the cemetery. He said that he had kinfolk in the cemetery, and said it was a very special place for a lot of people. He said that it would be appreciated for the MFC to give it consideration.

Donald Willis stated that he has made his money off the recreational fishery for all his adult life. He first spoke about striped mullet. He said all the finfish we currently have FMPs for at some point in the striped mullet's life are affected, specifically pointing out spotted seatrout and red drum; all the major finfish eat striped mullet. He emphasized that "we've got one shot to get this right and if we don't get this right it's going to affect all our fisheries in a bad way, in a very negative light, when they don't have a major food source that these fish eat." He said tomorrow would be the last time the MFC is voting on this, and reminded commissioners they have one more time to think about it, emphasizing the need to make the right decision for striped mullet and all the other affected species that rely on striped mullet. Next, he spoke about SAV, stating that having more habitat, more grass, is a good thing and it is needed for the fish. He said he hopes the SAV proposals will be passed. He acknowledged that it would inconvenience some but reemphasized the need for grass for several species.

Tim Hergenrader, a recreational angler and conservationist from Pamlico County, said the citizens of North Carolina rely on the experts to manage our public trust fisheries resources. He said that 6 of 13 species (46%) designated as state managed have an unknown stock status, overfished with or without overfishing occurring for another 6 of the 13 (another 46%), and unknown if overfished for one (8%). He said it is incumbent on the MFC to get spotted seatrout right, saying there are alarming trends including, but not limited to, age truncation, few 7+ year old females, declining recreational CPUE, and a burgeoning commercial harvest. He said the southern flounder collapsed thanks to "expert management" and that commercial fishermen are fishing down the food chain. He supports the Spotted Seatrout Advisory Committee recommendation of a 16–20-inch slot limit with a four fish bag limit, allowing one fish to exceed 24 inches for the recreational anglers, and a closed season from January to March for the commercial fishery. He urged the MFC to reject the DMF's recommendations for striped mullet. He said for synergy with the spotted seatrout recommendations the commercial striped mullet season should also be closed from January to March, by proclamation if necessary, to mitigate bycatch mortality of spotted seatrout. He said the commercial industry would only sustain a 12% reduction, citing that their best months are October and November. He said allowing the harvest of mature striped mullet for

their roe on their way to the spawning ground, in his opinion, was wrongheaded and illogical. He said the Striped Mullet FMP is doomed to failure without immediate action in the form of creative adaptive management, but it is also paramount not to fail the spotted seatrout too.

Monica Smith began her comments by identifying that her family owns Miss Gina's Shrimp. She said after meeting with DMF staff, reading a lot of articles, and talking to a lot of people she understands the importance of SAV to all fisheries, including shrimping. She said she had five points. First, she said the DMF could not use scientific data to support a reasonable expectation of SAV restoration after closing more areas. She said no science supports areas with closed bottom are showing an increase in SAV, nor that closing additional areas will help, as 77% of SAV is currently in closed areas where it continues to decline. She asked, "If shrimpers are killing the seagrass, then limiting the shrimpers would kill less grass, right?" She continued, stating in 1995, over 1,000 shrimpers made 23,000 trips; in 2022, 299 shrimpers made just over 3,000 trips, which was 20,000 less trips. She again asked why SAV continues to decline. She pointed out other mitigating factors in the Shrimp FMP Amendment 2, such as poor water quality, climate change, disease and other natural disturbances. She asked why we are wasting time and resources to debate closing more areas when the ones already closed are not getting any better. Ms. Smith's second point was that there is no scientific data to support the use, size, or efficiency of buffers in this case. Thirdly, she pointed out that some of the SAV on the maps presented has not been present in well over 20 years. Fourth, she asked why an economic study has not been done. She said she asked DMF staff if they thought that the shrimping industry would survive these closures and their response was it would survive because of the large corporations and large trawlers. She said the guys that are being shut down will not survive. Ms. Smith's fifth and final point was about the cultural value and heritage of this fishery that serves many socio-economic groups, including minorities; she said if the MFC does not know about this then they do not need to be serving in that capacity. She encouraged the MFC to do the right thing, take the issue to a vote, and vote it down until there is further science to support it. She stated that leaving the issue on the table would only deepen the lack of trust, faith, and respect that commercial fishermen have for the DMF and the MFC. She continued to describe how commercial fishermen are tired of coming to meetings, feeling like it does not matter. She said presentations fail to mention any science that does not fit an agenda. Ms. Smith said that commercial fishermen are tired of regulations to put them out of work that serve no purpose. She thanked the DMF and DMF Director Kathy Rawls for the time and effort spent to meet with her in April. She expressed gratitude for public comments that were submitted at advisory committee meetings against the shrimp trawl closures. She expressed frustrations about lies, omitted information, and the fact that this could have been passed in February without an understanding of the full picture. She said it is frustrating to see how commercial and recreational fishermen are pitted against each other while only wanting the same thing: to fish. She expressed additional frustration that her husband needed to attend this meeting instead of being able to be on the water shrimping, especially with the knowledge that they will need to come back here, at least until inshore trawling is eliminated. Ms. Smith ended her comments by saying "I was told at a DMF meeting that DMF was not out to get shrimpers, so here's your chance – prove it."

Burt Owens spoke about spotted seatrout, acknowledging recommendations the MFC would likely be considering from recent meetings in New Bern. He said, "It is very important to get it right." He drew a parallel between spotted seatrout and southern flounder and emphasized the

importance of equal 50% cuts from each side. He noted the recommendation for spotted seatrout so far is a 27% reduction for the commercial fishery and a 33% reduction for the recreational fishery. He said that is not a 6% difference, it is a 22% difference, so every time the commercial sector is reduced by 100 fish, the recreational side will be reduced by 122 fish. Mr. Owens stated the MFC has plenty of time to get it right and implored the MFC to follow the same path as for southern flounder and make it equal for everybody.

Kyle Brown, a hunting and fishing guide, provided a handout that was distributed to the commissioners. He began by stating that he was there to talk about a small community of less than 300 people, a community built on guiding and fishing. He described how he and several friends got together to help the community by keeping up the local cemetery and churches. He said at first, they would randomly just go striped mullet fishing, and have the proceeds from the sale of striped mullet to the fish house donated to the church and cemetery fund to keep up the heritage of their grandfathers and fathers before them. He described how the community is made up of commercial fishermen and widows of commercial fishermen, and how it is a great cost out of their pockets to keep up on the church and cemetery maintenance. He further described how this event started out with 7 boats donating their time, landings, and fun and grew to approximately 20 boats. He emphasized how this was an act of fellowship for participants. He requested help with any regulations that might interfere with this event, asking to help the community group get one day for "ours." He said this day to striped mullet fish to help maintain community cemeteries, the church, and the community is family and opportunity for them.

Cayton Daniels encouraged the MFC to think about what is morally right and what the country was founded on. He said he is about 30 years old, and he said he bets there are not 20 men in this State that are full-time commercial fishermen trying to make a living out of it. He said as of right now, if there is not one more thing closed, this industry will not be here 30 years from today. Mr. Daniels said the industry has given everything that can be given. He referenced another speaker that said the allocation was not fair for recreational anglers. But what the speaker does for fun puts food on the table for Mr. Daniels' family. He said those are not the same thing. He again encouraged the commissioners to think about what this country was built on and to do what is morally right.

Brent Gaskill, a Harkers Island resident who grew up in a commercial fishing family, participates in the fishery when possible. He described how he now travels all over the world chasing Marlin and has never seen drama like there is between Marine Fisheries, recreational fishermen, and the commercial fishing industry. He said it is like everybody is out to get everybody, trying to close the commercial fishing industry down. In all the other countries he has gone to, he has never seen people fight like this, stating that the United States is supposed to be the best place in the world. He addressed SAV saying that no shrimpers are shrimping where the grass is because it is difficult to shrimp there anyway. Next, he addressed striped mullet, saying there are loads of striped mullets. Mr. Gaskill said it is unbelievable to him that all this is trying to happen in the U.S. He can go to a country that has very little, yet they are not fighting against each other. He concluded his comments by hoping the MFC could make the right decision, saying shrimpers are not the problem, the people with the money are the problem.

With no one else wishing to speak, Chairman Bizzell ended the public comment period at 6:25 p.m.

May 23, 2024

Chairman Bizzell convened the MFC business meeting at 9 a.m. on May 23, 2024, with the public comment period. The public comment session began at 9 a.m. and ended at 9:35 a.m. The following comments were received:

Public Comment Period

Glen Skinner, Executive Director of the North Carolina Fisheries Association (NCFA), first addressed the use of shrimp trawl closures to protect SAV. He encouraged the MFC to put the issue off for the time being, saying that "we've got a lot more important things in the state to be dealing with right now than trying to figure out how to draw lines and close areas to shrimp trawling when we can't even quantify whether it'll benefit SAV, or whether shrimp trawling is currently impacting SAV as it operates in the state." He encouraged the MFC to address those deficiencies. Next, he addressed Amendment 2 to the Striped Mullet FMP, stating that the NCFA supported the commercial closures that were adopted, although he did not feel they were absolutely necessary with the data they had. He expressed concern about the DMF making closures outside of the Saturday/Sunday closure and Saturday/Sunday/Monday closure in the fall, saying they had just found out about it. He said it was not in the decision document that was voted on before, was not publicly discussed at the meeting; he listened to the YouTube recording of the meeting and never heard anything about it. He said the reason they did not dig into the FMP was because for several millennia people have known when Saturday starts and Sunday ends. "We've been using 24-hour days and 7-day weeks for thousands of years." He said upon seeing specific days the MFC was to vote on they had no reason to believe that the closure would not begin on the day it was supposed to and end on the day it was supposed to. He said he reviewed countless proclamations the DMF has issued over the years for finfish harvest closures and openings, and almost every one of them used 12:01 a.m. to start when the day starts, and 11:59 p.m. to end when the day ends. He encouraged the MFC to ensure this is what happens when the Striped Mullet FMP is implemented. He said it would create confusion to close harvest on Saturday but implement it at 6:00 p.m. on Friday. He questioned whether the rule would stand in court, without changing it to the standard proclamation structure. Lastly, Mr. Skinner encouraged the MFC to look at adopting an FMP for invasive species such as blue catfish to get management strategies in for those fisheries and try to control their populations.

Chris Mateo, President of the North Carolina Shellfish Growers Association, Vice President of the East Coast Shellfish Growers Association, and an oyster farmer in the state for the past 11 years, began his comments with a reminder of how their industry impacts the fisheries. He said North Carolina shellfish growers currently filter 750 million gallons of estuarine water per day, which equates to 274 billion gallons per year, for free for North Carolina citizens. He said to think of them as a free giant kidney transplant for our estuary. He said oysters facilitate the repopulation of public trust stocks of marine species and that they witness this phenomenon every day on their farms. He said they have a net positive impact on recreational fishing, commercial fishing, real estate values, tourism, and most water-based activities, also pointing out that oysters facilitate the

growth of SAV. He said shellfish farming is the greatest form of protein production on the planet and a contributor to the blue economy, further stating oysters are the healthiest protein one can consume next to beef liver (and added "who really likes beef liver?"). He said shellfish leases have been granted in North Carolina for the last 165 years and oysters were instrumental in the formation of the DMF. He said he is looking forward to working with Zach Harrison, the new Habitat and Enhancement Section Chief, saying he would much prefer to be an asset to DMF rather than an adversary. Next, he mentioned two items in the "Farm Bill" that came out yesterday that address problems that shellfish growers have been facing recently: 1) clarify authority for privately owned shellfish franchises or farmland; and 2) a one-year time limit for DMF to grant or deny new shellfish leases after receiving a completed application. He said if no action is taken after a year, the lease is automatically granted, saying it is unfair to all sides involved to drag the process out beyond the one-year mark. He said all shellfish lease moratoria need to be revisited in North Carolina and the Bogue Sound moratorium should be the first one lifted. He said, "I feel for the fishing guides in the Stump Sound and Topsail areas." He said moratoria in Bogue Sound and New Hanover County were not established because of the density of farms or because of true user conflicts, but most likely due to politics and fear. He said that Bogue Sound has about 40,000 acres and less than 15 acres are in commercial shellfish production, so he said there is not a hint of user conflict there. Mr. Mateo said the Bogue Sound and New Hanover County moratoria created actual user conflict issues in the Stump Sound and Topsail areas. He said new growers coming out of Carteret Community College's aquaculture program, UNC Wilmington, or elsewhere were funneled to Stump and Topsail Sounds. He said Stump Sound and Topsail Sound were made into a de-facto shellfish enterprise area by placing moratoria to the north and south of this area.

David Sneed began by stating that he was offering comments on behalf of the Coastal Conservation Association of North Carolina. He recounted a podcast about a captain fishing around Jupiter, Florida. In the podcast, a question was posed about changes seen over the years in those waters. The podcast host talked about it once being a destination for anglers seeking world-class spotted seatrout. The public commenter retold "when they lost their seagrass, they lost their trout." He said SAV is just as important in North Carolina to our efforts to manage healthy fish stocks. He mentioned bumper stickers with the text "No Wetlands, No Seafood." He said he agreed with a comment from the prior evening that there should not be conflict between recreational and commercial fishermen, recognizing we all want the same thing: healthy fisheries and access to them, and the ability to go fishing. He encouraged the MFC to take the time to look at the maps of the proposed closures and decide, based on science, which areas need to be closed to protect SAV, and not let this be another emotional argument pitting groups against one another. He encouraged the MFC to take the time to make the right decision for the health of our fisheries. Next, Mr. Sneed addressed pollution and coastal development regarding grass beds, and reminded the MFC that the Coastal Habitat Protection Plan charges the MFC with habitat protection as it applies to our coastal fisheries. He next said that other bodies such as the Environmental Management Commission and the Coastal Resources Commission are responsible for water quality and coastal development concerns. He directed his comments at the MFC saying, "you have a responsibility to protect habitat by the means within your control." He encouraged the commissioners to talk to their local legislators about legislation by the general assembly that has consistently rolled back wetlands protections and clean water regulations. He again referenced the podcast, saying that a speaker on the podcast indicated that a new false albacore fishery in Florida

was quickly depleting their stock. He thanked the MFC for proposing guardrails be put in place for false albacore harvest in North Carolina. He also addressed Atlantic bonito, saying as we continue fishing down the food chain in North Carolina, bonito has now become a target for many anglers and a valuable commodity for commercial fishermen; exploding landings without limits is not sustainable. He encouraged the MFC to get out in front of this before it becomes the next over-exploited fishery.

Matthew Wallen, a concerned angler, spoke about Atlantic bonito. He said as restrictions are implemented on other species in North Carolina, effort is shifting from one popular species to another. Recreational anglers have been shut out of, or given severely limited access to, many important species throughout the year, including flounder, striped bass, weakfish, grouper, snapper, and others. He said there has been a large increase in effort over the past few years towards targeting Atlantic bonito. Bonito, unlike false albacore, are incredibly tasty fish, especially when eaten fresh. He said he and many other guides and recreational anglers have seen a large shift in anglers targeting these fish with the use of live bait, mainly Atlantic menhaden (pogies). He said anglers will fill their live well full of pogies and then throw them over ocean wrecks to start a feeding frenzy on the surface. Then all they have to do is freeline a poggy to the blitz with treble hooks for an automatic hookup. This has made this a highly effective fishery for catching Atlantic bonito. He said this style of fishing has led to anglers filling coolers and loading decks full of bonito. Mr. Wallen said in many instances he has seen boats with over 30 of these fish brought to the dock. He questioned if this shift in angler effort, technique, and non-limited harvest limits would be sustainable into the future. He said he is not one for more restrictions on recreational anglers, but in most cases, he said the tragedy of the commons will take its toll if the MFC does not enact some form of management on Atlantic bonito. He encouraged the MFC to implement reasonable bag limits or trip limits now to avoid a future burden on recreational anglers. He said the MFC has the opportunity to be leaders in fisheries management in North Carolina and across the coast. He urged them to be proactive in the management of Atlantic bonito and become a leader for other states to follow suit.

With no one else wishing to speak, Chairman Bizzell ended the public comment period at 9:16 a.m.

Preliminary Matters

Prior to the business meeting, new MFC member Alfred Hobgood was sworn in. Commissioner Hobgood replaced Robert McNeill, who resigned his recreational seat at the February 2024 business meeting. At Chairman Bizzell's request, Commissioner Hobgood introduced himself.

Next, Chairman Bizzell called the May 22-24, 2024, business meeting to order. He began the meeting with a moment of silence, followed by the pledge of allegiance.

Chairman Bizzell reminded all commissioners of N.C. General Statute § 138A-15(e), which 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. There were no stated conflicts of interest from any commissioner.

The following MFC members were in attendance: Rob Bizzell – Chairman, Ryan Bethea, Mike Blanton, Sammy Corbett, Sarah Gardner, A Hobgood, Donald Huggins, Dr. Doug Rader, and Tom Roller.

Chairman Bizzell asked for any corrections or additions to the meeting agenda, of which there were none, and then requested a motion to approve the agenda.

Motion by Commissioner Roller to approve the agenda.

Second by Commissioner Huggins.

Motion passed without dissent.

Chairman Bizzell asked for any corrections, additions or deletions that need to be made to the February 2024 MFC Quarterly Business Meeting minutes. Hearing none, he called for a motion to approve the minutes.

Motion by Commissioner Roller to approve the minutes of the February 2024 meeting.

Second by Commissioner Hobgood.

Motion passed without dissent.

Chairman's Report

Letters and Online Comments

Chairman Bizzell referred commissioners to letters and comments provided in the briefing materials.

Session Law 2023-137, Section 6: Phased in Mandatory Commercial and Recreational Reporting of Certain Fish Harvests

Chairman Bizzell asked MFC Counsel Christine Ryan to make a few remarks about Session Law 2023-137, Section 6, for the MFC's and public's general awareness. Ms. Ryan said that while the MFC did not request this legislation, the Division of Marine Fisheries (DMF) is working hard to implement the requirements of the law in a manner that is cost-effective and easy for the end users. Chairman Bizzell said one of the biggest challenges for implementing the requirements is the timeframe set out in the law. He said there may be a bill introduced to extend the implementation date by one year. Chairman Bizzell reiterated that neither the MFC nor the DMF requested this legislation.

Discussion on 2024 Recreational Flounder Season

Chairman Bizzell asked DMF Director Kathy Rawls to address the status of the 2024 recreational flounder season. Director Rawls recapped the 2023 season, noting the recreational sector had

exceeded its adjusted Total Allowable Catch (TAC) by 127,294 pounds. Director Rawls stated that after subtracting the overage in the 2023 season from the 2024 total allowable catch, the available quota (43,261 pounds) would likely be taken up by recreational dead discards that occur during the closed season (47,165 pounds average). Director Rawls said based on this data and in accordance with the quota management requirements in the Southern Flounder Fishery Management Plan (FMP) Amendment 3, a 2024 recreational flounder season will not occur.

Chairman Bizzell asked for a straw poll of the commissioners to call a special meeting to potentially reallocate the percentage of commercial and recreational flounder catch ahead of the schedule in Amendment 3, to allow for a 2024 recreational season. It was clarified that doing so would require an amendment to the FMP. The straw poll showed there was less support than the minimum required number of five commissioners to call for a special meeting. Commissioner Bizzell confirmed a 2024 recreational flounder season will not occur due to the 2023 overage in the recreational sector. The MFC briefly discussed allocation and aspects of managing the resource, including harvest, discards, and minimizing waste.

Ethics Training and Statement of Economic Interest Reminder

Chairman Bizzell reminded commissioners to work with MFC Liaison Jesse Bissette to stay up to date on their ethics training and Statement of Economic Interest.

Committee Reports

Chairman Bizzell referred commissioners to the committee reports provided in the briefing materials.

Director's Report

Director Kathy Rawls began her report by providing additional details about mandatory harvest reporting. She said DMF staff are working diligently to implement the requirements within the timeframe set out in law. The requirements are supposed to take effect December 1, 2024, but an extension of one year has been requested so the DMF can have additional time to inform the public about the new requirements since she speculated much of the fishing public is unaware of the new changes. The DMF is continuing to operate under the assumption that the law will take effect on December 1, 2024, in case the extension is not granted. Director Rawls summarized the recreational and commercial requirements of Session Law 2023-137, Section 6. She said it is important to manage the public's expectations of what the DMF will do with the information recreational anglers submit under the new law. She made it clear the additional recreational information is not a replacement for the Marine Recreational Information Program (MRIP), rather it will be an additional recreational data set. Director Rawls said upwards of one million recreational anglers fish in North Carolina waters in a given year, with approximately 2.5 million fish recreationally harvested for the five recreational species affected (red drum, flounder, spotted seatrout, striped bass, and weakfish). Director Rawls reminded the MFC that the law requires the MFC and the Wildlife Resources Commission (WRC) to adopt temporary rules to implement the new legislation. The DMF staff are continuing to coordinate with the WRC staff on the rulemaking steps. She reminded the MFC that both the MFC and the WRC met on April 18, 2024, to begin the temporary rulemaking process and open the public comment period that was held from April 22, 2024, to May 20, 2024. She said Chairman Bizzell called for a special MFC

meeting to be held on June 6, 2024, when the MFC will receive the public comments and vote on final approval of the temporary rules. Director Rawls said the WRC would also undertake the same steps at its June 6, 2024, business meeting. She ended by summarizing the three-year phase-in for enforcement of the requirements set out in the law, which includes a verbal warning, a warning ticket, and an infraction that counts towards permit and license suspension.

Next, Director Rawls mentioned proposed WRC rule changes that are expected to increase its hunting and fishing license fees, effective July 1, 2024. She said the WRC has statutory authority to raise its license fees annually based on the consumer price index (CPI). The last CPI increase was in January 2020, which equates to an increase of 18.75 percent for license fees. The fee increases include the Coastal Recreational Fishing License (CRFL).

Director Rawls gave a brief update on the CCA lawsuit, which is ongoing. She said the case is still in the discovery phase, which is likely to last through the end of the summer.

Next, Director Rawls gave an update on the DMF's ongoing public outreach efforts. She said since the MFC's last business meeting, 52 staff members participated in 35 outreach events across 17 counties reaching over 8,700 people. The events ranged from fishing expos, to classrooms, to community events, and local fishing groups. She said the DMF continues to engage the public using social media to connect with stakeholders. The DMF is also taking advantage of the new capability using Constant Contact to communicate with all license holders. Director Rawls highlighted several upcoming events, including Dare Days in Manteo on June 1, the Black Bear Festival in Plymouth on June 1, the Big Rock Blue Marlin Tournament June 10-17 in Morehead City, and the Sarah James Fulcher Redfish Tournament August 10 in Cedar Island. She encouraged commissioners to join the DMF at events, and to reach out to MFC Liaison Jesse Bisette for more information.

Director Rawls transitioned to addressing staffing issues at DMF, highlighting key vacancies. She said that not having enough people or resources continues to be a problem. Director Rawls specifically highlighted the DMF's stock assessment program, sharing that Dr. C.J. Schlick would be leaving the DMF soon for another opportunity in South Carolina, resulting in the stock assessment program being vacant for the first time since at least 1990. Director Rawls wished Dr. Schlick well and said internal discussions are ongoing about filling the vacancies and also about options for how to handle immediate stock assessment needs. She reiterated that vacancies are making a difference in the work the DMF does and how that work gets done.

Lastly, Director Rawls announced two upcoming DMF retirements, which are always bittersweet to share. She said while it is very difficult to replace outgoing employees that have 30 years of knowledge that just walk out the door, the DMF benefits from having their experience, support, and expertise for that length of time. Marine Patrol's Special Investigator Bryan Eure was the first to be highlighted, including an overview of his years of service to the DMF. Fishery Management's District Manager Lee Paramore was next to be highlighted, again including an overview of his years of service to the DMF. Director Rawls wished them all the best as they transition into retirement.

DMF Special Assistant for Councils Chris Batsavage gave updates from the recent meetings of the Mid-Atlantic Fishery Management Council (MAFMC), highlighting the monkfish and dogfish joint framework to reduce bycatch of Atlantic sturgeon, and the Atlantic States Marine Fisheries Commission (ASMFC), including updates about spot, Atlantic croaker, red drum, Atlantic cobia, striped bass, and American eel.

After the presentation, Chairman Bizzell opened the floor to commissioners for comments and questions.

Commissioner Roller asked if Mr. Batsavage had any updates on the False Albacore and Bonito Workgroup. Mr. Batsavage replied that the group met via conference call to review information assembled for the ASMFC Policy Board, with the takeaway being that it would not be realistic to have a stock assessment for either species; management based on life history characteristics would likely be more practical. He said the workgroup is aware of the MFC's efforts to develop a rule for false albacore management in North Carolina.

Commissioner Gardner asked about discussions relative to gear types for striped bass. She inquired about applicability in North Carolina for striped bass and other N.C. fisheries regarding circle hooks, J-hooks, and treble hooks. Mr. Batsavage replied that many of the findings for striped bass are comparable to other species in North Carolina, but it is very species-specific. He said more research is planned about style and shape to gauge effectiveness. He said there is a working group for striped bass that is taking a deeper dive for that effort; he said he would keep the MFC updated.

Since the DMF Executive Assistant for Councils Trish Murphey was unable to attend the MFC meeting, Mr. Batsavage also provided an update from the South Atlantic Fishery Management Council's (SAFMC) March meeting in Jeckyll Island, Georgia. The update included information about for-hire reporting requirements and the potential for for-hire limited entry, finalizing the schedule for the upcoming mackerel port meetings, funding opportunities for red snapper management, black sea bass south of Cape Hatteras, and commercial snapper/grouper permits. Mr. Batsavage suggested that commissioners contact Mrs. Murphey after the meeting with any questions, as she would be best equipped to address those.

Commissioner Roller, who is also the At-Large representative for North Carolina on the SAFMC, reiterated the importance of recognizing that black sea bass has two genetically separate stocks, north and south of Cape Hatteras. Mr. Roller stated the stock south of Cape Hatteras is collapsing and wanted to make the MFC aware that massive management changes are coming, likely including full closures. It will have devastating impacts on the for-hire industry and the recreational industry in general.

Commissioner Rader echoed Commissioner Roller's comments and requested Mr. Batsavage and Mrs. Murphey keep the MFC apprised on coastwide governance of fisheries relative to climate change, including the ASMFC, MAFMC, and SAFMC. Commissioner Roller concurred, stating what occurs at the federal level affects the state level, as well as angler behavior like fishing further down the food chain; not everything is attributable to fishing mortality.

Next, Director Rawls continued her director's report by asking her section chiefs to provide updates. A change for this meeting was to have them come together as a group to provide their reports, bringing forward a more cohesive message and streamlining the opportunity for commissioners to ask questions. She introduced the DMF's newest section chief, Zach Harrison, who heads the Habitat and Enhancement Section.

Mr. Harrison provided a broad overview of the programs in the Habitat and Enhancement section. These include Permit Review, Coastal Habitat Protection Plan (CHPP), Cultch Planting and Shellfish Rehabilitation, Oyster Sanctuaries, Artificial Reefs, Aquaculture Permitting, and Shellfish Leases.

Next, Shannon Jenkins, DMF's Shellfish Sanitation and Recreational Water Quality Section Chief, spoke. Mr. Jenkins discussed the annual Shellfish Dealer Certification and Recertification process that is currently underway. He said the number of certifications and recertifications has increased in recent years, citing growth of the shellfish aquaculture industry in North Carolina. Shellfish dealers are tasked each May 1 with taking additional measures to decrease the potential for Vibrio illnesses. Mr. Jenkins provided a brief overview of Vibrio (bacteria), explaining that spring, summer and fall have increased incidences. Information was provided about the consequences of consuming raw or undercooked shellfish infected with Vibrio, ranging from gastrointestinal issues to hospitalization (and potentially death in immunocompromised individuals). Mr. Jenkins stressed that Vibrio illnesses are very rare, and the industry has been diligent to reduce the potential for illness in North Carolina. Next, Mr. Jenkins recognized the legislative creation of a new position to support the shellfish aquaculture industry and DMF in meeting national health requirements. The DMF was able to fill this new Environmental Specialist position in April to conduct inspections on the water and land to ensure rules are being followed and to provide increased opportunities for education and sharing best management practices. Lastly, Mr. Jenkins expressed his appreciation to the staff from the N.C. Department of Transportation for their efforts to coordinate with the DMF to post precautionary swimming signs at stormwater outfalls in Nags Head, overcoming various challenges.

Steve Poland, DMF's Fisheries Management Section Chief gave a brief overview of his section. He acknowledged the recent loss of key personnel, but said the section remains dedicated to ensuring deliverables are timely and accurate to the best of the sections' ability, despite the vacancies. Mr. Poland assured the MFC that the latest required stock assessment updates were complete or in the final stages and would be complete before the Stock Assessment program became vacant. He said his staff are busy with field work and completing DMF's annual FMP Updates, which will be provided to the MFC at its August meeting. Updates on black drum and sheepshead would be included, consistent with commissioner requests from previous meetings. Next, Mr. Poland highlighted the Carcass Collection program and the Multi-Species Tagging program. He thanked Chairman Bizzell and Commissioner Gardner for participating in the Multi-Species Tagging workshops and field sampling trips, respectively. He encouraged commissioners to participate and interact with staff, when possible, and see the DMF's sampling programs in action. Lastly, Mr. Poland recognized retiring staff member and Northern District Manager Lee Paramore for his years of service to the State.

Commissioner Roller asked if there were specific species the DMF is seeking for the Carcass Collection program. DMF Biologist Sara Pace verbally provided the following list of species: almaco jack, amberjack, Atlantic croaker, black drum, black sea bass, bluefish, blueline tilefish, cobia, golden tilefish, gray triggerfish, king mackerel, red drum, red porgy, scamp, sheepshead, Spanish mackerel, spot, spotted seatrout, vermillion snapper, weakfish, white grunt, and miscellaneous grouper and kingfishes. Mr. Poland said any state-managed species is preferred, recognizing that any species would be accepted and processed; he also said there were outreach documents about the program available at the meeting venue.

Next, License and Statistics Section Chief Brandi Salmon gave an update on her section, including its four programs. She said the license program is now able to accept credit card payments for license sales. Fisheries Economic program has conducted many varied socio-economic studies over the years by several economists regarding North Carolina's fisheries. Ms. Salmon's section worked with the N.C. Department of Information Technology to develop a grant request that was submitted and approved to develop a user interface and database to house the socio-economic data in one place. Next the Commercial Statistics program was addressed, highlighting data collection through the Trip Ticket and Quota Monitoring programs. Lastly, the Recreational Statistics program was discussed, which is otherwise known as "CAP" or "Coastal Angling Program." Data collection for this program occurs through the Marine Recreational Information Program (MRIP), anadromous creel surveys, and Coastal Recreational Fishing License (CRFL) surveys. Ms. Salmon noted a recent National Oceanic and Atmospheric Administration (NOAA) webinar that was held to address lower confidence intervals for collected data, with the goal of developing better defined roles and responsibilities and increasing communication. Ms. Salmon echoed earlier comments noting that the section continues to struggle with vacancies, so a kind request was made to bear with the section as they continue operations with a smaller workforce.

The final update was from Marine Patrol Colonel Carter Witten. He assured the MFC that officers would continue to monitor all fishing activity. Two new officers were recently sworn in, and Marine Patrol is continuing to work on filling vacancies. A few selected Marine Patrol law enforcement cases were highlighted. Colonel Witten highlighted the Marine Patrol Officer in-service annual training, which ensures officers remain certified with criminal justice standards. Colonel Witten said officers were working toward completion of yearly certification hours, and additional swift water training. Lastly, he announced the development of a Junior Marine Patrol Academy, which will be held in June 2024 for twelve middle school students who will experience a week-long introduction to various aspects of Marine Patrol training and operations.

Director Rawls said the Section Chiefs and Marine Patrol Colonel are the leaders of the DMF, and reiterated they would be glad to answer any questions. She acknowledged Section Chief of Administrative and Maintenance Services Beth Govoni, who was not in attendance. Director Rawls provided an overview of the important support services provided by the Administrative and Maintenance Services section. Director Rawls praised DMF staff and the outstanding work they do. She invited the public to come to the DMF and ask to join the staff in conducting their daily duties. Director Rawls said that concludes her report.

Chairman Bizzell called for a break and encouraged those in attendance to review informational materials available at the meeting venue during the break.

Shellfish Leases and Franchises Presentation

Zach Harrison, Habitat and Enhancement Section Chief, gave a presentation entitled "Authority for Shellfish Cultivation in North Carolina". The presentation included information about the DMF's administration of shellfish leases and franchises in accordance with State law and MFC rules, and the limited discretion of the Fisheries Director within those confines to approve or deny shellfish leases.

To view the presentation, go to: [Presentation PDF](#).

After the presentation, Chairman Bizzell opened the floor to commissioners for comments and questions.

Commissioner Roller said he has heard from stakeholders who feel the comments they provided at public hearings for shellfish leases are not being addressed. He asked what occurs that could lead to people not feeling heard. Mr. Harrison explained that one of the main focuses of obtaining public input on a proposed shellfish lease is to help determine compatibility with known uses in the proposed area. So, it is important for the public to be specific, such as "I use this bay for this activity at this time of year" not "Shellfish leases will affect my fishing activities." Commissioner Roller asked if there are regulations on the amount of PVC pipe that can be on a shellfish lease, because areas with lots of pipe are not fishable. Mr. Harrison replied that the lease holder's U.S. Army Corp of Engineers permit is what governs that amount of gear that can be on lease. Commissioner Bethea suggested the question was about the Australian longline system, not the eight marking poles. The MFC discussed the efforts to address cumulative impacts, particularly in areas with more lease density.

Fishery Management Plans

Fisheries Management Section Chief Steve Poland introduced a new approach for presenting information about active FMPs to the MFC, given the current vacancy for the FMP Coordinator. He said in lieu of an overview presentation on the status and timing of the active FMPs, the species leads for each active FMP would give an update, providing the MFC the opportunity to interact directly with the species leads and ask questions in real time about specific FMPs.

Striped Mullet Fishery Management Plan Amendment 2

DMF Biologists Jeff Dobbs and Willow Patten gave a presentation on the Striped Mullet FMP Amendment 2. The staff reminded the MFC that the 2022 stock assessment for striped mullet indicated the stock is overfished and overfishing is occurring. A 21.3–35.4% reduction in commercial harvest relative to 2019 landings is projected to achieve sustainable harvest for the stock. N.C. law requires management action be taken to end overfishing within two years and to recover the stock from an overfished status within 10 years, with at least a 50% probability of success from the date the plan is adopted. The presentation included a review of the MFC's preferred management options for the commercial and recreational fisheries that were selected at its February

2024 business meeting. An overview of the timeline for the FMP was also provided. There were no comments received as a result of the statutorily required legislative review of the draft amendment.

To view the presentation, go to: [Presentation PDF](#).

After the presentation, Chairman Bizzell opened the floor to commissioners for comments and questions.

The MFC discussed the commercial weekend closure start and end times proposed in the draft amendment of 6 p.m. Friday (versus 11:59 p.m. Friday) and 6 a.m. the day the fishery reopens (versus 12:01 a.m.), with the day the fishery reopens being Monday from January 1 to September 30, or Tuesday from October 1 to December 31. Colonel Witten stated these times were proposed for ease of enforcement. The MFC's discussion focused on the practical impacts on commercial fishing of 12 additional closure hours and whether the required reduction could still be met without the additional 12 hours. Ms. Patten and Director Rawls each stated that there is no quantifiable difference for the additional 12 hours, and so it would not be a substantial change to the amendment to change the commercial weekend closure times.

Motion by Commissioner Roller to adopt the N.C. Striped Mullet Fishery Management Plan Amendment 2 and to change the commercial weekend closure times from 6 p.m. Friday to 11:59 p.m. Friday through 12:01 a.m. Monday from January 1 through September 30 and 12:01 a.m. Tuesday October 1 through December 31, as specified in Amendment 2, instead of 6 a.m. Fish must be landed by the closure time.

Second by Commissioner Hobgood.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hobgood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed unanimously.

Director Rawls then spoke briefly, thanking the MFC for including provisions for adaptive management in the amendment, which will allow modifications to the FMP if the targeted reductions are not being met.

Blue Crab Fishery Management Plan Amendment 3

- Blue Crab Stock Assessment Update

DMF's Stock Assessment Scientist Dr. C.J. Schlick gave a presentation containing the latest information regarding the blue crab stock assessment model and stock assessment update with a terminal year of 2022. She was joined by DMF Biologists Robert Corbett and Mclean Seward. All the available data for blue crab indicate the stock is similar or continues to decline since the 2018 benchmark stock assessment was accepted for management use. The DMF has confidence the stock continues to be overfished with overfishing occurring, despite major concerns in the model performance. After the presentation, Chairman Bizzell opened the floor to commissioners for comments and questions; there were none.

To view the presentation, go to: [Presentation PDF](#).

- Blue Crab Adaptive Management Update

DMF Biologists Robert Corbett and Mclean Seward gave a presentation about adaptive management contained in the Blue Crab FMP Amendment 3.

To view the presentation, go to: [Presentation PDF](#).

After the presentation, Chairman Bizzell opened the floor to commissioners for comments and questions.

Commissioner Roller asked Mr. Corbett to confirm that the DMF's adaptive management recommendations would be brought to the MFC prior to review by its advisory committees. Mr. Corbett affirmed that the DMF's proposed recommendations would be presented to the MFC at its August 2024 business meeting for advisory committee meetings to occur in the fall.

Commissioners Blanton and Corbett expressed concern with being constrained to potential adaptive management measures contained in Amendment 3 and suggested a new amendment should be undertaken. Commissioner Rader said he is uncomfortable with the external peer review of the stock assessment update and also suggested there are important ecological factors to consider, such as predation, like blue catfish, and sea level rise. Commissioner Blanton detailed the effort and expertise required in the commercial blue crab fishery and the time required to prepare to fish, which could be detrimentally impacted by the relatively quick changes that can occur under adaptive management.

Director Rawls reminded the MFC that Amendment 3 includes updating the stock assessment at least once during the FMP, which is what was just presented to the MFC. The DMF is operating

under the adaptive management provisions of Amendment 3, so any quantifiable management measures are on the table to address the condition of the stock.

Estuarine Striped Bass Fishery Management Plan Amendment 2 Update

DMF Biologist Charlton Godwin gave an informational presentation entitled "2024 Revision to the North Carolina Estuarine Striped Bass Fishery Management Plan Amendment 2"; there was no action by the MFC. This revision only applies to the Albemarle Sound-Roanoke River striped bass stock. The revision documents the harvest moratorium already implemented by adaptive management as set forth in Amendment 2, as informed by the 2023 stock assessment update that included data through 2021. Mr. Godwin also provided an update on additional research underway to determine what may be causing the chronic spawning failures that have occurred since 2017. Lastly, the presentation included an update on stocking efforts completed in 2023 and what is being done in 2024 and 2025. The stock will continue to be monitored annually. Future stock assessments will determine when stock recovery is adequate to allow harvest again. After the presentation, Chairman Bizzell opened the floor to commissioners for comments and questions; there were none.

To view the presentation, go to: [Presentation PDF](#).

Oyster/Clam Fishery Management Plans Update

DMF Biologists Joe Facendola, Bennett Paradis, Jeff Dobbs, and Lorena de la Garza provided an update on the status and an overview of the timeline for the Oyster FMP Amendment 5 and the Hard Clam FMP Amendment 3. Staff are finalizing the drafts of the issue and information papers that contain the management strategies for the FMPs, which were described. These documents will be reviewed by the Oyster/Clam FMP Advisory Committee during the FMP Workshop that will be held the week of July 15. The FMPs will be updated following input from the Committee and are scheduled to be presented to the MFC in November 2024 to be approved for public and MFC advisory committee review and comment. The MFC will receive the public comment at its February 2025 business meeting and be asked to select its preferred management options. The FMPs are scheduled for final approval by the MFC in May 2025. After the presentation, Chairman Bizzell opened the floor to commissioners for comments and questions; there were none.

Spotted Seatrout Fishery Management Plan Amendment 1 Update

DMF Biologists Lucas Pensinger and Melinda Lambert gave a presentation on the Spotted Seatrout FMP Advisory Committee Workshop that was held in April. Staff provided a summary of the Committee's input and explained the next steps in the amendment process. Spotted seatrout are not overfished, but overfishing is occurring, so the amendment is being developed to implement the required management changes. The FMP is being updated following input from the Committee and is scheduled to be presented to the MFC in August 2024 to be approved for public and MFC advisory committee review and comment. The MFC will receive the public comment at its November 2024 business meeting and be asked to select its preferred management options. The FMP is scheduled for final approval by the MFC in February 2025.

To view the presentation, go to: [Presentation PDF](#).

After the presentation, Chairman Bizzell opened the floor to commissioners for comments and questions.

Commissioner Gardner expressed concern about potentially increasing the minimum size limit from 14 inches to 16 inches. She said 14 inches means a female spawns at least once; a 14-inch fish is hard to find, let alone a 16-inch fish. For the Northern Outer Banks, that is her biggest concern. She said she is excited to see other potential management measures like hook type being considered.

Commissioner Roller asked what reductions the FMP Advisory Committee was targeting. Mr. Pensinger said approximately 30 percent, with most of the recreational reduction coming from the 16-inch minimum size limit. Commissioners Gardner and Bethea asked about potential increases in dead discards from raising the minimum size limit. Mr. Pensinger said approximately 10 percent of discards are assumed dead and that hooking location is key. Chairman Bizzell said he is an opponent of treble hooks and would like to see that not be allowed.

2024 Southern Flounder Symposium Update

DMF Biologists Holly White and Anne Markwith provided a summary of the N.C. Southern Flounder Symposium that was held in New Bern on March 20. The goals of the Symposium were to 1) allow stakeholders to engage with each other, as well as researchers and DMF staff, on topics related to Southern Flounder; and 2) to provide stakeholders the opportunity to both learn about and contribute to ongoing flounder research. One hundred thirty-three people attended the event, including the public, DMF staff, and invited speakers. Researchers from the University of North Carolina Wilmington, East Carolina University, and the Virginia Institute of Marine Science presented their work on southern flounder. DMF Biologist Ami Staples and DMF Stock Assessment Scientist Dr. CJ Schlick gave talks on tagging and stock assessment needs. The keynote speaker was John Carmichael, Executive Director of the South Atlantic Fishery Management Council. The Symposium also featured an interactive poster session that provided an opportunity for attendees to interact with DMF staff and university researchers who created posters to highlight southern flounder data and research specific to North Carolina. After the presentation, Chairman Bizzell opened the floor to commissioners for comments and questions; there were none. Director Rawls thanked Ms. White and Ms. Markwith, and all the staff that contributed to the success of the Symposium.

Shrimp Fishery Management Plan Amendment 2 Implementation Item Update

DMF Director Kathy Rawls provided an update about the Submerged Aquatic Vegetation (SAV) Protection Through Shrimp Trawl Area Closures Issue Paper. She reminded the MFC that this was a selected management strategy from Amendment 2 and is part of adaptive management. At its February 2024 meeting, the MFC passed a motion to refer the SAV issue paper to its regional and Shellfish/Crustacean advisory committees for further input, as requested by the DMF. Director Rawls provided a summary of the public input received. The SAV issue paper was presented to the Habitat and Water Quality, Southern Regional, Northern Regional, and Shellfish/Crustacean advisory committees. DMF staff also met with a group of Core Sound shrimpers, per the group's request, to receive additional input on the SAV issue paper. Director

Rawls emphasized the importance of meeting with stakeholders and receiving their input. She said generally, there was a significant lack of support for the proposed shrimp trawl closures for the protection of SAV and SAV habitat. Concerns were expressed about the closures being in areas that are too deep for SAV to grow and also areas that are too shallow for shrimp trawling. There were questions about the need for these areas to be closed. Concerns were also shared about the ability to determine if the proposed closures would have a positive effect on SAV protections. Input also reflected concerns about other types of bottom disturbing gear and the impacts on SAV. However, there was an overwhelming recognition of the importance of SAV and the importance of protecting SAV. So, there is no question this is an important issue.

Director Rawls continued, saying the DMF is seeking the MFC's approval to readdress the issue of protecting SAV and SAV habitat in a more comprehensive approach, as deemed appropriate and feasible by DMF in accordance with the N.C. Coastal Habitat Protection Plan (CHPP). She explained that the DMF "came out of the gate" with a narrow focus, just on shrimp trawls, and the DMF would like to broaden the discussion about SAV and SAV habitat by lifting the topic out of the Shrimp FMP Amendment 2 and continue development of an issue paper that will address the impacts of SAV and SAV habitat in a broader view in accordance with the CHPP, focusing on the issues that are under the MFC's authority, which could still include shrimp trawling. Director Rawls said she does not expect this to delay progress, and the DMF will provide an update on this issue at each regular MFC business meeting until it has a recommendation to offer.

Commissioner Rader made a couple of observations to be clear to the public on this issue. He said it is incumbent on the MFC and imperative to provide robust protection for core seagrass habitat, including where seagrass is today and where it should be tomorrow as we fight to protect what we have and bring back what we need. It is also imperative for the MFC to lead the way, despite the fact that the other commissions have purview over some of these threats. He gave the example of primary and secondary nursery areas before they received protections, when it was known where they were but before the complex governance structure was put in place, which included the MFC designating the areas, the Environmental Management Commission (EMC) adding water quality standards, and the Coastal Resources Commission regulating land use management in the watersheds that drain into the water bodies. He said all three commissions worked towards a common goal. Commissioner Rader said the EMC is moving forward on nutrient and water clarity standards for areas that need protecting, including seagrass. He said it is incumbent on the MFC to get the seagrass protection ball rolling. He expressed concern about moving forward via the Fisheries Director issuing a proclamation for SAV protections that could be undone. He encouraged the DMF to examine all tools in the toolbox, including Special Secondary Nursery Areas, and ensure protection against all fishing-related bottom disturbing gears that are in the MFC's purview. He hopes the DMF will come back with recommendations about what the MFC can do now in the Shrimp FMP by itself, another FMP by itself, or by amending two or three FMPs together to create designated seagrass habitat zones protected against all bottom disturbing fishing gears. Commissioner Rader said it is important that we act, and act appropriately to get the job done.

Commissioner Corbett said he did one of the two bottom disturbing gear N.C. Sea Grant projects. He said the worst bottom disturbing gear they used was a boat prop. So, it is important to be clear

what "bottom disturbing gear" means relative to potential area closures. Commissioner Rader clarified that he is not jumping to the end game of prohibiting activities, but rather identifying where governance lies for best management; the MFC does not appear to have authority over prop scarring.

Director Rawls clarified the process the DMF plans to undertake, which would start with the development of an issue paper to broadly examine SAV and SAV habitat protections under the MFC's authority, but outside of the Shrimp FMP. She said this would likely lead to MFC rulemaking. She added that a lot of work has already been completed on the area identification part of this issue.

Commissioner Blanton asked for confirmation that SAV is an essential resource protected under law. He said he can support looking at protecting SAV as much as possible, but he cannot support shrimp trawl area closures. He noted there are other ways SAV is damaged, like severe weather. Commissioner Rader said that the State of North Carolina has made the determination that SAV is an essential resource in the CHPP, which was adopted by all three commissions; it is one of the five priorities established in the 2021 version of the CHPP, which is the most current document. For this motion, it is important to make clear what we are protecting under the MFC's purview and to help inform our fellow commissions what they can do; "seagrass" is too broad.

Director Rawls said the DMF recognizes they did not present up front what is already known about SAV and SAV habitat, what is not known, and what is already being done under the CHPP. A presentation on this is planned for the MFC's August 2024 business meeting.

Chairman Bizzell entertained a motion from the MFC on this issue.

Regarding the Shrimp Fishery Management Plan (FMP) Amendment 2 "Submerged Aquatic Vegetation Protection Through Shrimp Trawl Area Closures" issue paper, motion by Commissioner Rader to accept the Division of Marine Fisheries (DMF) recommendation that it is advantageous to examine issues and develop management actions related to the broader conservation of Submerged Aquatic Vegetation (SAV) habitat conservation. Therefore, action to address SAV protection under the Shrimp FMP Amendment 2 has concluded. The Marine Fisheries Commission (MFC) requests the DMF work with the MFC's Habitat and Water Quality Advisory Committee to examine and develop more comprehensive options to protect identified SAV habitat related to all activities under the authority of the MFC, consistent with the N.C. Coastal Habitat Protection Plan.

Second by Commissioner Gardner.

ROLL CALL VOTE					
Member	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hobgood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed unanimously.

Atlantic Bonito Management

Chairman Bizzell recognized Commissioner Roller, who brought forward for discussion concerns he has received from several stakeholders about Atlantic bonito management. He said over the last year at MFC meetings under "Issues from Commissioners" he has brought up concerns about angler behavior that is changing and the potential need to implement a bag limit for Atlantic bonito. He explained there has been a convergence of two factors: closed recreational fisheries and the availability of new technology that has changed how fishermen are pursuing this fish in southeastern North Carolina, which he detailed. As a result, catches of Atlantic bonito have continued to increase, with a sudden and marked increase in the last year. Commissioner Roller said some of the concerns stem from the short shelf life of this fish and the potential for waste; he said he is concerned about causing substantial harm to this fishery. He said this species is not an omnipresent fish like false albacore; it is only caught in a few specific areas along the eastern seaboard of the United States, including between the Cape Fear River and Cape Lookout for about four to eight weeks each year. He explained the intensive fishing pressure that is occurring in North Carolina for this species. Commissioner Roller said there is not a lot of life history information about this fish for the Atlantic Ocean nor is there a stock assessment; the commercial fishery for this species is small in North Carolina. He said he wanted to see if the MFC has any interest in pursuing a recreational bag limit for Atlantic bonito. He said it is his understanding that the increased catches are not due to there being more fish, rather they are due to the change in fishing tactics by recreational anglers.

Commissioner Hobgood said he shares Commissioner Roller's concerns and encouraged recreational anglers to be more responsible with their fishing tactics. He said he would support a bag limit and also potentially gear requirements for this fishery. Chairman Bizzell also offered his support. Commissioner Roller reiterated that the fish has a short shelf life and does not freeze well, potentially indicating why the commercial fishery is minimal for this species. He suggested

a potential roadmap could come from efforts by former MFC Commissioner Anna Beckwith to protect sheepshead. That was a similar situation where there was not a lot of life history information available but there was an expanding fishery. The MFC adopted a simple rule that granted proclamation authority to the Fisheries Director for sheepshead management. He said something similar could be developed to manage Atlantic bonito. Commissioner Rader said that given the recent experience with false albacore he would like to see an evaluation of the scale at which management, actually governance, occurs overall and what the MFC's role might be in that. He said he earlier supported the development of a small pelagics FMP. Commissioner Blanton said he supports learning more about this issue and expressed concern about potential waste of the resource. Commissioner Roller reiterated the differences between the Atlantic bonito and false albacore fisheries. He said he is interested in getting ahead of a big problem.

Motion by Commissioner Roller to request the DMF develop an issue paper for Atlantic bonito management, including landings information and proposed rule language, using the previous sheepshead issue paper as a model to follow.

Second by Commissioner Hobgood.

	ROLL CALL VOTE				
Member	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hobgood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The MFC discussed the motion, including an interest in exploring potential bag limits, vessel limits, trip limits, and gear requirements.

Motion passes unanimously.

Chairman Bizzell recessed the business meeting at approximately 4:20 p.m.

May 24, 2024

Chairman Bizzell reconvened the MFC business meeting at 9 a.m.

Rulemaking

DMF Rulemaking Coordinator Catherine Blum provided updates on two rulemaking cycles. She presented information in support of the MFC's vote on final approval of the 20 rules remaining in the 2023-2024 Rulemaking Cycle. She also gave a presentation on the final issue under development in the 2024-2025 Rulemaking Cycle, the Interstate Wildlife Violator Compact.

To view the presentation, go to: [Presentation PDF](#).

Motion by Commissioner Rader to give final approval to:

- amend 15A NCAC 03I .0113, 03O .0101, .0109, .0112, .0301 for Data Collection and Harassment Prevention for the Conservation of Marine and Estuarine Resources;
- amend 15A NCAC 03R .0117 for Oyster Sanctuary Changes;
- amend or repeal 15A NCAC 03I .0101, 03K .0101, .0104, .0301, .0401, .0403, .0405, 03O .0201, .0501, .0503, 18A .0901, .0906 for Conforming Changes for Shellfish Relay Program and Shellfish Leases and Franchises; and
- amend 15A NCAC 03K .0110 and 18A .0302 for Conforming Changes for Shellfish Sanitation.

Second by Commissioner Hobgood.

	ROLL CALL VOTE				
Member	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hobgood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion approved 5-4.

Following the presentation on the Interstate Wildlife Violator Compact, Chairman Bizzell opened the floor to commissioners for comments and questions.

Commissioner Blanton asked about interplay with the Interstate Wildlife Violator Compact and applications for a commercial license through the Standard Commercial Fishing License Eligibility Board. DMF Marine Patrol Major Jason Walker replied that the proposed rules would

allow the license eligibility process to treat non-residents the same as N.C. residents regarding consideration of an applicant's conviction history.

Motion by Commissioner Roller to endorse the management option and associated proposed language for rulemaking for "Interstate Wildlife Violator Compact Issue Paper" for development of the fiscal analysis of proposed rules.

Second by Commissioner Rader.

ROLL CALL VOTE					
Member	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hobgood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed unanimously.

Update on Proposed Amendments to the North Atlantic Right Whale Vessel Strike
DMF Protected Resources Program Supervisor Barbie Byrd gave a presentation to review the status of NOAA Fisheries' proposed amendments to the Right Whale Ship Strike Reduction federal rule. The rule was implemented in 2008 and outlines several areas along the U.S. East Coast where vessel 65 feet or longer must travel at 10 knots or less at certain times of the year. In North Carolina, there are two areas included in this rule where restrictions are in place from November 1 through April 30. In July 2022, NOAA Fisheries proposed changes to the rule to further reduce the likelihood of lethal vessel collisions. The amendments include modifying the boundaries of the areas affected and expanding the vessel size that must comply, to include vessels 35 feet or greater. The proposed rule has undergone public comment and is awaiting review by the Office of Management and Budget. It is not clear when or if the final rule will be issued. Questions should be directed to NOAA; the contact is caroline.good@noaa.gov.

The N.C. Department of Environmental Quality's Division of Coastal Management is accepting public comment on a request for review of a [federal consistency submission](#) on the proposed rule. Due to continued public interest, the comment period was extended to August 31, 2024.

To view the presentation, go to: [Presentation PDF](#).

Chairman Bizzell opened the floor to commissioners for comments and questions and said he had a question about why the vessel length is proposed to be lowered. Ms. Byrd said she is only aware of an interaction off the coast of Florida between a calf and a smaller vessel in the 35–60-foot range. Commissioner Roller said he was briefed on this issue at the SAFMC meeting, including a study that was done about vessel strikes. Ms. Byrd shared that supporting information is available on the NOAA Fisheries webpage about [Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule](#).

Chairman Bizzell entertained a motion to send a letter expressing the MFC's concerns.

Motion by Commissioner Corbett for the MFC to send a letter expressing concern about the proposed rule addressing vessel strikes on North Atlantic Right Whales.

Second by Commissioner Hobgood.

	ROLL CALL VOTE				
Member	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hobgood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 6-0 with 3 abstentions.

Blue Catfish Information Presentation

DMF Biologist Robert Corbett gave a presentation that included information about the life history of blue catfish, trends in the independent data collected by DMF, and research coming out of the Chesapeake Bay that may help guide North Carolina in addressing this invasive species issue. Mr. Corbett also gave an overview of federal legislation affecting the processing of catfishes, which has led to unintended consequences affecting the market for blue catfish caught in N.C. waters.

To view the presentation, go to: [Presentation PDF](#).

Chairman Bizzell opened the floor to commissioners for comments and questions.

Commissioner Roller asked if the DMF is aware of research on blue catfish related to human consumption. DMF Biologist Charlton Godwin said he is not aware of any research about human consumption for the Chesapeake Bay or for catfish specifically, but mentioned the PFAS study that was done in the Cape Fear River. Commissioner Roller expressed concern about promoting a catfish fishery if there is no research to show the fish are safe to eat. He suggested a need to find other ways to use these fish. Commissioner Rader suggested the fish can be used as fertilizer. Director Rawls relayed information from a July 13, 2023, N.C. Department of Health and Human Services news release entitled "[NCDHHS Recommends Limiting Fish Consumption from the Middle and Lower Cape Fear River Due to Contamination With 'Forever Chemicals'](#)" which for the Cape Fear River recommends no more than seven meals per year of American shad, blue catfish, and channel catfish combined for all species, and no more than one meal per year for bluegill, flathead catfish, largemouth bass, striped bass, and redear combined for all species, with stricter recommendations for children and women of childbearing age.

Commissioner Blanton expressed his ongoing concerns with the abundance of blue catfish and the predation on blue crab, herrings, and other species. He also said he is seeing an increase in user conflicts between crab potters and trotliners fishing for blue catfish. He asked if the FMP process could be used, since many of the State's managed species are affected by blue catfish predation. Director Rawls acknowledged that there are multiple factors, including no current harvest restrictions for blue catfish, market conditions, consumption safety, and others, many of which are not under the MFC's authority. She said Mr. Corbett is the DMF's invasive species lead, and as part of the N.C. Aquatic Nuisance Species Mapping Plan Steering Committee, continues to coordinate with other agencies to investigate options. Commissioner Roller underlined Commissioner Blanton's point that this is about more than simply putting more fish on the market. Commissioner Rader said the APNEP program (Albemarle-Pamlico National Estuary Partnership) is well positioned to coordinate and fund studies for this; he offered to consult with the current APNEP director and staff to ask how best to pull together information. Commissioner Blanton restated his user conflict concerns. Director Rawls reminded the MFC of its user conflict resolution rule (15A NCAC 03I .0122) and said she can discuss next steps with DMF staff.

Issues from Commissioners

Commissioner Roller – restated his interest in information about enforceability of South Atlantic for-hire permits and outreach to fishermen purchasing licenses.

Meeting Assignments and Preview of Agenda Items for Next Meeting

The DMF's MFC Liaison Jesse Bissette reviewed meeting assignments and provided an overview of the August 2024 meeting items.

Having no further business to conduct, Chairman Bizzell adjourned the meeting at 10:53 a.m.

**Marine Fisheries Commission Special Meeting Minutes
Virtual Meeting via Webex
June 6, 2024**

The Marine Fisheries Commission (MFC) held a special meeting via Webex on June 6, 2024.

The briefing book and audio from this meeting can be found at:
<https://www.deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/past-marine-fisheries-commission-meetings#SpecialMeeting-June62024-15160>.

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

SPECIAL MEETING - MOTIONS AND ACTIONS

On June 6, 2024, at 11 a.m. Chairman Rob Bizzell called the meeting to order and reminded commissioners of their conflict of interest and ethics requirements. No conflicts of interest were identified.

The following commission members were in attendance: Rob Bizzell – Chairman, Ryan Bethea, Mike Blanton, Sammy Corbett, Sarah Gardner, A Hobgood, Donald Huggins, Dr. Doug Rader, and Tom Roller.

Chairman Bizzell entertained a motion to approve the agenda, which was amended to include a summary of the public comments received on the proposed temporary rules.

Motion by Commissioner Roller to approve the meeting agenda as amended.

Motion seconded by Commissioner Huggins.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hobgood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed unanimously.

Session Law 2023-137, Section 6 –Phased-in Mandatory Commercial and Recreational Reporting of Certain Fish Harvests

Chairman Bizzell asked MFC Counsel Phillip Reynolds to provide a briefing about Session Law 2023-137, Section 6. Mr. Reynolds said the adoption of these harvest reporting temporary rules has been directed by the legislature. He said the Wildlife Resources Commission (WRC) met earlier in the day and approved its harvest reporting temporary rule. Mr. Reynolds said it is now time for the MFC to vote on final approval of its two harvest reporting temporary rules.

Chairman Bizzell asked Mr. Reynolds to confirm that this requirement came from the N.C. General Assembly and did not come from the MFC or the WRC. Mr. Reynolds replied the requirements are directed by law and, to his knowledge, did not come from the MFC or the Division of Marine Fisheries (DMF).

Next, Chairman Bizzell asked the DMF's MFC Liaison Jesse Bissette to provide a summary of the public comments received on the MFC's proposed harvest reporting temporary rules. Mr. Bissette said there were over 2,000 written comments received on the proposed harvest reporting temporary rules: 2,009 comments were submitted online, and four letters were mailed. He said of the 2,013 total comments, 83% opposed the rules, 10% supported the rules, and 7% were undecided.

For the comments that opposed the rules, Mr. Bissette said there were several common themes: 1) the rules would be unenforceable and impractical and there would be no ability to ensure compliance; 2) skepticism about the effectiveness and efficiency of the proposed reporting system; 3) concerns about the accuracy and reliability of the collected data; 4) the rules would add unnecessary bureaucracy and complexity and would diminish the enjoyment of fishing; and 5) this is an example of government overreach.

Mr. Bissette said there were several common themes for the comments that supported the rules: 1) harvest reporting would lead to better data, which is crucial for better resource management and conservation efforts; 2) the rules would bring long-term benefits in terms of fish population health and ecosystem balance; 3) the rules would be a positive step towards accountability for both commercial and recreational fishermen; and 4) there would be a need to create an efficient, user-friendly reporting system.

For the commenters that were undecided, Mr. Bissette said commenters reported 1) needing more information about how fishermen would be reporting before they could decide whether or not to support these rules; 2) the need to create an easy-to-use reporting system; and 3) concerns about the reliability of self-reported data.

Chairman Bizzell opened the floor for questions. Commissioner Hobgood asked if the MFC has the ability to amend the rules at a future date and also if the MFC can make suggestions to the General Assembly about the legislation. Mr. Reynolds replied the MFC can potentially amend the rules in the future during the process of permanent rule adoption, which will replace the temporary rules. He said an amendment to the rules cannot be contrary to the direction of the General Assembly to adopt these reporting requirements.

Next, Chairman Bizzell asked the DMF's Rulemaking Coordinator Catherine Blum to explain a minor technical change to the proposed harvest reporting temporary rules that was added since the original publication of the proposed temporary rules. Ms. Blum said there is an identical change to each of the two rules: the addition of a one-sentence paragraph that aligns the effective date of the requirements of each rule to the effective dates set forth in Session Law 2023-137, Section 6. She said this change clarifies when the requirements will come into effect.

Chairman Bizzell entertained a motion to adopt the harvest reporting temporary rules as presented.

Motion by Commissioner Rader to give final approval of temporary rule 15A NCAC 03I .0123 COMMERCIAL HARVEST REPORTING REQUIREMENTS and temporary rule 15A NCAC 03I .0124 NON-COMMERCIAL HARVEST REPORTING REQUIREMENTS.

Second by Commissioner Corbett.

Chairman Bizzell opened the floor to commissioners for comments and questions.

Commissioner Roller said it is important for the public to understand this is a legislative initiative, not something put forth by the MFC or the DMF. He expressed two concerns about the text of the proposed rules: 1) he said the phrase "no longer engaged in fishing" seems ambiguous for enforcement; and 2) he asked about the phrase in 15A NCAC 03I .0124(b)(5) "species length, if applicable" and when that would be applicable. Ms. Blum replied this was included in the rule to provide the MFC the authority to require that data if it is needed in the future as management measures for the five species change; if it is needed the data field would be added to the reporting tools.

Commissioner Roller continued by saying he thinks the MFC has generally shown support for shoring up recreational data collection and addressing potential loopholes in commercial reporting, and he is supportive of these items. He expressed concern about asking anglers to report data about species for which the current data collection program, MRIP (Marine Recreational Information Program), works pretty well, which includes species that are harvested by a large group of people and that are common. Mr. Roller said the deficiencies of MRIP are for quota-monitored species, big game species, rare event species, and species caught by smaller groups of people. He drew attention to untrue statements about these issues, including a recent email he received citing limitations with federal surveys, including new sources of errors identified in August 2023 "that brought the survey program to a halt through at least 2026," which Mr. Roller said is false. He acknowledged there has been an overestimation error, but pilot studies are being completed to evaluate it and MRIP continues to be used for stock assessments and fisheries management, and data is being collected.

Commissioner Hobgood expressed concern about the five species included in the legislation for recreational reporting, saying two of the five cannot currently be harvested (flounder, striped bass), and another two of the five species have a one-fish bag limit (red drum, weakfish), yielding no or minimal data, respectively. He said if this is truly about collecting data, it is

important to include released fish in addition to harvested fish. Commissioner Roller agreed and said the MFC should be looking at releases in the future, particularly since this data stream will not be comparable to MRIP in any way and it is uncertain how it can be used for management. He gave an analogy to hunting, saying the agencies are asking people to report harvest of squirrels, bunnies, and quail, while ignoring the big game species like deer, turkeys, and bears. While he said he generally objects to the species that were selected, he is generally supportive of new data collection streams that are going to improve fisheries management.

Hearing no further discussion, Chairman Bizzell called for the roll call vote.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hobgood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Commissioner Commissioner Gardner experienced technical difficulties and was unable to participate in the vote.

Motion passed without dissention.

Having no further business to conduct, Chairman Bizzell adjourned the meeting at approximately 11:17 a.m.