

Committee Reports





ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON C. DAVIS
Director

MEMORANDUM

TO: N.C. Marine Fisheries Commission
Commercial Fishing Resource Funding Committee

FROM: Beth Govoni
Division of Marine Fisheries, NCDEQ

DATE: January 11, 2017

SUBJECT: Commercial Fishing Resource Funding Committee Meeting

The Commercial Fishing Resource Funding Committee met at 12 p.m. on Wednesday, January 4, 2017 at the N.C. Department of Environmental Quality Washington Regional Office, 943 Washington Square Mall. The following attended:

Funding Committee: Gilbert Baccus, Benny O’Neal, Andrew Berry, Ernest Doshier, Bill Hooper (via phone)

Absent: Steve Parrish

DMF Staff – Dee Lupton, Suzanne Guthrie (via phone), Beth Govoni, Nancy Fish (via phone), Chris Batsavage (via phone), Katy West

Public: Jerry Schill, Kathy Sparrow, Dewey Hemilright, Sandy Semans Ross

APPROVAL OF AGENDA AND MINUTES

Gilbert Baccus, serving as chair of the Funding Committee, called the meeting to order.

The agenda was approved by consensus by the Funding Committee with no modifications.

The minutes from the January 16, 2016 meeting were approved by consensus with not modifications.

PUBLIC COMMENT

Jerry Schill provided recommendation to entertain a motion to recommend to full board to use some of the money in fund for economic impact study for the commercial fishing industry using a value added model.

Dewey Hemilright had questions about understanding budget, mainly why there are still expenditures when there had been so many closures throughout the state this past year.

Expressed that he was not a fan of raising his license fees 100 percent.



DISCUSSION ON DEVELOPMENT OF A MEMORANDUM OF UNDERSTANDING AND FUNDING OPTIONS

The funding committee has been tasked with developing a memorandum of understanding and then they will be meeting with the three Commercial Marine Fisheries Commission members to discuss, edit and finalize the document.

Govoni provided the committee with a copy of an example Memorandum of Understanding from the Coastal Recreational Fishing License Grant program. She explained that this example Memorandum of Understanding could be used for the “boiler plate” language.

Hooper recommended that the committee discuss how they want the funds spent and then rely on Division of Marine Fisheries staff to take that information and draft a memorandum of understanding. He requested to move further into the meeting to the agenda item of Funding Options. Once the committee comes up with some funding options, staff can use that to draft a Memorandum of Understanding.

Hooper reiterated Schill’s public comment that an economic impact study should be done.

Lupton spoke and said that to include this in the Memorandum of Understanding, it would need to be more generic. Some example verbiage for Memorandum of Understanding: Research studies conducted by the division and/or contracted out to third party researchers as approved by both committees.

Doshier recommended that there needs to be a stock assessment done on turtles. The committee stated that they’ve gone as far as they can with NOAA NMFS and that legal counsel may need to be consulted regarding a stock assessment on endangered species.

Lupton provided some example verbiage for Memorandum of Understanding: Pay for workshops, travel, hire consultants and other fees for cooperative research and discussions with NOAA NMFS regarding endangered species as approved by both committees.

Chairman Baccus recommended that funds be used for natural disaster/emergency/recovery back to the commercial fishermen. Lupton recommended setting up sub standards on how people can apply for these disaster/emergency/recovery funds.

Hooper then recommended funding additional by catch studies for the shrimp trawl industry. This could fall under the first option of the Memorandum of Understanding (Research studies conducted by the division and/or contracted out to third party researchers as approved by both committees).

Govoni then provided a recap of the information to be included in the Memorandum of Understanding.



- 1) Proposals develop by the division staff and/or contracted out to third parties.
 - a. Funding options included an economic impact study and a bycatch study
- 2) Pay for workshops, travel, hire consultants and other fees for cooperative research and discussions with NOAA NMFS regarding endangered species.
 - a. Funding option included stock assessment of sea turtles.
- 3) Funds in reserve for disaster/emergency/recovery back to the commercial fishermen.
 - a. Develop sub standards on how fishermen can apply for the funds
 - b. Minimum balance is needed-the committee discussed and determined a minimum balance of \$250,000.

Other items that need to be included in the Memorandum of Understanding include how many times the committee wants to meet. The consensus was to include verbiage that the committee will meet at least twice per year.

ADDITIONAL ITEMS

Next, a discussion began on the budget for the Observer Program. Staff provided clarification on the budget chart that was provided to the committee. The budget for FY16 was \$1.4 million but only approximately \$600,000 was expended due to closures.

Berry brought up a discussion of number of observed trips. He stated that this year, they've have more closures than ever before. His question was how did the observer coverage almost double from 2010 when there are been more closures than ever before. Batsavage explained that 2010 was a different year since we were working under a settlement agreement which required 710 percent coverage but it wasn't hard and fast until the Incidental Take Permit went in place in 2013 so we were not always hitting that observer coverage percentage in every management unit. Furthermore, the division had a lot fewer observers and a smaller budget in 2010 versus the current year. As a result, the number of trips have gone up regardless of the closures.

Batsavage also added that it may be helpful for the committee to be provided a copy of the audit of the program.

Berry also inquired about the number of trips performed by Law Enforcement Officers. Batsavage advised that Marine Patrol accounts for about 25-30% of the total number of observer trips.

Chairman Baccus added a final comment that he was willing to step down as chair if anyone was interested in taking that position he could just be on the committee. The committee was in agreement to keep Baccus as chair of the committee.

Meeting adjourned



ACTION ITEMS

- Govoni will develop Memorandum of Understanding draft to distribute for review.
- Govoni will provide a copy of the most recent audit report for the Observer Program.
- Fish will follow up with Commissioner Corbett regarding the joint meeting of the two committees.
- Govoni or Fish will send link to the Economic Interest Form, which is due April 15.
- Members of the committee need to follow up with their respective associations regarding terms ending (Albemarle Fishermen's Association and Ocracoke Watermen's Association are both one-year term).





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MEMORANDUM

To: Marine Fisheries Commission

From: Nancy Fish and Gina Griffin

Subject: Joint Meeting of the Northern, Southern, Finfish, Shellfish/Crustacean and Habitat and Water Quality Advisory Committees

Date: Jan. 25, 2017

The Marine Fisheries Commission's Northern, Southern, Finfish, Shellfish/Crustacean and Habitat and Water Quality advisory committees met at the New Bern Riverfront Convention Center in New Bern on Jan. 17, 2017.

Materials from this meeting, including presentations, motions and audio, can be found at <http://portal.ncdenr.org/web/mf//011717-ac-ncwf-meeting>

The following committee members attended:

Northern - Sara Winslow – chair, Glenn Barnes, Everett Blake, Michael Blanton, Keith Bruno, Raymond Pugh, Dell Newman, Jim Rice, Gilbert Tripp, and Riley Williams

Southern – Pam Morris – chair, Charles “Jake” Griffin, Ruth King, Chris Medlin, Randy Proctor, Tom Smith and Adam Tyler

Finfish - Sammy Corbett – chair, Thomas Brewer, Jeff Buckel, Brent Fulcher, Ken Seigler, Melvin Shepard, Scott Whitley, Mike Wicker, and Sara Winslow

Shellfish/Crustacean - Joe Shute - chair, Perry Beasley, Jim Hardin, Mike Marshall, Bruce Morris, Martin Posey, Brian Shepard, Tony Tripp, and Adam Tyler

Habitat and Water Quality - Alison Willis – chair, Bob Christian, David Duane, Joel Fodrie, David Glenn, Mark Gorges, Terry Pratt, Mike Street and Thomas “Clay” Willis

Sammy Corbett, serving as chair, called the meeting to order at 12:41 p.m.

EXPLANATION OF MEETING PROCESS

Chairman Corbett called the meeting to order and reminded Marine Fisheries Commissioners of their duty to avoid conflicts of interest and asked if there were any known conflict of interest with respect to any matters coming before the commission at this meeting.

He advised that the committees are meeting to review and make recommendations to the commission on a petition for rulemaking that was submitted by the Southern Environmental Law Center, on behalf of the N.C. Wildlife Federation. The original petition was submitted on Nov. 2, followed by an amendment to the petition that was submitted on Jan. 12.

Chairman Corbett advised the purpose of the meeting is for the advisory committees to review and make recommendations to the commission on whether to grant the petition and initiate rulemaking or deny the petition. He said the commission will vote on the petition at its Feb. 15-16 meeting in Wilmington.

He reviewed the agenda and made one modification, saying that public comment would take place prior to the committees developing their motions. Chairman Corbett recognized members of the North Carolina Senate and House that were in the audience. He also pointed out that several commission members sit on advisory committees and there are a couple of advisors that sit on multiple committees.

He said he knew there was a great deal of interest in this petition and that everyone's input is very important and that this meeting will be conducted in a civil and respectful manner.

NORTH CAROLINA WILDLIFE FEDERAL PETITION FOR RULEMAKING

Blakely Hildebrand, from the Southern Environmental Law Center, on behalf of the N.C. Wildlife Federation, along with David Knight speaking for the N.C. Wildlife Federation and Jack Travelstead, an expert witness, reviewed various aspects of the petition.

The petitioner's presentation can be found at

http://portal.ncdenr.org/c/document_library/get_file?uuid=c747e8e6-594d-4ec1-b225-b08c1660e93a&groupId=38337

Chairman Corbett then opened the floor to the committees for questions.

- **Mike Street** voiced the following concerns and observations:
 - 1) Landings are not a valid measure of stock abundance because they are influenced by human and natural factors.
 - 2) Fisheries management is very complex in North Carolina because of wide variety of species, geography, habitats, etc., and should not be managed with a broad-brush approach. No other Atlantic coast state has 40 x 60-mile sound as part of its estuarine system.
 - 3) Just because other states prohibit estuarine trawling, doesn't mean North Carolina should.
 - 4) Small openings result in "Grand Openings" which resulted in more vessels to trying to fish at the same time in the same areas. This caused dangerous fishing conditions, high bycatch and an influx of out-of-state vessels. The commission therefore moved away from that approach.
 - 5) North Carolina regulatory system with fishery management plans, stakeholder advisory committees, and consultation with other states and NOAA is mandated by the Fisheries Reform Act and the system works allowing the participation of everyone.
 - 6) Data on shrimp and fish abundance in ocean waters (0 to 3 miles) are not available from any long-term sampling programs; therefore, there is not scientific basis for

inclusion of that area as special secondary nursery. Hard bottom, especially down south, makes it difficult to trawl and is prohibited by federal regulations. No data were presented to show that anyone can trawl in those areas or be able to find commercial shrimp quantities there.

7) Trawling limited to daytime hours will likely significantly reduce pink shrimp harvest as they are nocturnal.

- **Clay Willis** – Designating inshore waters as a nursery area will inevitably have effects on allowable land use around those areas. Was Division of Coastal Management, Division of Water Resources or any of the effected municipalities consulted in the preparation of the petition? Will infrastructure projects or any development in those areas have to first consider drainage into a nursery area?

- PETITIONER’S ANSWER: This was not discussed with those agencies. The proposal suggests that these areas be designated as special secondary nursery areas and not permanent secondary nursery areas. They will investigate this issue and report back to the commission.

- **Adam Tyler** – Division data show that the species mentioned in the petition are caught at very similar mean length and weight as the catch in Virginia and South Carolina. How can North Carolina’s average be similar with these other states if we are the only state that allows trawling, which is supposedly devastating to these species?

- PETITIONER’S ANSWER: These fish are still juvenile fish, which is the concern.

- **Sammy Corbett** – Why are these other states’ catch of these species not huge in comparison with North Carolina’s since they don’t allow trawling in inside waters?

- PETITIONER’S ANSWER: The petition is not trying to indicate the shrimp trawl fishery is the single responsible agent for the decline in these fish resources. To turn the decline around, protection of juvenile fish is necessary to get them into the spawning stock. In looking into additional areas where juvenile fish can be protected, the shrimp trawl fishery is one. Since this trawl fishery is not in the other states, this is an opportunity to save lots of fish.

- **Pam Morris** – Went through the documents submitted and found as follows:

- 1) Petition presents very little new information from the information presented a couple of years ago.
- 2) Petition shows a lack of understanding of how unique North Carolina fisheries are in that North Carolina has three species of shrimp that don’t have the same habits (i.e., nocturnal vs. diurnal).
- 3) Limited tow times are already in place.
- 4) New fishermen cannot enter into a fishery in North Carolina at any time. The statement that was made to the contrary was incorrect.
- 5) A better investigation should have been done before the petition was presented to the advisory committees; forcing the convening of this meeting at the cost of taxpayers.

- **Perry Beasley** – Voiced concerns as follows:

- 1) Feels that it is easy to point the finger at the commercial industry.
 - 2) North Carolina has the seventh most restrictive commercial fishery in the nation.
 - 3) The petition made no mention of water quality, weather, predation, etc. as a possible reason for finfish decline.
 - 4) A study is going on now about cormorant predation that is showing 1.3 to 1.5 pounds of these same fish are being eaten by each of these predators per day.
 - 5) He read an advertisement from the National Fishermen magazine.
 - 6) From 2005-2013 nearly 8,000 shipments of imported seafood were refused entry into the United States because of contaminants.
- **Brian Sheppard** – In the petition a couple of times, the Coastal Habitat Protection Plan was mentioned and how water quality and loss of habitat was affecting fisheries and you said that overfishing contributed. Did you go into any plans or ideas on how to fix the problem instead of arguing over who was going to catch the last fish?
 - PETITIONER’S ANSWER: The point is that as the age structure of a fish population is truncated so there are not multiple year classes of fish, they become more vulnerable to any negative event such as overfishing or a hurricane. Without multiple age classes to carry on, resilience of the stock is lost when negative events occur. Since we can’t do anything about those types of events, we have to do what we can to get juvenile fish into the spawning population.
 - **Brian Sheppard** – Does the L100 mean the 100 percent of the population is of spawning age or size?
 - PETITIONER’S ANSWER: At that size for a croaker it’s something like 8.6 inches. At that point, you should expect that fish to be sexually mature.
 - **Brian Sheppard** – Regarding limiting trawling days from 5 to 3 days per week, is there a possibility that if there is more time with no activity that juvenile fish would come back into the trawling areas resulting in more of them killed when the activity starts again?
 - PETITIONER’S ANSWER: Hopefully those fish would disperse but they don’t know if that will happen. The elimination of days of activity is simply to the address the recoupment problem. As seen in a number of fisheries, when tow times and the gear size is limited, fishermen learn how to get around those measures and fish harder so other things have to be done prevent that recoupment of effort.
 - **Brian Sheppard** – Why did the Wildlife Federation not want to wait to see what that results of the new regulations put forth in the Shrimp Fishery Management Plan put in place in January 1, 2017?
 - PETITIONER’S ANSWER: The Wildlife Federation disagrees with the Shrimp Fishery Management Plan and does not think waiting to take action until the additional time until new data comes in is wise.

- **Brian Sheppard** – Regarding not protecting the juvenile fish from the gill net fishery as well would be a waste of time, did you mean that if data shows that a 1.5-inch gill net catches a spot and a correct sized croaker then 1.25 mesh gill nets shouldn't be used in the sea mullet fishery?
 - PETITIONERS ANSWER: Did not think that anything was said about gill nets other than to say that if these measures are implemented and the fish survive, then they will start growing which means that they will show up in other fisheries, but they will still be juveniles, which is why the size limits were recommended in the petition. These are high volume fisheries where it would be difficult to sort through fish so he thinks mesh size restrictions do make sense and we think there should be some studies in that area to find the appropriate mesh sizes and implement them.

- **Brian Sheppard** – In southeastern North Carolina, there are rocks offshore past 3 miles so trawlers are probably using less than 1/3 of the towing bottom, how do we handle an area like that because we can't get any further off shore and we are already using very little of the bottom now – should we shut it down?
 - PETITIONER'S ANSWER: This is not about shutting any area down. This is about continuing to shrimp in the areas that are used now, just under the new proposed rules.

- **Martin Posey** – In designating all inland waters in near shore/off shore as special secondary nursery area, will there be any potential impacts on other use such as dredging for channel maintenance, port operations, marinas, docks, shellfish restoration, beach re-nourishment, etc.?
 - PETITIONER'S ANSWER: Will have to report back to the commission on that. They are not proposing to change a habitat area but the proposal is to recognize that these areas function as a special secondary nursery area and should be designated as such. Thinks there will be no effect on the activities mentioned because it is a special secondary nursery area but will report back.

- **Melvin Sheppard** – Believes that the division has done an outstanding job of following what the Moratorium Steering Committee and the Habitat Committee that created Coastal Habitat Protection Plan wanted it to do and what the legislature wanted. The Coastal Resources Commission and Atlantic States Marine Fisheries Commission which worked on trying to stop habitat degradation which is hard work. Believes that the Wildlife Federation with the petition is now trying to assume the division's job. Questioned as follows: How can you justify the millions of dollars of impact to the fishermen with these vague things in this petition?
 - PETITIONER'S ANSWER: The Wildlife Federation believes that the petition is science based and data driven and would not have brought it before the commission if they thought otherwise and will be glad to have the discussion about the merits of it.

- **Melvin Sheppard** – After impacting the shrimp trawl fishery so greatly, what will the gain be to North Carolina to offset?
 - PETITIONER’S ANSWER: They believe millions of juvenile fish will be the pay back to the state.

- **Ken Seigler** – If an area is to be designated as a nursery area, it has to go before the commission and then the commission will study that to see if the area meets the criteria to be designated as such and then samples are taken in the area to determine what species are in the area to see if that also meets the criteria as set forth the by the commission. If so, usually a boundary is set where the habitat changes which is generally a geographically observable location such as a bridge or two points of land. What studies has the group done to demonstrate that everywhere out to 3 miles is a special secondary nursery area? There being little fish in these areas is not the only criteria that has to be met.
 - PETITIONER’S ANSWER: The group didn’t make up their own data. Their sources of data were primarily from the division and the Atlantic States Marine Fisheries Commission as they are the sources for the best available data on these matters. There is no specific legal definition of special secondary nursery area. This is a means within the state of delineating to which certain regulations are applied and that is what the proposals in the petition are about.

- **Brent Fulcher** – Regarding shrimp trips, there has been about an 80 percent decrease in effort but we don’t see a direct correlation in the Atlantic croaker stock. With less effort in shrimping and therefore less bycatch, why we are not seeing the benefit of that in Atlantic croaker? Did you look at the data to see if the fishery management plan that put a 90-foot headrope in place reduced the bycatch in that area?

While people are quick to point the finger at commercial fishing, no one seems to mention water quality. The Wildlife Federation should be in Raleigh working on water quality problems. You can’t blame shrimp trawling and not be able to substantiate the numbers. Mr. Fulcher has had studies on his boats that bycatch has been reduced more than the federal government requirements but we are talking about the same things again.

- PETITIONER’S ANSWER: Can’t speak directly to having looked at data to see whether or not the 90-foot headrope regulations already in place have worked so far. Other states have put a 90-foot headrope regulation in place and had success. The Wildlife Federation doesn’t think that the 90-foot headrope regulation has been done widely enough in North Carolina. There have been many efforts over the past twenty years including stopping the use of flynets that have not helped the stocks improve but continue to decline which means we should keep trying and get more restrictive. Also, the Wildlife Federation is not only working on this shrimp trawling issue but are working on habitat issues as well and will be glad to provide that information.

- **Brent Fulcher** – While the Wildlife Federation cannot document whether or not the 90-foot headrope regulation has helped the bycatch issue but what North Carolina along

with the commercial shrimp industry can document that they have reduced bycatch even more than the federal requirements in excess of 44 percent but the science in this petition cannot. Stopping the use of flynets south of Hatteras did not help with the weakfish stocks so will the Wildlife Federation now help open the use of flynets back up since that was proved not to be the culprit? This petition is trying to circumvent the fishery management plan process. We have need to let the fishery management plan already in place work and we haven't given that a chance to work yet. NOAA's landings data show that North Carolina is the most consistent with their shrimp landings while other states are on the decline. Let the division do its work and let the fishery management plan process work.

- **Jeff Buckle** – Regarding stock status, we can't use landings data to determine stock status. The fishery independent data shows that the stocks are in good shape. Why did you choose to focus on landings data?
 - PETITIONER'S ANSWER: Agrees that it is difficult to only focus on just landings to manage fisheries because there is no much that affect landings. Landings to a large degree show loss since the 1980s. Last stock assessment that the Atlantic States Marine Fisheries Commission did on spot and croaker goes back to 2010 using data up to 2008 so those assessments are now outdated. The traffic light approach was used and one does look at landings shows there is lots of red and the others show plenty of red too although it hasn't triggered any management steps be taken yet but there is enough red that the Atlantic States Marine Fisheries Commission decided that there needed to do a new stock assessment because they are concerned which is what they tried to illustrate in the petition.
- **Jeff Buckle** – In 2015, the Atlantic States Marine Fisheries Commission said that the Atlantic croaker age structure was expanding and someone on the assessment team confirmed that was the case. These data that he sees reported by the Atlantic States Marine Fisheries Commission and the text in the petition doesn't match up and seems disingenuous, which is concerning. The 2016 weakfish stock assessment that used the most recent decade of data showed no evidence that discards from the southeast shrimp trawl fishery had led to decline of weakfish. The evidence pointed to natural mortality. This petition is indicating that shrimp trawling is the reason that these fish are not bouncing back.
 - PETITIONER'S ANSWER: Part of the reason that weakfish bycatch mortality data has been so poor in that area in a form that is usable in the stock assessment for the Atlantic States Marine Fisheries Commission.
- **Jeff Buckle** - Because it has been so long, there were a decent amount of observers from the southeast fisheries science center on the shrimp boats over the last ten years in order to get that bycatch data. Even without trawling occurring, mortality of these juvenile fish is high so what size do you feel that the density depending mortality will no longer takes place because the text of the petition promises that these juvenile fish make it to adulthood when natural mortality of these fish is very high.

- PETITIONER’S ANSWER: Has no clue about density dependent mortality but the point that the petition is trying to make is that if the juvenile fish are saved then they will grow other fishermen are going to encounter them and it make no sense for them to be harvested at that point the recommended size limits will help. They believe that all of these measures taking together will do the stock good.
- **Jeff Buckle** - What is the recommendation for monitoring these measures for success?
 - PETITIONER’S ANSWER: The petition doesn’t address monitoring and they believe that the division can handle any monitoring methods.
- **Brent Fulcher** - Questioned as follows: Regarding the definition of special secondary nursery area, what does Wildlife Federation plan to do about the opening and closing of shrimp trawling other than reaching the 60-count on shrimp size?
 - PETITIONER’S ANSWER: The existing rules stays as they are and designation will not impact any existing restrictions. If the petition is adopted the season would open when the 60-shrimp-per-pound was reached.
- **Brent Fulcher** – Currently under special secondary nursery areas, it says that the season is closed from May 15 until August 16. Have you looked at what this count restriction will do to North Carolina when it takes shrimp off of the table during the peak tourism months?
 - PETITIONER’S ANSWER: The new designated nursery areas would not necessarily have to abide by the restrictions on those areas already designated as special secondary nursery areas. The fisheries director would open the season under the guidelines proposed in the petition.
- **Brent Fulcher** – Would this then make a third classification of nursery area?
 - PETITIONER’S ANSWER: No. In the new areas designated as special secondary nursery areas the fisheries director would have the authority to open the season there when shrimp count reached 60-shrimp-per-pound with heads on.
- **Brent Fulcher** – Has there been any study on how much time and effort it will cost the division in time and staff to determine when the 60-count has been reached because there is variability in the catch size in different areas of the sound? What about if the size drops back below the 60-count size? What will the economic impact will be?
 - PETITIONER’S ANSWER: The proposal is to sample in the Pamlico Sound only to determine if the count has been reached. If the count drops back down, the season would be open then and it would be up to the director as to whether or not to close the season. The petition does not address management of the season after the first sampling that reaches 60-count and triggers the opening. After that it would be up to the director to close the season or not. The Wildlife Federation is not in a position to address any estimates on economic impact to the industry

and suggests that the commission will have to look at that if the petition is adopted.

- **Mike Wicker** – The 60-count size on shrimp would affect the Shrimp Fishery Management Plan and the bycatch of weakfish, spot and croaker would affect the fishery management plans on those species, so which takes precedence?
 - ANSWER: Commission Counsel Phillip Reynolds – The commission regulates by the fishery management plan process and rules are predicated upon the fishery management plans. The regulations that would come out of the petition, if adopted, would modify the management strategies and approaches that were adopted by the commission in the most recent amendment to the Shrimp Fishery Management Plan and the rule changes that were put in place on Jan.1 2017.
 - Ms. Hildebrand – The Wildlife Federation believes that the nursery area designations and the size limits are not fisheries specific and strongly believes that if this petition were to be adopted that the commission would initiate rule making immediately, but no later than August of 2017 on those two measures because they do not impact exclusively the shrimp trawl fishery.
 - Philip Reynolds – Any economic impact would have to be studied if the commission moved the petition forward and it got to the rule making phase. Before a rule can be published for notice of text, a fiscal note would have to be prepared and in the event the economic impacts are in excess of \$1 million to the regulated community, then a fiscal analysis will have to be prepared which would also entail the development of two alternatives to the rules.

- **Sara Winslow** – The effects of making these new nursery area designations without scientific analysis to support such designations damages the credibility of the nursery area designations already in place which were based on science, scientific standards, protocols and environmental habitat types. If these new areas are to be designated as special secondary nursery areas, then these areas should be protected from other things such as dredging, water quality restrictions and standards but none of that is addressed or considered in the information provided. This petition presents conflicts with the fishery management plan process and public involvement especially since the new fishery management plan put in place on January 1, 2017 haven't been able to be evaluated yet. Is the 60-count shrimp size only applicative to opening Pamlico Sound?
 - PETITIONER'S ANSWER: The petition suggests that the director use reaching a 60-count shrimp size in Pamlico Sound as the trigger for opening shrimp trawling in all waters without consideration to other areas and size class or species of shrimp.

- **Everett Blake** – Exactly why is the Wildlife Federation not happy with the measures that came from the amended 2015 Shrimp Fishery Management Plan?
 - PETITIONER'S ANSWER: The Wildlife Federation didn't think it went far enough to protect bycatch and juvenile fish; for example, it didn't implement a 90-foot headrope length.

- **Everett Blake** – Is there a bycatch reduction percentage that the federation wants?
 - PETITIONER’S ANSWER: There is no percentage of bycatch reduction proposed in the petition.

- **Everett Blake** – There is already a 40 percent bycatch reduction is already in place in the fishery management plan that has just taken effect. The petition as written is very tough because it is written as an all or nothing. With an 80 percent bycatch reduction and knowing that socioeconomic impact has to be factored in is tough but appreciates the work and some of the science presented.

- **Keith Bruno** – What stakeholders in Pamlico County did Mr. Knight talk to because he has heard nothing about that?
 - PETITIONER’S ANSWER: Will not give out names but will talk to you after the meeting. Talked to many people on the coast of North Carolina.

- **Keith Bruno** – In his small fish house, he buys spots and croakers from Virginia and Maryland but this year, he has had calls from dealers in those states asking to buy spots and croakers from him. According to you, they should be overrun with spots and croakers yet, they are calling him for them. Why?
 - PETITIONER’S ANSWER: These are coast wide stocks of fish so you can’t say that measures taken in one state only affects the stock in that state alone. The Atlantic States Marine Fisheries Commission has expressed concerns that what is happening in North Carolina is affecting the stock as a whole. We have been trying things for 20 years to fix these problems and while they have helped, we are still seeing decline. We have to keep trying.

- **Keith Bruno** – North Carolina is not the only state that allows inshore trawling. You need to fact check.

- **Mike Blanton** – What fisheries in the Albemarle contribute to the bycatch problem in the trawl fishery? He is not aware of one.
 - PETITIONER’S ANSWER: Trawling is not permitted in the Albemarle Sound and the Wildlife Federation acknowledges that.

- **Mike Blanton** – Why are the Albemarle and Currituck sounds not included in this petition?
 - PETITIONER’S ANSWER: Data from the division demonstrates that those areas function as special secondary nursery areas. The proposal would not change any existing restrictions on trawling in the Albemarle Sound. The designation of these areas is a recognition that they do function as Special Secondary Nursery Areas.

- **Mike Blanton** – During his lifetime, he has not seen a trawler in the Albemarle Sound. Juvenile fish have had that habitat all to themselves with no evidence of them being recruited into the adult stock. There are no bycatch fisheries in the Albemarle and Currituck sounds. It doesn't make sense to him that all of these fish are leaving Albemarle and Currituck sounds and all being caught by a shrimp trawler. It doesn't make sense that all inshore waters in North Carolina should be designated as special secondary nursery areas. The entire Albemarle Sound is essentially already a nursery area with no result to the fish stocks. Your petition is not the right approach. No fish stock reaches 100 percent maturity. Where does the funding for this gill net study come from?
 - PETITIONER'S ANSWER: This petition doesn't address that. This was simply a recommendation to the commission to conduct the study.
- **Mike Blanton** – There have been drastic budget cuts over the past five years to the division and it doesn't have the money for the gill net study or for the 60-count shrimp size sampling in order to open trawling.
- **Gilbert Tripp** – He accepts that the data presented is accurate. In the Pamlico Compass, Doug Cross wrote an article. Mr. Tripp read from that article.
 - QUESTION TO DIVISION STAFF – Is the data in that article accurate and verifiable?
 - ANSWER: Chairman Corbett responded that the division was going to make a presentation on that.
- **Gilbert Tripp** – Did the petition take that data into account?
 - PETITIONER'S ANSWER: The Wildlife Federation applauds the division and industry to taking part in that ongoing testing. The petition proposes a suite of management measures. That testing only focuses on testing bycatch reduction devices. They maintain that the recommendations in the proposal be looked at as whole and that we not isolate the bycatch reduction device issue. Moreover, the use of two bycatch reduction devices, or BRDs, is already required by proclamation and the proposal seeks to codify that requirement that has been in place for two years.
- **Gilbert Tripp** – We are already half way to achieving an 80 percent bycatch reduction. How much more is there to come? This seems to be an open-ended thing and while 100 percent bycatch reduction would be ideal, it is not logical.

PRESENTATION BY THE DIVISION OF MARINE FISHERIES

Division of Marine Fisheries staff, including Division Director Braxton Davis, Deputy Director Dee Lupton and Southern District Manager Trish Murphey, presented the division's review of the petition, with Murphey leading the discussion. This review was based on the petition, as originally submitted in November and did not cover the amended petition.

The division's presentation can be found at http://portal.ncdenr.org/c/document_library/get_file?uuid=5f8874fd-5f38-4dad-81f6-e2314c97cb6f&groupId=38337

Chairman Corbett then opened the floor to the committees for questions.

- **Mike Wicker** – Do you know what percentage of good shrimp habitat is actually closed?
 - DIVISION'S ANSWER: We would need to find out exactly how much acreage makes up the Albemarle Sound and can get back to the commission on that.
- **Mike Wicker** – Regarding the bycatch reduction study, the data that shows we are getting about 50 percent reduction, is that per tow or over a series of tows?
 - DIVISION'S ANSWER: The numbers they quoted in the presentations were from statistical analysis, t-tests and some other tests. Division gear specialist Kevin Brown – Those results are based on the studies conducted this past year. They had one gear on which they did 30 tows that showed a 45 percent finfish reduction and that was the mean of those 30 tows. They had some gears that produced up to a 55 percent reduction with less tows than that particular test.
- **Jim Rice** - When the original Primary Nursery Areas and Secondary Nursery Areas were established 40 some years ago, spot and weakfish abundances were not used as part of the criteria in identifying those?
 - DIVISION'S ANSWER: Believes that spot were used, but weakfish were not.
- **Jim Rice** - Have any Secondary Nursery Area studies for spot or weakfish been done since that time? Part of the purpose listed for the P195 survey in the sound is for identification of nursery areas. Have we ever done designation of nursery areas based on those data?
 - DIVISION'S ANSWER: Division District Manager Katy West – No we haven't. Back to the first question, the studies done in 1977, when those were designated, threshold values were given for spot and weakfish. There were lots of species listed with those values, but which ones were chosen to use when the lines were drawn is not available. At the time, none of this information was computerized.
- **Jim Rice** - So we have 30 years of data in the P195 survey, why haven't we looked at that to see if that can help us define nursery areas for the species that occupy those areas as juveniles?
 - DIVISION'S ANSWER: Katy West – Part of that deals with the resources available and the change that we did. First, the sound survey came into place in 1987. We did the secondary nursery area designations in 1986, prior to having the sound survey information. The sound survey

is done in conjunction with the South Carolina trawling for SEAMAP as well. We had a Critical Habitat Committee that recommended that we establish a framework for other types of nursery areas because those original ones were based on winter spawners in the ocean that came inside to use those tributaries. It has been acknowledged that in those reports and prior ones that weakfish were out of the ordinary because it was more abundant or at least as abundant from the data that we had in open area stations. There was limited technology at the time and we are now modeling that so that the way we were going forward from the Coastal Habitat Protection Plan was to nominate those Strategic Habitat Areas and when we had all the regions finished we would be able to look at that as a suite and see where we should go from there. We have supplied all of this information to the Mid-Atlantic Council, the Northeast Woodhole essential fish habitat database. Man-power has been a factor because our efforts were switched from that to fishery management plans which each have a habitat section that talks about the need.

- **Brent Fulcher** - Earlier you said that 45 percent of estuarine waters were closed as nursery areas or restricted trawl areas. Does that include bombing areas?
 - DIVISION'S ANSWER: No, not all of those are included because some of those areas are prohibited and some are not, like New River.
- **Brent Fulcher** - Of the 55 percent that are left open, what is your best guess of actual workable bottom available?
 - DIVISION'S ANSWER: We can't answer that. The 55 percent that is open does not take into account how much is workable bottom and how much might be areas of oyster beds, etc.
- **Brent Fulcher** - Regarding a 90-foot headrope restriction, is there any data showing reduction of bycatch in the areas already restricted to a 90-foot headrope?
 - DIVISION'S ANSWER: We have not been able to look at that.
- **Brent Fulcher** - In those areas, has the product increased in size or value or pounds harvested with less headrope length?
 - DIVISION'S ANSWER: We can look at that, but not sure how. In general, that tends to depend on amount of catch available to the market.
- **Brent Fulcher** - What has the division seen as the typical size of white shrimp in the ocean during the months of December through April?
 - DIVISION'S ANSWER: Division biologist Chris Stewart— for trawl shrimp in December, we were seeing about 98 percent being 60-count or

greater in all three species together. But ocean samples are not included in that number.

- **Brent Fulcher** - It looks like you would lose all of your shrimping in the ocean from December to probably sometime in mid-April when they get big enough in Pamlico Sound for the season to open. Harvest in the ocean from south of Cape Hatteras to the South Carolina line is typically done during that time frame.
- **Brian Sheppard** - Can you explain the restrictions currently on New River? So there are other restrictions in place on New River that were not mentioned in the presentation?
 - DIVISION'S ANSWER: Otter trawls are not allowed in New River above the 172 bridge. Yes, there are more restrictions in place that were not mentioned.
- **Brian Sheppard** - The scale on the map on page 5 of the presentation is not the same as on the other maps, (i.e., the Pamlico Sound map has 1 inch = 30 miles, the Stump Sound map has 1 inch = ½ mile, and the Core Sound map has 1 inch = 5 miles). So this a very small area in which to concentrate effort, correct?
 - DIVISION'S ANSWER: Yes.
- **Brian Sheppard** - Gill net size selectivity study through the North Carolina Sea Grant program was done about 15 to 20 year ago. There was another done about 30 years ago that Earl House did, so those are available. Also, he has served on the Southeastern Regional advisory committee and became very frustrated when the committee would make recommendations and then the commission would throw those out of the window. He challenges Sammy Corbett and the other commission members to please take the recommendations of the advisory groups into consideration.
- **Tom Smith** – Bycatch is anything other than the target species?
 - DIVISION'S ANSWER: That's correct.
- **Tom Smith** – Regarding the 40 percent reduction, is that of anything caught or just pounds of finfish.
 - DIVISION'S ANSWER: It is pounds of finfish.
- **Tom Smith** – Regarding the gear survey so far (Kevin Brown's study?), is there any seasonality to the reduction of bycatch?
 - DIVISION'S ANSWER: We do not know.
- **Tom Smith** – He recommends looking into whether or not there is a seasonal component; recommends looking at specific species instead of just all finfish in the study and recommends that we see if there is any difference in the size of the finfish of the bycatch? (i.e., are they closer to become adults)? While he has

sympathy for what the petitioners have suggested but thinks the approach is not appropriate.

- **Director Braxton Davis** – There was a question as to whether there were any additional protections in other state rules in association with the designation of nursery areas. Primary nursery areas have restrictions on dredging, etc. Secondary nurseries don't really have any additional protections, except they are mentioned in the Coastal Resource Commission rules in one place and is very general policy language on the siting of energy facilities.

PRESENTATION BY INTERESTED PARTIES

Chairman Corbett explained he had received a request from the N.C. Fisheries Association for interested persons to address the committees that met the requirements set out in Marine Fisheries Commission Rule 15A NCAC 03P .0302(e) and that he had granted that request. Jerry Schill, Connell Purvis and Jess Hawkins spoke on behalf of the N.C. Fisheries Association.

- **Jerry Schill** – Thanked the advisory committees, fishermen, and boat owners that anchored out their boats at Union Point. A spokesman for the petitioners said on public radio show “What we want to do is help the commercial industry as a whole.” Schill said he wants to show that the petition has no merit and that the group's true intent is to stop trawling all together. In 30 years of involvement with the fisheries management process, there is not one issue that the N.C. Fisheries Association has worked on more than shrimp trawl bycatch reduction and there no issue on which they have achieved greater success. He is astonished at the relentless attack on the shrimp industry.
- **Connell Purvis** – Introduced himself as a former biologist and fisheries director. He described some of his efforts in fisheries management. The tagged shrimp program in which he was involved gave 95 percent statistical confidence in the data they collected on all three North Carolina shrimp species. All of the tags returned were returned from south of the release. The division is equipped with the data they need to manage the fishery and doesn't need outside data to help. He worked on identifying, defining and delineating primary nursery areas for all species in the state along with Mike Street. Those data gave ‘teeth’ to the Coastal Area Management Act and allowed it to hold up in court. He urged the advisory committees and commission to not let emotion or politics drive fisheries decisions. He thinks the greatest threat to the nursery areas is fresh water intrusion not trawlers. Can we redirect the petitioners to look at that? Rerouting fresh water would be a good project to take on. Isn't it time to reopen the Oregon Inlet jetty issue? Higher salinity in our waters is what is needed.
- **Jess Hawkins** – Thanked the committees for their service. Introduced himself and background in designating nursery areas throughout his career. He urged the petition be rejected. The petition misrepresents the truth. Stock assessments do not show any impact from trawling bycatch on croaker, grey trout, etc. Weakfish stocks are down in areas that do not have trawling at all. From 1995 to 2011, shrimp trawl effort has decreased by 80 percent. The state just spent two years developing the 2015 Shrimp Fishery Management Plan with stakeholders. We

should not return to management by emergency or crisis like we did before the 1997 Fisheries Reform Act. Arguments in the petition are flawed and have selectively presented data on finfish bycatch in shrimp trawls and misuse data such as finfish bycatch ratios and survey data and make numerous general claims not backed by scientific evidence. There is no description of the economic impact, division sampling and enforcement effort.

PUBLIC COMMENT

- **Chris Cahoon Nobles**, Assistant Hyde County Manager– Brought a petition with 400 signatures from the villages/townships of Hyde County and has sent the division a letter and resolution. Hyde County relies on shrimp trawling to support its families, businesses, communities and economies. Albemarle and Pamlico sounds are the largest bodies of brackish water in any one state of the United States and can't be compared to waterbodies in other states. We already have 124,000 acres of estuarine are already classified as primary and secondary of nursery areas. An additional 47,000 acres of brackish water are closed to trawling. In 2006, 92,000 acres in Pamlico, Pungo and Neuse rivers were closed, totaling almost 1 million acres of internal coastal waters are closed to trawling in North Carolina, which represents approximately 48 percent of the total available. Doesn't think the petitioners understand the complexity of the issue as well as the advisory committees do.
- **Earl Pugh, Jr.**, Hyde County Board Chair – The resolution overviewed by Ms. Nobles recommends that the petition should be denied because such comprehensive changes should be developed in a fishery management plan; because the Shrimp Fishery Management Plan has just come into effect after years of development and because there will be such substantial economic impact.
- **Bill Rich**, Hyde County Manager – A letter from the Ocracoke Working Watermen's Association was presented and a few paragraphs were read. The fishery management plan should be the method used to make these kinds of changes to fisheries rules. The petition side steps the fishery management plan process that allows stakeholders the opportunity to give input. The division should be allowed time to analyze impacts to all fisheries and quantify economic ramifications. The division should be allowed the time to complete the finfish bycatch reduction research and offer science-based recommendations. Commercial fisheries effort is declining while recreational effort is increasing; the impact of which is poorly quantified. Water quality and development impacts to habitat doesn't get the attention it should.
- **Dr. Joseph Luczkovich** – Introduced himself and his work background. He was asked to come to this meeting by the N.C. Fisheries Association to provide comments on the petition. The petition advocates a data-driven approach to identify nursery areas and recommended management strategies but all of the available science was not used. Dr. Luczkovich read from a dissertation by Dr. Rebecca Deehr, that says there is more ecosystem production in trawled areas. This dissertation has since resulted in a peer-reviewed publication. The dissertation and published article were submitted to the committees.

- **Ronald Cherry** – He has very little experience fishing. He has worked with statistics for the last 25 years. The petitioners used 1981-2015 statistics. How many shrimp boats were being used then compared to now? The coast is constantly changing (i.e., Oregon Inlet). Since that inlet has become so shallow, what impact has that had to inshore water salinity and habitat? Comparisons between the finfish catch size and abundance in neighboring states were not made. The petitioners only used statistics that helped their cause and discarded the rest. Manipulating statistics will prove anything.
- **Kenny Rustic** – provided comments from Dr. Allyn Powell who is a retired fisheries biologist and was unable to attend the meeting. He cannot support the petition but believes that bycatch in the shrimp industry is a major concern and should be addressed by innovative gear modifications while maintaining a sustainable shrimp fishery. The petition does not provide a balanced plan to achieve a sustainable shrimp fishery. The petition relies on report by Dr. Travelstead and Dr. Daniel. The document lacks socioeconomic analysis and scientific credibility. The 2015 Shrimp Fishery Management Plan addresses the concerns in the petition. The petition should be denied.
- **C. R. Fredrick** – Being fair and economic for everyone is what the goal should be. Why is there such an urgency to end fishing in North Carolina? Deny the petition.
- **Ken Williams** – The petition doesn't take into consideration predation. Each year is different. Sometimes the catch is good and sometimes it isn't and the weather is key. This has been the best year for shrimping that they have had in a long time. Limiting shrimping to three-days per week would not allow him to make a living.
- **Zach Davis** – A robust fishery in North Carolina has resulted in the fishermen working his boats and making a better living that he does as a teacher. The petition if adopted will put him out of business. The petition is essentially a ban on trawling and gill nets. In 21 years of shrimping, he has never made a tow outside of three miles. In 12 years, he has made 1,947 tows with 38 percent of those in Core Sound and only three of those were during the daytime hours. The remaining 47 percent were in Pamlico Sound and of those 922 tows, 40 percent were during the day and 60 percent were during the night. The petition makes no mention of the new gear changes being made to reduce bycatch. It strives not the reduce bycatch but to get the trawls out of the water.
- **James Starughn** – Deny the petition.
- **Joey Daniels** – Making petitions are fine but they should follow the established methods for doing so. The rule book says those seeking change due to a conflict issue should review the fisheries mediation process. Was mediation attempted? This is not a complete petition because it doesn't take into account cost factors to those impacted. Deny the petition.
- **Gerald Craddock** – He services two rural churches in Hyde County (Watson's Chapel and Soul Church). He has strong opposition to the petition. The petition if approved, or even partially approved, could put an end to the livelihoods of hundreds of fishing families. Do not allow these people more hardship.

- **Jimmy Rhule** – He is involved in the NEAMAP inshore trawl survey and any comments made related to that can be quantified through the websites of ASMFC, VIMS, and Mid-Atlantic Fishery Management Council and anything other than that is his personal opinion. He opposes the petition. He has no financial interest in shrimping and believes that adopting the petition is just wrong. There are lots of flaws in the petition just like the statements made that no state north of North Carolina allows trawling, which is not true. Rhode Island and Block Island are open to all trawling and are the most productive bodies of water on the east coast. Every state north of Virginia is open, except Delaware. The petition references documents that are not scientifically sound. To talk about the effects of trawling on the bottom and not talk about the effects of beach replenishment projects up and down the coast is a travesty. Those project have not been fully peer reviewed.
- **Gordon Daniels** – The number of fishermen have decreased drastically over the years while the number of recreational fishermen have increased. Predation is great (cormorant, dog fish, sharks, skates) and should be taken into consideration. The petition will end shrimping in North Carolina. Please deny the petition.
- **Allen Faircloth** – Why are the small fish there and when? His experience is that most of the small fish are around on the change of tide when the water is slack and that is when we see the most bycatch. Most bycatch comes from the top of the trawl. Brown and white shrimp only move on the falling tide; brown shrimp at night and white shrimp during the day. We usually get 1 to 1.5 hours of productive shrimping. Three-days per week with no night shrimping will cause trawlers to pull more, sun-up to sun-down, instead of during the more productive hours during the proper tide. We should continue to work on other measures, such as the extra fish excluder, etc., other than shutting down trawling. Bycatch is a concern, but the petition presents inadequate information. Deny the petition.
- **Steve Weeks** – Interposed an objection to the proceeding based upon the amendment to the petition for rule making which occurred on Jan. 13, 2017. The untimely amendment denies the persons affected by the petition of due process of law by providing inadequate notice and the opportunity to properly address the amendment. The petition should not have been deemed complete because it does not properly address 15A NCAC O3 P.03016 which requires a statement of the effect of the proposed rule(s) on existing practices including an estimate of cost factors on persons effected by the proposed rules. The petition does not address the negative economic impacts to fishermen, consumers, etc. A cursory examination of the records of the division indicates that historically over 50 percent of the shrimp caught in North Carolina are caught during the period that a Special Secondary Nursery Area is closed to trawling. There is no description of the economic impact to coastal communities, retail markets, grocery stores, restaurants or consumers. There is no estimate of costs to the taxpayers for the vessels, equipment, and personnel for the required sampling and enforcement of the proposed rules. The petition fails to meet statutory requirements and should have been rejected as incomplete. NCGS § 150B-19.1 requires that agencies adopting rules should consider the cumulative effect of all rules adopted and be based on sound and reasonably available scientific, technical, economic and other relevant information. Weeks’ full comments will be submitted to the commission.

- **Raynor James** – She likes to eat local, fresh North Carolina shrimp and depends on the commercial fishermen for her shrimp whether she is getting them from local restaurants or local seafood markets. She suspects that as a consumer she represents the majority of citizens. Deny the petition.
- **Glen Fink** – There was during the technical comments, a comment was made that they didn't over manipulate that part of the data. Where is the line between manipulating and over manipulating data? He didn't hear anything that demonstrated that the petitioners knew anything about the impacts of their proposals. He works in manufacturing and if you do something, you have to understand the results. North Carolina is a sovereign state and must not seek alignment with other states. He stands with the commercial fishermen against the petition.
- **Hal James** – Coastal Carolina Taxpayers Association member. Read the resolutions submitted by the Boards of Commissioners of several coastal counties. Believes current regulations are sufficient. Over regulation and big government is a great concern to the Coastal Carolina Taxpayers Associations. Surprised that the petitioners without any more research than they submitted today would submit this petition.
- **Ryan Speckman** – He started his seafood company because he saw a disconnect between inland citizens and the seafood resource. They have had quick growth which shows there is tremendous demand and a large demographic whose only option to access their resource is through the commercial fishermen and seafood dealers like him. Public trust resources should be managed and made available to all user groups throughout the state. This petition will for intents and purposes will destroy shrimping and devastate the already fragile coastal economy. No one wants bycatch. Even after exceeding federal goals to reduce bycatch these last couple of season, we still continue to work toward improving that efficiency. Rather than introducing more regulations, we should work toward reducing bycatch.
- **Michelle Aydlette** – She wants fresh local shrimp and believes that the petition will ensure that she continues to get fresh and fairly-priced shrimp. Forage fish are a key part of the life cycle of many other creatures and needs to be protected. She believes that out-of-state mega trawlers are one of the main causes of killing juvenile forage fish in the food chain. She believes the proposal will help improve fishing for both commercial and recreational fishing. We should strive toward sustainable fisheries. She supports the petition.
- **Jonathan Robinson** – Carteret County Commissioner and chairman of the county's Marine Fisheries Advisory Board. Asks that the petition be denied in accordance with the county's resolution letter submitted. As a fisherman, he never thought he would see fishermen being regulated out of business. The promise made to the commercial fishing industry at the time of the 1997 Fisheries Reform Act was that these regulatory decisions would be based on science.
- **Lauren Salter** – Strongly opposes the petition. While the Wildlife Federation says it doesn't seek to ban shrimp trawling, this petition will and could lead to a collapse of

infrastructure impacting more than the shrimp industry. Concerns raised in the petition were addressed in the latest Shrimp Fishery Management Plan. It's outrageous that one of the petitioners said that they didn't like the result of that plan and so now this petition was submitted. The Wildlife Federation participated in that plan process, but didn't get the result they wanted, so now we have this petition. The commission should follow the processes that give scientific credibility to nursery designations. To have the processes side-stepped and use the information fishermen give in deliberations to end their livelihood is absolutely wrong.

- **John Aydlette** – Marketing specialist with the N.C. Department of Agriculture and Consumer Services and works with the North Carolina seafood and aquaculture industries. There is hard work behind the scenes to put seafood products on the table of the consumer and people need to understand the total economic impact the industry has on the state, especially in eastern North Carolina. The N.C. Dept. of Agriculture and Consumer Services fully supports and stands behind the North Carolina commercial fishing industry. We ask that the commission allow more time for the changes from the most recent fishery management plan to take effect to demonstrate their effectiveness and consider the risks to the economic viability of this industry brought about by increased regulations that may not be necessary. There is an increasing demand for local seafood thanks in part to the nationwide local food movement. The industry has the potential for major in-state growth due to increased demand from this movement. Consumers want North Carolina seafood in North Carolina restaurants and retailers. Marketing in-state is more profitable to fishermen than shipping long distances. He urged the commission to consider community health, direct and in-direct business impacts and loss of income to the state in its decision.
- **Tammy Gray** – She feels this is the beginning of ending commercial fishing all together. She feels that division is doing a good job. She used to hate the division but now over time she thinks the division is going an awesome job. She hates filling out all of the paperwork, but the science is worth it. If we tell the truth, we will have good science. She is on Hatteras Island so making these new nursery areas will close everywhere around her. This year they have been seeing very nice trout, spot and croaker.
- **Atilla Nemezc** – President of Pamlico/Albemarle Wildlife Conservationists, a chapter of the N.C. Wildlife Federation. He talked to fishermen in his area and they were excited about and supportive of the petition. His area depends on recreational fishermen who come from surrounding areas and buy food, gas and even retire there. Earlier the question was asked as to why the Wildlife Federation not looking at into water quality issues, but they are looking into those issues. We need for all issues impacting the fisheries to be looked into.
- **Jennifer Alligood** – N.C. Wildlife Federation Board of Directors member. She wanted to assures everyone that the Wildlife Federation did not construct the petition to dislodge jobs. She respectfully requests that the petition be judiciously considered and that a responsible decision be made to preserve the fisheries of North Carolina for all citizens of the state.

- **Bob Brown** – N.C. Wildlife Federation Chair. When a resource is shared, but poorly regulated, it tends to become over exploited. All North Carolina citizens have a right to declare their stake in our public resources. They do not suggest that commercial fishermen are over-harvesting shrimp, but feels that their data show that the current level of shrimping is adversely impacting other fisheries. They acknowledge that shrimpers have the right to harvest shrimp, as long as their fees cover the cost to the state of regulation, law enforcement, inspections, and as long as they don't harm fisheries of interest to other citizens and the overall ecosystem of North Carolina waters. The commission is tasked with regulating our commercial and recreational fishers to ensure the sustainability of all fish stocks and certainly the long-term sustainable health of the estuaries. Please seriously consider the proposed and amended rules changes as submitted.
- **Megan Spencer** – Has an online petition with over 5,000 signatures from not only North Carolina, but from around the country, to keep North Carolina shrimp on our tables. Some of the things that rang true from the responses she got from her petition were to keep people working in fishing and tourism, stop foreign imports of seafood and support coastal heritage for those who live here and for those who come here to see it. The science, demand, economic benefit and history are all reasons to deny the petition. She submitted a hard copy of her online petition and will email an update to the commission before its February meeting.
- **Sharon Peel Kennedy** – She does an on-air cook segment featuring local seafood to encourage the use of healthy seafood in their weekly menus and this is her seventh season. Commercial fishermen are about food, not fun. As a consumer she is concerned about the already heavily regulated fishing industry. Most fishermen agree that it is very important to have sustainable fisheries. With so many groups trying to impose bans on North Carolina commercial fishing, she would think that the state would do more to honestly protect its fishermen from unfair regulations. Consumers should have the opportunity to purchase locally-caught seafood.
- **Tim Aydlette** – Supports the petition and wants strategies implemented to reduce shrimp trawl bycatch. Life cycles of spot, croaker, weakfish and crustaceans are complex. He supports an ecosystem based management program. The bycatch in the shrimp fishery is dangerously high and unacceptable. Protecting the forage fish until they spawn makes common sense. Collaboration is key to protecting habitats. Other factors, such as agricultural run-off, storm water run-off and pollution are issues that need to be studied collaboratively to ensure habitat protection for generations to come.
- **Arthur Crane** – He supports the fishermen. He urged the commission to see that the right thing is done. The advisory committees asked the fishermen to shrimp a certain way, let them do that before putting more regulations on the fishermen. Doesn't know why this group is bothering the fishermen when it should be putting more effort into water quality studies.
- **Fred Harris** – He is in favor of the petition. He believes that the waters asked to be designated as Special Secondary Nursery Areas largely function as such for a great many species. These species are subject to bycatch by shrimp trawling. If the juvenile fish are

protected from bycatch, then he suspects that a portion of those juvenile fish will recruit to the adult spawning stock. If juvenile fish are discarded dead, they have no value. If protected into maturity, they have value to both commercial and recreational fishermen and also to the businesses that support those groups.

- **Clyde Potter** – He feels that commercial fishing is already over regulated. The fishing industry supports lots of families and in-direct businesses (i.e. fuel, ice, parts, hardware, mechanics, electricians, welders, truck drivers, processing plants, restaurants). It's time to stop complex politics and eliminating jobs. It's time to start creating jobs. He wants to keep the commercial fishermen working.
- **James Fletcher** – United National Fishermen Association. The association requests these five committees and the commission deny the petition. The petition is based on flawed science and outdated data from NMFS that has been disproven. The Royal Society of Biological Science says that basically some trawling and bottom disturbance bring more fish and more desired marine life. The fishermen are the original conservationists and best source of data. Since the banning flynets south of Hatteras, grey trout have all but disappeared. Does trawling bring fish or does fish bring trawling? Deny the petition.
- **Dave Guthrie** – The petition is bad. The data used in the petition is not good and is outdated and there are not variables taken into consideration. Stand up for what is right.
- **Wesley Potter** – He thinks the commission is doing plenty making regulations on its own. Regarding one of the slides shown by the petitioners, if we are still getting 540 million pounds of bycatch after 50 years of trawling, something is reproducing. If all of the bycatch is stopped, what will feed all the turtles we have saved?
- **Frank Timberlake** – He is a consumer and depends on commercial fishermen for fresh seafood. While commercial and sport fishing make up 10 percent of the state's citizens, the rest depend on the commercial fisherman. They are already over-regulated. As a citizen, he wants appropriate regulation and wants the commercial industry to remain viable and sustainable. He wants impartial scientific studies done on shrimping. Quotes on the amounts of bycatch losses are not proven. There needs to be an impartial economic impact study of what will happen to coastal economies; many will be on the bottom tiers of economic development if the commercial fishing industry is eliminated. The commission should be concerned with the consumer, as well as recreational and commercial fishing interests. Step away from big money and power and do what is right for all citizens of this state. Deny this petition.
- **Christina Fulcher** – Fulcher's Point Pride Seafood. She and her family own and manage three processing and seafood packing plants, as well as a fleet of commercial shrimping vessels, and a seafood trucking company. What will the compensation for the shrimper be if their fishery and talents as skilled tradesmen are made no longer useful by this petition. Will we compensate the fishermen for their vessels and equipment, lost wages during re-education for another trade? The loss of this fishery will affect direct and in-direct shrimp fishery businesses as well. Please keep these in mind.

- **Ross Butler** – CEO Wanchese Fish Company. They provide employment to 350 families. If this petition is allowed, they will likely have to shut down their North Carolina operations. The kind of legislative change that this petition will cause completely undermines investment in the state and they will be left with little recourse but to seek a legal remedy for their losses. Their investment of millions of dollars for the assets of Wanchese Fish Company and they believe that the proposals in the petition will render them valueless. This lessens investment confidence in the area.
- **Beth Bucksot** – Director of Economic Development in Pamlico County and Executive Board of the Pamlico Chamber of Commerce. Pamlico county has approximately 13,000 people in it and has over the last 15 years lost over 1,200 jobs in the seafood industry and 600 migrant workers. The multiplier effect has hit everyone which means one in five living wage jobs have been lost. If the petition is adopted, they will likely lose most of the rest. Of the population in Pamlico County, 500 are in state residential housing facilities so they can't be counted as part of the local economy. Of the rest approximately 6,000 are of working age. In a six-year span, of Chamber of Commerce businesses, 86 businesses left Pamlico County and were all in communities where their fishing fleet was decimated. Two of those businesses moved but the others closed. The economic impact would be devastating. We need to make sure the statistics are real and not skewed and check the sources of the statistics for accuracy.
- **Steve House** – Dare County Commissioner. He drafted a resolution for the board opposing the petition and read it. If the areas proposed to be designated as special secondary nursery areas are adopted as such, then dredging will not be allowed. The inlets will fill in and neither recreational nor commercial fishermen will be able to get out.
- **Sherrill Styron** – Fishing is complicated and we have good years and bad years and shrimp boats don't have anything at all to do with it. Flynet closures didn't help grey trout stocks. One reason we have fewer landings is because we have fewer fishermen to catch them. Deny the petition.
- **Chris McCaffity** – He is opposed to the petition. It denies consumers access to local wild-caught shrimp. This is the latest attack on commercial fishermen and consumers and costs taxpayers' money by having to convene these types of meetings and in lost productivity to the fishing industry. We should concentrate on enhancing our fisheries with aquaculture and improving wild catch methods rather than on ways to restrict access to them.
- **Doug Cross** – He is opposed to the petition. This is another attempt to bypass the fishery management plan process and enable special interests to drive their biased agenda against commercial fishermen. The Shrimp Fishery Management Plan set a bycatch reduction target of 40 percent. In 2015, the verified reduction to finfish bycatch reached 39.7 percent. At present the division has documented 46 to 55 percent reduction in finfish bycatch and expects to see even greater reductions in the last year of the fishery management plan. North Carolina shrimp industry leads the nation in bycatch reduction as mandated by the commission. This petition is a panic to drive home measures that will circumvent the due process of the Shrimp Fishery Management Plan before it is

completed. Special interest will eliminate the livelihood of countless commercial fishing families and affect associated businesses and their families, all to close an area that equates to 10 to 15 percent of actual towing bottom in Pamlico Sound. They have put forth undocumented opinion as if it were fact without peer review or publication.

There were 38 people that had signed up to speak that the chairman called, but they had left the meeting or declined to speak.

Chairman Corbett closed the public comment portion of the meeting, due to time constraints and encouraged the 68 people that were unable to speak to submit their comments in writing.

ADVISORY COMMITTEE DELIBERATION AND DEVELOPMENT OF MOTIONS ON PETITION FOR RULEMAKING

Chairman Corbett then turned the meeting over to the advisory committees to deliberate and vote on whether to recommend to the commission to grant the petition and initiate rulemaking or deny the petition.

NORTHERN ADVISORY COMMITTEE, with Sara Winslow serving as chair:

- Question from Gilbert Tripp for division gear specialist Kevin Brown: With the 32 trial trawls for the reduction in bycatch, was the headrope length of the trawl the same or different?
- ANSWER: When we're conducting this gear testing, you want your nets to be identical except for what you are testing. So everything on those nets including the headrope is identical except for the addition of that second Bycatch Reduction Device, or BRD.

**Motion by Michael Blanton to recommend to the Marine Fisheries Commission to deny petition by the N.C. Wildlife Federation. Seconded by Keith Bruno.
Motion passes 9-1**

Roll Call Vote

Glenn Barnes – no

Everett Blake – yes

Michael Blanton – yes

Keith Bruno – yes

Raymond Pugh – yes

Dell Newman – yes

Jim Rice – yes

Gilbert Tripp – yes

Riley Williams – yes

Sara Winslow – yes

SHELLFISH/CRUSTACEAN ADVISORY COMMITTEE, with Joe Shute serving as chair:
Motion by Brian Shepard to recommend to the Marine Fisheries Commission to deny the petition as frivolous and incomplete based on flawed science. Seconded by Bruce Morris. Motion passes 8-1

Roll Call Vote

Perry Beasley – yes
Jim Hardin – no
Mike Marshall – yes*
Bruce Morris – yes
Martin Posey – yes
Brian Shepard – yes
Tony Tripp – yes
Adam Tyler – yes
Joe Shute – yes

*Mike Marshall said he supported the motion because the proposal to make the rest of North Carolina a special secondary nursery area does not provide the data specificity or the analysis that the division or the commission would require to take that action. When you decouple that from the other recommendations on bycatch reduction they are more appropriately addressed in what is called the 2015 Shrimp Fishery Management Plan but what was really the Bycatch Management Plan. That process should go on as it is and the size limits are more appropriately addressed in the Interjurisdictional Fishery Management Plan.

FINFISH ADVISORY COMMITTEE, with Sammy Corbett serving as chair:
Motion by Brent Fulcher to recommend to the Marine Fisheries Commission to deny the petition on the basis that the NC Division of Marine Fisheries has defined, designated and delineated nursery areas since the 1970's (and will continue to define, designate and delineate nursery areas) and to recommend that the MFC continue collaborative bycatch reduction research with the NC Division of Marine Fisheries and the industry. Seconded by Melvin Shepard. Motion passes 7-1

Roll Call Vote

Thomas Brewer – yes
Jeff Buckel – yes
Brent Fulcher – yes
Ken Seigler – yes
Melvin Shepard – yes
Scott Whitley – yes
Mike Wicker – no
Sara Winslow – yes
Sammy Corbett – did not vote

SOUTHERN ADVISORY COMMITTEE, with Pam Morris serving as chair:

Motion by Jake Griffin to recommend to the Marine Fisheries Commission to deny the petition. Seconded by Tom Smith.

Motion to amend by Adam Tyler to include as reasons because there is no new information in the petition, and the 2015 Shrimp FMP measures have not been allowed to work, these proposed rules should only be adopted in the FMP process, and the designations do not follow established protocols. Seconded by Chris Medlin.

Amended motion carries unanimously.

Main motion passes 6-0-1

Roll Call Vote on Main Motion

Charles “Jake” Griffin – yes

Ruth King – yes

Chris Medlin – yes

Randy Proctor – yes

Tom Smith – yes

Adam Tyler – yes

Pam Morris – abstained

HABITAT AND WATER QUALITY ADVISORY COMMITTEE, with Alison Willis serving as chair:

Motion by Mike Street to recommend to the Marine Fisheries Commission to deny the petition dated Nov 2, 2016. The petition shows serious lack of knowledge of the actual conduct of North Carolina’s shrimp trawl fishery and its management by the NC Marine Fisheries Commission and the Division of Marine Fisheries. For example:

- **Fisheries landings are not a valid measure of the health of a fish stock;**
- **Just because other states prohibit estuarine shrimp trawling is no reason for North Carolina to do so;**
- **North Carolina’s existing management system is based on an open process in which all stakeholders participate in preparing fishery management plans and recommending rule changes and that system works;**
- **The petition fails to consider differences in life history characteristics of the three shrimp species that contribute to North Carolina’s landings; and**
- **The petition does not provide a rigorous, science-based framework for defining nursery habitats in North Carolina. Seconded by Terry Pratt.**

Motion passed 7-1.

Roll Call Vote

Bob Christian – yes

David Duane – yes

Joel Fodrie – yes

David Glenn – yes

Mark Gorges – no

Terry Pratt – yes

Mike Street – yes

Thomas “Clay” Willis – yes

Alison Willis – did not vote

Chairman Corbett thanked everyone for their participation and advised that the commission would be reviewing the advisory committee recommendations and voting on the petition at the commission's Feb. 15-16 business meeting in Wilmington.

The meeting adjourned at 7:24 pm.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON C. DAVIS
Director

MEMORANDUM

To: Marine Fisheries Commission

From: Wayne Johannessen

Subject: Coastal Recreational Fishing License Committee Meeting

Date: January 25, 2017

The Marine Fisheries Commission Coastal Recreational Fishing License Committee met at the Division of Marine Fisheries Central District Office on January 24, 2017. The following attended:

Committee: Joe Shute, Rick Smith, Chuck Laughridge, Braxton Davis

Advisory Members: Alexander Rich, Jan Willis

Staff: Dee Lupton, Suzanne Guthrie, Beth Govoni, Steve Murphey, Laura Lee, Kathy Rawls, Trish Murphey, Charlton Godwin, Anne Deaton, Tina Moore, Randy Gregory, Drew Cury, Jacob Boyd, Chris Batsavage, Stephanie McNerny, Dean Nelson, Jason Peters, Chris Stewart, Patricia Smith, Doug Mumford, Chris Wilson, Jason Walker, Joe Facendola, and Katy West.

APPROVAL OF AGENDA AND MINUTES

Division of Marine Fisheries Director Braxton Davis called the meeting to order and reviewed commissioners conflict of interest policy.

Motion to approved Agenda with no modifications by Commissioner Joe Shute, second by Commissioner Rick Smith - motion passed unanimously.

Motion to approved the minutes from the June 28, 2016 meeting with no modifications by Commissioner Chuck Laughridge, second by Commissioner Joe Shute - motion passed unanimously.

PUBLIC COMMENT

Public comment was offered by Dawn York with the Cape Fear River Partnership in support of the Cape Fear River Watch proposal 2017-H-60 *Improving Recreational Fishing Opportunities for Striped Bass in the Cape Fear River; Lock and Dam 1.*

UPDATES

The committee received updates on the Coastal Recreational Fishing license sales report through November 30, 2016 as well as the status of the Marine Resources Fund, future obligations and current projects through June 30, 2016.

Status of Funds in the Marine Resources Fund And Future Obligations as of 6/30/2015

Source	Net Funds
FY 2007	2,592,912
FY 2008	4,215,401
FY 2009	4,392,507
FY 2010	4,378,770
FY 2011	4,514,387
FY 2012	4,378,884
FY 2013	4,308,349
FY 2014	4,651,965
FY 2015	4,817,270
Total	38,250,445

Actual spending through 6/30/2015

FY 2008	608,751
FY 2009	1,281,245
FY 2010	1,740,114
FY 2011	4,773,350
FY 2012	4,381,767
FY 2013	4,091,363
FY 2014	6,160,705
FY 2015	5,012,727
Paid to WRC for Implementation	821,516
Total	28,871,538

FY 2015 Obligations

DMF Projects:

FY 15/16 Five-Year Plan	2,333,021
Inshore Fishing/Oyster Reefs NCE (H002)	452,674
Citation Program NCE (P003)	5,949
Anadromous Fish Telemetry NCE (F013)	87,125
Oyster Shell Recycling NCE (H017)	5,998
AR Guide NCE (P014)	106,123
Fishing Digest NCE (P015)	1,334
Multispecies Tagging Program NCE (F017)	38,612
Oyster Shell Recycling: Phase 3 NCE (H023)	14,919
Monitoring of Oyster Sanctuaries NCE (H024)	75,828
SAV Mapping along Southern NC coast NCE (H025)	10,158
Carcass Collection Program NCE (F016)	7,117

WRC Projects:

ADA NCE	98,700
Turkey Creek BAA	37,997
2015 RFP Projects Funded for FY16	1,551,623

Multi-Year Projects Approved for FY16 Funding	1,144,634
Invoices paid after 6/30/15	69,261
NCE carried over from previous RFP projects	675,058
Total	6,716,131
Total Spent & Obligations	35,587,669
Balance less obligations as of 6/30/2015	2,662,776

REVIEW/APPROVE 2017 PROPOSALS

The committee then considered proposals that had been submitted for the 2016 Coastal Recreational Fishing License Request for Proposal. The proposals were divided into three categories – fish, habitat, and people. The following projects were approved for funding.

FISH PROPOSALS

- 2017-F-052 North Carolina State University Estimating survival and stock structure of cobia using telemetry and population genetics - \$166,612**
 Three-year grant to use telemetry tagging and population genetics to study stock structure and boundary questions on cobia.

Motion by Commissioner Joe Shute to approve funding, second by Commissioner Rick Smith - motion passed unanimously.

- 2017-F-050 University of North Carolina at Chapel Hill Assessing life history parameters of cobia (*Rachycentron canadum*) in North Carolina**
 Two-year grant to calculate key life history information for this species such as age structure in the fishery, size-at-age/growth, and maturity/fecundity schedules.

Advisory panel member Willis read to the committee concerns that were raised in the reviewer comments. Director Davis noted that PI had been asked about the concerns and they had been addressed. Commissioner Laughridge made comment that it is not appropriate for North Carolina to spend money on a study, although he is in support of the telemetry study, until we get other states committed or direction from the South Atlantic Fisheries Management Council. He stated that the Telemetry Study, Carcass Collection Program, and Tagging program would be abundantly enough for North Carolina to spend almost a half of a million dollars on this study. He added that CRFL funds are basically tax dollars from the citizens of North Carolina. Comment was offered by the division staff that all of the initial concerns were addressed in a meeting with Dr. Fodrie and revisions were made to the proposal that alleviated all of the reviewer’s initial concerns.

Motion was offered by Commissioner Chuck Laughridge to not fund F050, second by Commissioner Rick Smith - motion passed unanimously.

- 2017-F-054 N.C. Division of Marine Fisheries North Carolina Multi-Species Tagging Program – \$193,967**

Three-year grant to continue the statewide, multi-species tag-return program that provides independent estimates of fishing mortality, natural mortality, and migration rates.

- **2017-F-043 N.C. Division of Marine Fisheries NC DMF Carcass Collection Program – \$7,750**

Three-year grant to continue the Carcass Collection Program that is a source of length, age and sex data for recreationally important fish stock assessment models.

Motion by Commissioner Joe Shute to approve funding F054 and F043, second by Commissioner Chuck Laughridge - motion passed unanimously.

- **2017-F-046 North Carolina State University Egg Yolk, Egg Buoyancy, and Striped Bass Recruitment: A Common Link?**

Three-year grant to investigate the effects of genetic origin and environmental conditions on the yolk in Striped Bass eggs.

Commissioner Laughridge requested clarification from division staff regarding the location of this study. Division staff clarified it was on the Neuse river and they will get some fish from out of state for comparison. Commissioner Laughridge also commented that Striped Bass is highly studied and on the Neuse the spawning is done by unloading stocking trucks. Division staff commented that this study is looking at where is the bottle neck in recruitment is occurring. Also by looking at eggs from other systems they can identify issues in the genetics of the stock in this system. Commissioner Laughridge commented he would not be inclined to study the Neuse since the estimates from learned professors saying that close to 100 percent of spawning is being stocked. Comment was offered by Deputy Director Lupton that this project was to help identify what type of stock we need to be successful in this system. Commissioner Laughridge did not feel approximately \$205,000 should be spent to compare stocked fish to other stocked fish. He commented that he had a problem with spending \$205,000 to come up with the data that we already have from Dr. Rulifson and others that is telling us what to do with striped bass. Director Davis commented that the management question for Wildlife Resources Commission is which genetic strain to use for stocking in the future for the Central Southern Management Area and this project does fit well with their identified management need. Division staff commented that Wildlife Resources Commission has reviewed this proposal and they support the project.

Motion was offered by Commissioner Chuck Laughridge to reject funding for F046, no second – motion fails.

Commissioner Laughridge made comment that he would support a motion for funding pending Wildlife would fund half or match the project amount. Director Davis clarified that the issue could be addressed at the April committee meeting.

Motion was offered by Commissioner Chuck Laughridge to table pending further information on available funds from the Wildlife Resources Commission. Second by Commissioner Rick Smith - motion passed unanimously.

- **2017-F-053 North Carolina State University Developing indices of abundance, characterizing juvenile habitat and identifying major spawning areas for North Carolina sheephead – \$118,166**

Two-year grant to determine trends in sheephead abundance and to identify major spawning areas for sheephead.

Advisory panel member Willis read to the committee concerns that were raised in the reviewer comments. Division staff confirmed that concerns by reviewers were addressed by the response provided from the project PI. Division staff as collaborators on the project also commented that this would provide information for aging and maturity work since most of the data we have are adult fish.

Motion by Commissioner Rick Smith to approve funding, second by Commissioner Joe Shute - motion passed unanimously.

- **2017-F-048 North Carolina State University Beaufort Bridgenet Ichthyoplankton Sampling Program: Addressing the Need for Fishery-Independent Juvenile/Larval Indices for Recreationally Important Species – \$53,475**

Two-year grant for the generation of larval abundance indices from 1986-2019 for multiple species targeted by recreational anglers for use in stock assessments.

Advisory panel member Willis commented that NOAA received \$83,000 to update the sample backlog on a previous CRFL Grant. She questioned the additional \$23,500 that includes a person to travel to Poland to discuss sampling protocols and with NC State involved the indirect costs. Division staff commented that the question of travel was answered by the PI stating it is better to be there in person to check behind them and verify processes protocols. Comment was made that is a common quality assurance measure in a lab environment. Commissioner Laughridge questioned the use of the data in the relation to recreationally important species. Todd Kellison with NOAA commented that the data base has been updated and historical challenges to the data use have been removed and they are trying to catch up the data backlog.

Motion by Commissioner Chuck Laughridge to approve funding, second by Commissioner Joe Shute - motion passed unanimously.

- **2017-F-049 N.C. Division of Marine Fisheries Full-Time Sworn Law Enforcement Officer in New Hanover County**

Two-year grant for funding the 309 position located in the Carolina Beach area.

Motion was offered by Commissioner Chuck Laughridge not to fund F049 but to transfer it to the Five Year Plan, second by Commissioner Joe Shute - motion passed unanimously.

HABITAT PROPOSALS

- **2017-H-061 N.C. Division of Marine Fisheries Developing methodology for assessing recreational fish use in Strategic Habitat Areas - \$176,537**

Two-year grant to initiated a process to identify priority habitat areas, referred to as Strategic Habitat Areas (SHAs), for key species by developing coast wide habitat monitoring protocols.

Commissioner Laughridge questioned if there was a relation between H061 and H059. Division staff clarified that H061 is designed to streamline the ground truthing process of strategic habitat areas and provide indicators for habitats as in the Coastal Habitat Protection Plan. H059 they will be following existing methods to revisiting sites and through mapping identify habitat changes. It was also clarified the Biologist I position is needed to supervise the technicians and handle the workload more efficiently.

Motion by Commissioner Joe Shute to approve funding, second by Commissioner Rick Smith - motion passed unanimously.

- **2017-H-069 University of North Carolina at Chapel Hill Effects of isolated marsh islands and fringing mainland marshes on secondary production and food web dynamics in tidal estuaries - \$85,748**

Two-year grant to determine the relative importance of large continuous marshes, and smaller isolated marsh islands on secondary production of recreationally important fish and crustaceans.

- **2017-H-060 Cape Fear River Watch Improving Recreational Fishing Opportunities for Striped Bass in the Cape Fear Lock and Dam1 - \$259,539**

Two-year grant for a collaborative approach to develop increased passage rates designed specifically for striped bass at Lock and Dam 1 in the Cape Fear River.

Commissioner Smith requested verification that the additional funding was already in place. Dawn York with the Cape Fear River Partnership confirmed that the matching funds were from the National Fish and Wildlife Fund and they are already awarded and in place.

- **2017-H-068 Duke University Rapid, high-resolution mapping of Coastal Strategic Habitats - \$121,739**

Two-year grant to utilize recent advances in drone technology, to enhance oyster reef habitat monitoring.

- **2017-H-059 University of North Carolina Wilmington Development of SAV Sentinel Sites in Southeastern NC: Linking SAV Health and Resilience to Environmental Drivers – \$82,217**

Three-year grant to conduct research that will provide direct links between changes in SAV health and water quality parameters.

- **2017-H-070 N.C. Division of Marine Fisheries Maintaining and expand long-term continuous water quality monitoring and improving comprehensive water quality analysis through the use of innovative software – \$148,993**

Three-year grant to maintain the three NCDMF sampling projects which use continuous water quality monitoring equipment.

- **2017-H-063 North Carolina State University Evaluating cultch oyster reefs as essential fish habitat – \$123,051**
Three-year grant to study the value of cultch reefs created by the NCDMF as essential fish habitat and quantify the contribution of cultch reefs to overall fish production per unit area.

Commissioner Laughridge asked for clarification on the need to verify cultch sites as habitat. Staff offered comment that division does not do much monitoring due to time limitations and this project would help quantify the benefits of cultch reefs as essential fish habitat.

Motion by Commissioner Chuck Laughridge to approve funding as recommended for H059, H060, H063, H068, H069, and H070, seconded by Commissioner Rick Smith – motion passed unanimously.

PEOPLE PROPOSALS

- **2017-P-052 Oregon Inlet Artificial Reef Committee Establish new artificial reef in NC state waters off the coast of Dare County - \$371,000**
Two-year grant to construct new off-shore artificial reefs in coastal North Carolina waters approximately 8 miles south of Oregon Inlet within three miles of the coast.

Commissioner Laughridge asked for clarification if the material for this project was from the bridge demolition and that it was within the 3-mile guidelines. Division staff from the Artificial Reef Group clarified that this was not bridge demolition material.

Commissioner Laughridge offered that a bill may be introduced to allow CRFL funds to be spent outside of 3 miles and if that is desired to wait for the next funding cycle.

Division staff clarified the intent is to be located within inside waters. Commissioner Laughridge questioned potential match. Division staff offer that the PI had approached Dare County Tourism board and they were not able to get any funds. Commissioner Laughridge commented that 1.2 million is expensive without any matching funds.

Division staff noted that it was recommended to be reduced and offered comparable costs of material from other projects. Commissioner Smith also commented it was a lot of money on a reef, money that could be used to protect species and protecting the resources in North Carolina. Commissioner Shute commented that looking the amount of CRFL funds from Dare County they have the least amount of reefs. Alexander Rich of the advisory panel commented that Dare County accounts for more than twice the CRFL sales of any other coastal county and has not applied for any other CRFL funds since its beginning in 2007. He expressed support for approval at the recommended reduced amount.

- **2017-P-053 NC Wildlife Resources Commission Manns Harbor Boat Access Area - \$113,000**
One-year grant to construct one new bay of trailer parking spaces. Pave existing gravel areas with asphalt and stripe parking areas.
- **2017-P-54 NC Wildlife Resources Commission Beaufort Boat Access Area - \$75,000**

One-year grant to pave existing gravel areas with asphalt and stripe parking areas.

- **2017-P-057 N.C. Division of Marine Fisheries NC Recreational Fishing Digest - \$37,600**
One-year grant to update and re-print the North Carolina Recreational Fishing Digest.
- **2017-P-059 Town of Oak Island Veterans Park Handicapped Accessible Fishing Access - \$92,200**
One-year grant for the installation of an ADA accessible fishing pier and boardwalk along the existing bulkhead, and an ADA accessible walkway at the Town of Oak Island park facility.
- **2017-P-064 Town of Swansboro Bicentennial Park Recreational Fishing Pier - \$98,494**
One-year grant to construct an inshore recreational fishing pier at Bicentennial Park, located on NC Highway 24 at the White Oak River Bridge.

Motion by Commissioner Chuck Laughridge to approve funding of all people projects with P052 being contingent on at least a 30% cash match, second by Commissioner Rick Smith - motion passed with 2 votes as Commissioner Joe Shute abstained.

Motion by Commissioner Chuck Laughridge to clarify approval of funding as recommended for H060 at \$259,539, second by Commissioner Joe Shute - motion passed unanimously.

Motion by Commissioner Chuck Laughridge to clarify approval of funding for people proposals at the amount recommended by the CJRT, second by Commissioner Joe Shute - motion passed unanimously.

The committee agreed to fund 18 proposals in year one totaling \$2,325,088, leaving an unobligated balance in the Marine Resources Fund of approximately \$363,349.

FIVE YEAR PLAN FOR OBLIGATED FUNDS FROM THE MARINE RESOURCES FUND

Deputy Director Lupton presented the proposed N.C. Division of Marine Fisheries Five-Year Plan for Obligated Funds from the Marine Resources Fund for 2017-2022.

Commissioner Laughridge asked for clarification on the two positions that are CAMA employees. Deputy Director Lupton and Director Davis confirmed that there are no policy or legal issues since both divisions are within Department of Environmental Quality. Director Davis clarified with Col. Dean Nelson the boat costs and moving the F049 to the Five-Year Plan. We will provide the updated figures for the Five-Year Plan at the next committee meeting.

Motion by Commissioner Chuck Laughridge to approve funding as proposed as well as including a fund shift for an officer to Job 5 (from F049) and their supporting funds and

any purchase of boats would be in year two, second by Commissioner Rick Smith - motion passed unanimously.

ADDITIONAL ITEMS

Director Davis advised the committee on the status of the current Division of Marine Fisheries Five-Year Plan on-going Coastal Recreational Fishing License projects from 2012-2017. Also the performance reports, grantees semi-annual progress reports and technical monitor reviews were included on the meeting materials CD and any questions should be directed to Wayne Johannessen the Coastal Recreational Fishing License Project Coordinator or the Technical Monitor.

The meeting adjourned at 4:45 pm.