

**N.C. Marine Fisheries Commission**  
**Feb. 23-25, 2022**  
**Motions**

**APPROVAL OF AGENDA**

Motion by Martin Posey to approve the meeting agenda.  
Second by Pete Kornegay  
Motion carries with no dissention

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**APPROVAL OF MINUTES**

Seconded by Tom Roller to approve the minutes of the Nov. 17-19, 2021 business meeting.  
Second by Pete Kornegay.  
Motion carries without dissention.

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**DRAFT ESTUARINE STRIPED BASS FISHERY MANAGEMENT PLAN AMENDMENT 2**

Motion by Pete Kornegay to send the draft Estuarine Striped Bass Fishery Management Plan Amendment 2 for review by the public and advisory committees but not before the DMF proposal to allow the use of gill nets in the Neuse and Pamlico rivers, upstream of the ferry travel lines, is deleted from the draft FMP.  
Seconded by Tom Roller

Motion by Mike Blanton to amend the previous motion by striking “but not before the DMF proposal to allow the use of gill nets in the Neuse and Pamlico rivers, upstream of the ferry travel lines, is deleted from the draft FMP.”  
Seconded by Sam Romano

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson		x		
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey		x		
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell		x		

Motion fails 2-6

Motion by Pete Kornegay to send the draft Estuarine Striped Bass Fishery Management Plan Amendment 2 for review by the public and advisory committees but not before the DMF proposal to allow the use of gill nets in the Neuse and Pamlico rivers, upstream of the ferry travel lines, is deleted from the draft FMP.

Seconded by Tom Roller

Motion withdrawn

Motion by Pete Kornegay to send the draft Estuarine Striped Bass Fishery Management Plan Amendment 2 for review by the public and advisory committees with the change of deleting Appendix 3, Options 2B and 2C.

Seconded by Tom Roller

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross		x		
Mike Blanton		x		
Tom Hendrickson	x			
James Kornegay	x			
Robert McNeill	x			
Dr. Martin Posey	x			
Tom Roller	x			
Sam Romano		x		
Chairman Rob Bizzell	x			

Motion carries 6-2

**DRAFT SOUTHERN FLOUNDER FISHERY MANAGEMENT PLAN AMENDMENT 3**

Motion by Martin Posey that based on recognition of a series of coincident concerns specific to the initial steps in rebuilding the southern flounder fishery, that we delay the transition to a 50/50 commercial/recreational parity allocation by 2 years (time for at least 1 cycle of larval to female maturity) allocations: 2023: 70/30; 2024: 70/30; 2025: 60/40; 2026: 50/50. In 2024, as we approach the start of the allocation shift, the Division will provide recommendation to the MFC on approaches to maintaining a sustainable suballocation for the commercial pound net fishery (as needed based on the economic and biotic conditions at that time).

Motion ruled out of order

Motion by Tom Hendrickson to defer the deliberation on the Southern Flounder FMP Amendment 3 until the next called meeting of the commission to provide time for consultation with legal counsel.

Motion withdrawn

Motion by Tom Hendrickson to appeal the commission chair’s ruling on Commissioner Posey’s motion.

Seconded by Doug Cross

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell			x	

Motion carries 5-3 with one abstention

Motion by Martin Posey that based on recognition of a series of coincident concerns specific to the initial steps in rebuilding the southern flounder fishery, that we delay the transition to a 50/50 commercial/recreational parity allocation by 2 years (time for at least 1 cycle of larval to female maturity) allocations: 2023: 70/30; 2024: 70/30; 2025: 60/40; 2026: 50/50. In 2024, as we approach the start of the allocation shift, the Division will provide recommendation to the MFC on approaches to maintaining a sustainable suballocation for the commercial pound net fishery (as needed based on the economic and biotic conditions at that time).

Seconded by Doug Cross

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell		x		

Motion carries 5-4

Motion by Tom Roller to accept the DMF recommendations for the Southern Flounder FMP Amendment 3 but include the phasing out of large mesh gill nets.  
 Seconded by Robert McNeil

Motion by Mike Blanton to amend the previous motion by striking “but include the phasing out of large mesh gill nets.”  
 Seconded by Sam Romano

Motion by Tom Roller to amend Mike Blanton’s motion to have a full moratorium on the Southern Flounder fishery until the next stock assessment is completed.  
 Seconded by Pete Kornegay

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross		x		
Mike Blanton		x		
Tom Hendrickson		x		
James Kornegay	x			
Robert McNeill	x			
Dr. Martin Posey			x	
Tom Roller	x			
Sam Romano		x		
Chairman Rob Bizzell	x			

Motion fails 4-4 with one abstention

Previous motion by Mike Blanton to amend the previous motion by striking “but include the phasing out of large mesh gill nets.”  
 Seconded by Sam Romano

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell		x		

Motion carries 5-4

Motion as amended: to accept the DMF recommendations for the Southern Flounder FMP Amendment 3.

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell			x	

Motion carries 5-3 with one abstention.

Motion by Mike Blanton to send the preferred management measures for Southern Flounder Amendment 3 for review by the DEQ Secretary and the legislature.

Seconded by Doug Cross

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell	x			

Motion carries 6-3

Motion by Robert McNeill that in the event that both sectors exceed the allowable catch in the 2022 southern flounder season we, the MFC, will consider writing the secretary of DEQ to consider a supplement for a moratorium be placed on southern flounder for both sectors until the next stock assessment is completed.

Seconded by Tom Roller

Substitute motion by Martin Posey for a resolution that the MFC recognizes that there may need to be consideration of a moratorium if there are continued excesses in the allowable catch of flounder in both sectors.

Seconded by Tom Hendrickson

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

Motion carries 5-1 with 3 abstentions

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#### **DRAFT SHRIMP FISHERY MANAGEMENT PLAN AMENDMENT 2**

Motion by Doug Cross to give final approval to the Shrimp Fishery Management Plan Amendment 2.

Seconded by Sam Romano

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	X			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell	x			

Motion carries 6-3

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**PROPOSED AMENDMENT TO MUTILATED FINFISH RULE**

Motion by Tom Roller to approve the management option and associated proposed language for rulemaking for the mutilated finfish rule, 15A NCAC 03M .0101, as presented by the Division of Marine Fisheries.

Seconded by Tom Hendrickson

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay	x			
Robert McNeill	x			
Dr. Martin Posey	x			
Tom Roller	x			
Sam Romano	x			
Chairman Rob Bizzell	x			

Motion carries 9-0

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**RULES**

Motion by Doug Cross to give final approval of readoption and repeal through readoption of rules per G.S. 150B-21.3A and adoption and amendment of rules (Package B):

- Highly Efficient Gears, Artificial Reefs, and Research Sanctuaries (3 rules)  
15A NCAC 03I .0109, 03J .0404, 03R .0119
- Shellfish Leasing Regulations (9 rules)  
15A NCAC 03K .0111, 03O .0203, .0205-.0211
- 15A NCAC 03 Rules with Conforming Changes (40 rules)  
15A NCAC 03I .0113, .0118, 03J .0101, .0110, .0302, 03K .0101, .0102, .0105, .0106, .0108, .0201, .0202, .0204, .0207, .0301, .0302, .0304, .0305, .0401, .0505, 03L .0101-.0103, .0105, 03M .0201, .0202, .0204, .0205, .0503, 03N .0104, .0105, 03O .0301-.0303, .0401-.0406
- 15A NCAC 03I, 03J, 03K, 03O, and 03R Rules for Definitions, Imported Species, Recordkeeping, Gear, Marketing Shellfish, and Licenses (18 rules)  
15A NCAC 03I .0101, .0104, .0114, 03J .0105, .0109, .0305, 03K .0205, .0507, 03O .0101-.0105, .0107, .0109, .0110, .0113, 03R .0111
- Commercial Blue Crab Harvest and Gear Regulations (8 rules)  
15A NCAC 03J .0301, 03L .0201-.0205, 03R .0110, .0118
- Permit and License Suspensions and Revocations and Pound Net Gears (11 rules) 15A NCAC 03I .0105, 03J .0501-.0505, 03O .0111, .0114, .0502, .0504, 03P .0101
- 15A NCAC 03P Rules (8 rules)  
15A NCAC 03P .0102, .0201-.0203, .0301-.0304

- 15A NCAC 03K and 18A Crustacea and Shellfish Rules (12 rules)  
15A NCAC 03K .0103, .0104, .0107, .0109, .0208, .0209, 18A .0135, .0302, .0303, .0304,  
.0425, .0912

Seconded by Tom Hendrickson

Motion carries without dissent