



# PRELIMINARY MATTERS

2022 February MFC Business Meeting  
Agenda

2021 November MFC Business  
Meeting Minutes

# Marine Fisheries Commission Business Meeting

## AGENDA

Doubletree Hotel, New Bern, NC  
February 23-25, 2022

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

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

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

### **Wednesday, February 23<sup>rd</sup>**

6:00 p.m. Public Comment Period

### **Thursday, February 24<sup>th</sup>**

9:00 a.m. Preliminary Matters

- Commission Call to Order\* – Rob Bizzell, Chairman
- Moment of Silence and Pledge of Allegiance
- Conflict of Interest Reminder
- Roll Call
- **Approval of Agenda \*\***
- **Approval of Meeting Minutes\*\***

9:30 a.m. Public Comment Period

10:00 a.m. Chairman's Report

- Letters and Online Comments
- Ethics Training and Statement of Economic Interest Reminder
- 2022 Meeting Schedule
- Commission Committee Assignments

10:15 a.m. Committee Reports

- Northern Regional Advisory Committee
- Southern Regional Advisory Committee
- Finfish Standing Advisory Committee
- Joint Meeting of the MFC Commercial Resources Fund Committee and the Funding Committee for the N. C. Commercial Fishing Resource Fund

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

**\*\*Probable Action Items**

## Thursday, February 24<sup>th</sup> continued...

10:20 a.m. Director's Report – Kathy Rawls

- Division of Marine Fisheries Quarterly Update
- Federal Economic Assistance Programs Update – Dee Lupton
- Atlantic States Marine Fisheries Commission – Chris Batsavage
- Mid-Atlantic Fishery Management Council Update – Chris Batsavage
- South Atlantic Fishery Management Council Update – Trish Murphey
- Marine Patrol Update – Col. Carter Witten
- Latent License Information – Dee Lupton, Brandi Salmon
- Shellfish Lease Program Update – Jacob Boyd
- Diamondback Terrapin Update – Joe Facendola
- Catch-U-Later App Update – Andrew Cathey
- Coastal Habitat Protection Plan Update – Jimmy Johnson, Anne Deaton
- Southern Flounder Updates –
  - Tagging Research – Shelby White
  - 2021 Landings Update – Mike Loeffler
- Estuarine Striped Bass Update -
- Informational Materials and Memos:
  - Highly Migratory Species
  - Protected Resources Update
    - Observer Program
    - Incidental Take Permit Updates
  - Landings Updates
  - Rule Suspensions

12:00 p.m. Lunch Break

1:00 p.m. Fishery Management Plans

- Status of ongoing plans – Corrin Flora
- Amendment 2 to the Estuarine Striped Bass FMP
  - Presentation of Draft Amendment 2 – Charlton Godwin, Todd Mathes, Nathaniel Hancock
  - **Vote to approve draft Amendment 2 to the Estuarine Striped Bass FMP for review by the public and advisory committees\*\***
- Amendment 3 to the Southern Flounder FMP
  - Public Comment Summary and Review of Recommendations – Mike Loeffler, Anne Markwith
  - **Vote to Select Preferred Management Options\*\***
- Amendment 2 to the Shrimp FMP
  - Review comments from DEQ Secretary and legislative commission and committee – Chris Steward, Dan Zapf, Jason Rock
  - **Vote on final approval of Amendment 2 \*\***

## Friday, February 25<sup>th</sup>

9:00 a.m. Proposed Amendment to the Mutilated Finfish Rule Issue Paper – Morgan Paris

- **Vote on management option and associated proposed language for rulemaking\*\***

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*\*\*Probable Action Items*

## Friday, February 25<sup>th</sup> Continued...

10:00 a.m. Rulemaking

- 2020-2021 Annual Rulemaking Cycle Update– Catherine Blum
- 2021-2022 Annual Rulemaking Cycle– Catherine Blum
  - “Package A” Update (56 rules)
  - “Package B” (109 rules)

**Vote on final approval of readoption and repeal through readoption of rules per G.S. 150B-21.3A and adoption and amendment of rules:**

- **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

- Joint Rulemaking Update – Shawn Maier
  - Overview of Proposed WRC Joint Rules
  - 2021-2022 Annual Rulemaking Cycle “Package C” (9 rules)
    - **Vote on Notice of Text for readoption and repeal through readoption of 15A NCAC 03Q .0101-.0109 (9 rules) per G.S 150B-21.3A.\*\***
- 2022-2023 Annual Rulemaking Cycle Preview

10:45 a.m. Issues from Commissioners

11:00 a.m. Meeting Assignments and Preview of Agenda Items for Next Meeting – Lara Klubansky

11:10 a.m. Adjourn

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*\*\*Probable Action Items*

**Marine Fisheries Commission Business Meeting Minutes**  
**Islander Hotel & Resort**  
**Emerald Isle, North Carolina**  
**Nov. 17-19, 2021**

The commission held a business meeting Nov. 17-19 at the Islander Hotel and Resort in Emerald Isle, North Carolina. In addition to the public comment session, members of the public submitted public comment online or via U.S. mail. To view the public comment, go to:

<https://deq.nc.gov/media/26049/open>

The briefing materials, presentations, and full audio from this meeting are available at:

<https://deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/marine-fisheries-commission-meetings#quarterly-business-meeting---november-17-19>

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

**BUSINESS MEETING - MOTIONS AND ACTIONS**

On November 17, a public comment session was held beginning at 6 p.m. Chairman Rob Bizzell called the meeting to order. The following individuals spoke:

**Patrice Clark**, a seafood business owner in Englehard, N.C., said she trusts that everyone can agree shrimp trawling is supposed to be managed for maximum sustainable yield for all citizens of North Carolina. She said she opposes the shrimp fishery management plan proposal to stop shrimp trawling and shared four comments for the benefit of those who oppose shrimp trawling. First, the shrimp data shows where and when shrimp are harvested for the highest economic return and the Primary Nursery Areas and Secondary Nursery Areas have been identified and protected. Second, she questioned why anyone would want to sabotage the efforts of the Division of Marine Fisheries for data collection and resource protections and the Department of Agriculture's "Goodness Grows in North Carolina" advertising. Third, she encouraged everyone to buy local seafood product; the consumers likely outnumber the commercial and recreational fishermen combined. And fourth, she said there will be economic impacts to commercial fishermen, specifically in her community. There will be three fish houses and numerous fishermen directly affected and they are already in an economically challenged county. She asked the commission to make decisions based on the data and to please consider the impacts to businesses and commercial fishermen.

**Allen Faircloth**, a commercial fisherman from Surf City, said he obtained his commercial license in 2008 and he quickly learned it was important to communicate with other shrimpers. For example, he learned that during a slack tide he would catch fish instead of shrimp. He recalls two poor years since he started, one of which was when there may have been some work going

on in the inlet. In 2020, the season did not open until Sept. 9. But, this year, the season did not open until Sept. 19 because the division said there were no shrimp or there were small shrimp. He said a channel netter near him was able to get 10 to 15 boxes per night of 25-35 count shrimp. He requested that the season open on Sept. 1 starting in 2022 and annually thereafter. He read that 1,000 to 2,000 jobs would be affected by the proposed shrimp fishery management plan, but he said he thinks that is wrong because there would be all kinds of other effects to fish houses, fuel suppliers, and other services. He also expressed concern about a trip ticket he had in July for a trip when his tailbag had a lot of fish and he dumped it, and then the trip ticket was voided due to no shrimp landings. He said he wants to talk to someone at the division about that.

**Thomas Wiggins**, an avid commercial fisherman, said he fished nets with his dad when he was a kid and he is 60 years old now and wants to fish for five more years before retiring. He said the commission may expire shrimping in areas he has been in his entire life and he does not understand why. He said his heart and his enjoyment are in this, along with his \$30,000-worth of boat, nets, and fishing rods, so the commission should just take it all if they take away these shrimping areas. He said if the commission is going to regulate the fisheries they need to address the gill nets in the creeks since the creeks were closed for shrimp trawling. The last several years has provided great shrimping and now the commission wants to take that away. His son, who is away working, will come home and find he can't shrimp and use his Dad's boat and gear. He said the commission should be ashamed. If the fishermen don't turn up the grass, the bottoms will turn to junk, just like happened with the scallop fishery that died out. He said now they are making money up there with scallops because they are stirring things back up, and flounder is coming back. He asked the commission not to take shrimp away. He lives in Winterville and is a truck driver, so he can't shrimp except on Sunday nights.

**Laura Wiggins** said she has been married to a commercial fisherman for 15 years. She said there is a financial part to the shrimp fishery management plan and we will lose a lot of jobs. In addition, she asked the commission to remember back to when they were young and went fishing and had the joy of a fish nibbling on the rod and brought fish home to their family. She said it is the same thing with shrimping and bringing in that catch and taking it home and eating it. She said both of her sons live out of town, but when they are home family time is spent shrimping. Her husband is a stickler for the rules and on Sunday nights he uses his Lowrance to find the boundaries and he only shrimps where he is supposed to. She said it saddens her that the commission is considering shutting down areas where her family won't be able to go anymore and it will affect the family "netting" and their finances.

**Candy Bohmert**, a Pamlico County commissioner, said the Pamlico County Commission passed a resolution Nov. 15 opposing the shrimp fishery management plan proposal. She read excerpts from the resolution that listed the shrimp trawl bycatch reduction efforts that have already been made, making North Carolina the most progressive state in bycatch reduction. She said the shrimp fisheries are stable and finfish bycatch reduction is double the federal requirements. She said she is concerned the division recommendations in Amendment 2 will affect a whole host of industries, jobs, and aspects of her community and the region, such as tourism, guide services,

restaurants, retail stores, boatyards, contractors, trucking companies, marine supply stores, and accommodations, all of which are economic drivers in many low-wealth and marginalized communities in eastern North Carolina. She said Amendment 2 will further eliminate related local and statewide jobs. She said there will be a disproportionately negative impact on historically marginalized minorities and small vessel owners and Amendment 2 will eliminate the recreational and commercial shrimp industry in Pamlico County and the region. Fish-to-table efforts will be eliminated as will the recreational shrimping of many low wealth, elderly, and minority families that they depend on. The Pamlico County Board of Commissioners strongly opposes Amendment 2.

**Ken Heath**, the mayor of Arapahoe, N.C., a small town in Pamlico County, said he is speaking on behalf of the commercial fishermen in his county. He said he thinks some of the members of the commission want to keep them from making a living. He asked the commission to keep the waters open to shrimping and commercial fishermen.

**Kim Fink**, a consumer, said she does not want Asian frozen shrimp that are harvested with sketchy sanitation using slave labor. She said local communities and local seafood need to be supported. She said if the shrimp fishery management plan proposal is approved, it won't just be about saving bycatch, it will also be about hurting families. She said the commission has heard about restaurants and businesses from the comments, but she really likes her shrimp!

**Glenn Fink**, a concerned citizen and consumer from Craven County, said he stands with the shrimpers that are already regulated enough. The impact on businesses from the shrimp fishery management plan amendment will be significant and he said everyone needs to be worried about that as a community. There have already been significant gains on bycatch. He said he knows there are other objectives in Amendment 2, but the cost is too high for the benefit.

**Zach Davis**, from Carteret County, said there are flaws with the shrimp fishery management plan proposal because it used research on trawlers based on Alaska and California ocean fisheries against the North Carolina shrimp trawls, which have no connection to North Carolina or shrimp trawling. He said the Hilborn study was about gill net research, not shrimp trawling, but the commission is basing its decisions for shrimp trawling on it. This is like comparing oranges to Christmas trees instead of comparing apples to apples. He said there is blatant disregard for the division studies that prove small vessels using skimmer trawls have the least impact on the ecosystem and the environment, including bycatch, yet all of those were used exclusively in the commission's closure areas. He said the transfer of Special Secondary Nursery Areas to permanent Secondary Nursery Areas already happened for five of the 15 recommended locations in the 2021 Revision to Amendment 1 of the shrimp fishery management plan and the division has no obligation to open Special Secondary Nursery Areas. He said the only reason this was sought was the extension to Nov. 30 instead of Sept. 30 as a backdoor way to close down gill nets for two more months. He said there has already been a reduction in trips and participants according to the division statistics by 80% to 90% by five-year average in the proposed closure areas in the last 15 years, but that is not satisfactory to the commission. The CCA wants a total closure of trawls and gill nets and he said the commission is aligning with that. The proposal

includes using Submerged Aquatic Vegetation (SAV) for large-scale closures even though the SAV areas are very small and the boundary lines could be changed with fishermen input that would protect SAV and still allow shrimping. He said the commission won't communicate with local fishermen; the deck is stacked against fishermen. The proposal puts the small trawl fisherman and the recreational fisherman out of business. They don't have the vessel, fuel, ice, and manpower to go in the remaining open areas.

**Richard Wade**, owner of the fishing vessel Carolyn Ann, said he is 49 years old and began his fishing career on his great grandfather's boat. He has worked a 16-foot boat with one trawl all the way up to the 75-foot trawler he owns now that he fishes up and down the Atlantic coast. He said the shrimp fishery management plan proposal will hurt, but it will hurt others more than him. Those with smaller vessels, it will put them out of business, be life-changing, alter their heritage, and be catastrophic to the economy of this county and the entire state by closing down businesses, fish houses, and restaurants and it will kill jobs. He said there is no accurate data, no social, economic, or biological data, that shows the habitat destruction. Productive bottoms are now dead where waters are closed; they are nothing but mud flats that don't support life. He said you have to stir up the sediment so the tides carry it out. Closures lead to ecological disasters. He asked if a biomass survey has been done since the 1990s and how the commission knows we are not already meeting what is needed. He asked the commission to listen to the other speakers and let the comments guide them on their decisions that will have direct effects on the future of our coastal communities and the economics of the state.

**Dawn Lawrence**, of Carteret County, said the fishing vessel Carolyn Ann is owned by her husband. She asked the commission to consider the economics of the shrimp fishery management plan and to think of her three-year-old grandson who loves shrimping. She asked what the fishermen and their children will have left to follow if the commission passes the amendment. She said it will impact Down East, Carteret County, which is not rich. It will impact a lot of commercial fishermen that will be waiting on government help that is slow to come. She asked the commission to think about that impact and the dying breed of commercial fishermen and her grandson that wants to grow up and be a proud N.C. fisherman.

**Clarence (Buzz) Frederick**, of Swansboro, said he has 46 years of commercial fishing experience from Hatteras to South Carolina, but now he drives a truck because he was regulated to the point that he could not make a living by commercial fishing. He asked if there has been an economic impact study done to help identify other ways to do things besides shutting down the fishery to the Intracoastal Waterway. He asked why the small boats are being singled out, affecting both the recreational and commercial boats. He said Pamlico Sound is not different from other water bodies, so he asked why the commission would shut it down. The division asked fishermen to reduce bycatch and he said fishermen met and exceeded that. He also expressed concern about the hazards to navigation and the potential loss of life that could occur from forcing boats from the Intracoastal Waterway to areas with barge traffic, fast-moving yachts, and other activities that could be hazardous. He asked if it would be a liability to the division if there was a loss of life and said there are other ways of doing this. He said New River



is his area, so he can't speak directly for Pamlico Sound, but he said the commission needs to talk to the people in these areas and do something besides shutting them down.

**Dennis Barber** is retired from the U.S. Coast Guard. He said he has seen commercial fishermen and shrimp trawlers treated differently than recreational fishermen. The commercial fishermen have complied with different requirements over the years like FEDs (Fish Excluder Devices) and TEDs (Turtle Excluder Devices) that shoot juvenile shrimp and fish out of the nets, often not leaving much harvest for the fishermen in the early days of those requirements. He said if the commission wants to ban commercial shrimping, they will; these fishermen can't be regulated any further other than shutting them down. NMFS requires fishermen in federal fisheries to have EPIRBs (Emergency Position Indicating Radio Beacons) immersion suits, life boats, and other equally expensive gear that many fishermen can't afford. He asked if you live in Raleigh, where people are going to buy shrimp because it is transported there by truck now since most of the seafood places have been put out of business due to regulations. He brought a bag of imported shrimp from Argentina to the commission and said that is what he sees available for sale in grocery stores, along with undersized fish for sale like flounder. He said it is unknown where those shrimp were caught and by whom; shrimping occurs in ditches in Vietnam. He said we need to be able to continue to buy local seafood. The shrimp fishery management plan will put the fishermen out of business, the seafood restaurants out of business, and there will only be condos and townhouses left on the waterfront of Carteret County with storm water run-off that is killing fish.

**Ken Seigler**, a commercial fisherman from Bear Creek, said he wanted to reiterate the risk and dangers involved in the shrimp trawl fishery. As a young man, he had an incident on a trawler involving one of the outriggers and a recreational boat and he still has scars on his back from it and is lucky to have survived. He said trawlers are not toys, they are working machines and you simply can't trust the general public who has no idea how they operate. He said what the commission is doing with the proposed shrimp fishery management plan is pushing all the fishermen into one little area of Pamlico Sound, which was the exact situation the commission originally was trying to alleviate in New River and is now recreating in Pamlico Sound. He said it does not make any sense. He participated in a seine study to look at eliminating regulatory discards. From that he learned that some staff at the division must think that seines should supplant trawls, but you catch 10 pounds of shrimp with a seine and 400 pounds with a trawl; there is no correlation. You can't make a living with a seine, but you can eliminate regulatory discards that occur. The gear for that is already approved and has been for years. With what is proposed, a fisherman with a cast net is going to catch everything that Mr. Seigler said he will be required to throw back.

**Wesley Potter** said he has been a commercial fisherman for 30 years and has made his living shrimping in the Jones Bay and Bay River areas. He said he does not see the need to close the proposed shrimp trawl areas because the industry is doing plenty to address bycatch. This is mostly coming from certain people in the N.C. Wildlife Federation who don't like seeing shrimp trawlers in the water. But, he said water quality is the biggest problem and is a problem no one is

addressing. He said when the water is hot, nothing lives outside of 10 feet. He asked if any studies have been done because it would benefit everyone to know. He said this proposal will put him and others with small boats that can't go offshore out of business.

**Raynor James**, of Craven County, said we are blessed to have more than 3,000 square miles of estuaries and about 47% of it is closed to shrimping permanently and another 200,000 acres are closed part of the time. She expressed concern that even with half of the waters closed, much of it for over 50 years, that the commission cannot quantify whether there are more finfish as a result or whether habitats have improved as a result. She said the commission has heard people talk about the economic and emotional stress of closures like what is proposed in the shrimp fishery management plan, so they know about the negative impacts. She said she likes her fresh, local shrimp and wants to be able to go to seafood markets and seafood restaurants and enjoy those shrimp; there are a ton of other consumers like her. She asked the commission not to close any more waters to shrimping.

**Hal James**, of Craven County, offered input from different perspectives. First, he said he loves his N.C. seafood and loves that he can go to coastal towns and restaurants and get good N.C. seafood. He said when he goes to restaurants he asks where the shrimp come from because he wants to make sure they are not from Asia, but are from North Carolina. He said the second perspective is based on his membership in a 501(c)(3) non-profit organization to help protect small entrepreneurs. He said commercial fishermen are genuine entrepreneurs whose livelihoods are based on their own wits and skills. He said his heart goes out to them as they try to continue their businesses and pass those businesses down to the next generation. He said he does not know why the shrimp fishery is so regulated and government seems to want to put them out of business. His organization works to set priorities to make sure we retain and protect our small but important businesses. He said these small businesses are the backbone of America and the commission is messing with the livelihood of the commercial fishermen and with freedom in America by considering approving what is proposed in the shrimp fishery management plan.

**Ronald Cherry**, of Craven County, said he was born and raised in eastern North Carolina and spent all of his time here except for two quarters at Appalachian State University and his time on active duty in the military. He said he has always enjoyed local seafood from eastern North Carolina. One time, he said he ate seafood at a Red Lobster in Raleigh and it had freezer burn. He said that does not happen in eastern North Carolina with the oysters, scallops, shrimp, and other local seafood. He said the commission is going to affect the livelihood of over 2,000 people with the shrimp fishery management plan by putting them out of business. He asked the commission how it would affect their own businesses if those 2,000 people and their friends get upset and boycott the commissioners' businesses. He said that he was not making a threat, but was pointing out that all elections have consequences and there is a choice in all votes. He said the commission has options and asked them to consider what happens if they put 2,000 people out of business that are trying to make ends meet already to feed their family. He said the number one goal of everyone in the meeting room is to be able to feed their family.

**Chris Chadwick**, a Carteret County Commissioner, said his district, District 6, is rural and is dependent on commercial fishing and is very different from the end of the county where the commission meeting took place. He said the Carteret County Commissioners passed a resolution Nov. 15 opposing the shrimp fishery management plan proposal saying it is not science-based. He said there were some fantastic public comments provided at the meeting already and he had a few additional items to add. Estuarine waters are already closed to shrimping that amount to an area as large as Pitt, Lenoir, Wayne, and Greene counties combined, which is a big area. He said the boats that would be affected are too small for it to be safe for them to fish in the ocean; many people tried it and some lost their life. He said the proposal would be disastrous financially. It would affect not just the shrimpers, but consumers of fresh shrimp and everything related that the shrimpers rely on including ice, fuel, nets, electronics, and boat yards for repairs, which create many more jobs. He said the CCA likes to talk about recreational fishermen and the economic impact from fishermen buying a rod and reel and eating in restaurants, but they don't like to talk about commercial fishermen and the economic impacts from their direct fishing activities as well as activities of being part of a community, like schools, ballgames, museums, and various other efforts. He said commercial fishermen have a much greater economic impact than the commission wants to admit. He said this issue affects the heritage of commercial fishermen. These fishermen have already reduced bycatch with FEDs (Fish Excluder Devices) and TEDs (Turtle Excluder Devices) and they are just trying to support their families and their communities. He said if the proposal is passed, the commission is failing commercial fishermen and consumers that demand local, North Carolina-caught shrimp.

**Terry Pratt**, a commercial fisherman, said he has seen the same song since the time that people were born and there is a better way to manage fisheries. He said the division director knows this and knows that the system has to be managed and looked after environmentally with water quality and habitat back in force. He said the system will look after the resource and if the system is managed, the resource, the fishermen, and consumers will fare better because they will have home-grown seafood at a reasonable price. He urged the commission to change directions with the shrimp fishery management plan because he said they will not get there this way.

**Michael Ireland**, a commercial fisherman, said after 45 years of experience and having two boats he has seen a lot of changes. He said he wanted to provide comments about protecting habitat because the shrimp fishery management plan proposal discusses protecting shellfish beds. He said one net costs \$5,000 and he drags four nets, plus the cost of FEDs (Fish Excluder Devices) and TEDs (Turtle Excluder Devices), plus the tailbags. and the numbers keep adding up. He said the last thing he would do or other commercial fishermen would do is drag into a shellfish bed because he can't afford to destroy the habitat or his gear. The profit-margin is too small to go buy more gear. He said the shrimp fishery management plan proposal will cause a financial hardship on small boats; they will be devastated, especially in his area in Hobucken. Most people are trying to raise their family and send their kids to college. For upcoming fishermen, fishing is all they have done and they need to be able to borrow money for their kids to go to college. Regarding bycatch, no fisherman is opposed to trying new gear to reduce it. He said bycatch has already been reduced 45-50% and he is open to try gear with observers on board

to reduce it more. He said he is not there to catch fish; he is there to catch shrimp. He said the science is lacking in order to approve the amendment to the shrimp fishery management plan and more science and studies are needed. He asked the commission to support the current regulations and not add more regulations. He urged the commission not to jump through the N.C. Wildlife Federation's hoops.

**Kim Willis** said she has a different perspective because she was a child of a military family and then was raised on a farm. She married and came to Carteret County and said her husband is a doctor and she is a contractor, a realtor, and a past school board member, so she knows all aspects of Carteret and Pamlico counties. She said the shrimp fishery management plan proposal is not just about family fishermen, but a way of life. She said America was founded on small businesses. If you proceed with the proposal, you will affect not only the fisheries, but also schools, hospitals, crime rates, and there will be an increase in illegal drugs. She said the fishermen are trying to make an honest living and there are ways to take care of the fisheries without putting people out of business. She said the commission needs more scientific data and more studies. She said it is proven that the bottoms need to be churned up to get rid of the silt or they will die. If you limit these areas, you are killing them, which in turn affects the bigger waters. She urged the commission not to put the small boat fishermen out of business.

**Ted Smith** said he is owner of Ted and Todd's Marine Service and Marina in Beaufort and has been attending these meetings since he was 10 years old. He said his family's business started in 1947 in Davis, N.C., which is on the waters of Core Sound; this is one of the areas being considered to be shut down. He said the shrimp fishery management plan is not a shrimp plan, nor is it a bycatch plan, but it is a commercial fishermen elimination plan. He said he sold his 80-foot trawler in 1989 when he got scared off by past regulation changes of flounder quotas, TEDs (Turtle Excluder Devices), and flynet closures south of Cape Hatteras and has not had a commercial fishing license since then. He said a railway was put in to be able to work on boats from Virginia and Cape May, N.J., because those people are able to make a living and have not been choked to death by management plans like this one. He has seen the number of fish dealers and trawlers in North Carolina decrease over the years with only a handful of trawlers left that work in North Carolina waters. There has been a big reduction in fish houses in all of the coastal towns; there used to be multiples in each town and now there might be one or two in an entire county. He asked the commission if that is enough reduction already. He urged the commission to give the fishermen a chance and said he wants to help the fishermen to the bitter end.

**Mary Griswold**, of New Bern, said she is from Massachusetts and she watched over-regulation kill the fishing industry in New Bedford, particularly the generations of Portuguese fishermen that were put out of business because of over-regulation, not science. She said she likes North Carolina and North Carolina seafood and does not want to see what happened to New Bedford and their economy happen here with the shrimp fishery management plan proposal.

**Bob Griswold**, of New Bern, said he lived in Massachusetts before and watched the industry, a family industry, get destroyed because of over-regulation. He said people that had working boats

were suddenly limited to certain days of fishing, resulting in them not being able to pay the mortgage on the boat. He said what is being proposed here with the shrimp fishery management plan means the commission is asking a small boat owner to go out in the ocean where he doesn't belong. He questioned the frequency statistics in the shrimp fishery management plan proposal; for example, there is only one mention of Hurricane Florence, which does not represent the devastation and recovery efforts from that event. He said commercial fishing is a family business and he likes fish and likes having fresh, local shrimp.

**Cayton Daniels**, a commercial fisherman, said he is 26 years old and there are probably not 20 people his age starting out in this business. He said he chose not to go to college and got his captain's license instead, to do what he likes to do. He captains a 45-foot shrimp trawler that he has invested everything in. He wants to continue to make a living like he does now. He shared his memories of Core Sound and Pamlico Sound as a kid that looked like cities with the number of boats, but it is not like this now due to the major reductions that have occurred. Now, he is only one of three or four people out there at night. He said the heritage is being taken away from eastern North Carolina and he urged the commissioners to think about what they are doing because the shrimp fishery management plan proposal will be the straw that breaks the camel's back. He said it is not safe to force the boats working in Core Sound, Neuse River, and New River to fish in the ocean where they don't need to be. He said he hopes the commission makes the right decision.

**Alex Chadwick**, a commercial fisherman, said he trawls all of the waters that are proposed to be closed in the shrimp fishery management plan. When he is not shrimping, he is gill netting and he said he makes 90% of his living on these waters. He told the commission he is one of many the commission will put out of business with this proposal, so he came to comment to put a face with that for the commission.

**Jane Potter** said her son owns a 20-foot skiff and she promised him she would come to this meeting to fight for him even though she is missing his wrestling match to do so. She said she is representing 60 commercial fishing families in Pamlico County. If all of them each represent 60 families, it is probably 9,000 total. These families are hardworking and dedicated, and don't want government handouts. She said they are part of providing \$5 million in economic impacts. She said 50% of Pamlico Sound is closed to trawling, about 1,900 square miles, and there has been a 54% decline in commercial fishermen. So, she said the bycatch is low and any more changes will be devastating. She said the fishermen focus on habitat protection and reducing bycatch. She said commercial fisheries were once part of the top three economic impacts for North Carolina, after tourism and agriculture; it is in the commission's hands tomorrow if North Carolina is in the top three. Pamlico County is identified as a low-income county and any changes will devastate the county. She said they protect the habitat and she asked the commission to leave the sounds, the bays, and the rivers alone. She said she feels the proposal is more of a political move; American politics are not good and need changing. She urged the commission not to let politics stand in the way. She said there is room for the CCA, the Wildlife Federation, and commercial fishermen. She asked the commission not to let this be about politics or skewed data.

**Donald Willis** said he has been in the recreational tackle business for over 40 years. He said when he started his business, spots, croaker, and gray trout made up over 90% of his inshore business. There were spot runs in the fall that led to boats as far as you could see down Highway 70. He said he watched the big trawlers show up in the sound and he watched those three fisheries collapse and now they make up less than one percent of his inshore business. He urged the commission to adopt the shrimp fishery management plan proposal in the interest of the resource. He said other states have done this and have never looked back or readdressed it. He said the proposal is sound science and not only the rivers need to be closed to trawling but also the sounds or otherwise, you save the fish in one place just to kill them in another before they can get to the ocean. He applauded what the commission is trying to do. He said he attends ICCAT (International Commission for the Conservation of Atlantic Tunas) meetings and talks to federal fishery managers and people from other states and he talks about the problems in North Carolina. He said when he tells people he is from North Carolina they tell him he does not need to explain further because they know what the problem is. He acknowledged finances are not the commission's expertise and acknowledged the time the commissioners dedicate and said the commission has one job, which is to protect the resource. He said this will help all of us and he hoped the commission finds a way to do that.

**Pat Kellum** said she is a nurse, but she has worked on the boat and her husband has been a commercial fisherman for 46 years. She said they raised four children and four grandchildren with commercial fishing. It is a heritage thing for her; her uncle was a fisherman in Ocracoke during the storm of 1933 and her husband has done it his entire life. She said she has heard a lot of comments about the statistics, the things that the commission are basing the shrimp fishery management plan proposal on, but she has not heard one statistic that supports the proposal based on science. She said she has a biology degree and understands science, but she thinks the proposal is based on emotion and a group of people that want to fish with hook and line that will affect the people that have made their living. She said the hook and line people and the commissioners will go back home to a job, but this proposal will make the commercial fishermen lose their jobs. She said the commissioners' paychecks will be okay, but the commercial fishermen's paychecks won't be. Commercial fishermen want what everyone else wants: a good way to make a living. She said commercial fishermen have complied as much as they can, they've talked with and worked with the staff at the division, and have tried their best, with implementing TEDs (Turtle Excluder Devices) and fisheyes, and they've done everything they've been asked to do. And now, it is not enough and the commissioners will go home and be able to put food on their tables but a lot of the commercial fishermen won't if you close the waters and make it impossible for them to make a living. She acknowledged that this is a difficult decision, but she urged the commission to side with a heritage that has been around as long as she can remember.

**Jeff Stamper**, a commercial fisherman, wanted to know who will answer his kids and tell them they can't fish anymore if the shrimp fishery management plan proposal is passed. He said he has trawled his whole life and remembers being a kid in the bow of a boat, fishing all night, and still

going to school the next day. He also asked how his family will make any money because he said he makes 50% of his living from the shrimp fishery. He asked who will gain from the proposal and why those gains are being made off of commercial fishermen. When he is trawling he said he catches all of the discarded junk from recreational fishermen and tourists, like umbrellas, fishing poles, and five-gallon buckets from the local hardware store, so he asked who will clean out the trash if the commission closes shrimp trawling. He said commercial fishing is his life, so the day the commission shuts down the fishermen pirate stuff will happen and he will still continue trawling. He urged the commission not to shut down the commercial shrimp trawl fishery.

**Eric Slaughter**, a commercial fisherman, said he has a 24-foot boat, so he is one of the small boat fishermen many people have commented about that will be put out of business by the shrimp fishery management plan proposal. He said weather dependent, he can't get out to fish in the bigger waters. He heard one person comment tonight about there being no trout, but he said the Chasin' Tails Facebook page shows that is not correct and that there are plenty of trout being caught. He said last year was reported as the best year ever for catching trout. After working on the water like he has, he said he is realistic and we are one cold winter away from a bad trout season next year. He said you can't blame that on any one person or group of people. He said he wanted to speak tonight and be a face of one of the businesses that will be closed down by the proposal.

**Donnie Lewis**, a commercial fisherman, said he has been abiding by all of the regulations that have been put on the commercial fishermen and has cooperated with the observers and paid for the observer program. The observers have counted fish and counted shrimp. The fishermen have nursery areas to protect with the fish and juvenile shrimp, and the shellfish bottom to navigate. He said most of the shrimping area that is open now does not get dragged (trawled). He said the lines have been pushed far enough out that there is plenty of nursery area now. He said they mostly shrimp near the lines, so most of the bottom that is open does not get trawled. But, he said if the commission tries to push the small boats into the ocean or Pamlico Sound, they will be out of business.

**Bradley Styron**, a commercial fisherman and dealer, said the shrimp fishery management plan proposal will destroy the economy of eastern North Carolina. He said it is not well thought out and the commission has rushed to judgment on this; more time needs to be taken to consider it. Some people come to the coast of North Carolina to enjoy the sun, the surf, and the best seafood in the world. Without commercial fishermen there won't be any top-quality seafood. It's what people depend on for a living. He said there are approximately 10 million people in North Carolina, yet you have 10% of the population controlling the resource. The other nine million people in the population won't have access to the best seafood in the world without commercial fishermen. He said people would understand the gravity of this if they knew what was really going on. A large number of industries, like lumber yards, fabrication shops, and fuel terminals, will be affected and be put out of business. He asked the commission to look at the proposal for what it is: a social agenda that has nothing to do with the resource or the environment; it is about

putting people out of business. This is just another example of a few controlling people with shoddy information and there is no justification for it just because some people don't like the sight of a trawler. He said the commission can't replace commercial fishermen's livelihoods.

**Kenny Rustic**, a commercial fisherman for 36 years from Marshallberg, said he shrimps, crab pots, and is in just about all of the fisheries. He grew up fishing in the Neuse River area and has seen the spots in the fall, above the shrimp line, which is now above the ferry but there used to be trawling there. He said someone else needs to be accountable, not commercial fishermen. He said they've used excluders and other things to address bycatch. It is a never ending process and it is a social agenda to put commercial fishermen out of business. He said he has a small boat and he turned over a 32-foot boat in Pamlico Sound in 2018 and he swam in Pamlico Sound for 14 hours with another fisherman clinging to a cull tray lid in the water; that's what happens to small boats in Pamlico Sound. He had been out fishing for two days when he turned the boat over and lost 1,800 pounds of shrimp, his boat, and his livelihood. He said you can't go play in places that you don't have the right equipment for. He said there are 18 boats in the Adams Creek area in the summer and the shrimp fishery management plan proposal will be devastating. He asked the commission where the small boat trawlers are supposed to go. In the summer the ocean has sharks, not shrimp. He urged the commission to read the proposal for what it is: an agenda by the CCA and the N.C. Wildlife Federation. He said he was part of the Shrimp Advisory Committee and the Industry Bycatch Group and they made a lot of gains on bycatch. They cut the net sizes down and now have two FEDs (Fish Excluder Devices) and large tail bags, but it is never enough.

**Alana Harrison**, from Hatteras Village, said she was providing comments as a private citizen. She said she is very excited that the Coastal Habitat Protection Plan is almost approved. She hopes funding will be available to implement nature-based solutions to mitigate run-off for our estuarine waters. She said the commercial fishermen have been blamed for too long for the declining fish stocks and it is past time to consider solutions beyond cutting the commercial fishermen back even more. There are 11 million N.C. citizens who depend on commercial fishermen to bring them wild-caught N.C. seafood. She said most people can't afford a boat and time off work to catch it, but they can afford to go out to dinner on the weekends and enjoy flounder or shrimp at a restaurant. She said her family has a seafood business and market. The summer shrimp season was not good to them and they did not start seeing shrimp until October, instead of the usual time of July. She said the markets only had frozen shrimp and she is not being dramatic by saying that every customer of hers wants fresh shrimp. When they would ask her if she has any shrimp, they would leave her store and go down the street and buy fraudulently marked foreign shrimp that are labeled as local. She said her family decided to close their store this summer from mid-August to mid-September for the first time ever not because of a hurricane, but because they had nothing left to sell but tuna. It is only because they plan ahead and save that they could do that and survive. She said the experience was like a hurricane, like a natural disaster. She said user group conflicts dominate these meetings and the resource becomes an afterthought. Meanwhile the stocks are declining, and the only solution has been commercial cutbacks. The shrimp trawlers can't get in at Oregon Inlet and have to go to Hampton (Virginia).



She said the commission needs to look at where the N.C. shrimp go; there is a reporting problem. She said the commission can't use the statistics to put them out of business if they are not looking at where the shrimp are going. She encouraged the commission to look at the other states' data.

**Sarah Benischek**, of Craven County, said she is heartbroken by the comments at the meeting. She sees efforts to save the dogs, save the eagles, save the turtles, but she asked when people are going to come first. She said she is floored that this shrimp fishery management plan proposal decision is going to be made before people have been able to recover from the effects of the COVID-19 pandemic. She asked what options these fishermen are going to have. She asked the commissioners if they are prepared for the consequences of their decision because it will affect real people and real lives. She urged the commission to pause and reevaluate the proposal, do a lot more research, and really think about how heartbreaking it will be.

**Jerry Schill**, N.C. Fisheries Association Director of Government Relations, shared a story about Oscar Green, an electrical contractor from Kinston that he knew a long time ago. He said Mr. Green sold his business and moved to Carteret County and bought snapper/grouper boats and started going to Marine Fisheries Commission meetings and committee meetings. Mr. Green was active in the electrical contracting business and became very active in commercial fishing. He said he often heard Mr. Green talk about commercial fishing and he was astounded by how Mr. Green described the differences between the electrical board and the fisheries board, particularly the process, how the fisheries board made its decisions about the lives of commercial fishermen even though most of them knew very little about the industry they were regulating. He said when he heard the previous speaker's comments, he was astounded that she was so astounded because he said when you attend so many of these meetings, like he does, you become callous to the whole process, which is not a good thing. He said he has been doing this since 1987 and one thing he has heard about repeatedly is bycatch. He has been involved in all of the bycatch studies, at the federal and state levels, yet the same things are discussed. He read the prepared comments submitted by Glenn Skinner of the N.C. Fisheries Association, Commissioner Troxler of the Dept. of Agriculture, and Mitch Peale from the N.C. Farm Bureau, and he said he can't add anything to those except to say the science is not there to do anything for the shrimp fishery management plan proposal.

**Steve House**, a Dare County commissioner, said the Dare County Commission passed a resolution Nov. 15 opposing the Shrimp Fishery Management Plan Amendment 2 and he provided a copy to the commission. He said the amendment would close Pamlico Sound north of Oregon Inlet, which means 45 jobs would be lost immediately for shrimp charters enjoyed by vacationers each year. Those fishermen can't just move to some other location to fish. He said there is no scientific data to support the closures. He said he is a nationally-certified fire investigator, so he is accustomed to looking at data and science. He asked the commission to show the scientific numbers that support the proposed action. He said North Carolina is leading the nation in bycatch reductions by what is being done now, so this means North Carolina is leading the world. It is not a coincidence that Taiwanese shrimp companies started sending emails and making phone calls to restaurateurs in Dare County after the draft amendment came

out. He said the Dare County Commission opposes Amendment 2 because there is no scientific backing for it.

**Senator Bob Steinburg** said state employees will be getting an increase in wages from the budget that was just passed, and then he came to this meeting and heard the sad tales being shared by members of the commercial fishing profession. He said he is the only member of the N.C. General Assembly serving on the Atlantic States Marine Fisheries Commission, so he is painfully aware of events of the last eight or nine years and the death by a thousand cuts of commercial fishermen. He said there does not appear to be any end in sight and told the commissioners that if they had to stand for election, many of them have not been supporting the interests of the people they represent, which is what legislators have to do. He cautioned the commission to think about what happened in Virginia a couple of weeks ago; they've had it after being pushed repeatedly. These commercial fishermen deserve to make a living and they deserve to be heard. He urged the commissioners to listen and ask themselves how they can help. He said the shrimp fishery management plan proposal they are considering tomorrow is not helping and they will be held accountable.

**Richard Chapman** said he holds a commercial license and has been a sport fisherman and a permit fisherman since 1983. He said he moved here from Raleigh and owns Bogue Sound Distillery. He commercially fished Oct. 1 through 21 in Bogue Sound for southern flounder and caught the largest fish he has seen and saw the most shrimp he has seen. He said net sizes have changed two or three times and the amount of nets in the water has changed and we are still okay. He said he thinks other parties are influencing the commission, but we have to work together and keep the entrepreneurship in America. He said he has lived this in the distillery business and they have worked hard to get where they are now. He said one of the biggest advocates for the distillery business is the beer and wine industry, believe it or not. He urged the commission to take a hard look at who they are affecting. He said there are other ways to do this. Water quality is a problem in fisheries. He said there used to be scallops behind where he is on the sound and they're gone now. The commercial fishermen are the last true entrepreneurs that are left in eastern North Carolina and the commission does not need to do anything to hurt this.

**Pete Benton**, of Morehead City, said he was raised in Craven County. He said he offered comments as a concerned citizen and a voice of the people, by the people, and for the people. He said it is clear that the people have spoken and their will is clear. He asked for the commission to look at the U.S. flag in the room. He said he defended that flag for 33 years and said he wanted to offer words of wisdom to love your country and do what is morally right and correct for the people of the United States of America. At this time of drastically increasing fuel and food prices, disruptions in the supply chain, and record unemployment, the shrimp fishery management plan proposal is a stranglehold at a time when less regulation is called for, not more. He said if the commission adopts the proposal they will irreparably harm Carteret County and the other coastal counties, as well as the economy of eastern North Carolina, and the people will hold the commission accountable for what they decide to do. He urged the commission not

to further restrict fishing, especially with escalating food prices today. He said the commission has a duty and a responsibility to take care of the people.

**Bill Harrison** said he is from Down East, Carteret County. He said for those who love shrimp, he hates it because he has to carry an Epi-pen for them. He said he and his wife have four sons and all of them are in the seafood business. His wife can't cook seafood in the same house that he is in. He heard something about the economics of the shrimp fishery management plan proposal and that it would put 1,000 fishermen out of business. He said most every person that will be affected is married, has kids, and has a family, so it is not just going to affect 1,000 fishermen, it is going to affect 5,000 people. Then, you have the businesses for the maintenance of the boats and they have families, so if you keep going you are talking about putting 50,000 to 70,000 people out of business. You are not putting food on anyone's table by wiping out the seafood business.

**Jeanne Biddle** said she moved here from Kentucky and works in strategic planning, problem-solving, and facilitation for Toyota. She said the comments at the meeting have so much emotion and are asking to see supporting data in the shrimp fishery management plan proposal to justify those kinds of impacts. She said based on a lack of data she does not see room for countermeasures and if you don't know where you stand today you can't measure progress for tomorrow. Moving forward without supporting data means it won't be very long before the commission will have to go back and revisit the data and its decisions. She encouraged the commission to look for and provide the supporting data being requested and evaluate countermeasures. She said she also heard comments about people having a lack of education. A good example, she said, is when people see dead fish on the beach they blame trawlers and commercial fishermen instead of the red tide. She stressed the best way to start highlighting the importance of education is by educating children about the values of North Carolina.

**Kathleen Mosier** said she has been in Carteret County since the 1970s and she expressed two concerns with the shrimp fishery management plan proposal. First, she questioned what will be available to use for bait if local shrimp are not available. She said shrimp from Taiwan or other imports will be used in our waters. In Texas, she said it is illegal to use shrimp that are not from the Gulf coast because the imported shrimp carry the very contagious white spot disease and it was devastating to crustaceans there. Second, working as a waitress in her younger years mostly in Salter Path, she served seafood to thousands of visitors to the Crystal Coast. She said local shrimp is what most visitors wanted. She said the proposal will be devastating to the Salter Path economy and Carteret County and will be a huge cut to restaurants because so much money for Carteret County comes from local shrimp.

**Zachary Willis**, of the Mill Creek area of Carteret County, said he is 35 years old and shrimping has always been a part of his life. Having shrimp has helped his family from having to spend money on other food in the fall and winter. He said about one-quarter of his income comes from shrimp and he runs charters for Chaisin' Tails. Live shrimp are a big part of the bait industry here. He said the shrimp fishery management plan proposal is ridiculous and he urged the

commission to consider how it will affect families that rely on catching shrimp. The proposal of a shrimping ban is not something that is needed when the fishermen already use FEDs (Fish Excluder Devices) and TEDs (Turtle Excluder Devices) and meet the other regulations to reduce bycatch. He said these measures work, but kids will be affected in the future if the fishery is shut down. He said his daughter wants to go shrimping but she will not be able to if the fishery is shut down. Without proper data he said the commission can't shut down the fishery. He said fishermen need shrimp even more due to the cuts in allowed flounder harvest. Flounder was one-third of his income but this year he said he made only \$4,000 in flounder. He said the fishermen don't need that to happen with shrimp too.

The meeting recessed at 8:03 p.m.

### **Nov. 18**

Chairman Rob Bizzell convened the Marine Fisheries Commission business meeting at 9 a.m. on Nov. 18 and reminded commissioners of their conflict of interest and ethics requirements.

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

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

**Motion carries without dissention.**

**Motion by Pete Kornegay to approve the minutes of the Aug. 25-26, 2021 business meeting and the Sept. 9, 2021 special meeting.  
Second by Doug Cross.**

**Motion carries without dissention.**

### **Public Comment Period**

A public comment session was held beginning at 9:10 a.m. The following individuals registered to speak during the public comment session:

**Stevenson Weeks,** Goal of FMPs is to ensure long-term viability of species and fisheries; must include goal and objective, stock assessment, social and economic impacts, management measures. Management measures recommended by DMF fail to meet requirements of FMP law. Here are the reasons. First, shrimp is an annual species; it can't be a sustainable species. Second, FMPs for spot, croaker, weakfish, and southern flounder do not contain shrimp trawl measures. Third, the statistics are unknown for how bycatch reduction has improved. A

majority of the trawlers are under 50 feet. Measures proposed will severely limit their participation. This can only be done by the N.C. General Assembly. G.S. 113-182.1(g) contains criteria for limited entry [cited elements from law]. G.S. 150B-19 and 150B-20 must be followed by the MFC. These fishermen are part of the cultural and social fabric of fishing communities on our coast. There are thousands of acres proposed to close to increase connectivity for juvenile fish to migrate, yet substantial connectivity already exists. Weekend shrimping is prohibited already by trawl. This is 44 hours of closure each week, 26% of the available time.

**Glenn Skinner, Executive Director of NCFA.** I would like to talk about the goal of an FMP by law. It is to ensure long-term viability of the fishery being managed. Shrimp are harvested by several distinct fisheries. Recreational, small boat commercial, and large boat commercial. If you take measures that impact the long-term viability of one of those, it goes against the FRA. You must ensure long-term viability of a fishery. Yes, you must protect the resource, but this is not the only thing. Other FMPs are managed by different gears, like pound nets, gill nets, and recreational use of hook and line and these occur at different times, in different waters, during different seasons, etc. If you take actions like phasing out gill nets, you are phasing out an independent fishery; you are destroying that fishery. Like the recreational and small boat commercial fisheries for shrimp: you would be destroying them. MFC decisions have been guided by personal goals. For example, regarding gill nets, you were discussing the CHPP and questioned why bottom disturbing gears were not included. Science . . . hypocritical. At your last meeting, you voted for the recreational sector to sacrifice spot and croakers purely for recreational gain. Now in the name of food production . . . hypocrisy. I could go on for an hour about your decisions that favor recreational anglers over food production.

**David Sneed, Coastal Conservation Association of NC,** I would like to ask about the decision to renew the ITP for the large mesh gill net fishery. Why pursue this for a gear that is no longer needed for southern flounder harvest? It is a fishery that is inherently destructive and unmanageable. The decision to pursue the ITP renewal was made without consultation with this body. If you were not consulted, did the renewal process come with the blessing of the DEQ Secretary or the Governor? It needs to be transparent. Regarding threats to the MFC and DMF, your job is to manage coastal resources. There will be social and economic results. There were emotional stories last night. These same stories have been told before to commissions for buffalo and water fowl. Aren't we happy today the decision was made to protect resources? Speaking of economic studies, I emailed a 2016 study to you this morning that shows the results of managing for conservation, with \$4 billion in value. We heard questions about the science for the DMF recommendations. Great question. The hot spot data from the division identifies nursery areas. Why not put those graphics on the screen and show them. It is not addressed in the current draft. We hear everyone wants access to N.C. shrimp, but the idea that the area closures recommended will deny access is pure deception. The N.C. fleet comes nowhere near meeting the demand. The N.C. industry does not have the capacity.

**Jess Hawkins**, Requested and was given permission to give an invocation that did not count against his time. I am a former DMF biologist for 30 years, served as MFC liaison for 15 of it, served on the MFC, and as a Duke Marine Lab teacher for nine years. I ask the MFC to reject the preferred management measures for the Shrimp FMP for several reasons. 1. The public had only 17 days to review the measures. None of the ACs had a chance to comment on the DMF recommendations. The public looks to DMF for their opinions. For the first 15 years of the FRA, the DMF recommendations were presented to ACs. You should send this back to the ACs with the DMF recommendations. 2. Closures are not necessary for shrimp to be sustainable. There is an unknown status for spot and croaker so there are unknown impacts to them of closures. Trawling has been allowed in nursery areas since 1978. These measures are not fair; they are disproportionate to small trawlers. The economic impacts will be substantial and will possibly violate general statutes. North Carolina is an important source of wild caught shrimp for the U.S. Why pursue measures to cripple this with unknown benefits. There are many other options if you deem further bycatch reduction to be necessary.

**Louis Daniel**, Approval of the DMF recommendations for southern flounder are well past the statutory deadline of 2028. Shrimp FMP Amendment 2 will devastate. It is status quo for large trawlers, which means extinction of spot, croaker, and other species. The FRA has failed to rebuild any fisheries; from blue crab to present, it has failed. The NCWF made several attempts to speak on this, but we were not allowed. The 2006 Southern Flounder FMP was flawed, as overfishing is still occurring. The FMP will fail to meet the 2028 deadline. The NCWF submitted formal comments. As the stock recovers, bycatch will only increase, making failing to meet the 2028 deadline even more likely. Shrimp bycatch reduction measures are uncertain. There is a contradiction: the NCWF objects to the decision document characterization that . . . petition was summarily dismissed. The petition aimed to protect small trawlers. Amendment 2 will force them into competition with large trawls and cause safety issues. Amendment 2 does not quantify the reduction in bycatch. There is a fundamental lack of ecosystem function . . . (out of time).

**Christopher Elkins, Coastal Conservation Association of NC**, I would like to comment on shrimp trawling in undesignated nursery areas. The bycatch amount is obscene. There are hundreds of millions of spot, croaker, and southern flounder. Pamlico Sound trawling is an ecological nightmare. Managers here vs. in other states are either smarter or dumber. Other states do not allow trawlers in nurseries. Texas and Louisiana have made substantive conservation changes. The trawlers oppose the extensive time/area closures in hot spots. Move the trawlers to the outside waters. What would be dumb is to go with status quo. There are 40 million pounds of shrimp consumed per year in North Carolina, but only 10 million from the N.C. industry. And only one-fourth of those 10 million pounds stays in the State. So, the commercial contribution in is relatively small. NOAA Fisheries shows this because their information says there is no commercial fishing port in North Carolina. There is a lot of discussion about economic impacts of the recreational vs. the commercial fisheries. Most talk about fishing at the MFC meetings is about keeping the commercial industry fishing, not about the golden goose of recreational fishing. (out of time)

**Bert Owens:** Absent

**Rocky Carter:** I am here to give Stuart Creighton's information; he is the CCANC chair of fisheries. DMF is dedicated to ensuring the sustainability of marine and estuarine species and fisheries for the benefit and health of all citizens. With this mission in mind, the goals of all FMPs are to restore and rebuild sustainable fisheries for all citizens, which includes our children and grandchildren. Conservation has been ignored in favor of maximum yield. Southern flounder is overfished and overfishing is occurring. Phase out large mesh gill nets when the current ITP expires in 2023. Efforts to rebuild stock will result in lower quotas, etc. Any commercial southern flounder should be taken by pound nets and gigs, which are cleaner and more sustainable. Remove the RCGL fishery for southern flounder. The bag limit will likely be one fish per day. The recreational season currently is Aug. 16 to Sept. 30. The draft FMP includes increasing recreational access March 1 to April 15 to allow one ocellated flounder. This is a poor choice because there is usually unsettled weather in the ocean that creates angler safety issues. Also, southern flounder are migrating by then. You could minimize interactions by waiting until later in the year. I was moved last night by what I heard. So many lives could be impacted. I want to share a quote by Thomas McGinn, author about the life of the planet. (out of time)

**Barbara Garrity-Blake, Former MFC, President of NC Catch,** We work with groups on branding and raise consumer awareness. We oppose the DMF recommendations for the Shrimp FMP Amendment 2. It will eliminate the safest and most productive fishing grounds in North Carolina affecting food sources and food security, a \$300 million economy. There are 10.5 million citizens of North Carolina. We identified a stakeholder group of 1600 residents that said N.C. shrimp are their favorite seafood, that we need to support coastal seafood, and that it is good for the environment to buy local. Consumers are increasingly savvy. They want the shortest distance from boat to plate. Please don't disadvantage those who feed consumers and who have the smallest carbon footprint. This targets the small boats and weakens the food chain, increasing our dependence on other countries. There is economic and social connectivity too. These folks are part of the social and economic fabric of our coastal communities. Thanksgiving is coming soon. I give thanks to be able to look across our waters and see the trawlers. I know their names and I know where to buy fresh shrimp the next morning. It is a rare and precious gift to know where your food comes from. This food is harvested sustainably. Protect our local food system.

**Brent Fulcher, business owner in Carteret County and Chair North Carolina Fisheries Association,** I passed out a copy of the front page of the 1997 FRA. I was here last night to hear the public comments. (Bridge construction this morning, so I was late this morning.) We heard about safety concerns about the Shrimp FMP Amendment 2, as well as job losses, areas closures, and water quality. We did not hear a lot about what the primary job is, which is to protect and enhance the fisheries. How have we enhanced it? I have been mad for weeks about the work I did for bycatch reduction. It has all been looked past. Instead of taking something we can quantify and making it better, all I hear about is more closures, which we can't quantify. How

can you keep looking at something you cannot quantify and pass by something you can? Protection of reducing bycatch is enhancing commercial and recreational fisheries. I guess this is science, but it is political science. The right thing to do is to put more effort behind bycatch reduction and get even better. How many people have talked about where we are with that? We are the best in the nation. Talk to the media about that. Let the CHPP do its job. There is no overfishing or overfished status in the shrimp fishery. The juvenile fish stocks on the east coast are where they have been for the last five to 15 years.

### **Chairman's Report.**

Chairman Bizzell stated that the MFC received a lot of online comments and asked the commissioners to reflect on them. He pointed to the rest of his report in the briefing documents.

It was determined the 2022 meeting schedule would be:

Feb. 23-25

May 25-27

Aug. 24-26

Nov. 16-18

### **Committee Reports**

Chris Batsavage, the Division's Special Assistant for Councils, gave a verbal overview of the Nominating Committee meeting that took place on September 29, to consider slates of nominees for the North Carolina seats on the Federal Fisheries Management Councils.

#### **Motion by Tom Roller to approve the following names for the South Atlantic Fishery Management Council obligatory seat:**

- **Tim Griner, a commercial fisherman and dealer from Charlotte and the current N.C. obligatory member on the South Atlantic Fishery Management Council**
- **Scott Buff, a commercial fisherman and dealer from Oak Island**
- **Charlie Locke, a commercial fisherman from Wanchese**
- **Thomas Newman, a commercial fisherman from Williamston**

**Second by Mike Blanton.**

**Motion carries without dissention.**

### **Director's Report**

Director Kathy Rawls gave a verbal update on recent Division of Marine Fisheries activities. Director Rawls stated that after almost two years of virtual meetings, she is glad to be back together in-person. She gave updates on legislative items of interest, personnel achievements, and awards, etc.



Lara Klubansky, the Division's Marine Fisheries Commission Liaison, gave a presentation on updates including public comments, listening sessions and decision documents.

To view the presentation, go to:

<https://deq.nc.gov/media/26131/open>

Col. Carter Witten gave a verbal update on Commercial Hook and Line Fishing and Marine Patrol activities.

Dr. Andrew Cathey, the Division's Coastal Angling Program Manager, gave a presentation on the Catch-U-Later Smartphone Application Update.

To view the presentation, go to:

<https://deq.nc.gov/media/26109/open>

Deputy Director, Dee Lupton, gave an update on the CARES Act.

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

Steve Poland, the Division's Fisheries Management section chief and former Assistant for Councils, gave a verbal update on South Atlantic Fishery Management Council.

### **Landings Overview**

Brandi Salmon, the Division's License and Statistics section chief gave a landings overview presentation.

To view the presentation, go to:

<https://deq.nc.gov/media/26113/open>

### **Fishery Management Plans**

Corrin Flora, the Division's Fishery Management Plan Coordinator provided a status update for ongoing Fishery Management Plans.

To view the presentation, go to:

<https://deq.nc.gov/media/26111/open>

### **Amendment 2 to the N.C. FMP for Interjurisdictional Fisheries**

Jason Rock, the Division's Interjurisdictional Species lead gave a presentation on Amendment 2.

To view the presentation, go to:

<https://deq.nc.gov/media/26112/open>

**Motion by Martin Posey to approve the goal and objectives for Amendment 2 to the N.C. FMP for Interjurisdictional Fisheries.**

**Second by Tom Hendrickson.**

**Motion carries without dissention.**

**Amendment 3 to the Southern Flounder FMP**

Mike Loeffler and Anne Markwith, the Division’s Southern Flounder staff leads gave a presentation on Amendment 3 to the Southern Flounder FMP.

To view the presentation, go to:

<https://deq.nc.gov/media/26114/open>

**Motion by Pete Kornegay that the draft Southern Flounder Management Plan not be sent out for public review but that DMF be directed to revise the FMP to provide a current schedule of harvest restrictions and accounting for all sources of fishing mortality that will achieve stock rebuilding by 2028.**

**Motion fails for lack of a second.**

**Motion by Tom Roller to send out the draft Southern Flounder FMP Amendment 3 for public and AC review.**

**Second by Robert McNeill**

| <b>ROLL CALL VOTE</b> |                                     |                          |                                     |                          |
|-----------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| <b>Commissioner</b>   | <b>Aye</b>                          | <b>Nay</b>               | <b>Abstain</b>                      | <b>Absent</b>            |
| Doug Cross            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mike Blanton          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Tom Hendrickson       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| James Kornegay        | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Robert McNeill        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Dr. Martin Posey      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Tom Roller            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

|                      |                                     |                          |                          |                          |
|----------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Sam Romano           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chairman Rob Bizzell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Motion carries 8-0 with one abstention**

**Amendment 2 to the Shrimp FMP**

Chris Stewart, Jason Rock, and Dan Zapf, the Division’s Shrimp FMP co-leads, gave an update on Amendment 2 to the Shrimp FMP.

To view the presentation, go to:

<https://deq.nc.gov/media/26108/open>

**Motion by Tom Roller to accept the DMF’s recommendation as the preferred management options and send them for departmental and legislative committee review.**

**Second 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            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mike Blanton          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tom Hendrickson       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| James Kornegay        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Robert McNeill        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Dr. Martin Posey      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tom Roller            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Sam Romano            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chairman Rob Bizzell  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

**Motion fails 5-4**

**Motion by Doug Cross that the MFC select the following preferred management options:**

- 1. Permanently prohibit ALL trawling in Crab Sanctuary areas.**
- 2. Eliminate the four quarts (heads on) or two and one-half quarts (heads off) recreational creel limit for cast nets only in areas closed to the taking of shrimp.**
- 3. Change the flexible opening date in all SSNA’s to a static 9/1 each year.**
- 4. Continue collaboration with the commercial stakeholder groups through the industry workgroup to identify and test gear modifications to further reduce bycatch in the shrimp fishery.**
- 5. Prohibit shrimp trawling in Bogue Sound and its tributaries except for the Intercoastal Waterway (IWW).**
- 6. Prohibit shrimp trawling in the Carolina Yacht Basin except for the IWW.**

7. That the Division of Marine Fisheries collaborate with the CHPP support staff and the Habitat and Water Quality Advisory Committee on issues related to SAV habitat. As the Division deems appropriate and feasible, actions to address that impact will be identified by the appropriate committees and brought to the MFC in the future for action as part of adaptive fisheries management with the collaboration of stakeholders groups and their advisory committees.

Second by Mike Blanton

Motion by Martin Posey to amend the previous motion by adding the other three DMF recommended gear modifications:

- Maintain existing headrope limits for shrimp trawls in internal coastal waters. If needed, implement additional headrope restrictions to resolve user conflicts.
- Investigate the feasibility and utility of a long-term shrimp trawl observer program that encompasses all seasons, areas, and gears.
- Continue collaboration with the commercial stakeholders through the industry workgroup to identify and test gear modifications

Second by Tom Hendrickson

Motion accepted as a friendly amendment.

Motion by Doug Cross, as amended by Martin Posey, that the MFC select the following preferred management options:

1. Permanently prohibit ALL trawling in Crab Sanctuary areas.
2. Eliminate the four quarts (heads on) or two and one-half quarts (heads off) recreational creel limit for cast nets only in areas closed to the taking of shrimp.
3. Change the flexible opening date in all SSNA's to a static 9/1 each year.
4. Continue collaboration with the commercial stakeholder groups through the industry workgroup to identify and test gear modifications to further reduce bycatch in the shrimp fishery.
5. Prohibit shrimp trawling in Bogue Sound and its tributaries except for the Intercoastal Waterway (IWW).
6. Prohibit shrimp trawling in the Carolina Yacht Basin except for the IWW.
7. That the Division of Marine Fisheries collaborate with the CHPP support staff and the Habitat and Water Quality Advisory Committee on issues related to SAV habitat. As the Division deems appropriate and feasible, actions to address that impact will be identified by the appropriate committees and brought to the MFC in the future for action as part of adaptive fisheries management with the collaboration of stakeholders groups and their advisory committees.
8. Maintain existing headrope limits for shrimp trawls in internal coastal waters. If needed, implement additional headrope restrictions to resolve user conflicts.
9. Investigate the feasibility and utility of a long-term shrimp trawl observer program that encompasses all seasons, areas, and gears.

| <b>ROLL CALL VOTE</b> |                                     |                                     |                                     |                          |
|-----------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| <b>Commissioner</b>   | <b>Aye</b>                          | <b>Nay</b>                          | <b>Abstain</b>                      | <b>Absent</b>            |
| Doug Cross            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mike Blanton          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Tom Hendrickson       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| James Kornegay        | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Robert McNeill        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Dr. Martin Posey      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Tom Roller            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Sam Romano            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Chairman Rob Bizzell  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Motion carries 5-3 with one abstention.**

**Motion by Tom Hendrickson to send the draft N.C. Shrimp Fishery Management Plan Amendment 2 for departmental and legislative committee review.**

**Second 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            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mike Blanton          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Tom Hendrickson       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| James Kornegay        | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Robert McNeill        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Dr. Martin Posey      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Tom Roller            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Sam Romano            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Chairman Rob Bizzell  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Motion carries 5-3 with one abstention.**

### **North Carolina Oyster Blueprint**

Erin Fleckenstein of the NC Coastal Federation gave a presentation on the North Carolina Oyster Blueprint.

To view the presentation, go to:

<https://deq.nc.gov/media/26130/open>

### **Coastal Habitat Protection Plan**

Anne Deaton, the Division's Habitat Program Supervisor, and Jimmy Johnson, Coastal Habitats Coordinator for the Albemarle-Pamlico National Estuary Partnership gave a presentation on the draft 2021 Amendment to the Coastal Habitat Protection Plan for final approval.

To view the presentation, go to:

<https://deq.nc.gov/media/26110/open>

**Motion by Pete Kornegay that the Marine Fisheries Commission approve the 2021 Amendment to the Coastal Habitat Protection Plan. The Marine Fisheries Commission further encourages that all avenues to obtain federal, State, local and private funds to implement the actions in the plan be pursued, including forming the private/public partnership that the plan recommends. As suggested by the CHPP Steering Committee, the Marine Fisheries Commission will help identify engaged stakeholders to participate in the partnership and encourages the Coastal Resources Commission and the Environmental Management Commission to do the same.**

**Second by Martin Posey**

**Motion carries with no dissention.**

### **Rulemaking Update**

#### **Rule Suspensions**

Steve Poland, the Division's Fisheries Management section chief gave a verbal review of current rule suspensions previously approved by the Commission.

### **Additional Labeling Requirements for Repackaged Foreign Crab Meat Issue Paper**

Shannon Jenkins, the Division's Shellfish Sanitation section chief and Shawn Nelson, the Division's Inspections Program Supervisor gave a presentation on the Additional Labeling Requirements for Repackage Foreign Crab Meat Issue Paper.

To view the presentation, go to:

<https://deq.nc.gov/media/26106/open>

**Motion by Doug Cross to select the preferred management option for the labeling requirements for repacked foreign crab meat as presented by the division for rule 15A NCAC 03L .0211.**

**Second by Tom Hendrickson**

**Motion carries without dissention.**

Catherine Blum, the Division's Rulemaking Coordinator gave a verbal presentation on:

- 2020-2021 Rulemaking Cycle Update
- 2021-2022 Rulemaking Cycle "Package A"
- "Package B" Update (109 rules)
- 2022-2023 Rulemaking Cycle Preview

**Motion by Martin Posey to approve, including technical changes presented today and the following:**

• **Readoption of rules per G.S. 150B-21.3A as follows:**

o **11 rules in 15A NCAC 03I, 03J: 15A NCAC 03I .0108, .0115, .0122, 03J .0103, .0104, .0106, .0111, .0202, .0208, .0401, 0402;**

o **8 interjurisdictional species rules: 15A NCAC 03L .0207, .0301, .0302, 03M .0301, .0302, .0511, .0516, .0519;**

o **34 rules with minor changes relating to standards for handling, packing, and shipping crustacea meat: 15A NCAC 18A .0134, .0137-.0139, .0144, .0145, .0147-.0149, .0151-.0153, .0156-.0158, .0161, .0162, .0164-.0166, .0168, .0174-.0178, .0181-.0187, .0191; and**

o **2 rules to prohibit repacking of foreign crab meat in North Carolina: 15A NCAC 18A .0136 and .0173; and**

• **Adoption of 15A NCAC 03L .0210 to prohibit repacking of foreign crab meat in North Carolina.**

**Seconded by Tom Hendrickson**

**Motion carries without dissention.**

### **Issues from Commissioners**

Commissioner Romano asked now that the diamondback terrapin rule is in place, did the Division contact the Monterey Bay Aquarium to let them know that we took action. Dan Zapf explained that after implementing the Blue Crab FMP in February 2020, we reached out to the Monterey Bay Aquarium and let them know about the measures that were implemented, including for the incidental take of diamondback terrapins. They responded to us and let us know they were happy about some of the measures for diamondback terrapins, but they are also concerned about the updated stock status of overfished with overfishing occurring. So, they did not feel it was appropriate to update the status at this time, but they want to continue to monitor how we address the stock status moving forward.

Commissioner Cross asked for the TAL or TAC number related to spotted seatrout when we get them so that we know what we are looking at. Director Rawls stated that we are still in stock assessment development, but will be back to the MFC for issues on FMP development and we can add that for consideration.

Commissioner Hendrickson stated that he had spoken with Director Rawls and Commissioner Posey and complimented the Division on the interactive map that makes it easy to relate to shellfish leases and waters. The Division is looking toward updating that website for the latest aerial photography for SAV, the sooner the better for decision makers. What we have currently is an incredible tool so having the same for SAV would be great.

### **Meeting Assignments and Preview of Agenda Items for Next Meeting**

Lara Klibansky reviewed work plan calendar, the meeting assignments and previewed the February 2021 business meeting agenda.

Actions from this meeting:

- Approved the goal and objectives for the IJ plan. The AC workshop will be held Dec. 8.
- Approved the Southern Flounder FMP Amendment 3 for public and AC review. Dec. 15 will start the 30-day public comment period. We will hold a listening session for the public in January and AC meetings in January.
- Selected the preferred management options for the Shrimp FMP Amendment 2 for departmental and legislative review.
- Approved the CHPP and requested an information paper for protecting living shorelines from harvest.
- Selected the preferred management option for the additional labeling requirements for repacked foreign crab meat to start rulemaking in May.
- Approved the Package A rules.

At the February business meeting, which will be held at the Doubletree in New Bern:

- Select preferred management options for the Southern Flounder FMP Amendment 3.
- Give final approval of the Shrimp FMP Amendment 2.
- Select preferred management option for the mutilated finfish rule issue paper.
- Give final approval of the package B rules.

The meeting adjourned at 10:45 a.m.