

Preliminary Matters

February 2023 Business Meeting

01 February Meeting Agenda

04 Draft November Meeting Minutes

Marine Fisheries Commission Business Meeting

AGENDA

Doubletree Hotel, New Bern, NC

February 22-24, 2023

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 22nd

6:00 p.m. Public Comment Period

Thursday, February 23rd

9:00 a.m. Public Comment Period

9:30 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****

9:15 a.m. Chairman's Report

- Letters and Online Comments
- Ethics Training and Statement of Economic Interest Reminder
- 2023 Meeting Schedule
- Commission Committee Assignments

9:30 a.m. Committee Reports

- Northern Regional Advisory Committee
- Southern Regional Advisory Committee
- Finfish Standing Advisory Committee
- Shellfish/Crustacean Advisory Committee
- Habitat and Water Quality Advisory Committee

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

****Probable Action Items**

Thursday, February 23rd continued...

- Joint Meeting of the MFC Commercial Resources Fund Committee and the Funding Committee for the N. C. Commercial Fishing Resource Fund
- 10:00 a.m. Director's Report – Kathy Rawls
- Division of Marine Fisheries Quarterly Update
 - 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
 - Shellfish Lease Program Update – Owen Mulvey-McFerron
 - Update on Conclusion of Relay Program – Jacob Boyd
 - Coastal Habitat Protection Plan Update – Anne Deaton
 - Protected Resources Update – Barbie Byrd
 - Southern Flounder Updates – Anne Markwith
 - Informational Materials and Memos:
 - Highly Migratory Species
 - Observer Program Memo
 - Incidental Take Permit Reports
 - Landings Updates
 - Rule Suspensions
- 12:30 p.m. Lunch Break
- 2:00 p.m. False Albacore Information Paper Overview – Mclean Seward, Anne Markwith
- 3:00 p.m. Fishery Management Plans
- Status of ongoing plans – Corrin Flora
 - Spotted Seatrout Fishery Overview – Lucas Pensinger, Jason Rock
 - Striped Mullet FMP – Dan Zapf, Jeff Dobbs, Willow Patten
 - Fishery Characterization
 - Supplement to Amendment 1 of the Striped Mullet FMP
 - Review public comment
 - **Vote on final approval ****

Friday, February 24th

- 9:00 a.m. Rulemaking Update – Catherine Blum
- 2021-2022 Annual Rulemaking Cycle Update
 - 2022-2023 Annual Rulemaking Cycle
 - **Vote on final approval of Mutilated Finfish Rule (15A NCAC 03M .0101) and Marinas, Mooring Areas, and Other Docking Facilities Rule (15A NCAC 18A .0911)****
 - 2023-2024 Annual Rulemaking cycle
 - **Vote on management option and associated proposed language for rulemaking for "Data Collection and Harassment Prevention for the Conservation of Marine and Estuarine Resources" issue paper****

Friday, February 24th continued...

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

***Probable Action Items*

Marine Fisheries Commission Business Meeting Agenda

- **Vote on management option and associated proposed language for rulemaking for "Oyster Sanctuary Rule Changes" issue paper****
- **Vote on management option and associated proposed language for rulemaking for "Conforming Rule Changes for Shellfish Relay Program and Shellfish Leases and Franchises" issue paper****

9:30 a.m. Issues from Commissioners

10:00 a.m. Meeting Assignments and Preview of Agenda Items for Next Meeting – Lara Klibansky

10:30 a.m. Adjourn

DRAFT

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

***Probable Action Items*

Marine Fisheries Commission Business Meeting Minutes
Islander Hotel & Resort
Emerald Isle, North Carolina
Nov. 16-18, 2022

The commission held a business meeting Nov. 16-18 at the Islander Hotel & 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/32122/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/mfc-meetings/past-marine-fisheries-commission-meetings#QuarterlyBusinessMeeting-November16-17-11865>

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

BUSINESS MEETING - MOTIONS AND ACTIONS

On Nov. 16, a public comment session was held beginning at 6 p.m. Chairman Rob Bizzell called the meeting to order. The Chairman opened the comment period with Renee Cahoon, Chair N.C. Coastal Resources Commission and followed with the public comment period. The following comments were received:

Delineation of Inland and Coastal Fishing Water Boundaries Comment
Renee Cahoon, Chair N.C. Coastal Resources Commission

By statute, both the North Carolina Marine Fisheries Commission and the North Carolina Wildlife Resources Commission exercise concurrent jurisdiction over joint fishing waters of the state. (N.C.G.S. § 113-132) As part of their joint administration of these resources, the Marine Fisheries Commission and WRC have adopted joint rules which delineate the boundary between estuarine waters and inland fishing waters. The boundary of the coastal/inland waters established by these rules has significance far beyond jurisdiction for fisheries regulation.

Several state laws for which my Commission is responsible, including the Coastal Area Management Act (G.S. 113A-100, et seq.) and the State Dredge and Fill Act (G.S. 113-229), refer to the boundary between coastal and inland waters as the extent of the state's estuarine resources. As a result, if the Marine Fisheries Commission and WRC change the boundary of coastal and inland waters, or repeal the rule establishing that boundary, then the estuarine shoreline and waters critical to the state's estuarine fisheries could be removed from protection under coastal management, water quality, and habitat protection programs. At the very least, changing this boundary could cause significant uncertainty about where the CRC's more protective Estuarine

Shoreline rules could be enforced. Because our jurisdiction is set by statute, my Commission cannot fix any problems caused by changes to the joint rules through rulemaking.

For these reasons, my Commission has been following the readoption of joint rules by the Marine Fisheries Commission and the Wildlife Resources Commission establishing the boundary between estuarine waters and inland fishing waters very closely over the last several years. I am providing 2019 and 2022 letters from the Department of Environmental Quality detailing concerns over these proposed rule changes to provide more information about our concerns.

Most recently, on March 18, 2022, I submitted comments to the Rules Review Commission after learning that the North Carolina Wildlife Resources Commission has proposed amended and adopted rules in 15A NCAC 10C (published in the North Carolina Register on January 18, 2022) that will unilaterally change the jurisdictional boundary between coastal and inland waters. I also alerted Governor Cooper to the Coastal Resources Commission's ongoing concerns regarding proposed changes to the WRC and MFC's Joint Rules establishing the boundary between coastal and inland waters.

In my comments objecting to the proposed rule change, I noted that for the last several years, the Coastal Resources Commission has reached out to the WRC and its staff and asked for a meeting to express its concerns over changes to this boundary. Given the significant implications of changing the rule relating to the boundary between coastal and inland waters the Coastal Resources Commission is troubled by the WRC's failure to articulate any justification for the proposed rule changes.

State law makes clear that the decision on coastal/inland waters jurisdiction with respect to the Coastal Area Management Act and State Dredge and Fill Act must be by agreement between the MFC and the WRC. Unfortunately, it appears that the WRC has chosen to move ahead with its proposed rule changes in the face of significant objections from the Coastal Resources Commission and others.

The North Carolina General Assembly created the Marine Fisheries Commission, the Environmental Management Commission, and the Coastal Resources Commission to work together to protect and restore fish habitats. One way we do this is through the Coastal Habitat Protection Plan. That Plan recognizes that while the Marine Fisheries Commission can protect fish habitat from fishing related activities, it cannot regulate land-based activities to improve water quality or protect fish habitat. The EMC and my Commission have responsibilities for regulating impervious surface limits, vegetated buffers, and shoreline stabilization. I understand that the EMC is also responsible for stormwater management, and water quality standards. It would be very unfortunate if changes to the joint rules of the MFC and the WRC resulted in unintended negative impacts to my Commission's jurisdiction which allow it to protect estuarine shorelines and the state's estuarine resources.

The Coastal Resources Commission supports efforts by both WRC and MFC to work towards updating the joint rules in a manner that addresses the Coastal Resources Commission's concerns and that are designed to narrowly address any problems identified by the WRC and the MFC.

I want to express my thanks to Chair Bizzell for listening to the Coastal Resource Commission's concerns and for allowing me to speak to you today.

Public Comment Period

Ron McCoy, from Wilmington, commended the commissioners for serving on the MFC. He said it is time consuming, thankless work and the MFC is criticized no matter what it does. The system was created from the 1997 Fisheries Reform Act. The system is designed to make decisions that divide our saltwater resource catch between user groups, not manage the resource for stability and growth. He said, simply put, this 25-year-old law and the system it created has failed the resource. He said he speaks in support of the resource and in support of striped bass. He asked the MFC if its vote for striped bass is for resource management or dividing the catch. He said the MFC should vote for resource management and keep the gill nets out of the Neuse and Pamlico rivers. In closing, he said to manage the resource the MFC must change the failed system. He suggested the MFC call a special meeting to work on changes. He said the change must include having an MFC that represents the entire State, not just the coast; the change should stop dividing catch; the change should make timely decisions; the change should be insulated from user group politics; the change should learn from other Atlantic and Gulf states that clearly have done a better job managing their saltwater resource. He said the resource cannot manage itself; that is the MFC's job.

Bobby Brewer, owner of Bald-Headed Bobby's Guide Service in Oriental, said prior to the closure three years ago, he ran a lot of striped bass trips in the New Bern area. He said after the closure, he lost those trips and revenues and he educated himself on why the closure was necessary. He read information on the marine fisheries website, he spoke to marine biologists, and reviewed independent studies. Prior to the closure, he said he was catching 16-22" or 23" fish, and occasionally a 25" or 26" fish. He said about six weeks ago he fished in the same area for fun and the first fish he caught was 27 and 1/2" and a friend caught a 30" fish, which they did not catch before the closure. He said this is significant because those 22-23" fish have a quarter million eggs each; a 27-30" fish has a million eggs. He said we do not yet have the 9-to-10-year-old fish that are 35-40" with two million eggs and we need those in the fishery. He went to the marine fisheries website to understand the MFC's responsibilities, which include managing, protecting, preserving, and enhancing marine and estuarine resources. He said the MFC will make a vote in the next couple of days. He said he would like for the MFC to continue the closure of the Neuse and Tar/Pamlico River systems for recreational, for-hire, and commercial fishing. He recommended continuing the ban on netting above the ferry lines in both river systems. He asked the MFC to protect, preserve, and enhance that fishery.

Tim Faircloth said two years ago he came to a MFC meeting and asked about cast net studies in the estuaries and about destroying shrimp in the estuaries. He asked the MFC to get with him and research the issue, but he never heard from anyone. He said he and his father are commercial fishermen and they pull nets in the waterway. He said he questioned two years ago if the commissioners had ever thrown a cast net and gotten slime; he asked if they knew they were killing fish and shrimp for the next year's catch, but no one answered. So, he did his own research. He caught fish, put them in a bucket, and examined them under a microscope and determined we are killing fish. He said no one has researched this, but the MFC wants to keep putting the commercial fishermen down that is dragging his net in the waterway. He asked the commissioners if they have

ever thought about everyone that is in a boat with a cast net in the estuaries traveling at 60 mph and what they are destroying. He said the MFC never got back with him to send someone to research this. He said the amount of boat traffic in the waterways is insane. When he first chartered fishing trips in 2001, there were nine in-shore charters from Sneads Ferry to Emerald Isle. He asked how many there are now. He said we are all guilty, but he asked if we are all guilty of damaging the fish populations and not knowing it.

Allen Faircloth, from Hampstead, said he has a Standard Commercial Fishing License and he primarily shrimps and he flounder nets. He shared concerns about opening the shrimp season this year. He said several fishermen started calling the Wilmington division office in August about opening the season and they were told it would open Sept. 11. He said the fishermen started calling the Morehead City division office and as a result, shrimping opened Sept. 1 for the preferred waters in North Topsail Beach, etc. He said if it had not opened it until Sept. 11, it would have been a repeat of 2021 when the shrimp were gone by the time it was opened. He also provided comments about the southern flounder season. He said people envision that nets are destroying everything, but this is absolutely false. He said he fishes with five nets that are each about 275 feet in length and that is all he can handle and pick up the next morning. As he moved through the first four days of the southern flounder season, he took a day off for a doctor appointment and while he was there he was told the quota had been met. He said when he got back home he started asking questions and found out there was quota remaining, but the gear was switched to hook and line and gigging only. He said he is not a fan of gigging because he cannot look in the water two feet down and tell how big something is. He said commercial fishermen have hung their heads on the net business. Giggers are allowed to catch 50 fish, but he has netted for the last 10 years and has never put more than 22 fish on his boat.

Jimmie Goodwin said a 73% southern flounder reduction was obviously intended to run commercial fishermen out of business with only four days for southern flounder harvest with gill nets. He said Core Sound only had five days for pound net harvest and it takes about \$5,000 to set a pound net; this is unfair. He said there are about 780,000 recreational license holders and only 5,000 commercial license holders, with about 10.4 million people in North Carolina. There are a few people, roughly 4,000 N.C. Coastal Conservation Association members, that can afford to come to the coast on weekends and catch the fish; most people do not have the money to do so. He asked the MFC where these people are going to get their fish if the MFC continues to decimate commercial fishing. He said the MFC is not allowing some people to survive; he suggested a 25% reduction and opening some hatcheries with part of the \$22 million in license fees the MFC gets every year to have a hatchery in every river, to enhance the fisheries. He said the MFC could open hatcheries in each river and then focus on whatever fish was low that year and give that up and down flow, which is continuous in fishing. Predators rise, prey drops, and the reverse. He said this is the way fishing works and has since the beginning of time. He said you can't manage mother nature. He said to manage fisheries, you help to enhance it; no one can manage mother nature. For spotted seatrout, he said three years is the maximum the MFC should ever have on a rebuilding plan because you will have a freeze from mother nature and decimate them. He said if there was ever a problem in the flounder industry, it was from the freeze; he rode up and down the Banks and saw flounder upside down from the freeze, not from commercial nets. He repeated that you cannot manage mother nature. He said 9.6 million people in North Carolina rely on commercial fishermen to get their fish.

Donald Willis, owner of Custom Marine Fabrication, said he has been in the fishing tackle business and been attending fisheries meetings for over 30 years. He spoke about the Estuarine Striped Bass Fishery Management Plan Amendment 2. He said for three years, the rivers have been closed. This cost him money and he said he does not mind. But to open the rivers back up to nets before we know what it has done, to not check if anyone with scientific interest can determine if we can bring it back to a spawning river, to destroy it before we know what we are doing, would be a travesty. He said to just destroy what he and anglers have sacrificed would be a slap in the face. He asked how the MFC could do this. The fishery above the ferry lines is a whole different fishery than on the other side. He said he has heard fishermen say that during the closure nets only catch what they are targeting and fishermen are not hurting the resource, but it is a different story by what these rivers tell you in reality. He urged the MFC to look at it for themselves. He said he has people driving from Oriental to New Bern to catch fish, because there are no fish to catch in Oriental. He has a fisherman building a house in the lower Broad Creek area and he is going to New Bern to catch fish because there are no fish in his area. He said what the MFC has been told is not true. He is proud of the sacrifices he and anglers made; he reiterated the need to see what has been done before opening the rivers back up to recreational or commercial fishing. He said to keep the rivers closed, study it, and see what is going on.

Tim Hergenrader, a recreational fisherman and conservationist from Pamlico County, addressed the possible reopening of gill nets in the Neuse, Tar, and Pamlico rivers. He said the first rationale for reopening was for the harvest of shad, even though it is overfished with overfishing continuing. Fortunately, that effort was stymied. The next rationale was for the harvest of striped mullet, which is overfished with overfishing continuing, for more money in their coffers. He said the rivers are serving as nurseries for mullet and other species. He said the mullet will leave the rivers to spawn and the netters will have their opportunity to slaughter them for their eggs as the fish move to the coast. He said killing fish on their spawning runs is the height of irresponsibility, so it is no wonder to him that striped mullet are overfished. He asked why the river closures are so egregious as to warrant one attempt after another to reopen the rivers, especially since the alleged target fish are overfished with overfishing continuing. He said it is not about the fish; the closures prove that with the nets gone, the fish populations increase. The commercial fishing industry cannot abide by this. The fish populations in the Neuse River have increased since the closure was implemented, at least based on anecdotal information since there have been no studies. He said in the Neuse River, the striped mullet are omnipresent, as are virtually every predator that feasts on them and menhaden. He said if the rivers are reopened to netting, the carnage will commence. He said the DMF is looking at a 30% reduction in striped mullet harvest, yet the MFC is considering an increase in harvest. This shows the left hand does not know or care what the right hand is doing. He urged the MFC to leave the net moratorium in place, move the closures to the tie-down lines, and the MFC will solve the 30% for striped mullet and provide more protection for striped bass, the fish the closure was intended to protect. He said if the MFC opens the rivers to netting, the striped bass will be gone as a viable species, floating belly up in the rivers as bycatch.

Willy Phillips, presented a resolution from Tyrell County opposing jurisdictional expansion by the N.C. Wildlife Resources Commission to eliminate the joint waters, would effectively eliminate commercial fishing in numerous rivers in the Albemarle Sound and further south. He said other surrounding counties are in agreement with the resolution. He said he buys from 100 fishermen per

year in his business. He has been in commercial fishing for 50 years and has worked with numerous members of the DMF staff through the years and some of the commissioners. He said it has taken 25 years of PTSD therapy after serving on the MFC for four years to come back to speak, but he understands the struggles the MFC deals with in figuring out allocation issues. That is the issue; it is not possible to raise enough fish for everyone. He said we are divided and are fighting over the crumbs. Pollution has turned the sounds and rivers into nursery areas that can't function. So, no matter what we do in this assembled group, we can't fix it until we fix the habitat and water quality situation. He said there are 82 discharges in the Roanoke River before it ever hits the Albemarle Sound; all that takes out is the poop. It does not take out any of the estrogen that causes sex changes, or any of the forever chemicals, so we can't raise fish and we can't have enough fish for everyone. He said the MFC has someone now, Dr. Rader, that can help guide the commission in addressing this. He said he hopes the MFC can put that pack on his back so this can be addressed and all the people of North Carolina can enjoy the bounty.

Wayne Dunbar, a commercial fisherman for 46 years, said the net ban above the ferry line is unjust to the 10 million residents of North Carolina because it allows a small group of anglers to fish and keep fish for their own personal use. He said the previous MFC has given recreational anglers a private 75,000-acre fishing pond, or about 132 square miles, while leaving the other 10 million citizens of North Carolina without access to buy fish provided by commercial fishermen caught from these waters, like restaurants, fish markets, farmers markets, fish houses, and grocery stores. He said the scientific data shows small mesh gill nets are not hurting the striped bass population, but hook-and-line fishermen continue to catch striped bass in these areas while research data show that recreational dead discards of striped bass are about 40-48%. He said not all recreational fishermen are throwing back those striped bass. As a commercial fisherman of 46 years, he said they traditionally fish in the spring for menhaden for bait. He said crab bait has gone from \$10 to \$30 per flat in the last couple years, so it is important to the crab industry to be able to fish for menhaden up these rivers. He said commercial fishermen also fish in spring, summer, and fall for spots, which stay in high demand for consumers of North Carolina. He said DMF data show for mullet, over the last 20 years, there has been an average of 1.7 million pounds of harvest per year, with an average of 700 commercial fishermen participating and an average of 8,000 trip tickets per year. This results in an average of 212 pounds of mullet per trip ticket. He said he does not see where the mullets are overfished, and this year might be a record year for harvest; striped mullet are doing fine. For spotted seatrout, Mr. Dunbar said over the last 20 years, per DMF data, commercial landings have averaged about 280,000 pounds annually and recreational harvest has averaged about seven times the commercial harvest, or about two million pounds. He said recreational discards is double the amount of fish kept, so discards are about four million at a 25% mortality rate, or one million pounds of dead discards. He said he owns Paradise Shores Seafood and Paradise Shores Guide Service, and he has studied fish and wildlife management and most importantly has spent 46 years on the waters of eastern North Carolina as a commercial fisherman and guide.

Steve Ethridge, a full-time commercial fisherman, asked the MFC not to adopt Supplement A to the Striped Mullet FMP, for two main reasons. He said the mullet fishermen do not agree with the data; in 2018, DMF biologists told the MFC no management action should be taken since the stock assessment update indicated overfishing was not occurring. The 2018 information also included the recommendation that in the next stock assessment striped mullet should be considered a forage

species; that would raise the spawning stock biomass from 25% to 35%. He said these are the main points that were used as data that he sees as inaccurate and troubling. The main data sets came from fisheries independent gill net studies. He said this consists of DMF staff setting gill nets in random grids; the idea of unprofessional fishermen determining the lives and livelihoods of hardworking professional fishermen is disturbing and unacceptable. The DMF data does not match commercial mullet landings because many important factors are not considered by the biologists, like COVID, hurricanes and the loss of freezers in Florida, and fluctuations in fisheries, like one year shrimping being better and the next year crabbing being better. He again asked the MFC not to adopt Supplement A because the data is incorrect. He said the DMF just asked in October to form a committee of mullet fishermen and concerned parties for peer review. He asked the MFC to allow that peer review committee to meet with biologists for two years to help straighten out the data.

Tony Cuthrell said he has been living in New Bern for 15 years. He has fished the Chowan, Roanoke, Cashie, Tar, Pamlico, Neuse, and Trent rivers. He said when he lived in Gates County in the 1980s, he used to dip herring and fill up a 14-foot boat, but you cannot even find them anymore because of the netters. He said you can't get striped bass from the Roanoke River anymore because the fish can't get past the dams to breed. He said the Roanoke River used to be the number one striped bass fishery on the East Coast. He said he is starting to see some fish back in the Neuse and Trent rivers in the New Bern area. He said if the MFC allows the netters to come back where they want to go, and everybody has a right to earn a living, the MFC is going to take away the breeding stock and all the babies, the bycatch will be unbelievable, and within three years we won't have a fishery; it will be a fishery no one can live on. He said fishermen now can only catch one weakfish, four spotted seatrout, one flounder, and one red drum; with that kind of catch, he questioned what the netters are coming up the rivers with nets to catch. He asked the MFC to give these fish a chance to mature, spawn, grow, and live to where we can all have a good time and make a living, commercial and recreational. If the commercial fishermen keep bringing their nets up the rivers it will be the end for everybody. He asked what the commercial fishermen would do then and who they would blame. He said we all need help, we all need fish, and we all need a place to catch them. He said that is the MFC's job and acknowledged it is not easy. He said the MFC has to think about everybody, and give the fish a chance to live and all of us a chance to fish for them and eat them, because they are good to eat.

Rocky Carter spoke about striped mullet, flounder, and striped bass. He said striped mullet is listed as depleted and the stock assessment results predict a continued decline in the population due to their limited spawning biomass; striped mullet have a 15-year lifespan. He said according to the data collected, most of these fish are less than three years old. Regarding flounder, he said they are listed as depleted and the estimated number of spawning females is well below what is needed for a sustainable fishery. He said 20 years of neglecting data from marine biologists has taken a toll on North Carolina's most sought-after fish. In 1997 the Fisheries Reform Act was passed into law. He said it clearly states the MFC shall adopt rules to be followed in the management, preservation, and enhancement of the marine and estuarine resources; this includes conservation and management measure that prevent overfishing. He said in 1997 when the law was passed the bag limit for flounder was 10 fish per day all year; 25 years later, there are four weeks to target flounder with a recreational limit of one fish. Regarding striped bass, he said DMF has insufficient data for a current stock assessment, so he looked at the last available data and its conclusion: striped bass populations in the Tar, Neuse, and Cape Fear rivers are depressed to an extent that sustainability is unlikely at

any level of fishing mortality. He said that sounds like a depleted status. He said striped bass have many obstacles to overcome if they are to become sustainable; currently, over 90% are hatchery raised and less than 10% are born in the wild. Conditions have to be almost perfect for a successful wild hatch. He said we have to protect existing populations to allow the big females, who can lay one to two million eggs, to repopulate our sounds, bays, and estuaries. He said he spent considerable time on the Neuse River in summer and fall of this year and he saw drum, striped bass, tarpon, and trout, all feeding on schools of mullet and menhaden. He said it is amazing what three years of recovery can mean to an expansive river like the Neuse. He said striped mullet, flounder, and striped bass live above the ferry lines.

Dan Moses, president of Eastern Carolina Saltwater Fishing Club of New Bern. He said the club has been in existence since the late 1990s, with a peak membership of approximately 90 people during the 2010s, with members ranging in age from the 30s to the 80s. He said the membership has a cumulative experience of many years fishing in the local rivers and creeks. He said he has lived in the area since retiring in 2005 and has been an avid fisherman since that time. He said his comments come from his personal observations and of those of his club members and relate to the fisheries resources that the MFC is charged with managing for all people of North Carolina. He said to aid in the recovery of the striped bass fishery that had become unsustainable, the MFC adopted Amendment 2 of the FMP; one of the provisions was a ban on gill nets above the ferry line in the Neuse River, an area he is very familiar with. He said prior to the gill net ban, fishing stocks of other gamefish such as spotted seatrout, red drum, flounder, and tarpon, were also declining in the Neuse River; this was apparent from fishing experiences by him and other members of his club who had fished these waters extensively for many years. He said as recently as five years ago, it had become increasingly difficult to catch a legal-size fish of these species, but over the last three years since the gill net ban was implemented, they have seen improvements in the numbers and sizes of these inshore gamefish species in each year. He said these gamefish all inhabit the same areas in the creeks and rivers and chase the same baitfish. He said you cannot manage one species without interacting and affecting all the other species; you have to manage the whole ecosystem. He said he spent a career managing and caring for our country's natural resources; one of the things he learned is that it does not always take a lot of analysis for an obvious conclusion. The gill net ban is working as intended for striped bass; it also has had a positive effect on the other fisheries resources in the upper Neuse River. He said for the benefit of the fisheries resource it would make no logical sense to allow the gill nets to return. If the MFC wants to continue to manage the sustainable fishery resource, which the MFC is entrusted to do for all the people of North Carolina, the MFC should look at a more proactive approach for fisheries resource degradation rather than a reactionary approach. He said a good place to start would be banning gill nets in all Eastern North Carolina river estuaries that serve as nursery areas for these fish species.

Ashley King, of Keep Catching Charters, has been guiding for nine years on the Neuse River and has been leading charters since 2005. He said back in the day, seeing a 26" striped bass was like seeing Sasquatch, but since 2019 and since the gill net closure it is common to take a trip and catch eight to ten fish from 25-30". The closure for the nets above the ferry terminal have helped the striped bass quality and numbers. It is common to see a school of striped bass feeding on bait fish. He said he has lost charter trips because fishermen can't keep striped bass and they don't want to target them, but because of the closure to nets he is seeing a lot of drum and trout; there has not been a cold stun for the last four to six years. He said he has never seen the bait and mullet around New

Bern as thick as they are now; in the 17 years he has spent on the Neuse River he has never seen the tarpon run like this year. He said the amount of older drum that have been biting around New Bern has been phenomenal; he has had people that stay in Oriental and they come to New Bern for an old drum trip because of the bait that is there. He said the whole point of this closure for the nets was to help striped bass and herring reproduce and come back 10-fold, so if the MFC lets the nets come back there, fishermen will catch these striped bass as bycatch, which is not going to help the striped bass population. He urged the MFC to vote to keep the nets below the ferry terminal. For fishermen trying to make a living, he said he understands. The numbers downriver for the fish they are targeting are increasing, so he questioned why the MFC would let nets come back above the ferry line to catch a fish that is benefitting from the net ban. Also, he said side imaging is great tool; there are fishermen strike netting in the creeks of New Bern at night and he can show the MFC the evidence by taking them out on his boat.

Ray Howell said he retired and moved to Swansboro in 2008 primarily because of the fishing opportunities. Since then, he has seen a decline in the fisheries that has been impactful in all these waters. He expressed his appreciation to MFC members, who are between a rock and a hard place and have to do difficult things. He spoke about the Neuse and Tar/Pamlico rivers; he said as the MFC looks at the rebound of fisheries in areas above the netting, there is good evidence for what the biologists have talked about for years about getting the biomass sufficient to have good healthy spawns, especially in the Neuse River. He said steps toward that have started at the ferry lines with the net ban. He encouraged the MFC to be firm about leaving those in place because using an excuse of an overfished and depleted species is incredible; the word "rapacious" comes to mind. He said to leave these fish alone and let the biomass expand. He said he did research at NIH before he moved here, so he knows the importance of quality research and honest, true data. He said the MFC should institute good studies to validate what is happening in the Neuse and Tar-Pamlico rivers as a positive thing. He said Mark Twain made the observation that figures don't lie, but liars figure; so, in hearing lots of numbers thrown around, good data is imperative to protect the species as a public trust.

Bruce MacLachlan said the gill net ban above the ferry lines in the CSMA is working. He said he won't repeat what others have said, but it is a tangible, noticeable difference in that area for the improvement that has occurred over the last three years. He said that alone is reason enough to maintain the moratorium, but there is another reason. He asked what fishermen would be fishing for with gill nets above the ferry lines. He said the moratorium is intended to protect striped bass, which are so depleted there is no harvest allowed in the CSMA, nor should it be. He said there are endangered sturgeon in those waters, the river herring fishery has collapsed, and southern flounder is so severely depleted that we had a 30-day recreational season and the commercial quota was reached in five days. He said he killed one Gulf flounder at AR345; he said Commissioner Roller taught him how to distinguish the difference. He said American Shad is severely depleted throughout the Atlantic coast, the DMF has categorized striped mullet as overfished with overfishing occurring, and spotted seatrout is experiencing overfishing but is not overfished, so it is a concern. He said with all of those factors there is no valid reason to return gill nets above the ferry lines in these rivers; the MFC should consider extending those downriver to the tie down lines. Regarding the Rachels and Ricks paper of 2017 for the N.C. Wildlife Resources Commission, he said he realizes the paper is disputed by some of the DMF scientists, but it cites the primary reason for riverine striped bass mortality as gill net interactions, yet many MFC members and DMF

scientists stubbornly resist those conclusions. He said the only way we can restore that fishery is to increase the spawning stock biomass, and we do that by advancing the older females in the population. Putting gill nets back in the waters is not going to do that.

Don Simpson said he lives in the Fairfield Harbor section of New Bern and is a recreational fisherman. He said he fishes as often as he can, either by boat or along the banks of the Neuse River. He said he practices catch and release for the vast majority of his catch and he views the regulations as the minimum standard to protect the resource. For example, he practices release over 20" for spotted seatrout, because they are the breeders. He has noticed a marked improvement in the quality and quantity of fish available in the Neuse in the area of New Bern since 2019 when the gill nets were prohibited upstream of the ferry crossing. He said the MFC has all the data necessary to document the fish population on the Neuse; he does not need to repeat it. He said there is one positive impact the improved fishing has had on the community. He is retired, so he is either fishing or walking his dogs. He has the opportunity to meet new neighbors and discuss why they chose to relocate to the neighborhood. He said most of them include the quality of the fishing and boating on the Neuse River as reasons to choose New Bern. He requested the MFC consider the current regulations prohibiting gill nets above the ferry line on the Neuse; in addition, he asked the MFC to consider moving the closure even farther downstream.

Dennis Cox, a commercial fisherman and seafood dealer, said he understands the recreational side of the story. But one issue that has not been mentioned is the effect of farms and spray chemicals on the water; he asked about the number of people moving here that build houses and spray their yards; he said that is what is killing the fish. He said he wishes they would quit blaming the commercial fishermen for everything that is out there. He said now all commercial fishermen do is drop net and all they catch is catfish, which are a problem. In Albemarle Sound 1.9 million catfish are caught and they eat everything; they will eat a beer can if they can. Catfish are dying from eating so many clams that they get stopped up, can't breathe, and die. He guesses that is the commercial fisherman's fault too. He said people can't keep blaming commercial fishermen. He said if someone wants to catch a fish, then catch a fish, but commercial fishermen put fish on the table for everybody. He said recreational fishermen throw fish back and commercial fishermen catch them and feed people. He said he doesn't want tilapia or catfish from China; this is America and we should eat American food. He questioned how the MFC could let a former WRC officer on this commission and let him propose a gill net closure. He said the MFC can't let a WRC officer crossover to a commercial, marine fisheries board, but we are still fighting this. Commercial fishermen have talked to the governor and senators, and they are all against this. He asked why the MFC continuously tries to take commercial fishermen's jobs. He said he called Director Rawls and told her he just wants to fish. He said he respects the laws, but the striped bass stock assessment was wrong; you cannot drag a net behind a little boat and catch what is there. Once you destroy the home or the habitat you cannot drag that spot for a year or two. He said the data will never be sufficient if you keep dragging the same spot.

Tyler Dewald spoke about the Albemarle Sound, specifically the Chowan and Perquimans rivers where the boundary lines are proposed to be moved. He said he is in his thirties and has been in the commercial fishing business for about 10 years, and fishing is his livelihood. If it wasn't for invasive species like catfish, he said he probably wouldn't be doing this anymore. He said if the boundary lines are moved, the blue catfish will demolish the fisheries in these rivers. They eat clams, even

grass from the bottoms of the rivers. The perch fishery has mostly ended due to small catfish getting entwined in the nets. He asked the MFC to vote against moving the boundary lines, as it will demolish commercial fishing for that end of the Sound; the Perquimans, Little River, Yeopim, Scuppernong, and Chowan rivers are big crabbing grounds and that would end. Perquimans River contains the number "one" pound net for North Carolina and represents a lot of history; it was the first one ever in North Carolina. He urged the MFC to vote against this; save the fish from these animals [catfish] that are coming to demolish them. Five years ago, he did not see a blue catfish in the Perquimans River, but these animals are adapting to the saltwater in Virginia all the way to Wanchese; that is a big range. He said these fish don't care what they eat.

Vaughn Waterfield, a commercial fisherman in Albemarle Sound, spoke about the proposal to move the inland waters boundaries. He said doing this will hurt a lot of fishermen in his area. He said he fishes gill nets and he crabs. This year the water was so salty he said the jimmy crabs pushed far upriver for fresher water; he said they were crabbing way up river and had never seen the crabs up that far. He said the catfish are taking over, without a doubt. He said they have caught catfish in crab pots, and they eat the soft shell crabs and anything in their path. If the MFC moves the boundaries, he said it will really hurt commercial fishermen.

Earl Ward said he will be short because he is from the same group as the previous three speakers and agree on the same thing, but he heard another speaker say there is a shortage of herring. He said if someone does not want to see herring they do not want to see them. He is on the Western part of the sound and last year, in Gatesville, the water rose very high and there were hundreds of thousands of herring in the road and at that boat ramp; those fish quickly disappeared and there were a lot of foot tracks in the mud. Regarding striped bass in the sounds, he questioned why the quota was caught so quickly if there are not that many fish. He said there is a girl at Albemarle Boats to check people's catches during striped bass season. When they came in, she had her feet propped on the dash, asleep, with the windows up; maybe she was scared to talk to people, but the data are not accurate for that fishery. Pollution in the sound is a problem; he drop nets in the sound and there are striped bass floating everywhere. He said he thinks it is related to the spraying, rain, and runoff. He said he is catfishing now and is trying to catch as much as he can to help, because the catfish are eating what recreational fishermen want: striped bass and trout; catfish are a predator fish and that's what commercial fishermen are for. In closing, he said he is against the lines being moved and he asked the MFC to take that into consideration.

Don Yuska, a rec fisherman, said other speakers have listed all the overfished species. He said the MFC members were appointed to their positions to save our fisheries, not destroy them. If fishermen see signs it is working by keeping these nets out of the area, he suggested lowering the closure further down river and giving the fisheries more space to produce. He said if the numbers go up there will be more fish, which is beneficial for everybody. He said an earlier speaker was talking about throw nets compare to gill nets, but a gill net is about 100 to 200 yards, where a throw net is about 10 feet and is throw by hand. He urged the MFC to keep the ban in place and let the fisheries grow for everybody.

William Troutman said he moved here in 2002 when he retired from the field of education. He enjoys the water and fishing and taught his three grandchildren how to fish; if you teach someone how to fish you teach them how to live. In 2002 when he first moved here, near the Emerald Isle

bridge, there were so many fishermen you could probably walk from one boat to another, especially during spot season. He told the MFC not to look there today because there is nothing being caught but pinfish. Where he lives, he listens at night and he has eyes to see; he goes out to the Intracoastal Waterway and hears big diesel engines running and said he knows what is happening; there are no fish; the fish are gone. He said his name is Troutman and he loves trout fishing. He said nets are ruining the fishery, particularly from in the Intracoastal Waterway from Emerald Isle to Morehead City.

Drake Hollander said he started his path in school with wildlife and fisheries biology, moved to New Bern about six years ago, is a part-time fishing guide and manufacturer's rep for the outdoor industry, he sells a lot of products like crab lines, buoys, fishing rods and reels, and terminal tackle, and has seen economic growth in the last three to five years, which aligns with the gill net closures. He said there is also additional economic impact from the amount of people getting into fishing and teaching kids to fish, on the tackle shops, which are a huge part of the business. He said businesses grow and then they grow the economy, all different sides of the economy for surrounding areas, which has been a huge success. He said he appreciates what the MFC has already done and urged the MFC to continue on that path. If the measures weren't working then commercial fishermen would not want to expand upriver; if the fish weren't there the commercial fishermen would not want to be there.

Jerry Wilkins started fishing in the 1960s with his father and he fished extensively in the 1960s, 70s, and 80s from the Chowan River to Wilmington for everything from striped bass, herring, red drum, and trout. He has seen the fishery decline, starting mostly in the mid-1980s, through the 1990s, and into the 2000s. He said it has been very sad for someone who likes to fish to hardly catch a fish or catch one small fish. Finally in the last couple years since the net ban, fishing in the Neuse River improved drastically from what it had been for the last 10 to 12 years. He urged the MFC to keep the nets out for a while and see if fish populations can get back to what they were in the 1960s and 70s when everyone was catching fish.

Paul Dale, a recreational fisherman from New Bern, asked the MFC to not kick the can down the road, to keep the progress going, and try to increase it rather than back up.

Ken Thomas said he grew up fishing with his grandfather in the 1970s and moved back here about 10 years ago. He said he wanted to pass along that experience to his grandchildren, but he can't catch a fish he can keep; he can stop at the fish market on the way home and pick up 12-13" flounder and trout, but he can't catch one and bring it home. He said the netting is a big issue. When his grandfather had his place in Atlantic Beach, he used to find starfish, seahorses, and sea urchins, but that wildlife is now gone; recreational fishing is ending. He urged the MFC to please do something about this net situation.

Stuart Creighton said the MFC is charged with recovering, conserving, and saving the marine fisheries we all enjoy, and they are in trouble. He said the MFC has some unenviable decisions to make during the meeting this week. His comments focus on striped bass; he provided written copies of his comments that include data he asked the MFC to reference as he gives his comments. He said it is vital to maintain the current gill net restrictions on the Neuse and the Tar/Pamlico river systems because they are working. He said even though the numerous speakers tonight have provided

anecdotal reports, the fisheries, with striped bass first and foremost, are improving. He said the number of observations in his handout can't be ignored; the MFC has to pay attention to that because what it says is universal. He said the fisheries are improving, and it is not just striped bass, but also tarpon, red drum, and trout; they are all benefitting from this closure. He urged the MFC to pay attention to that and follow it up with careful DMF study. He said the documentation for Amendment 2 to the Estuarine Striped Bass FMP shows what the public wants: 60% of online responses want the restrictions to remain and only 12% want gill nets put back in those areas. The public comments given at the February 2022 MFC meeting were overwhelmingly in support of maintaining the gill net closures; the comments were relatively even at the May and August MFC meetings. He asked the MFC what the online public comments for this meeting looked like; he would like to hear what they represent. Returning gill nets to these areas will put undue pressure on numerous species that are either in decline, depleted, or collapsed. He said it is important to take stock in how many fisheries are in trouble. Regarding the Albemarle Sound Management Area, that is the last naturally reproducing striped bass population, so he said the MFC has got to get that right; the MFC cannot allow Albemarle Sound striped bass to go away. He said that cannot be allowed to return to a put and take fishery.

Bobby Rice, of Carteret County, said the gill net closure is working; it is a testament to what little bit we can do and what a big deal it can make for the environment. He asked the MFC to consider keeping the closures and to consider other areas of the state that need help as well. He said the MFC has done a great thing, but if they put the nets back in the rivers they will destroy everything they have built.

Bill Praven said last year, he moved to Minnesott Beach just upriver from the ferry and across the river from Marine Corps Air Station Cherry Point. He said he joined Facebook fishing groups to learn about fishing in the Neuse River and he noticed frequent postings by service personnel inquiring where to fish in Hancock and Slocum creeks, and in the Neuse River area that borders the base. He said the volume and details of comments back to them was incredible. He said his son and daughter both serve in the Army, which gives him an emotional connection to the men and women in the military that are serving our country and is why he came to speak to the MFC at this meeting. He said in the past weekend, there was a posting by Cherry Point on Facebook that said the Marine Corps Community Services hosted a fishing tournament. The tournament allowed U.S. marines and their families and air station civilians the opportunity to gather for fun and collective competition. He asked his neighbor that works at Cherry Point if this was a common event; his neighbor said the rumor on base was people are starting to catch fish around the base and the fish are big, so powers that be wanted to capture the momentum of this enthusiasm. He asked the MFC to do what they can to ensure that Slocum and Hancock creeks and the Neuse River around the base and surrounding community, where the service men and women and their families live have an abundance of fish. He said the military is the second largest contributor to the North Carolina economy.

Chris Chadwick, a Carteret County commissioner, said the Carteret County Board of Commissioners passed a resolution opposing the continuation of the gill net ban in the upper Neuse and Pamlico rivers that they presented at the last MFC meeting. He said they asked the MFC to take action this week to remove the ban based on the reasons presented in the resolution. The Carteret County commissioners are also concerned that potential action by the MFC may be taken for the conservation of striped mullet. Carteret County has been and continues to be one of the most

important areas for the N.C. mullet fishery. Beaufort was historically known as Fish Town due to its extensive mullet fishery. The Carteret County Board of Commissioners urged the MFC to consider the economic and social impacts of the proposed 30% reduction in harvest, especially based on a population assessment that appears not to match with what the fishermen are observing. This year was one of the largest years of mullet that he can remember. He said the Carteret County Board of Commissioners cannot understand how scientific experts can say the data and the prior fishery management plans show that overfishing was not occurring in 2005, 2015, and 2018 in the mullet fishery, but now say that overfishing has been occurring for almost 18 years, that the population is in trouble, and immediate action is required using only more recent information. He said fishermen this year have reported highest proportions of mature mullet males with the larger females that are primarily harvested, as well as high catches. He said the prior scientific assessments and current observations are not indicative of a population that is in such dire straits that an immediate 30% reduction in harvest is necessary and raises serious questions about the accuracy of the population assessments. The Carteret County Board of Commissioners asked the MFC to consider these uncertainties and contradictions when the MFC makes its decisions this week. He said he thinks all commercial and recreational fishermen can agree that a lot of the problem he sees in the rivers comes downstream from Raleigh, sewage being allowed to be dumped in the millions of gallons, and the hurricanes that wash all that down here. He said people should be down here to Cedar Island Beach after Hurricane Florence or some of the more recent hurricanes to see everything from school desks to sewage products that comes down on them. He said that is a big problem with a lot of the small fisheries up the rivers.

Cameron Pappas said the DEQ has numbers listed on commercial harvests in pounds and said just keep in mind when he's going over some of these numbers, flounder season started in 2019. So, 2021 there was 200,396 pounds, that's the highest since 2013. Spotted seatrout; 2019: 378,000; 2020: 568,000; 2021: 694,000. He said that is the highest recorded as far as he could see back to 1972. The average from 2000 to 2019 for spotted seatrout was 237,000 so over double in 2021. Now for striped mullet you know 2020 was 1,299,000 pounds, 2021 was 2,135,000 pounds. He stated this is the highest since 2002. So if the argument is to put gill nets back above the ferry lines to target striped mullet well you've got 2,135,000 pounds in 2021 that's the highest since 2002. He urged the commission to look at these numbers, try to come to a conclusion, and stated that his fear is that because the flounder season is active, which he's not opposed to, again. But now all these other game fish are getting targeted. And then if spotted seatrout comes back as depleted, if red drum comes back and is depleted, are we going to have seasons on those too? Because if that's the case, if we have seasons on all these game fish if that's not a sign of a poorly managed fishery, he doesn't know what is. That's all, thanks.

Anthony Osborne, North Carolina native and full-time fishing guide, said good evening and he wasn't going to beat a dead horse or anything. He said his name's Ozzie. He said pretty much everything he was going to say has been touched on. He said y'all are well aware that the devastation that gill nets can have if you move them back up the ferry lines. He said he thinks you're well aware of the state revenue that can be made in the recreational fishing industry and he's not going to hit on that, but what he does want to ask you is he thinks that the netters aren't the only ones dropping their boats every morning to make their living. He feels like the guides are not getting much advocacy. There's a lot of rules that kind of seem to cater to the commercial guys and the netters and he just feels like the full-time guides or the part-time guides are not getting much advocacy.

Mr. Osborne said he would definitely ask you to take that into consideration. He said that's pretty much everything he has that hadn't already been hit on. He said he appreciates your time, thank you for what you're doing.

Bradley Styron said he had several questions he wanted to ask, but some of them have already been answered. But the one that bothers him most is the independent gill net survey. He said, that's the way that you're determining how these fish are overfished. They've said it's been going on for 20 years and it's still being overfished. He said he's been around here as long as most people have and he has seen it come and go. And he said that's just as far from the truth and he'll give an example of the independent gill net survey. He said he ran up with a couple people one time this summer and they were setting nets and he stopped to them and he asked them what they were doing you know if they'll catch anything and they said we're not doing much.

He said he noticed the gear they had and he asked them why are you using such varied gear? They said we're contracted by the North Carolina Division of Marine Fishers to do independent gill net surveys. He said to them so you're deciding who's going to get what. He said where they were using the gear, the only thing he ever saw caught was menhaden. So you know if you're going to take an approach like you're taking to put people out of business at least do it the right way. Get somebody that knows what they're doing. Why don't you go ahead and get some of these commercial fishermen, you got some of the best fishermen there is in North Carolina. They can show you where it's at and how to do it. He said if you're going to do it at least give us a fighting chance. He said this is ludicrous what's going on here, you're talking about taking the better part of the season in 2020 there was no season, there was no roe to be bought because of the COVID deal. Alright 2021 most of the boys that are fishing now were shrimping. And this year there's not been many shrimps so they're mullet fishing. But if you talk to our trip tickets if you go back to the trip tickets then how are you going to get an accurate assessment by using trip tickets? He said in 2020 there was no roe season, in 2021 the boys went shrimping. Now they've had to revert back to it. Mr. Styron said he thinks you've got a tale of two different people here. You've got people that really want to stop the commercial end of it and then you've got the people that depend on it. And you look back here and these people behind me they're families. They have children and this is how they make their living and I feel like if you're going to make draconian changes like this at least do it with the best data. Don't go hard on somebody that doesn't know what they're doing.

Cayton Daniels, fifth generation full-time commercial fisherman from Carteret County, said that after reading the 182-page paper on the stock assessment on striped mullet he found all that any of us in this room here need to focus on in the fifth paragraph on the bottom part of page 26. He quoted "subsequent management options were developed by the NC DMF and presented to the Finfish, Southern, and Northern advisory committees in July of 2018 to receive input prior to finalizing the NC DMF recommendation. Recommendations were then presented to the NC MFC at its August 2018 business meeting. The DMF and the advisory committees recommended that no management action be taken since the stock assessment update indicated overfishing was not occurring. The DMF would continue to monitor trends into commercial fishery and fisheries independent indices. The recommendation was approved by the NC MFC." He said that further down it also states that commercial landings were reduced in 2019 and 2020. He asked, what happened from 2017 and 2018 when all this was done and now? With the 20 years of data that was studied before that was that no good? Mr. Daniels stated that he thinks we can call it what it is, it's no more than another

nail in the coffin of the commercial fishermen in North Carolina. We can't stand but just so much. We've been took from and took from and took from. He said he heard someone he wanted to call a gentleman but can't, talk about the sacrifice that he had made. He said, they don't know nothing about sacrifice. He said that if you want to talk about sacrifice, talk to some of these families and men that's been through what we've been through. Mr. Daniels stated that he is 27 years old trying to raise a family and he has invested everything he has in this industry. He asked what future does he have? He said he looks around and he looks 10 years ahead, what future is there for him to stay in this industry? Do y'all want fresh local seafood to be able to be caught? If you do we can't be robbed from anymore. There's got to be something left for us to do. We've sacrificed all we can sacrifice. There's obviously no trouble with the striped mullet. He stated that he has seen more striped mullet this fall than he has seen his entire life. He said that in 2020 there wasn't a roe season. He stated that he usually shrimps, but this year there isn't any white shrimp so he mullet fished. We go after the money, not the fish. He said he is asking you to please use common sense and may God bless you to make the right decision that's all.

Pam Morris, with the Carteret County Fishermen's Association, stated that she is not here on behalf of them, but on behalf of herself. She just wanted to say she's heard this a couple of times now and two things maybe three really pop up to her about this. One is the last time we heard striped mullet everything was just grand and now here we are two years later and now everything's not grand. So what's changed? Well one thing, the formula they're using has changed. And it's like you're comparing apples to apples. Same thing happened with red drum, same thing happened with spotted seatrout. She said she is a little weary of this formula being used against the commercial fisherman and therefore all the consumers in the state of North Carolina because you're denying them, who are the biggest user group, access to seafood. And as far as this net thing goes, this so-called net ban has not saved one fish; what you're doing is taking fish away again from the greater public for the benefit of a few people and she doesn't think that's right and she thinks that's something that is for everybody. She said this whole vilifying of gill nets is getting a little weary and they are very selective gear. Ms. Morris stated that if you knew anything about them at all you'd know this. And if they are executed properly they are very good fishing gear to use. But all this doesn't produce any more fish. You're going to have the amount of fish you're going to have and what determines that mainly is not fishing effort at all, it is environmental issues. And she feels like the commercial fishermen all through the years, and she's been around, she said look at these gray hairs. She's been around this block a long time and we are always getting the short end of the stick always without fail always because they can't do anything to anybody else except us and that's not fair, so thank you very much. She said she hopes you remember us tomorrow or whenever you vote on this stuff.

Bradley Smith said that he got stationed here in 2002, he is a prior Marine just recently retired. He said he became a full-time charter captain once he retired and he did that just solely because he had a passion for putting people on fish and things like that so that's kind of what he has done since he has been here. And with that he has seen other fisheries outside of North Carolina do greater things. He said he knows this meeting is solely for Amendment 2 for the striped bass fishery going north above the ferry lines. He said we've seen tremendous output on the striped bass going that way forward, everything you can do what you want to on that. We've seen a great rebound on that. He said that what he has also observed since being here is he got the privilege to write a paper on doing things, what he sees from the outside perspective was the South Marine Atlantic Fisheries trying to come into North Carolina to do things and North Carolina pushed them out because of the

commercial fisheries and the fines that would be behind that. He stated that he felt this was wrong but there was a lot of you know back and forth. He said he gets it like there's a commercial, there's a recreational fight, no matter what way you want to look at it everybody's going to hate everybody in this fight. And he said there's never going to be a right or wrong behind the situation and he'll sit here and listen to commercial folks plead like wash coming down everything you know, he gets it. It's wrong either way. You have recreational guys, you've got commercial guys both sides doing wrong, both sides doing right but who's doing right from wrong. There needs to be a fine line, that's where you guys come into play, right. That's you guys' fight on that. He said this is just his two cents figuring it and he has a whole research paper written out and he has sent it to both sides of Marine Federal Recreation all the way up to congress, senate, everybody doing things when he had to do a final research paper. It is what it is, but something needs to be done.

[37 speakers]

End 7:41 p.m.

Nov. 17

Chairman Rob Bizzell convened the Marine Fisheries Commission business meeting at 9 a.m. on Nov. 17 with the Public comment Period. The Public comment session was held beginning at 9:00 a.m. until 9:53 a.m. and the following comments were received:

Public Comment Period

Glenn Skinner, executive director of North Carolina Fisheries Association and commercial fisherman, spoke about the Wednesday night public comment and what he took away from the comment. That somehow these other states to the South have figured out fisheries management. They've got it right, they took the gill nets out the water, everything's great. Can't catch a fish anywhere in North Carolina, fisheries going to [heck] in a handbag except up the Neuse River where they took the gill nets out. Mr. Skinner said he's not much for computers, but he went home last night, got on the computer stayed on there a couple hours. He found picture after picture of folks hugging 40-50 pound red drum all up and down the coast here. Holding up spotted seatrout. Forums where they're bragging about catching 100 striped bass up the Roanoke on the spawning grounds, hundreds of spotted seatrout, striped bass, everything. They're catching fish everywhere. He said, he did a little more looking, found article after article from South Carolina to Texas. Overfished, southern flounder, South Carolina. Overfished, red drum, South Carolina. Flounder rules in Florida, overfished. Red drum in Florida new rules. Spotted seatrout, Florida, new rules. Alabama, southern flounder, overfished. Spotted seatrout overfished. Louisiana red drum, southern flounder, and spotted seatrout. Texas spotted seatrout, southern flounder. The things we hear here are not accurate. The fact is everybody's struggling with fisheries up and down the coast. He said these states that he just showed, they banned gill nets decades ago. He asked, you think a gill net ban in the upper part of the Neuse River and Pamlico River is going to create abundant fisheries overnight? He said, he doesn't think any one of you are that foolish. He said he hopes you're not. It's ridiculous. If you want to keep a gill net ban in place keep it in place. If you think that it's important for managing that stock, do it, but do it for that reason only. He said he heard anglers last night say that the striped bass stock up in the Central Management Area cannot sustain any level of

fishing mortality and then brag about going up there and all the striped bass they were catching. Contributing to recreational discard mortality. If that stock cannot sustain any level of fishing mortality take the hooks out of the water above the ferry lines too. Close it but manage fairly. He said he sent some of y'all an email a couple of days ago. You heard a lot about your duties as Commissioners. The primary duty of this commission is to manage our fisheries fairly. The Fisheries Reform Act, our statutes, put no more emphasis on comfort, conservation, or recreation than they do food production.

Thomas Newman, full-time commercial fisherman who works part-time for NCFE, said he is here to talk to you about striped bass and striped mullet. This has gone on long enough. This is just an allocation on these rivers. We reallocated these rivers to strictly recreational fishing and this stuff was put here falsely in 2019 through bad old data. We need to reopen these rivers, we need to let commercial fishing come back in and have access to these areas that they were denied access from in 2019. But we also need to re-look at this striped mullet. They've said it has been overfished for 18 years, yet the last three years our landings continue to get higher and higher. Something's not adding up here. A commercial fisherman needs his fisheries. We need to be represented equally and it's time for you guys to start voting and figure out what we're going to do to make access equal for both user groups, thank you.

Harvey Pye, head of a 100 member women and men's fishing club, the Fairfield Harbor fishing club, and concerned resident who lives along the Neuse River upstream from the Minnesott Cherry Point Branch ferry, expressed his concerns about a decision that Commissioners may make allowing gill nets back into the Neuse and Pamlico Rivers upstream from the ferry lines. He quoted some facts to be considered related to the gill net vote. He explained that he was not using facts from the commercial fishing industry or from the recreational fishing industry, but facts from two other sources that he thinks you'll find credible. First one is noaafisheries.gov and he quoted "fish are caught by their gills in the mesh and as the fish struggles it becomes more entangled and dies. If this fish is not a legal keeper, it's bycatch. Unintentional bycatch, but killed nonetheless. Preventing bycatch entirely may be impossible, but it can be mitigated through Innovative approaches". And if you go to that NOAA site you can read about those innovative approaches that have been used in other parts of the country to prevent and lower the bycatch. "However, the safest most effective way is not to have gill nets. In rivers like the Neuse and the Pamlico the gill net bycatch is devastating to the fishing industry, to the sustainability of the fish. Fish are netted going upstream to spawn and downstream to re-enter the ocean. It's a no-win situation." He said his second set of facts are from your own document. The draft of the North Carolina Estuarine Striped Bass Fishery Management Plan Amendment 2 that you are considering. 142 Pages which he has read, he said he doesn't envy you for having to read it. It's a lot of stuff, a lot of data. He quoted the goals and objectives from page three of this document. Your goal of this Amendment 2 is to manage the estuarine striped bass fishery to achieve self-sustaining populations that provide harvest based on science. Science-based decisions. It goes on to say that your objectives are to restore, enhance, protect the critical habitat and environmental quality in a manner consistent with the Coastal Habitat Protection Plan. To maintain and increase the growth of the fishing. His question is, is restoring gill nets going to do this or not? Ask yourself that question. Fishery protection can only be done by you making a decision in favor of not putting gill nets back in the water. Thank you.

Art Thinguldstad asked you guys to consider, gals and guys, people to consider not letting the nets back up in the river, either river. He said he can't see how doing that would do anything to help out with your fish management plans. Striped bass is you know no tolerance for capture and all of that stuff. It just doesn't make any sense to put more nets around when they're likely to be tangled up in them. He said that's all he has.

Eric Thinguldstad said he's been fishing with his brother down here for 20-25 years, it's been a while. He said he now lives down here. The fishing has gotten better in the last several years a lot, not a little, a lot, and he doesn't want to see that reversed so he'd appreciate it if you'd actually protect the spawn even more by moving it past Minnesott because the spawn counts. It's important. Yes we're catching big red drum, yes we're catching other fish, but the regular fish have come back so well in the last few years. He said no, he doesn't have scientific, this is him going out his backyard fishing and he can see it. Thank you.

Jess Hawkins, trained fisheries biologist, previous MFC liaison for 15 years, former MFC member, and instructor of Fisheries Conservation at both Duke and N.C. State's marine labs, said he is the owner of a small ecotourism business and an avid recreational angler and regular seafood consumer. He asked the MFC to not include the gill net exclusion zones in the upper Pamlico River and Neuse River as part of the N.C. Estuarine Striped Bass FMP. He had commented on the subject at your last meeting and asks you consider those comments when you deliberate the issue today. He re-emphasized that these measures were not based on science and were not recommended by the state scientific experts on coastal fisheries. They were not necessary, as the DMF had implemented adaptive management measures to minimize striped bass bycatch in the gill net fisheries. In fact, science shows that the gill nets are not the primary source of striped bass bycatch mortality in these areas. He stated that when he served on the MFC, he first considered the science as the cornerstone of his decision making and when he served as the MFC liaison for 15 years, he recommended that commissioners look at the science for guidance. He said, he would hope also that the commission would consider whether these measures are necessary. The absence of this recommendation in the FMP, the admonishment of the past MFC from the leader of the DEQ when these measures were enacted in 2019 by the emergency meeting, and the refusal of the director of DMF to initially implement them by proclamation seems to lend guidance to this commission as to whether these measures are necessary. He said, he would also hope the commission would consider are these measures fair to exclude one group of users that use this area and its seafood resources to provide food for consumers but allow another group to continue to use these areas' resources for fun does not seem fair. The prior actions could be considered unreasonable in light of all the restrictions that were in place on striped bass and the gears that utilize them plus the lack of science. Your regional advisors took note of that, did not recommend that this closure be continued. Also, a joint legislative committee took the extraordinary action to express concerns about these measures based on their fairness. Thank you.

Ed Kearney, member of the Carolina Colors Fishing Club and resident of New Bern for about 10 years said that he didn't start fishing the Neuse until about 2015, four years before the nets were banned in March of 2019. He said that prior to the removal of the nets, a half-day fishing trip on the Neuse River would result in a dozen or so undersized trout, puppy drum, and striped bass. Occasionally we catch a couple of flounder or bluefish and sometimes a freshwater bass. Seldom would we bring home a fish worth filleting because we were returning 95% of our catch due to the

ban on a particular fish or the size of our fish. We had no problem ending the day with little or nothing to show for our efforts. Our hope was that all the 12" trout, striped bass, and puppy drum we released was a sign of good days to come. Well that didn't happen for another four years before we finally experienced the positive effects of removing the gill nets from the ferry line up. Since the fall of 2020 we have seen a remarkable increase in the quality and quantity of our fish stocks. Our average trip now results in numerous striped bass in the 20-26" range. It's not unusual for us to limit out on 18-20" trout and the slot red drum we now net and bring aboard outnumber the puppy drum we release. We have also observed a significant increase in the quantity of bait fish in the river over the last couple of years. Our fishing club numbers have continued to grow with each successful fishing tournament. He said there is no question in his mind that the ban on the gill nets above the ferry line has had a significant impact on the resurgence of recreational fishing in the Neuse. He strongly recommended to the Marine Fisheries Commission that we continue to ban the use of gill nets in our rivers. The outcome that this issue will affect our economy and reputation as a great place to enjoy our magnificent resource, the Neuse River. Thank you.

Thomas Coltrain, conservative recreational fisherman, asked why is it so important to put the gill nets back above the ferry lines before a study has been completed to the effects of removing the nets. The last thing some people in this room want to hear is the fishery is recovering after the nets were removed. Look at the history of every state that has removed gill nets and how their fisheries have recovered. An overwhelming majority of striped mullets were caught how? Gill nets, haul seines. Is it the striped mullet they're wanting or the mullet roe? Killing the female striped mullets for roe and now they're being overfished how and by whom? Einstein was credited with saying doing the same thing over and over and over and expecting different results is called insanity. Why does the marine fisheries have to apply for an incidental take permit for turtles and sturgeons? Why do the majority of the North Carolina marine fisheries meetings have to be held east of Highway 17? It was said that the shrimp bycatch was the lowest and cleanest ever seen by shrimpers. That should not surprise anyone when all the fish stocks are being depleted, overfished, and what few are left are being pulled up in shrimp trawls, auto trawls, and killed. He said he was not surprised to hear that spotted seatrout were overfished. When all the other fish have a closed season or very limited season what else is there to gill net for and fish for except trout. Every year, many tackle stores most weekends trout tournaments are being put on to catch the biggest trout for money. The big females are the ones we need to protect, they are the future. They have survived gill nets, hooks, cold stuns, and everything man and nature have put on them. We need to protect them like we protect the big old red drum. He said several years ago, he realized if he wanted his grandson and others to enjoy fishing in North Carolina like his dad and him, something had to be done and he would do his part to help. He said he started a little program he named after his grandson, called it CPR, Thank You Levi. They had some decals printed up and mailed them to fishermen that caught, photographed, and released spotted seatrout over 24 inches. It did and does make some people realize that it was the correct thing to do, and he has started releasing every trout over 20 inches in hopes that they will prevent them from going the way of striped bass, flounder, and the list goes on and on in North Carolina. Thank you.

Michael Brady, citizen of North Carolina, native, retired now, said he has seen the stocks personally from his viewpoint go down and he has not seen improved fishing from a recreational standpoint. He said a couple years ago he saw increased netter activity in his local fishing areas and our local fish stocks went down. Okay that's non-scientific that's a personal observation. Mr. Brady

said he has seen speckled trout fishing steady, good; and then as soon as net season starts, you can't find a spotted seatrout and if you do it's undersized. We all know about the destructive mechanism of gill nets. Whether the fish is caught in the mesh size or it manages to escape it's damaged at some extent. Whether it survives that damage or not nobody really knows. Okay we're seeing increased target species and non-target species viability in these gill net areas. Why in the world will we even consider putting gill nets back in that area. All right we've got a few commercial people, we got a thousand or so more recreational fishermen. This is a public resource we need to find a way to sustain it for the public interest. If there is a way to work the commercial guys in there, do it, but what I'm hearing is directly from the commercial guys and from their numbers, which by the way we need to distinguish between catch and harvest numbers, is that recreational fishing is more effective than commercial fishing because we're the culprit that's causing the overfishing. So if our techniques result in effective fishing, should they not adopt our techniques and do away with gill netting? We decrease mortality, we provide selective harvesting of slot sized fish. We reduce the cost of a fishery going downhill to all the subsidiary businesses like hotels and restaurants, guides, so there's a lot of people involved here besides people in this room. He said he supports this ban and he would like to see it extended to all state waters inshore. That's my point, thank you.

Buddy Garrett, North Carolina native, said he grew up with his dad teaching him how to dig clams, run crab pots, fish spots where it was too darn cold to be out there. But you could walk boat to boat across 58 where the bridge is. He said he really enjoyed it, some of the best memories of his life coming back, cleaning crabs, sitting around picking crabs, having a good time. Mr. Garrett said he knows this is about the gill nets, but what he's trying to get a point across is that he wants to teach his children the plentiful of the fish and he has. He said he also wants them to teach their children and their children and he doesn't want this to go the way of the dodo bird. The, what is it? Carrier pigeon, passenger pigeon? Whichever one it was, he said he can't remember now. The last one died in 1914, it's extinct. He said he doesn't dig clams anymore, he doesn't run crab pots anymore. He tries to support our local commercial fishermen because they have a family to support. He said he buys his clams now, buys his crabs, he catches and releases fish, he doesn't keep any fish anymore. Maybe once in a great moon, but very seldom and if we have to ban gill nets to protect our fisheries and that's not fair well he thinks we should be fair. Well let's ban hook and line then above the area. Let's make it fair. Just no fishing for a year, two years, whatever it takes to get a good accurate count on what's really happening in our area. Now this is not just a North Carolina problem. This is a problem worldwide. The Chinese, he said he heard on the news, ram or tried to ram a Coast Guard ship protecting another's country's fishing stock. He said he believed it was squid. Mr. Garrett said but the whole world is bad so basically his point is let's work together, let's unite. United we stand, divided we fall. And let's try to do what's good for the fish that's fair and improve the water quality. He said he thinks water quality has a whole lot to do with the spawning and grass beds and things like that that we need to keep and that's his point. Let's work together, not apart. Let's try to do what's right for the environment and not for our pocketbook, thank you.

Woody Joyner, full-time resident of Hatteras Village and representing the board of directors and the members of the North Carolina Watermen United, said this is his first opportunity to address the Commission in person although he has attended each of the meetings and offered written comments virtually for the past two years. He thanked the commission and welcomed new commissioners. He said after hearing all the public comments last night, he threw out his original notes and hastily jotted down some thoughts this morning over breakfast. He feels an obligation to

speak on behalf of our hard-working commercial watermen. He said he isn't going to offer a laundry list of science data or species population surveys but will make an effort to appeal to the commission to take a hard look at the real data and not anecdotal musings. Without our commercial fishermen, the people of North Carolina that cannot come to the coast to fish, which is an overwhelming majority, do not have access to local seafood. Mr. Joyner said that when he visits the docks in Hatteras Village early in the mornings he sees an effort by our commercial fishermen to make sure they are selecting their proper net size for proposed fishing areas. He wants to remind that these watermen are dedicated to the conservation and sustainability of all species. Why would they purposely overfish a species with no regard for future seasons. The visitors that we have each year on Hatteras Island and up and down our beautiful coast arrive wanting to eat local. He finds it sad that so many are actually being served imported products that come from countries with little if any regulatory restrictions. He implored the commission to allow our commercial fishermen to continue to harbor this public trust and to put fresh seafood on the tables but also for their families. The socio-economic hardships on our local coastal communities when we continue to handcuff these watermen is immeasurable. This historically rich invaluable resource that we have, we have to fight to maintain. Mr. Joyner said he would like to close by reading the mission statement from the North Carolina Watermen. The North Carolina Watermen United represents the needs of our coastal communities by protecting the livelihood of the people who fish for a living and provides a voice for fair regulations. Now this reflects commercial, our charter headboat operators, and yes recreational. He thanked the commission for offering this public forum and said he hopes that they will see the need to keep our commercial watermen working and on the water. He said thank you all very much and again thank you for your hard work.

Bert Owens, from Beaufort, North Carolina, stated that he recently retired here in the last month or so, so you're going to have to revise your recreational FMPs he's pretty sure. He said he's got a little time now. So there's been mention of science this morning. He said that he doesn't know of any science that says by putting the nets back in above the ferry lines that's going to help the striped mullet or southern flounder overfished situation. No way that'll happen. In 2019 when you made the bold and wise move to save a couple of year classes of native spawn striped bass in the central area, it's paid off, because in three short years you've seen the numbers and size of striped bass increase. Striped bass in this area are getting larger. You know that the larger fish are the ones that really do the serious spawning. They've got to have time to do it but now with the change in the commission's make up those who were against the move then have seen an opening to reverse this trend and end any potential rebuilding of the stock even though data from the division plainly shows that none of the adverse impact predicted on the commercial fishing has happened. Their catches of speckled trout, striped mullet, etc. have not gone down. They're still making the same money if not more so let's let these larger striped bass continue to spawn and give the stock a chance to really rebuild. Putting the nets back in those waters will kill these fish in pursuit of other already overfished species. Anyone who's lived long and met with any degree of success knows that failure is at the point at which you quit. So let's don't quit on these fish, let's don't fail on them. So very quickly, southern flounder measures were taken by the MFC in 2015 to end overfishing. The NCFA sued to stop overfishing measures in 2015. Now the recreational anglers have a month and one fish because they sued in 2015. They're the ones that should pay that back. Anglers need to be given access to ocellated flounder as well.

David Sneed, executive director for the Coastal Conservation Association in North Carolina, welcomed new commissioners and especially welcomed Captain Sarah Gardner to her first meeting. He stated that a friend recently sent him a copy of a two-day series printed in the Raleigh News and Observer and he is going to read some excerpts from that article and let you guess when it was published. The series was entitled "Fishing for Trouble: Can North Carolina Save a Dying Resource". The first article was subtitled "Falling Catches Warn of a Crisis at Sea". Overfishing, pollution, and weak regulations are slowly but surely exhausting what was once taken for granted. We are at a critical time right now. What we do in the next three or four years could determine if we have a viable fishery in the 21st century. Pollution has hurt some species. Others have fallen victim to fishing practices that have the side effect of wasting tons of immature and unmarketable fish, but the single biggest factor is overfishing. Fishermen armed with bigger nets and faster boats are catching fish faster than they can reproduce. The state's Marine Fisheries Commission, made up mostly of people from the fishing industry, have not acted on the persistent warnings of its own biologists. Some fear the state's fishing industry will go the way of New England and Canada's overfishing of cod and haddock. What happened in New England was you had guys with big boats and big payments to make and they kept driving that fishery, and driving it, and driving it. If you do that then the resource is never going to recover, it's just going to collapse." Sounds like a story that could have been published yesterday right? But it was published in 1994. And 28 years later we are still dealing with the two big issues they mentioned. Bycatch waste and overfishing. For 28 years we have been kicking the can down the road. He wanted to bring this to the commission's attention only as a reminder that those who ignore the lessons of the past are doomed to repeat them. Every new commission comes in with a fresh opportunity to reverse the declines in our coastal fisheries and leave a healthy and sustainable fishery for future generations to enjoy. You can argue all you want about gill nets, or striped mullet, or pollution and we know you will. But nothing is going to change until we stop repeating the mistakes of the past by managing for maximum exploitation. Instead, we have to start making conservation the commission's goal for coastal fisheries management in North Carolina. Please listen to the hundreds of members of the fishing public that have taken the time to come here and speak and send in written comments in support of our resource, thank you very much.

Rich Claire, new resident living on Clubfoot Creek in Harlow, said he has been here for five years. He stated that what he has noticed in those five years, when he got here, he moved here because he wanted to fish in his backyard, which he does and he loves it. But in those five years he has noticed increasingly more people coming in and netting in there and the fishing in our creek has decreased accordingly during that same time. This year, probably because of the restrictions from the ferry up on the river, there's more and more boats than we've ever seen netting. They come right in within feet of our dock and they weave their nets in between our docks and also fishing at night their lights shine in all through the night into our bedroom windows and disturb sleep. He said there is very little concern for the landowners and that's just one aspect, the other aspect that he'd like to address is what the netting does to our fish population. The nets are indiscriminate. They don't care whether they catch undersized fish, restricted species, or anything and the devastation is complete. Most of the fish end up dead and we can notice a big difference in our fishing because of the boats we had as many as seven netting boats out in front of our house at various times this year, this fall. And you know the estuaries are God's plan for replenishing the species. We have to protect that or we have no species left. And so he thinks the regulations should stand as they are and never be

decreased from this point but they should also be expanded to encompass the entire river system of the Neuse River and Pamlico Sound. Protect the nurseries. He said that's all he has, thank you.

Lisa McCracken stated that she is not a recreational or commercial fisherman, but a mom and a grandmother concerned for the future of our amazing estuary. She said she lives on Clubfoot Creek thus she has the advantage of witnessing everything that takes place on the creek. The creek is not a vast body of water with infinite resources, but a tributary of the Neuse River. That being said, she has witnessed more gill netters in the creek this fall than ever before. She said that it's common on a one-hour kayak ride for her to encounter six net boats. The boats will fish the creek until the fish are gone for the season. She questions how is this sustainable. They are removing female mullet that are ripe with roe along with trout, red drum, and several other species. According to the Department of Natural Resources, Japanese demand for mullet roe has increased causing American stocks of mullet to decline sharply. Ms. McCracken said that what she is witnessing in Clubfoot Creek is not sustainable. Last night during the comment session of this meeting she heard speakers talk about the concern for water quality. Striped mullet play an important role in water quality. Mullet consume detritus, diatoms, algae, and even top layer of sediments. Mullet are an ecologically important link in the energy flow within the estuary. Striped mullet are a keystone species and their presence or absence can have a profound impact on the overall health of the creek. Without them the ecosystem is at risk of collapse. Since the data show that the striped mullet is overfished, please keep the current net ban in place and extend the closure to the tie down line so that all creeks have a chance to recover before it's too late. The estuary will be left devoid of life if action isn't taken to prevent overfishing. Our fish stocks need protection for present and future generations. Thank you.

John Hanrahan said he doesn't represent any group although he is a member of a fish club in Morehead that has a hundred members and we all share the same concerns. He said he is also a Clubfoot Creek resident and we're just below the line so we see kind of a different scenario than the people that are above the line of the Cherry Point Ferry. Mr. Hanrahan said as he hears everything this morning, we're talking about doing what's right and fair and he agrees with that. He doesn't think anybody is out trying to decimate the fish population. Nobody wants to do that. East Carolina is the fastest growing area of the Carolinas, it's one of the fastest growing areas in population in the country. So fishing is just, netting or sport fishing, they're just one of the influences impacting the fishing. The estuaries are probably the most important area. On Clubfoot, you've heard my neighbors speak, we've had six, seven, eight boats at a single time in the creek. He stated that when they leave he'll go out on the dock, the creek is full of sea grass that's been torn up just floating, the root stems, and it's taken out. A lot of what we've been working to protect in the area, is the hatchery, the fishery. He said he has thrown a cast net in Clubfoot to get mud minnows or menhaden and he has come up with baby red drum you know loads in the net and quickly released them. He said that tells him we're a nursery, we're an important nursery for these fish and if we destroy it, we're going to take it out. He stated that if we're looking at being fair, he thinks it's not about him as a sport fisherman or someone else as a netter, it's what's fair to our grandchildren. What are we going to leave for them. And we've seen the east coast up and down, and the west coast as well, the fisheries are declining. So you know if we don't protect them, we don't make a stand, it's just going to continue so let it stay. Thanks.

Matthew Wallin, avid angler from New Bern North Carolina, thanked the commission for taking on the responsibility of managing our coastal resources. That being said, he stated your job is to

manage, protect, preserve, and enhance the marine and estuarine resources under your jurisdiction. He said that when he looked up the antonym for protect, preserve, and enhance he found the words neglect, destroy, and diminish. Well, when it comes to the state of our coastal fisheries those latter words ring true. DMF data show us that river herring are overfished, totally collapsed; striped bass, overfished; southern flounder, overfished; striped mullet, overfished; American shad, depleted coastwide; spotted seatrout are now experiencing overfishing. Based on current DMF stock assessments it would be totally irresponsible of this commission to remove the net ban already in place above the ferry lines on the Neuse and Pamlico rivers. Mr. Wallin said that in fact, to end overfishing status of the above species within your two-year statutory requirement, he recommends to the commission to continue the net ban. And if you really want to enhance, not diminish, our fisheries, he recommends extending the ban to the tie-down lines. Gill nets are an unsustainable harvest method. 60% of commercial gill net licenses do not report their landings each year. Leading to undocumented mortality of our already overfished stocks. He suggested that the commission also look into license reform, creating mandatory reporting that is necessary to understand the full impact in our fish stocks. The net ban is working to rebuild our fishery as a whole. Coincidentally the commercial harvest for trout, red drum, and striped mullet have all doubled since 2019, the year the net ban took place. Common sense would suggest that with the net ban in place you're allowing the estuarine portions of these rivers to act as the nursery area that they are. Creating a sanctuary for bait fish and game fish alike to feed, grow, and spawn in the spring and summer months; while the net free zones provide trout, striped bass, and red drum a safe place to overwinter when it gets cold. This in return improves escapement numbers needed to rebuild these stocks for the future. We are finally starting to catch a good class of 25-30" striped bass on the Neuse River. That is the initial goal of this net closure was to rebuild a larger, more fecund, female population of striped bass in these systems. Well, it's working, why stop now. Once reversed, we will be forced to manage it as a put, grow, take fishery with nothing but small juvenile fish. He urged the commission to manage based upon what is best for our fisheries as a whole. He said that he can promise you that if you manage to protect, preserve, and enhance our fisheries they will take care of all of us. This is your chance to continue to restore our fisheries. Thank you.

Chris Elkins, member of the fishing public, stated that he knows the commissioners don't have an easy job. He said he has sat on the other side of the table, but he does want to thank you for your service. He stated that over the last two decades he has probably made 10 public comments on striped bass. Each comment urged the commission to stave off the decline that was evident then and which continues today. The one single action, removing gill nets above the ferry line, has been the only action that has reversed the striped bass decline without negatively impacting other harvests. And that's DMF data. Bringing the nets back makes no sense given the declines of shad, striped mullet, flounder, speckled trout, and other species they would kill. Moreover, given the success of that net removal on striped bass, the removal of nets to at least the tie-down line is a no-brainer. Mr. Elkins said that he knows you may not be able to address that at this go around but it should be on the table in future FMPs. He said that as he has said repeatedly in the past, if you want to expand the striped bass stock to its previous geographic range, you must remove gill nets from that same geographic range. Commercial fishermen should use hook and line like in other states such as Massachusetts where they have a huge quota that they get successfully. Second note, a critical item has been lacking at these meetings from the commission and the division. They must articulate to fishermen of both sectors that when stocks recover, we cannot go back to the over generous fishing rules of the past that cause widespread declines. The commission and the division

have been enablers to fishermen of both sectors for decades. For example, look at what North Carolina did in the Albemarle Sound Management Area after striped bass recovered in the 1990s. North Carolina implemented total allowable landings of more than half a million pounds, killing that fishery again. And now it needs a moratorium to recover. Another example of North Carolina failing to send a message about the future of fishing is the debacle in the flounder fishery. Why is North Carolina granting additional pound net applications. It's throwing gas on the fire. Just this week someone applied for a mile and a half of pound nets. Are you all really going to rubber stamp another flounder pound net application? Again, thanks for your service.

Jim Blackerby stated that he supports the ban on the gill nets. He supports a natural, sustainable fishery and fisheries up and down the coast. He said he thinks that's good for everybody, commercial and recreational. And he thinks we need to let the testing time run its course to see how things pan out. Thank you sir.

Bob Bruggeworth, resident of Fairfield Harbor for 30 years, said he moved down here from Jersey and has seen what nets did on the Delaware River. He stated that because he lived right on the Delaware River and he knows what they did with the shad coming up the river and how much shad was taken by not just the small nets that they do in shad season up around Trenton, but below that. And all the other fisheries that were affected by that. He said that he is here because he's seen what's happened here for striped bass and we keep talking about striped bass but one thing you have to know about striped bass is they need fresh water to spawn. So they have to get up past the bridge and we're just trapping all those spawning females, with roe, that are ready to do their thing. And that is very important to the fishery so if you think of anything else please remember what's happened to the striped bass and that's why we have this moratorium zone. And they also affect blue crab. He stated that he has been on the Blue Crab Advisory Committee for a while and he knows what the nets can do for that fishery also. So please, please do not put nets or allow nets above the ferry line. Thank you for your attention and your support.

[20 speakers]

End 9:53 a.m.

Preliminary Matters

Following the public comment period the Chairman called the meeting to order. He began the meeting with a moment of silence followed by the pledge of allegiance. The Chairman introduced Sarah Gardner, to her first business meeting. He also reminded commissioners of their conflict of interest and ethics requirements.

The following commission members were in attendance: Rob Bizzell-Chairman, Mike Blanton, Sarah Gardner, Doug Cross, Donald Huggins, Robert McNeill, Dr. Doug Rader, Tom Roller, and Ana Shellem.

Motion by Tom Roller to approve the agenda.

Second by Doug Rader.

Motion passes unanimously.

Motion by Tom Roller to approve the minutes of the August 17-18, 2022 meetings.

Second by Ana Shellem.

Motion passes unanimously.

Chairman's Report

Chairman Bizzell then introduced the Delineation of Inland and Coastal Fishing Water Boundaries issue. He provided an overview of the issue, including the joint rules that are shared by the Marine Fisheries Commission (MFC) and the Wildlife Resources Commission (WRC). Chairman Bizzell relayed his discussions with Wildlife Resources Commission Chairman Monty Crump. He then introduced Lara Klibansky, the MFC Liaison, who gave a presentation reviewing the timeline of events and the proposed maps and a memorandum of agreement (MOA) that was drafted by assigned MFC and WRC staff. Following Ms. Klibansky's presentation, Chairman Bizzell gave his comments providing his concerns that have arisen since the MOA was originally discussed. The Chairman then opened the floor for discussion of the issue. During the discussion, commissioners expressed a number of concerns about the maps that are proposed along with the MOA. They requested the Division work with WRC staff to determine a problem statement and to work towards developing a plan for how to resolve the issue. The DMF Director, Kathy Rawls, agreed to take the request from the Commission to reach out to WRC staff to discuss how to move forward on this issue.

To view the presentation, go to:

<https://deq.nc.gov/marine-fisheries/marine-fisheries-commission/november-2022/delineation-presentation/open>

Motion by Doug Rader to ask the staff to come up with a process whereby the MFC and WRC can co-manage the resource with each commission focusing on their areas of expertise. Second by Mike Blanton. Motion withdrawn.

Nominees for MAFMC Obligatory Seat

Mike Blanton recused himself.

Chris Batsavage presented information on the four nominees that were recommended to the full Commission for approval by the MFC Nominating Committee at their Oct. meeting.

Motion by Tom Roller to approve the following slate of names for the Governor's consideration to nominate for the Mid-Atlantic Fishery Management Council Obligatory Seat:

- **Mike Blanton, a commercial fisherman from Elizabeth City**
- **Jess Hawkins, a retired fisheries manager, educator, and ecotour operator from Morehead City**
- **Thomas Newman, a commercial fisherman from Williamston**
- **Robert Ruhle, a commercial fisherman from Wanchese**

Second by Ana Shellem

Motion passes with no dissent.

Director's Report

Director Kathy Rawls gave a verbal update on recent Division of Marine Fisheries activities. Director Rawls provided an update on the 200th Anniversary events that will begin December 1st, 2022. Director Rawls also reviewed her intention to focus on Division outreach to the public and highlighted recent events and activities staff have participated in. Director Rawls provided a brief update on the Southern flounder season. Director Rawls also gave an update on striped bass stock assessment update and possible adaptive management under Amendment 2.

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

Trish Murphey gave a verbal update on South Atlantic Fishery Management Council.

Owen Mulvey-McFerron provided an update on the Shellfish Lease Program.

Jacob Boyd provided an update on the Coastal Habitat Protection Plan, specifically regarding implementation of the recently approved plan.

Col. Carter Witten provided an update on Marine Patrol activities since the last meeting.

Brandi Salmon provided an update on the License and Statistics Annual Report (aka The Big Book).

Fisheries Management Plans

The Division's Fishery Management Plan Coordinator presented the status of ongoing plans.

Spotted Seatrout Fishery Overview

Spotted seatrout lead biologists, Lucas Pensinger and David Behringer, gave an overview of the data that was input into the stock assessment.

To view the presentation, go to:

<https://deq.nc.gov/marine-fisheries/marine-fisheries-commission/november-2022/data-exploration-spotted-seatROUT/open>

Spotted SeatROUT Stock Assessment Update

The lead stock assessment scientist provided an update on the outcome of the stock assessment.

To view the presentation, go to:

<https://deq.nc.gov/marine-fisheries/marine-fisheries-commission/november-2022/spotted-seatROUT-stock-assessment-presentation/open>

Amendment 2 to the Estuarine Striped Bass FMP

This agenda item was tabled during the Aug. 2022 business meeting. Staff briefly reviewed the MFC Preferred Management Measures.

To view the presentation, go to:

<https://deq.nc.gov/marine-fisheries/marine-fisheries-commission/november-2022/striped-bass-fmp-amendment-2-presentation/open>

Motion by Tom Roller to approve Estuarine Striped Bass Fishery Management Plan Amendment 2. Second by McNeil

Substitute motion by Doug Cross to approve Estuarine Striped Bass Fishery Management Plan Amendment 2 without Option 2 in Appendix 3.

Second by Mike Blanton

Motion failed 4-4 with one abstention

| ROLL CALL VOTE | | | | |
|----------------|-----|-----|---------|--------|
| Member | Aye | Nay | Abstain | Absent |
| Cross | X | | | |
| Blanton | X | | | |
| Gardner | X | | | |
| Huggins | X | | | |
| McNeill | | X | | |
| Rader | | | X | |
| Roller | | X | | |
| Shellem | | X | | |
| Bizzell | | X | | |

Substitute motion by Doug Rader to approve Amendment as presented, except to maintain the gill net prohibition through 2024 to allow for assessment of its performance.

**Second by Ana Shellem
Motion carries 5-4**

| ROLL CALL VOTE | | | | |
|----------------|-----|-----|---------|--------|
| Member | Aye | Nay | Abstain | Absent |
| Cross | | X | | |
| Blanton | | X | | |
| Gardner | | X | | |
| Huggins | | X | | |
| McNeill | X | | | |
| Rader | X | | | |
| Roller | X | | | |
| Shellem | X | | | |
| Bizzell | X | | | |

Meeting recessed until 9:00 a.m. on Nov. 18.

Nov. 18

Chairman reconvened the meeting at 9:00 a.m.

Review Ethics Evaluations of New Commissioner

The MFC Liaison, Lara Klibansky, read the evaluation statement of economic interest determination for Sarah M. Gardner.

“Ms. Gardner fills the role of a an at-large member on the Commission. She owns Fly Girl Charters, LLC and her spouse owns Flat Out Charters, LLC. Therefore, she has the potential for a conflict of interest and should exercise appropriate caution in the performance of her public duties should issues involving these entities come before the Commission for official action.”

Ethics Training and Statement of Economic Interest Reminder

The MFC Liaison, Lara Klibansky, provided an update on Commissioner compliance with state ethics training and SEI reminders. She reported that everyone is up to date or is actively working on it.

Supplement A to Amendment 1 of the Striped Mullet FMP

Staff presented draft Supplement A to the commission along with the Division’s recommendation of Option 1 or 2 to address overfishing in the striped mullet fishery.

To view the presentation, go to:

<https://deq.nc.gov/marine-fisheries/marine-fisheries-commission/november-2022/striped-mullet-supplement-presentation/open>

Motion by Doug Cross to delay consideration of Supplement A to Amendment 1 of the Striped Mullet Fishery Management Plan until the May 2023 meeting.

Second by Mike Blanton

Motion fails 5-4

| ROLL CALL VOTE | | | | |
|-----------------------|------------|------------|----------------|---------------|
| Member | Aye | Nay | Abstain | Absent |
| Cross | X | | | |
| Blanton | X | | | |
| Gardner | | X | | |
| Huggins | | X | | |
| McNeill | | X | | |
| Rader | | X | | |
| Roller | | X | | |
| Shellem | X | | | |
| Bizzell | | X | | |

Motion by Tom Roller to approve Supplement A to Amendment 1 of the Striped Mullet Fishery Management Plan with option 1, and with the caveat that allows recreational possession in the whole year.

Motion fails for lack of second.

Motion by Doug Cross to approve Supplement A to Amendment 1 of the Striped Mullet Fishery Management Plan with Option 2.

Second by Donald Huggins

Substitute motion by Tom Roller to approve Supplement A to Amendment 1 of the Striped Mullet Fishery Management Plan with Option 1.

Second by Robert McNeil

Motion fails 1-8

| ROLL CALL VOTE | | | | |
|----------------|-----|-----|---------|--------|
| Member | Aye | Nay | Abstain | Absent |
| Cross | | X | | |
| Blanton | | X | | |
| Gardner | | X | | |
| Huggins | | X | | |
| McNeill | | X | | |
| Rader | | X | | |
| Roller | x | | | |
| Shellem | | X | | |
| Bizzell | | X | | |

Motion passes unanimously

| ROLL CALL VOTE | | | | |
|----------------|-----|-----|---------|--------|
| Member | Aye | Nay | Abstain | Absent |
| Cross | X | | | |
| Blanton | X | | | |
| Gardner | X | | | |
| Huggins | X | | | |
| McNeill | X | | | |
| Rader | X | | | |
| Roller | X | | | |
| Shellem | X | | | |
| Bizzell | x | | | |

Amendment 2 to the Striped Mullet FMP

Staff provided an overview of the scoping period for striped mullet, including feedback from the MFC Advisory Committees. The draft Goal and Objectives were then reviewed, and feedback requested from the MFC on management options for consideration during draft Amendment 2 development.

To view the presentation, go to:

<https://deq.nc.gov/marine-fisheries/marine-fisheries-commission/november-2022/striped-mullet-goals-and-objectives/open>

Motion by Tom Roller to accept the goals and objectives for the Striped Mullet Fishery Management Plan Amendment 2

Second by Doug Rader

Motion passes unanimously.

| ROLL CALL VOTE | | | | |
|----------------|-----|-----|---------|--------|
| Member | Aye | Nay | Abstain | Absent |
| Cross | X | | | |
| Blanton | X | | | |
| Gardner | X | | | |
| Huggins | X | | | |
| McNeill | X | | | |
| Rader | X | | | |
| Roller | X | | | |
| Shellem | X | | | |
| Bizzell | X | | | |

Rule Suspensions

Fisheries Management Section Chief, Steve Poland, presented necessary rule suspensions which the commission approved.

Motion by Tom Roller to suspend subitems (c), (i), and (j) of item 1 of NCAC 15A 03R 0117 Oyster Sanctuaries indefinitely.

Second by Doug Rader

Motion passes unanimously.

Rulemaking Cycle Updates

The Division's Rulemaking Coordinator, Catherine Blum, provided updates on three rulemaking cycles, including an update of ongoing rulemaking for the 2021-2022 and 2022 – 2023 rulemaking cycles. She also provided a preview on upcoming items for the 2023-2024 rulemaking cycle.

Issues from Commissioners

Commissioner Cross requested that the Division review information about the impact of directed tournaments on fish that are overfished or where overfishing is occurring.

Commissioner Cross requested that the Chairs of the Advisory Committees be available at the business meetings for discussions.

Commissioner Rader recognized Dr. Stan Riggs who was recently awarded the North Carolina Award, the state's highest civilian honor. received the North Carolina Award.

Review of MFC Workplan, Meeting Assignments and Preview of Agenda Items for Next Meeting

Lara Klibansky reviewed meeting assignments and provided an overview of the November meeting items.

Having no further business to conduct, the meeting adjourned at 11:26 a.m.