

Chairman's Report





**A RESOLUTION
CONDEMNING THE ACTION
OF THE NORTH CAROLINA MARINE FISHERIES COMMISSION
TO USE THE SUPPLEMENT PROCESS TO
RESTRICT SOUTHERN FLOUNDER**

WHEREAS, during their November 2015 meeting at Jennette's Pier, the North Carolina Marine Fisheries Commission (NCMFC) approved using a controversial "Supplement Process" to close down most of the state's fishing for southern flounder; and

WHEREAS, the established procedure for responsible fisheries governance is through the use of a Fisheries Management Plan (FMP), which is designed to incorporate peer reviewed science, stakeholder input, and other pertinent facts to establish fisheries policies in a deliberate, open, and transparent way; and

WHEREAS, instead of relying on a thoroughly vetted Amendment Process to the southern flounder Fisheries Management Plan, the NCMFC chose instead to invoke the use of the Supplement Process in spite of the fact that there is no scientific evidence to support such a drastic measure that will have draconian consequences; and

WHEREAS, when the NCMFC adopted the Supplement Process they violated and misused the statutory authority granted them in NCGS 113-182.1 which requires that the NCMFC provide a position on the supplement based on science from the Division of Marine Fisheries or from independent experts; and

WHEREAS, the North Carolina Marine Fisheries Commission also chose to ignore the will of the people as expressed in resolutions it received prior to their November meeting from the Counties of Bertie, Camden, Carteret, Currituck, Dare, Hyde, Pasquotank, and Tyrrell opposing the use of the Supplement Process to restrict southern flounder; and

WHEREAS, the arbitrary and capricious action taken by NCMFC at its November 2015 meeting threatens to harm North Carolina's commercial fishermen by depriving them of a traditional source of income that is fundamental to sustaining local economies throughout North Carolina's coastal communities without cause; and


WHEREAS, the Chowan County Board of Commissioners stands ready to vigorously support our Working Watermen in their efforts to prevent the implementation of the Supplement Process and asks all coastal communities to join in this endeavor; and.

WHEREAS, the Chowan County Board of Commissioners calls on the North Carolina Marine Fisheries Commission to determine if any changes are in fact needed for the southern flounder Fisheries Management Plan through the established Amendment Process whereby scientific and accurate stock assessment can properly be determined with the benefit of peer review and public input from all stakeholders including elected officials of coastal communities and commercial fishermen;

NOW, THEREFORE, BE IT RESOLVED, that the Chowan County Board of Commissioners strongly urges the North Carolina Marine Fisheries Commission to immediately suspend the use of the Supplement Process for southern flounder and undertake a deliberate, thoughtful, and methodical review of the Fisheries Management Plan to determine what, if any, changes are needed based on peer reviewed science and stakeholder input.

BE IT FURTHER RESOLVED, that the Chowan County Board of Commissioners calls on all coastal communities to adopt similar resolutions supporting North Carolina's working watermen who vitally depend on the southern flounder fishery to provide jobs, generate incomes, provide a freshly caught public trust resource to the tables of North Carolina families, and bolster the economy of North Carolina.

ADOPTED this the 1st day of February, 2016.



Jeffery Smith, Chair
Chowan County Board of Commissioners

Attest:



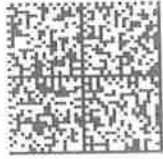
Susanne Stallings
Clerk to the Board



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MFC



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NC Division of Marine Fisheries
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H. Devan Brown
10 Chippers Way
Durham, North Carolina 27705

February 28, 2016

North Carolina Marine Fisheries Commission
PO Box 769
Morehead City, North Carolina 28557

Dear Fisheries Commission:

This is my first letter to you and my first public comment – ever – to my North Carolina State Government. I am a native North Carolinian, have lived in our State for all of my sixty-eight years and for the past forty-five of those years have been an active salt water fisherman (our family did not have the resources to visit the coast when I was a youngster). I have fished from Currituck to Calabash, boat and surf, in shore and off shore and our salt water fishing has deteriorated to a level that is past discouraging. We all know the reason for this deterioration – despite the lame arguments by some, which is the nets in our sound system and we can look to other neighboring States and see the successful results of the elimination of the nets from estuaries.

I want to share with you an experience from this past season and hope you will think carefully about these facts. My son, age 46, and several of his college friends take an annual fishing trip. All went to college together here in North Carolina and these young men are now scattered across the country. But they look forward to getting together each fall to fish, reminisce about their college years and catch up. For some time, the group would visit our outer banks to surf fish, most often at Hatteras or Ocracoke, or other locations in our great state. Each year their fishing experience was poorer than the year before and then they gave up and began to go to Florida. This past fall, seven of these young men traveled – not to North Carolina – but to Florida and spent the week fishing. My estimate is that they spent around \$25,000 collectively on this seven day trip: revenue that went to Florida rather than North Carolina. Unless you make meaningful changes, this fine group of young men will never return to North Carolina for their recreational fishing trip. They had a splendid trip to Florida and caught lots of fish (without a guide).

I am a hardnosed fiscal conservative who was raised by a depression era mother to pay my bills and look after my money. Your lack of stewardship of our fishery has caused our State to lose the revenue from my son's fishing trip not just this year, but permanently. I have read the arguments that this in shore net fishing was the way of the netters' fathers and grandfathers. I stood at the dock at Ocracoke years ago and saw a skiff come to the dock that was eighteen inches deep in flounder – more flounder in that skiff than I and all of our family has caught in a lifetime. I chatted with the netter and he told me in no uncertain terms that he was going to catch all the fish in the sound as long as he could, down to the last fish if necessary.

This argument that the netters are entitled to continue to earn a livelihood in the way of their grandfathers is not good for our state and is past selfish. In the economics of my youth, western North Carolina was the mainstay of the furniture industry, the piedmont was textiles and eastern NC was tobacco. All of that has changed and the cotton mill workers I grew up with in Rowan County have had to adjust to a different set of economic circumstances and find other ways to earn a livelihood. The

same is true for the furniture makers in western NC and the tobacco farmers in the east. Somehow the commercial fishermen have the view that they are entitled to continue to rake the estuaries regardless of the economic impact to our state. If you make an economic decision, our state would be tenfold enhanced to revive the recreational fishery – by eliminating the in shore netting – and the prosperity of the state is unquestionable enhanced in doing so. It is just simple, raw economic arithmetic.

Candidly, it is too late for me and I know it. I have a boat at the coast, but there is no reason for me to go fishing any longer and I just take the grandchildren to the Cape and let them look for sea shells – there are still sea shells on our coast. I have an eleven year old grandson who – unless you make a meaningful change in the way you care for our fishery – will never know how wonderful our salt water fishing could be. And, fortunately, I now have the resources to make an annual trip to the Chesapeake Bay, where removing the nets has made an amazing difference, so my grandson can experience the thrill of a successful fishing trip.

I am frustrated that this problem – and it is a problem – has been allowed to go on for so long and particularly frustrated at how much revenue this current policy is costing my state. The economics of good government and the stewardship of our fishery make it so remarkably clear that removing the nets is the right thing to do. Why will you not do so?

Respectfully,

A handwritten signature in black ink, appearing to read "H. D. Brown". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent. It is positioned to the right of the typed name "H. D. Brown".

H. D. Brown

CC: Governor McCrory

April 8, 2016

Dear MFC Commissioners,

I am writing this letter to ask you to take immediate action to stop the commercial harvest of striped bass in the Central Southern Management Area (CSMA). The three river systems in the CMSA (Tar/Pamlico, Neuse, and Cape Fear) are stocked each year with striped bass by the North Carolina Wildlife Resources Commission (WRC). Harvest of striped bass in the Cape Fear river is already closed in order to establish a breeding population that will be self-sustaining. Farther north in the CSMA, the Edenton National Fish Hatchery supplies the WRC with approximately 100,000 phase II fish (150-250 mm) each year for both the Tar/Pamlico and Neuse river systems (1,2). Like the Cape Fear striped bass program, these stockings have a goal of re-establishing a natural breeding population that is self-sustaining. Unfortunately, this project is failing due to overfishing by commercial fishermen.

Not only does the WRC stock these fish, but they have also conducted cutting edge scientific experiments aimed at understating the populations. What they have found is disturbing. Genetic marking studies by the WRC have shown that at least 93 to 97% of fish in the Neuse and Tar/Pamlico rivers are derived from hatchery stocks and that very little, if any, natural breeding is occurring (1,2). This finding is very troubling, but **these particular populations of striped bass offer a unique opportunity** that is quite rare in the complicated world of marine fisheries management. While most marine species are difficult to assess, a known number of phase II fish is added to the respective rivers each year. Natural mortality of these older fish has been well-studied so an accurate range of mortality rates can be used when evaluating the population. In addition, these fish don't emigrate. They stay within the river system in which they were stocked and swim upstream each year during a set season, passing through relatively small sections of water where they can be routinely sampled. Finally, a very limited recreational harvest is monitored via surveys while commercial harvest, which is limited to a yearly TAC of 25,000 pounds, is reported on trip tickets. In essence, the only unknowns in this system are the number of fish killed and discarded by commercial gillnetters, the commercial gillnet harvest that is not sold, and illegal harvest. Using all of this information, the WRC was able to complete a virtual population analysis (1). This analysis indicated that "cryptic mortality" was greater than the reported recreational and commercial harvest. Using even the highest known natural mortality rate in this analysis could not lessen this cryptic mortality to a level that would allow it to be explained (1). Considering this, the most likely explanation for the cryptic mortality of CMSA striped bass is that it derives from illegal and underreported commercial harvest, dead discards from gillnets, and ghost fishing gear (1). Taken together, the results of many years of studies on this fish population along with their recent genetic analysis have led the WRC to conclude that long term recruitment overfishing is occurring and that the stock would improve if this exploitation decreased (1). Since recreational harvest is minimal, this can only be achieved by stopping the commercial harvest of CMSA striped bass. Without stopping the commercial harvest of these fish, the joint effort of the WRC and the National Marine Fisheries Service to re-establish a self-sustaining population of striped bass in the Tar/Pamlico and Neuse river systems will continue to fail.

Now some will say that stopping this harvest will cause great hardship. However, that is not the case. At most, stopping the commercial striped bass harvest in all CMSA waters will

eliminate the legal sale of 25,000 pounds of striped bass each year. From 2005 to 2014, the average annual commercial harvest of striped bass from the CMSA was 23,623 pounds [only 168 commercial fishermen reported a striped bass sale in 2013, which is the latest available data (3)]. The CMSA striped bass harvest is on average, only 15% of the yearly harvest taken from **internal** waters in North Carolina, with the other 85% coming from the Albemarle Sound Management Area (ASMA) and Roanoke River Management Area (RRMA). In 2014, the reported commercial harvest from the CMSA was 25,085 pounds and this had a value of \$68,607. This works out to an average of about \$400 per commercial fishermen if about 168 fishermen reported sales in 2014 as was the case in 2013. The cost of stocking these fish is estimated to be approximately \$600,000. These amazing numbers lead prudent people to ask a simple question - why does one state agency allow the harvest and sale of fish that cost other agencies nearly 10 fold more to stock? And this stocking is occurring to try to re-establish a breeding population of this species!! This just makes no sense, and that is why I am asking you to do the right thing and put an immediate stop to commercial harvest of striped bass in the CSMA.

Thank you,

Eb Pesci
Greenville, NC
ebpesci@gmail.com

Literature Cited

1. Rachels, K.T., and B. R. Ricks. 2015. Neuse river striped bass monitoring programs, populations dynamics, and recovery strategies. Federal aid in sport fish restoration project F-108. North Carolina Wildlife Resources Commission Inland Fisheries Division. Raleigh, NC.
2. Rundle, K.R. 2015. Striped bass fisheries and monitoring programs in the Tar river, North Carolina-2014. Federal aid in sport fish restoration project F-108. North Carolina Wildlife Resources Commission Inland Fisheries Division. Raleigh, NC. 3. 2013.
3. Amendment 1 to the North Carolina Estuarine Striped Bass Fishery Management Plan. Prepared By The North Carolina Division of Marine Fisheries and North Carolina Wildlife Resources Commission with assistance from the Albemarle/Roanoke and Central Southern Management Area Fishery Management Plan Advisory Committees. North Carolina Department of Environment and Natural Resources, North Carolina Division of Marine Fisheries. Morehead City, NC. page 144.

From: Everett Blake (eblake) [<mailto:eblake@cisco.com>]

Sent: Wednesday, April 20, 2016 3:46 PM

To: Fish, Nancy <nancy.fish@ncdenr.gov>

Subject: Comments to be presented to the MFC for consideration at their May meeting.

Nancy Fish,

Could you please include these comments to the MFC for their May meeting. The comments are in regards the pending ASMFC closure of the Cobia fishing season. I will not be able to attend live, but I plan on listening to the meeting via the audio conference option.

Dear Commission Members:

I am a member of the Northern Advisory and we made several recommendations regarding the ASMFC reduction in the Cobia Fisheries total allowable catch (TAC) for 2016.

After hearing the concerns from the local fishermen including Recreational, Charter for Hire, and Commercial, I had an additional thought I would like for the NCMFC to consider and recommend to the ASMFC.

Since the catch history was so limited and focused toward the recreational catch of Cobia, I would ask that the NCMFC and the ASMFC consider raising the TAC for the Commercial Fleet and include the Charter Fleet landings under the Commercial TAC.

I would recommend a Bag limit: the Charter Fleet - 1 fish per person bag limit and the Commercial Fleet use the same Per Trip limits.

In addition, I would recommend raising the commercial TAC by an additional 150,000 lbs. My rationale for this number is based on past annual landings of Charter and Headboats of ~105,000 pounds. The additional 45,000lbs will allow for the extra trips that will be booked on Charter or Headboats, as they may be the only groups allowed to fish for Cobia once the June 20th deadline passes (if NCMFC does not act to change the closure date).

This would allow additional positive economic impact on the coast and scientific data. The information from Trip Tickets and Logs will provide accurate and real time data. This live data can help ASMFC and NCMFC get a better picture on the health of the Cobia Fishery.

Thank you,

Everett Blake

Virtual Product Sales Specialist at Cisco System

eblake@cisco.com

Phone: 408-922-5345

From: Jonathan French [<mailto:french60wasp@gmail.com>]

Sent: Friday, April 29, 2016 12:09 PM

To: Sammy Corbett <samjcorbett3@gmail.com>; Joseph Shute <captjoemfc@yahoo.com>; Mark Gorges <captgorgesmfc@gmail.com>; Chuck Laughridge <sobxl1@gmail.com>; Mike Wicker <amikewicker@gmail.com>; janetrosemfc@gmail.com; rds.mfc@gmail.com; awillis.mfc@gmail.com; Duval, Michelle <michelle.duval@ncdenr.gov>; Fish, Nancy <nancy.fish@ncdenr.gov>; preynolds@ncdoj.com; Hensley, Michelle L <Michelle.Hensley@ncdenr.gov>; Rawls, Kathy <kathy.rawls@ncdenr.gov>; Jim.Kelley@ncdenr.gov; Davis, Braxton C <Braxton.Davis@NCDENR.Gov>

Cc: Bill Gorham <Getbowedup40@gmail.com>; Zachery Hoffman <salttreatedfishing@gmail.com>; Chris DeMasi <Cobia4me@gmail.com>; Chris O'Brien <cobrien08@yahoo.com>; Hydrologicsportfishing@yahoo.com; PA@distco.hrcoxmail.com; Mike Avery <mike@averys.net>; Alex Field <alex.field.05@gmail.com>; Virginia Beach Anglers Club <vbanglersclub@gmail.com>; Jake Worthington <pelagicslayer@gmail.com>; Beth Synowiec <classicrockfish@icloud.com>; ccrussell001@gmail.com; Rick Caton <customsoundcharters@gmail.com>; Lynn Maynard <newriverangler@hotmail.com>; Todd.beck@vbschools.com; Bill Richardson <Wtrich@cox.net>; Will Bransom <will.bransom@gmail.com>; Michael Kidd <mkidd22@aol.com>; Finao Sportfishing <austinh@finaosportfishing.com>; Brian Lockwood <jetskibrian@verizon.net>; Lee Tolliver <lee.tolliver@pilotonline.com>; Tee Clarkson <tsclarkson@virginiafishingadventures.com>; seanhankinson@live.com; Aaron Kelly <rocksolidfishing@hotmail.com>; Reese Stecher <catchem@beachbumfishing.com>; jonesartgallery@cox.net; Head, Jorj <jhead@ycsd.york.va.us>; Wayne Fowlkes <Waynescustomtackle@cox.net>; Sam Walker <samwalkerobx@gmail.com>; Dylan Kressel <hornets54@gmail.com>; wlaine@cox.net; Guy Flibotte <gfmb_1@msn.com>; Parr Leslie@home <maparr@verizon.net>; Helfrichtm@gmail.com; J Harrison <jimmy.l.harrison@gmail.com>; jkurowski97@gmail.com; trollpro@cox.net; Craig Miles <scremin23ftr@gmail.com>; don@fishingtidewater.com; Fishingwithmike921@yahoo.com; Captain@finfinder.com; Jordan Hennessy (Sen. Bill Cook) <Cookla@ncleg.net>; David Fonville <dtfonville@aol.com>; Rep. Paul Tine <Paul.Tine@ncleg.net>; joshua.bowlen@mail.house.gov; Christopher Wickline <cobiahunter99@gmail.com>; fish@doacharters.com; wsmith0571@yahoo.com

Subject: Public Comments on Cobia Fishery Policy In North Carolina

Dear North Carolina Marine Fisheries Commission Members,

I and the other undersigned recreational anglers, charter boat captains, and small business owners are writing to recommend that the NCMFC to not comply with the June 20th federal closure of the cobia fishery. This closure is the byproduct of the creation of regulatory levers created by the South Atlantic Council that repeatedly comes into conflict with the National Standards of Fishery Management authored by the Magnuson Stevens Act.

As one of hundreds of cobia fishermen who live and/or fish in the the areas most significantly impacted, please consider that travel to Morehead City is prohibitive for many of us. Please include the following comments in the record to reflect the opinions of all stakeholders, not only those who have the bandwidth and resources to attend the in person meeting.

Here are the reasons North Carolina should vote non-compliance:

1) As required by the Magnuson Stevens Act all stakeholders must have proper representation in the fisheries management and no entity (be it state, sector of industry, etc.) acquires an excessive share of the privilege.

National Standard 4 clearly states:

“Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privilege.”

National Standard 8 clearly states:

“Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirement of paragraph (2) [i.e., National Standard 2], in order to (a) provide for the sustained participation of such communities, and (b) to the extent practicable, minimize adverse economic impacts on such communities.”

Virginia had no voting representation in the creation of the Fisheries Management Plan and the resulting ACL reduction and zone split. Proxy representation for Virginia from the Mid-Atlantic Fisheries Management Council did not speak one time on the record for the interests of Virginia. As result, Virginians face the most punitive closure date and an unfair allocation of the resource.

All the SAFMC representatives from North Carolina are from Raleigh or Morehead City southward. Not surprisingly, cobia fishermen south of Cape Lookout retain a full season, while boat fishermen north of Cape Hatteras lose most of their season. Northern Outer Banks pier anglers will lose their entire season, as the first cobia are often not landed on the Northern OBX piers until July.

South Carolina and Georgia have full representation, and due to the migratory pattern of cobia, their fishermen will not lose a single day of cobia fishing. East Florida had three votes and they received an excessive share of the privilege with a full season and more ACL than the other Mid-Atlantic states combined (880,000 pounds) in the zone split and ACL allocation.

NOAA even acknowledges that Florida and the Gulf management area will benefit from these policies at the expense of Virginia and North Carolina. In the Amendment20b draft language that was submitted to SAFMC for consideration in December, 2013, NOAA officials noted the following:

"Action 6, Preferred Alternative 3, Option d modifies the Gulf and Atlantic migratory group ACLs and recreational annual catch targets (ACTs) for cobia. The ACLs and ACTs for cobia needed to be set lower for the South Atlantic and higher in the Gulf of Mexico than they had been in the past based on the results of a stock assessment. In the South Atlantic region the combined annual value of expected losses for both commercial and recreational fisheries is

expected to be approximately \$175,000 per year. However, these losses to fishermen in the South Atlantic region could nearly all be made up by increased opportunities to land more cobia in the Gulf of Mexico."

Source: SAFMC FMP DRAFT Amendment 20B Page 152 http://safmc.net/briefing-book/December-2013-briefing-book/Mackerel/MackerelAttach3a_CMPAm20BDocument.pdf

Virginia and North Carolina suffer inequitable burden, while Florida received an excessive share of the privilege. This is a CLEAR violation of National Standard 4 and 8. As result, North Carolina's attorney general should sue NOAA and North Carolina should not comply with the closure.

This fact, and NOAA cannot dispute that it is a fact, should end all discussion. Additional issues with data acuity will be debated endlessly, but reality is that NOAA violated these basic tenants of the federal law.

2) In the only year (after an ACL change) that a 1 year overage could trigger a closure, there was a 402% jump in the Virginia catch and a 180+% increase in the GA-NY catch. The Virginia catch was almost 400+% over the previous 7 year average. This is statistically dubious for the following reasons:

- a. The jump is dependent on a massive increase (400 additional boats per day assuming 100 fishing days) from 2014 to 2015.
- b. There was not a corresponding jump in Virginia citations (13% increase) despite NOAA claims that the average fish caught was 5 pounds higher than in 2014.
- c. The calculation was based on peak wave data and appears to count fish being caught during August, where wind conditions significantly limited days on the water.
- d. Data assertions are not corroborated by charter captains, recreational fishermen, or state fisheries officers.

Even members of the scientific community cast doubt upon NOAA's findings. NOAA commissioned noted marine scientists to review the methodology used for the SEDAR28 stock assessment and annual catch calculations. Patrick L. Cordue, an internationally recognized expert on fisheries management, submitted the peer review on the data collection methods for the SEDAR28 report:

"I cannot recommend any of the model runs for this assessment. The abundance indices are not defensible. The composition data were not properly prepared (and are over-weighted). The model was over-parameterized."

SOURCE SEDAR 28: Gulf of Mexico Cobia and Spanish Mackerel Stock Assessment Review P.L. Cordue Fisheries Consultant New Zealand For CIE Independent System for Peer Review

https://www.st.nmfs.noaa.gov/Assets/Quality-Assurance/documents/peer-review-reports/2013/2013_02_19%20Cordue%20SEDAR%2028%20GM%20spanish%20mackerel%20cobia%20assessment%20report%20review%20report.pdf

3) If we want to go further, there has been a pattern of misinformation that has been presented by NOAA and SAFMC to justify these closures.

NOAA staff members were advocating for an ACL split and ACL reductions as early as September, 2010 on the record almost 3 years prior to the publication of the SEDAR28 Cobia Stock Assessment.

GREGG WAUGH: *“And then when we get to cobia; one, the two councils are splitting that so that is one of the joint actions, but for the portion that we will be managing, our likely ACL is going to be considerably below the current catches, so we need to look at modifying our regulations. Right now there is a two-fish bag limit in place so we need to look at modifying those regulations to ensure that the ACL is not exceeded.”* Source: September 13, 2010 SAFMC Mackerel Meeting Minutes PAGE 3
<http://safmc.net/images/pdf/MackCmteMinSep10.pdf>

The SEDAR28 Stock Assessment was then published in 2013. The stock assessment refuted the need for a lowered ACL.

“The South Atlantic cobia stock assessment presented by the SEDAR 28 Assessment Workshop (AW) provided the Review Panel (RP) with outputs and results from two assessments models. Therefore, the RP concluded that the stock is not overfished and is not undergoing overfishing.”
http://sedarweb.org/docs/sar/S28_SAR_SACobia_WithAddendumFinal_5.16.2013.pdf
Page 19

Then Amendment 20B was authored. Amendment 20B started the pattern of misinformation. Amendment 20B clearly states that the **ACL should be INCREASED for both the Gulf and the Atlantic management zones:**

“Cobia Zones, ACLs, and ACTs: Based on the results of the most recent stock assessment for Gulf and South Atlantic cobia, this rule divides Gulf migratory group cobia into a Gulf zone (Texas through the Gulf side of the Florida Keys) and a Florida east coast zone (east coast of Florida and Atlantic side of the Florida Keys, i.e., the area within the South Atlantic Council’s jurisdiction). The Gulf ACL is allocated between the zones based on landings from the 1998–2012 fishing years. The South Atlantic Council is responsible for regulations for the Florida east coast zone, similar to management of the Florida east coast subzone for king mackerel. This rule also increases the ACLs for both migratory groups, the recreational ACT for the Atlantic migratory group, and the stock ACT for the Gulf zone.”

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Page 4216

http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/cmp/2014/am20b/documents/pdfs/cm_p_am20b_fr.pdf

This assertion is repeated in the FAQ document for Amendment 20B. Please note, fishermen often rely on the FAQ document due to a lack of bandwidth to read lengthy regulations.

“This option offers increases in the current annual catch limits for both Councils, and is viewed as a fair and equitable distribution of the resource.”

SERO Cobia Fisheries Management Plan Amendment 20B FAQ

http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/cmp/2014/am20b/documents/pdfs/cm_p_a20b_faqs.pdf

NOAA asserts that this document required them to **DECREASE the ACL**. Somehow, in the FMP, they count the increase to East Florida’s ACL as increasing the ACL for the entire Atlantic stock, even though East Florida was removed from the Atlantic management zone AND SAFMC has said repeatedly that they cannot transfer the East Florida ACL to the South Atlantic Management Zone as a solution to this problem.

“The applicable ACTs for the Atlantic migratory group of cobia are 550,000 lb (249,476 kg) for 2014, 520,000 lb (235,868 kg) for 2015, and 500,000 lb (226,796 kg) for 2016 and subsequent fishing years. The applicable ACLs for the Atlantic migratory group of cobia are 670,000 lb (303,907 kg) for 2014, 630,000 lb (285,763 kg) for 2015, and 620,000 lb (281,227 kg) for 2016 and subsequent fishing years.”

http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/cmp/2014/am20b/documents/pdfs/cm_p_am20b_fr.pdf

Note, this reduced ACL in the Atlantic directly conflicts with the guidance from the SEDAR28 that the cobia ACL should be increased in both management zones. In personal communication with me AND with communication with Rep. Rob Wittman (United States House of Representatives Virginia 1st District), NOAA staff emphasize that they were forced to split zones and reduce the ACL for the Georgia to New York zone. The communication ignores the other language calling for the ACL to be increased. The letter to Rep. Wittman can be provided if requested.

As result of these actions by NOAA, we recommend the following action:

- 1) NCMFC should not comply with the federal closure. NCMFC should maintain current creel limits. Any compliance and reduction in creel will be used to validate NOAA/SAFMC actions and data in the greater debate over changing federal fisheries management.
- 2) NCMFC should request that NOAA issue an interim final rule to suspend the closure, recalculate the ACL with a fair allocation that is equitable across states, and review catch data for the three year time period before re-issuing any closure if needed.
- 3) The North Carolina Attorney General should file a federal lawsuit against NOAA for violating National Standard 2, 4 and 8 due to the lack of representation in the development of Amendment 18 and 20b of the Cobia Fisheries Management Plan and the resulting inequitable allocation of the cobia ACL, resulting in more significantly greater burden to North Carolina and Virginia citizens versus those in other states within the management zone and the natural migration pattern of the cobia stock.

NOAA has a responsibility to deliver fair and transparent policy that reflects the intent of the Magnuson Stevens Act and our state government has a responsibility to protect the rights and interest of the citizens of North Carolina and Virginia.

Thank You,

Jonathan French
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Todd.beck@vbschools.com

Jones Art Gallery
Virginia Beach VA
jonesartgallery@cox.net

From: Travis Kemp [<mailto:kempbrian6971@gmail.com>]

Sent: Friday, April 29, 2016 12:25 PM

To: Sammy Corbett <samjcorbett3@gmail.com>; Joseph Shute <captjoemfc@yahoo.com>; Mark Gorges <captgorgesmfc@gmail.com>; Chuck Laughridge <sobxl1@gmail.com>; Mike Wicker <amikewicker@gmail.com>; janetrosemfc@gmail.com; rds.mfc@gmail.com; awillis.mfc@gmail.com; Duval, Michelle <michelle.duval@ncdenr.gov>; Fish, Nancy <nancy.fish@ncdenr.gov>; preynolds@ncdoj.com; Hensley, Michelle L <Michelle.Hensley@ncdenr.gov>; Rawls, Kathy <kathy.rawls@ncdenr.gov>; Jim.Kelley@ncdenr.gov; Davis, Braxton C <Braxton.Davis@NCDENR.Gov>

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NOAA has a responsibility to deliver fair and transparent policy that reflects the intent of the Magnuson Stevens Act and our state government has a responsibility to protect the rights and interest of the citizens of North Carolina and Virginia.

From: Evan Galvin [<mailto:itsevandudee@gmail.com>]

Sent: Friday, April 29, 2016 1:34 PM

To: Sammy Corbett <samjcorbett3@gmail.com>; Joseph Shute <captjoemfc@yahoo.com>; Mark Gorges <captgorgesmfc@gmail.com>; Chuck Laughridge <sobxl1@gmail.com>; Mike Wicker <amikewicker@gmail.com>; janetrosemfc@gmail.com; rds.mfc@gmail.com; awillis.mfc@gmail.com; Fish, Nancy <nancy.fish@ncdenr.gov>; preynolds@ncdoj.com; Hensley, Michelle L <Michelle.Hensley@ncdenr.gov>; Rawls, Kathy <kathy.rawls@ncdenr.gov>; Jim.Kelley@ncdenr.gov; Davis, Braxton C <Braxton.Davis@NCDENR.Gov>

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From: Brian Olszyk [<mailto:stretchedoutfishing@gmail.com>]

Sent: Friday, April 29, 2016 12:44 PM

To: Sammy Corbett <samjcorbett3@gmail.com>; Joseph Shute <captjoemfc@yahoo.com>; Mark Gorges <captgorgesmfc@gmail.com>; Chuck Laughridge <sobxl1@gmail.com>; Mike Wicker <amikewicker@gmail.com>; janetrosemfc@gmail.com; rds.mfc@gmail.com; awillis.mfc@gmail.com; Duval, Michelle <michelle.duval@ncdenr.gov>; Fish, Nancy <nancy.fish@ncdenr.gov>; preynolds@ncdoj.com; Hensley, Michelle L <Michelle.Hensley@ncdenr.gov>; Rawls, Kathy <kathy.rawls@ncdenr.gov>; Jim.Kelley@ncdenr.gov; Davis, Braxton C <Braxton.Davis@NCDENR.Gov>

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https://www.st.nmfs.noaa.gov/Assets/Quality-Assurance/documents/peer-review-reports/2013/2013_02_19%20Cordue%20SEDAR%2028%20GM%20spanish%20mackerel%20cobia%20assessment%20report%20review%20report.pdf

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NOAA has a responsibility to deliver fair and transparent policy that reflects the intent of the Magnuson Stevens Act and our state government has a responsibility to protect the rights and interest of the citizens of North Carolina and Virginia.

Regards,

Brian R. Olszyk

From: Lgobxbeachboy [<mailto:lgobxbeachboy@aol.com>]

Sent: Friday, April 29, 2016 6:33 PM

To: samjcorbett3@gmail.com; captjoemfc@yahoo.com; captgorgesmfmc@gmail.com; sobxl1@gmail.com; amikewicker@gmail.com; janetrosemfc@gmail.com; rds.mfc@gmail.com; awillis.mfc@gmail.com; Duval, Michelle <michelle.duval@ncdenr.gov>; Fish, Nancy <nancy.fish@ncdenr.gov>; preynolds@ncdoj.com; Hensley, Michelle L <Michelle.Hensley@ncdenr.gov>; Rawls, Kathy <kathy.rawls@ncdenr.gov>; Jim.Kelley@ncdenr.gov; Davis, Braxton C <Braxton.Davis@NCDENR.Gov>

Cc: lgobxbeachboy@aol.com

Subject: East Coast Cobia Closures

Dear North Carolina Marine Fisheries Commission Members,

I and the other undersigned recreational anglers, charter boat captains, and small business owners are writing to recommend that the NCMFC to not comply with the June 20th federal closure of the cobia fishery. This closure is the byproduct of the creation of regulatory levers created by the South Atlantic Council that repeatedly comes into conflict with the National Standards of Fishery Management authored by the Magnuson Stevens Act.

As one of hundreds of cobia fishermen who live and/or fish in the the areas most significantly impacted, please consider that travel to Morehead City is prohibitive for many of us. Please include the following comments in the record to reflect the opinions of all stakeholders, not only those who have the bandwidth and resources to attend the in person meeting.

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1) As required by the Magnuson Stevens Act all stakeholders must have proper representation in the fisheries management and no entity (be it state, sector of industry, etc.) acquires an excessive share of the privilege.

National Standard 4 clearly states:

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Virginia had no voting representation in the creation of the Fisheries Management Plan and the resulting ACL reduction and zone split. Proxy representation for Virginia from the Mid-Atlantic Fisheries Management Council did not speak one time on the record for the interests of Virginia. As result, Virginians face the most punitive closure date and an unfair allocation of the resource.

All the SAFMC representatives from North Carolina are from Raleigh or Morehead City southward. Not surprisingly, cobia fishermen south of Cape Lookout retain a full season, while boat fishermen north of Cape Hatteras lose most of their season. Northern Outer Banks pier anglers will lose their entire season, as the first cobia are often not landed on the Northern OBX piers until July.

South Carolina and Georgia have full representation, and due to the migratory pattern of cobia, their fishermen will not lose a single day of cobia fishing. East Florida had three votes and they received an excessive share of the privilege with a full season and more ACL than the other Mid-Atlantic states combined (880,000 pounds) in the zone split and ACL allocation.

NOAA even acknowledges that Florida and the Gulf management area will benefit from these policies at the expense of Virginia and North Carolina. In the Amendment20b draft language that was submitted to SAFMC for consideration in December, 2013, NOAA officials noted the following: "Action 6, Preferred Alternative 3, Option d modifies the Gulf and Atlantic migratory group ACLs and recreational annual catch targets (ACTs) for cobia. The ACLs and ACTs for cobia needed to be set lower for the South Atlantic and higher in the Gulf of Mexico than they had been in the past based on the results of a stock assessment. In the South Atlantic region the combined annual value of expected losses for both commercial and recreational fisheries is expected to be approximately \$175,000 per year. However, these losses to fishermen in the South Atlantic region could nearly all be made up by increased opportunities to land more cobia in the Gulf of Mexico."

Source: SAFMC FMP DRAFT Amendment 20B Page

152 http://safmc.net/.../Ma.../MackerelAttach3a_CMPAm20BDocument.pdf

Virginia and North Carolina suffer inequitable burden, while Florida received an excessive share of the privilege. This is a CLEAR violation of National Standard 4 and 8. As result, North Carolina's attorney general should sue NOAA and North Carolina should not comply with the closure.

This fact, and NOAA cannot dispute that it is a fact, should end all discussion. Additional issues with data acuity will be debated endlessly, but reality is that NOAA violated these basic tenants of the federal law.

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Larry Gray

From: Paul Kelley [<mailto:paul.kelley52@ymail.com>]

Sent: Sunday, May 01, 2016 7:37 PM

To: Joseph Shute <captjoemfc@yahoo.com>; Mark Gorges <captgorgesmfc@gmail.com>; Chuck Laughridge <sobxl1@gmail.com>; Mike Wicker <amikewicker@gmail.com>; janetrosemfc@gmail.com; rds.mfc@gmail.com; awillis.mfc@gmail.com; Duval, Michelle <michelle.duval@ncdenr.gov>; Fish, Nancy <nancy.fish@ncdenr.gov>; preynolds@ncdoj.com; Hensley, Michelle L <Michelle.Hensley@ncdenr.gov>; Rawls, Kathy <kathy.rawls@ncdenr.gov>; Jim.Kelley@ncdenr.gov; Davis, Braxton C <Braxton.Davis@NCDENR.Gov>

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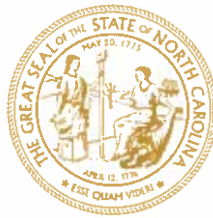
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Paul V. Kelley
Owner/Operator
Shamrock Landscaping Services, Inc.
2530 Broadmoor Court
Snellville, GA 30039



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

PAT MCCRORY
GOVERNOR

March 30, 2016

Ms. Eileen Sobek, Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway, Room 14636
Silver Spring, MD 20910

Dear Ms. Sobek:

Thank you for your agency's letter of Jan. 20, 2016, requesting that I nominate a slate of qualified candidates for consideration by the Secretary of Commerce in making at-large appointments to the Mid-Atlantic Fishery Management Council.

The N.C. Marine Fisheries Commission feels that North Carolina is well represented on the Mid-Atlantic Fishery Management Council by our current at-large appointee, Ms. Sara Winslow. The N.C. Marine Fisheries Commission recommended that a slate of nominees not be submitted for Mid-Atlantic Fishery Management Council at-large appointments. I concur with their recommendation and am not submitting a slate of nominees for 2016 at-large appointments to the Mid-Atlantic Fishery Management Council.

Thank you for the opportunity to participate in the nomination process for appointments to the Mid- Atlantic Fishery Management Council.

Sincerely,

A handwritten signature in black ink that reads "Pat McCrory". The signature is written in a cursive style with a large, prominent initial "P".

Pat McCrory

cc: Donald van der Vaart
Louis Daniel
Sammy Corbett
Charles Duckett



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

PAT McCrory
GOVERNOR

March 30, 2016

Ms. Eileen Sobek, Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway, Room 14636
Silver Spring, MD 20910

Dear Ms. Sobek:

Thank you for your agency's letter of Jan. 20, 2016 requesting that I nominate a slate of qualified candidates for consideration by the U.S. Secretary of Commerce for an obligatory appointment to the South Atlantic Fishery Management Council.

N.C. General Statute 113-259 charges the N.C. Marine Fisheries Commission with the responsibility of compiling a list of nominees for consideration by the governor for South Atlantic Fishery Management Council appointments. The commission provided the names of Mr. Robert ("Tim") Griner, Mr. Samuel ("Sammy") Corbett, Mr. Joseph ("Andy") High and Mr. Everette ("Randy") McKinley for my consideration as nominees for an obligatory appointment to the South Atlantic Fishery Management Council. I concur with the commission recommendations and am forwarding these names to you as North Carolina's nominees. I have selected Mr. Robert Griner as a preferred nominee.

As a result of the statutory makeup of the N.C. Marine Fisheries Commission (please see enclosed list), compilation of the list of nominees by that body meets the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, Section 302(b)(2)(C), that each nomination be made in consultation with the commercial and recreational fishing interests of the state. The commission makes every effort to encourage and seek out qualified women and minority candidates during this process. All of the nominees are residents of North Carolina. All nominees, by reason of their occupational or other experience, scientific expertise or training, are knowledgeable regarding the conservation and management of the commercial or recreational harvest of the fisheries resources of North Carolina.

Following is a brief summary of the experience that qualifies each nominee to serve as a member of the South Atlantic Fishery Management Council:

Mr. Robert ("Tim") Griner. Mr. Griner was born and raised in Charlotte, but grew up fishing the inshore and offshore waters of Brunswick County. He earned a B.S. in engineering from North Carolina State University and had a successful career in civil engineering, mostly in commercial construction. In 2009, Mr. Griner began spending more time fishing recreationally and sharing his catch with family and friends. After being approached by chefs to determine his interest in supplying fish commercially for a few local Charlotte restaurants, Mr. Griner obtained his state and federal dealer and vessel permits in 2010, and started the Charlotte Fish Company.

Since then Mr. Griner has focused on building a clientele of small Charlotte restaurants whose menus cater to use of locally-sourced ingredients. He now supplies over 60 restaurants in the Charlotte area. Mr. Griner holds federal vessel permits for snapper grouper, dolphin wahoo, and king and Spanish mackerel. In addition to the two vessels he owns, Mr. Griner also packs fish for two other vessels out of Brunswick County. Over the past several years, Mr. Griner has become more involved in management of the fishery, attending South Atlantic Council public hearings, including Snapper Grouper Visioning Project port meetings. He is dedicated to educating both chefs and consumers about the wide variety of available from North Carolina's offshore waters.

Mr. Samuel ("Sammy") Corbett. Mr. Corbett is an active full-time commercial fisherman and seafood dealer based out of Hampstead, North Carolina and serves as chairman of the N.C. Marine Fisheries Commission. He grew up on the waterfront in Wilmington and Wrightsville Beach, where he served as mate on numerous charter boats. He has held a commercial fishing license since he was 16 years old, participating in both offshore federal fisheries and inshore coastal fisheries. Mr. Corbett started snapper grouper fishing in 1977 and was one of the first fishermen in southeastern North Carolina in the longline fishery for sharks, snowy grouper, and golden tilefish; and was part of the initial development of the wreckfish fishery off Wrightsville Beach. He also ran a swordfish boat. In 1992 he suffered a back injury, and due to the extensive recovery period from surgery, was unable to meet the 50 percent income requirement to maintain his federal permits. Once he was able to fish again, Mr. Corbett shifted to inshore and nearshore fisheries. He has held a seafood dealers license for the past 15 to 16 years and now actively fishes for blue crabs, mullet, spot and Spanish mackerel. He also has productive oyster and clam leases.

Mr. Joseph ("Andy") High. Mr. High has been the owner/operator of a commercial fishing vessel since 1992, and holds federal South Atlantic commercial vessel permits for king mackerel, Spanish mackerel, and snapper grouper. He also participates in the black sea bass pot trap fishery and has been a member of the South Atlantic Council's Mackerel Advisory Panel since 2003. In addition, Mr. High has previously participated in fisheries for tuna, swordfish and sharks using a variety of gear types. He has also used gill nets for harvest of spot, croaker, Spanish mackerel and dogfish. Prior to devoting himself to commercial fishing full time, Mr. High was also the owner/operator of a charter/commercial fishing operation (Relentless Charters). In both instances, Mr. High handled all details and activities related to running both a commercial and charter fishing operation. Before running his own commercial/charter operation, Mr. High served as a corporate captain for Pritchard Paint & Glass. In that position he was responsible for all vessel and equipment maintenance and upkeep.

Mr. Everette ("Randy") McKinley. Mr. McKinley has owned and operated Hilltop Grocery Company for 31 years. This retail convenience store carries a full line of bait and tackle for recreational, charter and commercial fishing. He owns the commercial fishing vessel Lena Mac and has federal South Atlantic snapper grouper, king mackerel and dolphin/wahoo permits. He also operates McKinley Fisheries which is a fish packing business. Mr. McKinley attended East Carolina University from 1979 to 1985, receiving a BSBA in Business Administration in 1983 and MBA in 1985. He purchased Hilltop Grocery Company in 1985, and in 1986 began serving as crew on a commercial snapper grouper boat. Mr. McKinley obtained his federal vessel permits in 2002, and in 2006 he took over the fish house where his boat was docked. He obtained federal and state dealer permits and began McKinley Fisheries. Mr. McKinley has been involved with all aspects and regulations affecting his fishery. He has attended numerous meetings throughout the years. In 2013 he attended the Marine Resource Education Program (Southeast) Science workshop in Tampa, Florida, as well as Snapper Grouper Visioning Project port meetings.

Thank you for the opportunity to participate in the nomination process for a N.C. obligatory seat to the South Atlantic Fishery Management Council.

Sincerely,

A handwritten signature in black ink that reads "Pat McCrory". The signature is written in a cursive style with a large, prominent initial "P".

Pat McCrory

cc: Donald van der Vaart
Sammy Corbett
James Kelley
Charles Duckett

N.C. Marine Fisheries Commission

Sammy Corbett
Chairman
910-620-1804
samjcorbett3@gmail.com
Commercial
A – 08/19/14
E – 06/30/17

Joe Shute
Vice-chairman
252-241-6111
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Recreational Industry
A – 07/26/11
E – 06/30/17

Mark Gorges
252-671-1684
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Recreational Representative
A – 07/30/13
E – 06/30/16

Chuck Laughridge
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At-large
A – 07/30/13
E – 06/30/16

Mike Wicker
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919-856-4520 (W)
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Scientist
A – 08/19/14
E – 06/30/17

Alison Willis
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Commercial Fisherman
A – 11/19/14
E – 06/30/16

Janet Rose
252-202-2921
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Commercial Fisherman

Rick Smith
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Recreational Fisherman
A – 09/15/15
E – 06/30/18

REMINDER

MANDATORY EDUCATION REQUIREMENTS

MANDATORY EDUCATION.

Public Servants and Ethics Liaisons. The State Government Ethics Act *requires* that every public servant and ethics liaison complete an ethics and lobbying education presentation/program approved by the State Ethics Commission *within 6 months* of the person's election, reelection, appointment, or employment **and** complete a refresher ethics presentation *at least every two years thereafter.*

The willful failure of a public servant serving on a board to comply with the education requirements may subject the person to removal from the board. The willful failure of a public servant who is a State employee to comply with the education requirement may be considered a violation of a written work order permitting disciplinary action. Therefore, if there are public servants in your agency or on your covered state board or commission who are past due for completing their ethics education requirements, **those individuals should attend a live presentation, distance video-streamed presentation *or* complete the online education as soon as possible.**

Legislators. The State Government Ethics Act *requires* that every legislator complete an ethics and lobbying education presentation/program approved by the State Ethics Commission and the Legislative Ethics Committee *within 2 months* of either the convening of the General Assembly to which the legislator is elected or the legislator's appointment, whichever is later, **and** complete a refresher ethics education presentation *at least every two years thereafter.*

The willful failure of a legislator to comply with these education requirements may subject the legislator to sanctions under the Legislative Ethics Act.

Legislative Employees. The State Government Ethics Act *requires* that every legislative employee complete an ethics and lobbying education presentation/program approved by the State Ethics Commission and the Legislative Ethics Committee *within 3 months* of the person's employment **and** complete a refresher ethics education presentation *at least every two years thereafter.*

The willful failure of a legislative employee to comply with these education requirements may subject the person to disciplinary action by their hiring authority.

Legislators and Legislative Employees may check the status of their ethics education by going to the General Assembly intra-net page. Legislators and legislative employees who are past due for completing their ethics education requirements should contact Denise Adams with the Research Division of the General Assembly at denise.adams@ncleg.net or 919-301-1991 to coordinate/schedule their ethics education training.

ETHICS AND LOBBYING EDUCATION TRAINING.

Public Servants and Ethics Liaisons may complete the required basic or refresher ethics and lobbying education training by either attending a live presentation, a distance video streamed presentation or completing the online education modules.

- **Live and Distance Video-Streamed Presentation Dates.** The State Ethics Commission has scheduled live ethics and lobbying education presentations and distance video-streamlined presentations for the remainder of 2014. Dates, locations, and registration information are on the Commission's website at: www.ethicscommission.nc.gov/education/eduSchedule.aspx.
- **Online Education.** The State Ethics Commission also offers online ethics and lobbying education. The education modules and instructions are on the Commission's website at: www.ethicscommission.nc.gov/education/eduOnline.aspx.

Legislators may complete the required basic or refresher ethics and lobbying education training by attending a live presentation at the beginning of the legislative session jointly provided by the Ethic Commission and the Research Division of the General Assembly.

Legislative Employees may complete the required basic or refresher ethics and lobbying education training by going online to the General Assembly intra-net page.

REGISTRATION AND QUESTIONS.

- **Public Servants and Ethics Liaisons** please contact Sue Lundberg at (919) 715-2071 or by e-mail at Education.Ethics@doa.nc.gov to register for ethics and lobbying education training or if you have ethics education questions.

- **Legislators and Legislative Employees** please contact the General Assembly ethics hotline at 919-301-1991 or email Denise Adams at denise.adams@ncleg.net if you have questions about the ethics and lobbying education training or have ethics education questions.

Thank you for giving this matter your immediate attention and for sharing this information with all members of your covered board, commission or committee, all staff and employees covered under the State Government Ethics Act, and all legislators and legislative employees.

2016 Meeting Planning Calendar

January						
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- MFC
- ASMFC
- SAFMC
- MAFMC
- State Holiday
- Sea Turtle AC

- Southern Regional AC
- Northern Regional AC
- Finfish AC
- Habitat and Water Quality AC
- Shellfish/Crustacean AC