

Chairman's Report





ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

February 22, 2017

Mrs. Jimmy R. Nobles and Family
303 Valley Road
Greenville, NC 27858

Dear Mrs. Nobles and Family:

Please accept our heartfelt condolences on your family's loss. We were deeply saddened at the passing of your husband and father, Jimmy, last week, at the Marine Fisheries Commission meeting in Wilmington.

Jimmy was a passionate advocate for North Carolina's fisheries and fishermen. He actively participated in the management of our natural resources as a Marine Fisheries Commission adviser and as an interested member of the public. He regularly provided his valuable insight and input on fisheries issues over the last several decades.

We want you to know how much we appreciated his advice, and the time and effort he personally invested in sharing his vision for improving our fisheries. We also want you to know that his voice will be missed.

Our thoughts and prayers are with you and may your many memories of Jimmy help to sustain you at this most difficult time.

With our deepest sympathy,

A handwritten signature in black ink that reads 'Michael S. Regan'.

Michael S. Regan, Secretary
N.C. Department of Environmental Quality

A handwritten signature in black ink that reads 'Braxton Davis'.

Braxton Davis, Director
N.C. Division of Marine Fisheries

A handwritten signature in black ink that reads 'Sammy Corbett'.

Sammy Corbett, Chairman
N.C. Marine Fisheries Commission





**NORTH CAROLINA MARINE FISHERIES COMMISSION
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

COMMISSIONERS

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

SAMMY CORBETT
Chairman

MARK GORGES
Wrightsville Beach
CHUCK LAUGHRIDGE
Harkers Island
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JOE SHUTE
Morehead City

RICK SMITH
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Raleigh
ALISON WILLIS
Harkers Island
BRAD KOURY
Burlington

March 15, 2017

Mr. Michael S. Regan, Secretary
N.C. Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

Dear Secretary Regan:

At its Feb. 15-16 meeting, the Marine Fisheries Commission voted to 4-2, with 2 abstentions and the chairman not voting, to ask you to take under advisement the removal of stocked fish from the N.C. Estuarine Striped Bass Fishery Management Plan. This letter serves as notice of that request.

The Marine Fisheries Commission and the Wildlife Resources Commission jointly manage striped bass that occur in our estuarine and internal waters. Both commissions, in conjunction with staff from the Division of Marine Fisheries and the Wildlife Resources Commission, develop and approve the N.C. Estuarine Striped Bass Fishery Management Plan.

Please note, during this deliberation there was discussion as to whether or not you have authority under G.S. 113-182.1 to take this action. However, the commission still moved forward with this motion.

Thank you for your consideration of this request and please let me know if I can provide any further information to you on this matter.

Sincerely,

A handwritten signature in black ink that reads "Sammy Corbett". The signature is written in a cursive, flowing style.

Sammy Corbett, Chairman
Marine Fisheries Commission

cc: N.C. Marine Fisheries Commission
Braxton Davis, Director, N.C. Division of Marine Fisheries

Board of Commissioners
Mark Mansfield, Chair
Robin Comer, Vice-Chair
Bob Cavanaugh
Jimmy Farrington
Jonathan Robinson
Bill Smith
Ed Wheatly



County Manager
Tommy R. Burns

Clerk to the Board
Rachel B. Hammer

RECEIVED
Office of the Secretary

FEB 28 2017

February 21, 2017

Department of Environment
and Natural Resources

The Honorable Governor Roy Cooper
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Dear Governor Cooper:

The Carteret County Board of Commissioners, while sitting in regular session on Monday, February 20, 2017, made a motion in support of the enclosed Resolution regarding a Vote of No Confidence in the North Carolina Marine Fisheries Commission relative to their support of the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

Sincerely,

Rachel B. Hammer
Clerk to the Board

/rbh
Enclosure

copy: Senator Norman W. Sanderson
Senator Richard Burr
Senator Phil Berger
Senator Harry Brown
Senator Thom Tillis
Representative Pat McElraft
NC House Speaker Tim Moore
Congressman Walter Jones
Sammy Corbett, Chairman, Marine Fisheries Commission
Braxton Davis, Director, NC Division of Marine Fisheries
Michael S. Regan, Secretary, NCDEQ
Members, Marine Fisheries Advisory Board
Walter Phillips, Editor/Publisher, *Carteret News Times*
Jackie Starkey, Reporter, *Carteret News Times*

Board of Commissioners
Mark Mansfield, Chair
Robin Comer, Vice-Chair
Bob Cavanaugh
Jimmy Farrington
Jonathan Robinson
Bill Smith
Ed Wheatly



County Manager
Tommy R. Burns

Clerk to the Board
Rachel B. Hammer

CARTERET COUNTY BOARD OF COMMISSIONERS
RESOLUTION ON VOTE OF NO CONFIDENCE
IN THE
NORTH CAROLINA MARINE FISHERIES COMMISSION

WHEREAS, this Vote of No Confidence by the Carteret County Board of Commissioners in the North Carolina Marine Fisheries Commission is an alternative method to bring forth serious concerns relative to their support of the Petition for Rulemaking submitted by the North Carolina Wildlife Federation; and

WHEREAS, the shrimp fishery is North Carolina's most important fishery economically; and

WHEREAS, the rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries ("DMF"), and restrict the taking of shrimp to daylight hours and three days per week; and

WHEREAS, the proposals will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers; and

WHEREAS, the petition should have been denied because the cost factors described in the petition are clearly inadequately described. This omission is significant because the shrimp fishery is North Carolina's most important fishery economically; and

WHEREAS, the petition will designate all coastal fishing waters not already designated as nursery areas as special secondary nursery areas, including the ocean out to three miles; and

WHEREAS, the North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through Fisheries Management Plans ("FMP's"); and these issues were recently discussed and addressed by the 2015 Shrimp FMP after two years of development; and

WHEREAS, this Petition for Rulemaking has a component for potential regulation on property owners abutting these newly formed secondary nursery areas. Carteret County boasts some of the most beautiful and valuable waterfront properties. In fact, the current tax value of all waterfront properties in Carteret County is approximately \$4.3 billion which generates over \$13 million in tax dollars for the County. The potential for regulations on these properties not only negatively affect one of the County's greatest assets, but also has a negative impact on all citizens because of the potential loss of tax revenue; and

WHEREAS, this Petition for Rulemaking could also prove to be a hindrance to any needed and necessary dredging along our shoreline; and

WHEREAS, the Marine Fisheries Advisory Board, appointed by the Carteret County Board of Commissioners and with a collective history of approximately 400 years of fishing experience, submitted a letter to the North Carolina Marine Fisheries Commission in December of 2016 recommending that they deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas; and

WHEREAS, the Carteret County Board of Commissioners at their January 23, 2017 regular meeting, adopted a Resolution in support of the position of the Carteret County Marine Fisheries Advisory Committee to deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation; and

WHEREAS, at the January 15, 2017 hearing meeting in New Bern, there were five other advisory boards in attendance; those five boards were comprised of 40 different members; 32 of those members recommended to the Commission that they not enforce this new trawling ban and that the petition be denied; and

WHEREAS, on February 16, 2017, the North Carolina Marine Fisheries Commission met in Wilmington and against the advice of their advisory groups, granted this petition which has significant economic implications for Carteret County; and

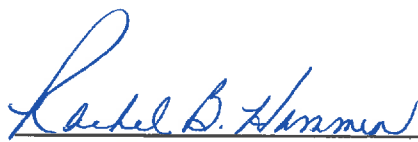
WHEREAS, while the North Carolina Marine Fisheries Commission did not violate the law and it is within their parameters to make such decisions, their decision was not within the spirit of the Fisheries Reform Act which calls for science to make decisions and not political science; and

WHEREAS, this Resolution is no reflection on the dedicated people that work in that Division; no criticism of the biologists; and no criticism of the Fisheries Reform Act; and


NOW, THEREFORE, BE IT RESOLVED, that the Carteret County Board of Commissioners stand steadfast in their resolve outlined in their January 23, 2017 Resolution, and stand behind and in support of our fishing industry within Carteret County; and

BE IT FURTHER RESOLVED, by a unanimous vote of those Commissioners present, that this action by the Carteret County Board of Commissioners shows a Vote of No Confidence in the North Carolina Marine Fisheries Commission because they clearly demonstrated that they do not have the objectivity to make sound decisions on this issue.

Adopted this the 20th day of February, 2017.



Rachel B. Hammer
Clerk to the Board



Mark Mansfield, Chairman
Carteret County Board of Commissioners



COUNTY OF HYDE

Board of Commissioners

Earl Pugh, Jr., Chair
Barry Swindell, Vice-Chair
Benjamin Simmons, III
Tom Pahl
Dick Tunnell

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



HYDE COUNTY BOARD OF COMMISSIONERS RESOLUTION ON VOTE OF NO CONFIDENCE IN THE NORTH CAROLINA MARINE FISHERIES COMMISSION

WHEREAS, this Vote of No Confidence by the Hyde County Board of Commissioners in the North Carolina Marine Fisheries Commission is an alternative method to bring forth serious concerns relative to their support of the Petition for Rulemaking submitted by the North Carolina Wildlife Federation; and

WHEREAS, the shrimp fishery is North Carolina's most important fishery economically; and

WHEREAS, the rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries ("DMF"), and restrict the taking of shrimp to daylight hours and three days per week; and

WHEREAS, the proposals will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers; and

WHEREAS, the petition should have been denied because the cost factors described in the petition are clearly inadequately described. This omission is significant because the shrimp fishery is North Carolina's most important fishery economically; and

WHEREAS, the petition will designate all coastal fishing waters not already designated as nursery areas as special secondary nursery areas, including the ocean out to three miles; and

WHEREAS, the North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through Fisheries Management Plans (“FMP’s”) and these issues were recently discussed and addressed by the 2015 Shrimp FMP after two years of development; and

WHEREAS, the Petition for Rulemaking has a component for potential regulation on property owners abutting these newly formed secondary nursery areas. Hyde County boasts some of the most beautiful waterfront properties in the state. The potential for regulations on these properties not only negatively affect one of Hyde County’s greatest assets, but also has a negative impact on all citizens because of the potential loss of tax revenue; and

WHEREAS, the Petition for Rulemaking could also prove to be a hindrance to any needed and necessary dredging along our shoreline; and

WHEREAS, the Hyde County Board of Commissioners represent the people of Hyde County with a collective history of approximately 300 years of fishing experience, submitted a letter and corresponding resolution to the North Carolina Marine Fisheries Commission in January of 2017 recommending that they deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas; and

WHEREAS, at the January 15, 2017 hearing meeting in New Bern, there were five advisory boards in attendance; those five boards were comprised of 40 members; 32 of those members recommended to the Commission that they not enforce this new trawling ban and that the petition be denied; and

WHEREAS, on February 16, 2017, the North Carolina Marine Fisheries Commission met in Wilmington and against the advice of their advisory groups, granted this petition which has significant economic implications for Hyde County; and

WHEREAS, while the North Carolina Marine Fisheries Commission did not violate the law and it is within their parameters to make such decisions, their decision was not within the spirit of the Fisheries Reform Act which calls for science to make decisions and not political science; and

WHEREAS, this Resolution is no reflection on the dedicated people that work in that Division; no criticism of the biologists; and no criticism of the Fisheries Reform Act; and

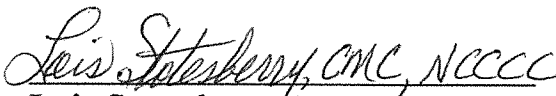
NOW, THEREFORE, BE IT RESOLVED, that the Hyde County Board of Commissioners stand steadfast in their resolve outlined in their January 3, 2017 Resolution, and stand behind and in support of our fishing industry within Hyde County; and

BE IT FURTHER RESOLVED, by a unanimous vote of those Commissioners present, that this action by the Hyde County Board of Commissioners shows a Vote of No Confidence in the North Carolina Marine Fisheries Commission because they clearly demonstrated that they do not have the objectivity to make sound decisions on this issue.

Adopted this the 6th day of March, 2017.



Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners


Lois Stotesberry,
Clerk to the Board





MARY P. HUNNICUTT
CLERK TO BOARD

W. FRANK HEATH, III
COUNTY MANAGER

PERQUIMANS COUNTY BOARD OF COMMISSIONERS

P.O. BOX 45
HERTFORD, NORTH CAROLINA 27944
TELEPHONE: 1-252-426-7550

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WALLACE E. NELSON

CHARLES WOODARD

W. HACKNEY HIGH, JR.
COUNTY ATTORNEY

April 3, 2017

Mr. Sammy Corbett
North Carolina Marine Fisheries Commission
P.O. Box 769
Morehead City, NC 28557

Re: Petition for Rulemaking

Dear Mr. Corbett:

I am writing to you on behalf of the Perquimans County Board of Commissioners. At their April 3, 2017 regular meeting, the Board voted to send this letter that supports Hyde County's Resolution recommending that the North Carolina Marine Fisheries Committee (MFC) deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas. The rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries (DMF), establish a shrimp size for shrimp trawling season to open, establish a more restrictive head rope size for shrimp trawls, create a trawl tow time for shrimp trawling, further restrict the taking of shrimp to daylight hours and three days per week, require the use of two DMF certified bycatch reduction devices in shrimp trawls, and create a recreational size limit of 8 inches for spot and 10 inches for croaker. The passage of this amendment would substantially affect the North Carolina residents, tourists, restaurants, and seafood retail.

A copy of the letter of support for Hyde County's Resolution opposing the Petition for Rulemaking will be forwarded to Governor Elect Roy Cooper, our Legislative Delegation, and each county in the State of North Carolina.

Sincerely yours,



T Kyle Jones, Chairman

TKJ/mh

cc: Representative Bob Steinburg
Senator Bill Cook
Governor Roy Cooper
Perquimans County Board of Commissioners

Tim Moore, Speak of the House
Phil Berger, President Pro Tempore
99 County Board of Commissioners

Perquimans County's Vision:

To be a community of opportunity in which to live, learn, work, prosper and play.



County of Dare

Office of the Board of Commissioners

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5700

Robert Woodard
Chairman

Wally Overman
Vice-Chairman

Jack Shea
Margarette Umphlett
Steve House
Rob Ross
Danny Couch

Robert L. Outten
County Manager / Attorney

Gary Lee Gross
Clerk to the Board

March 7, 2017

Mr. Sammy Corbett, Chairman
NC Marine Fisheries Commission
P.O. Box 769
Morehead City, NC 28557

Mr. Braxton Davis, Director
NC Division of Marine Fisheries
P.O. Box 769
Morehead City, NC 28557

Re: Coastal Recreational Fishing License Grant Program

Gentlemen:

It has recently come to the attention of the Dare County Board of Commissioners that an organization based in our county, the Oregon Inlet Artificial Reef Committee, has applied for CRFL funding in the current cycle. This group has received notification from Wayne Johannessen that the Marine Fisheries Commission CRFL Committee awarded a reduced amount of funding contingent on our local organization acquiring a minimum of 30% [\$264,600] of the total project value in monetary matching funds.

The Dare County Board of Commissioners finds this requirement to be untenable. We urgently request that this decision be reviewed and thereafter rectified.

Since the initiation of the Coastal Recreational Fishing License in 2007, Dare County has been either first or second in sales during the entire ten year period. No other coastal county even comes close to matching the sales generated in Dare County. We also lead the state in the sales of blanket licenses for our substantial charter boat fleet.

From these CRFL sales in Dare County, the North Carolina Marine Fisheries Commission realizes revenue of approximately one million dollars per year. From this revenue source, the CRFL Committee funds local grant proposals.

It is our understanding that during the past ten years, none of this revenue generated in Dare County has ever been utilized for artificial reef enhancement or construction in our county. At the same time, other coastal counties have benefitted substantially by way of CRFL grants. For example, in 2014, the Onslow Bay Artificial Reef Association located in New Hanover County received a grant from the CRFL Committee in the amount of \$637,500. In 2015, the Long Bay Artificial Reef Association located in Brunswick County was awarded a grant in the amount of \$339,000.

The Dare County Board of Commissioners requests that you compare the revenue generated from the sale of Coastal Recreational Fishing Licenses in New Hanover and Brunswick Counties with those same funds produced in Dare County. We hope you will agree that the present situation is disingenuous, to say the least.

In the event your CRFL Committee insists on requiring the Oregon Inlet Artificial Reef Committee to provide matching funds of 30% of the total project value, we offer the following solution. Designate the first \$264,600 of CRFL sales in Dare County during the current cycle as matching funds for our local group's funding proposal. The roughly \$700,000 in remaining revenue would still be about twice as much as produced by the next closest coastal county.

In summation, the Dare County Board of Commissioners views the current situation as being grossly unfair. We earnestly solicit your assistance in alleviating this inequity.

Should you have any questions concerning this matter, please feel free to contact us. I can be reached at 252-216-8240. We look forward to hearing from you at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Woodard, Sr.", written in a cursive style.

Robert L. "Bob" Woodard, Sr., Chairman
Dare County Board of Commissioners



**NORTH CAROLINA MARINE FISHERIES COMMISSION
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

COMMISSIONERS

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Moyock
JOE SHUTE
Morehead City

RICK SMITH
Greenville
MIKE WICKER
Raleigh
ALISON WILLIS
Harkers Island
BRAD KOURY
Burlington

March 29, 2017

Dear Coastal Recreational Fishing License Committee and Advisers:

Please find attached a letter from Michael Piccirilli, chief of the Wildlife and Sport Fish Restoration Program, with the U.S. Fish and Wildlife Service. The letter serves as notice that the U.S. Fish and Wildlife Service believes "that under current North Carolina statutes, the N.C. Division of Marine Fisheries lacks the necessary control of the North Carolina Marine Resources Fund which is comprised of Marine Resources license revenues, and thus the State is not in compliance with 50 CFR 80.10 (c) (1) and 50 CFR 80.10 (c) (2)." They feel "this lack of control of license revenues renders the State of North Carolina in non-compliance with the Acts and could result in North Carolina becoming ineligible to receive the funds and benefits of the Acts until control is restored (per 50 CFR 80.21 and 80.22)." The bottom line here is that approximately \$3 million in federal funding received by the N.C. Division of Marine Fisheries from the Pittman-Robertson Wildlife Restoration and the Dingell-Johnson Sport Fish Restoration Acts could be jeopardized.

The Coastal Recreational Fishing License Committee is scheduled to meet on May 10 in Morehead City regarding ongoing multi-year grants, a tabled N.C. State University striped bass egg buoyancy proposal, the Dare County artificial reef proposal, and the Request for Proposals for the upcoming grant cycle. Given the concerns raised by the U.S. Fish and Wildlife Service, I have asked Braxton Davis, the chair of the committee, to remove the Request for Proposals for the upcoming grant cycle from the agenda. I would like the committee to continue its work with the multi-year grants, the egg buoyancy study and the Dare County proposal, but I do not feel it is prudent to move forward with a future funding cycle for the grant program until this matter can be resolved.

Thank you in advance for your cooperation in this matter. I will keep you informed as more information becomes available on this issue.

Sincerely,

A handwritten signature in black ink that reads "Sammy Corbett".

Sammy Corbett, Chairman
Marine Fisheries Commission

Enclosure

cc: Braxton Davis, Director, N.C. Division of Marine Fisheries



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

RECEIVED
Office of the Secretary

MAR 7 2017

IN REPLY REFER TO:
FWS/R4/WSFR

MAR - 2 2017

Department of Environment
and Natural Resources

Dr. Braxton Davis, Director
North Carolina Division of Marine Fisheries
North Carolina Department of Environmental Quality
P.O. Box 769
Morehead City, North Carolina 28557

Dear Dr. Davis:

I want to thank you for the progress that your office is working toward for successful resolution and implementation of a corrective action to an audit finding from Department of Interior Office of Inspector General (OIG) Auditors Report No. R-GR-FWS-0013-2013. The OIG audit determined that the current North Carolina assent legislation does not include language specifically applicable to the Division of Marine Fisheries, and therefore was determined to be an audit finding. It is our understanding that on October 7, 2016, the Division of Marine Fisheries submitted a Justification for Special Provision through the Secretary of Department of Environmental Quality to be submitted in the January–June 2017 legislative session. This Justification for Special Provision proposes to incorporate language into the existing Coastal Fishery License Statute 113-75.1 which is comprised of marine resources license revenues and establishes the North Carolina Marine Resources Fund.

In accordance with 50 CFR 80 entitled “Administrative Requirements, Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Acts, Part 80.10 states:

Who is eligible to receive the benefits of the Acts?

States acting through their fish and wildlife agencies are eligible for benefits of the Acts only if they pass and maintain legislation that:

- (a) Assents to the provisions of the Acts;
- (b) Ensures the conservation of fish and wildlife; and
- (c) Requires that revenue from hunting and fishing licenses be:
 - (1) Controlled only by the State fish and wildlife agency; and
 - (2) Used only for administration of the State fish and wildlife agency, which includes only the functions required to manage the agency and the fish and wildlife related resources for which the agency has authority under State law.

After a careful evaluation of the Coastal Recreational Fishing License Statute G.S. 113-175.1, we believe the statute is not in compliance with 50 CFR Part 80.10 (c) 1. State Game and Fish Agencies are required to control their license revenue, interest earned on license revenue and assets acquired with license revenue. The specific language in the Coastal Recreational Fishing License Statute G.S. 113-175.1 (b) states “*The State Treasurer shall disburse the principal of the Marine Resources Fund and*

marine resources investment income only upon the written direction of the Marine Fisheries Commission.” In (c) it further reinforces that the Marine Fisheries Commission controls disbursement of the Marine Resources license revenue with the following statements: *“The Marine Fisheries Commission may authorize the disbursement of the principal of the Marine Resources Fund and marine resources investment income only to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The Marine Fisheries Commission is encouraged to consider supporting the Oyster Sanctuary Program managed by the Division of Marine Fisheries. The Marine Fisheries Commission may not authorize the disbursement of the principal of the Marine Resources Fund and marine resources investment income to establish positions without specific authorization from the General Assembly.”* We believe this language is inconsistent with the requirement of 50 CFR 80.10 (c) (1) that requires the revenue from hunting and fishing licenses to be controlled only by the State Fish and Wildlife agency.

In summary, we believe that under the current North Carolina statutes, the Division of Marine Fisheries lacks the necessary control of the North Carolina Marine Resources Fund which is comprised of Marine Resources license revenues, and thus the State is not in compliance with 50 CFR 80.10 (c) (1) and 50 CFR 80.10 (c) (2). This lack of control of license revenues renders the State of North Carolina in non-compliance with the Acts and could result in North Carolina becoming ineligible to receive the funds and benefits of the Acts until control is restored (per 50 CFR 80.21 and 80.22).

We hope we have provided you with information and references needed to alert you of the potential consequences of the loss of control of license revenue. We look forward to working with you to resolve this issue. If you need additional clarification or information, please feel free to contact me at 404-679-4154.

Sincerely yours,



Michael L. Piccirilli
Chief – Wildlife and Sport Fish Restoration Program

cc: Michael S. Regan
Sheila C. Holman



**NORTH CAROLINA MARINE FISHERIES COMMISSION
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

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Burlington

April 13, 2017

Dear Coastal Recreational Fishing License Committee and Advisers:

Thank you for your patience as we continue to work with the Department of Environmental Quality in evaluating how best to address issues outlined in the March 2, 2017 letter from the U.S. Fish and Wildlife Service regarding compliance with the federal Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act. Based on discussions with the department, I have decided to temporarily postpone the May 10 meeting of the Coastal Recreational Fishing License Committee until these concerns can be addressed.

Again, your cooperation in this matter is greatly appreciated. I will keep you informed as more information becomes available on this issue.

Sincerely,

A handwritten signature in black ink that reads "Sammy Corbett".

Sammy Corbett, Chairman
Marine Fisheries Commission

Enclosure

cc: Braxton Davis, Director, N.C. Division of Marine Fisheries



**NORTH CAROLINA MARINE FISHERIES COMMISSION
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

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BRAD KOURY
Burlington

March 3, 2017

Mr. Dale R. Folwell, Treasurer
The Department of State Treasurer
325 North Salisbury Street
Raleigh, NC 27603-1385

Dear Mr. Folwell:

Session Law 2005-455, Senate Bill 1126 established the Coastal Recreational Fishing License (CRFL). This Legislation establishes both the Marine Resources Endowment Fund (G.S. 113-175.5) and the Marine Resources Fund (G.S. 113-175.1). The revenues from these funds can only be disbursed with the approval of the chair of the Marine Fisheries Commission.

This will serve as notification of disbursements approved by the Marine Fisheries Commission. Monies have been approved to be disbursed from the Marine Resources Fund with the following listing showing the specific project and budget approved by the Marine Fisheries Commission, with consultation of the Wildlife Resources Commission.

Project Title	FY 2017-18 Funding
Estimating Survival and Stock Structure of Cobia	\$166,612
North Carolina Multi-Species Tagging Program	\$193,967
NCDMF Carcass Collection Program	\$7,750
North Carolina Sheepshead Study	\$118,166
Beaufort Bridgenet Ichthyoplankton Sampling Program	\$53,475
Assessing Recreational Fish Use in Strategic Habitat Areas	\$176,537
Effects of Isolated Marsh Islands and Fringing Mainland Marshes in Tidal Estuaries	\$85,748
Improving Recreational Fishing Opportunities for Striped Bass in the Cape Fear Lock and Dam 1	\$259,539

Rapid, High-Resolution Mapping of Coastal Strategic Habitats	\$121,739
Submerged Aquatic Vegetation Sentinel Sites in Southeastern NC	\$82,217
Maintaining and Expand Long-Term Continuous Water Quality Monitoring	\$148,993
Evaluating Cultch Oyster Reefs as Essential Fish Habitat	\$123,051
Establish New Artificial Reef in NC State Waters Off the Coast of Dare County	\$371,000
Manns Harbor Boat Access Area	\$113,000
Beaufort Boat Access Area	\$75,000
NC Recreational Fishing Digest	\$37,600
Veterans Park Handicapped Accessible Fishing Access	\$92,200
Bicentennial Park Recreational Fishing Pier	\$98,494
TOTAL:	\$ 2,325,088

The Controller for N.C. Department of Environmental Quality will process these disbursements from the cash available in the fund. The Division of Marine Fisheries assigned coordinator for these projects is Wayne Johannessen and can be reached at (252) 808-8004 with any questions.

Sincerely,



Sammy Corbett, Chairman
Marine Fisheries Commission

cc: Rex Whaley, NCDEQ Chief Financial Officer
Tracy Little, OSBM Senior Budget Analyst
Braxton C. Davis, DMF Director
Kimberly L. VanMetre, Accounting Manager
Suzanne R. Guthrie, Administrative Services Officer



**NORTH CAROLINA MARINE FISHERIES COMMISSION
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

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BRAD KOURY
Burlington

May 1, 2017

Mr. Dale R. Folwell, Treasurer
The Department of State Treasurer
325 North Salisbury Street
Raleigh, NC 27603-1385

Dear Mr. Folwell:

Session Law 2005-455, Senate Bill 1126 established the Coastal Recreational Fishing License (CRFL). This Legislation establishes both the Marine Resources Endowment Fund (G.S. 113-175.5) and the Marine Resources Fund (G.S. 113-175.1). The revenues from these funds can only be disbursed with the approval of the chair of the Marine Fisheries Commission.

This will serve as notification of disbursements approved by the Marine Fisheries Commission. Monies have been approved to be disbursed from the Marine Resources Fund with the following listing showing the specific project and budget approved by the Marine Fisheries Commission, with consultation of the Wildlife Resources Commission.

Project Title	FY 2017-18 Funding
Coastal Recreational Fishing License Sales and Data Support	\$448,516
Fisheries Independent Assessment Program	\$651,785
Coastal Angling Program	\$755,874
Minimizing Fisheries Related Habitat Impacts	\$146,884
Marine Patrol Officers and Temporary Tele Communicator	\$384,558
Division Infrastructure Support	\$411,845
Senior Stock Assessment Scientist	\$117,740
TOTAL:	\$ 2,917,202

The Controller for N.C. Department of Environmental Quality will process these disbursements from the cash available in the fund. The Division of Marine Fisheries assigned coordinator for these projects is Wayne Johannessen and can be reached at (252) 808-8004 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Sammy Corbett". The signature is written in a cursive, flowing style.

Sammy Corbett, Chairman
Marine Fisheries Commission

cc: Rex Whaley, NCDEQ Chief Financial Officer
Tracy Little, OSBM Senior Budget Analyst
Braxton C. Davis, DMF Director
Kimberly L. VanMetre, Accounting Manager
Suzanne R. Guthrie, Administrative Services Officer



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April 4, 2017

Dear Oyster and Hard Clam Fishery Management Plan Advisory Committee:

The Marine Fisheries Commission voted to adopt the Oyster Fishery Management Plan Amendment 4 and the Hard Clam Fishery Management Plan Amendment 2 on Feb. 15, 2017 at its Wilmington business meeting. When a plan is adopted, the management strategies are implemented by proclamation, rule or both. For these plans, the management strategies implemented by rule are scheduled to be effective May 1, 2017.

You can view or download the plans on the Division of Marine Fisheries' website by going to <http://portal.ncdenr.org/web/mf/fmps-under-development>, scrolling down to Hard Clam FMP and selecting the *Hard Clam FMP Amendment 2* and Oyster FMP and selecting the *Oyster FMP Amendment 4*. If you have trouble accessing the plan online, please contact Catherine Blum at 252-808-8014 or Catherine.Blum@ncdenr.gov.

On behalf of the commission and the division, I would like to thank you for your dedication and service in developing these fishery management plans. You have spent countless hours and driven numerous miles to participate in meetings, review materials and provide invaluable advice. Now, with the adoption of the plans, your advisory committee has completed its mission and is being disbanded. And while your work on these plans are finished, there are still plenty of other fisheries issues that we could use your input on. Please stay involved by attending commission and advisory committee meetings and providing your thoughts on fisheries management.

Sincerely,

A handwritten signature in cursive script that reads "Sammy Corbett".

Sammy Corbett, Chairman
N.C. Marine Fisheries Commission

cc: Marine Fisheries Commission
Braxton Davis
Catherine Blum

April 6, 2017

Sammy Corbett
North Carolina Marine Fisheries Commission Chairman
3441 Arendell Street
Morehead City, NC 28557

Dear Chairman Corbett,

I am writing this letter in response to the Commission's recent decision to grant a petition for rulemaking which would limit shrimp trawling in North Carolina's coastal and estuarine waters. As a current Graduate Student of Environmental Conservation and Management at UNCW, resident of coastal North Carolina, and wife of a recreational and charter fisherman, I have seen firsthand the necessity for protection of fish species being endangered by shrimp trawling. While I am glad to see the beginnings of new revisions and rulemaking from the Commission, I hope to encourage your perseverance of implementing shrimp trawling reduction and prioritizing ecological balance in the industry's practices.

Shrimping is a large part of NC's coastal jobs and economy, bringing in \$16,821,126 for 2015 according to NC Division of Marine Fisheries data. Additionally, the number of commercial licenses has barely decreased in the last 15 years alongside a relatively steady trend in shrimp landings. While this represents one positive perspective for the state economy and jobs, the drastic drop in bycatch species landings cannot be ignored. Weakfish alone have gone from 1,869,042 to 80,235 pounds landed since 2000, followed by nearly a 90% loss in value.

Although weakfish, croaker and spot remain a major concern, many opponents of the new rules call upon the uncertainty of environmental factors affecting these fish populations. While there certainly are other factors such as predation and weather accountable for species decline, those are not issues managers can so easily control. The commission can effect change, however, through regulating the shrimp trawling industry which undoubtedly has negative impacts. Despite a large reduction in bycatch in recent years, a 2012 DMF study suggests the ratio of finfish to shrimp by weight is still around 3.5:1. Even if those estimates are conservatively cut back to 1.75:1, that still suggests almost 10,000,000 pounds of bycatch each year in the last 5 years, most of which are thrown back dead.

Understanding the impacts to the recreational fishery with those kind of bycatch losses is also key. A 2013 NOAA study found " the recreational sector added \$152.24 in value-added, or GDP, for one pound of fish landed, compared to the commercial sector's \$1.57 for a single pound of fish." In looking at the job market, the research also found that " the recreational sector made up

54 percent of all jobs, [which] amounts to 455,000 recreational jobs compared to 381,000 on the commercial side.” In light of those numbers, it is crucial that recreational fishermen who have felt the impact of species loss such as grey trout and croaker, are given a fair platform in the debate on shrimp trawling reduction. Not only do they have a strong economic impact for the state, but they generate a huge portion of conservation funds for wildlife throughout the state.

Overall, the decision to reduce shrimp trawling and increase regulation will be a battle. The opposition will fight for livelihoods of commercial fisherman, economic impacts and lack of scientific evidence. However, the fact that important recreational and commercial species are under critical status due in part to habitat loss and death by shrimp trawling remains prominent. While I believe all stakeholders should have a voice in the upcoming rulemaking decision, I urge you to make the most ecologically informed decision, considering the long term effects of losing declining species and the ongoing research exemplifying the negative impacts of inshore shrimp trawling on those species. Although shrimp trawlers may suffer in the transition, the shrimp will still be off our shores for them to catch, while minimizing impact on the nursery inshore waters and fostering long term sustainable fishing practices. I appreciate your attention in this matter and I plan to stay informed in the upcoming proceedings.

Sincerely,

A handwritten signature in cursive script that reads "Olivia Wilson". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Olivia Wilson
oiv2796@gmail.com
Carolina Beach, NC

Members of the Marine Fisheries Commission:

I am sending in this letter as a public comment that I would like to be read at your next meeting. It contains a formal request for your consideration. For the reasons that I am outlining below, I am asking for a **gill net ban** in our rivers, creeks, and sounds. The reasons are many, and I hope to effectively explain them in the paragraphs that follow.

To begin with, our fishery is in serious trouble. Fish stocks on several species have been reduced to alarmingly low levels. The striped bass in the Neuse River, and others, has been reduced to less than 10% of its historic population. Because their numbers are so low, they are unable to reproduce sufficiently. For several years now, those fish have been stocked in the river to try to maintain the fishery, but it is failing. While it is true that some biologists are arguing over factors such as oxygenation, current, and salinity as to why the striped bass are not reproducing very successfully, what is not under debate is that the overwhelming cause of striped bass mortality is bycatch in gill nets targeting other species like flounder, shad, and mullet. In a bill currently under consideration in the General Assembly that calls for a zero harvest, it is pointed out that it costs the state over \$600,000 to stock these fish only to allow a very few commercial fishermen to harvest them, with the value averaging \$400 per fisherman that harvests striped bass. Not only is that poor management, but it is bad economics. So, once again, this commission has a chance to enact policy that makes sense BOTH ENVIRONMENTALLY AND ECONOMICALLY. Take the necessary step and remove gill nets from our estuarine waters.

Next, our flounder population continues to decline. I know that recent flounder restrictions were passed by the MFC, but their enforcement continues to be held up by an injunction, and are awaiting a ruling in court. Meanwhile, recreational fishermen have seen their creel limit reduced to four fish, and the netters continue to pound the rivers and creeks unabashed. While on the lower Neuse River near Oriental last week, I was astonished to see the river shore completely covered by flounder nets from above Pearce Creek to the mouth of lower Broad Creek. The nets were being manned by three local families of fishermen. So, three boats had effectively roped off over two miles of shoreline. That is simply intolerable!! IF the courts rule in favor of the commercial fishermen, is the MFC prepared to enact the required restrictions on commercial harvest? Past history would suggest not, but nonetheless, flounder harvest must be further reduced. The only way to ensure that happens is to issue a proclamation removing the nets permanently.

Another reason that the gill nets must be removed from our inshore waters is the incredible amount of bycatch they generate. Those in the commercial industry will argue that the gill nets are clean and selective, however, direct observation proves it to be quite the opposite. Last summer and fall, the Neuse River was full with hundreds of thousands (maybe millions) of small red drum from a previous spawn. Every point, pocket, and creek was covered in 8 – 10” redfish. By now, those same

redfish should be 12 – 15” long. It is well established from fisheries studies that red drum of that size do not migrate out into the sounds and ocean. They stay in the creeks of that particular river until they reach maturity. As someone who is on the water often enough to make this statement with certainty, **THOSE REDFISH ARE GONE**. They have been removed from the river system, and wasted as bycatch, by gill netters targeting either trout or flounder over the winter and spring. The exact same thing can be said for the thousands and thousands of striped bass that left the Pamlico River system after a fantastic spawn and showed up en masse in the lower Neuse River at the same time as the redfish did. Like the red drum, those stripers by now would have reached a size of 12 – 15”. But they too have been taken out of the estuary by netters. Again, an unbelievable waste of a valued and endangered species in my home river as those striped bass could have helped to repopulate the Neuse River.

I live in Oriental, and I am well aware of the heritage, history and economic impact the commercial industry has had on this region and state. It is never comfortable to say that sweeping changes are needed that will affect the lives of those associated with this industry. However, fundamental change is absolutely needed. I have heard the argument from the commercial industry that there are plenty of fish and that those who argue in favor of the resource just don't know what they are talking about. I have heard the commercial industry deny and dispute the science that convincingly states that we are losing our fish stocks at an alarming rate. My rebuttal to that is simple. Those who run thousands of yards of net day after day after day will be the **LAST** ones to see a decline in the fish populations. Those who fish frequently on the leftovers will be the first to see the decline. As one of the latter, I can tell you that action is long overdue, the gill nets must be removed, and they must be removed now.

I thank you for your consideration in this sensitive matter. And, again, I implore you to take the one step that is necessary to protect our estuarine resources. Remove all gill nets from our rivers, creeks, and sounds.

Sincerely,

Stuart Creighton

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.

2017 Meeting Planning Calendar

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| <ul style="list-style-type: none"> MFC ASMFC SAFMC MAFMC State Holiday | <ul style="list-style-type: none"> Southern Regional AC Northern Regional AC Finfish AC Habitat and Water Quality AC Shellfish/Crustacean AC |
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