

**Marine Fisheries Commission Business Meeting Minutes**  
**Blockade Runner**  
**Wrightsville Beach, North Carolina**  
**Feb. 14-15, 2018**

The commission held a business meeting Feb. 14-15 at the Blockade Runner in Wrightsville Beach, North Carolina.

The briefing book, presentations and audio from this meeting can be found at <http://portal.ncdenr.org/web/mf/02-2018-briefing-book> .

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

**BUSINESS MEETING - MOTIONS AND ACTIONS**

Chairman Sammy Corbett convened the Marine Fisheries Commission business meeting at 2 p.m. on Feb. 14 and reminded commissioners of their conflict of interest and ethics requirements.

The following commission members were in attendance: Sammy Corbett-Chairman, Cameron Boltes, Pete Kornegay, Brady Koury, Chuck Laughridge, Rick Smith, and Alison Willis. Janet Rose and Mark Gorges were not present for the first hour of the meeting.

**The agenda for the meeting was approved by consensus.**

**The minutes from the November 2017 meeting were approved by consensus.**

Chairman Corbett recognized Governor Roy Cooper's new appointment to the commission, Cameron Boltes and James "Pete" Kornegay. Commissioner Boltes replaces Joe Shute in the recreational industry seat and Commissioner Kornegay replaces Mike Wicker in the scientist seat.

Commission Liaison Nancy Fish reviewed the State Board of Elections and Ethics Enforcement's evaluation of the Statement of Economic Interest for Commissioner Kornegay. The board did not find an actual conflict of interest or the potential for a conflict of interest. Fish reported that the State Board of Elections and Ethics Enforcement advised that a new evaluation was not done for Commissioner Boltes because he already serves on another state board.

**Chairman's Report**

Chairman Corbett welcomed Steve Murphey, the new director of the Division of Marine Fisheries.

Commission Liaison Nancy Fish reviewed correspondence that had been sent and received by the commission since the last business meeting.

Commissioners were reminded of their ethics training requirements and the annual requirement to submit their Statement of Economic Interest form by April 15 to the State Board of Elections and Ethics Enforcement.

The 2018 meeting schedule was also reviewed:  
Feb. 14-15, Wrightsville Beach

May 16-17, New Bern  
Aug. 15-16, Raleigh  
Nov. 14-15, Kitty Hawk

Chairman Corbett recognized Department of Environmental Quality Chief Deputy Secretary John Nicholson, who welcomed new the commissioners and Director Murphey, and thanked the outgoing commissioners. Nicholson updated the commission on the status of the fiscal analysis for the North Carolina Wildlife Federation's petition for rulemaking and Governor Cooper and Secretary Regan's request for the U.S. Department of Interior to hold hearing on the coast regarding offshore oil drilling.

### **Director's Report**

Division Director Murphey welcomed the new commissioners and shared his past work experience. He let the commission know his goal is to produce plans and management recommendations that the commission can use as the scientific foundation to build its management strategies. He also updated the commission on division activities occurring since the November 2017 business meeting, including:

- A report on the January cold stun and subsequent closure of the spotted seatrout fishery until June 15;
- A new certified state record red grouper that was caught offshore from Carolina Beach;
- Updates on the annual crab pot clean-up, the increasing number of hearings for proposed shellfish leases, and an updated list of division species leads; and
- The work the License and Statistics Section is doing to finalize 2017 landings data, prepare for the 2018 license sales season and their continued efforts to prepare the fiscal analysis for the rules contained in the N.C. Wildlife Federation's petition for rulemaking.

Murphey also discussed the fishery management plan schedule and the division workload. Staff are working at maximum capacity, he explained, and when the fishery management plan schedule is changed, or a plan is expedited, then staff 's efforts are taken away from other required work. Currently, staff are developing expedited amendments to the Estuarine Striped Bass, Blue Crab and Southern Flounder plans. The commission also voted to expedite an amendment to the Shrimp Plan to implement recommendations from the Shrimp Bycatch Reduction Industry Workgroup to reduce bycatch in shrimp trawls. These recommendations are expected later this spring. Murphey advised that the current Shrimp Plan includes provisions for the commission to adopt and implement recommendations from the industry workgroup without undertaking an expedited amendment to the plan. He asked the commission to reconsider moving forward with an amendment to the Shrimp Plan until warranted by action on the petitioned rules or other action.

Chairman Corbett recognized Representative Deb Butler (Brunswick and New Hanover counties) allowing her to address the commission.

The division then provided an overview of recent actions from the Atlantic States Marine Fisheries Commission, the South Atlantic Fishery Management Council and the Mid-Atlantic Fishery Management Council.

### **ASMFC Cobia Implementation and Recreational Mandatory Reporting**

State implementation plans for the Atlantic States Marine Fisheries Commission's Cobia Fishery

Management Plan were due Jan. 1. State implementation measure are required to meet state-specific Recreational Harvest Limits outlined in the plan.

Division biologist and cobia species lead Steve Poland advised the division submitted an implementation plan with two sets of options for management measures for the 2018-2020 fishing years. Both options propose a 36-inch size limit, a one fish per person possession limit and no seasons. Option 1, recommended by the commission, proposed vessel limits of four fish per vessel for for-hire and two fish per vessel for private vessels. Option 2 proposed three fish per vessel for for-hires and one fish per vessel for private vessels. Poland explained Option 1 exceeded the Recreational Harvest Limit, while Option 2 did not.

Poland also reported that the division had formed a workgroup to study a recreational mandatory reporting program for cobia and the group was currently investigating the legal authority needed to enforce mandatory reporting and different survey design options to identify participants and validate reported harvests.

After discussion about options to meeting the Recreational Harvest Limit, the commission approved a recreational cobia season of May 1 to Dec. 31, with a limit for private vessels of one fish per person, up to two fish per vessel from May 1 to May 31 and one fish per vessel June 1 through Dec. 31; the limit for for-hire vessels would be one fish per person up to four fish per vessel May 1 through Dec. 31. All measures include a 36-inch fork length minimum size limit. These management measures must be reviewed by the Atlantic States Marine Fisheries Commission Cobia Technical Committee and approved by the South Atlantic State/Federal Management Board.

**Motion by Chuck Laughridge to approve the following recreational cobia management measures:**

- **Private - May 1 – May 31: 2 fish/vessel; June 1 – Dec 31: 1 fish/vessel**
- **For Hire - May 1 – Dec 31: 4 fish/vessel**
- **230,513 pounds**

**Second by Cameron Boltes.**

**Motion carries 5-2.**

**Shellfish Lease Conflicts**

As requested at the commission's November 2017 meeting, the division provided the commission with potential solutions to address the growing number of shellfish lease conflicts.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_l\\_id=1169848&folderId=31653371&name=DLFE-137507.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=31653371&name=DLFE-137507.pdf)

The commission asked the division to temporarily stop issuing shellfish leases and accepting shellfish lease applications for waters from Bogue Sound south until the division can fully assess safety concerns and other regulatory needs. The commission asked for a report on this issue at its May 2018 meeting. Division Director Steve Murphey told the commission he would seek legal counsel to see if the division has authority for these actions.

**Motion by Alison Willis to temporarily stop issuing shellfish leases and accepting shellfish lease applications from Bogue Sound south until the division can fully assess the safety concerns and other regulatory needs and report back to the commission at its May 2018 meeting. Second by Brad Koury.  
Motion carries 8-1.**

### **Documenting Unsold Standard Commercial Fishing License Catch**

License and Statistics Section Chief, Stephanie McNerny, updated the commission on the updates to trip tickets to document unsold catch by Standard Commercial Fishing License holders.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_l\\_id=1169848&folderId=31653371&name=DLEF-137506.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=31653371&name=DLEF-137506.pdf)

**Motion by Chuck Laughridge to ask the Division of Marine Fisheries to study issues surrounding requiring that both the target species and bycatch species be recorded on trip tickets, including a study of similar motions from 2014 and later.**

**Motion withdrawn.**

Representative Bob Steinburg (Camden, Chowan, Currituck, Pasquotank, Perquimans and Tyrrell counties) asked that correspondence be read into the record that he opposed any changes to the Standard Commercial Fishing License being recommended by the commission. Chairman Corbett accommodated that request and asked Commission Liaison Nancy Fish to read the letter into the record.

### **Public Comment Period**

The following individuals spoke:

**Allen Faircloth**, a commercial fisherman from Surf City, opposes the committee recommendations on changes to the Standard Commercial Fishing License, saying they are discriminatory. He has purchased the license over the years and feels the commission would be taking his property. He expressed concerns that as he gets older he will not be able to fish as often and that would disqualify him.

**Jason Web**, a commercial fisherman from Oak Island, opposes the licensing recommendations and feels he is being attacked. He has been a commercial fisherman for three years and has a full-time job too, and fears he will not meet some of the proposed licensing criteria. Web said these measures will hurt business, and continued regulations and license price increases make it seem like the commission is trying to divide the fishermen.

**Gabe Guthrie**, a commercial fisherman from Beaufort, opposes the license proposals, saying it is a heritage he wants to pass on to his children. He is the first generation in his family unable to fish full-time and said there is no science or data to support the recommended changes. He said fish stocks are not better in states that have more restrictive measures than North Carolina.

**Jot Owens**, an inshore fishing guide for 25 years from Wrightsville Beach, asked the commission to make Atlantic tarpon a no-kill, catch and release-only species in North Carolina.

He said there is no commercial fishery and if anglers want a fish mount, there are many good fiberglass reproductions available and that a quick photo, measure and release is all that is needed to get a mount made. He said there is no need for them to be killed here.

**Jonathan Robinson**, Carteret County commissioner and former member of the North Carolina House of Representatives, presented a letter and resolution\* from Carteret County opposing the proposed license changes. He said much of fishing in North Carolina is concentrated in rural areas where no other industry is available and that economic stagnation is associated with growing opioid addiction.

**\*This resolution was received during the Jan. 12 – Feb. 9 written public comment period on commercial licensing proposals and was provided to the commission.**

**Myron Smith**, from Atlantic, comes from three generations of commercial fishermen and seafood dealers. She opposes the license changes and talked about the economic impact of commercial seafood sales and the employment impact, and how removing the part time fishermen will reduce these numbers. Smith also said decreasing the sales of commercial licenses will reduce the funding available for the state's Observer Program and without observers the waters will close for gill nets.

**Wallace Greene**, from Frisco, opposes the license proposals, saying it would reduce market participation, thus competition, and raise prices and would make it cost prohibitive for new entrants. He said it was not fair to part time fishermen and will have a trickle down and affect all in North Carolina communities. He said the proposal has nothing to do with conservation of fisheries.

**Ken Siegler**, a commercial fisherman from Hubert, read a letter from his granddaughter, a high school senior who opposes the license changes. She plans to get commercial license to put herself through college, but would not qualify under the proposed criteria. She asked the commission to consider the impacts of its decisions, not only today, but for years to come. Siegler said he also objects to proposed license changes. He has fished all his life, but is now semi-retired. His fishing income pays for medicine and bills and the proposed income requirements would eliminate his ability to provide for his family. He said Marine Fisheries is not the Department of Revenue, that income is private and the commission has no right to access it. He also said setting 36 trip tickets as a qualifier will skew data because fishermen will break their catch up and take it to different dealers to increase their trip tickets.

**C.R. Fredericks**, a commercial fisherman from Swansboro, opposes the license proposal, saying the General Assembly has already defined a commercial fisherman. Fishermen already follow stringent rules and if the number of licenses decreased, then the license cost will have to triple to support the Observer Program. He said what is needed is common sense and there is room for everyone on the water.

**Phil Mason**, from Carteret County, opposes the license recommendations, saying the commission has done nothing but hurt commercial fishermen and is voting to take their licenses.

**Tim Gestwicki**, Executive Director of the N.C. Wildlife Federation, said his organization opposes offshore oil drilling and they appreciated Gov. Cooper's stance on this issue. He said

they would be ratcheting up their efforts for more support for riparian buffers, sedimentation control, storm water runoff and fully funding the Clean Water Management Trust Fund. They are also challenging a recent EPA ruling under the Clean Water Act that will inhibit the protection of wetlands, Carolina bays, streams that interconnect and feed down into our coastal waters will not be adequately protected.

**Walter Davis**, from Beaufort, opposes the proposed license changes, saying this issue has been studied several times and always come back with recommendations for no change. Making 36 trips is not easy if you are a shrimper and there is no income requirement for someone to get a license to become a plumber, electrician or lawyer. He said a lot of people use a Standard Commercial Fishing License to be able to use extra gear to feed their family or to be able to pull a trawl with a winch.

**Paul Biermann**, from Atlantic, opposes any proposal to reduce licenses. He does not want to see anyone lose their license.

**Robert Simmons**, from Varnamtown, opposes any of the proposed license changes. He said you should ask people to the table and allow the issue to be discussed.

**Johnathan Ward**, from Sunset Beach, said his family has commercial fished for nearly 100 years and that he works for the state and fishes to supplement his income. Trout fishing is closed this year and that is usually when he makes his money. He will not be able to meet the proposed requirement to have 36 trip tickets because the trout fishery is closed, he said. He doesn't see why there should be an argument against part time and full time fishermen.

**Wayne Lewark**, a commercial fisherman from Knotts Island, opposes the license proposals because they would probably make him lose license. He makes his living catching jimmy crabs and duck hunting. If duck hunting is good and he does not catch crabs, he will lose his license.

**Jerry Schill**, Director of Government Relations with the N.C. Fisheries Association, said his association opposes the proposed commercial license changes. He also said the makeup of the current commission was unbalanced and discussed the makeup and balance of power of previous commissions since 1987. Schill reiterated that the current commission was unbalanced and said the members should resign immediately.

**Bill Gorham**, a lure manufacturer from Southern Shores, expressed concern the commission voted on cobia prior to the public comment period. He preferred options other than the one the commission selected. He closed by saying he could support tarpon becoming a gamefish.

**Kelsey Aiken** of Jeffrey's Seafood in Hatteras opposes commercial licensing changes being proposed, saying they would dramatically affect his family's business and devastate the coastal economy. He said the proposals were comparable to telling a contractor he cannot keep his plumbing license because he does not make 50 percent of his income from it. He predicted the license changes would eliminate about 28 fishermen that he does business with.

**Glenn Skinner**, Executive Director of the N.C. Fisheries Association, opposes any attempt to redefine commercial fishermen. His organization represents about 2,000 members, he said, but the commission represents more than that, they represent the state. Most commissioners, he felt,

were using their positions to advance their personal agendas. He said the commission was supposed to listen to the public and the division's scientific recommendations and if they are not going to do that, they should resign.

**George Leone**, a commercial fisherman and dealer from Newport, opposes the proposals to redefine a commercial fisherman.

**Justin Gilgo**, from Sea Level, is a full-time fire inspector and commercially fishes on the side to supplement his income. Last year he only had 15 trips due to weather and boat repairs. He opposes the recommended license changes because he would not qualify for a license.

**Steve House**, a Dare County Commissioner, read a resolution\* opposing any change in commercial fishing definition.

**\*This resolution was received during the Jan. 12 – Feb. 9 written public comment period on commercial licensing proposals and was provided to the commission.**

**Ryan Jordan**, who charters, and fishes recreationally and commercially, feels there is no problem with the current definition of a commercial fisherman. Many dealers supply customers from catch they buy from part time fishermen. He recently received a Standard Commercial Fishing License through the Eligibility Board, now he is afraid he will lose it if these proposals move forward. He told commissioners the problems they are trying to correct are not regulatory, but enforcement issues.

**Adam Tyler**, a commercial fisherman from Smyrna, opposes the license recommendations and said there are better ways to take care of the issue rather than just getting rid of a handful of people.

**Bill Hooper**, from Beaufort, has fished commercially for 35 years, both full-time and part-time. He said he doesn't think he would lose his license under the criteria discussed, however, he does think many other would and he is opposed to these recommended changes. Hooper explained several years ago the commercial industry asked for an increase in fees to fund state's Observer Program. He worries that eliminating commercial license holders may threaten the viability of the Observer Program and thereby shut down the flounder fishery and diminish the amount of money in the N.C. Commercial Fishing Resource Fund.

**Larry Springle Jr.** said he was against the new proposed definition for a commercial fisherman, which will impact his friends in a very bad way.

**Larry Springle Sr.**, from Beaufort NC, said he is a third-generation commercial fisherman and he doesn't support the proposed changes to license. He has one grandchild and another on the way and these proposals will affect his son and his son's family.

**Steve Weeks**, attorney from Beaufort, said he held a Standard Commercial Fishing License that may not have any trips associated it. He said his family were commercial fishermen and he worked his way through college by commercial fishing. He pointed out that the North Carolina Constitution guarantees it citizens the right to pursue trades and that is a right that can only interfered with for public protection and welfare. He said no other state issued license requires a

minimum income or percent income to hold that license. The purpose of this proposal, Weeks said, is to reduce the number of license holders.

**Lee Weeks**, from Beaufort, is a commercial fisherman who works for North Carolina Ferry Division. Due to restrictions and demands of family, he said he had to seek job that provided health insurance, but that he still needed to fish to supplement his state income.

**Sandra Gaskill**, a commercial fisherman from Harkers Island, is from a commercial fishing family. She said her family is now about the only family from Harkers Island to Cedar Island who are full-time commercial fishermen. Most fishermen work another job to make it and that the Fisheries Reform Act was supposed to protect commercial fishermen. She said commercial fishermen buy their licenses and pay their taxes and that the commission is just trying to cut down the number of commercial fishermen.

**Pam Morris**, with the Carteret County Fisheries Association, said this is at least the fourth time the commission has looked at this issue. She said there were a lot of young people at the meeting and the state needs to give them a way to enter the commercial fishing business. She went to the most recent committee meeting to define a commercial fisherman and two or the three committee members knew nothing about commercial fishing, but came in with an agenda. She said there were very few full-time commercial fishermen anymore, but they need product going across the dock, whether it is from full-time or part-time fishermen. She is opposed to the proposed license changes.

**Dave Beresoff**, commercial fisherman and former commission member, said the commission has slowly deviated from intent of the Fisheries Reform Act. He said there were huge gear reduction then, but through regulation, gears were reduced even more. He said he will not be affected by these license proposals, but he has four children that will. His daughter recently went through eligibility process to get her commercial license and she is proud of it. She has used it once or twice, but will not be eligible to keep it under the new proposals. He said if the commission is going to do something like this, it needs to be done through stakeholder meetings.

**Birdie Potter**, from Pamlico County, is against the proposed changes to the definition of a commercial fisherman and said it would impact many people.

**Jane Whitley**, from Pamlico County, holds commercial license and keeps it because it is hers. The commercial license supplements hers and her family's income. She said her children may want to be fishermen one day, but they are too young to make that decision now. Commercial fishing is an economic mainstay and the license proposals would take \$1.6 million off the top of the coastal economy.

**Tim Gillikin** has been a part-time commercial fisherman since 1974 and urged the commission not to mess with fishermen's rights and let us make a little money on the side, he said. He opposed the license proposals.

**Bart Durham** is from Wake Forest and holds a Standard Commercial Fishing License. He said he sees red flags when a board does not want to hear any public comment on an issue. He said the license proposals were another attempt by the CCA-controlled commission to eliminate



commercial fishermen. He said the proposals are unconstitutional and will surely be met with lawsuits.

**Jon Flemer**, opposes the license proposals, saying they are unconstitutional and that no state has the right to take these privileges. He is unable to depend on fishing to make a living and what he sells rarely offsets the cost of the license. He gives his catch to the widows and others in need and wants his children to be able to do the same.

**Willis Baily** works on his shad boat in the Gulf part of the year and is licensed and fishes commercially in North Carolina the rest of the year. He was born and raised in North Carolina. He would not be able to meet the license criteria in the proposals being considered and opposes them.

**Kenny Rustick**, from Gloucester, opposes the license proposals being considered. He has made his living mainly by commercial fishing, but there have been some years where he has had to do other work. He said the definition for a commercial fisherman already exists and the commission should listen to its constituents. The majority of the audience are commercial fishermen who had to shut down a small business to come and speak and fight against this issue once again.

**Zack Davis**, said he is a teacher in Carteret County, but before that he was a commercial fisherman and commercial fishing helps supplement his income. He said these changes would potentially put him, as well as 90 percent of the fishermen he knows, out of business. This is just one of many examples of honest men and women being stripped of their income. He also feels this will lead to a gill net ban. He is sure the proposals will be passed by the commission, only to be fought in the General Assembly.

**Scott Buff**, said he owns and operates 10 vessels in North Carolina and only two of those vessels will comply with the license proposals being considered. He said about 50 different people work for him and depend on him to speak - these proposals will hurt them. He said packed 1.5 million pounds of fish last year and huge percent was from part-timer fishermen.

**Ernie Foster** owns the Albatross Fleet out of Hatteras and he has worked the last 60 seasons charter fishing. He grew up and lives in a fishing community and feels compelled to support his fellow citizens. If this commission is ultimately responsible for these proposals coming a law, there will be much damage done to the communities, and the proposed license changes are not needed. He said the proposed changes will reduce the economic diversity in coastal communities and he questioned if taking a license will keep people from illegally catching fish.

**David Wilson**, from Hatteras, said he party fishes in the summer and commercial fishes at other times. Commercial fishermen are not a burden on the country and that they sustain themselves. He asked the commission how they would like taking a 25 percent reduction in their income.

**Charles Godwin**, from Wilmington, said he was all for starting shellfish leases in New Hanover County. He said there was a lot of area to raise oysters and he doesn't want to import seafood. He said we need to be able to farm for seafood in North Carolina.

**Brett Padgett**, said six years ago he and wife bought a commercial license, a boat and six crab pots and since then his business has grown. He said these proposals will impact more than the

fishermen, it will impact other businesses like net makers, etc. He opposes the proposed license changes.

**Dr. Hormoze Goudarzi**, from the Masonboro Sound area, talked about the safety of personal watercraft, saying they accounted for many marine accidents and that their use is growing. Shellfish lease gear is hard to see and poses great risk to personal watercraft as it takes 300 feet to stop one of these vessels. He does not think cages and water column leases should be in high-use areas risking fatal accidents and that this gear will be a problem in Masonboro Sound.

**Neill Musselwhite**, from New Hanover County, loves oysters and has nothing against oyster farming and would like to see increased. He said he agrees with Senator Bill Cook that North Carolina waters are prime for deep water aquaculture as outlined in S410, but questioned if legislators understood that the division would grant leases without respect to adjacent property owners.

**Sonny Davis** of the Capt Stacy Fishing Center in Morehead City, has been in business for 60 years, and has all the required licenses and renews them every year. Now his children are taking over the business and he goes out and sets a gill net. He thinks the proposals are stupid and that an adequate definition already exists for a commercial fisherman.

**Maurice Davis Jr.** opposes the license changes and said there was already a definition of commercial fishermen.

**Alex Chadwick** opposes the license recommendations and said anybody that pays the money for a commercial fishing license should be able to fish.

**Clayton Daniels** said commercial fishermen are the hardest working group of people in the nation. Anybody who is willing to work and pays for it is a commercial fisherman, he said. The license proposals would put a lot of his family out of business.

**Charles Lane**, of Southport, is a snapper-grouper captain. He purchased his own boat and then the feds restructured that permit and he lost it. He fished hard last year and only had 32 trips, so he would not make the proposed 36 trip limit. Out of six snapper grouper vessels in Southport, only one would meet the proposed threshold.

**John Horton** is opposed to the license proposals. He has been a part-time commercial fisherman since 1994 and said many people will be put out of fishing if these proposals go through.

**Mike Marhefra** is opposed to the license recommendation that set a 36-trip threshold. He said he worked hard last year and only had 26 trips and this would put him out of business.

**Dale Britt** had a Standard Commercial Fishing License at one time, now he is a charter boat captain. He said he was speaking to represent his friends and his mate, explaining that when the charter business slows in the fall, people like his mate switch to commercial fishing and these license proposals will hurt them. He told the commission this is America here tonight.

**Scott Griffin** said people were investing their hard-earned money on shellfish leases and they needed to be informed about an N.C. Attorney General opinion on riparian rights that says that docks do not give the property owner the right to the land and water beneath those docks.

**Bradley Styron**, a commercial fisherman and former commission member, said he opposes further defining a commercial fisherman and the issue has been debated for several years. These license proposals will wipe out part-time fishermen and they are average people trying to feed their families that need this income. Licenses with no trip tickets aren't taking the resource and the state is getting \$400 without having to expend anything. He encouraged the commission to do the right thing.

**Mark Smith** is the sixth generation of commercial fishermen in his family, but now he has to fish part-time. He opposes any changes to the license structure and hopes that the commission can look forward and from now on prevent anything like this from happening again.

**Craig Hamilton**, from Beaufort, said the license proposals is some kind of divide and conquer agenda by special interests. To take away someone's right to make a living is not the North Carolina way.

**Tilman Taylor**, from Carteret County, opposes the license recommendations. He said commercial fishing was not his primary income, but still it was income his family depends on.

**Phillip Goodwin, Sr.** is a full-time commercial fisherman, but he has three brothers and other friends who fish part-time. He said they do it because they need the money. He said he would like the commercial license to be left like it is.

**Randy Batts** is a commercial fisherman and charter operator. He did not think he could meet the 36-trip threshold and if implemented, these new license requirements would put him out of business.

**Elaine Davis**, from Stella, said she is an accountant. With increased regulations it is very difficult to support family through fishing only. She said taking people's license away does injustice and is not fair.

**Patrick Finn**, from Stella, said he was a full-time commercial fisherman and a fish dealer and the proposals would impact those he buys from. He also talked about people who purposely destroy someone else's gear, saying those laws need to go from misdemeanor to felony. He told the commission they should all resign.

**Kitty Adair** talked about the book *Wetland Riders* and the impact the CCA has had on commercial fishing families. She has master's degree in social work and she said she knows putting commercial fishermen out of work will destroy their families and communities.

**Cindy Garb** just got a Standard Commercial Fishing License in 2017 that she uses for spearfishing and charter fishing. She is opposed to changes in the license criteria and said it will be nearly impossible to meet the criteria.

**Joshua Thompson**, from Sneads Ferry, comes from a commercial fishing family. He has always obeyed the law and it has cost him, ultimately the ability to work fulltime as a fisherman. He told the commission they made him a part-time fisherman. He believes the fishing industry is being governed by a commission that is not fair. He refuses to let his heritage and family legacy die and he asked the commission not to make him a criminal.

The commission recessed for the evening at 8:30 p.m.

At 8:30 a.m. the following day, the commission reconvened.

### **Standard Commercial Fishing License Eligibility Requirements**

Commission Liaison Nancy Fish updated the commission on actions regarding Standard Commercial Fishing License eligibility requirements occurring since its November 2017 meeting. At that meeting, the commission voted to have the chair appoint a committee of commission members to develop a definition of a commercial fisherman and bring back an update at the commission's February 2018 meeting.

Chairman Corbett appointed himself, and Commissioners Chuck Laughridge and Mike Wicker to the Standard Commercial Fishing License Eligibility Requirement Committee, which met on Jan. 11, 2018.

The committee voted to recommend to the full commission the following proposed requirements for holding a Standard Commercial Fishing License:

1. Must have 50 percent of earned income from the Trip Ticket Program as in the Fisheries Reform Act of 1997. There is already a statutory precedent for a commercial fisherman in the Fisheries Reform Act.
2. A fisherman must have 36 trip tickets per year.
3. To address crew issues for those who do not have trip tickets, but are bona fide commercial fishermen as crew or any commercial fishing interest in North Carolina or outside the state, proof of income of \$10,000 or more per year. The proof of income should come from a commercial fishing operation, business, etc. doing business in North Carolina.

(The commission can decide if items 1, 2 and 3 are stand alone or a combination thereof.)

4. Inactive Standard Commercial Fishing Licenses that do not have any of the above with a three-year running average, would go back into a special pool and these licenses may be reissued to the original holder subject to commitment to 1, 2 and/or 3 above without going through the Eligibility Pool.
5. Create a Heritage Standard Commercial Fishing License that families may want to maintain that are inactive. The license may be maintained for \$100 per year and may be reissued one time to a family member without going through the Eligibility Pool or any of the 1, 2 and 3 requirements listed above. If the reissuance of the license is not wanted, a one-time fee of \$100 will retire that license number.

It was noted the proposals would require legislative approval and would serve as a starting point for deliberations at the commission's upcoming February meeting.

The commission held a comment period from Jan. 12 – Feb. 9, soliciting written comment on the recommended license changes. Electronic and hard copies of the comments were provided to the commission. Fish reported approximately 150 comments were received, with 136 in opposition, seven in support and seven that were indeterminate.

The commission had a brief discussion about the makeup of the committee and then, after a series of motions and amendments, voted to send a letter to the legislature recommending the following changes to Standard Commercial Fishing Licenses:

1. Develop a new commercial fishing license based on criteria to qualify current commercial license holders. Current license holders must demonstrate a minimal level of participation in the fishery as reported by landings (1,000 pounds of seafood products) or effort (15 trips) through the Division of Marine Fisheries' Trip Ticket Program during any two out of five continuous calendar years.
2. Only allow license transfers or assignments to members of the immediate family or corporation of a licensed commercial fisherman.
3. Create a Crew License for individuals to apprentice with commercial fishermen for three years, after which time they would be eligible to purchase a standard commercial fishing license. The annual fee for the Crew License would be \$100.
4. Cap the pool at 100, and establish a new pool to receive licenses that are not renewed each year. Any non-renewed licenses would be transferred into the new pool and used to fill new commercial fishing license demand for qualified applicants. Inactive licenses may be reactivated for a fee.
5. Inactive Standard Commercial Fishing Licenses that do not have requirements set forth by the legislature would go back into a special pool and these licenses may be reissued to the original holder without going through the Eligibility Pool.
6. Create a Heritage Standard Commercial Fishing License that families may want to maintain that are inactive that may be maintained for \$100 per year and may be reissued one time to a family member without going through the Eligibility Pool or any of the requirements listed above. If reissue is not wanted, a one-time fee of \$100 will retire that license number.
7. Graduation or completion of community colleges offering a commercial fishing program will be recognized as having served an apprenticeship eligible for an Eligibility Pool license.

### **Motions**

**Motion by Pete Kornegay to send a letter to the legislature recommending the below changes to fishing licenses. Second by Chuck Laughridge.**

#### **COMMERCIAL**

- 1) Develop a new commercial fishing license based on criteria to qualify current commercial license holders. Current license holders must demonstrate a minimal level of participation in the fishery as reported by landings (1,000 pounds of seafood products) or effort (15 trips) through the DMF trip ticket program during any two out of five continuous calendar years.**

- ~~2) Allow only one license per individual at an annual fee that will remain revenue neutral.~~
- ~~3) Task the MFC/DMF with developing a plan to expand opportunities including extended seasons, higher trip limits, authorization of hook and line as an allowable gear for all species, and other incentives to allow commercial fishermen greater access to commercial fisheries and provide more harvest opportunities to qualified commercial fishermen.~~
- 4) Only allow license transfers or assignments to members of the immediate family or corporation of a licensed commercial fisherman.
- 5) Create a Crew license for individuals to apprentice with commercial fishermen for 3 years after which time they would be eligible to purchase a standard commercial fishing license. The annual fee for the Crew license would be \$100.
- 6) Cap the pool at 100 and establish a new pool to receive licenses that are not renewed each year. Any non-renewed licenses would be transferred into the new pool and used to fill new commercial fishing license demand for qualified applicants. Inactive licenses may be reactivated for a fee.

Motion to amend by Chuck Laughridge to withdraw number 3 from the original motion.  
Second by Pete Kornegay.  
Motion carries unanimously.

Motion by Mark Gorges to amend original motion by striking number 2. Second by Janet Rose.  
Motion carries unanimously.

Motion by Chuck Laughridge to amend the original motion to include the below. Second by Rick Smith.  
Motion carries 5-3 with one abstention.

- 1) Inactive Standard Commercial Fishing Licenses that do not have requirements set forth by the legislature would go back into a special pool and these licenses may be reissued to the original holder subject without going through the Eligibility Pool.
- 2) Create a Heritage Standard Commercial Fishing License that families may want to maintain that are inactive that may be maintained for \$100 per year and may be reissued one time to a family member without going through the Eligibility Pool or any of the requirements listed above. If reissue is not wanted, a one-time fee of \$100 will retire that license number.
- 3) Graduation or completion of community colleges offering a commercial fishing program will be recognized as having served an apprenticeship eligible for an Eligibility Pool license.

**Motion as amended.**

**Motion by Pete Kornegay to send a letter to the legislature recommending the below changes to fishing licenses. Second by Chuck Laughridge.**

- 1) Develop a new commercial fishing license based on criteria to qualify current commercial license holders. Current license holders must demonstrate a minimal level of participation in the fishery as reported by landings (1,000 pounds of seafood products) or effort (15 trips) through the DMF trip ticket program during any two out of five continuous calendar years.**
- 2) Only allow license transfers or assignments to members of the immediate family or corporation of a licensed commercial fisherman.**
- 3) Create a Crew license for individuals to apprentice with commercial fishermen for 3 years after which time they would be eligible to purchase a standard commercial fishing license. The annual fee for the Crew license would be \$100.**
- 4) Cap the pool at 100 and establish a new pool to receive licenses that are not renewed each year. Any non-renewed licenses would be transferred into the new pool and used to fill new commercial fishing license demand for qualified applicants. Inactive licenses may be reactivated for a fee.**
- 5) Inactive Standard Commercial Fishing Licenses that do not have requirements set forth by the legislature would go back into a special pool and these licenses may be reissued to the original holder without going through the Eligibility Pool.**
- 6) Create a Heritage Standard Commercial Fishing License that families may want to maintain that are inactive that may be maintained for \$100 per year and may be reissued one time to a family member without going through the Eligibility Pool or any of the requirements listed above. If reissue is not wanted, a one-time fee of \$100 will retire that license number.**
- 7) Graduation or completion of community colleges offering a commercial fishing program will be recognized as having served an apprenticeship eligible for an Eligibility Pool license.**

**Roll Call Vote**

<b>Boltes</b>	<b>yes</b>
<b>Gorges</b>	<b>yes</b>
<b>Kornegay</b>	<b>yes</b>
<b>Koury</b>	<b>no</b>
<b>Laughridge</b>	<b>yes</b>
<b>Rose</b>	<b>no</b>
<b>Smith</b>	<b>yes</b>
<b>Willis</b>	<b>no</b>
<b>Corbett</b>	<b>no</b>

**Motion carries 5-4.**

### **Striped Mullet Data Analysis and Recommendations**

Division biologists Dan Zapf and Tracey Bauer reviewed results of additional analysis of commercial striped mullet landings, specifically from trips that targeted striped mullet. They also reported on standardized fishery independent indices to account for the impact of environmental factors on this fishery. The data time series through 2017 was also reviewed for the commercial landings and fishery independent data to better assess trends in the striped mullet fishery and stock abundance.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_l\\_id=1169848&folderId=31653371&name=DLFE-137509.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=31653371&name=DLFE-137509.pdf)

### **Southeast Regional Southern Flounder Stock Assessment**

Laura Lee, the division's senior stock assessment scientist, and Mike Loffler, the lead southern flounder biologist, presented the commission with the findings from the Southeast Regional Southern Flounder Stock Assessment. Since 2016, the division and state fisheries biologists from South Carolina, Georgia and Florida, along with university scientists, have been working to develop a coast-wide stock assessment. The findings of the peer-reviewed assessment are that the probability that the 2015 stock of southern flounder is overfished is 100 percent and the probability that the 2015 stock is experiencing overfishing is 53 percent. However, before the stock assessment is complete, the division must update the approved ASAP pooled-sex model using data through 2017. The division also plans to update MRIP estimates if they are available in July, as suggested by the peer reviewers. The division will move forward to finalize these updates to the stock assessment, while continuing to work with the advisory committee on the development of Amendment 1 to the Southern Flounder Fishery Management Plan.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_l\\_id=1169848&folderId=31653371&name=DLFE-137508.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=31653371&name=DLFE-137508.pdf) .

Dr. Fred Scharf addressed the commission at the request of Chairman Corbett. Scharf is the chairman of the Southern Flounder Fishery Management Plan Advisory Committee and he also served on the 2017 Southern Flounder Stock Assessment Working Group. Scharf said he strongly agrees with the peer reviewers about the need to include 2016-2017 data in the stock assessment and he urged the commission to give the division and the advisory committee time to complete the fishery management plan process and its associated management recommendations.

There was discussion by the commission of implementing interim management measures as a step to ending overfishing.

Director Murphey advised that the division has great concern for the southern flounder stock, but does not have the intent to do interim management measures. He said the fishery management process, as outlined in the Fisheries Reform Act, needed to be allowed to proceed. The division will work to finalize the stock assessment, incorporating the updated 2016-2017 data and the MRIP data this summer. In addition, the staff will be following a rigorous timeline with the advisory committee developing the fishery management plan, which is scheduled to be presented to the commission in early 2019.



**Motion by Chuck Laughridge to suggest that the NCDMF director use his proclamation authority to address overfishing of southern flounder. Seconded by Pete Kornegay.  
Motion withdrawn.**

### **Rulemaking**

For the periodic Review and Expiration of Existing Rules process, the commission took the following action:

**Motion by Rick Smith to approve schedule for re-adoption of 15A NCAC 03 rules to be completed by June 30, 2022. Second by Brad Koury.  
Motion carries unanimously.**

**Motion by Alison Willis to approve draft report on 15A NCAC 18A .0100, .0300 - .0900 and .3400 rules to proceed to public notice, per G.S. 150B21.3A. Second by Cameron Boltes.  
Motion carries unanimously.**

### **Land and Sell**

The commission requested the division research license requirements to determine if vessels with a homeport in North Carolina that take fish outside the territorial waters of the state can land or sell catch in the state through the purchase of a Land or Sell License.

**Motion by Chuck Laughridge to have the MFC send a request to the NCGA, Senate president pro-tem, House speaker and N.C. Governor to request allowing fishermen who hold federal permits to be able to use the same land and sell permit as non-NC boats use to land in North Carolina.  
Motion withdrawn.**

### **Coastal Recreational Fishing License**

The commission requested the division provide an update on the fund disbursements from the Coastal Recreational Fishing License at its next meeting.

### **Triploid Oysters**

The commission requested the division provide a presentation on triploid oysters at its next meeting.

### **Tarpon**

The commission voted to have the division begin the process of drafting rules to make tarpon a no spear, no gaff and no possession fish.

**Motion by Cameron Boltes that the division draft rules to make tarpon a no spear, no gaff and no possession fish. Second by Chuck Laughridge.  
Motion carries 6-0 with 2 abstentions.**

### **Letter to Governor Cooper**

The commission voted to send a letter to Governor Roy Cooper asking him to examine the current membership of the Marine Fisheries Commission and, if need be, make changes to ensure the commission functions as intended.

**Motion by Janet Rose that the commission send a request to Governor Cooper asking that he examine the current membership of this commission and, if need be, make changes to ensure this commission functions as intended. Second by Cameron Boltes.**

**Roll call**

<b>Boltes</b>	<b>yes</b>
<b>Gorges</b>	<b>yes</b>
<b>Kornegay</b>	<b>no</b>
<b>Koury</b>	<b>no</b>
<b>Laughridge</b>	<b>no</b>
<b>Rose</b>	<b>yes</b>
<b>Smith</b>	<b>no</b>
<b>Willis</b>	<b>yes</b>
<b>Corbett</b>	<b>yes</b>

**Motion carries 5-4**

**The meeting adjourned.**

DRAFT