



# PRELIMINARY MATTERS

2022 May MFC Meeting Agenda

2022 February MFC Meeting Minutes

2022 March MFC Special Meeting  
Minutes

# Marine Fisheries Commission Business Meeting AGENDA

Beaufort Hotel, Beaufort, NC  
May 25-26, 2022

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

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

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

## Wednesday, May 25<sup>th</sup>

6:00 p.m. Public Comment Period

## Thursday, May 26<sup>th</sup>

9:00 a.m. Preliminary Matters

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

9:10 a.m. Public Comment Period

9:40 a.m. Chairman's Report

- Letters and Online Comments
- Ethics Training and Statement of Economic Interest Reminder
- 2022 Meeting Schedule
- Commission Committee Assignments
- Committee Reports
  - Northern Regional & Southern Regional Advisory Committees
  - Finfish Standing Advisory Committee

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

*\*\*Probable Action Items*

## Thursday, May 26<sup>th</sup> continued

- Joint Meeting of the MFC Commercial Resources Fund Committee and the Funding Committee for the N. C. Commercial Fishing Resource Fund

10:00 a.m. Director's Report

### *Reports and updates on recent Division of Marine Fisheries activities*

- Division of Marine Fisheries Quarterly Update - Kathy Rawls, Director
- Federal Economic Assistance Programs Update – Dee Lupton
- Atlantic States Marine Fisheries Commission & Mid-Atlantic Fishery Management Council Update – Chris Batsavage
- South Atlantic Fishery Management Council Update – Trish Murphey
- Marine Patrol Update – Col. Carter Witten
- Shellfish Lease Program Update – Jacob Boyd
- Flounder Symposium Update – Mike Loeffler
- Blue Catfish Update – Janelle Johnson
- CHPP Implementation – Jacob Boyd
- Informational Materials:
  - MFC Workplan
  - Protected Resources Update and Reports
  - Landings Updates

11:20 p.m. Stock Assessments 101 – CJ Schlick

11:40 p.m. Fishery Management Plans

- Status of ongoing plans – Corrin Flora
  - **Vote on final approval of the N.C. FMP for Interjurisdictional Fisheries\*\***
- Striped Mullet Stock Assessment Report – Laura Lee, Dan Zapf, Morgan Paris, Jeff Dobbs

**12:30 p.m. Lunch**

1:30 p.m. Fishery Management Plans Continued...

- Amendment 2 to the Estuarine Striped Bass FMP Update – Charlton Godwin, Todd Mathes, Nathaniel Hancock, Joe Facendola
  - **Vote to select preferred management options\*\***
- Amendment 3 to the Southern Flounder FMP – Mike Loeffler, Anne Markwith
  - **Vote on final approval of Amendment 3\*\***

3:30 p.m. **Rule Suspensions – Steve Poland\*\***

3:50 p.m. Rulemaking Update – Catherine Blum

- 2020-2021 Rulemaking Cycle

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

*\*\*Probable Action Items*

**Thursday, May 26<sup>th</sup> continued**

- 2021-2022 Rulemaking Cycle
    - “Package A”
    - “Package B”
      - Review outcome of RRC review.
      - **Possible vote on revision of 15A NCAC 03O .0114 and .0209\*\***
    - “Package C”
  - 2022-2023 Rulemaking Cycle Preview
- 4:00 p.m. Joint Rulemaking Update – Shawn Maier
- **Vote on concurrence with 11 Wildlife Resources Commission joint rules (15A NCAC 10C .0100 rules)\*\***
- 4:10 p.m. Issues from Commissioners
- 4:50 p.m. Meeting Assignments and Preview of Agenda Items for Next Meeting – Lara Klibansky
- 5:00 p.m. Adjourn**

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

*\*\*Probable Action Items*

**Marine Fisheries Commission Business Meeting Minutes**  
**DoubleTree Hotel**  
**New Bern, North Carolina**  
**Feb. 23-25, 2022**

The commission held a business meeting Feb. 23-25 at the DoubleTree Hotel in New Bern, North Carolina. In addition to the public comment session, members of the public submitted public comment online or via U.S. mail. To view the public comment, go to:

<https://deq.nc.gov/media/27622/open>

The briefing materials, presentations, and full audio from this meeting are available at:  
<https://deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/marine-fisheries-commission-meetings#quarterly-business-meeting---february-23---25-2022>

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

**BUSINESS MEETING - MOTIONS AND ACTIONS**

On February 23, a public comment session was held beginning at 6 p.m. Chairman Rob Bizzell called the meeting to order. The following individuals spoke:

**Kelly Bordeaux**, an engineer from Beaufort, said data and science is key to managing our fisheries regardless of allocation. He said compared to 40 years ago it is obvious the fisheries are struggling. He said he is the father of three young kids and they will be the ones that will have concerns about who caught the last speckled trout or red drum. He urged the MFC to use good data and generate good data to manage the fisheries. For the Southern Flounder FMP Amendment 3, he supports taking the nets out of the water because gill nets are indiscriminate killers. He said he watches the gill netters behind his dock that kill the terrapins, crabs, and red drum while fishing for flounder. He said he watches this and thinks of his kids and how things are going to turn out. He said to go with the pound nets instead of the gill nets. There is a bipartisan part of things for him, as he has done shrimp trawling. He sees trawling in inside waters as a bad thing because it catches everything. The juveniles die and bycatch is hurting the fisheries as a whole. For the Estuarine Striped Bass FMP Amendment 2, we are working hard to get the fishery back to where it was 20 or 30 years ago. The nets upriver to catch shad are not a good thing; it will hurt the recovery of striped bass. The gill net issue is tough, because I know they are trying to make a living with shad, but he urged the MFC not to go back to setting nets up the river.

**Harvey Pye** said he is part of the Fairfield Harbour fishing club with over 100 members that came here from all over the country for the quality of life that we all love. He said he has been a resident for 15 years in eastern North Carolina and he values all of our coastal resources. He said with careful consideration, all of us can benefit. The MFC has a duty to preserve the resource. He said he does not earn a living on these resources, but others in this community do and he respects that. He said he buys their fish when he can't catch his own and when he fishes he releases what he can and keeps only what he knows he can because he wants the fisheries to succeed. He said

he hopes the MFC makes the right decision to preserve this resource for all of us. He has seven grandchildren and he does not want them to go without this resource. He urged the MFC to protect the legacy of fishing. He said he is sure the MFC does not want to be known as the creators of extinction who failed by knowingly not doing enough to protect the fisheries and the waterways when the MFC had this chance. The MFC's decision should benefit the resource first, not commercial or recreational fishers. Otherwise, he said the MFC is dividing everyone. He said he would rather be strong and united, not weak and divided as a community. So, he said it is a very difficult challenge the MFC has to balance the decision and find a way that delivers the best practices for this fishery for all of the citizens of North Carolina. He ended by borrowing a comment from history: if we don't equally share this decision there is no equality in the outcome. He urged the MFC to not fail the resource.

**Art Thingulstad**, of Fairfield Harbour, said he does not like the idea of the nets going back in the water upstream in the Estuarine Striped Bass FMP Amendment 2. He said there is already a weakened population and it does not make sense from a scientific point of view.

**Bill Mandulak** said he has been worrying about shad and flounder for 15 years. He said it is sad that it has come to this point with such painful choices. He does not understand why the MFC continues to allow gill nets when the quota will be so low that pound netters and giggers will be able to get that quota with no problem. He said then there is no need for the ITP because the giggers, to his knowledge, have not caught any sea turtles. Next, he asked the MFC to reconsider opening the ocean for summer and Gulf flounder for recreational fishing. He said he knows there is a very small window available, but there is no problem with either one of those species and recreational fishermen can figure out which one is which. He said fishermen sort out groupers and snappers, and king and Spanish mackerels and they can tell the difference. So, let them fish in the ocean for summer and Gulf flounder. Finally, on the Estuarine Striped Bass FMP Amendment 2, he said he lives in Raleigh and is hoping to get some stripers up the Neuse River. He said some American shad come up there, but to open the fishery when both American shad and stripers are stressed in the Tar, Pamlico, and Neuse rivers is unconscionable. He said he looked at this situation 15 years ago and thought in five years we would have it figured out because an FMP was developed. But he asked how many amendments and supplements there have been and yet here we are. He said he hopes people will not blame this commission in five years and then we will be back in the same boat.

**Hugh Barwick** objects to the large mesh gill nets in the Tar, Pamlico, and Neuse rivers for the commercial shad season. He said the shad population along the Atlantic coast has been in decline for many years. The protection and restoration of shad has been a goal of several resource agencies for quite a while, so it is counterintuitive to expand the commercial harvest of shad in previously closed areas. He said when he was a boy growing up in eastern North Carolina, shad fishing was popular. People would farm during the day and fish at night with bow nets and sometimes gill nets in inland waters and the shad were plentiful in the 1950s and 1960s. Now, bow and gill nets are illegal in inland waters and you can only harvest shad with hook and line with a one-fish creel limit per day. With this status, he asked why the MFC would allow the commercial harvest of shad. He said the shad population is obviously not restored. By allowing large mesh gill nets in areas that are currently protected for striped bass under the disguise of fishing for shad is simply management insanity. Striped bass will be caught in those nets, along

with other species like spotted seatrout and red drum. He said if the MFC is concerned about striped bass and other species, then the recommendation to allow nets above the ferry line in the rivers should be vetoed. The MFC seems to be only concerned with the commercial sector making a few extra dollars by catching a few more shad and the associated bycatch. He said the MFC will have to live with a legacy of allowing once flourishing fisheries to wallow in the mud of mismanagement. He said the MFC is already in the mud, but hopefully the MFC will see the folly of past decisions that failed to enhance fish populations and have made North Carolina somewhat the laughing stock on the east and Gulf coasts. Please consider the impacts on target and non-target species on your decision on large mesh gill nets in the Tar, Pamlico, and Neuse rivers. For once vote to preserve and enhance the fisheries of North Carolina.

**Thomas Coltrain** said he wished he was there to say the job of managing fish stocks has been a job well done. He said this does not mean that some of the commissioners have not put in their heart and soul to save fishing in North Carolina. He said fishermen have gone from no limits to now only four spotted seatrout, one gray trout, and one red drum. He said river herring, striped bass, flounder, gray trout, and American shad have been fished almost to the point of no return. He asked the MFC to look at what other states have done with their fish stocks and asked why the MFC does not believe what its own biologists tell them. He said there is so much pressure on spotted seatrout with gill nets and recreational bounty hunters that try to catch the largest female trout in a contest, all of which will soon lead to them being depleted. He asked the MFC to remember when declines in commercial catch were attributed to water quality problems. Hog waste lagoons was made to blame about the same time a bill was introduced to make red drum, striped bass, and spotted seatrout a gamefish. He said a representative from a county that has the most hog waste lagoons sent the bill to committee for it to die. Nothing else was ever said about hog waste lagoons and water quality. During the spotted seatrout cold stun that led to a closure for recreational fishing, he asked the MFC to remember that the commercial sector was allowed to continue to use their nets. An ITP would not be needed if gill nets were removed. He commended marine patrol and wildlife officers on a job well done. He said he has been checked more in the last six months than in the last six years and every one of them was a nice encounter. He said moving gill nets down river was a step in the right direction; taking them out of the rivers would be a giant step in saving fishing. He said his grandson released a citation trout; that may never be seen by his own children one day. He said gill nets and inshore shrimp trawling will stop one day. In closing he quoted Admiral Yamamoto after Pearl Harbor: "I fear all we have done is to awaken a sleeping giant and fill him with a terrible [resolve]."

**Jerry Schill**, NCFA director of government affairs, spoke about the southern flounder reallocation of 70/30 versus 50/50. He said at the March 2021 MFC special meeting, Chairman Bizzell mentioned he never received so many comments as he did for the reallocation issue. Mr. Schill said that may be because Chairman Bizzell was not on the MFC at the February 2018 MFC meeting in Wrightsville Beach at the Blockade Runner Hotel when a public comment session was held about changing the criteria to obtain a SCFL, where it was standing room only; 99.9% of people that were there opposed the change. He said the next day, the MFC went forward anyway despite all of the comments. He said you could add in several proposed rules over the years to make the point even stronger. Another point that was lost at the March 2021 MFC special meeting was when the commercial sector loses any of its quota, it negatively affects the majority of the owners of the public trust resources, which ultimately are the consumers. It is

not just about how commercial fishermen are affected, but all owners of the resource, most of whom do not fish recreationally or commercially. He said this is not about a popularity contest; if it was we would be ruled by the tyranny of the majority and that is the very reason why deliberative bodies were set up by the founding fathers to objectively look at the issues. Otherwise, he asked why diverse backgrounds would be needed on this commission. Lastly, he said he found it interesting that the motion to reconsider last March was made by a member of the minority vote, despite Roberts Rules of Order (which the MFC has adopted) saying a specific motion to reconsider should come from the prevailing members. Thank you.

**Donald Willis**, owner of New Bern Custom Marine Fabrication that has been in business since the 1980s, said closing striped bass in the upper river cost him a lot of money in striped bass fishing gear he used to sell. But he said he would gladly take those losses to make it a spawning river, not a put and take river. He may not be in business by then, but he would gladly take losses to get there because he wants to see the fishery be better. He said guides lost money and recreational anglers lost the ability to keep fish. Everyone sacrificed to bring the fishery back. Then for the MFC to say they are going to open the fishery on distressed fish and bring the nets up river is a slap in the face to all of us, a real travesty. You are talking about bringing the nets 200 yards off shore; okay, then you are affecting the artificial reefs, the bridge, under the bridge, under the trestle; all of these places have striped bass. If shad are there, so are striped bass and other gamefish. He said it is a bad idea. Besides that, we are the only state allowing large mesh gill nets. He asked the MFC why they want a dirty fishery and why we are the only state with an ITP for sea turtles and one of only two states with an ITP for sturgeon. He asked why we are doing these things and said it makes no sense. He said we are spending taxpayer money on an ITP we do not need; the flounder quota can be filled without it. He asked the MFC to think about this and make the right decision. He said we are not cutting the commercial sector one bit; they can still catch their quota, just do away with the dirty gill net fishery.

**Greg Judy**, of Washington, N.C., spoke about the management options to phase out gill nets for southern flounder harvest. He said it is just another attempt by the CCA and the NCWF to cripple the commercial industry with the goal to eliminate the commercial industry. He said gill nets are a legitimate and effective tool in the southern flounder harvest that can be easily regulated, by yards, mesh size, number of meshes, soak time, and areas allowed. He said the number of commercial fishermen using large mesh gill nets is shrinking, reducing total yards fished even more. Groups that back the elimination of large mesh gill nets state that the ITP has been a failure and observer coverage falls short of the required percentage. If this is true, then the DMF needs to meet with industry about a strategy to get the data that is needed. Whatever the on-the-water coverage of the commercial sector is, it is overwhelmingly better than the on-the-water coverage of recreational sector. He said the DMF should apply for an ITP for the recreational fisheries, but amnesia or conspiracy hide the truth. He asked why guides are exempt from observers and pointed to the impact of one million recreational hooks and asked the MFC to consider if those do harm. He said if MRIP data is insufficient, then DMF should go to onboard observers. Large mesh gill nets are a legitimate tool for the harvest of southern flounder. He said they are easily regulated and supplement the income of commercial fishermen. In 2021, he said the commercial sector went over 15-20% of the commercial southern flounder quota and the recreational sector went over 300% of the recreational quota. He said this is unfortunate, but he does not believe in paybacks of overages. He said to set the quota and move on.



**Ashley King**, a fishing captain from New Bern, has seen losses to his income like other speakers have said as a result of closing the nets in the rivers in the striped bass fishery. He said many of his clients like to take fish home for fish stew, but that has not been happening because the DMF data said striped bass and river herring are in decline. So, by allowing nets above the ferry line the MFC is allowing catch of two species the DMF says are in decline. He said despite the closure, he is still seeing evidence of nets in the creeks, like the inland waters of Slocum Creek and Hancock Creek. He said he reports that activity when he sees it. Next, he said he does not have a dog in the fight when it comes to southern flounder. He said if he can keep them he does and he would love for everyone to be able to keep them. He said he feels the commissioners' minds are made up regarding the nets above the ferry line, but reiterated it does not make sense to allow the nets for the harvest of two species the DMF data says is in decline.

**Reese Stecher**, a full-time charter captain fishing for striped bass in the Albemarle Sound since 1997, said he respects the MFC and DMF scientists for striped bass, but he does not believe the striped bass population is on the verge of collapsing. He said he is seeing something totally different on the water than what fishermen are being told. There has been good fishing over the last several years. He said if there is a problem with the striped bass population in the internal waters, the solution is a no-brainer: eliminate the season on a spawning stock on the spawning grounds. He said Roanoke [River] Management Area (RRMA) is the only place in the U.S. that allows this. If the MFC does not eliminate that, then at least base the quota allocation on the area being fished for striped bass. He said the MFC needs to consider reallocation for the recreational quota and supports adding that shift for more recreational allocation to the draft fishery management plan as an option. He said it is not about coming after commercial quota, it is about giving the recreational sector a fair shake. He said the Albemarle Sound Management Area (ASMA) has 667,674 acres of water with a six-month season that is not during or on the spawning grounds. He said the RRMA is 6,420 acres with a one to three-week season that is during and on the spawning grounds. The ASMA is 104 times larger than the RRMA. The ASMA quota was cut last year by 81.376%. The ASMA came in 4,546 pounds under the quota in 2021. The RRMA went 14,742 pounds over the quota. There have been 182,481 dead discards from the RRMA vs. 53,880 dead discards in the ASMA since 1997. He said the RRMA dead-discarded 128,601 more fish than the ASMA while fishing an area that is 104 times smaller and while fishing 88.34 less days. In 2018 and 2019, he said the RRMA had more dead discards than the ASMA had in all of 2021, poundage landings. He said this means every time 100 fish are caught in the RRMA there are six to 10 dead discards, depending on water temperature. He asked if the MFC is worried about the resource or the economy of Roanoke Rapids. He said if it is the economy, then the economy of the counties in the ASMA need to be considered too.

**Ethan Bilderback**, a fishing guide, supports conservation and prevention of wasteful use of a resource. He said allowing gill nets back in the water comes with lot of bycatch. As a guide, he has been able to share a boat ramp with someone with 25 years of saltwater experience in eastern North Carolina. He said to hear his stories of what this fishery used to be versus what it is now shows a drastic change that is hard to comprehend. So, the fact that there is still arguing about the nets being allowed in the water or not shows we should be trying to get back to how it was instead and at least make efforts to get back to that status. All up and down the east coast and across the globe, conservation is a big conversation to have right now. There have been lots of

efforts for moving in a positive direction on water quality and the fish in the water. Other speakers covered many of my points, but it comes down to what we are going to leave for the next generation. If we keep nets in the water, he said there won't be any fish for his kids and grandkids. He said pulling all of these fish out of the waters is damaging the waters and it is hurting the fishing guides. People come to fish here from all over the country. If there is no fishery resource, they will not come and then it is tough to say the right thing is being done.

**Stuart Creighton** said he has numerous concerns with the Estuarine Striped Bass and Southern Flounder FMP amendments. He said the DMF recommendation is to allow gill nets above the ferry lines in the Central Southern Management Area (CSMA) for shad fishing only, which is a bad idea. Interactions with endangered sturgeon and river herring will increase as a result. The shad fishery is a low-value, part-time, niche fishery with only a few participants statewide. The latest DMF figures indicate an average of only about 50 cents per pound for American and hickory shad. Having a healthy, self-sustaining striped bass population throughout the CSMA is more valuable. The 2020 ASMFC shad stock assessment showed it is overfished coast-wide. He asked why the MFC would reopen the gill net fishery on such a stock. DMF studies have observation levels that are too low to guarantee minimal striped bass interactions with the current tie-down and distance from shore restrictions. He cited statistics from the draft Estuarine Striped Bass FMP Amendment 2 for 169 observations over nine years on the Neuse, Tar, Pamlico, and Bay rivers, which is an average of 19 per year on all rivers or six per year assuming equal observation rate frequency. In the Rachels and Ricks study, gill net removals were the main reason striped bass in the CSMA were experiencing cryptic mortality prior to the no-harvest restrictions. He said the study cannot be summarily dismissed and it is a Pandora's box for the DMF to reopen the nets upriver because commercial fishermen will certainly ask why it is only opened up for shad and not also flounder, mullet, or trout. He asked if this means the striped bass interactions in all of these other net-based fisheries are too high. In Appendix 2 on page 5 of the draft Estuarine Striped Bass FMP Amendment 2 regarding a potential harvest closure in the ASMA, it states "discard mortality in the anchored set gill net fishery for American shad would be substantial if that fishery was to continue to operate with a striped bass harvest moratorium in the ASMA." He asked why that would be different than in the CSMA. Five years of little or no recruitment on the ASMA has been very concerning. High flow harmed the stock for many of those years, but in 2021 there were perfect flow conditions yet there was still no recruitment. He said it is unclear if there were too few large fish, if blue catfish were preying on young striped bass, if there were more interactions with gill nets than were acknowledged, or if there was a higher discard mortality rate due to the warm weather, but it was probably all of the above. He urged the MFC to take action.

**Tim Hergenrader** said the MFC is meeting again about striped bass and flounder issues. He said the DMF and MFC have anguished for years over phasing out large mesh gill nets because it would impact the largest commercial flounder user group. He said DMF is once again genuflecting to the commercial fishing industry and ignoring the cleaner pound nets and gigging in favor of the dirtier gill nets. He said in 2017, the terminal year of the latest southern flounder stock assessment, 714 net fishermen landed about 186,000 pounds of flounder worth about \$681,000. He said after years of mismanagement, those landings will decline precipitously. He said the chickens will come home to roost: the recreational fishery contributes \$240 million to the State's economy from flounder alone. He said with anticipated paybacks in the southern

flounder recreational sector, that \$240 million recreational fishery could effectively close, so here come those chickens. He said at the same time the DMF is proposing to allow large mesh gill nets in the Neuse, Pamlico, and Tar rivers, which have been closed due to a net moratorium passed by the MFC as part of a striped bass recovery plan. He said this action infuriated the commercial industry; more genuflecting. He questioned why the DMF is proposing this and said if it was for harvesting shad, in 2020 statewide shad landings totaled 203,466 pounds worth \$101,821, about 50 cents per pound. He said American shad are depleted and don't need additional pressure. He said legally, there won't be any additional money from striped bass either because they have been the suspected target in the past and they are worth a lot more than shad. He said the striped bass will become regulatory discards because a handful of netters want to harvest 50-cent-per-pound shad. He said if you ran a business like this, it would go bankrupt; the MFC is squandering free State money.

**Ed Wall** shared a memory he was told 23 ago from when he produced the "outdoor" page for an area newspaper. As part of that, he interviewed a WRC biologist and at that time, gill nets were in the rivers and had been for a long time. He said DMF was stocking the Neuse River with hatchery-reared striped bass, about 100,000 per year. The biologist talked about the impact of nets and studies that had been done that showed about 80% of those stocked striped bass ended up in gill nets. Mr. Wall said he thought about that conversation a couple of days ago when he saw a DMF quote about allowing gill nets upstream to the inland fishing waters boundary "might have a possible impact" on striped bass, yet these scientists found it was 80%. That's not "a possible impact". He said allowing the nets upstream is, at best, an asinine idea.

**Rocky Carter**, of Onslow County and representing the CCANC, said he has concerns about the Central Southern Management Area (CSMA), mainly the Pamlico sound and the Neuse River, including its drainages like the Bay and Trent rivers. He said he fishes those areas a lot and said without a doubt, fishing improved a lot since the gill net closure above the ferry line; there are more and larger striped bass, trout, and drum. He said he can't figure out why the MFC is allowing this again because striped bass is in trouble. No one knows all the reasons why, but he said taking the large breeding fish out of the population is one of the biggest causes. He urged the MFC not to allow the nets upstream again and said no other state in the South Atlantic allows gill nets. If the whole reason is to harvest American shad, they are already overfished. On another note, he said he has followed the MFC decisions for the last nine years and has never seen true conservation regulations adopted, even though science supported the protection of specific species. Scientific studies and evidence are denied and the blame is put on declining fish stocks, water quality, fish migrating to another state, bad data, impacts from development, recreational overfishing and dead discards, and sediment washing downstream, although he has heard the supposed positive impacts to water quality from trawling similar to plowing a field. He said he has never heard the commercial sector admit negative impacts from gill nets and trawls and hopes someday to see meaningful MFC votes; typically, the outcome is already known because the fox is guarding the hen house.

**David Sneed**, Executive Director of the CCANC, spoke about MFC decisions on the fishery management plans on the MFC agenda that will affect having a healthy fish resource and recreational fishing. He urged the MFC to phase out gill nets before renewal of an ITP. He said at a meeting with stakeholders and the DEQ Secretary, and at the last MFC meeting he has asked

where the support comes from for ITPs and he is still awaiting an answer. He asked where the MFC stands on that renewal and hopes the MFC gives serious consideration to phase out gill nets and end the need for an ITP. He said through no fault of their own, recreational fishermen will likely be shut out of the southern flounder fishery if the FMP moves forward. He said the MRIP survey program is not designed to manage a quota fishery, but the overages and paybacks will likely lead to closing the \$240 million recreational flounder fishery in coming years. He said N.C. recreational anglers are not at fault for the sweeping reductions the MFC needs to enact to rebuild this fishery. Repeated overharvest and efforts to avoid necessary regulations in the past by the MFC have put us in this position. He said in 2015, efforts were stopped by a lawsuit. Regarding the question about how consumers will have access to fresh local flounder, he said that summer flounder is the access for consumers as shown by the majority of flounder landings. He said in the last five years before the ferry lines closures, American shad harvest averaged \$36 per trip and \$243 per participant in the Neuse River; American shad harvest averaged \$20 per trip and \$116 per participant in the Pamlico and Pungo rivers; and hickory shad harvest averaged \$22 per trip and \$138 per participant in the Neuse River. (out of time)

**Kevin Wood** spoke about large mesh gill nets being allowed in the Neuse River past the ferry line for shad fishing. He said based on data last year, the shad fishing industry in the Albemarle Sound had 157 commercial fishermen that harvested about \$80,000 of shad during the season, which is about \$510 per fisherman for the season. With recent changes to bag limits and imposing seasons for some of the other species, it is easy to conclude the goal is to build up the population so they can reach a reproductive age. He said these new requirements will help produce the desired outcome and sustainable fishery for both commercial and recreational fishermen to enjoy for decades to come. With this in mind, understand that allowing the nets past the ferry line will have detrimental effects to this world class fishery that we all want to preserve for our future generations. He asked the MFC if the risk is worth the reward because it is the opposite of what the DMF is trying to accomplish with striped bass regulations, southern flounder season, and red drum slot limits. He said he could rattle off numbers from different studies, but gill nets do not discriminate, which is a key factor. He said he is not against commercial fishermen or recreational anglers. He asked two questions. First, he asked if the MFC is willing to risk a world class fishery to allow gill nets to target an unprofitable fish. Second, he asked what species the MFC would allow to be targeted next.

**Bobby Rice**, of Carteret County, said the draft Southern Flounder FMP Amendment 3 is unfair to people like him and his kids. He said he has recreationally fished here since 1968. He said he could always catch flounder even if there was nothing else biting. He said he would catch a few to take home, but it is not that way anymore because the recreational flounder fishery is getting squeezed out. He said there is a \$240 million recreational fishery versus a \$4 million commercial fishery, with about 800 people that gill net for flounder. He said a couple million recreational fishermen enjoy flounder, yet are getting shut out; he asked if the recreational anglers are at fault. He said the short spring ocean season is a bone being tossed to anglers, but many can't get out then because the weather is too rough. He said they should be able to fish between June and September with a four-fish bag limit for summer and Gulf flounder, which is within the ASMFC guidelines and when commercial fishermen are harvesting summer flounder in the ocean with trawls and nets. He said the recreational hook and line fishery does not create an issue as long as DMF helps to educate the public on flounder species identification.

**Allen Jernigan** said it is the definition of insanity to do the same thing over and over and expect different results. He said this fits the DMF's actions, as commercial overharvest has resulted in the current status of southern flounder, yet DMF continues to fight to keep gill nets in the water. He said he understands as a State agency with a weak budget the DMF is afraid to lose commercial license fees. He said it is time to address who is responsible for the multitude of problems in the State's inshore waters. During the Southern Flounder FMP process, he said the DMF ignored over 3,000 public comments for southern flounder in 2019 alone. He urged the MFC to eliminate large mesh gill nets in the southern flounder fishery and said there are only 714 southern flounder gill net fishermen, so he asked why the public and a \$240 million recreational southern flounder fishery should be penalized to accommodate 714 people. He urged the MFC to do the right thing.

**Bert Owens**, of Beaufort, N.C., said he was at the February 2018 MFC meeting in Wrightsville Beach at the Blockade Runner Hotel mentioned by an earlier speaker and was part of the one percent that supported the proposal about changing the criteria to obtain a SCFL. He reminded the MFC the FRA of 1997 requires the MFC to protect, preserve, and enhance estuarine resources within its jurisdiction and provide fair regulations for commercial and recreational fishing groups. He said he has been attending MFC meetings since 2000 and he has not seen that happen. He said if it had at some point, one of the declining fish stocks would have reversed. The MFC tried to take a positive action at the Blockade Runner Hotel and in 2016 to close the commercial flounder fishery in mid-October to allow escapement of flounder to the ocean to spawn. But the NCFA filed for an injunction and had the conservation measure stopped so the fishery was open for another two and a half months. He said to fast-forward from then to now when recreational catches are cut to the same percentage as commercial harvest to find there is a one fish southern flounder limit with a short recreational season. No percentage of that lawsuit was shared by the recreational sector. He said those fish were caught and sold and now recreational anglers are being made to help pay back the commercial industry's greed. He said the commercial industry is not about saving fish for tomorrow, they are about selling them today. He said the fair regulation called for in the FRA would call for the commercial industry to pay back more than the recreational sector due to the fish they sold in 2016 to 2019 after they stopped the 2016 conservation measure. He said the fairness that is required would also lead to recreational anglers being given access to the ocean flounder fishery. The commercial side gets thousands of pound of those stocks that are not overfished; recreational anglers get no such access. This is a warm weather, small boat, near shore, reefs and wrecks fishery. March is too windy. He said last year almost every flounder he caught in Back Sound was a Gulf flounder. (out of time)

**Pierre Agena**, a public educator, thanked the MFC for its service and said he is a fishing guide in Wilmington when he is not in the classroom. He said the decision to renew allowing the large mesh gill nets is the wrong decision; there is no reason for North Carolina to be one of the only states to continue to carry this outdated tool. He said alleviating these concerns will eliminate many of the disputes and develop a better fishery. For the flounder season proposals, he said to consider eco-tourism for the recreational and for-hire sectors. He said flounder is a staple during the summer months and people love to come here to fish for them. He asked the MFC to give an equitable opportunity to access the resource while protecting it for the future. He urged the MFC

to keep in mind the younger generations so they can experience what so many others in our State have had.

**Anthony Osborne** said commercial fishermen, guides, and recreational fishermen all want a flourishing fishery. To do this, he believes gill nets need to come out of inshore waters. He pointed to states across the nation as evidence of that. He said he did not want to beat a dead horse, but he wanted to bring to the MFC's attention that there are 2.6 million acres of estuarine water here that create a potential world class fishing destination to be desired by sportsmen across the nation. He said recreational fishing generates nine times more State revenue than commercial fishing does. He said when you stimulate the fishery, you stimulate the hotels, restaurants, and tackle shops that are owned by neighbors and friends. He said he hopes the MFC takes what it heard into consideration and makes the right choice.

**Brooks Emerson** (did not speak)

**Jeffrey Kidwell**, a fishing guide from Wilmington, said the economic impact from recreational fishing has been undervalued for far too long. He said he and many other people in attendance rely heavily on having healthy populations of fish in our State. He said the recreational fishery is a multi-billion-dollar industry that has taken a massive hit from short-sided State policies in favor of unsustainable commercial fishing practices. Frequently being on the water, he said he has seen the impacts of large mesh gill nets; the red drum, trout, flounder, and black drum populations have drastically been diminished. He urged the MFC to see the value in recreational fishing and redistribute the allocation of the fish to the mass majority and institute policies that reflect the value and sustainable fishing for future generations to come.

**Allen Cain**, a business owner and full-time fishing guide in Wilmington for the last 11 years, said by being on the water daily he has seen the detrimental impacts from nets on the fisheries. He acknowledged the decline in the fisheries is not just due to the commercial industry, because there are many other factors; however, he said it is indisputable large mesh gill nets are an indiscriminate gear and its bycatch is a major factor. He said to say there is little bycatch is a lie; pictures show it. The seeing dead fish with net scars is frustrating and a waste. Next, he said the flounder allocation is unfair to recreational fishermen of the State. He said the MFC has allowed a small user group to exploit the fishery with destructive gear and then has given them a larger take. He said some people say as a guide that he is greedy, but 90% of his business is catch and release. He said he just wants a healthy resource for the future. He said it is a public trust resource, and just because it is commercial fishermen's job they do not have more rights to the resource than other citizens. He said he wants fisheries management that doesn't allow small user groups to profit at the detriment of the fishery. He said the economics prove the recreational fishery is significantly more important to our coastal economy, but this is completely ignored year after year. He said it is undeniable how much better the fisheries are in states from North Carolina to Louisiana. He said he guides for three months each winter in Louisiana and they have a thriving commercial fishery because they do not have any gill nets; they are the best saltwater fishery in the nation. He said North Carolina's fisheries management is the laughing stock of the nationwide saltwater industry; large companies in the fishing industries talk about how badly North Carolina is managed. He said it is ridiculous that North Carolina still allows

these commercial practices. He urged the MFC to not allow nets to keep destroying the State's fishery.

**Zane Long**, a full-time waterman in Wilmington, citizen, and conservationist, spoke about the ITP renewal and the continuation of the use of large mesh gill nets. He said he sees the impacts from nets day to day. He has seen piles of dead red drum and sea turtles with nets on their head and around their fins. He said he doesn't know if these are reported or not because that's the MFC's job. He asked the MFC what it is going to take to end the destruction and indiscriminate killing of the fish. He lived in Savannah, Georgia for six years when he was in the army and he was in Georgia in 2014 when they removed gill nets from their waters and in two years, he said red drum and trout were everywhere. He said he wants his kids and grandkids to experience that. He said decisions are made about recreational and commercial fisheries, but everyone wants the same thing. He acknowledged the MFC has a tough job and everyone is mad at the MFC, but he said the first step is to remove large mesh gill nets from the waters; it is an antiquated gear. He said pound nets make the quota, so he asked why gill nets are needed.

**Chris Chadwick**, a Carteret County commissioner from District 6, acknowledged it is hard to make everyone happy. He said the Carteret County Commission passed a resolution Feb. 21, 2022 opposing the reallocation of the southern flounder fishery. He read excerpts from the resolution. "Southern flounder is North Carolina's most important commercial estuarine finfish fishery, valued as high as \$6 million annually. The gill nets and pound net fisheries are the largest commercial fisheries harvesting southern flounder in North Carolina. The southern flounder commercial fisheries in Carteret County are some of the county's most significant fisheries, providing jobs for fishermen, seafood wholesalers, seafood retailers, restaurants and other businesses. The southern flounder commercial fisheries have caught 70% or greater of the total southern flounder harvested in North Carolina for greater than 30 years. North Carolina has enacted conservation measures on southern flounder since 1979 to provide for a sustainable population and began imposing additional restrictions in 2005 through fishery management plans (FMP) that were required by the General Assembly. North Carolina General Statute 113-182.1(b) states that, the goal of each FMP shall be to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries. The North Carolina Marine Fisheries Commission (NCMFC) is currently considering significant additional restrictions on the southern flounder harvest in Amendment 3 of the Southern Flounder FMP to provide for sustainable fisheries. Management restrictions through the FMP's have significantly reduced fishing effort and harvest of southern flounder in the commercial fisheries from 1994 to 2021. Management restrictions through the FMP's have not significantly reduced fishing effort for southern flounder in the recreational fisheries from 1994 to 2017 (last year of data in Amendment 3) and southern flounder harvest in the recreational fisheries from 1994 to 2021. The change in harvest allocation of southern flounder has no biological justification to ensure sustainability of the flounder resource. The reallocation of the flounder resource to a sector that has been allowed to increase harvest and fishing effort on southern flounder at or above pre-management levels during a time where actions have been focused on rebuilding the flounder population is not sound conservation. Professional fisheries conservation agencies do not customarily reallocate fisheries resources while a fisheries resource is rebuilding and instead wait until the fish population has recovered to sustainable levels." He said not only is this bad

biologically, it is bad politics and it is bad business for North Carolina and North Carolina consumers.

**Cameron Pappas** said he was born and raised in New Hanover County. He said everyone can agree we live in a beautiful state and it has the potential of being a destination for fishing, yet we continue to plunder our fisheries to the point of needing short seasons on species like flounder. He asked if the economic studies do not show the potential for North Carolina if we were to manage our fisheries properly. He also asked if science does not point to the decline of our fish species. He said he does not understand why North Carolina is so behind on fishery management, specifically in terms of large mesh gill nets. He also asked why we can't adopt the less destructive commercial practices of other states. He said people go to states like South Carolina, Texas, and Louisiana to catch their dream fish and North Carolina could be world class if we made significant changes in the years to come. He said changes have to happen and the same old ways cannot continue. He said the fishery is not what it used to be, but it has the potential to be so much more.

**Ray Peaden** said he would like to see the flounder season and the striped bass season opened back up like they used to be. He said he fishes the Pamlico, Tar, and Neuse rivers and there are plenty of striped bass and flounder. He said it is ridiculous to close these fisheries. Fishermen pay thousands and thousands of dollars to fish, so if the seasons are not open so that the fishermen can catch what they want, he asked the MFC to give half of the money back. He said he went fishing the other day and caught 15 or 16 striped bass and had to throw them back. He said he also caught a bunch of flounder and spotted seatrout too, so the fish are out there. He would like to see the fisheries open back up. He said a two-day striped bass season is unreasonable.

The meeting recessed at 7:30 pm

## **Feb 24**

Chairman Rob Bizzell convened the Marine Fisheries Commission business meeting at 9 a.m. on Feb. 24 and reminded commissioners of their conflict of interest and ethics requirements.

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

**Motion by Martin Posey to approve the meeting agenda.  
Second by Pete Kornegay.**

**Motion carries without dissention.**

**Motion by Tom Roller to approve the minutes of the Nov. 17-19, 2021 business meeting.  
Second by Pete Kornegay.**

**Motion carries without dissention.**



## **Public Comment Period**

A public comment session was held beginning at 9:05 a.m. The following individuals registered to speak during the public comment session:

**Chris Elkins** said there were excellent points made last night that he would not repeat, but he has concerns about the rationale for several previous and proposed MFC and DMF actions. For southern flounder, he said the MFC is putting a de facto moratorium on recreational fishermen because the State allowed overfishing by the commercial sector. The recreational sector asked for conservation measures for the last 20 years, but they were ignored. No other state has imposed a recreational moratorium on southern flounder. He said he understands that southern flounder is overfished, but he does not understand why the MFC closed the other two flounder species, summer and Gulf. There are dozens of species of groupers and sharks. Some are overfished, some are endangered, identification of them is a nightmare, yet they remain open. When the commercial sector overfished summer flounder, the MFC did not close southern flounder. He said "Let my people go". Next, he said the ITP is a complete failure on so many levels. It is a poster child of regulatory capture of the DMF by the commercial sector and it should be dumped. For ASMA striped bass, he said he went on record a decade ago as a commissioner that not enough had been done and there has been a significant decline since then without significant action. For five years there was no reproduction, reportedly due to environmental conditions. Then, despite perfect conditions, there was still no spawning. The most likely reason is the lack of action has led to the lack of spawning stock. He said it is unclear why the MFC would allow any harvest. Lastly, given all the gill net issues, striped bass overfishing, bycatch, and the inconsequential nature of the shad fishery, he questioned how the MFC could open gill nets at all. He said it is like melting the polar ice to water the lawn.

**Hodge Jordan** thanked the MFC for its service. He said these issues were not started by the MFC, but the MFC has inherited them and he does not envy them. He said since 1997, flounder stocks are down 81%. He goes to the same meetings with the same results. He said he does not know what the right answer is, but what we are doing now is not working. He said he is a CCA member, but he is not against commercial fishermen; nothing could be further from the truth. He said he believes in industry within our coastal communities. What he does not understand is we have a problem, but we still allow trawling in estuaries. He talked about bycatch and asked if you see a mile of bycatch of dead fish, if it is a good idea. He does not think anyone would say it is a good idea. He said if we stop killing the baby fish then we will have the rest of the fish. Next, he said we are the last state in the union to allow gill nets. Gill nets are an indiscriminate killer. He said he explained to his wife what ITPs are and she was shocked it is allowed. He said it is shocking when you don't understand. He said pound nets make a lot of sense because you can pick and choose what you kill. Professional giggers can tell what a legal-size flounder is. He said he supports those fisheries because you can get the poundage you need. But when you kill all aquatic life out of a gill net, that does not make sense. He thanked the MFC for its time and all the MFC does for us. He said hopefully we can get to a good resolution that benefits all of us.

**Bruce MacLachlan**, of Onslow County, spoke about the Southern Flounder FMP. He said he has concerns and the previous MFC ignored calls for caution and conservation and now must deal with it. He said mobile gear should be managed under a single quota, not two, because fish

do not know where the lines are and the fishermen will travel. He said to allocate all of the commercial quota to pound nets and gigs because gill nets are a dirty gear and require an ITP. He said the observer program has failed to meet everyone's expectations. The recreational season for ocean flounder (gulf and summer) should be expanded to occur from June to September with a four-fish limit, which is allowed by ASMFC. Ocean flounder harvest is not a concern. A two-week season in spring is not the most optimum opportunity. He asked the MFC to consider his proposal to increase recreational access. He said trip limits on commercial fishing are needed. Otherwise, there will be a flounder derby like occurred the last two years and overages will be likely. The MFC should consider imposing a slot limit on southern flounder to protect spawning females and the larger broodstock. He said he supports the DMF recommendation to prohibit the take of southern flounder by a RCGL; that is long overdue. He also said he reluctantly accepts the DMF recommendation for the recreational bag limit and short season for southern flounder. He urged the MFC to remember how we got here: the previous strategies and status quo have left us with a de facto recreational moratorium. He said decisive actions are needed because the policies of the last two decades have not worked.

**Bill Gorham**, of Dare County, said he supports the mutilated finfish rule amendment and giving proclamation authority to the DMF director to address common bait fish for use as cut bait. He said it is important to stay within the letter of the law and fix this outdated rule. Regarding striped bass, he said he is perplexed about the situation and it seems like a fishery that is bought and paid for. He said we should have access to the fishery and it should not be leverage, like many species seem to be. He said he finds it impossible to believe that striped bass won't accept any level of harvest, because there are dead discards. He said we need to keep stocking and let the State keep benefitting. Regarding southern flounder, he said he read the stock assessment and with everything he had heard was surprised there was not a lot more there than there was. He said it is pitiful because the current generation will lose out, as will his son, and the sons and daughters and grandchildren of North Carolina. It will cost the next five to seven years over a "maybe" of older fish being in our estuaries. The one failure over 20 years is not making it an initiative to find the spawning grounds or where these fish go to overwinter and if they do come back. That is vital for any assessment and it is unknown, yet we are going to close this fishery. He said there is no way we will stay within the recreational quota. The other issue is the 15-inch minimum size limit. He said it would be nice to see an analysis of a 12-inch minimum size limit and see where it would go. But at every turn, suggestions are countered except for a closure. He said this is unfortunate.

**Bud Abbott** thanked the MFC and the DMF for its service. He said it is time to restore recreational access to ocean flounder. The summer and Gulf flounder are not endangered, as our southern flounder are. The short season that is proposed is a time of year when it is hard to get out there and fish. He said he has fished in this area since 1966 and that he is from Harkers Island. He said he has seldom caught southern flounder in the ocean, but he has caught many summer and Gulf flounder. A better season is needed in summer with a bigger bag limit. He said ASMFC already approved this. Next, he said he has been attending these meetings for 19 years and this commission has been around 25 years. There have been a lot of different commissioners, but it has been the same thing: status quo votes on spot, croaker, weakfish, and now southern flounder. He said if we don't do something the season will be closed. He said last year was a disaster with the recreational sector catching so many flounder in two weeks. The MFC needs to

come together, including recreational, commercial, and independents, and work out a better solution. He said we have to quit the status quo voting. At the last meeting, the MFC had a chance with the Shrimp FMP to look at the science and where the nursery areas are and protect them, but the MFC chose status quo again by continuing to allow trawling. He said we know where the southern flounder nursery areas are and we know where the fish are born and raised, so we at least need to protect those areas from trawling. He said this is the biggest thing we could do to protect southern flounder. For the children, grandchildren, great-grandchildren, and future generations, he said the MFC is the only one to protect the fish for them. He urged the MFC to come together and protect the fish and allow these fisheries to be open.

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

Chairman Bizzell send out Chairman Bizzell gave a brief update on the joint MFC and WRC rulemaking currently underway. He indicated that the commissions will be exploring removing joint waters, and instead will be making a good effort to develop updated inland and coastal fishing waters. Chairman Bizzell also referred the commissioners to the Committee Reports in their briefing materials.

### **Director's Report**

Director Kathy Rawls gave a verbal update on recent Division of Marine Fisheries activities. Director Rawls introduced Bill Lane as the new assigned DEQ leadership for the Division of Marine Fisheries. Bill Lane gave brief introductory comments. Director Rawls also gave updates on personnel achievements and awards.

Deputy Director Dee Lupton gave a verbal update on the Federal Economics Assistance Programs.

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

Trish Murphey, the Division's Assistant for Councils, gave a verbal update on South Atlantic Fishery Management Council.

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

Deputy Director Dee Lupton presented an informational presentation on Latent Licenses.

To view the presentation, go to:

<https://deq.nc.gov/media/27887/open>

Jason Boyd, the Division's Habitat and Enhancement Section Chief gave a verbal update on the Shellfish Lease Program.

Joe Facendola, a Division Biologist in the Wilmington Regional Office, gave an update on ongoing Diamondback terrapin research and bycatch reduction devices.

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

Anne Deaton, the Division's Habitat Program Supervisor, provided a verbal update on the Coastal Habitat Protection Plan activities and anticipated next steps.

Shelby White, a biologist with the DMF and current PhD student, presented an update on the southern flounder tagging research currently underway at the division and other partner institutions.

To view the presentation, go to:  
<https://deq.nc.gov/media/27889/open>

Mike Loeffler, the Division's flounder biologist, presented an update on the flounder landings data through 2021. These are the landings that occurred under the current Amendment 2 management.

To view the presentation, go to:  
<https://deq.nc.gov/media/27891/open>

Charlton Godwin, the Division's Striped Bass biologist, presented the 2021 A-R fishery specific landings and the calculated 2022 fishery specific TALs.

To view the presentation, go to:  
<https://deq.nc.gov/media/27884/open>

### **Fishery Management Plans**

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

To view the presentation, go to:  
<https://deq.nc.gov/media/27886/open>

### **Amendment 2 to the Estuarine Striped Bass FMP**

Charlton Godwin, Nathaniel Hancock, Todd Mathes and Joe Facendola presented draft Amendment 2 to the MFC for review.

To view the presentation, go to:  
<https://deq.nc.gov/media/27892/open>

**Motion by Pete Kornegay to send the draft Estuarine Striped Bass Fishery Management Plan Amendment 2 for review by the public and advisory committees but not before the**

**DMF proposal to allow the use of gill nets in the Neuse and Pamlico rivers, upstream of the ferry travel lines, is deleted from the draft FMP.  
 Seconded by Tom Roller**

**Motion by Mike Blanton to amend the previous motion by striking “but not before the DMF proposal to allow the use of gill nets in the Neuse and Pamlico rivers, upstream of the ferry travel lines, is deleted from the draft FMP.”  
 Seconded by Sam Romano**

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson		x		
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey		x		
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell		x		

**Motion fails 2-6**

**Motion by Pete Kornegay to send the draft Estuarine Striped Bass Fishery Management Plan Amendment 2 for review by the public and advisory committees but not before the DMF proposal to allow the use of gill nets in the Neuse and Pamlico rivers, upstream of the ferry travel lines, is deleted from the draft FMP.  
 Seconded by Tom Roller  
 Motion withdrawn**

**Motion by Pete Kornegay to send the draft Estuarine Striped Bass Fishery Management Plan Amendment 2 for review by the public and advisory committees with the change of deleting Appendix 3, Options 2B and 2C.  
 Seconded by Tom Roller**

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross		x		
Mike Blanton		x		
Tom Hendrickson	x			
James Kornegay	x			
Robert McNeill	x			
Dr. Martin Posey	x			
Tom Roller	x			
Sam Romano		x		
Chairman Rob Bizzell	x			

**Motion carries 6-2**

**Amendment 3 to the Southern Flounder FMP**

Mike Loeffler and Anne Markwith presented the outcome of the public and AC review of Amendment 3 and reviewed the recommendations with the Commission.

To view the presentation, go to:  
<https://deq.nc.gov/media/27885/open>

**Motion by Martin Posey that based on recognition of a series of coincident concerns specific to the initial steps in rebuilding the southern flounder fishery, that we delay the transition to a 50/50 commercial/recreational parity allocation by 2 years (time for at least 1 cycle of larval to female maturity) allocations: 2023: 70/30; 2024: 70/30; 2025: 60/40; 2026: 50/50. In 2024, as we approach the start of the allocation shift, the Division will provide recommendation to the MFC on approaches to maintaining a sustainable suballocation for the commercial pound net fishery (as needed based on the economic and biotic conditions at that time).**

**Motion ruled out of order**

**Motion by Tom Hendrickson to defer the deliberation on the Southern Flounder FMP Amendment 3 until the next called meeting of the commission to provide time for consultation with legal counsel.**

**Motion withdrawn**

**Motion by Tom Hendrickson to appeal the commission chair's ruling on Commissioner Posey's motion.**

**Seconded by Doug Cross**

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell			x	

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

**Motion by Martin Posey that based on recognition of a series of coincident concerns specific to the initial steps in rebuilding the southern flounder fishery, that we delay the transition to a 50/50 commercial/recreational parity allocation by 2 years (time for at least 1 cycle of larval to female maturity) allocations: 2023: 70/30; 2024: 70/30; 2025: 60/40;**

**2026: 50/50. In 2024, as we approach the start of the allocation shift, the Division will provide recommendation to the MFC on approaches to maintaining a sustainable suballocation for the commercial pound net fishery (as needed based on the economic and biotic conditions at that time).**

**Seconded by Doug Cross**

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell		x		

**Motion carries 5-4**

**Motion by Tom Roller to accept the DMF recommendations for the Southern Flounder FMP Amendment 3 but include the phasing out of large mesh gill nets.**

**Seconded by Robert McNeil**

**Motion by Mike Blanton to amend the previous motion by striking “but include the phasing out of large mesh gill nets.”**

**Seconded by Sam Romano**

**Motion by Tom Roller to amend Mike Blanton’s motion to have a full moratorium on the Southern Flounder fishery until the next stock assessment is completed.**

**Seconded by Pete Kornegay**

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross		x		
Mike Blanton		x		
Tom Hendrickson		x		
James Kornegay	x			
Robert McNeill	x			
Dr. Martin Posey			x	
Tom Roller	x			
Sam Romano		x		
Chairman Rob Bizzell	x			

**Motion fails 4-4 with one abstention**

**Motion by Mike Blanton to amend the previous motion by striking “but include the phasing out of large mesh gill nets.”  
Seconded by Sam Romano**

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell		x		

**Motion carries 5-4**

**Motion as amended: to accept the DMF recommendations for the Southern Flounder FMP Amendment 3.**

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell			x	

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

**Motion by Mike Blanton to send the preferred management measures for Southern Flounder Amendment 3 for review by the DEQ Secretary and the legislature.  
Seconded by Doug Cross**

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	x			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		



Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell	x			

**Motion carries 6-3**

**Motion by Robert McNeill that in the event that both sectors exceed the allowable catch in the 2022 southern flounder season we, the MFC, will consider writing the secretary of DEQ to consider a supplement for a moratorium be placed on southern flounder for both sectors until the next stock assessment is completed.**

**Seconded by Tom Roller**

**Substitute motion by Martin Posey for a resolution that the MFC recognizes that there may need to be consideration of a moratorium if there are continued excesses in the allowable catch of flounder in both sectors.**

**Seconded by Tom Hendrickson**

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	X			
Mike Blanton			X	
Tom Hendrickson	X			
James Kornegay			X	
Robert McNeill	X			
Dr. Martin Posey	X			
Tom Roller			X	
Sam Romano		X		
Chairman Rob Bizzell	X			

**Motion carries 5-1 with 3 abstentions**

**Meeting recessed at approximately 5:00pm**

**Feb. 25**

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

**Amendment 2 to the Shrimp FMP**

Chris Stewart, Dan Zapf, and Jason Rock presented draft Amendment 2 including the MFC’s preferred management measures for a final vote on approval of the plan.

To view the presentation, go to:

<https://deq.nc.gov/media/27890/open>

**Motion by Doug Cross to give final approval to the Shrimp Fishery Management Plan Amendment 2.**

**Seconded by Sam Romano**

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	X			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay		x		
Robert McNeill		x		
Dr. Martin Posey	x			
Tom Roller		x		
Sam Romano	x			
Chairman Rob Bizzell	x			

**Motion carries 6-3**

**Proposed Amendment to the Mutilated Finfish Rule Issue Paper**

**Motion by Tom Roller to approve the management option and associated proposed language for rulemaking for the mutilated finfish rule, 15A NCAC 03M .0101, as presented by the Division of Marine Fisheries.**

**Seconded by Tom Hendrickson**

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	X			
Mike Blanton	x			
Tom Hendrickson	x			
James Kornegay	x			
Robert McNeill	x			
Dr. Martin Posey	x			
Tom Roller	x			
Sam Romano	x			
Chairman Rob Bizzell	x			

**Motion carries with no dissent**

**Rulemaking Update**

Catherine Blum gave the rulemaking update and presented 2021-2022 “Package B” to the commission for their final vote on approval.

**Motion by Doug Cross to give final approval of readoption and repeal through readoption of rules per G.S. 150B-21.3A and adoption and amendment of rules (Package B):**

- **Highly Efficient Gears, Artificial Reefs, and Research Sanctuaries (3 rules)**  
15A NCAC 03I .0109, 03J .0404, 03R .0119
- **Shellfish Leasing Regulations (9 rules)**  
15A NCAC 03K .0111, 03O .0203, .0205-.0211
- **15A NCAC 03 Rules with Conforming Changes (40 rules)**  
15A NCAC 03I .0113, .0118, 03J .0101, .0110, .0302, 03K .0101, .0102, .0105,

.0106, .0108, .0201, .0202, .0204, .0207, .0301, .0302, .0304, .0305, .0401, .0505, 03L .0101-.0103, .0105, 03M .0201, .0202, .0204, .0205, .0503, 03N .0104, .0105, 03O .0301-.0303, .0401-.0406

- **15A NCAC 03I, 03J, 03K, 03O, and 03R Rules for Definitions, Imported Species, Recordkeeping, Gear, Marketing Shellfish, and Licenses (18 rules)**  
15A NCAC 03I .0101, .0104, .0114, 03J .0105, .0109, .0305, 03K .0205, .0507, 03O .0101-.0105, .0107, .0109, .0110, .0113, 03R .0111
- **Commercial Blue Crab Harvest and Gear Regulations (8 rules)**  
15A NCAC 03J .0301, 03L .0201-.0205, 03R .0110, .0118
- **Permit and License Suspensions and Revocations and Pound Net Gears (11 rules)** 15A NCAC 03I .0105, 03J .0501-.0505, 03O .0111, .0114, .0502, .0504, 03P .0101
- **15A NCAC 03P Rules (8 rules)**  
15A NCAC 03P .0102, .0201-.0203, .0301-.0304
- **15A NCAC 03K and 18A Crustacea and Shellfish Rules (12 rules)**  
15A NCAC 03K .0103, .0104, .0107, .0109, .0208, .0209, 18A .0135, .0302, .0303, .0304, .0425, .0912

**Seconded by Tom Hendrickson**  
**Motion carries without dissent**

#### **Joint Rulemaking Update**

Shawn Maier, the MFC council, provided an update on the joint rulemaking process with the Wildlife Resources Commission.

#### **Issues from Commissioners**

Commissioner Hendrickson requested a briefing from Division staff regarding blue catfish. He also requested an update on the CRC evaluation of structures on shellfish leases and an update on a stock assessment update plan for Southern Flounder to evaluate management success.

Commissioner Cross requested that the division review the possibility of a lottery for Southern Flounder fishery.

Commissioner Roller expressed interest in exploring strategies for electronic reporting.

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

MFC Liaison, Lara Klibansky, reviewed the issues for the upcoming meetings.

The Meeting adjourned at 9:48 a.m.

**Marine Fisheries Commission Special Meeting Minutes  
Virtual Meeting via WebEx  
March 08, 2022**

The briefing book, presentations and audio from this meeting can be found at:  
<https://deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/marine-fisheries-commission-meetings#special-meeting---march-8-2022>

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

**SPECIAL MEETING - MOTIONS AND ACTIONS**

On March 8 at 1 p.m. Chairman Rob Bizzell called the meeting to order and reminded commissioners of their conflict of interest and ethics requirements.

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

<b>ROLL CALL</b>		
<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>
Doug Cross	x	
Mike Blanton	x	
Tom Hendrickson	x	
James Kornegay	x	
Robert McNeill	x	
Dr. Martin Posey	x	
Tom Roller	x	
Sam Romano	x	
Chairman Rob Bizzell	x	

**Motion by Tom Roller to approve the meeting agenda.  
Second by Robert McNeill**

**Motion passes without dissent.**

<b>ROLL CALL VOTE</b>		
<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>
Doug Cross	x	
Mike Blanton	x	
Tom Hendrickson	x	
James Kornegay	x	
Robert McNeill	x	
Dr. Martin Posey	x	
Tom Roller	x	
Sam Romano	x	
Chairman Rob Bizzell	x	

**Joint Rulemaking**

Shawn Maier provided an update on the joint rulemaking process including recent guidance from the Governor’s office on moving forward with the rulemaking process.

**Motion by Pete Kornegay to approve Notice of Text for readoption of 15A NCAC 03Q .0101-.0109 (9 rules) per G.S 150B-21.3A.**

**Seconded by Martin Posey**

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	X			
Mike Blanton	X			
Tom Hendrickson	X			
James Kornegay	X			
Robert McNeill	X			

Dr. Martin Posey	X			
Tom Roller	X			
Sam Romano	X			
Chairman Rob Bizzell	X			

Motion passes 9-0

**Other WRC Rulemaking**

Shawn Maier provided an overview of recent WRC proposed rules with potential impact on MFC regulation of marine and estuarine species.

**Motion by Mike Blanton to submit public comments for proposed N.C. Wildlife Resources Commission rules in 15A NCAC 10C as published in the January 18, 2022 issue of the N.C. Register.**

**Seconded by Tom Roller**

<b>ROLL CALL VOTE</b>				
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Doug Cross	X			
Mike Blanton	X			
Tom Hendrickson	X			
James Kornegay	X			
Robert McNeill	X			
Dr. Martin Posey	X			
Tom Roller	X			
Sam Romano	X			
Chairman Rob Bizzell	X			

Motion passes 9-0

The meeting adjourned at approximately 1:20 p.m.