

NC Marine Fisheries Commission

Preliminary Matters

May 2024 Business Meeting

Document

Meeting Agenda

Draft February Meeting
Minutes

Marine Fisheries Commission Business Meeting

AGENDA

Beaufort Hotel, Beaufort, NC

May 22-24, 2024

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 22

6:00 p.m. Public Comment Period

Thursday, May 23

9:00 a.m. Public Comment Period

9:30 a.m. Preliminary Matters

- Swearing in of New Commissioner
- 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 ****

9:45 a.m. Chairman's Report

- Letters and Online Comments
- Session Law 2023-137, Section 6: Phased in Mandatory Commercial and Recreational Reporting of Certain Fish Harvests – *Christine Ryan*
- Discussion on 2024 Recreational Flounder Season
- Ethics Training and Statement of Economic Interest Reminder

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

****Probable Action Items**

Marine Fisheries Commission Business Meeting Agenda

- Committee Reports
 - Northern Regional Advisory Committee
 - Southern Regional Advisory Committee
 - Shellfish/Crustacean Advisory Committee
- 10:30 a.m. Director's Report – *Kathy Rawls*
 - Reports and updates on recent Division of Marine Fisheries activities
 - Atlantic States Marine Fisheries Commission Update – *Chris Batsavage*
 - Mid-Atlantic Fishery Management Council Update – *Chris Batsavage*
 - South Atlantic Fishery Management Council Update – *Chris Batsavage*
 - Section Updates – *Zach Harrison, Shannon Jenkins, Steve Poland, Brandi Salmon, Col. Carter Witten*
 - Informational Materials
 - Protected Resources Update Memo
 - Rule Suspensions Update Memo
- 11:15 a.m. Shellfish Leases and Franchises Presentation – *Zach Harrison*
- 12:00 p.m. Lunch Break
- 1:30 p.m. Fishery Management Plans – *Steve Poland*
 - Striped Mullet Fishery Management Plan Amendment 2- - *Jeff Dobbs, Willow Patten*
 - **Vote on Final Adoption of Amendment 2 ****
 - Estuarine Striped Bass Fishery Management Plan Amendment 2 Update – *Charlton Godwin*
 - 2024 Revision to Amendment 2
 - Oyster/Clam fishery management plans update – *Joe Facendola, Bennett Paradis, Jeff Dobbs, Lorena de la Garza*
 - Spotted Seatrout Fishery Management Plan Amendment 1 Update – *Lucas Pensinger, Melinda Lambert*
 - 2024 Southern Flounder Symposium Update – *Anne Markwith, Holly White*
 - Break for viewing of exhibits
 - Blue Crab Fishery Management Plan Amendment 3
 - Stock Assessment Update – *Dr. CJ Schlick*
 - Adaptive Management Update – *Robert Corbett, McLean Seward*
 - Shrimp Fishery Management Plan Amendment 2 Implementation Item Update – *Kathy Rawls*
 - **Submerged Aquatic Vegetation Protection Through Shrimp Trawl Area Closures ****

Friday, May 24

- 9:00 a.m. Rulemaking
 - Rulemaking Update – *Catherine Blum*
 - 2023-2024 Rulemaking Cycle
 - **Vote on final approval to amend 15A NCAC 03I .0113, 03O .0101, .0109, .0112, .0301 for Data Collection and Harassment**

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**Probable Action Items

Prevention for the Conservation of Marine and Estuarine Resources **

- **Vote on final approval to amend 15A NCAC 03R .0117 for Oyster Sanctuary Changes ****
- **Vote on final approval to amend or repeal 15A NCAC 03I .0101, 03K .0101, .0104, .0301, .0401, .0403, .0405, 03O .0201, .0501, .0503, 18A .0901, .0906 for Conforming Changes for Shellfish Relay Program and Shellfish Leases and Franchises ****
- **Vote on final approval to amend 15A NCAC 03K .0110 and 18A .0302 for Conforming Changes for Shellfish Sanitation****
- 2024-2025 Rulemaking Cycle
 - **Vote on management option and associated proposed language for rulemaking for “Interstate Wildlife Violator Compact” issue paper ****

- 9:30 a.m. Update on Proposed Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule – *Barbie Byrd*
- 10:00 a.m. Blue Catfish Information Presentation – *Robert Corbett*
- 11:00 a.m. Issues from Commissioners
- 12:00 p.m. Meeting Assignments and Preview of Agenda Items for Next Meeting – *Jesse Bisette*
- 12:15 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
February 21-22, 2024

The Marine Fisheries Commission (MFC) held a business meeting February 21-22, 2024, 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://www.deq.nc.gov/marine-fisheries/marine-fisheries-commission/february-2024/online-public-comment/open>

The briefing materials, presentations, and full audio from this meeting are available at: <https://www.deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/marine-fisheries-commission-meetings#QuarterlyBusinessMeeting-February21-232024-10574>

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

BUSINESS MEETING - MOTIONS AND ACTIONS

February 21, 2024

Chairman Rob Bizzell held a public comment session that began at 6 p.m. and ended at 7:36pm. The following comments were received:

Public Comment Period (6:00 p.m.)

Ervin Gaskins

I'm Ervin Gaskins, president of Cape Hatteras Anglers Club. We've got the world's largest invitational surf fishing championship in the world, and this attracts fishermen from all up and down East Coast. Our main concern from the club standpoint is the size of the mullet, and the mullet available during our tournament periods, which also happens to coincide with the main spawning time. But as president, we've looked at everything and we believe, I believe, that a change with the net size, and a maximum size limit on the fish would handle everything and bring the fish back into sustainable numbers. Now, that's kind of short, but that's the way I go.

Stephanie Bain

My name is Stephanie Bain, and I'm one of the owners of Frank and Fran's Bait and Tackle, Avon. Two quick Google searches and you'll find the top reasons why people visit Hatteras Island. One of those main reasons being surf fishing. Another quick Google search and you'll find the most preferred bait for fishing in the Outer Banks is mullet, fresh mullet at that. In 2023 alone, Frank and Fran's paid out approximately \$40,000 to our local commercial fisherman just in Hatteras Island for fresh mullet, which in turn produced nearly \$80,000 in mullet sales alone. And that's just fresh mullet sales in our shop. That does not include any of the other ancillary purchases

like ice, t-shirts, tackle all the other things that they come in and buy once they notice that we have fresh bait. Most tackle shops in our area, on the island, house their bait outside of the shop. So, it's the first thing customers check prior to entering the store. If we don't have fresh bait, they may not even come in. They'll check our coolers; they'll see that they are locked or empty and they'll walk away. Sometimes we even have customers call when they're on their way to the island from Pennsylvania, Maryland, Virginia, wherever they're coming from. They will call before they come and ask, "you all got any fresh mullet?". If our answer is no, they are probably not coming to us. They are going to stop on their way and get mullet from wherever they can. Do we really want to send all those sales out of state because they're having to stop elsewhere to get mullet? because we can't have it fresh in North Carolina? They also will walk to the door and yell, "y'all got any fresh mullet?". If the answer is no, they're just going to leave. The closures that the North Carolina Marine Fisheries Commission are looking to put in place are unfounded and based on outdated studies, and formulas that simply do not represent the current stock. Mullet stock is affected by more than just fishing. Major hurricanes, predatory behavior, and other factors should also be evaluated. Our commercial fishermen constantly put themselves, their lives at risk by going out and trying to put food on their table and selling us bait. Fishing on days that have less than desirable conditions could cause detrimental impacts to our business. But them and their families, by cutting down their days that they have to fish, they may be forced to go out on days when it's not safe. Closures on Saturday and Sunday, and later in the year on Saturday, Sunday, and Monday, as proposed, could essentially leave our shop without fresh bait for a week at a time. Tackle shops live and die on the perception and presentation of our fresh bait. Though it's been stated that mullet will last up to five days or longer, that's simply not true. The Outer Banks Chamber of Commerce reports that more than 5 million people visit the Outer Banks of North Carolina each year with surf fishing being one of those top reasons, it's clear the overall human, economic, and time of these closures are far reaching.

Randy Baine

My name is Randy Bain. I'm one of the owners of Frank and Fran's Bait and Tackle in Avon, North Carolina. Adding new regulations on stripe mullet will have a far-reaching economic impact on the livelihood of not only business owners and commercial fishermen, but waitresses, cooks, retail employees. Anyone who works in real estate companies, including subcontractors, food companies and landscaping companies, etc., are going to be affected by these regulations. No one in this room knows to what extent it will affect us because the economic impact study has not been conducted. We don't know the impact on tax revenue, which could directly affect the education of our children. What about the impact on our infrastructure? How much revenue will the National Park Service lose when the amount of beach access passes purchases starts to tumble? The truth is the total impact may not be felt for a couple of years due to the fact that the average tourist and fishermen are not aware that this is even common. When all this comes to a head, the people most affected by the decisions that you guys are making on our behalf are going to be all our children, and we will be responsible for explaining to our children why our standard of living is dropping and why family businesses are failing. As we all know, in 2023, North Carolina Marine Fisheries imposed an emergency proclamation which closed the stripe mullet fisheries. Still, as of today no one can tell us how this affected the stripe mullet population. I suggest that any decision regarding new regulations on striped mullet be postponed until a complete and up to date study can be conducted on the mullet fisheries, and that a complete and comprehensive economic impact study has been conducted and closely scrutinized to see how it's

going to affect us. But if you decide that forcing this on a dissatisfied public and making a criminal out of otherwise law-abiding citizens is the best thing to do, we still need answers to questions like; will we be able to sell mullet caught in North Carolina before any restrictions or closures? Or will we be forced to take our business and money to Virginia on the weekends? Will private citizens be able to catch their own mullet during closures? And if not, can they use mullet previously caught and frozen that they have in their house. As of right now, we have two people, or some marine fisheries officers assigned to enforce this. How are we going to find the extra people to enforce this? Or is it just going to be ignored like it was in 2023? There was nothing written. Nobody did anything.

Chris Greening

Good evening. My name is Chris Greening. I own a tackle shop in Nags Head called TW's Bait and Tackle. Both myself, Stephanie, and most tackle shops along Dare County have met to discuss this recent closure, which coincidentally has changed since our last meeting without really much notice to us to prepare for this meeting. As echoed before, we've all met together on this, every tackle shop understands the heritage, the longevity of what surf fishing has been to Dare County, which Dare County for many of you that may not know is the highest-ranking tourist activity per capita in all the State of North Carolina. When it comes to fishing, at the time this closure would impact us the most is when we have the most fishermen in our county, and those fishermen come to our county to fish in tournaments, which bring in millions of dollars of revenue to all the shop owners, the lodging, the restaurant owners and not to mention the non-tournament participants such as their family. So, we're talking a very, very large economic benefit or detriment to our community at the time this is going to be in the height, which is October and September for us. You know, at my last meeting I spoke up, which is really going to echo just what the owners of Frank and Fran's have said, and that is we made criminals out of honest people. And that was something that I shared at the last meeting. And I don't know who ultimately owns these rulings, but I would like to know who it is so I can say shame on you, and shame on all of us for not pushing harder on this sooner, because there are folks that came down to fish and we expected them to keep a receipt on them and that was how this would be governed. No other state, to my knowledge, no other state from anybody here has spoken up and said this has been a restriction that's been put forth. There's been no communication of it broadly. And frankly, you know getting on social media is not suitable. And I find that to be very, very disappointing. That's how we push forth laws if that's how we're going to push for them. But the economic impact to our county is going to be significant. The most recent impact to both stripers in the Flounders have caused our sales to be down 70% on that relevant tackle and just Q4 and Q1 alone. So, I think all the tackle shops that we've met with are willing to come together and try to find ways to bring down the harvest. But to do it at that time is certainly going to need some collaboration, which something that I would certainly ask this group to work on, is to bring forth more commercial fishermen, recreational fishermen, and let's get stakeholders to find a long-term solution.

John Machie

My name is John Machie, I'm a commercial fisherman from Dare County. As a year-round mullet fisherman, I feel this mullet plan is going to affect me, more than most people. When I looked at the stock assessment, I saw failure on the part of the Marine Fisheries. Failure in their assessment of the stock, failure on the part that they could possibly be wrong on their assessment of the stock.

And I also see failure in the future of this mullet plan. No matter which option they choose to go forward with. We know that you want a 22 to 35% reduction, but I see nothing in any of the options to stop or limit the fishery when it gets close to hitting that threshold. This concerns me greatly because with the amount of mullet that there actually is, we will surpass this. We as fishermen do not have the capacity to monitor, monitor the amount of fish that we have caught. That is the job of the managers of the fishery, Marine Fisheries. I feel like the mullet fishery should have a better stock assessment program and it should be completed every two years, since Mullet are full grown adults at two years. As a full-time commercial fisherman, I depend on this fishery and do not want to see it destroyed by myself, other fishermen, or by the Marine Fisheries. Without a way to stop fishing, when we reach this threshold that you are placing, you are setting us up for failure and we will once again be in the same rooms in 2 to 3 years looking at further reductions. Let's not mess this up and end up with no fishery in the long run. I do not recommend any changes at this time. My only recommended recommendations are how the stock assessments are done, reevaluated, and if any of these plans are approved, there needs to be a way to stop fishing when the threshold is reached so we are not back here looking at further reductions. Thank you.

Jerry Schill

Good evening, Mr. Chairman, members of the commission. I'm Jerry Schill, director of government affairs for the North Carolina Fisheries Association. Senator Bobby Henning wanted to be here this evening, but he couldn't make it, so he sent me his comments and I'll give them to you a little later. My comments this evening are strictly on proclamation authority and almost 40 years of being involved in the management of fisheries in the state. That's one area that has evoked not the most comment by certain measures, but it's gotten a lot of comment out of the legislators and of course, the Marine Fisheries Commission exists because the General Assembly deems it so. And as such, they gave you authority to order the director authority to issue proclamations. But there are guidelines for those proclamations. Glenn Skinner, and I spoke to a Senator last year on another measure, and he mentioned proclamation authority and we told him we probably want to talk to him a little bit more in detail about how it's being misused. Talking about SAV, and what you may do there using proclamation authority. Well, there's something called variable conditions. It's hard to see where those conditions would be met in using proclamation authority. So, I would just urge you to use a little bit of, actually, I urge you to use a lot of caution when using proclamation authority, because the legislators are very interested in knowing a little bit more about it. Thank you.

Daniel Self

Good evening, members of the Commission. My name is Daniel Self. I am a law student at UNC Chapel Hill and a lifelong recreational fisherman. I'm here tonight to voice my support for option number three in reference to the proposed rule for false albacore management. Firstly, I want to thank the Commission for drafting this important rule, but false albacore anglers and guides deserve a secure future and I'm incredibly grateful for your decision to take the first step by considering management for the species. I also want to thank the Commission for being the first to propose such rules. A core question underlying this debate is to what extent should North Carolina safeguard the future of the false albacore? Historically, the wait and see approach in conservation has caused more harm than good in preventing extinction and preserving ecological diversity. In my view, we cannot afford to risk losing this fish. To borrow a quote from the essay,

“*The ASGA*”, “the false albacore is a data poor species”, and this proposed rule would address this. The rule allows North Carolina to formally track the species and gather valuable data about its population and landings. As you know, in North Carolina, only 3% of commercial fishing trips result in landings over 500lbs. The proposed rule, if implemented, would set commercial landing, a commercial landing limit at 3500lbs per trip, and thus would only affect an incredibly small portion of commercial fishing trips. I want to say for the administrative record that I, as a recreational angler in North Carolina resident, find the landing limits set forth by the proposed rule to be very reasonable. In closing, I'm here tonight to support the long-term preservation of the false albacore so that one day, in 20 years, I can bring my children back to the North Carolina coast and they can have an opportunity to fish for this awesome fish. Thank you so much.

Jess Hawkins

Good evening, my name is Jess Hawkins, and I've been involved with Fisheries and Natural Resource Conservation in North Carolina for over 40 years. I was chief of Fisheries management for two years for the division and the MFC liaison for over 15 years. I served on the MFC for two years, sitting in the same judgment seat that you're sitting in now. So, with that, I ask that you do what is fair and not just what is expedient. This is especially so with regards to stripe mullet measures that are on your agenda and proposed, and the proposed protections for seagrass from trawling. As a biologist and with considerable experience with conservation, the striped mullet situation is very disconcerting. The current stock assessment finds that overfishing is occurring, and the stock is overfished and estimates that stocks have been overfishing and overfished since 1995. Yet three prior stock assessments, one of which I was involved in personally, found that overfishing was not occurring back in the 1990s and the 2000s. These models are only as good as the data used for the assessment and the validity of the assumptions for those estimation. The last model did not use a survey that was specifically designed to try to track yearly abundance of striped mullet in North Carolina. I ask that you consider these facts when you decide how precautionary you need to be to address the population's concerns that the division is bringing forward to you. With regards to SAV protection, I work with the MFC. When you close vast areas of SAV to trawling in oyster dredging, we were one of the first states to do so in the country, noting the importance of SAV habitat for Fish. These new proposals appear to apply a broad swath of closures. Even in, deep in areas which are questionable, whether the SAV would survive or not if it did grow there, using the basis of potential SAV habitat as a closure mechanism. In my experience with CAMA regulations and coastal management, that's not the standard they use. Back when I would go to court, we'd never use the presence or historical presence. And so those standards are inconsistent. So, I ask that you reassess those recommendations before you take action. Send it out to your committees or ask further scientists, because we know a lot about SAV in North Carolina. In addition to the Division's biologists. thank you for your time.

Mike Oppegaard

Thank you, gentlemen. I'm here to speak tonight about the proliferation of oyster leases we have around our area in Topsail. As you guys know, we've been overrun the past 2 to 3 years now with repeated water column leases, and we're having a problem with it interfering with the recreational fishing and the guide associations down there. We'd like to ask you guys to sit and consider some kind of limit, or some kind of capacity and density for how many water column leases you can have in a bay. What has happened to us consistently is they are now cutting off our main navigation channels that we've used and are also affecting the way we can fish a bank. What's

happened is we've got more people putting gear up against the bank. We can't go through the bank and fish. We have to fish a little way, go back, go around and fish a little way. When the process started, we asked if they would be considerate and put their equipment further out in the middle of the bay, and that did not happen. And so now we've reached a point where we have to do something. We've got to do something with density. There is a closure to the south of us that is a legislative closure, and therefore we have taken all the pressure south of us and north of us and put it in our small, teeny area, less than 20 miles by mile. You know, you want to regulate it. You can't regulate it like the Pamlico Sound, the Albemarle sound. You have to regulate it like it is Topsail, which is a really small piece of marsh. And we've had a proliferation of it. I know for a fact the town of Topsail Beach has sent letters to the secretary requesting that they stop issuing leases in the town of Topsail Beach, which the town of Topsail Beach theoretically goes to the center of the waterway. I would also like to discuss with you guys, you know, is there a better mechanism for us to have any kind of notice and notification? We know that we're not necessarily getting all the notices when the leases come up. We're having to find those ourselves. You know, one of us is having to sit on the sit on the computer on a regular basis back and forth just to make sure we catch every lease before it comes up so we can at least go to the meeting and voice our concerns. Finally, I would appreciate it if you guys would look at option three for false albacore and let's make and do something now before something happens in the future. Thank you very much. I appreciate your time. Thank you for all your volunteer work.

Lee Parsons

My name is Lee Parsons, I have been a full-time fishing guide for almost 28 years now. My primary place to fish is out of North Topsail and Surf City area. The water column leases that are being put in there are being put in there without thought to what's happening to our environment. Now, you say that the oysters will filter water, yes, they will. But when you think about the devastation that's happening to our bottom because of a water column lease, it's a whole different thing. Our area is a very shallow area. A lot of what we do is in two feet of water or less. A lot of these leases are being put in two feet of water or less. The bottom is being disturbed. Natural oysters are being disturbed. Until the state does a study on this, our request that a moratorium be put on this, it has to be. This is being put in place without any science behind it. The state has not done a study on what's going on. All the rest of the areas of the state have been closed for the most part, and we're being the dumping grounds for all these water column leases. And this has to change. If you destroy our bottom, you destroy everything in the estuaries there is. Because if we don't have turtle grass, and no other seagrasses, and oysters on the bottom, then we're just in the wind. That's all I got to say. One more thing. I volunteered to be boat so that you guys could put an observer on it, so you can see firsthand what's going on in these column leases. And I was told there was no money for that. Once again, I'm going to sit here in front of you. I'll offer my time, my gas, my boat, my maintenance. All you got to do is come up with an observer and he can report strictly to you. And that way you will get an honest answer of whether these water column leases are holding fish or not. But of course, the guides all know they're not. So anyway, I'm making this offer to you once again. All you got to do is come up with the money to pay an observer. If you can't do that, let me know. You pick the observer and I'll figure out a way to pay. How about that? Thank you all.

Barbara Garrity-Blake

Good evening. I'm Barbara Garrity-Blake, social scientist, former member of this commission. And I'm here tonight to represent NC Catch, a nonprofit that promotes local seafood. We really appreciate the opportunity to comment on the striped mullet FMP Amendment two. We at NC Catch weigh in on management proposals when we see a potential reduction in consumer access to North Carolina seafood. Consumers are the largest stakeholder group in fisheries that are easily forgotten in the policy arena. North Carolina has a population of over 10.5 million people. The great majority of consumers who prefer locally harvested seafood are completely dependent on the commercial fishing industry to provide their rightful access to it. Please raise your hand if you're commercial fisherman. So, for every one fisherman in this room tonight, there are likely tens of thousands of consumers who have a stake in maintaining access to the seafood they love. Striped mullet is the people's fish. It's an affordable source of protein for consumers on a budget. Mullet, mullet roe, value added products are in high demand across a variety of cultural and ethnic groups, and it's an important subsistence fishery. In short, Mullet is part of North Carolina's seafood supply chain, food security, and cultural heritage. We at NC Catch urge you to be truly adaptive in your striped mullet management strategy by choosing the smallest harvest reduction within your range of options, that provides for the sustainability of the stock and maintains fair access for anglers, commercial fishermen, and consumers. Striped mullet is an important small scale inshore fishery. Like shrimp, blue crab, and oysters, it provides an entry point into the industry for younger fishermen, with safer working conditions and more affordable gear compared to ocean fisheries. Our state must maintain sustainable levels of harvest for these entry point fisheries by reducing workforce barriers and supporting young fishermen. If we want to sustain the commercial sector, if we want to ensure access to local North Carolina seafood for all of us, and I hope we do. NOAA Fisheries released an equity in environmental justice strategy last year, recognizing that government policies must do better in advancing and I quote, "fair distribution of benefits to communities dependent on marine ecosystems for environmental, economic, social, and cultural well-being". Fairness, of course, is a key philosophy built into the language of the Fisheries Reform Act. We should be proud that North Carolina was really ahead of the curve in that 1997 legislation. But it's up to you all to ensure that we live up to that spirit by practicing fairness in management decisions.

Keith Tosto

I've come here to talk about the closures of the SAV areas. My name is Keith Tosto, I live in South River. I'm from South River. I've lived in South River my entire life. I own a small shrimp boat and I work mainly in the Neuse River area, which includes South River, Turnagain Bay, and Adams Creek. In the summertime, when she's out of school, my 13-year-old granddaughter likes to go with me, and I pay her. She enjoys going and she's a good help. When I told her what we were up against she said, Poppa, what can I do? I said, if you want to write a letter, I'll read it. Okay, here we go. "Hello, my name is Jacee. I live in South River, and I love to go shrimping with my papa. Shrimping has made me love the water, and I even dream of being a marine biologist someday. Unfortunately, I've heard that there are plans to shut down shrimping in South River, which will ultimately put us and many other shrimpers out of business. This would be very unfortunate because I love shrimping, and it has taught me so much about the river and managing and saving the money I make. I was just out on the boat this weekend and I only saw SAV in ankle deep water and did not see it beyond that. I hope you take into consideration how many people's lives you will be damaged if you shut down all shrimping in the river. Everything I've heard and everything I've read says that as a general rule, no submerged aquatic vegetation grows

in water greater than six foot deep. I think the main reason is probably sunlight penetration, and what you folks are designated as SAV, region three; Tar-Pamlico and Nuese River areas, trawling is prohibited in water six foot or less, from June 1st to November 30th. This is referred to as the designated pot areas and trawling is prohibited whether there are any crab pots there or not. People in my area don't shrimp in shallow water. They stay out in the deep, they tend to stay out toward the channel. When I first read and saw the map that was in motion to close a designated pot area, the areas that are six foot deep or less, to a year-round closure, I thought, well, that's not such a bad thing. But then I was sent a copy of a map showing all the South River and Turnagain Bay being close, even the deeper water, some of it 15 or 20 foot deep, I became concerned. In a meeting January 17th of this year, advisory committee member, Nathan Hall, asked Chris Stewart why he suggested that all of these areas, where the water is pretty deep. Chris responded, quote, it's easier to set the boundary at the mouth, unquote. It seems to me that this is more of an effort to close shrimp trawling altogether and goes far beyond protecting areas of shallow water and grass beds.

Steve House

Good evening, everyone, and thank you for allowing us to speak. Before you there are two resolutions that myself introduced to the Dare County Board of Commissioners, which I sit on, were passed unanimously by all seven members. The striped mullet, basing your data on 2019 data is woefully not sustainable. You need better information before you do a conservation type fish management plan. 2020 and 2021 were not completed, so your data is old. The 22 data was done, but where's the 23 data? With that also being said, one of the main things we were looking at is in the advisory group, you're supposed to consider the economic impact. So far there has not been any economic impact study on this fishery. So, if you look at the state numbers from 2022, we had a 23.4% decrease in total commercial fishing. That's a big hit to everybody's economy. Cook Industry Wanchu Fish House, they just announced at the end of March they're closed. They're pulling out of North Carolina. And when I spoke to those individuals, their main reason, North Carolina was too overregulated. They can do more in Virginia, where they already have a plant. Also, the other thing that was brought to you from our board was having a Marine Fisheries Commission meeting in Dare County. When this was adopted years ago in 97, they asked to have four meetings, quarterly meetings, one in Raleigh, and one spread out on the coastal areas: north, central, and southern. Since 2018, it's only been on the central part of the coast. Let's come to Dare County and hear from our guys. Let's go to Wilmington, hear from their guys. Make an effort to say, I care, I'm coming to you.

Ray Britton

I'm Ray Britton, I operate Spring Tide Guide Service down in Topsail Island. There's a lot on the table tonight, but we've got a more pressing issue in our area, unfortunately, it is the oyster leases. Let's start by saying that I am all for aquaculture and leases and I do think it's the way forward. The problem we're having in our area is simply density. There are a few issues, but it's mainly density. We saw the first lease go in, or the first leases that went in. We were able to work with the guys and have them move them out of the ways of the channels and things like that. And it was a pretty good relationship for a short period of time. And I think now that we've just run out of area to have them, they're starting to go into fishing grounds that we've used for years. And, you know, the smallest area in the state, we've had a 600% increase in the last two years. So, we're already bumping into each other. The areas that the red drum, I've kept logs for 25 years on

these fish and the big bays that they would use are 15 acres in one of them. And we were glad to see that go in, you know, something different. I said, well this is cool, let's see what happens with it. After two years of fishing with it in shallow water, the red drums, which are the fish that people pay us to catch during the summer, are not hanging around the noise. And I don't know what it all what all it is with them, but they just don't hang around them. So, we need a number for density, there's got to be a number. If y'all could please look at this and see, you know, how many will you allow in an area? We're getting overrun in our area and they're spread out in the whole state. You know, they're all in the state. But if you look at our small area, it's just lit up on the map. And that is due to the closures north and south of us that were stated earlier. You know, the implementation of these things, I think it's just gained so much popularity and so many people are getting into it, which is a good thing. I think there's just growing pains and, you know, the director's reports, the officer's reports, I've seen inaccuracies. I've made three phone calls to the director that were unanswered. The report that I read said that there were no objections from the public. If we don't receive a phone call back, I can't make that objection. I know that they're understaffed for their technicians that are looking at the areas that these things are being put in, and they're putting in in areas where there's grass. You know, I don't know how they're missing that, but I get it, they're understaffed. But, if that's the case, don't just approve them and put them in without having more look at them. You know, and the other thing that, you know, I'd like to see is it's my understanding there is a committee that looks at these things as well, and I'd like to see some representation from the fishing community because as stated earlier, we're not able to fish around these things. We snag and I don't want to leave a hook in the guy's gear. It's basically off limits to us at that point. For our area in that shallow water, we're not able to fish and we're not able to use these anymore. So, if there's a way, we can all work together and begin this process, that would be a lot better than 3 minutes at a public hearing to state our concerns.

Henry Murray

Good evening, I'm Dr. Henry Murray, my friends call me Tripp. I come to you tonight from Topsail Island. Coincidentally, I'm going to echo a lot of the concerns that Captain Britton just expressed. I'd also like to say I'm in favor of option three for the false albacore management. I'd like to see North Carolina take the lead in this management initiative to help the fishery, since it has missed that opportunity for other species previously. Density for these water column leases in the Topsail Island area is out of control. I'm not aware of any studies that have been done to determine exactly what kind of density these areas can support safely. We're starting to see some mortality in the wild caught oysters there. I'm concerned about that. I'm concerned about how that will affect other species. I'm concerned about the application process that's going on for these water column leases. Applications are presently being considered in that area when there is no lease coordinator at the Department of Marine Fisheries at this time. They're also understaffed for technicians for site investigation, and apparently the technicians sent obviously don't know what they're doing when they say that a bay with 2 to 3 feet of water in it is too shallow to fish in, so that that would make it a great place to put a water column lease. Most of the fishing I do is in two or three feet of water. And when they're talking about putting a 20-acre lease right in the middle of one of the main bays that I fish in, that bay becomes off limits at that point. And this is what we see happening in the Topsail Island area again and again, I'm not against aquaculture, but I'm against giving up my hobby so that somebody else can enjoy it. Let's spread it out a bit, folks. Put it in other areas of the state and give us a break where we are. Thank you.

Allen Jernigan

Good evening, everybody. I'm not here representing a registered lobbying firm, nor am I a registered lobbyist. And I make that point because this has been political for way too long. I'm here just representing common sense. First, I support option three for false albacore. That's a very important fishery for the recreational community, especially to fly fishermen in our area. Pender, Onslow, as others have said, with water column leases, there is no rule or statute for density in our area, and you can look at the map and clearly see we are overrun. It's taken our grounds away. It's taken grounds from our recreational anglers, fishing guides. Everybody's losing access, our crabbers, everybody. The reason is, the moratorium north and south of us, are one I like to mention and bring up is Bogue Sound, if I remember correctly, there's two leases active in Bogue Sound in a 17 mile stretch from Emerald Isle to Morehead City. I mean, can we put some up there? Do we have to keep putting them in Pender, Onslow? I ask you guys please bring something up and change this, because we were just at capacity in our area. That's about all I've got. I do have one more thing. I'm here in support of the family of small shrimp boats that's here, given comment. If we're going to look at anything shrimping wise, we should be looking at, I'm not going to say any names I'm not supposed to, we should be looking at the fleet that's down the river pooling 220 foot of head rope. We need to be looking at those guys before you go looking at people sitting in here in 35 foot.

Don Willis

Hello, I'm Don Willis. I have made my living after recreational fishery for over 35 years. I'm here to speak to you about a few things tonight. One thing is the false albacore, amendment three looks like the right thing to do. Let's get in front of this one, let's be proactive instead of reactive like we are on too many things. You've got some tough choices coming up. You've got to look at this mullet deal. Your stuff shows they're overfished, and overfishing occurring. So y'all have got to make some tough decisions on how to fix that. The SAV, you know, I'm all for saving, you know, the grass. I would love to see, you know, let's see if we get more spawning areas for our fish. I know I'm totally on board if you want to end the mechanical harvest of shellfish. That's outdated and very damaging to what's left on the bottom after they're done. Beyond that, would be the shrimp boat, I notice you're talking about doing observers. Yeah. One reason I think we have so much problems with a lot of our FMP, is we don't really put anything in there for the amount of bycatch that's being caught in these big shrimp trawls. And until we can get a handle on that and figure out what's going on, we're going to have problems. I don't see how you cannot address that gorilla in the room, it's a lot going on there. So, thank you. You've got some tough choices coming up next, two days. We wish you all the best.

Perry McDougal

Ladies and gentlemen of the committee, thank you for gathering to hear public comment on all the issues discussed tonight. My name is Captain Perry McDougal. I'm based out of Swansboro. I'm a full-time fishing guide and a local fly shop owner. I'm here this evening to express my concern for the current lack of management for a false albacore fishery. As a fly in light tackle fishing guide, false albacore are a huge part, a huge part of my business. They're a huge draw for my clients. My clients or anybody who come locally from North Carolina. I've got clients that come as far away as Germany. These are clients that come to our area to stay in our local lodgings, to eat at our local restaurants, to shop at our local stores, and support our local economy. These are clients who bring hundreds upon thousands of dollars to our area. These fish are

connected from the New England area all the way down to the Keys. I've been fortunate enough to be a part of the science behind these amazing fish for the past couple of years, both in DNA studies and in the tagging program last year, all of which that information I believe you have received. With option three, proposing a potential harvest of 200% of a five year record in the state, I find it to be incredibly fair for both commercial and recreational anglers. This gives the ability for those who target these fish commercially to harvest and encourage them to grow their business. It also gives the recreational anglers who are more conservation based a chance to preserve their future for this fishery. With no protection, just me personally, I could lose potentially a third of my annual income that comes from guiding and my small fly shop business. I can't have that happen. I can't have this fishery be pillaged by someone who's not focusing on our local economy and our local citizens. I ask you to be mindful that other states are watching your decision making. This vote has a larger impact on this fishery than just here. Be mindful of your choices and understand that this is the future of this fishery, it's not the right now. Have an educational discussion between yourselves, please. Inform yourself, review the information and please work together. I support option three for false albacore. To end on this, please, as all the folks from Topsail have echoed, please take a peek at your water column densities for your oyster leases.

John Mauser

Hey, y'all, I apologize, I've got a lot, so I'm going to read this pretty quick. My name is John Mauser, and I'm a full-time fishing guide operating out of the Carteret and Onslow County area. I've been guiding for 13 years, and false albacore make up a large percentage of my charter business. In fact, false albacore charters accounted for 40% of my total income last year. The health of this fishery is very important to many of us as these fish are sought after by multitudes of recreational anglers and commercial anglers too. Albacore also brings lots of money to our community. My anglers spend an average of 1200 dollars per day on guide fees, hotels, food, fuel, etc....while fishing with me for these false albacores. Multiply that by the 60 days my clients pursue these fish with me each fall, then multiply that by all the other guides running charters for albacore and then throw in all the rec anglers, and their boats and buying fuel licenses, lures, etc. Albacores bring money to the coast each fall when all of the tourists have already left town. To me, though, I'm more of a conservationist than I am a businessperson. I want this population of fish to be healthy and vibrant for a long time. Why wait until there is some major concern looming on the horizon before we take action? Waiting until a species of fish is in trouble before protecting it rarely works out well for the fish or the anglers. We have a species that is extremely sought after, and we don't have a single regulation on them, it could be free for all. We may not know if this species is being overfished yet, but one thing is for certain pressure will continue to increase on them in the future by both sectors. Why not be proactive and set some basic guardrail regulations on these fish? I've given this topic a lot of thought. I've looked at it from a lot of different angles. I strongly support capping the harvest at 200% of the five-year average. No one is getting cut out with that in the fishery, and it allows the recs and commercials to have plenty of room for success and growth without hitting the 200% mark and kicking in the regulations. It is a win win-win situation. Rec anglers win, commercials win, and most importantly, the fish win. It sets a benchmark by saying false albacore important to us here in North Carolina and it protects them from the possibility of a devastatingly large harvest in the future. Whether it's a large rendering industry being developed around them, or if it's just the ever-increasing number of anglers chasing them, the pressure on these fish will absolutely increase in the coming years. It's

been scientifically proven that we are sharing these fish from Massachusetts to Florida. There are other states watching closely that will likely make their decision on whether to protect these fish based on the decision that the MFC makes. Let's set the standard for excellence and do the right thing. I highly support the proposed regulations on false albacore. Please vote yes on option three. Secondly, I just want to echo what everybody else said. I do spend some time each year fishing around the Topsail area. I have seen the growth in the number of water column oyster leases, quite a few of them blocking access to the shoreline and normally accessible bodies of water. Will you guys please take a look at the water column Oyster lease density for the Topsail Area? Commission members Thank you so much for your time.

Pete Pascal

Good evening, my name is Pete Pascal. I grew up in Hampstead, North Carolina, and have since relocated to Swansboro. I've seen firsthand the issues that have been described with the oyster leases, and I encourage you to please take a look at that. I'm here to talk to you this evening about option three and the false albacore management plan. I'm going to take a little different approach, though. I caught my first false albacore in 1994. Now I'm not a math teacher. Well, that's not true. Actually, I am a math teacher. But you know, some quick math there. But 30 years ago, I went on a trip with a buddy of mine from high school named Chris, and we didn't know what we were doing, but we caught some fish. And the level of excitement, the laughter, the high fives, irreplaceable. Unfortunately, Chris passed away a few years after that, leaving behind two young sons. Every time I'm on the water and I think, man, Chris would really, he'd really dig this. I tell you all that because I'm not going to talk about things that are quantifiable. I'm going to talk to you about the data. I'm not going to talk to you about the economics. I'm going to talk to you about the relationships that are built from this fishery. It's an amazing fishery that we have here in North Carolina. And given the contentious nature of fisheries management historically in our state, I can only view this as a golden opportunity, a defining moment, if you will, to bring user groups together to build those relationships. This is a win-win, as has been mentioned before. It is an opportunity to be proactive, as has been mentioned before. So, I really encourage you, please take a good hard look at option three. Thank you.

Chris Thompson

Good evening, ladies, and gentlemen. I'm Chris Thompson and represent the board of directors for the Cape Lookout Albacore Foundation. The Cape Lookout Albacore Foundation was founded for charitable and educational purposes, specifically aimed at conserving, and understanding the coastal fisheries of North Carolina. The foundation was created primarily from admiration of the false albacore fishery on the Crystal Coast and the desire to celebrate this spectacular species with upcoming and existing anglers. We serve a community of recreational anglers and guides who are devoted to the fishery and desire to be maintained for future generations' enjoyment. Through an annual event hosted in Atlantic Beach, we've met anglers from across the country with a shared love of false albacore. They congregate in the waters near Cape Lookout in their travels up and down the East Coast in pursuit of this magnificent species. They inject funds into the local and state economy by employing guides, reserving hotels, dining at eateries, and making retail and fuel purchases. We've established relationships with hundreds of these anglers, all of whom are interested in promoting sustainable fishing practices for false albacore. From the intent of ensuring the species may be of continued economic and recreational value, the Cape Lookout Albacore Foundation is advocating for management of the fishery. A Division of Marine Fisheries

False Albacore Information Paper update published February 2nd of 2023. Observe There are no management rules for false albacore and landings from both the commercial and recreational sectors have risen steadily over the past ten years. This document concludes, the most prudent management strategy is to apply management measures to limit expansion of new and existing fisheries. Option three of the proposal supports this conclusion, if enacted, by establishing a 3500lbs commercial daily limit in line with existing restrictions on Spanish and king mackerel, fisheries, and a ten fish per person in 30 fish per boat Recreational limit. Preliminary science and data collected with the American Saltwater Guides Association and in collaboration with Cornell University, the New England Aquarium and NOAA fisheries indicates false albacore are a connected coastal stock. Fish tagged in Nantucket Sound were discovered in North Carolina waters within a month and subsequently down the coast and into Florida. Long term empirical data may not be available for the life history for this species in the Western Atlantic, but neither is state funding to develop additional data. Such data is not required to make an informed management decision. What we do here in North Carolina can serve as an example to other states, and we all have an obligation to be good stewards of our resources. Option three provides protection for false albacore and provides a means to preserve the resource for the numerous businesses that rely on them and the public that so very much enjoys them. The Cape Lookout Albacore Foundation supports option three. Thank you for your time this evening.

Justin Schenkel

Evening, ladies, and gentlemen. Names Justin Schenkel, I just want to take the time to thank you guys. I'm not a guide. I own no business that earns income. I just want to thank you for the opportunity to voice my opinion for support for option three. I feel that there is minimal scientific knowledge out there, but there is some. And with this proposal, option three gives us more time. I'd like to take my children to fish the opportunity I have, and I hope it sticks around. Thank you for your time.

Stuart Creighton

Good evening, commissioners, it's always nice to have the chance to get up in front to speak to you. This evening, I can't say any more eloquently than those before me about the endorsement for option three for false albacore, and that is certainly something that we should move forward with at this meeting this week. In addition to several things, first, you guys are going to hear a presentation this week on the feasibility of initiating an observer and long loop program for the shrimp trawl industry, something that I fully support. This should be initiated as soon and as completely as possible. The report summarizes it is easily feasible to begin this program, as long as sufficient funding can be obtained. The division estimates for a 5% observer coverage are about 760,000 per year and for a 20% coverage rate it would go to about 3.2 million per year. As of the fiscal year 2023, the Commercial Fishing Resource Fund had nearly one and a half million dollars in excess, and that would be a perfect source to start this program. You're also going to hear about certain areas in Pamlico Sound and other parts of North Carolina waters that should be close to shrimp trawling so that critical SAV habitat can be protected and restored. This is one of the most important shallow water habitats in the sound, functioning as nursery areas for a wide range of species of finfish and shellfish. All 12 of these proposed areas should be fully endorsed and protected from trawling. As I commented on during the November MFC meeting, care has to be taken with regards to the rapidly developing mariculture industry. First, and again, you've heard this several times tonight because of the rapidly expanding number of oyster leases for the

mechanical harvest of oysters and clams through dredging and kicking should be discontinued. Please be reminded that new bottom and or water column leases should be properly sited. And what is happening now in Stump Sound and the Topsail area is a good example of what not to do. Here leases have risen almost 600% in a very short period of time, and public angling and recreational access is being lost. It's important to note that oversaturation of a given area is an invitation for disease. The large number of cages in these areas are constantly covered with roosting birds, which expel guano on them constantly. Of course, there are strict rules governing shellfish sanitation, with regard to exposure, guano loaded with bacteria and parasites. With such a rapid increase in the number of aquaculture operations in these areas, the question has to be asked, is the DMF capable of enforcing these public health regulations? if not, again, CFRF monies should be used to fund the position or positions necessary to monitor such an important health concern. And since I'm out of time that's it.

C.R. Frederick

Good evening, good to see you. To the Division, I respect you from the law enforcement to the ones sitting in front of me here now. To the commission, if you were in the public sector and got as wrong as many times you'll have, you wouldn't have a job. Plain and simple, you wouldn't have a job. The issue of aquatic vegetation and shrimping, I'm going to say if, because I really truly, I don't, I don't, I don't know that if the eelgrass is dying out, I'm going to say 90% of it has got to be through encroachment of hard sand onto a muddy bottom. You can see it from Bouge Inlet, New River Inlet, Beaufort Inlet, the whole nine yards, and nothing's growing. From an oyster, a few clams will, but grass won't. You're, I believe, headed in the wrong direction. In the Swansboro area, from the mid-seventies, eighties, shrimping was pretty substantial, especially in Queens Creek, White Oak River, New River. Now we've all gone to auto trawling, gone to skimmer rigs, which is actually the same footprint on the bottom. And the Queen's Creek, White Oak area, the trawling itself, I assure you, has been discontinued up to, I'm going to say 95%. Queens Creek, I'm going to say even higher than that. I live on the water, last year I seen one boat, other than myself, that pulled and auto trawled down Queen's Creek for 30 minutes, took up and went home. You cannot pull in auto trawl. You cannot push a skimmer rig in grass. It will not let you. It will not, if you get into it by mistake, it doesn't take you long to figure out where you're at, what's going on it now. To come out with a wide closure and say it's all eelgrass is completely unfounded, and absolutely, ludicrous. The division should send out people and check for the grass. Heat will kill it out and maybe it comes back. It should be based on whether it's there at the time, and let the people enjoy their shrimp, and put a smile on everybody's face and enjoy eating wild Caught seafood in North Carolina.

Cameron Pappas

Good evening. Thanks for being here. I'm apologies for reading off my phone, but if I shot from the hip, it probably wouldn't come out very good. So, my name is Cameron Pappas. I'm a full-time charter captain out of Wilmington, North Carolina. I'm in full support of option three, regarding false albacore. I think that these fish are extremely valuable for our coastal communities, from guides to recreational anglers, to commercial. Option three provides very liberal guardrails for a highly sought after species that currently has absolutely zero regulations. Why would we not put regulations around false albacore to protect them from something horrific happening? I fish for these fish almost solely for two months out of the year with people that travel from out of state. People that book hotels, buy gas, eat at restaurants. These fish are

valuable and deserve to be respected just as much as any other regulated species. These fish are growing in popularity, it can be seen by the amount of boats chasing them these days. Please do the people of North Carolina something right by keeping these fish around for many years to come, by putting some form of regulations around them. Lastly, I'd like to also express my opinion with the water column leases and Topsoil and Surf City. I think there is far too many taking up valuable fishing space, and something has to be managed there because it really is becoming kind of ridiculous.

Steve Boljen

Good evening. Thank you. My name is Steve Boljen. I'm a residential fisherman living in the Cape Carteret area outside of Swansboro, and I'd like to address the false albacore issue that will be in front of you folks. Essentially, in my years of business and government experience, one of the biggest struggles I see people face is making the wrong decision. Unfortunately, everything we do in life is a tradeoff. Whatever we say we do, we pursue, it has a cost and a benefit. We always expect that more data will appear to illustrate the correct choice. This usually results in making a decision, not to make a decision, until that data presents itself. So here we are pondering this decision about regulating false albacore in North Carolina. We have three options in front of us. Option one is clearly just the decision, to not make a decision. You all called it the status quo option. It provides no data to monitor the fishery and provides no rule to manage the measures, to manage the fishery, in case something happens, and it becomes a target fishery. Option two on the other hand, is only a little better than the status quo, and that it does provide for formal monitoring but still offers no rule to manage this fishery. Option three, in my opinion, is the only choice to make at this juncture. In addition to formal monitoring, it has a rule in place for implementing management measures if landings considerably increase. This is a proactive decision to protect this important fishery while monitoring and collecting the necessary data to manage it going forward into the future. Under options one and two, what is the procedure, should the false albacore fishery become a prime target? While data is formally collected and evaluated, the fishery can be assaulted to the point that it reaches a barely sustainable threshold or even worse, is exploited beyond that threshold. Option two, in my opinion, is what I would call paralysis by analysis. We're going to monitor and monitor, but we're not making a decision. Option three is what I strongly recommend you all should vote for. I appreciate the time you've all given me to come up here and address my concerns on this. I hope you all have a good evening.

Greg Barnes

First of all, I want to thank everyone on the committee for your time. I know this is not an easy task. All the fisheries that you guys are asked to contemplate this week, you know, science isn't a perfect process. Policy isn't a perfect compromise. So, I encourage you guys to make pragmatic in the absence of perfection. On the topic of option three, I think it's fair to say that there's a lot of folks out here today that want to see our fishery managed for abundance, and this is a pragmatic decision to protect the ability for us to study it more. And it's a safe guardrail in the short term so that we show the best of luck this week.

Wesley Potter

I'm Wesley Potter, I'm a commercial fisherman, member of North Carolina Fisheries Association. Thanks for this opportunity to address the latest shrimp trawl closure proposals. I've been in commercial fishing for over 50 years, pulling shrimp nets most of that time. Providing fresh,

affordable seafood to the American people. I went to my first public hearing on trawl bottom closures when I was 18 years old. Been able to attend these types of meetings every year, or two ever since or knew bottom closure proposals. It seemed that this latest plan was more acceptable because it was closing narrow areas along the edges of shoals and hard where grass beds may occur, and shrimp production is usually minimal. But, when I seen that all of West Bay was to be closed, I knew it was a bottom grab. There are lots of soft mud slews in the West Bay area, where grass beds don't occur, and should stay open to shrimp trawling. There is already over a million acres of bottom close to trawling, and I know it will never be enough for some people that want it all shut down. There are a lot of people that depend on this resource and every new closure makes it harder to make a living, and this is the only work that I know. Just for your information, and over 50 years of pulling a shrimp net, you don't pull it long in a grass bed. And once you know where the grass is, you don't go back. If your net is loaded with grass, your net is not catching shrimp, you're just wasting fuel. It's just common sense.

Patricia Kellum

I'm not a commercial fisherman, but I've been married to one for almost 50 years. We raised four children and four grandchildren, based on a lot of the commercial fishing that my husband has done. I am talking about the seagrass issue in Carteret County. Don't know about it in other areas as much. But my degree was in biology, and so my first bent is to go and look at the resources online. I had a really hard time finding some information concerning commercial fishing and sea grass, because like these guys says, anecdotally, you don't go to an area that's got grass because you can't pull in it. What you do, do is you go into deeper waters. And it was very, very concerning when I heard that the reason why they want to close the entire areas is because they didn't have the resources, in order to monitor the areas that had deep water. I asked my husband on the way up here, when was the last time he drug in a grass area on purpose? He said it was about seven and the only reason he did it then was because he had to push the boat. Otherwise, he tries his best to stay out of those grassy areas. I think that it would be unacceptable for any of you all to say that we're going to stop doing something because we don't have the resource to monitor everybody. And I just can't quite wrap my head around that. The other part that I wanted to discuss was, when I did my research, what I found was that it wasn't trawling as much of a problem as it was climate change, glass glyphosate in the water from herbicides, and other herbicides and grow things that were runoff from over population of the areas near those grass beds. Now, if you would like to go and stop some of the development in Carteret County or any of the other counties that are being affected by this, then that might help this issue, because my thought is, is that if it kills grass, it kills grass. Runoff would do the same thing. So, I'm not a very good public speaker. I understand the science behind this, and I understand that the science is not on your side. with someone trawling in deep water, versus not trawling in grassy areas. The science is on the side of the herbicides.

Zack Davis

Commissioner, do you mind if I pass paperwork out right now? I am passing you all out three different handouts. I'd like to address the first one this, excel spreadsheet. It was created by myself. I used Fisheries and the Department of Environmental Online Resources, the SAV mosaic from 1981 to 2021. I ask how many of you all watched the TV shows or the cable networks from the 1980s? If you're using the same phone, you were using from the 1980s? the same landline you were using in the 1980s? the same car you were using in the 1980s? or the same internet you're

using in the 1980s? because that's what you're doing to us with this submerged aquatic vegetation. Nearly 99% of the, quote, “furthest known extent of SAVs was established by area documentation with photographs from the 1980s, 81, 85 and 88”. That's where the Fisheries and the Department of Environmental Quality gets their base map for the furthest known extent of SAVs. That excel spreadsheet takes different areas, and yeah, I did personally look at it, it's public information you can zoom in. It was kind of hard to find an area that was specific with one circle that you could kind of zoom in and compare a 1980 photograph to something from the 2000s. But if you look at the reduction rates on nine different locations in closed trawling bottoms, the average reduction in SAVs was 71.45%. If you look in open bottom, that same comparison was 67.76%. That alone tells me trawling is not the problem. Either the data from the 1980s is the problem, and you're not using the most relevant data, or something else is causing the reduction in submerged aquatic vegetation. Okay, it's document number one. Document number two was a map packet that I drew after talking to fellow fishermen from different areas, both locally and up the coast Wanchese, which I dare say is quite a bit more than Mr. Stewart did in the last four years, since the last map packet came out. This is your stakeholder input; it gives you 95% of what you want. It gives us 95% of our bottom to make a livelihood. The last packet is this; is falsified information. A lot of these acres that they are including in their table as unprotected is in primary, secondary and special secondary nursery areas that are protected from trawling. And they're included on this as being unprotected is false.

Monica Smith

Good evening. My name is Monica, and I help my family run Miss Gina's Shrimp in Beaufort. I worked as an elementary school teacher and then a med-surgeon labor and delivery nurse before quitting to stay at home, help run our business and raise our children. In 2021, scientists presented data in an effort to close open bottom to trawling. They didn't get all they asked for, but they got the closure of Bogue Sound. To them, it was a small win, yet to the shrimpers who live and work Bogue Sound, you completely changed their livelihood. You made a proposal, got a small piece of what you asked for and you went back to work knowing we'd be back here again.

Unfortunately, for those shrimpers, that privilege was stripped from them. Sure, you said they could go work somewhere else. Probably in those same bodies of water that you're here again trying to close. In January 17th meeting, someone asked, why can't you just all go channel in? Well, how about we line up 8 to 10 other people and you can all race to get to your desk on Monday morning to earn your paycheck. As a teacher, I taught the scientific method, ask the question, create a hypothesis, develop an experiment, gather and analyze data, and report conclusions. You've done a great job of asking the question and creating a hypothesis. You've even developed an experiment. But nowhere in the January 17th meeting were you able to show data from closing an area to trawling to conclude that it worked to increase SAV. Not in primary or secondary nursery areas, and not in Bouge Sound. So here we are, and you've now presented the same data again. You've had over two years to collect further data, to prove your point and you have failed to do that. Just like you failed the shrimpers of Bouge Sound. You come back here, and you propose more closings. You want 100% protection of SAV. I'm guessing you're going to ask for massive closures, cut back on what you're asking for under the guise that you actually listened to the stakeholders, and compromised. And then you'll chip away at inshore trawling. In three years, we'll be back here again, same question, same experiment, same lack of data. Now, if I was a scientist, and I had dedicated a portion of my life to saving SAV at the expense of someone else's livelihood, I would come in with mountains of data proving that it

worked. In the January meeting, it was stated, and I quote, “we know that trawling is one piece, and probably a smaller piece at this point of the problem than other things, but we have to address all of the pieces in order to have success”. Well, I can't wait to hear how you're addressing other problems when these massive closures is how you propose to handle such a small piece. I encourage you to take the next few years, use Bouge Sound as a study area, collect the data, analyze it, and then come up with yet another bogus reason to close inshore trawling. Isn't that the ultimate goal? and we'll be here once again fighting for our ability to go to work.

Thomas Smith

My name is Thomas Smith and I'm from Beaufort. I own and operate a 50 foot shrimp boat, and co-own Miss Gina's Fresh Shrimp in Beaufort with my dad. We sell fresh shrimp caught by our boat from Core Sound, Pamlico Sound, and along our North Carolina beaches. We run this business out of my front yard, much like a produce stand. Social media has been a big part in growing our business. Our shrimp have been purchased and carried to nearly all the lower 48 states. We employ 6 to 8 people each year. Several being high school, and college students trying to put themselves through school to earn a degree. We've sold over \$1,000,000 worth of North Carolina seafood from my front yard last year. Most of that coming from shrimp caught by our boats. I am the so-called mom and pop fishermen; you guys speak about wanting to help. For as long as I can remember, all I've ever wanted to be when I grew up was a shrimper. But my Dad demanded I go to college as he knew this day would come. A day when I would have to stand up and fight for my right to make a living. Now I have two precious boys, Cameron, now 11. He did his remote learning when school closed for COVID from my boat in Pamlico Sound. He loves it is in his blood. When asked in kindergarten what he wanted to be when he grew up, he never hesitated and said a shrimper. Conner, who is 3, shares the same excitement. He wants to go shrimping with daddy. Those boys, as well as myself, are happiest on the water. I've dreamed of the day when they're both old enough to make up my crew, just like I did for my dad. Yet here we are, fighting for the right to work and teach my sons about this lifestyle. Begging you once again to not take this away from us. These proposed closures will put me out of business. You have stated that due to lack of shrimp trawled data for specific SAV reasons, you are not able to estimate precise economic impacts to the shrimp trawl industry. I can assure you they would be detrimental. The areas that you are proposing, particularly Core Sound, will take from 25 to 75% of my income, depending on the year. This isn't just about me. This will affect the high schooler, who works during the summer to pay for their college education. The full-time worker, who comes from Cherry Point, throws on his boots and takes his son and daughter out to teach them about shrimping, and keep them out of trouble. The husband and wife, who need just a little extra money to pay for their bills, and pay for dance or softball, or uniforms for their kids. I oppose these SAV closures in the shrimp trawler industry.

Cayton Daniels

Good evening, my name is Cayton Daniels. I've been attending these meetings since I was 16 years old, and I've watched a thriving industry be stripped and tattered to pieces. This industry can't take any more blows. Early on in attending these meetings, I got the idea of we got to give them something and maybe they'll let us be. Maybe give them a 15-inch flounder, maybe give them four days a week on large mesh gillnets. Maybe give them 75 speckled trout. Going way back for my time, let's give them south the Hyder Shoals to fly netting. Let's give them half a mullet season. Best one in the last ten years, let's give them half of that. The list goes on and on

and on. This industry has given, till there is no more to give. And, in my opinion, anything that is given is just a foot in the door to expand what has been taken away from us exponentially. This closure was to go into effect in proposed areas for the SAV, this will be no different. You got Bogue Sound. Next to be Southern Core Sound. Next it will be the same map it was three years ago. The west half of Pamlico Sound is just going to grow like wildfire. I own a 45-foot shrimp boat, and a lot of my income comes from Core Sound. This past season alone, over 30% of brown shrimp I landed for the year came out of the southern end of Core Sound, where you're proposing to close. How many of you could survive losing 30% of your income? This proposed closure will be shoving a smaller class of boat, into much larger water, where they don't belong. Due to sea conditions, weather, carrying capacity, and so on. Anyone in this room can pull that more recent and detailed satellite imagery, and what was used to come up with this with your cell phone, and clearly see, there's no SAV in the areas where we trawl. Before any permanent closure should ever even be thought of, I feel there should be more interaction done with local fishermen who are knowledgeable of an area and are aware of the seasonal environmental changes on that specific body of water. This industry, as a whole, has given their fair share throughout the years. I think it's about time this division gave us something back, a break. I'm going to end this with some our forefathers, wrote in 1776. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness". This division has certainly robbed the North Carolina fishermen of their lives and their pursuit of happiness.

Bruce MacLachlan

Well, thank you for the opportunity to address you this evening. I came here only to address one issue, and then I started expanding and that as I've heard testimony, but I'll keep it brief. Number one, option three or the false albacore. My opinion, I cannot add anything more than what Perry, McDougal, Chris Thompson, John Mouser, and several others said already. So, I won't repeat that. But I think this is an opportunity for the Commission to get in front of an issue and preserve a resource for our state, and really for the entire Atlantic coast that is extremely valuable. I encourage you to do so. Some of the other issues I have heard tonight, I don't have the necessary background to comment on in length, but I would just encourage all of the members of the Commission, look backwards to where we were and then look forward 10 or 20 years to where we want to be. Whether that's stripe mullet, whether that's submerge aquatic vegetation, whether it is trawling in key areas, whether it's observer coverage, all these things, we need to do better. I can't encourage you enough to look at the observer coverage on our trawling industry, like Stuart Creighton mentioned earlier. I did sit on the Shrimp Advisory Commission a couple of years ago, and I believe that's a gaping hole in our management strategy, and I strongly encourage you to find the funding to cover that gap.

Kenny Rustick

My name's Kenny Rustick and I work out of Marshallberg Harbor. First off, I'll tell you that 95% of my shrimping income this this year came from Straits Channel. On average, I'd say probably 60% of my income comes from these closures, and Core Sound. I also say that in 1989, and I said this at the meeting in January, in 1989, we had a freeze and a snowstorm the week before Christmas. The whole town froze over. Beacons got tore down when the when the ice broke free. Tore all the beacons down, Core Sound, everything. That was the start of the grass going away from Core Sound. It killed the grass over to the banks. That's when the scallop started dropping

off. You can look at the data from the fisheries and it'll show where the scallops dropped off, dropped off, dropped off. Well, the grass has never come back. There's no trawling over there to the banks. There's no scallop dredging anymore. And no keeping clams on the bank shoal no more. So, it's not shrimping that's doing it. They got plenty area to go look at the banks and see why the grass hasn't grown back. But to put us out of business, because every one of these places that's proposed close is where we work. That's where we work. And it'll kill the small boats in Core Sound. I mean, it'll put us out of business. We're struggling now. We didn't even have a viable shrimp market this summer because of imports. And another thing, the data stored in the 81, they said at the last meeting, and they had more grass then. Then the grass start disappearing, well, if 300 boats that work Core Sound in the eighties didn't kill the grass, the dozen or the 15 or 20 working there now isn't hurting it. So, you need to start looking at other options and leave commercial fishermen alone. We've worked, and we've give, and it's just like Cayton Daniel said, we give, and give, and give, and the Marine Fisheries has took, and took, and took. We never get anything back. Trout, they closed fly nets. We can't catch but 100lbs now. What happened to them? Who is held accountable at the Division for closing all this stuff? And we are the ones that lose out. We're the ones that's held accountable because can't pay our bills, can't support our families. And the regulations is what's destroyed commercial fishing in North Carolina. And that's basically all I got to say.

Jeff Stamper

My name is Jeff Stamper. I'm from Bogue Sound, the area y'all closed 3 years ago. I've lost over half of my income. Now I'm shrimping the areas that y'all are talking about closing now. When I was a kid, I started on Bouge Sound, I'm probably five years old. I got two little boys back there working the water with me every summer. Y'all took, took, took. When I was a kid, there was no grass in Bouge Sound. What y'all closed, there was no grass. As everybody always tells you, I got \$3,000 in one net. Do I want to drag it across the oyster rocks and tear at my net? I don't think so. I don't want to pile my net up with grass? I don't think so. So, what y'all keep saying, It's bullshit. Excuse my language. It's wrong. It's wrong of y'all to do it. If we took pictures of every one of y'all, y'all will volunteer. What if we went to y'all's jobs, harassed y'all, like we get harassed on our jobs? What would that mean for your family? You would be out of work like us. Thank What y'all do?

With no one else wishing to speak, Chairman Bizzell ended the public comment period at 7:36 p.m.

February 22, 2024

Chairman Bizzell convened the MFC business meeting at 9 a.m. on February 22, 2024, with the public comment period. The public comment session began at 9 a.m. and ended at 9:35 a.m. The following comments were received:

Public Comment Period (9:00 a.m.)

Joe Harris

Good morning. My name is Joe Harris, I'm just a recreational fisherman. I was here last night and had no intention of speaking. I wasn't planning on getting up at five this morning, but you know,

after what I heard last night, I felt I had to come and say something. I've been fly fishing for false albacore for over 30 years. Kids grew up doing it. My wife and I still come and do it down here four or five times a year. I'm also involved with Project Healing Waters, which is a great organization for veterans to take them fishing. What we do is have a few events and take vets out fishing. It's wonderful to see veterans, both men and women, jump on a boat, leave the problems at the dock and giggle like kids when they're out there fishing. So, I obviously support option three. The mullet issue and the Topsail issue, I'm not that familiar with, but I'm hoping that that gets resolved for, you know, something for both parties. Lastly, I love eating shrimp. I love North Carolina seafood. Commercial fishermen are hardworking people. They wouldn't be out there if they didn't love it. I just would throw my support to them. And that's pretty much it. God bless them Commercial fishermen.

Glenn Skinner

Hi, I'm Glenn Skinner, a commercial fisherman and executive director of North Carolina Fisheries Association. Want to talk to you about using trawl closures to protect SAV issues. And, I want to start by reading a small portion of the motion that was passed two years ago by this commission that brought this issue back to the commission. It states that the Division of Marine Fisheries collaborate with the support staff, and Habitat and Water Quality Advisory Committee on issues related to SAV habitat as the division deems appropriate and feasible actions to address that impact, which to me means we're supposed to identify specific impacts that are occurring and come up with recommendations to address them. Now, no specific impacts have been identified with shrimp trawling and SAV. Just the simple fact that shrimp trawling could impact SAV is the only thing that's been identified in this issue paper. It also says will be identified by the appropriate committees and brought to the MFC in the future for action as part of Adaptive Fisheries Management. This commission instructed the division to use the Adaptive Management Process and Amendment two to implement these recommendations. Adaptive management is a management process that gives you flexibility to change the variable conditions. To adapt your management to suit changes in science, fisheries activity, stock status, whatever it may be. The division came back with a recommendation for a permanent closure. There is no variable condition, no chance for change, permanent means steady, unchanging. There is no variable condition in this, that would suggest you should use the adaptive management process to implement it. Through the adaptive management process, they also use proclamation of authority to implement these changes, if you approved. Under North Carolina State statute, 113-221.1, subsection B, you all are given the power to delegate authority to the fishery Director to implement rules or suspend rules that are affected by variable conditions. Again, to use proclamation authority, there is supposed to be a variable condition. There is supposed to be some for foreseen circumstance where this rule may need to be changed and changed in a timely manner, if you use proclamation authority. Once again, a permanent closure has no variable condition. Another part of this motion, they're supposed to collaborate with stakeholder groups. There's been no collaboration at this point with any stakeholder group that I'm aware of. If you all decide to move forward, I would suggest you use the proper legal process, which is the rulemaking process, and you require that a stakeholder group is formed to come up with some better recommendations than what you currently have, and I'll leave it at that.

Thomas Newman

My name is Thomas Newman and I'm a commercial fisherman, and also work part time with the North Carolina Fisheries Association. The first page of the false albacore document in your briefing materials clearly states, as has been stated in multiple management levels up and down the East Coast and also here at the MFC, that this fishery is healthy. The document says there's no evidence of size truncation, and the majority of the fish caught are well above the length when they 50% sexually mature. This rule has unfortunately also been misrepresented to most of the people commenting in this meeting. This misinformation given out about this rule is par for the course with the groups and persons organizing and trying to pass it. This rule does not provide liberal guardrails. In fact, I believe it's quite the opposite. The limits mentioned in this rule are maximum limits, bag limits, not to exceed ten fish. Shrimp limits, not to exceed 3500lbs. And this brings me to my next point, why are both sectors harvest tide each other in this rule? One sector should not be responsible for trigger management for the other. We all know recreational data MRIP is undergoing an effort calibration and the recreational harvest numbers are going to change. This recalibration line could easily exceed the 200% trigger. Bag limits will do nothing but put a target goal for many recreational fishermen to hit, if implemented. Data already presented to this commission shows that recreational fishermen currently on average keeping one fish. Commercial trip limits will do nothing but create waste. Your data shows that most commercial landings are under 500lbs, but bigger catches regularly occur. Why, with such low commercial harvest numbers in NC, should we waste and discard perfectly good fish by setting an arbitrary triple limit? This rule contains no fisheries science or fisheries management. Where is the stock assessment? Where is the fisheries management plan? Where is the fishing mortality? What is the span of stock? Biomass? Should we not be worried if landing shows a decreasing trend? This rule is nothing but ruse to appease Commissioner Roller. Please do not continue to burden DMF staff with solely trying to manage such a healthy, Atlantic wide stock, and leave this at status quo. DMF already has enough species that need better management. In reference to stripe mullet, a two-day Saturday and Sunday closure year around, and small 50lbs allowance on weekends meets the threshold at 21.7% reduction and should be included as a proposed option. Albacore rules, mullet closures and trawl closures, are all nothing but attempts to stomp out the few remaining small-time fishermen in this state. We are being run through again, and again, and again at these meetings. We are trying to work with the process, we are begging to be involved, and volunteering to help with the process. We need management, but we need smart management. Management that doesn't just continuously cut the last remaining fishermen to fill their data gaps. Thank you.

Tim Hergenrader

Good morning, I just want to put you at ease. I'm not here to bring any legislators in, I haven't been talking to any of them to get into your mess. Just do your job. Okay? We'll get that squared away. We heard a lot last night about the mullet being so economically important, and I don't doubt that. I didn't realize it was that important on the Outer Banks. But one thing I didn't hear much about was the importance of the mullet for the fishery. The mullet is critically important. It's a food base that all the other predators feed on, on mullet. Without a mullet, we haven't got anything. So, we got to get it right on the mullet. We got to get it right on the mullet. We also heard a lot about SAVs last night. How they can't trawl in those areas where there's SAVs because it tangles up their nets. It wasn't too long ago, or the word was that they had to keep those grasses under control because they get so thick, they bind up everything out there. They just had to keep those SAVs under control. Now, all of a sudden that's the other way. One way or the other, it's got to have one or the other,

can't be both. I'm not going to say anything about Tom Roller's efforts on behalf of a species, but it sounds like everybody is pretty much sold on option number three. I don't know. I've only got one of those in my life, and I'll tell you what, that was a heck of an experience for me. I hope you keep them around forever, so maybe one of these days we can all catch one. Thank you very much.

David Sneed

Good morning. Thank you, Mr. Chairman. My name is David Sneed and I'm the executive director for the Coastal Conservation Association in North Carolina, And I would like to offer some comments on behalf of our membership. We support option three for false albacore management rulemaking. As has been mentioned time and time again last night, it was great turnout, great support for this, and it simply puts some very liberal guardrails on a fishery that is very important to the fishing public. While commercial and recreational landings have increased in the last ten years, this is still primarily a catch and release recreational fishery. This is a unique opportunity for this commission to implement some precautionary management, a precautionary management approach that would build a framework for future action in other states and position North Carolina as a leader in conservation efforts in this important fishery. We support DMF efforts to protect critical seagrass habitat, and I would call your attention to a study by ASMFC that was just released yesterday entitled "*Fish Habitat of Concern Designations for Commission Managed Fish and Shellfish Species*". This document apparently addresses the gap in protection by emphasizing the critical role habitats play in fisheries production and ecosystem function. Along those lines up on striped mullet, I thought one of the most interesting comments last night was from a commercial fisherman that was talking about the reduction that are being proposed, and what he termed, the lack of the landings data for when they reached the threshold, as he called it. And what we've been looking at is there's no quota that goes along with this. So, his concern was how do you know if you're getting the reductions that you're trying to get without any sort of cap or target for what can be caught to achieve those reductions? So how would we know if we're even getting reductions until after the fact, after the year is over? I'm not sure if we even know if we've achieved reductions from the 2023 supplement. And I would also echo some other comments about the importance of striped mullet as a forged fish. And again, it is very important to get this right because of the ecosystem impact this fishery has on other species of importance, and I'll wrap it up there, Mr. Chairman. Thank you.

Bobby Brewer

My name is Bobby Brewer. I'm a fishing guide out of Oriental and false Albacore is a very, very important fishery to us in the October-November timeframe. During that time period, I fish a host of people from many states and also occasionally I host people from foreign countries. Also, I'm on the board of directors for Fly Fishers International for the Southeast region, and that's also very important fish for them. In fact, last year we hosted a group from FFI down in Morehead City in November, and that's gets advertised all across the United States. In addition to that, after that event, it was voted on by the members to come back down to Morehead City and do another event. So, the economic impact on that, on that fishery is quite large for that particular area. Usually when I've spoken at this event, two or three different times and every time I speak, it seems like we have a fishery that's in danger. That's been overfished, or overfishing is occurring. This particular time we don't have that. We have a fishery that we can do a proactive approach to try to protect it into the future. And I hope that you guys do that. I hope you take that into consideration to do that. Now, I support option number three on that. Thank you very much.

Ron McCoy

I'm Ron McCoy from Hampstead. I quote, "The Marine Fisheries Commission is responsible for managing, protecting, preserving and enhancing the marine resources under its jurisdiction". My question, are you living up to your responsibilities, or are you here to manage what user group gets to fish and keep the fish? There's a real difference in catch management versus resource management. Catch management ignores data trends by summarizing data into buckets. Catch management allows all gear to be used anywhere, no matter how destructive. Catch Management does not punish commercial gear users for not reporting catches. Catch management accepts bycatch as a necessary evil so catch can continue. Catch management supports long-term, five-year plans so difficult resource decisions can be delayed. Catch management occurs when oversight commissioners are predominantly users. In contrast, resource management is driven by data trends, restricts the use of destructive gear, punishes not reporting catches. Does not hide in long-term, five-year plans, and does not accept bycatch as necessary. We the citizens, me, and you, have failed the resource. We've done little to convince Raleigh that the resources and real danger. Our current government and governor are influenced by users, not the resource. We have become complacent and think nothing will change. We make our public comments and go fishing.

Landon Merkley

Good morning. My name is Landon Merkley. I'm from Gloucester, North Carolina. I'm a mechanical engineer student at NC State. I'm a small business owner and I'm a commercial fisherman. Of all these, I'm most proud of being a commercial fisherman. Yeah. Now it seems that we're being criminalized for exercising our God given right to fish. This bottom closure would end shrimping in Core Sound, Back Sound, Straits. Though this isn't necessary. Like Mr. Rader mentioned on January 17th, "there shouldn't be any unnecessary negative impacts on users, which include shrimp trawlers". Or the largest argument against this closure is that since 1985, there's been a 71% decrease in seagrass and closed areas, compared to a 67% decrease in open bottoms of Core Sound, Back Sound, Straits. These areas are already close to shrimp trawling. They're not seeing recovery and are continuing to lose seagrass. The NC Department of Environmental Quality in July 2020 recognized that on the east coast of the US, large decline of submerged aquatic vegetation has largely been due to impaired water quality. And it's also known that seagrass can only survive in shallow waters where light levels are high enough to allow for growth. So are the deep waters of Straits channel, Core Sound and Back Sound, including this closure. Well, it was stated that it was difficult to establish a buffer between the main channel adjacent to the Straits, so staff decided to create a broad buffer between the proposed Core Sound closure and the existing Bogue Sound closure. When it was argued to limit the closure with improved marking, Chris Stewart stated that Marine patrol preferred straight line closures that use channel markers and existing landmarks. In other words, it's not complicating the jobs of the Marine patrol, it's a lot easier to take the jobs away from the fishermen. Really, I shouldn't ask why certain water depths are considered for this closure, but why the closure at all? When the public data shows that the seagrass is decreasing more in closed bottom areas where it's not at all affected by shrimp problem trawling, Personally, I believe this is another distasteful jab at the shrimpers. And I asked you to study the Bogue Sound closure for the next few years before deciding to close this area. Thank you.

Woody Joyner

Good morning, My name is Woody Joyner. I'm representing North Carolina Watermen United. I'm a full-time resident of Hatteras Village. I would like to thank the commission for this opportunity, and we appreciate the difficult decisions, task to your members. We would also like to congratulate Vice Chair Corbett, Commissioner Bethea on your recent appointment, we look forward to working with you. I would like to address the Striped Mullet FMP Amendment Two draft that will be brought to a vote later this afternoon. The 2022 Stock Assessment of Striped Mullet supplied the data to view the stock status and the necessary reductions if needed required to rebuild the stock. This assessment is based on the basis of the commercial harvest relative to commercial landings in 2019. It is our position that this data is dated, and we are not working with the best available science. Incorrect data makes it extremely difficult to make a rational, informed decision. Applying a model using data that is 3 to 4 years old on a species that matures at two years should not lead to overly restrictive regulations. Commercial landings for the last few years have in fact shown larger than average harvest yields. It is our contention that the mullet is not experiencing overfishing in the northern region. However, the division is striving to meet the directive with a 21.3 to 35.4 reduction of overall commercial harvest. To exasperate the restrictions even further on commercial harvest, the Division is recommending the most conservative reduction of 35.4%. Would it not be a far less punitive measure to give a more accurate assessment to the true mullet population? So, I sat down using the data from option five on table 2.13, allowing for day closures, only with no trip limits. The Saturday and Sunday closures, January through December yield a 25.7% reduction. I have spoken with the NCW members and mullet fishermen in the Hatteras village, Frisco and Buxton area to get their reaction to this less restrictive scenario that I just outlined at 27.5. A few weeks ago, I spoke with some of the same bait and tackle shop owners that spoke at last night's public comment section and asked the same question to a person. They all said the exact same thing, a resounding no. Personally, the day closures with no trip limits a 27.5% suits my projection. But after hearing the negative economic hardships of the watermen and the small business owners during the 2023 shoulder season due to early closure, and being an organization that has in our in our mission statement "protecting your freedom to fish", the North Carolina Watermen proposes a return to pass mullet seasons with no restrictions, until an updated assessment is completed and this will provide a more accurate reflection on the status of striped mullet. Thank you for your time. Thank you to the Division of Marine Fisheries.

Chris Elkins

Good morning. I am Chris Elkins and thank you for the opportunity to comment. I'm a retired scientist from UNC Chapel Hill, but now reside in Gloucester, where I fish guild boats. I'm a member of CCA, and I support CCA's positions as offered by David Snead earlier. Especially option three of the albacore. But this morning I'll briefly go over the most important issue here today, striped mullet and the glaring omission of a quota for that species. A hard quota with payback won't assure a recovery. But, no quota with a currently proposed meager conservation measures will fail. We have seen stock after stock regulated by half measures, and the stocks subsequently decline. And we all know what I'm talking about here. And just as a reminder, after decades of half measures on southern flounder, the MFC voted a hard quota with payback for recreational fishermen. How is this any different? I'd like to thank you all for your service.

Steve Brewster

Good morning, my name is Steve Brewster. I'm not here representing anyone. I'm not a lobbyist. I am not paid to be here in any way. I am heavily concerned about the condition of our coastal resources. I'd like to support option three for the false albacore. For mullet, it's a very confusing situation because we see conservation, and an economy sort of clash. And we really have to remember that to maximize commercial yield, to maximize profits at tackle shops, conservation is how that is accomplished. Drawing the obvious parallels between debt and our stock statuses, you get into a hole, and you dig that hole deeper. It is harder to climb out of that hole. So, swift and strict action early is without question the best choice for you all. Thank you all for what you do. I know how hard these decisions must be for all of you.

Rocky Carter

Good morning. My name is Rocky Carter. I'm involved with CCA. Have been on their board of directors for over ten years now, and I believe in their mission, to conserve our resources for future generations, is incredibly important. What I'd like to speak about just briefly this morning is something I did not hear discussed last night. This is on the oyster leases. I wonder what is driving this incredible increase in the demand for oyster leases. So, it's like all the things usually money is behind it. So, I started thinking about how many studies were done on the impacts of having these oyster leases? And how much water flow is going to be restricted? When you put hundreds of acres of top to bottom structures in an area where the water has traditionally, for maybe a few million years, flowed freely. When you start restricting, it seems to me that the laws of cause and effect are going to come into play somewhere, somehow, sometime. And I think we need to do a little bit more research before we continue to write these leases and cover our bottoms with structure. The other thing is on option three, some of the greatest times in my life has been taking my friend's kids, my own daughter, and now my friend's grandkids out fly fishing and fishing for the false albacore. I wanted to comment a little to these, but that's not accurate. So, as we move forward in protecting these fish, I think it's incredibly important to remember that there's a lot of pleasure received from the younger generations in putting these fish in the boat. And I hope you consider option three. Thank you.

Ryan Daniels

Hello, my name is Ryan Daniels. I'm a lifelong resident of Atlantic, North Carolina. I started shrimping with my father when I was 11 years old. I currently work in the professional maritime industry, but I still shrimp part-time in the summers, when I'm home. I'm asking you today not to institute any sort of trawl ban. Proposals based on old faulty data, there's no evidence a ban will benefit grass beds. We already refrain from towing and grass as much as possible because of the way our gear down and cause a lot of extra work for us. The type of shrimping that I do, like many others, is small scale, provides local seafood, for individuals as well as local restaurants, benefit the local economy. So, I'm asking you today, do not institute a ban or any new trawling and regulations. Thank you.

Matthew Wallen

Good morning. My name is Matthew Wallen, just an avid angler from New Bern, North Carolina. I want to thank you all for your time and dedication to our public resources. I hope that you all continue to work together to improve our fisheries resources in the outdated management process we have here in North Carolina. Growing up in Chesapeake Bay, catching an albacore the fly or a light tackle was just something I read about in magazines, while also dreaming of the experience

to experience that fishery in the future for myself. I'll never forget the first trip that I took to Cape Lookout to experience the Albee blitz seven years ago. The pure mayhem of acres of Albee's crushing glass minnows on the surface is a true adrenaline rush. The ability to catch these fish so close to the beach on light tackle is a treasure for North Carolina's public anglers, the guide community, and many coastal communities from Harker's Island to bald head. I am obviously in support of option three for the proposed management of false albacore. I commend DMF for proactively taking the lead on implementing precautionary management measures for false albacore, and I encourage this Commission to vote to implement those measures in option three. We don't see this opportunity very often when it comes to fisheries management here in North Carolina, you have the ability to set a standard for which we manage this precious fishery so that we can ensure its future. North Carolina cannot afford to lose the false albacore. Outside of that, I know you guys heard a lot of comments about this last night, but I think DMF needs to take a serious look at the water column leases out in Pender and Onslow County. Oyster Aquaculture can be a great opportunity for the state to create a sustainable industry and a market for North Carolina oysters. But it needs to be done the right way. A 600% increase in oyster leases in such a small area, such as Topsail Island, is causing a density issue impacting the angling public, the guides, and the commercial sector's ability to access our public trust resources in those areas. DMF needs to stop any further leases from going into that area and figure out a plan to expand into other portions of the state. Thank you.

With no one else wishing to speak, Chairman Bizzell ended the public comment period at 9:35 a.m.

Preliminary Matters

Chairman Bizzell called the business meeting to order. He began the meeting with a moment of silence, followed by the pledge of allegiance.

Chairman Bizzell reminded all commissioners of N.C. General Statute § 138A-15E, which mandates at the beginning of any meeting of a board, the Chair shall remind all members of their duties to avoid conflicts of interest under Chapter 138 and the Chair shall also inquire as to whether there is any known conflict of interest with respect to any matters coming before the board at that time. There were no stated conflicts of interest from any commissioner.

The following commission members were in attendance: Rob Bizzell – Chairman, Ryan Bethea, Mike Blanton, Sammy Corbett, Sarah Gardner, Donald Huggins, Robert McNeill, Dr. Doug Rader, and Tom Roller.

Chairman Bizzell asked for any corrections or anything that needs to be commented on regarding the meeting agenda and then requested a motion to approve the agenda.

Motion by Commissioner Roller to approve the agenda.

Second by Commissioner Rader.

Motion passed without dissention.

Chairman Bizzell asked for any corrections, additions or deletions that need to be made to the November 2023 MFC Quarterly Business Meeting minutes. Hearing none, he called for a motion to approve the minutes.

Motion by Commissioner Roller to approve the minutes of the November 2023 meeting.

Second by Commissioner Radar.

Motion passed without dissention.

Chairman's Report

Chairman Bizzell addressed the reason for central meetings after Dare County Commissioner, Steve House presented a resolution about having meetings in Dare County, and throughout the state. Chairman Bizzell stated that this is not the first time he has received this request, and that the reason for having the meetings in a central location is because when the meeting is in Dare County, it seems like the people from Wilmington have issues and vice versa. He believes a central location puts less strain on everybody and less strain on staff too. Chairman Bizzell stated that he believes this is serving the constituency best, and that he plans to continue to have meetings in a central location.

Letters and Online Comments

Chairman Bizzell referred commissioners to letters and comments provided in the briefing materials.

Ethics Training and Statement of Economic Interest Reminder

Chairman Bizzell reminded commissioners to stay up to date on their ethics training and Statement of Economic Interest.

Committee Reports:

- Northern Regional Advisory Committee
- Southern Regional Advisory Committee
- Finfish Standing Advisory Committee
- Shellfish/Crustacean Advisory Committee
- Habitat and Water Quality Advisory Committee
- Joint Meeting of the MFC Commercial Resources Fund Committee and the funding committee for the N.C. Commercial Fishing Resource Fund

Conservation Funding Committee Verbal Update given by Commissioner Doug Rader. Commissioner Rader stated the committee met and received a request from staff to spend \$40,000 in support of the My View Emergency Stocking Process for striped bass in the Roanoke Albemarle stock. The committee discussed the matter with staff and strongly recommended the

approval of that expenditure as part of the total program that will increase the number from 100,000, up to 200,000 striped bass to be stocked. Three quarters of that total 200,000 will go into the Albemarle Roanoke system and 50 down into the Cape Fear system. They hope to resume resources available. The rotational stocking into the other two central estuaries as money allows but presumably next year. Commissioner Rader made the recommendation, and the motion on behalf of the committee, to approve the expenditure as described. Commissioner Rader said the motion, as approved by the committee, is to support the request by the Division of Marine Fisheries for a disbursement of funding equaling \$40,000 from the Conservation Fund, which was about \$216,000 at the time of the meeting, and that had not been used since 2016. Funding equaling \$40,000 for the Conservation Fund to provide support for the U.S. Fish and Wildlife Service Edenton National Fish Hatchery to produce Phase two striped bass for stocking in the Albemarle Sound.

Motion was made by Commissioner Radar to approve the MFC Conservation Funding Committee recommendation to support the request by the DMF for a disbursement of funding equaling \$40,000 from the Conservation Fund to provide support for the U.S. Fish and Wildlife Service Edenton National Fish Hatchery to produce Phase II striped bass for stocking in the Albemarle Sound.

Per the Chairman, a second to the motion was not needed, as it came out of committee.

Motion passed unanimously.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Director’s Report

Director Kathy Rawls gave a general update on activities happening at the Division in the beginning of 2024.

Director Rawls introduced Jesse Bissette as the new MFC Liaison and gave notice that Jacob Boyd, the Habitat and Enhancement Section Chief, had accepted a job with the NC Coastal Federation.

Director Rawls noted that there are other vacancies in the Shellfish Leasing Program and such vacancies impact the processing of leases, causing things to take a little more time than usual. Staff are working on responding to inquiries. Director Rawls asked for patience as staff works through the process.

Commissioner Roller stated that issues with oyster leases in the Topsail area predate many of those departures. Commissioner Roller stated he has heard comments from fishermen and guides, and that one of the arguments being made is the public process is not adequately vetting other user groups' concerns and asked what they can do as a Commission about that.

Director Rawls explained the process, stating there were 450 comments submitted online, in the last public comment period relative to leases. Director Rawls explained that approvals for leases are based on statute and MFC rules. She stated that vacancies are one reason it is taking time, but also, making sure to address all the requirements of all laws and rules appropriately for lease applications is another reason it takes time to determine whether to approve or deny a lease. Director Rawls encouraged people to speak with their legislators about the lease issues. Director Rawls agreed that more conversation is needed on the issues.

Commissioner Corbett asked to have this issue put on the agenda for the next MFC meeting, including an overview of the requirements the director has to follow. Director Rawls said that can be done.

Commissioner Rader continued the discussion by asking Director Rawls to be prepared to give a briefing on what she can and cannot do with respect to cumulative impacts, both environmental and resource related impacts, as well as user group conflicts. Commissioner Rader pointed out that to him, the social and economic questions that cumulative impact scale among user groups, is one that the governance system rarely and adequately addresses. Commissioner Rader states it may be that something novel is required to engage a process that actually outputs something usable in terms of identifying a carrying capacity, or sectoral allocation of carrying capacity.

Director Rawls stated she does have a meeting with DEQ attorneys to discuss cumulative impact rule language scheduled and would relay the results of the meeting to the commission.

Commissioner Roller stated he agrees with Commissioner Corbett and would love to see the issue on the next agenda. He also expressed his agreement with Commissioner Rader, and the importance of what we can and cannot do. He stated what they are hearing is cumulative impacts are already too much for other economies in some areas, and frustrations that they are sacrificing other watermen for this one industry.

Director Rawls continued with the Director's Report, explaining that there are vacancies in the Stock Assessment Program and that recruiting candidates for these positions has been very challenging.

Commissioner Roller stated that he has been commenting on this since before becoming a commissioner. He said that North Carolina is really unique with a robust Stock Assessment

Program, and expressed his frustration with salary ranges not being competitive with the federal government. Commissioner Roller stated, if we are going to have this program, and he believes it is a need, he wishes the state would address the salary issue.

Commissioner Rader stated that he concurs and that it is a systemic problem, and being driven not just by salaries, but how full the pipeline is with people being trained in these specialties. Commissioner Radar asked what they can do or get the state to do in terms of working with universities to build programs and fund them with help from NOAA and others. Commissioner Rader stated he would love to help personally with trying to find partners to pursue the ideas mentioned.

Director Rawls expressed appreciation to the commissioners and said it is a unique program; not many states have a stock assessment program like North Carolina. Director Rawls stated that the availability of stock assessment scientists is just not there, and when they are there, they are in high demand and the Division salaries just cannot attract them. Director Rawls said the Division is struggling in that regard but will continue to work on it and think about how to address the issue.

Director Rawls gave an update on Session Law 2023-137, Section 6 “*Phased in Mandatory Commercial and Recreational Reporting of Certain Fish Harvest*” and explained what it contains. She mentioned that the implementation of this would be a huge undertaking, and that she would keep the Commission informed throughout the process.

Director Rawls provided an update on the CCANC lawsuit, saying that discovery is ongoing. The state sought to limit discovery to finfish, as the plaintiffs recently expanded claims to include shellfish and crustacea, but the judge denied that motion, so the state is now working to include information about those additional species.

Director Rawls explained that outreach and education was a focus of hers. She stated that this year, the Division is focusing outreach at coastal events in hopes to reach those who are active in the state’s fisheries.

Director Rawls told the Commission that a new phone system was installed at the Division Headquarters Office on January 17, 2024. There have been some issues with that new system, but the new numbers are on the website.

Special Assistant for Councils Chris Batsavage gave updates from the recent meetings of the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission.

Executive Assistant for Councils Trish Murphey gave an update from the recent meeting of the South-Atlantic Fishery Management Council.

Habitat and Enhancement Program Manager Anne Deaton gave an update regarding activities of the Habitat and Enhancement Section.

Shellfish Sanitation and Recreational Water Quality Section Chief Shannon Jenkins gave an update regarding activities of the Shellfish Sanitation and Recreational Water Quality Section.

Fisheries Management Section Chief Steve Poland gave updates regarding the Fisheries Management section.

Colonel Carter Witten gave an update regarding Marine Patrol activities and accomplishments since the previous commission meeting.

License and Statistics Section Chief Brandi Salmon gave an update regarding activities of the License and Statistics Section.

Informational Materials:

Protected Resources Update Memo

Rule Suspension Update Memo

Update on Strategic Habitat Areas (SHA 's) Study Report:

Anne Deaton, Habitat Program Manager in the H&E section, gave a presentation on the summary of a field validation study done for identified Strategic Habitat Areas from Core Sound in Carteret Co through Brunswick Co.

To view the presentation, go to: [Presentation PDF](#), [Video of Presentation](#)

Fishery Management Plans

Status of Ongoing Plans:

FMP Coordinator, Corrin Flora, gave a PowerPoint presentation focused on review of the four FMPs under development, which include striped mullet, spotted seatrout, eastern oyster, and hard clam. Corrin also reviewed FMPs for adaptive management, which include Shrimp, Blue Crab, and Southern Flounder. Currently, Blue Crab and Southern Flounder are under review.

To view the presentation, go to: [Presentation PDF](#), [Video of Presentation](#)

Striped Mullet FMP Amendment 2- Jeff Dobbs, Willow Patten.

Gave a PowerPoint presentation over the goal and objectives of Amendment 2, overview of the information included in Amendment 2, a summary of AC input and public comment received, and the DMF recommendations. We will then review a timeline for implementation of the amendment and take questions, and finally, the commission will vote on their preferred management options.

To view presentation, go to: [Presentation PDF](#), [Video of Presentation](#)

Motion by Commissioner Corbett to select the DMF's preferred management options for the Striped Mullet FMP Amendment 2 as the MFC's preferred management options:

- **Sustainable Harvest:**
 - **Option 5: Combination of Measures: 5.n (day of week closure Jan-Sept Sat-Sun; Oct-Dec Sat-Mon).**
 - **Option 6: Stop Net Fishery Management: 6.a (Status quo).**
 - **Option 10: Adaptive Management Framework.**
- **Recreational Fishery:**
 - **Option 1: Recreational Vessel and Bag Limit: 1.c (100-fish bag, 400-fish vessel)**
 - **Option 2: For Hire Vessel and Bag Limit: 2.c (exception for bag limit for number of anglers fishing up to 400-fish maximum including in advance of a trip).**

Second by Commissioner Roller.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed unanimously.

Shrimp FMP Amendment 2 Implementation Items

Jason Rock presented an information paper, including the N.C. Division of Marine Fisheries (DMF) recommendations to the N.C. Marine Fisheries Commission (MFC), discussing the feasibility and utility of a shrimp trawl observer program.

Motion by Commissioner Roller to have the DMF carry a recommendation from the MFC to the Commercial Fishing Resource Fund to take up as much as this funding as they could for a shrimp trawl observer program.

Second by Commissioner McNeill—NO VOTE DUE TO SUBSTITUTE MOTION

Substitute motion by Commissioner Gardner that the MFC would look for multiple sources of funding and methods of monitoring that may be less expensive for a shrimp trawl observer program, in addition to the Commercial Fishing Resource Fund.

Second by Commissioner Rader

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substitute Motion passed 7-1-1 (note: this means the substitute motion replaces the original motion).

Motion by Commissioner Gardner that the MFC would look for multiple sources of funding and methods of monitoring that may be less expensive for a shrimp trawl observer program, in addition to the Commercial Fishing Resource Fund.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 6-2-1.

SAV Protection Issue Paper

Chris Stewart gave a PowerPoint presentation discussing the protection of critical sea grass habitat through shrimp trawl area closures issue paper. This presentation included the N.C. Division of Marine Fisheries (DMF) and Habitat and Water Quality Advisory Committee (AC) recommendations to the N.C. Marine Fisheries Commission (MFC) in support of Shrimp Fishery Management Plan (FMP) Amendment 2 implementation.

To view the presentation, go to: [Presentation PDF](#), [Video of Presentation](#)

Regarding “Submerged Aquatic Vegetation Protection Through Shrimp Trawl Area Closures Issue Paper,” motion by Commissioner Corbett to refer the issue paper to the Northern and Southern regional and Shellfish/Crustacean advisory committees for their input.

Second by Commissioner Blanton.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed unanimously.

Rulemaking

Rulemaking Issue Update

MFC Counsel Christine Ryan deferred to DMF Rulemaking Coordinator Catherine Blum to provide the most recent information on the commission's rulemaking activities.

Rulemaking Update

DMF Rulemaking Coordinator Catherine Blum provided updates on two rulemaking cycles, including information about two subjects under development in the 2024-2025 Rulemaking Cycle. She also provided a preview of upcoming items in this cycle, as well as a brief update on the development of and deadlines for temporary rules pursuant to Session Law 2023-137, Section 6, for harvest reporting requirements.

Motion by Commissioner Roller to select Option 3 as the MFC preferred management option and associated proposed language for rulemaking for “False Albacore Management” issue paper.

Second by Commissioner McNeill.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Corbett	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passes 5-4.

Motion by Commissioner Blanton to select Option 2 as the MFC preferred management option and associated proposed language for rulemaking for “Simplify Pot Marking Requirements” issue paper.

Second by Commissioner Corbett.

Motion passes unanimously.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recused	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion by Commissioner Corbett to request the Rules Review Commission waive the 210-day requirement for the Marine Fisheries Commission to submit a temporary rule to the Rules Review Commission based on the effective date of Session Law 2023-137, Section 6, per N.C.G.S. 150B-21.1(a2).

Second by Commissioner Huggins.

Motion passes unanimously.

Member	ROLL CALL VOTE				
	Aye	Nay	Abstain	Recuse	Absent
Bethea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rader	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Issues from Commissioners

Commissioner Bizzell – asked the staff to ensure the bait shops understand what they can and cannot do relative to recent actions for striped mullet.

Commissioner Roller – asked to revisit the discussion about oyster leases at the next meeting, particularly the determination of significant recreational activity. He reiterated his interest in the forthcoming division white paper about federal permits and state requirements. Commissioner Roller also expressed interest in Atlantic bonito recreational bag limits, black drum limits, and any updated information on sheepshead.

Commissioner Blanton – requested further discussion regarding blue catfish in Albemarle Sound.

Commissioner McNeill asked to address the commission. He said after four years of service, it was time for him to step down from his role on the commission. Commissioner McNeill noted that the commission requires the full attention of its members, and due to his obligations to family, young children, and work, he is no longer able to dedicate the necessary time. Commissioner McNeill stated it has been an honor and privilege to serve and thanked Chairman Bizzell, Director Rawls, the commissioners, and DMF staff for their hard work.

Meeting Assignments and Preview of Agenda Items for Next Meeting – Jesse Bissette

- The Division will continue to develop an issue paper regarding South Atlantic For-Hire permits.
- The Division will bring information on black drum regulations and changes that can be made to them.
- The Division will provide an update on sheepshead landings.
- The Division will provide a presentation on the shellfish lease program that includes information about the MFC rules and general statutes that govern lease approval in May.
- The Division will look at Atlantic Bonito landings and the potential for recreational bag limits.

The next scheduled business meeting is May 22-24, 2024, at the Beaufort Hotel in Beaufort. Agenda items are scheduled to include:

- Receive input from DEQ Secretary and legislative entities on the Striped Mullet FMP Amendment 2 and vote on final approval.
- Receive input from Northern, Southern, and Shellfish/Crustacean Advisory Committees regarding the SAV protection issue paper and vote on management options.
- Receive an update on the continued development of the Spotted Seatrout FMP Amendment 1, including input received at the Spotted Seatrout FMP AC workshop.
- Receive a presentation on the Blue Crab Stock Assessment Update, as well as potential adaptive management options.
- Present the 2024 Revision to the Estuarine Striped Bass FMP Amendment 2 documenting the harvest moratorium.
- Rulemaking:
 - Vote on final approval of permanent rules for the following subjects:
 - Data Collection and Harassment Prevention for the Conservation of Marine and Estuarine Resources;
 - Oyster Sanctuary Rule Changes; and
 - Conforming rule changes for the Shellfish Relay Program, Shellfish Leases and Franchises, and Shellfish Sanitation.

Having no further business to conduct, Chairman Bizzell adjourned the meeting at approximately 5 p.m.