

**Marine Fisheries Commission Business Meeting Minutes
Brownstone Hotel
Raleigh, North Carolina
August 16-17, 2017**

The commission held a business meeting Aug. 16-17 at the Doubletree by Hilton University Brownstone Hotel in Raleigh, North Carolina.

The briefing book, presentations and audio from this meeting can be found at <http://portal.ncdenr.org/web/mf/08-2017-briefing-book>.

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

BUSINESS MEETING - MOTIONS AND ACTIONS

Chairman Sammy Corbett convened the Marine Fisheries Commission business meeting at 2 p.m. on Aug. 16 and reminded commissioners of their conflict of interest and ethics requirements.

The following commission members were in attendance: Sammy Corbett-Chairman, Mark Gorges, Brady Koury, Chuck Laughridge, Janet Rose, Rick Smith, Mike Wicker and Alison Willis.

Joe Shute was not present.

The agenda was approved by consensus.

The minutes from the May 2107 business meeting were approved by consensus.

Chairman's Report

Marine Fisheries Commission Liaison Nancy Fish reviewed letters that had been sent and received by the commission.

Commissioners were reminded of their ethics training requirements and their annual requirement to submit a Statement of Economic Interest form to the N.C. Ethics Commission.

It was determined the 2018 meeting schedule would be:

Feb. 14-15

May 16-17

Aug. 15-16

Nov. 14-15

Election of Vice-Chair

Alison Willis nominated Mark Gorges as vice chairman. Second by Janet Rose.

Brad Koury nominated Chuck Laughridge as vice chairman. Second by Rick Smith.

Chuck Laughridge was elected vice chairman by a majority vote of the commission.

Director's Report

Division Director Braxton Davis updated the commission on division activities occurring since the May 2017 business meeting, including:

- An update on fisheries-related legislation passed during the long session of the N.C. General Assembly;
- Promotion of Beth Govoni to chief of the Administrative Services Section, replacing Suzanne Guthrie, who retired in June;
- Selection of Officer Bill Register as Marine Patrol Enforcement Officer of the Year by the Governor's Conservation Achievement Awards Program that is sponsored by the North Carolina Wildlife Federation;
- Updates were provided on the status of development of the fiscal analysis for the rules contained in the NCWF petition for rulemaking, ongoing work on the expedited Estuarine Striped Bass Fishery Management Plan and anadromous stocked fish; and
- A review of the 2017 cobia season.

The division provided an overview of recent actions from the Atlantic States Marine Fisheries Commission, the South Atlantic Fishery Management Council and the Mid-Atlantic Fishery Management Council, along with updates on the division's Protected Resources Section, including the Observer Program.

Landings Overview

Stephanie McInerney, Alan Bianchi and Chris Wilson, with the division's License and Statistics Section, provided the commission with an overview of trends in North Carolina landings and harvest.

Commercial

A warm autumn kept commercial fishermen catching and selling shrimp up to New Year's Eve last year, boosting 2016 shrimp landings to the highest since the N.C. Division of Marine Fisheries' Trip Ticket Program began in 1994.

But overall, the 60 million pounds of finfish and shellfish commercial fishermen caught and sold at the docks was a 9 percent decrease from 2015. The total estimated dockside value of \$94 million was about \$700,000 short of the 2015 value.

The 2016 landings were higher than the five-year average of 59 million pounds, and the five-year average value of \$86 million.

The Trip Ticket Program collects commercial fishing landings statistics through legislatively-mandated reporting of all fisherman to dealer transactions.

As usual, hard blue crabs topped the list of species landed (24.7 million pounds), followed by shrimp (13.2 million pounds), spiny dogfish (2.3 million pounds), Atlantic croaker (2.1 million pounds) and summer flounder (2.1 million pounds).

Commercial shrimp landings in 2016 increased by 45 percent to 13.2 million pounds, which had an estimated dockside value of \$28 million. Shrimp landings were good all year; fishermen exceeded 2015 monthly landings in every month of 2016, except June and July. In December, dealers purchased 1.7 million pounds of shrimp from fishermen, which was 341 percent more than was purchased in December 2015.

The increase in annual shrimp landings was accompanied by an 18.7 percent increase in overall shrimp fishing trips in 2016. Also, landings from state ocean waters north of Cape Hatteras greatly increased in 2016 – nearly 11,000 percent over the previous year. Reports from dealers indicated an unusual abundance of shrimp in these northern, nearshore waters.

Landings of tilefish, spotted seatrout, squid and black drum also increased.

However, landings of blue crabs dropped by 21 percent from 2015 landings, bringing it back in line with the five-year average of around 25.7 million pounds. Landings of hard blue crabs decreased by 20.4 percent, landings of soft blue crabs decreased by 25.1 percent and landings of peeler blue crabs decreased by 36.9 percent.

While overall oyster landings increased 3.6 percent in 2016, the higher landings came from a 99 percent jump in landings from private leases. Public bottom landings dropped by 25 percent, possibly impacted by various environmental conditions leading to lower reproduction and growth over the past few years, as well as more shellfish water closures.

Landings can fluctuate from year-to-year based on many factors, including environmental conditions, market changes and fishing effort.

Recreational

Coastal recreational fishermen hooked fewer fish in 2016 than they did in 2015. Anglers brought an estimated 8.5 million fish to the docks in 2016, a decrease of 18 percent from 2015.

The estimated weight of these landings inched up, increasing by 2 percent to 12.2 million pounds. Anglers also released 1.5 percent more fish in 2016 than in 2015.

Fishermen also took 16.2 percent more fishing trips in 2016 than they did in 2015. This trend continued even in the fall following Hurricane Matthew.

The 2016 top five recreationally harvested species, by pounds, were dolphin (2.8 million pounds), yellowfin tuna (2.3 million pounds), bluefish (862,558 pounds), spotted seatrout (688,682 pounds) and wahoo (640,807 pounds).

Yellowfin tuna harvest increased 145 percent from 2015. Anglers harvested 60,134 yellowfin tuna with a total weight of 2.3 million pounds. Bluefish harvests increased by 18 percent to 1.2 million fish (862,558 pounds), and wahoo harvests increased by 21 percent to 23,809 fish (640,807 pounds).

Landings for two of the top five species decreased significantly.

Anglers harvested 263,278 dolphin, with a total weight of 2.8 million pounds in 2016. That was a 39.4 percent decrease in the number of dolphin anglers brought to the docks. This dip in harvest may have resulted from the greater availability of yellowfin tuna and other offshore species, such as king mackerel, wahoo and blackfin tuna.

Also, the number of cobia landed fell by 42.5 percent, in 2016 to 9,288 fish (293,544 pounds).

In another notable change, estimated spotted seatrout harvests for 2016 increased by 342 percent over 2015, which were the lowest recreational spotted seatrout landings on record. Anglers brought 386,021 (688,682 pounds) spotted seatrout to the docks in 2016.

Landings can fluctuate from year-to year based on many factors, including environmental conditions and fishing effort.

The Division of Marine Fisheries estimates recreational fishing harvests through broad-based intercept surveys, where port agents talk to fishermen on the beach, at the piers and at boat ramps, and through mail surveys to license holders.

For a full landings report, click on the 2016 Annual Fisheries Bulletin link [here](#).

The presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=30862623&name=DLFE-133891.pdf

Blue Crab Traffic Light Assessment

Jason Rock, with the division's Fisheries Management Section, presented the annual update to the Blue Crab Traffic Light Assessment, which includes data through 2016.

The presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=30862623&name=DLFE-133892.pdf

Stock Status Report

Tina Moore, with the division's Fisheries Management Section, provided the commission with an overview of the 2017 Stock Status Report.

The North Carolina Division of Marine Fisheries has changed its annual Stock Status Overview Report to make it more user friendly and better correspond to stock status determinations at the federal and interstate management levels.

A new webpage design separates state-managed species from those cooperatively managed through a federal or interstate entity. The Division of Marine Fisheries assigned a stock status only to the 14 state-managed marine fisheries stocks. For the remaining 23 stocks, the state defers to the stock status assigned by the principal management agency, including the Atlantic States Marine Fisheries Commission, the South Atlantic Fishery Management Council and the Mid-Atlantic Fishery Management Council.

Additionally, the Division of Marine Fisheries has redesigned the individual species pages, making them more visual with photographs and color graphics showing fishery landings and abundance trends. The new pages also give life history and updated management summaries.

The Division of Marine Fisheries classifies the status of important marine finfish, shellfish, shrimp and crabs as viable, recovering, concern, depleted or unknown. Definitions of these categories can be found [here](#).

The annual classifications are based on biological and statistical data from the prior year and describe the overall condition of North Carolina's state-managed fishery resources.

This year's Stock Status Overview Report reclassifies one state-managed species. Striped mullet moved from "viable" to "concern" because monitoring triggers established in Amendment 1 to the North Carolina Striped Mullet Fishery Management Plan were met. 2016 commercial landings fell below the minimum landings threshold established in the plan. Also, Division of Marine Fisheries sampling surveys showed low striped mullet abundance.

Under the striped mullet plan's guidelines, the division will review striped mullet data in more detail to determine what factors are responsible for this decline and to decide if management action is needed.

No other state-managed species were reclassified, but the status of red drum, currently listed as "recovering," is now based on a new regional stock assessment which indicates that the stock continues to meet or exceed the management targets set forth in Amendment 1 to the North Carolina Red Drum Fishery Management Plan.

The complete 2016 Stock Status Overview Report can be found [here](#). The stock condition of overfished and overfishing, if known for a state-managed species, is highlighted in the comments column of the state-managed species table. A stock is overfished when the population size is too small. Overfishing occurs when the removal rate of fish is too high.

The presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=30862623&name=DLE-133894.pdf

Red Drum Update

Lee Paramore with the division's Fisheries Management Section, provided the commission with an update on red drum. Red drum is managed under Amendment 2 of the Atlantic States Marine Fisheries Commission Red Drum Fishery Management Plan and Amendment 1 to the North Carolina Red Drum Fishery Management Plan. The stock is considered "recovering" and the most recent assessment shows there is no overfishing.

The presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=30862623&name=DLE-133893.pdf

Public Comment Period

The following individuals spoke:

David Bush, with the N.C. Fisheries Association, asked the commission to consider sending a letter or a standing position paper to the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission opposing reallocation of the summer flounder quota that could have negative impact on both North Carolina and Virginia. He also said that for striped mullet, landings dropped because effort shifted to the shrimp fishery and impacts from Hurricane Matthew. Bush also said that it was good to hear that spot and croaker abundance is increasing and the current levels of removal are considered sustainable.

David Sneed, Executive Director of the Coastal Conservation Association – N.C., discussed the need for the recreational sector to have some say in the Coastal Recreational Fishing License Fund and said a direct comparison should not be made on how the Wildlife Resources Commission manages its license revenues because that staff reports directly to their commission. He also asked the commission to support Menhaden Amendment 3 at the Atlantic States Marine Fisheries Commission. Sneed closed by saying his organization wants to get the fishery management plan schedule back on track, especially for striped bass in the Central Southern Management Area.

Blakely Hildebrand, with the Southern Environmental Law Center of behalf of the N.C. Wildlife Federation, expressed concern with the pace of progress being made in the development of the Notice of Text and the fiscal note related to a rulemaking petition the commission approved in February. She also voiced concern about the lack of meaningful communication related to the state of the petition. Hildebrand pointed out that the Atlantic States Marine Fisheries Commission could not reach a consensus on stock assessments for spot and croaker and feels it is a result of bycatch in the shrimp trawl fishery. Additionally, she said the fiscal note must also consider two alternatives, which should be status quo and a complete net ban, and she indicated if there are stakeholder meetings regarding the development of the fiscal note, the federation would like to participate in those meetings.

The commission's counsel, Assistant Attorney General Phillip Reynolds, reminded the commission that he had advised them when they granted the petition that it would be a long process because the scope of the petition was so broad. He assured the commission that the division was working on the fiscal note and there was no attempt at delay.

Troy Brannan, with the Triangle Fly Fishers, thanked the commission for its vote on the shrimp trawl petition and said he remembered big spot runs and that North Carolina needs to get large trawlers out of inside waters. He also said the state needed to manage stocks for abundance and he expressed concern about striped bass in the Central Southern Management Area. He closed by saying the state can do better at managing its fisheries.

Tim Gestwicki, Executive Director of the N.C. Wildlife Federation, talked about how the federation had sponsored the Governor's Conservation and Achievement Awards Program for the past 54 years. The awards recognize conservation heroes across the state, including conservation enforcement officers. Gestwicki invited the commission to the awards ceremony on Sept. 9, where Officer Bill Register is to receive the 2017 Marine Fisheries Enforcement Officer of the Year award.

Standard Commercial Fishing License Eligibility Report/Set Eligibility Pool Cap

Major Jason Walker with the Marine Patrol gave a presentation on the annual Standard Commercial Fishing License Eligibility Pool process and reviewed the number of licenses available for the pool for the 2017-2018 license/fiscal year.

The commission set the number of Standard Commercial Fishing Licenses available through an Eligibility Pool for the 2017-2018 fiscal year at 1,500.

Motion by Chuck Laughridge to make 1,500 licenses available in the SCFL eligibility pool for the 2017-2018 fiscal year. Second by Alison Willis.

Motion carries 7-1.

Fishery Management Plan Update/Five-Year Schedule and Commission Supplement Request

Catherine Blum, the division's Fishery Management Plan Coordinator, updated the commission on the status of the ongoing fishery management plans and reviewed the proposed five-year schedule.

The commission voted to ask the N.C. Department of Environmental Quality secretary to authorize it to develop a supplement to the Estuarine Striped Bass Fishery Management Plan to make temporary management changes in the Central-Southern Management Area, excluding the Cape Fear River system.

Specifically, the commission asked to:

- Reduce the annual commercial quota from 25,000 pounds to 2,500 pounds;
- Lower the recreational daily bag limit from 2 fish per day to 1 fish per day; and
- Increase the recreational size limit to a 24-inch to 26-inch slot. The current minimum size limit is 18 inches with no possession of fish between 22 inches and 27 inches.

State law allows the secretary of the Department of Environmental Quality to authorize the commission to develop temporary management measures to supplement a fishery management plan if he finds it is in the interest of the long-term viability of a fishery. Any temporary management measures adopted in a supplement must be incorporated in the full fishery management plan the next time it is amended and adopted or they will expire.

The commission also decided to delay review of the full Estuarine Striped Bass Fishery Management Plan, which began this year, to no earlier than 2019. This was made contingent upon approval of a supplement.

Other decisions regarding the fishery management plan schedule were to:

- Continue review of the Blue Crab plan, currently in process;
- Begin review of the Southern Flounder plan as soon as the peer reviewed stock assessment is completed, which is expected to be later this year or in early 2018;
- Begin review of the Shrimp plan as soon as a state study on bycatch reduction devices in the shrimp trawl fishery is completed, but no later than February 2018;
- Begin review of the Spotted Seatrout plan in 2019;
- Begin review of the Bay Scallop, River Herring, Interjurisdictional, Kingfishes and Striped Mullet plans in 2020;
- Accept the Division of Marine Fisheries' annual update on red drum, which cites an Atlantic States Marine Fisheries Commission red drum stock assessment and management plan, as the formal statutory review of the North Carolina Red Drum plan, and slate a new review of the Red Drum plan for 2022; and
- Begin review of the Hard Clam and Oyster plans in 2022.

The updated schedule can be found at

http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=30207658&name=DLEF-134209.pdf .

Motion by Janet Rose to approve the 5-year FMP schedule as presented by staff. Second by Alison Willis.

Motion by Chuck Laughridge to amend the Rose motion to place in the following order these FMPs: Southern Flounder, to begin as soon as the peer reviewed stock assessment is completed; Estuarine Striped Bass, to pursue this FMP no earlier than 2019, assuming a supplement is in place addressing issues in the Central-Southern Management Area with the approval of the NCWRC; Blue Crab, to begin as scheduled, Spotted Seatrout, to begin in 2020; Shrimp, to begin as soon as the three-year study is complete, and no later than February 2018. All other FMPs as presented by the NCDMF.

**Motion by Chuck Laughridge to table the motion. Second by Mike Wicker.
Motion carries 5-1 with one abstention.**

**Motion by Rick Smith to ask the director of the NCDMF to request that the NCDEQ secretary allow the NCMFC to move forward with a supplement to the Striped Bass FMP to adjust the recreational and commercial takes of the Central Southern Striped Bass, with the exception of the Cape Fear River system, by reducing the commercial takes from 25,000 pounds to 2,500 pounds and the recreational limit to 1 fish between 24 inches and 26 inches. Seconded by Chuck Laughridge.
Motion carries 5-2.**

**Motion by Chuck Laughridge to take from the table the previous tabled action. Second by Rick Smith.
Motion carries unanimously.**

Motion by Chuck Laughridge to amend the Rose motion to place in the following order these FMPs: Southern Flounder, to begin as soon as the peer reviewed stock assessment is completed; Estuarine Striped Bass, to pursue this FMP no earlier than 2019, assuming a supplement requested by the MFC is in place addressing issues in the Central-Southern Management Area; Blue Crab, to begin as scheduled, Spotted Seatrout, to begin in 2019-2020; Shrimp, to begin as soon as the three-year study is complete, and no later than February 2018. All other FMPs as presented by the NCDMF. Second by Rick Smith.

Motion to amend carries 5-3

Motion to approve by Chuck Laughridge. Second by Rick Smith.

Motion carries 5-3.

Rulemaking and Periodic Review and Expiration of Existing Rules

Catherine Blum, the division's rulemaking coordinator, reminded the commission is was in the report phase of the Periodic Review and Expiration of Existing Rules process. Blum reported that the division recommended the commission approve the final reports for the following rules:

- 15A NCAC 03Q .0100 rules, per G.S. 150B-21.3A;
- 15A NCAC 03 rules, per G.S. 150B-21.3A; and
- 15A NCAC 10C .0100 rules, per G.S. 150B-21.3A and contingent on approval by the Wildlife Resources Commission.

Motion by Mike Wicker to approve the final report on 15A NCAC 03Q .0100 rules, per G.S. 150B-21.3A.

Second by Mark Gorges.

Motion carries unanimously.

Motion by Chuck Laughridge to approve the final report on all other 15A NCAC 03 rules, per G.S. 150B-21.3A. Second by Alison Willis.

Motion carries with no opposition.

Motion by Mike Wicker to approve final report on 15A NCAC 10C .0100 rules, per G.S. 150B-21.3A and contingent on approval by the Wildlife Resources Commission. Second by Chuck Laughridge.

Motion carries with no opposition.

Rule Suspension

Kathy Rawls, the division's Fisheries Management Section Chief, reviewed a rule on Spanish mackerel that had been suspended after the commission's May 2017 meeting.

Motion by Chuck Laughridge to continue the rule suspension on Spanish Mackerel. Second by Alison Willis.

Motion carries with no opposition.

The meeting adjourned.