



PRELIMINARY MATTERS

Agenda

August 25-26, 2021 Meeting Minutes

September 9, 2021 Meeting Minutes

Marine Fisheries Commission Business Meeting

AGENDA

Islander Hotel

Emerald Isle, NC

November 17-19, 2021

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, November 17th

6:00 p.m. Public Comment Period

Thursday, November 18th

9:00 a.m. Preliminary Matters

- Commission Call to Order* - Rob Bizzell, Chairman
- Conflict of Interest Reminder
- Roll Call
- **Approval of Agenda ****
- **Approval of Meeting Minutes****

9:30 a.m. Public Comment Period

10:00 a.m. Chairman's Report

- Letters and Online Comments
- Ethics Training and Statement of Economic Interest Reminder
- 2022 Proposed Meeting Schedule
- Commission Committee Assignments

10:15 a.m. Committee Reports

- Nominating Committee – Chris Batsavage
 - **Vote on slate of nominees for the obligatory seat for the South Atlantic Fishery Management Council****
- Regional Advisory Committees – Northern, Southern

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

***Probable Action Items*

Thursday, November 18th continued...

- Standing Advisory Committee – Finfish, Shellfish/Crustacean, Habitat and Water Quality

- 10:35 a.m. Director's Report – Director Kathy Rawls
Reports and updates on recent Division of Marine Fisheries activities
- Division of Marine Fisheries Quarterly Update
 - Hook and Line Commercial Fishing Update
 - Catch-U-Later App Update – Andrew Cathey
 - CARES Act Update – Dee Lupton
 - Atlantic States Marine Fisheries Commission – Chris Batsavage
 - Mid-Atlantic Fishery Management Council Update – Chris Batsavage
 - South Atlantic Fishery Management Council Update – Steve Poland
 - Marine Patrol Update – Col. Carter Witten
- Informational Materials:
 - Highly Migratory Species
 - Protected Resources Update
 - Observer Program
 - Incidental Take Permit Updates
 - Landings Updates
- 11:35 a.m. Landings Overview – Brandi Salmon
- 12:15 p.m. Lunch Break
- 1:15 p.m. Fishery Management Plans
- Status of ongoing plans – Corrin Flora
 - Amendment 2 to the Estuarine Striped Bass
 - Amendment 2 to the N.C. FMP for Interjurisdictional Fisheries
 - **Vote on approval of the Goal and Objectives****
 - Amendment 3 to the Southern Flounder FMP
 - Presentation of Draft Amendment 3 – Mike Loeffler, Anne Markwith
 - **Vote to approve draft Amendment 3 to the Southern Flounder FMP for review by the public and advisory committees****
 - Amendment 2 to the Shrimp FMP – Chris Stewart, Jason Rock, Dan Zapf
 - Public comment summary
 - Review recommendations from advisory committees and the Division of Marine Fisheries
 - **Vote to select preferred management options****
 - **Vote to send draft plan to the Department of Environmental Quality****

Friday, November 19

- 9:00 a.m. North Carolina Oyster Blueprint – Erin Fleckenstein, NC Coastal Federation
- 9:30 a.m. Coastal Habitat Protection Plan
- Public Comment Summary and Review of recommendations from Advisory Committees
 - **Vote on final approval of plan amendment****

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

***Probable Action Items*

Friday, November 19 continued...

10:30 a.m. Rulemaking

- Rule Suspensions – Steve Poland
Annual review of current rule suspensions previously approved by the Commission.
- Additional Labeling Requirements for Repacked Foreign Crab Meat Issue Paper – Shannon Jenkins
 - **Vote on preferred management option and associated proposed language for rulemaking****
- 2020-2021 Rulemaking Cycle Update – Catherine Blum
- 2021-2022 Rulemaking Cycle – Catherine Blum
 - “Package A”
 - **Vote on final approval of readoption of rules per G.S. 150B-21.3A:**
 - **Rules in 15A NCAC 03I, 03J (11 rules) ****
15A NCAC 03I .0108, .0115, .0122, 03J .0103, .0104, .0106, .0111, .0202, .0208, .0401, 0402
 - **Interjurisdictional species (8 rules) ****
15A NCAC 03L .0207, .0301, .0302, 03M .0301, .0302, .0511, .0516, .0519
 - **Rules with minor changes relating to standards for handling, packing, and shipping crustacea meat (34 rules) ****
15A NCAC 18A .0134, .0137-.0139, .0144, .0145, .0147-.0149, .0151-.0153, .0156-.0158, .0161, .0162, .0164-.0166, .0168, .0174-.0178, .0181-.0187, .0191
 - **Vote on final approval of readoption of 15A NCAC 18A .0136, .0173 per G.S. 150B-21.3A and adoption of 15A NCAC 03L .0210 (prohibit repacking of foreign crab meat in North Carolina) ****
 - “Package B” Update (109 rules)
- 2022-2023 Rulemaking Cycle Preview – Catherine Blum
 - Additional Labeling Requirements for Repacked Foreign Crab Meat
 - Mutilated Finfish Rule Development

12:00 p.m. Issues from Commissioners

12:20 p.m. Review of MFC Workplan and Meeting Assignments – Lara Klibansky

12:30 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
Virtual Meeting via WebEx
August 25-26, 2021

Due to COVID-19, the commission held a two-day business meeting via WebEx webinar on August 25-26, 2021. 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://files.nc.gov/ncdeq/Marine-Fisheries/08-2021-mfc-meeting/Online-Public-Comment-August-2021.pdf>

The briefing materials, presentations, and full audio from this meeting are available at: <https://deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/marine-fisheries-commission-meetings#quarterly-business-meeting---august-25-27,-2021>

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

BUSINESS MEETING - MOTIONS AND ACTIONS

On August 25 at 6 p.m. Chairman Rob Bizzell called the meeting to order.

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

Public Comment Period

A public comment session was held beginning at 6:00 p.m. The following individuals registered to speak during the public comment session:

Jerry Schill - Director of Government Affairs for N.C. Fisheries Association, I would like to comment on the issue about additional rules for small mesh gill nets, actually my comments address more the process of rulemaking rather than small mesh gill nets specifically. The process allows for protections against over-zealous bureaucracy. Even if the commission's intentions are good, there are protections established by the General Assembly to allow for a process that is fair and equitable. For any rules to be considered for small mesh gill nets or any other gear, the regulatory body cannot just list what they want to do, but are required to establish why, what is the problem. Just to do it "because" will not pass legal muster. Otherwise, your actions are arbitrary and capricious.

Barbara Garrity-Blake - President of N.C. Catch, non-profit organization dedicated to educating consumers on the importance of eating local seafood) Our outreach touches over 30,000 people per month and some 6500 people have signed on as supporters of the N.C. Catch

mission. A key part of our mission is to ensure consumers know how N.C. seafood is sustainably harvested and why consumers' access to N.C. seafood depends on commercial fishermen's access to our waters and resources. We make sure that consumers know our licensed professional fishermen lead the nation in sustainable fishing practices and that local seafood reaches their plate courtesy of family-owned, small-scale businesses that are embedded in the social and economic fabric of coastal North Carolina. We are concerned about a big picture forming on the horizon that threatens the ability of consumers, restaurants, and markets to access local seafood. I am referring to recent and pending restrictions that together are potentially game changing: 72% reduction in southern flounder harvest; potential elimination of shrimp trawling in Pamlico Sound; and additional small mesh gill net rule modifications outside of any fishery management plan, which returns us to pre-Fisheries Reform Act methods and could limit consumer access to numerous valuable fisheries. Each of these measures taken separately is consequential, but what is their impact as a whole. How much access will consumers have to fresh, local seafood, say one year from now? We believe the state has a responsibility to lay out clearly the economic, social, and food security impacts of these various restrictions. Managing for sustainability means ensuring that fish stocks can replenish and habitats is protected, absolutely. But it also means protecting local markets in order to reduce the supply chain's carbon footprint with fewer miles between boat and plate. It means supporting the people and communities who provide markets with sustainably harvested seafood so that consumers are not forced to buy product from distant lands with lower standards and few, if any, conservation measures. Our management decisions reflect what we value. We hope you continue to value consumer access to North Carolina seafood and the harvesters and communities who provide that access.

Charles Laughridge – did not speak

Thomas Newman - Commercial fisherman, gill netter, I want to comment on the small mesh gill net rules modifications. I have written in the letters for a lot of our fishermen from the Pamlico Sound the drift net fisheries in particular. The N.C. gill net fisherman is a dying breed; the numbers in the state are pretty bad. There are not many of us left that are dedicated to the gill net fishery in North Carolina. Any further rules and regulations are hurting us and pushing us further out to fish. It's not giving us enough access to the internal waters to make a profit. There needs to be no more small mesh gill net regulations without scientific backing. The numbers that were put out in the last proclamation that limits small mesh gill nets to 800 yards has no scientific merit whatsoever. Those numbers came up by a small group. There has been very little input from fishermen. If any regulations are going to happen, we need to involve the few fishermen that are left. We have a lot of input, northeast federal data, state trip ticket data. The gill net fisheries in the internal waters of North Carolina are very important for our consumers, fishermen, families, and the future. If you limit the fishery where we can no longer make a profit, you are killing the people who are serious about conserving this resource and who want to continue to fish for years to come. We hope you will consider working with the fishermen a lot more before any of this goes any further.

David Sneed - CCANC Executive Director, You hold the power and have the mechanisms in front of you to make a difference. Our fisheries are severely over-capitalized, yet you will decide tomorrow how many additional licenses to make available to commercial fishermen [SCFL Eligibility Pool Cap]. You can begin to address this over-capitalization of our fisheries with the next Southern Flounder FMP. Staff has been given a glimpse of what eliminating the large mesh gill net fishery could look like. This gear might be needed in a directed fishery like blue catfish, but it is not needed to harvest flounder. Phase it out before the ITP expires in 2023. This should also include a phase out of the Recreational Commercial Gear License use. Why is staff even preparing to renew the sea turtle ITP? The original intent was to protect endangered sea turtles from being killed in the large mesh gill net southern flounder fishery. It now is no longer needed, but staff is spending too much of their precious time and resources preparing to renew it. The observer program continues to have difficulties scheduling observed trips with fishermen. Out of 312 attempts during the spring, observers successfully scheduled and observed trips only three times. This data is glossed over at every MFC meeting. Again, this begs the question, why is DMF expending valuable effort on a failed program for commercial fishermen do not even pretend to support anymore? Another lack of attention is on the red drum landings report for a bycatch-only species. Someone please ask for the enforcement data for how many tickets have ever been issued for failing to have the proper amount or kind of target species on board of commercially harvested red drum. For the September 2020 to September 2021 period, the commercial trip ticket program reported a 542% increase in landings of red drum. What species was sold with the red drum during this timeframe, with flounder being closed for most of it? Previous commissions set this bycatch-only stock to become a targeted fishery the day they passed the rule to allow other species than flounder to be counted as target species. The target is clearly now on red drum and speckled trout. This commission should undo this mistake by their predecessors. Nursery areas must be properly identified and protected. How can you ignore the years of hot spot data from DMF that shows you are allowing trawling right on top of important nursery areas. Our declining stocks of flounder, spot, croaker, and weakfish will not recover and be sustainable until we stop trawling in our nursery areas where you are allowing hundreds of millions of juvenile fish to be killed. (out of time)

The meeting recessed for the day at 6:11 p.m.

The meeting reconvened at 9 a.m. on August 26.

On August 26 at 9 a.m. Chairman Bizzell called the meeting to order and reminded commissioners of their conflict of interest and ethics requirements.

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

Motion by Martin Posey to approve the meeting agenda.

Seconded by Sam Romano.

Motion carries in a voice vote with no dissention.

Motion by Tom Roller to approve the minutes of the May 2021 business meeting.

Seconded by Pete Kornegay.

Motion carries 9-0.

Public Comment Period

A public comment session was held beginning at 9:10 a.m. The following individuals registered to speak during the public comment session:

William Gorham – Bowed Up Lures, giving public comment today on mutilated finfish, I guess it should be the addendum. I would like to thank Chairman Bizzell for his quick communication, willingness to address this in a timely manner. I don't know if it is truly a big enforceable thing, but it is something that be can enforced and I do believe it is justified in being corrected for species that are widely used as bait fish, such as spot. I believe there are other species that have been identified, so maybe just amending the rule to exclude or remove the bag portion of it. I definitely understand the minimum size limit remaining for enforcement and compliance purposes, but species like spot, when you have to keep the head and tail connected that really removes a lot of its ability to be used as chunk bait especially in the large red drum catch and release fishery. Moving on to the next topic, last time I gave public comment, asking the division to review the catch estimates for southern flounder due to the issues MRIP was having because of COVID, I think we've learned a lot of new information since the last meeting, one being, that this fishery is a total loss. Under the proposed catch or ACL, there is no management measure other than closure. That will result from anything and for multiple years. I hope in the future the Commission acknowledges that the division informs the public of that and we take necessary steps to correct it, whether legislatively or reviewing if the 2 and ten year time period is appropriate. I don't see anywhere that's good for anything to create a fishery that's nothing but dead discards. Thank you.

Glenn Skinner – Executive Director of North Carolina Fisheries Association, and also a commercial fisherman here in the county. Appreciate you letting us have the opportunity to speak today. I was hoping to do it in person, but I understand why we can't. I have sent in some written comments on the small mesh gill net rulemaking issue, and I'd like to touch on that briefly. I know a lot of us have strong feelings about how we should manage our fisheries. A lot of the folks on the commission, or several anyway, definitely have some strong feelings about the use of gill nets. So, we can barely get through a commission meeting without someone throwing out the phrase, "get rid of gill nets out of our waters." I want y'all to remember that a seat on this commission is not a platform to personal agenda. It's official business of the state, and it's meant to be done by following

state statutes and there are statutes that govern the rulemaking process and one of those primary statutes is that you're not supposed to adopt rules that are unnecessary. And as I mentioned in the letter to you all, there's been no data provided up to this point that I've seen that would even suggest that further rulemaking on small mesh gill nets was even necessary. I have had a couple of people ask me about moving the current restrictions into rule and I would just like to remind you all those restrictions were adopted through different processes in the rulemaking process because at the time, those processes were deemed appropriate. Some of the management measures were implemented by proclamation, and they were done by proclamation because they weren't meant to be permanent rules. They were meant to be variable, something that would change in the future and could be adjusted by proclamations. As far as I'm concerned, there is no need at this time to do any rulemaking on small mesh gill nets. Another issue I would like to talk to you about, it's been brought to my attention over the last few weeks is the recreational fishing tournaments, virtual tournaments, catch and release tournaments that are being held targeting southern flounder. There's been several that I'm aware of, probably several I'm not. Mr. Gorham just mentioned the possibility of harvest closures in the future if you all move forward with quotas and accountability measures, and I feel strongly these tournaments are going to increase dead discard targeting these fish outside of the open harvest season. It's irresponsible. It's going to increase the dead discards and could consume up the recreational sector's quota just simply through dead discards and eliminate the harvest also could slow or even prevent rebuilding. So, I hope this a concern y'all share and will be bringing up and address here in this meeting. Thank you.

Leda Cunningham – The Pew Charitable Trust, good morning members of the commission, DEQ staff and others in attendance. My name is Leda Cunningham and I'm an officer with Pew Charitable Trust. Thank you for the opportunity to provide comments on agenda items for this meeting. I live and work out of a home office in Morehead City and oversee Pew's coastal habitat and conservation work in North Carolina. Pew is an independent, non-profit, non-partisan, non-governmental organization dedicated to serving the public interest. We strive to help increase protections for valuable coastal waters, habitats and community by identifying and advancing science-based conservation measures that will ensure all people can enjoy and benefit from nearshore resources now and into the future. I'd like to speak in support of the Coastal Habitat Protection Plan, the CHPP, which will help protect and restore North Carolina's valuable coastal habitats that contribute to healthy shorelines, ecosystem, communities, and economies that depend on resources like sea grass, oysters, and wetlands. We urge the Commission to grant DEQ's request to send the document out for public comment following review by this commission and the Environmental Management Commission and Coastal Resources Commission next month. With compounding threats of severe weather, rising sea levels and increased human use have or interaction with this resources, it is more important that ever to identify and implement durable strategies that ensure their long term health and sustainability. We commend DEQ and APNEP staff, at the community of contributors they have engaged over the last 2 and a half years in developing this document. We were pleased to help organize technical workshops on sea grass and SAV in March 2020 and a wetlands in August 2020 and are grateful to the staff, especially Anne Deaton, Jimmy Johnson, Casey Knight, Trish Murphey and Jacob Boyd for their leadership and collaboration in developing an amendment to the CHPP that focuses needed resources and attention

on the 5 primary issue areas, particularly on SAV and wetlands protection restoration. This past spring and summer, we partnered with the North Carolina Coastal Federation to convene a stakeholder work group that identified 10 actionable, non-regulatory measures to improve and protect water quality to safeguard fishery habitats. Each of these recommendations include the set of very tangible and measurable steps that our diverse group of stakeholders encouraged to be taken. Accomplishing these will help build momentum and generating the public support needed to accomplish many of the more complex and longer-term recommended actions in the CHPP and the CHPP update contains. The timeline was short to convene this group and facilitate development of its recommendations. Our ambitions were high and we think the stakeholders made good progress by providing substantive recommendations that will help expand and engage the public to help implement the CHPP in the coming years. The CHPP Steering Committee recommended that the 3 commissions solicit public comments on these stakeholder recommendations, along with the rest of the draft plan. We agree with that decision and also with the Steering Committee that it is important to get public comment to help it decide how best to incorporate these stakeholder ideas into the final updated CHPP.

Kenneth Seigler – did not speak

David Knight, speaking on behalf of the NC Wildlife Federation – thank you for the opportunity to comment on Amendment 3 to the Southern Flounder FMP. The southern flounder stock was to be rebuilt by 2015, based on the original FMP and Amendment 1. A stock assessment through 2017 indicated that the stock was still over-fishing and severely over-fished. In fact, the stock assessment indicated a 72% reduction was now necessary over the next 10 years, 2019 through 2028 to rebuild by a new deadline. Recall that the original reductions we failed to achieve due to economic concern was only 30%. The additional 10 years to rebuild is the maximum time allowed yet there was a perceived need to once again phase in into overfishing over another 2-year period. We found this action inconsistent with the original legislative intent to end overfishing in 2 years. Not to try to end overfishing for 10 years, fail and add another 2 years. Amendment 2 has failed. The total combined recreational and commercial removal of southern flounder for 2019 and 2020 based on a peer-reviewed stock assessment was 1 million pounds, yet the DMF recommended and the MFC approved 1.3 million pounds. The actual removal reported to the MFC by the DMF for both years in May 2021 was 2.2 million pounds. Double the allowable removals. If we properly account for all unreported landings and discards from the commercial and recreational fisheries however, including the admitted harvest from holders of the RCGL, the total removals are closer to 3 million pounds. Data that refutes the suggestion we have ended over-fishing. Despite our failure to achieve the necessary reductions, some reductions have occurred. Consequently, we expect numbers are increasing. Unfortunately, any increases are a fraction of what is required. Opening the fishery in 2021, even for a few weeks, allows access to the fish when they are most vulnerable as they aggregate to being offshore migrations to spawn, many for the first time. Discard mortality will increase as abundance increases. The significant overages from 2019 and 2020 must be accounted for in order to achieve the rebuilding goal in 2028, yet they appear to be ignored. In order to get the projections back on track, no harvest can be permitted for at least 3-4 years. Based on the data at hand, the bycatch and discard mortality in the commercial and recreational fisheries will account

for the currently allow removals. A new stock assessment would be conducted prior to any reopening of an allowable harvest to determine what is necessary to rebuild by the 2028 deadline. Thank you.

Colleen Karl – Chair of Chowan Edenton Environmental Group from Edenton, N.C. I am a 35-year resident of Chowan County. I have a background in educational science outreach for NC State in this area. I support the Pew/Coastal Federation workgroup's guidelines they developed for the CHPP. They are singing the same tune we are speaking in the northeast part of the State. It is important to act as soon as possible to improve our habitats and water quality in this area. To tell you a little more about the work we have been doing with the Chowan Edenton Environmental Group, since 2015 when the blue algae reappeared in Chowan River we have been involved with water quality sampling and monitoring efforts for those algal blooms that now occur almost every summer. We signed up to volunteer to take weekly samples for NOAA as part of the phytoplankton monitoring network and to be collaborative with a number of different agencies and projects. We work closely with UNC IMS and different researchers to try to find out why the algal blooms are back and why our habitats are being degraded as a result for fish and crustacea in our area. Understand this is not only for professional interests but also personal ones. When I was sampling yesterday, I stopped by a mill pond in the northeast, part of Rocky Mount Creek. It was once beautiful and was dismayed to see the beautiful body of water I've spent 10 years of work on has now turned split pea green and is full of blue-green algae. It is a recreational and fishing spot. We need to work together to bring opportunities for nature to recover itself through volunteerism and partnerships to restore the water quality in the northeast the best that we can.

Rick Sasser - Good morning Mr. Chairman and Commissioners, I am Rick Sasser, a private citizen speaking on behalf of our public trust resources and the citizen's right to expect stressed and depleted resources to be managed to recovery and for our resources to be sustainably managed for future generations. A Sustainable Fishery, Leading the way in Sustainability, Sustainably Caught... Those are nice "catch-words...pun intended... for that is truly what these marketing and PR campaigns are all about.... Catch...continued commercial harvest regardless of the consequences. For your report card on Sustainable fisheries, just look at you current Stock Status Report- Depleted; bay scallop, Native Eastern oyster (by historical standard), river herring, southern flounder. Overfished with Overfishing Occurring; blue crab, estuarine striped bass. Concern; sheepshead. Unknown; hard clam, kingfishes, red drum, striped mullet. Viable; shrimp (but not when bycatch is factored in for spot, croaker, and weakfish), Spotted Seatrout (viable until the next cold-stun event and/or a shift in effort in the gillnet fisheries at severe over-capacity. This commission needs to come to the table in good faith to honestly address the unsustainable gill net fisheries. The data in your small mesh white paper is compelling. At minimum, overcapacity should be addressed by reducing yards set, bycatch mortality for economically important species and stressed stocks such as flounder, striped bass and red drum should be addressed with area closures. 100% year-round attendance should be required. Please ignore the threats and intimidation asking you to maintain status quo. History shows when this commission capitulates

to threats, the problem just gets kicked down the road. A 40% reduction to rebuild the Southern flounder stock in 2015 became a 72% reduction in 2020. That is arbitrary and capricious. And while you're at the table in good faith, please address CHPP. It is well past time for the CHPP process to actively engage and address bottom disturbing gears and nursery area protection versus giving it lip-service in plan. The two 800-pound gorillas in the room that have been intentionally ignored are; unsustainable highly destructive bottom disturbing gears- otter trawls, crab trawls, oyster dredges and mechanical and hydraulic clam harvesting and juvenile shrimp trawl bycatch due to a failure to properly identify and delineate nursery areas. Contrary to data and verbiage presented to this commission in the past, when properly measured, trawl effort is not down and there has been little to no improvement in juvenile bycatch reduction. Both must be addressed in the pending shrimp FMP amendment. Thank you.

Chairman's Report.

It was determined the 2021 meeting schedule would be:

Feb. 23-24

May 25-27

Aug. 24-26

Nov. 16-18

Election of Vice Chair

The commission elected Doug Cross to another term as vice chairman. Make sure this worded correctly.

Martin Posey nominated Doug Cross for Marine Fisheries Commission vice chairman.

Sam Romano seconded the nomination.

With no other nominations, Doug Cross was declared vice chairman by acclamation.

Mutilated Finfish Rule Modification

Division of Marine Fisheries Director Kathy Rawls suggested the DMF develop an issue paper to explore amendment to the Mutilated Finfish Rule.

Chairman Bizzell turned the gavel over to Vice Chair Doug Cross.

Motion by Rob Bizzell to ask the Division of Marine Fisheries to develop an issue paper for rulemaking to examine the mutilated finfish rule (15A NCAC 03M .0101).

Seconded by Mike Blanton.

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Vice-Chairman Doug Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Hendrickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Kornegay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Martin Posey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Romano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rob Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion carries 9-0

Vice Chair Doug Cross returned the gavel back to Chairman Bizzell.

Chairman Bizzell asked MFC liaison, Lara Klibansky, to give a quick overview on MFC public comment.

Director’s Report

Director Kathy Rawls gave a verbal update on recent Division of Marine Fisheries activities.

Standard Commercial Fishing License Eligibility Report

Captain Garland Yopp with the Marine Patrol and chairman of the Standard Commercial Fishing License Eligibility Board gave a presentation to the commission on the annual Standard Commercial Fishing License Eligibility Pool process and reviewed the number of licenses available for the pool for the 2021-2022 license/fiscal year.

The commission set the number of Standard Commercial Fishing Licenses available through the Eligibility Pool for the 2021-2022 fiscal year at 500.

To view the presentation, go to:

<https://files.nc.gov/ncdeq/Marine-Fisheries/08-2021-mfc-meeting/SCFL-Eligibility-Pool-FY2021-2022.pdf>

Motion by Mike Blanton to set the cap on the number of licenses in the Standard Commercial Fishing License Eligibility Pool for fiscal year 2021-2022 at 500.

Seconded by Sam Romano

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Hendrickson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
James Kornegay	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Martin Posey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Roller	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Romano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Rob Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion carries 6-0 with two abstentions and one absent.

Stock Overview Report

Lee Paramore, Fisheries Management Biological Supervisor, provided the commission with the 2020 Stock Overview Report.

To view the presentation, go to:

<https://files.nc.gov/ncdeq/Marine-Fisheries/08-2021-mfc-meeting/Stock-Overview-2021.pdf>

Fishery Management Plans

Corrin Flora, the Division’s Fishery Management Plan Coordinator provided a 2020 Fishery Management Plan review, status update for ongoing FMPs and draft 2021 FMP review schedule.

To view the presentation, go to:

<https://files.nc.gov/ncdeq/Marine-Fisheries/08-2021-mfc-meeting/FMP-Update.pdf>

Motion by Pete Kornegay to preliminarily approve the five-year Fishery Management Plan schedule for review and final approval by the secretary of the Department of Environmental Quality.

Seconded by Martin Posey

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Hendrickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James Kornegay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Martin Posey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Romano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Rob Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion carries 9-0

Southern Flounder Fishery Management Plan Update

Mike Loeffler and Anne Markwith, the Division’s Southern Flounder staff leads gave a verbal update on Amendment 3 to the Southern Flounder FMP.

Coastal Habitat Protection Plan

Anne Deaton, the Division’s Habitat Program Supervisor, and Jimmy Johnson, Coastal Habitats Coordinator for the Albemarle-Pamlico National Estuary Partnership gave a presentation on the draft 2021 Amendment to the Coastal Habitat Protection Plan with recommended actions.

To view the presentation, go to:

<https://files.nc.gov/ncdeq/Marine-Fisheries/08-2021-mfc-meeting/CHPP-2021-Recommendations.pdf>

Motion by Doug Cross to send the draft Coastal Habitat Protection Plan 2021 Amendment and Appendix as is out for public comment.

Seconded by Tom Hendrickson

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Hendrickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Kornegay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Martin Posey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Romano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Rob Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion carries 9-0

Small Mesh Gill Net Rules Modification

Steve Poland, the Division’s Fisheries Management Section Chief, gave an overview of the MFC Advisory Committee review and recommendations.

Motion by Doug Cross to not initiate rulemaking on small mesh gill nets but refer the issue to the FMP process for each species, and any issues or rules coming out of the FMP process be addressed at that time.

Seconded by Sam Romano.

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Hendrickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Kornegay	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert McNeill	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Martin Posey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Roller	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Romano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Rob Bizzell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion carries 5-4.

Rulemaking Update

Catherine Blum, the Division’s Rulemaking Coordinator, gave an overview of information and updates on the 9 rules in Package B of the 2020-2021 rulemaking cycle, update on re-adoption of 15A NCAC 03Q .0101-.0109 per G.S. 150B-21.3A, the 56 rules in Package A of the 2021-2022 rulemaking cycle, and the 109 rules in Package B of the 2021-2022 rulemaking cycle. Double check my wording, please.

Motion by Martin Posey to approve notice of text to begin the process of re-adoption and repeal through re-adoption of rules under a mandatory periodic review schedule (G.S. 150B-21.3A) and adoption and amendment of rules:

- **Highly Efficient Gears, Artificial Reefs, and Research Sanctuaries (3 rules) – 15A NCAC 03I .0109, 03J .0404, 03R .0119;**

- Shellfish Leasing Regulations (9 rules) – 15A NCAC 03K .0111, 03O .0203, .0205-.0211;
- 15A NCAC 03 Rules with Conforming Changes (40 rules) – 15ANCAC 03I .0113, .0118, 03J .0101, .0110, .0302, 03K .0101, .0102, .0105, .0106, .0108, .0201, .0202, .0204, .0207, .0301, .0302, .0304, .0305, .0401, .0505, 03L .0101-.0103, .0105, 03M .0201, .0202, .0204, .0205, .0503, 03N .0104, .0105, 03O .0301-.0303, .0401-.0406;
- 15A NCAC 03I, 03J, 03K, 03O, and 03R Rules for Definitions, Imported Species, Recordkeeping, Gear, Marketing Shellfish, and Licenses (18 rules) – 15A NCAC 03I .0101, .0104, .0114, 03J .0105, .0109, .0305, 03K .0205, .0507, 03O .0101-.0105, .0107, .0109, .0110, .0113, 03R .0111;
- Commercial Blue Crab Harvest and Gear Regulations (8 rules) – 15A NCAC 03J .0301, 03L .0201-.0205, 03R .0110, .0118;
- Permit and License Suspensions and Revocations and PoundNet Gears (11 rules) – 15A NCAC 03I .0105, 03J .0501-.0505, 03O .0111, .0114, .0502, .0504, 03P .0101;
- 15A NCAC 03P Rules (8 rules) – 15A NCAC 03P .0102, .0201-.0203, .0301-.0304; and

15A NCAC 03K and 18A Crustacea and Shellfish Rules (12 rules) – 15A NCAC 03K .0103, .0104, .0107, .0109, .0208, .0209, 18A .0135, .0302, .0303, .0304, .0425, .0912.

Seconded by Tom Roller

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Hendrickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Kornegay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Martin Posey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Romano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Rob Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion carries 9-0

Issues from Commissioners

Meeting Assignments and Preview of Agenda Items for Next Meeting

Lara Klibansky reviewed the meeting assignments and previewed the November 2021 business meeting agenda.

An updated work plan calendar has been provided in the supplemental materials; it is a living document that will be updated regularly.

Package B, 9 rules.

There will be a Special meeting around Sept. 9.

Division staff will start development of issue paper to explore mutilated finfish rule.

The Commission voted to send CHPP out for October AC review and public comment.

In November the Commission will receive public and AC comments and vote on preferred management options on Shrimp Amendment 2 and CHPP 2021. Review Southern Flounder FMP Amendment 3 and vote to send out for AC review and public comments. Goal and objectives of IJ FMP approval. Final approval of Package A rules.

Chairman Bizzell stated it is his strong intention to meet in person Nov. 17. Regarding location; Beaufort Hotel has been very gracious. If we do meet in person, there will be strong protocols for safety. If folks in attendance do not comply they will be escorted out. Stay safe and stay well.

The meeting adjourned at 4:45 p.m.

**Marine Fisheries Commission Special Meeting Minutes
Virtual Meeting via WebEx
September 9, 2021**

Due to COVID-19, the commission held a one-day special meeting via WebEx webinar on September 9, 2021.

The briefing materials and audio from this meeting can be found at:
<https://deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/marine-fisheries-commission-meetings#special-meeting---september-9,-2021>

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

SPECIAL MEETING - MOTIONS AND ACTIONS

On September 9 at 2 p.m. Chairman Rob Bizzell called the meeting to order and reminded commissioners of their conflict of interest and ethics requirements.

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

Approval of Agenda

Motion by Tom Hendrickson to approve the meeting agenda

Seconded by Martin Posey

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Hendrickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Kornegay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Martin Posey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Romano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Chairman Rob Bizzell	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Motion carries 9-0

2020-2021 Annual Rulemaking Cycle “Package B”

Motion by Doug Cross to approve re-adoption of nine rules, with amendments as presented Sept 9, 2021, in 15A NCAC 03Q .0101-.0109 for the subject "General Regulations: Joint" under a mandatory periodic review schedule (G.S. 150B-21.3A)

Seconded by Martin Posey

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Blanton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Hendrickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Kornegay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert McNeill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Martin Posey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Roller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Romano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Rob Bizzell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion carries 9-0

The meeting adjourned at 2:28 pm.