

NC Marine Fisheries Commission

Preliminary Matters

November 2022 Business Meeting

01 November Meeting Agenda

05 Draft August Meeting Minutes

Marine Fisheries Commission Business Meeting

AGENDA

Islander Hotel

Emerald Isle, NC

November 16-18, 2022

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

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

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

Wednesday, November 16th

6:00 p.m. Public Comment Period

Thursday, November 17th

9:00 a.m. Preliminary Matters

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

9:45 a.m. Public Comment Period

10:15 a.m. Chairman's Report

- Letters and Online Comments
- Ethics Training and Statement of Economic Interest Reminder
- 2023 Meeting Schedule
- Commission Committee Assignments
- **Delineation of Inland and Coastal Fishing Water Boundaries****

- 11:00 a.m. Committee Reports
- Nominating Committee – Chris Batsavage
 - **Vote on slate of nominees for the obligatory seat for the Mid-Atlantic Fishery Management Council****
 - Regional Advisory Committees – Northern, Southern
 - Standing Advisory Committees – Finfish, Shellfish/Crustacean, Habitat and Water Quality
- 11:30 a.m. Director’s Report – Director Kathy Rawls
Reports and updates on recent Division of Marine Fisheries activities
- Division of Marine Fisheries Quarterly Update – Director Rawls
 - Atlantic States Marine Fisheries Commission – Chris Batsavage
 - Shad Sustainable Fishery Report Update
 - Mid-Atlantic Fishery Management Council Update – Chris Batsavage
 - South Atlantic Fishery Management Council Update – Director Rawls
 - Shellfish Lease Program Update – Owen Mulvey-McFerron
 - Coastal Habitat Protections Plan Update – Jacob Boyd
 - Marine Patrol Update – Col. Carter Witten
 - License and Statistics Annual Report (“The Big Book”) Update – Brandi Salmon
 - Informational Materials:
 - Highly Migratory Species
 - Protected Resources Update
 - Observer Program
 - Incidental Take Permit Updates
 - Landings Updates
- 12:30 p.m. Lunch Break
- 2:00 p.m. Fishery Management Plans
- Status of ongoing plans – Corrin Flora
 - Spotted Seatrout Fishery Overview – David Behringer, Lucas Pensinger
 - Spotted Seatrout Stock Assessment Update – Yan Li
 - Amendment 2 to the Estuarine Striped Bass FMP (Draft) – Nathaniel Hancock, Todd Mathes, Charlton Godwin, Joe Facendola, Steve Poland
 - **Vote on final approval of Amendment 2 to the Estuarine Striped Bass FMP****

Friday, November 18th

- 9:00 a.m. Fishery Management Plans Continued
- Supplement A to Amendment 1 of the Striped Mullet FMP (Draft)– Dan Zapf, Jeff Dobbs
 - Overview of Supplement
 - **Vote on Supplement A to Amendment 1 of the Striped Mullet FMP****

- Amendment 2 to the Striped Mullet FMP (Draft) – Jeff Dobbs, Dan Zapf
 - Scoping Period Overview
 - **Vote on approval of Goal and Objectives****
 - Provide Input on Management Options

11:00 a.m. Rulemaking

- **Rule Suspensions – Steve Poland****
- Rulemaking Cycle Updates – Catherine Blum
 - 2021-2022 Rulemaking Cycle Update
 - 2022-2023 Rulemaking Cycle Update
 - 2023-2024 Rulemaking Cycle Preview

11:40 a.m. Issues from Commissioners

12:10 p.m. Review of MFC Workplan and Meeting Assignments – Lara Klibansky

12:30 p.m. Adjourn

Marine Fisheries Commission Business Meeting Minutes
Courtyard Marriott
Jacksonville, North Carolina
Aug. 17-18, 2022

The commission held a business meeting Feb. 23-25 at the DoubleTree Hotel in New Bern, North Carolina. In addition to the public comment session, members of the public submitted public comment online or via U.S. mail. To view the public comment, go to: <https://deq.nc.gov/media/31006/open>

The briefing materials, presentations, and full audio from this meeting are available at: <https://deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/marine-fisheries-commission-meetings#quarterly-business-meeting---august-17-18-2022>

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

BUSINESS MEETING - MOTIONS AND ACTIONS

On Aug. 17, a public comment session was held beginning at 6 p.m. Chairman Rob Bizzell called the meeting to order. The following individuals spoke:

Jerry Schill, Director of Government Affairs for the N.C. Fisheries Association, spoke about striped bass management and the MFC's decision about closing gill nets above the ferry lines that ignored the science. Then-DMF director Steve Murphey and then-DEQ Secretary Regan commented to that effect. The Fisheries Reform Act was signed into law by Governor Hunt 25 years ago and is what put the MFC in existence; it exists because of that statute. Just like they put in statute the make-up of the MFC and its powers and duties, they also put in oversight of the MFC. He reminded the MFC there is a spotlight on the commission about whether you are abiding by your duties and responsibilities, especially when it comes to the area of science.

Captain Josiah Irwin is in the U.S. Marine Corps and transferred PCS (permanent change of station) here from California. He said N.C. fisheries was a big reason he decided to PCS here. Capt. Irwin said he has been fishing since he was 10 years old, and it has been a big part of his life. He has traveled the world, both in the Marine Corps and during his five years in college as an oil field worker in Qatar, Dubai, Saudi Arabia, Texas, Oklahoma, and North and South Dakota, and fisheries laws here seem to be a little "out-of-whack" and could be practiced a little better. He said this is especially true for flounder and red snapper seasons; they seem to be mismanaged, not like in Hawaii and Guam where there are no regulations, but a better way would be like in Texas. There, for red fish, you get a tag to go with that red fish that you pay for beforehand. If something like this was implemented for red snapper or flounder, the commission could reduce the numbers of fishermen, increase profits, and implement the tags for about three dollars. This would be an easier way to measure the number of fish coming in and the commission could avoid going over what is allowed to be caught.

Thomas E. Newman IV, a full-time commercial fisherman, member of the MFC Northern Regional Advisory Committee, and N.C. Fisheries Association part-time employee, spoke to urge the commission to reopen the gill nets above the ferry lines for all user groups, particularly commercial fishermen. During the March 2019 MFC emergency meeting, the rationale commissioners used to close the Neuse and Pamlico rivers to the use of gill nets was to protect a breeding-age class of striped bass. He said the March 2019 river closure was unjustified and deemed unnecessary by then-DMF Director Murphey and then-DEQ Secretary Regan. Mr. Newman said this was not about protecting striped bass but was a means to an end to remove a legal harvest method that some people do not like. Gill nets produce the least amount of striped bass discards in these areas. Recreational discards were two and half times higher than commercial discards in these two river systems alone from 2012 to 2020. This does not include the hundreds of thousands of discards from the Albemarle-Roanoke stock. The commissioners also said that reopening the rivers to gill nets would be looked at in two years at the next striped bass FMP amendment. The division and the FMP advisory committee did just that for draft Amendment 2 for the February 2022 MFC meeting. The draft included an option to reopen the rivers to the use of gill nets. But during that meeting, the commission voted to remove the option before it was reviewed by the advisory committees and the public. At the May 2022 MFC meeting, the hastiness, bad judgement, and unfairness used by the commission in 2019 was discussed. This discussion was not about protecting a breeding-age class of striped bass, it was anecdotal about how recreational fishermen are catching more and bigger fish because there are no gill nets in the water. The MFC had no scientific evidence to justify continuing this closure, but they voted gill nets as “guilty” once again. But this time they said they would look for evidence that gill nets are affecting the striped bass stock: condemned as guilty first, then look for evidence three years later, which is not the way this commission should operate. Commercial fishermen deserve equal access to have the opportunity to harvest fish from these areas. For many citizens of the State, the only way to get fresh seafood and bait is to buy commercially harvested fish. Keeping these areas closed limits consumer access to fresh seafood and bait.

Senator Norman Sanderson, Senate Vice-Chair of the N.C. General Assembly Joint Standing Committee for Appropriations on Agriculture, Natural, and Economic Resources, said he commends the commission on the role they play, as it is very important to the citizens of North Carolina. He gave a “shout out” to the staff of the DMF, especially officers who put their lives on the line to protect natural resources for all of us. He said he appreciates the efforts of the DMF and the MFC on preparing the latest amendment to the N.C. Estuarine Striped Bass FMP. The number one goal for any new or revised FMP should always be to provide sustainable fisheries and populations across all our endangered species. He said he commends the effort put into the plan but has significant concerns about extending the ban on gill nets in the upper Neuse and Pamlico rivers above the ferry lines; this action does not appear to be based on science and is not part of the original DMF proposal. It was added by this commission at its February 2022 meeting. He said the current exclusions were put in place in 2019 at an emergency meeting of the MFC. That decision led to then-DEQ Secretary Michael Regan to issue a news release saying the MFC had used bad judgement and directing the DMF to include the gear exclusions contradicts science and the recommendations of the DMF scientists. Then-Director Murphey sent a five-page letter to current MFC Chair Rob Bizzell after the MFC decided to close the areas. His letter documented the DMF concerns on instituting a gill net ban in light of the evidence. He stated that such a measure is not supported by the data as the primary or even the most significant source of discard mortality.

Senator Sanderson said he is concerned that during the MFC advisory committee review process that is required by the Fisheries Reform Act of 1997 that there was no public comment accepted on extending the closure or reopening the areas to gill nets. The current recommended action to ban the use of gill nets despite the fact an advisory committee voted for the upper river areas to be opened to gill netting has him wondering where is the right and where is the wrong. He said it is his understanding that no new data has been collected since 2019 that sheds additional light on this issue and the concerns expressed by the DMF, regional advisory committees, and Secretary Regan in 2019 are still valid. Senator Sanderson said the lack of new data, the fact that existing science does not appear to support such action, the fact that DMF did not propose such action in its original plan, and given that the advisory committees advised to reject the proposal should cause the commission to be concerned about including this management measure at this time. Actions taken this week must provide for fair regulation of both commercial and recreational fishing groups and all citizens of North Carolina as we move towards fish populations' sustainability.

Hodge Jordan spoke about the Incidental Take Permits (ITPs) that are up for renewal in 2023. He said the ITPs are for endangered species and asked for confirmation that we must have that to have gill nets. He also asked how many reported kills of turtles by fishermen and netters have been received, how many for sturgeon, and how much bycatch there has been. He said there is 48 percent bycatch in gill nets and 100 percent mortality of the bycatch. He said if these numbers are not reported by the netters themselves, then the monitoring we have does not seem to be working. He asked if a fisherman has a turtle or any endangered species caught in a net, how the fisherman is supposed to release it because it is illegal to touch it. All the fisherman can do is report it. He said the ITPs need more of a public forum so people are informed of what they can and cannot do, exactly what the ITPs mean to the public, and not just read about it. This is about a public resource, so there should be public information in a forum they can understand without bias. He said he realizes there is a difference between commercial and recreational fishermen. There is a balance we need to maintain. He said science is science and without good data, there will not be good results.

David Sneed, Coastal Conservation Association of N.C. Executive Director, said he grew up in eastern North Carolina, so conservation of N.C. resources is important to him personally, not just professionally. The house next to his has a family with a father and two grown sons that he watched fish off their pier all night long. The father said their boys were excited to move here because they love to fish. Mr. Sneed also saw commercial crab boats come by the same piers each morning to check their pots. He said it gave him an idyllic vision of how the fishing public and commercial fishermen can coexist in the same environment when a healthy fishery is present. He said he grilled fresh local mahi for dinner one night and fried farm-raised oysters from Commissioner Cross's Pamlico Packing Company that he mentions, not to curry favor, but because one of his wife's favorite Sunday night dinners is fried oysters. He said CCA would like to encourage the commission to work with stakeholders not as adversaries, but as partners, toward a future that produces a truly sustainable and abundant coastal fishery as anglers, commercial fishermen, and consumers, and the public that may never wet a line or eat seafood at all, but maybe they just enjoy an the environment where they can watch dolphin and sea turtles swim freely along the State's coast; a future where our children can grow up with a love for fishing off the end of the pier and the commercial fishermen can supply us with sustainable local seafood. He said the commission has a light agenda this week, but there is plenty of work ahead if we want to restore our fisheries where it should be and reverse the effect decades of overfishing have had on fish stocks like striped bass, spot, croaker, weakfish,

blue crab, and southern flounder. He said Amendment 3 to the Southern Flounder FMP spelled it out very clearly: “overfished means there are not enough mature females to produce enough young. Overfishing means that fish are being removed faster than they can be replaced. Reducing the number of fish removed annually is needed to increase the southern flounder stock to sustainable levels.” He said to him, the message is clear: stop managing for maximum harvest and start managing with the conservation thresholds so we are putting away some fish for the future. That is the true path to a sustainable fishery. With the commission’s help, we can leave a healthy coastal fishery for our children and grandchildren.

Mike Brady, a recreational fisherman, spoke about what he has personally seen in North Carolina. He said he is from North Carolina, served in the U.S. Navy, and obtained degrees from North Carolina state universities. He fished starting when he was in elementary school and has fished at piers, inshore, near shore, and offshore. He has seen the fisheries flourish, diminish, and now he sees struggling fisheries. He said two or three times per week in the marsh he watched boats go by, but last year he saw about as many net boats as he has seen in his life. Mr. Brady said it is a small area and he said he wondered what in the world they could be doing because the fish were not around. He has seen trout fisheries shut down in the White Oak River on the first day that netting season started. Before that, he said he was catching nice slot, keeper-size trout, releasing 15-17 trout per trip, but as soon as the net season started, that stopped. Now, he is lucky to catch undersize trout. He said the fishery cannot be sustained when there are these events. He said gill nets are not a friend to fish, turtles, or anything in the waters, including divers too; it is destructive. Whether fish are caught in the nets or stay in the nets, fish are damaged and probably will not survive if they do get out. He said there has got to be a better way: hook and line fishing. He said he releases fish in good health and takes the effort; he has a rubberized net so he does not damage the fish. With these efforts, everyday fishermen are trying to sustain and keep the fisheries going. He said part of the netting problem he saw last year was no one was accounting for it; he said he did not see fishery officers. Mr. Brady said he knows the State is undermanned. There have been very few people taking surveys at ramps on recreational numbers. He asked how the recreational catch numbers are determined. He asked the commission to start looking at harvest and release numbers and stop using “catch”, to be more accurate.

Donald Willis said he has made his money on recreational fishing for four decades and has attended fisheries meetings for 30 years. He said he has seen “maximum extraction” voted in, with status quo after that on fish that have been overfished for years; he watched four major fisheries crash and burn. He has seen the commission go from being inactive on taking care of the resource to being reactive. He hopes the new commission composition will be proactive. He said if we protect the resources, we take care of everybody, including commercial and recreational fishermen, and we cannot do it if we take too many fish due to greed. He has watched what has happened in his lifetime and is looking for good things from this commission. He said in the upper Neuse River and the upper Tar-Pamlico River it is amazing what is going on now that the gill nets are out of the rivers. He said he understands why commercial fishermen want the rivers reopened to gill nets; the fish are up there. Mr. Willis said if you get past the ferry lines, there is hardly anything because everything is upriver. He said we must look at other states that have done the same things on a larger scale and they still have a commercial fishery, and it is better than North Carolina’s. If there is more resource, more fish, then everybody benefits. He reminded the commission their number

one job is to take care of the resource. Take care of it and it will take care of all of us and that is all he asks.

Rocky Carter said he is not from eastern North Carolina, he is from Western North Carolina and was born in Asheville, 365 miles from this area. He said he came here to fish when he was young, fell in love with coast of North Carolina, and 17 years ago chose to make his life here, and to die here. He said when he came here there was great and abundant fishing, but he has seen and experienced the decline with his friends and neighbors and with their entire fishing community in Swansboro. He is concerned about the process to obtain an ITP (Incidental Take Permit) in North Carolina. He has questions about who fills out the application, perhaps someone with a regular job at the DMF or maybe contractors hired to complete the paperwork. He asked what the cost to North Carolina is to have an ITP and who pays the bills, like maybe taxpayers. He also asked if the commission is involved in the approval of the application for an ITP; as the governing body who makes the rules, he asked how involved the commission is with the ITPs. He said he has not heard it in any public forum and asked if it is brought up in any of the advisory committee meetings and if so, what committee meetings, who chairs those, and what data is available from those meetings saying this was adequately discussed and seemed to be necessary for the citizens of the State. He said with approximately 800 gill net fishermen in the State, each allotted with 800 yards of gill nets, coincidentally that makes about 365 miles of gill nets in North Carolina, the same distance from here to where he was born in Asheville. He asked with that many miles of nets in the water, how many interactions with turtles are self-reported by commercial fishermen and if it matches the expectation with that many miles.

Bruce McLaughlin said after doing everything he could for 26 years to avoid coming to North Carolina in the U.S. Marine Corps, they dropped him off in North Carolina in 2004 where he retired after serving 30 years. Among the many reasons he said he stayed here is that this is a beautiful place and a wonderful community with great people. He stayed here primarily because of fishing opportunities that he observed and participated in when he came here in 2004. Since then, he has watched a steady decline of just about every inshore species of fish that he has pursued and fished for. He said every single one has gone downhill. There have been many opportunities to take a proactive management stance, but it has eluded commissions prior to this one. He urged the commission to take a very good look at where the fisheries are and were, and where they need to go, and stop the excessive take, especially of species like southern flounder; the commission had an opportunity 10 years ago to fix that and did not take it and here we are today.

Aug. 18

Chairman Rob Bizzell convened the Marine Fisheries Commission business meeting at 9 a.m. on Aug 18. 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, Donald Huggins, Robert McNeill, Dr. Doug Rader, Tom Roller, and Ana Shellem.

Motion by Mike Blanton to approve the agenda.

Second by Robert McNeill.

Motion passes unanimously.

Motion by Tom Roller to approve the minutes of the May 25-26, 2022 and the June 23, 2022 meetings.

Second by Doug Cross.

Motion passes unanimously.

Public Comment Period

A public comment session was held beginning at 9:05 a.m. The following individuals spoke:

Glenn Skinner, Executive Director of the N.C. Fisheries Association (NCFA) and a commercial fisherman, spoke about the Estuarine Striped Bass FMP Amendment 2 and he noted that the new commissioners were not involved in the process that led to the gill net ban in the Neuse and Pamlico rivers. He said they should be proud of that because the process that led to this has been disgraceful. He explained that there was no public comment allowed at the emergency MFC meeting and there was no advice from the MFC advisory committees. Then-director of the DMF, Steve Murphey, declined the initial request to issue a proclamation banning the gill nets because it was not supported by science; however, he was forced to issue it by the commission. Mr. Skinner reminded the commission that shortly afterward, then-DEQ Secretary Michael Regan issued a press release about the gill net ban, and this was the first time he is aware of a DEQ Secretary publicly condemning the commission's actions; this was a strong statement. He said the fact that there are new commissioners does not prevent the commission from doing the right thing. Mr. Skinner said approving Amendment 2 to the striped bass plan with this language means the commission approves of the process that led to it. He urged the commission to step up and do the right thing to try to restore some integrity to the commission and the fisheries management process. He said he hopes that is as important to the commission as it is to him and the over 2,000 members he represents. He said this is an opportunity to get the commission on the right track and show they intend to do what they were tasked with in the Fisheries Reform Act, which is to fairly manage both sectors. Mr. Skinner said the NCFA understands that management measures have to be implemented for the species. But he said the gill net ban was not supported by science and still is not supported by science. It is absurd to still have the gill net ban in the amendment; it is more absurd to ask the DMF to look for data to justify the net ban. He said the commission is supposed to look at all the data before implementing management measures. He asked the commission to please take all of this into consideration as they deliberate. He suggested the commission ask the DMF staff questions and get up to speed on this situation before voting. He said this is the last administrative step before it is final and if it is adopted, the gill net ban cannot be lifted without reopening the FMP. He implored the commission to not let that happen.

Stuart Creighton spoke about the final vote on the Estuarine Striped Bass FMP Amendment 2, which contains a continuation of the gill net ban above the ferry lines in the Neuse and Tar/Pamlico rivers. He reminded the commission they voted twice by a supermajority to maintain the gill net ban and urged the commission to maintain that in the final vote. He distributed a handout with a graphic showing that commercial fishermen have not been hurt at all by the ban. He said the division data show there are more spotted seatrout and striped mullet harvested commercially than before

the ban was put in place in 2019 and said southern flounder harvest is only down because of Amendment 2. He said red drum harvest remains low but fairly consistent in each system. He further explained that the ban is working, striped bass are larger and more numerous, and the net ban is having a beneficial effect to other fisheries upriver, like red drum, spotted seatrout, and white perch. He has heard the arguments about no science; however, the initial stock assessment itself called for significant action to rebuild the striped bass population, which ought to be science enough. He said it is often downplayed that the Rachels and Ricks study showed gill net mortality is the primary source of cryptic mortality experienced by striped bass in those river systems. He then noted that based on the public opinion shared in the survey for the commission's last meeting, 60 percent wanted the net ban maintained and only 10 percent of the public wanted it lifted. Regarding observations, he said over nine years there were only 119 striped bass interactions, which over those three major river systems averages about six observations per year; he said that is not much of a snapshot. He said he wanted to discuss more on the ITPs and shrimp trawl bycatch as it relates to southern flounder, but he was not able to because of the time limitation.

Jess Hawkins, former MFC liaison for the division and a former commissioner, said he is a lifelong resident of North Carolina and grew up on the water. He said he is a recreational fisherman that runs a small business providing nature tours. He spoke about the Estuarine Striped Bass FMP Amendment 2 and noted that the gill net ban in the rivers was not based on science and was not necessary. He further explained that prior to the net ban, there were numerous measures put in place by the division to reduce bycatch from gill nets in those areas. He said the net ban was not part of the FMP; statutorily the FMP is prepared by the division, the scientific experts, then the commission has input, and then decides to approve the plan or not approve the plan. He said both the commission's experts and the MFC advisers did not support this measure. He reminded the commission our state leaders admonished this body in 2019 when the commission took this action, due to the lack of science and the way the issue was addressed. He said this management measure does not address the major source of bycatch mortality for striped bass in these areas, which is recreational bycatch. Mr. Hawkins said that legislators have taken a rare opportunity to express their concerns about this plan and noted that has only happened two other times in his 40 years of dealing with fisheries issues. He acknowledged that the decisions the commission makes are difficult sometimes and the science is uncertain sometimes, but he said the main test for the commissioners to use is to ask themselves if the management measures are fair. He said this gill net ban was not fair and possibly violates the commission's statutory responsibility for fair regulation of commercial and recreational fishermen. He said that provision was included so that in cases when science is not strong, the commission can use a fair moral compass in its decisions.

Chairman's Report.

Mike Blanton nominated Doug Cross for vice chairman.

Tom Roller nominated Robert McNeil for vice chairman.

Votes for Commissioner Cross: 5

Votes for Commissioner McNeil: 1

The commission elected Doug Cross to another term as vice chairman.

Director's Report

Director Kathy Rawls gave a verbal update on recent Division of Marine Fisheries activities. Director Rawls provided an update on the 200th Anniversary events that will begin December 1st, 2022. Director Rawls also reviewed her intention to focus on Division outreach to the public and highlighted recent events and activities staff have participated in. Director Rawls reviewed the upcoming implementation of Southern Flounder FMP Amendment 3, including an overview of the various season openings and closings. Regarding striped mullet, the Director stated her intention to pursue a supplement for management based on the recent outcome of the benchmark stock assessment.

Director Rawls announced the upcoming retirement of Deputy Director Dee Lupton.

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

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

Trish Murphey gave a verbal update on South Atlantic Fishery Management Council.

Motion by Tom Roller that the NC Marine Fisheries Commission write a letter to the South Atlantic Fisheries Management Council stating that we are supportive of the current management measures under the Amendment 10, as we do not believe that the proposed management measures are equitable to North Carolina. Additionally, we support further assessment of climate and other impacts to these stocks.

Second by Robert McNeill

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	x			
Mike Blanton	x			
Donald Huggins	x			
Robert McNeill	x			
Doug Rader	x			
Tom Roller	x			
Ana Shellem	x			
Chairman Rob Bizzell	x			

Motion passes unanimously

Motion by Tom Roller to update the 2017 false albacore white paper and to frame potential management options for future consideration.

Second by Doug Rader

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	x			
Mike Blanton	x			
Donald Huggins	x			
Robert McNeill	x			
Doug Rader	x			

Tom Roller	x			
Ana Shellem	x			
Chairman Rob Bizzell	x			

Motion passes unanimously

Lara Klibansky provided an overview of the Climate Change Scenario Planning Workshop she attended in June 2022.

Owen Mulvey-McFerron provided an update on the Shellfish Lease Program.

Anne Deaton provided an update on the Coastal Habitat Protection Plan, specifically regarding implementation of the recently approved plan.

To view the presentation, go to:

<https://deq.nc.gov/media/31025/open>

Barbie Byrd provided an overview of Incidental Take Permits and briefly covered the two permits currently held by the state.

To view the presentation, go to:

<https://deq.nc.gov/media/31026/open>

Standard Commercial Fishing License Eligibility Report/Set Eligibility Pool Cap

Captain Garland Yopp presented to the SCFL Eligibility Report to the commission.

To view the presentation, go to:

<https://deq.nc.gov/media/31029/open>

**Motion by Mike Blanton to set the temporary cap on the number of licenses in the Eligibility Pool at 500.
Second by Doug Cross**

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	x			
Mike Blanton	x			
Donald Huggins	x			
Robert McNeill	x			
Doug Rader	x			
Tom Roller	x			
Ana Shellem	x			
Chairman Rob Bizzell	x			

Motion passes unanimously

Annual Fisheries Management Plan Review

Brandi Salmon, Lee Paramore, and Steve Poland provided an overview of the annual Fisheries Management Plan Review.

To view the presentation, go to:

<https://deq.nc.gov/media/31027/open>

Fishery Management Plans

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

To view the presentation, go to:

<https://deq.nc.gov/media/31028/open>

River Herring FMP

Corrin Flora reviewed the status of the River Herring FMP during her FMP status update.

**Motion by Tom Roller to adopt the North Carolina River Herring 2022 Annual Review to serve as the 5-year review as an information update
Second by Doug Rader**

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	x			
Mike Blanton	x			
Donald Huggins	x			
Robert McNeill	x			
Doug Rader	x			
Tom Roller	x			
Ana Shellem	x			
Chairman Rob Bizzell	x			

Motion passes unanimously

Estuarine Striped Bass FMP

Charlton Godwin, one of the Division’s striped bass biologists, presented an overview of Amendment 2 and reviewed the feedback the Secretary received from state legislators on the MFC preferred management options that were selected during the May business meeting.

To view the presentation, go to:

<https://deq.nc.gov/media/31030/open>

Motion by Doug Cross to remove the temporary closure to gill nets above the ferry lines in Amendment 2 to the Striped Bass Fishery Management Plan, and that the rest of the plan be passed as presented.

Second by Mike Blanton

Substitute motion by Tom Roller to approve the Striped Bass Fishery Management Plan Amendment 2 as passed at the May 2022 meeting, and that DMF will collect data sufficient to analyze the gill net closure by the next amendment.

Second by Robert McNeill

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross		x		
Mike Blanton		x		
Donald Huggins		x		
Robert McNeill	x			
Doug Rader		x		
Tom Roller	x			
Ana Shellem		x		
Chairman Rob Bizzell	x			

Motion fails 3-5

Motion by Doug Cross to remove the temporary closure to gill nets above the ferry lines in Amendment 2 to the Striped Bass Fishery Management Plan, and that the rest of the plan be passed as presented.

Second by Mike Blanton

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	x			
Mike Blanton	x			
Donald Huggins	x			
Robert McNeill		x		
Doug Rader	x			
Tom Roller		x		
Ana Shellem		x		
Chairman Rob Bizzell		x		

Motion fails 4-4

Motion by Mike Blanton to not approve the Estuarine Striped Bass Amendment 2.

Second by Doug Cross

Substitute Motion by Ana Shellem to table the discussion until the November meeting.

Seconded by Donald Huggins

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	x			
Mike Blanton	x			
Donald Huggins	x			
Robert McNeill	x			
Doug Rader	x			
Tom Roller		x		
Ana Shellem	x			
Chairman Rob Bizzell	x			

Motion passes 7-1

Rulemaking Update

Catherine Blum, the Rulemaking Coordinator, provided updates on two rule packages from the 2020-2021 rulemaking cycle and one from the 2021-2022 rulemaking cycle. Ms. Blum then provided an overview of the Mutilated Finfish rule and associated fiscal analysis.

Motion by Mike Blanton to approve Notice of Text for Rulemaking for the proposed amended “Mutilated Finfish” Rule 15A NCAC 03M .0101 and associated fiscal analysis. Second by Doug Cross

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	x			
Mike Blanton	x			
Donald Huggins	x			
Robert McNeill	x			
Doug Rader	x			
Tom Roller	x			
Ana Shellem	x			
Chairman Rob Bizzell	x			

Motion passes unanimously

Catherine Blum and Shannon Jenkins, the Recreational Water Quality and Shellfish Sanitation Section Chief, gave an overview of the Marinas, Docking Facilities, and Other Mooring Areas rule.

Motion by Mike Blanton to approve Notice of Text for Rulemaking for the proposed readopted “Marinas, Docking Facilities, and Other Mooring Areas” Rule 15A NCAC 18A .0911 per G.S. 150B-21.3A, and associated fiscal analysis. Second by Tom Roller

ROLL CALL VOTE				
Commissioner	Aye	Nay	Abstain	Absent
Doug Cross	x			
Mike Blanton	x			
Donald Huggins	x			
Robert McNeill	x			
Doug Rader	x			
Tom Roller	x			
Ana Shellem	x			
Chairman Rob Bizzell	x			

Motion passes unanimously

Issues from Commissioners

Commissioner Roller requests discussions regarding South Atlantic permits, possible enforcement of those permits or outreach.

Commissioner Cross thanks the prior members of the Commission whose terms recently were completed, especially regarding the recent action related to the Shrimp FMP Amendment 2.

Chairman Bizzell welcomed the new Commissioners and congratulated them on their first meeting.

Meeting Assignments and Preview of Agenda Items for Next Meeting

Lara Klibansky reviewed meeting assignments and provided an overview of the November meeting items.

Having no further business to conduct, the meeting adjourned at approximately 5:00 p.m.