

**Preliminary Matters**

November 2023 Business Meeting

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# Marine Fisheries Commission Business Meeting

## AGENDA

Islander Hotel and Resort, Emerald Isle, NC  
November 15-17, 2023

*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 15<sup>th</sup>

6:00 p.m. Public Comment Period

### Thursday, November 16<sup>th</sup>

9:00 a.m. Public Comment Period

9:30 a.m. Preliminary Matters

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

10:00 a.m. Chairman's Report

- Letters and Online Comments
- Ethics Training and Statement of Economic Interest Reminder
- 2024 Meeting Schedule
- Commission Committee Assignments
- MFC Workplan

10:30 a.m. Committee Reports

- Nominating Committee – Chris Batsavage

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

**\*\*Probable Action Items**

## Marine Fisheries Commission Business Meeting Agenda

- **Vote on slate of nominees for at-large seat for the South Atlantic Fishery Management Council**
- **Vote on slate of nominees for at-large seat for the Mid-Atlantic Fishery Management Council\*\***

11:00 a.m. Director's Report – Director Kathy Rawls

- Reports and updates on recent Division of Marine Fisheries activities
  - Division of Marine Fisheries Operations Update – Deputy Director Mike Loeffler
  - Atlantic States Marine Fisheries Commission – Chris Batsavage
  - Mid-Atlantic Fishery Management Council Update – Chris Batsavage
  - South Atlantic Fishery Management Council Update – Trish Murphey
  - Habitat and Enhancement Section Update – Jacob Boyd
  - Shellfish Sanitation and Recreational Water Quality Section Update – Shannon Jenkins
  - Fisheries Management Section Update – Steve Poland
  - Marine Patrol Update – Col. Carter Witten
  - License and Statistics Section Update – Brandi Salmon
- Informational Materials:
  - Protected Resources Update Memo
    - Observer Program
    - Incidental Take Permit Updates

12:00 p.m. Lunch Break

1:30 p.m. Fishery Management Plans

- Status of ongoing plans – Corrin Flora
- Estuarine Striped Bass FMP Amendment 2 Adaptive Management Update– Nathaniel Hancock, Charlton Godwin
- Hard Clam FMP Amendment 3 and Eastern Oyster FMP Amendment 5 – Lorena de la Garza, Jeff Dobbs, Bennett Paradis, Joe Facendola
  - Review Scoping Outcome
  - **Vote on approval of Goal and Objectives for Hard Clam FMP Amendment 3\*\***
  - **Vote on approval of Goal and Objectives for Eastern Oyster FMP Amendment 5\*\***
- Striped Mullet FMP Amendment 2 (Draft)– Willow Patten, Jeff Dobbs
  - Review draft Amendment 2
  - **Vote on approval of draft Amendment 2 for Public and Advisory Committee Review\*\***

## Friday, November 17<sup>th</sup>

9:00 a.m. Rulemaking

- **Rulemaking Issues Update – Phillip Reynolds\*\***
- **Rule Suspensions Update Memo – Steve Poland\*\***

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

*\*\*Probable Action Items*

## Marine Fisheries Commission Business Meeting Agenda

- Rulemaking – Catherine Blum
  - 2022-2023 Rulemaking Cycle Update
  - 2023-2024 Rulemaking Cycle
    - Consider public comments received
    - **Vote on final approval to readopt per G.S. 150B-21.3A, amend, adopt, and repeal 15A NCAC 03K .0110, 18A .0301, .0302, .0305, .0401-.0424, .0426-.0430, .0432-.0439, .0501-.0504, .0601-.0621, .0701- .0713, .0801-.0806\*\***
    - **Vote on final approval to amend 15A NCAC 03I .0113, 03O .0101, .0109, .0112, .0301 for Data Collection and Harassment Prevention for the Conservation of Marine and Estuarine Resources\*\***
    - **Vote on final approval to amend 15A NCAC 03R .0117 for Oyster Sanctuary Changes\*\***
    - **Vote on final approval to amend and repeal 15A NCAC 03I .0101, 03K .0101, .0104, .0301, .0401, .0403, .0405, 03O .0201, .0501, .0503, 18A .0901, .0906 for Conforming Changes for Shellfish Relay Program and Shellfish Leases and Franchises\*\***
  - 2024-2025 Rulemaking Cycle Preview

9:30 a.m. Issues from Commissioners

10:00 a.m. Review of MFC Workplan and Meeting Assignments – Lara Klibansky

**10:30 a.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**  
**DRAFT**  
**Hilton North Hills**  
**Raleigh, North Carolina**  
**August 23-25, 2023**

The Marine Fisheries Commission (MFC) held a business meeting August 23-25, 2023, at the Hilton North Hills Hotel in Raleigh, North Carolina. In addition to the public comment session, members of the public submitted public comment online or via U.S. mail. To view the public comment, go to: <https://www.deq.nc.gov/marine-fisheries/marine-fisheries-commission/august-2023/online-public-comments/open>.

The briefing materials, presentations, and full audio from this meeting are available at: <https://www.deq.nc.gov/about/divisions/marine-fisheries/marine-fisheries-commission/mfc-meetings/past-marine-fisheries-commission-meetings#QuarterlyBusinessMeeting-August23-252023-13411>.

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

**BUSINESS MEETING - MOTIONS AND ACTIONS**

August 23, 2023

Chairman Rob Bizzell held a public comment session that began at 6 p.m. and ended at 6:06 p.m. The following comments were received:

Public Comment Period

Marc Boettger said he grew up in eastern North Carolina and has fished inshore waters most of his life. He said his biggest concern for fisheries management in the state is waste and bycatch from inshore gill nets and inshore trawling. He said the latest numbers available are three pounds of bycatch for every pound of shrimp caught. Mr. Boettger said it is ridiculous to allow that kind of waste in our fisheries and to think continuing that level of waste is not going to have a negative impact on all fisheries. It is not just fish like spot and croaker but other fish that prey on them and depend on them as a food source; it goes up the food chain. He said we should get that destructive gear out of our inshore waters. He said a lot of people take that as an attack on commercial fishing; he said it absolutely is not, but it is an attack on destructive, wasteful gear. Mr. Boettger said there are other states on the east coast and the Gulf that do not allow these gears or have more restrictive regulations on these gears, and they produce more shrimp than North Carolina does, so it is not like it cannot be done without it. States like Louisiana, Mississippi, Alabama, and Texas have done this, as far as shrimp goes. He said Florida got rid of gill nets and they are producing more finfish than North Carolina does. North Carolina is not even in the top five yet has some of the loosest regulations in the whole country, and for sure along the eastern seaboard. He reiterated he is not

trying to get rid of commercial fishing, but the destructive, wasteful gear that impacts all our commercial fisheries and other fisheries. Spot and croaker used to be a descent commercial fishery, but it is gone now, along with the recreational fisheries for them. He said one of the biggest things we can do is start using common sense in a public trust resource and manage it for the good of the public, not just a few private interests based on money. He said this is his main point on the state of our fisheries: have a little more common sense.

David Sneed, Executive Director of the Coastal Conservation Association of North Carolina (CCANC), welcomed the new commissioner and returning commissioners and said they have accepted a very challenging position, one that requires the experience and intellect to understand the science, and the confidence and courage to do the right thing in the face of criticism. He thanked the commissioners for their willingness to take on this public service. He said it is the CCANC's understanding that an appointment to the MFC does not include any formal orientation or training on public trust law; it should. He said one of the basic job requirements, the CCANC submits, is to know and understand the fundamental law that governs the management of our fisheries, the public trust. Mr. Sneed said the Public Trust Doctrine is as old as North Carolina itself and as our court of appeals recently noted, the people of North Carolina have ratified it as a permanent part of our constitution. He said it is the basic legal foundation for managing our fisheries and wildlife. It imposes on the state and on this commission and on each commissioner a legal duty to manage our fisheries resources and trust for the benefit of all current and future North Carolinians. He said he was not suggesting that each commissioner needs to study 200 years of law before they can start work on the MFC, but he did ask that each commissioner find 30 minutes in the next week to read the most recent authoritative decision from our courts on what the state's legal responsibility is as the trustee of our fisheries resources. This was a unanimous decision from the court of appeals last year; he provided a copy for each commissioner. He said this decision was from a panel of N.C. appellate judges who hail from different political parties and often disagree with each other, but their decision was unanimous in the ruling about the duty that each commissioner must fulfill: that the Public Trust Doctrine and the N.C. Constitution require the state, and he quoted, "to manage fisheries so as to forever preserve the fish populations for the benefit of the public and to keep fisheries safe from injury, harm, or destruction for all time." He said as the MFC goes forward with its work, the CCANC hopes the commissioners will take the time to read this unanimous decision and that the commissioners will do everything in their power to live up to these legal duties as an MFC commissioner.

End 6:06 p.m.

August 24, 2023

Chairman Bizzell convened the MFC business meeting at 9 a.m. on August 24, 2023, with the public comment period. The public comment session began at 9 a.m. and ended at 9:07 a.m. and the following comments were received:

Public Comment Period

Glenn Skinner, Executive Director of the N.C. Fisheries Association, welcomed the new and returning commissioners and said he hopes they have a good, long stay. In support of something he

has been bringing up with the MFC and talking to DMF staff about for several years, he brought a small, soft, rubber and plastic fishing lure that looks like a flounder to show to the MFC, which he said is about one half-inch shy of the average size that has been applied to recreational dead discards in this state. He said this size fish is impossible and it just cannot be. This size fish was used to calculate the recreational dead discards for every year of the stock assessment, from 1989–2017, and it is currently being used to tell the MFC how North Carolina has done, and the reduction that has been achieved. He said at the February 2023 MFC meeting, the DMF said the recreational sector had about a 51,000-pound overage the previous year, which he said in reality was about a 300,000–500,000-pound overage with what the recreational sector is catching. He said DMF applies a 2.3-pound discard rate to the gig fishery. Mr. Skinner said he checked with DMF staff and that is what they say is a fish that is just sub-legal, under the minimum size limit of 15 inches, so recreational anglers are throwing away fish that are 2.3 pounds even when the season is open for one month. He said recreational anglers are throwing away fish that exceed 2.3 pounds the other 11 months of the year, so there is no way 2.3 pounds can be accurate. He said it is a get-out-of-jail-free card and his fear is it will stop North Carolina from meeting the thresholds to end overfishing. He urged the MFC to find an accurate number to fill this data gap for recreational dead discards; to convert the number of fish to pounds, the DMF staff had to find a poundage number, and this one came from a S.C. tagging study. He said he does not know what is caught in South Carolina, but he has fished recreationally in North Carolina his whole life and may have caught a couple of flounder this small but never had anything near an average this small. He reiterated the importance of DMF staff finding an accurate number using available data and if an accurate number cannot be found, he urged the MFC to strongly reconsider changing the 50/50 allocation until the stock is recovered. He said that 50/50 allocation with this kind of uncertainty in the data is dangerous and has to be addressed. He said with every iteration of this FMP there have been changes in harvest landings and methodology, which creates another high degree of uncertainty in the recreational sector. In the meantime, he urged the MFC to do the right thing; the 50/50 allocation is fine until the MFC recovers this stock or until the DMF finds an accurate number to use for calculating recreational dead discards. He encouraged the MFC to talk to the DMF staff about how to do the responsible thing in this state.

Matthew Wallin thanked the MFC for what they do, and said one of these days, he hopes to come to a commission meeting with a positive comment, but that was not the case this time. He said southern flounder, striped bass, striped mullet, and weakfish are overfished, American shad is depleted, river herring is collapsed, overfishing is occurring with spotted seatrout, and spot and Atlantic croaker are unknown because DMF will not address the millions of pounds of bycatch killed in the shrimp trawl industry each year. He said based on that report card it seems to him that North Carolina has failed in its duty to ensure sustainable marine and estuarine fisheries and habitats for the benefit and health of the people of North Carolina. He said all the commissioners have a responsibility to uphold that duty. Mr. Wallin said it is time for the MFC to make decisions to promote a sustainable, abundant fishery and vote with regards to what is best for the resource, instead of how many fish we can continue to harvest without totally collapsing the fishery. He said the good old days are long gone and we cannot continue to manage a fishery based on the 1997 Fisheries Reform Act, especially with an “F” on its report card over a 26-year period of failed fisheries management policies. He said it is 26 years past due for the state to pass new fisheries reform legislation to curb the declines in our fish stocks. For our fisheries to be truly sustainable into the future, he urged the MFC to act now, look into adaptive management and conservation

measures that allow our fisheries to grow much past our time here, leaving the next generation an improved fishery and the ability to enjoy our coastal resources like we all once had. Mr. Wallin posed a few questions that he hoped will be answered in the near future. How does the DMF plan to enforce the new WRC flounder season that starts September 1 with a four-fish bag limit? Why has there been no collaboration between the two agencies? How will this affect the southern flounder quota for next year? Will DMF incorporate the findings from NOAA about the discrepancies and the data of the new MRIP system and how will this be taken into consideration in future FMPs?

End 9:07 a.m.

### Preliminary Matters

Prior to the business meeting, two new MFC members were sworn in and MFC Liaison Lara Klibansky conducted a commissioner orientation. The two new commissioners are Ryan Bethea, who replaced Ana Shellem in a commercial seat, and Sammy Corbett, who replaced Doug Cross in the commercial industry seat. Commissioner Tom Roller in the recreational industry seat was reappointed to a second three-year term.

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

Lara Klibansky read into the record the State Ethics Commission evaluation of the statement of economic interest for actual and potential conflicts of interest pursuant to Chapter 138A of the N.C. General Statutes for each of the new commissioners, as follows:

#### For Ryan Bethea:

"We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity. Mr. Bethea would fill the role of a member who is an active or recently retired commercial fisherman from the coastal region. He owns Oysters Carolina, LLC, and is a board member of the N.C. Coastal Federation. As such, Mr. Bethea has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties, should issues involving his entities come before the commission for official action."

#### For Sammy Corbett:

"We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity. Mr. Corbett would fill the role of a member who is actively engaged in or recently retired from commercial fishing as demonstrated by currently or recently deriving at least 50% of annual earned income from taking and selling fishery resources in coastal fishing waters of the state. He disclosed that he is a self-employed commercial fisherman. Because he would serve on the authority for members of his own profession, he has the potential for a conflict of interest. Accordingly, Mr. Corbett should exercise appropriate caution in the performance of his



public duties, should issues involving himself or his fishing business come before the commission for official action."

The evaluation of statement of economic interest for each appointee to the commission is kept on record at the Division of Marine Fisheries (Division).

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

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

Chairman Bizzell recognized Department of Environmental Quality Secretary Elizabeth Biser, who addressed the commission.

Secretary Biser acknowledged the gravity and importance of the MFC's work and the incredible marine fisheries resources of the state. She said many of our state fisheries are showing the impact of pollution, habitat loss, overfishing, climate change, and competition with invasive species and it is incumbent upon the MFC to set management policies to protect and restore these fisheries for the benefit of all North Carolinians. She challenged the MFC to consider all sides of each issue, do what is best for our marine resources and the people of North Carolina, and rely on the science. Secretary Biser recognized the Division's science-based recommendations to the MFC and said the Division is recognized as one of the nation's leading fisheries management agencies. She highlighted several of the Division's recent accomplishments. Secretary Biser thanked the commissioners for their service to the state.

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

**Motion by Commissioner Roller to approve the agenda.**

**Second by Commissioner Rader.**

**Motion passed without dissention.**

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

**Motion by Commissioner Rader to approve the minutes of the May 2023 meeting.**

**Second by Commissioner Huggins.**

**Motion passed without dissention.**

Chairman's Report

Letters and Online Comments

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

Ethics Training and Statement of Economic Interest Reminder

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

2023 Meeting Schedule

Chairman Bizzell referred commissioners to the 2023 meeting schedule provided in the briefing materials.

2024 Proposed Meeting Schedule

Chairman Bizzell referred commissioners to the 2024 proposed meeting schedule provided in the briefing materials.

Elect Vice Chair

Chairman Bizzell said the MFC elects its vice chair at its annual August meeting. He opened the floor for nominations for vice chair. Commissioner Roller nominated Commissioner Corbett. Commissioner Huggins nominated Commissioner Blanton. Chairman Bizzell closed the floor to further nominations.

**Votes for Commissioner Corbett: 6**

**Votes for Commissioner Blanton: 1**

**Abstentions: 2**

**The MFC elected Commissioner Sammy Corbett as MFC Vice Chair.**

Advisory Committee Workshop Update

Lara Klibansky provided an overview for the MFC of the July 2023 MFC Advisory Committee Workshop held July 10, 2023, at the N.C. Aquarium in Pine Knoll Shores, N.C. The workshop was a joint meeting of the MFC's two regional and three standing advisory committees. There were approximately 60 people in attendance, including Chairman Bizzell, Secretary Biser, Commissioner Gardner, and Division staff. The workshop was developed based on feedback from advisers for advisers to have the opportunity to meet with each other outside of the decision-making setting and to speak with Division staff to learn about topics relevant to fisheries management. Workshop topics included the history of fisheries management in the state, the

Fisheries Reform Act, how fishery management plans are developed and implemented and how the plans are synchronized with the Coastal Habitat Protection Plan. The workshop consisted of presentations by Division staff, followed by facilitated group discussions focused on improving communication. Input from the discussions will be compiled into a workshop report that is scheduled to be provided to the MFC at its February 2024 business meeting.

### Director's Report

Director Kathy Rawls welcomed the new commissioners. She gave an update to the MFC about the CCA v. NC lawsuit, the Marine Recreational Information Program pilot study and NOAA Fisheries recent presentation of key findings regarding potential sources of bias in the Fishing Effort Survey questionnaire, and the N.C. DHHS fish consumption advisory from the middle and lower Cape Fear River due to contamination with "forever chemicals".

Director Rawls highlighted the Division's recent Bicentennial Jamboree, which was held on June 10 at the Morehead City Headquarters Office to celebrate 200 years of state marine fisheries management and conservation in North Carolina. She also highlighted the Division's social media outreach efforts that have the goal of making it easier for stakeholders to know what the Division does.

Director Rawls gave an overview of the upcoming recreational and commercial estuarine flounder seasons, noting the N.C. Wildlife Resources Commission's recreational season differs from the Division's and conflicts with the N.C. Southern Flounder Fishery Management Plan Amendment 3.

She said the Division has made progress in filling some of its vacancies, but retention and salaries continue to be issues across the state. The Division plans to provide an overview of the challenges and impacts of these ongoing vacancies at the November MFC business meeting. Director Rawls said her report will continue to highlight section updates, not just fishery management plan items, so the MFC will hear updates from several section chiefs.

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

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

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

Shellfish Sanitation and Recreational Water Quality Section Chief Shannon Jenkins gave an update regarding activities of the Shellfish Sanitation and Recreational Water Quality Section. The commission asked about recent occurrences of *Vibrio vulnificus* illnesses and infections. Shannon said those have been from naturally occurring *Vibrio* species. Those are different than what his section samples for, which are pollution-based sources of bacteria.

Habitat and Enhancement Section Chief Jacob Boyd gave an update regarding activities of the Habitat and Enhancement Section, including on the shellfish lease program and the Coastal Habitat Protection Plan.

Protected Resources Program Supervisor Barbie Byrd gave a presentation on the Observer Trip Scheduling System (OTSS) and the state's Incidental Take Permit application.

To view the presentation go to: <https://www.deq.nc.gov/marine-fisheries/marine-fisheries-commission/august-2023/protected-resources-update/open>.

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

Standard Commercial Fishing License Eligibility Report

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

To view the presentation go to: <https://www.deq.nc.gov/marine-fisheries/marine-fisheries-commission/august-2023/scfl-eligibility-pool/open>.

**Motion by Commissioner Blanton to set the temporary cap on the number of licenses in the Standard Commercial Fishing License Eligibility Pool for fiscal year 2023-2024 at 500.**

**Second by Commissioner Corbett.**

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

**Motion passed without dissent 8-0-1.**

## Shellfish Rehabilitation Program Overview

Enhancement Program Supervisor Jason Peters gave a presentation to update the MFC on the Division's Reef Enhancement Programs.

To view the presentation go to: <https://www.deq.nc.gov/marine-fisheries/marine-fisheries-commission/august-2023/reef-enhancement-update/open>.

## Annual Fisheries Management Plan Review

Brandi Salmon, Fisheries Management Northern District Manager Lee Parmore, and Fisheries Management Section Chief Steve Poland gave a presentation on the 2023 Fishery Management Plan Annual Monitoring.

To view the presentation go to: <https://www.deq.nc.gov/marine-fisheries/marine-fisheries-commission/august-2023/fmp-annual-monitoring/open>.

## Fishery Management Plans

### Status of Ongoing Plans

FMP Coordinator Corrin Flora gave a presentation on the status of ongoing fishery management plans.

To view the presentation go to: <https://www.deq.nc.gov/marine-fisheries/marine-fisheries-commission/august-2023/status-ongoing-plans/open>.

### Striped Mullet FMP Update

Division striped mullet leads Jeff Dobbs, Willow Patten, and Dan Zapf gave an update on the development of the Striped Mullet FMP Amendment 2 and the July 25–27, 2023, Striped Mullet FMP Advisory Committee workshop. The draft amendment is scheduled to be presented to the MFC at its November business meeting for approval to go out for public and MFC advisory committee review.

### Amendment 1 to the Spotted Seatrout FMP

Division spotted seatrout leads Melinda Lambert and Lucas Pensinger gave a presentation to provide an overview of the FMP and update the MFC on the development of Amendment 1.

To view the presentation go to: <https://www.deq.nc.gov/marine-fisheries/marine-fisheries-commission/august-2023/spotted-seatrout-fmp-update/open>.

Chairman Bizzell recessed the meeting at 3:20 p.m. until 9 a.m. on August 25.

### August 25

Chairman Bizzell reconvened the meeting at 9 a.m.

Fishery Management Plans, Continued

Amendment 2 to the Estuarine Striped Bass FMP Update

Division striped bass leads Nathaniel Hancock and Charlton Godwin gave a presentation to provide an overview of the stock assessment and steps moving forward for striped bass in the Albemarle Sound and Roanoke River.

To view the presentation go to: <https://www.deq.nc.gov/marine-fisheries/marine-fisheries-commission/august-2023/striped-bass-presentation/open>.

Rulemaking Issues

CRC Floating Structure Rules

MFC Counsel Phillip Reynolds briefed the MFC on the Coastal Resources Commission's floating structure rules and the authority for the rules.

**Motion by Commissioner Roller to draft a letter to the RRC regarding authority for floating structures.**

**Second by Commissioner Corbett.**

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

**Motion passed unanimously.**

Mutilated Finfish Rule

Phillip Reynolds briefed the MFC on the MFC's mutilated finfish rule and the steps under the Administrative Procedure Act for the MFC to amend the rule or withdraw the rule following the June 2023 Rules Review Commission's objection to the rule.

**Motion by Commissioner Corbett regarding the Marine Fisheries Commission's Mutilated Finfish rule (15A NCAC 03M .0101) to keep the rule as it was originally and grant proclamation authority to the Fisheries Director as Item (4) in the rule to add exemptions for other species.**

**Second by Commissioner Roller.**

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

**Motion passed unanimously.**

Joint Rules

Phillip Reynolds briefed the MFC on one of the MFC's joint rules with the N.C. Wildlife Resources Commission and the authority for hook and line fishing in joint fishing waters.

**Motion by Commissioner Corbett regarding the Marine Fisheries Commission's joint rule (15A NCAC 03Q .0106) to direct staff to develop rulemaking language to remove (b)(3) from the rule.**

**Second by Commissioner Huggins.**

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

**Motion passed unanimously.**

## Rulemaking Update

### 2023-2024 Annual Rulemaking Cycle Update

The Division's Rulemaking Coordinator Catherine Blum gave an update to the MFC on the status of the 103 rules covering four subjects in the 2023-2024 rulemaking cycle: shellfish plants and inspections, data collection and harassment prevention, oyster sanctuaries, and shellfish relay. The public comment period closes at 5 p.m. October 2, 2023. The MFC is scheduled to receive a summary of the public comments and vote on final approval of the rules at its November 2023 business meeting.

### 2024-2025 Annual Rulemaking Cycle Preview

Catherine Blum gave a preview to the MFC of potential rulemaking items under development to potentially begin the rulemaking process in 2024. Subjects under development include management options for false albacore, simplifying pot marking requirements, and proposed changes to permit rules.

### Issues from Commissioners

Commissioner Corbett – range of trip tickets associated with active commercial licenses (none, 1-10, more than 10); number of charter boats that have a commercial license

Commissioner Rader – status of climate assessments by other management bodies relative to stock distribution, habitat and water quality changes, and changes in dominant species

Commissioner Roller – looks forward to the findings for his earlier request about enforcing SAFMC permits

### Review of MFC Workplan, 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, Chairman Bizzell adjourned the meeting at 10:40 a.m.