

THE MFC ADVISER
Marine Fisheries Commission Business Meeting
Jennette's Pier
Nags Head, North Carolina
Nov. 18-20, 2015

The commission held a public meeting on the evening of Nov. 18, followed by a business meeting Nov. 19-20, at Jennette's Pier in Nags Head, North Carolina.

The briefing book, presentations and audio from this meeting can be found at <http://portal.ncdenr.org/web/mf/nov-2015-briefing-book>.

PUBLIC MEETING – NOV. 18

Chairman Sammy Corbett called the meeting to order at 6 p.m. The following individuals spoke:

Chris McCaffity, a commercial fisherman from Morehead City, said there are a lot more fisheries rules now than 20 years ago and that it seems like the fisheries are worse off. He encouraged the commission to focus on enhancing the public food supply rather than restricting fishing, saying we could have a bumper crop of everything and a world class recreational fishery. He also said it is a crime to shut down herring when all we have to do is work with fish hatchery to rebuild the stock. He questioned why we didn't stock oysters at end of the season - each fisherman could take a bushel of oysters and spread in area where they work. He encouraged everyone to put their bickering aside and work on hatcheries.

Bud Gruninger, executive chef of Lone Cedar Café in Nags Head, has been purchasing fresh seafood for 20 years along the Outer Banks and seen species come and go and said he believes Mother Nature has a cycle where species go away and then she brings them back. He said he only deals with fresh, local seafood and sometimes only one or two fish are on his menu while neighboring restaurants have several different species because of imports. If the commission is looking at completely eliminating gill netting, he said there will be a trickle-down effect to the local businesses, sales tax and license revenue.

Leigh Forbes, who owns a home on the Currituck Sound in Kitty Hawk, shared with the commission a problem he was having with an individual commercial fisherman who was setting gill nets around his pier and his neighbors' piers creating a navigational hazard and preventing him from being able to access his dock. He and his neighbors have spoken with this fisherman, but there has been no resolution to the problem. He requested some type of rule language from the commission to stop this navigational hazard.

Senator Bill Cook, D-1, said our state is blessed with a great maritime asset with 320 miles of coastline and 19 inlets that are a public trust and a significant economic resource and we have the largest estuary of any single state in the nation. However, in 2012, a NOAA report said commercial fishing in the South Atlantic region generated roughly \$17 billion in sales impacts in Florida, \$2 billion in sales impacts in Georgia, and only \$783 million in sales impacts to North Carolina. He wants to find new ways to take advantage of our God-given maritime assets and cautions that the commission needs to be judicious in regulating fisheries and to make decisions

based on science and fact, and not politics. He feels there is potential for the state's aquaculture industry to become a greater source of income and economic prosperity. He talked about open-water fish farming, and that one-half of all fish consumed globally are harvested from aquaculture facilities. This country imports large quantities of aquaculture products resulting in a trade deficit of \$13.4 billion in 2006. He said other countries have invested heavily in aquaculture and we should as well. The N.C. commercial fishing industry is at a critical juncture and the number of fishermen, fish houses and processors is at a historic low. The total dockside value of seafood is also at an all-time low when measured in constant dollars. County boards of commissioners in Carteret, Currituck, Camden, Dare, Hyde, Pasquotank, Perquimans and Tyrrell counties, as well as the town of Nags Head and the Dare County Visitor's Bureau, have sent him resolutions in support of the commercial seafood industry and in opposition to the Southern Flounder Fishery Management Plan Supplement, which would effect change on some very contentious issues. He and other legislators have been working to foster growth in our fishing industry and he hopes the Marine Fisheries Commission can join with them to continue to grow this industry. He talked about a bill recently signed into law urging community colleges to offer courses on commercial fishing and aquaculture. He also reported the legislature cut red tape by eliminating unnecessary regulations that stifle businesses and has reformed the shellfish lease cultivation process by cutting fees and removing regulatory barriers, putting the state on the path of abundant natural water resources. Studies show the public overwhelmingly prefers local seafood over imports and he wants to be able to continue to work with the commission to give the public what it wants.

Edward Lee Mann read a letter from himself and former commissioners Jess Hawkins, Allyn Powell, Rusty Russ and Barbara Garrity-Blake, saying decisions should be made using scientific fact and economic/social data. Southern flounder status is unknown because the latest assessment was rejected; but, much is known because data has been collected for 35 years. Fishing mortality has decreased or leveled off since 2007. Sizes of flounder in the commercial catch remain unchanged for 20 years, indicating the stock is replenishing itself. While there has been a high percentage of immature fish in catches since 1991, there has been little change in those percentages, indicating the population is sustaining itself. N.C. surveys show no declining trends in the abundance of juveniles for 25 years. S.C. and GA. surveys show declines, but their surveys are not the same magnitude as N.C. Effort with gill nets and pound nets has been reduced due to interactions with sea turtles and harvest has been reduced by 39 percent from 2011 to 2014. The commission chose to pursue a supplement instead of going through the amendment process and arbitrarily picked measures they felt achieved 25 – 60 percent reductions in catch. Some claim a 40 percent reduction is needed to avoid a stock collapse, but there is no science to support such measures.

Forest Oakes, a commercial fisherman from Tyrrell County, said where he's from you are either farmer or fisherman, or you have to go out of the county for a job. He told the commission if they wanted to give him a job as a janitor for \$35,000, he will take it. He feels big oil and special interests are pushing fishermen off the water and there are plenty of fish. He closed by saying it seems like the commission is biased against us and you have your minds made up already.

Wally Overman, vice chair of Dare County Commissioners, said he came to meetings earlier this year, and sadly, nothing has changed. He said the commission is using the supplement process to enact severe reductions without a real or accurate assessment of the stock and questioned why the amendment process was not being used. He asked if commission members

are being unduly influenced by a group that claims to represent all recreational fishermen, when in fact, only represents a small portion of recreational fishermen. He said if the commission was not making its decision based on science, then it was making its decision based on blind faith.

Ricky Sexton, a commercial fisherman from the Albemarle Sound area, said there needed to be more commercial fishermen on the commission and that restrictions don't make sense and they created more bycatch. Since the 1980s, the commercial industry has been regulated to death. He said he had his license reinstated three years ago and has been unable to fish for six months of the year. He told the commission if you want me to stop gill netting, buy me out. He feels regulation over turtles in his area are ridiculous and that turtles are being planted in the Albemarle Sound.

Perry Wood Beasley, a board member of N.C. Watermen United and a working waterman from Tyrrell County, said there were over 1.5 million licensed recreational fishermen and approximately 247 gill net permit holders and the public is being told that those 247 permit holders are killing all the fish and that is not true. Fresh seafood is a good source of protein and good for you. There are reports of tainted imported seafood coming in to US and there have been 385 convictions of people doing this. Fishermen can't draw unemployment because they are self-employed and what you are doing is putting people out of work.

Andrew Berry, from the N.C. Watermen United Board of Directors and a commercial fishermen from Dare County, said that commercial landings of southern flounder from 1990 to 2014 show at least 50 percent of fishing ability taken away, and in some cases 75 to 80 percent. Unit B, which is the largest waterbody in the state, has only been open 11 days this year. In 2013 landings were 2.1 million pounds and in 2014 they were 1.6 million pounds. If we had the same fishing ability as in the 1990s, in 2013, we would have landed 4.3 million pounds. The fish are there, we just not allowed to catch them. The supplement should only be used if long-term viability is at risk, but Dr. Daniel has said that the stock is listed as unknown. He presented the commission with a petition that had 1,979 signatures opposing any and all proposals to put further restrictions on southern flounder.

Ron Curtis, with the N.C. Lions Club, wanted to thank the Division of Marine Fisheries for its help during his organization's three-day fishing tournament for the blind that brings people from around the state.

Bill Rich, Hyde County Manager, speaking on behalf of the Hyde County Board of Commissioners, said it was difficult to understate the impact and importance of the southern flounder fishermen on the Hyde County economy, which is a Tier 1, economically distressed county. The county's primary industries are agriculture, commercial fishing and tourism. Commercial fishermen contributed more than \$7.3 million to the Hyde County and state economies in 2013, with \$5.6 million coming from flounder. In 2014 that amount was reduced to \$4.8 million. He talked about the value of tourism Ocracoke and Hyde County, and the link between the fishing and tourism industries and that the economy would be severely crippled if the fish and tourism industries were diminished.

David Bush, fisheries biologist for N.C. Fisheries Association, said the commission was standing between unsubstantiated regulations and small businesses and he urged them to be vigilant with the oath they took to be on this board. He questioned if the Division of Marine

Fisheries cannot offer a recommendation based on sound science, then how can others be expected to?

Elizabeth Granitzki said commercial and recreational fishing is what makes Dare County. She was born here and has set nets and crab pots all her life. She loves fresh seafood, but every time she turns around, there's a new regulation. She said she is not a scientist, but can't we all share? It is sad when we the people can say yes and then the people in suits go into a back room and say no. She said she feels like she lives in a communist country. She had a friend that invested \$10,000 in fishing gear that he now cannot use or sell. She would like for the suits to go fishing.

Wayne Twiford, a commercial fisherman from Currituck County, said he has done it all and has seen flounders go up and down over the years. He doesn't think decisions being made are based on facts. He asked the commission to keep people's livelihoods in mind when making decisions.

Watson Stuart, a commercial fisherman from Bells Island, said he has gill netted and he fishes a pound net now, and this is all he has ever done, except he was in the Army for two years. He doesn't think more restrictions are needed and would like to see things stay the same.

Joe Speight talked about issues he has with the trip ticket process. He said he got audited by IRS and the state rolled over and gave them his trip tickets. He said the division had doubled landings for some of his trips and had also furnished prices for crabs that were too high. He said it was irresponsible for the state to not collect price data.

Dewey Hemilright, a Dare County commercial fisherman, said he did not fish for southern flounder and that he participated mostly in federal fisheries. In 15-20 years of going to meetings, you usually see position papers on issues the commission was considering and that he had not seen a position from the Division of Marine Fisheries on any part of this southern flounder supplement. He said when people's livelihoods are at stake, it is a disgrace that the science/data collection agency does not have a position. He questioned why there was not a position from the division and said something smells, and it ain't fresh fish.

Glen Hopkins, a commercial fisherman from Manteo, said integrity, honesty and truth, those are the three things he wants and if the Marine Fisheries Commission gives him that, he will be satisfied.

Duke Spencer, a board member of N.C. Watermen United and a charter boat fisherman, said he served on the advisory committee for the first flounder fishery management plan. That process started with proposals by division staff to make reductions in harvest. He made the motion to reduce bag limit from eight fish to six fish and it passed. He said he also served on the advisory committee for the second flounder fishery management plan and again they were told they had to reduce the take again and as that fishery management plan developed, the turtle regulations came into effect. He felt that with the new proposals, the commission would have brought back the fishery management plan advisory committee.

Stetson Sexton, a commercial fisherman from Tyrrell County, said all he wants is a break and to be able to teach his son to provide for himself and not to wait for a handout. He said he buys gear and gets ready to fish and here comes a proclamation making his gear illegal. He doesn't want to be unemployed. All he is asking, he said, is let us fish.

Thomas Sanders said he was a commercial fisherman, but the last few days he was a painter because his boat motor is broke and he needed money. He said to ignore the science would be a tragedy and that commercial fishermen are hard-working people that just want to work. He doesn't want to kill a turtle, but accidents can happen. He questioned if highways are shut down because too many opossum get killed and why is a turtle more important than an opossum? Who gets to make that decision? He said he didn't know the commission's background, but they need to learn a little more about what's going on.

Mary Ellen Balance, a commercial fisherman, said fishing is more than a job, it's a way of life and is more than numbers on a scientific chart. She said she was trying to make a living and feed her children and that she knows there is a need to balance with science and politics, but please keep in mind that they just want to work.

Amanda Hooper said she hoped the commission understood the economic impact of its decisions on the individual and questioned if there was so much concern about the stock, why is the commission letting so many fish go to waste with bycatch and catch limits. This is nothing compared to drilling and she expects to see this commission fight against seismic testing that will come with offshore drilling. She said commercial fishing is a wonderful industry that has done much good for state.

BUSINESS MEETING - MOTIONS AND ACTIONS – NOV. 19-20

Chairman Sammy Corbett convened the Marine Fisheries Commission business meeting at 9 a.m. and reminded commissioners of their ethics requirements. He introduced a new commissioner, Rick Smith, who fills a recreational seat and replaces Kelly Darden.

The following commission members were in attendance: Sammy Corbett-Chairman, Joe Shute - Vice Chairman, Mark Gorges, Chuck Laughridge, Keith Rhodes, Janet Rose, Rick Smith, Mike Wicker and Alison Willis.

Chairman Corbett asked Nancy Fish to read Commissioner Rick Smith's Statement of Economic Interest Evaluation from the State Ethics Commission into the record.

Agenda was approved by consensus

The minutes from Aug. 18-20, 2015 meeting were approved by consensus

Public Comment

Rick Sasser, from Goldsboro, said on April 20 he had a conversation with Dr. Daniel, who said that by all indications, at least a 40 percent reduction is needed for southern flounder. He said he was also told by Dr. Daniel that the 2005 southern Flounder Fishery Management Plan said a 38 percent reduction was needed and that this was never met, that since 2005 landings are down in North Carolina, South Carolina, Georgia and Florida, that the age structure is shrinking, and that currently 90 percent of the landings consist of juvenile fish. Since then, Dr. Daniel has publicly restated that position on several occasions and has also said that all coast-wide indicators show a decline in the index of abundance and recruitment. Mr. Sasser feels a 40 to 60 percent reduction in catch is needed and that it is clear the flounder fishery is in trouble and has been for decades.

He said that the commission asked for public comment on the supplement proposals and over 90 percent of the public supported taking sustainable measures and Proposal 1 received the overwhelming majority of support. During the public comment period, out of 986 emails, 260 letters and 3,976 petition signatures, only 45 supported status quo. The public wants the southern flounder stock restored and supports limited commercial harvest using sustainable gear and wants a prohibition on the use of large mesh anchored gill nets. The supplement, he said, was an extraordinary management tool to be used only in extraordinary circumstances. He encouraged the commission to listen to the public and to use the science and to take action on behalf of resource.

Ray Brown from Goldsboro, said he was not foolish enough to tell you what to do. On Nov. 26, his oldest grandchild was old enough to get a driver's permit. When that grandchild was one-year-old, that was when the state began working on southern flounder and he was told at that time the harvest needed to be cut 40 percent, but the commission only cut harvest 25 percent and said they knew they weren't doing enough and hoped the science was wrong. Now, 15 years later, we are still talking about same thing. We are fishing on the young stock. Back then we thought mixing might be an issue and now we know that is a reality. That may cause us to not know what we specifically need to do, but we do know the southern flounder stock needs to be rebuilt. These are public trust resources he said and the public has spoken. For those of us who fish for fun, he said it is hard to teach grandchildren to appreciate nature when you cannot show it to them. He closed by saying regardless what you do, please do something for southern flounder.

Tim Hergenrader, a Pamlico County recreational fisherman and conservationist, urged the commission to adopt Proposal 1 for the Southern Flounder Supplement, saying it contained the required minimum 40 percent reduction that the director has repeatedly said is necessary for the recovery of this stock. If Proposal 1 was adopted the pound net fishery would have more fish to harvest, thus solidifying their profitability and it was a clean fishery. And although giggering would be shortened by one day per week, the harvest limit would be higher. Adoption of a Total Allowable Catch would ensure the harvest reached the poundage limit, the fishery would close and most importantly, he said, the harvest reduced by the needed 40 percent. The elimination of anchored large mesh gill nets would be gone as well as the mandatory observer costs and the countless meetings and staff time devoted to ensuring that the most destructive gear remains in the water. Plus the hated bycatch problems associated with gill nets would be eliminated. This proposal also ensures the commercial industry remains viable using sustainable gear and the public will still have a source of local caught fresh flounder. He asked if the commission's legacy will be the continued depletion of our valuable fishery resources or the adoption of sustainable fishing practices.

Ron McCoy, of Hampstead, said he was committed to saving southern flounder and reversing the years of decline. North Carolina used to have great fishing, but not anymore. He said the commission and division needed a one line vision statement that is easy to understand. His suggestion was "The Marine Fisheries' vision is for all fishermen, commercial and recreational, to catch more fish by making decisions that grow the fishery." He closed by saying that commission decisions should be guided by science.

Fred Walker, from Pender County, said science and public input has confirmed that the southern flounder fishery in serious trouble. More than 5,000 people spoke up and favored

action, with the majority favoring Proposal 1. He said when he came into his courtroom as a magistrate, he always tried to separate fact from fiction. Dr. Daniel is a good fellow, but under his leadership, thousands of recreational fishing jobs are being killed. The latest debacle was the southern flounder stock assessment, where the division was unable to produce an adequate document that would pass peer review. He said it was time to make change in fisheries management leadership.

Marcia Bryant, a Dare County native and who works in the net supply business, said changing net size restrictions would increase her business, but she empathized with her customers who are being squeezed out. Fishermen, she said, typically order six months ahead of time, which means she must order her supplies six months prior to that. Fishermen try to target what they can get the most money for. She said one size net does not catch every fish in the ocean, and that gill nets are very selective. She asked the commission to please look at fishermen as individuals.

Jerry Schill, Director of the N.C. Fisheries Association, gave the commission a petition containing 2,761 signatures opposing the southern flounder supplement process, which is in addition, he said, to Andrew Berry's petition that was presented last night. He said his association does not endorse using the supplement process and believes the commission should undertake a full amendment for southern flounder, but given current circumstances his board did meet and recommends that it should be acknowledged that substantial restrictions have already been made starting in 1979 and that additional restrictions have been made recently due to the Incidental Take Permit for sea turtles and sturgeon, and given those restrictions harvest has remained relatively steady. They recommend adopting 5 ¾ minimum mesh-size for pound net escape panels and a 5 ¾ minimum mesh size for gill nets except in the Management Unit A (Albemarle Sound) and a 14-inch minimum recreational size limit to reduce regulatory discards. He also talked about the nominations to the obligatory seat on the South Atlantic Fishery Management Council currently held by Jack Cox. He said there had been a gentlemen's agreement for over 30 years that the obligatory has gone to a commercial interest and the at-large seat goes to a recreational interest. The N.C. Fisheries Association recommend Jack Cox, Kenny Fex and David Bush. The Nominating Committee did not include David Bush, so they recommend John Hagg to round out nominations.

Hain Ficken, of Wayne County, said that he has been fishing in Pamlico County for 40 years and seen the decline of the fisheries. He said he looks forward to weekends and the magic of going to the coast to go fishing, but he sees that magic going away. Nobody is fishing out on Jennette's Pier this morning and he questioned why. He said the commission should have something to subsidize commercial fishermen who will lose their income.

Riley Williams, a commercial fisherman from Chowan County, said the southern flounder issue disturbs him because it circumvents the fishery management plan process by not going through the advisory committees. He said holding one public meeting is not the same. He talked about asking to open flounder in December, and was told that can't be done because caught too many fish would be caught. He talked about all the nets he has that can't be used anymore and asked how fishermen are supposed to be able to plan when the regulations keep constantly changing. He said the stock assessment was determined not to be usable for management and he thinks staff should have been more forthcoming.

Kevin Nunemaker, a fourth generation commercial fisherman, said his grandparents had to close business because of regulations and he told the commission that before they make a decision on flounder, to make sure they have researched the impact that decision will have on the local economy. It will have an impact not just for flounder, but for rock fish, red drum everything caught in nets and that decision will impact fish houses and restaurants.

Bert Owens, of Beaufort, talked about playing baseball when he was young. His uncle played for the Red Sox, but that family talent went downhill through the generations. He said it was the same with southern flounder, it had gone downhill over the years. He told the commission to take care of the fish and the fishermen will be okay.

Steve Brewster, an Onslow County recreational fisherman, said we have all heard of stories of good old days, always followed by the same story of the decline of our fisheries. In our state we have not taken aggressive enough action. As a recreational fisherman, he said he was fine with taking more restrictions. He feels we have to pay the price. Other states have set successful examples by removing destructive gear and their fisheries have flourished. If we need a 40 percent reduction for southern flounder to recover, then you should shoot for 80 percent, he said.

Allen Jernigan, an Onslow County for-hire captain, said he has lost all confidence in the process and in Division of Marine Fisheries leadership after the events of August. He said we're just kicking the can down the road and it is time to take the politics out of fisheries management. He told the commission they are appointed to take care of the resource for everybody in the state. You've got to do it. And if it requires a moratorium, then implement a moratorium. He said it is time to do resource management, not gear management.

Terry Pratt, a commercial fisherman and conservationist, said the Albemarle Sound Association supports comments made by Riley Williams and Jerry Schill. He also said that based on studies, the blueback herring and alewife herring populations could support a fishery now. Having been involved in conservation for 40 years and worked on the Coastal Habitat Protection Plan since inception, what has recently been done to that plan is a travesty and has made it worth nothing.

Bradley Styron, a commercial fisherman from Cedar Island and former Marine Fisheries Commissioner said, it may be true that the southern flounder stocks are going down for many reasons and he talked about the impacts of Hurricane Sandy and turtle regulations on landings. He said trip tickets will show that catching large fish before nor'easters hit. There is no information to quantify stock status and we need to find out where fish are going. He suggested having every pound net fishermen give up 10 fish and take them to the Gulf Stream and see where they go. He also thought the commission should take into account that since 1997, recreational fishing has increased and commercial fishing has decreased.

Mikey Daniels, a commercial fisherman from Dare County and former Marine Fisheries Commissioner, said nothing has changed. The commission hears the same comments over and over. Everybody wants more fish. Where have they gone? What's happening? He said nobody is perfect and it is important not to tell a lie. He said fishermen need to make a living and the recreational fishermen need to catch fish and it is their right to catch fish. We freak out when we go to a fishing place and there's no fish and blame someone, he said. It could be that there's no fish that day because they are somewhere else. He asked the commission to reduce recreational

size limit to 14 inches so the size limit will be the same for everyone. He closed by saying we need to do a new fishery management plan.

Lauren Morris, with N.C. Fisheries Association, said southern flounder was a swirling mess of rhetoric and confusion. She told the commission their guidelines bog the fishery management process down, giving rise to supplement process. It no longer makes sense to run every section of a fishery management plan through the advisory committee and try to make honorary scientists out of fishermen. By time the advisory committee gets to management sections, she said, everyone is frustrated.

Pete McClintock, from the Currituck Sound area, said he was a former environmental engineer with Virginia and now works in private restoration. He said he was a recreational fisherman and holds a Recreational Commercial Gear License and he loves to set gill net with his grandchildren. He would hate to see a moratorium on gill nets and feels for commercial fishermen who are trying to make a living. He said Southern Flounder Supplement Proposals 3, 4 and 5 seem to strike more of a balance.

Hardy Plyler, a commercial pound net fishermen and member of the Ocracoke Working Watermen's Association, said he oppose the supplement, but realizes it will be voted on today. He urged the commission to be fair and reasonable and said he supports Proposal 5. He said he strongly objects to a moratorium on gill nets or a closure before Dec. 1. He said a Total Allowable Catch is not scientifically defensible until a coast-wide stock assessment is completed. He asked the commission to begin the amendment process immediately for the Southern Flounder Fishery Management Plan and to look for common ground.

Brown Douglas, from Dare County, said he was a recreational fishermen and had fished commercially for 20 years. Commission has reached the point where right is wrong, he said, and there is no scientific evidence to support this Southern Flounder Supplement. It's no longer about science, it's about politics. He said there had been mention of illegal meetings and if we have gotten to this point, then the whole process is compromised. If he were voting today, he said, he would have to vote no or have to explain why he had compromised his personal integrity. Why challenge the integrity of the Department of Environmental Quality, the Division of Marine Fisheries and the governor's office, when you know this is wrong.

Todd Bennett said he would like the commission members to introduce themselves and they did.

Chris Elkins, a recreational fisherman from Gloucester and former Marine Fisheries Commissioner, said today is a historic day, because for the first time the Marine Fisheries Commission has a pro-resource majority from both sides of the aisle. He said all of the members were appointed by present administration, and this was not an accident, despite mixed signals from the administration. He cautioned that it could be a temporary phenomenon however, and said the vote today on flounder will be your legacy.

Tom Roller, a working waterman from Beaufort, said the commission shouldn't be talking about rebuilding southern flounder, it should have already rebuilt more than a decade ago. Option 3 is what we were trying to accomplish with first plan years ago and if you don't take action we will be talking about the same things five years from now. He said people are trying to make this

about allocations between various user groups and gear types. All of us in the room has lost faith that fisheries management will lead to brighter future for fishermen. We have been having this discussion for almost a year now and there is no excuse for last minute information and opinions. The public is saying emergency measures need to be taken to address the root cause of the problem, which is large mesh gill nets. Please show us that management can work and fix this problem.

Bud Abbott, President of Coastal Conservation Association – N.C., said Dr. Daniel publicly stated that we need 40 percent reduction in southern flounder and that the commercial sector takes 80 percent of harvest so the majority of the needed reductions must come from commercial fishermen. He said the recreational sector took only 8 percent of 2014 harvest. He said it was time to rebuild the stock and that we all need to have southern flounder that we can harvest and eat.

Charlie Venters, thanked the commission for its attention, but said it was barking up the wrong tree. He said we have destroyed the Albemarle Sound and that it's no longer water, its urine. He said we've got a problem with water quality and he's having to dump crabs overboard because they are dead. He hears it is low oxygen, but that's what you call pollution.

Britton Shackelford, commercial fisherman and member of the N.C. Watermen United, said the problem with lie is have to tell it over and over and you have to remember what you said. We've been told as soon as a stock is rebuilt, we will given more of that stock to catch, but there's been no increase in red drum, or speckled trout or striped bass. He said we all know it's about gill nets and that the recreational groups got whipped on game fish and they didn't get a Joint Enforcement Agreement or a for-hire log book either. He said this year had been the cleanest shrimping in history and when they dump the tailbag there are no fish in the catch. He said he doesn't want to catch something he can't sell. If we are given 738 turtles a year then give me 738 turtles to sell, every other country does this he said. And if you want to know what is happening to our fisheries, just look out the window at all the cormorants. They are an invasive species that eat fish and the U.S.F.W.S won't let us harvest them because they are a migratory species.

Commissioner Mike Wicker said he had a hard time believing there was no fish in the shrimp catch that Shackelford described. Chairman Corbett said division studies showed it was a clean year and he had photographs from Swansboro showing only two or three fish in the shrimp catch and that many people reported clean tows.

Benny O'Neal, a fish house owner from Dare County, said last night commercial industry supporters spoke with clarity and passion and he has heard the same today, but he also heard some ignorance about the facts. The commission is voting today on more than southern flounder, he said, you will be setting a precedent on using the supplement process. Anyone who wants to do something without the proper science can just do it through a supplement and circumvent the amendment process. He said the amendment process could result in more stringent regulations on commercial and/or recreational, but it does bring a degree of correctness. He asked the commission to consider the source of the supplement.

Jim Reilly, of Morehead City, said the southern flounder fishery is in a bad situation and the commission needs to do something to fix it soon. Since the commercial fishery harvests the

majority of the southern flounder, then that is where immediate action is needed. He said eliminating gill nets for the short term can get us there.

David Knight, with the N.C. Wildlife Federation, said they supported the implementation of Coastal Habitat Protection Plan and applauded the commission for first two items on today's agenda. He said the definition of commercial fisherman has more of a long-term importance than any single species. For the Southern Flounder Supplement, he said most of comments have supported Proposal 1. He said it was time for commercial quota or a Total Allowable Catch that achieves a 50 percent reduction, and it should be done by region and, if need be, seasonal closures and prohibiting large-mesh gill nets. He said he supported the state helping gill netters transition to other gears.

Senator Jerry Tillman, D-29, Randolph, Moore counties, said he was a sports fisherman and that y'all must not be good fishermen; I catch fish every time I come to the coast. He told the commission they had a big job and he appreciated what they did. He said the CCA has tried several legislative tactics and they struck out. We are not going to ban gamefish as long as we have the current membership in the Senate and the House he said. The highest paid lobbyist was hired for gamefish and he failed. Just to show you the foolishness of that, if you catch in your net a catch red drum, speckled trout, or striped bass and you drag them in, you can't sell them or keep them and have to throw back dead fish and that is no good for anybody. He hoped the commission will do the right thing and he said he felt they all had independent minds, except that one commissioner showed his hand when he questioned Britton Shackelford earlier. He said he fished for fun; but these boys back here fish for a living. If you are going to make it punitive, make it on sportfishing side. It seems like everything being done is trying to put these boys out of business. He told the commission they had a big decision to make and the final word will reside in the legislature. He said 13 or 15 of us wrote a letter to the DEQ secretary saying slow down and don't do this now. This is a supplemental process and the amendment process is what is supposed to be used for these weighty things. If you do something this big right now, it's going to raise a whole lot of eyebrows in the legislature. He said he was not making any threats whatsoever, I'm just saying this is too big to do it this way. Take some time, wait a few minutes, hold off a little bit, and then work on this when you get the amendment.

Someone from the audience yelled "That's a threat," and Senator Tillman responded they could take it any way they wanted it.

Dixie Smith, a commercial fisherman, said he was just a simple commercial fisherman trying to make a living and that conservation means as much to him as anyone. If he can't catch a fish, he said, then he can't make a living. If he is taken off water and not allowed to fish, who makes up his wages?

Tilman Gray, a fish house owner from Dare County and a former Marine Fisheries Commissioner, said there was a certain truth to what everyone says. He said he was appointed to the commission under Gov. Jim Martin, served under three governors. He talked about the reduction in the number of commercial fishermen, saying it was down 70 percent. He said if the commission develops a management plan and it doesn't start making a difference in 3-5 years, then you've done something wrong. We've done something wrong here, he said, but you can't do knee-jerk reactions. He said we have gone from 10,000 commercial fishermen to 2,500 now and no one can argue with that.

Bob McBride said he has heard about all the science and has read the letter from Jess Hawkins, Edward Lee Mann, Allyn Powell and Barbara Garrity-Blake. He said that southern flounder harvest has been reduced by 39 percent from 2011 to 2013 and it was disturbing that commission has yet to receive guidance on needed reductions from the Division of Marine Fisheries.

Mike Blanton, an Albemarle Sound commercial fishermen, said this is an emotional subject that the commission is trying to tackle and he doesn't feel like they are doing the right thing. He said only about four of the commissioners knows anything about it. The issues are about special interests and hate for gill nets. He said this is regulatory genocide against the commercial fishermen. In the area he fishes, gill nets are how they make their living and it is hard to catch a flounder with a pound net there. Most of gill netters try to be responsible and follow regulations. He said he had taken out observers three to four days in a row because nobody else will take them. He said this was a wonderful flounder year this year.

Myron Smith, who comes from a commercial fishing family in the Core Sound area, said the Southern Flounder Supplement doesn't allow commercial fishermen to catch southern flounder. Marine life is part of coastal area since country was founded and it is still there except when pollution kills it. If you want to do something for the fish, do something with pollution. An East Carolina University study in 2012 said we have got dead bottom and if we want more marine fisheries, take care of those dead bottoms. She said trawling stirs up the bottom and disperses the pollution.

Supplement A to the Southern Flounder fishery Management Plan Amendment 1

Division biologists Chris Stewart and Mike Loeffler gave an overview of the supplement process and public comments that the commission had solicited earlier this year on six proposals for southern flounder management. This discussion was postponed from the commission's August meeting.

To view this presentation go to

http://portal.ncdenr.org/c/document_library/get_file?uuid=5eedfcba-eed8-4c62-b8aa-2a9eb3f3cb3d&groupId=38337

After a lengthy discussion, the commission adopted a supplement to the Southern Flounder Fishery Management Plan that included the following southern flounder management measures:

- All commercial fishing and recreational fishing will observe a 15-inch minimum size limit beginning Jan. 1, 2016.
- Minimum mesh size for anchored large-mesh gill nets is 6 inches effective Jan. 1, 2016.
- Anchored large mesh gill nets and trammel nets in the southern flounder fishery will close Oct. 16 – Dec. 31 statewide. Gear will be removed from the water.
- Flounder pound nets will be subject to a 5 ¾-inch escape panel and will operate under a Total Allowable Landings of 38 percent reductions based on 2011-2015 pound net landings. The Total Allowable Landings will be based on the water body where the pound nets are set, as presented by the Division of Marine Fisheries by the February 2016 commission meeting (assumes that the Total Allowable Landings equals the Total Allowable Catch).
- Commercial gig fishery will close when Total Allowable Landings is met.

- Recreational hook-and-line and gig fisheries will close Oct. 16-Dec. 31.

Flounder Supplement Motions

Motion by Chuck Laughridge for seasonal commercial southern flounder closures Oct. 1- Dec. 31 in areas A, B and C and Oct. 20- Dec. 31 in areas D-1, D-2 and E. Reopen Jan. 1. Establish a Total Allowable Landings for a 45 percent reduction in southern flounder based on the 2011-2015 landings. If the Total Allowable Landings is reached prior to those dates, the areas will close. Recreational closure Oct. 20-31 (reopen Jan. 1). Size limit 15-inches for commercial and recreational. Second by Rick Smith. Motion withdrawn.

Motion by Chuck Laughridge for the following southern flounder management measures:

- All commercial fishing and recreational fishing will observe a 15-inch minimum size limit beginning Jan. 1, 2016
- Minimum mesh size for anchored large-mesh gill nets is 6 inches effective Jan. 1, 2016.
- Anchored large mesh gill nets and trammel nets in the southern flounder fishery will close Oct. 1 – Dec. 31 in areas A, B and C. Gear removed from water.
- Anchored large mesh gill nets and trammel nets in areas D-1, D-2 and E will close Oct. 16- Dec. 31. Gear removed from water.
- Flounder pound nets will be subject to a 5 ¾-inch escape panel and will operate under a Total Allowable Landings of 40 percent reductions based on 2011-2015 pound net landings. The Total Allowable Landings will be based on the area that the pound nets are in (assumes that the Total Allowable Landings equals the Total Allowable Catch).
- Commercial giggers will be subject to a 35-fish limit per vessel per day or per trip if the trip occurs over more than one calendar day.
- Recreational hook-and-line and giggers will close Oct. 16-Dec. 31.

Second by Mike Wicker.

Roll call vote:

**Joe Shute: Abstain
 Rich Smith: Yes
 Alison Willis: No
 Mark Gorges: Yes
 Chuck Laughridge: Yes
 Janet Rose: No
 Keith Rhodes: No
 Mike Wicker: Yes
 Sammy Corbett: No**

Motion fails 4-4 with one abstention.

- **Substitute motion by Alison Willis to amend Chuck Laughridge’s motion by moving forward with Proposal 5 and requesting permission from the Department of Environmental Quality secretary to move forward with an amendment to the**

**Southern Flounder Fishery Management Plan after completion of a peer reviewed stock assessment. Second by Janet Rose.
Motion fails 2-5 with 1 abstention.**

- **Substitute motion by Joe Shute to amend Alison Willis' substitute motion and adopt Proposal 3, changing closure for all fisheries date to Nov. 1- Dec. 31. Second by Rick Smith.
Motion fails 1-5 with 2 abstentions.**
- **Substitute motion by Alison Willis to amend Joe Shute's substitute motion for Proposal 3, changing the closure date back to Nov. 16-Dec. 31. Second by Janet Rose. Motion fails 2-5 with 2 abstentions.**

- **Substitute motion by Mike Wicker to amend Alison Willis' initial substitute motion and adopt a modified version of Proposal 1, as below.
Pound Net Set Permits:**

- **15-inch minimum size for southern flounder**
- **Escape panels shall be a minimum mesh size of**
 - ~~Option 1: 5 ¾ inch~~
 - ✓ **Option 2: 6 inches****(all other escape panel requirements remain)**
- **Immediately initiate a Total Allowable Catch that represents a 25 percent reduction of the 2013 landings (highest landings on record since 2005). The 2013 landings represent a 79 percent jump in landings from the 2005 Fishery Management Plan landings level of concern.**
- **Total Allowable Catch = 625,626 pounds (higher than all but one year between 2005-2012)**
- ~~Active pound net set permits may be renewed, but no new permit applications will be processed after June 1, 2015, until the completion of the next amendment.~~
- ~~No pound net set permit transfers will occur until the completion of the next amendment except upon death of the permittee pursuant to 15NCAC 03J .0504.~~
- ~~Daily reporting as a condition of the permit for flounder pound nets.~~

Commercial Gig:

- **Commercial gigging will only be allowed four days per week, beginning Monday at sunrise and ending on Friday at sunrise.**
- **15-inch size limit**
- **Trip limit of 36 flounder per valid Standard Commercial Fishing License with maximum of one limit per operation, regardless of the number of valid Standard Commercial Fishing Licenses present.**

- ✓ **Option 1: A maximum of one limit per operation regardless of the number of valid Standard Commercial Fishing Licenses present.**
- ~~**Option 2: A maximum of two limits per operation regardless of the number of valid Standard Commercial Fishing Licenses present.**~~

Anchored Large Mesh Gill Nets (commercial and recreational):

- **2015 season will remain status quo.**
- **Effective Jan. 1, 2016, anchored large mesh gill nets will be a prohibited gear in the taking and possession of flounder in internal waters.**

Commercial harvest by other gear:

- **15-inch size limit**

Motion fails for lack of second

- **Motion by Janet Rose to strike the initial motion by Chuck Laughridge and ask the secretary of the Department of Environmental Quality for permission to proceed immediately with the review process known as the amendment process for the southern flounder fishery management plan following completion of a stock assessment. Second by Alison Willis. Motion fails 2-5 with one abstention.**

Motion by Janet Rose to reconsider Proposal 3, as presented by Joe Shute. Second by Chuck Laughridge. Motion passes unanimously.

Reconsideration of motion by Joe Shute to adopt Proposal 3, changing closure for all fisheries date to Nov. 1- Dec. 31.

- **Motion by Chuck Laughridge to amend Joe Shute's motion, changing closure dates to Oct. 16-Dec. 31. Second by Mike Wicker.**
- **Motion by Janet Rose to amend Chuck Laughridge's proposed amendment changing the closure date to Nov. 15 – Dec. 31. Second by Alison Willis.**
- **Substitute amendment by Chuck Laughridge for the following southern flounder management measures:**
 - **All commercial fishing and recreational fishing will observe a 15-inch minimum size limit beginning Jan. 1, 2016**
 - **Minimum mesh size for anchored large-mesh gill nets is 6 inches effective Jan. 1, 2016.**

- **Anchored large mesh gill nets and trammel nets in the southern flounder fishery will close Oct. 16 – Dec. 31 statewide. Gear removed from water.**
- **Flounder pound nets will be subject to a 5 ¾-inch escape panel and will operate under a Total Allowable Landings of 38 percent reductions based on 2011-2015 pound net landings. The Total Allowable Landings will be based on the water body where the pound nets are set, as presented by DMF by February 2016 meeting (assumes that the Total Allowable Landings equals the Total Allowable Catch).**
- **Commercial gig fishery will close when TAL is met.**
- **Recreational hook-and-line and gig fisheries will close Oct. 16-Dec. 31.**

Second by Mike Wicker

Substitute motion passes 6-3

Joe Shute’s motion as amended by Chuck Laughridge.

Roll call vote:

Joe Shute: Yes
Rick Smith: Yes
Alison Willis: No
Mark Gorges: Yes
Chuck Laughridge: Yes
Janet Rose: No
Keith Rhodes: Yes
Mike Wicker: Yes
Sammy Corbett: No

Motion passes 6-3

Chairman’s Report

Chairman Corbett asked Commission Liaison Nancy Fish to review letters that were received and sent on various issues since the last commission meeting last meeting.

An issue raised in an email from Mr. Bill Hines from Oriental about Department of Transportation spraying in Pamlico County was referred to the commission’s Habitat and Water Quality Advisory Committee for review and consideration.

Fish also reminded the commission of its ethics training requirements.

The commission was reminded of its business meeting dates for 2016:

February 17–19 in Wrightsville Beach
 May 18–20 in Morehead City
 August 17–19 in Raleigh
 November 16–18 in Kitty Hawk

South Atlantic Fishery Management Council Nomination

Staff reported that the commission's Nominating Committee voted to forward the names of Jack Cox, Kenny Fex and Bernie McCants to Gov. Pat McCrory for nomination to North Carolina's obligatory seat on the South Atlantic Fishery Management Council. There was discussion that obligatory seats are typically held by commercial fishing interests, while at-large seats are usually held by recreational interest, and that not all of the slate of nominees were commercial fishermen. The commission is required to submit a minimum of three candidates for consideration for this seat. After some deliberation, the commission voted to forward the names of Jack Cox, Kenny Fex, Bernie McCants and Jon Haag to the governor for consideration for nomination to the South Atlantic Fishery Management Council obligatory seat.

Motion by Chuck Laughridge to send the names of Jack Cox, Kenny Fex and Bernie McCants to the governor for consideration for nomination to the South Atlantic Fishery Management Council obligatory seat.

Motion by Alison Willis to amend motion to replace the name of Bernie McCants with John Haag. Second by Janet Rose.

Motion fails 4-5.

Chuck Laughridge amends his original motion so that the commission sends the names of Jack Cox, Kenny Fex, Bernie McCants and Jon Haag to the governor for consideration for nomination to the South Atlantic Fishery Management Plan obligatory seat. Second by Mike Wicker.

Motion passes 6-0 with three abstentions.

Oyster and Hard Clam Fishery Management Plans

Division biologist Tina Moore, one of the co-leads for the Oyster and Clam Fishery Management Plans, reviewed the draft amendments.

The draft Oyster Fishery Management Plan Amendment 4 looks at:

- Whether to re-open shallow bays (less than six feet deep) of Pamlico Sound to mechanical harvest.
- Whether to continue the monitoring trigger of 26 percent legal-sized live oysters to determine when to close mechanical harvest (adopted in Supplement A to Amendment 2 to the N.C. Oyster Fishery Management Plan).
- Whether to make hand harvest limits the same statewide.
- How to mitigate harvest effort impacts on oyster resources in the Southern region.

The draft Hard Clam Fishery Management Plan Amendment 2 looks at:

- Whether to increase the recreational maximum daily harvest limit for hard clams.
- Whether to allow the use of power hauling equipment in the hand harvest of hard clams.
- Whether to modify mechanical clam harvest lines to exclude areas no longer fished.

The draft amendments to the oyster and clam plans also consider multiple changes to the shellfish lease program, changes to the shellfish license, and shading requirements for shellfish.

To view the presentation, go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=b630ee5f-012e-4c06-845f-2be1f9d2b394&groupId=38337 .

The commission voted to seek public comment on the draft plans by sending them out to receive input in conjunction with several advisory committee meetings.

Motion by Chuck Laughridge to send the Oyster and Hard Clam fishery management plans to public comment. Second by Alison Willis.

Motion passes unanimously.

Interjurisdictional Fishery Management Plan

At its May 2015 meeting, the commission agreed with the division's recommendation that no management measures were needed for the Interjurisdictional Fishery Management Plan and voted to move forward with an information update of the plan. An information update is a procedural method for reviewing a fishery management plan that refreshes the plan document with the most current statistics, trends and research available, but does not propose any regulatory or other management changes.

At its August 2015 meeting the commission voted to hold a public comment period on the draft information update. The division reported that no comment was received during the 30-day comment period.

To view the information update, go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=b7cd4302-7136-4ec6-937f-87beb39ecd03&groupId=38337 .

The commission voted to approve the information update for the state's Interjurisdictional Fishery Management Plan.

Motion by Alison Willis to approve the information update for the Interjurisdictional Fishery Management Plan. Second by Chuck Laughridge.

Motion passes 8-0 with one abstention.

Kingfish Fishery Management Plan

At its May 2015 meeting, the commission agreed with the division's recommendation that no management measures were needed for the Kingfish Fishery Management Plan and voted to move forward with an information update of the plan. An information update is a procedural method for reviewing a fishery management plan that refreshes the plan document with the most current statistics, trends and research available, but does not propose any regulatory or other management changes.

At its August 2015 meeting the commission voted to hold a public comment period on the draft information update. The division reported that no comment was received during the 30-day comment period.

To view the information update, go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=32f86d2b-aea6-4f4e-9d54-4ed687383a96&groupId=38337

The commission voted to approve the information update for the state's Kingfish Fishery Management Plan.

**Motion by Alison Willis to approve the information update for the Kingfish Fishery Management Plan. Second by Janet Rose.
Motion passes 8-0 with one abstention.**

Striped Mullet Fishery Management Plan Amendment 1 and Associated Rules

The commission approved Amendment 1 to the N.C. Striped Mullet Fishery Management Plan and two associated permanent rules.

The first rule amends the Marine Fisheries Commission rule 15A NCAC 03J .0103 to establish one of the same restrictions for runaround or non-stationary gill nets as already exist for anchored gill nets. The change is meant to address user conflicts between gill net fishermen and shoreline residents and recreational hook-and-line fishermen in smaller coastal creeks by prohibiting non-stationary gill nets from blocking more than two-thirds of a water body or interfering with navigation or other traditional uses of the area.

The second rule amends rule 15A NCAC 03R .0112 to remove the Newport River Trawl Net Prohibited Area as a small mesh gill net attendance area, making attendance requirements consistent with similar areas of the state.

To view the draft Striped Mullet Fishery Management Plan Amendment 1, go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=e72d0f60-2608-4377-bdbb-af991f8e8b53&groupId=38337.

**Motion by Chuck Laughridge to give final approval to the Striped Mullet Fishery Management Plan Amendment 1 and two associated permanent rules (15A NCAC 03J .0103 and 03R. 0112). Second by Joe Shute.
Motion passes 7-0 with one abstention.**

Other Rules

The commission also approved a rule that amends the existing rule for mechanical methods for oyster harvesting to clarify that it only applies to internal coastal waters, not the Atlantic Ocean.

**Motion by Alison Willis to give final approval to the mechanical oyster harvesting clarification rule (15A NCAC 03R .0108). Second by Chuck Laughridge.
Motion passes 7-0 with one abstention.**

Joint Enforcement Agreement Letter

The commission voted to send a letter to the governor, the state senate president pro-tem, the speaker of the state house of representatives and all members of the General Assembly requesting consideration of comments from all user groups related to the issuance of a joint enforcement agreement with National Marine Fisheries Service law enforcement.

Motion by Chuck Laughridge to send a letter to the governor, Senate president pro-tem and speaker of the House and all members of the General Assembly requesting consideration of comments from all user groups, related to the Joint Enforcement Agreement. Second by Rick Smith.

Motion passes 5-0 with three abstentions.

Coastal Habitat Protection Plan

Plan Coordinator Jimmy Johnson presented the draft 2015 Coastal Habitat Protection Plan, reviewing the plans four goals and four priority issues:

- Goal 1 – Improve effectiveness of existing rules and programs protecting coastal fish habitats -- includes five recommendations to enhance permit compliance, monitoring, outreach, coordination across environmental commissions and management of invasive species.
- Goal 2 – Identify and delineate strategic coastal habitats -- includes two recommendations regarding mapping and monitoring fish habitat, assessing their condition and identifying priority areas for fish species.
- Goal 3 – Enhance and protect habitats from adverse physical impacts – includes eight recommendations on expanding habitat restoration, managing ocean and estuarine shorelines, protecting habitat from destructive fishing gear and dredging and filling impacts.
- Goal 4 – Enhance and protect water quality – includes eight recommendations to reduce point and non-point sources of pollution in surface waters through encouragement of best management practices, incentives, assistance, outreach and coordination. This applies not only to activities under the authority of the Department of Environmental Quality, such as development and fishing, but for all land use activities, including forestry, agriculture and road construction.

Priority issues for the plan's implementation actions include oyster restoration, living shorelines, reducing sedimentation in tidal creeks and developing metrics to evaluate habitat trends.

To view this presentation, go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=4116d94d-b388-4392-8b6e-8c32f49f66bf&groupId=38337 .

The commission voted to send a draft update to the Coastal Habitat Protection Plan out for public comment.

Motion by Chuck Laughridge to send the Coastal Habitat Protection Plan update out for public comment. Second by Joe Shute.

Motion passes unanimously.

The meeting adjourned.