

Marine Fisheries Commission Business Meeting Minutes
Hilton Wilmington Riverside
Wilmington, North Carolina
Feb. 15-16, 2017

The commission held a business meeting Feb.15-16, at the Hilton Wilmington Riverside in Wilmington, North Carolina.

The briefing book, presentations and audio from this meeting can be found at <http://portal.ncdenr.org/web/mf/02-2017-briefing-book> .

BUSINESS MEETING - MOTIONS AND ACTIONS

Chairman Sammy Corbett convened the Marine Fisheries Commission business meeting at noon on Feb. 15 and reminded commissioners of their conflict of interest and ethics requirements.

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

The agenda, with a modification to a rule reference, was approved by consensus.

**Motion by Joe Shute to approve minutes of the November 2016 meeting. Second by Chuck Laughridge.
Motion carries unanimously.**

Chairman's Report

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

Commissioners were reminded the deadline to submit their 2017 Statement of Economic Interest to the N.C. Ethics Commission is April 15. The commission was also reminded of its ethics training requirements.

Director's Report

Division Director Braxton Davis updated the commission on division activities occurring since the November 2016 business meeting, including:

- An update on a spotted seatrout cold stun event and new division guidelines on adaptive management for cold stun closures;
- The opening of portions of Management Unit A for large mesh gill nets;
- An update on the bluefin tuna December season;
- Modifications to shellfish lease applications to meet criteria that the U.S. Army Corps of Engineers has requested;
- Promotion of Jason Walker to major of the N.C. Marine Patrol;
- Issuing proclamations via email only; and
- The status of incorporating a species disposition code on trip tickets.

There was discussion about the intent of the commission and the challenges faced by the division in implementing a motion passed by the commission in August 2014 regarding trip tickets and capturing target species data when the bycatch species of red drum and striped bass are sold to a fish dealer. The division will bring more information forward on this issue at the May commission meeting.

The division also provided updates on the Atlantic States Marine Fisheries Commission actions. It was also reported that the most recent stock assessment for red drum indicated that the northern stock (North Carolina and north) is not undergoing overfishing.

Coastal Recreational Fishing License Committee

Division of Marine Fisheries Director Braxton Davis reported that the Coastal Recreational Fishing License Committee approved 18 grants totaling \$2,325,088 for the upcoming grant cycle that begins July 1, 2017. The grants are funded from the N.C. Marine Resources Fund, which receives revenues from the sale of Coastal Recreational Fishing Licenses. The commission has given the Coastal Recreational Fishing License Committee authority to make funding decisions for the grant program. Davis also reported the committee approved the division's Five-Year Plan for Obligated Funds from the Marine Resources Fund for July 1, 2017 – June 30, 2022.

Rulemaking and Final Approval of Clam and Oyster Fishery Management Plans

Catherine Blum, the division's rulemaking coordinator, gave an overview of the 2016/2017 rulemaking cycle and advised the commission no public comments were received on the current rule package at the Oct. 26 hearing or during the Oct. 18 through Dec. 2 public comment period. Blum then walked the commission through the proposed rules that were before the commission for consideration.

The commission gave final approval of Amendment 2 to the Hard Clam Fishery Management Plan and Amendment 4 to the Oyster Fishery Management and implementing rules, including amendments to:

- 15A NCAC 03K .0201 to reduce the daily commercial possession limit for oysters from 50 bushels to 20 bushels to align it with current management.
- 15A NCAC 03K .0202 to reduce the culling tolerance for oysters from 10 percent to five percent.
- 15A NCAC 03K .0302 to remove the clam mechanical harvest area on public bottom in Pamlico Sound that is no longer opened to harvest.
- 15A NCAC 03O .0114 to add convictions of theft on shellfish leases and franchises to the types of violations that could result in license suspension and revocation.
- 15A NCAC 03O .0201 to clarify how production and marketing rates are calculated for shellfish bottom leases, franchises and water column leases, including calculations for an extension period; expand the maximum potential initial lease area from five acres to 10 acres in all waters.
- 15A NCAC 03O .0208 to specify criteria that allow a single extension period for shellfish leases of no more than two years per contract period in case of a natural event that would prevent the lease holder from making production and marketing requirements.

Motion by Alison Willis to give final approval to Amendment 2 to the Hard Clam Fishery Management Plan; Amendment 4 to the Oyster Fishery Management Plan; and the following implementing rules:

- **15A NCAC 03K .0201, OYSTER HARVEST MANAGEMENT**
- **15A NCAC 03K .0202, CULLING REQUIREMENTS FOR OYSTERS**
- **15A NCAC 03K .0302, MECHANICAL HARVEST OF CLAMS FROM PUBLIC BOTTOM**
- **15A NCAC 03O .0114, SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES**
- **15A NCAC 03O .0201, STANDARDS AND REQUIREMENTS FOR SHELLFISH BOTTOM LEASES AND FRANCHISES AND WATER COLUMN LEASES**
- **15A NCAC 03O .0208, TERMINATION OF SHELLFISH BOTTOM LEASES AND FRANCHISES AND WATER COLUMN LEASES**

Second by Chuck Laughridge.

Motion carries unanimously.

Periodic Review and Expiration of Existing Rules

Blum gave an overview of the requirements of G.S. 150B-21.3A - Periodic review and expiration of existing rules. Under the requirements, each agency is responsible for conducting a review of all its rules at least once every 10 years in accordance with a prescribed process. The review has two parts: a report phase, followed by the re-adoption of rules.

Blum explained the commission was in the initial phase of the process where each agency makes a determination as to whether each rule is necessary with substantive public interest, necessary without substantive public interest, or unnecessary. She walked the commission through a draft report from staff on the commission's rules in Chapter 03 of Title 15A of the North Carolina Administrative Code as they pertain to this process.

The commission voted to approve the draft report on 15A NCAC 03Q .0100 rules and 15A NCAC 03 rules and to proceed with a 60-day public comment period that will occur this spring.

To view the presentation on the Periodic Review and Expiration of Existing Rules, go to:
http://portal.ncdenr.org/c/document_library/get_file?uuid=5aa96d84-464c-4504-bb50-fbc974517027&groupId=38337

Motion by Mike Wicker to approve the draft report on 15A NCAC 03Q .0100 rules and to proceed to public notice, per G.S. 150B-21.3A. Second by Joe Shute.
Motion carries unanimously.

Motion by Alison Willis to approve the draft report on all other 15A NCAC 03 rules and to proceed to public notice, per G.S. 150B-21.3A. Second by Rick Smith.
Motion carries unanimously.

Rulemaking, continued

The commission also approved rules to:

- Establish a Permit for Weekend Trawling for Live Shrimp;

- Relocate a 2003 requirement for a permit for dealers transacting in spiny dogfish from proclamation into rule;
- Increase penalties for gear larceny;
- Correct a primary nursery area boundary coordinate for Wade Creek in Carteret County;
- Clarify license requirements for leaseholder designees;
- Modify the fisheries director's proclamation authority for the protection of public health;
- Re-establish a rule delegating proclamation authority to the fisheries director to specify time, area, means and methods, season, size, and quantity of spotted seatrout harvested, due to an Atlantic States Marine Fisheries Commission plan to remove spotted seatrout from its managed species; and
- To align the method for commencement of license, permit and certificate suspension/revocation process.

Motion by Mike Wicker to approve the below rules pertaining to a permit for weekend trawling for live shrimp; the spiny dogfish dealer permit; increasing penalties for gear larceny; correcting a coordinate in Wades Creek; clarifying license requirements for leaseholder designees; modifying the fisheries' director's proclamation authority for the protection of public health; establishment of a spotted seatrout rule; aligning the method for the commencement of license, permit, and certificate suspension and revocation process. Second by Chuck Laughridge.

Motion carries unanimously.

Permit for Weekend Trawling for Live Shrimp

- 15A NCAC 03J .0104, TRAWL NETS
- 15A NCAC 03L .0102, WEEKEND SHRIMPING PROHIBITED
- 15A NCAC 03O .0501, PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS
- 15A NCAC 03O .0503, PERMIT CONDITIONS; SPECIFIC (with conforming changes)

Spiny Dogfish Dealer Permit

- 15A NCAC 03O .0503, PERMIT CONDITIONS; SPECIFIC (with conforming changes)

Increase Penalties for Gear Larceny

- 15A NCAC 03O .0114, SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES

Wade Creek Coordinate Correction

- 15A NCAC 03R .0103, PRIMARY NURSERY AREAS

Clarification of License Requirements for Leaseholder Designees

- 15A NCAC 03O .0501, PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS

Modify Fisheries Director's Proclamation Authority for Protection of Public Health

- 15A NCAC 03H .0103, PROCLAMATIONS, GENERAL

- **15A NCAC 03K .0110, PUBLIC HEALTH AND CONTROL OF OYSTERS, CLAMS, SCALLOPS, AND MUSSELS (with conforming changes)**

Establish Spotted Seatrout Rule

- **15A NCAC 03M .0522, SPOTTED SEATROUT**

Align Method for Commencement of License, Permit, and Certificate Suspension/Revocation Process

- **15A NCAC 03P .0101, LICENSE, PERMIT, OR CERTIFICATION DENIAL: REQUEST FOR REVIEW**

Rule Suspension

Motion by Joe Shute to continue the suspension of portions of 15A NCAC 03J .0301 Pots regarding crab pot escape ring requirements. Second by Chuck Laughridge. Motion carries unanimously.

Closed Session

The commission went into closed session to receive an update from counsel on a lawsuit brought by the Carteret County Fishermen's Association Inc., the N.C. Fisheries Association Inc., and Carteret, Dare and Hyde counties vs. the N.C. Department of Environmental Quality/Division of Marine Fisheries and the N.C. Marine Fisheries Commission.

Motion by Chuck Laughridge to move into closed session to update the Carteret County Fishermen's Associations and others action against the commission. Second by Alison Willis. Motion carries unanimously.

Motion by Chuck Laughridge to come out of closed session into open session (at 3:05 p.m.) and recess until 3:15 p.m. Second by Rick Smith. Motion carries unanimously.

Public Comment Period

The following individuals spoke:

Rick Sasser talked about an analysis he had provided the commission showing that nursery areas that need protection. He discussed the impact of trawling in undesignated permanent secondary nursery areas and the level of effort in the shrimp trawl fishery. True shrimp trawler effort has been constant for that last 40 years, producing an average slightly over 6 million pounds of shrimp landed annually. Boats are bigger and nets are longer and some boat fish from Sunday to Friday before returning to the dock. A trip, as measured by division, is equal whether a boat trawls for five days pulling 220 feet of head rope or if a boat trawls for six hours pulling 60 feet of head rope. 2015 was the top eighth landing year in the last 44 years he said. Over 9 million pounds were landed; 50 percent higher than that long-term average. He's hearing that 2016 will top 2015 and if it does, it will be the fourth landing year in the last 10 that has exceeded 9 million pounds. Landings are a function of catch, but bycatch is a function of catch. We have studied the importance of classifying nursery areas for 45 years. Those with opinions not driven by personal profit have been saying for 40 years that important nursery areas must be protected. Sasser said that properly protected nursery areas are the beginning of a rising tide of abundance that floats all boats; commercial, recreational and environmental. He said the protection of that

resource for the public outweighs the interest of any individual and that North Carolina shrimp trawlers will adapt and following the rules while making a profit. He encouraged the commission to support the petition from the N.C. Wildlife Federation.

Glenn Skinner, a commercial fisherman from Carteret County, asked the commission to deny the petition from the N.C. Wildlife Federation. He felt it did not provide conclusive data to show shrimp trawl bycatch is detrimental to fish stocks, nor did it show any conclusive data that the petition's recommendations will fix the perceived problem. Skinner cautioned if the commission accepted the petition and began rulemaking, that action would be challenged as arbitrary and it will cost taxpayers money. He said you need data to prove that something needs to be done, along with a recommendation from the division and input from fishermen. He advised the commission that the commercial industry will not let you continue to push your will on us without any reasoning or science behind it.

Bradley Styron, a commercial fisherman from Carteret County, said one of the petition architects is a former division director, who, three years earlier advised the Fisheries Reform Group the bycatch numbers they were using were incorrect. Now, three years later, those same numbers are being used to put peoples' livelihoods at risk. In 2015, the commission required a 40 percent bycatch reduction target in shrimp trawls to be attained by the end of 2017. Gear makers Virgil Potter and the late Steve Parish teamed up with N.C. Sea Grant and gear specialists from the division and NOAA Fisheries. The first year there had a 39.7 percent reduction, in 2016, reductions were between 46 to 55 percent and the study has one year left, he said. If the petition is seeking to reduce bycatch, that objective is being met. He talked about direct and indirect economic impacts to the industry and about consumers that depend on commercial fishermen to get fresh, local seafood.

Dr. Liz Rutledge, a conservationist and concerned citizen, supported the petition and said marine fisheries are important natural resources belonging to everyone. The petition indicates several fish species are not present at sustainable levels and she wants to see enhancement of these fish populations through bycatch reduction and further protection of juvenile fish. She believes in sound science, and that this data cannot be discounted. Also, as a lifelong consumer of fresh-caught North Carolina seafood, she wants that seafood harvested in a sustainable manner from sustainable fish populations. She believes in increased protection of our estuaries for natural production. She supports this natural resource and additional protections for fisheries habitat in the state.

Kim Fink asked the commission to deny the petition. She doesn't fish, but this petition affects her. As a citizen, her individual freedom, including the choice of accessible seafood and where that seafood comes from, is at risk. She's watching the intentional destruction of an industry being justified with manipulated science with no regard of the impact to commercial fishing families, local seafood restaurants or supporting industries. As a taxpayer, state agency funds come from her pocket and money has been spent on the shrimp management plan that has verified success in reducing bycatch. No extra action should be taken until the plan is complete. As a riverfront property owner, her property improvement rights may be affected by the secondary nursery status this petition seeks. As a consumer, the shrimp at the grocery store will be imported from Asia where they use slave labor to harvest/process seafood. The quality of that imported product is also suspect. She asked how a group of unelected, unaccountable people can make rules that affect her freedom. She said this petition feels like a mandate from the rich, the

powerful and the special interest groups to politically-appointed operatives who will deliver their bought and paid for agenda.

Richard Mode said for 47 years he's worked on wildlife and fishery issues as a volunteer. He talked about his work with Trout Unlimited and the Wildlife Federation Board. He said he does not come to our coast to fish anymore, but goes to the Gulf, where he could catch fish. He spends lots of money doing that and he is not alone, many anglers in the western part of the state are just not coming down here anymore. He wondered why the finfish fisheries seemed to collapse and he has talked to a lot of people and has seen lots of things and the cause and effect has become obvious and we are talking about those things right now. He attended the New Bern meeting and found some answers and the answers are that we are not doing a good job working on fishery policy and it is because one interest group in the state has been mobilized and they have done a terrific job protecting themselves and the way they make a living.

Richard Hamilton said the state's fisheries are in trouble. The amount of non-targeted fish killed in the shrimp trawl fishery is unsustainably high. To ensure fishing opportunities for future generations, we must act to reduce bycatch by making trawling more responsible. The petition seeks to do that by designating vital habitat areas as special secondary nursery areas and regulating shrimp trawling in these areas to reduce bycatch. The petition seeks to allow the shrimp trawl fishery to operate in state waters, while reducing impacts to other fisheries. New data indicate the numbers of juvenile croaker, spot and weakfish that die in shrimp trawls approach the total harvest of these fish for the entire East Coast and bycatch in the shrimp trawl fishery is in the hundreds of millions of fish. These species are important to the commercial pound net, gill net and trawl fisheries and to the recreational fishery, and they provide ecosystem value as forage for other species. The positive economic impact of reducing bycatch of these species would mitigate possible adverse effects to the commercial fish trawl fishery and provide significant positive economic impacts to recreational fisheries and associated businesses. Anglers, along with a fleet of gill net boats once harvested croaker, spot and weakfish by the millions of pounds. There has been a reduction of landings of these three fish of 84 percent over the last 33 years. The directed harvest of spot and croaker is on juvenile fish and the weakfish fishery today is insignificant. Designating state waters as special secondary nursery areas recognizes that estuarine and coastal ocean systems provide important habitat for immature fish.

Joe Romano has owned a seafood company for 10 years. He started selling crabs from a pickup and today operates five seafood markets, employs over 30 people and buys seafood from fishermen up and down the coast. N.C. shrimp is his best seller. He perpetually has to defend his business and other fishermen from well-funded political operatives. When the industry's backbone species can be so easily threatened with a petition, despite numerous marine biologists, the shrimping industry, the fisheries advisory committees, and seafood consumers all opposing it, something is wrong. In New Bern, one point the petitioners kept making was something has to be done now because nothing has worked. We need to ask deeper questions about the motives and reasoning behind this "sky is falling" rhetoric, especially considering numerous biologists questioned the logic, incomplete science and far-reaching regulations in the petition. We've spent the past five years pitting fishermen against fishermen with polarizing regulation instead of uniting stakeholders with inclusive win-win legislation that takes into account changing weather patterns, a substantially smaller, highly-regulated commercial fleet and a growing coastal population. In our state, no one owns the seafood or our public trust waters. The state is trusted

with the power to manage sustainable seafood for all citizens. When regulation and legislation unfairly targets commercial fishermen, we as citizens lose.

Troy Branham said he can't catch fish on the coast like he used to as a kid. He wants his grandson to be able to come down and catch a cooler of spots, but they are gone now. He thinks it's a travesty that our fishery has gone, not just the spot and croaker, but all our inshore fishing is not what it used to be. By talking several million fish out of the system each year, you are going to have several million fish less - it's not hard science. He supports the petition. He also talked about stocking striped bass and said it is hard to believe that we have one agency that is putting stripers in the Neuse River and another agency allowing them to be caught back out. It is very possible that this commission will oversee the last remaining, naturally occurring stripers in the Neuse River and he thinks that is not something to be proud of. He hopes we can fix the stripper fishery and restore our spot and croaker.

Chris Elkins is a retired UNC-Chapel Hill scientist and unlike most of the other speakers and many other scientists you've heard from, he does not, nor does his family, have any financial interest in this resource. He wants to protect and restore the fisheries to some semblance of their former self. He said he was presenting the CCA-NC's position on striped bass for the fifth time in five meetings. Estuarine striped bass in the central region are depleted and in bad shape. He asked the commission to do one of two things. First, write a compelling letter to the director of Marine Fisheries requesting him to implement substantive conservation measures for this fishery by proclamation. Second, as an alternative, he asked that the commission make a motion to implement the supplement process for estuarine striped bass. Either way, we have looked at this long and hard and the CCA - NC has provided recommendations that can form the basis for restoring this important fishery.

David Sneed, Executive Director of the CCA-NC, said his organization supports the petition. Many members went to New Bern to offer support for this petition, but did not get to speak due to time constraints and they were unable to make it to meeting in Wilmington. Over the last two months, they have had over 1,000 people submit letters of support to the commission. Much of the petition opposition has focused on a misleading campaign that makes consumers believe if it passes, they will no longer be able to buy local shrimp and it will lead to the demise of the commercial fishing industry. He said the only fishermen that will not benefit from these changes are a few large, industrial trawlers who control over 60 percent of the industry. NC Catch is one group that has been particularly vocal in opposition to the petition, but one of the scientists that serves on their board agreed that for the industry to continue we need to first take care of the ecosystems that support these finfish and shellfish. The proposed rules in the petition are also consistent with the Coastal Habitat Protection Plan, which acknowledges the important role nursery habitats play in maintaining viable fisheries and the plan identifies shrimp trawling as a physical threat. Sneed talked about an article on the Chesapeake Bay that said saving the bay is obviously about improving water quality, but equally tricky is managing how much seafood is taken from those waters and how modern technologies enable harvest pressure that could overwhelm the healthiest estuary. He said the article could also speak to the management of our sounds.

Bud Abbott said he is not a scientist or a well-educated person regarding fisheries, but he represents the voice of reality. His reality is that he learned to catch flounder, trout, croaker and even crab using a chicken neck and a piece of string from his grandmother behind Topsail Island

in the late 1950s. He came to Harkers Island for the first time in the late 1960s and fished with his father inside Cape Lookout as a teenager. They caught a lot of large flounder, grey trout, speckled trout, croakers, spots on most trips. Today, he takes his children and grandchildren fishing around the island and they catch virtually nothing. He made over 40 fishing trips inside last year and only caught one legal flounder. It's time to do something about our public trust resources and protecting our nursery areas. The reality is that our fish stocks are in terrible shape. Only five of our 22 state-managed fisheries are listed as viable. Commissioners are responsible for protecting our public trust resources for all citizens of North Carolina. The reality is no one else has this authority; only the commission. It is time to do what is right by our public trust resources, Abbott said. And approving the shrimp petition would be a great start.

Myron Smith said she comes from at least four generations of commercial fishermen from Down East, Carteret County. Something she found very significant was Dr. R. A. Deehr from East Carolina University did a study around 2013 that says trawling helps all the marine life except for jelly fish because you've got so much dead body out there from the pollution and the run-off from the land. So let them trawl she said. People talk about how bad the mud and sediment is in the different rivers and coastal waters and that it's just muck that is six feet deep. The trawlers can get out there and stir it up and it enriches all marine life, and she thinks it is very important. She also talked about the herring fishing and that the commission had closed it and now there's no herring and now there is nothing there but these dead sea bottoms and pollution because there's no trawling there. She also talked about NOAA and the menhaden fishery. She said the commission should allow North Carolina fishermen to fish for seafood for all North Carolina folks.

Heidi Smith, president of NC Catch, said they are a non-profit focusing on educating consumers about the value of North Carolina seafood. They work with restaurants, chefs, packagers, fishermen, retailers and food event organizers to bring additional value to the state's sea-to-table economy, without putting additional demands on the resource. Our work would be in vain without access to North Carolina seafood. The petition endangers access to our state's seafood because it threatens the necessary infrastructure. While virtually identical to a previous 2013 petition this commission unanimously rejected, the current petition was submitted by a non-profit corporation represented by one of the Southeast's largest law firms. The petition fails to include any economic impact data as required by the commission's own rules, she said. NC Catch had two individuals with fisheries backgrounds separately run numbers based on annual landing values provided by the division. The results were shocking and we put the conservative end of those results in a video we posted online that has been viewed over 30,000 times. When our math was questioned, we posted the calculations online. At the New Bern meeting, the petitioners declined to address the math, neither refuting or confirming it. Instead, they suggested the math was not relevant. Relevance is best determined by putting all the facts on the table, especially in matters regarding a public trust resource and the livelihoods of so many hard-working North Carolinians. NC Catch would rather be sharing recipe cards and seafood nutrition tips, but we now understand that part of our non-profit educational effort must include issues related to access and making sure consumers are informed so they can be engaged in the process. The petition is incomplete and does not meet the commission's established guidelines, Smith said.

Dave Tempy said he was one of those guys in New Bern that was not able to speak, but he has sent in written comments. He said he was going to keep it short and asked the commission to support the petition, primarily because it helps the resource in a balanced way.

John Hisslip said he is a North Carolinian and as a teenager he used to go to the Pamlico Sound with a skiff with a 6-hp motor and a pocket full of spark plugs and a pole and fished and had a wonderful time. Today you can go to those same spots in the Pamlico Sound and the bottom is smooth and there are no oyster beds because it has all been changed by trawling. He used to go to the fishing piers when the spots were running and you could look down the beach and there would be a wide line of spots. People from all over would come and spend the night in the parking lot, fill their lard cans and go back and have fish fries in the mountains and fish fries for their churches, but now that doesn't happen anymore because the spots are gone. They show up for a day or two, but nothing like it used to be, he said. In front of my house, you can look out and 15 years ago, when the spots were running and the yellow butterflies would show up, there would be 12 or 14 boats out there getting their spots. They are gone now. We'd go to the Swansboro Bridge and use sting silvers and catch grey trout and croaker, but they're gone now. He said we have to change, we can't keep on going like this. A few years ago, Carteret County spent \$100,000 for the ad campaign that the spots were running and they filled up every motel up and down the beach. But the spots are gone. The continual abuse of the system has to stop or there won't be anything for anybody. He closed by saying he was in favor of the petition.

Bert Owens said he supports the petition. He was at the New Bern meeting and said a lot of those people that didn't get to speak there couldn't make it again today. He talked about the difficulties for people being able to take a day off to go to meetings. He is CCA member because he just thought we needed to take care of our resources, but he is not speaking for them. It's been 20 years since the passage of the Fisheries Reform Act and looking at the state's own statistics from then until now shows the act failed in its goals of rebuilding or restoring fish stocks. The commission has been a key player in this failure by picking winners and losers, with the consistent winner being 'King Shrimp' as one person called it at the earlier New Bern meeting. The losers, from 1997 to now, have been the spot fishery, with a 86 percent decline; the weakfish fishery, with a 98 percent decline; and the croaker fishery with a 86 percent decline. The commercial fishermen for these three species were disregarded for the sake of the trawl fishery and the recreational fishermen have been given no respect or consideration at any point in the process. Being from Beaufort, I've seen the number of spot yachts in the fall decline. To catch a nice croaker, our anglers go to Virginia. The younger generation has no idea what a full-grown croaker looks like. Millions of these fish are wasted each year to benefit a few big trawlers and fish house owners.

Cole Taylor said she is a resident of Orange County and a researcher with expertise in data visualization and assessment. Her partner is an organic farmer and together we are committed to prudent conservation efforts. So much data has been shared throughout these meetings and I would like to simplify a piece of that data for you that includes the effects of this petition has on the shrimping industry. State data over the last 20 years illustrates that 99.9 percent harvests have been in the waters currently under consideration for removal. It would damage, if not eliminate, over \$.5 billion dollars in revenues from direct fishing and associated businesses and severely cripple economies statewide. The petition would impact already struggling communities of human capital and fails to illustrate any known benefits. She highlighted one tertiary impact of this petition - she was recently the chair of the Junior League of Durham/Orange County's cookbook committee. Because of other failed efforts to raise money through community cookbooks, the League closely examined how the venture could be successful and the answer was local. The local food movement has made this effort possible.

Though you may only think this is just a cookbook, nearly \$.5 million dollars will be raised by this book to benefit women and children's issues. Supporting our fishing farmers means putting food on tables and supporting community efforts. At Duke University, I examined consumer behaviors and attitudes around sustainable food which included seafood. Overwhelmingly, local was the most important factor to consumers who were also willing to pay more for local, safe and sustainable food. Local trumps even organic and it is this approach that is helping address food deserts across the state and helping formerly failing farmers and fishermen compete with other markets. She asked the commission to deny the petition. She looks forward to continued support of North Carolina's commercial shrimpers and collaborative efforts to efficiently and effectively promote sustainable fisheries.

Sammy Moser, from Alamance County, said he understands it is the commission's responsibility is to manage, restore, develop, cultivate, protect and regulate our state marine resources. This is done by adopting rules and policies. He is in favor of the N.C. Wildlife Federation's petition because it is needed to protect nursery areas and save our juvenile fish in our sounds and estuaries. All salt water anglers know firsthand of the severely declining fish population on our coast. This declining status of weakfish, spots, flounder, croaker is tragic. For years, the vital habitat areas of these and many other species have been left unprotected from the destructive fishing practices. Scientific data shows that for every one pound of shrimp caught in nursery areas, four pounds of baby fish are killed. The fish are not being given the opportunity to grow into adult fish and spawn. This is depleting our fish stocks, he said. Unless changes are made and made soon, our grandchildren and future generations will never know the joy that some of us have experienced fishing on the coast with our families. All other states on the East Coast have stopped the destructive practice of allowing trawl nets in their sounds and estuaries, killing their fish. We need North Carolina to do the same. We need to balance the needs of the resources with the needs of the shrimping industry and protect fishery resources for all residents of North Carolina.

Barbara Garrity-Blake teaches fisheries policy at the Duke Marine Lab and is a former member of the commission and was on the Moratorium Steering Committee that led to the Fisheries Reform Act. She said she was working on an oral history project about the Fisheries Reform Act and is interviewing folks that were involved in the moratorium process. If you remember, Bob Lucas who is an attorney from Selma and a recreational fisherman, was chair of the commission at the time and was also chair of the Moratorium Steering Committee. One thing he emphasized was we need a process so North Carolina would not manage by crisis anymore, and that process needed to be data-driven and rely on stakeholder input. She feels like the Fisheries Reform Act met its goals and we have a good process and it has worked well, but this petition is the exact thing that the Fisheries Reform Act was supposed to prevent. She thinks petitions like the one being discussed, which she recommends that the commission deny, undermines the process put forth by the Fisheries Reform Act. Given that the Shrimp Fishery Management Plan regulations have just gone into effect and that we have a bycatch committee that is making good progress, she thinks this type of petition stokes the very fear and uncertainty that is proving corrosive to our management system - a system predicated on data-driven decisions, stakeholder participation and balanced interests. She knows the commission is not required to take stakeholder advice, but she greatly appreciated the input of stakeholders when she was on the commission. She was also one of the stakeholders the petitioners talked to for input when developing the petition, but she feels her input is not evident anywhere in the petition and that there is a difference between meeting with stakeholders and meaningfully integrating

their expertise. She said she was doing a project called the Next Generation of Commercial Fishermen and was going into communities like Engelhard and Swan Quarter and she assured the commission if this petition passes as it is, it's going to prove devastating to these communities that are so reliant on commercial fishing.

Andy Bessellieu talked about the negative effects of the proposed petition, saying the measures will harm small companies and individuals through lost income and will subject them and the commission to possible litigation and liability, as those affected will be unable to meet third-party customers' needs and contracted obligations. The commission holds in their hands the lives of hundreds, if not thousands, of our neighbors in eastern North Carolina who will be economically and emotionally devastated by this action, he said. He is a native North Carolinian who works in food service, commercial fishing to protein production to marketing, and has seen fluctuations in the availability of seafood, as well as all other commercially-raised proteins. He is 56 years old and has fished throughout our state and in recent years has caught more saltwater fish than ever. He feels the combined efforts of commercial fishermen and scientists have resulted in innovative ways to reduce bycatch. He feels if these collaborative efforts were allowed to continue, proposals like the petition, would not be necessary.

Doug Cross opposed the petition, saying five advisory committees voted against this petition, with the votes totaling 37 to 4. He said the 2015 Shrimp Fishery Management Plan is still in progress with bycatch testing exceeding the targeted goal of 40 percent. Data and studies cited in the petition are old, with no new/updated material that supports present day facts. He talked about a new, published study that indicates trawling is beneficial to the ecosystem and has a great effect on cleansing the bottom from overgrowth due to nutrient runoff. Data indicates the shrimp industry and associated jobs, sales, and business revenues are easily into the hundreds of millions of dollars in the state. The loss of these benefits will be catastrophic to communities across the state. This petition is the same rehash of a decades-old agenda driven by the same special interest groups that jump at any chance to eliminate commercial fishermen from state waters, he said. The commission is charged to review the facts and make an unbiased decision based on those facts. You are also charged with assimilating advice and direction from your advisory committees. Any vote for this petition will be biased and clearly mark that individual as a representative of those special interests that seek to eliminate a working class of people and damage their lives and families. A vote for the petition is immoral and likely illegal as it circumvents a process put forth by the General Assembly, he said and will illustrate glaring ethical issues that already exist and have been documented by state auditors. This petition is nothing more than an age-old vendetta and should not be considered.

David Bush, offered comments for Jerry Schill, president of N.C. Fisheries Association. He talked about allegations made after the New Bern meeting that his association highjacked the meeting by filling up the convention center. Some said the division paid for meeting rooms his organization used for a prayer meeting and that is simply not the true, he said. They paid for the use of the rooms. They had good attendance because that's what happens when radical elements threaten the existence of a large number of people with actions that would devastate entire communities. He was proud fishermen, their families and other supporters interested in fairness, and consumers concerned about access to fresh, local seafood turned out to speak. Many people who opposed the petition did not get to speak at the New Bern meeting due to time constraints. He expressed concern about the denigrating of individuals by a radical element of petition supporters. If advisors didn't vote in support of the petition, they were publicly humiliated. If

scientists citing research they have been involved in regarding shrimp trawl bycatch opposed the petition, they were likewise denigrated. Some were called crazy and subject to public ridicule in efforts to cut off funding for their research, he said. Those who oppose commercial fishermen are not satisfied with the results of research and/or decisions by regulators and legislators, and will stop at nothing until they realize their objective, which is the elimination of trawling and gill nets that will result in the near total destruction of fishing communities in eastern North Carolina. These radical supporters will stop at nothing to get what they want and commissioners will be supporting their efforts if the petition is approved. He asked the commission to do the right thing and deny this petition.

Raynor James, a member of the Coastal Carolina Taxpayers Association, and a seafood consumer, said the meeting in New Bern was very well attended. She said the group she belong to was underrepresented and that is consumers and we are just beginning to notice that something we value is in danger. Foreign seafood from the east doesn't tend to be wholesome. It tends to be farm-raised and stuffed full of gel substance to make it heavier than it naturally would be. I want fresh, succulent, wholesome North Carolina seafood and I'm not alone, she said. She asked the commission to deny the petition.

Hal James, a member of the Coastal Carolina Taxpayers Association, asked the commission to reject the petition for two reasons had two very compelling reasons. The first reason is he and his wife like locally-caught North Carolina seafood and they go to restaurants that advertise that that's what they provide. He also wants locally-caught North Carolina seafood when he goes to his local fish market. The second reason is that he believes in minimum government and maximum freedom, adhering to the Constitution, and less regulatory restraint on the free enterprise system. He talked about how the federal government put him out of business in the Washington, D.C. area and he doesn't want the same thing to happen to the commercial fishermen that live here in North Carolina. He urged the commission to reject this petition.

Gladys Sussell, a member of the Coastal Carolina Taxpayers Association, said everything that has been asked of the commercial fishermen has been accomplished and then more regulations were put on them. Bycatch standards have been met and exceeded as you've heard, yet there are those that are not satisfied. The economic impact of the petition will be in the millions. She wants local shrimp, not shrimp from Thailand, Vietnam or other countries where they are fed questionable substances, grown in polluted waters. She's afraid that if you go this route in a few years there will be no fishing in North Carolina and that's a sad situation. She moved here from New York to be in a place where we could good, local seafood. She asked the commission to deny the petition.

Ron McCoy said the marine fishery resource is a public trust belonging to every North Carolina resident; not just a certain user group. The 2016 stock assessment shows a fishery resource in trouble and it has been in trouble for decades. Improvement is needed in fishery management but it seems that fishermen have become apathetic. The 2016 commission meeting attendance was dismal except when you are about to make a change to help the fish. The commission is responsible for ensuring the public trust is protected for future generations. Given these facts, He asked the commission to vote to support the petition. He said this petition is the first bold action that he has witnessed in the past two years that could turn our saltwater public trust resource from decline to growth. This petition brings North Carolina shrimping in line with all other Atlantic and Gulf states. This petition gives our juvenile fish a chance. All other South

Atlantic and Gulf states have viable and healthy shrimping and fisheries. Why can't that happen here in North Carolina?

Will Fields, a retired US Coast Guard veteran, said he was going to talk about the people commercial fishermen helped. He said every year the Wanchese Lions Club has a visually impaired fishing tournament, with over 500 participants and over 300 helpers. On one night of the tournament they feed everyone fresh seafood. That wouldn't happen if it wasn't for commercial fishermen and the fish houses supplying all the seafood. He is afraid of the petition because he thinks it is going to cut down commercial fishing. These same fishermen and fish houses also give seafood to widows and other people in need.

Allen Faircloth said he shrimps in the ICW in Pender and Onslow counties. He said he sees a strong commitment and fairness to everyone from the division. He gets help from officers and staff members every time he calls. On the first 11 pages of the petition, he sees comments like failure, unsuccessful, fell short, inactive and ignore. He thinks this is disrespectful. Some people are implying that skimmers kill less fish. I don't know much about skimmers, but he has seen them pulling right beside me net top to bottom. Normally, your bycatch or your small fish will be on the upper five foot of water. No night fishing and only three days a week is absolutely unacceptable. Brown shrimp normally travel at night and white shrimp in the day time. Why don't we tell people that they can't drive at night and they can only work three days a week with the traffic problem and we can save money on lights. The division has surpassed preset goals and continue trying to reduce bycatch. This is once again threatening the shrimping industry for North Carolina. He asked the commission to deny the petition.

Catherine Wyatt is a realtor who likes to eat seafood, but doesn't catch it herself. She sees what it takes for people to make a living and some of the hardest working people she knows are commercial fishermen. One thing for any business to be successful is that they need to make a profit and that's not a dirty, four-letter word. She does not support this petition. She has seen what it does to communities when you pass similar petitions. She lived in Florida and owned nine shrimp boats when they passed a similar petition there and it destroyed our economy. Fishermen had to go so far out that they couldn't make a profit and couldn't support their families. She said you have to support your fishermen just as much as you support the fish.

Gary Nowell is a live bait and ocean shrimper and a finfish and shrimp dealer. He said to only be able to fish three days on the inside for my live bait and four days in the ocean would be difficult, especially considering the impact of weather. He asked the commission to deny the petition and said if it did pass, the amount of impact that it would have on commercial fishing would be unbelievable and it would put many people out business.

Kim Tavasso said he had fished in North Carolina most of my life. He said data from the Marine Fisheries website shows an alarming trend. Over the last 20 years, commercial fishing in North Carolina has been on the decline. In 1995, the total commercial catch was 175.8 million pounds. In 2015 that dropped to 66 million pounds. That's a decline of 62.5 percent. We made disagree with the science and we may disagree with the studies, but what you can't argue about is the numbers. While shrimp trawling may not be the only reason for this decline, trawling in our nursery areas and the associated bycatch have greatly impacted commercial catches of spot, croaker, and grey trout. Spots are down by 86.7 percent in that same period, croakers by 70 percent and grey trout amazingly 97.6 percent; less than 100,000 pounds compared to 4 million

pounds 20 years ago. We need to reverse this trend and we need to begin now. At the current rate of decline, the North Carolina fishery could completely collapse in the next 10 to 20 years. Therefore, based on this data, he strongly supports this petition with its amendments.

Michelle Aydlett believes this proposal will help improve fishing for both recreational and commercial fishermen. She supports our local shrimp trawlers, but not the mega-trawlers from out-of-state that are one of the main causes of killing juvenile forage fish in the food chain. As a retired teacher and certified environmental educator, she strongly believes in the mission of the division which is dedicated to ensuring sustainable marine and estuary fisheries and habitats for the benefit and health of the people of North Carolina. Therefore, it is essential to approve this petition in order to have sustainable fisheries for all state citizens and for future generations. Current rules for inshore trawling are why so many out-of-state mega-trawlers are striping North Carolina of valuable resources. Even after this proposal is approved, our state will still have the most lenient rules to protect nursery areas for our fisheries.

Tim Aydlett supports the petition to implement strategies to reduce shrimp trawl bycatch of juvenile fishes and all the proposed nursery areas. Life cycles of spot, croaker, weakfish and crustaceans are complex and can best be protected by an ecosystem-based management program. Fish must reach adulthood to sustain their respective populations. The bycatch in our shrimp fishery is unacceptable, he said. We must learn to management forage fish by researching what part of the eco-puzzle in which they fit instead of trying to manage these fish individually. It's key to remember that most forage fish swim tightly together in dense masses of flesh. That is why nets can easily snare entire schools at a time and the life cycle of the forage fish is a vital component of the circle of life. If you kill the fish before they spawn they can't contribute to the population. These are concerns expressed by the Atlantic States Marine Commission and others regarding the declined landings and harvest of primarily juvenile fish. Other factors such as agricultural runoff, storm water runoff, pollution can be studied collaboratively to further ensure habitat protection for generations to come. Since our coastal habitats are degenerating due to pollution and increased sedimentation, our estuaries are being overfished. He supports our local shrimpers and fishermen, but our resource can no longer be sustainable under the current pressures. Reducing net size, limiting days per week and no nighttime shrimping will foster increased sustainability. Tremendous pressure is being placed upon the fisheries by the mega-trawlers who are catching 60 percent of the catch.

Fred Walker requested that that the commission approve the petition. He asked that the commission only consider what's best for the resource. Do not consider stakeholders, either commercial or recreational, he said. If the resource is placed first and abundant fisheries return, everybody wins. His father-in-law was a shrimper and he said if a trawl can catch a 3 to 4-inch shrimp, it will catch a 3 to 4-inch fish and it will kill it. Winston Churchill is attributed to saying, "Americans can always be trusted to do the right thing once all other possibilities have been exhausted." North Carolina fisheries management has tried about everything else, let's do the right thing and approve this petition, he said.

Gerald Craddock, a pastor in Hyde County where the shrimping industry is crucial, said he opposes the petition because imposing these regulations would put an end to shrimping as we know it today. He asked the commission to consider the humanitarian part of this and the extreme level of stress and anguish these changes would bring to shrimping families. It is your responsibility and mine to consider and give proper regard to humanity. These proposals are

bringing fear and frustration into our shrimping families. Please vote no on the petition and watch over the shrimping families.

Denny McCuiston, a live bait shrimper, has a problem with the petition's three-day work week and is not sure that the shrimp will accumulate so much more that you will gain a lot of that lost two days back. But live bait shrimping is not a volume fishery. It is a 100 percent access-oriented fishery. A day lost live bait shrimping is a day lost, no matter, he said. You cannot make it up. If dealers can't rely on me for a steady supply of product, many of them will quit carrying it. He produces this product almost exclusively for the recreational and sport fishing sector and it is a low impact form of shrimping that creates a minuscule amount of bycatch. Now the truth of the matter is this type shrimping needs access to provide the product and he said he cannot possibly be successful if he's relegated to three days of work.

Clarence Frederick, a commercial fisherman from Swansboro, said the state's shrimping industry has made great improvements in the reduction of bycatch; far more than what the commission has asked, and they continue to work to reduce bycatch. A long time ago, biologists at the division came up with primary and secondary nursery areas from sound science and facts. Today there are people that think they know better than everyone else. The only reason for this is to end commercial fishing in NC waters. Nobody wants the destruction of the resource. Commercial fishermen want to sustain fisheries for our grandkids too. The reason for any of this is entitlement and greed, he said. They want it all for themselves. Fish are food, not play toys. He did not support the petition.

Terry Pratt, a commercial fisherman and environmentalist for 50 years, said the issues raised in the petition need no further action. Primary and secondary nursery areas have been defined, delineated, designated, mapped and afforded special protection. The remaining waters, including the ocean, do not meet the criteria to be designated as a nursery area. North Carolina has the largest estuarine system of any state and we are the only state that has formally designated primary and secondary nursery areas, where all bottom disturbing fishing gear, including shrimp trawls, has been prohibited in these areas for over 35 years. The state has 2,220,000 acres of estuarine waters with over one million acres, or 48 percent, closed to trawling. He expressed concerns with the approval of the most recent Coastal Habitat Protection Plan, which he felt was less effective. Bycatch in the shrimp trawl fishery has been reduced by 40 to 50 percent by gear changes developed by fishermen. Gill net fishermen also have modified their gear to be more selective. He said the petition has inadequate data to support the recommended changes; therefore, it has no merit and should be denied.

Jimmy Nobles, owner of West End Seafood Market in Greenville, said he served on advisory committees and the reason we are here today is because of appointments and reappointments from the former administration and we now have a CCA majority commission. He listened to the pros and cons of the petition at the New Bern meeting and he is against the petition. At that meeting the advisory committees voted, with 37 against the petition and four in support. He said the proposal in the petition will end shrimping and people are complaining about not catching fish. He told the commission to worry about the fish and quit trying to worry about getting rid of the commercial fishermen.

Laura Sharkey, representing Seabiscuit Wildlife Shelter in Oak Island, talked about the negative impact gill net fishing is having on sea birds. She talked about injuries and deaths of

seabirds along the southern coast and attributes the injuries and deaths to fishing activity in the area. She talked about a study published in 2013 that said sea bird populations are declining faster compared to other bird groups and bycatch in fisheries is identified as one of the principle causes of the declines. The board of directors of Seabiscuit Wildlife Shelter urge the commission to adopt sustainable fishing rules that will protect seabirds.

Pam Morris presented a resolution from Carteret Catch which is a non-profit dedicated to educating and connecting consumers to local seafood and they oppose this petition. She also presented a letter from the N.C. Restaurant and Lodging Association that says the state's more than 20,000 restaurants and hotels oppose the petition. While they share the concern about keeping our coastal environment healthy and production for generations to come, the proposed changes will make it difficult for shrimpers to continue harvesting and may threaten the viability of state's shrimping industry, which is a vital source of fresh seafood served at restaurants and hotels. They asked the commission to deny the petition and continue discussions with all interested parties about ways to ensure a sustainable shrimp industry for our state. Morris then said she personally felt the petition is incomplete lacking economic data and no particular use of science that doesn't rely on landings to prove their case. Five advisory committees voted against this petition and the most recent regulations dealing with shrimp have not had the chance to work. She said that landings data could not be used to determine the health of a fishery.

Steve Weeks, an attorney and a former commercial fisherman, said the petition should be denied because there is no factual or scientific basis as set forth in Louis Daniel's letters and testimony before this commission at the previous 2013 shrimp petition hearing. He put together a presentation that contains six items. The first item was a letter from Dr. Louis Daniel dated Oct. 2, 2012 which set forth the reasons why that petition should be denied and was supported with scientific basis. This was before he became an employee of the N.C. Wildlife Federation. Weeks provided testimony from the previous commission's deliberation of the 2013 shrimp petition. He directed the commission to page 11 to Dr. Powell's comments and Dr. Daniel's comments on pages 13-17. He also directed the commission to page 36 where the vote was taken. Commission Shute voted to deny the petition and he added, "And like Chuck said, I want to see what the FMP comes up with and let the industry continue to do what they're doing and hopefully they can come up with bigger and better solutions." And since that time, the industry has come up with bigger and better solutions, he said. There are letters and correspondence between myself and Dr. Daniel in tabs 3 and 4 dealing with a Wildlife Federation video and an article in which Louis Daniel denounces it. He also referenced tab 6, that has a study done on the population effects of shrimp trawl bycatch on Atlantic croaker done by Duke University Marine Lab, NC State University and Texas A&M and the results were basically that shrimp trawling in North Carolina has very minimal effects on Atlantic croaker and spot.

Ken Seigler said he's sat on these committees for quite a few years now; and there have been three petition such as this come up for rule making that have completely circumvented advisory committee process. The advisory committees help the commission create good, sound rules based on good scientific studies and data. He also wanted to dispel the myth that shrimpers were trawling in primary nursery areas. What this petition seeks to do is to provide a definition to suit somebody's judgment as to what they believe a special secondary nursery area should be when there is set criteria and long-term investigation to designate those areas as a nursery area. None of that process and none of that data has been collected in this petition. He did not support the petition.

Glenn Fink opposed the petition. He is a consumer and pays attention to the important activities and fights for what he believes is right and just. Personal and property rights are paramount to him. We the people have God given rights of life, liberty and the pursuit of happiness. No person or group has the right to take these from another person or group he said. This petition does that very thing. We all know the devastating impact this petition would have on our NC commercial fishing. He referenced a comment from the technical representative for the NC Wildlife Federation at the New Bern meeting, where they said they did not over manipulate the data to arrive at the conclusions. Fink felt that self-admission alone should be enough to require the petition to be withdrawn. He opposes the petition and doesn't care what other states do. He said we are a sovereign state with unique needs and we need to do what is right for North Carolina.

Churchill Hornstein is lifelong resident of coastal North Carolina and has sold timber and lumber to boat builders, boat repairers and fishermen up and down the East Coast since 1988. He has worked as a commercial fisherman and as a recreational fisherman. He talked about the negative impacts of development, population and pollution on the state's coastal waters and its fisheries. He is opposed to the petition and said if you put in a three-day work week only in the daylight, you will not have shrimpers working on this coast and will force people to buy imported seafood.

Fred Walker said the average American eats about four pounds of shrimp a year, making shrimp more popular than tuna. If you take the shrimp from us, we'll have to eat imported shrimp that frequently has unwanted bacteria according to the FDA. Our wild caught shrimp tested from little to none bacteria. He asked why stop us from shrimping? Shrimp only live for about 18 months and by limiting fishermen to three days a week, you are making people are making people part-time fishermen and financially impacting families. You haven't given the bycatch reduction device study a chance to work and the size limit for spot is nonsense. He told the commission if they wanted to do something that would help, limit development, and all its associated problems, that adversely impact our coastal waters. Everybody talks about how many fish there used to be, well the beach wasn't as built up then as it is now. So he just doesn't understand the whole issue of wanting to shut us down and make us end up having to eat junk food.

Casey Jones said he was a third-generation commercial fisherman, said he is disturbed that at fisheries meetings it is always recreational vs. commercial. He said there were 480,852 recreational licenses sold, compared to only 2,942 active commercial licenses sold in 2015 and we are 163 times outnumbered at these meetings. Storm water is the number one threat to North Carolina water quality. There are 364,732 acres of shellfish beds closed because of bacteria, with 90 percent of these areas being closed due to storm water pollution runoff. Please consider that one inch of rain falling on a one-acre lot produces 16 times more runoff than the same amount of rain falling on an acre with grass. People say during the 50s, 60s and 70s I caught lots of fish. Well, you didn't have the buildings and the concrete that comes with each house. The rain shed goes to the ditch, the ditch goes to the creek, the creek goes to the sound. We do have a problem in our estuaries, but the problem isn't trawlers. Another big thing that I see wrong with the petition is the spot size. A single spot produces between 70,000 and 90,000 eggs. If only half of those eggs hatch, that's 35,000 fish at an average of .5 pound that's 17,500 pounds of fish coming from a single fish. This has been one of the best years I've had spot fishing off Surf

City, but the spots in 35- 40 feet of water, while the water at the pier is only 18 to 20 feet deep. He asked the commission to deny the petition.

Scott Williams supports the petition, saying more juvenile fish in our estuaries benefits everyone. He asked the commission to look at this from a resource perspective and not from a commercial or recreational interest. The resources have been in decline for a number of years. The definition of insanity is doing the same thing over and over again expecting different results. We have been doing this for decades and the resources continue to decline. We have to take a step say we are going to rebuild our resources. We can do that through science and common sense. A gentleman previously talked about live bait shrimping made the sense because it would help local commercial fishermen supply bait for the recreational fishermen. He also questioned why the weakfish stock assessment, which is managed by the Atlantic States Marine Fisheries Commission, they don't include bycatch and he's not sure why those statistics are being used.

John Cannup talked about how years ago he used to go catch coolers of fish in Pamlico Sound and around Ocracoke and Drum Inlet and then those fish become harder and harder to find. He said he was part of the problem. He talked about how commercial trawlers have gotten larger over time and have better technology to find and catch fish and they are also part of the problem with declining stocks. He said Pamlico Sound is a nursery area and it cannot sustain the constant abuse it is subjected to by these large trawlers. Limitations must be put on all user groups immediately to sustain the few remaining fish stocks that we have. He asked the commission to support the petition for rule making.

George Kivett urged the commission to support the petition. This resource is publicly owned and belongs to the guy up in the mountains as much as it does the guy on the coast, he said. Commercial fishing is important, but it's a privilege and with that privilege comes responsibility. Any time that you waste more of a natural resource than you utilize, that's wrong. This petition is not perfect but it's something. He finds it hard to believe the petition will lead to the demise of commercial fishing because if you put 20 to 30 million pounds of juvenile fish back into the ecosystem, he doesn't see how that doesn't help everyone. If you're a gill netter, a pound netter, a gigger, a pot fisherman, or a rod-n-reel fisherman, I don't see how your life doesn't improve.

Chris McCaffity is a commercial fisherman, a fisheries advocate and a seafood consumer. He asked the commission not to approve the petition that would severely restrict shrimping in state waters and well as citizens' freedom to access local seafood. He suggested stocking spot, croaker, weakfish, speckled trout, flounder, cobia, blueback herring, alewife, and bay scallops and replant grass beds to boost seafood production and recreational opportunity. He also wants to stock native oysters that would clean our waters and create habitat as they grow to marketable size. He wants a letter sent to the South Atlantic Fishery Management Council and NMFS Southeast Regional Administrator opposing catch shares and any attempts to privatize our public resources and supporting the use of appropriate possession limits and bycatch allowances to avoid extended closures and excessive discards. Please submit comments to the NOAA opposing the closure of anymore traditional fishing grounds off our coast and push for state control of waters out to 50 miles off shore. Require a 2/3 majority vote to approve anything that can negatively impact consumers since they are not represented on the commission. He said it is time to start focusing on enhancing our fisheries and food supply rather than restricting the public's freedom to access them. Hatcheries and habitat enhancement can be the perfect blend to

create more seafood and recreational opportunity while generating more revenue. License fees and redirected management priorities could provide funding to allow existing hatchery facilities to start stocking a wide variety of seafood. Our fisheries should be an example of sustainably feeding a growing population while supporting world class sport fishing and preserving our freedom for future generations.

Megan Spencer said shrimp has fed her, her family and visitors to our state. She started an online petition to oppose the N.C. Wildlife Federation's petition and it has 7,552 signatures from folks all around the country. The biggest concern expressed was we need to keep people working, including all facets of the fishing and tourism industries. Another point people were concerned about was the increasing the amount of inferior imports and outsourcing jobs to foreigners. There were many comments about preserving the coastal fishing heritage, especially from out-of-state people. Please keep in mind fresh seafood is a huge draw for visitors and many coastal areas depend on tourism. She thinks the science and the economic benefit is there for the trawl industry, along with the history and the culture. She also wanted to point out that spot aren't there every day and that she's seen pelicans get pretty dismembered from some recreational fishing poles too. The petition does not address economic impacts that the proposed rules would have on our state. She asked the commission to deny the petition.

Sharon Kennedy said recreational fishermen keep pointing out the abuse of our resources. She remembered 20 years ago people complaining about commercial fishermen beach fishing for rock saying we were depleting the resource. At the same time, there were these rock/striped bass rodeos and we would see hundreds of boats at Oregon Inlet with four to six people per boat. And she was sure they threw the smaller fish over for the big ones and they would also see dumpsters full of these fish that were discarded yet they are blaming commercial fishermen who are catching fish to feed people for the depletion of this resource and she takes great offense to that. She is also offended because this petition accuses the commission of not doing your job when she thinks you all do an outstanding job. She thinks it's frivolous people are saying that they can't catch a spot, or a croaker, or their kids can't fill up the coolers of croakers. How many croakers does a person want to eat? Closing the shrimp industry up and down our coast is akin to shutting down the auto industry in Detroit or shutting down the canning factory out in western North Carolina - it closes communities. She asked if the commission was going to close up the communities and do condos instead of fish houses?

Dr. Joseph Luczkovich, a professor at East Carolina University, said he was asked by the N.C. Fisheries Association to explain some of the research he presented at the New Bern meeting. That research was Dr. Rebecca Deer's dissertation that was published in the *Journal of Ecological Modeling*, Vol. 282, pages 1-17. The petition says substantial fishing effort occurs in North Carolina's nursery areas and that is incorrect. You can't fish in a nursery area, he said. There are open areas for trawling and in those areas there is bycatch. The petition says the amount of finfish bycatch in North Carolina is unsustainably high, using the figure of 15 million pounds of Atlantic croaker, spot and weakfish. He took the peer-reviewed study he referenced, converting the numbers to pounds and compared it side-by-side with the number from the petition. In Core Sound, the bycatch was 3 million pounds and that was based on observers. You need to look at the whole system though. The total biomass of spot alone in that area of Core Sound was 725 million pounds. This represents less than one percent of the biomass of spot; .4 percent actually. In Deer's dissertation, she talks about positive and negative impacts from shrimp trawling. There are positive impacts from shrimp trawling to zooplankton, white

shrimp, tunicates, striped mullet, shore birds, polychaetes, meiofauna, and hard clams. There are also negative impacts from shrimp trawling on jellyfish, shrimp and spot. However, the biomass for spot is so large it doesn't really affect them. Folks are wrong when they say spot and croaker catches are declining, he said. The NMFS Marine Recreational Information Program survey has shown a decline in croaker, spot and weakfish and he thinks climate change is the reason. Today, Virginia ranks number one in Atlantic croaker according to Exhibit B in the petition and South Atlantic states, including North Carolina, South Carolina and Georgia, have all declined. Croaker are moving north. He grew up in New Jersey and we never caught croaker, he said. Now there's a fishery in New Jersey for croaker and it is due to climate change because the water is getting warmer. He cautioned the commission if they didn't pay attention to the actual cause of the declines, they will be making a wrong decision. As a professor, he urged the commission to read the studies. As a private citizen, he urged them to vote down the petition.

Brent Fulcher, Chairman of N.C. Fisheries Association, thanked the commission for trusting his knowledge and experience in the seafood industry and putting his name forward to Governor Cooper for consideration as a Mid-Atlantic Fishery Management Council representative. He is also as a member of the Bycatch Reduction Workgroup and sits on the Finfish Advisory Committee. He felt it was evident at the New Bern meeting that this petition should be denied. Through the hard work of the Bycatch Reduction Workgroup we have quantified a reduction in finfish bycatch of 45 percent to 55 percent above the current federal bycatch requirements. If the petition is accepted and implemented, it will harm juvenile finfish more than the present measures and will put small boats immediately out of business. Most of the small boat fleet depends heavily upon the harvest of shrimp at night and this would no longer be allowed. All of the other bycatch reduction would go out the window because vessels will pull the nets twice as fast, with heavier bottom gear. This has already happened in the Gulf Coast shrimp fishery. By towing gear twice as fast, the bycatch reduction devices do not to work properly, you catch larger fish and marine mammals. Larger finfish such as big drum are presently able to out swim the trawl nets. He asked that the previous measures in the last Shrimp Fishery Management Plan be given a chance to work, including the 40 percent reduction in bycatch and the 220-foot maximum headrope length that just went into place in January. If bottom trawling is the issue instead of bycatch, then look at the research that Rebecca Deer has done that Dr. Luszkovich has talked about. Also, he said it's surprising the last ASMFC stock assessment on red drum said the stock is healthy, and not overfished. North Carolina stocks are the healthiest of all, yet we keep hearing trawling is hurting everything, he said.

Sam Romano, with Seaview Crab Company in Wilmington, said the company is all about local seafood and he did not support the petition. All the advisory boards said no to this petition and there's not enough scientific and economic data to support it. He said there's a process in place to manage our fisheries and this petition seeks to undermine that process. You cannot judge a fishery by your personal experiences years ago or your one or two days fishing. We need hard data. He talked about his experience as a seafood driver and said these communities will be decimated by this petition. For years he has seen regulations like these slowly chip away at these fragile economies. Commercial fishing stabilizes these economies and our country's food system. In this modern day when food security is paramount, we cannot lose domestic production. Our state deserves better and most North Carolina citizens know this, he said.

Tim Buck, Pamlico County manager, said his county is a very small and rural in nature and the citizens heavily rely on commercial fishing. He advised the Pamlico County Board of

Commissioners opposes this petition and has provided a resolution to that effect. If the petition is approved, it will devastate our county and will devastate the citizens that work in our county. He asked that before considering approval, that the commission do an economic impact study and just see how it will affect folks in North Carolina, particularly small communities like Pamlico County.

Beth Bucksot, Director of Economic Development in Pamlico County) said the data the petitioners presented is inaccurate. They've compared apples to oranges in many places and she didn't see an economic impact statement that shows the effect on the communities or the state overall. North Carolina receives over \$300 million of economic impacts from the seafood industry. In Pamlico County we have 363 jobs, she said. If you pass this petition, you can look for about 300 of those to be gone because nobody can work part-time and stay in business. Pamlico County has already lost 1,200 workers in the seafood industry in the last 15 years due to regulations. She asked the commission to deny the petition. Consider those 1,200 workers represent 400 people in Pamlico County when you start looking at their families. For the record, our population is 13,144, with 500 of those in a state prison. That means one out of five jobs in Pamlico County have already been lost and you multiply that across the state, and it's tremendous. You take fresh North Carolina seafood out of our restaurants and you impact our tourism as well. She agrees we need to take care of our resources, but one of our resources is the people.

Jess Hawkins said the petition for rule making should be denied. Comments from commission advisers and the public reinforce that recommendation, with 84 percent of the advisers voting to deny the petition. The science doesn't support the petition's contention that declines in spot, croaker and trout are caused by trawl bycatch. Population assessments by scientific experts on croaker and weakfish have found no impacts of shrimp trawl bycatch on these populations. While the petition claims "bycatch mortality in North Carolina's shrimp trawl fishery contributes to the declining status of fish populations," quantitative population assessments show croaker is not overfished, and overfishing is not occurring. Overfishing is not occurring on weakfish, but natural factors have led to a population decline. Scientists have determined no action is necessary to address the status of spot. Atlantic States Marine Fisheries Commission fishery management plans for weakfish, croaker and spot, containing much more scientifically accurate information than presented in the petition, do not recommend restrictions on the shrimp trawl fishery to sustain those fish. The division has found no correlation in abundance indices of juvenile croaker, trout and spot with shrimp trawl effort for the last 21 years. The petition fails to provide evidence that all internal coastal waters and near shore ocean waters should be designated special secondary nursery areas - the only petition data presented was the presence of small fish from one division survey. The petitioners do not incorporate the rigorous data compilation and analysis used to classify nursery areas in the state. The proposed petition size limits of spot and croaker have not been deemed necessary by the Atlantic States Marine Fisheries Commission in its management plans, nor in the state's Interjurisdictional Fishery Management Plan. The petition should be denied because such comprehensive changes to state fisheries should be developed through fishery management plans as mandated by the General Assembly in the 1997 Fisheries Reform Act.

Shannon Black did not support the petition and urged the commission not to take the easy way out by shutting commercial fishermen down. He talked about the impact of pollution by large power companies and the impact the petition proposals would have on people's paychecks.

Bill Gorham, with Boat Up Lures, said he was representing stakeholders of the Outer Banks including charter captains, recreational anglers, some commercial fishermen, tackle shops and anyone associated with the cobia fishery. He asked the commission to vote for a May 1 start date with a four-fish-per-boat for 2017. It is a justified action based upon the best available science that would indicate the current stock boundary is inappropriate, he said. It is vital to keep the cobia season open in northeastern North Carolina through July and August for the pier fishermen. He thanked division staffer Michelle Duval for all of her hard work, saying she has answered emails and spoken with him for hours upon hours. He thinks the fish, the fishermen and the state of North Carolina all benefit from her services and we are very appreciative of it.

Colby Sawyer asked the commission to reject the petition. Both sides of his family have supported themselves for generations as fishermen. The petition is a threat to his family and the families of working watermen throughout the coastal region. It's estimated measures in the petition would result in a 70 percent reduction in shrimp landings and said that is not conducive to making a living and will put people out of business. He said December 2016 unemployment data showed that the immediate 11 coastal counties, had a 6.3 percent average unemployment rate which is 1.4 percent above the state average. If the petition is accepted those unemployment numbers rise. Sawyer conveyed that commercial fishing, and specifically shrimping, allowed him to go to college debt free and that he would be graduating in May from UNC-Wilmington with bachelor's degrees in both criminology and psychology and is going to graduate school to get a master's in public administration or law school. Since turning 16, he averaged over 120 hours a year serving as a volunteer fire fighter in Manns Harbor. And in January of last year, he graduated from the Basic Law Enforcement Training Program at Brunswick Community College; he took those classes at night while attending UNC-Wilmington during the day. Were it not for the financial support provided by his family because of the shrimping industry, there is no way he could have done these things. He would have had to go to work instead going to school or volunteering. It's in the small fishing communities across the coast of North Carolina that children of fishermen are sent out into the world to serve, to work, to attend college in the hope that they will come back and make their home a better place. That won't happen when the money dries up and if this petition is approved, the money will dry up.

Chairman Corbett thanked Sawyer for his help with a medical emergency that had occurred outside of the meeting room.

Joey Daniels said the first time he spoke about to the commission about the petition, he talked about the people it would affect other than just shrimpers, and people directly related to the industry. He said the next time he spoke, he talked about why it was an incomplete petition and how it undermines the entire fisheries management system. The petition is wrong on so many levels, but everyone here knows what it is all about and it's not about bycatch. The bycatch reduction goal that was set for three years was met and even exceeded. The recreational lobby responded with this petition. The end goal is to end all fishing with nets, including boat trawling and gill netting. Everyone always says the estuary resources belong to all citizens of the state and that is true, he said. Why then should we allow one user group to deny healthy seafood to the rest of the state? If you end net fishing, it becomes too expensive for poor people to enjoy seafood. He believes that all North Carolinians have a right to eat seafood, even those who cannot afford to recreate.

The commission recessed for the evening and reconvened on Feb.16 at 8:30 a.m.

Chairman Corbett called for a moment of silence in memory of Jimmy Nobles, who had passed away the previous evening. Nobles collapsed in the hallway after he had spoken during the commission's public comment period. Chairman Corbett also thanked Colby Sawyer from Manns Harbor for providing assistance to Mr. Nobles.

Joint Advisory Committee Meeting Overview

Commission Liaison Nancy Fish reported that the commission's Northern, Southern, Finfish, Habitat and Water Quality and the Shellfish/Crustacean advisory committees met jointly on Jan. 17 in New Bern regarding the N.C. Wildlife Federation's petition for rulemaking. At the meeting a public comment period was held and then the committees heard presentations from the petitioners and the division. Fish reported all the committees recommended denying the petition and she reviewed the motions and votes from each committee, as follows:

NORTHERN ADVISORY COMMITTEE

Motion by Michael Blanton to recommend to the Marine Fisheries Commission to deny petition by the N.C. Wildlife Federation. Seconded by Keith Bruno.

Motion passes 9-1

Roll Call Vote

Glenn Barnes – no
Everett Blake – yes
Michael Blanton – yes
Keith Bruno – yes
Raymond Pugh – yes
Dell Newman – yes
Jim Rice – yes
Gilbert Tripp – yes
Riley Williams – yes
Sara Winslow – yes

SHELLFISH/CRUSTACEAN ADVISORY COMMITTEE

Motion by Brian Shepard to recommend to the Marine Fisheries Commission to deny the petition as frivolous and incomplete based on flawed science. Seconded by Bruce Morris.

Motion passes 8-1

Roll Call Vote

Perry Beasley – yes
Jim Hardin – no
Mike Marshall – yes
Bruce Morris – yes
Martin Posey – yes
Brian Shepard – yes
Tony Tripp – yes
Adam Tyler – yes
Joe Shute – yes

FINFISH ADVISORY COMMITTEE

Motion by Brent Fulcher to recommend to the Marine Fisheries Commission to deny the petition on the basis that the NC Division of Marine Fisheries has defined, designated and delineated nursery areas since the 1970's (and will continue to define, designate and delineate nursery areas) and to recommend that the MFC continue collaborative bycatch reduction research with the NC Division of Marine Fisheries and the industry. Seconded by Melvin Shepard.

Motion passes 7-1

Roll Call Vote

Thomas Brewer – yes

Jeff Buckel – yes

Brent Fulcher – yes

Ken Seigler – yes

Melvin Shepard – yes

Scott Whitley – yes

Mike Wicker – no

Sara Winslow – yes

Sammy Corbett – did not vote

SOUTHERN ADVISORY COMMITTEE

Motion by Jake Griffin to recommend to the Marine Fisheries Commission to deny the petition. Seconded by Tom Smith.

Motion to amend by Adam Tyler to include as reasons because there is no new information in the petition, and the 2015 Shrimp FMP measures have not been allowed to work, these proposed rules should only be adopted in the FMP process, and the designations do not follow established protocols. Seconded by Chris Medlin.

Amended motion carries unanimously.

Main motion passes 6-0-1

Roll Call Vote on Main Motion

Charles "Jake" Griffin – yes

Ruth King – yes

Chris Medlin – yes

Randy Proctor – yes

Tom Smith – yes

Adam Tyler – yes

Pam Morris – abstained

HABITAT AND WATER QUALITY ADVISORY COMMITTEE

Motion by Mike Street to recommend to the Marine Fisheries Commission to deny the petition dated Nov 2, 2016. The petition shows serious lack of knowledge of the actual conduct of North Carolina's shrimp trawl fishery and its management by the NC Marine Fisheries Commission and the Division of Marine Fisheries. For example:

- Fisheries landings are not a valid measure of the health of a fish stock;
- Just because other states prohibit estuarine shrimp trawling is no reason for North Carolina to do so;

- North Carolina’s existing management system is based on an open process in which all stakeholders participate in preparing fishery management plans and recommending rule changes and that system works;
- The petition fails to consider differences in life history characteristics of the three shrimp species that contribute to North Carolina’s landings; and
- The petition does not provide a rigorous, science-based framework for defining nursery habitats in North Carolina. Seconded by Terry Pratt.

Motion passed 7-1.

Roll Call Vote

Bob Christian – yes
 David Duane – yes
 Joel Fodrie – yes
 David Glenn – yes
 Mark Gorges – no
 Terry Pratt – yes
 Mike Street – yes
 Thomas “Clay” Willis – yes
 Alison Willis – did not vote

Petition for Rulemaking by the North Carolina Wildlife Federation

A petition for rulemaking, which was submitted Nov. 2 and modified Jan. 12 by the North Carolina Wildlife Federation, asked the commission to designate all coastal fishing waters not otherwise designated as nursery areas (including the Atlantic Ocean out to three miles from shore) as special secondary nursery areas; establish clear criteria for the opening of shrimp season; and define the type of gear and how and when gear may be used in special secondary nursery areas during shrimp season.

Specific requests of the petition include:

- Limiting shrimp trawling to three days a week in the estuaries and four days a week in the ocean;
- Limiting trawling to the daytime only;
- Reducing the maximum trawl head rope length to 90 feet in estuarine waters and 110 feet in ocean;
- Limiting tow times to 45 minutes;
- Opening shrimp season once the shrimp count in Pamlico Sound reaches 60 shrimp per pound, heads on;
- Implementing an 8-inch size limit for spot and a 10-inch size limit for Atlantic croaker;
- Requiring all fishermen to use two N.C. Division of Marine Fisheries-certified bycatch reduction devices when trawling in state waters.

Derb Carter, with the Southern Environmental Law Center, and David Knight and Louis Daniel, on behalf of the N.C. Wildlife Federation, reviewed the petition for rulemaking with the commission. Their presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?uuid=e1f3248a-06b8-4d4a-aa04-7cd9f18bc0a7&groupId=38337

Trish Murphey, the division's Southern District Manager, provided the agency's review of the petition. The division's presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?uuid=e8fb7735-e27e-4697-b907-fed5e8b971d2&groupId=38337

The commission's counsel, Assistant Attorney General Phillip Reynolds, reviewed the process and considerations for the petition for rulemaking. His presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?uuid=266a10e2-c3ed-4c17-90b1-2999db0bcf68&groupId=38337

It was discussed that the North Carolina Administrative Procedure Act requires the development of a fiscal note before a notice of text for the proposed rules can be published in the North Carolina Register. For proposed rules that have an economic impact in excess of \$1 million, a regulatory impact analysis must be prepared. The development of a regulatory impact analysis could take more than a year, and must be approved by the Office of State Budget and Management and the commission before the notice of text can be published. Once the notice of text is published, the commission must hold a comment period, and likely a public hearing, before the commission can consider final adoption of the rules. Some of the proposed rules might require the modification of existing fishery management plans before they can be adopted.

If the commission adopts the rules, they then go before the state Rules Review Commission for approval before becoming effective. However, if the state receives 10 letters of objection, the issue will automatically move to the legislature.

After being presented with this information, the commission voted to grant the N.C. Wildlife Federation's petition for rulemaking.

**Motion by Mike Wicker to grant in full the North Carolina Wildlife Federation's petition for rulemaking originally submitted on Nov. 2, 2016 and as amended by its Jan. 12, 2017 modification. Second by Rick Smith.
Motion carries 5-3 with one abstention.**

Roll Call Vote:

Mark Gorges-Yes

Brad Koury-Yes

Chuck Laughridge-Yes

Janet Rose-No

Joe Shute-Abstain

Rick Smith-Yes

Mike Wicker-Yes

Alison Willis-No

Sammy Corbett-No

Cobia Season and Potential Management Measures

Division staffers Steve Poland and Michelle Duval advised the commission that preliminary landings in the South Atlantic cobia fishery for 2016 indicate that the Annual Catch Limit set by

the South Atlantic Fishery Management Council was exceeded, which resulted in National Marine Fisheries Service closing the cobia season in federal waters for recreational fishing on January 24, 2017. This closure complies with the requirements set forth in the Federal Magnuson-Stevenson Act for measures to be implemented to constrain harvest for the following fishing season.

In anticipation of a shortened federal season for 2017, division staff analyzed various management options including size limits, vessel limits, and in-season closure for projected landings reductions. Staff did not have a specific harvest recommendation and sought guidance from the commission regarding recreational management measures for 2017 with the following considerations:

- Providing equitable opportunity to access the cobia resource for all components of North Carolina's recreational fishery (charter/for-hire, private vessel, manmade);
- Minimum size limits larger than 36-inches fork length could result in greater levels of harvest, as larger fish weigh more and there are safety considerations with larger fish; and
- The Atlantic stock of cobia is a coastwide public resource. Although other states may have historically harvested a smaller proportion of the resource, it is still an important component of the recreational fishery for all user groups.

The division recommended the commission act in the best interest of the stock and constrain harvest in state waters to comply with the Atlantic Cobia Annual Catch Limit.

To view this presentation, go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=ce9518d8-d601-4466-a474-883197e3f325&groupId=38337

The commission voted to set the 2017 North Carolina recreational cobia season from May 1 to Aug. 31 with a one-fish-per-person-per-day possession limit, and a four-fish-per-vessel-per-day maximum possession limit seven days a week. The size limit will increase to 36-inches fork length. The maximum charter boat limit will include the captain and mate, as well as customers. Additionally, the commission requested that all cobia harvested be recorded and tagged at a current or future N.C. Citation Station and that the length and weight of the fish be recorded to provide a more accurate harvest estimate for future use in determining needed regulations. The division is evaluating ways to accommodate this request.

Motion by Joe Shute to start the 2017 North Carolina cobia season May 1 and run through Aug. 31 with a 1-fish-per-day-per-person possession limit; a 4-fish-per-vessel maximum possession limit for private and charter; and a 36-inch fork length size limit, seven days per week. The charter boat limit of 4-fish-per-day includes the captain and mate, as well as customers. All cobia harvested shall be recorded and tagged at a current or future NC Citation Station location. Length and weight shall be recorded to help provide a more accurate harvest by number and weight for future reference. Second by Chuck Laughridge.

Motion carries 5-0 with 3 abstentions.

Central Southern Management Area Striped Bass

At its November 2016 meeting, the commission postponed discussion on Central Southern Management Area striped bass to the February commission meeting, with the intent for possible action on a proclamation or request for a supplement to the existing fishery management plan. There was discussion about having the division director issue a proclamation reducing the commercial harvest from 25,000 pounds to 5,000 pounds and complementing proposed rules being considered by the Wildlife Resources Commission to raise the size limit for striped bass and a motion was put forward to this effect.

Division Director Braxton Davis said that the division also had concerns with the Central Southern Management Area striped bass, but preferred to work through the expedited fishery management plan process the commission approved last summer, rather than enact emergency management measures. This is primarily due to a lack of a peer-reviewed stock assessment. In January, Davis said he and division staff met with Wildlife Resources Commission staff and their director, Gordon Myers, to continue working on the expedited fishery management plan process. He asked Myers if anything had changed since the two agencies had determined last summer and recommended expediting the plan review. Davis reported that Myers still concurred that expediting the plan process was still the best approach. Davis said the division has no intention to do an emergency proclamation and the motion was withdrawn.

The commission then voted to send a letter to the N.C. Department of Environmental Quality's secretary asking him to consider removing stocked fish from the N.C. Estuarine Striped Bass Fishery Management Plan.

Motion by Chuck Laughridge to recommend that the fisheries director by proclamation reduce the Central Southern estuarine striped bass commercial TAC to 5,000 pounds and mirror the NC Wildlife Commission's recreational limit of 2-fish-per-person-per-day and 26-inch minimum size limit, effective March 1, 2017. Second by Rick Smith.

Motion withdrawn with consent of the seconder.

Motion by Chuck Laughridge for the commission to write a letter to the DEQ secretary to take under advisement the removal of stocked fish from the N.C. Estuarine Striped Bass Fishery Management Plan. Second by Rick Smith.

Motion carries 4-2 with 2 abstentions.

The meeting adjourned.