

**Marine Fisheries Commission Business Meeting Minutes  
Virtual Meeting via WebEx  
August 20, 2020**

Due to COVID-19, the commission held a one-day business meeting via WebEx webinar on August 14. Members of the public submitted public comment online or via U.S. mail. To view the public comment, go to: <https://files.nc.gov/ncdeq/Marine-Fisheries/08-2020-mfc-meeting-archive/08-2020-briefing-books/04-Chairman-Report.pdf>

The briefing book, presentations and audio from this meeting can be found at: <http://portal.ncdenr.org/web/mf/08-2020-briefing-book>

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

**BUSINESS MEETING - MOTIONS AND ACTIONS**

**August 20**

Prior to the meeting, Commission Liaison Lara Klibansky reviewed the WebEx format, that all public comments received by the MFC Office were provided to the commissioners prior to the meeting. She also reminded the Commission that all votes were to be roll call votes and requested that all participants identify themselves before speaking.

Chairman Rob Bizzell convened the Marine Fisheries Commission business meeting at 9:00 a.m. on August 20. He stated that Doug Cross, James Kornegay and Tom Roller have been reappointed for another three-year term and the swearing-in will need to take place before the November meeting. Chairman Bizzell reminded commissioners of their conflict of interest and ethics requirements.

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

**Motion by Martin Posey to approve the meeting agenda. Second by Tom Roller**

<b>Roll Call Vote</b>			
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Doug Cross	X		
Mike Blanton	X		
Tom Hendrickson	X		

James Kornegay	X		
Robert McNeill	X		
Dr. Martin Posey	X		
Tom Roller	X		
Sam Romano	X		
Chairman Rob Bizzell	X		

**Motion carries unanimously.**

**Motion by Doug Cross to approve the minutes of the May 2020 meeting. Second by Pete Kornegay**

<b>Roll Call Vote</b>			
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Doug Cross	X		
Mike Blanton	X		
Tom Hendrickson	X		
James Kornegay	X		
Robert McNeill	X		
Dr. Martin Posey	X		
Tom Roller	X		
Sam Romano	X		
Chairman Rob Bizzell	X		

**Motion carries unanimously.**

**Chairman’s Report**

Chairman Bizzell stated that the Chairman’s Report is in the briefing book for review. Commissioners were reminded they are required to take ethics training within six months of their appointment and every two years thereafter. Commissioners were also reminded of the annual requirement to submit a Statement of Economic Interest form by April 15 to the State Board of Elections and Ethics Enforcement.

It was determined the 2021 meeting schedule would be:

Feb. 17-19

May 19-21

Aug. 25-27

Nov. 17-19

It is possible the November meeting may also be conducted via WebEx due to COVID 19.

Robert McNeill was appointed to chair the August 26 MFC public hearing for proposed rules. The Shellfish Cultivation Lease Review Committee will be meeting in a few weeks for an orientation and there is no business yet to address.

**Election of Vice Chair**

The commission elected Doug Cross as vice chairman.

**Motion by Sam Romano to accept Doug Cross as vice chairman by affirmation. Second by Martin Posey**

<b>Roll Call Vote</b>			
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Doug Cross			X
Mike Blanton	X		
Tom Hendrickson	X		
James Kornegay	X		
Robert McNeill	X		
Dr. Martin Posey	X		
Tom Roller	X		
Sam Romano	X		
Chairman Rob Bizzell	X		

**Motion carries with no objection**

Shawn Maier, the Commission's legal counsel gave a verbal presentation on the MFC power and duties.

**Shellfish Lease Regulation**

Steve Murphey, the Division's director, gave a presentation on shellfish lease regulation.

This presentation can be found at:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33852056&name=DLF-E-143362.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33852056&name=DLF-E-143362.pdf)

A discussion followed with the Commissioners identifying potential areas of conflict specific to their area of expertise. Chairman Bizzell stated that in light of these user conflict issues the MFC needs to consider ways to address the unexpected volume of shellfish leases. He opened the floor to a motion for this purpose.

**Motion by Robert McNeill to ask the Division of Marine Fisheries staff to study the concentration of shellfish leases in given water bodies and bring recommendations based on potential user conflicts to the February Marine Fisheries Commission meeting.  
Second by Mike Blanton**

<b>Roll Call Vote</b>			
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Doug Cross	X		
Mike Blanton	X		
Tom Hendrickson	X		
James Kornegay	X		
Robert McNeill	X		
Dr. Martin Posey	X		
Tom Roller	X		
Sam Romano	X		
Chairman Rob Bizzell	X		

**Motion passes unanimously**

**Special Management Zones in State Waters**

Steve Poland, the Division’s Executive Assistant for Councils provided an overview of recent actions taken by the South Atlantic Fishery Management Council to establish Special Management Zones for 30 artificial reefs in Federal waters off of North Carolina. These actions were requested by Director Murphey under Amendment 34 of the Snapper-Grouper FMP. Amendment 34 is now under review by the U.S. Secretary of Commerce. This was followed with a presentation by Jordan Byrum, the Division’s Artificial Reef Coordinator, of 13 additional artificial reefs in State ocean water and the benefits of implementing similar actions.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33852056&name=DLFE-143346.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33852056&name=DLFE-143346.pdf)

**Motion by Tom Roller to ask the Division of Marine Fisheries to study making nearshore reefs Special Management Zones and bring back recommendations to the November Marine Fisheries Commission meeting.  
Second by Robert McNeill**

<b>Roll Call Vote</b>			
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Doug Cross		X	

Mike Blanton			X
Tom Hendrickson	X		
James Kornegay	X		
Robert McNeill	X		
Dr. Martin Posey	X		
Tom Roller	X		
Sam Romano		X	
Chairman Rob Bizzell	X		

**Motion passes 6-2 with one abstention**

**Committee Reports**

Chairman Bizzell pointed out the Joint Meeting of the MFC Commercial Resource Fund Committee and the Funding Committee for the NC Commercial Fishing Resource Fund meeting minutes are in the briefing materials for review.

**Director’s Report**

Division of Marine Fisheries Director Steve Murphey welcomed back the three returning commissioners and then updated the commission on division activities occurring since the May 2020 business meeting, including:

- Acknowledged staff for their continuing and remarkable work they have been doing since the beginning of the pandemic.
- There was one legislative update. Brunswick County has had a Lease Moratorium since 1967, however, a small area in Brunswick County has now been made available to lease.
- COVID-19 Impacts Update including: DMF offices remain closed to the public and with minimal staff in office. Most staff continue to telework. Staff have adjusted remarkably well to electronic meeting format. Budget impacts are unknown, but expected to be substantial.
- A CARES Act Update was provided. There are \$5.4 Million was allocated to North Carolina, \$300 million were allocated for fisheries nationwide. We have worked closely with NOAA to develop our distribution process. An application process will be used to distribute funds once the process is determined.
- Update on Southern Flounder was provided. Significant reductions were taken with the adoption of Amendment 2. While the 62%/72% reductions were not met for a number of reasons, the statutorily required mandate to end overfishing was achieved. Amendment 3 is now under development and will be looking at continuing to rebuild the stock.
- The Director requested the commission provide input on the current allocation of the fishery as soon as possible. No comments were provided during the meeting.
- An update on the Estuarine Striped Bass FMP review process was provided. The last assessment, which included data from 2014, predicted that the current management was sustainable. However, following the most recent assessment, the stock has been

determined to be overfished and overfishing is occurring. To address this status we will be implementing adaptive management that is part of the current plan. It was noted that other factors, other than fishing mortality, appear to be impacting the sustainability of this fishery. The DMF and WRC are exploring that further.

- Provided a statement on a recent request by the North Carolina Fisheries Association Board to increase allowable bycatch of red drum during the commercial southern flounder season. A modest increase of 10 fish per day would not risk cap overages and would likely reduce the number of dead fish during the short flounder season. The Director asked for comments or questions.
  - Commissioners Roller, McNeill, and Kornegay provided comments expressing opposition to the increase.
  - Commissioners Cross and Blanton provided comments in support of the increase.
- Provided an overview of the Issues from Commissioners and requested the commission provide prioritization.
- Provided an overview of environmental factors that are impacting fisheries but which the MFC/DMF do not regulate. Specifically discussed algal blooms in the Albemarle Sound.
- Described the recent Artificial Reef Vessel sinking of the 180 ft. Brian Davis.
- Provided updates on staff changes within the division.

### **2021 Coastal Habitat Protection Plan Update**

Anne Deaton and Jimmy Johnson gave a presentation on the 2021 Coastal Habitat Protection Plan. They presented two of the five information papers and informed the MFC of the expected vote in November to send for approval to take all five information papers out for public comment.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33852056&name=DLFE-143359.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33852056&name=DLFE-143359.pdf)

### **Stock Overview Report**

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

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33852056&name=DLFE-143348.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33852056&name=DLFE-143348.pdf)

### **Fishery Management Plan Update**

Catherine Blum, the division’s Fishery Management Plan Coordinator, gave the commission a presentation on the status of North Carolina’s ongoing fishery management plans.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33852056&name=DLFE-143506.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33852056&name=DLFE-143506.pdf)

### **Bay Scallop Fishery Management Plan Update**

Jeff Dobbs, the species lead for bay scallop, provided a presentation of the annual update on the Bay Scallop Fishery Management Plan. No management changes are needed, thus the DMF recommended that annual update be approved as the scheduled review.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33852056&name=DLFE-143353.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33852056&name=DLFE-143353.pdf)

**Motion by Martin Posey to approve the Bay Scallop Fishery Management Plan annual update as the scheduled review.**

**Seconded by Doug Cross**

<b>Roll Call Vote</b>			
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Doug Cross	X		
Mike Blanton	X		
Tom Hendrickson	X		
James Kornegay	X		
Robert McNeill	X		
Dr. Martin Posey	X		
Tom Roller	X		
Sam Romano	X		
Chairman Rob Bizzell	X		

**Motion passes unanimously**

### **Kingfishes Fishery Management Plan**

Kevin Brown, species lead for kingfishes, provided the commission with an update on the Kingfishes Fishery Management Plan. No management changes are needed, thus the DMF recommended that the annual update be approved as the scheduled review.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33852056&name=DLFE-143350.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33852056&name=DLFE-143350.pdf)

**Motion by Doug Cross to approve the Kingfishes Fishery Management Plan annual update as the scheduled review. Second by Martin Posey**

<b>Roll Call Vote</b>			
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Doug Cross	X		
Mike Blanton	X		
Tom Hendrickson	X		
James Kornegay	X		
Robert McNeill	X		
Dr. Martin Posey	X		
Tom Roller	X		
Sam Romano	X		
Chairman Rob Bizzell	X		

**Motion passes unanimously**

**FMP Five-Year Schedule**

Catherine Blum, the division's Fishery Management Plan Coordinator, gave the commission a presentation on the five-year fishery management plan review schedule.

To view the presentation, go to

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33852056&name=DLFE-143506.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33852056&name=DLFE-143506.pdf)

**Motion by Martin Posey to give preliminary approval of the draft five-year fishery management plan review schedule as presented by the Division of Marine Fisheries. Second by Pete Kornegay**

<b>Roll Call Vote</b>			
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Doug Cross	X		
Mike Blanton	X		
Tom Hendrickson	X		
James Kornegay	X		
Robert McNeill	X		
Dr. Martin Posey	X		



Tom Roller	X		
Sam Romano	X		
Chairman Rob Bizzell	X		

**Motion passes unanimously**

**Standard Commercial Fishing License Eligibility Report**

Captain Garland Yopp with the Marine Patrol and chairman of the Standard Commercial Fishing License Eligibility Board gave a presentation to the commission on the annual Standard Commercial Fishing License Eligibility Pool process and reviewed the number of licenses available for the pool for the 2020-2021 license/fiscal year.

The commission set the number of Standard Commercial Fishing Licenses available through the Eligibility Pool for the 2020-2021 fiscal year at 500.

To view the presentation, go to:  
[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33852056&name=DLFE-143351.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33852056&name=DLFE-143351.pdf)

**Motion by Mike Blanton to set the annual temporary cap on the number of Standard Commercial Fishing Licenses in the FY 2020-2021 Eligibility Pool at 500.  
 Seconded by Doug Cross**

<b>Roll Call Vote</b>			
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Doug Cross	X		
Mike Blanton	X		
Tom Hendrickson	X		
James Kornegay	X		
Robert McNeill	X		
Dr. Martin Posey	X		
Tom Roller	X		
Sam Romano	X		
Chairman Rob Bizzell	X		

**Motion passes unanimously**

**Rulemaking Update**

Catherine Blum, the division’s Rulemaking Coordinator, provided the commission with an update on 2020-2021 Annual Rulemaking Cycle and asked the commission to approve Notice of Text for Rulemaking, including the corresponding fiscal analyses, for the 50 rules in “Package B”.

To view the presentation, go to:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_1\\_id=1169848&folderId=33852056&name=DLFE-143352.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33852056&name=DLFE-143352.pdf)

**Motion by Martin Posey to approve the proposed rules and associated fiscal analysis for Notice of Text for Rulemaking, per G.S. 150B-21.3A, for:**

- 15A NCAC 18A .0431, .0704, .0901-.0910, .0913, and .0914 (shellfish growing waters).
- 15A NCAC 18A .0140-.0143, .0146, .0150, .0154, .0155, .0159, .0160, .0163, .0167, .0169-.0172, .0179, .0180, and .0188-.0190 (shellfish sanitation and processing).
- 15A NCAC 03O .0201, .0202, and .0204 (shellfish lease user conflicts).
- 15A NCAC 03Q .0101-.0109 (general regulations: joint).
- 15A NCAC 03R .0104 and .0105 (Special Secondary Nursery

Areas). Seconded by Robert McNeill

<b>Roll Call Vote</b>			
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Doug Cross	X		
Mike Blanton	X		
Tom Hendrickson	X		
James Kornegay	X		
Robert McNeill	X		
Dr. Martin Posey	X		
Tom Roller	X		
Sam Romano	X		
Chairman Rob Bizzell	X		

**Motion carries unanimously**

**Motion by Robert McNeill to approve the proposed rule and associated fiscal analysis for Notice of Text for Rulemaking to amend 15A NCAC 03R .0117 (oyster sanctuaries).**

**Seconded by Doug Cross**

<b>Roll Call Vote</b>			
<b>Commissioner</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Doug Cross	X		
Mike Blanton	X		
Tom Hendrickson	X		
James Kornegay	X		
Robert McNeill	X		

Dr. Martin Posey	X		
Tom Roller	X		
Sam Romano	X		
Chairman Rob Bizzell	X		

**Motion carries unanimously**

**Issues from Commissioners**

Commissioner Hendrickson – stated that he was absolutely blown away by the shellfish lease mapping tool; it is great, and it makes the process much more transparent.

Commissioner Roller – stated that he would like to see if we can get some information about trying to figure out ways for the public to be able to clean up some of these crab pots. What options might be there for people to do this.

Commissioner Posey – asked about the timeline for the Shellfish Aquaculture Enterprise Areas. Jacob Boyd answered that we're working on a plan for Bogue Sound to begin on the heels of the pilot study. COVID has put us behind, but we are working on it. Do not have a good timeline at the moment.

Lara Klibansky reviewed the meeting assignments and previewed the Nov. MFC business meeting agenda.

The meeting adjourned at approximately 4:15 p.m.