

Committee Reports





North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

MEMORANDUM

To: Marine Fisheries Commission

From: Beth Govoni

Subject: Coastal Recreational Fishing License Committee Meeting

Date: Dec. 19, 2014

The Marine Fisheries Commission Coastal Recreational Fishing License Committee met at the Division of Marine Fisheries Central District Office on Dec. 19, 2014. The following attended:

Committee: Kelly Darden, Mark Gorges, Joe Shute, Dr. Louis Daniel

Staff: Dee Lupton, Suzanne Guthrie, Don Hesselman, Anne Deaton, Nancy Fish, Stephanie McInerny, and Beth Govoni

APPROVAL OF AGENDA AND MINUTES

Louis Daniel called the meeting to order. Beth Govoni called roll.

The meeting agenda was approved by consensus with no modifications.

The minutes from the April 16, 2014 meeting was approved by consensus with no modifications.

PUBLIC COMMENT

No one provided public comment

UPDATES

The committee received updates on the Coastal Recreational Fishing License sales report, the status of the Marine Resources Fund, future obligations and current projects.

**Status of Funds in the Marine Resources Fund
And Future Obligations as of 6/30/2014**

Source	Net Funds (\$)
FY 2007	2,592,912
FY 2008	4,215,401
FY 2009	4,392,507
FY 2010	4,378,770
FY 2011	4,514,387

FY 2012	4,378,884
FY 2013	4,308,349
FY 2014	4,651,965
Total	33,433,175

Actual spending through 6/30/2014

FY 2008	608,751
FY 2009	1,281,245
FY 2010	1,740,114
FY 2011	4,773,350
FY 2012	4,381,767
FY 2013	4,091,363
FY 2014	6,160,705
Paid to WRC for Implementation	821,516
Total	23,858,811

FY 2014 Obligations

DMF Projects:

FY14 Five-Year Plan	2,347,033
Citation Program NCE (P003)	4,446
AR Guide NCE (P014)	120,000
Angler's Guide NCE (P015)	32,052
CSMA Stiped Bass Discards NCE (2F37)	19,840
Anadromous Fish Telemetry NCE (F013)	82,560
Striped Bass Study NCE (F010)	27,224
Oyster Shell Recycling NCE (H017)	28,155

WRC Projects:

Jacksonville NCE	433,306
ADA NCE	184,278
2014 RFP Projects Funded for FY15	1,767,246
Multi-Year Projects Approved for FY15 Funding	2,208,169
Invoices paid after 6/30/14	116,313
NCE carried over from previous RFP projects	249,994
Total	7,620,617

Total Spent & Obligations 31,479,428

Balance less obligations as of 6/30/2014 1,953,747

REVIEW/APPROVE 2015 PROPOSALS

The committee then considered proposals that had been submitted for the 2014 Coastal Recreational Fishing License grant cycle. The proposals were divided into three categories – people, fish, and habitat.

PEOPLE PROPOSALS

- **Wildlife Resources Commission Wright's Creek Boating Access Area - \$400,000**
One year grant that provides much needed boating and fishing access in Beaufort County.
- **Take a Kid Fishing Foundation - \$25,000**
Three year grant to provide disabled and disadvantaged youth an opportunity to go saltwater fishing while teaching them about ethical fishing practices, conservation and the ocean environment.
- **N.C. Division of Marine Fisheries Marine Patrol Education Team - \$28,650**
One year grant to provide educational equipment and resources to the Marine Patrol.
- **N.C. Aquarium Step by Step: Encouraging Ethical Angling - \$11,682**
One year grant to provide ethical angling programs at the Aquarium on Roanoke Island and Jennette's Pier.
- **N.C. Division of Marine Fisheries Saltwater Fishing Tournament - \$21,500**
Four year grant to continue and improve this program which recognizes recreational anglers for exceptional catches of marine finfish.
- **N.C. Division of Marine Fisheries Fishing Digest - \$36,750**
Two year grant to continue the annual publication for the Recreational Fishing Digest.
- **University of North Carolina at Chapel Hill Improving the Fish Production of Artificial Reefs by Testing the Most Widely Recognized and Pressing Questions About Reef Design and Function - \$137,434**
Two year grant to assess how artificial reefs function to help the Division of Marine Fisheries continue to enhance, restore, manage, protect, and develop these reefs.

Motion by Commissioner Joe Shute to approve funding as indicated for all seven recommended people proposals; second Commissioner Kelly Darden – motion passed unanimously.

FISH PROPOSALS

- **N.C. Division of Marine Fisheries Full Time Law Enforcement Officer - \$204,600**
Two year grant to fund salary and purchase equipment for a law enforcement officer.
- **N.C. Division of Marine Fisheries Improving Water Temperature Data Recording for Monitoring Spotted Seatrout Cold Stun Events - \$17,675**
Three year grant to begin a statewide water temperature logging program.
- **N.C. State University Marine Fisheries Fellowship Program - \$50,822**
Five year grant which pairs M.S., Ph.D. students or recent graduates with biologists at N.C. Division of Marine Fisheries.
- **N.C. State University Evaluation of Changes in Available Spawning and Nursery Habitats for River Herring- \$42,947**
Two year grant to track population growth of river herring.
- **N.C. Division of Marine Fisheries Temporary Tele-Communication Position - \$40,499**
Two year grant to fund temporary tele-communication employee.
- **East Carolina University Cooperative Winter Tagging Cruise - \$105,918**
One year grant to continue tagging program.

Motion by Commissioner Mark Gorges to approve funding as indicated for all six recommended fish proposals; seconded by Commissioner Joe Shute – motion passed unanimously.

HABITAT PROPOSALS

- **East Carolina University Submerged Aquatic Vegetation SONAR Mapping Surveys in Low-Salinity Habitats - \$51,432**
One year grant to use long-shore rapid assessment survey techniques to obtain maps in areas of SAV.
- **University of North Carolina at Chapel Hill Understanding and Predicting Salinity Variability and Hypoxic Exposure in Fish Habitats in the Lower Neuse River Estuary- \$98,488**
Two year grant to quantify and develop predictive models for salinity variability and the frequency and duration of hypoxic conditions.
- **East Carolina University Linking Water Quality, Food Quality, and Larval Fish Condition to Determine Strategic Habitat Area Quality - \$81,371**
Four year grant to determine strategic habitat area contribution to increased fish production.
- **University of North Carolina at Chapel Hill Quantifying Fish Enhancement and Erosion Protection Provided by Marsh Sills: A Living Shoreline Alternative to Bulkheads and Revetments - \$89,908**
Two year grant to provide a comprehensive evaluation of the recreational fish habitat services and erosion protection provided by marsh sills in comparison to revetments, bulkheads, and naturally occurring marshes
- **University of North Carolina at Chapel Hill Enhancing the Quality of Fish Habitat and Quantity of Oysters by Refining Reef-Restoration Techniques - \$106,937**
Three year grant to provide important guidelines for intertidal and subtidal reef restoration that will maximize the quality of the fish habitat.

Motion by Commissioner Kelly Darden to approve funding as indicated for all five recommended habitat proposals; seconded by Commissioner Mark Gorges – motion passed unanimously.

The committee has agreed to fund 18 proposals in year one totaling \$1,551,623 leaving an unobligated balance in the Marine Resources Fund of approximately \$402,124.

ADDITIONAL ITEMS

Daniel advised the committee on the status of the Division of Marine Fisheries Five Year Plan, on-going/previously funded Coastal Recreational Fishing License projects from 2007-2014 with division status reports, grantees semi-annual progress reports and technical monitor reviews.

The meeting adjourned at 2:03 pm.



N.C. Department of Environment and Natural Resources

Release: Immediate

Date: Jan. 16, 2015

Contact: Patricia Smith

Phone: 252-726-7021

Fisheries commission approves 18 Coastal Recreational Fishing License grants

MOREHEAD CITY – Revenues from the N.C. Coastal Recreational Fishing License will pay \$1.5 million in the coming year toward projects to help provide coastal fishing access and fisheries and habitat research.

The N.C. Marine Fisheries Commission approved 18 grants, totaling \$1,551,613, for the 2015 cycle. The grants are funded from the N.C. Marine Resources Fund, which receives revenues from the sale of the Coastal Recreational Fishing Licenses.

The grants are sorted into three focus areas. Grants that fall under the People Focus Area include public education and public water access projects. Grants that fall under the Fish Focus area are fisheries research projects. Grants that fall under the Habitat Focus area include projects that enhance, protect or research fisheries habitat.

Seven grants in the People Focus Area totaled \$661,016. Details on the awards are as follows:

- **N.C. Wildlife Resources Commission, Wrights Creek Boating Access Area – \$400,000**
One-year grant to renovate an old boat ramp off Wilkins Road on Wrights Creek in Beaufort County.
- **Take a Kid Fishing Foundation – \$25,000**
Three-year grant to provide disabled and disadvantaged youth an opportunity to go saltwater fishing while teaching them about ethical fishing practices, conservation and the ocean environment.
- **N.C. Division of Marine Fisheries, Marine Patrol Education Team – \$28,650**
One-year grant to provide educational equipment and resources to the Marine Patrol.
- **N.C. Aquariums, Step by Step: Encouraging Ethical Angling – \$11,682**
One-year grant to provide ethical angling programs at the N.C. Aquarium on Roanoke Island and Jennette's Pier.
- **N.C. Division of Marine Fisheries, Saltwater Fishing Tournament – \$21,500**
Four-year grant to improve this program, which recognizes recreational anglers for exceptional catches of marine finfish.
- **N.C. Division of Marine Fisheries, Fishing Digest – \$36,750**
Two-year grant to continue the annual publication for the Coastal Recreational Fishing Digest.
- **University of North Carolina at Chapel Hill, Improving the Fish Production of Artificial Reefs by Testing the Most Widely Recognized and Pressing Questions About Reef Design and Function -- \$137,434**
Two-year grant to assess how artificial reefs function to help the N.C. Division of Marine Fisheries continue enhancing, restoring, managing, protecting, and developing these reefs.

– More –

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Six grants in the Fish Focus Area totaled \$462,461. Details on the awards are as follows:

- **N.C. Division of Marine Fisheries, Full Time Law Enforcement Officer – \$204,600**
Two-year grant to fund salary and purchase equipment for a law enforcement officer.
- **N.C. Division of Marine Fisheries, Improving Water Temperature Data Recording for Monitoring Spotted Seatrout Cold Stun Events – \$17,675**
Three-year grant to begin a statewide water temperature logging program.
- **N.C. State University, Marine Fisheries Fellowship Program – \$50,822**
Five-year grant that pairs master's and doctorate degree students or recent graduates with biologists at the N.C. Division of Marine Fisheries.
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Two-year grant to track population growth of river herring.
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Two-year grant to fund temporary telecommunication employee.
- **East Carolina University, Cooperative Winter Tagging Cruise – \$105,918**
One-year grant to continue tagging program.

Five grants in the Habitat Focus Area totaled \$428,136. Details on the awards are as follows:

- **East Carolina University Submerged Aquatic Vegetation SONAR Mapping Surveys in Low-Salinity Habitats – \$51,432**
One-year grant to use long-shore rapid assessment survey techniques to obtain maps in areas of submerged aquatic vegetation.
- **University of North Carolina at Chapel Hill Understanding and Predicting Salinity Variability and Hypoxic Exposure in Fish Habitats in the Lower Neuse River Estuary – \$98,488**
Two-year grant to quantify and develop predictive models for salinity variability and the frequency and duration of hypoxic conditions.
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Three-year grant to provide important guidelines for intertidal and subtidal reef restoration that will maximize the quality of the fish habitat.

For more information on these grants or the Coastal Recreational Fishing License grant program, contact Beth

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Govoni, Coastal Recreational Fishing License grants coordinator, at 252-808-8004 or Beth.Govoni@ncdenr.gov.

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North Carolina Department of Environment and Natural Resources

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John E. Skvarla, III
Secretary

MEMORANDUM

TO: N.C. Marine Fisheries Commission
Oyster and Hard Clam Advisory Committee

FROM: Tina Moore
Stephen Taylor
Division of Marine Fisheries, NCDENR

DATE: Nov. 4, 2014

SUBJECT: Oyster and Hard Clam Fishery Management Plan Advisory Committee Meeting

The Oyster and Hard Clam Fishery Management Plan Advisory Committee met Monday, November 3, 2014 at the Department of Environment and Natural Resources Regional Office, 943 Washington Square Mall, Hwy. 17, Washington, N.C. The following attended:

Advisers: Dell Newman, Ami Wilbur, Joey Daniels, Bob Cummings, Howard Setkowsky

Absent: Nancy Edens, Niels Lindquist, Stephen Swanson, Jeff Taylor, Adam Tyler, Ted Wilgis

Staff: Laura Lee, Mike Marshall, Joe Facendola, Garry Wright, Trish Murphey, Craig Hardy, Dean Nelson, Tina Moore, Stephen Taylor, Clay Caroon, Catherine Blum

Public: None

Bob Cummings, serving as chair, called the meeting to order. No quorum was present.

MODIFICATIONS TO THE AGENDA

The agenda was approved by consensus.

APPROVAL OF MINUTES FROM SEPT. 8, 2014

The minutes were approved by consensus

PUBLIC COMMENT

No public attended.

OVERVIEW OF THE STATUS OF THE STOCK OF OYSTERS

Laura Lee, Division Stock Assessment Scientist reported to the committee that due to the number of trips equal to and greater than the trip limit, she was unable to model oysters. Howard

Setkowsky asked if there were any theories on establishing base lines. Lee commented that we need to establish some surveys but funding is an issue.

Dell Newman inquired with his concern of having a meeting with no quorum. Tina Moore, plan co-lead explained that the committee can discuss issues again at a later date. Mike Marshall, Southern District Manager and plan mentor explained that this committee could not have a committee position but their opinions would be used as public input. Moore explained that there would be two other opportunities to review and make recommendations on the issues.

REVIEW OF THE ISSUE PAPER: RE-OPEN SHALLOW BAYS (LESS THAN 6 FEET) OF PAMLICO SOUND TO MECHANICAL HARVEST

Trish Murphey, plan co-lead, presented the issue of reopening the shallow water bays to mechanical harvest and also presented the issue of the restricted mechanical harvest season in the deep bays. She reviewed the list of options and presented the plan development team's recommendation of status quo for reopening the bays and to change the timeframe for opening the deep water bays to allow for flexibility in the fishery.

Setkowsky asked what metrics were the division using to determine if the rules are working. Murphey explained that the division does not sample the bays, only cultch plantings within some of the bays. Craig Hardy, Habitat Enhancement Section Chief explained that cultch planting sites are sampled three years after planting. The first year provides recruitment information and the second and third year provides survival information. We do not compare the hand harvest areas to the mechanical harvest areas.

Marshall explained that we try to collect data, however there is not always a means to measure changes in habitat due to funding and personnel limitations. We have to rely on what we learned from the dredge impact study and what we know about reef height impacts from harvest impacts in other areas such as Chesapeake Bay. Based on what we know through literature and management practices, we now have management that works.

Chairman Cummings asked Dell Newman if the shallow water bays are being used. Newman explained that they were not being used and the hand harvesters have not made their limits yet this year. Other areas are not being used at all. He has offered to take DMF staff out to see the bays. He stated that the Division needs to continue to sample beyond just three years, but to five or seven years. There are no spat settling in these shallow bay areas. It was a good idea, however it did not work. Murphey explained that this was a habitat protection issue, not a production issue. Ami Wilbur added that pulling a dredge in these areas eliminates habitat for other species. Newman explained that the areas used to be full of recreational fishermen and loads of speckled trout. Now, there are no crabs and shrimp move out before they grow. Marshall added that there is a similar impression about production in the dredge areas as well. Newman explained that the commission will do whatever it wants. He offered to take division staff and committee members out to the areas. He has seen places die. He further commented that there are plantings in Swanquarter but they look clean and that he doubted it was supplying habitat.

Setkowsky commented that he had talked to the old timers in Hatteras and that they say the rocks have silted over and have died. Newman explained that with siltation, there is no connection for the spat. Chairman Cummings added that as a clam digger, he did not want to go into an area behind a dredger; but if it is not being used, then it should be opened. Newman stated that there are 40 to 50 people ready to go dredging and that he had purchased tong oysters by only four tongers. The dredge boats will increase production.

Murphey asked if the committee had a consensus recommendation. Newman stated he wanted to consider opening some of the bays. Chairman Cummings said that we can open a few. Murphey asked if they would like to consider any criteria changes. Joey Daniels stated to open them all up to dredging. Wilbur commented that we should not open any of the areas. Setkowsky asked what about the criteria. Newman expressed that over the past 100 years, the number of people dredging has decreased, pollution has increased, and motor power has increased. Newman further commented that the division should sample through five to 10 years of cultch sampling. Discussion continued about sedimentation as criteria, dredging impacts causing sedimentation and that there has been little sedimentation in the shallow water areas.

Newman further commented that there is a general decline in all areas that were productive. Daniels added that water quality is one variable that is probably coming into play. Marshall commented that this is not unlike trawling in primary nursery areas. It is not the trawling that is causing the issues but upland growth.

Co-Chairman Cummings called for consensus for the issue of reopening shallow water bays to dredging. There was no consensus by the group. However there was consensus for support of the Plan Development Team's recommendation of changing the timeframe for opening the deep bays to allow flexibility.

REVIEW THE ISSUE PAPER DIFFERENCES IN HAND HARVEST LIMITS STATEWIDE

Stephen Taylor, plan co-lead, presented the issue of differences in hand harvest limits statewide. He reviewed the list of options and presented the Plan Development Team's recommendation of status quo, which is to maintain the 15 bushel limit in the deep areas, 10 bushel mechanical limit in the bays/10 bushel limit for hand harvest in the bays and along the mechanical methods prohibited areas.

Newman stated that he thought the hand and mechanical limits should be the same. Chairman Cummings asked if five bushels keeps the stock sustainable, Newman asked if the fishermen were happy with 5-bushels. Taylor explained that the average harvest was 4.5-bushels. Chairman Cummings commented that if it is 10-bushels in the north, it should be the same in the south, but added that a lot of guys do not catch the limit because it depends on water clarity. Wilbur questioned whether the resource could handle any increases with area closures in the south. She did not see the rationale to increase limits if it undermines what seems to be sustainable. Taylor stated that oysters are not spat limited in the southern areas; however the stock could not take any substantial increase. Discussion continued on whether the fishermen participating in the fishery in the south were full time or part time fishermen and concerns of the \$25 shellfish license and input from the public concerning too much effort. However the number

of bushels per trip is declining. Taylor also added that with the geographical differences and the lack of open water as compared to the northern area, increasing the bushel limit would devastate the southern area.

Commissioner Cummings called for a consensus. Newman stated that he did not know the area in the south; Wilbur commented that the limits should stay low, while Setkowsky and Daniels had no opinion. Therefore the group did not come to consensus on hand harvest differences statewide.

REVIEW MANAGEMENT REVIEW TEAM LIST OF ISSUES

Moore reviewed with the group the revised list of issues from the Management Review Team. There were 19 issues. The Plan Development Team will be making responses to those members of the public who sent in their input. The list included the clam recreational daily limits and the shading issue brought forward by the Advisory Committee. Moore also pointed out a new issue that came from public input to look at effort impacts on oyster resources because of concerns in the southern areas that the oyster resource could not handle any more harvest effort.

Newman asked about marking leases. If leases are not marked, the public can go on that lease. The signs can be pulled down and then the lease is “fair game”. He would like to look at changing the marking requirements and doing something similar to the Wildlife Resource Commission where you can “ring trees” with purple to mark land. PVC posts would be required with the majority of signs up (3 out of 4). Hardy explained that this has already been addressed through the last fishery management plan. Signs with names on them are required or the required information can be put on the post instead of using a sign. There is also language in the rule that if signs are moved, you can be cited. Newman believed there should be a standard color for lease markers, just not hot pink.

OTHER BUSINESS

There was no other business brought forward by the committee

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Moore reviewed topics for the next meeting to be held Dec. 8. The group will discuss the two issues covered tonight so that recommendations can be made.

Chairman Cummings adjourned the meeting.

/plm

Cc:	Catherine Blum	Jess Hawkins	Gerry Smith
	Mike Bulleri	Jennie Hauser	District Managers
	Scott Conklin	Dee Lupton	Committee Staff Members
	Dick Brame	Jessica Marlies	Marine Patrol Captains
	Louis Daniel	Nancy Marlette	Section Chiefs
	Charlotte Dexter	Jerry Schill	



North Carolina Department of Environment and Natural Resources

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John E. Skvarla, III
Secretary

MEMORANDUM

TO: N.C. Marine Fisheries Commission
Oyster and Hard Clam Advisory Committee

FROM: Tina Moore
Stephen Taylor
Division of Marine Fisheries, NCDENR

DATE: Dec. 12, 2014

SUBJECT: Oyster and Hard Clam Fishery Management Plan Advisory Committee Meeting

The Oyster and Hard Clam Fishery Management Plan Advisory Committee met Monday, Dec. 8, 2014 at the Department of Environment and Natural Resources Regional Office, 943 Washington Square Mall, Hwy. 17, Washington, N.C. The following attended:

Advisers: Joey Daniels, Bob Cummings, Nancy Edens, Niels Lindquist, Stephen Swanson, Jeff Taylor, Adam Tyler,

Absent: Dell Newman, Ami Wilbur, Howard Setkowsky, Ted Wilgis

Staff: Mike Marshall, Joe Facendola, Garry Wright, Trish Murphey, Craig Hardy, Dean Nelson, Tina Moore, Stephen Taylor, Clay Caroon, Catherine Blum, Greg Allen

Public: Ken Riley, David Cerino, James Morris

Bob Cummings, serving as chair, called the meeting to order.

Tina Moore, plan co-lead provided an update to the committee. Committee member Ted Wilgis is the father of a brand new baby girl and should be back for the January meeting. Moore also updated the committee about the appointment of Marine Fisheries Commissioner Alison Willis. The next Marine Fisheries Commission meeting will be in Wilmington, Feb. 18-20, 2015.

Mike Marshall, Southern District Manager provided an update on the oyster season. Hand harvest is low with reports of mortality. Carteret County fishermen are going north to hand harvest. Mechanical harvest is occurring in the Pamlico River and in northern Dare County. It seems to be going well. We are seeing around 30 to 40 percent legal sized oysters. There is a concern of lack of spat in the samples from Pamlico River, making us concerned about lack of recruitment for next year. We are seeing spat in Northern Dare. The season should make it through Christmas.

Niels Lindquist asked if we knew the source of mortality in the oysters in the south. Marshall discussed the possibility of Dermo, or heavy rains, though he explained that he did not think that was the case. Lindquist commented that he believed the source of the mortality was due to the boring sponge. Salinity data from the Shellfish Sanitation Section show increases, resulting in increases in the boring sponge. Stephen Swanson also commented that he is seeing less oyster crabs this year.

MODIFICATIONS TO THE AGENDA

Adam Tyler made a motion to approve the agenda. Jeff Taylor seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES FROM SEPTEMBER 8, 2014

Joey Daniels made a motion to approve the agenda. Niels Lindquist seconded the motion. The motion passed with one abstention.

PUBLIC COMMENT

No public comment.

REVIEW OF THE ISSUE PAPER; PROTECTION OF SHELLFISH LEASE AND FRANCHISE RIGHTS

Major Dean Nelson, Marine Patrol, discussed the number of leases with water column amendments have increased over time. Culture of shellfish is very expensive and the main issue is theft from these leases. He detailed the statutes and rules and the protections they provide. Statutes would require a legislative change while rules may be changed by the Marine Fisheries Commission. Although fines can be issued by a judge up to \$5,000, the average fines have averaged around \$25. This does not provide a very good deterrent to those that commit thefts off leases. Major Nelson reviewed the four options to address this issue. The PDT supported options 2-4. These options make changes to the minimum fines, and modifications to the statute to remove the requirement of having a water column amendment, and revocation of a license for a period of one year.

Swanson commented that it make not take long to change a rule then to change a statute. Marshall stated that the division does have a good track record regarding statute changes from fishery management plans. Lindquist commented that this appears to be a very serious issue and lease holders need this protection. Chairman Cummings asked if these recommendations include both rule and statute changes. Major Nelson stated that it includes both. Swanson asked about an incentive program to turn people seen stealing into Marine Patrol.

Jeff Taylor made a motion to support the PDT recommendations. Joey Daniels seconded the motion. The motion passed unanimously.

REVIEW OF THE ISSUE PAPER; ADOPTING SUPPLEMENT A INTO AMENDMENT 2 TO THE NC OYSTER FISHERY MANAGEMENT PLAN

Marshal gave an explanation of what a supplement consists of and explained that this supplement was put in place in 2010 and provided measures for establishing a trigger for closing if less than 26 percent of oysters were of legal size. He also explained that the supplement set the maximum

limit of 20 bushels per operation that the director may open. He explained that the origination of this issue came from a petition requesting a change in harvest limits. Marshall provided a summary of the past oyster seasons where the trigger was in place. The supplement is really a habitat protection measure. Marshall reviewed the different management options considered by the Plan Development Team, whose recommendation was to adopt the provisions of Supplement A-setting a flexible harvest limit up to no more than 20 bushels and to continue to use the trigger of 26 percent for closing an area. Cummings asked if the season would close if there were not enough division staff to sample. Marshall replied no, it would not close the season, but it would be difficult to sample enough to protect the habitat. The threat is impacting the habitat. Adam Tyler asked about the survivability of spat less than 25 mm. Marshall explained that the box (dead oyster) distribution is similar to the live oyster distribution. The caveat is that with those small spat, it is easy to knock off the top of those shells. Linquist asked about the sampling methods. Marshall explained that sampling occurs where the fishermen are working. We sample 100 oysters per site and collect boxes. We try to take 10 samples but we are unable to collect a catch per unit of effort.

Niels Lindquist made a motion to support the PDT recommendation of Option B. Jeff Taylor seconded the motion. The motion passed unanimously.

REVIEW OF THE ISSUE PAPER: RE-OPEN SHALLOW BAYS (LESS THAN 6 FEET) OF PAMLICO SOUND TO MECHANICAL HARVEST

Trish Murphey, plan co-lead, revisited the issue of reopening the shallow water bays to mechanical harvest because of a lack of a quorum during the meeting in November. She provided the group with the Plan Development Team's recommendations and asked that the group continue the conversation.

Daniels suggested that a few of the bays could be reopened. Murphey suggested that the group may want to consider changing criteria. Cummings asked if trip ticket data could provide landings in the different bays. Murphey explained that the trip ticket data are not tied to each bay but to Pamlico Sound. Cummings suggested flexibility with some areas and to not open all areas. Lindquist asked about the criteria. Murphey explained that habitat criteria were considered and is listed in the issue paper. It considered seagrasses, oyster, and concerns of sedimentation. Marshall added that the idea was to use the least impactful gear in these areas. Marshall also noted that if you want to change some of the areas from being prohibited, it would require a rule change which would take a few years. Swanson commented that there are other methods to fish oysters; you do not have to take everything. Tyler had concerns of places that cannot be worked by hand. Murphey explained that these areas are shallow and can be worked with tongs. Marshall explained that the original depth was 10 feet but was changed to 6 feet. Cummings stated if there are areas that are not being used, then she should be opened to dredging. Swanson stated that we need to protect the habitat. Murphey explained that some of these areas are secondary nursery areas. J. Taylor asked if mechanical harvesters needed these areas and that these areas are important to fish like spotted sea trout.

Lindquist commented that there is an opportunity to do research through a Coastal Recreational Fishing License Grant to look at small areas. It may help get to an answer of dredge impacts in

these closed areas. Marshall commented that it would be possible to get something done with proper permits.

Niels Lindquist made a motion to support the PDT recommendation of status quo. Steve Swanson seconded the motion. The motion passed unanimously.

Niels Lindquist made a motion to recommend a controlled study of dredge impacts on areas currently closed to mechanical harvest within the next few years. Nancy Edens seconded the motion. The motion passed unanimously.

Trish also discussed the need for 6-week season for the deep bays. The Plan Development Team's recommendation was to allow flexibility in the season. Right now, the deep bays are only open for a 6-week period from November to December. Marshall explained that the fishermen would fish in the deep bays first and then move to the sound. Recently, they have started in the sound first because of the increase in oysters in the sound. This would allow the opportunity to be flexible in the season based on the needs of the fishery.

Adam Tyler made a motion to support the PDT recommendation of changing the time frame for opening the deep bays to allow flexibility within the season. Jeff Taylor seconded the motion. The motion passed unanimously.

REVIEW THE ISSUE PAPER DIFFERENCES IN HAND HARVEST LIMITS STATEWIDE

Stephen Taylor, plan co-lead, revisited the issue of differences in hand harvest limits statewide. He reviewed the list of options and presented the Plan Development Team's recommendation of status quo, which is to maintain the 15 bushel limit in the deep areas, 10 bushel mechanical limit in the bays/10 bushel limit for hand harvest in the bays and along the mechanical methods prohibited areas.

Tyler commented that being from Core Sound, he thought that increasing the limits would be devastating to Core Sound and those areas south. Swanson concurred with Tyler.

Jeff Taylor made a motion to support the PDT recommendation of status quo. Adam Tyler seconded the motion. The motion passed unanimously.

OTHER BUSINESS

Tyler inquired about asking the Marine Fisheries Commission to request the legislature to impose a \$2 sure charge for retail sales of oysters to go to cultch planting material. Swanson commented that he does not see a lot of cultch planting his way. Marshall gave a brief history of how oysters were taxed on dockside sale. These taxes went to the oyster rehabilitation program. People were hiding their sales. After the tax was removed, oyster landings increased. S. Taylor commented that funding for the recycling program was dropped but we still have drop-off sites and are still collecting some shell. Lindquist asked about the cost effectiveness of the program. Hardy commented that the division was collecting around 30, bushels. It may not have been cost effective but it provided a lot of opportunity for public outreach.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Moore reviewed topics for the next meeting to be held Jan. 7. The group will discuss three or four issues at the next meeting

Chairman Cummings adjourned the meeting.

/plm

Cc: Catherine Blum
Mike Bulleri
Scott Conklin
Dick Brame
Louis Daniel
Charlotte Dexter

Jess Hawkins
Jennie Hauser
Dee Lupton
Jessica Marlies
Nancy Marlette
Jerry Schill

Gerry Smith
District Managers
Committee Staff Members
Marine Patrol Captains
Section Chiefs



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

MEMORANDUM

TO: N.C. Marine Fisheries Commission
Oyster and Hard Clam Advisory Committee

FROM: Tina Moore
Stephen Taylor
Division of Marine Fisheries, NCDENR

DATE: Jan. 14, 2014

SUBJECT: Oyster and Hard Clam Fishery Management Plan Advisory Committee Meeting

The Oyster and Hard Clam Fishery Management Plan Advisory Committee met Monday, Jan. 5, 2015 at the Department of Environment and Natural Resources Regional Office, 943 Washington Square Mall, Hwy. 17, Washington, N.C. The following attended:

Advisers: Ted Wilgis, Jeff Taylor, Lee Setkowsky, Joey Daniels, Ami Wilbur, Dell Newman, Adam Tyler, Bobby Cummings, Nancy Edens

Absent: Niels Lindquist, Stephen Swanson

Staff: Tina Moore, Stephen Taylor, Clay Caroon, Steve Murphey, Trish Murphey, Joe Facendola, Garry Wright, Craig Hardy, Dean Nelson

Public: Ken Riley, Chuck Weirch

Ted Wilgis, serving as chair, called the meeting to order.

MODIFICATIONS TO THE AGENDA

Jeff Taylor made a motion to approve the agenda. Bobby Cummings seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES

Joey Daniels made a motion to approve the agenda. Nancy Edens seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

No public comments were offered.

Trish Murphey Fishery Management Plan Co-lead provided an update on oyster dredging season. She stated that sampling in the Neuse and Pamlico River in December still has oysters over the 26% trigger to close. Neuse River was at 36 percent and Pamlico River was at 34 percent. We are not seeing a lot of small oysters and the fishermen are only getting around four or five bushels a trip. The fleet has moved into the Stumpy Point area in northern Dare County. Sampling in that area is below the trigger. Dare County is 22 percent and Hyde County is 21 percent. All areas will be sampled this week. If Dare and Hyde County are below the 26 percent trigger during this sampling period, the areas will be required to close.

REVIEW OF THE ISSUE PAPER REQUIREMENTS FOR SHADING MOLLUSCAN SHELLSTOCK

Steve Murphey, Plan Development Team member presented the issue of shading clams and oysters while harvesting and transporting. He discussed heat stress, cold shock, bacterial growth, and vibrios. He explained the benefits of shading and the downside such as cost and burden to the fishermen. He explained the time to temperature requirements and the practice of slowly cooling clam product down, prior to refrigeration also known as tempering. He reviewed the different options and the plan development team's preferred option #5 implement shading of clams during transport to a dealer or storage on a dock from June to September.

The committee discussed the challenges of shading, such as what is appropriate, enforcement, and cost. Adam Tyler commented that while in Florida, he saw oysters coming out of the water immediately and questioned why this is not the same in North Carolina. S. Murphey explained that Florida is under a Interstate Shellfish Sanitation Committee *Vibrio parahaemolyticus* plan and must comply with that plan to remove product quickly. North Carolina is not required to have a *Vibrio* plan, only the 12 hour requirement. He also said that we do see problems with heat abuse of clams while transporting them in the back of a truck. Bobby Cummings commented that there is also a problem on boats. Clams will sit on a hot deck, with no breeze and are not taken care of before getting to shore. A tarp is a cheap fix. He suggested that clams should be shaded in both the boat and the truck. Dell Newman stated that he did not want to see anything on the oyster boats. S. Murphey clarified this is only in the summer and for clams. Ted Wilgis asked if this could be carried out through proclamation. S. Murphey stated that it could. Tyler commented that you still have the small boat guys, and that maybe a white bed sheet would be sufficient. It would be inexpensive and not very difficult. Cummings also talked about the use of tubs, and that you can use wet sacks over the tub. S Murphey suggested that some sort of criteria be developed that would be enforceable. Lee Setkowsky commented that he thought the legal definition is a separate topic versus the discussion now. He suggested that the committee vote on something and come up with simple criteria. Moore said that we have a rule subcommittee that can get into the details on how to define shading. S. Murphey explained that it can be considered a health issue and that is tied to the proclamation authority. The Interstate Shellfish Sanitation Committee only said that if the state decides shading is necessary then it shall be required. That is the only guidance.

Bobby Cumming made a motion to adopt option #2 require shading for clams only during June through September on vessel and transport vehicle to dealer. Jeff Taylor seconded the motion. The motion passed unanimously.

Lee Setkowsky made a motion to work with the Advisory Committee to develop shading requirements. Adam Tyler seconded the motion. The motion passed unanimously.

Moore commented that the only issue is that you need to develop these requirements within the next year because this Advisory Committee ends with the adoption of the plan. There should be time to do so, by the end of the year. Stephen Taylor Plan Development Co-lead also stated that if you have any ideas, to send them to staff.

REVIEW OF THE ISSUE PAPER DEFINING ADVERSE IMPACTS TO SUBMERGED AQUATIC VEGETATION

Craig Hardy, Habitat and Enhancement Section Chief presented the background information regarding permit requirements of the Army Corp of Engineers. If there is any seagrass observed on site of a potential lease, the division may not issue the lease. If seagrass is known to have occurred in an area, then the division may not issue the lease. Hardy described the sampling methodology for determining the presence or absence of seagrass. He also stated that the division is working with National Marine Fisheries Service to facilitate and provide input concerning this issue. The plan development team recommendation was status quo (adhere to the regional conditions of the Army Corp permit with zero tolerance/no adverse effect to seagrasses from shellfish leases). Newman asked if the Corp was not moving forward on this. Hardy stated that the permit will not be reviewed until 2017. Cummings asked if lease applicants could apply for individual permits. Hardy commented that applicants may apply for individual permits but it is a long process. Joey Daniels asked if the division had changed our sampling methodology for sampling seagrass. It used to be 10 samples an acre and now it is 50 samples an acre. Why not go back to 10 samples. We should not have to wait until 2017. Cummings asked why the difference in sample size. Hardy said that he did not know why but the Corp may have looked at our sampling protocol and based on that protocol, determined that is was sufficient for the permit. Daniels told the committee that back in 2011, he had a ten acre site and only 100 samples were taken. Last year there were 500 samples taken on a ten acre site. Craig stated that while sampling a site and seagrass is found, staff will continue to sample for seagrass in order to determine the extent of it and provide information for relocating the proposed lease. Setkowsky clarified the options by stating that option #1 is to wait until 2017 and gather information until then, and option #2 is to evaluate the efficacy of the sampling. Hardy stated that staff will be evaluating the sampling anyway. Daniels commented that both option #1 and option #3 were unacceptable. He asked how did we increase sampling from 10 samples per acre to 50 samples per acre. Hardy said that he would have Brian Conrad, Plan Development Team member provide a history of the sampling protocol at the next meeting. Newman commented that we need some leeway. He stated that we need more flexibility in fishery management plans.

Adam Tyler made a motion to table the seagrass issue until there was more information provide on the sampling methodology. Lee Setkowsky seconded the motion. The motion passed unanimously.

REVIEW OF THE ISSUE PAPER CONSIDER INCREASING THE RECREATIONAL MAXIMUM DAILY HARVEST FOR HARD CLAMS

Moore provided background information on the for-hire industry, concerns of depletion and the ability of fishermen getting their recreational hard clam daily limits. She reviewed the options with the committee and gave the plan development team recommendation of option #2, increase the daily vessel maximum recreational clam harvest limit to 400 clams and maintain the personal harvest limit of 100 clams per person per day for all recreational participants. Cummings asked if that meant 100 per person not to exceed 200. Officer Dean Nelson clarified that it was 100 per person with the restriction of 400 per vessel. You would have to have four or more participants in a vessel for 400. Setkowsky stated that

was helpful for the for-hire industry but he felt 100 per person was better since boats do not take more than six people, so he would argue to have 100 per person up to six people (600). Moore explained the concerns as far as depleting areas.

Lee Setkowsky made a motion to adopt increase the daily vessel maximum recreational clam harvest limit to 500 clams and maintain the personal harvest limit of 100 clams per person per day for all recreational participants. Adam Tyler seconded the motion. The motion passed 8-1.

REVIEW OF THE ISSUE PAPER BRUNSWICK COUNTY LEASE MORATORIUM

Hardy provided background concerning the lease moratorium in Brunswick County. There are no records of why the moratorium exists. He discussed the increased development and increase in shellfish closures in the county due to bacteria. He then provided the list of management options and the Plan Development Team's preferred option of status quo (continue with the moratorium).

Tyler asked if this is a legislative change. Hardy stated that it is. Cummings commented that if no one is using the bottom, there is nothing to catch. The bottom should be put into production. Hardy stated they could try and find out what led to the legislation. He had heard that commercial shellfishermen in the 1940s went to the county and requested no leases, the county made a request to the legislators. Ami Wilbur commented that she understood the reasoning of the Plan Development Team's recommendation of status quo, but we want to build a statewide aquaculture industry, not county by county. S. Murphey commented that although a lot of the area is open, but most of the area available is conditional approved open or closed. Water quality is not good enough to keep open. Taylor added that from marker # 84 to the South Carolina line closes on 1-inch of rain. Effort is also down. Newman stated that we really need to go back to the county commissioners and ask why there is a moratorium. S. Murphey also reminded the group that there is a rule concerning the amount a time an area is closed is 50 percent or more, a lease cannot be issued. Wilgis stated that providing the opportunity to have a lease in Brunswick County may make people more aware and become advocates for better water quality. Newman stated we need to investigate why shellfish leases are not allowed in Brunswick County

Lee Setkowsky made a motion to informally investigate why leases are not allowed in Brunswick County. Jeff Taylor seconded the motion. The motion passed unanimously.

OTHER BUSINESS

Tyler asked about clarifying some guidelines on the time and tagging product. Cummings explained that you are to record the time of at the beginning of your first harvest. That time is your starting time for the 12-hour rule. Moore added that if you have any questions, to not hesitate to call the division. Setkowsky also asked for a rule clarification regarding fishing gill nets and license requirements.

Wilgis congratulated Craig Hardy and Mike Marshall on their retirement from the state and thanked them for their services.

Moore reviewed the remaining issues and upcoming topics for the February meeting.

Co-chair Wilgis adjourned the meeting

/pm

Cc: Catherine Blum
Mike Bulleri
Scott Conklin
Dick Brame
Louis Daniel
Charlotte Dexter

Jess Hawkins
Jennie Hauser
Dee Lupton
Jessica Marlies
Nancy Marlette
Jerry Schill

Gerry Smith
District Managers
Committee Staff Members
Marine Patrol Captains
Section Chiefs