

Committee Reports





North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

MEMORANDUM

TO: N.C. Marine Fisheries Commission
Northern Regional Advisory Committee

FROM: Holly White
Katy West
Division of Marine Fisheries, NCDENR

DATE: April 28, 2015

SUBJECT: Northern Regional Advisory Committee Meeting

The Northern Regional Advisory Committee met on Thursday, April 9, 2015 at 6 p.m. at the Department of Environment and Natural Resources Washington Regional Office. The following attended:

Advisers: Frank Folb (chair), Riley Williams, Sara Winslow, Gilbert Tripp, Jim Rice, Bill Van Druten, Keith Bruno, Bill Mandulak, Raymond Pugh (Dell Newman and Everett Blake absent)

Staff: Kathy Rawls, Jason Rock, Stephen Taylor, Steve Anthony, Robert Preston, and Holly White

Public: None

Frank Folb called the meeting to order at 6 p.m.

APPROVAL OF AGENDA

Motion by Jim Rice to approve the agenda as written, seconded by Bill Mandulak – motion carries 9-0.

APPROVAL OF MINUTES

Motion by Sara Winslow to approve the minutes as written, seconded by Bill Van Druten – motion carries 9-0.

REVIEW OF THE DRAFT ISSUE PAPER – DETERMINE NEED FOR AND IMPACTS OF SHEEPSHEAD SIZE, CREEL, AND TRIP LIMITS IN NORTH CAROLINA

Stephen Taylor presented the sheephead issue paper to the committee. He provided a brief history of the management of sheephead, through the South Atlantic Fishery Management Council (SAFMC), the N.C. Marine Fisheries Commission passage of a rule that gives the director proclamation authority to management of sheephead and why he was there to present different management options for the committee to consider. Taylor provided information on the life history

of the sheepshead, commercial and recreational landings along the Atlantic coast as well as landings in North Carolina by both sectors of the fishery. He discussed the director's proclamation authority and regulations in other states. He then discussed various reductions for both the recreational fishery and the commercial fishery through size limits, bag limits and trip limits. He then presented various management options for the committee to consider.

Public Comment

There was no public comment.

Proposed Management Options for Sheepshead

There were many comments offered by the Northern Advisory Committee members concerning the purpose of management measures for sheepshead when the division does not have enough data to determine if current sheepshead harvest levels were negatively impacting the sustainability of the stock. Taylor explained that the issue with sheepshead harvest arose from the unlimited recreational bag harvest and increased landings from commercial spearfishing gear, mostly in the southern North Carolina. Staff member Kathy Rawls, explained that sheepshead was managed by the South Atlantic Fishery Management Council as part of the snapper-grouper species complex. Sheepshead was dropped by the council in 2012 from that complex and now individual states could manage them as they see fit.

Jim Rice wanted to know the kinds of information that needed in order to determine if current practices are having a negative impact on the stock. Taylor replied division has a few years of length and age data from independent and dependent sampling, not enough for a stock assessment. Rice suggested the division increase collection of information necessary for a future stock assessment. Sara Winslow agreed with Rice, adding her support to a minimum size limit of 12 inches and allowing at least 50 percent of the juveniles to become sexually mature. Many of the advisers saw a minimum size limit as the only necessary measure with the limited data available and no apparent threat to the stock.

There was agreement that many recreational anglers confuse sheepshead with black drum. It was suggested that a minimum size limit equal to the one in place for black drum could possibly eliminate confusion for anglers. Bill Van Druten commented that the commercial sheepshead harvest peaked during flounder season. Mesh sizes for gillnets and pound nets increase along with effort during the fall months (September, October and November), coinciding with increased landings of sheepshead. Van Druten commented that the closure to commercial gillnets due to protected species interactions and the reduced effort in the long haul fishery would have an impact on the harvest of sheepshead. Frank Folb and Riley Williams were against the implementation of a bag limit, especially as small as 10 fish. If management measures were needed such as a bag limit, Folb suggested a larger limit such as 50 fish, so there is room for reduction.

Motion by Jim Rice to endorse proposed management option A, status quo with no rule changes for management of sheepshead, but charge the division with collecting data necessary to determine trends in the population and to develop a stock assessment, if one is necessary, seconded by Sara Winslow – motion carries 9-0.

MARINE FISHERIES COMMISSION AND DIVISION UPDATES AND OTHER BUSINESS

The advisors asked for additional information on the pending supplement to the Southern Flounder Fishery Management Plan. They were concerned that the Marine Fisheries Commission did not solicit their opinion on the southern flounder stock assessment before proceeding with requests for information on harvest reductions and a supplement to the fishery management plan. Kathy Rawls explained in more detail the actions by the commission from the February meeting concerning southern flounder and what is expected moving forward. Jim Rice stated that it would have been a better use of resources and time if the commission had requested recommendations about southern flounder in addition to sheepshead.

Holly White gave an update on the February 2015 Marine Fisheries Commission business meeting based on the post meeting news release from the division, the status of the for-hire logbook requirement and a supplement to the southern flounder fishery management plan.

The meeting was adjourned by consensus at 8 p.m.

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	



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MEMORANDUM

TO: N.C. Marine Fisheries Commission
Southern Regional Advisory Committee

FROM: Trish Murphey
Stephen Taylor
Division of Marine Fisheries, NCDENR

DATE: April 16, 2015

SUBJECT: Southern Regional Advisory Committee Meeting

The Southern Regional Advisory Committee met at 6 p.m., Wednesday April 8, 2015 at the Central District Office, 5285 Highway 70 W, Morehead City. The following attended:

Advisors: Pam Morris, Randy Proctor, Ron McPherson, Bob Lorenz, Fred Scharf, Chris Hunt

Absent: Amy Dickson, Charles Griffin, Phillip Smith, Tom Smith

Staff: Jason Walker, Kurt Woolston, Stephen Taylor, Trish Murphey

Public: Brian Swanson, Jan Willis

Pam Morris, serving as vice-chair, called the meeting to order. A quorum was not present because of highway traffic from a car wreck on Highway 17. Members showed up late and a quorum was present in the end.

MODIFICATIONS TO THE AGENDA

The committee approved the agenda by consensus.

APPROVAL OF MINUTES

Bob Lorenz asked for one sentence on page 3, paragraph 3, line 5, to change "Lorenz" to "Smith." The committee approved the minutes by consensus. Once a quorum was obtained the minutes were approved by voting.

Bob Lorenz made a motion to approve the minutes from the Oct. 8, 2014. Pam Morris seconded the motion. The motion passed unanimously.

REVIEW OF THE DRAFT ISSUE PAPER – DETERMINE NEED FOR AND IMPACTS OF SHEEPSHEAD SIZE, CREEL, AND TRIP LIMITS IN NORTH CAROLINA

Stephen Taylor presented the sheephead issue paper to the committee. He provided a brief history of the management of sheephead, through the South Atlantic Fishery Management Council, the N.C. Marine Fisheries Commission passage of a rule that gives the director proclamation authority to management of sheephead and why he was here to present different management options for the committee to consider. Taylor provided information on the life history of the sheephead, commercial and recreational landings along the Atlantic coast as well as landings in North Carolina by both sectors of the fishery. He discussed the director's proclamation authority and regulations in other states. He then discussed various reductions for both the recreational fishery and the commercial fishery through size limits, bag limits, and trip limits. He then presented various management options for the committee to consider.

Fred Scharf asked about Florida making up most of the Atlantic Coast landings and which gears were used. Taylor explained that cast nets, hook and line, spears and haul seines are used in Florida. Pam Morris commented that the committee had heard a presentation on sheephead once and that the committee had asked that the division come back with additional data. Taylor stated that 2013 data had been added to the paper. He also explained that since the last presentation, the commercial landings by divers with spears had increased from 442 pounds in 2003 to over 10,000 pounds in 2013. Landings numbers are increasing and this is why the division is concerned. We are not able to capture landings by recreational divers with spears, and recreational hook and line has also increased. North Carolina is the only state with no regulations on the books.

PUBLIC COMMENT

Brian Swanson, recreational fisherman from the southern area asked some questions. He asked how recreational data are collected. Taylor described the Marine Recreational Information Program. Swanson then asked about how stock assessments were done. Taylor explained that developing a stock assessment is not an overnight process and that we need to collect more independent data. We are collecting dependent data. Swanson then commented that he was 33-years-old and that sheephead is his favorite fish. He has observed other fishermen fishing that do not know how to target the bigger fish. Most use sand fleas and fiddler crabs. He felt that the data do not represent the population and he did not support a slot limit. He discussed the ease of learning how to fish for sheephead from social media and that the popularity for fishing for sheephead has caught on and the secrets are out.

Randy Proctor asked him what he thought of a 15-fish bag limit. Swanson replied that he was fine with that limit. Lorenz stated that we need to establish some control and to look at some reasonable means. For a recreational bag limit, he asked how difficult it is to have a minimum size but allow one fish to be a trophy fish with a 10-fish bag limit. The group discussed slot limits and made comparisons to the black drum which also has a trophy fish. The group also discussed whether to require trip limits for commercial fishermen. Gill net fishermen should be allowed to keep all sheephead in their catch. Marine Patrol Captain Jason Walker stated that he checks a lot of recreational fishermen but does not see a lot of commercial fishermen with sheephead except for the divers. Taylor explained that the divers, fish at night and move from piling to piling. They are landing 400 or more pounds a night. Trip limits for that sector could be considered. These fish move very little and it is possible to deplete the local population.

Morris commented that for restaurants and consumers, sheepshead has become more popular and with our inability to harvest snappers and groupers, they are looking more toward underutilized fisheries. She stated that commercial harvest is minimal but hopes to have no regulatory discards and continue with a steady supply for consumers.

Lorenz asked about a 200-pound trip limit except for gigs and spears. He assumed pound netters can high grade and we could make an exception for trawls since harvest is small. Scharf commented that there are increases in harvest in the commercial gears for the last five years. Taylor agreed that there is an uptick and it may be due to the popularity of the fish. The group further discussed a recreational 12-inch size limit, 10-fish bag limit, and a slot limit to 20 fish with one trophy fish. They also discussed a 200-pound trip limit but no size limit for the commercial fishery. Proctor commented that it makes sense to have a stock assessment and a size limit. He stated there was no reason not to have a size limit.

Chris Hunt arrived and the committee now had a quorum. The group caught him up on the presentation and the discussion so far.

Hunt explained how he sees divers using SCUBA and free diving with spot lights at night. They tie to pylons and that shooting sheepshead with spotlights is similar to shooting deer. They come up with two and three fish at a time causing depletion in the Wrightsville Beach area. Diving for them has gotten very popular in the last couple of years. They are catching all sizes. He discussed the yield of meat from sheepshead and that you need a 12-inch fish minimum. Ten-inch minimum is ridiculous, he said. He continued describing the diver/spearfishing to the group. Sheepshead is easy to spear and turbidity is not an issue. Giggers are not much of an issue because the head on the sheepshead tears up the gigs. The divers can get up to 200-to 300-pounds a night. Once the water temperature reaches 67° F the fish start moving to the ocean.

Morris suggested that the committee go round the table and see where everyone was. Lorenz explained he preferred a 12-inch size limit for recreational and he did like a slot limit with one trophy fish and a 10-fish creel limit. He saw no purpose of a size limit for the commercial fishery. Proctor liked a 14-inch size limit. Hunt supported a 12-or 14-inch size limit. Proctor commented that he did not want to regulate too much and wanted to curb the gluttony. He would also like to see more data collected. Morris stated that she tended to agree. We have good comments on the spotlighting. She also stated that she does not like regulatory discards and that she also feels that we need to think of the restaurants and the consumers. There is a bigger need for sheepshead because of the increasing regulations on snappers and groupers. She could support a 500-pound trip limit, does not support a size limit and does not support a slot limit. However, she felt she was not qualified to determine limits on the recreational fishery. Ron McPherson commented that he supported a minimum size limit of 12- inches for the recreational fishery and agreed with Lorenz on his position on the commercial fishery. He supported a 10-fish bag limit. Scharf commented that we need to be precautionary and that we do see an increase in one sector that has doubled over the last six or seven years. We can go from underutilized to over-exploited overnight. He stated that if spearfishing is the problem, the director could consider a proclamation to direct that fishery.

Randy Proctor made a motion to recommend a recreational 12-inch FL size limit, 10 fish bag limit, leave the commercial fishery alone, develop a Fishery Management Plan and do a stock

assessment for more information and to ask the Marine Fishery Commission to immediately look at the spotlight/spearfishing issue. Pam Morris seconded the motion.

Bob Lorenz made a motion to amend the main motion to add a 200-pound commercial trip limit. Fred Scharf seconded the motion. The motion failed 2-3, with 1 abstention.

Randy Proctor made a motion to amend the main motion to add a 500-pound commercial trip limit. Fred Scharf seconded the motion. The motion passed 6-0.

Chris Hunt made a motion to amend the main motion to add a 100-pound/vessel trip limit for spearfishing for sheepshead. Randy Proctor seconded the motion. The motion passed 6-0.

The new main motion: Recommend a recreational 12-inch FL size limit, 10-fish bag limit, 500-pound commercial trip limit, with a 100-pound/vessel trip limit for spearfishing sheepshead, develop a fishery management plan and do a stock assessment for more information and to ask the Marine Fisheries Commission to immediately look at the spotlight/spearfishing issue. The motion passed 6-0.

Morris asked to discuss the flounder supplement. She stated that the science is flawed and the stock assessment did not pass peer review. It expedites things with limited public input. Scharf argued that the science is not flawed, but that the stock assessment could not be used for management because you could not use the benchmarks or projections from the assessment. But the empirical data are not flawed. Morris added that this fishery is important to the fishermen and they cannot take any more reductions. Lorenz stated he would like to have a fishery management plan that worked.

Murphey provided an update on the last Marine Fisheries Commission meeting held in Wilmington in February 2015.

Meeting was adjourned.

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

Jess Hawkins
Brad Knott
Dee Lupton
Nancy Marlette
Lauren Morris
Phillip Reynolds

Jerry Schill
Gerry Smith
District Managers
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MEMORANDUM

TO: N.C. Marine Fisheries Commission
Finfish Advisory Committee

FROM: Kathy Rawls
Lee Paramore
Division of Marine Fisheries, NCDENR

DATE: April 30, 2015

SUBJECT: Finfish Advisory Committee Meeting

The Finfish Advisory Committee met on Wednesday, April 15, 2015 at 6 p.m., at the Division of Marine Fisheries Central District Office, 5285 Highway 70 West, Morehead City. The following attended:

Advisers: Sammy Corbett (Marine Fisheries Commission), Mike Wicker (Marine Fisheries Commission), Brent Fulcher, Jerry James, Ken Seigler, Leland Tetterton, Scott Whitley, Sara Winslow, Thomas Brewer, Charlie Renda and Jeff Buckel

Commissioners: Alison Willis, Chuck Laughridge, Joe Shute and Mark Gorges

Staff: Kathy Rawls, Lee Paramore, Stephen Taylor, Nancy Fish, Dr. Louis Daniel and Sergeant Carter Witten

Public: Phillip Reynolds (Marine Fisheries Commission legal counsel), Mike Shutak (Carteret News Times), Jan Willis, Brian Swanson, C.R. Fredrick and Lauren Morris

Sammy Corbett, serving as chair, called the meeting to order.

MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda. The committee agreed that the public would be given the option to comment after the presentation.

Motion by Ken Seigler to approve the meeting agenda. Seconded by Mike Wicker. Motion carries 11-0.

APPROVAL OF MINUTES

Motion by Sara Winslow to approve the July 15, 2014 Finfish Advisory Committee meeting minutes. Seconded by Leland Tetterton. Motion carries 11-0.

PUBLIC COMMENT

There was no initial public comment as members of the public elected to wait until the presentation on sheepshead management was given before offering comment.

REVIEW OF THE DRAFT ISSUE PAPER – DETERMINE NEED FOR AND IMPACTS OF SHEEPSHEAD SIZE, CREEL, AND TRIP LIMITS IN NORTH CAROLINA

Stephen Taylor presented the sheepshead issue paper to the committee. He provided a brief history of the management of sheepshead, through the South Atlantic Fishery Management Council, the N.C. Marine Fisheries Commission passage of a rule that gives the director proclamation authority to manage sheepshead and the different management options for the committee to consider. Taylor provided information on the life history of sheepshead, commercial and recreational landings along the Atlantic coast as well as landings in North Carolina by both sectors of the fishery. He discussed the director's proclamation authority and regulations in other states. He then discussed various reductions for both the recreational fishery and the commercial fishery through size limits, bag limits, and trip limits. He then presented various management options for the committee to consider.

Committee member Ken Seigler asked what the Northern and Southern Regional advisory committee's recommendations were. Taylor answered that the Northern Regional Advisory Committee supported status quo with no rule changes for management of sheepshead, and in addition charge the division with collecting data necessary to determine trends in population and to develop a stock assessment, if one is necessary. The Southern Regional Advisory Committee recommended a recreational 12-inch FL minimum size limit with a 10 fish bag limit and a 500 pound commercial trip limit with a 100 pound/vessel trip limit for spearfishing and in addition to ask the commission to immediately look at the spotlight/spearfishing gear issues.

Committee member Brent Fulcher asked what kind of feedback has been received from New Jersey, Maryland and Virginia since they implemented their management measures. Fulcher was interested if other states were seeing reductions or increases in their stocks in recent years. Taylor indicated he had not discussed this with other states. Fulcher also commented that these regulations seem to target recreational fishermen more than other user groups and that discard mortality would be a concern.

Committee member Dr. Jeff Buckel indicated that he would like to see catch per unit of effort across years rather than just landings information alone. He expressed concern of the increase of smaller fish in the harvest through time. Buckel also indicated that looking at size structure through time could give a better idea of what is actually happening with the stock as a whole. Committee member Sara Winslow commented that we could be seeing regional differences with no real idea what the total stock status might be. Committee member Charlie Renda commented on slot sizes having a negative impact on the overall stock. The committee had additional discussion about the lack of data and the need for additional information in order to make an informed decision or recommendation. The committee had additional discussion about the nighttime spearfishing fishery that is conducted in the southern area. Several members commented on the growing popularity of that fishery and how easy it was to target sheepshead in large quantities.

PUBLIC COMMENT ON SHEEPSHEAD MANAGEMENT

Brian Swanson, a recreational fisherman from the southern area referred to comments made by Southern Advisory Committee member (and seafood dealer) Chris Hunt, about spotlighting and

spearfishing, and that those fishermen are making \$2.25 per pound. He pointed out there are only about five to seven guys and they take a lot of sheepshead at any given time. Mr. Swanson indicated that once the light hits them, they freeze and you can literally reach out and grab them. He said that the demand for sheepshead has increased significantly in the Charlotte/Raleigh area in particular and that people come here to (Morehead to Wilmington) and purchase huge amounts of these fish. They are driving these fish to Fayetteville or wherever they need to. He feels that since he has been a fisherman for sheepshead the past 25 years that the stock has diminished. He feels there needs to be a bag limit for the recreational fishery. He stated that the reason there have been less caught by hook- and- line is because they are smart fish, but they cannot avoid a spear and particularly at night.

Lauren Morris, representing the N.C. Fisheries Association, commented that either the fish is worth a fisheries management plan or it is not. If there is a concern, then ask the commission to put it on its Fisheries Management Plan Schedule. If it's not a concern and not that big a deal, then no plan is needed. This kind of short cut is being done more often, just like the southern flounder supplement. If it deserves management measures, and the options being considered are complex and comprehensive, then let the scientists do a plan. Seek assistance through the commission and abide by the process.

Joe Shute, commission member, commented that in the last five years he has seen a big increase in recreational fishing for sheepshead. Tackle shops are now selling bait for targeting sheepshead, whereas this was not available in the past.

The committee had additional discussion about the growing popularity of the sheepshead fishery and inshore fishing in general.

Motion by Leland Tetterton to endorse status quo until more data is available, seconded by Ken Seigler.

The committee had a friendly amendment to the motion and additional discussion about the specific data that it would recommend the commission review before making a final management decision on sheepshead. The following amendment was made to the final motion:

Motion by Jeff Buckel to amend the main motion, and that in addition to status quo, request that the division present catch per unit of effort data from the recreational and commercial fisheries and size structure data through time to the Marine Fisheries Commission before a decision is made on management of sheepshead. Seconded by Scott Whitley. Motion passed unanimously.

Motion by Brent Fulcher to recommend the Marine Fisheries Commission look into the spearfishing fishery removing the larger sheepshead out of the stock and the effect on the stock status. Seconded by Leland Tetterton. Motion passed unanimously.

PUBLIC COMMENT ON OTHER ISSUES

Clarence Frederick, a commercial fisherman from the Swansboro area, commented on size limits and slot limits. He commented that anytime a slot limit is put on a stock, then from a fishing point of view, we should keep the fish we catch. He would like the board to look at catch and release on trout, flounder

and drum. He indicated if management was going to be for all concerned: commercial, recreational and consumer, then we need to look at no discards and keeping what is caught.

OTHER BUSINESS

Committee member Ken Seigler indicated that he has heard from quite a few fishermen talking about closures, large mesh gill nets, etc. and some have been forced out of certain fisheries and forced into the crab pot fishery. He indicated there are a lot of crab pots in the water and that he had asked for pot limits in his southern area in the past. He said he fishes between two inlets and he see's crowding in the waters around him seasonally. He reported that 75 pots are probably the limit for one fisherman to fish in a tide cycle and he is hearing reports of 2000-3000 pots. He said that he personally could only work two to three pots for four days in some of these small areas, and the pots belonging to others are sitting out there with crabs in them, untouched. He said there needs to be a restriction of pots per area, and that if we don't do something about some type of pot restriction in these areas in the next couple of years there is only going to be a six to eight week crabbing season since it is overfished. He said he would like to make a motion to the commission to address this issue.

Committee member Jerry James commented on the number of crab pots in the New River area. Brent Fulcher commented that the high prices currently being paid for crabs is likely driving much of the increased effort. Chairman Corbett commented that in the spring and the fall all of the new crabbers put their pots out and then as the season goes on they realize they cannot pay their fuel bills. He commented that he too has seen an increase in effort. Fulcher recommended talking to the fishermen directly would be a better approach than regulating this issue. He commented that different areas will have different limitations and different solutions to the problem. Charlie Rena indicated that the resource will control the market and that they will not fish if they cannot pay the bills.

Division staff member Kathy Rawls reminded the committee that the N.C. Blue Crab Fishery Management Plan was adopted in 2012 and did not contain pot limits. She commented that the fishery management plan is scheduled for review in 2017.

Motion by Ken Seigler to recommend the Marine Fisheries Commission address the issue of increased effort in the crab pot fishery and recommend pot limits in the smaller waterbodies in the southern area of the state. Seconded by Charlie Renda. Motion failed 2-7, with 2 abstentions.

MARINE FISHERIES COMMISSION AND DIVISION UPDATES

Rawls gave an update on the February 2015 Marine Fisheries Commission business meeting including delayed action on for-hire logbook requirements, supplement to the N.C. Southern Flounder Fishery Management Plan, creation of a Coastal Recreational Fishing License Advisory Committee and a Marine Fisheries Commission Commercial Fishing Resource Committee and an update on the current Marine Fisheries Commission rule package to be effective May 1, 2015.

Chairman Corbett adjourned the meeting.

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

Jess Hawkins
Brad Knott
Dee Lupton
Nancy Marlette
Lauren Morris
Phillip Reynolds

Jerry Schill
Gerry Smith
District Managers
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MEMORANDUM

TO: N.C. Marine Fisheries Commission
Sea Turtle Advisory Committee

FROM: Chris Batsavage
Division of Marine Fisheries, NCDENR

DATE: March 31, 2015

SUBJECT: Sea Turtle Advisory Committee Meeting

The Sea Turtle Advisory Committee met at 6 pm on Thursday, March 19, 2015 at the Department of Environment and Natural Resources Regional Office at 943 Washington Square Mall, Washington, NC. The following attended:

Advisers: Bob Lorenz (Chair), Adam Tyler (Vice Chair), Matthew Godfrey, Craig Harms, Tricia Kimmel, Brent Fulcher, Charles Aycok, Chris Hickman, and Richard Peterson

Absent: Troy Outland

Commissioners: Sammy Corbett

Staff: Nancy Fish, Chris Batsavage, Katy West, Jacob Boyd, Dean Nelson, Garland Yopp, and Michelle Hensley

Public: Shannon Arata

Bob Lorenz, serving as chair, called the meeting to order. He provided some opening remarks and he recognized Marine Fisheries Commission Chairman Sammy Corbett.

MODIFICATIONS TO THE AGENDA

No modifications.

Brent Fulcher motioned to approve the agenda and was seconded by Richard Peterson—motion passes.

APPROVAL OF MINUTES

No minutes for approval since this committee was reinitiated

INTRODUCTIONS OF ADVISERS AND STAFF

Lorenz asked the advisers and division staff to introduce themselves. He also asked the advisers to describe their interest in serving on this committee.

Richard Peterson is retired and lives in Surf City. His interest in protecting sea turtles is why he volunteered to serve as an adviser.

Chris Hickman is a commercial gill netter from Hatteras. He fishes along much of the East Coast and has been involved with protected species issues since the mid-1990s. He is interested in the current sea turtle management process in North Carolina.

Charles Aycock is an attorney from Nags Head and a life-long angler. He looks forward to serving on this committee.

Brent Fulcher owns B&J Seafood in New Bern and Beaufort Inlet Seafood in Beaufort, which support many commercial fishermen. He also served on the last Sea Turtle Advisory Committee.

Tricia Kimmel lives in Greenville and is interested in protected species management. She worked for the Maryland Department of Natural Resources for approximately 10 years on sea turtle and marine mammal strandings and interactions.

Dr. Craig Harms is a veterinarian at North Carolina State University's Center for Marine Sciences and Technology in Morehead City. He does clinical work for sea turtles at the N.C. aquariums, and the Karen Beasley Sea Turtle Hospital in Surf City. In addition, he assists other agencies with research. Dr. Harms also served on the last Sea Turtle Advisory Committee.

Dr. Matthew Godfrey is the sea turtle biologist for the N.C. Wildlife Resources Commission. He served on both of the previous Sea Turtle Advisory Committees.

Adam Tyler is a commercial fisherman from Smyrna. He served on the last Sea Turtle Advisory Committee and wants to see the progress made by that committee to continue.

Bob Lorenz is a recreational fisherman and nature enthusiast from Wilmington. He is pro-small business and therefore supports the commercial fishery. He tries to make recommendations that work best for people and sea turtles. He also served on the last Sea Turtle Advisory Committee as the chairman.

Chris Batsavage is the division's Protected Resources Section Chief and serves as the staff lead for this committee. The Protected Resources Section is responsible for the Observer Program, which monitors protected species interactions in commercial and recreational fisheries.

Jacob Boyd is the Protected Species biologist and works in the division's Protected Resources Section. He oversees the Observer Program and regularly attends the Sea Turtle Advisory Committee meetings to present information and to answer questions.

SEA TURTLE ADVISORY COMMITTEE ORIENTATION

Nancy Fish, the division's Marine Fisheries Commission Liaison, provided an orientation for serving on advisory committees for the Marine Fisheries Commission. Her presentation provided background information on the Fisheries Reform Act, the Marine Fisheries Commission, the Division of Marine Fisheries, the advisory committees, meeting fundamentals, and travel reimbursement information.

Lorenz asked for the adviser's contact information, and Fish replied that the information is on the division's website, and she will forward that information to the committee.

SEA TURTLE INCIDENTAL TAKE PERMIT OVERVIEW

Chris Batsavage presented an overview of the division's sea turtle incidental take permit for the anchored gill net fishery in estuarine waters. The presentation went over the federal Endangered Species Act, explained incidental take permits, provided information on the division's history with incidental take permits for the anchored gill net fishery in estuarine waters, and gave details on the current sea turtle incidental take permit. The purpose of the presentation was to ensure everyone on the committee understood this information since it will serve as a basis for much of the business conducted by this committee.

Fulcher asked Batsavage to explain the importance of the Observer Program and the things the division is doing to ensure the required observer coverage is being met. Batsavage explained that the Observer Program is used to monitor sea turtle takes and that the incidental take permit requires a minimum of 7 percent observer coverage for large mesh gill nets (with a target of 10 percent) and a minimum of 1 percent observer coverage for small mesh gill nets (with a target of 2 percent). He then explained the Estuarine Gill Net Permit that is required to fish anchored gill nets in estuarine waters, which serves as a roster of participants in the fishery that the observers use to set up observer trips. Any non-compliance with the Estuarine Gill Net Permit conditions result in a notice of violation, which suspends the fisherman from participating in the fishery.

Tricia Kimmel asked if fishermen are required to allow observers to observe their fishing operations and Batsavage replied that they are.

Matthew Godfrey asked if recreational gill netters are also required to have an Estuarine Gill Net Permit and if their fishing operations are observed. Batsavage responded that they are required to have the permit and are subject to observer coverage. He also explained that since fishing effort by this sector tends to be more sporadic than the commercial fishery, the observers are more likely to observe a recreational gill net fishing operation via alternative platform trip.

Godfrey followed up to ask if recreational gill netters are bound to the same incidental take permit regulations as the commercial gill netters and Batsavage answered that they are.

Lorenz asked Batsavage to define alternative platform trip for the committee and he explained that they are observer trips made on division-owned boats that observe a gill net operation from a safe distance.

OBSERVER PROGRAM UPDATE

Jacob Boyd gave an overview of the division's Observer Program. He explained the tables provided to the committee that showed the number of trips, protected species interactions, and observer coverage for the different management units and seasons for large and small mesh gill nets. He also explained the difference between onboard and alternative platform trips, information collected on observer trips, and informed the committee that Marine Patrol also conducts alternative platform trips.

Fulcher informed the committee that commercial fishermen opted not to fish for much of the summer in most of the estuarine waters to avoid red drum discards while the season was closed; this made it difficult for the division to conduct observer trips during that time.

Craig Harms asked what kind of information is collected on observer trips and what is that information used for. Boyd replied that data on the animals that were retained and discarded on the trip, the gill net configurations and yardage fished, the soak time of the nets, and the locations fished are recorded on observer trips. This information is often used in fishery management plans and stock assessments. Boyd also noted that the Observer Program is the only source of discard information for the estuarine gill net fishery.

Harms asked if the division would observe the fishery statewide if it was not mandated by the incidental take permit and Boyd said yes. Batsavage explained that the division began observing the gill net fishery beyond the fall Pamlico Sound gill net fishery in 2004 for fishery characterization purposes that are incorporated into fishery management plans and stock assessments.

Godfrey requested updated observer coverage figures once the 2014 commercial gill net trip data is finalized and Boyd said he would provide that at the next meeting.

PUBLIC COMMENT

No public comment

FUTURE MEETING TOPICS AND PLAN AGENDA ITEMS FOR NEXT MEETING

Lorenz explained the information the previous Sea Turtle Advisory Committees discussed to generate discussion on future topics to address. The first Sea Turtle Advisory Committee produced a report that described the gears of concern for sea turtle interactions and he suggested that the advisers read this report. Batsavage reminded the committee of its charge:

- Providing recommendations on reducing sea turtle interactions in commercial and recreational fisheries;
- Reviewing information on sea turtle strandings and interactions; and
- Assisting with public education.

Boyd informed the committee of the signs the division is putting on ocean fishing piers this spring to inform anglers of what to do if they hook a sea turtle. He also informed the committee on a project to observe the recreational hook and line fishery for sea turtle interactions later this spring.

Harms asked for a copy of the sign, and Boyd said he would email it to the committee.

Fulcher provided the committee information on the pre-trip notification system for observing the Atlantic sea scallop fishery, and thinks a call-in system for the division's Observer Program would be beneficial for achieving the required observer coverage. He said this is something the committee should advocate.

Lorenz asked if this would bias observer coverage toward compliant fishermen and Adam Tyler said that it would not because fishermen who did not call-in would get a notice of violation.

Batsavage explained to the committee that this was among the list of initiatives the Marine Fisheries Commission will consider at their May business meeting. The division has collected some background information on observer program pre-trip notification systems in the event the commission decides to pursue this initiative.

Tyler asked if there is a way to verify the information the observers record on an observer trip. Boyd replied that fishermen can request data from their trip, but it is not possible to immediately provide finalized data due to the division's internal data checking process.

Richard Peterson asked if the division could mail the data to the fishermen, and Boyd said we could. Batsavage pointed out that coding criteria used to record the information on the standardized data sheets would be hard for fishermen to understand.

Sammy Corbett interjected that the point Adam Tyler is making is the fishermen do not trust the observers and they would not trust information provided two weeks after their trip. He thinks the observers should write down the information recorded on the trip for the fishermen once they return to shore. He also thinks that this should not take too long to do and it is only fair since observers tend to slow down the normal fishing operation.

Harms asked if staff could provide an example copy of a data sheet for the committee and Boyd said yes. Batsavage said this could be an agenda item for the next meeting to see if a reasonable solution can be reached.

Fulcher said an issue with this topic is the incidental take permit does not require the division to collect information on biological information on non-protected species.

Lorenz asked if the observers are collecting information besides protected species interactions and is that the information of interest to fishermen. Tyler responded that the fishermen are interested in the finfish data as well as the other data. He also stated that fishermen are concerned that the observers have a different mindset than the commercial fishermen and it is possible that they are recording more discards than what actually occurred.

Batsavage said that the committee could discuss the best way to verify data at the next meeting and Lorenz concurred with that idea.

Batsavage also informed the new committee members and reminded the returning members that the collection of biological data on non-protected species has always been a part of observing efforts by the division including the incidental take permits for the fall Pamlico Sound gill net fishery from 2000 to 2010.

Fish informed the committee that an Observer Program video produced by N.C. Sea Grant will be available to watch for their next meeting.

Harms requested that the committee discuss the pros and cons of obtaining incidental take permits for other fisheries that interact with sea turtles at a future meeting. Sea turtle interactions in fisheries without an incidental take permit are illegal.

OTHER BUSINESS

No other business was discussed

MEETING ARRANGEMENTS

The next meeting is scheduled for Thursday June 18, 2015 at the Department of Environment and Natural Resources Regional Office in Washington, NC.

The meeting adjourned at approximately 8:15 pm.

/cb

Cc:	Catherine Blum	Jess Hawkins	Jerry Schill
	Mike Bulleri	Brad Knott	Gerry Smith
	Scott Conklin	Dee Lupton	District Managers
	Dick Brame	Nancy Marlette	Committee Staff Members
	Louis Daniel	Lauren Morris	Marine Patrol Captains
	Charlotte Dexter	Phillip Reynolds	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
MFC Nominating Committee

FROM: Michelle Duval
Nancy Fish
N.C. Division of Marine Fisheries

DATE: May 2, 2014

SUBJECT: Marine Fisheries Commission Nominating Committee Meeting Minutes

The Nominating Committee met on Wednesday, March 12 at 4 p.m. at the Division of Marine Fisheries Headquarters Office, 3441 Arendell Street, Morehead City, N.C.

The following were in attendance:

Committee members: Chuck Laughridge (Chairman), Joe Shute, Alison Willis
Marine Fisheries Commission members: Sammy Corbett, Mike Wicker (via phone)
Assistant N.C. Attorney General and commission counsel: Phillip Reynolds
Staff: Michelle Duval, Nancy Fish, Chris Batsavage, Patricia Smith
Public: Lauren Morris

Chairman Laughridge called the meeting to order. The agenda was approved without changes.

Chairman Laughridge then reviewed the minutes from the Oct. 1, 2014 committee meeting and asked if there were any modifications to the minutes.

Motion by Alison Willis to approve the minutes from the October 2014 committee meeting. Seconded by Joe Shute. Motion passed unanimously.

Michelle Duval, division staff lead for the committee, briefly reminded the committee of the N.C. General Statutes pertaining to the selection of nominees for federal fishery management council seats. She explained that state statute requires the commission to approve a slate of candidates for consideration by the governor, and allows for the governor to consult with the commission regarding any additions to the list of nominees. N.C. Marine Fisheries Commission Chairman Corbett addressed the committee and explained that the governor's office had contacted him regarding consideration of an additional candidate for inclusion on the list of previously approved candidates for the Mid-Atlantic Fishery Management Council at-large seat.

The committee reviewed and discussed the biography and resume of the potential candidate, and made the following motion:

Motion by Joe Shute to add the name of Mr. Kenneth Cole “Casey” Wagner to the list of Mid-Atlantic Fishery Management Council at-large candidates for consideration by the governor. Seconded by Alison Willis. Motion passed unanimously.

Meeting adjourned.



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: Feb. 6, 2015

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

The Oyster and Hard Clam Fishery Management Plan Advisory Committee met Monday, February 2, 2015 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, Adam Tyler, Lee Setkowsky, Ted Wilgis

Absent: Dell Newman, Ami Wilbur, Jeff Taylor

Staff: Joe Facendola, Garry Wright, Trish Murphey, Dean Nelson, Tina Moore, Stephen Taylor, Clay Caroon, Catherine Blum, Greg Allen, Anne Deaton, Jason Peters, Curtis Weychert, Shannon Jenkins, Jeff Rheubottom, Chuck Weinich

Public: Kenneth Riley, Shane Staples, Alan Saunders

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

MODIFICATIONS TO THE AGENDA

Joey Daniels made a motion to approve the agenda. Niels Lindquist seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES FROM January 5, 2015

Nancy Edens made a motion to approve the minutes. Adam Tyler seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

Dr. Kenneth Riley from the NOAA Center for Coastal Fisheries and Habitat Research, provided comment from his perspective working with a federal agency on the current issue of SAV and

private shellfish culture. He stated that they are currently working to develop a white paper addressing the interactions of shellfish culture and SAV, and this is viewed as a national issue. They are working with all groups to advance shellfish aquaculture and to help NMFS better interpret what are impacts to SAV from this activity. He hopes that his comments tonight will help keep dialogue open between all parties. He also stated that the aquaculture of clams and oysters has been shown to facilitate SAV growth, and he would like to use science to inform this national dialogue. He expressed that the different types of aquaculture gear have differing impacts to SAV, and DMF should take that into consideration.

Trish Murphey, Fishery Management Plan Co-lead, provided an update on the oyster dredging season. She stated that initial sampling in the Neuse River in January showed oysters to be at 23% legal size, not above the 26% management trigger. However, when re-sampled they were at 29% legal and the area was not closed. This area in the Neuse is currently supporting 7 boats which land between 5 and 10 bushels per trip. The Pamlico River is above the 26% trigger and boats fishing in this area are averaging 7 bushels per trip. The oysters being harvested in the Pamlico area are reported to be of good quality, and fishermen are getting twice the price for them as they were last year. Hyde and Dare counties still remain closed as they are at 22% and 24% legal respectively. They plan on going back out to sample those areas in the coming weeks.

REVIEW OF THE ISSUE PAPER; UTILIZING GPS COORDINATES INSTEAD OF A SURVEY TO DEFINE SHELLFISH LEASE BOUNDARIES

Brian Conrad, plan development team member, presented the background and origination of this issue. Currently applicants are required to provide a professional survey, which may cost \$500 - \$2,000, to receive a shellfish lease. GPS coordinates are currently used by DMF to verify the boundaries of the lease. The Shellfish Growers Association (SGA) brought forward this issue, and requested that DMF waive the professional survey requirements and only require GPS coordinates. The professional survey requirements now in place by DMF are to satisfy statutes set by the NC Department of State Property (NCDSPP) and because of this the Plan Development Team (PDT) recommended proposed management option #1 *Status quo*.

Lindquist asked whether there was an update to include current GPS technology in modern rules, and Conrad said they had been recently updated and include GPS. He explained that the requirement to use a survey comes from the NCDSPP, and that a lack of a survey would violate a general statute. Tyler asked for clarification on the difference between a GIS map and a survey. Conrad explained that the NCDSPP required the survey to protect the public trust, and have a certified legal document. Lindquist asked how good current professional surveys are, and Conrad replied that we do currently send surveys to Geodetic Survey for review. Lindquist then asked what would it cost and take to get DMF staff certified to perform surveys, to which Conrad replied it is expensive, and requires five years to complete. Conrad added that the authority to grant the use of state owned and public trust land is ultimately up to the NCDSPP. Bob Cummings asked if we would have to change NC statutes to not require a survey, and Conrad answered yes. Daniels asked where the public conflicts and issues with using GPS would be. He questioned the rationale of using GPS to prosecute violations when we can't use it for this other user group to establish leases. He stated the survey cost is keeping people out of aquaculture. Cummings asked how accurate is GPS, and Conrad responded, to less than one meter. Ted Wilgis commented, to allow only GPS we would have to change a statute, and that is hard. He asked if there was any way to stay within the rules and reduce the cost to the public,

such as having staff within the division or recommending a cost sharing program. Tina Moore reminded the group that some of the things being discussed are not under statutes for fisheries. Lee Setkowsky asked what type of equipment does a survey use, and Conrad replied sometimes GPS sometimes lines to known monuments. Stephen Swanson commented that we need to update survey methods to reflect modern times. Nancy Edens added that a survey is not necessarily a one-time expense, and their lease had to be re-surveyed many times. Conrad responded that her lease is unique in the state, that is has strong current and is marked with buoys. Edens responded that now having the GPS coordinates makes re-marking her lease so much easier. Wilgis asked whether getting a survey was a stumbling block in the process of getting a lease. Conrad replied that surveyors can be backed up for months, and sometimes they don't even want to take the job. He also added that we go over the requirements with applicants and they know they have 90 days plus an additional 60 days (5 months) to get the survey, and we will also work with people on extensions if the surveyor contacts us with delays. Conrad commented that since 2012 we have not had an applicant terminate the lease application process because of the land survey. Daniels added, when people find out how much it costs for a survey, they don't start the process and more people would have leases if it was more affordable. Wilgis asked if it would be beneficial to have DMF, SGA, and NCDSP meet to see if there is any wiggle room in this policy. Conrad replied that the State Property Office and Geodetic Survey were really holdfast in their position, and doesn't think they will lessen their requirements. Cummings asked if we could just recommend changing DMF requirements to use GPS and force the MFC to look at the statutes. Conrad reminded the group that the requirement is based on being a certified surveyor, not just using GPS. Lindquist asked if we had somebody certified would the State Property Office allow that. Conrad replied, yes the points need to be collected by a certified surveyor. Wilgis asked how we can move forward trying to make it easier for the lease holders, yet still keeping within the State Property Office requirements.

Joey Daniels made a motion to support proposed management option # 2, require DMF to define shellfish lease boundaries with GPS instead of a professional survey for shellfish lease approval standards. Stephen Swanson seconded the motion. The motion passed unanimously.

REVIEW OF THE ISSUE PAPER; THE USE OF POWER HAULING EQUIPMENT IN THE HAND HARVEST OF HARD CLAMS

Joe Facendola, plan co-lead, presented the background and origination of this issue. Currently the use of power hauling equipment is not allowed in hand harvest areas within NC, however a couple of participants in the New River hard clam fishery proposed that it be allowed as is in New York and New Jersey. Facendola reviewed the regulations for hard clam harvest and highlighted how they are primarily designed to protect habitat and other species from clam harvest impacts. Enforcement and management costs and concerns associated with power hauling were also discussed within this issue. Due to the law enforcement, and habitat concerns the PDT recommended management option #1 of *Status quo*. Setkowsky commented that he would personally like to see management option #2 (Amend rules to set conditions allowing for the general use of power hauling equipment) approved, and this issue is to primarily benefit senior citizens who would like to be able to continue to rake clams. Setkowsky then asked if we knew of New Jersey having law enforcement problems with people abusing this gear allowance. Facendola answered he did not have specific examples of citations being issued, but New Jersey

does have specific rules involving power hauling that address the same law enforcement issues discussed. Major Dean Nelson, Marine Patrol Section, added that we currently have issues with people breaking current clam raking rules, and this would afford even more opportunity for people to break the rules. Cummings indicated that it would only be for less than 10 people in deeper water areas and only a few parts of the state, to help people lift the rake off the bottom. Swanson commented on limiting the number of individuals that are bull raking. Lindquist asked if there was any evidence of raking impacting the habitat in the New River, and how deep they were going to use this type of gear. Facendola answered that there is no evidence from the New River however we do limit activities in nursery areas based on other research, and we would not want to have people using hand harvest gear like a mechanical gear in nursery areas. Facendola then added, somebody already having a rope tied to a rake for power hauling, could then pull it behind the boat, having it functionally become a dredge. Cummings commented that it would not be that easy to use a rake like a dredge and that the only a few people would be power hauling in the very deep water of the New River, and possibly in the lower Cape Fear. He also commented on the cost of equipping a boat with the equipment to power haul, and it would keep most people from using this technique. Tyler suggested that we possibly limit this technique to the New River experimentally, as this is the origination of this issue. Cummings added that the issue was brought forth by one elderly individual, and he only has a shellfish license. Nancy Edens asked if this gear would be abused. Facendola responded there is concern for using bigger rakes because there are no size limits on bull rakes. Also since this gear falls within the definition of mechanical gear then people would only be able to use it under a Standard Commercial Fishing License and not under the Shellfish License. Further discussions followed on how to allow power haulers experimentally in a small area in the New River.

Adam Tyler made a motion to allow the use of power haulers with rakes in the New River, with a maximum rake width of 28-inches and following DMF recommended maximum rake weight, and no towing allowance. This gear would be allowed in the New River no further than north of the shrimp line (Grey's Point) and a Shellfish License would be allowed for this gear. Lee Setkowsky seconded the motion. The motion failed 3-4, with 1 abstention.

Stephen Swanson made a motion to support the PDT recommendation of *Status quo*. Ted Wilgis seconded the motion. The motion passed 5-2, with 1 abstention.

REVIEW OF THE ISSUE PAPER: MANAGEMNT OF PUBLIC MECHANICAL CLAM HARVEST

Tina Moore, plan co-lead, covered the history, scope, previous management strategies and rules for mechanical clam harvest. She discussed the northern Core Sound open and closed harvest season, the Pamlico Sound mechanical harvest area in rule that is no longer in use, and the boundaries for the clam mechanical harvest areas across the state. She highlighted declining participation within this fishery. This issue resulted in 11 management options, of which the PDT recommended options #1 *Status quo*, #8 Remove the Pamlico Sound mechanical clam harvest areas no longer in use, and #9 Take latitude/longitude coordinates of the poles marking the open mechanical clam harvest area boundary in the New River. Cummings asked if the committee could recommend more than one option. Moore replied, yes this is a paper encompassed several issues. Lindquist commented that pressure on this fishery is being reduced

by attrition. Moore replied, yes but people can get back into this fishery easily. Edens added that she agreed with the latitude/longitude option for the New River, but asked why mechanical clam harvesters can't be allowed access to clams ahead of maintenance dredging in the ICW. Stephen Taylor responded that in the past we had allowed that to happen in Brunswick County, but participants had to relay them into a proclaimed closed area as the dredged area was polluted. Edens then asked if it would be possible for mechanical harvesters to be able to harvest the clams in open non polluted areas ahead of dredging, as it is a waste of resources. Taylor responded it may be possible if we can get the Army Corps dredging schedule. Anne Deaton responded that the Corps has an annual meeting where they set approximate dates. Taylor added then we would have to coordinate with them. Major Nelson commented that this is already possible by rule, and we just need communication between the parties. He also added that DMF can open any area ahead of dredging as long as it is not in a polluted area. Wilgis asked if the Army Corps puts out a notice to mariners prior to dredging activity. Murphey responded, yes but we can currently open any area to be dredged now through proclamation, but be aware the Corps schedule changes frequently. Wilgis then asked if the issues with the line in the New River were due to habitat concerns. Moore responded that it was only a marking issue.

Stephen Swanson made a motion to support the PDT recommendations of #1, #8, #9, and to recommend allowing mechanical clam harvesters access to clams ahead of maintenance dredging. Ted Wilgis seconded the motion. The motion passed unanimously.

Dean Nelson clarified that rule 3K01 b currently allows for mechanical clam harvest ahead of maintenance dredging, and pointed out the location within MFC rules to Nancy Edens.

REVIEW THE ISSUE PAPER; DEFINING ADVERSE IMPACTS TO SUBMERGED AQUATIC VEGETATION FROM SHELLFISH LEASE AND FRANCHISES

Brian Conrad provided additional information for the issue paper defining adverse impacts to SAV from shellfish lease and franchises that was presented to and tabled by the advisory committee at the Jan 5, 2015 meeting. Conrad outlined the sampling protocols from the 1990's to the present day, stressing that the sampling design was validated by a statistician. He added that the 50 samples per acre design has been in place since 2012 when the nationwide permit was issued by the Army Corps, and is designed to look for shellfish resource presence. Cummings asked how easy it is for somebody to get an individual permit, and Conrad replied that it is a lengthy and expensive process. Daniels commented that nobody has got an individual permit yet in NC, and asked how the sampling design went from 10 to 50 samples per acre. Conrad replied that sampling protocols may not have properly been followed, but the Army Corps issued the permit giving DMF the authority to grant shellfish leases after reviewing the 50 samples per acre protocol. Lindquist added that the regional conditions came from the Federal Government. Daniels stressed that we need to consider what the definition of vegetated means, and suggested that it should not refer to one or two strands of grass but rather a dense covering like an underwater forest as described in the NC Coastal Habitat Protection Plan. Conrad reminded the group that the sampling was designed to assess the presence of existing shellfish resource on a proposed lease, not to look for SAV. Lindquist asked what happens to a lease if SAV shows up on a lease where it was not previously found. Conrad replied that the lease would still be good if SAV recruits to a lease that did not previously have any. Wilgis asked the group how they felt about option #2. Cummings then asked if option #3 was even really an option. Daniels replied

that option #3 would not really help anybody. Conrad then added that under option #2 we would re-evaluate the sampling design and use statistical methods to determine the number of samples required to have this information available to discuss with the Army Corps when Nationwide Permit (NWP) 48 is open for review in upcoming year. Daniels added that we should rely on aerial photography like Virginia and stop ground truthing for SAV. Conrad replied that we have limited funding for any aerial mapping, and flyovers in the Chesapeake Bay occur annually to get accurate maps of SAV. He also added that NC has cut the majority of funding for its mapping program and lost most of its staff, and the current SAV maps are snapshots across many years by different groups. Lindquist asked if in option 2 we would revisit the sampling protocol with the Army Corps and NMFS, and would we be able to do this before 2016. Setkowsky added to Lindquist's question, asking whether the committee's motion to recommend option #2 would be useful when the NWP opens for review. Conrad replied yes. Lindquist commented if the 50 samples were focused on shellfish, perhaps only a subset of 25 could be examined for SAV. Wilgis suggested that as there is much potential for input, we could make a motion to recommend that the Army Corps, NMFS, and Shellfish Growers Association meet with DMF to evaluate sampling protocols. Moore reminded the committee that we cannot make recommendations to impose things on other agencies. Conrad clarified that the intent of option #2 is to evaluate sampling protocols with the input of the other regulatory agencies.

Ted Wilgis made a motion to recommend option #2, to reevaluate the sampling protocol for shellfish lease investigations to ensure that the current sampling density of 50 one meter samples per acre is not excessive. Niels Lindquist seconded the motion. The motion passed unanimously.

OTHER BUSINESS

Wilgis invited any interested individuals present at the meeting to attend the Oyster Summit sponsored by Sea Grant and the Coastal Federation on March 10-11 in Raleigh, NC. He informed the group that all were welcome to attend, registration can be found on-line.

Conrad addressed the chairman and asked permission to revisit the motion to support option #2 regarding the use of GPS and lease boundaries passed by the committee. He was granted permission, and addressed his concern that the option that was presented and recommended by the committee would violate the Regional Conditions of the US Army Corp of Engineers (USACE) Nationwide Permit 48. The committee decided by consensus that they would maintain their decision to recommend option #2.

Setkowsky then asked if there had been any additional information gathered on the origin of the Brunswick County lease moratorium. Tyler related information he had learned from talking with individuals from Brunswick County, and stated that the wild harvest of clams at the time was valuable enough that there was no interest in losing public bottom to private leases. Taylor added that after speaking to one of the last lease holders in Brunswick County, the cost of maintaining the lease and the constant encroachment of the closed polluted lines made it not worth keeping the lease. Setkowsky was satisfied with the information provided, and commented that it appears that there is just not the interest to have leases there.

Wilgis then voiced his concern that the group's previous recommendation regarding the use of GPS may be considered dead in the water by the MFC if goes against statutes under state property. Conrad replied yes they may need another option. Setkowsky asked if they should make a motion to craft another option, because the recommended one required the division to do something illegal. Moore suggested letting the issue sit for the time being, and staff and the Advisory Committee can review the discussions in the minutes. Murphey asked the group to be sure they did not want to craft another option that better reflected the discussions the committee had. Daniels suggested they let the issue sit, and the committee was in consensus to do so. Moore reminded the committee they will have additional time to revisit all of the issues later in the process, and it was not staff intention to go against state statutes.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Moore reviewed topics for the next meeting to be held March 9. The group has three more meetings to go over the rest of the issues and sections, and will have a full draft document by June. She added that any issues that require rules changes are reviewed by the Rules Advisory Team, and may need to be revisited by the Advisory Committee with modified management options. Moore made the members aware of the future meeting dates are now included at the bottom of the agenda and there are 7 issues and a 2 sections for each species left to address.

Chairman Cummings adjourned the meeting.

/jf

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	



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MEMORANDUM

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

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

DATE: Mar. 23, 2015

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

The Oyster and Hard Clam Fishery Management Plan Advisory Committee met Monday, March 9, 2015 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, Jeff Taylor, Adam Tyler, Ted Wilgis

Absent: Dell Newman, Ami Wilbur, Stephen Swanson, Lee Setkowsky

Staff: Joe Facendola, Garry Wright, Trish Murphey, Dean Nelson, Tina Moore, Stephen Taylor, Clay Caroon, Catherine Blum, Greg Allen, Anne Deaton, Jason Peters, John Hadley, Curt Weychert, Shane Staples, Chuck Weinich, Steve Murphey

Public: Skip Kemp, Alan Saunders

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

MODIFICATIONS TO THE AGENDA

Jeff Taylor made a motion to approve the agenda. Nancy Edens seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES FROM February 2, 2015

Nancy Edens made a motion to approve the minutes. Niels Lindquist seconded the motion. The motion passed unanimously.

Trish Murphey, Fishery Management Plan Co-lead, provided an update on the oyster dredging season. There were weather issues to complete the sampling. Sampling in Stumpy Point Bay on February 25th was above the trigger at 26.2%. Sampling off Dare County on March 3rd exceeded

the trigger at 27.9% and will re-open on March 9, 2015 at sunrise. The Neuse River area will continue to be open and the Pamlico River area will continue to be closed to oyster dredging. Effort has been low, based on reports from the public, law enforcement, and dealers.

Tina Moore mentioned the Bay Scallop Fishery Management Plan was approved by the Marine Fisheries Commission at their meeting in February. The next Marine Fisheries Commission will be held in New Bern in May.

PUBLIC COMMENT

There was no public comment.

OVERVIEW OF THE ENVIRONMENTAL FACTORS FOR OYSTERS AND HARD CLAMS

Trish Murphey presented the environmental factors sections for oysters and hard clams. She gave an overview of the habitat, biological stressors, water quality degradation, environmental pathogens, the Coastal Habitat Protection Plan, and research priorities. Bob Cummings asked if anything is done to open permanent closed areas? Steve Murphey responded that development causes the prohibited line to usually move further down the system from non-point sources like stormwater and agricultural runoff. For example, the Newport River, there is a lot of development in the river drainage area and there is not a lot of flushing so it is maintaining its prohibited waters status.

REVIEW OF THE ISSUE PAPER; CORE SOUND SHELLFISH LEASE MORATORIUM

John Hadley, plan development team member, presented the background and origination of this issue. A moratorium on issuing new shellfish leases in Core Sound has existed in some form since 1993. There have been multiple public inquiries to acquire leases in Core Sound, there has been growth in the shellfish aquaculture, there have been changes in human use of Core Sound since 1990's, and Core Sound has some of the best water quality and potential for aquaculture use in the state. Niels Lindquist asked who are asking to acquire new leases? Hadley responded that it has been about 20 requests in the past 3 years from new and old residents of Core Sound. Cummings asked why did people protest leases in this area? Adam Tyler responded that it started with someone asking for a lease on the east side of the sound where most people wanted left alone. Cummings asked if bay scallops count against someone getting a lease? Greg Allen said yes and it is 10 bushels per acre for all total shellfish resources. Lindquist asked if the National Park Service has anything to say on leases too? Hadley responded yes they have a 50 yard buffer from their reserves. Tyler said the east side of the sound is full of submerged aquatic vegetation so leases will likely not be able to go there due to impacts to the sea grasses. Also the Carteret County Fisheries Association met last week and are against lifting the lease moratorium in Core Sound. They fear corporations coming in and buying up areas, like what happened in Florida, and they do not want to deal with poles in the way.

Hadley continued with his presentation. A Human Use Study completed in 2001 used responses from multiple public hearings and workshops to obtain input from Core Sound stakeholders on the optimal use of Core Sound. The Marine Fisheries Commission convened the Core Sound Stakeholder Committee to develop recommendations on shellfish leases in Core Sound based on

the findings from the Human Use Study. Among other recommendations, this committee suggested opening the western side of Core Sound with a one percent cap on leased bottom and to limit new applications to a maximum of 5 acres. In February 2002, the Shellfish Committee reviewed these recommendations and approved them unanimously after making a change to limit the maximum amount of total acreage that one entity could accumulate to no more than 50 total acres. A petition with 500 names was sent to state legislators opposing any new shellfish leases in Core Sound. In 2003 Session Law 2003-64 grandfathered the leases already in Core Sound and banned the issuance of all new leases in Core Sound. Nancy Edens said Pam Morris called her stating her opposition to opening Core Sound to leases. Pam Morris had also called other members of the Advisory Committee too. Daniels said the stakeholder committee was made up of 10 people, they made recommendations which hurt all leases statewide as a result. Daniels requested a list of those who were appointed to the stakeholder committee. Hadley responded that we could provide the list.

Hadley outlined the application process to acquire a new lease and the public comment period that is part of the process. Daniels said if there is a public comment period as part of determining whether to issue a new lease then people can object at that time, rather than limit the entire area to leases. Lindquist asked how many people opposed to a lease is enough to prohibit issuance of a lease and who has the final approval to issue the new lease? Hadley explained that the department secretary makes the final recommendation on issuing the new lease. The application process also requires an open public comment period and posting in a newspaper. Lindquist added that he is not certain whether public comment holds much weight in the final decision to issue a lease, yet public comment seems like a critical step in deciding regionally if a lease will be granted. It is a question of how conflicts are factored into allowing a lease or not.

The Plan Development Team recommended option 2, to open all of Core Sound, with a buffer around Cape Lookout, to shellfish leases per guidelines used in the rest of the state.

Adam Tyler made a motion of status quo, continue the moratorium on new leases in Core Sound. The motion was seconded by Nancy Edens.

Cummings said it seems a shame not to use this area for leases. Tyler said Core Sound is still heavily fished with many gears and there are a lot of duck blinds too. Lindquist asked whether you can have a lease in Primary Nursery Areas? Clay Caroon responded yes, but you can't mechanical harvest. Lindquist said he would like to hear more about how public comment is weighed into the final decision to issue a new lease.

The motion failed 2-3, with 1 abstention.

Jeff Taylor made the motion to support option 2, to open all of Core Sound, with a buffer around Cape Lookout, to shellfish leases per guidelines used in the rest of the state. The motion was seconded by Joey Daniels. The motion did not carry with a vote of 3 to 3.

The Advisory Committee did not provide a recommendation to this issue paper.

RE-VISIT THE ISSUE PAPER; PROTECTION OF SHELLFISH LEASE AND FRANCHISE RIGHTS

Major Dean Nelson, plan development team member, re-visited the issue because two new options were added to the paper for the Advisory Committee to consider. The issue was taken back to the Plan Development Team and they stayed with their original recommendations. We had to discuss further the suspension and revocation options further. Tyler asked if anyone had a license revocation did they get it back after the revocation period. Nelson answered yes people get it back and they don't have to go back through the eligibility pool. Daniels asked if somebody steals from a lease does the owner report to Marine Patrol or the local police department? Nelson responded it would come to marine patrol since it is under marine patrol jurisdiction. Nelson pointed out that if the statute changes are supported as we requested all leases would be covered, felony theft would be added. You could also go to the local police and put a warrant out for them yourself.

Jeff Taylor made motion to accept the Plan Development Team's Recommendation. Joey Daniels seconded the motion. The motion passed unanimously.

REVIEW SHADING REQUIREMENTS

Steve Murphey gave an update to show the requested follow up on shading requirements for shellfish. S. Murphey talked with Bob Cummings to develop the shading language. They discussed two styles for shading: 1. canopy type, or 2. covering the product with light colored fabric or tarp. Once the Marine Fisheries Commission recommends a management strategy, then the Division can put the language into proclamation. Keep it in proclamation so that it has flexibility for the industry. Cummings added that the shading material needs to be something light in color and not prohibitively expensive. White corn sacks are \$0.45 a piece, if you spend more than \$10.00 to shade your clams you have gone all out. S. Murphey mentioned that other states don't define shading.

OTHER BUSINESS

No other business was brought forward.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Moore reviewed topics for the next meeting to be held April 6. The group has two more meetings to go over the rest of the issues and sections, and will have a full draft document by June if all goes to plan. Moore said that two issues will no longer be pursued through the amendment process. The issue Develop an Aquaculture Seed Transplant Permit to Culture Shellfish from Restricted and Conditionally Approved Waters is going forward and a permit is in development. The issue to Formalize the Policy for Relay of Shellfish to Leases from Closed Areas there are no options, so it is just a means to clarify the policy that is followed.

Chairman Cummings adjourned the meeting.

/tmm

Cc: Catherine Blum
Mike Bulleri

Scott Conklin
Dick Brame

Louis Daniel
Charlotte Dexter

Jess Hawkins
Brad Knott
Dee Lupton
Nancy Marlette

Lauren Morris
Phillip Reynolds
Jerry Schill
Gerry Smith

District Managers
Committee Staff Members
Marine Patrol Captains
Section Chiefs

DRAFT



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

MEMORANDUM

TO: Marine Fisheries Commission

FROM: Wayne Johannessen,
CRFL Project Coordinator

DATE: April 17, 2015

SUBJECT: Coastal Recreational Fishing License Committee Meeting

The Marine Fisheries Commission's Coastal Recreational Fishing License Committee met at the Division of Marine Fisheries headquarters conference room on April 17, 2015. The following attended (*via teleconference):

Committee: Kelly Darden*, Mark Gorges*, Joe Shute, and Louis Daniel

Staff: Dee Lupton, Suzanne Guthrie, Don Hesselman, Nancy Fish, Lindsey Staszak*, Beth Govoni, and Wayne Johannessen

APPROVAL OF AGENDA AND MINUTES

Louis Daniel, Director of the N.C. Division of Marine Fisheries, had to step out of the meeting for a moment and Deputy Director Dee Lupton called the meeting to order and stated meeting purpose is to approve the additional year of funding for 11 projects and to approve the 2015 RFP and called roll.

Wayne Johannessen was introduced as the new Coastal Recreational Fishing License Project Coordinator reporting to Beth Govoni.

The meeting agenda was approved by consensus with no modifications. Joe Shute made motion to accept agenda, Kelly Darden seconded – motion carries.

The minutes from the Dec. 19, 2014 meeting were approved by consensus with no modifications. Mark Gorges made motion to accept minutes, seconded by Joe Shute – motion carries.

Beth Govoni added for the record that the three commissioners met on Feb. 27, 2015 to approve the additional year of funding for the Recreational Fishing Digest. Funding was approved.

PUBLIC COMMENT

There was no public comment offered.

UPDATES

The committee received updates on the Coastal Recreational Fishing license sales report. Don Hesselman commented that the for-hire numbers are incorrect for 2015 due to coding change from calendar year license from date of sale to now being a fiscal year license. The updated numbers will be sent out.

The committee was updated on the status of on-going/previously funded Coastal Recreational Fishing License projects from 2007-2014 with semi-annual progress reports and annual progress reports.

ADDITIONAL-YEAR FUNDING PROJECTS

2010: no projects need additional year of funding for fiscal year 2015 – 2016

2011: no projects need additional year of funding for fiscal year 2015 – 2016

2012: no projects need additional year of funding for fiscal year 2015 – 2016

The committee unanimously approved funding for six 2013 multi-year projects, requesting funding in the amount of \$776,301 for fiscal year 2015 – 2016:

Mark Recapture Study of Cape Fear Striped Bass (2013-F-010) - \$10,035

The Mark Recapture study is a four-year Division of Marine Fisheries project to research the sustainability of the Cape Fear River striped bass population.

Sources of Mortality and Movements of Weakfish (2013-F-011) - \$122,110

Sources of Mortality and Movements of Weakfish is a four-year North Carolina State University project to study factors affecting weakfish stocks.

North Carolina Red Drum Cooperative Tagging Program (2013-F-012) - \$13,000

The N.C. Red Drum Cooperative Tagging Program is a three-year Division of Marine Fisheries project to continue red drum tagging for determining exploitation rates.

Assessing Critical Habitat, Movement Patterns, and Spawning Grounds of Anadromous Fishes in the Tar/Pamlico, Neuse, and Cape Fear Rivers Using Telemetry Techniques (2013-F-013) - \$147,878

This is a three-year project to identify critical spawning habitat, map migration routes and spawning grounds and potentially improve fishery-independent surveys.

FerryMon: N.C. Department of Transportation Based Automated Monitoring (2013-H-006) - \$149,944

FerryMon is a three-year University of North Carolina to continue the long term, continuous water quality monitoring in the Pamlico Sound.

Vandemere Waterfront Park Initiative - \$333,334

Vandemere Waterfront Park Initiative is a three-year grant to purchase property and construct a boating access area in Pamlico County.

Motion by Joe Shute to approve the six 2013 projects requesting funding in fiscal year 2015 - 2016, seconded by Kelly Darden – motion carries.

The committee unanimously approved funding for five 2014 multi-year projects, requesting funding in the amount of \$372,126 for fiscal year 2015 – 2016:

Mortality for Southern Flounder (2014-F-015) - \$136,697

The Mortality for Southern Flounder is a four-year University of North Carolina Wilmington project to provide direct estimates of mortality of Southern Flounder using combined telemetry and conventional tagging.

Carcass Collection Program (2014-F-016) - \$7,750

The Carcass Collection Program is a three-year Division of Marine Fisheries project to establish coast-wide carcass collection program in order to collect data such as length, age and sex for recreationally important fish stock assessment models.

Multi-Species Tagging Program (2014-F-017) - \$106,619

The Multi-Species Tagging Program is a three year Division of Marine Fisheries project to maximize tagging opportunities and optimized cost. The resulting tag-return data will provide independent estimates of *F*, *M*, abundance/biomass, and migration rate and can be combined with traditional catch data to obtain precise and accurate results that improve management.

Stock Structure of Spotted Seatrout (2014-F-022) - \$114,060

The Stock Structure of Spotted Seatrout is a two year North Carolina State University project to collect and use data assess the spatial and seasonal demographic independence of NC's spotted seatrout.

SAV Mapping along Southern NC Coast (2014-H-025) - \$7,000

The SAV Mapping along the southern NC Coast is a two year Division of Marine Fisheries project to map change in submerged aquatic vegetation (SAV) distribution and to provide critical information necessary to manage and protect the habitat for the benefit of SAV dependent fish species, many of recreational importance.

Motion by Mark Gorges to approve the five 2014 projects requesting funding in fiscal year 2015 - 2016, seconded by Joe Shute – motion carries.

REQUEST FOR PROPOSAL

The 2015 - 2016 RFP has been revised; division staff with consultation from Wildlife Resources Commission have reviewed the Coastal Recreational Fishing License request for proposal application and made recommendations to align with the Coastal Recreational Fishing License Strategic Plan.

Director Daniel offered comment for committee's information on a speech given at the Coastal Conference on 4/14/15. The presentation was related to the Coastal Recreational Fishing License grants and program. Addressing the many university professors in attendance in regards to the importance of the Coastal Recreational Fishing License grants and the results of the research that have direct application to priority species and fishery management plans. It was suggested that interest in funding should align with the timeline of the fishery management plan development offering students the opportunity to interact and correspond with the division's plan development teams and to see their data being used for management purposes. This also provides opportunity for the commission to interact and coordinate with the university researchers through Coastal Recreational Fishing License.

Motion by Kelly Darden to approve the 2015 – 2016 RFP, seconded by Joe Shute – motion carries.

ADDITIONAL BUSINESS

Update offered by Nancy Fish that at the last commission meeting it was voted to institute an advisory panel for the Coastal Recreational Fishing License Committee. It will consist of three to five public advisors to offer input and comments at committee meetings. Applications are due by May 1. The advisory panel should be up and running for the fall meeting. Application requests are to be directed to Nancy Fish. Director Daniel asked if there is a requirement of the advisors to have a Coastal Recreational Fishing License. Fish responded that a Coastal Recreational Fishing License was not required, but there is a requirement that one of the advisors be from the for -hire industry. The advisors will also comment on all proposals before the committee, not just the "People" proposals, as done by the former advisory committee. Appointments will be made by the commission chairman in May.

No additional business was discussed.

Meeting adjourned at 10:15 a.m.