

Committee Reports





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MEMORANDUM

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

FROM: Chris Batsavage
Division of Marine Fisheries, NCDEQ

DATE: October 13, 2015

SUBJECT: Sea Turtle Advisory Committee Meeting

The Sea Turtle Advisory Committee met at 6 pm on Thursday, September 17, 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, Troy Outland, Richard Peterson, and Charles Aycock

Absent: Chris Hickman

Staff: Chris Batsavage, Jacob Boyd, John McConnaughey, Jeff Dobbs, Katy West, and Garland Yopp,

Public: Keith Bruno, Wayne Dunbar, Jerry Schill, and Pam Schill

Marine Fisheries Commission: Alison Willis

Bob Lorenz, serving as chair, called the meeting to order and provided opening remarks. He is frustrated that the committee has not been able to get to discuss topics such as recreational hook and line interactions, but he understands that the appeal period for the dismissed lawsuit regarding sea turtle interactions in the recreational hook and line fishery prevents this from occurring. The Sea Turtle Advisory Committee represents a group with backgrounds and interests in different sectors of the fisheries throughout the state. Lorenz is interested in possibly having a longer meeting during the day in December to cover more topics.

Lorenz also introduced and welcomed Marine Fisheries Commissioner Alison Willis.



MODIFICATIONS TO THE AGENDA

No modifications were made.

Richard Peterson motioned to approve the agenda and was seconded by Matthew Godfrey—motion passes.

APPROVAL OF MINUTES

Charles Aycock motioned to approve the minutes of the June 18, 2015 Sea Turtle Advisory Committee meeting and was seconded by Matthew Godfrey—motion passes.

OBSERVER PROGRAM UPDATE

Jacob Boyd presented observer program update. He discussed the updated observer coverage numbers for the 2014-2015 fishing year, and the sea turtle interactions over the same time period. He discussed differences in estimated and actual percent observer coverage, area closures and projected openings.

Adam Tyler expressed concern that estimates of gill net trips based on trip tickets may not be accurate because of the water body designations are sometimes incorrectly marked on the trip tickets. Brent Fulcher said that a call in system would help resolve this.

Chris Batsavage asked Fulcher and Tyler how a call-in system would resolve incorrect water bodies being recorded on trip tickets and Fulcher replied that the problem would still occur, but a call-in system would give the division a better idea of the number of participants actively fishing.

Peterson asked how a closure is decided. Batsavage explained that management units close when the allowed takes for a particular species and disposition for a management unit are either approached or reached.

SUMMARY OF THE NUMBER OF LARGE MESH GILL NET FISHING DAYS, BY MANAGEMENT UNIT

Batsavage presented information regarding the number of days and fishing days each management unit was open to large mesh gillnets over the last three years. The closures were a result of sea turtle takes as well as the commercial red drum quota overage in 2014. The committee had no questions or comments.

POTENTIAL AMENDMENT ITEMS TO SEA TURTLE AND ATLANTIC STURGEON INCIDENTAL TAKE PERMITS

Batsavage gave a presentation on the issue paper for this agenda item. He explained the issue of the commercial industry's concern over limited allowed sea turtle takes and reduced fishing opportunities, and the amendment process for incidental take permits. He also discussed the



possible amendment options, and asked for committee feedback. The potential amendment items discussed were:

- Modify the boundary between Management units A and B;
- Conditional exemption for low salinity portions of Management Unit A;
- Modify the boundary between Management Units B and C;
- Large mesh gill net exemption in the upper Cape Fear River; and
- Large mesh gill net exemptions in the winter and early spring for Management Unit B.

Fulcher asked if combining allowed sea turtle takes in Management units A and C was a major or minor amendment proposal. Batsavage said it was a minor modification. He also explained that minor modifications and amendments were the only options for making changes to an existing incidental take permit.

Fulcher asked how many incidental takes are allocated to Management Subunit A3 in the Atlantic Sturgeon Incidental Take Permit. Batsavage explained that the allowed Atlantic sturgeon takes are only allocated to the entire unit because the lack of necessary information to allocate takes to each subunit.

Peterson asked if management unit boundaries could be different for the Atlantic sturgeon and sea turtle incidental take permits to account for Atlantic sturgeon takes in Roanoke and Croatan sounds. Batsavage said division staff would need to discuss this to see if it is feasible.

Lorenz asked for clarification about why caution needs to be taken regarding low salinities being exempted from sea turtle closure as an amendment option. Batsavage explained that although exempted areas would pose a low risk, another take would cause an overage in allowed takes for Management Unit A, which would put the state out of compliance with the incidental take permit.

Godfrey presented examples of sea turtles occurring in proposed exempted area in upper Currituck Sound. He explained that more sea turtles occur in these areas than are seen. He explained that the map data on the seaturtle.org website is not updated as frequently as the actual stranding data.

Fulcher asked why we couldn't move takes between Management units A and B and Batsavage and Boyd explained that this would go beyond the amendment process and would require a new incidental take permit application.

Lorenz asked what would happen if the allowed takes were exceeded, and Batsavage said the division is not sure, but the National Marine Fisheries Service made it clear that the incidental take permit could be suspended or revoked if we are out of compliance.

Boyd added that the division requested eight takes each for Management units A and C to avoid exceeding the allowed takes, but the incidental take permit only allowed four takes for each management unit.



Fulcher asked Craig Harms or Godfrey if a sea turtle can swim against the strong current in the upper Cape Fear River. Godfrey answered that they can, but probably would not.

Lorenz asked for the committee to comment on each amendment option rather than having a numerical vote.

Peterson reiterated his idea for different Atlantic sturgeon and sea turtle management unit boundaries between Management units A and B.

Harms said he could not strongly support or oppose any amendment proposal.

Fulcher asked exactly where the six sea turtle takes that closed Management Unit A occurred. Batsavage explained that four out of six came from south of the US 64/264 bridge in Roanoke Sound.

Fulcher stated that the amendment options were just an allocation change in fisheries to fishermen and does not affect sea turtles or Atlantic sturgeon. He strongly encouraged the division director not to combine the allowed sea turtle takes for Management units A and C before going out for public comment. He understood that the division had to do it, but they should have at least contacted fishermen in the affected areas.

Tricia Kimmel would support potential amendment items depending on whether the options would fail quickly or not.

PUBLIC COMMENT

Before the committee members provided specific comments on each option, Lorenz provided the public to comment on the potential amendment items.

Wayne Dunbar of the Pamlico County Fisherman's Association expressed his support for the movement of the Management B and C boundary line east. He stated that it would clear up confusion in regulations. Fishermen have received tickets in this area due to the different regulations. He does not think there are any more sea turtles there than other areas of Management Unit C.

Jerry Schill of the North Carolina Fisheries Association (NCFA) wanted to let the committee know that the North Carolina Fisheries Association would be submitting formal comments. He asked for clarity over the option for revising the incidental take permits and Batsavage explained it can be accomplished either through an amendment, minor modification, or new application.

COMMITTEE COMMENTS ON POTENTIAL INCIDENTAL TAKE PERMIT AMENDMENT ITEMS

Modify the boundary between Management units A and B:



Most of the committee agreed that changing the boundary line to the US 64/264 bridges would work, but there was some concern over how this would affect fishermen in the southern portion of management unit B. There were also suggestions about having different management unit boundaries for the two incidental take permits. Batsavage stated that different management boundaries may complicate observer coverage monitoring.

Conditional exemption for low salinity portions of Management Unit A:

Most of the committee did not like this option due to the possibility of interactions in the low salinity areas affecting the entire management unit.

Godfrey and Harms had no issue with pursuing the option as long as the incidental take permit parameters were followed.

Modify the boundary between Management Units B and C:

All members supported moving this boundary line east. Fulcher commented that the division would have to speak to National Marine Fisheries Service about the federal closure line.

Large mesh gill net exemption in the Upper Cape Fear River:

All members supported the gill net exemption in upper Cape Fear River. However, there was some concern about not using the 55° F threshold because it was part of the Settlement Agreement.

Large mesh gill net exemptions in the winter and early spring for Management Unit B:

The committee had concerns about sea turtle and Atlantic sturgeon interactions but suggested a possible end date of February 28 when the possibility of interactions is lower and are confined to the winter season. Lorenz stated he would like a consideration for a water temperature threshold.

OTHER BUSINESS

Fulcher distributed an example of an evaluation sheet for the fisherman to complete for evaluating observers after a trip. He felt that it might improve fisherman confidence.

Harms stated that he would like the committee to discuss the division pursuing a sea turtle incidental take permit for pound nets. He stated that it might enable National Marine Fisheries Service to conduct sea turtle research, and it would protect the fishermen by making these incidental takes legal.

Tyler strongly disagreed and provided the committee with information explaining why a pound net incidental take permit is not needed.

Harms replied that there was a lot of bad publicity over sea turtle interactions with pound nets in the past, and the incidental take permit could allow National Marine Fisheries Service to do research. In the interest of full disclosure, Harms said a pound net incidental take permit would



give him animals for research, but it could also show that pound nets have a low mortality rate of sea turtles.

Batsavage explained that anyone (including fisherman) can apply for individual incidental take permits. Committee members expressed concern over how some pound nets would be covered by an incidental take permit and others would not under this scenario.

Lorenz decided to move the pound net incidental take permit conversation to the December meeting to allow more time for presenting information and discussing the issue.

Harms also said he would like to discuss sea turtle takes in research gear and how they are handled and covered.

Lorenz also asked the committee if they had a problem moving the meeting in December up so that more agenda items could be discussed. The committee decided that a 4:00 pm start time was appropriate.

FUTURE MEETING TOPICS AND PLAN AGENDA ITEMS FOR NEXT MEETING

The committee requested to add a discussion of a pound net incidental take permit and sea turtle takes in research gear to the December meeting.

The committee also would like to discuss recreational hook and line sea turtle interactions at the next meeting if the dismissed lawsuit is not appealed. Boyd said he would have recreational hook and line observer program data ready to present at December meeting either way.

MEETING ARRANGEMENTS

The next meeting is scheduled for Thursday December 17, 2015 at the Department of Environmental Quality Regional Office in Washington, NC.

The meeting adjourned at approximately 9:20 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
	Kristy Long		





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MEMORANDUM

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

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

DATE: October 28, 2015

SUBJECT: Northern Regional Advisory Committee Meeting

The Northern Regional Advisory Committee met on Thursday, September 24, 2015 at 6 p.m. at the Department of Environment Quality Washington Regional Office. The following attended:

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

Staff: Chris Batsavage, Jacob Boyd, Katy West, Holly White, Kathy Rawls, Charlton Godwin, Steven Anthony

Public: Greg Judy and Brent Fulcher

Sara Winslow called the meeting to order at 6 p.m. It was noted that Bill Van Druten had notified staff he could not attend due to inclement weather on the Outer Banks.

APPROVAL OF AGENDA

Motion by Jim Rice to amend the agenda, adding business items to review the Marine Fisheries Commission management proposals for Draft Supplement A to Amendment 1 of the N.C. Southern Flounder Fishery Management Plan and provide a recommendation to the Marine Fisheries Commission, seconded by Keith Bruno – motion carries 6-0.

Motion by Riley Williams to approve the agenda as modified, seconded by Everett Blake – motion carries 6-0.

APPROVAL OF MINUTES

Motion by Jim Rice to approve minutes, seconded by Gilbert Tripp – motion carries 6-0.



PUBLIC COMMENT

Greg Judy, retired Division of Marine Fisheries employee and commercial gill net fishermen in the Pamlico River, provided comments on sea turtle and Atlantic sturgeon takes in gillnet management areas A and C. He commented that the merging of areas A and C was not minor and should have been an amendment to the Incidental Take Permit (ITP). He believes that combining these two geographically distinct areas is unfair to the fishermen, even though both places have problems with Atlantic sturgeon and sea turtles, the allocation of each is different. Due to this merge and reallocations of sea turtle takes, area C closed due to takes of sea turtles earlier in the year. Now, the area is closed again due to sturgeon takes. He feels that the most recent closure in area C, due to Atlantic sturgeon, “demonstrates the lack of knowledge concerning the population density of sturgeon in area C.” Area C is only allowed four Atlantic sturgeon takes, which he feels is extremely low. He has voluntarily called in sturgeon interactions and recalled a recent gillnet trip with an observer before the closure where he caught four Atlantic sturgeon in a single set. Mr. Judy asks the Division of Marine Fisheries to seek a revision to increase the number of Atlantic sturgeon takes allowed in area C. Additionally, he commented that area A should be split into two areas similar to area D, separating the Oregon Inlet corridor from the rest of area A to help address turtle takes in area A.

Brent Fulcher, NC Sea Turtle Advisory Committee member, provided his comment outside of the public comment period, with permission from the chair, aiding the advisory committee discussion of the potential amendments to the incidental take permits for Atlantic sturgeon and sea turtles. Mr. Fulcher listed the Sea Turtle Advisory Committee’s recommendations to the Marine Fisheries Commission for the potential amendments and described their rationale for each of their option recommendations.

REVIEW OF THE ISSUE PAPER - POTENTIAL AMENDMENTS TO THE SEA TURTLE AND ATLANTIC STURGEON INCIDENTAL TAKE PERMITS

Chris Batsavage presented the potential amendments to the sea turtle and Atlantic sturgeon incidental take permits to the committee. Prior to his presentation, he was granted permission by the Chair to discuss the Sea Turtle Advisory Committee and Southern Regional Advisory Committee recommendations with the committee at the conclusion of his presentation. Batsavage provided a brief overview of both the sea turtle and Atlantic sturgeon Incidental Take Permits and management units. The incidental take permits allow for minor modifications and amendments. An amendment is required for changes beyond a minor modification, as determined by NOAA Fisheries. The incidental take permit amendment process does not allow for an increase in the number of takes and is a process that requires analysis of impacts on the environment, species and allows for public comment. The entire amendment process is a one-year process, depending on the complexity.

He also reviewed current information on the number of takes of both species in the respective management units, as well as the number of takes allowed in each incidental take permit with NOAA Fisheries. Batsavage then discussed various potential amendments options for both the sea turtle and Atlantic sturgeon incidental take permits through modifications in the management unit demarcation lines (A/B and B/C), conditional exemptions for low salinity areas to prevent



closing due to sea turtle takes, and a large mesh gill net exemption in the upper Cape Fear River and management unit B.

Potential Amendments to the Sea Turtle and Atlantic Sturgeon Incidental Take Permits

Several relevant points were made during the committee discussions. Rice noted that from a population recovery perspective a sea turtle or Atlantic sturgeon take from one management unit is no more meaningful than a take from another management unit. He recommended combining all takes for a year (removing individual management unit allocations). Then use adaptive management throughout the year to manage takes of sea turtles and Atlantic sturgeons. For example, Rice felt it is counter intuitive to close management unit C for sturgeon and still have management unit A open, which is taking far more Atlantic sturgeon under the incidental take permit. Bruno asked why there were different take allowances based on live or dead sea turtles, when the Endangered Species Act does not make that distinction. He also noted the severe economic impact of closing area C for essentially the entire flounder season and sincerely asked the division for help. Each committee member was polled for their opinion and rationale on each of the proposed amendments to the sea turtle and Atlantic sturgeon incidental take permits presented in the division issue paper in order to produce the committee recommendations below:

The committee recommended modifying the boundary between management units A and B relative to sea turtles to the Highway 64/264 bridges that divides the Roanoke and Croatan sounds. The committee recommended that the boundary remain unchanged for Atlantic sturgeon. The committee members expressed concerns with the boundary modification with reference to retaining the ability for adaptive management measures, determining incidental take permit gill net trip effort needed for observer coverage calculation and impacting historical data collection.

The committee recommended an exemption line to sea turtles north and northeast of the current power lines in the Albemarle Sound to Edenton and the Virginia state line, as the conditionally exempt area in management unit A due to low salinity.

The committee recommended modifying the boundary between management units B and C, moving the western boundary of the annual federal gill net closure to management unit C, thereby increasing the size of management unit C. The committee recommended this boundary modification in order to reduce confusion with gill net requirements and to simplify enforcement issues.

The committee recommended exempting a portion of the upper Cape Fear River in management unit E to the incidental take permit requirements for sea turtles during the commercial shad season. The committee also recommended removing the water temperature threshold to allow for the incidental take permit exemption until April 14 or when the commercial shad seasons ends.

The committee recommended opening management unit B to large mesh gill nets from February 14 to 28. The committee felt that due to the cold water during this time of year that interactions with sea turtles would be minimized, providing additional economic opportunity for fishermen in management unit B to harvest shad.



MARINE FISHERIES COMMISSION AND DIVISION UPDATES AND OTHER BUSINESS

Holly White gave an update on the August 2015 Marine Fisheries Commission business meeting based on the post meeting news release from the division: delaying vote on the southern flounder supplement, requesting public review on Interjurisdictional and Kingfish fishery management plans, approving a five-year fishery management plan schedule, and the swearing in of new commission members (Keith Rhodes and Janet Rose).

Katy West requested that the committee members provide comments during the five-year cycle review and update of the 2010 Coastal Habitat Protection Plan.

The committee reviewed the Marine Fisheries Commission management proposals for Draft Supplement A to Amendment 1 of the N.C. Southern Flounder Fishery Management Plan. The committee felt that it was important to provide a recommendation to the Marine Fisheries Commission, even though a recommendation was not requested. Committee members felt that the sole purpose of their advisory committee which is to assist the commission in the performance of its duties by making recommendations on management issues, is being ignored by the commission. Therefore they proposed the following recommendation.

Motion by Keith Bruno to request the Marine Fisheries Commission to pursue an amendment to the N.C. Southern Flounder Fishery Management Plan, starting immediately, suspending Draft Supplement A to Amendment 1 of the N.C. Southern Flounder Fishery Management Plan, seconded by Everett Blake – motion carries 6-0.

Meeting was adjourned by consensus at 9 p.m.

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





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MEMORANDUM

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

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

DATE: Sep. 30, 2015

SUBJECT: Southern Regional Advisory Committee Meeting

The Southern Regional Advisory Committee met at 6 p.m., Wednesday Sept. 23, 2015 at the Wilmington Regional Office, 127 Cardinal Drive Ext., Wilmington. The following attended:

Advisers: Charles Griffin, Ron McPherson, Fred Scharf, Randy Proctor, Amy Dickson, Tom Smith, Chris Hunt, Phillip Smith, Pam Morris, Bob Lorenz

Staff: Trish Murphey, Chris Batsavage, Jacob Boyd, Chris Stewart, Kathy Rawls, Anne Markwith, Jason Walker

Public: Scott Baker (N.C. Sea Grant)

Fred Scharf, serving as chair, called the meeting to order. Chairman Scharf asked that each member introduce him or herself to the committee and the public.

MODIFICATIONS TO THE AGENDA

Amy Dickson made a motion to approve the agenda. Bob Lorenz seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES

The committee approve the minutes by consensus with one correction by Bob Lorenz to change “slot limit to 20 fish” to “slot limit to 20-inch.”

PUBLIC COMMENT

No public comments were offered.



REVIEW THE ISSUE PAPER POTENTIAL AMENDMENTS TO THE SEA TURTLE AND ATLANTIC STURGEON INCIDENTAL TAKE PERMITS

Protected Resources Section Chief Chris Batsavage presented an overview of the different potential amendments to the incidental take permits. He discussed the background, reviewed the amendment process and discussed five different options for the committee to discuss and provide feedback.

Chris Hunt asked if the permit covered only the anchored gill nets or are they including the drift nets as well. Batsavage replied that the permit only apply to the anchored gill nets. The drift gill nets are not covered under the permit and only affects the anchored gill net fishermen. Hunt noted to the group that there is not a lot of anchored gill netting in the Cape Fear River. Batsavage stated that the division does have observations of anchored gill nets. Chairman Scharf asked about the consequences of going out of compliance and if we have ever been out of compliance? Batsavage explained that if we exceed takes, we would be out of compliance. We were temporarily out of compliance in management unit A. Because of this, the National Marine Fisheries Service suggested the minor modification of combining allowed sea turtle takes in management unit A and management unit C to get back in compliance. Batsavage further explained that the consequences range from temporary suspension, mitigation measures to revocation.

Chairman Scharf suggested that the committee start with the first option; modify the boundary between management unit A and B. He pointed out that this option highlights the difficulty having same boundary lines for two different species. He asked about the rational for having same management areas for both permits. Batsavage explained that observer coverage is specific to the management unit. He further explained that with two different boundaries, it presents coverage issues between two lines. Chairman Scharf stated that by moving the line north, potentially closes management unit B due to sturgeon takes. Pam Morris added that moving the line north could potentially really hurt management unit B, especially the southern portion, and that she would not be in favor of this option. Bob Lorenz stated that on the Sea Turtle Advisory Committee there three groups of stake holders who all felt that you are not changing takes but trying to optimize fishing opportunities. The recreational fishermen and the turtle advocates had no issues but the commercial fishermen did have issues. Chairman Scharf asked if management units can be broken up into separate units. Batsavage explained that there was no information on separate units in A and though they are broken up into subunits, the takes are for whole unit. Tom Smith asked if the original line was set because it is near the inlet and stuff coming and going would divide the takes. Batsavage stated that was general assumption but we have also tried to set lines to separate current management measures for Albemarle Sound Management Area. The Albemarle Sound Management Area line would not change regardless of any change made to the permits.

The committee was not in favor of option one. They urged the division to continue to explore ways to adaptively manage as they are now (i.e., closing eastern Albemarle Sound during peak sea turtle activity).

Chairman Scharf opened discussion on the low salinity exemption option and discussed the idea of reducing the take threshold by one and hold one take in reserve as a buffer. Morris stated that



there were at least two interaction west of the new line. This makes it a risk for unit B. Hunt asked why we cannot speak to National Marine Fisheries Service staff about reallocation. Batsavage stated that reallocation would be beyond the scope of the amendment and would require a new incidental take permit application. The committee discussed the combining of management unit A and C. Batsavage stated that although it is a combination of eight takes, we adaptively manage for both units. This is why we are keeping southeastern portion of A closed during peak turtle abundance. Smith asked why we combined management unit A and C since they are not contiguous waters. Batsavage explained both areas have similar habitats with high and low salinity waters. He explained that we originally asked for more turtles for A and C through the permit application. Chairman Scharf asked why the National Marine Fisheries Service was concerned with such a low volume area for sea turtles. Batsavage explained that the National Marine Fisheries Service cannot allow more takes than we think we can have. We have much more data on turtles in B and sturgeon in A. We had to use independent gill net data for sturgeon because of the lack of data.

The committee advised that that if this option is considered then to proceed cautiously and consider the one turtle buffer as suggested.

The committee discussed the boundary between management unit B and C. Chairman Scharf also stated that the division be cautious. The committee asked if the line is shifted to the east would the federal line also move. Batsavage stated that National Marine Fisheries Service would have to close the line and we could talk to them about this. Other issues the committee brought up was that the shift to the east would make management unit C bigger. Chairman Scharf asked if sturgeons and turtles been observed in that area. Batsavage stated that neither have been observed. This new line would also be easier to enforce and create less confusion for fishermen.

The committee thought that shifting the line east was a reasonable solution.

The committee then discussed the large mesh exemptions in the upper Cape Fear River. Lorenz stated that the salinity probably trumps temperature here. Fishery Management Section Chief Kathy Rawls explained that we are required to reduce harvest of shad and that is why the seasons have become shorter. The Cape Fear needed a harvest reduction for relative fishing mortality. It is possible that seasons can change in future. Chairman Scharf felt that it was reasonable for the temperature threshold be removed.

The committee thought that removing the water temperature and threshold and to allow the exemption through April 14 or when the commercial shad season ends was a reasonable solution.

The committee then moved to discussion of the large mesh exemptions in the winter and early spring for management unit B for the shad season. Chairman Scharf asked for any recommendations and reiterated the low number of sturgeon takes for unit B. Batsavage stated that any turtles and sturgeon takes would close the management unit for duration of the season. Morris told the committee that the Carteret County Fishermen's Association discussed the possibility of having a shad season in upper Core Sound. Most of the interest dropped from this area due to risk and low return. American shad are historically not a large fishery there. Batsavage stated that on the Outer Banks during certain times of year, the hickory shad fishery



was larger than American shad. Smith voiced his concerns of the high risk for the flounder fishery for a hand full of shad. Lorenz stated that the Sea Turtle Advisory Committee also had same concerns.

The committee had concerns regarding this option.

MARINE FISHERIES COMMISSION UPDATE

Southern District Manager Trish Murphey updated the committee on what happened at the August Marine Fisheries Commission meeting in Raleigh. She discussed the removal of the Southern Flounder Supplement from the agenda because of letters from the legislature and the Department of Environmental Quality secretary and that Chairman Corbett was attempting to schedule a meeting to address the supplement. She also informed the committee that commission voted to post the information updates for Kingfish and the Interjurisdictional Fishery Management Plans on the website for public review.

Chairman Scharf commented that he thought the Southern Regional Advisory Committee was supposed to meet in July to discuss the Southern Flounder Supplement and the proposals from the commission, however it had been decided that the committee would not meet because it did not have any assignments from the commission. Chairman Scharf stated that he called Commission Chair Corbett to discuss his concern of moving forward without the advisory committees input. He did not think it was appropriate to not have the advisory committees' (Southern, Northern) recommendations for most important fishery in state. Chairman Scharf stated that Chairman Corbett said that a motion was made (at the May commission meeting) for all of the advisory committees to meet. (That motion was withdrawn and the commission decided to have a single public comment meeting in a central location on the issue). He stated that Chairman Corbett said he was hopeful that the advisory committees would able to provide input but could not guarantee it.

Murphey continued her update of the August commission meeting. The commission approved the five-year fishery management plan schedule and two new commission members had been appointed and sworn in for the August meeting. These new members are Janet Rose (commercial seat) and Keith Rhodes (at-large seat). Rick Smith (recreational seat) was just recently appointed to the commission but had not been sworn in.

Murphey also informed the committee that the Department of Environment and Natural Resources which the division is under has been renamed and is now called the Department of Environmental Quality.

Chairman Scharf continued discussion of his concerns about the role and importance of the advisory committees. He stated that Chairman Corbett recognizes importance of advisory committees and that it is important that each advisory committee feels that their voice is heard. Chairman Scharf stated that the perception among the committees is that their recommendations are falling on deaf ears.

Chairman Scharf stated that in his view, there is clearly data for a supplemental fix but is meant to be a quick and temporary fix. He felt that there is a need to start the amendment process for this species based on new data based and basic principles so fisheries are sustainable. Morris



asked if he was advocating for using science based on a failed peer review. Chairman Scharf explained that there are still lots of data/signals to indicate the flounder fishery is not where it should be. Morris stated that she did not think the supplement process was warranted. She advocates using the amendment process and she thought it set a bad precedent to use science that did not pass review. She also reminded the committee of speckled trout. She stated that as the ball got rolling critical decisions were made in a quick, controversial manner. It turned out that nothing was wrong with speckled trout but emergency measures were not taken back up for trout. She said the science for flounder is being manipulated in same manner. Lorenz added that there is plenty of evidence that shows that the flounder stock is going down. Morris thanked Chairman Scharf for sticking up for advisory committees and that they should have input.

MEETING ARRANGEMENTS

The next meeting will most likely occur in December to review the Oyster and Hard Clam Fishery Management Plans.

Pam Morris made a motion to adjourn. Tom Smith seconded the motion. The motion passed unanimously.

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





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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, NCDEQ

DATE: August 20, 2015

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

The Oyster and Hard Clam Fishery Management Plan Advisory Committee met Monday, August 10, 2015 at the Department of Environmental Quality Regional Office, 943 Washington Square Mall, Hwy. 17, Washington, N.C. The following attended:

Advisers: Bob Cummings, Ami Wilbur, Niels Lindquist, Ted Wilgis, Jeff Taylor, Joey Daniels.

Absent: Dell Newman, Stephen Swanson, Nancy Edens, Adam Tyler, Lee Setkowsky.

Staff: Tina Moore, Stephen Taylor, Catherine Blum, Dean Nelson, Shannon Jenkins, Trish Murphey, Joe Facendola, Jeff Rheubottom, Alan Saunders, Garry Wright, Greg Allan, Clay Caroon, Steve Murphey.

Public: Emma Daniels, Cory Caravan, Callie Caravan, Sharon Caravan, Charles Caravan

Ted Wilgis, serving as chair, called the meeting to order at 18:00. A quorum was not present for the approval of the agenda and minutes, but was reached at 18:15 and present for the remaining agenda items.

MODIFICATIONS TO THE AGENDA

The agenda was approved by consensus.

APPROVAL OF MINUTES FROM JULY 13, 2015

The minutes were approved by the consensus.

PUBLIC COMMENT

No public comments were offered.

REVIEW OF THE ISSUE PAPER MODIFY SHELLFISH LEASE PROVISIONS



Steve Murphey, Habitat and Enhancement Section Chief and Plan Development Team (PDT) member, presented the issue paper titled *Modify Shellfish Lease Provisions*. Murphey highlighted the history and origination of the issue, as well as reviewed the proposed management options and PDT recommendations.

Bob Cummings questioned if there was any way to have either production, or planting requirements for bottom leases opposed to currently requiring both. He commented that as a dealer and clammer, he often holds clams that he cannot sell on his lease, easily meeting production required but not the planting requirements. Murphey replied that the wording in the lease requirements use to be “or”, as opposed to “both” in regards to production and harvest. He added that the intent of the statute in allowing bottom leases is to produce shellfish in commercial quantities, however the advisory committee may make recommendations on this issue as they see fit. Cummings stated that he does plant clams that have been harvested on his lease, but that does not count for planting requirements. Murphey replied that using a lease for the wet storage of clams is a problem when trying to determine product recall. He added, when shellfish are moved from one growing area to another it creates a problem of what waterbody to look at if somebody were to get sick. Murphey stated that this is an issue that clammers are currently aware of when product is comingled. Cummings responded that he is not sure how big of an issue this is with other people. Murphey indicated that the risk of comingling product would be that multiple areas would have to close in the case of illness. Niels Lindquist questioned why there is a planting requirement when the concern of the statue is the commercial production of shellfish. Murphey replied that the ultimate intent is for the public trust waters that are held in private bottom leases to commercially produce shellfish. He stated that when the requirements were planting or production, individuals could hold a lease by just showing a receipt for cultch material, and that these leases were often used to keep the public away from an individual’s waterfront property. Lindquist asked why simply having only a production requirement would not also solve this problem. Murphey responded that for the initial two or three years of a lease, the holder would have a hard time meeting production requirements. Murphey added that many people take advantage of relay of wild stocks from seed management or closed areas to meet requirements. Cummings suggested that having an either production or planting requirement made sense, given the possibility of bad production due to disease, or hurricanes. Murphey commented that the current production and planting requirements are to ensure that the 5 year lease of public bottom to a private individual was in the best interest of the public trust, and granting a least to an individual who will only plant material and not harvest any shellfish is not the intent of the leasing program. Cummings stated that he would not want a least just to plant material, and it seemed to him the ultimate goal of any lease should be production. Murphey cited the statute 113.202 which showed the general intent of the leasing program. Cummings asked if a lease could be terminated at the end of the five year term because there was no production, and intent of the lease was determined not to produce shellfish commercially. Murphey responded that the statue and rules currently gives the division that leeway. Lindquist commented that it seemed that all of the production requirements would have to be met in the last years of a new lease due to startup time, and questioned why it would matter what amount is planted given the primary goal of production in the statue. Murphey reminded the committee that the division through the commission can make changes to the rules, but statutory changes must come from the legislature. Joey Daniels commented that the current proposed budget bill in the legislature contains language to extend shellfish lease terms to ten years, adding when the budget passes this aspect of the issue paper will be moot. Murphey replied that the division tries to continue working on a parallel path to what is occurring in pending legislation. Daniels commented that he feels the “acts of God” provision is beneficial to maintain, and added that the lease term was originally recommended to be 20 years, but was reduced to 5. Murphey asked Daniels if the proposed 10 year lease term currently in the legislation would use a 10 year or the



current 5 year production average. Daniels responded that he does not know. Ted Wilgis asked if there is an opportunity to combine all of the lease issues together later in this process. Murphey replied that the current issue being presented is many issues combined into one paper. Tina Moore added that the many lease factors as currently presented in this issue have been presented together in previous FMPs. She added that the issues will be kept separate as presented to the committee in the overall document, to keep the discussions for each distinct. Cummings asked if the management options numbers 5 and 6 are part of option number 4. Murphey replied that they are separate individual options. He clarified that option number 4 is to maintain acreage limits how we currently have them, number 5 is to allow 10 acres across the board regardless of harvest method areas, and number 6 is to allow an individual to hold more than 50 acres of leased bottom. Lindquist asked what the Shellfish Growers Association (SGA) really felt was holding back production in the state. Daniels responded that more people are getting into the business all the time, adding that some steps that have been taken by the division have made things better for growers. He added that only allowing leases in 5 or 10 acre portions at a time until production is met, significantly slows growth and adds cost. Murphey commented that the primary difference of where 5 acres versus 10 acres is permitted is the southern vs northern regions of the state. Stephen Taylor added that in the southern area there is not enough open water bodies to sustain larger sized leases. Murphey added that there are however a few large deeded bottom areas within that region. Daniels stated that it currently takes 5 years to meet production before anyone is allow to apply for the next 5 or 10 acres, then another 5 years to meet production on that lease. He then suggested that it would be a good idea to put the terminated leases in an availability pool, instead of requiring a 10 year waiting period. Daniels added that a failed lease will never be able to be leased again due to the material that was left on the bottom when the lease was terminated and exceeding the bushel limit per acre allowed in prospective leases. He added that now a failed lease is essentially an area taken off the map as a possible future lease, and we need to change that. Cummings commented that dead shell left on the bottom of a lease would not disqualify an area, just living oysters and clams. Daniels replied that any shell left on the bottom in his area will be coved with spat the next season.

Wilgis suggested that the committee consider the management options grouped by lease term, lease size, and lease transfer, and that the group would need to consider making motions to move forward in the process. Cummings suggested that a grace period for production limits accompany the transfer of a lease. Murphey replied that currently the production requirements are attached to the term of the lease by law. Cummings asked why a grace period would not be allowable. Daniels responded that this prevents someone from getting a lease on their waterfront property just to keep people out of there, then transferring it to their son, or cousin, or other family member every 5 years and never making any production. Murphey added that this argument of families holding non-productive waterfront leases is made often and is why the production requirements have been kept tied to the lease term. Ami Wilbur asked if the two year “acts of God” extension applied to individuals who took over leases that were not planted or producing. Lindquist replied that the previous lease holder’s laziness is not an act of God. Murphey replied that the division has granted act of God extensions due to illness, adding the DMF is very willing to work and offer flexibility to anybody who genuinely wants to go out and make a lease work. He added that lack of education for individuals who attempt to start a lease, and continue to make the same mistakes as others before them is currently a bottleneck in production. Wilgis suggested that the group focus on looking at the management options in three groups, options 1-3 regarding production, 4-6 dealing with lease size limits, and 7-9 regarding lease transfer. He then asked the group if they wanted to tackle each group options one at a time, or if this issue should be tabled. Moore reminded the committee that a quorum is present, however there is one more meeting where the issues can be considered. Lindquist suggested that the group pass on options 1-3 until the budget for the state is passed. Wilgis then



asked the group if there were any thoughts on options 4-6. Cummings asked if 5 acres enough area for someone to be successful and make a profit. Daniels replied that 5 acres is plenty of space for 2 people to go out and work very hard. He added that a serious investor would need much more area, and that depends on how many people they were trying to employ. He suggested that area size limits and acreage caps prevent large investors, and that by requiring production limits individuals would only be able to hold leases in the size they could successfully work.

Cummings asked if the signs for the controversial lease in the New River were legally posted, adding that he would like the marking of proposed leases and public notice to be something the group would discuss. Murphey replied that the legal size and marking requirements are in rules for once the lease is awarded, however 2 public notices in the paper are required 20 and 11 days prior. Cummings stated that the public has the right to oppose a lease, and allowing a lease to sneak into an area that has value to the local fisherman is wrong, and has concern about allowing large leases to sneak into areas. Lindquist asked if the division would be able to post notices of proposed leases on the DMF website. Murphey commented that was a good idea and that he would look into it. Ted suggested a motion could be passed to increase public notice for proposed leases. Cummings warned that most commercial fisherman do not use computers much and another method of notice would be preferable to him, such as posting notices in the local fish houses. Murphey agreed that this would also be a good idea, and that the leasing program is currently seeking ways to increase public awareness about proposed leases.

Wilgis suggested the group consider making a motion regarding options 1-3, reminding the committee that Niels Lindquist had suggested status quo due to the pending legislation.

Bob Cummings made a motion to recommend option #1, Status Quo. Jeff Tyler seconded the motion. The motion passed 5-1.

Wilgis asked the group if they were ready to make any motions regarding management options 4-6.

Joey Daniels made a motion to recommend option #5, allow a maximum of 10 acres to be leased in both mechanical methods prohibited areas and mechanical methods allowed areas. Bob Cummings seconded the motion. The motion passed unanimously.

Lindquist questioned what would happen if an individual decided that they had leased more area than they could meet production demands on. Murphey replied that any amount of area could be returned with a new survey at any point during the lease term. Wilbur asked if that returned portion of bottom would be immediately open to the public and available to lease. Murphey replied that the area returned would go back to public open bottom.

Wilgis asked the group if they had any further discussion on options 7-9, or if anyone would like to put forward a motion. Cummings asked for clarification on what Daniels was referring to when he said returned leased areas had to sit for 10 years prior to being available to leases again. Daniels asked why the division would want to make previously leased areas unavailable to be leased by a new individuals when the areas were previously unproductive bottom prior to being granted as leases initially. Niels commented that harvesters would be quick to remove any available shellfish from a returned lease once it was open to the public. Daniels added that if the current budget is approved, the survey requirement will be waived, and GPS will be allowed. Cummings commented that he does not want to see the natural shellfish bed designation waived for areas that were previously leases. Murphey mentioned that the committee had earlier started discussion on putting terminated



or expired leases into some sort of pool, and stated that Florida has a similar system of individuals waiting in a pool to acquire available terminated leases.

Ami Wilbur made a motion recommending to allow leases returned to the state to remain delineated for a period of time to allow the pre-existing leased bottom to be re-issued to other shellfish growers. Joey Daniels seconded the motion. The motion passed unanimously.

Lindquist asked if this application would be a subset of the larger lease application. Murphey replied that it would probably be another application process but DMF has the ability to do that. Moore asked Wilbur to repeat the wording of the issue and if her intent was to not have survey requirements for the individuals taking over the leases. Wilbur repeated the motion, and stated that her intent was for the leases to remain delineated, and not require a survey to be re-issued.

Wilgis asked the committee if there was any addition discussion or motions regarding the issue of allowing a grace period in the production requirements when a lease is transferred. Cummings stated the reason why the requirements follow the term of the lease and not the individual were now obvious to him, and he does not like the idea of a waterfront lease just being passed throughout members of a family without any production ever being made. Daniels commented that he would consider option #3 to be valuable regardless of the budget with the current lease items in it.

Joey Daniels made a motion to recommend management option #3, establishing a policy on and defining “Acts of God”. Ami Wilbur seconded the motion. The motion passed unanimously.

Murphey commented that the plan development team would like to establish criteria for “acts of God” extensions, and determine period when the production requirements would apply.

Wilgis asked the committee if there was any further discussion or if anyone would like to make a motion regarding the issue of public notices and proposed leases.

Bob Cummings made a motion to improve public notice of proposed lease applications on the physical lease, at fish houses, and through electronic notices. Niels Lindquist seconded the motion. The motion passed unanimously.

OTHER BUSINESS

None

PLAN AGENDA ITEMS FOR THE NEXT MEETING

Moore discussed the remaining tasks for the Advisory Committee and timeline to complete them. She noted that all of the issues had been presented to the committee at this time. She added that a draft of the entire document will be presented to the committee at the September meeting. Moore informed the committee that a table of all of the issues with the PDT and AC recommendations will be presented, and there will be addition opportunity to review the issues and recommendations after the document goes out for public comment. She informed the group that the September meeting will also be used to prioritize the research recommendations from the sections and issues, and they will be provided as a table. She informed the group that all of the items in the current budget bill regarding oysters and clams, remain unchanged since the previous Advisory Committee meeting, and the bill is still pending legislative approval. Moore asked the group if there were any questions. The next Oyster and Hard Clam Advisory Committee meeting will be held at 18:00 on Monday, September



14, 2015 at the Department of Environment and Natural Resources Regional Office, 943 Washington Square Mall, Hwy. 17, Washington, N.C.

Wilgis adjourned the meeting at 19:45.

/jjf

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





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, NCDEQ

DATE: September 28, 2015

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

The Oyster and Hard Clam Fishery Management Plan Advisory Committee met Monday, September 14, 2015 at the Department of Environmental Quality Regional Office, 943 Washington Square Mall, Hwy. 17, Washington, N.C. The following attended:

Advisers: Bob Cummings, Ami Wilbur (on call), Niels Lindquist (on call), Adam Tyler (on call), Ted Wilgis, Jeff Taylor, Joey Daniels, Stephen Swanson, Lee Setkowsky

Absent: Nancy Edens, Dell Newman

Staff: Tina Moore, Stephen Taylor, Catherine Blum, Dean Nelson, Shannon Jenkins, Trish Murphey, Joe Facendola, Steve Poland, Jeff Rheubottom, Alan Saunders, Garry Wright, Clay Caroon, Steve Murphey, Jason Peters.

Public: None

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

MODIFICATIONS TO THE AGENDA

The agenda was approved by consensus.

APPROVAL OF MINUTES

Jeff Taylor made a motion to approve the minutes. Joey Daniels seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

No public comments were offered.



Review and Prioritize the Research Recommendations for Both Plans

Plan Development Team co-leads Tina Moore and Stephen Taylor led the committee in a discussion reviewing and prioritizing research recommendations for both the clam and oyster plans. Moore referred the committee to the provided meeting materials, and highlighted that the purpose of this task was to provide a ranked list of research priorities of what is needed to move forward in management to universities and the division. Moore commented that the input given by the Advisory Committee will combined with that given by the Plan Development Team (PDT) and the Divisions Management Review Team will come up with the final ranking for recommendations. She then walked the committee through each research recommendation, starting with the clam plan.

Moore asked the group to discuss any disagreements they had with in how the PDT had initially ranked the research recommendations. Bob Cummings suggested that the recommendations regarding water quality and bacteria be moved up because that is what can ultimately limit clams. Adam Tyler commented that water quality is everything. Stephen Swanson suggested that it may not need to be ranked higher because it is already being looked at. Niels Lindquist added that there is currently much work being done looking at this, and questioned what could be done to improve upon this work. Swanson asked if the recommendation was to determine what would be worked on. Moore responded that this ranking was in regard to supporting collaborative research. Lindquist stated that as a research priority this is already viewed as high from other funding sources, and much of the questions are being addressed. Cummings asked if anything was being done about bacterial contamination. Lindquist replied that we can assess the problem, but until we have the tools to track it these isn't much to be done. Ted Wilgis suggested a compromised ranking of Medium. Lindquist agreed that medium was appropriate as this issue also applies to oysters as well. Moore stated, there is agreement to move with medium for both discussed research recommendations. She asked if there were any other issues with the clam recommendations. Lindquist asked about abundance indices. He questioned if DMF would implement that methodology broadly, and asked if DMF would them develop them. Moore replied that both DMF and broader groups could develop applicable indices. Wilgis concluded that there were no more issues with the clam research recommendations and we could move on to the oyster plan.

Moore reviewed that one redundant research need from two sections in the oyster plan was removed, and the two regarding alternative substrate were condensed into one recommendation. Lindquist questioned why monitoring of alternative substrates stops at larval settlement, and suggested the need to track the material over multiple seasons. Lindquist added that some type of long term monitoring is needed for all restoration work, since looking only at larval settlement tells you nothing about the long term, and is a waste of money. Wilgis asked if three years would be a sufficient time to recommend for monitoring. Lindquist replied that the larval settlement part should be removed from the wording and just kept to reef development. Adam Tyler added that oysters will do well for 1 and a half years, but in high salinity areas all that will be left are pests after that. Wilgis asked if this was appropriately ranked as medium. Lindquist responded that he would like to see this ranked as higher, with the focus on longer term monitoring. Tyler stated, that nothing good will be done if the planting does not last long term. Cummings asked if wording in the estimating the yield and longevity of clutch planting sites research recommendation would address Adam Tyler's statement. Lindquist responded that the



clutch plantings could be multiple materials, so they should fall under the same category. Wilgis commented that he would like to keep restoration activities and enhancement in there as well, but would like add in the wording of long term monitoring of reef development and move the ranking up. Wilgis questioned why the research recommendation identifying the number and size of oyster sanctuaries needed was ranked low. Moore responded that this research has been funded and there are plans for this to occur over the next couple of years. Wilgis also questioned the low ranking of the estimating mortality of relay recommendation. Stephen Taylor responded that there is currently minimal relay occurring, and that there has been some work in the past looking at this question. Wilgis then asked the committee if there were any more questions or comments. Lindquist commented that the water quality and bacterial sources recommendations as discussed earlier should be moved to medium to align with the hard clam plan. Wilgis stated if there were no more questions or comments that the committee would move on to the next agenda item.

Review the Complete Drafts of Amendment 4 and Amendment 2 of the Oyster and Hard Clam Fishery Management Plans and Determine the Advisory Committee's Preferred Management Strategy

Wilgis highlighted that this task was to review all of the issue, and make sure the positions listed are the ones the committee would like to move forward with. Moore presented all of the issues for both plans using a table in a PowerPoint presentation and well as paper handouts as a guide. She also made the committee aware that this version of the document contained two in prep sections that had not been previously reviewed by the Advisory Committee, the introduction prep, and the rules section. Moore highlighted that some additional information has been added to specific issues that she will highlight. She also added that information that committee members had requested to sections, such as stressors and disease have been added. Moore discussed that 3 issues have been removed from the initial list, two because of the policy issues pertaining to them have been addressed, and one because it was beyond the scope of the plan. She highlighted that this issue was a whelk fishery issue, however it was taken through the rules process to address the concern. Cummings questioned if that issue was in fact just a whelk issue, as it was to open shellfish dredging in the ocean. Moore responded that the rules committee felt that ocean dredging was not an issue significant to oysters and clams, as the origin of the issue was concerning whelk. Cummings asked how the problem was now going to be addressed. Moore responded that through the rules process the prohibition on mechanical gear in the ocean in that region originated from a wording error when the language was created, and not the intent of the rule. Catherine Blum, NCDMF staff member, clarified the wording of the issue, and stated that this is currently in the process of being remedied.

Moore began the process of addressing each issue, and instructed the committee that a motion can be made at the end of the discussions to accept any changes in recommendations that are discussed. Moore discussed that the first issue to have a PDT position change was the adoption on the supplement A issue. She reviewed that the PDT maintained their previous position, but added a recommendation to adopt a fishery dependent metric to help inform management decisions. Wilgis asked the committee if they would like to support the PDT addition. Lee Setowski asked for clarification on what that metric would be. Moore replied that it would need to be developed, but it could be some measure of harvest effort used to supplement the current percent legal trigger. Tyler commented that understands the problem with the trigger, Swanson



added that it makes sense to be able to close an area when there are just a very few large oysters there that keep it open to harvest despite the damage to the bottom. Wilgis stated that there seems to be support by the committee to also recommend the PDT metric. Moore then discussed the SAV issue, and the interim measures created by the US Army Corps of Engineers (USACOE), which would allow for 15% of samples to have sparse SAV coverage. She stated that the PDT recommendation was still status quo, however this meant to follow the current interim USACOE allowance. Moore added that the additional information and new interim allowance has been added to the issue paper. Cummings asked if the meaning of the status quo recommendation has now changed from no tolerance, to a 15% percent tolerance. Steve Murphey, Habitat and Enhancement section chief, responded that status quo still means to adhere to the regional conditions of the nationwide permit, however these conditions have changed from no adverse impact, to allowing no more than 15% of the samples taken to contain a sparse coverage (less than 10 shoots per square meter) of SAV. Joey Daniels commented that he would support the status quo recommendation, as the USACOE did work with them to give them some allowance, which is better than no tolerance. Wilgis stated if the committee does not have any other comments to move on to the next issue. Moore discussed the differences in the PDT and advisory committee recommendations in the Brunswick County shellfish lease moratorium. Tyler stated after he followed up with people in Brunswick Co, and they pursued the legislative moratorium when leases began encroaching on open public bottom. He added that with the current rate of development and polluted areas it did not seem possible to allow leases there anymore without significantly impacting public bottom. Stephen Taylor, PDT co-lead, added that with the continual encroachment of the polluted lines on the open area it would be hard to site a lease. Wilgis asked if there any areas in Brunswick County that were not polluted or had significant shellfish resource where a lease could be sited under the current guidelines. Stephen Taylor replied that any suitable areas that are in open to shellfishing waters are targeted by the cultch planting program. Lindquist commented that he agreed there is not a significant amount of open public bottom available, but there may be opportunity to grow clams in some of the high salinity areas. Steve Murphey stated that much of the area in Brunswick is closed conditionally after rainfall events, and is often closed greater than 50% of the time. He added that under the leasing guidelines, leases that are closed to harvest greater than 50% of the time cannot be renewed. Wilgis stated that based on the discussion the committee position will be changed to the PDT position. Moore reviewed the clam shading issue, and how Bob Cummings and Steve Murphey developed the shading requirement language. Setowski asked if the difference between the PDT and AC recommendation was that the AC recommendation eliminated the need for shading during storage on a dock. Cummings replied that he did not think anyone would take clams and leave them on a dock. Swanson replied that many commercial fisherman are not legally able to drive a vehicle, and may leave their catch on a dock until someone else can come and pick them up. Setowski questioned why we would leave that particular location off the list of where clams would require shading, and possibly allow for product to sit in the sun and cause illness. Tyler asked why Cummings clarified that a white sheet, oyster sacks, or other low cost similar shading options would be sufficient and not a financial burden on fisherman. Cummings added that he agrees with Setowski, and the intention was to have the clams shaded from the time they hit the boat until they are at the dealer. Cummings stated the PDT recommendation is missing the boat in the wording. Moore clarified that the PDT intent was that “during transport” was to imply on a vessel or back of a truck, however modification to the recommendation language can be made to specify vessel. Tyler questioned if this issue should move forward in



the rule making process. Steve Murphey stated that the division currently has the proclamation authority to require this, given the public health concerns. Moore added that by keeping this as a proclamation it offers more flexibility for the industry. Wilgis reviewed the need to modify the wording to include dock and vessel, then suggested moving on to the next issue. Setowski stated that he had initially requested to allow up to 600 clams be harvested recreationally so each person in a charter could get 100, however he would be satisfied with the PDT position of 400 clams per vessel, 100 per person, as it takes a long time to get 400 clams. Wilgis noted that the committee recommendation would be switched to the PDT recommendation. Wilgis confirmed with the group to continue to recommend status quo for the power hauling issue, and to move on to the public mechanical clam harvest issue. Setowski asked if there was any provisions for allowing the harvest of clams ahead of the dredging of inlets and ferry channels. Stephen Taylor responded that hydraulic dredges have been allowed in the past to go in ahead of the maintenance dredging to harvest and sell clams from open areas, and to relay out of closed areas. Wilgis commented that it seems there is currently a provision to allow access to clams ahead of dredging, and without any further discussion the group would move to the next issue of using GPS coordinates for shellfish leases. Steve Murphey commented that potential legislation may have just passed regarding this issue. Tyler stated the legislation would result in the applicant providing the GPS coordinates and putting out the posts. Lindquist questioned why DMF when out there doing the site survey would not take the GPS coordinates with a unit that they are already familiar with using. Steve Murphey replied that if the division did do anything along those lines, we would have issues from the NC Board of Surveyors. Daniels commented that if the intent of requiring GPS over a survey was to make it easier for someone to get into aquaculture. He questioned if marine patrol has a GPS that is good enough to write tickets, why is that GPS not good enough to define the boundary between potential rented property. Steve Murphey replied that in statute, a lease is transferrable and is treated as a piece of owned property. He continued that without a survey there may be issues with adjacent lease holders, and that meets and bounds are required for a property transfer. Steve Murphey added that an individual could sell a lease transfer for tens of thousands of dollars. Daniels commented that there are no survey requirements for pound nets which function similar to leases. Swanson questioned why DMF could not upgrade their equipment to the same GPS that is used by surveyors. Steve Murphey stated that he does not know the legal implications of what this legislation mean yet, and understands the frustration with having to get a survey. He also commented that in the Virginia lease program includes the survey in the lease application fee, and maintains a certified surveyor on staff. Cummings suggested to leave the AC recommendation as they decided at the previous meeting, as it appears the group has not changed their position. Wilgis noted this, and moved on to the next issue. Wilgis asked what would be the outcome if the group could not reach a consensus to make a recommendation for this issue. Moore replied there would be no AC recommendation for this issue in the document when presented to the Marine Fisheries Commission. Tyler stated that the people in Core Sound have not changed their minds on the moratorium, they do not want leases there. He added that this is a legislative issue and he feels we should leave it to them to figure out, as this had created a bad situation in Core Sound. Cummings stated that he understands that the members of the committee do not want to make a recommendation on this issue. He added he is not happy with the sampling process used to grant leases, given what he saw happen in the New River. Cummings continued that if the same sampling goes one how it did in the new river, people are going to get upset. Tyler commented that if Core Banks gets leases, people are going to get



upset. Cummings responded that all fisheries need to be considered when allowing leases, and he does not like the sampling protocol used. Steve Murphey commented that the latest leasing moratorium legislation issued for Core Sound permanently closed the eastern side, and left the western side under the moratorium. He added that some of the issues with the sampling methods come from the high density of samples and manpower. Lindquist asked Cummings what had resulted from the protest he had filed regarding the New River lease. Cummings responded that it didn't get filed in time. Wilgis commented that it appeared that the committee is satisfied to continue having no recommendation for this issue, and to move on to the next. Wilgis stated that lacking any discussion the committee would maintain their position on the effort impact issue, including the additional monitoring language and move on to the next issue. Trish Murphey stated that the current AC recommendation for the shellfish license issue has enforcement problems. Dean Nelson, Maj. Marine Patrol, questioned what the limit would be per vessel if there was one shellfish license holder and one standard commercial license holder on board. Cummings stated he thought it would be the lower limit. Tyler stated he thought that it would be 7, 5 for the commercial and 2 for the shellfish. Swanson added that he would like to see the AC recommendation be applied statewide or at least to Cape Hatteras, and not just south of the 58 bridge. Moore stated that there is already a division in hand harvest limits, but that boundary is Core Sound. Cummings suggested creating the lower limit by county, such as just Brunswick and New Hanover. Tyler commented that it seemed that there was a significant amount of shellfish licenses without any landings, suggesting they were just getting them to have a higher personal limit, or black market sales were going on. He added that he has heard about a lot of illegal sales coming from this area. Cummings stated he was against a lower limit for shellfish license holders in any way shape or form, and this seems to only be an issue in Brunswick County. Tyler asked what counties the overharvest is a problem in. Stephen Taylor responded that it is a problem in the whole southern region, and the harvest pressure keeps moving up the coast each year. Cummings suggested applying the limit only to Brunswick, New Hanover, and Pender counties. Stephen Taylor responded that Onslow County should also be included. Joe Facendola, PDT member, stated that he looked at the hand harvest landings from private bottom from Onslow, Pender, New Hanover and Brunswick Co. He added that this area has the smallest percentage of open bottom, yet produces around 40% of the statewide oyster landings. Cummings stated that Onslow County starts all the way up to the White Oak River, and he has not heard anything about problems there. Stephen Taylor replied that Stump Sound is in Onslow County, and there is a significant problem there, to the point we have received written complaints. Swanson stated that people are being phased out of commercial fishing and it is hard to come back. Garry Wright, Plan Devotement Team member, also commented that he has received phone calls from this area, and heard complaints first hand during the public cultch planting meetings of there being an issue of overharvest being attributed to these licenses. Wilgis questioned wording of the recommendation, should all counties be listed, or should it state Onslow County south. Trish Murphey cautioned that by using the Onslow County line the White Oak River would be split down the middle. Nelson commented that dividing the river would cause an enforcement nightmare. Cummings suggested New River sound, but not to include New River. He added the point of including Onslow County was Stump Sound, and a line drawn south from Swan Point Marina could be the boundary. Swanson suggested that if the limits are not state wide it will just cause people near the boundary line to move around to the higher limit areas. He added that there is no such thing as south of the highway 58 bridge, and the wording should be west of the 58 bridge. Wilgis stated due to the contentious nature of this



issue he would like someone to make a motion and vote before we move forward with any recommendations.

Bob Cummings made a motion that From Swan Point Marina south to the SC state line to establish a daily trip limit of 2 bushels of oysters per person with a maximum of 4 bushels per vessel off public bottom for holders of shellfish licenses, and to maintain the daily trip limit at 5 bushels per person for SCFL and RSCFL holders in the southern region. Lee Setowski seconded the motion. The motion passed 7 to 2.

Moore discussed that the PDT had changed their position on redefining off bottom culture from 12” to 18”, lining up with the AC recommendation. Wilgis stated if there is not discussion on this issue to move on to the last issue. Moore reviewed the PDT and AC positions on the modify shellfish lease provisions issue. Tyler questioned if any of this issue has changed with the budget. Steve Murphey replied that lease terms will go to ten years. Lindquist added that the recommendation of allowing leases being returned to the state once delineated might not be an issue with the GPS provision in the legislation. Wilgis asked the issue with that was once a lease expires it must remain dormant for ten years before it can be re-issued. Steve Murphey explained that the issues is if you let a lease expire that lease is returned to public trust waters, and any remaining cultch or living shellfish becomes resource on that lease. He added that if an individual was then to apply for a lease in that area, the likelihood of them getting that area is significantly reduced due to the density shellfish resource present. Steve Murphey commented that he liked the existing AC recommendation, as it allows DMF the flexibility to issue people already in cue leases that have expired. Wilgis stated if there are not any more questions or discussion that the committee will keep its original recommendation.

Wilgis then thanked the group for completing this task. Moore provided a recap on all the issues where the committee had changed their position and asked them to vote on approving the changed recommendations.

Joey Daniels made a motion to accept the recommendations with suggested changes and research recommendations input from tonight’s discussion. Bob Cummings seconded the motion. The motion passed unanimously.

OTHER BUSINESS

Wilgis thanked DMF staff for all their hard work, and would like to thank Stephen Taylor for all his service and stated that he will be missed when he retires in October. Wilgis congratulated Stephen Taylor and wished him good luck in his retirement.

MEETING ARRANGEMENTS

Moore discussed future dates and deadlines with the committee, stating the mail out deadline for the commission meeting is in late October. She highlighted the next steps of the process where these documents will go to the commission, then out for public comment before coming back in for review in January. Moore requested that the group agree on the next meeting date sometime during the week of January 4th, to be held at the Washington or Morehead City office. The committee agreed on Monday the 4th. Moore outlined that all of the recommendations will again be reviewed by the committee along with the public comment. She stated that the scheduled



October meeting will be canceled, as all the pending tasks needed prior to public comment were complete.

Chairman Wilgis adjourned the meeting.

/jjf

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





PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

MEMORANDUM

TO: N.C. Marine Fisheries Commission
MFC Nominating Committee

FROM: Michelle Duval and Nancy Fish
Division of Marine Fisheries, DEQ

DATE: Oct. 24, 2015

SUBJECT: Marine Fisheries Commission Nominating Committee Meeting Minutes

The N.C. Marine Fisheries Commission Nominating Committee met on Friday, Oct. 23, 2015 at 4 p.m. at the N.C. 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, Mike Wicker (via phone)
Staff: Louis, Daniel, Michelle Duval, Nancy Fish
Public: Jerry Schill, Lauren Morris

Chairman Laughridge called the meeting to order. The agenda was approved with a minor modification to allow for public comment.

Public Comment

Jerry Schill, representing the N.C. Fisheries Association, expressed concern that not all of the candidates under consideration had a commercial fisheries affiliation. He reminded the committee that a gentleman's agreement existed such that the nominees for the obligatory seats on the federal fishery management councils were typically commercial fishing representatives.

Motion by Joe Shute to approve the minutes from the March 12, 2015 Nominating Committee meeting, seconded by Mike Wicker. Motion passed without dissent.

Review of N.C. General Statutes and federal Magnuson-Stevens Act requirements

Michelle Duval, division staff lead for the committee, reviewed the N.C. General Statutes pertaining to the selection of nominees for federal fishery management council seats. She explained that the law requires the commission to approve a slate of candidates for consideration by the governor. She also reviewed the legal requirements of the federal Magnuson-Stevens Act regarding the council nomination process and selection of qualified candidates by the governor. Duval reviewed the responsibilities of the Nominating Committee in making recommendations to the full commission. She also noted that it has been the policy of the commission to recommend candidates with a commercial affiliation for obligatory council seats, and candidates with a recreational or scientific affiliation for at-large council seats. The full commission will review the committee recommendations and vote on a slate of candidates at its Nov. 18-20, 2015 business meeting in Nags Head, N.C.



Selection of Candidates for Nomination for the Obligatory Seat on the South Atlantic Fishery Management Council

The committee discussed the names, background information and qualifications of the individuals interested in serving on the South Atlantic Fishery Management Council: Jack Cox (incumbent), Kenny Fex, David Bush, Bernie McCants and Dave Timpy. The committee noted the differing levels of commercial fisheries experience among the potential candidates, as well their familiarity with South Atlantic fisheries and ability to be objective in decision-making. They discussed whether to send all interested candidates forward for the commission's consideration or a subset of interested individuals. Committee members expressed that their primary goal is to ensure all recommended candidates are qualified.

Motion by Mike Wicker to forward the names of Jack Cox, Kenny Fex and Bernie McCants to the Marine Fisheries Commission for consideration for the South Atlantic Fishery Management Council Obligatory seat, seconded by Joe Shute. Motion passed without dissent.

Duval also noted that staff always advises both the committee and the full commission that they not recommend a preferred candidate, but rather leave this decision to the governor. On the occasions the commission has recommended a preferred candidate, that recommendation has not always been consistent with the recommendation from the governor's office. Committee members agreed with this approach.

Director Daniel explained the history of the appointed seats on both the Mid-Atlantic and South Atlantic Fishery Management Councils. He stated that North Carolina has had an obligatory seat on the South Atlantic Council since the inception of the federal Magnuson Stevens Act in 1976. Each of the four South Atlantic states has held an at-large seat since that date as well, creating a balance among recreational (at-large) and commercial (obligatory) interests on that council. Daniel recounted that the effort to obtain an N.C. obligatory seat on the Mid-Atlantic Council was largely the work of the N.C. Fisheries Association during the 1996 reauthorization, as this council deals primarily with commercial fisheries. The at-large seat North Carolina currently holds on the Mid-Atlantic Council was only recently (2006) obtained, and predicated on scientific expertise.

Daniel stressed that sending forward this slate of candidates could potentially change the traditional balance and makeup of North Carolina's representation on the South Atlantic Fishery Management Council with two recreationally-appointed seats. Duval noted that past obligatory nominees have ranged from watermen, to dealers, to fishermen's wives.

Motion to adjourn the meeting by Mike Wicker, seconded by Joe Shute. Motion passed without dissent.

Meeting adjourned.



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL – 2016 OBLIGATORY SEAT CANDIDATE BIOS

Jack Cox
121 Buena Vista Dr.
Newport, NC 28570

Jack Cox's career in the fishing industry spans over three decades. Growing from an early love of the surrounding waters, a native of North Carolina, Jack's pastime evolved into a passionate career. With diverse and ongoing pursuits as a practicing fisherman, Jack has extensive experience with captaining a charter boat, spearfishing, bandit fishing, and sea bass trap fishing. Jack started commercial fishing when he was 16 by going out on four to five day trips as a crew member for a snapper grouper vessel. After high school, he started fishing to earn money for college money on his 25-foot center console boat. Most of this fishing was done out of Morehead City, NC.

The work ethic instilled in his early years has proven to be the platform for a career that has expanded to the whole sale and retail seafood business. After college, Jack went to work for a local seafood company selling local seafood to restaurants and for wholesale throughout the U.S. and Japan. Jack now owns Crystal Coast Fisheries, and spends most of his time selling finfish and snapper grouper for fishermen in our community. He sells for five full-time snapper grouper boats and several day trippers. He and his partners also have a seafood market (Blue Ocean Market) which enables them to serve the retail community as well as wholesale avenues. They offload their snapper and grouper at William Smith Seafood which is located in Beaufort, North Carolina.

Believing in taking care of our resources, Jack is committed to giving back and preservation of our future. In doing so, Jack has had extensive involvement in associations dedicated to the industry. These include past membership on the N.C. Marine Fisheries Commission Finfish Advisory Committee, the committee to define a commercial fisherman, the South Atlantic Fishery Management Council LAPP workgroup (2007-2008), and serving on the board of Carteret Catch, a local organization dedicated to promoting local fishermen and their seafood.

Since his appointment to the South Atlantic Fishery Management Council in 2013, Jack has served on multiple council committees including Snapper Grouper, Data Collection, Law Enforcement, Mackerel and Advisory Panel Selection, among others. He has served as a Council-appointed observer for the Red Snapper and Gray Triggerfish stock assessment data workshop. He was also appointed as the Council's representative on the NMFS Atlantic Large Whale Take Reduction Team, as well as the Council's representative on the ICCAT (International Commission for the Conservation of Atlantic Tunas) Advisory Panel. Jack has a vested interest in working together with others to celebrate, protect and grow the fishing industry.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL – 2016 OBLIGATORY SEAT CANDIDATE BIOS

Kenneth Fex, Jr.
122 NE 38th Street
Oak Island, NC 28465
910-620-5347

Mr. Fex is a full-time commercial fisherman who holds NMFS Southeast Region permits for snapper-grouper and dolphin-wahoo. In 1984, he began snapper-grouper fishing off North Carolina during the summers while in high school. Mr. Fex purchased the vessel F/V RAW BAR in 1996 and has fished primarily for snapper-grouper with that vessel since that time. He has served on the South Atlantic Council Snapper-Grouper Advisory Panel since December 2008. Mr. Fex has been active in marine research, specifically a red pogy reproductive study with UNC-Wilmington, and discard rates in the vertical line fishery with UNC-Wilmington and the Gulf and South Atlantic Fisheries Foundation. The work he has done with N.C. state agency staff include gutted weight research with Vicky Thayer in 2007 and Brian Pearson in 2012. He has participated in red snapper fin studies, tracking landings, and biological information collection with the division's southern district staff for several years. On the federal level, he has been involved past stock assessments for red snapper, red grouper, and black sea bass. Mr. Fex has also participated in a Federal Fishery Independent Monitoring Workshop, in order to identify better fishery independent data.

He is has served as a South Atlantic member of the Marine Resources Education Program Steering Committee for the past four years, which is a program designed to better educate fisherman on fisheries science and management. The program is conducted with the cooperation of the Gulf of Maine Research Institute, which has already developed such a program in the northeast. Mr. Fex is currently serving as an appointed panelist for the ongoing SEDAR 41 stock assessment of red snapper and gray triggerfish. He is also participating in a National Marine Fisheries Service pilot program to test different platforms for a commercial electronic logbook for the southeast region.

Mr. Fex has attended all South Atlantic Fishery Management Council Meetings for the last 5 years, from Atlantic Beach, NC to Key West, FL. He is currently Vice-Chair of the Council's Snapper Grouper Advisory Panel, and has provided the perspective of the advisory panel at several council meetings.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL – 2016 OBLIGATORY SEAT CANDIDATE BIOS

David E. Bush Jr.

3404 Old Airport Rd.
New Bern, NC 28562
debushjr@gmail.com
910-777-1605

Mr. Bush has always been an avid recreational fisherman, and has worked in various capacities in the commercial fishing industry since 2008. He served eleven years on active duty in the United States Marine Corps before leaving to eventually pursue a degree in marine biology in 2007. While working on his B.S. in biology and minor in chemistry, he obtained a position with B&J Seafood in New Bern, NC. In this position, he worked in and around the industry supporting the company's operations cell, frequently working between fishermen, dealers and retailers. Simultaneously, Mr. Bush enlisted in the N.C. National Guard Reserves where he earned his commission after his first deployment and currently holds the position of company commander.

He completed his degree at the University of North Carolina Wilmington where his studies concentrated on marine biology and fisheries management. During his studies he participated in many marine biology and fisheries academic projects. These include tagging and habitat studies, and fisheries-related climate change research, as well as volunteering with the N.C. Division of Marine Fisheries in support of sampling efforts. After graduating in December 2014, he worked with the industry on a cooperative research project in conjunction with the N.C. Division of Marine Fisheries and National Fish and Wildlife Foundation in effort to reduce bycatch in the shrimp trawl fishery. Most recently, he wrote a cooperative research grant proposal for the Bycatch Reduction and Engineering Program from the National Marine Fisheries Service and managed to develop a research team, including an extension agent from N.C. Sea Grant and two senior research scientists and a graduate student from East Carolina University. He currently serves as a fulltime Fisheries Biologist and Science Advisor for the North Carolina Fisheries Association where he works to bridge the gap between industry, academia, and fisheries managers. In addition to his regular duties, he was recently appointed as the University Liaison where he will cultivate partnerships and academic interest in research beneficial to the industry.

Mr. Bush is a firm believer in conserving our resources with quality science, but believes that this can and should be done while keeping those in mind that rely on those resources. As a prior service Marine and a current Army Officer, Mr. Bush is no stranger to making hard calls in controversial situations. Given his education, experience, and demonstrated public service commitment, Mr. Bush would be very well up to the task of serving on this council.

Charles “Bernie” McCants, Jr., 2325 Windy Woods Drive, Raleigh, NC 27607

Background

I was born in Raleigh 12/20/1948 and have lived in Raleigh all but 3 years of my life. I have been an avid salt-water angler for over 50 years and enjoy surf and small-boat inshore fishing as well as going offshore two to three times a year. I fish a minimum of 50 days a year in salt water in NC. I have held a lifetime fishing license since 1989 and have never had a fishing or boating citation or violation.

My parents owned coastal property in NC from the 70’s into the 90’s and my wife and I have owned a second residence in Morehead City since 1996.

While my hands-on experience, other than minimal recreational gill netting and crab potting 10-15 years ago, is with hook and line recreational fishing, I do believe my background, acquaintances and friends allow me to view fisheries management in a broader view than the traditional recreational angler. As my interest in fisheries management grew over the past 15 years, I have taken the time to meet and discuss fisheries issues with commercial fishermen and have had the opportunity to pull gear with them on several occasions. I also value fresh-caught NC seafood and strongly believe that the commercial and consumer user groups must be considered in the process of allocating fisheries resources.

My forty year of clinical research at Duke have exposed me to some outstanding statisticians and I have gained a working understanding of statistical modeling, which is a key element of fisheries management.

Finally, my participation in three different Marine Fisheries Commission Advisory Committees has allowed me to understand the fisheries management process in N.C.

Education

1967-1971 North Carolina State University, B.S., Zoology. Four post-graduate courses at Duke Medical Center in the Masters in Public Health program

Military Service

1972-1978 North Carolina National Guard, 823rd Military Detachment, Specialist 5th Class, Medical Corpsman, Laboratory Specialist

Work Experience

1971 – 1972 Quality Control Manager, Mallinckrodt Pharmaceuticals, Raleigh, North Carolina

1973 – 1977 Senior Data Technician, Department of Medicine, Duke University, Durham, North Carolina

1977 – 1987 Research Analyst, Department of Medicine, Duke University, Durham, North Carolina

1987 – 1994 Clinical Research Coordinator, Department of Medicine, Duke University, Durham, North Carolina

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL – 2016 OBLIGATORY SEAT CANDIDATE BIOS

1994 – 2013t Associate in Research, Department of Medicine, Duke University, Durham, North Carolina. Manager of the Follow-up Services Group for the Duke Clinical Research Institute

Fisheries Experience

2002 – 2004 Inland Advisory Committee to the N.C. Marine Fisheries Commission, recreational representative

2004 – 2009 Finfish Advisory Committee to the N.C. Marine Fisheries Commission, recreational representative

2007 – 2008 Red Drum Fisheries Management Plan Advisory Committee to the N.C. Marine Fisheries Commission, recreational representative

2014 – Present NC Representative to South Atlantic Species Advisory Panel to the Atlantic States Fisheries Management Council

Affiliations

1979 – Present Raleigh Saltwater Sport Fishing Club. President 2004-2006, Newsletter Editor and other offices 1983-2008

1983 – Present N.C. Beach Buggy Association

1984 – Present Cape Hatteras Anglers Club

1990 – Present N.C. Coastal Conservation Association

2013 – Present Cape Lookout Fly Fishers Club

Other

2015 Governor's nominee for the N.C. seat on the South Atlantic Fisheries Management Council

2013 Governor's nominee for the N.C. seat on South Atlantic Fisheries Management Council

2006 Governor's nominee for the N.C. seat on the Atlantic States Fisheries Management Council

2005 – 2014 Volunteer - Military Appreciation Day, which provides a day of fishing for active-duty military and shore entertainment for dependents,

2011 – 2013 Volunteer - Take a Kid Fishing, which provides a day-long coastal fishing adventure for disadvantaged youth and children with special needs

Biography of Captain Dave Timpy

Captain Dave Timpy currently holds NMFS Southeast Region permits for dolphin-wahoo, a for-hire charter captain license, and is an avid recreational fisherman. He has been fishing for 50 plus years. He is a member of the Recreational Fishing Alliance (RFA), Coastal Conservation Association, NC Wildlife Federation, NC Coastal Federation, Sierra Club, and the Cape Fear Anglers fishing club. He also is currently serving as a representative of the Southeast Data and Review (SEDAR) Pool Advisory Panel for the South Atlantic Fishery Management Council (SAFMC).

Captain Dave Timpy was raised in the town of Sea Bright on the Shrewsbury River and along the Atlantic Ocean shoreline in Monmouth County, New Jersey; a coastline lined with groins, jetties, and seawalls. Dave spent many years surfing and fishing these coastal waters. This inspired his early interest in the marine environment. While a student at Brookdale Community College, Dave volunteered with the Sandy Hook Littoral Society and NOAA's Sandy Hook Marine Laboratories. He spent much of his time devoted to banning fishing of U.S. waters by foreign vessels out to 200 miles. Dave graduated from Rutgers University with a degree in Physical Oceanography. He continued his education at Old Dominion University and earned an MS in Physical Oceanography with emphasis on coastal processes.

From 1982 to 1983 Dave was an Operations Analyst for Oceanographic Operations, Atlantic Analysis Corporation, Inc. Norfolk, VA. There, he conducted oceanographic acoustical analyses in support of the U.S. Navy Atlantic Tactical Development and Evaluation Program. As an Analyst, Dave also evaluated results of naval exercises in the Atlantic Ocean, developed tactical reference materials in support of revisions to the Anti-submarine Warfare manual (ASWC) for naval operations at sea, updated databases, performed statistical analyses and prepared technical reports on lessons learned from ocean exercises.

Dave was Coastal Zone Administrator for the City of Virginia Beach, Virginia from 1983 to 1985. There, he supervised the Waterfront Operations and Inspections Bureau where he regulated activities affecting wetlands and primary sand dunes, rivers, borrow pits, landfills, and erosion and sedimentation plans pursuant to the Virginia Best Management Practices (BMP) Guidelines. He also coordinated permits and violations with state and federal agencies. He provided technical advice to the Virginia Beach Wetlands Board and Beach Erosion Commission where he supported the board's recommendation to deny an ocean bulkhead permit application submitted by a group of residents from Sandbridge. Dave managed the dredging of Rudee Inlet as well as the city's annual shoreline and hydrographic surveys. He also managed municipal coastal engineering projects and contracts for beach nourishment, dredging, and environmental studies.

Dave's career with the U.S. Army Corps of Engineers began on January 6, 1986, as a Hydrologist/Project Manager in the Coastal Planning Section of the Philadelphia District. There, he worked on large shore protection projects along the New Jersey and Delaware coasts. From 1989 through 1991, Dave served as Chief of the Coastal Planning Section in the Planning Division of the Philadelphia District. He supervised the project management process for the District's coastal planning of shore protection and navigation projects along the New Jersey and Delaware shorelines.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL – 2016 OBLIGATORY SEAT CANDIDATE BIOS

In July 1991, Dave transferred to the Wilmington District to serve as the District's Oceanographer. There, he worked in the Coastal Branch on the District's Beach Nourishment projects. Dave began work with the Corps' Regulatory Division in 1994. Between February 1998 and May 2006, Dave served as Project Manager for NCDOT projects, Divisions 3, 6, and 8. He issued permits for many large projects including I-140 and Second Bridge to Oak Island.

From May 2006 until his retirement in January 2014 Dave managed the CAMA permit program for the Wilmington Regulatory Field Office. Dave worked with many state and federal resource agencies on permit applications for dredging, marinas, etc. In January 2014, Dave was awarded the North Carolina Order of Longleaf Pine for his efforts with the state. At this time he also earned his last of many Commander's Awards for Civilian Service for outstanding public service.

Dave has also enjoyed working with youth in the Wilmington community. He enjoyed volunteering with the Supper Optimist youth organization helping out with a large program of baseball and softball. He coached little league baseball for 15 years. Dave was also very involved with many years of youth wrestling. He also served as treasurer for the Cape Fear Hurricanes youth wrestling team, which won the North Carolina AAU state championship three times. Dave and his longtime friend and coworker are credited with rescuing 3 of 4 swimmers off of Figure 8 Island. The swimmers, on a church retreat, washed out to sea by an ebb current from the old Mason's Inlet, which at the time was threatening Shell Island Resort. For his rescue efforts, he received commendations from the USCG and the Corps.

Currently, Dave is a licensed USCG captain with 25 Ton Master. In 2013, he launched his fishing charter business, Wavelength Charters LLC: www.wavelengthcharters.com. He successfully completed the Marine Resource Education Program Southeast Science Workshop in April 2014 and Fisheries Science and Management Program in September 2014 hosted by the NOAA Fisheries. He was selected to serve as the President of the Cape Fear Chapter of the Coastal Conservation Association (CCA) in January 2015. Shortly thereafter, Dave elected to shift his support to the Recreational Fishing Alliance (RFA) and is currently a board member of RFA-NC. He continues to help the charter fishing captains of North Carolina. In January 2015, Dave was appointed to serve on the NOAA Fisheries, SAFMC, SEDAR Pool Advisory Panel. He is also serving on the For-Hire Stakeholder Advisory Group for the NC Division of Marine Fisheries. He also plans to evolve into other areas associated with coastal conservation efforts, including a longtime wish to serve on the SAFMC.