

Minutes



Marine Fisheries Commission Business Meeting Minutes
Doubletree by Hilton Brownstone University Hotel
Raleigh, North Carolina
Aug. 15-16, 2018

The commission held a business meeting Aug. 15-16 at the Doubletree by Hilton Brownstone University Hotel in Raleigh, North Carolina.

The briefing book, presentations and audio from this meeting can be found at <http://portal.ncdenr.org/web/mf/08-2018-briefing-book>.

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

BUSINESS MEETING - MOTIONS AND ACTIONS

Prior to the meeting, Secretary of State Elaine Marshall and Department of Environmental Quality Secretary Michael Regan swore in new Marine Fisheries Commission members: Chairman Rob Bizzell who replaced Rick Smith, Mike Blanton who replaced Janet Rose, and Tom Hendrickson who replaced Mark Gorges.

Chairman Rob Bizzell convened the Marine Fisheries Commission business meeting at 2 p.m. on Aug. 15 and reminded commissioners of their conflict of interest and ethics requirements.

Commission Liaison Nancy Fish reviewed evaluations from the State Board of Elections and Ethics Enforcement for actual and potential conflicts of interest for the new commissioners, as follows:

For William R. “Rob” Bizzell:

“We did not find an actual conflict of interest, but found the potential for a conflict of interest. The Potential conflict identified does not prohibit service on this entity.”

“Mr. Bizzell will fill the role of a recreational fisherman on the Commission. He disclosed that he is a licensed commercial and recreational fisherman and must follow the rules and regulations of the Commission. As such, he has the potential for a conflict of interest and should exercise appropriate caution in the performance of this public duties should his license come before the Commission for official action.”

For Michael C. Blanton:

“We did not find an actual conflict of interest, but found the potential for a conflict of interest. The Potential conflict identified does not prohibit service on this entity.”

“Mr. Blanton will fill the role of a commercial fisherman on the Commission. He is a self-employed commercial fisherman and must follow the rules and regulations of the Commission. He is also a member of the North Carolina Fisheries Association (Association). As such, he has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should his license or the Association come before the Commission for official action.”

For C. Thomas Hendrickson:

“We did not find an actual conflict of interest or the likelihood of a conflict of interest.”

“Mr. Hendrickson will fill the role of an At Large member on the Commission.”

Chairman Bizzell announced that Sammy Corbett and Alison Willis resigned from the commission prior to the meeting.

The following commission members were in attendance: Rob Bizzell-Chairman, Mike Blanton, Cameron Boltes, Tom Hendrickson, Pete Kornegay, Brad Koury and Chuck Laughridge.

**Motion by Cameron Boltes to approve agenda. Second by Chuck Laughridge
Motion carries with no opposition.**

Motion by Chuck Laughridge to approve minutes from the May 2018 meeting. Second by Pete Kornegay.

Motion carries with no opposition.

Chairman’s Report

Marine Fisheries Commission Liaison Nancy Fish reviewed correspondence that had been sent and received by the commission since the last business meeting.

Commissioners were reminded they are required to take ethics training within six months of their appointment and every two years thereafter. Commissioners were also reminded of the annual requirement to submit a Statement of Economic Interest form by April 15 to the State Board of Elections and Ethics Enforcement.

It was determined the 2019 meeting schedule would be:

Feb. 20-22

May 15-17

Aug. 21-23

Nov. 13-15

Chairman Bizzell explained the commission is required to hold three of the four quarterly business meetings in the coastal region of the state. He expressed his desire to hold these meetings in the Morehead City/New Bern area, as these towns are more centrally located along the coast. He also announced the meeting format would change to holding a public comment period on Wednesday night, followed by a business meeting on Thursday and Friday.

Election of Vice Chair

The commission elected Chuck Laughridge as vice chairman.

Motion by Brad Koury to nominate Chuck Laughridge for vice chairman. Second by Pete Kornegay.

Motion carries with no opposition.

Director’s Report

Division of Marine Fisheries Director Steve Murphey welcomed the new commissioners and

then updated the commission on division activities occurring since the May 2018 business meeting, including:

- The reappointment of Sara Winslow to North Carolina's at-large seat on the Mid-Atlantic Fishery Management Council and Anna Beckwith to the at-large seat on the South Atlantic Fishery Management Council.
- The promotion of Steve Poland as the primary staffer working on South Atlantic Fishery Management Council issues, replacing Michelle Duval.
- The draft fiscal note was submitted to the Office of State Management and Budget for the rules associated with the N.C. Wildlife Federation's petition for rulemaking by July 1.
- The work on developing rules has begun to make tarpon a no spear, no gaff and no possession fish. These rules should be included in the commission's 2019/2020 rulemaking package.
- The division has begun discussions with the Wildlife Resources Commission on possible modifications to joint and coastal water boundary designations.
- The impacts of excessive rainfall events on fisheries, recreational water quality and staff workload - some areas of the coast received up to 20 inches of rain in late July and early August.
- Jason Parker has been named the Marine Patrol Officer of the Year by the Governor's Conservation Achievement Awards Program, sponsored by the N.C. wildlife Federation.
- Notifying the public of the new bycatch reduction devices required in shrimp trawl that will go into effect July 2019.

Standard Commercial Fishing License Transfer Clarifications - Additionally, Director Murphy advised that the division would be issuing a news release immediately after the meeting reminding fishermen that there are limited reasons for transferring a commercial fishing license to another person.

Under state law, transfer of a Standard Commercial Fishing License must be made by the Division of Marine Fisheries at the request of a licensee and only under the following circumstances:

- To an immediate family member;
- To an administrator or executor of a deceased licensee's estate;
- From an administrator or executor of a deceased licensee to a surviving immediate family member of the deceased licensee;
- From a surviving member of a deceased licensee to a third-party purchaser of the deceased licensee's vessel;
- From a licensee who is retiring from commercial fishing to a third-party purchaser of the licensee's fishing vessel.

He clarified that internet-advertised commercial fishing license sales and business-to-business transfers are not authorized.

Director Murphey also said the division would start the commission rule-making process to:

- Add grandparents, grandchildren and legal guardians to the "immediate family"

- definition, and to
- Restrict license assignments to non-residents.

The division then provided an overview of recent actions from the South Atlantic Fishery Management Council, Highly Migratory Species, along with updates on the division's Protected Resources Program.

Stock Overview Report

Lee Paramore, chairman of the division's Biological Review Team, provided the commission with a summary of the 2017 Stock Overview Report.

Paramore reviewed the division's continuing efforts to better explain the health of the state's fisheries by tying its annual stock overview report to terminology commonly used in peer reviewed stock assessments.

In this year's report, the division no longer assigns fish stocks to one of the five former categories: viable, recovering, depleted, concern, and unknown. Instead, the stock status for a species is tied directly to the most recent peer reviewed stock assessment determination of overfishing and overfished/depleted.

Assigning species stock status to one of the former five categories had become increasingly difficult over time because definitions of the terms overlapped, and stock conditions were often in transition. Tying the stock status determinations to peer reviewed stock assessments removes subjectivity. For species that do not have an overfishing/overfished status, the report still documents trends in biological data and summarizes management.

It is the second consecutive year that the division has substantially changed the stock overview. Last year, the division altered the format of the report to clarify the role the state plays in management of each species, separating state-managed species from those cooperatively managed through a federal or interstate entity.

Three state managed species warrant notation in this year's stock overview:

Blue crab — Results of the 2018 benchmark stock assessment indicate the blue crab stock is overfished and overfishing is occurring. This assessment passed peer review and the model was accepted for use in management. The division is developing Amendment 3 to the Blue Crab Fishery Management Plan in conjunction with an advisory committee.

Striped mullet — Amendment 1 to the N.C. Striped Mullet Fishery Management Plan, adopted in 2015, requires the division to initiate further analysis of the striped mullet data if commercial landings fall below 1.13 million pounds or above 2.76 million pounds in any given year. In 2016, commercial landings of striped mullet fell below the 1.13 million pound minimum to 964,348 pounds, triggering the analysis. A 2018 update of the state's 2013 striped mullet stock assessment found that overfishing is not occurring; however, it cannot be determined if the stock is overfished. The N.C. Marine Fisheries Commission will discuss potential management options at its August meeting.

Southern flounder — A January 2018 stock assessment of southern flounder in the south

Atlantic indicated that the stock is overfished and overfishing is occurring. This assessment passed peer review, and the model was accepted for use in management with the condition that it be updated with information through 2017 so management is based on the most current data available. The update is underway and expected to be complete this fall. The division is developing Amendment 2 to the Southern Flounder Fishery Management Plan in conjunction with an advisory committee.

To view the presentation, go to:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=32170922&name=DLFE-138760.pdf

Public Comment Period

The following individuals spoke:

Chris Elkins, a former Marine Fisheries Commissioner and recreational fisherman from Gloucester, talked about the management of striped bass in the Central Southern Management Area, saying stock recovery was hampered by the refusal of the Department of Environmental Quality to authorize a fishery management plan supplement and by the Division of Marine Fisheries for not taking needed action. He said there are two large year classes of fish between 16 to 20 inches and they will become dead discards in the large mesh gill net fishery this fall if something is not done. He asked the division to issue a proclamation to remove gill nets on the Tar/Pamlico River and mirror the Wildlife Resources Commission's size and bag limits until the fishery management plan is complete.

Glenn Skinner, executive director of the N.C. Fisheries Association, said having two of the three commercial commissioners resigned right before the meeting created an awkward situation. He asked the commission not to take up any contentious issues at this meeting, because a vast amount of membership knowledge was missing from the panel with the vacancies.

Brent Fulcher, chairman of the N.C. Fisheries Association, said the easiest way to fix the observer coverage problem for the gill net fishery is to implement a call-in system similar to one the federal government uses. He thanked the commission for its support of the collaborative research on bycatch reduction, saying the results from the Bycatch Reduction Workgroup were very promising and North Carolina was ahead of other states in these efforts. He talked about being on advisory committees on both the state and federal levels and that they were very different experiences; advisory committee input does not get used on the state side. Commissioner Laughridge asked if Fulcher would support the federal government taking over the Observer Program or having a private contractor handle the program. Fulcher said he thought control of the program was best left to the state, because he felt it did a better job.

David Sneed, Executive Director of the Coastal Conservation Association – N.C., discussed a paper his organization had provided Governor Roy Cooper that referenced concerns they had with the division's 2017 Stock Status Report. He said the division addressed those concerns by changing how it categorized the stocks status but did nothing to address their other concerns. He talked about the tragedy of the commons, saying it was time for a new day in our state, and that actions that matched words by politicians and fisheries managers were needed.

Jan Willis, a recreational fisherman from Morehead City, said there were five categories of stock status tied to peer-reviewed stock assessments. She said this shows problems related to management of the fisheries and that 13 out of 14 state-managed species have a troublesome status. Willis said this was unacceptable and the result of irresponsible management over many years. She talked about the authorities to implement fishery management plans and encouraged the commission to take bold action and be the commission that finally makes a difference in our fisheries resources.

Blakely Hildebrand, with the Southern Environmental Law Center of behalf of the N.C. Wildlife Federation, said they had reviewed the draft fiscal note the division had prepared and submitted to the Office of State Budget and Management and that they were very disappointed by document. The draft fiscal note, she said, failed in its purpose to inform the public and that the document was not objective. She said it did not constitute an economic analysis and it was deficient in addressing benefits, with the benefits section only being five pages long. Hildebrand also questioned what alternatives were being evaluated.

Tim Gestwicki, Executive Director of the N.C. Wildlife Federation, announced that the Governor's Conservation Achievement Awards Program, which the federation sponsors, named Jason Parker the Marine Patrol Officer of the Year and he invited the commission to attend the awards program being held later in the summer. He then talked about his organization's Sound Solutions Campaign, saying it is not about recreational or commercial interests, but about the resources and that is why they filed the petition for rulemaking. He said the draft fiscal note is 170 pages of, at best, a flawed document that is extremely biased. He would love to work with the division and department to have a worthy document. He urged the commission to follow through with the schedule change for Amendment 2 to Shrimp Fishery Management Plan.

Dick Hamilton, with the N.C. Wildlife Federation's Camo Coalition and former director of the Wildlife Resources Commission, said he had a great affinity for the striped bass resource and there were a couple of good year classes in the system now that needed protection. He asked the commission to do something before the fall, certainly before spring. Hamilton said the commercial fishery had been identified as the main source of mortality of this stock.

Bert Owens, a recreational fisherman from Beaufort, said that state-managed species were headed in wrong direction since 1997 Fisheries Reform Act. He told the commission if they wanted fishermen to be able to catch fish that they needed to act now and provide fair regulation to both user groups.

Troy Brannan, with the Triangle Fly Fishers, said his father just turned 80 years old and he doubted he would ever be able to fill his cooler with trout again. He said he doubted his grandchildren will ever know a great spot run. He asked the commission to do something now and that all the other states had figured it out.

Terry Hackett, president of the Triangle Fly Fishers, said many of his members do not go to the North Carolina coast because they don't think the fisheries are sustainable. He reminded the commission our fisheries are a public trust resource and told them you know what to do, do it.

Hudson Haines, with the Triangle Fly Fishers, said he would like to hand children a better marine fisheries than what we have today and he told the commission to do their duty to manage and preserve the fisheries.

Preston McQueen, with the Triangle Fly Fishers, said it is not us vs. them, it's an environmental issue. He asked the commission if you know a fishery is overfished, what are you doing to correct it. He said the state resource is in a downward spiral and we need to look at what other states have done to correct the problem.

The meeting recessed at 6:45 p.m.

Aug. 16

The meeting reconvened at 8:30 a.m.

Atlantic States Marine Fisheries Commission

Chris Batsavage, the division's special assistant for councils and commissions, gave an overview of the Aug. 7-9, 2018 Atlantic States Marine Fisheries Commission meeting held in Arlington, Virginia.

Mid-Atlantic Fishery Management Council

Batsavage also gave an update on the June 5-7, 2018 Mid-Atlantic Fishery Management Council meeting held in Philadelphia, Pennsylvania.

One of the issues Batsavage highlighted was the Summer Flounder Commercial Issues Amendment, which addresses state commercial quota allocations, permit requalifying criteria and framework provisions for commercial landing flexibility. He advised public hearings on this amendment are scheduled to begin in September, with a North Carolina hearing in Washington. The public comment period closes Oct. 12.

There was much discussion on this amendment. The complicating factor for the commission was that two out of the three commercial seats are vacant, and this is a commercially-focused amendment.

Ultimately, Chairman Bizzell said he would strongly consider calling a special commission meeting to provide comments by the Oct. 12 deadline if the two commercial vacancies on the commission were filled by that time. If the commercial seats were not filled by the Oct. 12 comment deadline, Chairman Bizzell said the commission could vote on a position at its November meeting and could ask the Division of Marine Fisheries to provide this input to the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission at the meeting in Annapolis, Maryland, where the final action would be determined during the second week of December.

Motion by Chuck Laughridge to say if we miss the deadline for public comment on summer flounder to be discussed by MFC in a public meeting (Oct. 12) that in the November meeting MFC will adopt a position and allow Commissioner Blanton to present at ASMFC November meeting.

Motion amended.

**Amended motion by Chuck Laughridge to put discussion of position on summer flounder on the MFC agenda for the November meeting. Second by Cameron Boltes.
Motion withdrawn.**

Standard Commercial Fishing License Eligibility Report/Set Eligibility Pool Cap

Captain Carter Witten with the Marine Patrol and chairman of the Standard Commercial Fishing License Eligibility Board gave a presentation on the annual Standard Commercial Fishing License Eligibility Pool process and reviewed the number of licenses available for the pool for the 2018-2019 license/fiscal year.

The commission set the number of Standard Commercial Fishing Licenses available through the Eligibility Pool for the 2018-2019 fiscal year at 500.

**Motion by Mike Blanton to set the 2018-2019 SCFL Eligibility Pool cap at 500. Second by Chuck Laughridge.
Motion carries with no objection.**

Fishery Management Plan Update/Five-Year Schedule

Catherine Blum, the division's Fishery Management Plan Coordinator, updated the commission on the status of the ongoing fishery management plans, previewed the 2017 Fisheries Management Plan Review document, provided an overview of division efforts to streamline fishery management plan documents and reviewed the proposed five-year fishery management plan schedule.

To access the Division of Marine Fisheries 2017 Fishery Management Plan Review go to:
http://portal.ncdenr.org/c/document_library/get_file?uuid=34ef26bb-60b1-40ca-89f9-b7f83fcf8aae&groupId=38337

To view the presentation on the streamlined documents, go to:
http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=32170922&name=DLFE-138761.pdf

The updated schedule can be found at:
http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=30207658&name=DLFE-134209.pdf

The commission voted to approve the five-year fishery management plan schedule that was presented by the division.

**Motion by Tom Hendrickson to approve the FMP schedule as presented. Second by Mike Blanton.
Motion carries 5-1**

Blue Crab Fishery Management Plan

Jason Rock and Corrin Flora, division staff leads for the Blue Crab Fishery Management Plan, presented the annual update to the Blue Crab Traffic Light Assessment, which includes data through 2017. It was explained that under the adaptive management strategies in Amendment 2, the management measures enacted in 2016 should continue.

The presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=32170922&name=DLFE-138758.pdf

Rock and Flora then updated the commission on the progress of development for Amendment 3 to the Blue Crab Fishery Management Plan, reviewed the timeline for plan development and asked the commission to approve the goal and objectives for the plan, and provide input on management and sustainable harvest issues.

This presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=32170922&name=DLFE-138759.pdf

The commission approved the goal and objectives for Amendment 3 to the Blue Crab Fishery Management Plan.

Motion by Chuck Laughridge to approve the Blue Crab FMP goals and objectives as presented. Second by Tom Hendrickson.

Motion carries with no opposition.

Striped Mullet Fishery Management Plan Amendment 1

Laura Lee, the division's senior stock assessment scientist, presented the recently updated stock assessment for striped mullet. Amendment 1 to the N.C. Striped Mullet Fishery Management Plan requires the division to initiate further analysis of the striped mullet data if commercial landings fall below 1.13 million pounds or above 2.76 million pounds in any given year. In 2016, commercial landings fell, triggering the analysis. A 2018 update of the state's 2013 striped mullet stock assessment found that overfishing is not occurring; however, it cannot be determined if the stock is overfished.

This presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=32170922&name=DLFE-138763.pdf

Dan Zaph and Tracey Bauer, the co-leads for the Striped Mullet Fishery Management Plan, reviewed the preferred management recommendations from the division and commission's advisory committees.

The commission voted to continue the current management measures for striped mullet, as recommended by the division and commission advisory committees.

Motion by Chuck Laughridge to continue the current management measures for striped mullet, as recommended by the division. Second by Tom Hendrickson.

Motion carries 5-2.

Southern Flounder Fishery Management Plan Amendment 2 Update

Mike Loffler, one of the co-leads for the species lead for the Southern Flounder Fishery Management Plan, updated the commission on the status of the plan development and the progress of the advisory committee.

Rulemaking

Catherine Blum, the division's rulemaking coordinator, provided the commission with an update on recent actions for the Periodic Review and Expiration of Existing Rules process and then asked the commission to approve the final report on 15A NCAC 18A .0100, .0300-.0900, and .3400 rules, per G.S. 150B-21.3A.

The commission approved the final report as presented.

Motion by Chuck Laughridge to approve final report on 15A NCAC 18A .0100, .0300-.0900, and .3400 rules, per G.S. 150B-21.3A

Second by Tom Hendrickson.

Motion carries with no opposition.

Rule Suspension

Kathy Rawls, the division's Fisheries Management Section Chief, reviewed a rule on Spanish mackerel that had been suspended after the commission's May 2018 meeting.

The commission voted to continue this rule suspension.

Motion by Mike Blanton to continue the rule suspension of portions of N.C. Marine Fisheries Commission Rule 15A NCAC 03M .0301 Spanish and King Mackerel.

Second by Cameron Boltes.

Motion carries with no opposition.

Under Issues from Commissioners the following deliberations took place:

Fishery Management Plan Schedule, continued

Commissioner Boltes explained he wanted to revisit the Fishery Management Plan Schedule and that he had been confused earlier when the schedule had been approved. He offered a motion to amend the previously adopted schedule and begin immediate development of the next amendment to the Shrimp Fishery Management Plan. There was discussion about the timing of the next amendment to the Shrimp Plan and the rulemaking process for the proposed rules associated with the N.C. Wildlife Federation's petition for rulemaking. The division clarified that the two processes were independent of one another.

Motion by Cameron Boltes to amend the previously adopted FMP schedule to include the immediate development of the Shrimp FMP Amendment 2 in 2018-2019. Second by Pete Kornegay.

Motion carries 5-1 with one abstention.

The division asked for broad guidance on the focus of Amendment 2 to the Shrimp Fishery Management Plan and the commission voted to include the following general focus areas:

- Continue minimizing waste and enhance economic value of the shrimp resource by promoting more efficient harvesting practices.

- Further reduce mortality of non-target species of finfish and crustaceans and protected, threatened and endangered species.
- Promote the protection, restoration and enhancement of habitats and environmental quality.
- Encourage research and education to improve the understanding of the overall cumulative impacts of shrimp trawl bycatch on fish population dynamics.

Motion by Cameron Boltes to include the following general focus in the development of Amendment 2 to the Shrimp FMP:

- **Continue minimizing waste and enhance economic value of the shrimp resource by promoting more efficient harvesting practices.**
- **Further reduce mortality of non-target species of finfish and crustaceans and protected, threatened and endangered species.**
- **Promote the protection, restoration and enhancement of habitats and environmental quality.**
- **Encourage research and education to improve the understanding of the overall cumulative impacts of shrimp trawl bycatch on fish population dynamics.**

Second by Brad Koury.

Motion carries 5-0 with 2 abstentions.

2019 Meeting Locations

Commissioner Blanton expressed reservations about only holding the coastal meetings of the commission in the Morehead City/New Bern area, saying he felt it benefitted stakeholders to rotate the meetings along the coast. Chairman Bizzell said he would consider the request.

Commissioners Laughridge and Boltes discussed expanding the live stream capabilities of the meetings to include video and hosting remote commission meeting sites throughout the state to enhance transparency and participation.

Letter to U.S. Coast Guard

The commission agreed to write a letter to U.S. Coast Guard stating concern about the collision of two trawlers in North Carolina waters and asking the Coast Guard to be more vigilant in ensuring such vessels are following regulations regarding safety equipment.

Motion by Chuck Laughridge:

With the recent collision of two trawlers in North Carolina waters, and the increase of vessel traffic, I am concerned that all is not being done to prevent accidents on our waters. 33 CFR 164.35 states that proper use shall be made of radar equipment fitted and operational on a vessel. And 33 CFR 164.46(b) states that AIS equipment must be installed and operational on a vessel larger than 65 feet. I would like to make a motion that the chairman and the director write a joint letter to the appropriate Coast Guard personnel stating this concern and asking that they be more vigilant and active in insuring such vessels are following these regulations, pending approval of DMF counsel. Second by Brad Koury.

Motion carries with no objection.

Supplement to Estuarine Striped Bass Fishery Management Plan

Commissioner Boltes discussed his desire to have the secretary of the Department of Environmental Quality approve a supplement to the fishery management plan for striped bass and he wanted the division to work in conjunction with the Wildlife Resources Commission on the issue. The statutory requirements for a supplement were discussed. It was also clarified that the striped bass plans were jointly developed between the division and the Wildlife Resources Commission.

Director Murphey offered that he understood there was concern about discard mortality and protecting several promising year classes of striped bass in the Central Southern Management Area. He said he had already talked with Gordon Myers, the director of the Wildlife Resources Commission, about meeting on these issues because the division was concerned as well.

Motion by Cameron Boltes to request the secretary of DEQ authorize the development of a supplement to the Estuarine Striped Bass FMP to address concerns in discard mortality to ensure the long-term viability of the fishery. Motion fails for lack of a second.

Policy on Scientific Uncertainty

The commission tabled a motion about adopting a policy on scientific uncertainty.

Motion by Pete Kornegay to adopt the following policy. Second by Chuck Laughridge.

Policy on Scientific Uncertainty

It shall be the policy of the North Carolina Marine Fisheries Commission that in deliberating fishery management cases where there is uncertainty or where information is unknown or where there are no certain data with which to guide fishery management determinations or decisions, that a precautionary approach to fisheries management will be employed. A precautionary approach requires preventative conservation actions, when in the absence of certainty and without action; there is a risk of damage to fish or shellfish stocks. In cases in which there is disagreement on the need to implement conservation actions, the burden of proof that conservation actions are not warranted falls on those who seek inaction. Fisheries management actions adopted under this policy, either interim or long-term, shall give highest priority to rebuilding, conserving and wisely managing fish or shellfish stocks until stock recovery is achieved or the case is otherwise resolved. This policy shall be stated and addressed in every Fishery Management Plan prepared by the North Carolina Division of Marine Fisheries.

Motion tabled.

The meeting adjourned at 1:03 p.m.