

THE MFC ADVISER
Marine Fisheries Commission Business Meeting
Fort Macon State Park, Atlantic Beach, North Carolina
Nov. 2-4, 2011

The Marine Fisheries Commission and the Division of Marine Fisheries continue to look for ways to keep committee advisers and the public informed about commission activities. It is our intent to publish the MFC Adviser after each business meeting, summarizing the meeting, and providing a list of motions and rulemaking proceedings. Hopefully this bulletin will keep you better informed about commission activities. Visit <http://portal.ncdenr.org/web/mf/marine-fisheries-commission-and-related-links> to view this and past issues of the Adviser. Your comments regarding this update are always appreciated – please contact Nancy Fish by e-mail at nancy.fish@ncdenr.gov or by phone at 252-808-8021 or 1-800-682-2632.

The commission held a public meeting on the evening of Nov. 2, followed by a business meeting Nov. 3 and 4 at the Coastal Education and Visitors Center, Fort Macon State Park, in Atlantic Beach, North Carolina. The following commission members were in attendance: Rob Bizzell-Chairman, Anna Beckwith, Mikey Daniels, Chris Elkins, Allyn Powell, Joe Shute, Joseph Smith, Bradley Styron (absent Nov. 4) and Darrell Taylor.

The briefing book and presentations from this meeting can be found at <http://portal.ncdenr.org/web/mf/november-2011-mfc-briefing-book>.

The audio of this meeting can be found at <http://portal.ncdenr.org/web/mf/mfc-meetings-audio>.

PUBLIC MEETING – NOV. 2

The public meeting began at 6 p.m. Chairman Rob Bizzell advised that anyone who wishes to speak to the commission on a fisheries-related matter may do so during this public comment period or at 9:15 a.m. the following day. Bizzell explained that given time constraints individuals may speak only once, either on Nov. 2 or on Nov. 3, but not during both public comment periods. The following individuals spoke:

Ron McPherson, who is co-chair of the commission’s Central Advisory Committee and an active recreational fisherman, said he does not feel further restrictions on spotted seatrout are warranted. He said there were ongoing studies being conducted by N.C. State University that could show the stock is in better shape than the division’s stock assessment projected. McPherson feels the commission should not take any further action on spotted seatrout until the results of this study are available.

Chuck Laughridge, a recreational angler from Harker’s Island, said he disagreed with the previous speaker and that measures needed to be put in place now to end overfishing of spotted seatrout, as required by law.

Richard Phelps, a recreational angler from Hubert, said spotted seatrout have been overfished for 18 years and the law says overfishing must be ended now. He said he liked the option of a 15-inch size limit with a seasonal closure.

Dick Tunnell, a Hyde County commissioner, expressed concern about the Strategic Habitat Areas designations for Region 2, which includes Hyde County. He said his board of commissioners felt this designation would result in too many restrictions and that Hyde County was one of the poorest counties in the state and they could not support this action until they learned more about the process.

Bill Mandulak, a member of the Coastal Conservation Association of North Carolina, said his organization opposed the striped bass measures that the commission passed at its September 2011 meeting. He asked the commission to reconsider the striped bass votes and to implement a tow time limit. He also said once fishermen catch their limit they should get off the water and not keep fishing and that limits needed to be implemented for bycatch because it disadvantages other fishermen.

Reese Stecher, a charter boat operator from Kill Devil Hills, said he felt he should be able to talk longer than three minutes because he had driven over eight hours to come to this meeting. He said he had an issue with closures around Oregon Inlet that were being proposed in the Estuarine Striped Bass Fishery Management Plan. He said there was no data to justify taking that area away from the charter industry. He also said that the split between the recreational quota in the Albemarle Sound Management Area and the Roanoke River was not fair.

Sean McKeon, Executive Director of the N.C. Fisheries Association, said he was displeased about the commission's policy of only being allowed to speak at one of the public comment opportunities and that three minutes is not enough time to adequately address the commission. He asked the commission to look at recreational discard mortality in the red drum, spotted seatrout and striped bass fisheries. He said the recreational mortality in these fisheries dwarfs the commercial discards. McKeon said there were problems with the spotted seatrout stock assessment and that net bans were at the heart of the issue.

BUSINESS MEETING - MOTIONS AND ACTIONS – NOV. 3-4

Chairman Rob Bizzell convened the Marine Fisheries Commission business meeting at 9 a.m. with an invocation, followed by the Pledge of Allegiance and a reminder to commissioners of their ethics requirements. All members were present.

The agenda and the September 2011 minutes were approved.

Motions

Motion by Joe Shute to approve the Nov. 3-4, 2011 agenda, seconded by Anna Beckwith - motion carries without objection.

Motion by Anna Beckwith to approve September 2011 minutes, seconded by Joe Smith - motion carries without objection.

Public Comment

Ken Humphrey, who is both a commercial and recreational fisherman from Morehead City, said he did not want to be able to recreationally fish at the expense of the commercial

fishermen's ability to catch fish. He closed by saying he felt that the commission was sending a message to the commercial fishermen to find another way of life.

Chris McCaffrity, a commercial fisherman from Morehead City, said size limits were a waste of our fisheries resources. He said it was time to stop torturing fish to death and wasting them in the name of conservation and government profit. He said fish are gifts from God that should be treated with respect.

Terry Pratt, President of the Albemarle Fisherman's Association, said the first two speakers were correct and that he had been making the same comments for several years. He said the commission needs to look at the habitat and what it does to fish. He talked about a cliff near where he lives that has 3 million years of layers where you can track all types of environmental events. Pratt said we need to put common sense back into our laws and regulations and try to find a happy medium. He said the regulatory burden on fishermen is too great.

Don Morris, a recreational striped bass fisherman from Newport, said the last two years of fishing has been bad and that more restrictive measures in the ocean are needed. He said the waste in last year's trawl spill was criminal and that commercial hook-and-line fishing needs to replace nets. Morris also said that the practice of high grading needs to be stopped. He closed by saying that recreational fishing brings in millions to the economy and that commercial fishing put food on the tables of millions of people.

Steve Ammons, Executive Director of the Coastal Conservation Association of North Carolina, asked the commission to instruct Division of Marine Fisheries Director Louis Daniel to end overfishing immediately for spotted seatrout. He said more restriction are needed than the current size and creel limits. Ammons said the commission was required to reduce fishing effort by 57 percent to end overfishing. He ended by saying that the commission's legacy should not be that it allowed the spotted seatrout fishery to collapse.

Ken Seigler, a commercial fisherman from Hubert, talked about the Standard Commercial Fishing License eligibility requirements and that the striped bass permit was not intended for hook-and-line. He advocated that commercial fishermen should have to have at least 50 percent of their income coming from fishing in order to be considered a commercial fisherman and to qualify for a permit. Seigler also said that spotted seatrout are hard to control and that cold stuns will knock them down, but that they can repopulate rapidly. He closed by saying he agreed with Chris McCaffrity's earlier remarks.

Jerry James, Co-chair of the Southern Flounder Fishery Management Plan Advisory Committee and a member of the Finfish Advisory Committee, urged the commission to keep an eye on southern flounder stocks and said that he had concerns about impact of the easing of gill net restrictions on this stock. He also said the commission should wait to see the result of the N.C. State University studies before putting stricter regulations in place.

Bradley Styron read a letter from Pam Morris that said the spotted seatrout assessment was flawed and that natural mortality was the biggest factor. She said spotted seatrout reproduce more like blue crabs than long-lived species and she does not believe that they have been overfished for 20 years. She said when it was warmer weather there would be more spotted

seatrout and when it was colder, there would be less seatrout. She said these fish are being used to do away with the long haul fishery and it is a ruse to get all commercial fishermen off the water and speckled trout off the plates of the consumer. She said that the size limit for speckled trout is too large and should be 12 inches. Morris said the estuarine striped bass should be left alone and ended by saying that Jess Hawkins has been treated badly by the nominating committee process.

Issues from Commissioners

There were no issues from commissioners.

Chairman's Report

Chairman Rob Bizzell announced he was removing two members of the Sea Turtle Advisory Committee due to lack of attendance. He reminded everyone that advisers were required to attend at least 75 percent of advisory committee meetings.

Committee Reports

Nominating Committee

The commission approved a slate of candidates to forward to Governor Bev Perdue for consideration to fill the various seats on the South Atlantic and Mid-Atlantic Fisheries Management Councils.

At-Large Seat on the South Atlantic Fishery Management Council:

- Anna Beckwith
- Bill Cole
- Dew Forbes*
- Jess Hawkins
- Bob Lorenz

***Mr. Forbes has withdrawn his name from consideration**

At-Large Seat on the Mid Atlantic Fishery Management Council:

- Linda Harper
- Pres Pate
- Sara Winslow

Obligatory Seat on the Mid Atlantic Fishery Management Council:

- Dewey Hemilright
- Sean McKeon
- Rita Merritt
- Jimmy Ruhle

Motions

Motion by Bradley Styron to accept the Nominating Committee's recommendations to be forwarded to the governor's office for consideration for the at-large seat on the South Atlantic Fisheries Management Council, which includes Anna Beckwith, Bill Cole, Dew Forbes, Jess Hawkins and Bob Lorenz, seconded by Darrell Taylor - motion carries without objection.

Motion by Chris Elkins to accept the Nominating Committee's recommendations to be forwarded to the governor's office for consideration for the at-large seat on the Mid-Atlantic Fisheries Management Council, which includes Linda Harper, Pres Pate and Sara Winslow, seconded by Bradley Styron - motion carries without objection.

Motion by Anna Beckwith to forward the following names to the governor's office for consideration for the obligatory seat on the Mid-Atlantic Fisheries Management Council: Dewey Hemilright, Sean McKeon, Rita Merritt and Jimmy Ruhle, seconded by Darrell Taylor - motion carries 6-2.

Sea Turtle Advisory Committee

The commission reviewed and discussed the Sea Turtle Advisory Committee's recommendations on the Division of Marine Fisheries' Incidental Take Permit application submitted to the National Marine Fisheries Service. The recommendations are as follows:

1. We support the division of estuarine waters into six management units using information on spatial variation in distribution of gill net fisheries, sea turtle habitat use and observed interactions. This allows the Division of Marine Fisheries to focus observer and management efforts in areas where they are most urgently required.
2. We agree that the management measures currently in place, including the restrictions on total amount of gear, net length and height, fishing times, should significantly reduce the frequency with which sea turtles are entangled while, at the same time, allowing the large-mesh gill fishery to continue to operate.
3. We support the approach in which a management unit will be closed if allowable thresholds are likely to be exceeded for any species.
4. We support the minimum level of observer coverage (7 percent of trips) and the use of the alternative platform.
5. We recognize the rare event of catching a turtle in a small mesh gill net and we are sensitive to the negative economic impact of a zero-take threshold.
6. We are concerned about takes in Recreational Commercial Gear License nets counting as authorized takes.
7. We are concerned about not having an assessment of these measures in the adaptive management strategy. There needs to be a mechanism to monitor the impact of population trends and the impact of these by-catches on these trends.

The commission endorsed sending all of the recommendations to the National Marine Fisheries Service except for #6 and #7.

Motions

Motion by Joe Shute to accept the Sea Turtle Advisory Committee's recommendations on the Division of Marine Fisheries' Incidental Take Permit to National Marine Fisheries Service, seconded by Anna Beckwith - motion carries without objection.

Motion by Bradley Styron to amend the previous endorsement of the Sea Turtle Advisory Committee's recommendations on the Division of Marine Fisheries' Incidental Take Permit to National Marine Fisheries Service, excluding items 6 and 7, seconded by Joe Smith - motion carries without objection.

Strategic Habitat Area Committee

The commission reviewed and approved strategic habitat areas selected for Coastal Region 2 for inclusion in the Coastal Habitat Protection Plan.

To view this presentation go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=2a666b43-7dfe-441b-ac69-7bde9302cffd&groupId=38337 .

Motion by Chris Elkins to approve the Strategic Habitat Area Region 2 nominations, for inclusion in the Coastal Habitat Protection Plan, seconded Anna Beckwith - motion carries 7-1.

Limited Entry Provisions for Commercial Atlantic Ocean Striped Bass Fisheries

Michelle Duval, who is one of the division's Executive Assistants for Councils and Commissions, presented the commission with information related to the refinement of the limited entry provisions for the commercial Atlantic Ocean striped bass fisheries.

To view this presentation go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=233ac12f-860f-4a11-a626-81f7f53806c9&groupId=38337

The commission decided to postpone discussion on establishing a limited entry system for the commercial ocean striped bass fishery until its August 2012 meeting. The commission asked Louis Daniel, director of the N.C. Division of Marine Fisheries, to pursue statutory changes to give the commission more flexibility in the state law that authorizes it to establish a limited entry system for fisheries subject to a federal fishery management plan that imposes quotas. The commission would like to change the current requirement that participation in a limited entry fishery be limited to those who landed a minimum number of pounds of fish in two of three license years.

Motions

Motion by Anna Beckwith to postpone discussion on limited entry for the Atlantic Ocean striped bass commercial fishery until the commission's August 2012 meeting and to direct Division Director Louis Daniel to explore getting more flexibility in the N. C. General Statutes on developing limited entry fisheries subject to federal fishery management plans and quotas, seconded by Bradley Styron.

Motion by Mikey Daniels to table limited entry discussion until after lunch, seconded by Bradley Styron - motion carries 5-3.

Motion by Joe Shute to untable limited entry discussion, seconded by Mikey Daniels - motion carries without objection.

Motion by Anna Beckwith to postpone discussion on limited entry for the Atlantic Ocean striped bass commercial fishery until the commission's August 2012 meeting and to direct Division Director Louis Daniel to explore getting more flexibility in the N. C. General Statutes on developing limited entry fisheries subject to federal fishery management plans and quotas, seconded by Bradley Styron. Bradley Styron withdrew his second. Motion was then seconded by Darrell Taylor.

Motion by Anna Beckwith to amend prior motion to add the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, and the Atlantic States Marine Fisheries Commission, after the federal fishery management plans parenthetically and to add language that states the Marine Fisheries Commission can use any additional criteria aside from holding a Standard Commercial Fishing License to develop limited entry fisheries, seconded by Chris Elkins - motion carries 5-3.

Amended motion by Anna Beckwith to postpone discussion on limited entry for the Atlantic Ocean striped bass commercial fishery until the commission's August 2012 meeting and to direct Division Director Louis Daniel to explore getting more flexibility in the N. C. General Statutes on developing limited entry fisheries subject to federal (Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, and the Atlantic States Marine Fisheries Commission) fishery management plans and quotas, and that the Marine Fisheries Commission can use any additional criteria aside from holding a Standard Commercial Fishing License to develop limited entry fisheries, seconded by Darrell Taylor – motion carries 5-3, with 1 abstention.

Spotted Seatrout Fishery Management Plan

Division biologist Chip Collier reviewed advisory committee and public comment on management options for ending overfishing within two years of adoption of the Spotted Seatrout Fishery Management Plan.

To view this presentation go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=357e856c-d85c-42c6-8007-23115f3bec4b&groupId=38337.

The commission decided to adopt the following short-term measures to address overfishing in the spotted seatrout fishery. The short-term measures will:

- Reduce the daily recreational bag limit from 6 fish per person to 4 fish per person
- Implement a daily commercial trip limit of 75 fish per operation
- Prohibit the use of gill nets on the weekend in all joint fishing waters of the state, except Albemarle Sound

The prohibition of gill nets applies to both commercial and recreational nets, large mesh and small mesh nets, set and runaround nets.

The action eliminates a commercial weekend closure on possession of spotted seatrout outside of joint fishing waters. It also eliminates a recreational provision that no more than two of the fish may be greater than 24 inches.

The current 14-inch size limit remains in place.

The commission also tentatively approved long-term management strategies for a draft Spotted Seatrout Fishery Management Plan. These regulations will go into place in February 2014 unless additional data becomes available before then that indicates reductions are not necessary. State law requires the commission to end overfishing within two years of final adoption of a fishery management plan.

The long-term measures will:

- Reduce the daily recreational bag limit to three fish per person.
- Implement a Dec. 15 through Jan. 31 recreational closure.
- Reduce the commercial trip limit to 25 fish.
- Eliminate commercial closures.

The long-term measures are needed because the new short-term regulations represent a 40 percent reduction in spotted seatrout fishing mortality. According to a 2010 stock assessment, a 57.1 percent reduction in fishing mortality is needed to end overfishing of spotted seatrout within two years of final adoption of the plan.

The commission also voted to send the draft fishery management plan, which includes the above listed long-term management measures, to the secretary of the N.C. Department of Environment and Natural Resource and the Joint Legislative Commission on Governmental Operations for review.

Motions

Motion by Anna Beckwith to select a preferred management option for the spotted seatrout recreational fishery of a 14-inch size limit, 3-fish bag limit and Dec. 15 through Jan. 31 closure; and to implement 14-inch size limit, 100-fish trip limit in the spotted seatrout commercial fishery and Dec. 15 through Jan. 31 closure, with no possession on weekends, but gear can stay in the water, which will reduce harvest by 57 percent, and to implement these restrictions in Feb. 2014, but retain ability to adapt management scenarios if additional data is available that indicates different reductions are necessary to end overfishing, seconded by Bradley Styron.

Motion by Allyn Powell to amend prior motion to implement 14-inch size limit and 25-fish trip limit in the spotted seatrout commercial fishery with no seasonal closures and allowing possession on weekends, seconded by Chris Elkins - motion carries 5-3.

Amended motion by Anna Beckwith to a select preferred management option for the spotted seatrout recreational fishery of a 14-inch size limit, 3-fish bag limit and Dec. 15 through Jan. 31 closure; and to implement 14-inch size limit, 25-fish trip limit in the spotted seatrout commercial fishery with no seasonal closures and allowing possession on weekends, which will reduce harvest by 57 percent and to implement these restrictions in Feb. 2014, but retain ability to adapt management scenarios if additional data is available that indicates different reductions are necessary to end overfishing, seconded by Bradley Styron – motion carries without objection.

Motion by Anna Beckwith to direct the Division of Marine Fisheries Director, in the event of cold stun leading to season closure, to reopen the season with a 75-fish commercial trip limit and 4-fish recreational bag limit, seconded Darrell Taylor - motion carries without objection.

Motion by Chris Elkins to implement interim measures in the spotted seatrout fishery with a 75-fish commercial trip limit and 4-fish recreational bag limit, seconded by Allyn Powell - motion fails 4-3, with 1 abstention.

Motion by Joe Shute to approve the draft Spotted Seatrout Fishery Management Plan for review by the Secretary of the Department of Environment and Natural Resources and Joint Legislative Commission on Governmental Operations, seconded by Bradley Styron - motion carries without objection.

Motion by Anna Beckwith to disallow commercial gill nets and Recreational Commercial Gear License gill nets in the Joint Coastal Fishing Waters on weekends and no commercial possession of spotted seatrout - motion fails for lack of second.

Motion by Joe Shute to implement interim measures in the spotted seatrout fishery, including a 75-fish commercial trip limit and 4-fish recreational bag limit in the spotted seatrout fishery and also to disallow commercial and Recreational Commercial Gear License gill nets in the Joint Coastal Fishing Waters on weekends effective immediately, seconded by Chris Elkins.

Motion by Chris Elkins to amend prior motion to exclude the Albemarle Sound from gill net restrictions on weekends, seconded by Joe Shute - motion carries 5-3.

Amended motion by Joe Shute to implement interim measures in the spotted seatrout fishery, including a 75-fish commercial trip limit and 4-fish recreational bag limit in the spotted seatrout fishery and also to disallow commercial and Recreational Commercial Gear License gill nets in the Joint Coastal Fishing Waters gill nets on weekends excluding the Albemarle Sound effective immediately, seconded by Chris Elkins - motion carries 4-3, with 1 abstention

Estuarine Striped Bass Fishery Management Plan Amendment 1

Division biologist Charlton Godwin and Central District Manager Katy West reviewed the comments received on the draft Estuarine Striped Bass Fisheries Management Plan Amendment 1 from advisory committees and the public. The commission then selected its preferred management strategies for each of the key issues and tentatively approved the draft fishery management plan, which include:

- Keeping current seasons, area restrictions, harvest limits and size limits for the estuarine striped bass fisheries;
- Instituting an overage payback provision for the Central Southern Management Area commercial harvest total allowable catch;

- Continuing to stock striped bass in the Tar-Pamlico, Neuse and Cape Fear rivers;
- Technical modifications to rules to create two new boundary points; and
- Educate anglers on ethical angling practices, including mortality statistics associated with various handling techniques when possible.

To view this presentation go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=78fa912a-554e-41fc-977b-f8fd51c63b90&groupId=38337

The commission also voted to send the draft fishery management plan to the secretary of the N.C. Department of Environment and Natural Resource and the Joint Legislative Commission on Governmental Operations for review.

Motions

Motion by Anna Beckwith to support status quo for the Atlantic Ocean summer recreational harvest closure maintaining use of catch card survey, seconded by Joe Smith - motion carries without objection.

Motion by Anna Beckwith to maintain status quo on stocking striped bass in coastal rivers, seconded by Chris Elkins - motion carries without objection.

Motion by Anna Beckwith to maintain status quo on requiring the use of single barbless hooks during striped bass recreational closed season and to educate anglers on ethical angling practices and to include mortality statistics associated with various handling techniques, seconded by Joe Smith - motion carries without objection.

Motion by Anna Beckwith to support recommendations for necessary rule changes to create new boundaries, seconded by Chris Elkins - motion carries without objection.

Motion by Anna Beckwith to support status quo with current tie down lines and distance from shore lines, seconded by Darrell Taylor - motion carries without objection.

Motion by Anna Beckwith to support status quo with adaptive management disallowing hook-and-line as commercial gear for striped bass unless future restrictions on the use of gill nets necessitates alternative commercial gears in estuarine waters, seconded by Darrell Taylor - motion carries without objection.

Motion by Anna Beckwith to support status quo on all management measures in the Central Southern Management Area fishery with the addition of a pound-for-pound payback provision in the commercial fishery, seconded by Joe Shute - motion carries without objection.

Motion by Anna Beckwith to maintain status quo in management of the Albemarle Sound Management Area and the Roanoke River Management Area fisheries, seconded by Joe Smith - motion carries without objection.

Motion by Darrell Taylor to approve the draft Estuarine Striped Bass Fishery Management Plan Amendment 1 for review by the Secretary of the Department of Environment and Natural Resources and Joint Legislative Commission on Governmental Operations, seconded Joe Shute - motion carries without objection.

Blue Crab Fishery Management Plan Amendment 2

Division biologist Lynn Henry presented the commission with the draft Blue Crab Fishery Management Plan Amendment 2. He reviewed the 2011 Division of Marine Fisheries Blue Crab Stock Assessment that determined the stock is not overfished, but could not determine if overfishing is occurring.

Henry reviewed the draft amendment that proposes adoption of adaptive management measures whereby stricter regulations would be implemented in the blue crab fishery if certain biological triggers are unfavorable for three consecutive years. These adaptive management measures use several biological surveys and sampling programs to determine the relative abundance of adult crabs in the population, the abundance of young crabs in the population, and various production indicators for the spawning stock each year.

Other items considered in the draft amendment include:

- Eliminate the harvest of sponge crabs and allowing no more than a 3 percent culling tolerance;
- Prohibit the harvest of v-apron immature hard crab females that are 5-inches or greater;
- Consider a 75 pot per vessel limit in southern Bogue Sound;
- Open eight non-pot areas (long haul areas) in the Pungo River to the use of pots, and keep the Long Point non-pot area in Pamlico River closed to the use of pots;
- Use the type of bait instead of pot mesh size to define escape ring requirements in a crab pot;
- Establish new boundaries for the Pamlico Sound area where closure of escape rings to take small mature females is allowed;
- Clarify existing rules so that they are easier for the public to understand and they match harvest and enforcement practices;
- Allow buoyant line to connect a crab pot to a buoy in areas where obstructions exist, as long as the line is not floating on the surface;
- Establish specific criteria for using proclamation authority to require terrapin excluder devices in crab pots;
- Allow multiple pots on a line, not to exceed two pots per buoy.

The draft amendment, a summary document of the issues and recommendations, and a summary of the stock protection options can be found on the Division of Marine Fisheries' website at <http://portal.ncdenr.org/web/mf/fmps-under-development>

The commission voted to send the draft Blue Crab Fishery Management Plan Amendment 2 out for advisory committee and public review and comment.

Motion by Joe Shute to send the draft Blue Crab Fishery Management Plan Amendment 2 out to public comment, seconded by Mikey Daniels - motion carries without objection.

Rule Suspensions for Spotted Seatrout, Gill Net Yardage Restrictions and Atlantic Ocean Striped Bass Gear Permit Date

If the division director suspends any fisheries rules by proclamation, the commission must re-suspend those rules at the next meeting. At its August 2011 meeting, the commission instructed the director to suspend the 12-inch spotted seatrout size limit rule and implement a 14-inch size limit for spotted seatrout by proclamation. At its August 2011 meeting, the commission also instructed the director to suspend the 3,000 yard maximum yardage rule for large-mesh gill nets and implement a 2,000-yard maximum yardage rule by proclamation. The commission also suspended the Nov. 1 deadline for the striped bass gear permit.

Motion

Motion by Joe Smith to suspend spotted seatrout size limit, gill net yardage restrictions, and the striped bass permit date rules, seconded by Chris Elkins - motion carries without objection.

Permanent Rulemaking

The commission was advised that no public attended a hearing held on Sept. 14, 2011 at 6 p.m. on the below listed proposed permanent rules. Additionally, no public comment was received during the Aug. 1 – Sept. 30, 2011 comment period.

The commission voted to approve proposed rules as permanent rules which will become effective April 1, 2012:

1. 15A NCAC 03M .0504 - Repeal rule and continue management of the spotted seatrout fishery via existing proclamation authority
2. 15A NCAC 03M .0519 - Incorporate the current, long-standing proclamation closure of the American shad ocean fishery into rule
3. 15A NCAC 03O .0111 - Streamline the service of process for the surrender of fishing licenses by allowing service to licensees by certified mail
4. 15A NCAC 03O .0114 - Establish requirements for the suspension, revocation and reissuance of licenses

Motion

Motion by Darrell Taylor to approve the four proposed rules as permanent rules, seconded by Mikey Daniels - motion carries without objection.

Director's Report

The commission received an update from Central District Manager Mike Marshall on sampling results for the upcoming oyster season. To view this presentation go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=c2b6ad65-6676-4835-9b1d-61c6c0502b9c&groupId=38337

There was confusion among some commission members regarding the transfer of commercial striped bass quota which had been discussed at the previous commission meeting. Division

Director Louis Daniel explained that any striped bass caught by a trawl vessel could be transferred, but that catch would be counted against the trawl quota.

Motion

Motion by Joe Smith to allow the transfer of striped bass bycatch in the trawl fishery, seconded by Mikey Daniels - motion carries 4-2, with 1 abstention.

Director Daniel updated the commission on the status of an application to raise seed clams in prohibited waters. He said that testing in the area where the clams would be cultured had shown elevated levels of zinc and arsenic and that it was his intent not to issue an Aquaculture Operations Permit due to health concerns.

The Marine Fisheries Commission agreed by consensus that the nursery of shellfish in prohibited waters to be transferred to leases is an unacceptable practice.

The commission received a report from the division's License and Statistics Section Chief Don Hesselman proposing modifications to the for-hire license structure and implementation of logbook reporting. The goals of this initiative are to:

- Maintain professionalism in fleet
- Increase flexibility to license holders
- Ensure fee equity among various segments
- Maintain current revenues while minimizing fee increases
- Maintain database of users
- Enhance catch and discard data
- Consolidate reporting requirements

To view this presentation go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=9ced5806-0950-47f7-b51b-9ce831f6bc5c&groupId=38337

The Marine Fisheries Commission agreed by consensus to continue to develop the recommendations for changes to the For-Hire License.

The commission received a report from division staffer John Hadley on educational initiatives the division proposes to address concerns with recreational discard mortality. To view this presentation go to:

http://portal.ncdenr.org/c/document_library/get_file?uuid=77d22637-71ec-45af-9843-f439f001b685&groupId=38337

Issues from Commissioners

Chairman Bizzell said he was going to form a committee to examine the ongoing issue of defining a commercial fisherman and report back to the commission at the February 2012 business meeting.

The meeting adjourned.

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2012 Meeting Schedule:

Feb. 22-24 in Morehead City

May 9-11 in Pine Knoll Shores

Aug. 22-24 in Raleigh

Nov. 7-9 in Atlantic Beach