

**THE MFC ADVISER**  
**Marine Fisheries Commission Business Meeting**  
**Doubletree by Hilton Hotel Brownstone, Raleigh, North Carolina**  
**Aug. 22-24, 2012**

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. Your comments regarding this update are always appreciated – please contact Nancy Fish by e-mail at [nancy.fish@ncdenr.gov](mailto: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 Aug. 22, followed by a business meeting Aug. 23 and 24 at the Doubletree by Hilton Hotel Brownstone, Raleigh, North Carolina. The following commission members were in attendance: Rob Bizzell-Chairman, Anna Beckwith, Mikey Daniels, Kelly Darden, Chris Elkins, Allyn Powell, Joe Shute, Joseph Smith and Bradley Styron.

The briefing book, presentations and audio from this meeting can be found at <http://portal.ncdenr.org/web/mf/2012-aug-briefing-book>.

**PUBLIC MEETING – Aug. 22**

The public meeting began at 6 p.m. Chairman Rob Bizzell opened the meeting advised that anyone who wished to speak to the commission on a fisheries-related matter may do so during this public comment period or at approximately 9:15 a.m. the following day. Bizzell explained that given time constraints individuals may speak only once, either on Aug. 22 or on Aug. 23, but not during both public comment periods. Additionally, speakers may speak for five minutes during the evening public meeting or for three minutes during the public comment period during the actual business meeting. Chairman Bizzell then turned the meeting over to Division of Marine Fisheries Director Louis Daniel who explained that legislation passed and signed into law this past summer directs the Division of Marine Fisheries, Wildlife Resources Commission and Department of Agriculture and Consumer Services to study the current organization of the state's fisheries management agencies and whether these agencies should be reorganized. Director Daniel explained state officials are looking for ideas from the public on how the three different agencies can cooperatively provide more efficient, productive and enjoyable uses of the state's fisheries resources and public comment was being accepted at this and other meetings being held in the next several weeks. The following individuals spoke:

**Bert Owens**, a recreational fisherman from Beaufort, questioned if there was a merger between the Division of Marine Fisheries and the Wildlife Resources Commission, would the division's Marine Patrol officers have the same police powers as Wildlife Resources Commission law enforcement. If so, he said he thought a merger would be a good thing. Owens said even if a merger did not happen, it would be a good thing for Marine Patrol to have full police powers.

Owens then commented on the draft revised Shrimp Fishery Management Plan saying that trawl studies showed more juvenile fish are being killed, like spot. He advocated a fishery management plan be developed for spot because it is an important fishery in North Carolina.

**Chris McCaffity**, a commercial fisherman from Morehead City, talked about the need to limit waste in fisheries and said more people could be fed with responsible harvest and healthy stocks. McCaffity said commercial fisheries and our fishing heritage is slipping away and actions of politicians and fisheries management will determine its future. In regards to a merger between the division and the Wildlife Resources Commission, he said he does not agree with everything the division does, but believes the division should remain an independent agency. McCaffity said the division did a good job representing everyone and that Director Louis Daniel does a good job balancing the interests of the various user groups and also takes into account consumer interests. He said if the division and Wildlife Resources Commission must merge, there should be separate recreational and commercial quotas for all targeted species. Recreational quotas should be handled by Wildlife Resources Commission and the division, he said, and commercial quotas should be managed as a food commodity by the Agriculture Department. McCaffity also said Agriculture could set up community seafood processing facilities and market the seafood as local wild-caught seafood. He said these processing facilities could also serve as museums and provide office space for fisheries managers. He also said Agriculture could also help in turning underutilized species and scraps of processed seafood into organic fertilizer. McCaffity also cautioned about wasting too much of our quotas on regulatory discards and said we should revert back to size limits that allow a fish to breed once, allow a minimum of one fish and up to 10 percent of a fisherman's catch to be less than the size limit, and require catch and release sportsmen to use single barbless hooks and keep the fish in the water.

**Bob Lorenz**, chairman of the commission's Sea Turtle Advisory Committee from Wilmington, and a recreational fisherman and environmental enthusiast, said that in regards to a merger, he prefers the commission and the division stay as totally independent bodies because our state has such a tremendous fishing industry and commerce aspect. He said that for recreational fishermen, if the division merged with the Wildlife Resources Commission there is something to be said for that because they have game fish and recreational fishing laws. Lorenz said the state needs to look at marine resources from the macro level where there is proper distribution to both user groups. He said the commission and the division were open and transparent and the public was able to be involved and influence management processes. He said the commission and the division were like a center of excellence; a single place to assess stocks, the health and size and of populations, and then decide how those stocks can be harvested and what amount of pressure was acceptable for sustainable fisheries. Lorenz said if a merger did have to take place, he thought moving the commercial sector to Agriculture made sense because that department was deep-pocketed and could help the industry by promoting aquaculture and wild-caught seafood, but he would not want Agriculture determining quota allocations.

**Ray Brown**, a recreational fisherman from Goldsboro, requested that the commission allow him to address questions to Director Daniel. He first asked if there were any great revelations in a bycatch study conducted by division staffer Kevin Brown and Director Daniel responded there was not. Brown then asked if the commission has directed him or the division to determine if the annual bycatch from shrimp trawling could be having a cumulative effect on inshore fish species and Director Daniel responded he did not recall being asked that specific question. Brown then went on to say that there was 24 million pounds of bycatch annually from the shrimp trawl fishery and this cannot be a good thing for the resource, especially for spot, croaker and gray trout. Brown asked that the commission authorize Director Daniel to begin investigating the long-term impact of shrimp trawling on our inshore fisheries and to see how we can maintain the shrimp industry while reducing bycatch.

**Tim Hergenrader**, a recreational fisherman from Pamlico County, said he was stunned by the findings in Kevin Brown's study. He said millions of juvenile fish are being removed from nursery areas and billions are being killed over time and that natural mortality may be high, but when killed as bycatch it is for sure that those fish do not reach spawning age. Hergenrader said that removing this amount of fish annually doesn't serve anyone well, recreational or commercial. Hergenrader questioned if the commission and the division tried to hide the findings of the Brown study. He urged commission to immediately outlaw inshore trawling. In regards to a merger, he said he thought there were too many commissioners and it would be unwieldy if you combine the Marine Fisheries Commission and the Wildlife Resources Commission. Hergenrader said Agriculture does not have the fisheries management expertise and that a merger was to be considered to improve management, not marketing.

**Bernie McCants**, a recreational fisherman from Raleigh and a member of the last Red Drum Fishery Management Plan Advisory Committee, welcomed Commissioner Darden. McCants talked about developing the red drum plan and that the chief cause of red drum mortality come from deep hooking. The plan required the Lupton Rig be used in summertime to reduce mortality. Since then he said, the fishery has exploded. Recently he had read that there are two tournaments that are going to target old red drum and that's a concern. McCants said it takes 20-30 years to grow an old drum. He said he did not have any suggestions for regulations to prohibit tournaments like this, but felt perhaps angler education would help. In regards to the merger, he said he was not a huge fan of it. While he thinks there could be efficiencies in some areas, like law enforcement, he said what he has seen with mergers is adding bureaucracy at the top and reducing people at the low end and there is usually a zero net gain.

**Greg Hurt**, the president of the N.C. Coastal Conservation Association (CCA), said the CCA is statewide nonprofit of approximately 2,500 people that support scientific fisheries management. He said his comments would focus on merger issue and that the CCA has long been concerned with the absence of objectivity in decisions made by the commission. Although our confidence in this current commission is very high, Hurt said, in the past the commission has directly opposed professional staff recommendations and advisory committees. He said the commission must take advantage of the division that is the envy of most every coastal state in regards to data collection and policy recommendations. Past failures to use that expertise has hurt our fisheries, he said. As you all certainly know, commissioners must come from specific categories and commission members may feel obligated to support their user groups. He said a possible solution is to eliminate these requirements and replace them with minimum qualifications of interest, knowledge, experience, and geographical representation. Based on those considerations, he said, the CCA recommends the selection process for commission be changed to eliminate conflict. One possibility is to combine policy making boards of Wildlife Resources Commission and Marine Fisheries Commission and reduce the number of commissioners to a manageable number. Secondly, the CCA would also recommend the Agriculture not be made part of the fishery management program in North Carolina. Agriculture does an excellent job of marketing forestry, but they aren't involved in managing forestry. The division is doing incredible job with trip ticket and on-site inspections, he said, and he doesn't agree with injecting a completely new player in process will help because our statistics are vital and consistency over time is critical. Finally, areas of redundancy, inefficiency and synergy could be explored and CCA recommends examining areas of overlap and taking action to eliminate them.

**Bill Mandulak**, a recreational fisherman from Raleigh, a Northern Advisory Committee member, and a member of the Fisheries Committee of the CCA, welcomed Kelly Darden to the commission. He said he was concerned about bycatch in shrimp trawls and that the quantity of spot, croaker, southern flounder, weakfish and several others species that make up that bycatch if very concerning . He asked the commission to look at whether other gears could be used, possibly an extension of New River rules that only allow skimmer trawls. He said the commission needed to determine an acceptable level of bycatch and the commission should take a good look at whether the current level is acceptable. Mandulak said with sturgeon, there has been a lot of talk about the validity of the listing and the CCA is concerned about the resource and what the listing of sturgeon as endangered will mean. He said we know there are substantial interactions, and we are very concerned those interactions be limited as much as possible. He said he participated on the Northern Advisory Committee and was disappointed in the committee's recommendation and felt they gave very little guidance. He said he wants to make sure that any incidental take permit addresses the interactions as best as we can to get a better handle on why sturgeon were listed. Also, he said that off road vehicle access to Outer Banks continues to be a problem and he urged the commission to continue to look at what actions can be taken to alleviate the situation.

**Dick Hamilton**, representing the Coastal Fisheries Reform Group, talked about that group's efforts to implement rules to increase the size limit and decrease creel limit for spotted seatrout and eliminate strike netting in nursery areas. He said that proposal was ruled out of order. Hamilton said his organization continued to be concerned about spotted seatrout and how overfishing and a really bad cold stun event forced closure of speckled trout for recreational fishermen, while commercial fishermen were allowed to keep some speckled trout to avoid regulatory discard. Then, he said, the debacle with striped bass in ocean occurred and the organization was disappointed that the commission's rules allowed this to happen. He said the 50 percent fishery management plan (FMP) bill was great; but, then the commission attempted to exempt speckled trout before the ink was dry and he thinks that got worked out and now we have a FMP that works. Hamilton said that recreational fishermen are willing to take our hit, but that commercial fishermen strike netting is very destructive to the speckled trout resource. He said his organization was proud of the current commission and that the action with menhaden was courageous and will reap benefits. He also said the supermajority legislation that recently passed is good, we appreciate that. He said he assumed that since the commission didn't oppose the legislation, it wasn't against it. He said the merger study is a positive thing and they would hand out comments on that issue. He said he felt the bycatch in the shrimp trawl industry was too much and measures needed to be taken to reduce bycatch of otter trawls immediately.

**Tim Gestwicki**, of the N.C. Wildlife Federation, congratulated Kelly Darden on his appointment to the commission. He then announced that the Marine Patrol's law enforcement officer of the year would be recognized at the organization's awards banquet in September. He said the federation was established in 1947 and were very keen on the merger issue. He said he had compiled very lengthy recommendations which he would submit. Gestwicki closed by saying his organization was very large supporters of the commission, the fisheries, and sustainable fisheries for the future.

**Riley Williams**, a commercial fisherman from Chowan County and Northern Advisory Committee member, said the division has extensive independent gill net survey information in the Albemarle Sound that shows interaction with sturgeon, but the division used mesh size that commercial fishermen are only allowed to use a couple of months out of the year. He said that fishing since the late 80s had taken place with very limited gear because of striped bass restrictions. Williams said few people use all 3,000 yards of gill net that is allowed and those that do are multi-family operations. He said he didn't think that the division should be put under the Wildlife Resources Commission and that he doesn't think wildlife officers understand commercial marine fisheries. He said regarding shrimp trawls, that trawling is not allowed in the Albemarle Sound, but that maybe the division should study bycatch reduction devices again and that they may need to be redesigned.

**Tom Roller**, a fishing guide from Beaufort, said he had been asking the commission to direct Director Daniel and staff to examine shrimp trawl impact on fisheries for the last nine years. He also talked about black drum, and said that the Atlantic States Marine Fisheries Commission

(ASMFC) had scoping meeting in Morehead City regarding coast wide black drum FMP and found out that North Carolina is the only state with substantial catch without a FMP. He said our creel surveys indicate most fish are sub year one and they are fish he really enjoyed catching and eating. Roller said they are erratically available because we catch these fish at such a young age and he wished we could manage for more abundant stock. He said we were the only state without size limit and that there was a potential for great recreational and commercial fishery if we did not squander them by not allowing them to expand age structure. He encouraged the commission to do something on black drum. He said he would submit comments on the merger in writing.

Chairman Bizzell closed the meeting by addressing Bert Owens' unanswered question regarding police powers. He said he honestly didn't know the answer, but that he was a proponent of our officers having general police powers.

### **BUSINESS MEETING - MOTIONS AND ACTIONS – Aug. 23-24**

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.

**Motion by Anna Beckwith to approve agenda, seconded by Joe Shute - motion carries without objection.**

**Motion by Joe Shute to approve May and June 2012 minutes, seconded by Anna Beckwith – motion carries without objection.**

#### **Public Comment**

**Stephen Ammons**, executive director of the CCA-NC, said he applauded the division and commission for leading the charge for passage of S821 and that the debate on how to manage menhaden is over and that the stock needed to be rebuilt. He said regarding sturgeon, with the budget shortfall there will be no money for observers and that was concerning.

**Joe Albea**, with the Coastal Fisheries Reform Group, said in the document that was handed out to the commission last night there was a page that shows the variety and numbers of fish caught as bycatch in the shrimp fishery. He said as of yesterday, his organization had launched statewide effort to inform the public that there is an issue out in Pamlico Sound with the shrimp trawl fishery.

**Terry Pratt**, with the Albemarle Fishermen's Association, said fishermen would like to see the division go into Agriculture. He said commercial fishermen provide a commodity, a product that needs to be provided to the public at a reasonable cost. He encouraged the commission to look at the merger from the standpoint of dealing with a food source, not a political issue. With sturgeon, he said National Marine Fisheries Service (NMFS) was being pressured by environmental groups to list it as endangered, but there is more sturgeon now than before. He said the problem is development and that sustainability is impossibility. In relation to the shrimp

bycatch issue, studies done by Bill Hogarth showed incidental takes had no overall effect on total population for finfish taken by shrimp trawls.

Chris Elkins asked what part of fisheries management should go to Agriculture and Pratt responded the entire division should.

### **Chairman's Report**

N.C. Secretary of State Elaine Marshall administered the oath of office to Kelly Darden who was appointed by Gov. Bev Perdue in August to a recreational seat. Darden replaced Darrell Taylor, who did not seek reappointment. Marshall also administered the oath of office to reappointed commissioners Anna Beckwith and Mikey Daniels.

Former Marine Fisheries Commission member Darrell Taylor was presented with plaque the previous day recognizing his dedication to conserving and protecting our marine resources and his service to the state of North Carolina.

Chairman Bizzell reviewed letters that had been sent by the commission on various issues.

The 2013 commission meeting schedule was discussed and commissioners were asked to advise staff if they had conflicts with any of the following dates:

Feb. 27 – March 1

May 29-31

Aug. 28-30

Nov. 13-15

### **Election of Vice-Chair**

Both Anna Beckwith and Bradley Styron were nominated for vice chairman, but Styron respectfully declined the nomination. The MFC elected Anna Beckwith as vice chairman of the commission.

**Motion by Allyn Powell to elect Anna Beckwith as vice chair, seconded Joe Shute - motion carries without objection.**

### **Stock Status Report**

Alan Bianchi, the division's Biological Review Team chairman, updated the commission on the 2012 Stock Status Report of Important Coastal Fisheries outlining changes from the previous year. This annual report is intended to serve as an overview of the overall health of North Carolina's fisheries resources. The information contained in the stock status report is used to prioritize development of fishery management plans and subsequent plan amendments. The species with status changes for 2012 are outlined below and include black sea bass north of Cape Hatteras, black sea bass south of Cape Hatteras, and American eel. We also have included a new species with this year's stock status report, black drum. The status of other species remained the same.

Black sea bass north of Cape Hatteras improved from concerned to recovering. The 2010 National Marine Fisheries Service's Northeast Fisheries Science Center updated assessment

indicates the current population size is above the biomass goal and overfishing is not occurring; however, there is still a large amount of uncertainty in the assessment.

Black sea bass south of Cape Hatteras changed from depleted to recovering. Based on the 2011 South Atlantic stock assessment, Southeast Data Assessment and Review (SEDAR) 25, the spawning stock biomass is approaching (but has not achieved) the target set in the 2006 assessment and the stock is no longer overfished. Overfishing was still occurring according to the 2011 assessment, but at low, uncertain levels. Quotas established for the recreational and commercial fisheries should enable the South Atlantic stock to meet the rebuilding target prior to the 2016 deadline.

American eel has been moved from unknown to depleted. From the 2012 benchmark assessment the ASMFC finds the stock status for American eel is depleted. A determination of overfishing could not be made at this time, but the assessment indicates the stock is at or near historical lows.

The status of black drum is currently unknown. Concern for the stock has been expressed coast wide because of the declining trend in landings and because the majority of black drum harvested are juveniles.

Species with fishery management plans being developed or amended in 2012-2013 include shrimp, striped mullet, river herring, bay scallop and southern flounder. Additional species that have upcoming amendments or assessments through ASMFC or federal councils include black drum, king mackerel, Spanish mackerel, vermilion snapper, red porgy, gray triggerfish, blueline tilefish, snowy grouper, gag grouper, red grouper and Atlantic menhaden.

### **Fishery Management Plan Schedule and Timelines**

Catherine Blum, the division's fishery management plan coordinator, reviewed the status of various state and interjurisdictional fishery management plans and presented the commission with a proposed timeline for the development of fishery management plans through 2017. Blum advised the commission the division was requesting removal of the Yellow Perch FMP (includes white perch and catfishes) from the FMP priority list and development schedule due to inadequate data and funding constraints.

**Motion by Allyn Powell to approve five-year Fishery Management Plan schedule, which removes development of a Perch and Catfish Fishery Management Plan from the schedule, seconded by Joe Shute - motion carries without objection.**

### **Shrimp Fishery Management Plan**

Division biologists Trish Murphey and Chris Stewart, co-leads of the Shrimp Fishery Management Plan, presented the commission with the draft revision of the plan. The goals and objectives were reviewed, along with information on effort, landings, bycatch, protected resources, habitat, management strategies and considerations, research recommendations and data needs. While the revision recommends continuing research on the shrimp trawl fishery, it does not recommend changes in management of this fishery at this time.

The commission voted to seek public comment on a draft revision to the Shrimp Fishery Management Plan by sending the revision out to receive input in conjunction with several

advisory committee meetings. After receiving public comment and a review by the advisory committees, the commission will decide at its November meeting whether to proceed with the revision or switch to an amendment process. The amendment process includes convening an advisory committee and exploring changes in management strategies.

To view the presentation, go to

[http://portal.ncdenr.org/c/document\\_library/get\\_file?uuid=673825c7-4a04-46c7-a08b-90f585d0db86&groupId=38337](http://portal.ncdenr.org/c/document_library/get_file?uuid=673825c7-4a04-46c7-a08b-90f585d0db86&groupId=38337) .

**Motion by Allyn Powell to send the draft Shrimp Fishery Management Plan Revision out for public comment and review by the regional and Shellfish/Crustacean advisory committees, seconded by Joe Smith - motion carries without objection.**

### **Oyster Fishery Management Plan Amendment 3**

Mike Marshall, lead for the Oyster Fishery Management Plan, presented the commission with a proposed amendment to the plan that creates seed oyster management areas at Possum Bay and Swan Point in the mouth of the New River. This proposed amendment was the result of a petition for rulemaking from Tony and Gilbert Grant of Onslow County.

The commission voted to send a draft amendment to the Oyster Fishery Management Plan for review by the N.C. Department of Environment and Natural Resources and the Joint Legislative Commission on Governmental Operations.

To view the presentation, go to

[http://portal.ncdenr.org/c/document\\_library/get\\_file?uuid=eb668d96-cd34-4d57-9012-be238e5c96d0&groupId=38337](http://portal.ncdenr.org/c/document_library/get_file?uuid=eb668d96-cd34-4d57-9012-be238e5c96d0&groupId=38337) .

**Motion by Chris Elkins to send the Oyster Fishery Management Plan Amendment 3, with modified seed oyster management area boundaries, to the Department of Environment and Natural Resources and the Joint Legislative Commission on Governmental Operations for review and comment, seconded by Joe Shute - motion carries without objection.**

### **Southern Flounder Fishery Management Plan Amendment 1**

Chris Batsavage, the former staff lead for the Southern Flounder Fishery Management Plan, reviewed the history of the amendment to this plan and the recommendations for new sustainable harvest measures for southern flounder. Since 2010, commercial southern flounder management has revolved around reducing sea turtle interactions with fishing gear. Protected species management measures have changed many times in the last two years, making it difficult for scientists to assess the impact of harvest restrictions on southern flounder stocks and for commercial fishermen to plan for upcoming fishing seasons. While protected species management measures may vary in the future, the draft amendment to the Southern Flounder Fishery Management Plan provides options for sustainable commercial southern flounder harvest that are not tied to protected species management measures.

The commission voted to seek public comment on the draft amendment by sending it out to receive input in conjunction with several advisory committee meetings. After receiving public comment and a review by the advisory committees, the commission will select its preferred

management option and then vote to send a draft amendment to the Southern Flounder Management Plan for review by the N.C. Department of Environment and Natural Resources and the Joint Legislative Commission on Governmental Operations.

The commission also voted to reopen southern Core Sound, Back Sound, The Straits and North River to the use of large mesh gill nets Oct. 15-May 15. These waters closed to large mesh gill nets May 13 for the protection of sea turtles. The opening is with the understanding that all North Carolina waters will close to the harvest of southern flounder during December, as they have for the past several years.

To view the presentation, go to

[http://portal.ncdenr.org/c/document\\_library/get\\_file?uuid=068e7e50-723f-4ca2-9547-f23d21b4d361&groupId=38337](http://portal.ncdenr.org/c/document_library/get_file?uuid=068e7e50-723f-4ca2-9547-f23d21b4d361&groupId=38337) .

**Motion by Allyn Powell to open the large mesh gill net fishery in Area D1 Oct. 1, 2012 through May 15, 2013, seconded by Bradley Styron. Motion amended to open the large mesh gill net fishery in Area D1 Oct. 15, 2012 through May 7, 2013 and that the area is closed for southern flounder harvest during the month of December - motion carries 7-1.**

**Motion by Chris Elkins to send the Southern Flounder Fishery Management Plan Amendment 1 out for public comment and review by the regional and Finfish advisory committees, seconded by Kelly Darden - motion carries without objection.**

#### **Rule Suspensions for 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 June 2012 meeting, the commission 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 and the commission suspended the Nov. 1 deadline for the striped bass gear permit.

**Motion by Anna Beckwith to suspend portions of 15A NCAC 03J .0103 (gill net yardage restrictions), seconded by Kelly Darden - motion passes without objection.**

**Motion by Chris Elkins to suspend portions of 15A NCAC 03O .0501 (Atlantic Ocean Striped Bass Commercial Gear Permit), seconded by Allyn Powell - motion carries without objection.**

#### **Rulemaking Update**

Catherine Blum, the division's rulemaking coordinator, advised the commission that many of the proposed rules were still delayed due to new fiscal analyses requirement; however, two proposed rules were ready for Notice of Text, which included

- Mandatory electronic trip ticket reporting for large-scale finfish dealers; and
- Changes to the way Marine Patrol officers measure the harvest limit for recreationally-caught shrimp from the number of shrimp to a volumetric measure.

The commission voted to approve notice of text for these two proposed rules.

**Motion by Anna Beckwith to approve Notice of Text for mandatory electronic trip ticket reporting for large-scale finfish dealers and increasing officer safety with volumetric measurement of shrimp for 2012/2013 rulemaking cycle and to approve the associated fiscal analyses, seconded by Joe Shute - motion carries without objection.**

### **Limited Entry**

At its November 2011 meeting the commission voted to postpone discussions of limited entry in the Atlantic Ocean striped bass commercial fishery until the commission's August 2012 meeting. This delay was approved in the hopes that the state's limited entry statutes could be modified to give more flexibility in state laws for developing limited entry fisheries subject to federal fishery management plans and quotas. Division staffer Michelle Duval explained that while the division did recommend these changes, it was not successful in getting a legislative sponsor during the 2012 legislative session and will try again during the upcoming 2013 legislative session to get the limited entry statute modified.

The commission voted to endorse seeking legislation to modify the limited entry statutes during the 2013 legislative session and to also mirror the regulations implemented last year for the commercial ocean striped bass fishery for this coming season.

**Motion by Bradley Styron for the Division of Marine Fisheries to issue a proclamation mirroring FF-1-2012 for the upcoming commercial ocean striped bass fishery, seconded by Allyn Powell - motion carries 6-1, with 1 abstention.**

**Motion by Anna Beckwith to direct Division of Marine Fisheries Director Louis Daniel to explore getting more flexibility in the N.C. General Statutes in developing limited entry fisheries subject to federal (Mid-Atlantic Fishery Management Council, South Atlantic Fishery Management Council, and 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 Chris Elkins - motion carries 7-1.**

### **Standard Commercial Fishing License Eligibility Report**

The commission voted to keep the cap on the number of standard commercial fishing licenses that can be issued to 8,896, the maximum allowed by law. There are 1,358 of these licenses available through the Eligibility Board for 2012-2013.

**Motion by Bradley Styron to set the Standard Commercial Fishing License Eligibility Pool cap at 1,358 licenses, seconded by Anna Beckwith - motion carries without objection.**

### **Public Affairs Program**

Patricia Smith and Kelly Odom gave the commission a presentation on the division's outreach efforts and educational programs.

To view the presentation, go to [http://portal.ncdenr.org/c/document\\_library/get\\_file?uuid=076ca5ca-3d51-43c5-b40f-ef8f734f711e&groupId=38337](http://portal.ncdenr.org/c/document_library/get_file?uuid=076ca5ca-3d51-43c5-b40f-ef8f734f711e&groupId=38337).

## **Legislative Update**

Director Daniel advised the commission on the progress of the various mandates of Session Law 2012-190 Study and Amend Fisheries Laws (S821), which include:

- Directing the director of the Division of Marine Fisheries of the Department of Environment and Natural Resources and the executive director of the Wildlife Resources Commission to jointly study fees associated with the issuance of coastal fishing licenses and the numbering and titling of vessels. Study due no later than Sept. 1, 2012.
- Directing the executive director of the Wildlife Resources Commission, the director of the Division of Marine Fisheries of the Department of Environment and Natural Resources, and the Commissioner of Agriculture, in consultation with various user groups, to study the current organization of the state's fisheries management agencies and consider whether these agencies might be reorganized to provide for more efficient, productive, and enjoyable uses of the state's fisheries resources. The study is still due no later than Oct. 1, 2012.
- Making it unlawful to take menhaden or Atlantic thread herring with a purse seine net deployed by a mother ship and one or more runner boats in coastal fishing waters, but changes the effective date from Dec. 1, 2012 to Jan. 1, 2013, with the intent of giving the menhaden reduction fishery one last season in N.C. waters.
- Making the following advisory committee changes:
  - Combines the Shellfish and Crustacean advisory committees;
  - Eliminates the existing regional advisory committees and creating a Northern Regional Advisory Committee and a Southern Regional Advisory Committee.
- Requires a supermajority (six members) of the commission to override recommendations from the Division of Marine Fisheries regarding measures needed to end overfishing or to rebuild overfished stocks.

The commission voted to provide comment on the study on whether to reorganize the state's fisheries management agencies, recommending that the N.C. Division of Marine Fisheries remain an autonomous agency under a natural resources department.

**Motion by Joe Shute to recommend to the N.C. General Assembly that the Division of Marine Fisheries remain an independent agency, seconded by Joe Smith. Motion amended to recommend to the N.C. General Assembly that the Division of Marine Fisheries remain an autonomous agency under a natural resources department - full motion carries 8-1.**

## **Coastal Habitat Protection Plan**

Coastal Habitat Protection Plan Coordinator, Jimmy Johnson, gave the commission an overview of the Coastal Habitat Protection Plan Annual Report.

To access information about the Coastal Habitat Protection Plan visit:

[http://www.onencnaturally.org/pages/CHPP\\_Overview.htm](http://www.onencnaturally.org/pages/CHPP_Overview.htm)

**Motion by Chris Elkins to approve the Coastal Habitat Protection Plan annual report, seconded by Allyn Powell - motion carries without objection.**

## **Budget**

Deputy Director Dee Lupton gave an overview of the division's state appropriated budget covering fiscal years 2010-2013.

To view this presentation, go to

[http://portal.ncdenr.org/c/document\\_library/get\\_file?uuid=72914d00-e791-4de6-b199-fa6fcea1fe6&groupId=38337](http://portal.ncdenr.org/c/document_library/get_file?uuid=72914d00-e791-4de6-b199-fa6fcea1fe6&groupId=38337) .

### **Protected Resources/Gill Net Restrictions**

At its May 2012 meeting the commission asked the division to seek public and advisory committee input into potential management measures needed to reduce sea turtle and Atlantic sturgeon interactions in the estuarine gill net fishery. Chris Batsavage, Protected Resources Section Chief, reviewed various management considerations and provided the commission with the public and advisory committee input, as well as the division's recommendation.

The commission voted on several issues pertaining to the flounder gill net fishery, including a large mesh gill net yardage reduction in the Albemarle Sound and other areas that had been exempt from stricter yardage limits under a sea turtle lawsuit settlement agreement.

The commission also voted to reduce the maximum large mesh gill net yardage allowed in these waters from 3,000 yards per fishing operation to 2,000 yards per fishing operation and to request that fishermen fish their nets as early as possible in the morning, but no later than noon every 24 hours.

The actions were taken as a proactive measure to reduce Atlantic sturgeon interactions in the estuarine gill net fishery. Atlantic sturgeon was listed as endangered under the federal Endangered Species Act on April 6, 2012. While sea turtles are not usually caught in gill nets in these areas, there is evidence that Atlantic sturgeon are.

Additionally, the commission agreed to delay the opening of the Pamlico Sound Gill Net Restricted Area to mid September. These waters are under a federal closure beginning Sept. 1, but can reopen under an incidental take permit that allows for a limited number of interactions with sea turtles.

To view this presentation, go to

[http://portal.ncdenr.org/c/document\\_library/get\\_file?uuid=35f5bd05-58e1-4454-824d-83c294293299&groupId=38337](http://portal.ncdenr.org/c/document_library/get_file?uuid=35f5bd05-58e1-4454-824d-83c294293299&groupId=38337) .

**Motion by Bradley Styron to implement 2000 yard maximum yardage for large mesh gill nets in areas exempted in the sea turtle lawsuit settlement agreement and encourage fishermen to fish nets as early as possible, but no later than noon, every 24 hours, seconded by Joe Smith - motion carries with 1 abstention, no objections.**

**Motion by Anna Beckwith to close the large mesh gill net fishery between the new Virginia Dare and old Manns Harbor bridges - motion withdrawn.**

**Motion by Anna Beckwith to extend management measures outlined in sea turtle lawsuit settlement agreement to the Manns Harbor Bridge - motion fails for lack of second.**

**The commission agreed by consensus to open the Pamlico Sound Gill Net Restricted Area on Sept. 15.**

**Rule Suspensions – Purse Seines**

If the division director suspends any fisheries rules by proclamation, the commission must re-suspend those rules at the next meeting. At its June 2012 meeting, the commission instructed the division director to suspend purse seine and area description rules which enable the director to prohibit purse seines deployed from a mother ship in state waters.

**Motion by Anna Beckwith to suspend portions of 15A NCAC 03J .0105 (purse seines) and suspend 15A NCAC 03R .0111 (Atlantic Ocean purse seines prohibited), seconded by Chris Elkins - motion passes 5-4.**

**Black Drum**

The commission also discussed the desire to consider size and bag limits on black drum and asked the division to develop an information paper on potential management options.

**Motion by Joe Shute to seek public comment on a proposed a 14-inch minimum size limit, a slot limit of 14-25 inches with one fish over 25 inches, 10-fish creel limit, and 500-pound commercial trip limit for black drum, seconded by Kelly Darden. Motion amended to include a request to have Division of Marine Fisheries staff develop an information paper on potential management options - motion carries without objection.**

**The meeting adjourned.**

The briefing book, presentations and audio from this meeting can be found at <http://portal.ncdenr.org/web/mf/2012-aug-briefing-book>.

**2012 Meeting Schedule:**

**Feb. 22-24 in Morehead City**  
**May 9-11 in Pine Knoll Shores**  
**June 21 in New Bern**  
**Aug. 22-24 in Raleigh**  
**Nov. 7-9 in Morehead City**