

Chairman's Report





**NORTH CAROLINA MARINE FISHERIES COMMISSION
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

COMMISSIONERS

BEVERLY EAVES PERDUE
Governor

DEE FREEMAN
Secretary

W. ROBERT BIZZELL
Chairman

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Morehead City
MIKEY DANIELS
Wanchese
CHRIS ELKINS
Gloucester
ALLYN POWELL
Gloucester

JOE SHUTE
Morehead City
JOSEPH J. SMITH, JR.
Hampstead
BRADLEY STYRON
Cedar Island
DARRELL TAYLOR
Jacksonville

December 21, 2011

Mr. Marvin Beacham
2318 Hwy. 70 East
Beaufort, North Carolina 28516

Dear Mr. Beacham:

I would like to take this opportunity to thank you for serving on the Marine Fisheries Commission's Sea Turtle Advisory Committee. The commission is committed to protecting endangered and threatened sea turtles, while continuing our traditional fisheries. The Sea Turtle Advisory Committee plays an important role in advising both the commission and the Division of Marine Fisheries on important protected species and fisheries-related issues.

Because the role of this advisory committee is so important, attendance at committee meetings is crucial - advisory committee members are required to attend at least 75 percent of meetings annually. Records indicate you have not attended any of the committee meetings held in 2011. Due to your lack of attendance, I am unfortunately forced to replace you on this committee.

Again, thank you for your service. If you have any questions regarding the commission's advisory committee process, please contact Nancy Fish at 252-808-8021.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Robert Bizzell".

W. Robert Bizzell, Chairman
N. C. Marine Fisheries Commission

cc: Sea Turtle Advisory Committee



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December 21, 2011

Mr. Roger Harris, Jr.
Lee Daniels Road
Atlantic, North Carolina 28511

Dear Mr. Harris:

I would like to take this opportunity to thank you for serving on the Marine Fisheries Commission's Sea Turtle Advisory Committee. The commission is committed to protecting endangered and threatened sea turtles, while continuing our traditional fisheries. The Sea Turtle Advisory Committee plays an important role in advising both the commission and the Division of Marine Fisheries on important protected species and fisheries-related issues.

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December 21, 2011

Mr. Robert Lorenz
P.O. Box 10512
Wilmington, North Carolina 28404

Dear Bob:

I am writing to notify you that you have officially been named co-chair of the Marine Fisheries Commission's Sea Turtle Advisory Committee, replacing Dr. Steve Everhart, who resigned earlier this year.

The commission is committed to protecting endangered and threatened sea turtles, while continuing our traditional fisheries. The Sea Turtle Advisory Committee plays an important role in advising both the commission and the Division of Marine Fisheries on important protected species and fisheries-related issues. Your role as co-chair is a critical component of this process.

Thank you for your willingness to serve as co-chair and for your commitment to protecting and conserving North Carolina's fisheries resources.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Robert Bizzell".

W. Robert Bizzell, Chairman
N. C. Marine Fisheries Commission

cc: Sea Turtle Advisory Committee



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

BEVERLY EAVES PERDUE
GOVERNOR

MEMORANDUM

TO: All Board Contacts

FROM: Mark A. Davis, General Counsel *MD*
Kendra D. Hill, Chief Ethics Officer/Deputy General Counsel *KDH*

DATE: January 11, 2012

RE: Executive Order No. 34, *Ethics and Attendance Standards for Gubernatorial Appointees to Boards*

As we enter into 2012, please remember that all gubernatorial appointees fall under Executive Order No. 34 issued December 9, 2009. Governor Perdue established ethics and attendance standards for all members of boards and commissions who were appointed by the Office of the Governor. A copy of Executive Order No. 34 is enclosed for your information.

Under Executive Order No. 34, all gubernatorial appointees are required to comply with the following standards:

- (1) Conflict of interest standard – Requires appointees to always act in the public's best interest, without regard to their own financial interests, and to recuse themselves from voting on any matter in which the appointee has a financial interest. For purposes of Executive Order No. 34, appointees may use the following standard to determine if they have a financial interest in a matter before the board:

A member derives a financial benefit from a matter under consideration if the person or his or her spouse (i) has an ownership interest in an entity that is directly affected by the matter under consideration; (ii) will derive any income or commission as a direct result of action on the matter under consideration; or (iii) will acquire property as a direct result of action on the matter under consideration.



- (2) Gift ban – Prohibits appointees from accepting gifts from any contractors of the appointee's board, but allows for exceptions for gifts that would otherwise be allowed under the State Ethics Act, regardless of whether the appointee is covered by the Ethics Act. Appointees should seek assistance from the board's attorney if they have concerns about accepting any gift.
- (3) Removal for indictment or failure to cooperate – Provides that indictment for a felony or failure to cooperate in a state or federal investigation constitutes grounds for removal from a board.
- (4) Attendance – Requires appointees to attend at least 75 percent of the board's regularly scheduled meetings and provides that failure to meet this standard constitutes grounds for removal from a board. Each board contact will be requested to provide an annual report of board members' attendance.

Any questions concerning Executive Order No. 34 may be directed to the Governor's Office of Legal Counsel at 919-733-9080.

MAD:KDH:eb

Enclosure

cc: Jackie Kohler, Director of Boards and Commissions, Office of the Governor

State of North Carolina



BEVERLY EAVES PERDUE
GOVERNOR

EXECUTIVE ORDER NUMBER 34

ETHICS AND ATTENDANCE STANDARDS FOR GUBERNATORIAL APPOINTEES TO BOARDS

WHEREAS, the Governor appoints members to various boards, commissions, committees, councils, and similar entities (hereinafter “boards”); and

WHEREAS, it is essential for the public and the Governor to have confidence in the members of boards and the work done by such boards; and

WHEREAS, gubernatorial appointees to boards must maintain the highest ethical and board attendance standards; and

WHEREAS, the failure of appointees to maintain high ethical standards erodes public confidence in the actions of boards; and

WHEREAS, the excessive absences of appointees from board meetings diminishes the effectiveness of the entire board.

NOW, THEREFORE, by the power vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED:**

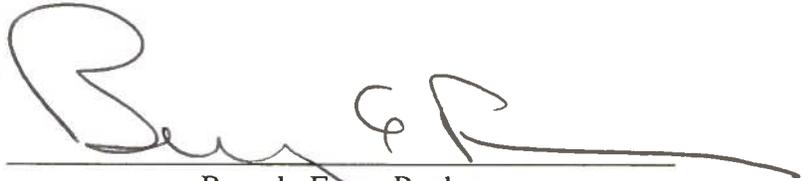
1. In transacting board business, each person appointed by the Governor shall act always in the best interest of the public without regard for her or his financial interests. To this end, each appointee must recuse herself or himself from voting on any matter on which the appointee has a financial interest.
2. No person appointed by the Governor to serve on a board shall accept a gift from any contractors, subcontractors, or suppliers of the appointee’s board. This provision does not prohibit an appointee from accepting a gift that would be permitted under the State Ethics Act, regardless of whether the appointee is covered by the State Ethics Act.

3. If any person appointed by the Governor to serve on a board is indicted for a felony by a state or federal grand jury or fails to fully cooperate in an investigation conducted by a state or federal agency pursuant to law, such action shall constitute grounds for removal from the board for misfeasance, malfeasance, or nonfeasance pursuant to N.C. Gen. Stat. § 143B-13(d), N.C. Gen. Stat. § 143B-16, or other applicable statutes or regulations.
4. All persons appointed by the Governor to serve on a board shall attend at least 75 percent of all regularly scheduled meetings of the board during the board's calendar year. Failure of a board member to attend board meetings in a manner consistent with this Order shall constitute grounds for removal from the board for misfeasance, malfeasance, or nonfeasance pursuant to N.C. Gen. Stat. § 143B-13(d), N.C. Gen. Stat. § 143B-16, or other applicable statutes or regulations.

This Executive Order shall be effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this ninth day of December in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-fourth.





Beverly Eaves Perdue
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

From: Owen Lupton [mailto:seawalker@centurylink.net]
Sent: Saturday, January 14, 2012 12:58 PM
To: Fish, Nancy
Subject: Requirements for a commercial fishing license

Dear Nancy,

I hope all is well with you, and that you have a very blessed new year. I was not able to make the meeting on the requirements for qualifying as a commercial fisherman, but want the following thoughts to be entered into the record.

Best to you,
Owen

To Whom It May Concern:

(1) Holders of SCFL's, who don't sell or who sell very little, are actually good for both the resource and the Division. They take very little or nothing from the resource and are paying the same fees to be used by the Division for law enforcement or resource enhancement as those who take thousands of pounds of seafood.

(2) They should not be penalized for using less of the resource as long as they are willing to pay the required fee.

(3) Because they already hold SCFL's, it would be unfair to not grandfather existing holders in on any proposed changes, so the net effect would be unchanged.

(4) As stated, holders of SCFL's who don't sell fish or just sell small amounts of fish are actually good for the licensing system and the resource. Therefore, the only reason for setting a percentage of income as a requirement to hold the license is to further reduce the numbers of fishermen able to hold the license.

(6) The obvious result of doing this would be to make the numbers of commercial fishermen finally appear so small that certain organizations can then say, "Well, there are so few of them that putting them out of business won't effect very many people."

Finally, there is absolutely no reason for the licensing system to be changed because it is working fine right now. Bureaucracy should always remember, if it isn't broke, don't go around trying to fix it. We don't need more useless and unnecessary laws on the books.

Regards,
Owen Lupton

From: mark@markimiller.com [mailto:mark@markimiller.com]
Sent: Friday, January 13, 2012 8:04 AM
To: bizzyb@coastalnet.com
Subject: NO CATCH SHARES

FROM: Mark Miller
702 Seafarer Dr.
Carolina Beach, NC 28428
mark@markimiller.com

TO: Mr. Robert Bizzell
3441 Arendell St
Morehead City, NC 28557
bizzyb@coastalnet.com

NO CATCH SHARES

Dear Mr. Robert Bizzell,

Originally my first commercial fishing license was \$25.00. With that license, I was able to hook and line fish, set nets and dig clams and oysters and sell what I caught. As time continued on, I had to continue to purchase a commercial license to fish, but now I had to buy an "Endorsement to Sell" license to sell the fish I caught with my commercial license. Just another way for you guys to collect extra money (taxation without representation).

As time continued on, I was forced out of my commercial fishing part time job all together. I was not able to show enough fish caught for a period of time, because I had a "land" job at the time, and could not qualify to renew my license. If I could have, I didn't have the extra \$250.00 dollars to try and keep my license alive, when I wasn't using it. My son would have chosen a career as a commercial fisherman, but he does not have the capital to "BUY" all the licenses needed, along with the equipment needed to be successful. That is not right.

It wasn't very funny at the time, when I saw several Lawyers and Corporate executives with COMERCIAL fishing numbers on the side of their 30+ foot go fast boats. I guess with their extra expendable income, they were able to set up corporations of some kind to somehow "qualify" for King Mackerel and Grouper-Snapper commercial permits. (A good way to be able to continue to fun fish and still be able to sell their fish and cover expenses.)

I have been an full time realtor for quite a while now, and as you know, time have been pretty tuff for us. Wouldn't have been nice for me to be able to commercial fish during this time to help supplement my family income! Not a chance, that right was taken away from me long ago.

Now I get to watch YOU and your group take away the fishing rights from my friends and neighbors by proposing CATCH SHARES. Again, you guys

are finding ways to take our lively hood away and pass it on to the more affluent. (the ones with the “go fast” boats!). THIS IS A REALLY BAD IDEA.

I see CATCH SHARES as a really BAD IDEA. This is just another way to increase the unemployment statistics by adding everyday hard working commercial fisherman and those in the charter boat industry to these numbers, along with shutting down the “mom and pop” fish houses, which will also have a negative effect on local economies. But it WILL give the more affluent owners of the CATCH SHARES the opportunity to buy out these “mom and pop” fish houses along the coast. Why, because these small business people will no longer be able to buy fish from the now defunct local commercial fishermen, whom made it possible for them to stay in business, pay their employees and their bills. It will be a trickle effect to welfare for many coastal families.

SAY NO TO CATCH SHARES

Respectively submitted,

Mark Miller

Carolina Beach, NC 28428



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January 19, 2012

Mrs. Linda Harper
2608 South Compass Lane
Nags Head, NC 27959

Dear Mrs. Harper:

The U. S. Secretary of Commerce has requested that Governor Beverly Perdue submit the names of qualified candidates to be considered for an at-large appointment to the Mid-Atlantic Fishery Management Council (MAFMC) in August 2012. The N.C. Marine Fisheries Commission is responsible for compiling a list of nominees for the governor's consideration. At its Nov. 3-4, 2011 business meeting, the commission reviewed information from candidates interested in an appointment to the MAFMC. Your name was among those selected by the commission for submission to Governor Perdue as a nominee for an appointment to the MAFMC.

Each council nominee is required to complete nomination materials provided by the National Marine Fisheries Service. Your nomination materials are attached and are also available at http://www.nmfs.noaa.gov/sfa/reg_svcs/Councils/CouncilNomination.htm. All forms must be completed in detail in order for you to be considered for an appointment. Please complete the attached forms and return no later than Feb. 15, 2012 to: Michelle Duval, Division of Marine Fisheries, P O Box 769, Morehead City, NC 28557. The division will review your forms for completeness and forward them to the governor's office for submission to the NOAA Assistant Administrator by March 15, 2012.

I wish to congratulate you on your selection by the commission as a nominee for an at-large appointment to the MAFMC. Please feel free to contact Dr. Duval by phone at 252-808-8011 or by e-mail at michelle.duval@ncdenr.gov if you need additional information concerning the nomination process.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Robert Bizzell".

W. Robert Bizzell, Chairman
N. C. Marine Fisheries Commission

RB/MD:nf

Cc: Elizabeth Buono
David Knight
Kari Barsness

Louis Daniel
Nancy Fish



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January 19, 2012

Mr. Preston P. Pate, Jr.
1391 Highway 24
Newport, NC 28570

Dear Mr. Pate:

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January 19, 2012

Ms. Sara Elliott Winslow
442 Sutton Road
Merry Hill, NC 27957

Dear Ms. Winslow:

The U. S. Secretary of Commerce has requested that Governor Beverly Perdue submit the names of qualified candidates to be considered for an at-large appointment to the Mid-Atlantic Fishery Management Council (MAFMC) in August 2012. The N.C. Marine Fisheries Commission is responsible for compiling a list of nominees for the governor's consideration. At its Nov. 3-4, 2011 business meeting, the commission reviewed information from candidates interested in an appointment to the MAFMC. Your name was among those selected by the commission for submission to Governor Perdue as a nominee for an appointment to the MAFMC.

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Cc: Elizabeth Buono
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January 19, 2012

Mrs. Anna Beckwith
1907 Paulette Road
Morehead City, NC 28557

Dear Mrs. Beckwith:

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Mr. Willard W. Cole, Jr.
406 Penrose Court
Greensboro, NC 27410

Dear Mr. Cole:

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Mr. Jess H. Hawkins, III
112 Hodges Street
Morehead City, NC 28557

Dear Mr. Hawkins:

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Morehead City
JOSEPH J. SMITH, JR.
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January 19, 2012

Mr. Robert J. Lorenz
1509 Meridian Terrace
Wilmington, NC 28411

Dear Mr. Lorenz:

The U. S. Secretary of Commerce has requested that Governor Beverly Perdue submit the names of qualified candidates to be considered for an at-large appointment to the South Atlantic Fishery Management Council (SAFMC) in August 2012. The N.C. Marine Fisheries Commission is responsible for compiling a list of nominees for the governor's consideration. At its Nov. 3-4, 2011 business meeting, the commission reviewed information from candidates interested in an appointment to the SAFMC. Your name was among those selected by the commission for submission to Governor Perdue as a nominee for an appointment to the SAFMC.

Each council nominee is required to complete nomination materials provided by the National Marine Fisheries Service. Your nomination materials are attached and are also available at http://www.nmfs.noaa.gov/sfa/reg_svcs/Councils/CouncilNomination.htm. All forms must be completed in detail in order for you to be considered for an appointment. Please complete the attached forms and return no later than Feb. 15, 2012 to: Michelle Duval, Division of Marine Fisheries, P O Box 769, Morehead City, NC 28557. The division will review your forms for completeness and forward them to the governor's office for submission to the NOAA Assistant Administrator by March 15, 2012.

I wish to congratulate you on your selection by the commission as a nominee for an at-large appointment to the SAFMC. Please feel free to contact Dr. Duval by phone at 252-808-8011 or by e-mail at michelle.duval@ncdenr.gov if you need additional information concerning the nomination process.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Robert Bizzell".

W. Robert Bizzell, Chairman
N. C. Marine Fisheries Commission

RB/MD:nf

Cc: Elizabeth Buono
David Knight
Kari Barsness

Louis Daniel
Nancy Fish



UNITED STATES DEPARTMENT OF COMMERCE
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JAN 31 2012

F/SER32:KS

Mr. W. Robert Bizzell, Chairman
North Carolina Marine Fisheries Commission
North Carolina Department of Environmental and Natural Resources
P.O. Box 769
Morehead City, North Carolina 28557

Dear Mr. Bizzell:

We are writing to inform you that NOAA's National Marine Fisheries Service (NMFS) is issuing a final rule to list two distinct population segments (DPSs) of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) as endangered under the Endangered Species Act (ESA). We received the North Carolina Marine Fisheries Commission's (NCMFC) comments on the proposed listing rule by letter dated December 17, 2010, which stated that NCMFC does not believe the listing is warranted at this time and endorsed the comments submitted to NMFS by the North Carolina Department of Environmental and Natural Resources (NCDENR) Division of Marine Fisheries' (NCDMF). Section 4(i) of the ESA states that "if, in the case of any regulation proposed by the Secretary under the authority of this section, a State agency to which notice thereof was given in accordance with subsection (b)(5)(A)(ii) files comments disagreeing with all or part of the proposed regulation, and the Secretary issues a final regulation which is in conflict with such comments...the Secretary shall submit to the State agency a written justification for his failure to adopt regulations consistent with the agency's comments or petition." Therefore, pursuant to ESA section 4(i), we are providing you with written justification of our decision to list the Carolina and South Atlantic DPSs of Atlantic sturgeon as endangered. We are also providing you with a copy of the written justification we sent to NCDMF regarding our decision to list the Carolina and South Atlantic DPSs of Atlantic sturgeon as endangered (enclosed). All comments are also responded to in the final listing rule, which will be published in the Federal Register.

Written public comments were received from 59 commenters (including NCMFC) and 7 commenters provided verbal comments at the public hearings. We also accepted written and verbal comments at two public hearings in Wilmington, North Carolina, and Atlanta, Georgia, in December 2010. We solicited peer review comments on the proposed listing rule from three peer reviewers, two from academia and one from a Federal resource agency, with expertise on Atlantic sturgeon. Comments are categorized in the final listing rule in the following areas: (1) the delineation of DPSs; (2) abundance and trends; (3) differences between the proposed rule and the recommendations in the 2007 and 1998 status reviews; (4) the need to list Atlantic sturgeon under the ESA and consequences of listing; (5) the analysis of threats (habitat modification and destruction, overutilization, disease and predation, the inadequacy of regulatory mechanisms,



other natural and manmade factors); (6) recovery; (7) critical habitat; and (8) adequacy of the public hearing. Complete copies of the peer review comments, the written public comments, and transcripts of the public hearings are available on the internet at www.regulations.gov.

Information and data provided by commenters supported or did not conflict with our findings for the Carolina and South Atlantic DPSs. Some information submitted by commenters as “new” information was information already included and evaluated in our proposed listing rule determination. Some commenters asked us to consider information, such as increased compliance responsibilities and economic costs on agencies and the public; however, the ESA and its implementing regulations prohibit us from considering these issues in making listing determinations. Many commenters stated that NMFS should postpone a listing determination until the results of recent research are available, further research can be undertaken, state and Federal moratoria on the harvest and possession of Atlantic sturgeon have been in effect for the full planned duration, and/or until non-listing alternatives (e.g., entering into multi-agency partnerships and expanding existing programs) have been explored. We received a petition to list Atlantic sturgeon from the Natural Resources Defense Council (NRDC) on October 6, 2009, that established mandatory deadlines under the ESA for determining whether listing of the species is warranted, and for associated rules. Section 4(b)(3)(B) of the ESA requires us to make a finding within 12 months of receiving a petition as to whether the petitioned action is warranted. Section 4(b)(6)(A) of the ESA requires that a final listing determination be made within 12 months of publication of the proposed listing rule. We determined based upon the best available scientific and commercial information on the declines of Atlantic sturgeon, the failure of their population numbers to rebound despite harvest prohibitions, and the ongoing impacts from bycatch, habitat modification, and the inadequacy of existing regulatory mechanisms or protective efforts to control or mitigate for these impacts, that listing the Carolina and South Atlantic DPSs as endangered is warranted. The information provided in the peer review and public comments did not provide a basis for revising our evaluation of the status of Atlantic sturgeon, the nature and significance of the threats and impacts they face, or our listing determinations. Therefore, listing cannot be postponed. However, we plan to continue to work with our state and Federal partners to expand our knowledge of the species and enhance conservation efforts.

We appreciate your valuable contribution to this effort in evaluating the proposed listing rule and providing us with your input. We look forward to continuing to work with you as we expand our knowledge of the species and enhance conservation efforts. For further information please contact Kelly Shotts at 727-824-5312 or Kelly.shotts@noaa.gov.

Sincerely,



for Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosure

cc: F/PR

File: 1514-12.1b

2012 Advisory Committee Appointment Summary

CENTRAL AC

Appointed: Ricky Nelson, Recreational
Reappointed: Keith Bruno, Commercial
Ron McPherson, Recreational
Randy Proctor, Recreational
Expired: Dean Lamont, Recreational

CRUSTACEAN

Appointed: Art Brownell, Scientific
Ken Seigler, Commercial
Reappointed: Bruce Morris, Commercial
Expired: Terry West, Scientific

FINFISH

Appointed: Jeff Buckel, Scientific
Reappointed: Jeff McBane, Recreational
Bill Walker, Commercial
Expired: Chuck Manooch, Scientific

HABITAT & WATER QUALITY

Appointed: None
Reappointed: Tom Burgess, Commercial
David Duane, Recreational
Tom Ellis, Recreational
Terry Pratt, Commercial
Peter Schuhmann, Scientific
Expired: None

INLAND

Appointed: Kim Tavasso, Recreational
Danny Wood, Recreational
Reappointed: Joseph Hall, Recreational
Expired: Buzz Bryson, Recreational

NORTHEAST

Appointed: Sara Winslow, Recreational
Reappointed: Woody Collins, Commercial
Damon Tatem, Commercial
Expired: Ernest Knighton, Recreational

SHELLFISH

Appointed: Ronald Peedin, Recreational
Tony Tripp, Commercial
Reappointed: Troy Alphin, Scientific
Raymond Graham, Commercial
Jim Hardin, Recreational
Expired: Perry Bayer, Commercial

SOUTHEAST

Appointed: Phillip Smith, Commercial
Reappointed: Jim Swartzenberg, Commercial
Dick Stone, Recreational
Seth Vernon, Recreational
Expired: None

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Vice Chairman: Anna Beckwith

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Bradley Styron

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*Bradley Styron

Staff: Red Munden

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