

Committee Reports



MEMORANDUM

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

FROM: Kathy Rawls
Katy West

DATE: Oct. 1, 2012

SUBJECT: Northern Advisory Committee Meeting

The Marine Fisheries Commission (MFC) Northern (AC) met on Thursday Sept. 27, 2012 at 4 p.m. at the Vernon James Center. The following attended:

Advisers: Gilbert Tripp, Riley Williams, Dell Newman, William Mandulak, Frank Folb, Sara Winslow, and Raymond Pugh Jr.

Staff: Kathy Rawls, Capt. Steven Anthony, Sgt. Brian Long, Lt. Daniel Ipock, Officer Gene Maready, Tom Wadsworth, Charlton Godwin, Trish Murphey, David Taylor, Michelle Duval, Chris Stewart, Catherine Blum, Jennifer Lippincott, Cynthia Rountree and Katy West

Public: Kevin Dockendorf (WRC), Earl Ward, Jonathan White

Frank Folb, serving as chair, called the meeting to order at 4 p.m. The committee members introduced themselves. Folb noted public comment will come at the end of each presentation, and that he would allow for comment on any topic not already covered at the meeting's conclusion. No public had signed up to speak at this time.

APPROVAL OF MINUTES

Riley Williams moved to approve the July 31, 2012 meeting minutes as written. Dell Newman gave the second. Motion carried without objection.

MFC UPDATE

Rawls gave the following highlights from the August 2012 MFC business meeting:

- The Division of Marine Fisheries (DMF) recommended and the MFC approved the removal of perch and catfish from the FMP schedule. The DMF had to eliminate surveys for these species because of reduced budgets.
- The draft Shrimp FMP revision was approved to go out for public comment and to the advisory committees.
- The MFC approved the Seed Oyster Management Areas boundaries.
- The draft Southern Flounder FMP Amendment 1 was also approved for public comment.
- The status of the striped bass limited entry legislative changes. The DMF was tasked with continuing to seek flexibility for this fishery through legislative changes.

- The MFC discussion on proposed actions for black drum. The DMF was asked to further investigate this topic and seek public input. This topic will come before the Northern AC at a later date.
- The MFC reviewed previous AC comments on proactive measures to address Endangered Species Act (ESA) interactions, as well as the DMF recommendation. Based on the MFC direction, the DMF issued a proclamation for Albemarle Sound Management Area (ASMA) and other exempted areas that instituted a large mesh gill net 2,000 yard limit and requires nets be checked every 24 hours, no later than noon of each day. In regards to recent events the observer program has noted interactions in Area A - 2 green turtles behind Bodie Island last week, with another this week, and a loggerhead at Albemarle Sound Hwy 37 bridge. The Beasley Turtle Settlement Agreement states if interactions with sea turtles in this area occur, then the exemption line will go back to the original settlement line to the north. A proclamation and news release will be forthcoming. Gill net restrictions that are in effect in Area B will apply to the newly included areas: 15 meshes, 4 nights a week, 2,000 yards maximum, and 100 yard shots with 25 yard opening.

SHRIMP FISHERY MANAGEMENT PLAN REVISION

Trish Murphey and Chris Stewart gave a presentation on the draft revision of the Shrimp FMP including an update of landings data, issues that were addressed in the 2006 FMP, research recommendations, a review of bycatch reports, protected resource issues, and public comment that was received during the initial solicitation for issues in the FMP process. Members were asked to hold questions until the end of the presentation. There were several issues that the public had requested be addressed in the FMP. Many of the issues were outside of the Shrimp FMP, could not be completed while following the goals and objectives of the plan, were not enforceable, or reversed a management action established in the 2006 FMP. Since there were no significant issues identified in the call for issues, the division initially recommended a revision of the FMP. Management actions by area taken under the previous FMP were reviewed.

Mandulak asked about the drop in pink shrimp landings and if that was due to fishing. Murphey noted it was more likely caused by environmental conditions. She explained how the South Atlantic Fishery Management Council had looked into decline of pink shrimp and determined it was environmental. Mandulak asked was there a time when sounds were closed, he thought they may have been in the 1950s. Taylor noted maybe in the 1930s. Dell Newman said he has seen old log books in the 1940s kept for the sounds and the high cost of fuels made it unprofitable to shrimp in the ocean.

Mandulak commented on high bycatch levels in the 70 percent range and asked why, given all that has been done with bycatch reduction devices (BRDs) and gear types, hasn't the rate changed. He asked why the ratio is still 3-4 times higher the shrimp caught. He asked if there was not a clear measurement to determine if they are getting reductions. He noted the top four fish species in bycatch are very important to both commercial and recreational fishermen and that not many survive from trawling. He wanted to know if the bycatch amount was a lot or a little. Stewart explained the difference between catch per unit effort (CPUE) and the ratio method of estimating quantities of bycatch. The CPUE method has less error, but still requires better numbers on overall fleet effort by time and area because the quantity caught is so variable (varies day to day or hour to hour). He noted the ratio method brings a lot of error with it which is described in the bycatch section of the draft Shrimp FMP.

Raymond Pugh asked if skimmer rigs have less bycatch than the other type of nets. Stewart would have to check the Kevin Brown reports for specifics by trawl type. Murphey said there is generally less bycatch in skimmers, but there are also seasonal differences fishing skimmers who generally target white shrimp. The tailbag is also fished more often which decreases mortality. She noted Brown is looking at at-net mortality and the croaker seems to go overboard alive, but no one knows for certain what happens after the fish return to the water. She noted the Shrimp FMP intent is to balance an active shrimp fishery and to sustain fish stocks as well.

Winslow also addressed the variability concern and said DMF is strapped to get a better handle on it. She asked how favorable it appeared to acquire Marine Fisheries Initiative (MARFIN) funds. Murphey noted they were still in the early stages of the grant cycle. Stewart clarified the Brown study included specimens other than finfish in the bycatch percentage, and if it just included finfish the Brown report would be approximately 56 percent.

Newman commented from a commercial standpoint, explaining skimmers won't work on brown shrimp. Fuel prices are so high shrimpers would not risk working where a lot of fish would be caught as bycatch. He commended Stewart for the thoroughness of his presentation. Newman said there is no way to say what the numbers are. He knows fishers move out of an area if tows are scrappy, but will stay where shrimp are good. He felt simple economics takes care of a lot of this. Murphey clarified the difference in Brown's characterization work was not like some earlier studies that were trying to find fish and test gear escapement.

Gilbert Tripp said with ratios, as shrimp are removed then the ratio to finfish will change so one can't compare a trend from year to year. Mandulak again noted there is a lot of finfish bycatch- two species are considered depleted and two species are of concern. He thought something more could be considered to minimize bycatch. The data he has seen would suggest that amount hasn't changed much since BRDs were put in place. Tripp felt the need to wait for more and better data to come in. Mandulak said with a revision he doesn't see changes in this regard occurring, and while he doesn't know the answer, the FMP should be able to move toward something better. Stewart noted BRDs do reduce on a case-by-case basis and gear studies show this. They do work, but there are also so many other factors at play that again one can't say for the fishery as a whole what the reduction has been. Murphey noted for weakfish their depleted status is due to natural mortality, from things like dogfish predation. Mandulak didn't disagree, but thought with less fish there is more impact on what remains from trawling.

Williams asked about opening of special secondary nursery areas, and staff explained that can be done by proclamation as early as August 15 when the finfish have moved out to more open water. Under the last FMP that required skimmer trawls in New River Mandulak asked how that was working. Stewart said it was only in place for two years so it is too soon to tell. They are able to catch shrimp, but some would rather still use an otter trawl.

PUBLIC COMMENTS ON SHRIMP FMP REVISION

No comments from audience. Frank Folb read the Coastal Conservation Association letter into the record which called for the full amendment process.

Dell Newman moved to accept the revision that had been given to them by DMF and move on, seconded by Riley Williams.

Staff explained the Southern AC had voted for an amendment to consider changes in New River upstream of Highway 172 and investigate a bait shrimp license. Discussion ensued on bait shrimping. Northern AC did not want to add trawling into the bait shrimp mix, feeling it would be an enforcement nightmare.

Tripp asked if turtle excluder devices (TEDs) and BRDs are required in recreational trawl gear. Staff clarified when it was needed. Winslow noted that the main point was the Southern AC asked for an amendment. Murphey related the difference between revision and amendment. An amendment allows for consideration of management changes. She explained the DMF plan development team had recommended a revision of the FMP after evaluating the current management strategy and determining it was working well.

Mandulak asked if the Finfish AC had commented on the Shrimp FMP. Murphey relayed the Finfish AC did not review it officially because the shrimp plan is reviewed by the Shellfish/Crustacean AC; but, that an Finfish adviser brought up the Shrimp FMP at that meeting. The committee agreed by consensus that the Finfish AC should have further discussion of the Shrimp FMP, particularly when more members were present. The Finfish AC did not have a quorum.

Mandulak said based on studies, additional data with skimmer work, there is a potential in an amendment to look at broadening gear strategies. Stewart noted the only study is just Brown's for one year, and it is hard to make decision on one study. Mandulak felt the division could try some things and see if they work. He favored an amendment. Tripp asked what exactly is DMF recommending and all were directed to pages 167- 197 of the draft Shrimp FMP, which is in Section 11.4. There was no further discussion, and Tripp called the question.

The motion carried 4-2.

AMERICAN SHAD SUSTAINABILITY PLAN

Dr. Michelle Duval presented the committee with the PowerPoint presentation on North Carolina's proposed Sustainable Fishery Plan (SFP). She explained we will have to close the American shad fishery if we do not have a fishery plan approved by Jan. 1, 2013 and where we are in the process of getting one. The Marine Fisheries Commission is seeking public and advisory committee input on this SFP. Duval explained how existing management is jointly conducted with the Wildlife Resources Commission (WRC), summarized commercial landings, and described the request for fisheries in the Albemarle Sound/Roanoke River, Tar-Pamlico, Neuse and Cape Fear River systems. She then reviewed the status of the fisheries in each system as well as the data and sources used to evaluate each system's thresholds. These thresholds would be the trigger for management actions.

The Cape Fear River had a declining trend in abundance based on the sustainability parameters and needed a reduction in recreational and commercial harvest to ensure a sustainable stock. The ASMFC Technical Committee (TC) was most concerned with this system. For all other areas the recommended

commercial season was March 1- April 14. The recreational bag limit in the Neuse and Roanoke Rivers was a one fish bag limit for American shad.

Mandulak asked why the plan allowed one fish in the Neuse and Roanoke, but five fish in the Cape Fear River which seems to be in the worst shape. Duval explained that the construction of the rock weir at Lock and Dam #1 means that we will need to reassess the sustainability parameters within the next couple years to ensure they are still appropriate. She also explained that the reduction in the bag limit, as well as the commercial harvest reduction, was calculated to meet a 25 percent target. That worked out to a five fish creel limit given the recreational harvest levels on the Cape Fear,.

Winslow wanted to know if the threshold for implementing management measures was for three consecutive years or two years. She also asked how the Roanoke, which has more than one index, is a change based on all or just one. Duval explained the division proposes using two years to start looking at proactive measures and the third year will definitely require action. Winslow doesn't support taking action based only on WRC electrofishing survey for the Roanoke River because it does not take into account Virginia systems, which very well may produce a significant bulk of the population. She doesn't know if Virginia will allow a fishery this year. Rawls indicated that Virginia had recently submitted an American shad sustainable fishery plan for technical committee review next week. She commented that she had not yet reviewed the plan so did not know what the plan was requesting. Folb agreed that he would like to see two indices being required to trigger management changes.

Williams commented that he rock and shad fishes. The season change to begin March 1 will take two to three weeks from rock fishing and that time is prime money for the fishermen. This action will be a blow to commercial fishermen. There was a discussion on the condition of the stocks and that ASMFC considers Roanoke stock as stable but low compared to historical populations. Rawls noted there concern among ASMFC member states about low/stable stocks, and the objective is to rebuild populations with measures that could improve stocks under Amendment 3 of the ASMFC Shad and River Herring FMP. Williams was concerned with the Independent Gill Net Survey because there are sets in areas commercial fishermen cannot fish, and it only samples what is going up the Roanoke River. Rawls noted that as a state we at least had some survey data to go on, the other choice was to close the fisheries. The Roanoke/Albemarle criteria are more comprehensive than the other systems because of the long term surveys that have been ongoing for striped bass. DMF used the best information available.

Folb wondered is it possible to take time off the back end, and if that would that help the fishermen. Kathy explained that since 2007 we have had a February 1 opening, except in 2009 we tried an earlier January opening. Only two people fished and had no shad. Williams noted the season also may close early, such as the March 28 closure caused by the 55 degree water temperatures that is required to prevent sea turtle interactions. Duval explained that it's hard to predict water temperature at given dates from year to year and those closures are under the settlement agreement.

Winslow asked if these dates have gone to the TC. Staff said they had because it was a timing issue for the ASMFC Shad and River Herring Management Board, however, the board is aware this plan had not gone through public review in N.C. and our plan might come back with changes based on public input. The process allows for changes via annual compliance reports. It was also felt we needed to know what was potentially acceptable to the technical committee before the plan was vetted in NC.

Tripp noted he had a fish student who worked at the Meherrin ladder, and shad were used as brood for restocking, and if is that not an answer. Dockendorf, WRC, explained beginning in 2011 brood stock

from a river will only be used to produce fry for that system. The Roanoke River stock can sustain the take of brood stock for that use. He also explained that the WRC has been stocking shad in the Roanoke since 1998.

Mandulak asked for the current American shad creel limit on Tar/Neuse. Staff clarified there is a 10 fish aggregate creel for American and hickory shad, but WRC is going to one fish for American shad, within the aggregate, on the Neuse. He also noted there are not as many hickory shad in the Cape Fear River as the others, and asked why the creel limit is inconsistent. Mandulak repeated his concern with the 5 fish creel limit in the Cape Fear River. Dockendorf said it appears inconsistent, but there are reasons for the actions. The Roanoke angler CPUE is low and so the goal of the one fish creel is protection of fish on their return to spawn. On the Neuse the angler catch and release is up to 95 percent so that gives the appearance of lower catch retained compared to the Roanoke. In the Cape Fear River, the reduction was based on what is kept, and anglers keep relatively more. Also, the measures for commercial and recreational sectors were developed to provide an equal 25 percent reduction in harvest for each sector and this occurred at the five fish level for the Cape Fear River. A one fish creel limit would have been a 75 percent reduction for the recreational fishery, and that was viewed as more than adequate to start rebuilding. If equal reductions are applied for both the commercial and recreational fisheries this will result in the greatest benefit.

Rawls clarified that we didn't think a single silver bullet was going to turn everything around. Starting measures were based on how comfortable the DMF/WRC workgroup was with the surveys, and the objective is to work towards improvement but also to see what these initial measures will do. She explained that the intent was to implement this plan for five years (except for the Cape Fear River), examine the surveys, and then adopt changes as needed.

PUBLIC COMMENTS ON THE SHAD SUSTAINABILITY PLAN

Earl Ward disagreed with changing the timing of season because this fishery is important for their livelihood. There are other ways to get changes from fishermen. He suggested trying different mesh sizes like the 5 ½ inch stretch mesh he uses which allows for escapement, and he was able to get the same money because of the larger sized fish. He went from 50 meshes to 30 meshes with dab lines down 30 inches to keep bass boats from cutting through the net. He noted a lot of fish pass over the net. Other fishers wait for the good strong run and then come in and the market gets flooded. Newman asked Ward if he could work with that tie down net or floats below surface and still make a living. Some of the nets now don't go to bottom because of sturgeon. Ward replied that he could, but he has to work at it. He felt strongly there must be other things to do rather than take 30 days out of the season. Winslow noted that Ward is an innovator, and not all fishermen are. Ward agreed, but said it's his living. He starts fishing Feb 1. Winslow asked could you split the difference. She noted bad water can easily take away approximately 2 weeks time. Newman asked what kind of reduction in shad did Ward get using dab nets? Ward replied about 25-35 percent, a lot of fish go over the top. Rawls noted that when the issue of allowance of floating shad net earlier in the season had come up previously, fishermen in western Albemarle Sound wanted to wait until the fish reached them to open the season, because the eastern fishermen could catch them sooner when the prices were higher. Winslow noted that had been a rock issue as well under the guise of being a shad issue to get to use nets for rock earlier in the year.

Williams did not agree with the March date and that as proposed the Cape Fear River has more days than the ASMA. Duval explained that the back end of the season comprised the majority of harvest in the Cape Fear River, and the 25 percent reduction in harvest was calculated by taking days off both the

front and back ends of the season. Taking days off the front end of the season didn't reduce catch as much as taking days off the back end of the season.

Jonathan White also fishes for shad. He felt that there should be other measures than taking time away, and he doesn't have anything else to do to make ends meet. His nets are maybe 15 inches under the surface, but need to be well marked. That would let fish get by. He said it is ridiculous to think you know how many fish are out there. Gear modification would be the lesser of the evils. Rawls said the AC hears your views, and we will have the opportunity to take changes back to ASMFC based on what the MFC decides to do in November.

Newman noted fishermen are here willing to work with us, and if we can't do that then this whole process is broken. He felt any motions made needed to incorporate that view. Rawls clarified in the Roanoke that we are not required to get 25 percent reduction, but this is something that allows for conservation while still maintaining a fishery. This fishery is targeting roe shad, a concern of the ASMFC Technical Committee and workgroup. Duval noted DMF would rather not tell them how to fish gear, and thought reducing the days of the season was the least of the evils.

Pugh asked which the fishermen prefer, gear modifications or season reduction. Ward felt DMF was going to do what they want anyway. White said he'd starve with 5 ½ mesh, there are area differences. Rawls cautioned if relative F goes up 1 more year then ASMFC will expect DMF to do something more in the Albemarle/Roanoke.

Mandulak noted none of this is being implemented right now, so if the committee moves to implement a February 15 opening it should have some time for reduction to help relative F stay/come down.

Newman moved to implement February 15 opening in the Albemarle.

Folb asked would this be fair on other areas. West noted the Central Southern Management Area (CSMA) manages shad and their 25,000 pound striped bass season by proclamation opening the season March 1. Without Keith Bruno at the meeting there were not fishermen from other areas. The DMF was concerned about area differences in seasons for enforcement purposes. DMF staff would prefer to have similar measures statewide.

Newman amended the motion for a February 15 opening date for all areas except Cape Fear River and to study gear modifications to see to see if such would be effective. Williams gave the second, motions passed 4-0 and 2 abstentions.

SOUTHERN FLOUNDER FISHERY MANAGEMENT PLAN AMENDMENT

Tom Wadsworth, a division biologist, presented the draft Southern Flounder FMP Amendment 1. He reviewed the fishery's recent history and the need to rebuild the flounder stock to sustainable levels by 2015 in accordance with the Fishery Reform Act. The commercial and recreational measures the MFC approved in November 2010 have been adjusted in response to changes in large mesh gill net restrictions due to sea turtle compliance issues, exemptions of the river systems and Albemarle Sound from those restrictions, and allowances for shad fishing seasons. These changes made it uncertain whether the required reduction agreed upon in 2010 was being achieved.

Staff conducted an analysis of new data and drafted an issue paper concerning the reduction in the commercial fishery to complete the amendment. Recent flounder gill net landings and effort have shown declining trends. In 2011, the yardage reduction was 55 percent lower than 2007. In that same time, landings in the commercial southern flounder fishery were down 40 percent. The reduced allowable soak times, yardage limits, increased fishing costs in time and money, flounder population fluctuations and other factors may have contributed to a major reduction in gill net fishing effort that is not being recouped to a large degree by the gig or pound net fisheries at this time. Additional gill net measures may be necessary in the near future with the listing of Atlantic sturgeon as endangered this past spring.

Wadsworth presented management options which included accepting current management measures to reduce protected species interactions for achieving sustainable harvest or implementing other management options outside of existing regulations. He also gave the committee the Southern Flounder FMP AC and division recommendations.

The division recommends preserving specific minimum management measures for the flounder gill net fishery, which would not change due to future protected species actions. Specifically:

- Limiting the use of 4-6 ½ inch stretch mesh gill nets to four nights per week north of Beaufort Inlet
- Limiting the use of 4-6 ½ inch stretch mesh gill nets to five nights per week south of Beaufort Inlet
- Maintaining a 2,000 yard limit in Croatan and Roanoke sounds to Beaufort Inlet
- Maintaining a 1,000 yard limit from Beaufort Inlet to the South Carolina state line
- Maintaining a 3,000 yard limit in areas exempt from the sea turtle settlement agreement, except as reduced by future protected species measures
- Allowing the exemptions for Albemarle, Croatan and Roanoke sounds and the Pamlico, Pungo, Neuse and Bay rivers to remain in effect, except as changed by future protected species measures
- Conducting a stock assessment including data through 2013 to be completed prior to 2015

Mandulak asked if protected species management changes could pose a problem in managing flounder in that environment because it could be more or less. He also asked if it would be unfair to keep some measures in place while other areas aren't impacted by the ESA measures. Wadsworth noted only gill nets so far are impacted at this time, reductions are met with what is in place now for the gill nets, and that it is not likely gill net effort will be going up in the future.

Folb said DMF has increased restrictions in the ASMA as noted in the update about turtles earlier this evening. Folb asked, on behalf of commercial fishermen in his area whether it would be possible to limit the gill net yardage by 50 percent and add two more days of allowable gill net fishing. Wadsworth replied that this would require renegotiating the sea turtle settlement agreement and changing the statewide sea turtle incidental take permit (ITP) application which was recently submitted. West and Blum clarified if the DMF recommendation was accepted for the Southern Flounder FMP Amendment, it would take another amendment to change these minimum measures that DMF is recommending be contained for the commercial fishery.

Mandulak was concerned if the Independent Gill Net Survey CPUE for 2007 and 2011 were the same, that the stock improvement measures are not taking hold. Staff explained that spawning potential ratio

did increase from the 2005 FMP to 19 percent, but didn't reach the new higher benchmark. Also, we have only had two years of increased reductions, and that is too soon to see stock increase in the surveys. Other factors also affect survey indices such as environmental conditions impacting recruits. A number of the committee members described what folks fishing are currently seeing for southern flounder.

Williams made a motion to accept DMF recommendations, seconded by Gilbert Tripp.

Winslow asked for clarification on whether this motion accepted all of the DMF recommendations. Williams said he did not intend to accept all of the DMF recommendations. White asked if ASMA would still be exempted. Staff explained it would in the flounder plan, but that plan does not constrain additional measures coming forward for protected species action. Newman brought up the Pamlico Gill Net Restricted Area (PSGNRA) which allows for less restricted fishing and that those extra flounder days were critical in his part of the state. He asked if that opening would disappear under this DMF recommendation. West responded it would as part of the southern flounder commercial fishery measures the division is recommending. She also clarified what the settlement agreement said about PSGNRA. It expired when the previous ITP expired after 2010, and only exists now due to two years of extensions for the permit. She also stated that the PSGNRA was not included as an exemption in the current ITP permit application, so if that is approved this will be a non-issue.

Folb asked if the fishery will close if the stock isn't rebuilt by 2015. Staff replied it's possible, and that consistent regulations in the commercial flounder fishery will help us evaluate the impacts of these management measures on the stock.

Tripp asked about ITP takes by area, season, and species. He was concerned no one knows if the turtle population is going up or down, because there isn't a recent assessment.

Tripp retracted his second of the original motion and Williams retracted his original motion.

Mandulak made a motion to accept the DMF recommendations, seconded by Winslow. Motion passes 4-1 with 1 abstention.

Mandulak asked about the results of 2015 stock assessment, if a closure is a possibility if the stock is not rebuilt. Blum noted the statute says that level "shall" be reached.

By consensus the committee recommended the MFC to request National Marine Fisheries Service complete a sea turtle assessment.

PUBLIC COMMENTS ON SOUTHERN FLOUNDER FMP AMENDMENT 1

White indicated he does fish for flounder with gill nets, and they are bigger than he has seen previously.

OTHER BUSINESS

Rawls noted the problem with obtaining quorums at the AC meetings, and explained the division was going to try and schedule all the AC meeting a year in advance so members could clear their calendars

for those dates. She asked members to let us know how they feel about this. Member input was also solicited about meeting locations, should the meeting site alternate between Washington and where they met this evening.

Meeting adjourned at approximately 8:30 p.m.

Cc: Catherine Blum
Dick Brame
Frank Crawley
Louis Daniel
Jess Hawkins

Allen Jernigan
Dee Lupton
Nancy Marlette
Meredith Wilson
District Managers

Committee Staff Members
Marine Patrol Captains
Section Chiefs

DRAFT

MEMORANDUM

TO: NC Marine Fisheries Commission (MFC)
MFC Southern Regional Advisory Committee

FROM: Mike Marshall
Chip Collier

RE: MFC Southern Regional Advisory Committee Meeting Minutes

DATE: September 28, 2012

The MFC Southern Regional Advisory Committee (AC) met on Wednesday Sept. 19, 2012, at 4 p.m., at the Department of Environment and Natural Resources Regional Office, Wilmington. The following attended:

Advisers: Sammy Corbett, Jerry Dilsaver, Chris Hunt, Pam Morris, Randy Proctor, Fred Scharf, Tom Smith

Staff: Alexander Batchelder, Lt. Chris Bennett, Ashley Bishop, Catherine Blum, Kevin Brown, Chip Collier, Anne Deaton, Michelle Duval, Lt. Mike Ervin, Nancy Fish, Jack Holland, Capt. Jim Kelley, Sgt. Dean Nelson, Trish Murphey, Mike Marshall, David Taylor, Stephen Taylor, Kathy Rawls, Patricia Smith, Chris Stewart, Sgt. Carter Witten, Ofc. Garland Yopp

Public: Over 100 people from the public were in attendance.

David Kielmeier, Ron McPherson, Phil Smith, and Seth Vernon did not attend the meeting.

Co-chair Sammy Corbett opened and chaired the meeting for the start of shrimp presentation. Dr. Fred Scharf took over the chairing duties when he arrived.

APPROVAL OF MINUTES

The minutes from the Aug. 1, 2012 meeting were recommended for approval by Randy Proctor with no modifications and seconded by Pam Morris. Motion carried.

SHRIMP FISHERY MANAGEMENT PLAN REVISION

Trish Murphey and Chris Stewart gave a presentation on the draft revision including an update of landings data, issues that were addressed in the 2006 fishery management plan (FMP), research recommendations, review of bycatch reports, protected resource issues, and public comment that was received during the initial solicitation for issues in the FMP process. There were several issues that the public requested be addressed in the FMP. One of the issues was outside of the Shrimp FMP, while the rest would not meet the goals and objective of the plan, were not enforceable, or reversed a management

action established in the 2006 FMP. Since there were no significant issues identified in the call for issues, the division is recommending a revision of the FMP.

PUBLIC COMMENTS ON SHRIMP FMP

There were over 100 people that attended the meeting. Twenty-two people had public comments regarding the shrimp fishery. Table 1 has a general grouping of the major topics and issues identified by the public in the shrimp fishery. In general, the group suggested the fishery has too many regulations currently and any more would be devastating to the fishery. There is some bycatch in the fishery including species such as croaker, spot, hogchoker, and pinfish but they try to release the fish and crabs before picking through the shrimp. The DMF needs to communicate better with the public about the announcement of meetings and with the fishermen in general. Many stated that the area above the 172 Bridge over New River should be opened back up to otter trawls. The lack of trawling in that area and many other areas is causing the creeks to fill-in and decreasing the productivity of the shrimp stock.

Table 1. General classification of issues and specific issues identified during the public comment section regarding the Shrimp FMP Revision.

General Issue	Specific Issue
Regulation	The fishery is over regulated based on gear requirements and areas allowed to fish.
	The rights of otter trawl fishermen are being violated with the restriction above the 172 Bridge.
	DMF needs to enforce the rules they have before adding new ones.
	The fishermen don't agree with any inshore trawling ban.
	Shrimp don't need management based on size because the fishermen won't go if they cannot sell them.
	Size of shrimp varies by area and a count rule is not an effective management measure ESA is causing issues with the fishery.
Bycatch	The discarded bycatch is used by other organisms in the river.
	FEDs have worked to reduce bycatch and it does not need to be reduced more.
	Most of the fish swim off (85%) especially species like croaker. The species mostly likely caught as bycatch included croaker, spot, pinfish, and hogchoker.
Socio/Economic	Most of the fishermen in the room are old and few young fishermen getting into the fishery.
	Few fishermen can make a living just fishing and they have to have a second job.
	Fishermen are not included in the process.
	The heritage of the fishermen is going away. Need to find better methods to inform fishermen about meetings and the topics of the meetings.
Water Quality	The bottom is dying in many areas
	SNA and PNA areas are settling in and dying. They need to be turned

over.
Pollution from sewer outfalls and boat washing (marinas) are killing
shrimp.

Speakers

James Quinn	Fred Hardison	Denny McCuiston
Gary Nowell	Pat Hardison	Jimmy Jones
Thomas Rackley	Iola Brown	Danny Fulford
Arnold Melton	Bob Bryant	Robby Swinson
Allen Faircloth	Sandra Gaskill	Bill Hickman
Brad Robbins	Connie Evans	Clyde Pender
Nancy and Donnie Edens	Henry Whitney	Judy Edens
Casey Jones		

COMMITTEE DISCUSSION ON SHRIMP FMP

Scharf asked if they could recommend the FMP be approved as a revision and look into opening the area upstream of the 172 Bridge over New River to otter trawls. Staff stated the area was closed to the use of otter trawls to reduce bycatch in the area and if they were asking about changing the FMP, then that would require an amendment to the plan.

Tom Smith noted that Texas has a bait license for shrimp and that could be pursued in North Carolina.

Sammy Corbett moved to recommend an amendment to the Shrimp FMP. They recommended the FMP investigate the use of otter trawls upstream of the 172 Bridge over New River and adding a special license for bait shrimp fishery. The motion was seconded by Pam Morris and passed 7-0.

AMERICAN SHAD SUSTAINABILITY PLAN

Dr. Michelle Duval presented the committee with the power point presentation on North Carolina's proposed Sustainable Fishery Plan (SFP) beginning with a summary of where we are in the process of getting a fishery plan approved by Jan. 1, 2013 or having the American shad fisheries closed. The Marine Fisheries Commission is seeking public and advisory committee input on this SFP. Duval explained how existing management is jointly conducted with the Wildlife Resources Commission (WRC), summarized commercial landings, and described North Carolina's request for fisheries in the Albemarle Sound/Roanoke River, Tar-Pamlico, Neuse and Cape Fear River systems. She then went over the status of the fisheries in each system, the data used, and its sources to evaluate each system's thresholds which would trigger management actions. Basically the plan proposes thresholds for each river system, e.g. three consecutive years of values below the 25th percentile from gill net and electrofishing surveys below which management actions to be determined would be implemented. The Cape Fear River system causes the most concern, and the Atlantic States Marine Fisheries Commission (ASMFC) Shad and River Herring Technical Committee recommended reductions in that fishery. The Division and WRC recommended seasonal reductions equally shared by the commercial and recreational fisheries. The recommendation for the Cape Fear River is a commercial season of February 20 through April 11 and a recreational bag limit of five fish. For the other systems, management measures in 2013 will be a commercial season of March 1 through April 14 and recreational creel limits

in the joint and coastal waters of the Roanoke and Neuse rivers to complement WRC's one fish limit. In addition to those measures, the shad fishery is affected by sea turtle/Atlantic sturgeon gill net restrictions implemented in the coastal rivers and Albemarle Sound.

PUBLIC COMMENTS ON AMERICAN SHAD SUSTAINABILITY PLAN

Leonard Hall commented that he fishes just downstream of Lock and Dam #1. Their catch is based on demand. If there is no demand for shad, they don't fish. The area also has a tradition called, "Blue Monday." At the Blue Monday Festival, several families get together to cook and eat shad at the lock park. He is for conservation if it is needed, but the current limit and elimination of the May harvest is working to protect the stock. Based on his observation, they do not need a reduction. Hall is seeing more shad now. The market for shad gets flooded and the fish stop going. There are only a handful of fishermen that operate in the fishery. Last year the season was cut short due to water temperature exceeding the threshold established in the sea turtle agreement. Hall stated he has never seen a sea turtle anywhere close to where fishes.

George Graham stated he saw more shad last year than a lot of years. The catch is highly variable. If WRC is having a hard time finding fish, they are more than welcome to go fishing with him.

Frank Futch stated he is seeing more fish now. The last two years they have been penalized due to the sea turtle restrictions. The shad fishery should not be lumped in with the flounder fishery. Futch did not like that the recreational harvest continued after the commercial fishery closed. Futch also stated that the number of fishermen in the fishery has decreased. Only six guys are in the fishery.

F.P. White stated the fishing last few years has been as good as he has seen in the past 50 years. There are not many commercial fishermen and he does not understand how their minimal effort is impacting the stock. Last year, there were two observers checking the two people fishing on the river.

Marvin Brown stated that last year was one of his worst years. He uses a set net. The fishery is nothing like it used to be; not due to number of fish, but due to the demand for shad. The demand for shad used to be much higher, but now not many people want it. There are no young fishermen getting into the fishery. Brown could not get his son or grandson to fish with him. Brown does not like having to throw back dead stripers, but understands throwing back live fish.

COMMITTEE DISCUSSION ON AMERICAN SHAD SUSTAINABILITY PLAN

Corbett mentioned that the Sea Turtle AC was looking at including some upstream portions of the Cape Fear River as being exempted from the sea turtle restrictions, which caused early season closure for the drift net fishery. The fishermen in the room recommended the Navassa Railroad Bridge on the Cape Fear River and the I-140 Bridge on the Northeast Cape Fear River as possible downstream limit to allow drift netting.

Scharf questioned the use of a running average when calculating a sustainability point. He recommended having a fixed set of years to use as a baseline. Duval mentioned that issue has been discussed, but a final decision on the most appropriate years has not been finalized.

Smith noted that there is considerable bycatch of American shad and herring in the Boston mackerel fishery. Duval mentioned the ASMFC is developing management measures to potentially address the bycatch issue.

Scharf asked what the technical committee recommended and what information they used to base their decision. Kathy Rawls pointed out it recommended a complete closure for the Cape Fear River, and had very limited data when the closure was discussed. The fishery is primarily just six to seven commercial fishermen and a recreational fishery.

Jerry Dilsaver asked what minimum the ASMFC would accept as a sustainable fishery. Kathy pointed out that the 25 percent reduction was likely the best we could do. The technical committee pushed hard for a closure. A significant portion of the sustainability reviews revolved around the Cape Fear River and the negative trends in the stock.

Morris stated she wanted to allow the traditional fishery.

Tom Smith moved to accept the current DMF proposed recommendations for the Cape Fear River and other parts of the state. Sammy Corbett seconded the motion. The motion passed 7-0.

SOUTHERN FLOUNDER FMP AMENDMENT

Tom Wadsworth explained what events had brought us to this point and the need to rebuild the flounder stock to sustainable levels by 2015 in accordance with the Fishery Reform Act. The commercial and recreational measures that were approved by the MFC in November 2010 have been adjusted in response to changes in large mesh gill net restrictions due to sea turtle compliance issues, exemptions of the river systems and Albemarle Sound from those restrictions, and allowances for shad fishing seasons. These changes made it uncertain whether the required reduction agreed upon in 2010 was being achieved.

Staff conducted an analysis of new data and drafted an issue paper concerning the reduction in the commercial fishery to complete the amendment. Recent flounder gill net landings and effort have shown declining trends. In 2011, the yardage reduction was 55 percent lower than 2007. In that same time, landings in the commercial southern flounder fishery were down 40 percent. The reduced allowable soak times, yardage limits, increased fishing costs in time and money, flounder population fluctuations and other factors may have contributed to a major reduction in gill net fishing effort that is not being recouped to a large degree by the gig or pound net fisheries at this time. Additional gill net measures may be necessary in the near future with the listing of Atlantic sturgeon as endangered this past spring.

Management options were presented which included accepting current management measures to reduce protected species interactions for achieving sustainable harvest or implementing other management options outside of existing regulations.

COMMITTEE DISCUSSION ON SOUTHERN FLOUNDER FMP AMENDMENT

Smith asked what reduction in harvest is required for the commercial fishery to make sure the proposed

actions would ensure the reduction is reached. Wadsworth stated a 22 percent reduction was required in the flounder fishery, and few additional restrictions were put in place in 2011. Smith noted the observed reductions seemed to provide more than sufficient reductions.

Scharf pointed out that there was not a significant shift in effort or catch per unit effort (CPUE) in the other gears indicating that the reduction in harvest was likely due to restrictions established on the fishery. Scharf also asked what new information would be included in the next assessment and if ocean fish would be included. Wadsworth indicated that the stock assessment will likely just include information that was used in the previous assessment. Wadsworth was not aware of any new information with a long time series that would be included in the model.

Morris stated that the sea turtle regulations were killing the fishermen in her area, and requested the division consider reducing the regulations. Smith stated the current management actions are in place due to National Marine Fisheries Service.

Corbett stated that we need new independent surveys but they would be extremely difficult to obtain. Any new survey would need a Section 10 permit to interact with endangered species and it is very difficult to get the permit. Corbett hopes the observers on the boats are getting good information and that it can be used.

Scharf stated the flounder fishery is highly recruitment driven and will have large fluctuations annually. The data did not indicate more management measures were currently needed. Dilsaver stated that the listing of Atlantic sturgeon would likely result in increased regulation.

Motion by Jerry Dilsaver to accept the DMF current recommendations for commercial southern flounder management. The motion was seconded by Tom Smith. The motion passed 7-0.

Cc: Catherine Blum
Dick Brame
Frank Crawley
Louis Daniel
Jess Hawkins

Allen Jernigan
Dee Lupton
Nancy Marlette
Meredith Wilson
District Managers

Committee Staff Members
Marine Patrol Captains
Section Chiefs

MEMORANDUM

TO: N.C. Marine Fisheries Commission
Finfish Advisory Committee

FROM David Taylor

SUBJECT: Finfish Advisory Committee Meeting Minutes

DATE: Sept. 28, 2012

The Marine Fisheries Commission (MFC) Finfish Advisory Committee (AC) met on Sept, 26, 2012 at 10:30 a.m. at the N.C. Division of Marine Fisheries Central District Office in Morehead City. The following were present:

MFC: Anna Beckwith and Kelly Darden

Advisers: Jeff McBane, Larry Coble and Jerry James

Staff: Louis Daniel, Kathy Rawls, Michelle Duval, Tom Wadsworth, Officer Michelle Turner, Catherine Blum, Trish Murphey, Kevin Brown and David Taylor

Public: Commissioner Chris Elkins, Ainsley Smith and Julie Burrows

Co-chairman Anna Beckwith called the meeting to order.

MODIFICATIONS TO THE AGENDA

Jerry James asked if he could discuss an issue concerning the draft Shrimp FMP revision and Beckwith said she would place that item at the end of the agenda.

APPROVAL OF MINUTES

The AC minutes from July 25, 2012 were approved by consensus.

PUBLIC COMMENT

Public comment was solicited and no one wanted to speak at that time.

PRESENTATION ON THE DRAFT SUSTAINABLE FISHERY PLAN FOR AMERICAN SHAD

Dr. Michelle Duval presented the committee with the PowerPoint presentation on North Carolina's proposed Sustainable Fishery Plan (SFP). She explained we will have to close the American shad fishery if we do not have a fishery plan approved by Jan. 1, 2013 and where we are in the process of getting one. The Marine Fisheries Commission is seeking public and advisory committee input on this SFP. Duval explained how existing management is jointly

conducted with the Wildlife Resources Commission (WRC), summarized commercial landings, and described the request for fisheries in the Albemarle Sound/Roanoke River, Tar-Pamlico, Neuse and Cape Fear River systems. She then reviewed the status of the fisheries in each system as well as the data and sources used to evaluate each system's thresholds. These thresholds would be the trigger for management actions.

Basically, the plan proposes thresholds for each river system, e.g. three consecutive years of values below the 25th percentile from gill net and electrofishing surveys below which management actions to be determined would be implemented. The Cape Fear River system causes the most concern, and the Atlantic States Marine Fisheries Commission Shad and River Herring Technical Committee recommended reductions in that fishery. The Division of Marine Fisheries and WRC recommended seasonal reductions equally shared by the commercial and recreational fisheries. The recommendation for the Cape Fear River is a commercial season of February 20 through April 11 and a recreational bag limit of 5 fish. For the other systems, management measures in 2013 will be a commercial season of March 1 through April 14 and recreational creel limits in the joint and coastal waters of the Roanoke and Neuse rivers to complement WRC's one fish limit. In addition to those measures, the shad fishery is affected by sea turtle/Atlantic sturgeon gill net restrictions implemented in the coastal rivers and Albemarle Sound.

Jeff McBane asked why the Cape Fear River contained such depressed stocks. Lock and Dam #1, river development and inadequate data were cited as the major concerns. The Cape Fear commercial fishery only comprises seven or eight participants.

After a brief discussion, the Finfish Advisory Committee agreed with the provisions of the SFP by consensus.

ADDITIONAL MANAGEMENT OPTIONS FOR ACHIEVING SUSTAINABLE HARVEST FOR SOUTHERN FLOUNDER

Tom Wadsworth, a division biologist, presented the draft Southern Flounder FMP Amendment 1. He reviewed the fishery's recent history and the need to rebuild the flounder stock to sustainable levels by 2015 in accordance with the Fishery Reform Act. The commercial and recreational measures the MFC approved in November 2010 have been adjusted in response to changes in large mesh gill net restrictions due to sea turtle compliance issues, exemptions of the river systems and Albemarle Sound from those restrictions, and allowances for shad fishing seasons. These changes made it uncertain whether the required reduction agreed upon in 2010 was being achieved.

Staff conducted an analysis of new data and drafted an issue paper concerning the reduction in the commercial fishery to complete the amendment. Recent flounder gill net landings and effort have shown declining trends. In 2011, the yardage reduction was 55 percent lower than 2007. In that same time, landings in the commercial southern flounder fishery were down 40 percent. The

reduced allowable soak times, yardage limits, increased fishing costs in time and money, flounder population fluctuations and other factors may have contributed to a major reduction in gill net fishing effort that is not being recouped to a large degree by the gig or pound net fisheries at this time. Additional gill net measures may be necessary in the near future with the listing of Atlantic sturgeon as endangered this past spring.

Wadsworth presented management options which included accepting current management measures to reduce protected species interactions for achieving sustainable harvest or implementing other management options outside of existing regulations. He also gave the committee the Southern Flounder FMP AC and division recommendations.

The division recommends preserving specific minimum management measures for the flounder gill net fishery, which would not change due to future protected species actions. Specifically:

- Limiting the use of 4-6 ½ inch stretch mesh gill nets to four nights per week north of Beaufort Inlet
- Limiting the use of 4-6 ½ inch stretch mesh gill nets to five nights per week south of Beaufort Inlet
- Maintaining a 2,000 yard limit in Croatan and Roanoke sounds to Beaufort Inlet
- Maintaining a 1,000 yard limit from Beaufort Inlet to the South Carolina state line
- Maintaining a 3,000 yard limit in areas exempt from the sea turtle settlement agreement, except as reduced by future protected species measures
- Allowing the exemptions for Albemarle, Croatan and Roanoke sounds and the Pamlico, Pungo, Neuse and Bay rivers to remain in effect, except as changed by future protected species measures
- Conducting a stock assessment including data through 2013 to be completed prior to 2015

Chris Elkins asked when the stock assessment would be completed, and staff answered that it would be done during 2014. When asked what the penalty was if it was determined that sustainable harvest was not being achieved by 2015, Dr. Louis Daniel replied that he interpreted it as the flounder fishery would be shut down. Ainsley Smith, a member of the public, asked what a stock assessment entailed. Staff explained the fisheries independent and dependent data sources, data workshops to determine validity of data used, and the value of data with longer time series.

After a brief discussion the Finfish AC agreed with the division recommendation (as bulleted above) by consensus.

OTHER BUSINESS

Jerry James expressed his concern at the perceived lack of input the public had been given to comment on the draft Shrimp FMP Revision and urged that the MFC consider an amendment.

Jeff McBane agreed that the bycatch issues concerned the Finfish AC. Taylor explained that we were in the middle of obtaining public input on the draft FMP and that based on that input, the MFC could vote in November to make the review an amendment.

By consensus, the committee recommended there be further discussion on shrimp trawl bycatch by the Finfish AC.

Beckwith adjourned the meeting at approximately 12 p.m.

NEXT MEETING

The date of the next meeting was not discussed and will be announced when it is known.

Cc: Catherine Blum
Dick Brame
Frank Crawley
Louis Daniel
Chris Elkins

Jess Hawkins
Allen Jernigan
Dee Lupton
Nancy Marlette
District Managers

Committee Staff Members
Marine Patrol Captains
Section Chiefs

MEMORANDUM

TO: N.C. Marine Fisheries Commission
Shellfish/Crustacean Advisory Committee

FROM: Mike Marshall
Craig Hardy

DATE: October 23, 2012

SUBJECT: Shellfish/Crustacean Advisory Committee Meeting

The Marine Fisheries Commission (MFC) Shellfish/Crustacean Advisory Committee (AC) met on Tuesday, Oct. 2, 2012 at 6 p.m. at the Craven County Agricultural Extension Building, located at 300 Industrial Drive, New Bern, NC. The following attended:

MFC: Kelly Darden, Bradley Styron, Chris Elkins

Advisers: Jim Hardin, Jim Swartzenberg, Elaine Davis, Martin Posey, Tony Tripp, Art Brownell, Bruce Morris, Ted Wilgis

Staff: Louis Daniel, Dee Lupton, Trish Murphey, Chris Stewart, Stephen Taylor, Catherine Blum, Kevin Brown, David Taylor, Chris Bennett, Mike Marshall, Craig Hardy, Patti Fowler, Nancy Fish

Public: Bert Owens, Ed Cross, Edward Ipock, Dale Ipock, Kim Tavasso, Gary Hardison, Tim Hergenrader, Donald Willis, Blaney Rowe, Sandra Gaskill, Jerry Schill, Ray Brown, Greg Hurt, Tommy Lewis (approximately 55 members of the public attended the meeting)

Bradley Styron, serving as chair, called the meeting to order.

APPROVAL OF MINUTES – AUG. 2, 2012

Motion by Jim Swartzenberg to approve the Aug. 2, 2012 minutes, seconded by Tony Tripp - motion passed with none opposed.

REVIEW OF THE SHRIMP FISHERY MANAGEMENT PLAN (FMP) REVISION

Trish Murphey and Chris Stewart, the Division of Marine Fisheries staff leads for the Shrimp FMP, gave a PowerPoint presentation on the updates to the FMP and presented the division's position for revision of the plan. Art Brownell commented at the end of the presentation that he felt the action on the FMP review should be an amendment because the research

recommendations include a proposal to establish a protocol for analyzing bycatch data and that would constitute an amendment.

PUBLIC COMMENT

Bert Owens stated he felt the action on the review of the Shrimp FMP should be an amendment. Owens cited the waste of small fish in shrimp trawl bycatch as a factor in the 90 percent decline in spot landings and the reason that large croakers can be caught in Virginia and not North Carolina. Owens also stated the discards from shrimp trawls were creating lost potential for the state's economy. Owens recommended a 50-foot head rope limit on all inshore trawling.

Ed Cross reminded the group that efforts have been made to control bycatch. Cross stated that the industry is willing to change to reduce bycatch but that they need to stay in business. Cross stated there has been a significant reduction in shrimp trawling effort and the number of seafood dealers in recent years. Cross noted that out-of-state trawlers come in and contribute to the bycatch problem. Cross stated that head rope length is negotiable. Cross also noted that trawling is not allowed in Albemarle Sound and fish catches there are the same as Pamlico Sound where trawling is allowed.

Edward Ipock agreed with the statements made by Ed Cross. Ipock stated that fish size limits always seem to be at lengths that cut out all of his catch by hook-n-line.

Dale Ipock stated habitat is the problem with fish, not bycatch. Ipock suggested that water quality is the issue.

Kim Tavasso stated that finfish landings have suffered a 90 percent decrease since the late 1970s. Tavasso also stated that weakfish landings are down 98 percent. Tavasso believes bycatch is an issue that needs to be addressed in the FMP.

Gary Hardison described himself as a restaurant owner that buys and serves local shrimp. Hardison gave an account of a shrimp trawl opening in Beards Creek where he observed a large amount of dead bycatch. Hardison commented that a lot more areas are nursery areas than what are currently designated. Hardison stated an amendment to the Shrimp FMP is needed.

Tim Hergenrader stated that Kevin Brown's studies indicated a large amount of dead bycatch, and that current management is not minimizing bycatch. He said we need to take shrimp using different methods. Hergenrader reported most states do not allow shrimp trawling inside, and stated an amendment on bycatch is needed in the Shrimp FMP.

Donald Willis of Custom Marine Fabrication said that he is feeling the effects from the lack of fish catches. Willis stated that a lot of his tackle customers have gone to Virginia where they can catch trout and people are getting out of recreational fishing. Willis stated an amendment on bycatch is needed in the Shrimp FMP.

Blaney Rowe stated that there are problems with bycatch and that we all need to work together to resolve the issue.

Sandra Gaskill stated that recent proposals to limit trawling to more than three miles from shore in the ocean were to reserve the resource for recreational fishermen. Gaskill also stated that proposal would limit trawling to the large super draggers but that they catch small fish too. Gaskill requested that any management actions not stop commercial fishermen from making a living.

Jerry Schill reminded the group that many areas of bycatch have been addressed and that the N.C. Fisheries Association recommended the creation of primary nursery areas for the protection of small fish. Schill also recalled that commercial fishermen cooperated with the requirements to install turtle excluder and bycatch reduction devices in trawls. Schill stated a historical perspective is important in viewing the bycatch issue and that the commercial fishing industry has diminished over the years.

Ray Brown agreed with the comments made by Ed Cross. Brown said that the Shrimp FMP needs to be amended but the human issue needs to be addressed. Brown recommended we do everything we can to reduce bycatch while maintaining a shrimp fishery. Brown also recommended a study be conducted to determine if bycatch is having a long-term effect.

Greg Hurt stated the Shrimp FMP does not meaningfully address bycatch and that the current level of bycatch is an unacceptable waste of recreational fish that are classified as depleted and concern. Hurt recommended the FMP look at multiple gear types to replace trawling, net size limits, and reduction targets needed for bycatch. Hurt stated a full FMP amendment is needed but Coastal Conservation Association NC is not opposed to trawling, just bycatch.

Tommy Lewis stated that many regulations have been put in place that caused reduced bycatch and that effort is low.

Bradley Styron stated that bycatch is bad for shrimping and fishermen want to reduce it.

Motion by Elaine Davis to pass the revised Shrimp FMP on to the Marine Fisheries Commission just as it is, seconded by Bruce Morris. Motion to amend the motion by Art Brownell so that main motion is for an amendment to look more at the issue of bycatch rather than a revision, second by Jim Hardin. The motion to amend the main motion failed with four in favor and five opposed. The main motion for revision of the Shrimp FMP passed with seven in favor and one opposed (Darden abstained).

During the discussion on the motions above, Fisheries Director Louis Daniel made the following comments:

The division recommended a revision to the plan after public comment in November because nobody had any interest in doing anything at the time of the discussion. We made a recommendation to the commission that we would develop a revision and come back to them and they were satisfied. I was satisfied with that and made that recommendation because of several factors; one being manpower. No way we don't agree or recognize shrimp trawl bycatch is an issue and a concern and a problem. I don't think there is anybody tonight that doesn't have a similar concern. Because of staffing, because of timing issues, because of a lot of other things we have going on such as sea turtles, sturgeon, merger studies, menhaden and various other things, I just flatly didn't have time to say to the commission why don't we tackle the bycatch issue in 2012. I don't have the people to do that.

Folks started looking at the issue after the public comment period was over and they started raising a lot of serious questions and concerns about the impact of bycatch on our fisheries. So that is why we are here. That is why there has been a debate. That is why the meetings in Wilmington were well attended and that is why I have received hundreds of emails asking for amendment to the plan; because they want to address reducing bycatch to the maximum extent practical now.

So that is the question you are being asked. It is not about going out and doing an amendment to move the lines and do various things to manage shrimp. The question is do we want to address the bycatch issue now. So an amendment to address bycatch would say we are going to go in and look at the various BRD designs that are out there and available. We are going to look at the various gear constructions that might allow us to reduce bycatch. We might want to talk about reducing the head rope lengths. We might want to talk about having additional closed areas or seasons to try to reduce bycatch. There may be a whole suite of things that we would work with our advisory panel on to try to develop a suite of options that could be addressed through the public comment period to reduce bycatch to the maximum extent practicable now.

Granted we can continue to do our research. We can continue to look at these measures and if two years from now we discover that there is the best mouse trap of all time then we can do a supplement or an amendment to require those things or it can simply be done by director's proclamation authority to require them. So that is the question at this point. That is what the public, from my perspective, is asking you to make the decision on whether or not to revise the plan which means we don't have to do any more. We are done. We are satisfied with the levels of bycatch we have in this fishery or we move forward and do an amendment to try to reduce that bycatch. I don't think it is open-ended as some are concerned. My

hope would be that the commission would direct us to just look at bycatch and not look at a whole suite of issues. But it is up to the commission as to how they move forward.

REPORT ON THE MOST RECENT DENIAL OF THE BRAD SCOTT PERMIT REQUEST

Mike Marshall presented two emails concerning the latest developments in Brad Scott's attempts to obtain an aquaculture operation permit for a shellfish nursery in an Masonboro Boat Yard, which is closed due to pollution. Marshall explained that Scott had provided documents from Dr. Hamilton, a researcher that has experience conducting research on toxic metals which indicated that the forms of arsenic found in marine animals are not likely to cause human health impacts. Earlier samples of oysters from the boat yard were high in arsenic and zinc resulting in continuation of the refusal to grant the requested permit. The email from Dr. Hamilton was an attempt to refute the finding that the levels of arsenic in oysters in the polluted area would cause a health risk if consumed over time. The second email is the response from Fisheries Director Louis Daniel citing published reports that arsenic in seafood may cause a human health risk and his decision to continue to withhold the permit.

Scott addressed the committee concerning his position on the use of polluted areas for shellfish culture. Scott cited the lack of access to suitable waters and the ability of other states to allow this practice as reason for reconsideration of his permit request. Scott also argued that the Shellfish Advisory Committee was charged by the commission with developing a policy to allow his type of operation and that hatcheries in polluted waters existed 20 years ago in North Carolina. Scott proposed a policy to allow shellfish culture in polluted waters, which included the reasons for the proposed policy and his current position.

Patti Fowler, the chief of the Shellfish Sanitation and Recreational Water Quality Section, presented a complete timeline of the events involved in Scott's attempts to obtain an aquaculture operation permit to grow seed shellfish in polluted waters. Fowler also presented documents verifying and supporting the director's position on the permit request. Craig Hardy, the chief of the Resource Enhancement Section, provided information on the Shellfish Committee efforts to address shellfish cultivation in polluted areas. Fowler then gave an in-depth description of the Shellfish Sanitation Program as it relates to the issue and staff efforts to gather information, enlist the help of other agencies and develop procedures for evaluating the risks of shellfish culture in polluted areas and areas containing poisonous and deleterious substances. Daniel explained his position on continuing to deny the aquaculture operation permit for this activity. Scott offered some rebuttal to certain parts of the reasoning for the permit denial. Jim Swartzenberg stated that he was satisfied with the director's position on the permit denial, as long as this policy does not preclude establishing a hatchery in a polluted area.

Daniel made a plea to end consideration of this issue and that any further consideration be taken up in the 5-year review of the Oyster and Hard Clam FMPs. Styron stated the division's hands were tied because statutory law prohibits the granting of shellfish leases in polluted areas, but that he felt the division would work with him if he relocated to another area. Kelly Darden supported Styron's comments pointing out that the issue is with the area and not the operation. Bruce Morris also advised Scott to look for another area.

UPDATES

Mike Marshall updated the committee on Amendment 3 to the Oyster FMP, progress on beginning the 5-year review of the Bay Scallop FMP, and rulemaking issues from the Blue Crab FMP.

The meeting adjourned at 8:56 pm.

Cc: Catherine Blum
Dick Brame
Frank Crawley
Louis Daniel
Jess Hawkins

Allen Jernigan
Dee Lupton
Nancy Marlette
Meredith Wilson
District Managers

Committee Staff Members
Marine Patrol Captains
Section Chiefs

DRAFT

MEMORANDUM

TO: N.C. Marine Fisheries Commission (MFC)
Habitat and Water Quality Advisory Committee

FROM: Anne Deaton

DATE: October 8, 2012

SUBJECT: Habitat and Water Quality Advisory Committee Meeting

The MFC Habitat and Water Quality Advisory Committee (AC) met on Tuesday, Oct.2, 2012, at 1:30 pm at the Washington Department of Environment and Natural Resources (DENR) Regional Office located at 943 Washington Square Mall. The following attended:

MFC: Allyn Powell, Chris Elkins

Advisers: Bob Christian, David Duane, Tom Ellis, Wayne Mathis, Terry Pratt

Staff: Anne Deaton, Katy West, Jimmy Johnson, David Moye, Maria Dunn, JD Potts, Lynn Henry, Kevin Hart, Catherine Blum, Greg Judy, Lele Judy, Cory Cox, Capt. Steve Anthony

Public: Hilton Waters, Charles Equils, Eston Koonce, Robert Barnes (commercial fishermen), Stephen Ammons (Coastal Conservation Association), Patrick Jones and John Allran (Dept of Agriculture, Pesticide Division) and Tom Hill, Anthony Hester, and Natalie Woodard (Dept of Agriculture, Soil and Water Conservation)

Co-chair, Chris Elkins, called the meeting to order.

MODIFICATIONS TO THE AGENDA

The 2012 Coastal Habitat Protection Plan (CHPP) Annual Report was added to the agenda.

APPROVAL OF MINUTES

A motion was made by Wayne Mathis, and seconded by Tom Ellis, to approve the minutes from the Dec. 15, 2011 meeting. The motion carried unanimously.

MFC UPDATE

Anne Deaton gave a brief update from the August 2012 Marine Fisheries Commission meeting. Highlights of items addressed at that meeting included review of Fishery Management Plan (FMP) schedule, removal of perch and catfish from the FMP schedule, approval to take the draft Shrimp FMP and draft Southern Flounder FMP Amendment 1 out to public comment, approval of new seed oyster areas, an update on the status of striped bass limited entry legislative progress, review of AC comments on proactive measures to address endangered species interactions.

DRAFT SHRIMP FMP

Trish Murphey and Chris Stewart gave a presentation on the draft revision of the Shrimp FMP, including an update of landings data, environmental factors, issues that were addressed in the 2006 FMP, fishery and habitat research recommendations, review of bycatch reports, and protected resource issues. They explained that the division is recommending a revision of the FMP and went over the difference between a revision and an amendment. There were questions during and after the presentation, primarily regarding bycatch. Effort has gone down primarily due to competition with imports and fuel prices, but landings have remained stable because fishermen target when the shrimp are most concentrated to conserve fuel. There were questions and discussion on the variability of the bycatch, what percent of the bycatch was released alive, and suggestions on statistical analysis of the bycatch data. Chris Elkins pointed out an inconsistency between the presentation and the paper in some numbers regarding croaker bycatch. Bob Christian noted that despite different methods and areas of coverage, percent bycatch was not that variable, ranging from 69-82 percent with the exception of one study.

PUBLIC COMMENT

The staff noted that if an amendment is done, there will be additional public comment opportunities during that process. Three people spoke regarding the Shrimp FMP, and one person spoke about the crab kill that occurred at his crab shedding operation.

Charles Equils, a commercial shrimper, noted that a lot of the discarded bycatch survives so the numbers aren't as high as reported. He said that the fishery is viable and current management is working, and he therefore did not think changes were needed and supported a revision. He also said if you close Pamlico Sound to trawling, productivity will decline due to not being turned over, similar to what has occurred in Rose Bay.

Eston Koonce, another commercial shrimper said that more rule changes would put the small shrimping operations out of business.

Steve Ammons, Coastal Conservation Association (CCA), said that he agreed with the objectives of the shrimp plan shown in the presentation, and most of his concerns were included in the recommendations found in the revision. However, he continues to be concerned with bycatch, particularly due to potential impact on Atlantic croaker, spot, flounder, and weakfish populations, and therefore supports an amendment. He passed out a copy of CCA's written comments.

Hilton Waters, a commercial crab shedder, spoke about the crab kill event that occurred at his operation mid August and said water quality problems are putting him out of business. He said in addition to his crabs, dead grass shrimp lined the bank and other organisms died, but sank out of view. He said if that kill had been due to fishing, it would have been considered a big problem, like the shrimp trawl bycatch the committee is discussing. Hilton had questions regarding future consumption safety of peeler crabs since the pesticide can accumulate in the sediment. There was some additional discussion and then the topic was tabled for later in the agenda.

SHRIMP FMP COMMITTEE DISCUSSION

Several committee members mentioned that there is a need to standardize bycatch data sampling and reporting methods, MFC should look at the economic effects of management on small operations, and the fishery is viable. There was discussion that to get valid data on bycatch coastwide, they would need to collect data over multiple years, seasons, and areas; but, that there is likely no money to support that monitoring. The division put together

a comprehensive report on trawling for the General Assembly in 1999, but the legislature, upon reviewing, did not provide funding for the recommended monitoring and research. Elkins said while he acknowledges the financial problems with obtaining additional needed monitoring, bycatch is a problem to him personally, and he thinks something needs to be done. Powell noted that he considers bycatch a serious problem also, but mentioned a lot has been done to reduce bycatch through bycatch reduction devices and other measures, and questioned if going with an amendment would change the ability to conduct monitoring.

Terry Pratt made a motion to recommend the division continue with the Shrimp FMP as a revision. The motion was seconded by Wayne Mathis and passed with four in favor, none opposed, and the co-chairs and one member abstaining.

COASTAL HABITAT PROTECTION PLAN ANNUAL REPORT

Jimmy Johnson handed out the CHPP Annual Report and provided highlights on some of this past year's accomplishments that were included. He explained to the committee that due to the timing of deadlines, the annual report had already been approved by the three Department of Environment and Natural Resources (DENR) commissions (MFC, Coastal Resources Commission, Environmental Management Commission) and submitted to the Joint Legislative Commission on Governmental Operations in September.

HABITAT ALTERATION PERMITS UPDATE

Deaton handed out an annual report summarizing permit applications reviewed from July 2011 – June 2012 and a spreadsheet on the status of recent projects. Of the 521 permits reviewed, there were ten denials, primarily related to siting of docking facilities in very shallow primary nursery areas or submerged aquatic vegetation, where prop dredging would result in impacts. There were also many comments recommending dredging moratoria, particularly in anadromous fish spawning areas, or reconfiguring of the project to reduce impacts. Some of the larger projects this year requiring multiple pre-application meetings included NC-12 road and bridge work in the Outer Banks, Martin Marietta marl mine in Beaufort County, and terminal groins at four barrier islands.

AGRICULTURAL PESTICIDE RUNOFF AND BLUE CRABS

Lynn Henry gave the committee an overview of a recent crab kill that occurred at Hilton Water's crab shedding operation on August 10 following a 1.5 inch rainfall. The operation is located on a canal off of Pamlico River, east of St. Clair Creek. The fisherman suspected the cause to be pesticide runoff from an adjacent 15 acre cotton field that had been sprayed the previous day. The field drains to a ditch that empties to the canal where the shedder's water intake is located. They contacted DMF dispatch, the Division of Water Quality (DWQ) determined it was pesticide related and referred the case to Department of Agriculture, Pesticide Division (DAPD). The Pesticide Division staff responded promptly, conducted a field investigation and took samples of the crabs, water, canal sediment, and field sediment and plants. The cause of the kill was found to be the pesticide used on the field, bifenthrin, which is commonly used with cotton and highly toxic to invertebrates.

Henry noted that the concern is not only to crab shedders, but nursery areas and the other aquatic systems receiving runoff from cotton fields and the impact on species like shrimp, crabs and other invertebrates in those areas. Cotton production has greatly increased in coastal areas over the past two decades and requires a relatively large amount of pesticides to survive. The Clean Water Act exempts agricultural runoff so DWQ has no authority or rules on that. The investigation is still underway, but it appears that there were no violations with how the pesticide was applied, partially because the label instructions do not specifically address avoiding runoff issues.

Tom Ellis noted that there needs to be more documentation than two cases to determine if there is a problem with label application instructions. Katy West said that while they may have been unreported to DAPD, she has heard of pesticide related crab kills from local fishermen for 30 years. There was discussion on the need to get the word out to fishermen that when they observe such events, they need to report it as soon as possible. There is a hotline number available on DWQ's website (800-858-0368), but the group agreed it would be helpful to put that number on DMF's website also, since fishermen are more likely to view that website.

Regarding safety to eat, the Pesticide Division staff said bifenthrin is much more toxic to aquatic organisms than mammals, and that if the crabs are alive, the levels would be low enough for safe human consumption. DAPD also offered to emphasize the importance of keeping the pesticides out of the water and best management practices to achieve this at their restricted pesticide training classes. Department of Agriculture, Soil and Water Conservation (DASWC) staff explained how their non-regulatory program works with farmers through cost-share programs and technical assistance to help farmers develop conservation plans to reduce water quality impacts. They plan on working with Hilton Waters in this situation and offered to increase outreach to farmers in coastal counties. The AC recommended that the following actions be taken:

- 1) Request that DMF add the environmental emergency response contact number to DMF's website.
- 2) Since peeler crabs are especially sensitive and a visible indicator that the water could be contaminated, request that DMF include a letter in the annual crab shedder permit explaining the importance of reporting any crab kills to the above referenced number as soon as possible to investigate cause. Could include pesticide symptoms to look for, especially after storm events.
- 3) Support DAPD's suggestion to emphasize this issue and how to avoid and minimize pesticide runoff at their pesticide applicator training and DASWC's offer to increase outreach and technical assistance on this issue to farmers in coastal counties (Albemarle-Pamlico region).

ECOLOGICAL FLOWS SCIENCE ADVISORY BOARD

Christian gave a brief update on the progress of the Ecological Flows Science Advisory Board. DENR was charged by the General Assembly to develop a tool to minimize effects of water withdrawal. He gave a presentation on coastal waters at the last meeting and noted that differences in coastal plain waters need to be taken into account when they develop their model. These differences include hydrogeomorphology, ecological issues, and the kinds of water withdrawals.

OTHER BUSINESS

David Moye noted that the DENR agency staff on the committee did not receive their mailout. He also requested that the MFC consider if their participation is still needed given the new direction of the advisory committee to focus less on permit review and more on FMPs and other environmental issues.

Cc: Catherine Blum
Dick Brame
Frank Crawley
Louis Daniel
Jess Hawkins

Allen Jernigan
Dee Lupton
Nancy Marlette
Meredith Wilson
District Managers

Committee Staff Members
Marine Patrol Captains
Section Chiefs

MEMORANDUM

TO: N.C. Marine Fisheries Commission
Southern Flounder Fishery Management Plan Advisory Committee

FROM: Trish Murphey
Chris Batsavage

DATE: July 26, 2012

SUBJECT: MFC Southern Flounder Fishery Management Plan Advisory Committee Meeting Minutes

The Marine Fisheries Commission (MFC) Southern Flounder Advisory Committee (AC) met on July 25, 2012 at 6 p.m., at the N.C. Department of Environment and Natural Resources Regional Field Office located at 943 Washington Square Mall in Washington, NC. The following attended:

Advisers: Jerry James, Chris Taylor, Charles Van Salisbury, Doug Bolton, Paul Rose, Duke Spencer (phone), Harry Daniels (phone)

MFC: Chris Elkins

Staff: Chris Batsavage, Trish Murphey, Sergeant Carter Witten, David Taylor, Katy West, Jacob Boyd, Tom Wadsworth, Catherine Blum, Jason Rock, Chris Pullinger, Greg Judy, Lele Judy

Public: Larry Mize

Chairman, Chris Taylor, called the meeting to order.

APPROVAL OF MINUTES

Motion by Jerry James to approve the October 7, 2010 minutes. Chris Taylor seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

No public comment.

AC COMMENT

Charles Van Salisbury commented that adding one hour before sunrise and one hour after sunset to the existing settlement agreement is needed for safety reasons. He requested this specifically for western Pamlico Sound because sea turtles are rarely seen there. Afternoon storms are interfering with setting out nets and there is also a danger of getting hurt. It can take one and a

half hours to set and take up 1,500 yards of net. This would be very beneficial to fishermen if this could be considered in areas where there are no turtles.

Chris Batsavage explained that this would require a modification of the settlement agreement, but we also now need to think about Atlantic sturgeon since they are now listed as endangered under the Endangered Species Act. This could be brought up at the Sea Turtle Advisory Committee (STAC) meeting.

Van Salisbury requested that this be brought up at the STAC meeting.

Batsavage announced that he is no longer the flounder biologist and is now working in the Protected Resources section. He introduced Tom Wadsworth as his replacement.

ADDITIONAL MANAGEMENT OPTIONS FOR ACHIEVING SUSTAINABLE HARVEST FOR SOUTHERN FLOUNDER

Batsavage began his presentation with a brief history of what has occurred since the last meeting in October 2010. The MFC approved the Draft Southern Flounder FMP Amendment 1 for North Carolina Department of Environment and Natural Resources (NCDENR) Secretary and the Joint Legislative Commission on Seafood and Aquaculture (JLCSA) review in November of 2010. This draft included management strategies selected by both the AC and DMF and included a 15 inch size limit and six fish creel limit statewide for the recreational fishery and management measures in Proclamation M-8-2010 as directed by the sea turtle lawsuit settlement agreement for the commercial fishery. Proclamation M-8-2010 included setting gill nets four inches stretch mesh and greater four nights per week, with night time sets only, and a maximum yardage limit of 2,000 yards (north of the Hwy 58 bridge) and 1,000 yards (south of the Hwy 58 bridge) of gill net per fishing operation. Individual net lengths were limited to 100 yards, with a 25-yard minimum space in between nets, 15 mesh maximum depth with no top line floats north of the Hwy 58 bridge. Currituck Sound and western Albemarle Sound were exempt from these requirements.

Since the implementation of M-8-2010 changes have occurred and gill net management measures no longer reflect the commercial recommendation in the Draft Amendment 1. There have been exemptions for the shad fishery, exemptions in Croatan, Roanoke and eastern Albemarle sounds and in the Neuse, Pamlico, Pungo, and Bay rivers. An extra fishing day has also been allowed from Beaufort to the South Carolina state line. Southern Core Sound was closed to large mesh gill nets annually from May 1 through November 30 and the maximum gill net yardage limit from Beaufort to the Hwy 58 Bridge was reduced to 1,000 yards. Meanwhile, the Atlantic sturgeon has been listed as endangered. The DMF has applied for incidental take permits (ITP) for both sturgeon and sea turtles. These changes in management and an uncertain future have left this an unfinished amendment.

This issue paper is an update to the sustainable harvest paper in the Draft Amendment 1. It documents the changes that have occurred in the commercial fishery and is the first step in finalizing the Draft Amendment 1.

Sustainable harvest for southern flounder must be achieved by 2015, based on the 10-year rebuilding schedule that began in 2005. The 2009 stock assessment results were that southern flounder are overfished and overfishing is occurring. Right now there is only a very small portion of the 2007 flounder population still alive today, based on the life span of southern flounder.

Large mesh gill net effort increased in 2008 and 2009 but decreased considerably (35 percent) in 2010, the year the settlement agreement began. Although the settlement agreement management measures were not in place until May, much of the large mesh gill net effort targeting southern flounder occurs during the second half of the year. Effort in 2011 was further decreased by 55 percent since 2007. Landings and trips also increased in 2008 and 2009 but decreased in 2010 and 2011 with landings decreasing by 55 percent since 2007.

Gig landings and effort have increased since the settlement agreement, but they still remain a minor contributor to the southern flounder fishery, only accounting for eight to nine percent of the harvest. Pound net landings have generally decreased since 2008 and landings from all other gears have also decreased since 2010. Batsavage explained that he was unsure why these landings have decreased. It is possible that it is a function of availability and effort for target species of these fisheries. Overall 2010 commercial landings have decreased 19 percent since 2007 and 2011 commercial landings have decrease 40 percent since 2007.

The settlement agreement management measures have impacted gill net effort. Fishermen have to stay closer to home because of the night time set requirements and the need to remove nets no later than one hour after sunrise. Overnight sets require twice the travel with one run setting the net and the other run fishing the net. All of this increases the time and cost needed for fishermen to participate in the fishery. Tides in the southern portion of the coast and the gill net height restriction have also impacted effort.

Batsavage further stated that the analysis he presented today does not account for availability of southern flounder. This analysis only looked at effort that has occurred under the current regulations compared to 2007. Effort is lower than expected and additional measures that may likely follow could benefit the stock based on effort reduction, but a new stock assessment is needed to determine the stock status. Since regulation changes have only been in place for two years, additional years of consistent regulations are needed before impacts can be assessed with certainty.

Evolving management measures from the settlement agreement have, so far, been the strategy for finding balance between interactions with protected species, the prosecution of the large mesh gill net fishery and the sustainability of the southern flounder stock, until the stock can be assessed.

There are two options to consider for managing for sustainable harvest of the southern flounder commercial fishery. We can accept management measures to reduce protected species interactions for achieving sustainable harvest in the commercial fishery or we can implement other management measures outside of existing regulations.

Taylor asked when the next stock assessment was scheduled. Batsavage stated that the 2015 rebuilding deadline is controlling this and the division will be discussing the southern flounder stock assessment schedule in the next week.

Duke Spencer commented that the hurricane wiped out the pound nets and that a stock assessment should not be done without pound nets.

Jerry James asked if the original recommendation is doing what we wanted. Batsavage explained that the analysis shows that we are on track in terms of meeting effort reductions, despite changes to the original settlement agreement. Doug Bolton asked about management for other commercial gears. Batsavage explained that there will be fluctuations in the population and we will know more about the stock status after a new assessment.

Charles Van Salisbury motioned to accept management measures to reduce protected species interactions for achieving sustainable harvest in the commercial fishery. Jerry Jones seconded the motion. The motion passed 6-0 with one abstention.

Batsavage thanked everyone for their participation, patience and perseverance while on the AC.

Duke Spencer motioned to adjourn. Henry Daniels seconded the motion. Motion passed unanimously.

TM/lm

Cc:	Catherine Blum	Jess Hawkins	Kathy Rawls
	Dick Brame	Allen Jernigan	District Managers
	Frank Crawley	Amanda Little	Committee Staff Members
	Louis Daniel	Dee Lupton	Marine Patrol Captains
	Chris Elkins	Nancy Marlette	Section Chiefs

MEMORANDUM

TO: N.C. Marine Fisheries Commission
Southern Flounder Fishery Management Plan Advisory Committee

FROM: Trish Murphey
Tom Wadsworth

DATE: Oct. 17, 2012

SUBJECT: MFC Southern Flounder Fishery Management Plan Advisory Committee Meeting Minutes

The Marine Fisheries Commission (MFC) Southern Flounder Advisory Committee (AC) met on Oct. 17, 2012 at 6 p.m., at the N.C. Department of Environment and Natural Resources Regional Field Office located at 943 Washington Square Mall in Washington, NC. The following attended:

Advisers: Jerry James, Chris Taylor, Doug Bolton, Paul Rose, Duke Spencer

MFC: Kelly Darden

Staff: Tom Wadsworth, Trish Murphey, Lieutenant Chris Bennett, David Taylor, Katy West, Jason Rock, Gary Wright, Greg Judy, Lele Judy

Public: Danny Strickland, Ken Riley

Chairman, Jerry James, called the meeting to order.

APPROVAL OF MINUTES

Motion by Chris Taylor to approve the July 25, 2012 minutes. Paul Rose seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

No public comment.

REVIEW OF PUBLIC COMMENTS ON AMENDMENT 1

Tom Wadsworth presented the review of public comments. He went over the recent history of the southern flounder draft Amendment 1 process. He described the background of the additional management options issue paper and the Southern Flounder Advisory Committee (AC) recommendation. He then presented the Division of Marine Fisheries (DMF) recommendation.

Duke Spencer brought up the request that was voiced by Charlie Van Salisbury at the previous AC meeting, asking for an additional hour before sunset and after sunrise to set and retrieve gill nets. Wadsworth explained that this was discussed; but, it would require re-negotiating the sea turtle settlement agreement and changing the statewide sea turtle incidental take permit (ITP) application, which does not include that extra hour for setting and retrieving nets. There was further discussion on whether it would be possible to relax the time requirement for setting and retrieving nets.

James asked about the number of turtles left on the ITP currently for the Pamlico Sound Gill Net Restricted Area (PSGNRA). Staff answered that it depended on which species and the condition (alive or dead), but there are not many remaining.

Continuing with the presentation, Wadsworth explained the meaning of the DMF recommendation, including the recommendation that a stock assessment be completed with data through 2013. He then went through the regional and Finfish AC recommendations and public comments. He finished by outlining the remaining steps necessary to finalize Amendment 1, including the need for the AC to finalize their recommendation.

Katy West noted that the minimum measures in the DMF recommendation were chosen as those from the sea turtle settlement agreement that, without any other measures, would keep the commercial fishing effort at the level required to reach sustainable harvest.

Spencer asked who would do the sea turtle stock assessment. Wadsworth answered National Marine Fisheries Service (NMFS) would do this, but it has been difficult due to the highly migratory nature of the turtles. Spencer said that sea turtles are impacting the DMF fisheries management. He further said that some of the pound nets had 400 turtles in them. Chris Taylor said that NMFS is frustrated with the inability to complete stock assessments for the sea turtles and there are people at NMFS working on resolving this issue. James said he is now seeing turtles way up the New River where he had never seen them. Discussion continued about the frustration with NMFS not doing an assessment for sea turtles.

Duke Spencer made a motion to recommend NMFS complete sea turtle stock assessments. Doug Bolton seconded the motion. It passed unanimously.

Spencer said that Troy Altman has been catching 10,000 pounds of flounder and they are a nice class of fish. Paul Rose said that he could attest to this. He recently caught over 300 pounds of flounder in a gill net trip and almost all were jumbos, which averaged 3 pounds.

Spencer asked about whether data from pound nets were going to be included in the southern flounder stock assessment. Wadsworth answered they would. Spencer said that this does not include discarded small flounder, and he thought these should be counted in the assessment. Staff noted that the independent gill net survey collects data on sublegal as well as legal flounder, so this would likely account for the fish released from the pound nets. Spencer and Rose contended that pound nets catch more and different fish than the gill nets, so gill net surveys may not be accounting for small fish released from pound nets. Wadsworth said he would like to work with pound net fishermen to get an idea what they are releasing from their

nets. He also mentioned that Kevin Brown did a study looking at the size of fish retained by pound nets with different escape panel mesh sizes and that the results should be out soon. Trish Murphey suggested we continue those escape panel mesh size studies, working with fishermen, to get a better idea of what is being released from pound nets.

Spencer asked if it would be possible to adjust the set and pickup times for gill nets if the DMF recommendation is accepted. Taylor noted that the recommendation language does not specify times, but only refers to the number of nights allowed for fishing. He asked if this is vague enough language to allow for an extra hour to be added to the set/pickup times if the settlement agreement and ITP permit could be changed. Staff answered that this was correct and that we should not change the language of the recommendation.

Chris Taylor made a motion to accept the DMF recommendation. Duke Spencer seconded the motion. The motion passed 5-0.

Taylor requested that in the future the AC is the first AC to be notified of the DMF recommendation. Staff agreed they would make sure that happened.

Taylor asked if this committee would be reconvened and when. Staff answered that the AC's job was done assuming Amendment 1 is approved. The committee would be re-established for the next amendment, which would be after the next stock assessment, but timing would depend on the results of the assessment (i.e. if the stock was rebuilt).

James closed by saying it had been a pleasure to work with the AC and he learned a lot during this process, especially about commercial fishing. He noted that many of the votes of the AC were unanimous and that this speaks well of their ability to work together.

Paul Rose made a motion to adjourn and Chris Taylor seconded this motion. Motion passed unanimously.

TM/lm

Cc:	Catherine Blum	Allen Jernigan	Committee Staff Members
	Dick Brame	Dee Lupton	Marine Patrol Captains
	Frank Crawley	Nancy Marlette	Section Chiefs
	Louis Daniel	Meredith Wilson	
	Jess Hawkins	District Managers	

MEMORANDUM

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

FROM: Michelle Duval
Nancy Fish

RE: MFC Nominating Committee Meeting Minutes

DATE: Oct. 16, 2012

DRAFT

The MFC Nominating Committee met on Tuesday, Oct. 16, 2012 at 1 p.m. at the Division of Marine Fisheries (DMF) Central District Office, 5283 Highway 70 West, Morehead City, NC.

The following were in attendance:

Committee Members – Bradley Styron, Joe Shute, Rob Bizzell
Staff – Division of Marine Fisheries Director Louis Daniel, Michelle Duval, Nancy Fish
Public – none

Rob Bizzell filled in for Chairman Bradley Styron, who was caught in traffic, until Chairman Styron arrived. Mr. Bizzell called the meeting to order and stated that the purpose of the meeting was to make a formal recommendation to the MFC for a slate of potential candidates for the new governor to choose from to fill the obligatory seat on the South Atlantic Fishery Management Council (SAFMC).

The agenda and minutes from the previous committee meeting on Nov. 8, 2011 were approved without changes.

PUBLIC COMMENT

There were no members of the public in attendance and consequently no public comment.

SELECTION OF CANDIDATES FOR NOMINATION FOR THE OBLIGATORY SEAT ON THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Michelle Duval, the DMF staff lead for the committee, reviewed the legal requirements of the federal Magnuson-Stevens Act with regard to selection of nominees, as well as the N.C. General Statutes that pertain to selection of council nominees. She also reviewed the responsibilities of the Nominating Committee in making recommendations to the MFC for selection of a slate of nominees to forward to the governor’s office. At that time, Chairman Styron arrived and assumed running the meeting.

Duval reviewed the timeline and explained that the MFC had to vote on a slate of nominees at its upcoming Nov. 7-9 business meeting in order to allow adequate time for nominees to fill out the required application materials and forward the completed applications to the governor’s office by mid-February for review. All nomination materials are due to the Secretary of Commerce by March 15 of each year.

Duval explained that obligatory council seats are traditionally held by a commercial fishing representative and that terms last for three years. Appointed council members are eligible to serve up to three consecutive terms. The current incumbent, Mr. Tom Burgess, is in his first term and has elected to not submit his name for reappointment.

Duval then presented the names, backgrounds and qualifications of individuals who had expressed interest in serving on SAFMC. Three individuals expressed an interest in serving on the SAFMC: Andy High, Jack Cox and Kenny Fex.

The committee discussed whether or not to select a preferred candidate, noting that in the past neither the committee nor the MFC have chosen a preferred candidate prior to forwarding the slate of nominees to the governor's office. Given that there will be a newly elected governor in office when the completed package of nominee materials is forwarded, the committee believed that selecting a preferred nominee might be helpful in this instance.

Motion by Joe Shute to accept all of the nominees that were discussed, and to forward these names to the Marine Fisheries Commission for consideration with Mr. Kenny Fex as a preferred candidate, seconded by Rob Bizzell. Motion passed without dissent.

The MFC will consider a slate of candidates for the SAFMC obligatory seat at its Nov. 7-9, 2012 meeting at the Crystal Coast Civic Center in Morehead City.

Meeting adjourned.