

N.C. Marine Fisheries Commission

Feb. 17-19

Motions

Approval of agenda by consensus with one modification.

Approval of minutes by consensus.

South Atlantic Fishery Management Council Nominations

Motion by Joe Shute to nominate Joseph Andrew High and Randy McKinley for the obligatory seat on the South Atlantic Fishery Management Council. Second by Rick Smith

Motion passes unanimously.

Declaratory Ruling

Motion by Chuck Laughridge to proceed with the declaratory ruling for American Eel Farm, allowing this to go forward. Second by Joe Shute.

Motion passes 7-0, with Commissioner Wicker recused.

Commercial Licensing Criteria Committee

Motion by Alison Willis for the chairman of the Marine Fisheries Commission to convene a sub-committee consisting of no less than four commissioners to discuss the issues associated with defining commercial fishermen. The committee should address the scope of the questions and issues, any necessary actions or recommendations the committee feels should be made to the legislature. In addition, the Division of Marine Fisheries should deliver a summary paper to the Marine Fisheries Commission at its November 2016 meeting which discusses, addresses and outlines what other states have done to address defining a commercial fisherman (for example: Virginia, Maryland, Alaska and any New England states). Second by Mike Wicker.

Motion passes 7-1.

Commercial Fishing Resource Fund Committee

Motion by Alison Willis to delegate authority to the Marine Fisheries Commission's Commercial Fishing Resource Fund Committee to develop and implement a memorandum of understanding with the Funding Committee. Second by Chuck Laughridge.

Motion passes unanimously.

Oyster Fishery Management Plan Amendment 4 and Hard Clam Fishery Management Plan Amendment 2

Motion by Alison Willis to maintain the cost of the Shellfish License, establish a daily limit of 2 bushels of oysters per person with a maximum of 4 bushels of oysters per vessel off public bottom with the Shellfish License. Allow Shellfish License holders to be eligible to acquire a Standard Commercial Fishing License after they show a history of sale of shellfish. Continue to allow commercial harvest of all other shellfish as currently allowed. Second by Chuck Laughridge.

Motion passes unanimously.

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Motion by Mike Wicker to implement a 5 percent cull tolerance for oysters; and increase efforts to plant and monitor cultch material. Second by Janet Rose.

Motion passes unanimously.

Motion by Mike Wicker to pursue elimination of the Shellfish License for oysters only and require all oyster harvesters to have a Standard or Retired Commercial Fishing License with shellfish endorsement to harvest commercially. Second by Chuck Laughridge.

Motion passes unanimously.

Motion by Alison Willis to accept the Division of Marine Fisheries and the advisory committee recommendations to: Establish a rule to support extensions where “Acts of God” prevent a lease holder from making production, with a two year extension and only one extension allowed per term (rule change); allow leases returned to the state to remain delineated for one year to allow the pre-existing leased bottom to be re-issued to other shellfish growers (statutory change); improve public notice of proposed lease applications on the physical lease, at fish houses, and/or through electronic notices; and accept the advisory committee recommendation to allow a maximum of 10 acres in both Mechanical Methods Prohibited Areas and Mechanical Methods Areas. Second by Chuck Laughridge.

Motion passes unanimously.

Motion by Mike Wicker to maintain status quo (maintain the shallow bays (< 6 feet) as defined in 15A NCAC 03R .0108). Second by Chuck Laughridge.

Motion passes 7-0.

Motion by Alison Willis to recommend a six week opening timeframe for deep bays to begin on the Monday of the week prior to Thanksgiving week through the Friday after Thanksgiving. Reopen two weeks before Christmas for the remainder of the six week season.

Second by Chuck Laughridge.

Motion passes unanimously.

Motion by Joe Shute to adopt the provisions of Supplement A – a flexible harvest limit up to 20 bushels, a trigger of 26 percent legal-sized oysters for closing an area to mechanical harvest and set the upper harvest limit of 20 bushels in rule (rule change required). Attempt to develop and ground-truth a fishery- dependent metric of effort to better inform management decisions in the future.

Second by Janet Rose.

Motion passes 7-0

Motion by Chuck Laughridge to accept the Division of Marine Fisheries and the advisory committee recommendations for the following: Differences in hand harvest limits statewide; the use of power hauling equipment in the hand harvest of clams; management of public mechanical clam harvest; protection of shellfish lease and franchise rights; defining adverse impacts to submerged aquatic vegetation from shellfish leases and franchises; Brunswick County shellfish lease moratorium; requirements for shading molluscan shell stock. Second by Joe Shute.

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Motion passes unanimously.

Motion by Mark Gorges to maintain status quo (continue the daily harvest limit for recreational purposes at 100 clams per person per day, not to exceed 200 clams per vessel per day). Second by Chuck Laughridge.

Motion passes unanimously.

Motion by Chuck Laughridge to send Amendment 4 of the Oyster Fishery Management Plan and Amendment 2 of the Hard Clam Fishery Management Plan for department and legislative review.

Motion withdrawn.

2015 Coastal Habitat Protection Plan

Motion by Joe Shute to adopt the 2015 Coastal Habitat Protection Plan and source document, sending them to the secretary of Department of Environmental Quality and to the General Assembly for final approval. Second by Rick Smith.

Motion passes unanimously.

Oyster Fishery Management Plan Amendment 4 and Hard Clam Fishery Management Plan Amendment 2, continued

Motion by Joe Shute to postpone until May 2016 the approval of the draft Oyster and Clam Fishery Management Plan for review by the secretary of the Department of Environmental Quality and the General Assembly. The delay is to allow further public comment at the regional advisory committee meetings on a Marine Fisheries Commission action on the issue of assessing and mitigating harvest effort impacts on oyster resources in the southern region that expands proposed regulations statewide. Second by Alison Willis.

Motion passes unanimously.

Rule Suspension

Motion by Chuck Laughridge to approve continuing of suspension of 15A NCAC 03J .0501 (e) (2). Second by Mike Wicker.

Motion passes 6-0, with two abstentions.

Cobia

Motion by Joe Shute to immediately lower the cobia bag limit to one fish, and ask North Carolina's representatives on the South Atlantic Fishery Management Council to seek answers as to whether increasing the size limit for cobia will effect a longer season. Second by Chuck Laughridge.

Motion passes 7-0.

Document Disposition of Fish Landed But Not Sold

Motion by Mike Wicker to ask the Division of Marine Fisheries to move forward with including a new disposition category to the development of the new Fisheries Information Network

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database software that accounts for the actions of August 2014 to document fish landed but not sold. Second by Rick Smith.

Motion passes 5-1, with one abstention.

Fishery Management Plan Guideline Committee

Motion by Chuck Laughridge to form a Marine Fisheries Commission committee to review and make recommendations to the commission to change or improve the Fishery Management Plan guidelines and to have those recommendations presented to the Marine Fisheries Commission at the August 2016 meeting, with the opportunity for the Marine Fisheries Commission to consider changes. Second by Alison Willis.

Motion passes 7-0.