

THE MFC ADVISER
Marine Fisheries Commission Called Meeting
Clam Digger Inn in Pine Knoll Shores, North Carolina
Feb. 10 and 11, 2011

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

The commission held a public meeting on the evening of Feb. 10, followed by a business meeting Feb. 11 at the Clam Digger Inn in Pine Knoll Shores, North Carolina. The following commission members were in attendance: Rob Bizzell-Chairman, B.J. Copeland-Vice Chairman, Anna Beckwith, Mac Currin, Mikey Daniels, Edward Lee Mann, Joseph Smith, Bradley Styron and Darrell Taylor.

PUBLIC MEETING – FEB. 10

The public meeting began at 6 p.m. with 15 individuals speaking. The public can speak on any fisheries issues they want to address with the commission.

Jim Massengill referenced a petition for rulemaking he previously submitted to allow the commercial hook-and-line harvest of red drum, speckled trout and weakfish. He suggested limiting all ocean rock jetties to recreational fishing only in order to avoid conflicts between recreational and commercial fishermen. Massengill also recommended a trade off for commercial fishermen – that they give up trawls or fly nets to be able to commercially fish with hook-and-line. Massengill asked if there was a time limit on when commission had to act on his petition. He was advised the commission accepted his petition and determined to look at the issue of a commercial hook-and-line fishery for individual species as fishery management plans were being developed or reviewed

Ralph Craddock, a commercial fisherman from Manns Harbor, said many of the issues surrounding striped bass were due to a lack of education in the public. He said to keep waste from happening commercial fishermen should be allowed to bring what they catch to the dock until the quota is caught. He also said the transfer allowance the division implemented helped and that striped bass is recovered and should no longer be a bycatch fishery in the sound. He said there was no problem with the striped bass stock until the commission management started. Craddock urged the commission to come up with a management strategy that would make everyone happy.

Kim Tavasso, a recreational fishermen with 50 years experience, said fisheries resources are stressed to the maximum and the state needs to come up with a means to reduce bycatch. He wants to see the resource last long beyond his life and hopes the commission has the wisdom to address these issues.

Rick Brickson, President of the Pitt County Wildlife Club, expressed concern about waste in the spotted seatrout fishery and urged the commission and the division to come up with a way to account for the discards and bycatch.

Steven Ammons, Executive Director of the CCA-NC, ask the commission to end trawling of striped bass, saying it was indiscriminate and highly destructive. He asked that the commission establish commercial hook-and-line fishery for striped bass, assign that gear category a quota, only allow harvest with circle hooks using natural bait, and ban high grading. Ammons ended by saying that these striped bass fish kills have to stop.

Joe Shute, an inshore guide with 25 years experience and bait and tackle shop owner for 20 years, said if the commission had to modify the recreational management measures for spotted seatrout, it would be better to have a season closure from Jan. 1 – May 31, rather than reducing the bag limit to two fish per day, because the reduced limit would devastate inshore guides. Shute also said circle hooks with the barbs pushed down should be required for live bait. He said treble hooks lead to dead fish, while circle hooks lead to a longer living spotted seatrout.

Jack Spruill, of Hampstead, spoke about the waste in the commercial striped bass fishery in the ocean, saying it was a disgusting practice that happens again and again off Oregon Inlet. He asked that the commission to make practices illegal that result in large numbers of dead fish.

James Fletcher said spotted seatrout could be dying from jet fuel additives rather than cold stuns and that should be investigated. He also said another problem was spotted seatrout regulations now target the fastest growing females and asked if the state could grow these fish in hatcheries to help with recovery. Fletcher also said oysterman should be able to keep half the clams they harvest. He also said the EEZ should be opened to the harvest of striped bass and that the division should set commercial striped bass limits by the number of fish and not poundage. He also said shad and river herring problems were caused by chemicals and that the majority of chemicals are not broken down in waste water plants.

Donald Willis, of Custom Marine Fabrication, thanked MFC for giving Division of Marien Fisheries Director Louis Daniel the power to close the spotted seatrout fishery. He said even though it cut his income in half, it was the right thing to do for the resource. Willis said he supported the use of hook and line gear for commercial industry and that it would cut down on bycatch. He said trawls were nothing short of killing machines.

Sean McKeon, Executive Director of the N.C. Fisheries Association, said the striped bass fishery is healthy and no laws were broken in the incidents off of Oregon Inlet. There is no scientific basis to close the striped bass trawl fishery, said McKeon, and the division has always

advocated managing fisheries based on science. He cautioned about succumbing to pressure from out-of-state groups and threats from ASMFC members. He said that over the last two years the commercial fishermen have left 500,000 pounds of striped bass quota uncaught and that fishermen should get credit for that rather than getting punished for the few thousand pounds of waste that occurred in the trawl fishery.

Glenn Denham, a recreational fisherman, thanked the commission and division for closing the spotted seatrout season. In regards to the striped bass incident off of Oregon Inlet, he thanked the division for changing from a 50 fish limit to a 2,000 pound limit. Denham also said trawls were prohibited in many northern states and they should be eliminated in North Carolina also.

Wayne Justice said he understood the need to balance economics and the resource and he was concerned that something needs to be done to keep both recreational and commercial fisheries sustained. He encouraged the commission to use more recreational fishing license money to do research on the percentage of how many fish recover from cold stun events. Justice said he was very frustrated with ocean striped bass and that ocean trawling for such a small number of fish was wasteful and he urged the commission to shut down trawling for good. He encouraged the commission not to sell resources for short term profit in exchange for long term viability.

Ronnie McArthur, a commercial fisherman from Beaufort, said leave the spotted seatrout alone, there was no problem with them. He said they will come back after the recent cold stun events just like they always do. McArthur said he was a dragger, too, and he had been all along the coast, and he doesn't understand why you can catch weakfish up north but not here off the N.C. coast. He said there isn't a big enough commercial fleet now to devastate any fishery, especially compared to the millions of recreational hooks in the water. He said the commission was putting commercial fishermen out of business and making coastal waters a rich man's playground.

Tim Hergenrader, a recreational fisherman from Pamlico County, said with overfishing and cold stuns the spotted seatrout stock has collapsed. He said he applauded the division for closing the spotted seatrout season this winter and thinks it is best to close January through March to protect the stock. Hergenrader said circle hooks and barbless hooks were an excellent idea, but that the state needed to work with tackle manufacturers and to also needed to develop an educational program to help change attitudes about using this gear. Regarding striped bass, he said perception is reality and when you see thousands of fish floating because a trawler didn't pull back fast enough there is a problem. He said trawling should be eliminated and a commercial hook and line fishery would be fine. He concluded by saying striped bass can be raised in hatcheries for public consumption and the wild stock should be left for the recreational fishermen.

Wayne Dunbar, a fish dealer from Pamlico County, said no one understood the recent oyster closure in southern Pamlico Sound and the Neuse River. He said he was advised by the division that sampling in these areas had indicated too many oysters had been harvested, but he said the

division sampled in the wrong areas. He said he was going to shift to spotted seatrout fishing, but then that season was closed a week later. Dunbar said that is what people do in the wintertime, we oyster and fish for spotted seatrout - without it we don't have nothing. He said he did not understand why the season had to close for spotted seatrout, that there have always been cold stuns and the trout always survive them. Dunbar ended by saying both of these closures were a black eye on the division.

BUSINESS MEETING - MOTIONS AND ACTIONS – FEB. 11

Chairman Rob Bizzell, convened the Marine Fisheries Commission business meeting at 8 a.m. with an invocation, followed by the Pledge of Allegiance and a reminder to commissioners of their ethics requirements. All members were present.

Motion by Mac Currin to approve the agenda, seconded by Anna Beckwith – motion carries without objection.

Motion by Mac Currin to approve the Aug. 11-13, Nov. 3-5 and Nov. 22 commission minutes, seconded by Joe Smith – motion carries without objection.

Public Comment

Richard Ricks, a recreational fisherman from Sanford, said he supported the season closure and the six-fish bag limit for spotted seatrout, but did not support a two-fish limit. He questioned why recreational fishermen could only keep one red drum when the stock was no longer overfished and said that once something is taken away it is never given back when the stock recovers. Division of Marine Fisheries Director Louis Daniel explained that red drum is managed by the Atlantic States Marine Fisheries Commission and there should be an increase considered in the next plan amendment.

Ken Seigler, a commercial fisherman from Hubert, questioned why the spotted seatrout closure was statewide when cold stuns were only localized events and he asked about the benchmarks used to close the spotted seatrout fishery. He said not allowing the harvest of cold stun fish was wasteful and the state does not have data to show how many fish revive after a cold stun. Seigler asked the commission to consider a 100-150 pound trip limit for spotted seatrout during the closure to avoid waste.

Charles Robbins, a fishing guide and a member of the Cape Fear River Watch from Wilmington, said there were no striped bass in the Cape Fear River and it seemed their food base of shad, river herring and menhaden seem to be disappearing. He referred to comments made at the public meeting the previous night regarding the group called Stripers Forever from Maine, and that striped bass along the N.C. coast are just not our fish, they belong to everyone. Robbins pointed out he used to be a tobacco auctioneer that the tobacco industry was taken away and that could also happen to the fishing industry. He also asked the commission to eliminate gill nets set perpendicular to the shore.

Arthur Brownell, past chairman of the Atlantic States Marine Fisheries Commission formerly from Massachusetts and now living in Wilmington, expressed concern about the recent striped bass discards off of Dare County. He said he was not seeing the numbers of striped bass he saw five years ago and the fish he is seeing are smaller. Brownell cautioned this was the same thing that happened to striped bass stocks in the early 1980s when the stock was collapsing. He told the commission they were facing hard decisions but they need to remember they were charged with management and protection of the species.

Chuck Laughridge, runs N.C. Waterman website and is a recreational fishermen from Harkers Island, offered congratulations to the commission and the division for the quick action taken on closing the spotted seatrout fishery after the cold stun events. He encouraged the commission to keep the closure in place until September. He said he had co-chaired the first Striped Bass FMP Advisory Committee and urged the commission to take public input out of the management process and replace it with science. Laughridge said if the commission had done this in the past we might not be in the mess we are in today.

Dean Phillips of the Coastal Fisheries Reform Group thanked the commission for closing the spotted seatrout season. He handed out a DVD of spotted seatrout that died due to cold stun events in a creek off of Pamlico Sound. He said a female spotted seatrout will spawn every four to five days in the summer and the commission should keep the season closed until Sept. 1 to help preserve what stock we have left.

Joe Albea of the Coastal Fisheries Reform Group handed out a DVD that showed striped bass discards off of Dare County and said there were several discard incidents. He also said the Coastal Fisheries Reform Group has previously asked for a ban on inside trawling and wanted to know why the commission had not acted on this request. Division Director Louis Daniel responded that trawling issues would be discussed during consideration of the next Shrimp and Blue Crab FMPs.

Lee Parsons, a fishing guide from Wrightsville Beach, said the commission should consider converting the striped bass trawl fishery to a commercial hook and line fishery to avoid waste. He thanked the commission for closing the spotted seatrout season and said it should remain closed until the end of October. Parsons also said he did not think the division was adequately capturing spotted seatrout gig data and that was an issue that warranted further investigation. He closed by encouraging the commission to do away with the free for-hire permit and said that the blanket CRFL permit should only be issued to vessels that showed proof of insurance.

Tim Barefoot, with the Recreational Fishing Alliance out of Wilmington, said that trawls and sink nets targeting striped bass no longer had a place in North Carolina and the commercial fishery for striped bass should be hook and line only. He said North Carolina was known as a state without regulation. He said he disagreed with NOAA's release numbers and he had personally caught and released as many as 100 striped bass a day and not one fish he has released died. Barefoot told the commission to legalize commercial hook and line fishing and that game fish status would be coming otherwise.

Chris Elkins, a recreational fisherman from Gloucester, thanked the division for its efforts in assessing the impact of the cold stunned spotted seatrout over the Christmas holidays. He then said the commission needs to look at long term management of marine resources for the entire population of North Carolina, as opposed to short-term management of this public resource for less than 0.01 percent of the 10 million people in the state. He said North Carolina has a history of the kind of discard “accidents” that occurred recently with striped bass and when such “accidents” are repeated, they can’t be considered accidents. Elkins also said ocean striped bass is a coast wide resource and without strict harvest limits N.C. fishermen could rapidly obliterate the population. He advised North Carolina was considered a rogue state by other management agencies and recent trawler events reinforce this idea, however wrong it may be. He said the commission has no vision for the future of the fisheries and that it continues to look backwards and that we can never go back to fishing like the old days-that’s how we got where we are now. The sooner you let fishermen know this, the sooner their expectations will fall in line, he said. The few will embrace aquaculture be successful. Elkins ended by saying the commission knows what to do to fix this problem for the long term success of this fishery. Failure to do so will simply mean the commission’s power to manage will be removed by legislative action.

Bill Mandulak, of the CCA-NC, said the commission should keep the spotted seatrout fishery closed until September and the FMP needed to follow H 1713 and end overfishing in two years from the date of final adoption. He then talked about the red drum fishery and said the commercial daily limit should be lowered to five fish per day and that it had been wrong for the commission to raise the commercial limit to 10 fish per day because it makes it a directed fishery. Mandulak urged the commission to be careful of southern flounder landings because the pound net effort was increasing due to the sea turtle settlement.

Richard Phelps, a recreational fisherman from Swansboro, said he had not seen anything about people starving to death because they could not eat spotted seatrout. He told the commission they should reduce the limit to two fish a day and that nets should have to be out of the water on the weekend.

Ralph Craddock, a commercial fisherman from Manns Harbor, said that allowing transfer in the striped bass trawl fishery was a good idea. He then advised the commission that the sea turtle settlement had cut his flounder fishing by half. He also asked the commission to consider letting fishermen keep the herring they catch as bycatch in the perch fishery and to allow people to pick up the floating spotted seatrout. Craddock said he wanted the commission to understand that fishermen were being hurt by all of the restrictions placed on them and he was 40 years old and will have to get another job. He said he does not want his boys to get hooked on fishing because he doesn’t think they will be able to make a living that way.

Steve Etheridge, a commercial fisherman from Wanchese, asked about weakfish restrictions and it was explained that we have a 1,000-pound limit with a 10 percent bycatch allowance. He then asked if a 150-pound bycatch allowance of spotted seatrout in the hickory shad fishery could be considered. Etheridge also pointed out that many comments had been made about how bad the commercial fishermen were in the striped bass fishery, but he said the recreational fishermen on the rock jetty were also a problem – that they catch 100 spotted seatrout a day and only keep three. He said there was a high mortality with the recreational spotted seatrout discards and the same thing was happening with red drum.

Billy Carl Tillett, a commercial fisherman from Wanchese and president of the N.C. Fisheries Association, said opening the EEZ to the harvest of striped bass will alleviate many of the problems that were being experienced and everyone would benefit. He said the state needs to stand up on this issue. Tillett said it was hard to estimate 2,000 pounds and that having a specific number of fish was easier for the fishermen to comply with and that it would also be better to allow transfer at the dock rather than at sea. He said there was a glitch with a vessel that had not estimated the poundage accurately and they had been issued a warning ticket and he did not think that was fair and he questioned what would come next.

Sean McKeon, Executive Director of the N.C. Fisheries Association, said commercial fishermen do not like waste and discards. He said the Atlantic State Marine Fisheries Commission has refused to increase the striped bass quota and will not allow rollover of unused quota from one year to the next and that is why there are problems in the striped bass fishery. McKeon said if the state can get the EEZ open it will help. He encouraged the commission to reopen the trawl fishery, keep the transfer provision and if a boat lands more than 2,000 pounds allow them to transfer at the dock. He said his organization could support commercial hook and line gear, but not as a replacement for other gear – only as a supplement. He also said hook and line gear should not be allocated a quota as a sector. He then said the discard mortality for recreational fisherman was much higher for striped bass and that they caught 100s of fish to get the two fish that they brought home. With spotted seatrout, he said a 100 to 150-pound bycatch allowance would be good.

Ronnie McArthur, a commercial fisherman from Beaufort, said fishermen should be allowed to keep gut-hooked spotted seatrout to avoid waste and that he thought it would be funny to see a trawler with a hook and line endorsement pulling multiple fishing poles. He told the commission that closures created waste and urges them to consider a bycatch provision for spotted seatrout.

Glenn Denham said he was fishing in Dare County and saw the recreational fishermen picking up fish that the commercial boats had discarded. He said a trawl net cannot count 50 fish and when the fish are caught in that net they are crushed and can't survive. He said the current restrictions encourage discards and waste. He encouraged the commission to look at how Massachusetts manages its fishery.

Bert Owens, a recreational fisherman from Beaufort, said the commission should do away with trawling for striped bass. He said Massachusetts has a commercial quota three times larger than North Carolina and it is taken by hook and line only. He then questioned the commercial and recreational discard rates for spotted seatrout. He was advised the recreational discards were counted but the division was unable to count the commercial discards because there were not enough observers. He talked about the recreational and commercial discard mortality rates for spotted seatrout. He said that during a cold stun event in Texas, many dead spotted seatrout were not floating, but were found on the bottom. So, if we see dead spotted seatrout floating in our waters, there are probably many more dead on the bottom.

Jim Parsons asked why not let fishermen keep all the striped bass they catch until the quota is reached and then close the fishery. He also said leaving nets in the water when the fish cannot be kept does not make sense and is wasteful.

Joe Albea spoke again saying in regard to striped bass the Coastal Fisheries Reform Group agrees with replacing trawling with commercial hook and line fishing and dropping the recreational limit to one fish per day.

Issues from Commissioners

Commissioner Darrell Taylor commented that he felt the new question and answer format that was being used during the public comment sessions was very refreshing and helpful. He said he truly appreciated people making constructive comments and asking questions, but he did not find accusations to be very helpful.

Chairman's Report

Chairman Bizzell reviewed letters that had been sent out and received by the commission since the last business meeting.

Division Habitat Chief Anne Deaton discussed a response the commission received from the U.S. Marine Corps relative to BT- 9 and BT-11. She said they answered all of the concerns the commission had raised.

Commissioner Anna Beckwith read the following statement:

“I found this letter to be an acknowledgement of all the activities we voiced concerns about without satisfying responses to our inquiries.

The Marine Corps acknowledged significant dumping of lead within the range, quote that lead is not readily released into aquatic systems under MOST conditions, and refers back to the same study as proof that the lead is not migrating off-range. What they don't do is refer to any sampling done within the range and any comparison of those levels to some baseline from decades ago.

The Marine Corps talks about dumping fuel in weather or emergency conditions and making every effort to avoid populated areas... which of course would make the bombing ranges ideal locations. They do not acknowledge if they ever have or haven't dumped fuel within the sound and if it was properly mitigated if they did. They simply refer back to procedures, policies and protocols.

In regard to Essential Fish Habitat and Submerged Aquatic Vegetation, within their Environmental Assessment they graphically depicted SAV and commissioned a study of EFH to use as a baseline for potential impacts. While this is a step in the right direction the “baseline” is

50 years too late. They also do not refer to any continued monitoring program to survey potential degradation or any mitigation procedures if they did find habitat degradation.

In regard to fires, the Marine Corps acknowledge fires in the march areas as unavoidable and then try to pass it off as beneficial. They refer to Cedar Island National Wildlife Refuge prescribed fires as proof that fires benefit wildlife/wetlands. I feel confident that the Cedar Island National Wildlife Refuge does NOT prescribe burns during bird nesting seasons!

In regard to wetlands, the Marine Corps maintains a policy of minimizing net loss of wetlands but acknowledge that they do impact wetlands but they say that there is “no specific” evidence to suggest that wetland functions are being altered by training activities. It would not be possible to have “specific” evidence since there seems to be no monitoring or studies looking at this question.

I am personally unsatisfied with the answers to the questions posed by the Marine Fisheries Commission to the Marine Corps in reference to our environmental concerns regarding BT9/11 and still feel that the military needs a full environmental review of these areas by state and federal agencies.”

Committee Appointments - Chairman Bizzell announced the following appointments and reappointments for the commissions various advisory committees:

Central AC

Reappointing Dick Leach and Pam Morris

New appointments are David Kielmeier and Dell Newman, who are fill vacancies

Inland AC

Reappointing Bill Cole and Tom Smith

New appointment – Jim Lilley

Southeast AC

Reappointing Joe Clem and Sammy Corbett

Northeast AC

Reappointing Fred Waterfield and Riley Williams

New appointments are David Spruill, Frank Folb, Dixie Ray Smith and Bill Van Druten

Crustacean AC

Reappointing Mark Hooper and Martin Posey

New appointment - John Barlow

Finfish AC

Reappointing Larry Coble and Pat Finn
New appointments are Jarvis Miller and Jerry James

Habitat and Water Quality AC

Reappointed Wayne Mathis

Shellfish AC

Reappointed Elaine Davis and Jim Swartzenberg

Chairman Bizzell recognized Vince O'Shea, the executive Director of the Atlantic States Marine Fisheries Commission.

Committee Reports

The commission received reports from all committees that met since the Nov. 2010 business meeting.

Striped Bass

Division Director Louis Daniel spoke about the ocean striped bass fishery and all of the controversy that had erupted over discards from the commercial trawl fishery. He explained the commercial ocean fishery is managed by a quota of 480,480 pounds set by the Atlantic States Marine Fisheries Commission. North Carolina divides that quota between the three traditional fisheries with trawl, gillnets and beach seines each getting 160,160 pounds. The ability of the fishermen to catch the quota is dependent on the fish coming into state waters which extends out to three miles off shore. Striped bass are not allowed to be harvested in the Exclusive Economic Zone that runs from three miles to 200 miles off shore.

In recent years over 880,000 pounds of commercial quota has gone unharvested because the fish did not come into state waters. While harvest overages are counted against the next year's quota, a harvest underage is not allowed to roll over.

Director Daniel said the division had been inundated with e-mails, phone calls and letters since the Martin Luther King Jr. Day holiday weekend when the agency received reports of thousands of dead striped bass in the water off Dare County. The division was able to confirm that at least one incident occurred off Bodie Island where a trawl boat fishing operation, the Jamie Lynn, overloaded its net and released between 3,000 and 4,000 fish.

In response to public concerns, the division took steps to reduce the amount of striped bass discards in the commercial trawl fishery by replacing the previous 50-fish-per-day commercial trip limit with a 2,000-pound-per-day trip limit. To avoid the need to throw back dead fish, commercial trawl fishermen were allowed to transfer trip limits to other fishing vessels at sea.

The division received complaints of another occurrence of dead fish on Feb. 3. N.C. Marine Patrol officers responded to the complaints and confirmed a total 251 dead fish that had either washed up on the beach or were seen floating in the water from the air. Director Daniel said he was advised that one trawler caught 18,000 pounds of striped bass in one tow and had to transfer the excess fish to other boats at sea. In the process of transferring the fish some fell into the water.

The striped bass trawl fishery closed Feb. 4, and the division decided to not reopen it until the commission could review the issue. There is still quota left – 40,000 pounds in the gill net fishery, 60,000 pounds in the trawl fishery and 150,000 pounds in the beach seine fishery.

He also said there was another issue that needed to be clarified and that is the issue of culling and high grading.

If you bring in fish that are undersized and throw them back you are culling, Director Daniel said. If you bring in more fish than you can keep and throw them back you are culling. If you put a 14-inch fish in your boat and then catch a 28-inch fish and throw the 14-inch fish back over that is high grading. People have been confusing high grading with culling. Director Daniel said he felt most commercial fishermen were not looking for the largest fish they could catch, but rather they were looking for a 35-inch fish because that is the maximum size limit that is accepted at the Fulton Fish Market in New York, which is where most of these striped bass go. He said high grading does not seem to be the problem.

Director Daniel said he has tried to manage the fishery with as little waste as possible, but he wants guidance from the commission on how to proceed and brought forward three options for the commission to consider:

- Do not reopen the ocean striped bass trawl fishery;
- Reopen the ocean striped bass trawl fishery with modifications to the regulations; or
- Reopen the ocean striped bass trawl fishery as a bycatch fishery only.

The commission instructed Director Daniel to reopen the state's ocean striped bass trawl fishery to allow the remaining quota to be caught, adding a requirement for 30-minute tow times, to the previous regulations. The commission based the decision to limit the tow times on cooperative research tows from different fisheries agencies where the discard mortality rate is low. Previous regulations, setting a 2,000-pound-per-day trip limit will remain. Fishermen will also still be allowed to transfer trip limits to other fishing vessels that hold a striped bass ocean fishing permit for the commercial trawl fishery.

The commission instructed the director to reopen the trawl fishery by proclamation in one-day increments.

The commission also voted to ask the division to develop a proposal for allowing a commercial hook and line fishery to help avoid waste. The commission will discuss this issue further at a future meeting.

Motion by Bradley Styron to allow commercial striped bass trawl fishery this year to fish for remaining quota limiting tow times up to 30 minutes and continuing to allow transfer at sea, seconded by Mikey Daniels - motion carries 6 – 2.

Motion by B.J Copeland to limit the harvest to 2,000 pounds of striped bass per vessel per day during a temporary opening of striped bass trawl fishery, seconded by Bradley Styron - motion carries 6 -1, with 1 abstention.

Motion by B.J. Copeland to open gill net fishery one day, Monday, Feb. 14, allow beach seine fishery to continue as is, and open the trawl fishery as directed in previous motions when the fish are in state waters until the quota is caught, seconded by Darrell Taylor - motion carries without objection.

Motion by Anna Beckwith to allow those holding trawl striped bass permit to use hook-and-line gear as well on the days the trawl fishery is open, seconded by B.J. Copeland - motion tabled. Motion by B.J. Copeland moved to un-table motion, seconded by Mac Currin - motion carries without objection. Anna Beckwith withdraws original motion, seconded by B.J. Copeland - motion withdrawn without objection.

Later in the meeting the following motion was made:

Motion by Anna Beckwith to direct staff to develop a proposal to allow a commercial hook-and-line Atlantic Ocean striped bass fishery, seconded by B.J. Copeland - motion carries without objection.

Southern Flounder FMP Supplement A

Division biologist Chris Batsavage explained the Southern Flounder Fishery Management Plan (FMP) would not be reviewed by the Joint Legislative Commission on Seafood and Aquaculture until next fall. Delaying harvest reductions in the FMP could reduce the likelihood of achieving sustainable harvest levels, so a supplement was developed to allow the division to go ahead and implement the needed measures that increase the recreational minimum size limit to 15 inches and decrease the creel limit to six fish per day. A proclamation implementing this regulatory change was issued and was effective Feb. 21.

To view the Southern Flounder FMP Supplement A go to

http://www.ncdmf.net/fmps/downloads/030211_SouthernFlounderFMP_SupplementAJan2011.pdf

Motion by Mac Currin to approve Supplement A to the Southern Flounder FMP, seconded by Darrell Taylor - motion carries without objection.

Motion by Mac Currin to direct the Division of Marine Fisheries to implement by proclamation a 15-inch size limit and six-fish creel limit for the recreational southern flounder fishery, seconded by B.J. Copeland - motion carries without objection.

Blue Crab Fishery Management Plan Amendment 2

Division Fisheries Management Section Chief David Taylor reviewed the timeline and goals and objectives for the Blue Crab Fishery Management Plan Amendment 2.

Motion by B.J. Copeland to approve the Blue Crab FMP Amendment 2 goals and objectives as presented with the addition to Objective 2, to promote practices that minimize waste and environmental damage, seconded by Joe Smith - motion carries without objection.

Rule Suspension for Spotted Seatrout

If the division director suspends any fisheries rules by proclamation, the commission must re-suspend those rules at the next meeting. At its Feb. 2011 meeting, the commission instructed the director to suspend the 12-inch spotted seatrout size limit rule and implement a 14-inch size limit for spotted seatrout by proclamation.

Motion by Mac Currin to suspend rule 15 NCAC 03M .0504 (12-inch minimum size limit for spotted seatrout), seconded by Darrell Taylor - motion carries without objection.

Rule Suspension for Gill Net Yardage Restrictions

If the division director suspends any fisheries rules by proclamation, the commission must re-suspend those rules at the next meeting. At its Feb. 2011 meeting, the commission instructed the director to suspend the 3,000 yard maximum yardage rule for large-mesh gill nets and implement a 2,000-yard maximum yardage rule by proclamation.

Motion by Anna Beckwith to suspend 3J 103 (3,000-yard maximum yardage rule for large-mesh gill nets), seconded by B.J. Copeland - motion carries without objection.

Rulemaking Update

Division Rulemaking Coordinator Catherine Blum reviewed the 2010/2011 and 2011/2012 rulemaking cycles for the commission.

Spotted Seatrout

Division biologist Beth Burns gave a presentation on the impacts of recent cold stun events on spotted seatrout and the subsequent closure of the fishery by the division. The commission decided to continue the spotted seatrout closure for both recreational and commercial fishing until June 15, as was recommended by the division. The commission also added a bycatch allowance of 10 percent of the daily harvest, up to 50 pounds, for the commercial fishery. This bycatch allowance is for weekdays only; the weekend harvest prohibition of spotted seatrout remains in effect for the commercial fishery. The intent of the bycatch allowance was to avoid waste of fish incidentally caught while targeting other species. The reason for extending the closure is to allow as many fish as possible to survive through the height of the spawning season. The commission asked the division director to issue a proclamation continuing the spotted seatrout closure.

Motion by Bradley Styron to maintain spotted seatrout season closure through June 15 with a 100-pound per day 50/50 bycatch provision in the commercial fishery, seconded by Mikey Daniels seconded - motion withdrawn.

Motion by Bradley Styron to continue the spotted seatrout harvest season closure through June 15, with a commercial 10 percent bycatch provision up to 50 pounds per day, seconded by B.J. Copeland - motion carries 7-1.

Striped Bass FMP Amendment 1

Division Stock Assessment Scientist Helen Takade-Heumacher provided the commission with the stock assessment for striped bass in the Central/Southern Management Area.

Takade-Heumacher began with a general overview of stock assessments and the methods used in this analysis and then reviewed the surveys that were used to collect the data for the assessment and presented the analysis of that data including trend analysis and catch curve estimates. She cautioned the assessment results indicated lack of precision in the catch curve estimates and that the lack of precision in the mortality estimates made them unusable for stock status determination. Therefore, the stock status is still listed as “Unknown.” It is clear, however, mortality is still excessive. Size and age distribution, abundance levels, and the absence of older fish support continued management efforts to improve the stock.

To view this presentation, go to <http://www.ncdmf.net/mfc/presentations.html>.

Federal Aid Report

The sport fish restoration annual program update was postponed until next meeting due to time constraints.

For-Hire Stakeholders Meetings

At its Nov. 3-5, 2010 meeting the commission asked the division to begin the process of investigating restructuring the for-hire licensing system. Division License and Statistics Section Chief Don Hesselman updated the commission on progress of this request and the plan to seek input from the for-hire fishing industry on the matter.

Hesselman advised the division plans to hold three meetings at the following times and locations:

6 p.m., March 21

N.C. Department of Environment and Natural Resources Wilmington Regional Office
127 Cardinal Drive
Wilmington

6 p.m. March 23

N.C. Division of Marine Fisheries Central District Office
5285 Highway 70 West
Morehead City

6 p.m., March 29
Dare County Administration Building
954 Marshall C. Collins Drive
Manteo

Issues that have been discussed at past commission meetings that will be asked at these meetings include:

- Should the state eliminate the free for-hire permit and require either the blanket Coastal Recreational Fishing License or create a new guide permit?
- Should the state require mandatory liability insurance or other certifications to obtain a for-hire license or permit?
- Should the state require captains to keep and submit logbooks?
- Should the state require for-hire captains to take first aid and CPR training, drug tests or physicals?
- Should the state require for-hire vessel inspections?
- If the state should create a guide license, what should it cost for residents and non-residents?

Bycatch Reduction Taskforce

At its Nov. 22, 2010 meeting the commission asked the division to establish a taskforce to look at ways to reduce recreational bycatch and promote ethical angling practices. Division License and Statistics Section Chief Don Hesselman reported that a group of division employees had been tasked with handling this assignment and a final report was anticipated for Nov. 2011 commission meeting.

In other business, the commission took the following actions:

Motion by Edward Lee Mann to not complement the South Atlantic Fishery Management Council's snapper grouper deepwater closure in Amendment 17b, seconded by Mikey Daniels - motion carries 5-4.

Motion by Joe Smith to request the South Atlantic Fishery Management Council prohibit bangstick-harvested fish, except greater amberjack, both commercially and recreationally in the Exclusive Economic Zone off of the North Carolina coast, second by Darrell Taylor - motion carries without objection.

Motion by Anna Beckwith to request that the Marine Fisheries Commission make a freedom of information act request of the U.S. Marine Corps regarding the number and location of incidents of fuel dumping and amount of fuel dumped related to BT-9 and BT-11, the results of any lead level sampling done within the boundaries of the two ranges, and the amount and type of ordinance/munitions/flares, etc. released to BT-9 and BT-11, seconded by B.J. Copeland - motion carries 6-3.

Commissioners were reminded that they must complete ethics training every two years and their Statements of Economic Interest was due to the State Ethics Commission by April 15, 2011.

The meeting adjourned.