



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

January 4, 2013

The Honorable Philip Berger, President Pro Tempore of the Senate
The Honorable Thom Tillis, Speaker of the House of Representatives
Joint Legislative Commission on Governmental Operations
North Carolina General Assembly
Legislative Building
16 West Jones Street
Raleigh, NC 27601

Dear Senator Berger and Representative Tillis:

Enclosed is the draft N.C. Oyster Fishery Management Plan Amendment 3 submitted to me by the N.C. Marine Fisheries Commission for review. G.S. 113-182.1(e) requires that once I review any proposed fishery management plan, I report that plan to the Joint Legislative Commission on Governmental Operations. Your commission then has 30 days to submit comments and recommendations to me on the proposed plan.

For your convenience I have also attached an overview of the fishery management plan.

Thank you for your assistance in this matter and please contact Division of Marine Fisheries Director Louis Daniel at 252-808-8013 if you have any questions.

Sincerely,

Dee A. Freeman

cc: Louis Daniel

Enclosures

Division of Marine Fisheries' Overview of Amendment 3 to the Oyster Fishery Management Plan December 2012



Amendment 3 to the Oyster Fishery Management Plan addresses a proposed change in oyster management strategies originating from a petition for rulemaking submitted to the N.C. Marine Fisheries Commission by shellfish lease and franchise holders in Onslow County. This focused amendment does not alter the next regular review of the entire fishery management plan, which is scheduled to begin in July 2013.

For this amendment, petitioners requested to add two seed oyster management areas in the vicinity of New River Inlet to reduce travel time and costs compared to using existing seed oyster management areas in Carteret and Pender counties. The N.C. Marine Fisheries Commission accepted the petition for rulemaking and at its May 2012 business meeting, voted to initiate rulemaking to create seed oyster management areas in Possum Bay and Swan Point at the mouth of the New River.

The use of natural and managed oyster producing areas as a source of seed for oyster culturists has been a major resource for the oyster industry in many states. The oyster areas set aside as a source for seed typically contain oyster stocks that exhibit growth or survival characteristics that make them unsuitable for production of marketable oysters. These oysters can be transplanted to more suitable environmental and habitat conditions and produce a marketable product. Harvest of any legal-sized oysters would still be allowed on these sites during open harvest seasons.

The eastern oyster (*Crassostrea virginica*) occupies a unique position in the estuaries of North Carolina because its colonization of bottomlands creates a productive habitat and the animal itself is harvested as food. Oyster harvest has been an important source of food in coastal areas since before recorded history. Oyster harvesting in North Carolina was the most valuable shellfishery in the state until the 1970s. Until recently, most of the focus on oysters has been on means and methods of continuing their exploitation. As oyster stocks continue to decline in many areas, scientists are beginning to realize their value as a source of turbidity reduction, nitrogen and phosphorus release, food for filter feeders and predators, substrate for other filter feeders and bacteria, and as a stabilizing force in the sediments of the estuary.

The eastern oyster has been called the quintessential estuarine animal. It can tolerate a wide range of salinity, temperature, turbidity, and dissolved oxygen levels, making it well adapted to the ever-changing conditions of the estuary. The genus *Crassostrea* has survived for 135 million years. The health of North Carolina's oyster populations is a good indicator of the overall health of our estuaries, and all prudent measures should be taken to ensure a viable oyster resource. The Blue Ribbon Advisory Council on Oysters (1995) identified the lack of seed oyster resources as an impediment to oyster culture in North Carolina and recommended establishing managed seed oyster beds in each major coastal water body in the state.¹

¹ Frankenberg, D. 1995. North Carolina Blue Ribbon Advisory Council on Oysters: Final Report on Studies and Recommendations. North Carolina Department of Environment, Health, and Natural Resources. Raleigh, North Carolina.

The current stock status of the Eastern oyster is “concern,” which reflects the long-term decline of the stock caused by over harvesting and habitat disturbances. Sampling data shows the parasite Dermo has declined in recent years and commercial landings have shown marked improvement, while recreational landings are unknown.

The proposed management issue change and implementing rule were supported by the Shellfish/Crustacean advisory committee, the Southern and Northern regional advisory committees, and the public. The N.C. Division of Marine Fisheries’ position is support of the designation of the seed oyster management areas with modifications to align the boundaries more closely with the seed oyster producing areas. The preferred management option selected by the N.C. Marine Fisheries Commission includes the division’s boundary modifications.

At its August 2012 business meeting, the N.C. Marine Fisheries Commission voted to send the draft amendment to the Oyster Fishery Management Plan for review by the N.C. Department of Environment and Natural Resources and the Joint Legislative Commission on Governmental Operations. To implement the rule change creating the additional seed oyster management areas, notice of text will be published and a hearing will be held during the upcoming summer and fall of 2013. This will be followed by final approval of the rule in November 2013 and an anticipated effective date of April 1, 2014.