

**NCFA UPDATE: 10/02/2020**  
**NORTH CAROLINA FISHERIES ASSOCIATION**  
**"Serving the Commercial Fishing Families of North Carolina since 1952"**  
**PO Box 86; Morehead City, NC 28557**  
**Phone: (252) 726-NCFA (6232) Fax: (252) 726-6200**  
[www.ncfish.org](http://www.ncfish.org)

**LEGISLATIVE UPDATE:**

**FEDERAL:**

NCFA has received the following info regarding a proposed rule on seafood traceability by the FDA. The Federal Register notice is 55 pages, (link below), and we are sifting through the verbiage. The information was relayed to us by the office of Senator Thom Tillis. Here is a synopsis:

FDA released its proposed traceability rule last week. It is open for public comment for the next 120 days, until January 21, 2021. Here is the link to the 55 page Federal Register notice that includes info about public comment: <https://www.govinfo.gov/content/pkg/FR-2020-09-23/pdf/2020-20100.pdf>

The actual record keeping requirements of the rule begin on page 60034.

Here is a list of seafood products that are included in the proposed rule:

Finfish, including smoked finfish	Includes all finfish species, such as cod, haddock, Alaska pollack, tuna, mahi mahi, mackerel, grouper, barracuda, and salmon; except does not include siluriformes fish, such as catfish [1]
Crustaceans	Includes all crustacean species, such as shrimp, crab, lobster, and crayfish
Mollusks, bivalves	Includes all species of bivalve mollusks, such as oysters, clams, and mussels; does not include scallop adductor muscle.

This would apply to persons who manufacture, process, pack, or hold foods that appear on the list of foods for which additional traceability records are required. However, there is a partial exemption for fishing vessels that says:

(j) Partial exemption for food produced through the use of fishing vessels. (1) Except as specified in paragraph (j)(2) of this section, with respect to a food that is produced through the use of a fishing vessel, this subpart does not apply to the owner, operator, or agent in charge of the fishing vessel. (2) With respect to the owner, operator, or agent in charge of the fishing vessel who receives the partial exemption set forth in paragraph (j)(1) of this section, if such person is required to register with FDA under section 415 of the Federal Food, Drug, and Cosmetic Act with respect to the manufacturing, processing, packing, or holding of the applicable food, in accordance with the requirements of subpart H of this part, such person must maintain records identifying the immediate previous source of such food and the immediate subsequent recipient of such food in accordance with §§ 1.337 and 1.345. Such records must be maintained for 2 years.

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**MEDIA ADVISORY: Comment period opens, public hearings scheduled for various marine fisheries rules**

**MOREHEAD CITY** – The N.C. Marine Fisheries Commission is accepting public comment on proposed amendments and re-adoption of 50 rules under a state-mandated periodic review schedule.

Most of the rules pertain to shellfish lease user conflicts, reclassification of Special Secondary Nursery Areas, oyster sanctuaries, classification of shellfish growing waters, and sanitation standards for commercial crustacea processing procedures.

Other rules pertaining to joint fishing waters are proposed for re-adoption with no changes.

Two public hearings will be held by web conference on Oct. 21 at 6 p.m. and on Oct. 27 at 6 p.m. The public may join the meetings online; however, those who wish to comment during the hearing must register to speak by noon on the day of the hearing.

Members of the public also may submit written comments through an online form or through the mail to N.C. Marine Fisheries Commission Recreational Water Quality Rules Comments, P.O. Box 769, Morehead City, N.C. 28557. Comments must be posted online or be received by the N.C. Division of Marine Fisheries by 5 p.m. Nov. 30, 2020.

Links to the public hearing registration form and online comment form, as well as text of the proposed rules and links to join the meeting, can be found on the N.C. Marine Fisheries Commission's [Proposed Rules Page](#).

The N.C. Marine Fisheries Commission proposes re-adoption of a portion of rules in 15A NCAC 03O (shellfish lease user conflicts), 15A NCAC 03Q (joint fishing waters), 15A NCAC 03R (Special Secondary Nursery Areas and oyster sanctuaries), and 15A NCAC 18A (shellfish growing waters and shellfish sanitation and processing). Proposed rule changes will:

- Address user conflicts associated with shellfish leases while supporting a productive shellfish aquaculture industry, as required by [NCGA Session Law 2019-37](#). The proposed changes will increase setback requirements from developed shorelines for new shellfish leases; limit the allowable number of corner markers for demarcating shellfish leases to simplify the polygon shapes; set new criteria for shellfish lease stakes and signage to alleviate navigation concerns; and, initiate a new shellfish leaseholder training program that emphasizes user conflict reduction strategies.
- Reclassify nine Special Secondary Nursery Areas to Secondary Nursery Areas, as recommended by the Shrimp Fishery Management Plan Amendment 1. The nine areas have not been opened to trawling since at least 2004, so there will be no effective change to the shrimp trawl fishery; however, the reclassification will result in a small mesh gill net attendance requirement in these waters, except for Scranton Creek. All areas have gill net attendance requirements now; the proposed rules would require additional attendance in all waters, not just 50 yards from the shoreline, from May 1 to Nov. 30.
- Amend the oyster sanctuaries rule by adding five new sites (Long Shoal, Little Creek, Pea Island, Raccoon Island, and Swan Island), updating boundaries for three existing sites (Neuse River, West Bluff, and Gibbs Shoal), and removing two sites that no longer function as sanctuaries (Ocracoke and Clam Shoal).
- Update shellfish sanitation laboratory procedures, sanitation survey reporting requirements, standards for classifying shellfish waters, and definitions to conform with current national standards.
- Readopt with no changes nine rules that pertain to joint fishing waters, in accordance with a state-mandated periodic review schedule.
- Correct grammar, typographical errors, and update agency names.

The proposed rule changes will be presented to the N.C. Marine Fisheries Commission for final approval in February 2021 and have an earliest effective date of April 1, 2021.

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For questions about the N.C. Marine Fisheries Commission rulemaking process, email [Catherine Blum](mailto:Catherine.Blum@ncfish.org), rules coordinator for the N.C. Division of Marine Fisheries.

**WHO:** Marine Fisheries Commission  
**WHAT:** Two Public Hearings for Proposed Rules  
**WHEN:** Oct. 21 at 6 p.m.  
Oct. 27 at 6 p.m.  
**WHERE:** Meeting by Web Conference  
[Click Here](#) for Information and to Sign Up to Speak

We are saddened to report the passing of two Carteret County men: Wade Donald Willis Sr., 80, of Salter Path, and Tom Guthrie, 56, of Mill Creek.

NCFA's Board, Staff and membership offer our most sincere condolences and prayers to the families.

**WADE DONALD WILLIS, SR.**

Wade Donald Willis Sr., 81, of Salter Path, passed away September 29, 2020, at his home.

His funeral service will be held at 2 p.m. on Friday, October 2, 2020, at Salter Path United Methodist Church, officiated by Rev. Donald Thomas. Interment will follow at Gethsemane Memorial Park. Friends are welcome to attend the service. For those unable to attend, the family invites you to view the webcasting of the service through his obituary page on Munden Funeral Home's website. In keeping with the CDC guidelines pertaining to the Coronavirus, those who are ill or at-risk (elderly, immune-compromised) are encouraged to stay home. Additionally, there will be a limit to the number of people in the building at one time, as well, those who attend will be asked to bring and wear a protective mask. Help us honor the family while practicing safe measures. Friends are also encouraged to leave words of comfort to the family through the website.

Wade was born on February 3, 1939, in Salter Path, to the late Headen and Rosa Willis. He was proud to serve his country for 3 years in the United States National Guard Army A CO 1st / 120th. In his younger years, he was a competitive baseball player and was recognized by a national team for his incredible skill. He used that talent with his children's baseball teams where he coached them every year.

His passions were hunting and being on the water where he spent numerous hours as a commercial fisherman. He was well known and loved by the game wardens and marine fisheries for the fun he had with them. The stories of his great feats have been spoken of for years along the eastern coast where he is a true legend. He strived to be the best at everything he did, and he always did it with a smile and endearing joke. Wade and his sons shared many experiences together on the "Wade Donald" trawler. Everyone knew and loved Wade, and each can tell a funny tale of his pranks and great times that they had with him.

In 1974, he was pleased to become the owner of Willis Seafood Market in Salter Path which was established in 1934 by his father, William Headen Willis. For all the time he spent on the water and at the business and all the responsibilities, Wade was a sincere family man and provider who loved spending time with his children and grandchildren.

He is survived by his wife, Vesta Willis of the home; daughter, Candy Rice of Indian Beach; son, Tony Willis of Salter Path; siblings, Alberta Smith, Delores Guthrie, and Brinkley Willis, all of Salter Path; grandchildren, Ashley Willis and wife Madison of Salter Path, Wade Donald Willis III "Trey" and wife Sarah Kate of Pine Knoll Shores, and Donald Willis Rice and fiancée Mikal Ballou of Indian Beach; and

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great-grandchildren, Addison Blake Rice and Wyatt Donald Willis.

In addition to his parents, he was preceded in death by his son, Wade Donald Willis Jr., and brothers, Abram Willis and William Willis Jr.

The family received friends on Thursday evening, October 1<sup>st</sup>, at Salter Path United Methodist Church.

Flowers are welcome.

Family and friends are welcome to submit online condolences at [www.mundenfuneralhome.net](http://www.mundenfuneralhome.net)

Arrangements by Munden Funeral Home and Crematory in Morehead City, NC.

Munden Funeral Home, in memory of Tom, and sent to 2112 Arendell St., Morehead City, NC 28557.

Family and friends are welcome to submit online condolences at [www.mundenfuneralhome.net](http://www.mundenfuneralhome.net)

Arrangements by Munden Funeral Home and Crematory in Morehead City, NC.

### TOM GUTHRIE

Tom Guthrie, 56, of Mill Creek, passed away Saturday, September 26, 2020, at the UNC Health, Burn Unit in Chapel Hill.

His memorial service will be held at 2 p.m. on Saturday, October 3, 2020, at the Crystal Coast Worship Center in Salter Path, officiated by Rev. Darlene Morris.

Tom was born on June 9, 1964, in Morehead City, to Phil and Ellen Guthrie. He loved spending time outdoors, whether it was on the water fishing or in the woods hunting.

He is survived by his wife, LaRose Guthrie of the home; son, Alex Guthrie of Mill Creek; father, Phil Guthrie of Mill Creek; sister, Louise Guthrie of Hubert; Lynn Guthrie of Mill Creek; and grandchildren, Brianne, Landon, and Bryson Warneke.

Tom was preceded in death by his daughter, Amber Guthrie; mother, Ellen Guthrie; and granddaughter, Leanne Warneke.

Memorial cards and donations may be made to