MARINE FISHERIES COMMISSION BUSINESS MEETING
Double Tree by Hilton Raleigh - Brownstone - University Hotel, Raleigh, N.C.
Aug. 28-30, 2013

N.C.G.S. 138A-15(e) mandates at the beginning of any meeting of a board, the chair shall remind all members of their duty to avoid conflicts of interest under Chapter 138. The chair also shall inquire as to whether there is any known conflict of interest with respect to any matters coming before the board at that time.

N.C.G.S. 143B-289.54.(g)(2) states a member of the Marine Fisheries Commission shall not vote on any issue before the Commission that would have a "significant and predictable effect" on the member's financial interest. For purposes of this subdivision, "significant and predictable effect" means there is or may be a close causal link between the decision of the Commission and an expected disproportionate financial benefit to the member that is shared only by a minority of persons within the same industry sector or gear group. A member of the Commission shall also abstain from voting on any petition submitted by an advocacy group of which the member is an officer or sits as a member of the advocacy group's board of directors. A member of the Commission shall not use the member's official position as a member of the Commission to secure any special privilege or exemption of substantial value for any person. No member of the Commission shall, by the member's conduct, create an appearance that any person could improperly influence the member in the performance of the member's official duties.

Commissioners having questions about a conflict of interest or appearance of conflict should consult with counsel to the Marine Fisheries Commission or the secretary's ethics liaison. Upon discovering a conflict, the commissioner should inform the chair of the commission in accordance with N.C.G.S. 138A-15(e).

Aug. 28

6 p.m. Public Meeting
Receive public comment relative to any fisheries management issues

Aug. 29

9 a.m. Call to Order*
Conflict of Interest Reminder
Roll Call
Vote on Approval of Agenda**
Vote on Approval of Meeting Minutes**

9:15 a.m. Public Comment
Receive public comment relative to any fisheries management issues

11:15 a.m. Petitions for Rulemaking

- Tim Hergenrader Petition
  The commission must vote to grant the petition and initiate rulemaking or deny the petition to reclassify North Carolina's internal coastal waters as permanent secondary nursery areas, unless they are currently designated as primary nursery areas or special secondary nursery areas.
  - Presentation of the Petition – Tim Hergenrader
  - Response from the Division of Marine Fisheries – Dr. Louis Daniel III
  - **Vote to Grant or Deny the Petition for Rulemaking****
- Ron Zielinski Petition
  The commission must vote to grant the petition and initiate rulemaking or deny the petition to prohibit commercial fishing gear and other types of recreational gear, and establish a 100-yard buffer on and around AR-396, the Oriental Artificial Reef.
  - Presentation of the Petition – Ron Zielinski
  - Response from the Division of Marine Fisheries – Craig Hardy
  - **Vote to Grant or Deny the Petition for Rulemaking****

12:30 p.m. Lunch Recess

2 p.m. Issues from Commissioners

2:30 p.m. Chairman's Report
Review administrative actions and issues from the chair

- Review Statement of Economic Interest for New Commissioners
- Letters
- Ethics Education Reminder
- Proposed 2014 Meeting Schedule
- 2013 Meeting Calendars
- **Election of Vice Chair****

3 p.m. Committee Reports

Review and consideration of action items from committee meetings

- Bay Scallop Fishery Management Plan
- River Herring Fishery Management Plan
- Shrimp Fishery Management Plan
- Conservation Fund
- **Joint Coastal Recreational Fishing License – Dr. Louis Daniel III**
- Joint Advisory Committee Meeting
  - Finfish
  - Habitat and Water Quality
  - Sea Turtle
  - Shellfish/Crustacean
- Sea Turtle

3:15 p.m. Stock Status Report – Alan Bianchi

Review of the Division of Marine fisheries stock status report.

3:30 p.m. Fishery Management Plan Update – Catherine Blum

- Annual FMP Update
- **Approval of Five-Year Schedule****

3:45 p.m. Spotted Seatrout Update – Chip Collier (Presentation)

4:15 p.m. Rulemaking – Catherine Blum

- Rulemaking Cycle Review
- Hearing(s) Reminder
- User Conflict Issue Paper Review
- Rulebook Update

4:30 p.m. Rule Suspensions – David Taylor

At each meeting, the commission must vote to continue suspension of any rules the Division of Marine Fisheries Director has suspended by proclamation.

- **Vote on Rule Suspension for Portions of 15A NCAC 03J .0103 Gill Net Yardage Restrictions****
- **Vote on Rule Suspension for Portions of 15A NCAC 03O .0501 Atlantic Ocean Striped Bass Gear Permit****
- **Vote on Rule Suspension for Portions of 15A NCAC 03M .0301 Spanish Mackerel Size Limits****

4:45 p.m. SCFL Eligibility Report/Set Eligibility Pool Cap – Chip Collier

Each year the commission must set a cap on the number of Standard Commercial fishing Licenses in the License Eligibility Pool.

- **Set Eligibility Pool Cap****

5 p.m. Coastal Habitat Protection Plan – Jimmy Johnson

- **Vote on CHPP Annual Report**

<u>Aug. 30</u>

8:30 a.m. Director's Report

Reports and updates on recent Division of Marine Fisheries activities

- Legislative Update
- Budget Update
- Atlantic States Marine Fisheries Commission
  - Spanish Mackerel
  - River Herring
  - Spot and Atlantic Croaker
  - American Eel
- Commercial Summer Flounder Stakeholders Meeting Review – Chris Batsavage
- Protected Resources Update – Louis Daniel and Chris Batsavage
  - Bottlenose Dolphin
  - Observer Program
  - Sea Turtle Incidental Take Permit Application Status
  - Atlantic Sturgeon Incidental Take Permit Application Status

- Mid-Atlantic Fishery Management Council Update – Chris Batsavage
- South Atlantic Fishery Management Council Update – Michelle Duval

Recurring Updates

- Fishery Management Plan Review
- Marine Patrol Report
- Coastal Recreational Fishing License Sales Report
- Coastal Angler Program Update
- Red Drum Cap Update
- Southern Flounder Update
- Highly Migratory Species

11:30 a.m. Issues from Commissioners
11:45 a.m. Review of Meeting Assignments – Nancy Fish
Noon Adjourn

<u>2013 Meeting Schedule</u>:

Feb. 27- March 1 in Pine Knoll Shores	**Aug. 28-30 in Raleigh**
May 29-30 in Morehead City	**Nov. 13-15 in Atlantic Beach**

**** Times indicated are merely for guidance. The commission will proceed through the agenda until completed.***
*****Action Items***