

MARINE FISHERIES COMMISSION BUSINESS MEETING
Hilton Riverfront Hotel in New Bern, N.C.
November 3 - 5, 2010

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.

Nov. 3

6 p.m.

Public Meeting

Receive public comment relative to fisheries management issues

Nov. 4

9 a.m.

Call to Order*

Pledge of Allegiance

Invocation

Conflict of Interest Reminder

Roll Call

Approval of Agenda**

Approval of August 2010 Meeting Minutes**

9:15 a.m.

Public Comment

Receive public comment relative to fisheries management issues

9:45 a.m.

Issues from Commissioners

10 a.m.

Chairman's Report

- Letters
- Executive Order No. 34 – Attendance Requirement Reminder
- Executive Order No. 70 – Rules Modifications and Improvement Program
- Update on BT-11
- 2011 Meeting Schedule

10:15 a.m.

Committee Reports

Review and consideration of action items from advisory committee and committee meetings

- Regional (Northeast, Central, Southeast and Inland)
 - Standing (Finfish, Shellfish, and Habitat and Water Quality)
 - Strategic Habitat Area – Region 2
 - Coastal Habitat Protection Plan
 - Sea Turtle
 - Civil Penalty/Remissions and Law Enforcement
 - N.C. Estuarine Striped Bass Fishery Management Plan (Albemarle/Roanoke and Central/Southern)
 - Final Report of the Commercial License Review Taskforce – Don Hesselman
 - Nominating – Mid-Atlantic Obligatory Seat
- **Vote on slate of Nominees****

11 a.m.

Fishery Management Plan Guidelines – Mike Marshall

Amend guidelines to incorporate new supplement criteria, as set out in S.L. 2010-15 (H.B. 1710)

- **Vote on Approving Supplement Criteria****

11:30 a.m.

Oyster Fishery Management Plan Supplement A to Amendment 2 – Mike Marshall

Review supplement and consider advisory committee and public comment, and selection of management options

- Review Hyde County Oyster Meeting
 - Review of Supplement, and Advisory Committee and Public Input
- **Vote on Approving Supplement****

Noon

Lunch Recess

- 1:30 p.m. Bay Scallop Fishery Management Plan Amendment 1 – Tina Moore
Review and consideration of departmental and legislative input and vote to adopt final FMP
- Review Department of Environment and Natural Resources and Joint Legislative Commission on Seafood and Aquaculture Input
 - **Vote on Final FMP****
- 2 p.m. Southern Flounder Fishery Management Plan Amendment 1 – Chris Batsavage
Review advisory committee/public input on draft FMP, select preferred management options, approve draft FMP and approve sending out for departmental and legislative review
- Review Advisory Committee and Public Input
 - **Select Preferred Management Options****
 - **Vote on Approving Draft FMP****
 - **Vote to send to Department of Environment and Natural Resources and Joint Legislative Commission on Seafood and Aquaculture****
- 3 p.m. Spotted Seatrout Fishery Management Plan – Beth Burns
Review and consideration of departmental and legislative input and vote to approve draft FMP (The commission will vote to initiate rulemaking in the 2011 annual rulemaking cycle)
- Review DENR and JLCSA Input
 - **Vote on Approving Draft FMP****
 - **Vote on Rule Suspension for Spotted Seatrout** - David Taylor**
 - **Vote on Implementing Cold Stun and/or FMP Management Measures via Proclamation****
- 4:30 p.m. Rule Suspension – David Taylor
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 Gill Net Yardage Restrictions****
- 4:45 p.m. Issue Paper Review – Catherine Blum
- Suspension, Revocation and Reissuance of Licenses
- 5 p.m. Recess

Nov. 5

- 8:30 a.m. Hook-and-Line Work Group Report – Michelle Duval, Kathy Rawls and Clark Gray
- 10 a.m. Director's Report
Reports and updates on recent Division of Marine Fisheries activities.
- Legislative Update
 - Clarifying Amendment for S.L. 2010-13 (H.B. 1713)
 - FMP Study
 - Annual Reports (FMP, WAMI, Shellfish and CRFL)
 - Budget Update
 - CRFL Committee Processes
 - Red Drum Quota Update
 - Atlantic States Marine Fisheries Commission
 - Striped Bass – Kathy Rawls
 - Protected Resources Update – Red Munden
 - Sea Turtles
 - Atlantic Sturgeon
 - Mid-Atlantic Fishery Management Council Update – Red Munden
 - South Atlantic Fishery Management Council Update – Brian Chevront
 - Bang Sticks
 - Other Reports
 - Marine Patrol Report
 - Coastal Angler Program Update
 - Big Book of Data

- Semi-Annual Landings Bulletin

11:30 a.m. Overview of Executive Order No. 70 – Rules Modifications and Improvement Program – David Knight, DENR Assistant Secretary for Natural Resources

11:45 a.m. 2010 Rulemaking Cycle – Catherine Blum

Review public comment and vote on final rules (earliest effective date April 1, 2011)

Please note any action on this agenda item is subject to review and interpretation of Executive Order No. 70, issued Oct. 21, 2010.

- Review of Hearing and Public Comment
- **Vote on Approving Permanent Rules on the Following Subjects:****
 1. Classify Eastham Creek and Long Creek Gut (Pamlico District) as Primary Nursery Areas
 2. Classify a portion of Chadwick Bay (Southern District) as a Special Secondary Nursery Area
 3. Move Gibbs Shoal Oyster Sanctuary (Northern District) regulation from proclamation into rule and make coordinate corrections
 4. Remove out-of-date cross-reference to definitions in Rule 03I .0101
 5. Update list of cross-references to no-trawling areas in Rule 03R .0106
 6. Remove repetitive or non-regulatory language in Subchapter 03H and relocate maps and marking regulations to another subchapter
 7. Define corkline, headrope and lead
 8. Clarify that only those holding a Recreational Commercial Gear License that use pots authorized by the license are required to mark their pots with hot pink buoys.
 9. Broaden proclamation authority to ensure compliance with the ASMFC Interstate Fishery Management Plan for Horseshoe Crab
 10. Modify rules for consistency with federal regulations for commercially-caught tunas
 11. Capture angler effort from ocean fishing piers to maintain state exemption to the National Angler Registry
 12. Require shellfish culture training certification for new lease applicants and transferees
 13. Remove requirement to notarize signatures on permit renewal applications.

Noon Adjourn

2011 Meeting Schedule:

Feb. 9-11 Pine Knoll Shores

May 11-13 Atlantic Beach

Aug. 10-12 Raleigh

Nov. 2-4 Pine Knoll Shores

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

****Action Items**

Executive Order 34 orders that in transacting board business, each person appointed by the governor shall act always in the best interest of the public without regard for her or his financial interests. To this end, each appointee must recuse herself or himself from voting on any matter on which the appointee has a financial interest. 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 consistent with Executive Order 34, the commissioner should inform the chair of the commission in accordance with N.C.G.S. 138A-15(e).