



N.C. Department of Environment and Natural Resources

Release: Immediate

Date: Nov. 1, 2013

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Marine Fisheries Commission meeting scheduled

MOREHEAD CITY – The N.C. Marine Fisheries Commission will meet Nov. 13-15 at the Double Tree by Hilton, 2717 West Fort Macon Road, Atlantic Beach.

The meeting begins with public comment periods at 6 p.m. Nov. 13. The business meeting is at 9 a.m. Nov. 14 and continues at 8:30 a.m. Nov. 15.

The commission also will hold a workshop in advance of its business meeting at 1 p.m. Nov. 13 at the N.C. Division of Marine Fisheries' Central District Office, 5285 U.S. 70 West, Morehead City. The commission will review various laws and rules that govern its actions, including open meetings, public records and ethics laws, as well as the Fisheries Reform Act.

The meeting and workshop are open to the public.

At its business meeting, the commission is slated to decide what size, bag and trip limits to adopt for the recreational and commercial black drum fisheries. An Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan requires states to implement possession limits and a minimum size limit of at least 12 inches by Jan. 1, 2014 and at least 14 inches by Jan. 1, 2016.

The commission is also scheduled to decide the next step to take in managing the state's shad fishery. Thresholds adopted last year in the N.C. American Shad Sustainable Fishery Plan have been met that require commercial harvest reductions in the Albemarle Sound/Roanoke River system. Also at its August meeting, the commission discussed implementing a moratorium on commercial and recreational harvest of American and hickory shad in all North Carolina waters under its jurisdiction.

The commission is also slated to review a draft supplement to the Spotted Seatrout Fishery Management Plan and vote to begin a public comment period on it. The supplement addresses the commission's vote at its August meeting to keep the current commercial and recreational size, bag and trip limits for spotted seatrout. The current spotted seatrout plan, adopted in February 2012, included a provision to implement stricter regulations in February 2014, but the commission feels stricter regulations are not needed at this time.

Other agenda items include:

- Review draft amendments to the bay scallop, river herring and shrimp fishery management plans and vote to send them to meetings for public comment.
- Give final approval to Amendment 2 to the Blue Crab Fishery Management Plan and Amendment 3 to the Oyster Fishery Management Plan and adopt rules to implement the amendments.
- Adopt a slate of other rules that include giving the division director proclamation authority to set size, recreational bag, commercial trip, gear, season and time restrictions on the taking of sheepshead if needed to maintain a sustainable harvest; and giving the division director proclamation authority to implement federal shellfish harvester and dealer requirements for the protection of public health.

A meeting agenda is attached. A full briefing book can be found on the division's website at

<http://portal.ncdenr.org/web/mf/mfc-meetings>. For more information, contact Marine Fisheries Commission Liaison Nancy

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MARINE FISHERIES COMMISSION BUSINESS MEETING
Double Tree by Hilton, Atlantic Beach, N.C.
Nov. 13-15, 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).

Nov. 13

6 p.m.

Public Meeting

Receive public comment relative to any fisheries management issues

Nov. 14

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

10 a.m.

Issues from Commissioners

10:15 a.m.

Chairman's Report

Review administrative actions and issues from the chair

- Recognition of Former Commissioners
- Letters
- 2014 Meeting Schedule
- Ethics Education Reminder

10:30 a.m.

Committee Reports

Review and consideration of action items from committee meetings

- Sea Turtle – Chris Batsavage
- **Nominating**** – Michelle Duval
Approve slate of nominees for the Mid-Atlantic Fishery Management Council
- Northern
- Southern
- Finfish
- Civil Penalties/Law Enforcement
- Bay Scallop Fishery Management Plan
- River Herring Fishery Management Plan
- Shrimp Fishery Management Plan

10:45 a.m.

Fishery Management Plan Update – Catherine Blum

11 a.m.

Supplement A to the Spotted Seatrout Fishery Management Plan – Catherine Blum

Review supplement and approve for public comment

- **Vote to Approve Draft Supplement for Public Comment Period****

Noon

Lunch Recess

- 1:30 p.m. Bay Scallop Fishery Management Plan Amendment 2 – Tina Moore and Trish Murphey (Presentation)
Review plan amendment and vote to send out for review and comment
- **Vote to send out to Public Meetings/Advisory Committee Review****
- 2:30 p.m. River Herring Fishery Management Plan Amendment 2 – Amy Larimer and Kathy Rawls (Presentation)
Review plan amendment and vote to send out for review and comment
- **Vote to send out to Public Meetings/Advisory Committee Review****
- 3:30 p.m. Shrimp Fishery Management Plan Amendment 1 – Trish Murphey and Chris Stewart (Presentation)
Review plan amendment and vote to send out for review and comment
- **Vote to send out to Public Meetings/Advisory Committee Review****
- 4:30 p.m. Rulemaking – Catherine Blum
- 2013/2014 Rulemaking Cycle
Review public comment and vote on final rules
 - Review of Hearings and Public Comment
 - **Vote on Final Approval of the Blue Crab Fishery Management Plan Amendment 2 and Associated Permanent Rules****
 - **Correct Peeler Trawl Exception Rule**
 - **Clarify Blue Crab Size Limit and Culling Tolerance Rule**
 - **Clarify Crab Dredging Rule**
 - **Incorporate the Crab Pot Escape Ring Proclamation Exemptions for Mature Females into Rule**
 - **Incorporate the Pamlico Sound Crab Trawl Mesh Size Line Proclamation into Rule**
 - **Incorporate the Lower Broad Creek Pot Area Closure Proclamation into Rule**
 - **Adaptive Management Framework for the N.C. Blue Crab Stock**
 - **Options for Escape Ring Exemptions in Hard Crab Pots to Harvest Peeler Crabs**
 - **Proclamation Authority for Terrapin Excluder Devices in Crab Pots**
 - **Reclassify Pungo River Areas as Open to Pots**
 - **Vote on Final Approval of the Oyster Fishery Management Plan Amendment 3 and Associated Permanent Rules****
 - **Designation of Possum Bay and Swan Point Seed Oyster Management Areas**
 - **Vote on Final Approval of Other Rules****
 - **New Shellfish Harvester and Dealer Requirements**
 - **Sheepshead Management**
 - **Scientific and Educational Collection Permit Clarifications**
 - **Queens Creek Coordinate Correction**
 - **Hybrid Striped Bass Rule Repeal**
 - Issue Paper Review
 - Ocean Fishing Pier Licensing Changes
 - For-Hire Licensing Changes
 - Zielinski Petition for Rulemaking Status Report
 - Periodic Review and Expiration of Existing Rules Requirements and Authority
- 5 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****

5:15 p.m.

Recess

Nov. 15

8:30 a.m.

Director's Report – Dr. Louis Daniel

Reports and updates on recent Division of Marine Fisheries activities

- Legislative Update
 - At-Sea Observer Program Funding
 - Public Hearings Update
 - Legislative Report
- Atlantic States Marine Fisheries Commission
 - Coastwide and Albemarle/Roanoke Striped Bass Stock Assessments
 - **Sustainable Fishery Plan for American Shad**** – Michelle Duval and Kathy Rawls (Presentation)
 - **Black Drum Harvest Limits**** – Chris Stewart (Presentation)
 - American Eel
- Sedimentation Study Update – Anne Deaton
- Protected Resources Update – Chris Batsavage
 - Observer Program
 - Sea Turtle Incidental Take Permit Application Review
 - Atlantic Sturgeon Incidental Take Permit Application Status
- Mid-Atlantic Fishery Management Council Update – Chris Batsavage
- South Atlantic Fishery Management Council Update – Michelle Duval
- Highly Migratory Species – Randy Gregory
- Oyster Season Update
- Semi-annual Seafood Dealers Report
- License and Statistics 2013 Annual Report

11:30 a.m.

Issues from Commissioners

11:45 a.m.

Review of Meeting Assignments – Nancy Fish

Noon

Adjourn

2014 Meeting Dates

Feb. 19-21 Atlantic Beach

May 21-23 Morehead City area

Aug. 20-22 Raleigh area

Nov. 19-21 Morehead City area

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

****Action Items**