

**MARINE FISHERIES COMMISSION BUSINESS MEETING**  
**Hilton Wilmington Riverside, Wilmington, N.C.**  
**Feb. 15-16, 2017**

*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).*

**Feb. 15**

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| Noon        | Call to Order*<br>Invocation<br>Conflict of Interest Reminder<br>Roll Call<br><b>Vote on Approval of Agenda**</b><br><b>Vote on Approval of Meeting Minutes**</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 12:15 p.m.  | Chairman's Report <ul style="list-style-type: none"><li>• Letters</li><li>• Ethics Training Reminder</li><li>• 2017 Meeting Schedule Reminder</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12:30 p.m.  | Director's Report – Director Braxton Davis<br><i>Reports and updates on recent Division of Marine Fisheries activities</i> <ul style="list-style-type: none"><li>• Division of Marine Fisheries Quarterly Update</li><li>• Atlantic States Marine Fisheries Commission – Michelle Duval<ul style="list-style-type: none"><li>– Red Drum Stock Assessment Update – Lee Paramore</li></ul></li><li>• Informational Materials<ul style="list-style-type: none"><li>– Rule Suspension Notices/No Action Required</li><li>– Landings Update</li><li>– Protected Resources Update<ul style="list-style-type: none"><li>○ Observer Program</li><li>○ Incidental Take Permit Updates</li></ul></li><li>– Mid-Atlantic Fishery Management Council Update</li><li>– South Atlantic Fishery Management Council Update</li><li>– Highly Migratory Species</li></ul></li></ul> |
| 2 p.m.      | Committee Reports <ul style="list-style-type: none"><li>• Funding Committee for the Commercial Fishing Resource Fund</li><li>• Joint Advisory Committee Meeting</li><li>• Coastal Recreational Fishing License – Braxton Davis</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3-8:30 p.m. | Public Comment Period                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**Feb. 16**

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| 8:30 a.m. | Petition for Rulemaking by the North Carolina Wildlife Federation<br><i>The commission has received a petition to designate all coastal fishing waters not otherwise designated as nursery areas as special secondary nursery areas; establish clear criteria for</i> |
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*the opening of shrimp season; and define the type of gear and how and when gear may be used in special secondary nursery areas during shrimp season.*

- Advisory Committee Recommendations
  - Presentation of the Petition
  - Response from the Division of Marine Fisheries
  - **Vote on Petition for Rulemaking\*\***
- 11 a.m. 2017 Cobia Season and Potential Management Measures – Michelle Duval and Steve Poland
- **Vote on 2017 Season and Management Measures\*\***
- 12:30 p.m. Lunch Recess
- 2 p.m. Central Southern Management Area Striped Bass
- 3 p.m. Fishery Management Plan Update – Catherine Blum
- 3:15 p.m. Rulemaking – Catherine Blum
- 2016/2017 rulemaking cycle
  - Review of hearing and public comment
  - **Vote on final approval of rules and Fishery Management Plans\*\***
    - Hard Clam Fishery Management Plan Amendment 2/Oyster Fishery Management Plan Amendment 4
      - 15A NCAC 03K .0201, OYSTER HARVEST MANAGEMENT
      - 15A NCAC 03K .0202, CULLING REQUIREMENTS FOR OYSTERS
      - 15A NCAC 03K .0302, MECHANICAL HARVEST OF CLAMS FROM PUBLIC BOTTOM
      - 15A NCAC 03O .0114, SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES
      - 15A NCAC 03O .0201, STANDARDS AND REQUIREMENTS FOR SHELLFISH BOTTOM LEASES AND FRANCHISES AND WATER COLUMN LEASES
      - 15A NCAC 03O .0208, TERMINATION OF SHELLFISH BOTTOM LEASES AND FRANCHISES AND WATER COLUMN LEASES
    - Permit for Weekend Trawling for Live Shrimp
      - 15A NCAC 03J .0104, TRAWL NETS
      - 15A NCAC 03L .0102, WEEKEND SHRIMPING PROHIBITED
      - 15A NCAC 03O .0501, PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS
      - 15A NCAC 03O .0503, PERMIT CONDITIONS; SPECIFIC
    - Spiny Dogfish Dealer Permit
      - 15A NCAC 03O .0503, PERMIT CONDITIONS; SPECIFIC
    - Increase Penalties for Gear Larceny
      - 15A NCAC 03O .0114, SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES
    - Wade Creek Coordinate Correction
      - 15A NCAC 03R .0103, PRIMARY NURSERY AREAS
    - Clarification of License Requirements for Leaseholder Designees
      - 15A NCAC 03O .0501, PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS
    - Modify Fisheries Director’s Proclamation Authority for Protection of Public Health
      - 15A NCAC 03H .0103, PROCLAMATIONS, GENERAL
      - 15A NCAC 03K .0110, PUBLIC HEALTH AND CONTROL OF OYSTERS, CLAMS, SCALLOPS, AND MUSSELS
    - Establish Spotted Seatrout Rule
      - 15A NCAC 03M .0522, SPOTTED SEATROUT
    - Align Method for Commencement of License, Permit, and Certificate Suspension/Revocation Process
      - 15A NCAC 03P .0101, LICENSE, PERMIT, OR CERTIFICATION DENIAL: REQUEST FOR REVIEW

- Periodic Review and Expiration of Existing Rules
  - **Vote to approve draft report on 15A NCAC 03 .0100 rules to proceed to public notice, per G.S. 150B-21.3A\*\***
  - **Vote to approve draft report on all other 15A NCAC 03 rules to proceed to public notice, per G.S. 150B-21.3A\*\***

4 p.m. Rules Suspensions – Kathy Rawls

*The commission must vote to continue suspension of the following rule(s)*

- **Vote on continued suspension of portions of 15A NCAC 03J .0301 Pots regarding crab pot escape ring requirements\*\***

4:15 p.m. Issues from Commissioners

4:45 p.m. Meeting Assignments and Preview of Agenda Items for May Meeting – Nancy Fish

5 p.m. Adjourn

**2017 Meeting Dates**

<b>Feb. 15-16</b>	<b>Hilton Wilmington Riverside, Wilmington</b>
<b>May 17-18</b>	<b>BridgePointe Hotel and Marina, New Bern</b>
<b>Aug. 16-17</b>	<b>Brownstone, Raleigh</b>
<b>Nov. 15-16</b>	<b>Hilton Garden Inn, Kitty Hawk</b>

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

*\*\*Potential Action Items*