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N.C. Marine Fisheries Commission to pursue
petition-requested shrimping regulations

MOREHEAD CITY – The N.C. Marine Fisheries Commission on Thursday voted to grant a petition for rulemaking and begin drafting rules to implement it. If adopted, the rules will limit shrimp trawling in most North Carolina waters.

The rulemaking process is a lengthy one.

The North Carolina Administrative Procedure Act requires the development of a fiscal note before a notice of text for the proposed rules can be published in the North Carolina Register. For proposed rules that have an economic impact in excess of \$1 million, a regulatory impact analysis must be prepared. The development of a regulatory impact analysis could take more than a year, and must be approved by the Office of State Budget and Management and the commission before the notice of text can be published. Once the notice of text is published, the commission must hold a comment period, and likely a public hearing, before the commission can consider final adoption of the rules. Some of the proposed rules might require the modification of existing fishery management plans before they can be adopted.

If the commission adopts the rules, they then go before the state Rules Review Commission for approval before becoming effective. However, if the state receives 10 letters of objection, the issue will automatically move to the legislature.

The petition, which was submitted Nov. 2 and modified Jan. 12 by the North Carolina Wildlife Federation, asked the commission to designate all coastal fishing waters not otherwise designated as nursery areas (including the Atlantic Ocean out to three miles from shore) as special secondary nursery areas; establish clear criteria for 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.

Specific requests of the petition include:

- Limiting shrimp trawling to three days a week in the estuaries and four days a week in the ocean;

- Limiting trawling to the daytime only;

- Reducing the maximum trawl head rope length to 90 feet in estuarine waters and 110 feet in ocean;

- Limiting tow times to 45 minutes;

- Opening shrimp season once the shrimp count in Pamlico Sound reaches 60 shrimp per pound, heads on;

- Implementing an 8-inch size limit for spot and a 10-inch size limit for Atlantic croaker;

- Requiring all fishermen to use two N.C. Division of Marine Fisheries-certified bycatch reduction devices when trawling in state waters.

In other business, the commission voted to:

Set the 2017 North Carolina recreational cobia season from May 1 to Aug. 31 with a one-fish-per-person-per-day possession limit, and a four-fish-per-vessel-per-day maximum possession limit seven days a week. The size limit will increase to 36-inches fork length. The maximum charter boat limit will include the captain and mate, as well as customers. Additionally, the commission requested that all cobia harvested be recorded and tagged at a current or future N.C. Citation Station and that the length and weight of the fish be recorded to provide a more accurate harvest estimate for future use in determining needed regulations. The division is evaluating ways to accommodate this request.

Give final approval of Amendment 2 to the Hard Clam Fishery Management Plan and Amendment 4 to the Oyster Fishery Management and implementing rules.

Approve rules to establish a Permit for Weekend Trawling for Live Shrimp; relocate a 2003 requirement for a permit for dealers transacting in spiny dogfish from proclamation into rule; increase penalties for gear larceny; correct a primary nursery area boundary coordinate for Wade Creek in Carteret County; clarify license requirements for leaseholder designees; re-establish a rule delegating proclamation authority to the fisheries director to specify time, area, means and methods, season, size, and quantity of spotted seatrout harvested, due to an Atlantic States Marine Fisheries Commission plan to remove spotted seatrout from its managed species; modify the fisheries director's proclamation authority for the protection of public health;

Write a letter to the N.C. Department of Environmental Quality's secretary asking him to consider removing stocked fish from the N.C. Estuarine Striped Bass Fishery Management Plan.

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<http://portal.ncdenr.org/web/mf/nr-09-2017-shrimp-regulations>