

RECREATIONAL COMMERCIAL GEAR LICENSE (RCGL) CHANGES

Shrimp Trawls

ISSUE PAPER

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I. ISSUE

To allow Recreational Commercial Gear License (RCGL) holders that use an otter trawl to take shrimp the option of using mechanical gear for net retrieval.

II. ORIGINATION

The Division of Marine Fisheries and from public comments.

III. BACKGROUND

In the adoption of the FRA in 1997 the Marine Fisheries Commission was allowed to limit the type and amounts of commercial gear to be used to take fish for recreational purposes and for personal consumption with no sale allowed. During the adoption of RCGL rules in 1999 (15A NCAC 030 .0302) there was debate about whether to allow shrimp trawls at all, and under what conditions. The original rule specified a maximum 26-foot head rope, and no mechanical retrieval of the trawl. During the MFC debate on whether to include the of shrimp trawl they initially considered a sunset clause that would remove shrimp trawls as RCGL gear. In the end the sunset date was not included in rule because the license structure set up under the FRA had an overall sunset of 2003. The MFC debate also showed their concern about inexperienced users of this gear; their ability to obtain more than a “mess of shrimp”, mechanical retrieval would require a Turtle Excluder Device (TED), and opinion that TEDs did not work well in small nets, and that the number of licenses was unconstrained. The predicted large number of RCGL license holders did not materialize and the RCGL shrimp harvest was shown to be minimal (less than 1% of the commercial take). Also when the Commission disallowed any mechanical methods for the retrieval of the otter trawl there was no possession limit of shrimp for recreational users. One purpose of requiring the net to be retrieved by hand was to reduce the shrimp amount that could be harvested until the Shrimp FMP was completed. In the development of the FMP it would be determined through the FMP process if limits were needed. With the adoption of the Shrimp FMP in 2004 a 48 quart heads on (30 quart heads off) limit of shrimp per RCGL holder was established (15A NCAC 030 .0303).

The Division surveys RCGL fishermen. Every three years an annual survey is undertaken for socioeconomic data, and monthly surveys provide species harvest estimates by gear and area. Table 1 illustrates that the number of overall RCGL license holders has been declining and that the shrimp trawl cpue (with no mechanical retrieval) ranges between 12 to 20 pounds. The annual survey in 2004 also indicated that roughly 8.3% of the respondents were shrimp trawl users (projected to be ~490 license holders) and that the majority of RCGL holders that use otter trawls are in their mid fifties.

Table 1. Recreational Commercial Gear licenses, shrimp harvest, shrimp trawl trips, average cpue

Fiscal Year	Number of Licenses	Calendar Year	Number Shrimp Trawl Trips	Shrimp Harvest Pound	Shrimp Pound Per Trip
2000	6,740				
2001	6,202				
2002	6,300	2002	5,035	101,325	20.1
2003	6,157	2003	2,840	50,961	17.9
2004	5,868	2004	3,726	43,604	11.7
2005	5,653	2005	2,677	32,542	12.2
2006	5,401	2006	2,411	49,365	20.5

Source RCGL 2006 Bulletin and Statistics “Big Book”

IV. AUTHORITY

G.S.113-173. Recreational Commercial Gear License

V. DISCUSSION

Allowing RCGL holders to use mechanical gear to retrieve their otter trawls will give older individuals and individuals with physical limitations the opportunity to use this gear in a safer manner. Skimmer trawls became an allowed gear for RCGL holders with the adoption of the Shrimp FMP. Skimmer trawls are retrieved mechanically and are not required to have TEDS in their nets. Some RCGL shrimp trawl users see this as an unfair situation and would like the same opportunity to use mechanical retrieval. From the available RCGL data it does not appear there would be a shrimp resource issue with allowing the mechanical retrieval of the shrimp otter trawls. It should be noted that RCGL holders that decide to use mechanical gear to retrieve their otter trawls would be required to have a working Turtle Excluding Device (TED) in their nets according to federal regulations.

The draft rule was presented to the ACs and their actions are summarized below.

AC Positions on RCGL shrimp mechanical retrieval

	NEAC	Central AC	Inland AC	SEAC	Crustacean AC
Position	Adopt Rule w/o dissent	Keep Status Quo Vote 4-1 concern w/ increased bycatch	Adopt Rule w/o dissent	Adopt Rule w/o dissent concern might increase effort	Adopt Rule w/o dissent would give relief to older folks
Meeting Date	Jan. 2008	May 2008	May 2008	Jan. 2008	Sept. 2007

VI. PROPOSED RULE

15A NCAC .0300 - RECREATIONAL COMMERCIAL GEAR LICENSES

15A NCAC 030 .0302 AUTHORIZED GEAR

(a) The following are the only commercial fishing gear authorized (including restrictions) for use under a valid Recreational Commercial Gear License:

- (1) One seine 30 feet or over in length but not greater than 100 feet with a mesh length less than 2 ½ inches when deployed or retrieved without the use of a vessel or any other mechanical methods. A vessel may be used only to transport the seine;
- (2) One shrimp trawl with a headrope not exceeding 26 feet in length per vessel. ~~Mechanical methods for retrieving otter trawls are not authorized for recreational purposes.~~
- (3) With or without a vessel, five eel, fish, shrimp, or crab pots in any combination, except only two pots of the five may be eel pots. Peeler pots are not authorized for recreational purposes;
- (4) One multiple hook or multiple bait trotline up to 100 feet in length;
- (5) Gill Nets:
 - (A) Not more than 100 yards of gill nets with a mesh length equal to or greater than 2 ½ inches except as provided in (C) of this Subparagraph. Attendance shall be required at all times;
 - (B) Not more than 100 yards of gill nets with a mesh length equal to or greater than 5 ½ inches except as provided in (C) of this Subparagraph. Attendance shall be required when used from one hour after sunrise through one hour before sunset in internal coastal fishing waters east and north of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean east and north of 77° 04.0000' W. Attendance shall be required at all times in internal coastal fishing waters west and south of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean west and south of 77° 04.0000' W; and
 - (C) Not more than 100 yards of gill net may be used at any one time, except that when two or more Recreational Commercial Gear License holders are on board, a maximum of 200 yards may be used from a vessel;

- (D) It is unlawful to possess aboard a vessel more than 100 yards of gill nets with a mesh length less than 5 ½ inches and more than 100 yards of gill nets with a mesh length equal to or greater than 5 ½ inches identified as recreational commercial fishing equipment when only one Recreational Commercial Gear License holder is on board. It is unlawful to possess aboard a vessel more than 200 yards of gill nets with a mesh length less than 5 ½ inches and more than 200 yards of gill nets with a mesh length equal to or greater than 5 ½ inches identified as recreational commercial fishing equipment when two or more Recreational Commercial Gear License holders are on board;
- (6) A hand-operated device generating pulsating electrical current for the taking of catfish in the area described in 15A NCAC 03J .0304;
- (7) Skimmer trawls not exceeding 26 feet in total combined width.
- (b) It is unlawful to use more than the quantity of authorized gear specified in Subparagraphs (a)(1) through (a)(7) of this Rule, regardless of the number of individuals aboard a vessel possessing a valid Recreational Commercial Gear License.
- (c) It is unlawful for a person to violate the restrictions of or use gear other than that authorized by Paragraph (a) of this Rule.
- (d) Unless otherwise provided, this Rule does not exempt Recreational Commercial Gear License holders from the provisions of other applicable rules of the Marine Fisheries Commission or provisions of proclamations issued by the Fisheries Director as authorized by the Marine Fisheries Commission.

*History Note: Authority G.S. 113-134; 113-173;
Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1995;
Temporary Amendment Eff. August 1, 1999; July 1, 1999;
Amended Eff. August 1, 2000;
Temporary Amendment Eff. August 1, 2000;
Amended Eff. July 1, 2006; November 1, 2005; August 1, 2002.*

VII. RECOMMENDATION

DMF recommends the MFC approve Notice of Text for rulemaking for this issue at their June 2008 meeting.

Prepared by Jack Holland
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