

# Appendix 1 – Proposed Rule Changes to Implement Preferred MFC Management Recommendations.

## RED DRUM FMP AMENDMENT ONE PROPOSED RULES ISSUE PAPER

June 6, 2008

### I. ISSUE

The necessary rule changes to implement preferred management recommendations of MFC.

### II. ORIGINATION

Developed from DMF and the Red Drum FMP Advisory Committee (RDAC), with additional recommendations from regional and Finfish Advisory Committees, as well as the public.

### III. BACKGROUND

The goal of Amendment 1 to the North Carolina Red Drum Fishery Management Plan (FMP) is to prevent overfishing in the red drum (*Sciaenops ocellatus*) stocks and allow the long-term sustainable harvest in the red drum fishery. The management unit for this FMP includes red drum and the various fisheries that encounter red drum in all joint and coastal waters throughout North Carolina. Sustainable harvest for the North Carolina red drum fishery is defined as the amount of harvest, including release and discard mortality, that can be taken while maintaining a spawning potential ratio (SPR) at or above 30%, the level that would result if fishing mortality did not exist (F=0). The red drum fishery in North Carolina will be considered to be undergoing overfishing when the SPR is below 30%. In addition to the overfishing definition, the FMP also sets a 40% SPR target for the red drum stocks. This target is consistent with the compliance requirements of Amendment 2 to the ASMFC Red Drum Fishery Management Plan.

The current stock status of red drum in North Carolina waters indicates that the stock is currently not undergoing overfishing. Restrictive management measures put into place as a result of the 2001 North Carolina Red Drum FMP have effectively reduced fishing mortality. The primary benchmarks in determining the stock status, SPR and escapement, are currently at or near target levels. It is critical to note that reaching the target is only the first step in maintaining this fishery. In order for the red drum stock to be considered healthy and viable, the SPR target of 40% must be maintained continuously over time. Increases in the harvest rates (relaxation of current regulations) of red drum should only be allowed if those increases are not anticipated to lower the SPR values below the overfishing definition.

### IV. AUTHORITY

N.C.G.S. 113-182. Regulation of fishing and fisheries, N.C.G.S. 113-182.1. Fishery Management Plans, N.C.G.S. 113-143B-289.52. Marine Fisheries Commission-powers and duties, and N.C.G.S. 143B-279.8. Coastal Habitat Protection Plans

### V. DISCUSSION

In the development of Amendment 1 to the Red Drum FMP, management options were developed for identified key issues through the FMP process. A summary of the key issues along with the current MFC preferred management recommendations are listed in the following table:

ISSUE	MFC PREFERRED OPTION	REGULATORY ACTION
Adult Harvest Limits	Status quo (no harvest over 27 inches TL)	No action required
Recreational Targeting of Adult Red Drum	<u>During July through September, unlawful to use J-hooks larger than 4/0 while fishing natural bait in Pamlico Sound and its tributaries, excluding the ASMA and Core Sound, south</u> (also continued education on fishing methods that minimize risk to fish)	Rule change 3J .0306
Recreational Bag and Size Limits	Status quo (one fish per day between 18 and 27 inches TL)	No action required
Commercial Limits	<p><b><u>Trip Limit and Bycatch Provision</u></b>            Status quo (7 fish trip limit with 50% bycatch provision). Director retains authority to modify trip limit</p> <p><u>Allow the possession of up to 3 fish while engaged in fishing without requiring that they be subject to the bycatch provision. Upon landing/sale all red drum possessed would be subject to bycatch provision.</u></p> <p><b><u>Commercial Cap</u></b>            Continue 250,000 lb annual cap monitored from September 1 to August 31.</p> <p><u>Implement a split season on the annual commercial cap, capping the period of September 1 to April 30 at 150,000 lb and conserving the remaining portion of the cap for the period of May 1 to August 31. Unused cap in period one would be available for period two.</u></p>	<p>New proclamation</p> <p>Rule Change 3M .0501</p>
Estuarine Gill Net Discarded Bycatch of Red Drum	<p><b><u>Small Mesh Attendance</u></b>            (&lt;5" stretch mesh)</p> <p><b><u>Year-round Attendance</u></b>  <u>Expand year-round attendance within 200 yards of shore to include the area of the lower Neuse out to the mouth of the river.</u></p>	Rule change 3R .0112
Estuarine Gill Net Discarded Bycatch of Red Drum	<p><b><u>Small Mesh Attendance continued</u></b>            (&lt;5" stretch mesh)  <b><u>Seasonal Attendance</u></b>            1) Modify the seasonal attendance requirements for small mesh gill nets (currently May 1 to October 31) to include</p>	Rule change 3J .0103 &

<p>Estuarine Gill Net Discarded Bycatch of Red Drum</p>	<p>the period of May 1 through <u>November 30</u> in the following locations:</p> <p>a) All primary and permanent secondary nursery areas and modified no-trawl areas</p> <p><u>b) Within 200 yards of any shoreline for the areas of Pamlico, Pungo, Neuse and Bay Rivers and bays</u></p> <p><u>c) Within 50 yards of any shoreline in the areas of Pamlico and Core Sound south to the NC/SC line</u></p> <p><u>d) Area south of HWY 58 bridge is excluded from 50 yard shoreline attendance requirement during October and November</u></p> <p><b><u>Modification to current small mesh seasonal attendance area along the Outer Banks (i.e. modified no-trawl area)</u></b></p> <p><u>Modify attendance area between Rodanthe and Gull Island to straighten out line and allow for non-attended nets in area of deeper water</u></p> <p><b><u>Modify attendance area between Rollinson Channel and Legged Lump to allow unattended gill nets to be set in deepwater areas based on comments from public. (to be considered by MFC at June meeting)</u></b></p> <p><b><u>Large Mesh (&gt;5” stretch mesh)</u></b>  <u>Require all unattended large mesh gill nets to be set a minimum of 10 feet from any shoreline from June through October</u></p>	<p>3R .0112</p> <p>Rule change 3R .0112</p> <p>Rule change 3J .0103</p>
<p>The use of gigs, gaffs or spears to take red drum.</p>	<p>Continue to prohibit and <u>move Proclamation FF-40-2001 into rule</u></p>	<p>Rule change 3M .0501</p>

Based on the public comment taken during the regional public meetings on the draft FMP, additional variations of the gill net attendance measures are being considered and MFC will need to decide at their June 2008 meeting whether these changes will be included in their preferred management options. Also there was broad support to prohibit any j-hook greater than 4/0 in a hook-and-line fishery during the period of July-September in Pamlico Sound and its tributaries north of the Wainwrights and south of the ASMA. This measure is being proposed as new rule 03J .0306 Hook-and-Line.

**VI. PROPOSED RULE(S)**

**SUBCHAPTER 03J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES**

**SECTION .0100 - NET RULES, GENERAL**

**15A NCAC 03J .0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS**

(a) It is unlawful to use gill nets:

- (1) With a mesh length less than 2 ½ inches.
- (2) In internal waters from April 15 through December 15, with a mesh length 5 inches or greater and less than 5 ½ inches.

(b) The Fisheries Director may, by proclamation, limit or prohibit the use of gill nets or seines in coastal waters, or any portion thereof, or impose any or all of the following restrictions on the use of gill nets or seines:

- (1) Specify area.
- (2) Specify season.
- (3) Specify gill net mesh length.
- (4) Specify means/methods.
- (5) Specify net number and length.

(c) It is unlawful to use fixed or stationary gill nets in the Atlantic Ocean, drift gill nets in the Atlantic Ocean for recreational purposes, or any gill nets in internal waters unless nets are marked by attaching to them at each end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. Gill nets, which are not connected together at the top line, are considered as individual nets, requiring two buoys at each end of each individual net. Gill nets connected together at the top line are considered as a continuous net requiring two buoys at each end of the continuous net. Any other marking buoys on gill nets used for recreational purposes shall be yellow except one additional buoy, any shade of hot pink in color, constructed as specified in this Paragraph, shall be added at each end of each individual net. Any other marking buoys on gill nets used in commercial fishing operations shall be yellow except that one additional identification buoy of any color or any combination of colors, except any shade of hot pink, may be used at either or both ends. The owner shall be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Owner's N.C. motor boat registration number, or
- (2) Owner's U.S. vessel documentation name.

(d) It is unlawful to use gill nets:

- (1) Within 200 yards of any pound net set with lead and either pound or heart in use, except from August 15 through December 31 in all coastal fishing waters of the Albemarle Sound, including its tributaries to the boundaries between coastal and joint fishing waters, west of a line beginning at a point 36° 04.5184' N - 75° 47.9095' W on Powell Point; running southerly to a point 35° 57.2681' N - 75° 48.3999' W on Caroon Point, it is unlawful to use gill nets within 500 yards of any pound net set with lead and either pound or heart in use;
- (2) From March 1 through October 31 in the Intracoastal Waterway within 150 yards of any railroad or highway bridge.

(e) It is unlawful to use gill nets within 100 feet either side of the center line of the Intracoastal Waterway Channel south of the entrance to the Alligator-Pungo River Canal near Beacon "54" in Alligator River to the South Carolina line, unless such net is used in accordance with the following conditions:

- (1) No more than two gill nets per vessel may be used at any one time;
- (2) Any net used must be attended by the fisherman from a vessel who shall at no time be more than 100 yards from either net; and
- (3) Any individual setting such nets shall remove them, when necessary, in sufficient time to permit unrestricted boat navigation.

(f) It is unlawful to use drift gill nets in violation of 15A NCAC 03J .0101(2) and Paragraph (e) of this Rule.

(g) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation in the gill net attended areas designated in 15A NCAC 03R .0112(a).

(h) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation from May 1 through ~~October 31~~ November 30 in the internal coastal and joint waters of the state designated in 15A NCAC 03R .0112(b).

(i) ~~It is unlawful to use more than 3,000 yards of gill net with a mesh length 5 1/2 inches or greater per vessel in internal waters regardless of the number of individuals involved. For gill nets with a mesh length five inches or greater, it is unlawful:~~

(1) ~~To use more than 3,000 yards of gill net per vessel in internal waters regardless of the number of individuals involved.~~

(2) ~~From June through October, for any portion of the net to be within 10 feet of any point on the shoreline while set or deployed, unless the net is attended.~~

~~(j) For the purpose of this Rule and 15A NCAC 03R .0112, shoreline is defined as the mean high water line or marsh line, whichever is most seaward.~~

*History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. August 1, 1998; March 1, 1996; March 1, 1994; July 1, 1993; September 1, 1991;  
Temporary Amendment Eff. October 2, 1999; July 1, 1999; October 22, 1998;  
Amended Eff. April 1, 2001;  
Temporary Amendment Eff. May 1, 2001;  
Amended Eff. December 1, 2007; September 1, 2005; August 1, 2004; August 1, 2002.*

### **SUBCHAPTER 03R - DESCRIPTIVE BOUNDARIES SECTION .0100 - DESCRIPTIVE BOUNDARIES**

#### **03R .0112 ATTENDED GILL NET AREAS**

(a) The attended gill net areas referenced in 15A NCAC 03J .0103 (g) are delineated in the following areas:

- (1) Pamlico River, west of a line beginning at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point; running southwesterly to a point 35° 26.9176' N - 76° 55.5253' W on Mauls Point;
- (2) Within 200 yards of any shoreline in Pamlico River and its tributaries east of the line beginning at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point; running southwesterly to a point 35° 26.9176' N - 76° 55.5253' W on Mauls Point; and west of a line beginning at a point 35° 22.3622' N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76° 28.9530' W on Pamlico Point;
- (3) Pungo River, east of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N - 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N - 76° 35.1594' W on Durants Point;
- (4) Within 200 yards of any shoreline in Pungo River and its tributaries west of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N - 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N - 76° 35.1594' W on Durants Point; and west of a line beginning at a point 35° 22.3622' N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76° 28.9530' W on Pamlico Point;
- (5) Neuse River and its tributaries northwest of the Highway 17 highrise bridge;
- (6) Trent River and its tributaries;
- (7) ~~Within 200 yards of any shoreline in Neuse River and its tributaries east of the Highway 17 highrise bridge and west of a line beginning at a point 34° 57.9116' N - 76° 48.2240' W on Wilkinson Point; running southerly to a point 34° 56.3658' N - 76° 48.7110' W on Cherry Point.~~ south and west of a line beginning on Maw Point at a point 35° 09.0407' N - 76° 32.2348' W; running southeasterly near the Maw Point Shoal Marker "2" to a point 35° 08.1250' N - 76° 30.8532' W; running southeasterly near the Neuse River Entrance Marker "NR" to a point 35° 06.6212' N - 76° 28.5383' W; running southerly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River. In Core and Clubfoot creeks, the Highway 101 Bridge constitutes the attendance boundary.

(b) The attended gill net areas referenced in 15A NCAC 03J .0103 (h) are delineated in the following internal coastal and joint waters of the state south of a line beginning on Roanoke Marshes Point at a point 35° 48.3693' N - 75° 43.7232' W; running southeasterly to a point 35° 44.1710' N - 75° 31.0520' W on Eagles Nest Bay to the South Carolina State line:

- (1) All primary nursery areas described in 15A NCAC 03R .0103, all permanent secondary nursery areas described in 15A NCAC 03R .0104, and no trawl areas described in 15A NCAC 03R .0106 (2),(4),(5), and (6);
- (2) In the area along the Outer Banks, beginning at a point 35° 44.1710' N - 75° 31.0520' W on Eagles Nest Bay; running northwesterly to a point 35° 45.1833' N - 75° 34.1000' W west of Pea Island; running southerly to a point 35° 40.0000' N - 75° 32.8666' W west of Beach Slough; running southeasterly and passing near Beacon "2" in Chicamicomico Channel to a point 35° 35.0000' N - 75° 29.8833' W west of the Rodanthe Pier; running southwestly ~~to a point 35° 32.6000' N - 75° 31.8500' W west of Salvo; running southerly~~ to a point 35° 28.4500' N - 75° 31.3500' W on Gull Island; running southerly to a point 35° 22.3000' N - 75° 33.2000' W near Beacon "2" in Avon Channel ; running southwestly to a point 35° 19.0333' N - 75° 36.3166' W near Beacon "2" in Cape Channel; running southwestly to a point 35° 15.5000' N - 75° 43.4000' W near Beacon "36" in Rollinson Channel; running southeasterly to a point 35° 14.9370' N - 75° 42.9960' W near Beacon "35" in Rollinson Channel; running southwestly to a point 35° 14.14704' N - 75° 42.0080' W near a "Danger" Beacon northwest of Austin Reef; running southwestly to a point 35° 11.4833' N - 75° 51.0833' W on Legged Lump; running southeasterly to a point 35° 10.9666' N - 75° 49.7166' W south of Legged Lump; running southwestly to a point 35° 09.3000' N - 75° 54.8166' W near the west end of Clarks Reef; running westerly to a point 35° 08.4333' N - 76° 02.5000' W near Nine Foot Shoal Channel; running southerly to a point 35° 06.4000' N - 76° 04.3333' W near North Rock; running southwestly to a point 35° 01.5833' N - 76° 11.4500' W near Beacon "HL"; running southerly to a point 35° 00.2666' N - 76° 12.2000' W; running southerly to a point 34° 59.4664' N - 76° 12.4859' W on Wainwright Island; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northerly along the shoreline and across the inlets following the Colregs Demarcation line to the point of beginning.
- (3) In Core and Back sounds, beginning at a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northwesterly to a point 34° 59.4664' N - 76° 12.4859' W on Wainwright Island; running southerly to a point 34° 58.8000' N - 76° 12.5166' W; running southeasterly to a point 34° 58.1833' N - 76° 12.3000' W; running southwestly to a point 34° 56.4833' N - 76° 13.2833' W; running westerly to a point 34° 56.5500' N - 76° 13.6166' W; running southwestly to a point 34° 53.5500' N - 76° 16.4166' W; running northwesterly to a point 34° 53.9166' N - 76° 17.1166' W; running southerly to a point 34° 53.4166' N - 76° 17.3500' W; running southwestly to a point 34° 51.0617' N - 76° 21.0449' W; running southwestly to a point 34° 48.3137' N - 76° 24.3717' W; running southwestly to a point 34° 46.3739' N - 76° 26.1526' W; running southwestly to a point 34° 44.5795' N - 76° 27.5136' W; running southwestly to a point 34° 43.4895' N - 76° 28.9411' W near Beacon "37A"; running southwestly to a point 34° 40.4500' N - 76° 30.6833' W; running westerly to a point 34° 40.7061' N - 76° 31.5893' W near Beacon "35" in Back Sound; running westerly to a point 34° 41.3178' N - 76° 33.8092' W near Buoy "3"; running southwestly to a point 34° 39.6601' N - 76° 34.4078' W on Shackleford Banks; running easterly and northeasterly along the shoreline and across the inlets following the COLREGS Demarcation lines to the point of beginning;
- (4) ~~Within 200 yards of any shoreline, except from October 1 through October 31, south and east of Highway 12 in Carteret County and south of a line from a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point at 34° 58.7853' N - 76° 09.8922' W on Core Banks; to the South Carolina State Line. Within 200 yards of any shoreline in the area upstream of the 76° 28.0000' W longitude line beginning at a point 35° 22.3752' N - 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River.~~

- (5) Within 50 yards of any shoreline east of the 76° 28.0000' W longitude line beginning at a point 35° 22.3752' N - 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River, except in internal coastal fishing waters located west and south of the Highway 58 Bridge at Emerald Isle during October 1 through November 30.

*History Note:* Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52;  
Eff. August 1, 2004.

**SUBCHAPTER 3J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES**  
**SECTION .0300 – POTS, DREDGES, AND OTHER FISHING DEVICES**

**NEW RULE PROPOSED**

**15A NCAC 03J .0306 HOOK-AND-LINE**

- (a) It is unlawful from July 1 through September 30 while using natural bait to use any hook larger than a 4/0 unless it is a circle hook in the internal coastal fishing waters of Pamlico Sound and its tributaries south of the Albermarle Sound Management Area as defined in 15A NCAC 03R .0201 and north of a line beginning at a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point at 34° 58.7853' N - 76° 09.8922' W on Core Banks.
- (b) For the purpose of this Rule a circle hook is defined as a non-offset hook with the point of the hook directed perpendicularly back to the shank, and labeled from the manufacturer as a circle hook.

*History Note:* Authority G.S.; 113-182; G.S.; 113-182.1, 143B-289.52;  
Eff.???

**NOTE:** 15A NCAC 03M .0501 is currently under construction, as shown with strike through and underline, as part of the IJ FMP rule package. The rule has an earliest effective date of September 1, 2008. Additional proposed changes in support of the Red Drum FMP are shaded and underlined.

**SUBCHAPTER 03M - FINFISH**  
**Section .0500 – other finfish**

**15A NCAC 03M .0501 RED DRUM**

(a) The Fisheries Director, may by proclamation, impose any or all of the following restrictions on the taking of red drum:

- (1) Specify areas.
- (2) Specify seasons.
- (3) Specify quantity.
- (4) Specify means/methods.
- (5) Specify size.

~~(b)~~(a) It is unlawful to remove red drum from any type of net with the aid of any boat hook, gaff, spear, gig, or similar device.

(b) It is unlawful to take or possess red drum taken by gigs, gaffs, spears, or similar device.

~~(c)~~(b)(c) It is unlawful to possess red drum less than 18 inches total length or greater than 27 inches total length.

~~(d)~~(c)(d) It is unlawful to possess more than one red drum per person per day taken-by hook-and-line or for recreational purposes.

~~(e)~~(d)(e) The annual commercial harvest limit (September 1 through August 31) for red drum is 250,000 pounds. The annual commercial harvest limit will be allotted in two periods: September 1 through April 30 at 150,000 pounds, and May 1 through August 31 at 100,000 pounds plus any remainder from the first period allotment. Any annual commercial harvest limit that is exceeded one year will result in the poundage overage being deducted from the subsequent year's commercial harvest limit and the Fisheries Director shall adjust the period allotments accordingly. If the harvest limit is projected to be ~~taken, taken in any period,~~ the Fisheries Director shall, by proclamation, prohibit possession of red drum taken in a commercial fishing ~~operation.~~ operation for the remainder of that period.

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;  
Eff. January 1, 1991;

*Amended Eff. March 1, 1996; October 1, 1992; September 1, 1991;  
Temporary Amendment Eff. May 1, 2000; July 1, 1999; October 22, 1998;  
Amended Eff. April 1, 2001;  
Temporary Amendment Eff. May 1, 2001;  
Amended Eff. September 1, 2008; August 1, 2002.*

**Proposed proclamation for MFC preferred option:**

**PROCLAMATION**

**RE: RED DRUM-COMMERCIAL FISHING OPERATONS**

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M. [DATE], 2008**, the following restrictions will apply to the taking of red drum (channel bass) **in a commercial fishing operation**:

**I. HARVEST LIMIT**

- A. It is unlawful to possess more than four (4) red drum per day from a commercial fishing operation, regardless of the number of individuals or vessels involved.
- B. It is unlawful to possess or land red drum unless the weight of the combined daily catch of southern flounder and/or striped mullet exceeds the weight of the red drum retained (bycatch requirement), **Except** that the retention of 3 red drum may be allowed prior to landing, and are exempt from the bycatch requirement up until the point that a fourth red drum is retained. At that point all red drum on board are subject to the bycatch requirement.
- C. It is unlawful to transfer red drum from one commercial operation to a different commercial operation.

**II. GENERAL INFORMATION**

- A. This proclamation is issued under the authority of N.C.G.S. 170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52; and N.C. Marine Fisheries Rules 15A NCAC 3H .0103 and 3M .0501.
- B. It is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under his delegated authority pursuant to N.C. Marine Fisheries Rule 15A NCAC 3H .0103.
- C. This action is being taken to implement the N.C. Red Drum Fishery Management Plan. It is unlawful possess red drum less than 18 inches total length or greater than 27 inches total length.
- D. This proclamation supersedes FF-48-2007 issued June 28, 2007.

BY: \_\_\_\_\_

Dr. Louis B. Daniel III, Director  
DIVISION OF MARINE FISHERIES

## **VII. RECOMMENDATION**

Forward to the Marine Fisheries Commission for approval of Notice of Text.

Prepared by Lee Paramore & K. West  
April 3, 2008

### **NOTICE OF TEXT ATTACHMENT**

#6 – Explain Reason for Proposed Action:

#### **15A NCAC 03J .0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS**

Amendments are proposed to this rule to reduce the bycatch of unmarketable red drum in the estuarine gill net fishery. The proposed rules apply to the area and season where the potential for dead red drum discards is the greatest. Promoting harvest practices that minimize the mortality associated with regulatory discards of red drum is an objective of the NC Red Drum Fishery Management Plan.

#### **15A NCAC 03J .0306 HOOK-AND-LINE**

This rule is proposed to reduce the impact of hook-and-line mortality on eminently spawning adult red drum in Pamlico Sound from July through September. Fish captured using natural bait and J-hooks have an increased incidence of deep hooking and as a result, experience elevated release mortality. Circle-hooks can effectively take red drum in this fishery and have been shown to significantly reduce deep hooking, thereby reducing the impact of release mortality. Promoting harvest practices that minimize the mortality associated with regulatory discards of red drum is an objective of the NC Red Drum Fishery Management Plan.

#### **15A NCAC 03M .0501 RED DRUM**

Amendments are proposed to this rule to ensure that annual harvest is kept within the 250,000 lb cap while preventing unnecessary closures during the summer months when mortality associated with commercial discards is highest. Additionally, Proclamation FF-40-2001 currently prevents the targeting of red drum while utilizing gigs, gaffs, or spears. It is proposed that this proclamation be replaced by rule.

#### **15A NCAC 03R .0112 ATTENDED GILL NET AREAS**

Amendments are proposed to this rule to reduce the mortality associated with regulatory discards of red drum in the estuarine gill net fishery. The proposed rules apply to the areas where the potential for dead discards is greatest. Promoting harvest practices that minimize bycatch of unmarketable red drum is an objective of the NC Red Drum Fishery Management Plan.