

**MODIFY TRAWL NETS RULE
ISSUE PAPER**

June ~~23~~¹², 2008

I. ISSUE

Modify Trawl Net Rule 15A NCAC 03J .0104(b)(3) to describe the area in Albemarle Sound and its tributaries.

II. ORIGINATION

The Division of Marine Fisheries

III. BACKGROUND

The Trawl Net Rule 15A NCAC 3J .0104(b)(3) established the Albemarle Sound and its tributaries as unlawful to use trawl nets but does not describe the area of concern.

IV. AUTHORITY

GS 113-134; 113-173; 113-182; 113-221; 143B-289.52

V. DISCUSSION

There are areas in the state described by latitude and longitude where it is unlawful to use trawl nets. This minor rule change will clear up any confusion and will give the latitude and longitude of each point where trawl nets may not be used.

VI. PROPOSED RULE

SUBCHAPTER 03J – NETS, POTS, DREDGES AND OTHER FISHING DEVICES

SECTION .0300 – POTS, DREDGES AND OTHER FISHING DEVICES

15A NCAC 03J .0104 TRAWL NETS

(a) It is unlawful to possess aboard a vessel while using a trawl in internal waters more than 500 pounds of finfish from December 1 through February 28 and 1,000 pounds of finfish from March 1 through November 30.

(b) It is unlawful to use trawl nets:

- (1) In internal coastal waters, from 9:00 p.m. on Friday through 5:00 p.m. on Sunday, except that in the areas listed in Subparagraph (b)(5) of this Rule, trawling is prohibited from December 1 through February 28 from one hour after sunset on Friday to one hour before sunrise on Monday.
- (2) For the taking of oysters;
- (3) In Albemarle ~~Sound and its tributaries;~~ Sound, Currituck Sound, and their tributaries, west of a line beginning on the south shore of Long Point at a point 36° 02.4910' N – 75° 44.2140' W; running southerly to the north shore on Roanoke Island to a point ~~on Roanoke Island~~ 35° 56.3302' N – 75° 43.1409' W; running northwesterly to Caroon Point to a point ~~on Caroon Point~~ at a point 35° 57.2255' N – 75° 48.3324' W;
- (4) In the areas described in 15A NCAC 03R .0106, except that the Fisheries Director may, by proclamation, open the area designated in Item (6) of 15A NCAC 03R .0106 to peeler crab trawling;
- (5) From December 1 through February 28 from one hour after sunset to one hour before sunrise in the following areas:
 - (A) In Pungo River, north of a line beginning on Currituck Point at a point 35° 24.5833' N- 76° 32.3166' W; running southwesterly to Wades Point to a point 35° 23.3062' N-76° 34.5135' W;
 - (B) In Pamlico River, west of a line beginning on Wades Point at a point 35° 23.3062' N – 76° 34.5135' W; running southwesterly to Fulford Point to a point 35° 19.8667' N – 76° 35.9333' W;
 - (C) In Bay River, west of a line beginning on Bay Point at a point 35° 11.0858' N – 76° 31.6155' W; running southerly to Maw Point to a point 35° 09.0214' N – 76° 32.2593' W;
 - (D) In Neuse River, west of a line beginning on the Minnesott side of the Neuse River Ferry at point 34° 57.9116' N – 76°48.2240' W; running southerly to the Cherry Branch side of Neuse River Ferry to a point 34° 56.3658' N – 76°48.7110' W; and

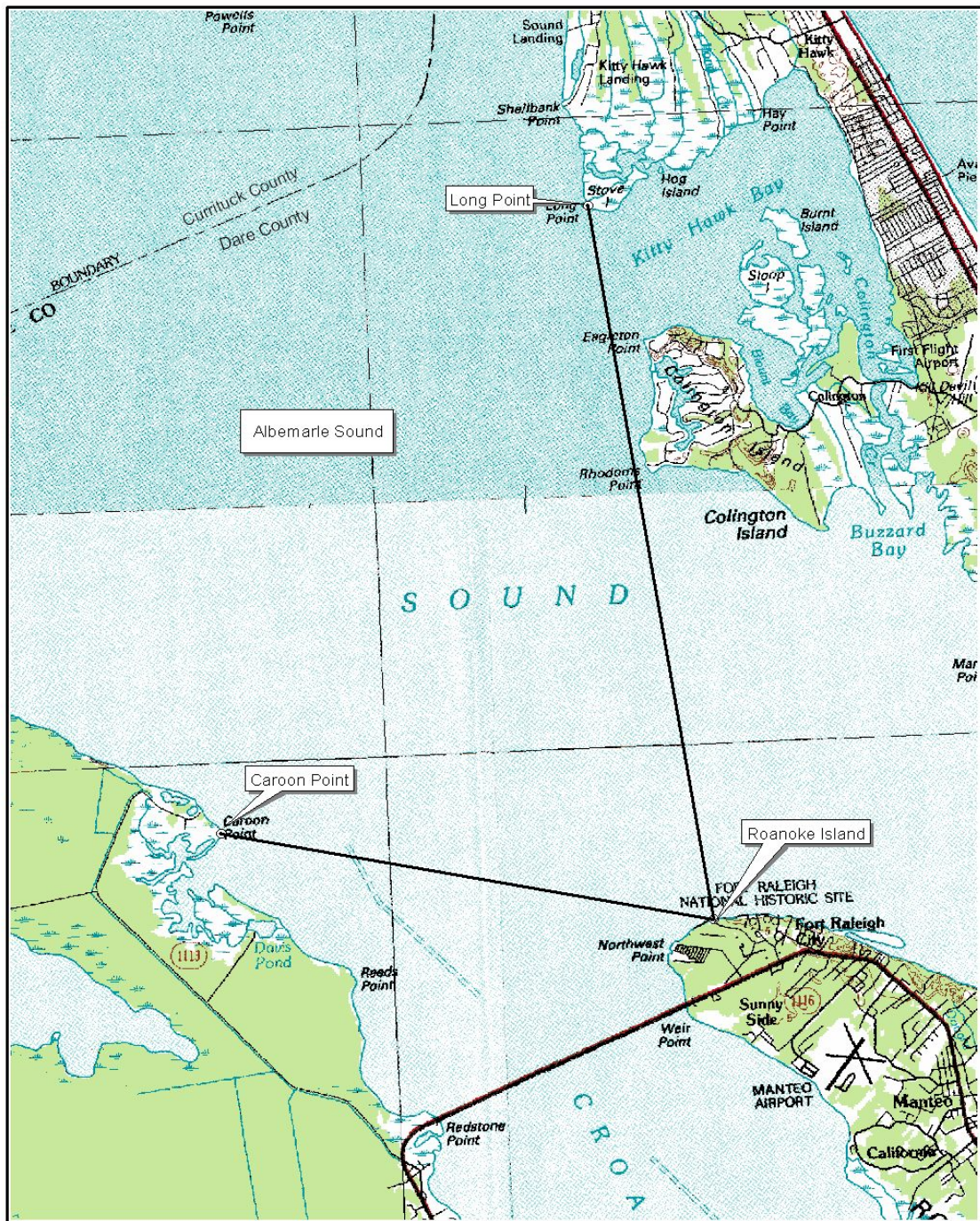
- (E) In New River, all waters upstream of the N.C. Highway 172 Bridge when opened by proclamation; and
 - (6) In designated pot areas opened to the use of pots by 15A NCAC 03J .0301(a)(2) and described in 15A NCAC 03R .0107(a)(5), (a)(6), (a)(7), (a)(8) and (a)(9) within an area bound by the shoreline to the depth of six feet.
- (c) Minimum mesh sizes for shrimp and crab trawls are presented in 15A NCAC 03L .0103 and .0202.
- (d) The Fisheries Director may, with prior consent of the Marine Fisheries Commission, by proclamation, require bycatch reduction devices or codend modifications in trawl nets to reduce the catch of finfish that do not meet size limits or are unmarketable as individual foodfish by reason of size.
- (e) It is unlawful to use shrimp trawls for recreational purposes unless the trawl is marked by attaching to the codend (tailbag), one floating buoy, any shade of hot pink in color, 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. The owner shall always be identified on the buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:
- (1) Gear owner's current motor boat registration number; or
 - (2) Owner's U.S. vessel documentation name.
- (f) It is unlawful to use shrimp trawls for the taking of blue crabs in internal waters, except that it shall be permissible to take or possess blue crabs incidental to shrimp trawling in accordance with the following limitations:
- (1) For individuals using shrimp trawls authorized by a Recreational Commercial Gear License, 50 blue crabs, not to exceed 100 blue crabs if two or more Recreational Commercial Gear License holders are on board.
 - (2) For commercial operations, crabs may be taken incidental to lawful shrimp trawl operations provided that the weight of the crabs shall not exceed:
 - (A) 50 percent of the total weight of the combined crab and shrimp catch; or
 - (B) 300 pounds, whichever is greater.
- (g) The Fisheries Director may, by proclamation, close any area to trawling for specific time periods in order to secure compliance with this Rule.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52;
 Eff. February 1, 1991;
 Amended Eff. August 1, 1998; May 1, 1997; March 1, 1994; February 1, 1992;
 Temporary Amendment Eff. July 1, 1999;
 Amended Eff. September 1, 2005; August 1, 2004; August 1, 2000.*

VII. RECOMMENDATION

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

Prepared by: Lt. Don Twyne
 14 January 2008
 Revised: 11 February 2008
 12 June 2008
23 June 2008



Shrimp Trawl Line
for
Albemarle Sound

Map 1

