

ATLANTIC OCEAN STRIPED BASS FISHERY COMMERCIAL HOOK-AND-LINE ISSUE PAPER

April 20, 2011

I. ISSUE

The Atlantic Ocean striped bass fishery has been managed for three traditional gear types: beach seine, gill net and trawl. During the 2010-2011 fishing season, incidents of discards from trawl boats were reported by the public and documented by N.C. Division of Marine Fisheries (DMF). These incidents prompted many comments from the public requesting the trawl fishery be closed and a commercial hook-and-line fishery be developed. The purpose of this issue paper is to explore management options that include the commercial use of hook-and-line gear in order to minimize commercial discards/bycatch and preserve the current restored status of the Atlantic Ocean striped bass stock, while facilitating opportunities for commercial harvest.

II. ORIGINATION

At its February 11, 2011 business meeting, the N.C. Marine Fisheries Commission (MFC) voted to direct staff to develop an issue paper to allow a commercial hook-and-line Atlantic Ocean striped bass fishery.

III. BACKGROUND

The Atlantic Ocean striped bass fishery is managed through the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass. The ASMFC FMP establishes the minimum size limit and state-by-state commercial quotas for the ocean striped bass fishery. The N.C. Interjurisdictional (IJ) FMP provides state jurisdiction under the Fisheries Reform Act (FRA) for the management measures mandated by the ASMFC in North Carolina coastal waters. Since 2003, North Carolina's commercial quota under the ASMFC FMP has been 480,480 pounds with a 28-inch minimum size limit. By DMF policy, the total quota is divided equally among the three traditional commercial gears used in the fishery (beach seine, gill net, trawl) with each gear sector receiving 160,160 pounds of quota. This equal subdivision of the overall quota has occurred since the early 1990's, when the total commercial quota was only 98,000 pounds. At that time, the ocean striped bass stock was still rebuilding and ASMFC management measures were designed to allow only limited harvest. In 1995, the stock was declared recovered. A series of coastwide commercial quota increases ensued, and in 2003 each state's commercial quota was restored to 100% of the average landings from 1972-1979 (with the exception of Delaware). The 2009 stock assessment update indicated that the ocean striped bass stock is not overfished (spawning stock biomass is well above target) nor is overfishing occurring (the fishing mortality rate is well below the target).

Management of the ocean striped bass fishery has been a continual challenge with regard to efforts to both extend the season and constrain harvest to the allowed quota. Measures have generally been structured around providing opportunity for the gear types noted above. In the early 1990's, trip limits for each gear type were based on a poundage limit and ranged from 500 to 2,000 pounds. In the mid- to late-1990's trip limits were changed to numbers of fish, in order for crews to more easily stay within a trip limit as well as for ease of enforcement. Trip limits for each gear type have varied slightly over the years depending on the availability of fish (i.e. whether striped bass have migrated to within state waters). North Carolina's fishing year runs from December 1 through November 30, with fish present in state waters any time from November and December through February or March.

Generally, the fishery is opened by proclamation for each gear separately; beach seines are opened in December, followed by gill nets and then trawls, with little overlap in the open periods for each gear sector. Opening each gear separately has in the past allowed for focused enforcement efforts by Marine Patrol as well as minimization of conflicts between the gear sectors. However, in recent years, striped bass have failed to migrate inshore and have remained offshore in the Exclusive Economic Zone (EEZ) where both commercial and recreational fishing for striped bass is prohibited. As a result, North Carolina fishermen have been unable to harvest the full 480,480 pound ocean striped bass quota since the 2003/2004 fishing season. In total, over 1,000,000 pounds have been left unharvested, including the 2010/2011 season.

Beginning with the 2009/2010 fishing season, any fisherman with a Standard Commercial Fishing License (SCFL) who wished to participate in the Atlantic Ocean striped bass fishery had to purchase a permit by November 1 in accordance with MFC rules (15A NCAC 03O .0501(f)). Each permit holder was required to declare which of the three commercial gears – beach seine, gill net or trawl – he or she wished to use and was “locked in” to that gear type for three years. This information could then be used to adjust the allocation and daily trip limits for each gear accordingly.

Currently, the only fishery for which the use of hook-and-line as a commercial gear is specifically prohibited in North Carolina is the striped bass fishery (15A NCAC 03M .0201(b)). This rule became effective in 1985, and was implemented to remove economic incentives to sell striped bass taken with traditional recreational gear so that commercial harvest could be limited and quantified. Both this provision, as well as the prohibition on the sale or purchase of hook-and-line caught striped bass would need to be removed from rule to allow for a commercial hook-and-line striped bass fishery. The prohibition on the use of hook-and-line as a commercial gear in the striped bass fishery also extends to the internal waters (i.e. Albemarle Sound Management Area and Central Southern Management Area) striped bass fisheries. These fisheries are managed through the N.C. Estuarine Striped Bass FMP and have quotas that are separate from the Atlantic Ocean striped bass quota. The N.C. Estuarine Striped Bass FMP is currently under review and an issue paper regarding the commercial use of hook-and-line was presented to the FMP advisory committees on March 24, 2011 (as per MFC direction at the November 2010 MFC business meeting).

The 2010/2011 fishing season is the first season in the past several years that striped bass have migrated to within three miles of shore (state waters jurisdiction) and have been readily available to both the gill net and trawl sectors; very few striped bass have migrated close enough to shore to be harvested by the beach seine sector. To maximize the harvest opportunity for commercial fishermen while the fish were available, DMF overlapped the openings of the various gear sectors. On January 15, 2011 the trawl fishery was opened for a period of five days with a daily landing limit of 50 fish, closing on January 20, 2011. The gill net fishery was opened on January 18, 2011 for a period of four days with a daily landing limit of 20 fish, closing on January 21, 2011. The beach seine fishery was opened on January 3, 2011 and remained open for the rest of the month with a daily landing limit of 150 fish.

On Saturday, January 15 of the Martin Luther King, Jr. holiday weekend, a trawler pulled through a large school of striped bass and was unable to bring the net onboard due to the volume of fish. According to the captain of the vessel, approximately 3,000 to 4,000 striped bass were in the net. In order to bring the net onboard, he released most of the fish keeping his allowed daily landing limit of 50 striped bass. Many recreational and commercial fishermen picked up the discarded fish, and when Marine Patrol arrived on the scene there were approximately 250 dead fish floating in the water. DMF staff received over a thousand emails and phone calls from members of the public, expressing concern and anger over the waste of the resource. Many comments called for a daily landing limit in pounds, rather than numbers of fish, to prevent the potential for high-grading. High-grading occurs when a fisherman discards a previously-caught, legal-sized fish for a larger fish in order to stay within the daily possession limit. Because the quota allocation to the trawl sector had not yet been reached, the trawl fishery was re-opened on February 3, 2011 for a period of two days with a daily landing limit of 2,000 pounds. As an additional measure to reduce discards, trawl captains were allowed to transfer 2,000 pounds of striped bass while at-sea to other vessels with an Atlantic Ocean Striped Bass Commercial Gear Permit for trawls. DMF staff again received phone calls reporting dead fish floating on the water, and immediately dispatched a Marine Patrol aircraft to assess the reports of discards. Approximately 200 fish were counted from the air that day, while DMF staff and U.S. Fish and Wildlife Service (FWS) staff counted and measured 51 fish that washed up on the beaches south of Oregon Inlet.

The MFC met for its previously scheduled business meeting the following week. Several members of the public expressed concern during the February 10, 2011 public meeting the evening before the MFC business meeting regarding the discard events described above. Many speakers requested that the MFC close the trawl fishery for ocean striped bass and instead implement a commercial hook-and-line fishery. After much discussion of the two discard events, the MFC voted to direct staff to develop this issue paper to allow a commercial hook-and-line Atlantic Ocean striped bass fishery.

IV. AUTHORITY

G.S. 113-134; 113-182; 113-221.1; 143B-289.52; 15A NCAC 03M .0512

V. DISCUSSION

There have been several attempts throughout the past 20 years to more effectively manage the Atlantic Ocean striped bass resource in North Carolina. Management tools such as gill net length and mesh size, trawl mesh size, beach seine mesh size and material, lead length, daily trip limits and others have been employed in order to extend the fishing season and limit harvest to the quota. In years when striped bass were plentiful, the quota was harvested in only a few days, leading to a derby-style fishery.

In 2005, the MFC recognized that there were certain instances in which the commission had authority to implement limited entry, one being if there was a federally managed species under a quota, and ocean striped bass met that criterion. The MFC requested the DMF develop a proposal outlining an Atlantic Ocean commercial striped bass fishery limited entry system. This was vetted through the MFC's public input process. There was opposition to an overall limited entry system, but there were proponents of ensuring that the participants in the fishery did not 'double-dip' among the gear types (e.g., fishermen participating in trawl, beach seine and gill net fisheries). These deliberations did not result in a limited entry system. Legislative authority was given to the MFC to establish gear-specific permits to take striped bass from the Atlantic Ocean, and to limit the number and type of these permits that could be issued to a commercial license holder. This resulted in implementation of the Atlantic Ocean Striped Bass Commercial Gear Permit. The intent of the permit was to provide an estimate of the number of participants using each gear before the season opened, thus allocating the total quota proportionally. The permit was first placed in rule in 2007 but suspended until the 2009/2010 fishing season. The permit has not been as useful as hoped; the majority of permit holders do not participate in the fishery, reducing the utility of the permit for quota allocation. As an example, the number of participants in the fishery during the 2009/2010 season was 127 out of a total of 771 permit holders. However, the level of participation may be influenced by the lack of availability of striped bass in state waters over the past several years. The permit has also created much frustration within the industry to those who failed to obtain it by the November 1 cutoff date. The DMF received more than two dozen calls from fishermen claiming they were not notified of the permit or were unable to purchase it by November 1, which eliminated them from striped bass fishing for the entire season. In addition, the gear limitations did not allow for transfers of excess fish among gear types (i.e. trawls to gill nets), thereby possibly exacerbating regulatory discards.

During the period that the permit rule was suspended, DMF staff developed a proposal for a Limited Access Privilege Program (LAPP) for ocean striped bass. Many individuals, both from management and industry involved in the management of the striped bass fishery, believed a LAPP was the ideal tool to manage the fishery, which had proven difficult to regulate in the past. LAPPs include both limited entry and individual resource allocations (shares or individual quotas). The MFC has authority to limit entry in a fishery in accordance with G.S. 143B-289.52, but does not have authority to allocate shares of a quota to individual fishermen. A bill was drafted to give the MFC the authority to implement a LAPP for ocean striped bass but it found very limited support within the General Assembly.

The License to Land Flounder from the Atlantic Ocean is the one existing limited entry, species-specific license in North Carolina. The license was implemented in 1996 under authority of G.S. 143B-289.52(d)(1). To qualify for the license, applicants must prove they landed 1,000 pounds of summer flounder in any of two years from 1992-1995. One hundred and forty vessels currently have this license. Because of their limited access nature, these licenses currently sell for between \$30,000 and \$40,000 among fishermen, although DMF issues them to qualified applicants for free. Recent purchases and transfers of the license are usually in conjunction with the sale of a trawler. Transfer of the License to Land Flounder from the Atlantic Ocean transfers all flounder landings from the Atlantic Ocean associated with that vessel, thus increasing the value of the license.

In general, any discussion of new limited access or catch share programs in North Carolina receives very little support from the commercial industry. A bill has recently been introduced in Congress preventing the National Marine Fisheries Service (NMFS) from spending any of the \$50 million allocated to them for catch share programs on the east and Gulf of Mexico coasts. It is commonly accepted that catch share programs rely on the involvement and support of the industry, without which they should not be developed. For these reasons, a catch share,

Individual Transferable Quota (ITQ), or LAPP program is unlikely to gain traction as a management option for the ocean striped bass fishery.

Of the Atlantic coast states only Maryland and North Carolina allow directed trawling for striped bass. New York operates their trawl fishery as a bycatch fishery and currently allows 21 fish/trip. Rhode Island has a general category license under which a small number of trawl landings occur; the majority of landings in this license category are from commercial hook-and-line. Massachusetts only allows the use of hook-and-line gear to harvest striped bass commercially. All other states with commercial striped bass fisheries (RI, NY, DE, MD, VA and NC) allow multiple gear types, including gill nets, traps, pound nets, haul seines, and hook-and-line. The remaining states in the management unit (ME, NH, CT, NJ, PA) have prohibited commercial fishing for striped bass.

With regard to the management of bycatch and discards throughout North Carolina's fisheries, in November 1991 the MFC adopted a policy directing the DMF to establish the goal of reducing bycatch to the absolute minimum and incorporate that goal into actions. Bycatch can be divided into two components: incidental catch and discarded catch. Incidental catch refers to retained catch of non-targeted species. Discarded catch is that portion of the catch returned to the sea as a result of economic (e.g., unmarketable), legal (e.g., undersized), or personal considerations. In looking at ways to reduce discards there are just three basic means to accomplish this (Alverson et al. 1994): 1) catch fewer numbers of the individuals/species; 2) reduce the mortality of the individuals/species being discarded; and 3) use a greater spectrum of the species or sizes of species normally caught and discarded.

Gear restrictions (mesh sizes, yardage limits, hook type, and attendance), area (including distance set from shore) and season closures have been used to limit discard losses in a number of North Carolina fisheries. Many of these measures are based on work done by DMF gear development projects or fishery dependent analysis that indicated ways to reduce interactions or increase survivability of discarded species. Other regulation-based solutions such as effort reduction and incentive or disincentive programs have not been initiated to date.

There are several options for allowing an Atlantic Ocean commercial hook-and-line fishery for striped bass in North Carolina. All would require the rule changes noted in the background section. Specific items such as the use of bandit gear, electric reels, multiple hooks per line, the use of natural vs. artificial bait, the use of circle hooks vs. barbless hooks, etc. would need to be addressed. Additionally, the privileges of commercially licensed for-hire vessels will need to be determined, e.g. whether bag limits will be on a per person or per vessel basis. Other considerations for this sector include a means of establishing whether a trip using hook-and-line gear is commercial or recreational to avoid "double-dipping", as a number of charter captains hold both a SCFL as well as a for-hire permit or blanket Coastal Recreational Fishing License. Finally, a significant issue is the likely influx of participants into a commercial hook-and-line fishery. There are approximately 6700 SCFL/Retired Standard Commercial Fishing License (RSCFL) holders throughout the state. Given the ex-vessel value of striped bass, as well as the relative lack of expense with regard to hook-and-line gear investment (as compared to the currently allowed commercial gears), it is certain that participation in the fishery would increase.

The DMF is obligated to manage the fishery for a sustainable harvest so as to not exceed the total allowable commercial quota. The DMF mission statement is "ensuring sustainable marine and estuarine fisheries and habitats for the benefit of the people of North Carolina." While many of the past management approaches employed by DMF have often been at the request of industry so as to stabilize the market, consideration of market conditions is not a statutory requirement for the DMF in developing management measures. Consideration of economics is a purpose and duty of the MFC according to G.S. 143B-289.51 ("...provide a sound, constructive, comprehensive, continuing, and **economical** coastal fisheries program...") as well as G.S. 143B-289.52(a)(3), which addresses cultivation and marketing of shellfish and other marine resources of the state.

While the directive from the MFC was specifically to develop an issue paper regarding the commercial use of hook-and-line gear in the Atlantic Ocean striped bass fishery, DMF staff used this as an opportunity to provide a holistic review and examination of the management of this fishery. Potential management options for consideration by the MFC have been developed within this context. Any proposed changes (e.g., allowable gear types, management techniques, etc.) should be evaluated both with regard to their impact on the resource and the sustainability of the fishery.

The MFC must determine what the purpose of a commercial hook-and-line striped bass fishery is before it can make a well-informed decision. If the purpose is to solely reduce discards and waste in the trawl fishery, this can likely be achieved through the use of other management measures noted previously, such as tow times, transfers, etc. If the purpose is to allow the use of a gear that is more resource-friendly and has lower discard mortality, then the decision becomes one of whether or not to allow commercial hook-and-line gear alone or in conjunction with other gear types. If the latter, the MFC should consider whether to continue the current policy of equal allocation among gear types, and if a limited entry system should be used to manage the quota.

VI. PROPOSED RULE(S)

SECTION .0200 - STRIPED BASS

****Note:** This rule is being considered for changes pursuant to the ongoing revision to the N.C. Estuarine Striped Bass FMP. Proposed changes below reflect input from that process. ******

15A NCAC 03M .0201 GENERAL

- (a) Striped bass is defined as striped bass (*Morone saxatilis*) and its hybrids taken in coastal and joint fishing waters.
- ~~(b) Hook and line fishing equipment is not commercial fishing equipment in the striped bass fishery. It is unlawful to sell or purchase striped bass taken by hook and line from the inland waters of the Roanoke River Management Area. Striped bass taken legally with hook and line may be possessed and transported.~~
- (c) It is unlawful to possess striped bass imported from other states less than 18 inches long (total length).
- (d) It is unlawful to import, buy, sell, transport, offer to buy or sell, or possess striped bass except during any:
 - (1) open striped bass season established for internal coastal waters;
 - (2) open striped bass season established for the Atlantic Ocean; or
 - (3) open striped bass season of another state without possession of the following:
 - (A) A bill of lading as described in 15A NCAC 03I .0114;
 - (B) A numbered, state-issued tag from the State of origin affixed through the mouth and gill cover. This tag must remain affixed until processed for consumption by the consumer.
- (e) The management units and recreational fishery management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC 03R .0201.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994; September 1, 1991;
Temporary Amendment Eff. May 1, 2000;
Amended Eff. April 1, 2013; October 1, 2008; October 1, 2004; April 1, 2001.

****Note:** 15A NCAC 03M .0204 is proposed for repeal as season, size and harvest limits for the Atlantic Ocean striped bass fishery are established through 15A NCAC 03M .0512******

15A NCAC 03M .0204 SEASON, SIZE AND HARVEST LIMIT: ATLANTIC OCEAN

~~It is unlawful to possess striped bass taken from the Atlantic Ocean less than the size limit as determined by the Atlantic States Marine Fisheries Commission in their Interstate Fisheries Management Plan for striped bass. The Fisheries Director shall issue proclamations necessary to bring North Carolina's size limit in compliance with the Interstate Fisheries Management Plan.~~

History Note: Authority G.S. 113-134; 113-182; 113-221; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996;
Temporary Amendment Eff. October 1, 1996;
Amended Eff. October 1, 2008; July 1, 1998.
Repealed Eff. April 1, 2013.

****Note:** the following rules may require changes depending on management options chosen by the MFC. Relevant portions of those rules have been shaded.**

15A NCAC 030 .0501 PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS

(a) To obtain any Marine Fisheries permit, the following information is required for proper application from the applicant, a responsible party or person holding a power of attorney:

- (1) Full name, physical address, mailing address, date of birth, and signature of the applicant on the application. If the applicant is not appearing before a license agent or the designated Division contact, the applicant's signature on the application shall be notarized;
- (2) Current picture identification of applicant, responsible party and, when applicable, person holding a power of attorney; acceptable forms of picture identification are driver's license, current North Carolina Identification card issued by the North Carolina Division of Motor Vehicles, military identification card, resident alien card (green card) or passport or if applying by mail, a copy thereof;
- (3) Full names and dates of birth of designees of the applicant who shall be acting under the requested permit where that type permit requires listing of designees;
- (4) Certification that the applicant and his designees do not have four or more marine or estuarine resource convictions during the previous three years;
- (5) For permit applications from business entities, the following documentation is required:
 - (A) Business Name;
 - (B) Type of Business Entity: Corporation, partnership, or sole proprietorship;
 - (C) Name, address and phone number of responsible party and other identifying information required by this Subchapter or rules related to a specific permit;
 - (D) For a corporation, current articles of incorporation and a current list of corporate officers when applying for a permit in a corporate name;
 - (E) For a partnership, if the partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when applying for a permit;
 - (F) For business entities, other than corporations, copies of current assumed name statements if filed and copies of current business privilege tax certificates, if applicable.
- (6) Additional information as required for specific permits.

(b) A permittee shall hold a valid Standard or Retired Standard Commercial Fishing License in order to hold a:

- (1) Pound Net Permit;
- (2) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean; or
- (3) Atlantic Ocean Striped Bass Commercial Gear Permit.

(c) A permittee and his designees shall hold a valid Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order to hold a:

- (1) Permit to Transplant (Prohibited) Polluted Shellfish;
- (2) Permit to Transplant Oysters from Seed Management Areas;
- (3) Permit to Use Mechanical Methods for Oysters or Clams on Shellfish Leases or Franchises;
- (4) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas; or
- (5) Depuration Permit.

(d) A permittee shall hold a valid:

- (1) Fish Dealer License in the proper category in order to hold Dealer Permits for Monitoring Fisheries Under a Quota/Allocation for that category; and
- (2) Standard Commercial Fishing License with a Shellfish Endorsement, Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order to harvest clams or oysters for depuration.

(e) Aquaculture Operations/Collection Permits:

- (1) A permittee shall hold a valid Aquaculture Operation Permit issued by the Fisheries Director to hold an Aquaculture Collection Permit.
- (2) The permittee or designees shall hold appropriate licenses from the Division of Marine Fisheries for the species harvested and the gear used under the Aquaculture Collection Permit.

(f) Atlantic Ocean Striped Bass Commercial Gear Permit:

- (1) Application for an Atlantic Ocean Striped Bass Commercial Gear Permit must be made prior to November 1 of each year. A person shall declare one of the following gears for an initial Atlantic

Ocean Striped Bass Commercial Gear Permit and at intervals of three consecutive license years thereafter:

- (A) gill net;
- (B) trawl; or
- (C) beach seine.

For the purpose of this Rule, a beach seine is defined as a swipe net constructed of multi-filament or multi-fiber webbing fished from the ocean beach that is deployed from a vessel launched from the ocean beach where the fishing operation takes place.

Gear declarations are binding on the permittee for three consecutive license years without regard to subsequent annual permit issuance.

- (2) A person is not eligible for more than one Atlantic Ocean Striped Bass Commercial Gear Permit regardless of the number of Standard Commercial Fishing Licenses, Retired Standard Commercial Fishing Licenses or assignments held by the person.
- (3) The annual, nonrefundable permit fee is ten dollars (\$10.00).

(g) For Hire Fishing Permit:

- (1) The permittee shall hold a valid certification from the United States Coast Guard (USCG) that allows carrying six or fewer passengers or a certification from the USCG that allows carrying more than six passengers;
- (2) The permittee shall provide valid documentation papers or current motor boat registration or copies thereof for the vessel engaged as for-hire. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.

(h) Applications submitted without complete and required information shall not be processed until all required information has been submitted. Incomplete applications shall be returned to the applicant with deficiency in the application so noted.

(i) A permit shall be issued only after the application has been deemed complete by the Division of Marine Fisheries and the applicant certifies to abide by the permit general and specific conditions established under 15A NCAC 03J .0501, 03J .0505, 03K .0103, 03K .0104, 03K .0107, 03K .0206, 03K .0303, 03K .0401, 03O .0502, and 03O .0503 as applicable to the requested permit.

(j) The Fisheries Director, or his agent may evaluate the following in determining whether to issue, modify or renew a permit:

- (1) Potential threats to public health or marine and estuarine resources regulated by the Marine Fisheries Commission;
- (2) Applicant's demonstration of a valid justification for the permit and a showing of responsibility as determined by the Fisheries Director;
- (3) Applicant's history of habitual fisheries violations evidenced by eight or more violations in 10 years.

(k) The applicant shall be notified in writing of the denial or modification of any permit request and the reasons therefore. The applicant may submit further information, or reasons why the permit should not be denied or modified.

(l) Permits are valid from the date of issuance through the expiration date printed on the permit. Unless otherwise established by rule, the Fisheries Director may establish the issuance timeframe for specific types and categories of permits based on season, calendar year, or other period based upon the nature of the activity permitted, the duration of the activity, compliance with federal or state fishery management plans or implementing rules, conflicts with other fisheries or gear usage, or seasons for the species involved. The expiration date shall be specified on the permit.

(m) To renew a permit, the permittee shall file a certification that the information in the original application is still valid, or a statement of all changes in the original application and any additional information required by the Division of Marine Fisheries.

(n) For initial or renewal permits, processing time for permits may be up to 30 days unless otherwise specified in this Chapter.

(o) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries within 30 days of a change of name or address.

(p) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries of a change of designee prior to use of the permit by that designee.

(q) Permit applications shall be available at all Division Offices.

History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52; Temporary Adoption Eff. September 1, 2000; May 1, 2000; Eff. April 1, 2001; Temporary Amendment Eff. October 1, 2001; Amended Eff. April 1, 2009; July 1, 2008; December 1, 2007; September 1, 2005; April 1, 2003; August 1, 2002.

15A NCAC 030 .0503 PERMIT CONDITIONS; SPECIFIC

(a) Horseshoe Crab Biomedical Use Permit:

- (1) It is unlawful to use horseshoe crabs for biomedical purposes without first obtaining a permit.
- (2) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to submit a report on the use of horseshoe crabs to the Division of Marine Fisheries due on February 1 of each year. Such reports shall be filed on forms provided by the Division and shall include a monthly account of the number of crabs harvested, statement of percent mortality up to the point of release, and a certification that harvested horseshoe crabs are solely used by the biomedical facility and not for other purposes.
- (3) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to comply with the Atlantic States Marine Fisheries Commission Horseshoe Crab Fisheries Management Plan monitoring and tagging requirements for horseshoe crabs. Copies of this plan are available from the Atlantic States Marine Fisheries Commission, 1444 Eye Street, NW, 6th Floor, Washington, DC 20005, (202) 289-6400, or the Division of Marine Fisheries' Morehead City Office.

(b) Dealers Permits for Monitoring Fisheries under a Quota/Allocation:

- (1) During the commercial season opened by proclamation or rule for the fishery for which a Dealers Permit for Monitoring Fisheries under a Quota/Allocation permit is issued, it is unlawful for fish dealers issued such permit to fail to:
 - (A) Fax or send via electronic mail by noon daily, on forms provided by the Division, the previous day's landings for the permitted fishery to the dealer contact designated on the permit. Landings for Fridays or Saturdays shall be submitted on the following Monday. If the dealer is unable to fax or electronic mail the required information, the permittee shall call in the previous day's landings to the dealer contact designated on the permit but shall maintain a log furnished by the Division;
 - (B) Submit the required log to the Division upon request or no later than five days after the close of the season for the fishery permitted;
 - (C) Maintain faxes and other related documentation in accordance with 15A NCAC 031 .0114;
 - (D) Contact the dealer contact daily regardless of whether or not a transaction for the fishery for which a dealer is permitted occurred;
 - (E) Record the permanent dealer identification number on the bill of lading or receipt for each transaction or shipment from the permitted fishery.
- (2) Striped Bass Dealer Permit:
 - (A) It is unlawful for a fish dealer to possess, buy, sell or offer for sale striped bass taken from the following areas without first obtaining a Striped Bass Dealer Permit validated for the applicable harvest area:
 - (i) Atlantic Ocean;
 - (ii) Albemarle Sound Management Area as designated in 15A NCAC 03R .0201; and
 - (iii) The joint and coastal fishing waters of the Central/Southern Management Area as designated in 15A NCAC 03R .0201.
 - (B) No permittee shall possess, buy, sell or offer for sale striped bass taken from the harvest areas opened by proclamation without having a North Carolina Division of Marine Fisheries issued valid tag for the applicable area affixed through the mouth and gill cover, or, in the case of striped bass imported from other states, a similar tag that is issued for striped bass in the state of origin. North Carolina Division of Marine Fisheries striped bass tags shall not be bought, sold, offered for sale, or transferred. Tags shall be obtained

at the North Carolina Division of Marine Fisheries Offices. The Division of Marine Fisheries shall specify the quantity of tags to be issued based on historical striped bass landings. It is unlawful for the permittee to fail to surrender unused tags to the Division upon request.

- (3) Albemarle Sound Management Area for River Herring Dealer Permit: It is unlawful to possess, buy, sell or offer for sale river herring taken from the following area without first obtaining an Albemarle Sound Management Area for River Herring Dealer Permit: Albemarle Sound Management Area for River Herring is defined in 15A NCAC 03J .0209.
 - (4) Atlantic Ocean Flounder Dealer Permit:
 - (A) It is unlawful for a fish dealer to allow vessels holding a valid License to Land Flounder from the Atlantic Ocean to land more than 100 pounds of flounder from a single transaction at their licensed location during the open season without first obtaining an Atlantic Ocean Flounder Dealer Permit. The licensed location shall be specified on the Atlantic Ocean Flounder Dealer Permit and only one location per permit shall be allowed.
 - (B) It is unlawful for a fish dealer to possess, buy, sell, or offer for sale more than 100 pounds of flounder from a single transaction from the Atlantic Ocean without first obtaining an Atlantic Ocean Flounder Dealer Permit.
 - (5) Black Sea Bass North of Cape Hatteras Dealer Permit. It is unlawful for a fish dealer to purchase or possess more than 100 pounds of black sea bass taken from the Atlantic Ocean north of Cape Hatteras (35° 15.0321' N) per day per commercial fishing operation during the open season unless the dealer has a Black Sea Bass North of Cape Hatteras Dealer Permit.
- (c) Blue Crab Shedding Permit: It is unlawful to possess more than 50 blue crabs in a shedding operation without first obtaining a Blue Crab Shedding Permit from the Division of Marine Fisheries.
- (d) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean:
- (1) It is unlawful to trawl for shrimp in the Atlantic Ocean without Turtle Excluder Devices installed in trawls within one nautical mile of the shore from Browns Inlet (34° 35.7000' N latitude) to Rich's Inlet (34° 17.6000' N latitude) without a valid Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean when allowed by proclamation from April 1 through November 30.
 - (2) It is unlawful to tow for more than 55 minutes from April 1 through October 31 and 75 minutes from November 1 through November 30 in this area when working under this permit. Tow time begins when the doors enter the water and ends when the doors exit the water.
 - (3) It is unlawful to fail to empty the contents of each net at the end of each tow.
 - (4) It is unlawful to refuse to take observers upon request by the Division of Marine Fisheries or the National Marine Fisheries Service.
 - (5) It is unlawful to fail to report any sea turtle captured. Reports shall be made within 24 hours of the capture to the Marine Patrol Communications Center by phone. All turtles taken incidental to trawling shall be handled and resuscitated in accordance with requirements specified in 50 CFR 223.206, copies of which are available via the Internet at www.nmfs.gov and at the Division of Marine Fisheries, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405.
- (e) Pound Net Set Permits. Rules setting forth specific conditions for pound net sets are set forth in 15A NCAC 03J .0505.
- (f) Aquaculture Operations/Collection Permits:
- (1) It is unlawful to conduct aquaculture operations utilizing marine and estuarine resources without first securing an Aquaculture Operation Permit from the Fisheries Director.
 - (2) It is unlawful:
 - (A) To take marine and estuarine resources from coastal fishing waters for aquaculture purposes without first obtaining an Aquaculture Collection Permit from the Fisheries Director.
 - (B) To sell, or use for any purpose not related to North Carolina aquaculture, marine and estuarine resources taken under an Aquaculture Collection Permit.
 - (C) To fail to submit to the Fisheries Director an annual report due on December 1 of each year on the form provided by the Division the amount and disposition of marine and estuarine resources collected under authority of this permit.

- (3) Lawfully permitted shellfish relaying activities authorized by 15A NCAC 03K .0103 and .0104 are exempt from requirements to have an Aquaculture Operation or Collection Permit issued by the Fisheries Director.
 - (4) Aquaculture Operations/Collection Permits shall be issued or renewed on a calendar year basis.
 - (5) It is unlawful to fail to provide the Division of Marine Fisheries with a listing of all designees who will be acting under an Aquaculture Collection Permit at the time of application.
- (g) Scientific or Educational Collection Permit:
- (1) It is unlawful for individuals or agencies seeking exemptions from license, rule, proclamation or statutory requirements to collect for scientific or educational purposes as approved by the Division of Marine Fisheries any marine and estuarine species without first securing a Scientific or Educational Collection Permit.
 - (2) It is unlawful for persons who have been issued a Scientific or Educational Collection Permit to fail to submit a report on collections to the Division of Marine Fisheries due on December 1 of each year unless otherwise specified on the permit. The reports shall be filed on forms provided by the Division. Scientific or Educational Collection Permits shall be issued on a calendar year basis.
 - (3) It is unlawful to sell marine and estuarine species taken under a Scientific or Educational Collection Permit:
 - (A) without the required license(s) for such sale;
 - (B) to anyone other than a licensed North Carolina fish dealer; and
 - (C) without authorization stated on the permit for such sale.
 - (4) It is unlawful to fail to provide the Division of Marine Fisheries a listing of all designees who will be acting under Scientific or Educational Collection Permits at the time of application.
 - (5) The permittee or designees utilizing the permit shall call or fax the Division of Marine Fisheries Communications Center not later than 24 hours prior to use of the permit, specifying activities and location.
- (h) Under Dock Oyster Culture Permit:
- (1) It is unlawful to cultivate oysters in containers under docks for personal consumption without first obtaining an Under Dock Oyster Culture Permit.
 - (2) An Under Dock Oyster Culture Permit shall be issued only in accordance with provisions set forth in G.S. 113-210(c).
 - (3) The applicant shall complete and submit an examination, with a minimum of 70 percent correct answers, based on an educational package provided by the Division of Marine Fisheries pursuant to G.S. 113-210(j). The examination demonstrates the applicant's knowledge of:
 - (A) the application process;
 - (B) permit criteria;
 - (C) basic oyster biology and culture techniques;
 - (D) shellfish harvest area closures due to pollution;
 - (E) safe handling practices;
 - (F) permit conditions; and
 - (G) permit revocation criteria.
 - (4) Action by an Under Dock Oyster Culture Permit holder to encroach on or usurp the legal rights of the public to access public trust resources in coastal fishing waters shall result in permit revocation.
- (i) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) It is unlawful to take striped bass from the Atlantic Ocean in a commercial fishing operation without first obtaining an Atlantic Ocean Striped Bass Commercial Gear Permit.
 - (2) It is unlawful to use a single Standard Commercial Fishing License, including assignments, to obtain more than one Atlantic Ocean Striped Bass Commercial Gear Permit during a license year.
- (j) Coastal Recreational Fishing License Exemption Permit:
- (1) It is unlawful for the responsible party seeking exemption from recreational fishing license requirements for eligible individuals to conduct an organized fishing event held in coastal or joint fishing waters without first obtaining a Coastal Recreational Fishing License Exemption Permit.
 - (2) The Coastal Recreational Fishing License Exemption Permit shall only be issued for recreational fishing activity conducted solely for the participation and benefit of one of the following groups of eligible individuals:

- (A) Individuals with physical or mental limitations;
 - (B) Members of the United States Armed Forces and their dependents, upon presentation of a valid military identification card, for military appreciation;
 - (C) Individuals receiving instruction on recreational fishing techniques and conservation practices from employees of state or federal agencies, or instructors affiliated with educational institutions; and
 - (D) Disadvantaged youths.
- (3) The Coastal Recreational Fishing License Exemption Permit is valid for the date(s), time and physical location of the organized fishing event for which the exemption is granted and the time period shall not exceed one year from the date of issuance.
- (4) The Coastal Recreational Fishing License Exemption Permit shall only be issued when all of the following, in addition to the information required in 15A NCAC 03O .0501, is submitted to the Fisheries Director in writing a minimum of 30 days prior to the event:
- (A) The name, date(s), time and physical location of the event;
 - (B) Documentation that substantiates local, state or federal involvement in the organized fishing event, if applicable;
 - (C) The cost or requirements, if any, for an individual to participate in the event; and
 - (D) An estimate of the number of participants.
- (k) For Hire Fishing Permit:
- (1) It is unlawful to operate a For Hire Vessel unless the vessel operator possesses either the For Hire Blanket Coastal Recreational Fishing License (CRFL) for the vessel as provided in 15A NCAC 03O .0112 or a Division of Marine Fisheries For Hire Fishing Permit for the vessel.
 - (2) It is unlawful for a For Hire vessel operator to operate under the For Hire Fishing Permit without:
 - (A) Holding the USCG certification required in 15A NCAC 03O .0501(g)(1);
 - (B) Having the For Hire Fishing Permit for the vessel or copy thereof in possession and ready at hand for inspection;
 - (C) Having current picture identification in possession and ready at hand for inspection.
 - (3) It is unlawful for the permittee to fail to notify the Division within five days of any changes to information provided on the permit.
 - (4) It is unlawful to fail to display a current For Hire Fishing Permit decal mounted on an exterior surface of the vessel so as to be visible when viewed from the port side while engaged in for-hire recreational fishing.
 - (5) The For Hire Fishing Permit is valid for one year from the date of issuance.

History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52; Temporary Adoption Eff. September 1, 2000; August 1, 2000; May 1, 2000; Eff. April 1, 2001; Amended Eff. April 1, 2009; July 1, 2008; January 1, 2008; September 1, 2005; October 1, 2004; August 1, 2004; August 1, 2002.

****Note:** The following statute is included for informational purposes only. The relevant portion of the statute has been shaded.**

G.S. 143B-289.52. Marine Fisheries Commission -- powers and duties.

- (a) The Marine Fisheries Commission shall adopt rules to be followed in the management, protection, preservation, and enhancement of the marine and estuarine resources within its jurisdiction, as described in G.S. 113-132, including commercial and sports fisheries resources. The Marine Fisheries Commission shall have the power and duty:
 - (1) To authorize, license, regulate, prohibit, prescribe, or restrict all forms of marine and estuarine resources in coastal fishing waters with respect to:
 - a. Time, place, character, or dimensions of any methods or equipment that may be employed in taking fish.
 - b. Seasons for taking fish.
 - c. Size limits on and maximum quantities of fish that may be taken, possessed, bailed to another, transported, bought, sold, or given away.

- (2) To provide fair regulation of commercial and recreational fishing groups in the interest of the public.
 - (3) To adopt rules and take all steps necessary to develop and improve mariculture, including the cultivation, harvesting, and marketing of shellfish and other marine resources in the State, involving the use of public grounds and private beds as provided in G.S. 113-201.
 - (4) To close areas of public bottoms under coastal fishing waters for such time as may be necessary in any program of propagation of shellfish as provided in G.S. 113-204.
 - (5) In the interest of conservation of the marine and estuarine resources of the State, to institute an action in the superior court to contest the claim of title or claimed right of fishery in any navigable waters of the State registered with the Department as provided in G.S. 113-206(d).
 - (6) To make reciprocal agreements with other jurisdictions respecting any of the matters governed in this Subchapter as provided by G.S. 113-223.
 - (7) To adopt relevant provisions of federal laws and regulations as State rules pursuant to G.S. 113-228.
 - (8) To delegate to the Fisheries Director the authority by proclamation to suspend or implement, in whole or in part, a particular rule of the Commission that may be affected by variable conditions as provided in G.S. 113-221.1.
 - (9) To comment on and otherwise participate in the determination of permit applications received by State agencies that may have an effect on the marine and estuarine resources of the State.
 - (10) To adopt Fishery Management Plans as provided in G.S. 113-182.1, to establish a Priority List to determine the order in which Fishery Management Plans are developed, to establish a Schedule for the development and adoption of each Fishery Management Plan, and to establish guidance criteria as to the contents of Fishery Management Plans.
 - (11) To approve Coastal Habitat Protection Plans as provided in G.S. 143B-279.8.
 - (12) Except as may otherwise be provided, to make the final agency decision in all contested cases involving matters within the jurisdiction of the Commission.
 - (13) To adopt rules to define fishing gear as either recreational gear or commercial gear.
- (b) The Marine Fisheries Commission shall have the power and duty to establish standards and adopt rules:
- (1) To implement the provisions of Subchapter IV of Chapter 113 as provided in G.S. 113-134.
 - (2) To manage the disposition of confiscated property as set forth in G.S. 113-137.
 - (3) To govern all license requirements prescribed in Article 14A of Chapter 113 of the General Statutes.
 - (4) To regulate the importation and exportation of fish, and equipment that may be used in taking or processing fish, as necessary to enhance the conservation of marine and estuarine resources of the State as provided in G.S. 113-170.
 - (5) To regulate the possession, transportation, and disposition of seafood, as provided in G.S. 113-170.4.
 - (6) To regulate the disposition of the young of edible fish, as provided by G.S. 113-185.
 - (7) To manage the leasing of public grounds for mariculture, including oysters and clam production, as provided in G.S. 113-202.
 - (8) To govern the utilization of private fisheries, as provided in G.S. 113-205.
 - (9) To impose further restrictions upon the throwing of fish offal in any coastal fishing waters, as provided in G.S. 113-265.
 - (10) To regulate the location and utilization of artificial reefs in coastal waters.
 - (11) To regulate the placement of nets and other sports or commercial fishing apparatus in coastal fishing waters with regard to navigational or recreational safety as well as from a conservation standpoint.
- (c) The Commission is authorized to authorize, license, prohibit, prescribe, or restrict:
- (1) The opening and closing of coastal fishing waters, except as to inland game fish, whether entirely or only as to the taking of particular classes of fish, use of particular equipment, or as to other activities.
 - (2) The possession, cultivation, transportation, importation, exportation, sale, purchase, acquisition, and disposition of all marine and estuarine resources and all related equipment, implements, vessels, and conveyances as necessary to carry out its duties.

- (d) The Commission may adopt rules required by the federal government for grants-in-aid for coastal resource purposes that may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from federal grants-in-aid.
- (d1) The Commission may regulate participation in a fishery that is subject to a federal fishery management plan if that plan imposes a quota on the State for the harvest or landing of fish in the fishery. If the Commission regulates participation in a fishery under this subsection, the Division may issue a license to participate in the fishery to a person who:
 - (1) Held a valid license issued by the Division to harvest, land, or sell fish during at least two of the three license years immediately preceding the date adopted by the Commission to determine participation in the fishery; and
 - (2) Participated in the fishery during at least two of those license years by landing in the State at least the minimum number of pounds of fish adopted by the Commission to determine participation in the fishery.
- (e) The Commission may adopt rules to implement or comply with a fishery management plan adopted by the Atlantic States Marine Fisheries Commission or adopted by the United States Secretary of Commerce pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801, et seq. Notwithstanding G.S. 150B-21.1(a), the Commission may adopt temporary rules under this subsection at any time within six months of the adoption or amendment of a fishery management plan or the notification of a change in management measures needed to remain in compliance with a fishery management plan.
- (f) The Commission shall adopt rules as provided in this Chapter. All rules adopted by the Commission shall be enforced by the Department of Environment and Natural Resources.
- (g) As a quasi-judicial agency, the Commission, in accordance with Article IV, Section 3 of the Constitution of North Carolina, has those judicial powers reasonably necessary to accomplish the purposes for which it was created.
- (h) Social security numbers and identifying information obtained by the Commission or the Division of Marine Fisheries shall be treated as provided in G.S. 132-1.10. For purposes of this subsection, "identifying information" also includes a person's mailing address, residence address, date of birth, and telephone number.
- (i) The Commission may adopt rules to exempt individuals who participate in organized fishing events held in coastal or joint fishing waters from recreational fishing license requirements for the specified time and place of the event when the purpose of the event is consistent with the conservation objectives of the Commission.

(1997-400, ss. 2.1, 2.2; 1997-443, s. 11A.123; 1998-217, s. 18(a); 1998-225, ss. 1.3, 1.4, 1.5; 2001-474, s. 32; 2003-154, s. 3; 2004-187, ss. 7, 8; 2006-255, ss. 11.2, 12.)

VII. MANAGEMENT OPTIONS

The management options presented in the following table are not mutually exclusive; the MFC may choose to adopt several as a preferred alternative.

STRIPED BASS MANAGEMENT OPTION IMPACT CATEGORIES

Area of Focus	Management Option	Resource	Economic	Social	Enforcement/ Administrative
<i>Hook and line</i>	1. Status Quo	+ Quota may continue to be under-fished - Discards remain in the fishery	- Losses from under fished quota	+ Traditional gears continue to be fished - Negative public perception for not taking action	
	2. Add hook and line to current permit	+ Possibly fewer dead discards - Discards in trawl fishery are not addressed		+ Additional opportunity for participation +/- Existing gear types will have less quota	+ Allow estimation of participants - Additional participants will increase chances of going over quota
	3. Add hook and line and eliminate current permit	+ Possibly fewer dead discards - Discards in trawl fishery are not addressed - Quota will likely be filled	+ Quota likely be filled	+ Additional opportunity for participation + Less burdensome to fishermen + Easier access to the fishery + Adds flexibility - Allows some fishermen to take excessively large share of quota	- Harder for DMF to anticipate number of participants
	4. Add hook-and-line as only gear type with specific license	+ Fewer dead discards - Quota will likely be filled	+ Quota likely be filled	+ Looked upon favorably by env./rec. interests +/- Allows new fishermen to enter fishery - Losses to fishermen fishing traditional gear - May not reduce regulatory discards in menhaden and croaker fishery	+ Allows for controlled harvest

Area of Focus	Management Option	Resource	Economic	Social	Enforcement/ Administrative
	5. Add hook-and-line only but phase in over 3 years	<ul style="list-style-type: none"> + Fewer dead discards - Quota will likely be filled 	<ul style="list-style-type: none"> + Quota likely be filled 	<ul style="list-style-type: none"> + Looked upon favorably by env./rec. interests +/- Allows new fishermen to enter fishery + Allows transition period from traditional gears - May not reduce regulatory discards in menhaden and croaker fishery - Losses to fishermen fishing traditional gear 	<ul style="list-style-type: none"> + Allows for controlled harvest
	6. Replace trawls with hook-and-line in current system	<ul style="list-style-type: none"> + Trawler discards addressed + Quota may continue to be under fished 	<ul style="list-style-type: none"> - Losses from under fished quota 	<ul style="list-style-type: none"> + Trawler discard addressed + Maintains quota for other traditional gears + Additional opportunity for participation - Revenue losses to trawlers 	
	7. Add hook-and-line, reduce trawler quota to bycatch and distribute over 3 gears	<ul style="list-style-type: none"> + Trawler discard addressed + Quota may continue to be under-fished 	<ul style="list-style-type: none"> - Losses from under fished quota 	<ul style="list-style-type: none"> + Trawler discard addressed + Increased quota for other gears + Addresses regulatory discards in menhaden and croaker fishery + New opportunity to participate in the fishery - Revenue losses to trawlers 	

Area of Focus	Management Option	Resource	Economic	Social	Enforcement/ Administrative
<i>Trawl specific with no hook and line</i>	8. Reduce trawler quota to bycatch limit and distribute remaining quota over 2 gears	+ Trawler discards addressed	- Losses from under fished quota	+ Trawler discard addressed	
		+ Quota may continue to be under-fished		+ Increased quota for other gears + Addresses regulatory discards in menhaden and croaker fishery + Fishermen using other gears receive higher quota - Revenue losses to trawlers	
	9. Create ITQ for trawlers	+ May help eliminate discards	+ May lead to higher prices for catch	+ Tackles waste issue + Eliminates derby fishery in trawler sector + Increases safety by allowing fishermen to pick their fishing days +/- Consolidates participants - ITQ unpopular in NC	- Concerns over establishing and enforcing quotas
<i>Permit specific with no hook and line</i>	10. Eliminate Atlantic Ocean SB permit	- Does not address discards in fishery - Quota will likely be filled	+ Quota likely be filled	+ Less burdensome to fishermen + Easier access to the fishery + Adds flexibility	- Harder for DMF to anticipate number of participants

Area of Focus	Management Option	Resource	Economic	Social	Enforcement/ Administrative
	11. Use limited entry in conjunction with allowable gears	- Does not address discards in fishery		- Allows some fishermen to take excessively large share of quota - New participants will have difficulty entering the fishery +/- Possible consolidation of participant numbers	+ Clear number of participants
	12. Eliminate permit and create new license with a fee for ocean SB fishery	- Does not address discards in fishery		+ May dis-incentivize people from entering the fishery that do not intend on selling fish - Additional expense for fishermen	- Difficult to get fee approval from legislature
	13. Example Management Option	+ Addresses trawl discards - Likely to fill quota	+ Likely to fill quota	+ Tackles waste issue + New opportunity to participate in the fishery + Addresses regulatory discards in menhaden and croaker fishery + All gears potentially get to participate + Less burdensome to fishermen + Looked upon favorably by public +/- Allows new fishermen to enter fishery	- May require more enforcement effort - Harder for DMF to anticipate number of participants

Area of Focus	Management Option	Resource	Economic	Social	Enforcement/ Administrative
				<ul style="list-style-type: none"> + Easier access to the fishery + Adds flexibility +/- Trawlers face risk, but may receive more quota - Allows some fishermen to take excessively large share of quota 	

VIII. MANAGEMENT RECOMMENDATION

DMF staff notes there is a concurrent issue paper to consider the commercial use of hook-and-line gear in the estuarine (internal waters) striped bass fishery. As directed by the MFC at its November 2010 business meeting, this issue paper has been included in the review process underway for the Estuarine Striped Bass FMP and was presented to the Albemarle/Roanoke and Central Southern Advisory Committees on March 24, 2011. The Albemarle/Roanoke committee recommended status quo (no use of hook-and-line as commercial gear in the Albemarle Sound Management Area), while the Central Southern committee recommended status quo with adaptive management (no use of hook-and-line as commercial gear unless traditional gears are prohibited from use by federal protected species management actions). This issue paper will be included in the draft Amendment 1 to the Estuarine Striped Bass FMP that will be reviewed by the MFC in August 2011 to go forward for public input and comment.

Any revision to 15A NCAC 03M .0201 as a result of decisions made regarding the use of hook-and-line in the Atlantic Ocean striped bass fishery will also impact the estuarine fisheries. Proposed rule changes as a result of Amendment 1 to the Estuarine Striped Bass FMP will be presented to the MFC for Notice of Text at the May 2012 business meeting. Depending on the management options chosen for the Atlantic Ocean fishery, several rule changes may be necessary (beyond potential changes to 15A NCAC 03M .0201). Any changes or revisions to existing rules for striped bass should be undertaken in conjunction with proposed revisions as a result of Amendment 1 to the Estuarine Striped Bass FMP. For this reason, as well as the high-profile nature of the topic, DMF recommends the MFC undertake a thorough public review of this issue paper regarding management of the Atlantic Ocean striped bass fishery. Public meetings of the Finfish Advisory Committee and the Regional Advisory Committees would provide ideal opportunities for review and comment.

Prepared by Michelle Duval, John Hadley, Don Hesselman
 February 27, 2011
 March 2, 2011
 March 9, 2011
 March 26, 2011
 April 4, 2011
 April 20, 2011

NOTICE OF TEXT ATTACHMENT

Proposed amendments would allow the future use of hook-and-line gear for the commercial harvest and sale of striped bass in estuarine and Atlantic Ocean areas under the jurisdiction of the North Carolina Marine Fisheries Commission, [as part of the North Carolina Estuarine Striped Bass Fishery Management Plan Amendment 1]. It would remain unlawful to sell hook-and-line caught fish from joint waters of the Roanoke River Management Area, which is under the jurisdiction of the North Carolina Wildlife Resources Commission.

15A NCAC 03M .0201 STRIPED BASS - GENERAL

MFC Rulebook Index Worksheet

Rule	Rulebook Page #	Subject	Index Entry	Add/Delete
TBD				

APPENDIX 1. EXAMPLE MANAGEMENT OPTION WITH HOOK-AND-LINE

1) Seasons and Trip Limits

- a. Open ocean striped bass season on December 1 each year.

<u>Gear</u>	<u>Daily Commercial Trip Limit</u>
Gill Net	20 fish/person/day
Beach Seine	50 fish/person/day
Hook-and-Line	10 fish/vessel/day, Monday through Friday only
Trawls	5 fish/vessel/day bycatch until February 15

- b. Close gill net fishery on February 15 due to federal regulations.
- c. Open trawl season on February 15 for weekday harvest only to avoid conflicts with recreational fleet (suggested alternative: exclude holidays) with 2,000-pound trip limit and 30-minute tow times. Adjust trip limit based on remaining quota.
- d. Allow trawlers to harvest until 480,480-pound quota is harvested. Daily monitoring should facilitate this and limit overharvest.

2) Quota Allocation

- a. Do not allocate quota to individual gear sectors. Make entire 480,480 pound quota available to all sectors.

3) Permitting

- a. Develop new Ocean Striped Bass Permit. Suspend current Atlantic Ocean Striped Bass Commercial Gear Permit. Applicants must declare intended gear(s) but are not locked into a gear type. Eliminate November 1 application date currently in AOSBCGP. (Legal opinion: Intention of G.S. 113-169.1 was to have gear specific permits. If the existing permit rules are modified and the intent is to maintain the \$10 fee it is likely permit holders will be required to declare a gear. Another option is to develop a no-cost permit generalized for striped bass commercial fishing and use a survey of intended gear).

4) Transfers

- a. Allow transfers from any gear any time. Trawlers must communicate to DMF Marine Patrol their intention to transfer before entering inshore waters. All transfers and overages go against total quota. A limit on the amount of fish that can be transferred may be needed, e.g., twice the bag limit.

5) No Sale from Charter Trips

- a. Prohibit sale of striped bass from for-hire trips (note: 1/3 to 1/2 of for-hire license holders also have a SCFL).

6) Authority

- a. Implement management measures by proclamation while rule development progresses to see if this example is viable.

Advantages and Disadvantages:

- + More opportunities for commercial fishermen
 - a. If fish stay offshore then beach seiners can go fishing with hook-and-line
 - b. More opportunities for commercial fishermen without investment into expensive net gear
- + Fewer regulatory discards, less waste
- + Should allow for entire quota to be caught
- + Can implement with current regulatory authority
- Unknown number of hook-and-line fishermen entering fishery

- Unknown quota left for trawlers after February 15th
- Possible increase in conflicts; might need to discuss how to differentiate between recreational, for-hire and commercial hook-and-liners
- Possible enforcement problem with for-hire trips

To do:

1. Determine specifications for hook-and-line, i.e. single circle hooks only? Multiple-hook lines (e.g. treble hooks)? Trolling only?
2. Determine if harvest windows are necessary or if daily monitoring will suffice.
3. Estimate number of hook-and-line fishermen. Could determine how many hook-and-line anglers will be expected by early permit applications.

Notes:

Massachusetts regulations allow 30 fish/day Tuesday-Thursday, 5 fish/day on Sunday and >34" TL.