

APPLICATION FOR RENEWAL OF INCIDENTAL
TAKE PERMIT NUMBER 1325 UNDER THE
ENDANGERED SPECIES ACT OF 1973

December 1, 2006

BY

NORTH CAROLINA DIVISION OF MARINE
FISHERIES
PO BOX 769
MOREHEAD CITY, NORTH CAROLINA 28557

(252) 726-7021

The North Carolina Division of Marine Fisheries (NCDMF) is requesting the renewal of individual incidental take permit (ITP) 1325 issued to the State of North Carolina under Section 10 of the Endangered Species Act. The current permit expires December 31, 2006 and was issued for the years 2001-2006. This was a renewal of ITP 1008, which was effective for the years 1996-2000 and replaced the National Marine Fisheries Service (NMFS) emergency rules which were issued in 1992-1995. These permits and rules for the shrimp fishery allow limited tow times in lieu of the use of Turtle Excluder Devices (TEDs) in the area off the North Carolina coast from Browns Inlet to Richs Inlet because of high concentrations of algae which clog shrimp trawl nets and TEDs.

The problem of algae clogging shrimp nets in the area from Browns Inlet to Richs Inlet has been a problem for many years. At times, concentrations of algae are so thick that it is impossible to work the area because nets quickly fill with this algae. At other times, tow times were decreased in order to work the area. With the institution of Federal Regulations requiring the use of TEDs in shrimp nets to release endangered and threatened species of sea turtles, problems quickly developed with this algae clogging TEDs rendering them useless in releasing turtles and the nets filling with algae from the TEDs forward. The current permit number 1325 has been in effect for the shrimp fishery in this area for the previous six years (2001-2006) to allow the use of tow times rather than TEDs. The new ITP should be issued to NC Division of Marine Fisheries, PO Box 769, Morehead City, NC 28557, (252) 726-7021. We request that the permit be for a period of five years.

SPECIES

loggerhead turtle Caretta caretta

green turtle Chelonia mydas

leatherback turtle Dermochelys coriacea

hawksbill turtle Eretmochelys imbricata

Kemp's ridley turtle Lepidochelys kempii

The leatherback and hawksbill were listed as endangered throughout their ranges on June 2, 1970 under the Endangered Species Act of 1973 (Public Law 93-205). The Kemp's ridley was listed as endangered on December 2, 1970. The green turtle was listed as threatened on July 28, 1978, except for the breeding populations of Florida and the Pacific coast of Mexico, which were listed as endangered. The loggerhead was listed as threatened wherever it occurs on July 28, 1978.

The geographic distribution of the loggerhead includes the subtropical (and occasionally tropical) waters and continental shelves and estuaries along the margins of the Atlantic, Pacific, and Indian oceans. It is rare or absent far from mainland shores. In the Western Hemisphere, it ranges as far north as Newfoundland and as far south as Argentina.

The green turtle has a circumglobal distribution in tropical and subtropical waters. In U.S. Atlantic waters, it occurs around the Virgin Islands and Puerto Rico and from Texas to Massachusetts.

The leatherback occupies the open seas although it is occasionally seen in coastal waters. Although it prefers warmer waters, it frequently appears in New England waters and north to Newfoundland during the summer months.

The hawksbill is typically a tropical species found throughout the Caribbean and

is commonly observed in the Florida Keys, the Bahamas, and southwestern Gulf of Mexico. Stragglers have been reported as far north as Massachusetts and as far south as northern Argentina. It is infrequently found in shallow coastal systems.

Most Kemp's ridleys occur in the Gulf of Mexico but it also occurs along the Atlantic coast as far north as Long Island and Vineyard South, Massachusetts.

Sightings of sea turtles in the Atlantic Ocean off North Carolina from 1989 - 1992 occurred throughout the year (Epperly et. al. 1995). Most were sighted in May and June (1133 turtles) and declined in other months: July and August (406), September and October (358), March and April (246), November and December (169), and January and February (76). Most sightings were from Cape Lookout to the north along the Outer Banks. Sea turtles were relatively common off Onslow County. During the four-year period of 1989-1992, recreational fishermen sighted turtles in nearshore ocean waters on 6.5% of their trips, as compared to 2.6% for the entire coast.

Females of all five species of sea turtles lay clutches of eggs in nests on coastal beaches. The adults aggregate off the nesting beaches during the spring to mate and the female may return to the beach up to ten times to lay eggs. After an incubation period of two months, the hatchlings dig their way to the surface and scramble to the ocean. They then swim offshore and spend their early life in the offshore waters. After a few years, most species enter the coastal waters or move into bays, river mouths, and estuaries where they spend their juvenile life. There appears to be an inshore movement in the spring as the waters warm in the spring and an offshore movement as the waters cool in the late fall and early winter.

PROPOSED ACTIVITY

When the TED regulations were implemented in offshore waters, a group of fishermen that participate in the shrimp fishery in a small area off the coast of North Carolina complained that they could not economically harvest shrimp with TEDs installed because high concentrations of algae clog the TEDs. Shrimpers must harvest the algae in order to catch the shrimp that are in it. TED use in these circumstances is impractical because they clog or exclude a large portion of the algae. The alga, initially thought by NMFS to consist solely of Dictyopteris membranacea, a winged species of brown algae, was recently determined to consist of several algal types and species, including the brown algae Sargassum filipendula, and the red algae, Halymenia sp., and Gracilaria sp.. The algae reportedly grow in the restricted area and on adjacent offshore hard bottom areas. Some offshore algae are thought to break loose naturally and accumulate in shallow coastal waters, adding to the nearshore concentration. The unpredictable concentration of algae in this area, and the limited trawlable bottom, broken by stretches of rocky, untrawlable bottom, make trawling problematic year-round. Fishermen generally trawl during daytime to minimize the threat of gear loss and to enhance sorting of the catch. They report that when the algae are heavily concentrated, they can only tow for short periods even without a TED. If algae concentrations are lighter, tow times increase correspondingly, but normally do not exceed 90 minutes. During the shrimping season, normally from about March through November, the algae are always present; however, density is seasonally dependant, with higher concentrations in summer months, forcing shorter tows. In colder months, when algae concentrations are lighter and TED clogging is less of a problem, fishermen

will likely opt to use TEDs rather than tow-time limits to increase tow times and optimize catches.

Duration of shrimp trawling activity in this area varies from year to year depending on shrimp abundance and environmental conditions but is concentrated in the period from March through December.

The exemption area is approximately 30 nautical miles (nm) long, between Riches Inlet, North Carolina (34° 17.6' N. latitude), and Browns Inlet, North Carolina (34° 35.7' N. latitude) and extends offshore 1 nm (North Carolina restricted area). The bottom between Riches and Browns Inlets consists of sand, scattered rocks, sea grasses, and concentrations of algae.

Approximately 45 fishermen with extensive local knowledge of shrimp participate in this fishery, and will be authorized under this ITP. In the years 1992-1999, 43, 21, 28, 18, 38, 20, 20, and 14 vessels, respectively, were issued permits for exemption from the use of TEDs (Table 1). For the period 2001-2005 16, 26, 22, 15, and 14 permits, respectively, were issued (Table 2). Tow times were not instituted in 2000 or 2006 because algae concentrations were low allowing fishermen to work effectively with their TEDs installed. Observations by the NCDMF Marine Patrol personnel indicate a range from zero to over 30 vessels may be working in this area at any one time and that effort is concentrated in the early morning to early afternoon period.

CONSERVATION PLAN

During the 2001-2005 fishing seasons, ITP 1325 allowed the use of tow times

rather than TEDs. In order to obtain this permit, the State agreed to monitor fishing activities in this area to ensure compliance to tow time requirements. The Fisheries Director of North Carolina is empowered to issue proclamations by which the Director is able to implement restrictions on fisheries activities. There were a series of such proclamations dealing with the restricted area issued beginning on August 25, 2001 and continuing through the 2005 season (example attached). These proclamations required vessels to obtain a tow time permit from the Division if they wished to work without TEDs, and a maximum tow time of 55 minutes from the date of the proclamation to October 31 and 75 minutes from November 1 through November 30. For the new ITP, the Division proposes that the permit window for tow times be from April 1 through November 30 and that tow times be 55 minutes from the issuance of the proclamation through October 31 and 75 minutes from November 1 through November 30. Tow times are measured from the time the trawl doors enter the water until the time they are removed from the water and correspond to the tow times of 40 minutes bottom time in the summer months and 60 minutes during colder months as recommended by the National Academy of Science (1990) in •Decline of the Sea Turtles: Cause and Prevention•. A more recent examination of data on interactions between sea turtles and the South Atlantic and Gulf of Mexico shrimp trawl fisheries found a rapid increase in mortalities for tow times that exceeded 10 minutes (Sasso and Epperly 2006). The tow time permits and conditions (copy attached) were required to identify each vessel working without TEDs and to monitor activity in the area. Individuals must obtain and sign a permit that contains permit conditions prior to beginning operations without TEDs. This permit and the associated proclamations inform them of all requirements for use of

tow times in lieu of TEDs. In addition each permittee is given information on the proper resuscitation procedures for sea turtles. Enforcement surveillance was primarily conducted from the beach as the activity was visible from the shore and it was difficult for the vessels to determine when they were being observed. Other enforcement observations were made by the Division's aircraft and vessels.

A condition of permit number 1325 was that on-board observers be placed on 5% of the trips made while tow times were allowed. This was accomplished for all years except 2002 when slightly more than 4.3% of the trips were covered by observers (Table 2). Observer coverage for the entire duration of the permit was 5.3%.

This permit would be in effect from April 1 through November 30 with tow times being permitted from the issuance of the proclamation through November 30 each year. The Division issues the proclamation after consultation with staff and industry representatives who observe algae concentrations. The industry utilizes tow times as a last alternative because they would rather use TEDs to avoid frequent haul-back of their gear. The Division issued proclamations under the old permit for the use of tow times in the period 2001-2005 on August 25, June 29, July 13, August 14 and July 14 respectively. The new permit would be effective from April 1 through November 30 of each year, however, the proclamation would be issued and tow times initiated only when algae concentrations prevent the use of TEDs. There were years, such as 2000 and 2006, when tow times were not instituted because algae concentrations were low.

The Division proposes to monitor mortalities of sea turtles in the area through stranding records collected by the NC Wildlife Resources Commission stranding network. The Division requests that the requirement for on-board observers be waived

as a condition in the new permit. Since 1992 on-board observers have monitored the use of tow times and there have been no mortalities observed nor have any mortalities been reported in logbooks required of the permittees. They have been reports from both sources of captures in this fishery. NMFS observers in 1992 and 1993 observed one capture of a loggerhead which was tagged and released alive. Stranding records during the period 1992-1995 for the tow time area ranged between 10 and 26 loggerheads per year and one green turtle for the entire period; for the years 2001-2005 the loggerhead strandings ranged between 13 and 21, green between 0-2, Kemp's ridley 0-3 and leatherback 0-2; however, the majority of strandings took place prior to the issuance of tow-time permits. The Division proposes to terminate or modify the tow-time permits if strandings exceed ten turtles in aggregate of Kemp's ridley, hawksbill, green or leatherback or 40 loggerhead turtles in the restricted area during the period tow times are allowed. The Division has data on capture of sea turtles from the NMFS observer reports and from logbooks submitted by the permittees. The only data on mortalities comes from the NC Stranding Network and this is difficult to correlate with tow time activity. There are no data available on which to estimate injuries or mortalities of turtles in this area.

The Division knows of no measures to prevent takes of sea turtles in this area during the use of tow time. Past experience has indicated that attempting to use TEDs during periods of high algae concentration renders TEDs inoperable leading to incidental takes of turtles. An alternative action considered was not to apply for a permit, however, the experience of fishermen in this area is that when algal concentrations are heavy, both the TEDs and the nets clog to the extent that they no

longer function. This would not protect sea turtles nor would it allow the shrimp fishery to continue in this area.

ANTICIPATED IMPACT

The proposed activity has the potential to capture sea turtles during shrimping operations but NMFS stated in May 1993...•To date, no adverse effects on sea turtles related to the expansion have been documented. During NMFS•s continued review of shrimping in the restricted area, there have been no observed takes and no standings that were related to shrimping activities. • NMFS placed observers aboard vessels on September 10, September 28, and November 30, 1992. They reported no turtles taken during 14 observed tows ranging from 18 to 47 minutes. NMFS observers aboard vessels on June 22 and July 7, 1993, witnessed numerous tows ranging from 20 minutes to 2 hours and 47 minutes in length with and without TEDs and reported no turtles taken or seen. During 1993, there was one observed capture of a loggerhead, which was tagged and released, and no mortalities by shrimp trawlers with observers on board (J. Merriner, pers. comm). The results of tow time activity 1996-1999 are summarized in Table 1. There were 204 tows monitored by on-board observers during the 1996-1999 period. Nine loggerheads were in these tows and all were reported released in good condition. Analysis of logbook entries shows that 58 turtles were taken in 3591 tows. All were identified by the fishermen as loggerheads and were released in good condition, although one turtle required resuscitation. For the period 2001-2005 on-board observers monitored 127 tows on 38 trips. They observed two turtles, one unidentified as it fell out of the net during haul-back and one green. Both were reported

to be in good condition. Logbooks reported 31 turtles, 18 loggerheads and 13 greens, in 2742 tows all released in good condition.

The North Carolina restricted area is contained within Onslow and Pender Counties. In 1992, there were no turtles stranded in those counties from January through April. From May through July, 20 turtles stranded within those counties, inside and outside of the restricted area: seven in May, eight in June, and five in July. Five loggerheads stranded in the restricted area from August 1 through December 31, 1992; two in August, two in September, and one in October. None of the standings bore wounds or marks that indicated cause of death. Two loggerhead turtles and one green turtle stranded within 15 nm of the Atlantic Ocean shoreline to either side of the restricted area between August 1, and December 31, 1992. All three standings occurred in November, on the north side of Bogue Inlet, approximately 8 miles (12.8 km) north of the restricted area, and none bore marks that indicated cause of death. NCDMF personnel suggest that some of or all of the three standings, which occurred on Bogue Banks near Bogue Inlet Pier, may have been caused by entanglement nets since several dolphins also stranded in the area around the same time. NMFS believes that any sea turtles potentially taken incidental to shrimp trawling operations in the restricted area would very likely strand within the restricted area, longshore currents notwithstanding, because of the close proximity of trawling activity to shore (usually within 0.5 nm). NMFS• review of the sea turtle standings in the restricted area in 1992 indicated no observed or confirmed sea turtle mortalities associated with shrimp trawling. Ten turtles were stranded in the restricted area in 1994; half were stranded in April and May. Twenty-six turtles were stranded in the area in 1995. Again, 50 percent

were found in April and May (R.Boettcher, pers. comm). In both years, the majority of strandings observed took place prior to the issuance of non-TED permits. The stranding data from the restricted area for 1996 - 1999 are summarized in Table 1. As was observed in 1994 and 1995 most turtles were stranded before tow time were initiated with the exception of 1998. For the entire four-year period 78 turtles were stranded with 21 (27%) of those occurring during tow time use and 59 (73%) occurring when tow times were not in effect. Of the 21 strandings occurring during the use of tow times, 16 were loggerheads, 3 were Kemp's ridleys, and 1 each were green and leatherback. Stranding data for 2001-2005 are summarized in Table 2, however, the data for 2001 was for only a nine-week period during the use of tow times. A total of 87 strandings were reported for the portion of the coast adjacent to the tow time area, 26 (30%) during use of tow times and 61 (70%) outside of these periods. There were 23 loggerheads, 2 greens and one Kemp's ridley comprising the strandings during the tow times.

ANTICIPATED IMPACT ON HABITAT

There is no anticipated impact on the habitat of the sea turtles so no restoration of the affected habitat is needed.

STEPS TAKEN TO MONITOR AND MINIMIZE IMPACTS

Marine Patrol enforcement officers will monitor tow times. Enforcement costs during the period 1992-1995 averaged \$5,000/year and this level of enforcement has been sufficient. During the period 1996-1999, enforcement personnel spent 227 hours

observing this activity. For the most recent time period 140 hours of patrol activities were devoted to enforcing tow times.

Permits will be terminated or changed if standings exceed ten turtles in aggregate of Kemp's ridley, hawksbill, green, or leatherback or 40 loggerhead turtles in the restricted area during the period tow times are allowed or tow times cause the death of one Kemp's ridley, green, or leatherback or two loggerhead deaths. Standings of these species will be monitored through the North Carolina Wildlife Resources Commission stranding network and reports from the Marine Patrol officers in the area.

The use of logbooks was required under the old permit and the Division proposes that this be continued under the new permit. Logbooks appear to have been completed as mandated and there has been good corroboration between the log entries and observations by Marine Patrol. The North Carolina Stranding Network has been effective in monitoring mortalities and would detect any unusual increase in the number of strandings in this area. For these reasons the Division requests that observers not be required as a condition of the new permit.

ALTERNATIVES CONSIDERED

TED use was considered as an alternative to limited tow times. NMFS gear specialists conducted an assessment of the algae problem in July 1989 and documented the presence of large concentrations of brown algae near the New River Inlet, which lies between Rich's and Brown's Inlet. Several different types of TEDs were evaluated for use in this area. A large grid-type TED, specifically modified to exclude sea grass, was tested and compared to non-TED equipped nets. Shrimp

catches with and without TEDs were highly variable; both TED and non-TED equipped nets clogged with algae. The TED-equipped net excluded more algae than the control net, but exclusion of algae resulted in exclusion of shrimp. NMFS test results suggested that a technical option may not exist to harvest shrimp effectively in heavy concentrations of brown algae with TED-equipped trawls when the shrimp are harvested from the algae.

Shrimp fishermen cooperating with the NCDMF and North Carolina Sea Grant tested additional weedless-type TEDs with the same results. The weedless TEDs released a significant portion of the algae, but in so doing also released the shrimp within.

The National Academy of Sciences (1990) provides guidance on the effectiveness of tow times as an alternative to TEDs. This report concluded that tow times of 40 minutes would provide protection comparable to that afforded by TEDs. Thus, a tow-time limitation, if adhered to, appeared to be an effective alternative to mandatory TED use, and would provide comparable protection for sea turtles. This has proved to be the case in North Carolina if standing records are examined.

NMFS has previously recognized that enforcement of tow-time limits is difficult and expensive and that shrimp industry-wide compliance with tow-time limits has been poor (see e.g., 57 FR 18466, April 30, 1992; 57 FR 33452, July 29, 1992; 57 FR 40859, September 8, 1992; 57 FR 40861, September 8, 1992; 57 FR 57348, December 4, 1992). A reason for the difficulty and costliness of enforcing tow times is that such enforcement is time-consuming and requires a significant presence by law enforcement

officers who must continually watch as a trawler deploys its nets, conducts its timed tow, and finally retrieves its nets. When trawlers are far from land, fishermen can observe the presence of law enforcement patrol vessels and can alter their tow times accordingly.

However, the North Carolina restricted area extends only one nm offshore, with most fishing activity taking place within 0.5 NM of shore. The proximity of the North Carolina restricted area to land facilitates observations of trawlers• tow times by land-based enforcement observers. Fishermen are not able to circumvent the law because the presence of land-based enforcement observers is not as readily apparent as at-sea enforcement observers. Further, the size of the restricted area is relatively small, being only 30 square nm; its beaches are generally accessible to enforcement officers; and the small number of vessels historically participating in this fishery facilitates tow-time enforcement. Marine Patrol observed four violations during the 1996-2000 permit period and issued one warning citation for exceeding the allowable tow time. All violations were nine minutes over the tow time limit or less and the one warning was for exceeding the tow time by nine minutes. Log book entries showed 14 tows that exceeded the tow times (Table 1). During 2001-2005 Marine Patrol observed no violations and log book entries recorded 20 tows over the time limit (Table 2).

Sea turtles are recognized as either threatened or endangered in North Carolina by both the Wildlife Resources Commission (WRC) and the Marine Fisheries Commission (MFC). Sea turtles come under the jurisdiction of the WRC according to the North Carolina Administrative Code (T15:10I0 pertaining to Endangered and Threatened Species). Also, the North Carolina Administrative Code pertaining to

Marine Fisheries (T15:3I.0107 Endangered or Threatened Species) states •Pursuant to a cooperative agreement entered into on February 5, 1979, by the Department of Environment, Health, and Natural Resources, the Marine Fisheries Commission, and the Wildlife Resources Commission, the Wildlife Resources Commission will exercise regulatory jurisdiction over any species of sea turtle, and their eggs and nests, consistent with designation of such species as endangered or threatened by the U.S. Fish and Wildlife Service. As provided by said agreement, the law enforcement officers of both the Marine Fisheries Division and the Wildlife Resources Commission have jurisdiction to enforce any State laws and rules, including those contained in 15A NCA 101, relating to endangered or threatened species of sea turtles and their eggs and nests. • Additionally, this rule states •The Fisheries Director may close or restrict by proclamation any coastal waters with respect to taking or attempting to take any or all kinds of marine resources when the method (equipment) used is a serious threat to an endangered or threatened species listed pursuant to 16 U.S.C. 1533(c). Copies of this list may be obtained from the Division of Marine Fisheries, PO Box 769, 3441 Arendell St., Morehead City, North Carolina 28557-0769. • Additionally, N.C. General Statute 113-189 makes it •unlawful to willfully take, disturb or destroy any sea turtles including green, hawksbill, loggerhead, and leatherback turtles, or their nests or eggs• and makes no reference to federal status.

APPLICATION

The North Carolina Division of Marine Fisheries, PO Box 769, Morehead City, NC 28557, (Phone (252)-726-7021) makes application for renewal of an Individual

Incidental Take Permit under Section 10 of the Endangered Species Act authorizing implementation of management measures for protection of threatened and endangered sea turtles while allowing the shrimp fishery to be prosecuted in the Atlantic Ocean between Browns Inlet and Richards Inlets and from the beach to one nautical mile offshore. It is requested that the ITP be valid for a period of five years. The ITP will authorize the NCDMF to implement the use of limited tow times in lieu of TEDs for the shrimp trawl fishery in the area referenced above to protect sea turtles. It is estimated that up to 45 vessels will participate in the segment of the shrimp fishery managed under the ITP.

SOURCES

Boettcher, R. 1995. Personal communication. WRC.

Epperly, S.P., J. Braun, and A. Veishlow. 1995. Sea turtles in North Carolina waters. *Conservation Biology*.

Merriner, J. 1994. Personal communication. NMFS

National Research Council. 1990. *Decline of the sea turtles: causes and prevention*, National Academy Press, Washington, D.C. 259 pp.

Sasso, C. R. and S. P. Epperly. 2006. Seasonal sea turtle mortality risk from forced submergence in bottom trawls. *Fisheries Research* 81 (2006). pp 86-88.

U.S. Federal Register

PROCLAMATION

RE: TRAWLING - ATLANTIC OCEAN

Preston P. Pate, Jr. Director, Division of Marine Fisheries, hereby announces that effective **at 12:01 A.M., Thursday July 14, 2005**, the following restrictions will apply to trawling in the Atlantic Ocean:

I. ACTIVITY:

Shrimp trawls may be used without Turtle Excluder Devices (TEDs) in the area described in Section II. below provided that the vessel has in possession and is in compliance with a valid NC Division of Marine Fisheries issued Permit for Waiver of TEDs.

II. DESCRIBED AREA:

RICH INLET TO BROWN'S INLET: Offshore waters between Rich Inlet (34E 17.6 N latitude) and Brown's Inlet (34E 35.7 N latitude), the inner boundary of which is the U.S. Coast Guard 1972 COLREGS demarcation line, and the seaward boundary of which is one nautical mile east of that line.

III. PERMIT REQUIREMENT:

Vessels participating in the trawl fishery within the area described above must possess a Permit for Waiver of TEDs issued by the North Carolina Division of Marine Fisheries, Wilmington, N.C., or be equipped with certified National Marine Fisheries Service (NMFS) TEDs. Trawls are required to be equipped with TEDs to trawl in the ocean in all other areas.

IV. TOW TIMES:

Trawling in this area is restricted to the following tow times, measured as the time from trawl doors entering the water to trawl doors being removed from the water. Tow times for 2005 are 55 minutes from July 14 through October 31, and 75 minutes from November 1 through November 30. Upon each removal of the doors from the water, the contents of the net must be emptied.

V. GENERAL INFORMATION:

- A. This proclamation is issued under the authority of G.S. 113-170.4; 113-170.5; 113-182; 113-189; 113-221; 143B-289.52 and N. C. Marine Fisheries Rules 15A NCAC 3H .0103, 3I .0107 and .0112, and 3L .0101.
- B. It is unlawful to violate provisions of any proclamation issued by the Fisheries Director under his delegated authority per 15A NCAC 3H .0103.
- C. This proclamation is intended to protect sea turtles while allowing the use of trawls with limited tow times. Sea turtles that may be taken incidentally in this fishery must be handled and resuscitated in accordance with Federal (NMFS) regulations. Copies of these regulations may be obtained from the Division of Marine Fisheries or National Marine Fisheries Service.

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- D. The use of trawls with restricted tow times as authorized by this proclamation will be monitored by the Division of Marine Fisheries and National Marine Fisheries Service.
- E. Permits for Wavier of TEDs are authorized for the described area only. These permits do not allow the use of trawls without TEDs in the Atlantic Ocean as required by NMFS in any other area.
- F. Permits for Wavier of TEDs are available from the N.C. Division of Marine Fisheries, 127 Cardinal Drive Ext., Wilmington, NC 28405 or any N.C. Division of Marine Fisheries License Office. In obtaining a permit, the permittee agrees to take Federal and state observers aboard when requested.
- G. No person may use a shrimp trawl without an operational Bycatch Reduction Device (BRD) properly installed in the tailbag of the net. Operational BRDs are described in SH-3-01.
- H. This proclamation supersedes Proclamation SH-16-04 dated August 11, 2004.

BY: _____
Preston P. Pate, Jr., Director
DIVISION OF MARINE FISHERIES

July 12, 2005
8:00 A.M.
SH-9-2005
/sab

North Carolina Division of Marine Fisheries

APPLICATION FORM FOR ISSUABLE PERMITS

Permit for Monitoring Fisheries under a Quota
Biomedical Use Permit
Atlantic Ocean TED Waiver Permit

Blue Crab Shedding Permit

Horseshoe Crab

Pamlico Sound Gill Net Restricted Area Permit

Effective Date	MO. / DAY / YR.
Expiration Date	30 June

Participant I.D.	
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Record Most Recent Licenses Held (Year and License #)	
Fish Dealer License	
SCFL	
RSCFL	
SCFL w/ Shellfish Endorsement	
RSCFL w/ Shellfish Endorsement	
Shellfish License	
Recreational Commercial Gear Lic.	

Select one:

- Individual** (complete the Individual Participant Information below)
- Business Agent** (complete the Business Participant Information and Individual Participant Information below)

Individual Participant Information

First Name	Middle Name	Last Name	Suffix	Date of Birth
				MO. / DAY / YEAR

Business Participant Information

Business Name	Business Agent Name (First, MI, Last)	Participant ID

PERMIT CATEGORIES

Striped Bass Dealer Permit:

				Current Permit #			
<input type="checkbox"/>	<input type="checkbox"/> New	<input type="checkbox"/>	<input type="checkbox"/> Renew	<input type="checkbox"/>	<input type="checkbox"/> Update	<input type="checkbox"/>	<input type="checkbox"/> Replace
	Atlantic Ocean		ASMA		Central/Southern Area		
Contact Person (First, MI, Last)			Contact Person Date of Birth		Contact Person Telephone #		
			MO. / DAY / YR.		()		

Atlantic Ocean Flounder Dealer Permit:

				Current Permit #			
<input type="checkbox"/>	<input type="checkbox"/> New	<input type="checkbox"/>	<input type="checkbox"/> Renew	<input type="checkbox"/>	<input type="checkbox"/> Update	<input type="checkbox"/>	<input type="checkbox"/> Replace
Contact Person (First, MI, Last)			Contact Person Date of Birth		Contact Person Telephone #		
			MO. / DAY / YR.		()		

ASMA River Herring Dealer Permit:

				Current Permit #			
<input type="checkbox"/>	<input type="checkbox"/> New	<input type="checkbox"/>	<input type="checkbox"/> Renew	<input type="checkbox"/>	<input type="checkbox"/> Update	<input type="checkbox"/>	<input type="checkbox"/> Replace
Contact Person (First, MI, Last)			Contact Person Date of Birth		Contact Person Telephone #		
			MO. / DAY / YR.		()		

Spiny Dogfish Dealer Permit:

				Current Permit #			
<input type="checkbox"/>	<input type="checkbox"/> New	<input type="checkbox"/>	<input type="checkbox"/> Renew	<input type="checkbox"/>	<input type="checkbox"/> Update	<input type="checkbox"/>	<input type="checkbox"/> Replace
Contact Person (First, MI, Last)			Contact Person Date of Birth		Contact Person Telephone #		
			MO. / DAY / YR.		()		

North Carolina Division of Marine Fisheries

APPLICATION FORM FOR ISSUABLE PERMITS

PERMIT CATEGORIES

Black Sea Bass – North of Cape Hatteras Dealer Permit:

				Current Permit #			
New	Renew	Update	Replace				
Contact Person (First, MI, Last)		Contact Person Date of Birth		Contact Person Telephone #			
		MO. / DAY / YR.		()			

Blue Crab Shedding Permit:

				Current Permit #			
New	Renew	Update	Replace				
Number of Tanks or Floats by System:		Peelers obtained by:		Facility Location:			
Closed Recirculating		Catches Own		Address 1:			
Flow-through		Purchases from Others		Address 2:			
Floating		Both		City & County:			
Other (Describe System): _____				State & Zip:			
Contact Person (First, MI, Last)		Contact Person Date of Birth		Contact Person Telephone #			
		MO. / DAY / YR.		()			

Horseshoe Crab Biomedical Use Permit:

				Current Permit #			
				Report filed by February 1 st ?		YES	NO
New	Renew	Update	Replace				
Contact Person (First, MI, Last)		Contact Person Date of Birth		Contact Person Telephone #			
		MO. / DAY / YR.		()			

Permit to Waive the Requirement to Use TEDs in Atl. Ocean:

				Current Permit #			
New	Renew	Update	Replace				
Vessel Name		Vessel I.D. (P Number)		Vessel USCG Number		NC Registration Number	
Trawl – Total Headrope Length (Ft.)		TM			Number (Rigs)		Single (1) Double (2) Twin (4)

Pamlico Sound Gill Net Restricted Area (PSGNA) Permit

				Current Permit #			
New	Renew	Update	Replace				
Contact Person (First, MI, Last)		Contact Person Date of Birth		Contact Person Telephone #			
		MO. / DAY / YR.		()			
Vessel I.D. (P Number)		Crew Members (First, MI, Last):		Date of Birth		Telephone #	
		(1)		MO. / DAY / YR.			
SCFL or RSCFL License No.		(2)		MO. / DAY / YR.			
		(3)		MO. / DAY / YR.			



Permit To Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean

Rule Authority (30.0503):

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° 17.6" N latitude) to Rich's Inlet (34° 35.7" 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.

Specific Permit Conditions:

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.

It is unlawful to fail to empty the contents of each net at the end of each tow.

It is unlawful to refuse to take observers upon request by the Division of Marine Fisheries or the National Marine Fisheries Service.

It is unlawful to fail to report any sea turtle captured. Reports must be made within 24 hours of the capture to the Marine Patrol Communications Center by phone (1-800-682-2632 or 252-725-7021). All turtles taken incidental to trawling must 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 28557.

General Permit Conditions:

The following conditions apply to all permits issued by the Division of Marine Fisheries:

It is unlawful to operate under the permit except in areas, at times, and under conditions specified on the permit;

It is unlawful to operate under a permit without having the permit or copy thereof in possession of the permittee or their designees at all times of operation and must be ready at hand for inspection, except for Pound Net Permits;

It is unlawful to operate under a permit without having a current picture identification in possession and ready at hand for inspection.

It is unlawful to refuse to allow inspection and sampling of a permitted activity by an agent of the Division;

It is unlawful to fail to provide complete and accurate information requested by the Division in connection with the permitted activity;

It is unlawful to hold a permit issued by the Division of Marine Fisheries when not eligible to hold any license required as a condition for that permit as stated in 15A NCAC 30.0501;

It is unlawful to fail to provide reports within the timeframe required by the specific permit conditions;

It is unlawful to fail to keep such records and accounts as may be required by the Division for determination of conservation policy, equitable and efficient administration and enforcement, or promotion of commercial or recreational fisheries;

It is unlawful to assign or transfer permits issued by the Division, except Pound Net Permits as authorized by 15A NCAC 3J .0107(d);

The Fisheries Director, or his agent, may, by conditions of the permit, specify any or all of the following for the permitted purposes:

Species,	Means and methods,
Quantity or size,	Disposition of resources,
Time period,	Marking requirements, or
Location,	Harvest conditions

Unless specifically stated as a condition on the permit, all statutes, rules and proclamations apply to the permittee and their designees,

As a condition of accepting the permit from the Division of Marine Fisheries, the permittee agrees to abide by all conditions of the permit and agrees that if specific conditions of the permit, as identified on the permit are violated or if false information was provided in the application for initial issuance, renewal or transfer, the permit may be suspended or revoked by the Fisheries Director.

Rule Conditions in BOLD lettering above or items HIGHLIGHTED on the permit if violated may result in suspension or revocation of the permit.

Table 1.

ITP 1008 Tow Time Permit Summary

	<u>Years</u>			
	1996	1997	1998	1999
Date Tow Permits Started	20-July	1-Sept	14-July	4-Sept
Number of Permits total (with tow time activity reported)	38 (23 reported)	20 (12 reported)	20 (10 reported)	14 (4 reported)
Number of Trips without TEDS	510	104	254	31
Number of Tows without TEDS	2081	369	971	170
Number of Turtles Caught (from logs)	31	7	18	2
Number of Observed Trips	17	8	14	3
Number of Observed Tows	72	38	47	47
No. of Turtles seen on Obs. Trips	7	2	0	0
Number of Turtles Stranded	17 before tow times; 4 after	18 before; 1 after	8 before; 11 after	14 before; 5 after
Percent in Compliance with logbooks	80%	78%	89%	100%
Number of Tows Over Time Limit	7	5	1	1
Number of Enforcement Hours	105	44	47	31

Table 2

ITP 1325 Tow Time Permit Summary

	Years				
	2001	2002	2003	2004	2005
Date Tow Permits Started	25-August	29-June	13-July	18-August	14-July
Number of Permits total (with tow time activity reported)	16 (11 reported)	26 (19 reported)	22 (19 reported)	15 (15 reported)	12 (7 reported)
Number of Trips without TEDS	18	276	182	135	111
Number of Tows without TEDS	56	1097	726	481	382
Number of Turtles Caught (from logs)	0	17	7	4	3
Number of Observation Trips	1	12	11	8	6
Number of Observation Tows	4	25	46	29	23
No. of Turtles seen on Obs. Trips	0	0	1	0	1
Number of Turtles Stranded (before;after tow times)	2 after	14 before; 3 after	18 before; 7 after	15 before; 7 after	14 before; 8 after
Percent Compliance with logbooks	100%	100%	100%	100%	100%
Number of Tows Over Time Limit	7	5	4	3	1
Number of Enforcement Hours	18	41	23	31	251