PROCLAMATION

RE: RULE SUSPENSION - BLUE CRAB ADAPTIVE MANAGEMENT MEASURES

Braxton C. Davis, Director, Division of Marine Fisheries, hereby announces that effective on the dates below the following shall apply to the harvest of blue crabs:

I. SUSPENSION OF PORTIONS OF N.C. MARINE FISHERIES COMMISSION RULES 15A NCAC, 03L .0201, 03L .0203, AND 03J .0301

The following portion of North Carolina Marine Fisheries Commission Rule 15A NCAC 03L .0201 is suspended effective at 12:01 A.M., Monday, June 6, 2016:

Sections (a) and (b), which read:
(a) It is unlawful to possess more than 10 percent by number in any container, male and immature female hard blue crabs less than five inches from tip of spike to tip of spike and to fail to return hard blue crabs not meeting this restriction to the waters from which taken, except the Fisheries Director may, by proclamation authority established in Paragraph (f) of this Rule, further restrict the harvest of blue crabs. All blue crabs not sorted into containers as specified in Paragraph (b) of this Rule shall be deemed hard blue crabs for the purpose of establishing the 10 percent culling tolerance.
(b) It is unlawful to possess blue crabs less than five inches from tip of spike to tip of spike unless individual crabs are sorted to and placed in separate containers for each of the following categories:
   (1) soft crabs;
   (2) pink and red-line peeler crabs;
   (3) white-line peeler crabs; and
   (4) from March 1 through October 31, male crabs to be used as peeler crab bait.

The following portion of North Carolina Marine Fisheries Commission Rule 15A NCAC 03L .0203 is suspended effective at 12:01 A.M., Monday, June 6, 2016:

Section (a), which reads:
(a) It is unlawful to take crabs with dredges except:
   (1) from January 1 through March 1 in the area of Pamlico Sound described in 15A NCAC 03R .0109; and
   (2) incidental to lawful oyster dredging operations in areas not subject to the exception in Subparagraph (a)(1) of this Rule provided the weight of the crabs shall not exceed:
      (A) 50 percent of the total weight of the combined oyster and crab catch; or
      (B) 500 pounds, whichever is less.

The following portion of North Carolina Marine Fisheries Commission Rule 15A NCAC 03J .0301 is suspended effective at 12:01 A.M., Sunday, January 15, 2017:

Sections (g), which reads:
(g) It is unlawful to use crab pots in Coastal Fishing Waters unless each pot contains no less than two unobstructed escape rings that are at least two and five-sixteenths inches inside diameter and located in the opposite outside panels of the upper chamber of the pot, except the following are exempt from the escape ring requirements:
   (1) unbaited pots;
   (2) pots baited with a male crab; and
   (3) pots set in areas and during time periods described in 15A NCAC 03R .0118.
II. BLUE CRAB HARVEST RESTRICTIONS

Effective at 12:01 A.M., Monday, June 6, 2016:
A. It is unlawful to possess more than five percent by number the following hard blue crabs in any combination in any container:
   1. Male hard blue crabs less than five inches from tip of spike to tip of spike;
   2. Immature female hard blue crabs; and
   3. Mature female hard blue crabs with a dark (brown and black) sponge from April 1 through April 30. A mature female hard blue crab with a dark sponge is defined as a mature female hard crab which has extruded her eggs on the abdomen or abdominal flap and the eggs have developed a coloration ranging from any shade of brown through black.

B. It is unlawful to fail to immediately return hard blue crabs not meeting the restriction described in Section II. A. to the waters from which they were taken.

C. It is unlawful to possess blue crabs described in Section II. A. (1) and (2) unless individual crabs are sorted and placed into separate containers for each of the following categories:
   1. Soft crabs;
   2. Pink and red-line peeler crabs;
   3. White line peeler crabs; and
   4. From March 1 through October 31, male crabs to be used as peeler crab bait.

D. All blue crabs not sorted into containers as specified in Section II. C. shall be deemed hard blue crabs for the purpose of establishing the five percent culling tolerance described in Section II. A.

E. It is unlawful to take blue crabs with dredges except incidental to lawful oyster dredging operations provided the weight of the crabs shall not exceed:
   1. 50 percent of the total weight of the combined oyster and crab catch; or
   2. 500 pounds, whichever is less.

III. CRAB POT ESCAPE RING REQUIREMENTS

Effective at 12:01 A.M., Sunday, January 15, 2017, it is unlawful to use crab pots in Coastal Fishing Waters unless:
A. Each pot contains no less than three unobstructed escape rings that are at least two and five-sixteenths inches inside diameter and:
   1. For pots with a divider:
      a. Two escape rings are located on opposite outside panels of the upper chamber of the pot; and
      b. At least one escape ring is located within one full mesh of the corner and one full mesh of the bottom of the divider in the upper chamber of the pot.
      c. A divider is defined as a panel that separates the crab pot into upper and lower sections.
   2. For pots without a divider:
      a. Two escape rings are located on opposite outside panels of the pot; and
      b. At least one escape ring is located within one full mesh of the corner and one full mesh of the bottom of the pot.

B. The following crab pots are exempt from the escape ring requirements in Section III. A.:
   1. Unbaited pots;
   2. Pots baited with a male crab; and
   3. Pots set in areas and during time periods described in North Carolina Marine Fisheries Commission Rule 15A NCAC 03R .0118.
IV. GENERAL INFORMATION

A. This proclamation is issued under the authority of North Carolina General Statutes 113-134; 113-182; 113-182.1; 113-170.4; 113-170.5; 113-221.1; 143B-289.52 and North Carolina Marine Fisheries Commission Rules 15A NCAC 03H .0103, 03J .0301, 03L .0201, and 03L .0203.

B. It is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under his delegated authority pursuant to North Carolina Marine Fisheries Commission Rule 15A NCAC 03H .0103.

C. The intent of this proclamation is to manage the blue crab fishery under the adaptive management framework adopted as part of the North Carolina Blue Crab Fishery Management Plan Amendment 2.

D. The harvest of mature female blue crabs is allowed except as described in Section II. A. of this proclamation.

E. In accordance with North Carolina General Statute 113-221.1(c) All persons who may be affected by proclamations issued by the Fisheries Director are under a duty to keep themselves informed of current proclamations.

F. Contact the North Carolina Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557 252-726-7021 or 800-682-2632 for more information or visit the division website at http://ncmarinefisheries.net

G. This proclamation supersedes Proclamation M-9-2015, dated June 3, 2015. This proclamation implements blue crab harvest restrictions adopted by the N.C. Marine Fisheries Commission at their May 19, 2016 business meeting and incorporated in the June 2016 Revision to the North Carolina Blue Crab Fishery Management Plan Amendment 2. It prohibits the harvest of immature female hard blue crabs. It also prohibits the possession of mature female hard blue crabs with dark sponges from April 1 through April 30. It reduces the culling tolerance for prohibited blue crabs to 5 percent by number. It prohibits targeted crab dredging while still allowing minimal crab harvest from oyster dredge operations. It requires crab pots to have a third escape ring with a minimum inside diameter of two and five-sixteenths inches. It also specifies the installation location for the third escape ring. The escape ring requirement is not effective until January 15, 2017 to allow time for fishermen to make the necessary modifications to their pots.

Braxton C. Davis, Director
DIVISION OF MARINE FISHERIES

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