NOTICE OF TEXT ATTACHMENT

#8 - Explain Reason for Proposed Action

15A NCAC 03I .0101 DEFINITIONS
Proposed amendments add definitions for educational and scientific institutions to clarify those entities that can receive Scientific and Educational Activity Permits. An additional amendment removes the location of a division office that closed from the definition of "Office of the Division".

15A NCAC 03J .0104 TRAWL NETS
In accordance with the N.C. Blue Crab Fishery Management Plan, proposed amendments correct a rule reference that re-establishes the Fisheries Director's proclamation authority to allow peeler trawling in areas of Core and Back sounds.

15A NCAC 03J .0301 POTS
In accordance with the N.C. Blue Crab Fishery Management Plan, proposed amendments redefine criteria from mesh size to bait requirements for escape ring exemptions for the taking of peeler crabs with pots. Proposed amendments also broaden the Fisheries Director's proclamation authority to implement more restrictive measures for the use of pots and to include the restrictions of means and methods in proclamations for managing the use of escape rings for the harvest of blue crabs. Additional proposed amendments move long-standing escape ring exemptions for the taking of mature female blue crabs with pots from proclamations into rule, as described in proposed adopted Rule 15A NCAC 03R .0118, reducing the exempted area for the Pamlico Sound Outer Banks region, but providing more clearly delineated boundaries for this area and the Newport River area.

15A NCAC 03K .0110 PUBLIC HEALTH AND CONTROL OF SHELLFISH HANDLING
This rule is proposed for adoption to establish authority for the Fisheries Director to implement requirements of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, Section II (Model Ordinance) via proclamation. The Model Ordinance establishes minimum requirements that states must meet for the sanitary control of molluscan shellfish.

15A NCAC 03L .0201 SIZE LIMIT AND CULLING TOLERANCE
In accordance with the N.C. Blue Crab Fishery Management Plan, proposed amendments clarify the exemptions to the five-inch minimum size limit, allowable culling tolerance, and separation requirements for the harvest of various categories of blue crabs. Proposed amendments also establish proclamation authority for the Fisheries Director to manage the blue crab fishery.

15A NCAC 03L .0202 CRAB TRAWLING
In accordance with the N.C. Blue Crab Fishery Management Plan, proposed amendments incorporate a long-standing proclamation that establishes a dividing line in Pamlico Sound for the taking of hard blue crabs using trawls of certain mesh sizes into rule. Crab trawls west of the line are required to have a minimum mesh length of four inches while a minimum mesh length of three inches is required in the remainder of coastal waters; there is no change in requirements for fishermen.

15A NCAC 03L .0203 CRAB DREDGING
In accordance with the N.C. Blue Crab Fishery Management Plan, proposed amendments clarify the intent of crab dredging restrictions to facilitate consistent enforcement. Proposed amendments also establish proclamation authority for the Fisheries Director to manage the blue crab fishery.

15A NCAC 03L .0204 CRAB POTS
In accordance with the N.C. Blue Crab Fishery Management Plan, proposed amendments establish proclamation authority for the Fisheries Director to require the use of devices to exclude diamondback terrapins from crab pots and to specify areas, times, and means and methods for the use of the devices. Additional proposed amendments add a cross-reference to a rule containing a possible exception to crab pot regulations.

15A NCAC 03L .0205 CRAB SPAWNING SANCTUARIES
In accordance with the N.C. Blue Crab Fishery Management Plan, proposed amendments establish proclamation authority for the Fisheries Director to designate additional area as crab spawning sanctuary and extend the time that harvest restrictions are in place for all crab spawning sanctuaries. Additional proposed amendments clarify existing restrictions.

15A NCAC 03L .0206 PEELER CRABS
In accordance with the N.C. Blue Crab Fishery Management Plan, this rule is proposed for repeal; the regulations will be relocated to rules 15A NCAC 03J .0301 and 03L .0201 for better organization.

15A NCAC 03L .0209 RECREATIONAL HARVEST OF CRABS
In accordance with the N.C. Blue Crab Fishery Management Plan, this rule is proposed for repeal; the regulations will be relocated to Rule 03L .0201 for better organization.

15A NCAC 03M .0103 MINIMUM SIZE LIMITS
Proposed amendments clarify exemptions to the general four-inch size limit on finfish. Additional amendments clarify the rule applies to finfish, instead of to fish.

15A NCAC 03M .0206 HYBRID STRIPED BASS CULTURE
In accordance with the Rules Modification and Improvement Program as described in G.S. 150B-19.2, this rule is proposed for repeal; the referenced Wildlife Resources Commission rules (15A NCAC 10H Section .0700) were repealed in 1996 and the initial intent of 15A NCAC 03M .0206 is no longer required.

15A NCAC 03M .0521 SHEEPSHEAD
This rule is proposed for adoption to provide the Fisheries Director proclamation authority to manage sheepshead. Sheepshead were previously managed through 15A NCAC 03M. 0512, Compliance with Fishery Management Plans. The authority to manage through this rule ended when the species was removed from the South Atlantic Fishery Management Council's Snapper Grouper Complex.

15A NCAC 03O .0503 PERMIT CONDITIONS; SPECIFIC
Proposed amendments clarify the organizations that are eligible to receive Scientific and Educational Activity permits from the Division of Marine Fisheries, expands the activities that can be allowed under the permit and clarifies the conditions for issuance and reporting requirements. A clarification is also made on the educational institutions that may receive Coastal Recreational Fishing License Exemption permits. Additional amendments correct the name of a fishery management plan and remove incorrect contact information for an agency.

15A NCAC 03Q .0202 DESCRIPTIVE BOUNDARIES FOR COASTAL-JOINT-INLAND WATERS
Proposed amendments correct an error in the Inland/Coastal Waters boundary line in Queens Creek, Onslow County that was discovered during a review of boundary coordinates. Additional amendments correct inconsistent punctuation and spacing and also update the name of a canal in Brunswick County.

15A NCAC 03R .0107 DESIGNATED POT AREAS
In accordance with the N.C. Blue Crab Fishery Management Plan, proposed amendments reclassify eight non-pot areas in the Pungo River to allow the use of pots for the harvest of blue crabs. Proposed amendments also incorporate a long-standing proclamation for a closure at the mouth of lower Broad Creek (Neuse River) to the use of pots between June 1 and November 30 into rule, creating no change in those requirements. Additional proposed amendments modify coordinate points so they are listed consistently, and to square off certain areas in the Pamlico River to increase public clarity of where the use of pots is permitted and for ease of enforcement.

15A NCAC 03R .0116 DESIGNATED SEED OYSTER MANAGEMENT AREAS
In response to a petition for rulemaking approved by the N.C. Marine Fisheries Commission, proposed amendments add two seed oyster management areas in the vicinity of New River Inlet, Onslow County to reduce travel time and costs compared to using existing seed oyster management areas in Carteret and Pender counties.

15A NCAC 03R .0118 EXEMPTED CRAB POT ESCAPE RING AREAS

In accordance with the N.C. Blue Crab Fishery Management Plan, this rule is proposed for adoption to provide clearly recognized and delineated boundaries for the Pamlico Sound and Newport River areas for crab pot escape ring exemptions provided in Rule 15A NCAC 03J .0301.