



ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

STEPHEN W. MURPHEY  
*Director*

**M-1-2021**

## **PROCLAMATION**

### **RE: RULE SUSPENSION - BLUE CRAB FMP AMENDMENT 3 MANAGEMENT MEASURES**

**This proclamation supersedes Proclamation M-8-2020, dated April 17, 2020. This proclamation implements pot closures and blue crab harvest restrictions in accordance with Amendment 3 to the North Carolina Blue Crab Fishery Management Plan. It establishes the following:**

- Seasons prohibiting use of pots in Internal Coastal Fishing Waters.
- Seasons prohibiting possession of blue crabs from Coastal Fishing Waters.
- Prohibits harvest of mature female hard blue crabs less than 5 inches.
- Prohibits harvest of immature female hard blue crabs.
- Prohibits the possession of mature female hard blue crabs with dark sponges from April 1 through April 30.
- Maintains the culling tolerance for prohibited blue crabs at 5 percent by number.
- Prohibits targeted crab dredging and reduces the allowable crab harvest from oyster dredge operations when crab harvest is allowed.
- Requires crab pots to have a third escape ring with a minimum inside diameter of two and five-sixteenths inches as well as the installation location for the third escape ring.
- Removes the cull ring exemptions for the Newport River and eastern Pamlico Sound and further prohibits designating areas exempt from the cull ring requirements.

Stephen W. Murphey, Director, Division of Marine Fisheries, hereby announces that effective at **effective at 12:01 A.M., Friday, January 1, 2021** the following restrictions shall apply to the setting of pots and 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 N.C. Marine Fisheries Commission Rule 15A NCAC 03L .0201 is suspended:**

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 N.C. Marine Fisheries Commission Rule 15A NCAC 03L .0203 is suspended:**

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 N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0301 is suspended:**

Section (a)(1), which reads:

(a) It is unlawful to use pots except during time periods and in areas specified herein:

- (1) In Coastal Fishing Waters from December 1 through May 31, except that all pots shall be removed from Internal Waters from January 15 through February 7. Fish pots upstream of U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke, Cashie, Middle, and Eastmost Rivers to the Highway 258 Bridge are exempt from the January 15 through February 7 removal requirement. The Fisheries Director may, by proclamation, reopen various waters to the use of pots after January 19 if it is determined that such waters are free of pots.

Sections (g) and (h), which read:

(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.

(h) The Fisheries Director may, by proclamation, exempt the escape ring requirements described in Paragraph (g) of this Rule in order to allow the harvest of mature female crabs and may impose any or all of the following restrictions:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify seasons; and
- (5) specify quantity.

**II. AREA DESCRIPTION**

- A. Northern Region – All Coastal Fishing Waters of the state north and east of a line extending southeast from the Highway 58 Bridge to a point offshore at 34° 36.3292'N, 77° 2.5940'W to the North Carolina/Virginia state line.

- B. Southern Region – All Coastal Fishing Waters of the state south and west of a line extending southeast from the Highway 58 Bridge to a point offshore at 34° 36.3292'N, 77° 2.5940'W to the North Carolina/South Carolina state line.

III. **POT SEASON CLOSURE DATES**

It is unlawful to use pots except during time periods and in areas specified herein:

In Coastal Fishing Waters from December 1 through May 31, except that

- A. In the Northern Region (described in Section II.A.) all pots shall be removed from Internal Coastal Fishing Waters from 12:01 A.M. on January 1 to February 1 at 12:01 A.M. Fish pots upstream of the U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke, Cashie, Middle, and Eastmost Rivers to the Highway 258 Bridge are exempt from the 12:01 A.M. on January 1 to February 1 at 12:01 A.M. removal requirement.
- B. In the Southern Region (described in Section II.B.) all pots shall be removed from Internal Coastal Fishing Waters from 12:01 A.M. on March 1 to March 16 at 12:01 A.M.

IV. **CRAB POT ESCAPE RING REQUIREMENTS**

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 (Figure 1):
  - 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 IV.
  - A.:
    - 1. Unbaited pots; and
    - 2. Pots baited with a male crab.

V. **BLUE CRAB HARVEST RESTRICTIONS**

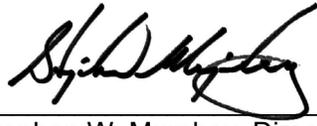
- A. It is unlawful to possess blue crabs taken from all Coastal Fishing Waters in the Northern Region (described in Section II.A.) from 12:01 A.M. on January 1 to February 1 at 12:01 A.M., except dealers will have seven days to sell, offer for sale, or transport blue crabs taken from this area prior to the closure.
- B. It is unlawful to possess blue crabs taken from all Coastal Fishing Waters in the Southern Region (described in Section II.B.) from 12:01 A.M. March 1 to March 16 at 12:01 A.M., except dealers will have seven days to sell, offer for sale, or transport blue crabs taken from this area prior to the closure.

- C. 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;
  3. Mature female hard blue crabs less than five inches from tip of spike to tip of spike; and
  4. Mature female hard blue crabs with a dark (brown or black) sponge from April 1 through April 30 statewide. 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.
- D. It is unlawful to fail to immediately return hard blue crabs not meeting the restrictions described in Section V. C. to the waters from which they were taken.
- E. It is unlawful to possess blue crabs described in Section V. C. (1), (2), and (3) 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.
- F. All blue crabs not sorted into containers as specified in Section V. E. shall be deemed hard blue crabs for the purpose of establishing the five percent tolerance described in Section V. C.
- G. 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 10 percent of the total weight of the combined oyster and crab catch or 100 pounds, whichever is less.

## VI. **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 in accordance with Amendment 3 to the North Carolina Blue Crab Fishery Management Plan.**
- D. 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.
- E. 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>
- F. **This proclamation supersedes Proclamation M-8-2020, dated April 17, 2020. This proclamation implements pot closures and blue crab harvest restrictions in accordance with Amendment 3 to the North Carolina Blue Crab Fishery Management Plan. It establishes the following:**
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- **Prohibits harvest of immature female hard blue crabs.**
- **Prohibits the possession of mature female hard blue crabs with dark sponges from April 1 through April 30.**
- **Maintains the culling tolerance for prohibited blue crabs at 5 percent by number.**
- **Prohibits targeted crab dredging and reduces the allowable crab harvest from oyster dredge operations.**
- **Requires crab pots to have a third escape ring with a minimum inside diameter of two and five-sixteenths inches as well as the installation location for the third escape ring.**
- **Removes the cull ring exemptions for the Newport River and eastern Pamlico Sound and further prohibits designating areas exempt from the cull ring requirements.**

By:   
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Stephen W. Murphey, Director  
DIVISION OF MARINE FISHERIES

December 9, 2020  
3:53 P.M.