



North Carolina Department of Environment and Natural Resources
Division of Marine Fisheries

Beverly Eaves Perdue
Governor

Dr. Louis B. Daniel III
Director

Dee Freeman
Secretary

January 11, 2010

Roy E. Crabtree, Ph.D.
Regional Administrator
NMFS Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701-5505

Dear Dr. Crabtree,

The purpose of this letter is to provide you with the North Carolina Division of Marine Fisheries (DMF) plan to address unauthorized interactions with endangered and threatened sea turtles while we develop a statewide Section 10 permit. Based on observer data, the DMF independent gill net program, data collected through our Fisheries Resources Grants, and data from National Marine Fisheries Service (NMFS), we believe our proposal will allow our fisheries to operate in a responsible manner so as to avoid interactions with threatened and endangered sea turtles while we work with NMFS to develop a statewide Section 10 permit for gill nets.

North Carolina will close set gill nets greater than 3.5 inch stretch mesh in the areas designated on Map 1 (attached) from May 15 through December 15. Areas and seasons exempted from the closure have had no documented interactions with sea turtles or have had very limited interactions (e.g., 3 observations in 10 years in the Neuse River). The DMF will provide observer coverage in exempted areas to ensure no interactions occur. In the event an interaction does occur, the area will be closed for 1 week and re-opened with a greater level of coverage. In the event a second interaction occurs, the area will be closed for the remainder of the year.

Small mesh gill nets (3.5 inches stretch mesh and smaller) will be allowed to continue to operate as all available data show no interactions have been reported from such gear. However, from May 15 through December 15, all small mesh gill nets must be attended.

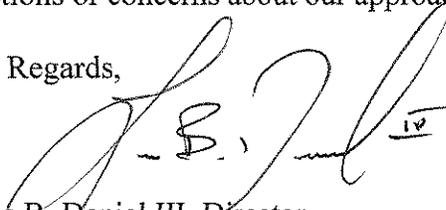
Runaround and strike gill nets (less than 5 inches stretch mesh) have likewise had no documented interactions with sea turtles. These gears are used in active fisheries specifically targeting schooling species such as Spanish mackerel and striped mullet. Gear is set around a known school of fish and immediately retrieved. In the unlikely event that a sea turtle is encircled, it can be released immediately. Therefore, we are allowing continued use of these nets.

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We intend to implement our plan, by proclamation, following the March 24-25, 2010 meeting of the North Carolina Marine Fisheries Commission in Kitty Hawk, North Carolina. A copy of the proclamation will be submitted to your office as soon as it is issued. This timing will allow the measures to be in place well before the potential for any interactions occurs this spring. The current Section 10 permit for the Pamlico Sound Gill Net Restricted Area will allow that fishery to operate under the conditions of the permit this fall.

Because of the time sensitive nature of this issue, we will assume that it meets agency approval if we do not hear from you or your staff within 30 days of receipt of this letter. I look forward to working with you and your staff on this important issue for North Carolina and if you have any questions or concerns about our approach, please do not hesitate to give me a call at (252) 808-8013.

Best Regards,

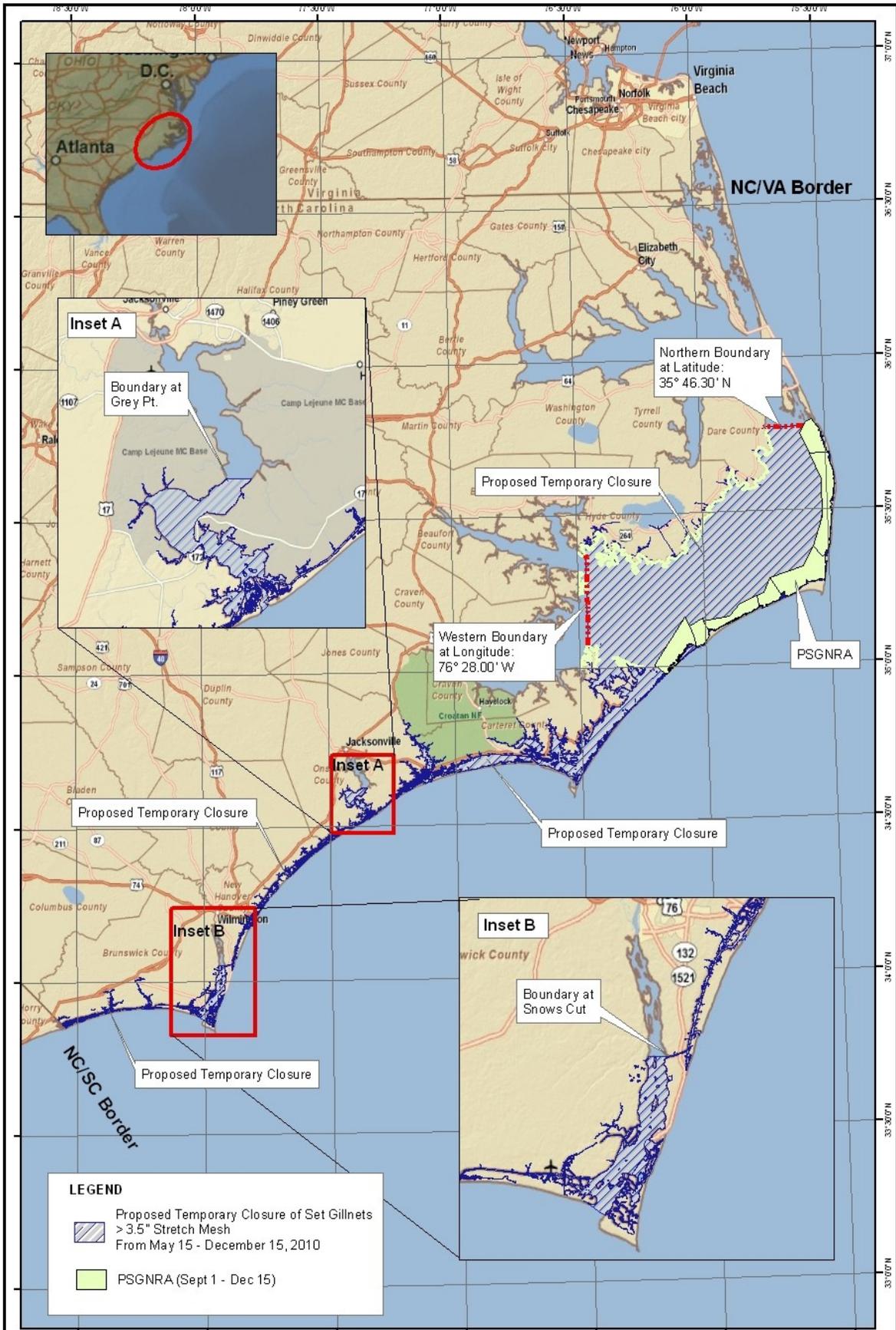
A handwritten signature in black ink, appearing to read "L. B. Daniel III". The signature is fluid and cursive, with a small "III" written at the end.

Louis B. Daniel III, Director
N.C. Division of Marine Fisheries

Attachment

cc: Governor Beverly Perdue
Senator Marc Basnight
Senator Charlie Albertson
Representative William Wainwright
Representative Tim Spear
N.C. Marine Fisheries Commission

LBD/cb



****For Illustrative Purposes Only****

2010 TEMPORARY GILLNET CLOSURE

