

FISCAL IMPACTS OF PROPOSED AMENDMENTS TO RULE 15A NCAC 03L .0105

INCREASING OFFICER SAFETY WITH VOLUMETRIC MEASUREMENT OF SHRIMP

Marine Fisheries Commission (MFC)

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Impact Summary: State Government: Yes
Local Government: No
Private Industry: No
Substantial Impact: No

Authority: G.S. 113-134 (Rules); G.S. 113-182 (Regulation of Fishing and Fisheries); G.S. 143B-289.52 (Marine Fisheries Commission—Powers and Duties)

Necessity: Proposed amendments change the 100-count measurement of shrimp harvested with a cast net in closed areas to a two-quart measurement to improve N.C. marine patrol officers' safety when enforcing shrimp harvest limits. This rule change is consistent with the principles of Executive Order 70.

Summary:

Under Rule 15A NCAC 03L .0105 all fishermen using a cast net in closed areas to harvest shrimp are limited to 100 shrimp per person per day. At the request of the N.C. Marine Patrol, proposed rule changes state a volumetric measurement (two quarts) of shrimp shall be used in place of shrimp counts to increase the safety of marine patrol officers. The proposed effective date of this rule change is May 1, 2013.

Purpose of Rules:

The use of a cast net in an area closed to shrimp harvest via other gears was originally authorized for live bait fishermen who wanted to capture shrimp for bait. Over time, the fishery has evolved into a means of capturing shrimp for personal consumption, for bait and for sale. This rule has been in place since 1985, with very few changes made since its inception; however, the number of participants in the cast net fishery for shrimp in these closed areas has nearly tripled. As a result, it has become increasingly difficult and dangerous for marine patrol officers to enforce the 100-count rule on shrimp taken with a cast net.

The N.C. Marine Patrol has proposed to use a volumetric measurement of shrimp instead of an individual count of 100 shrimp per person. This method will make it safer for each officer working alone to determine the quantity of shrimp harvested for a number of recreational cast netters. This method will also be a more efficient and effective way to check individuals who harvest shrimp with a cast net in closed areas, allowing officers to effectively check more individuals. Counting 100 shrimp takes a considerable amount of time, especially when there

are extraordinary circumstances involved, i.e., weather, numerous fishermen, language barriers, time of day, live shrimp, size, location and verbal interruptions. By using a volumetric measurement of shrimp, officers will not have to bend down and expose their weapon and person in a manner that could leave them vulnerable to attack. While no violent attacks have occurred, officers have been intentionally interrupted and distracted by fishermen while checking shrimp catches. Furthermore, allowing a volumetric measurement will improve officer safety by reducing the risk that a violent attack will occur.

The proposed changes use a two-quart measurement, which equates to approximately 80-120 shrimp depending on shrimp size, as the standard volumetric measurement of shrimp taken with a cast net in a closed area. This proposed measurement will still allow fishermen to retain shrimp for bait purposes and increase officer safety. The amount of time it takes to count 100 shrimp would be approximately 10 minutes versus a couple of minutes to fill a two-quart container. The primary purpose of this rule change is to improve officer safety and it will not have any known impact on the shrimp stock; therefore, it is consistent with the N.C. Shrimp Fishery Management Plan.

Basic Economic Impact:

There are few to no economic impacts associated with the proposed rule. If the rule was not enacted and status quo remained, the current limit for shrimp would remain in effect. Implementing the proposed rule changes would not impose a cost on the public, as one could measure two quarts volumetrically in any container currently used for retaining shrimp, such as coolers or buckets. When checking shrimp catches, officers will carry a container that will allow them to quickly measure the catch and determine if the harvest limit has been exceeded.

Benefits:

The proposed rule would aid in the safety and effectiveness of marine patrol officers as they enforce shrimp limits taken within closed areas. The volumetric measurement also will allow fishermen to more easily keep track of their catch and make sure that they do not take more than legally allowed. There may be some gains in productivity since the new measurement method requires less time than the existing one. This would provide an unquantifiable positive benefit to the N.C. Marine Patrol, by officers being able to use their time more effectively; the same amount of time will be spend on patrol activities overall.

Costs:

There are few costs associated with the proposed rule changes, as one could measure two quarts volumetrically in any container currently used for retaining shrimp. Therefore, the purchase of a new shrimp container is not required by fishermen. There may be more shrimp taken from the overall population if the number of shrimp in the two quart measurement is more than 100; however, staff scientists have determined this will have no measurable impact on shrimp populations and therefore, will not induce any costs to other shrimp fishers. N.C. Marine Patrol may be required to purchase two-quart measuring containers to enforce the new shrimp limits. The total cost of these containers is expected to be less than \$100.

Substantial Impact Declaration:

The proposed rule amendments do not have a substantial economic impact.

Proposed Rule Changes:

15A NCAC 03L .0105 RECREATIONAL SHRIMP LIMITS

It is unlawful to:

- (1) Possess more than 48 quarts, heads on or 30 quarts, heads off, of shrimp per person per day or if a vessel is used, per vessel per day for recreational purposes except as provided in 15A NCAC 03O .0303 (e) and (f).
- (2) Take or possess shrimp ~~taken from any area~~ areas closed to the taking of shrimp except ~~100 shrimp~~ two quarts of shrimp per person per day may be taken while fishing in a closed area with a cast net.

Authority G.S. 113-134; 113-182; 143B-289.52