

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1562\*

Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted  
6/13/00

Short Title: Amend Fisheries Laws.

(Public)

Sponsors:

Referred to:

May 17, 2000

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE DATE BY WHICH THE HOLDER OF A STANDARD  
COMMERCIAL FISHING LICENSE WILL BE ALLOWED TO TAKE CRABS,  
TO ALLOW THE HOLDER OF AN INTERIM CRAB LICENSE TO OBTAIN A  
STANDARD COMMERCIAL FISHING LICENSE, TO PROHIBIT THE MARINE  
FISHERIES COMMISSION FROM ESTABLISHING FEES FOR CERTAIN  
PERMITS, TO ABOLISH CERTAIN EXISTING PERMIT FEES, AND TO  
INCREASE THE AMOUNT OF GILL NET AUTHORIZED FOR USE UNDER A  
RECREATIONAL COMMERCIAL GEAR LICENSE.

The General Assembly of North Carolina enacts:

Section 1. Section 4.(b) of S.L. 1999-209 reads as rewritten:

"Section 4.(b) SCFL Not Valid to Take Crabs. ~~Notwithstanding G.S. 113-168.2,~~  
~~it is unlawful for any person to take crabs as part of a commercial fishing operation from~~  
~~the coastal fishing waters of North Carolina under a SCFL or any other license issued by~~  
~~the Division other than an interim crab license issued pursuant to this section. A person~~  
who holds a SCFL or a RSCFL may take crabs as part of a commercial fishing operation  
from the coastal fishing waters of North Carolina."

1 Section 2. Beginning July 1, 2000, and ending October 1, 2000, a person who  
2 holds an interim crab license established under Section 4 of S.L. 1999-209 may apply for  
3 a Standard Commercial Fishing License (SCFL) from the pool of available licenses  
4 established under Section 5.2 of S.L. 1997-400, as amended by Section 4.24 of S.L.  
5 1998-225, as provided in this section. Notwithstanding subsections (c), (e), and (f) of  
6 Section 5.2 of S.L. 1997-400, as amended by Section 4.24 of S.L. 1998-225, the Marine  
7 Fisheries Commission shall increase the number of SCFLs in the pool of available  
8 licenses to the extent necessary to allow the Division of Marine Fisheries to issue a SCFL  
9 to each person who holds an interim crab license; who applies for a SCFL during the  
10 period July 1, 2000, through October 1, 2000; and who qualifies for a SCFL under the  
11 eligibility criteria established pursuant to subsection (h) of Section 5.2 of S.L. 1997-400,  
12 as amended by Section 4.24 of S.L. 1998-225. The Division of Marine Fisheries may  
13 issue only one SCFL to a person under this section regardless of the number of interim  
14 crab licenses the person holds. The duration of and fee for a SCFL issued pursuant to this  
15 section shall be as provided in G.S. 113-168.1 and G.S. 113-168.2, regardless of when  
16 the SCFL is issued.

17 Section 3. G.S. 113-169.1 reads as rewritten:

18 **"§ 113-169.1. Permits for gear, equipment, and other specialized activities**  
19 **authorized.**

20 The Commission may adopt rules to establish permits for gear, equipment, and  
21 specialized activities, including commercial fishing operations that do not involve the use  
22 of a vessel and transplanting oysters or clams. ~~The Commission shall establish a fee for each~~  
23 ~~permit in an amount that compensates the Division for the actual administrative costs associated~~  
24 ~~with the permit but that does not exceed fifty dollars (\$50.00) per permit."~~

25 Section 4. Any fee established by the Marine Fisheries Commission pursuant  
26 to G.S. 113-169.1, as amended by Section 3 of this act, shall expire July 1, 2000.

27 Section 5. G.S. 113-173(c) reads as rewritten:

28 "(c) Authorized Commercial Gear. –

29 (1) The Commission shall adopt rules authorizing the use of a limited  
30 amount of commercial fishing equipment or gear for recreational fishing  
31 under a RCGL. The Commission may authorize the limited use of  
32 commercial gear on a uniform basis in all coastal fishing waters or may  
33 vary the limited use of commercial gear within specified areas of the  
34 coastal fishing waters. The Commission shall periodically evaluate and  
35 revise the authorized use of commercial gear for recreational fishing.  
36 Authorized commercial gear shall be identified by visible colored tags  
37 or other means specified by the Commission in order to distinguish  
38 between commercial gear used in a commercial operation and  
39 commercial gear used for recreational purposes.

40 (2) A person who holds a RCGL may use up to 200 yards of gill net to take  
41 fish for recreational purposes. Two persons who each hold a RCGL and  
42 who are fishing from a single vessel may use up to a combined 400  
43 yards of gill net to take fish for recreational purposes. No more than

1                   400 yards of gill net may be used to take fish for recreational purposes  
2                   from a single vessel regardless of the number of persons holding  
3                   RCGLs aboard the vessel."

4                   Section 6. This act becomes effective July 1, 2000.