UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

AUG 18 2005

Mr. Preston P. Pate, Director
State of North Carolina
Department of Environment and Natural Resources
Division of Marine Fisheries
P.O. Box 769
Morehead City, North Carolina 28557-0769

Dear Mr. Pate:

Enclosed is Permit No. 1528, issued under the authority of Section 10 of the Endangered Species Act of 1973. This permit authorizes the take of listed sea turtles incidental to large and small mesh gillnet fishing in specified areas of southeastern Pamlico Sound. The permit applies only to fishing in the restricted areas defined as follows:

1. SGNRA 1
The area from Wainwright Island to Ocracoke Inlet bound by the following points: Beginning at a point on Core Banks at 34° 58.7963'N- 76° 10.0013'W, running northwesterly to Marker # 2CS at the mouth of Wainwright Channel at 35° 00.2780'N- 76° 12.1682'W, then running northeasterly to Marker "HL" at 35° 01.5665'N- 76° 11.4277'W, then running northeasterly to Marker #1 at 35° 09.7058'N- 76° 04.7528'W, then running southeasterly to a point at Beacon Island at 35° 05.9352'N- 76° 02.7408'W, then running south to a point on the northeast corner of Portsmouth Island at 35° 03.7014'N- 76° 02.2595'W, then running southwesterly along the shore of Core Banks to the point of beginning.

2. SGNRA 2
The area from Ocracoke Inlet to Hatteras Inlet bound by the following points: Beginning at a point near Marker #7 at the mouth of Silver Lake at 35° 06.9091'N- 75° 59.3882'W, running north to Marker #11 near Big Foot Slough Entrance at 35° 08.7890'N-76° 00.3606'W, then running northeasterly to a point at 35° 13.4489'N-75° 47.5531'W, then running south to a point northwest of the Ocracoke/Hatteras Ferry terminal on the Ocracoke side at 35° 11.5985'N- 75° 47.0768'W, then southwesterly along the shore to a point of beginning.

3. SGNRA 3
The area from Hatteras to Avon Channel bound by the following points: Beginning at a point near Marker "HR" at 35° 13.3152'N – 75° 41.6694'W, running northwest near Marker "42 RC" at Hatteras Channel at 35° 16.7617'N – 75° 44.2341'W, then running easterly to a point off Marker #2 at Cape Channel at 35° 19.0380'N – 75° 36.2993'W, then running northeasterly near Marker #1 at the Avon Channel Entrance at 35° 22.8212'N – 75° 33.5984'W, then running southeasterly near Marker #6 on Avon Channel at 35° 20.8224'N- 75° 31.5708'W, then running

easterly near Marker #8 at 35° 20.9412’N – 75° 30.9058’W, then running to a point on shore at 35° 20.9562’N-75° 30.8472’W, then following the shoreline in a southerly and westerly direction to the point of beginning.

4. SGNRA 4
The area from Avon Channel to Rodanthe bound by the following points: Beginning at a point near Marker #1 at the Avon Channel Entrance at 35° 22.8212’N- 75° 33.5984’W, then running northerly to a Point on Gull Island at 35° 28.4495’N-75° 31.3247’W, then running north near Marker “ICC” at 35° 35.9891’N- 75° 31.2419’W, then running northwesterly to a point at 35° 41.0000’N – 75° 33.8397’N – 75° 29.3271’W, then following the shoreline in a southerly direction to a point on shore near Avon Harbor at 35° 20.9562’N- 75° 30.8472’W, then running westerly near Marker #8 at 35° 20.9412’N- 75° 30.9058’W, then running westerly near Marker #6 on Avon Channel at 35° 20.8224’N- 75° 31.5708’W, then running northwesterly to the point of beginning.

5. Ocracoke Corridor (OC)
The area in Ocracoke Inlet bound by the following points: Beginning at a point at 35° 07.9390’N-76° 03.8080’W, then running northeasterly to Marker #9 at Nine Foot Shoal Entrance at 35° 08.4411’N- 76° 02.6848’W, then running northeasterly to Marker “14 BF” at 35° 09.3627’N- 76° 00.6259’W, then running southeast to Marker #7 at the mouth of Silver Lake at 35° 06.9091’N- 75° 59.3882’W, then following the shoreline southwesterly to a point at the north side of Ocracoke Inlet at 35° 04.4200’N- 75° 59.9245’W, then crossing the inlet to a point on Portsmouth Island at 35° 03.7014’N- 76° 02.2595’W, then in a northerly direction to a point on Beacon Island at 35° 05.9352’N- 76° 02.7408’W, then running in a northwesterly direction to the point of beginning.

6. Hatteras Corridor (HC)
The area in Hatteras Inlet bound by the following points: Beginning at a point at 35° 13.4489’N-75° 47.5531’W, running east to the site of an old platform at 35° 14.0100’N- 75° 45.8097’W, then running northeast to Marker “42 RC” at the mouth of Hatteras Channel at 35° 16.7617’N-75° 44.2341’W, then following the channel to Marker “HR” at 35° 13.3152’N- 75° 41.6694’W, then following the shoreline to a point on the north side of Hatteras Inlet at 35° 11.3408’N- 75° 44.9907’W, then crossing the inlet to the south side to a point on Ocracoke Island at 35° 11.0793’N- 75° 45.9645’W, then following the shoreline northwest to a point northwest of the Ocracoke/Hatteras ferry terminal at 35° 11.5985’N- 75° 47.0768’W, then running in a northerly direction to the point of beginning.

7. Oregon Inlet Corridor (OIC)
The area in Oregon Inlet bound by the following points: Beginning at a point at Marker #12 at Old House Channel at 35° 45.0883’N- 75° 35.9600’W, then following the channel in a northeasterly direction to Marker #53 at 35° 47.2157’N- 75° 34.4264’W, then running easterly to Marker #13 near Oregon Inlet Fishing Center harbor entrance at 35° 47.7076’N- 75° 32.9762’W, then running southerly to a point on the south side of Oregon Inlet at 35° 46.0500’N- 75° 31.6166’W, then running in a southerly direction along the shoreline to a point at 35° 41.0000’N-75° 29.3271’W, then running west to a point at 35° 41.0000’N- 75° 33.8397’W, then in a northerly direction to the point of beginning.

8. MGNRA
The area on the mainland side of Pamlico Sound, from the shoreline of Hyde and Pamlico Counties out to 200 yards between 76° 30'W and 75° 42'W.

Please review Permit 1528 to ensure that you understand what is authorized, and that you comply with the Permit conditions. The original permit and a file copy of the signature page are enclosed. Please sign and date both, and return the signature page marked "FILE COPY" to our office. In the future, should you need a change in this authorization, please submit a modification request.

Your attention is particularly directed to Section IV.B. which describes reporting requirements. This permit expires on December 31, 2010. However, please note that annual renewal of this permit before this date is not automatic. Yearly evaluation of this permit by the National Marine Fisheries Service (NMFS) will include re-analyses of all data and a re-assessment of the take levels prior to the 2nd and 3rd year re-authorization. The fee for this permit is waived.

Please note that Permit #1528 is not valid until our office receives the signed copy. You may submit the copy by facsimile to (301) 713-2522 and confirm by mail. If you have any questions concerning the permit, please contact Therese Conant at 301-713-1401 x126.

Sincerely

P. Michael Payne, Chief
Marine Mammal and Sea Turtles
Conservation Division

Permit No.: 1528
Expiration Date: December 31, 2010

PERMIT TO INCIDENTALLY TAKE ENDANGERED/THREATENED SPECIES

I. AUTHORIZATION

The North Carolina Division of Marine Fisheries (NCDMF) is hereby authorized to incidentally take the endangered and threatened sea turtles specified below while implementing the 2005-2010 fall season of large and small mesh gillnet fishing in southeastern Pamlico Sound in the manner specified in the Permit Holder's March 22, 2005, application and supporting documents, subject to the provisions of Section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. §§ 1531-1543), the National Marine Fisheries Service (NMFS) regulations governing listed species permits (50 CFR Parts 222 and 223), and the conditions hereinafter set forth.

II. ABSTRACT

The NCDMF has requested an individual incidental take permit to manage its large (5 inches or greater stretched mesh) and small mesh gillnet fishery (less than 5 inches stretched mesh) in the Gillnet Restricted Areas (GNRA), defined as the following eight areas in southeastern Pamlico Sound, North Carolina.

1. SGNRA 1
The area from Wainwright Island to Ocracoke Inlet bound by the following points: Beginning at a point on Core Banks at 34˚ 58.7963'N- 76˚10.0013'W, running northwesterly to Marker # 2CS at the mouth of Wainwright Channel at 35˚ 00.2780'N- 76˚12.1682'W, then running northeasterly to Marker "HL" at 35˚ 01.5665'N- 76˚ 11.4277'W, then running northeasterly to Marker #1 at 35˚ 09.7058'N- 76˚ 04.7528'W, then running southeasterly to a point at Beacon Island at 35˚ 05.9352'N- 76˚02.7408'W, then running south to a point on the northeast corner of Portsmouth Island at 35˚03.7014'N- 76˚ 02.2595'W, then running southwesterly along the shore of Core Banks to the point of beginning.

2. SGNRA 2
The area from Ocracoke Inlet to Hatteras Inlet bound by the following points: Beginning at a point near Marker #7 at the mouth of Silver Lake at 35˚06.9091'N- 75˚59.3882'W, running north to Marker # 11 near Big Foot Slough Entrance at 35˚08.7890'N-76˚00.3606'W, then running northeasterly to a point at 35˚13.4489'N-75˚47.5531'W, then running south to a point northwest of the Ocracoke/Hatteras Ferry terminal on the Ocracoke side at 35˚11.5985'N- 75˚47.0768'W, then southwesterly along the shore to a point of beginning.

3. SGNRA 3
The area from Hatteras to Avon Channel bound by the following points: Beginning at a point near Marker “HR” at 35˚ 13.3152’N – 75˚ 41.6694’W, running northwest near Marker “42 RC” at Hatteras Channel at 35˚ 16.7617’N – 75˚ 44.2341’W, then running easterly to a point off Marker #2 at Cape Channel at 35˚ 19.0380’N – 75˚ 36.2993’W, then running northeasterly near Marker #1 at the Avon Channel Entrance at 35˚ 22.8212’N – 75˚ 33.5984’W, then running southeasterly near Marker #6 on Avon Channel at 35˚ 20.8224’N- 75˚ 31.5708’W, then running easterly near Marker #8 at 35˚ 20.9412’N – 75˚ 30.9058’W, then running to a point on shore at 35˚ 20.9562’N-75˚ 30.8472’W, then following the shoreline in a southerly and westerly direction to the point of beginning.

4. SGNRA 4
The area from Avon Channel to Rodanthe bound by the following points: Beginning at a point near Marker #1 at the Avon Channel Entrance at 35° 22.8212’N- 75° 33.5984’W, then running northerly to a Point on Gull Island at 35° 28.4495’N-75° 31.3247’W, then running north near Marker “ICC” at 35° 35.9891’N- 75° 31.2419’W, then running northwesterly to a point at 35˚ 41.0000’N – 75˚ 33.8397’N – 75˚ 29.3271’W, then following the shoreline in a southerly direction to a point on shore near Avon Harbor at 35° 20.9562’N- 75° 30.8472’W, then running westerly near Marker #8 at 35° 20.9412’N- 75° 30.9058’W, then running westerly near Marker #6 on Avon Channel at 35° 20.8224’N- 75° 31.5708’W, then running northwesterly to the point of beginning.

5. Ocracoke Corridor (OC)
The area in Ocracoke Inlet bound by the following points: Beginning at a point at 35˚ 07.9390'N- 76˚ 03.8080'W, then running northeasterly to Marker #9 at Nine Foot Shoal Entrance at 35˚ 08.4411'N- 76˚ 02.6848'W, then running northeasterly to Marker "14 BF" at 35˚ 09.3627'N- 76˚ 00.6259'W, then running southeast to Marker #7 at the mouth of Silver Lake at 35˚ 06.9091'N- 75˚ 59.3882'W, then following the shoreline southwesterly to a point at the north side of Ocracoke Inlet at 35˚ 04.4200'N- 75˚ 59.9245'W, then crossing the inlet to a point on Portsmouth Island at 35˚ 03.7014'N- 76˚ 02.2595'W, then in a northerly direction to a point on Beacon Island at 35˚ 05.9352N- 76˚ 02.7408'W, then running in a northwesterly direction to the point of beginning.

6. Hatteras Corridor (HC)
The area in Hatteras Inlet bound by the following points: Beginning at a point at 35˚ 13.4489'N- 75˚ 47.5531'W, running east to the site of an old platform at 35˚ 14.0100'N- 75˚ 45.8097'W, then running northeast to Marker "42 RC" at the mouth of Hatteras Channel at 35˚ 16.7617'N- 75˚ 44.2341'W, then following the channel to Marker "HR" at 35˚ 13.3152'N- 75˚ 41.6694'W, then following the shoreline to a point on the north side of Hatteras Inlet at 35˚11.3408'N- 75˚44.9907'W, then crossing the inlet to the south side to a point on Ocracoke

Island at 35˚ 11.0793'N- 75˚ 45.9645'W, then following the shoreline northwest to a point northwest of the Ocracoke/Hatteras ferry terminal at 35˚11.5985'N- 75˚47.0768'W, then running in a northerly direction to the point of beginning.

7. Oregon Inlet Corridor (OIC)
The area in Oregon Inlet bound by the following points: Beginning at a point at Marker #12 at Old House Channel at 35° 45.0883'N- 75° 35.9600'W, then following the channel in a northeasterly direction to Marker #53 at 35° 47.2157'N- 75° 34.4264'W, then running easterly to Marker #13 near Oregon Inlet Fishing Center harbor entrance at 35˚ 47.7076'N- 75˚ 32.9762'W, then running southerly to a point on the south side of Oregon Inlet at 35˚ 46.0500'N- 75° 31.6166'W, then running in a southerly direction along the shoreline to a point at 35˚ 41.0000'N- 75° 29.3271'W, then running west to a point at 35˚ 41.0000'N- 75° 33.8397'W, then in a northerly direction to the point of beginning.

8. MGNRA
The area on the mainland side of Pamlico Sound, from the shoreline of Hyde and Pamlico Counties out to 200 yards between 76°30'W and 75°42'W.

High levels of sea turtle strandings in the fall of 1999 were determined to be the likely result of incidental capture in the large mesh gillnets used in the fishery for southern flounder in this area. Since incidental capture of listed sea turtles was unauthorized, NMFS implemented an emergency 30-day rule closing the fishery towards the end of the season (64 FR 70196, December 16, 1999). NMFS restricted fishing with gillnets greater than 4 1/4" stretched mesh in Pamlico Sound from September 28 through December 15, 2001 (66 FR 50350, October 3, 2001), and then permanently on an annual basis from September 1 through December 15 (67 56931, September 6, 2002)

In order to allow the shallow water fishery to operate in the closed area, NMFS issued a section 10(a)(1)(B) Incidental Take Permit #1259 to NCDMF (65 FR 65840, November 2, 2000), Permit #1348 (66 FR 51023, October 5, 2001), and Permit #1398 (67 FR 67150, November 4, 2002) for managing the sea turtle interactions in certain factions of the commercial fall gill net fisheries for flounder in the southeastern portion of Pamlico Sound. On March 22, 2005, NCDMF submitted an application to NMFS for a Permit (#1528) authorizing incidental take of ESA-listed sea turtles associated with the shallow water fishery for the 2005 through 2010 fall fishing seasons. This application includes endangered Kemp's ridley, leatherback, and hawksbill sea turtles and the threatened green and loggerhead sea turtles.

The goal of the conservation plan for these permits was for NCDMF to monitor sea turtle interactions in the fall large mesh gillnet fishery in the PSGNRA and to implement management measures to reduce sea turtle mortality by 50 percent from September 15-

December 15, compared to the levels seen in the strandings of 1999. Corresponding limits were set on the levels of observed takes of sea turtles – both live and lethal takes – and documented strandings.

NCDMF implemented registration and reporting requirements and yardage limitations for the large mesh gillnet fishery in southeastern Pamlico Sound. NCDMF has and will continue to monitor sea turtle interactions through reports from fishery observers, fishermen, and NCDMF Marine Patrol. Management measures identified in the Conservation Plan include tending requirements for small mesh gillnets; restrictions on the maximum net length per fishing operation; and prohibitions of large mesh gillnets in areas around the inlets.

III. INCIDENTAL TAKE AUTHORIZATION

Listed Species Affected:

<u>Endangered</u>	
Leatherback turtle	*Dermochelys coriacea*
Hawksbill turtle	*Eretmochelys imbricata*
Green turtle	*Chelonia mydas*[*]
Kemp's ridley turtle	*Lepidochelys kempii*
<u>Threatened</u>	
Loggerhead turtle	*Caretta caretta*

[*] *Green turtles in U.S. waters are listed as threatened except for the Florida breeding population which is listed as endangered. Due to the inability to distinguish between these populations away from the nesting beach, green turtles are considered endangered wherever they occur in U.S. waters.*

Authorized levels of annual incidental take are specified in the table below. The amount of incidental take is expressed for each species in two ways, as estimated lethal take and estimated live take. Because reaching the estimated level for any category of take for any species would end the incidental take authorization, it is highly unlikely that all five species would be impacted at these full levels. Take must be incidental to otherwise lawful activities associated with the large and small mesh gillnet fishery, and as conditioned herein. The permit covers incidental take from September 1, 2005 through December 31, 2010.

Table 1 Annual Estimated Take derived from at-sea monitoring program 2001 - 2004.

Species	Estimated Live	Estimated Lethal	**Total Estimated Take**
Kemp's Ridley[1]	27	14	41
Green	120	48	168
Loggerhead[1]	38	3	41
Total Estimated Take	**185**	**65**	**250**
Species	Observed (not extrapolated)		**Total Observed Take**
Hawksbill	2 lethal or live, observed, all areas		2
Leatherback	2 lethal or live, observed, all areas		2
Kemp's ridley, green, loggerhead	6 lethal or live, any combination of species, observed, on the westernshore of Pamlico Sound only		6
Total Observed Take	**10**		**10**
Total Estimated and Observed Take			**260**

IV. CONDITIONS OF PERMIT

The incidental take of ESA-listed sea turtles is authorized as described in the application and subject to the provisions of the conservation plan and the conditions specified in this permit.

---

[1] Kemp's ridley and Loggerhead estimated take will be based on a 3-year period (i.e, Kemp's ridley = 81 live, 42 lethal for 2005- 2007 and 81 live, 42 lethal for 2008-2010; Loggerhead = 114 live, 9 lethal for 2005-2007 and 114 live, 9 lethal for 2008-2010) for purposes of exceeding the threshold. Estimated take of Kemp's ridleys and loggerheads varies greatly by year, thus combining years will account for some of the variability across years.

A. Conditions to Monitor and Minimize Impacts to Listed Species

1. *Enforcement.* Adequate enforcement measures must be employed to ensure compliance by fishermen with all conditions of the GNRA Permit. Enforcement presence must be conducted on a variable schedule to prevent anticipation of enforcement presence at any given time.

2. *Observer Coverage.* Observer coverage of the large and small mesh gillnet fishery must be implemented as specified in the "Application for an Individual Incidental Take Permit Under the Endangered Species Act of 1973" dated March 22, 2005; that is, a minimum of 2 percent coverage will be achieved for the Outer Banks large mesh (>5-inch stretched mesh) gillnet fishery from September 1 through September 15, and from November 1 through December 1 each year. From September 15 through October 31 each year, a minimum of 10 percent coverage will be achieved for the Outer Banks large mesh (>5-inch stretched mesh) gillnet fishery. Observers will maintain coverage of the small mesh (<5-inch stretched mesh) gillnet fishery throughout the Pamlico Sound when attainable. Observer coverage will be maintained for the mainland side of Pamlico Sound from September 1 through December 1 each year. Observer coverage levels for the mainland and for the small mesh component will be determined based a minimum threshold to ensure compliance and affirmation of low interaction rates.

3. *Bycatch Estimation.* The total sea turtle bycatch must be estimated, as specified in the "Application for an Individual Incidental Take Permit Under the Endangered Species Act of 1973" dated March 22, 2005. Estimates will be calculated weekly as well as monthly and will be provided to the NMFS SERO, Protected Species Branch. In addition, a detailed final report will also be provided within 120 days of the end of the Pamlico Sound fall gillnet fishery. Separate estimates must be made for live and dead bycaught turtles. For purposes of these estimates, any observed, captured turtles that are released alive, uninjured, and in a vigorous condition will be used to produce the "live" estimates. Observed, captured turtles in any other condition will be used for the "dead" estimates. The cumulative total of the individual weekly estimates must also be calculated by NCDMF to determine whether the maximum authorized take levels in Section III are being approached. NCDMF shall inform NMFS promptly if the authorized take levels are being approached.

4. *Stranding Monitoring*. The Sea Turtle Stranding and

Salvage Network (STSSN) will monitor the strandings of sea turtles in the inshore areas of the GNRA. The STSSN state coordinator for North Carolina (Mr. Matthew H. Godfrey, NC Wildlife Resources Commission) will report weekly stranding levels within the GNRA to the NMFS STSSN national coordinator, the NMFS Southeast Regional Office, and NCDMF.

5. *Sea Turtle Handling and Resuscitation Requirements*. NCDMF must issue a proclamation specifying handling and resuscitation requirements that fishermen must undertake for any sea turtle that is incidentally captured:

a. Fishermen must bring captured turtles aboard immediately upon detecting them in their net and remove them from the net with all due care to avoid further injury to the turtle.

b. Resuscitation must be attempted on sea turtles that are inactive or comatose by placing the turtle in its normal position on its breastplate (plastron) and elevating its hindquarters several inches for a period of 4 up to 24 hours. The amount of the elevation depends on the size of the turtle; greater elevations are needed for larger turtles. Sea turtles being resuscitated must be kept moist and protected from excessive heat and cold.

c. Sea turtles that are actively moving or begin actively moving following resuscitation must be held aboard the vessel in an open container (e.g. a fish box) that allows the turtle to rest normally on its breastplate, while restricting its movement and preventing the possibility of injury from any fishing operations. Turtles that are too large to fit inside a holding container must be otherwise confined to an area of the vessel that is free of sharp objects or harmful materials and where chance of injury from fishing operations is minimal.

6. *Disposition of Incidentally Taken Sea Turtle Specimens*. NCDMF must issue a proclamation specifying how fishermen must dispose of any sea turtle that is incidentally captured:

a. For sea turtles that are active and uninjured, fishermen must transport the turtle to Hatteras, Oregon, or Ocracoke Inlet and release it into the water. Turtles must be released over the stern or side of the boat with the engine out of gear, in an area where they are unlikely to be recaptured by other nets or injured by vessels. Turtles must be brought as near as possible to the actual mouth of the inlet for release, consistent with safe

operation of the vessel given the sea and weather conditions, but in no case should turtles be released farther than 2.5 nautical miles from the inlet mouth.

b. For sea turtles that are injured, lethargic, or dead, fishermen must contact the NCDMF Marine Patrol and transfer the turtle to an NCDMF patrol vessel, if one is located in the GNRA. If no NCDMF patrol vessel is in the vicinity, fishermen must transport the turtle to the U.S. Coast Guard Station at Oregon Inlet or Hatteras Inlet and turn the turtle over to Coast Guard personnel.

7. *Tagging of Incidentally Taken Sea Turtle Specimens*. Observers must tag all live, active turtles prior to release with two flipper tags and one PIT tag. Tagging procedures must be coordinated with and tag data must be submitted to the Cooperative Marine Turtle Tagging Program of the University of Florida.

8. *United States Fish and Wildlife Service Guidelines to Reduce the Impact to Manatees if Encountered by Fisherman*. NCDMF must issue a proclamation specifying the guidelines fishermen must follow in the event that a manatee is encountered.

a. The applicant will inform all fishermen associated with the fishery that manatees may be present in the area, and the need to avoid any harm to these endangered mammals. The applicant will ensure that all fishermen know the general appearance of the species and their habit of moving about completely or partially submerged in shallow water. All fishermen will be informed that they are responsible for observing water-related activities for the presence of manatees.

b. The applicant will advise all fishermen that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Act and the Marine Mammal Protection Act of 1972, as amended.

c. If a manatee is seen within 300 ft of the active vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. The precautions shall include the operation of all moving vessels no closer than 50 ft of a manatee. Operation of any vessels closer than 50 ft to a manatee shall necessitate immediately placing any motors in neutral or shutting them off. Activities will not resume until the manatee has departed the fishing area on its own volition. Manatees should

not be herded away or harassed into leaving.

d. Fishermen will monitor and tend nets for manatees at the same time they do so for sea turtles. For help with an entangled, injured, or stranded manatee, fishermen should contact-

Rachel Lo Piccolo
NOAA, Beaufort Lab
101 Pivers Island Road
Beaufort, NC 28516
252-728-8762 (office)
252-444-8064 (pager)

In the event an entangled manatee is encountered fishermen should take immediate actions in a manner which best minimizes stress or injury to the animal but is sufficient to free it entirely. The above person should then be contacted as soon as possible.

e. Any boat collision or fishing gear interaction with and/or injury to a manatee will be reported immediately. The report must be made to the U.S. Fish and Wildlife Service and the North Carolina Wildlife Resources Commission, and fishing should be postponed until cause of injury or mortality can be determined and a revised fishing and or monitoring plan is produced and approved. The addresses for the U.S. Fish and Wildlife Service and the North Carolina Wildlife Resources Commission are-

U.S. Fish and Wildlife Service
Post Office Box 33726
Raleigh, North Carolina 27636-3726
telephone: 919-856-4520 x 16
telefax: 919-856-4556

North Carolina Wildlife Resources
183 Paul Drive
Trenton, North Carolina 28585
telephone: 252-448-1546

f. A sign should be posted in all fish houses associated with the fishery where it is clearly visible, and will be distributed, as appropriate, to vessel operators to post in vessels. The sign should state:

CAUTION: The endangered manatee may occur in these

waters during the warmer months, primarily from June through October. Idle speed is required if operating this vessel in shallow water during these months. All motors must be shut down or placed in neutral if a manatee comes within 50 ft of the fishing vessel. A collision with and/or injury to a manatee will be reported immediately to the U.S. Fish and Wildlife Service and the North Carolina Wildlife Resources Commission.

g. All vessels associated with the fishing activities will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

9. *Additional Restrictions and Closure of the Fishery*. If estimated or observed sea turtle gear interactions or mortalities within the GNRAs exceed thresholds specified in the AUTHORIZED INCIDENTAL TAKES section of the application, NCDMF must immediately close the GNRA to fishing with gillnets. NCDMF must then analyze the available observer data and consult with NMFS to determine the appropriate next steps.

10. *Additional Adaptive Management Protocols.* NCDMF may implement and enforce additional management actions to reduce sea turtle takes at anytime during the fall fishing seasons. This allows NCMDF to respond promptly by taking additional actions as necessary to protect sea turtles. NCDMF may also implement alternative management responses or actions that will direct resources more efficiently as long as such responses or actions do not negatively impact turtles beyond the impacts associated with the responses or actions described in this permit. These actions may include, but are not limited to: reduced observer coverage by area, modification of monitoring goal(s), adjusted gear requirements, and modification of restricted areas. Additional management actions will be determined by NCDMF, in consultation with NMFS. NCDMF and NMFS consultations must include analyses of relevant data, including but not limited to at-sea monitoring, NC Trip Ticket Program, fish house checks, enforcement, and strandings. Consultations will be among staff from NCDMF, NMFS Office of Protected Resources(PR), and NMFS Southeast Region Protected Resources (SER). If there is a disagreement about any changes to management not specified within the permit, PR and SER will convene, at NCDMF's request, a consultation with the Assistant Administrator for Fisheries for resolution.

As with all measures in the permit, the Adaptive

Management Protocols will be evaluated on an annual basis to determine which, if any, management changes were effective.

B. Reporting Requirements

1. *Take Reports.* All sea turtle incidental takes in the fishery must be reported to the NMFS, Southeast Regional Office, Protected Resources Division via facsimile (Fax: 727-570-5517), within 24 hours of their occurrence, whether documented by an observer or reported by a fisherman. Reports of incidental take should include the date of the take, the condition of the turtle, the species (if known), and any other pertinent details of the circumstances of the taking (e.g. location, gear description).

2. *Weekly Reports.* For those weeks in which sea turtle interactions are documented, a weekly report must be submitted to the NMFS, Southeast Regional Office, Protected Resources Division via facsimile (Fax: 727-570-5517) by noon on each Tuesday from September 1-December 15 of each year covering the previous Saturday-Friday period. The weekly reports must include:

a. The weekly take estimates and cumulative total take specified in Condition A.3, including
   i. Observed takes with species, location, and condition;
   ii. Total number of observed trips and the total pounds of flounder landed for those trips; and,
   iii. Total number of trips and the total pounds of flounder reported landed for the GNRA by reporting fishermen;

b. The total number of fishermen filing weekly reports to NCDMF, including sub-totals for those with landings;

c. The total number of fishermen permitted by NCDMF to participate in the large and small mesh gillnet fishery in the GNRA;

d. The number of law enforcement contacts made with large-mesh gillnet vessels in the GNRA, the nature of these contacts and;

e. Any violations detected by NCDMF of the proclamations implementing the requirements of this permit, and the status of all resulting enforcement actions.

3. *Monthly Reports*. Monthly reports must be submitted to the NMFS Office of Protected Resources (Fax: 301-713-0376) and the NMFS Southeast Regional Office, Protected

Resources Division (Fax: 727-570-5517) on October 3 of each season, covering the period September 1-September 30, and on November 3 of each season, covering the period October 1-October 31, and on December 3 of each season covering the period November 1-December 1. The monthly reports must include:

a. A summary of the weekly reporting information previously submitted;

b. Descriptions of any additional management measures taken by NCDMF; and,

c. One or more maps or graphical displays illustrating the geographic distribution of all observed large and small mesh gillnet hauls and the locations of all observed incidental takes of sea turtles.

4. *Final Report.* A final report must be submitted to:

Chief, Marine Mammal and Turtle Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910

with a copy to:

Assistant Regional Administrator for
Protected Resources
Southeast Regional Office
National Marine Fisheries Service
263 13th Ave. South
St. Petersburg, FL 33701

on or before April 1 following the end of each season. The final report must include:

a. A detailed analysis of the total sea turtle bycatch in the fishery, based on multiple estimation techniques, in addition to the weekly estimate methodology [e.g. using other units of effort (trips, hauls, yard-hours fished), assessing confidence intervals of various estimates, adjusting for non-reported effort, comparing fisherman-reported landings data and Trip Ticket data, using non-linear estimation techniques, evaluating the validity of assumptions supporting various estimation techniques];

b. An assessment of the variables affecting sea turtle catch rates and survival (e.g. fishing gear characteristics, soak times, time of year, water temperature, location, depth);

c. An evaluation of the effectiveness of the monitoring program, enforcement efforts, and all management measures implemented with particular attention to the spatio-temporal distribution of fishing effort, turtle takes and strandings. [NMFS expects to have aerial survey data on the fishing effort in the GNRA that will be shared with NCDMF. If NMFS cannot provide this information, however, NCDMF must still conduct this evaluation with available data.]; and,

d. A summary of all other non-flounder bycatch observed in the observer program with estimates of the total bycatch for the fishery.

C. General Permit Conditions

1. The Permit Holder may not transfer or assign this permit to any other person(s), as person is defined in Section 3(12) of the ESA. This permit is not in force or effective if transferred or assigned to any other person.

2. Upon request by the Director of the Office of Protected Resources, the Permit Holder must permit any employee(s) of NMFS, or any other person(s) duly designated by the Director, to inspect the Permit Holder's records and facilities if such records and facilities pertain to activities for which a take of ESA-listed species is authorized by this permit, relate to ESA-listed species covered by this permit, or pertain to the Director's responsibilities under the ESA.

3. The provisions of this permit may be amended upon reasonable notice by the Director of the Office of Protected Resources.

4. In the event any ESA-listed species not included in this permit is killed, injured, or collected during the course of activities in the restricted area, the Permit Holder must notify the Chief of the Marine Mammal and Turtle Division, NMFS as soon as possible, but not later than two days after the event. If the individual is killed, it must be retained for scientific analysis. The Permit Holder must then submit a written report to the Chief of the Endangered Species Division describing the circumstances of the unauthorized take. Pending review of these circumstances, NMFS may suspend or amend this permit.

5. The Permit Holder is responsible for the activities of any individual who is operating under the authority of this permit. Such activities include capturing, handling, releasing, transporting, maintaining, and caring for any animal authorized to be taken by this permit.

6. Under the terms of the regulations, a violation of any of the terms and conditions of this permit will subject the Permit Holder, and/or any individual who is operating under the authority of this permit, to penalties as provided for in the ESA.

7. Annual renewal of this permit is not automatic. Yearly evaluation of this permit by NMFS will include re-analyses of all data and a re-assessment of the take levels prior to 2nd and 3rd year re-authorization.

8. 50 CFR Section 222.23(d)(8) provides for a reasonable fee to be charged to cover the costs of issuance of permits under the ESA. The fee for this permit has been waived.

_____ _____

James H. Lecky Date
Director, Office of Protected Resources

_____ _____

Preston P. Pate Date
Director, Division of Marine Fisheries
Department of Environment and
Natural Resources
State of North Carolina

6. Under the terms of the regulations, a violation of any of the terms and conditions of this permit will subject the Permit Holder, and/or any individual who is operating under the authority of this permit, to penalties as provided for in the ESA.

7. Annual renewal of this permit is not automatic. Yearly evaluation of this permit by NMFS will include re-analyses of all data and a re-assessment of the take levels prior to 2nd and 3rd year re-authorization.

8. 50 CFR Section 222.23(d)(8) provides for a reasonable fee to be charged to cover the costs of issuance of permits under the ESA. The fee for this permit has been waived.

AUG 18 2005

James H. Lecky
Director, Office of Protected Resources

Date

Preston P. Pate
Director, Division of Marine Fisheries
Department of Environment and
Natural Resources
State of North Carolina

05/26/05
Date