PROCLAMATION

RE: 2019-2020 MECHANICAL HARVEST OF CLAMS FROM PUBLIC BOTTOM

This proclamation opens portions of Carteret, Onslow, and Pender counties to the commercial harvest of clams from public bottom by mechanical methods in accordance with the N.C. Hard Clam Fishery Management Plan Amendment 2.

Stephen W. Murphey, Director, Division of Marine Fisheries, hereby announces that effective at 7:30 A.M., Monday, December 9, 2019, the mechanical harvest of clams WILL OPEN with the following restrictions:

I. AREA DESCRIPTIONS

CARTERET, ONLSOW, AND PENDER COUNTIES

A. New River – The area downstream from the Highway 172 Bridge bounded on the north by a line beginning at a point 34° 34.9392' N – 77° 23. 9004' W near Pollocks Point; running southeasterly to a point 34° 34.2552' N – 77° 21.6588' W on Wilkins Bluff; running southwesterly to a point 34° 33.9660' N – 77° 21.9054' W at navigation channel Marker 17; and bounded on the south by a line beginning at a point 34° 34.6824' N – 77° 23.9604' W on the Highway 172 Bridge fender; running easterly to a point 34° 34.6572' N – 77° 23.7822' W on Ferry Point; running southeasterly to a point 34° 34.1430' N – 77° 23.1120' W on Poverty Point; running southeasterly to a point 34° 33.9660' N 77° 22.5144' W on Hall Point; running northeasterly to a point 34° 33.9660' N – 77° 21.9054' W at navigation channel Marker 17 (Map 5).

B. New River – From the navigation channel Marker 17 to the Intracoastal Waterway Marker #72A, only within 60 feet width of the marked and maintained navigation channel (Map 5).

C. New River – All public bottom from the Intracoastal Waterway Marker #72A to New River Inlet (Map 5). All tributaries will remain closed.

D. Core Sound (South portion only), North River, Newport River, and Bogue Sound - Areas indicated by the hatched areas shown on the attached maps (Maps 1 through 4).

II. HARVEST DAYS/TIMES

A. Effective Monday, December 9, 2019, in areas described in Section I.D. Area Descriptions, persons holding a valid Standard Commercial Fishing License with a shellfish endorsement it is unlawful to use mechanical methods to take clams except from Monday through Friday from 7:30 A.M. to 4:00 P.M., except that harvest is not allowed on Wednesday, December 25, 2019.

B. Effective Monday, December 9, 2019, in areas described in Section I.A, I.B, and I.C. Area Descriptions, persons holding a valid Standard Commercial Fishing License with a shellfish endorsement it is unlawful to use mechanical methods to take clams except from Monday through Wednesday from 7:30 A.M. to 4:00 P.M., except that harvest is not allowed on Wednesday, December 25, 2019.
C. **Beginning Monday, December 30, 2019,** in all areas described above in Section I. (A, B, C, & D) Area Descriptions and **for the remainder of the season,** it is unlawful to use mechanical methods to take clams except from Monday through Wednesday from 7:30 A.M. to 4:00 P.M.

III. **HARVEST LIMITS**

A. It is unlawful for persons holding a valid Standard Commercial Fishing License with a shellfish endorsement to take or possess more than the daily harvest limit as specified below:

1. 5,000 clams (20 bags at 250 clams per bag) per commercial fishing operation in Core Sound.
2. 3,750 clams (15 bags at 250 clams per bag) per commercial fishing operation in North River, Newport River, and Bogue Sound.
3. 6,250 clams (25 bags at 250 clams per bag) per commercial fishing operation in New River, and all public bottoms from Intracoastal Waterway Marker #72A to New River Inlet.

B. A daily harvest limit by a commercial fishing operation shall not exceed the maximum daily harvest limits set above, regardless of the number of persons, license holders or harvest methods employed.

IV. **HARVEST RESTRICTIONS**

A. It is unlawful to take clams by mechanical methods within 25 feet of:

1. Permitted marked and maintained navigation channels and piers,
2. all marked shellfish leases except as allowed by N.C. Marine Fisheries Commission Rule 15A NCAC 03K.0111, and
3. natural or live oyster beds.

B. It is unlawful to transfer clams from the catching vessel to any other vessel or transport clams by any vessel other than the vessel from which they are caught.

V. **GENERAL INFORMATION**

A. This proclamation is issued under the authority of N.C. General Statutes 113-170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52 and N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103 and 03K .0302.

B. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03H .0103 it is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under his delegated authority.

C. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0111 requires a permit for the use of mechanical gear on private bottom. Permits are available, at no cost, from all N.C. Division of Marine Fisheries License Offices.

D. In accordance with N.C. 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. It is unlawful to possess or sell clams without a harvest tag affixed to each container in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0109.

F. It is unlawful to use mechanical methods to harvest clams in any established bed of submerged aquatic vegetation or saltwater cordgrass in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0108(b)(1).

G. N.C. Marine Fisheries Commission Rule 15A NCAC 03N .0104 prohibits the use of mechanical methods to take oysters or clams in primary nursery areas.

H. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0106 prohibits the taking and unloading of clams between the hours of sunset and sunrise on any day.


J. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0305 exempts permitted aquaculture operations from bag and size limit restrictions.
K. The Division of Marine Fisheries shall place markers with green signs along the boundaries of referenced areas which will be considered the actual closure line. Unauthorized removal or relocation of any marker or sign shall not change the area opened, nor shall any such unauthorized removal or relocation or the absence of any marker or sign affect the applicability of any proclamation pertaining to any such body of water or portion thereof. Where there is conflict between markers or signs, and boundaries described in this proclamation, boundary descriptions shall prevail.

L. When markers or signs delineating the boundaries of the mechanical harvest areas are removed, destroyed, or relocated to the degree that the lines are unenforceable, or when aerial surveys reveal flagrant violations as evidenced by bottom disturbance behind the lines, the Division shall close the affected water body for a period not less than one week. This time shall be used for restoration of the markers or signs and correcting the alignment of the harvest area.

M. N.C. General Statutes 113-168.2 and 113-169.2 require mechanical harvesters to hold a Standard Commercial Fishing License with a shellfish endorsement. Crewmembers working under the direction of a person who holds a valid Standard Commercial Fishing License with a shellfish endorsement are not required to hold a shellfish license.

N. In accordance with Proclamation SS-1-2019:
http://portal.ncdenr.org/c/document_library/get_file?uuid=7605af3b-d927-4f89-aad4-e0195d9823fa&groupId=38337:

1. It is unlawful to possess oysters or clams in a commercial fishing operation without a harvest tag recording the time of the start of harvest, and information as described in N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0109, affixed to each container of oysters or clams. The time of the start of harvest shall be the time when the first oyster or clam is initially removed from the water.

2. It is unlawful for harvesters to fail to deliver oysters and clams harvested from Coastal Fishing Waters to a licensed shellfish dealer within 12 hours of the time of the start of harvest.

O. Maps are provided to aid in the identification of the specified harvest areas. Maps DO NOT supersede existing rules or supersede proclamations closing areas to harvest by reason of pollution. The military restricted areas and danger zones shown on the proclamation maps are closed to civilian access pursuant to federal rules 33 CFR 334.410 and 334.420. These closures render these areas unavailable for clam harvest.

P. The intent of this proclamation is to open the season to the commercial harvest of clams by mechanical methods from public bottom in accordance with the N.C. Hard Clam Fishery Management Plan Amendment 2.

Q. Contact N.C. 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://portal.ncdenr.org/web/mf/.

R. This proclamation opens portions of Carteret, Onslow, and Pender counties to the commercial harvest of clams from public bottom by mechanical methods in accordance with the N.C. Hard Clam Fishery Management Plan Amendment 2. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0302 will close the season to the mechanical harvest of clams on March 31, 2020 unless sooner by proclamation.

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