PROCLAMATION

RE: GILL NETS – ALBEMARLE SOUND AREA – MANAGEMENT UNIT A – RESTRICTING THE USE OF SMALL MESH GILL NETS TO A MINIMUM STRETCHED MESH OF 3 ¼ INCHES

This proclamation supersedes proclamation M-24-2019 dated November 27, 2019. In Management Unit A, it is unlawful to use small mesh gill nets with a stretched mesh length other than 3 ¼ inches, EXCEPT AS DESCRIBED IN SECTION II. C. AND D. AND SECTION IV. It continues to allow the use of gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches in certain portions of Management Unit A.

Stephen W. Murphey, Director, Division of Marine Fisheries, hereby announces that effective at 12:01 A.M., Wednesday, January 1, 2020, the following provisions shall apply to the use of gill nets in the following areas:

I. MANAGEMENT UNIT A: AREA DESCRIPTIONS AND SPECIFIC AREA RESTRICTIONS (See Map)

A. **Management Unit A**: encompasses all Internal Coastal Waters bound on the south by 35° 46.3000' N latitude to the North Carolina/Virginia state line. This includes Albemarle, Currituck, Croatan and Roanoke sounds and their tributaries.

B. **Management Unit A, Sub-Unit A1**: The following Joint Waters of the Chowan, Perquimans, Little, Pasquotank, and Alligator rivers are OPEN to the use of gill nets as described in Sections II., III., and IV.:
   **Chowan River**: Joint Waters northwest of line beginning at a point on the west shore at Willow Branch 36° 04.7206' N - 76° 43.7667' W; running northeasterly to a point on the east shore at the mouth of Rocky Hock Creek 36° 06.6406' N - 76° 41.4512' W.
   **Perquimans River**: Joint Waters northwest of a line beginning at a point on the north shore at 36° 05.9669' N - 76° 18.1791' W; running northeasterly to a point on the east shore 36° 06.7655' N - 76° 16.5953' W.
   **Little River**: Joint Waters northwest of a line beginning at a point on the west shore 36° 07.5322' N - 76° 10.6901' W; running sout hwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.
   **Pasquotank River**: Joint Waters northwest of a line beginning at a point on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.
   **Alligator River**: Joint Waters south of a line beginning at a point on the west shore 35° 54.2903' N - 76° 01.6818' W; running along the south side of the US 64 bridge to a point on the east shore 35° 53.6835' N - 76° 58.8578' W.

C. **Management Unit A, Sub-Unit A2**: The following coastal waters of the Albemarle Sound and Joint waters of the Chowan River are open to the use of gill nets as described in Section II. D.: Coastal waters of the Albemarle Sound west of a line beginning at a point on the north shore 36° 7.513 N - 76° 9.912 W, running due south to a point on the south side 35° 59.605 N - 76° 9.912 W, to a line beginning at a point on the west shore of the

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3441 Arendell Street | P.O. Box 769 | Morehead City, North Carolina 28557
252-726-7021
Cowan River at Willow Branch 36° 04.7206' N - 76° 43.7667' W; running northeasterly to a point on the east shore at the mouth of Rocky Hock Creek 36° 06.6406' N - 76° 41.4512' W.

D. **Black Walnut Point to Mackey’s Creek:** It is unlawful to use ANY gill nets in the area southwest of a line from Black Walnut Point 35° 59.3833' N - 76° 41.0060' W; running southeasterly to a point 35° 56.3333' N - 76° 36.0333' W at the mouth of Mackey’s Creek, including Roanoke, Cashie, Middle and Eastmost Rivers.

II. **GILL NET CONSTRUCTION AND USE REQUIREMENTS (see Section IV. for exempted gear)**

A fishing operation regardless of the number of vessels or persons involved, shall adhere to the gill net restrictions specified:

A. **It is unlawful for Recreational Commercial Gear License holders to use gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches stretched mesh.**

B. **Management Unit A.**

1. It is unlawful to use gill nets with a stretched mesh length other than 3 ¼ inches (except as described in Sections II. C., II. D., and IV.).

2. It is unlawful to use gill nets with a stretched mesh length of 3 ¼ inches unless the nets are set to fish the bottom of the water column and not to exceed a vertical height of 48 inches off the bottom of the water column. Vertical height is defined as the distance between the top and bottom lines of the net.

C. **Management Unit A, Sub-Unit A1 as described in Section I. B.:**

1. It is unlawful to use unattended gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches unless the nets are set to fish the bottom of the water column and do not exceed a vertical height of 48 inches off the bottom of the water column. Vertical height is defined as the distance between the top and bottom lines of the net.

2. It is unlawful to fail to actively fish gill net sets at least once each day, between sunrise and 12:01 P.M.

3. It is unlawful to use gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches that fish a vertical height greater than 48 inches off the bottom of the water column unless the nets are attended at all times.

D. **Management Unit A, Sub-Unit A2 as described in Section I. C.:**

1. It is unlawful to use gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches that fish a vertical height greater than 48 inches off the bottom of the water column unless the nets are attended at all times.

III. **GILL NET YARDAGE RESTRICTIONS**

A fishing operation, regardless of the number of vessels or persons involved, shall adhere to the gill net yardage restrictions specified:

A. It is unlawful to use more than 800 yards of gill net with a stretched mesh length of 3 ¼ inches through 4 inches in any combination per commercial fishing operation, including nets as described in Section IV.

B. It is unlawful to use more than 1,000 yards of gill net with a stretched mesh length of 5 ½ inches through 6 ½ inches in any combination per commercial fishing operation.

IV. **GEAR EXEMPTIONS AND RESTRICTIONS FOR RUN-AROUND, STRIKE, DROP, TRAMMEL, AND DRIFT GILL NETS:**

A. Exempted gear definitions (including trammel gill nets):

   1. **Runaround, strike, drop, or trammel gill nets** - gill nets that are set and then are immediately retrieved.

   2. **Drift gill nets** - gill nets that are used to capture fish while being moved along by
water currents and the net being actively fished and attended from deployment through retrieval.

B. It is unlawful to use drift gill nets in the Joint Fishing Waters portion of the Roanoke, Middle, Eastmost, Cashie, Chowan and Meherrin rivers and all other joint water tributaries of the Albemarle Sound Management Area as defined in N.C. Marine Fisheries Commission Rule 15 NCAC 03R. 0201.

C. It is unlawful to use run-around, strike, drift, drop and trammel gill nets with a stretched mesh length less than 3 ¼ inches and greater than 4 inches stretched mesh.

D. It is unlawful to use or possess more than 800 yards of run-around, strike, drift, drop and trammel gill net per commercial fishing operation.

V. SEA TURTLE AND ATLANTIC STURGEON INTERACTION REPORTING
It is unlawful to fail to report any sea turtle or sturgeon captured in anchored gill nets. Reports shall be made within 24 hours of the capture to the Division of Marine Fisheries at 252-726-7021 or 800-682-2632. Self- reported takes of sea turtles and sturgeon by fishermen fishing without an observer do not count toward the allowable takes in the Incidental Take Permits.

VI. GENERAL INFORMATION
A. This proclamation is issued under the authority of N.C.G.S. 113-182; 113-221.1; and N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103.

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

C. The restrictions in this proclamation apply to gill nets used by Recreational Commercial Gear License holders except the allowed yardage in Section III. The allowed yardage for Recreational Commercial Gear License holders is described in N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0302.

D. All other existing gill net rules and proclamations remain in effect. See http://portal.ncdenr.org/web/mf/proclamations-current to refer to those M-type proclamations for gill net regulations that may be effective in the areas covered by this proclamation.

E. N.C. Marine Fisheries Commission Rule 15A NCAC 03I .0113 specifies that it is unlawful for any licensee under Chapter 113, Subchapter IV of the General Statutes to refuse to allow the Fisheries Director or his agents to obtain biological data, harvest information, or other statistical data necessary or useful to the conservation and management of marine and estuarine resources from fish in the licensee’s possession. The Division of Marine Fisheries has implemented an Estuarine Gill Net Permit and an observer program as an inspection procedure to obtain such data.

F. The Division of Marine Fisheries has received Federal Incidental Take Permits (ITP) for certain threatened or endangered sea turtles, and endangered Atlantic sturgeon. These ITPs allow the legal continuation of the inshore gill net fisheries in North Carolina, subject to permit conditions. The ITP conditions are designed to avoid, minimize and mitigate interactions with these species. Permit conditions require the division to provide 7-10 percent observer coverage in the large mesh anchored gill net fishery and 1-2 percent observer coverage in the small mesh anchored gill net fishery in internal coastal waters. If the required coverage is not maintained, large and small mesh anchored gill nets could be prohibited in all Internal Coastal Waters.

G. The intent of this proclamation is to implement gill net restrictions in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan and allow fisheries for other species to occur while minimizing interactions with threatened and/or endangered species.
H. Proclamation M-24-2014 dated July 31, 2014 requires holders of a Standard Commercial Fishing License (SCFL), Retired Standard Commercial Fishing License (RSCFL), or Recreational Commercial Gear License (RCGL) who deploy gill nets in Internal Coastal Waters with an exception for run around, strike, drop or drift gill nets, to possess a valid Estuarine Gill Net Permit issued by the Division of Marine Fisheries.

I. 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.

J. 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 www.ncmarinefisheries.net.

K. **This proclamation supersedes proclamation M-24-2019 dated November 27, 2019.** In Management Unit A, it is unlawful to use small mesh gill nets with a stretched mesh length other than 3 ¼ inches, EXCEPT AS DESCRIBED IN SECTION II. C. AND D. AND SECTION IV. It continues to allow the use of gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches in certain portions of Management Unit A.

By: _______________________________

Stephen W. Murphey, Director

DIVISION OF MARINE FISHERIES

December 20, 2019
11:34 A.M.