PROCLAMATION

RE: GILL NETS – ALBEMARLE SOUND AREA

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective at 1**2:01 A.M. on Tuesday, January 1, 2013**, the following provisions shall apply to the use of gill nets in the following areas:

I. **AREA DESCRIPTION**

A. In Croatan and Roanoke, Albemarle and Currituck sounds, **north and west** of the Virginia Dare Memorial Bridge and the Washington Baum Bridge described below:

1. Croatan Sound – beginning at a point 35° 53.1720' N – 75° 45.6160'W on the mainland shore; running easterly along the south side of the Virginia Dare Memorial Bridge to a point at 35° 53.1630'N – 75° 40.1640'W on Roanoke Island.

2. Roanoke Sound – beginning at a point 35° 53.6240'N – 75° 38.4170'W on shore at Roanoke Island; running easterly along the south side of the Washington Baum Bridge to a point at 35° 54.3820'N – 75° 35.9240'W on the Outer Banks shore.

B. The area between the lines referenced in I.A.1. and 2. and the southern boundary of the Albemarle Sound Management Area described as **a line beginning at a point 35° 48.3693'N – 75°43.7232'W on Roanoke Marshes Point, running southeasterly to a point 35° 44.1710'N – 75° 31.0520'W on the north point of Eagle Nest Bay**.

II. **NET RESTRICTIONS**

Only gill nets meeting the specified mesh lengths may be used in the described areas. A fishing operation, regardless of the number of vessels or persons involved, shall adhere to the gill net restrictions specified for the following areas:

A. **Albemarle Sound (areas described in I.A.1. and 2):**

1. Gill nets with a mesh length less than 3 ¼ inches shall not be used.

2. Gill nets with a mesh length of 3 ¼ inches shall not exceed 800 yards in any combination.

3. Gill nets with a mesh length greater than 3 ¼ inches and less than 5 ½ inches shall not be used except as described in II.A.7.

4. Gill nets with a mesh length greater than 6 ½ inches shall not be used.

5. Gill nets with a mesh length of 5 ½ inches and larger are required to be equipped with tie downs spaced no farther apart than 10 yards, restricting the vertical distance between the top and bottom lines to 48 inches or less **unless** they are equipped with floats that do not exceed 2 inches in diameter and 6 inches in length placed a minimum of 10 yards apart, not to exceed 11 floats per 100 yards of net. Gill nets must be set so as to fish the bottom not to exceed a vertical height of 48 inches.

6. Gill nets with a mesh length of 5 ½ inches and larger can only be used as described in II.A.5 and may not exceed **2,000 yards combined**.

7. Gill nets with a mesh length of 3 ¾ and 4 inches may be used east of a line from Baum Point 35° 55.1602'N – 75° 39.5736'W to Rhodoms Point 36° 00.2146'N – 75° 43.6399'W and east of a line from Eagleton Point 36° 01.3178'N – 75° 43.6585'W to Long Point 36° 02.4971'N – 75° 44.2261'W at the mouth of Kitty Hawk Bay. Gill nets with a mesh length of 3 ¼, 3 ¾, and 4 inches shall not exceed 800 yards **in any combination in this area.**

8. It is unlawful to fail to be present at the nets at least once during a 24 hour period no later than noon each day.

B. **Area of eastern/southern Albemarle Sound Management Area described in I.B. above**

1. Gill nets with a mesh length less than 3 ¼ inches shall not be used.

2. Gill nets with a mesh length of 3 ¼ inches shall not exceed 800 yards in any combination.

3. Gill nets with a mesh length greater than 3 ¼ inches and less than 5 ½ inches shall not be used.

4. Gill nets with a mesh length larger than 6 ½ inches shall not be used.

5. Gill nets with a mesh length of 5 ½ inches and larger are required to be equipped with tie downs spaced no farther apart than 10 yards, restricting the vertical distance between the top and bottom lines to 48 inches or less **unless** they are equipped with floats that do not exceed 2 inches in diameter and 6 inches in length placed a minimum of 10 yards apart, not to exceed 11 floats per 100 yards of net. Gill nets must be set so as to fish the bottom not to exceed a vertical height of 48 inches.

6. Gill nets with a mesh length of 5 ½ inches and larger can only be used as described in II.B.5. and **may not exceed 2,000 yards combined.**

7. **It is unlawful** to use large mesh gill nets (defined as 5 ½ inches to 6 ½ inches stretched mesh inclusive) for daytime sets other than during the setting and retrieval periods specified in the area described in I.B. above**.** Only single night overnight soaks are permitted, and are only lawful if set and retrieved as follows:
   a. Nets set for Tuesday retrieval may be set no sooner than one hour before sunset on Monday and must be retrieved no later than one hour after sunrise on Tuesday.
   b. Nets set for Wednesday retrieval may be set no sooner than one hour before sunset on Tuesday and must be retrieved no later than one hour after sunrise on Wednesday.
   c. Nets set for Thursday retrieval may be set no sooner than one hour before sunset on Wednesday and must be retrieved no later than one hour after sunrise on Thursday.
   d. Nets for Friday retrieval may be set no sooner than one hour before sunset on Thursday and must be retrieved no later than one hour after sunrise on Friday.

III. DRIFT GILL NETS

Drift gill nets may not be used 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.

IV. GENERAL INFORMATION

A. This proclamation is issued under the authority of N.C.G.S. 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 03J .0103, 03Q .0107(c); 03M .0202 and 03M .0513.

B. It is unlawful to violate 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 intent of this proclamation is to allow directed fisheries for mullet, white perch, hickory shad and flounder while managing the Albemarle Sound Management Area striped bass with the quota established by the North Carolina Estuarine Striped Bass Fishery Management Plan (FMP), the river herring stocks under a no harvest measure in the North Carolina River Herring FMP, and controlling the bycatch of striped bass in directed gill net fisheries.

D. 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 observer program as an inspection procedure to obtain such data.

E. This proclamation supersedes Proclamation M-58-2012 dated November 28, 2012. **It establishes gill net requirements in the Albemarle Sound Management Area. It maintains the 2,000 yard maximum yardage of large mesh gill nets in the formerly exempted portion of the Albemarle Sound Management Area and the requirement to be present at the nets in those areas at least once a day by noon.**

BY: _____
Dr. Louis B. Daniel III, Director
DIVISION OF MARINE FISHERIES

December 20, 2012
9:10 A.M.
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