# PROCLAMATION

## RE: LARGE MESH GILL NETS: INTERNAL COASTAL WATERS

Dr. Louis B. Daniel III Director, Division of Marine Fisheries, hereby announces that effective at **12:01A.M., Thursday, February 27, 2014,**the following provisions shall apply to the use of large mesh gill nets:

### I. SUSPENSION OF PORTION OF MARINE FISHERIES RULE 15A NCAC 03J .0103

The following portion of Marine Fisheries Rules for Coastal Waters 15A NCAC 03J .0103 **is suspended:**
Section (i) (1), which reads:

(i) For gill nets with a mesh length five inches or greater, it is unlawful:
**(1) To use more than 3,000 yards of gill net per vessel in internal waters regardless of the number of individuals involved.**

The provisions below in this proclamation shall be complied with at all times.

### II. AREA, EXEMPTIONS AND ATTENDANCE/YARDAGE RESTRICTIONS IN EXEMPT AREAS

A. This proclamation applies to all internal coastal waters **except the Albemarle Sound Management Area as described in Marine Fisheries Rule 15A NCAC 03R. .0201 (a) and the Pamlico, Bay and Neuse rivers west of a line in the vicinity of the mouths of those water bodies described below:**

1. Pamlico River – a line beginning at a point at35º 24.5920'N - 76º 32.3810' W near Currituck Point; running southwesterly to a point at 35º 19.6960'N - 76º 36.5360'W near Fulford Point.
2. Bay River – a line beginning at a point 35º 11.0760'N - 76º 31.6200'W near Bay Point; running southerly to a point at 35º 08.9290'N - 76º 32.2680'W near Maw Point.
3. Neuse River – a line beginning at a point 35º 08.9290'N - 76º 32.2680'W near Maw Point; running southerly to a point at 34° 59.29400'N – 76° 34.8230'W on the east shore of the mouth of South River.

B. The following areas are exempt from the restrictions listed in Section III. A. and C., and Section IV. of this proclamation:

1. Pamlico Sound – south of a line beginning at a point 35° 48.5015'N – 75° 44.1228'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 and north of a line at the Wainwrights beginning at a point 34° 59.7942'N – 76° 14.6514'W on Camp Point; running easterly to a point at 34° 58.7853'N – 76° 09.8922'W on Core Banks.
2. In New River north of the Highway 172 Bridge.
3. In Cape Fear River and its tributaries, north of a line running from a point on the west shore at 34° 04.6040'N – 77° 56.4780'W; running easterly to a point on the east shore at 34° 04.7920'N – 77° 55.4740'W.

C. Upon the effective date and time of this proclamation for areas described in Section II. A. and B.:

1. It is unlawful to **use or possess** more than 2,000 yards of large mesh gill net per operation.
2. 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.

D. A run-around, strike or drop net that is used to surround a school of fish and then is immediately retrieved is exempted from the restrictions in SectionIII.A. and C., and Section IV. of this proclamation.

E. Drift gill nets that are used to capture fish while being moved along by water currents are exempt from the provisions in Section III. A. and C., and Section IV. of this proclamation provided the net is being actively fished and attended from deployment through retrieval.

## III. GILL NET CONSTRUCTION AND USE REQUIREMENTS

**It is unlawful** to use large mesh gill nets (defined as 4 inches to 6½ inches stretched mesh, inclusive) unless they comply with the following provisions:

A. It is unlawful to use large mesh gill nets of more than 15 meshes in height and without a lead core or leaded bottomline. It is unlawful to use cork, floats, or other buoys except those required for identification **except that floats are allowed south of the Highway 58 (B. Cameron Langston) Bridge**, beginning at a point on the north shore at 34° 40.7848'N - 77° 04.0273'W; running southerly to a point on the south shore at 34° 39.8620'N – 77° 03.7438'W.
B. It is unlawful to **use or possess** more than **2,000 yards** of large mesh gill net per operationnorth of a line at latitude 34° 48.2660' N which runs approximately from the Club House on Core Banks westerly to a point on the shore at Davis near Marker "1", and it is unlawful to **use or possess** more than **1,000 yards** of large mesh gill net per operation south of that line.
C. It is unlawful to set more than 100 yards of large mesh gill net without leaving a space of at least 25 yards between separate lengths of net.

## IV. GILL NET SETTING TIME REQUIREMENTS

**It is unlawful** to use large mesh gill nets (defined as 4 inches to 61/2 inches stretched mesh inclusive) for daytime sets other than during the setting and retrieval periods specified below. Only single night overnight soaks are permitted, and are only lawful if set and retrieved as follows:

**In all areas subject to the restrictions in this proclamation,**

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 set 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.

**In the area bound in the north by a lineat longitude 76° 36.9972'W which runs from a point on Shackleford Banks northerly to Lennoxville Point, then to the head of Turner Creek, and northerly up the western side of North River, and bound in the south by the North Carolina-South Carolina border, an additional overnight soak period is permitted in addition to V. A. through D. above:**

E. Nets set for Monday retrieval may be set no sooner than one hour before sunset on Sunday and must be retrieved no later than one hour after sunrise on Monday.

**No other overnight sets are permitted, and in no case shall daytime sets occur other than during setting and retrieval periods as specified above.**

## V. SEA TURTLE INTERACTION REPORTING

It is unlawful for commercial and recreational gill net fishermen to fail toreport all sea turtle interactions with gill nets in internal coastal waters to the NCDMF Communication Center in Morehead City, N.C. by phone at 800-682-2632 immediately. Failure to report interactions is in violation of the statewide incidental take permit from NMFS under Section 10 of the Endangered Species Act and could result in closures to the internal waters gill net fishery.

## VI. GENERAL INFORMATION

A. This proclamation is issued under the authority of N.C.G. S. 113-134; 113-170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52 and N.C. Fisheries Commission Rules 15A NCAC 03H .0103 and 03J .0101 and .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. Fisheries Commission Rule 15A NCAC 03H .0103.

C. The intent of this proclamation is to implement gill net restrictions under Incidental Take Permit No. 16230 from NMFS under Section 10 of the Endangered Species Act.It lists the areas exempted from ITP restrictions for use of large mesh gill nets (defined as 4 inches to 6½ inches stretched mesh, inclusive) and adds Pamlico Sound, Cape Fear and upper New River to those exempted areas so that the shad fishery can be pursued.

D. The restrictions in this proclamation apply to gill nets used by Recreational Commercial Gear License holders as well as Standard and Retired Commercial Fishing Licenses holders.

E. Proclamation M-3-2014, dated February 3, 2014 prohibits the **setting of gill nets in the joint fishing waters of the state frommidnight on Friday to midnight on Sunday each week**. Portions of Albemarle and Currituck sounds are exempt from that provision.

F. **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.**

G. **The small mesh gill net attendance requirements in N.C. Marine Commission Fisheries Rule 15A NCAC 03J .0103 (g) and (h), size restrictions in 03J .0103(a)(2), the navigational passage requirements in 03J .0101, as well as all other existing gill net rules and proclamations remain in effect.**

H. Proclamation M-1-2014, dated January 16, 2014 prohibits the use of gill nets with a stretched mesh length more than 6 ½ inches.

I. For gill net restrictions in the Albemarle Sound Management Area please refer to the most recent M-type proclamations for that area.

J. **This proclamation supersedes Proclamation M-6-2014, dated February 24, 2014, correcting the year in VI. E & J to 2014.** This proclamation confirms the N.C. Marine Fisheries Commission's approval of the suspension of the portion of N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103(i)(1)identified in Section I.

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

February 25, 2014
10:00 A.M.
M-6-2014(REVISED)
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