PROCLAMATION

RE: LARGE MESH GILL NETS: INTERNAL COASTAL WATERS SOUTH OF ALBEMARLE SOUND MANAGEMENT AREA

Dr. Louis B. Daniel III Director, Division of Marine Fisheries, hereby announces that effective at **5:33 P.M**. **Monday, October 15, 2012**, the following provisions shall apply to the use of large mesh gill nets:

I. SUSPENSION OF PORTION OF N.C. MARINE FISHERIES COMMISSION RULE 15A NCAC 03J .0103

The following portion of N.C. Marine Fisheries Commission Rule 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. AREAS AND EXEMPTIONS

A. This proclamation applies to all internal coastal waters **south** of 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**.

B. In Pamlico, Bay and Neuse rivers, **the net construction and use requirements in Section IV. and the net setting times in Section V. below do not apply** west of a line in the vicinity of the mouths of those waterbodies described below:

1. Pamlico River – a line beginning at a point at 35º 24.5920'N - 76º 32.3610'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°59.2940'N – 76° 34.8230'W on the east shore of the mouth of South River.

C. 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.

III. EXEMPTION FOR RUN-AROUND, STRIKE OR DROP NETS

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

IV. 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 fishing operation regardless of the number of vessels involved in coastal fishing waters **north 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".

C. It is unlawful to **use or possess more than 1,000 yards** of large mesh gill net per fishing operation regardless of the number of vessels involved in coastal fishing waters bound in the north by 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 **bound in the south by the North Carolina-South Carolina border.**

D. 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.

V. GILL NET SETTING TIME REQUIREMENTS

It is unlawful to use large mesh gill nets (defined as 4 inches to 6 1/2 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 line at 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.

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. Marine 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. Marine Fisheries Commission Rule 15A NCAC 03H .0103.

C. The intent of this proclamation is to implement gill net restrictions while the Division applies for a statewide incidental take permit from NMFS under Section 10 of the Endangered Species Act. **It sets out the large mesh gill net setting requirements for internal coastal waters south of the ASMA southern boundary line.**

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

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

F. The small mesh gill net attendance requirements in N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103 (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.

G. The Pamlico Sound Gill Net Restricted Area will reopen October 15, 2012 by Proclamation M-51-2012.

H. Proclamation M-7-2012, dated February 23, 2012 prohibits the use of gill nets with a stretched mesh length more than 6 ½ inches.

I. This proclamation supersedes Proclamation M-50-2012, dated October 5, 2012. It reopens southern Core Sound to the use of large mesh gill nets (defined as 4 inches to 6 1/2 inches stretched mesh inclusive).

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

October 10, 2012
1:30 P.M.
M-52-2012
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