PROCLAMATION

RE:GILL NETS – ALBEMARLE SOUND MANAGEMENT AREA

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective at **6:00A.M. on Friday, February 15, 2013**, the following provisions shall apply to the use of gill nets in the Albemarle Sound Management Area:

I. **AREA DESCRIPTION**

Albemarle Sound Management Area as described in N.C. Marine Fisheries Commission Rule 15A NCAC 03R .0201 (a).

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:

Albemarle Sound, Currituck Sound, Croatan Sound and Roanoke Sound and their Joint Water Tributaries

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

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

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

D. Gill nets with a mesh length greater than 6½ inches shall not be used.

E. Gill nets with a mesh length of 5 ¼ inches and larger shall not exceed 1,000 yards, except as described in Section II. F.

F. 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. Gill nets with a mesh length of 5 ½ inches and larger shall not exceed 2,000 yards in length combined for a fishing operation.

G. No gill nets may be used in the area southwest of a line from Black Walnut Point 35° 59.3833'N - 76° 41.0060'W; running 138° (M) to a point 35° 56.3333'N - 76° 36.0333'Wat the mouth of Mackey's Creek, including Roanoke, Cashie, Middle and Eastmost rivers.

H. 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 ¾, and 4 inches may also be used **south of the Virginia Dare Memorial Bridge (Highway 64/264)** at Manns Harbor. Gill nets with a meh length of 3 ¼, 3 ¾ and 4 inches shall not exceed 800 yards in any combination in this area.

I. 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. DRIFT GILL NETS

Drift gill nets may not be used in the Joint Fishing Waters portion of the Roanoke, Middle, Eastmost and Cashie rivers. No drift gill nets may be used in the Chowan and Meherrin rivers.

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, American shad and flounder while managing the Albemarle Sound Management Area striped bass within 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 bycatchin directed gill net fisheries and implementing the MFC August 2012 gill net action regarding protected species.

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-2-2013dated February 5, 2013.It establishes gill net requirements in the Albemarle Sound Management Area.

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

February 8, 2013
9:00A.M.
M-2-2013 (REVISED)
/mjc

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