PROCLAMATION

RE: 2012/2013 MECHANICAL HARVEST OF CLAMS

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective at **7:30 A.M., Monday, December 10, 2012**, the mechanical harvest of clams **WILL OPEN** with the following restrictions:

I. **AREA DESCRIPTIONS**

Onslow/Carteret Counties

Clams may be taken by mechanical methods in portions of Bogue Sound, White Oak River, Newport River, North River and Core Sound indicated by the hatched areas shown on the attached maps.

Onslow/Pender Counties

Those areas from Marker #65, south of Sallier's Bay, to the "BC" Marker at Banks Channel in Pender County as described below: (No Map)

1. All public bottoms in the Intracoastal Waterway (maintained marked channel only) from Marker #65, south of Sallier's Bay, to Marker #49 at Morris Landing.
2. All public bottoms within and 100 feet on either side of the Intracoastal Waterway from Marker #49 at Morris Landing to the "BC" Marker at Banks Channel.
3. All public bottoms from Intracoastal Waterway Marker #72A to New River Inlet. **All tributaries will remain closed.**

II. **HARVEST DAYS AND TIMES**

For the two weeks starting December 10 and December 17, 2012, mechanical methods may be used Monday through Friday from 7:30 A.M. to 4:00 P.M. For the week starting December 24, 2012, mechanical methods may be used Wednesday through Friday from 7:30 A.M. to 4:00 P.M. Beginning December 31, 2012 and for the remainder of the season, mechanical methods may be used to take clams Mondays through Wednesdays from 7:30 A.M. to 4:00 P.M. only.

III. **HARVEST LIMITS**

A. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0302(a), a maximum daily harvest of 3,750 clams (15 bags at 250 clams per bag) in possession will be allowed per commercial fishing operation on North River, Newport River and Bogue Sound. A maximum daily harvest of 5,000 clams (20 bags at 250 clams per bag) in possession will be allowed per fishing operation in Core Sound. A maximum daily harvest limit of 6,250 clams (25 bags at 250 clams per bag) in possession will be allowed per commercial fishing operation in White Oak River. A daily harvest shall not exceed a cumulative total of 6,250 clams (25 bags at 250 clams per bag) per fishing operation in any coastal fishing waters, regardless of the harvest methods employed.

B. No person shall transfer clams from the catching vessel to any other vessel or transport clams by any vessel other than the vessel from which they are caught.

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; 03I .0101(3)(I) and 03K .0301, .0302, .0303 and .0304.

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. It is unlawful to use mechanical gear on private bottoms unless a permit is obtained pursuant to N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0303. Permits are available, at no cost, from all Division of Marine Fisheries License Offices.

D. All areas within 25 feet of privately marked and maintained navigation channels and piers, all marked shellfish leases, except as allowed by N.C. Marine Fisheries Commission Rule 03K .0303, **all polluted shellfish areas**, all established beds of aquatic vegetation and natural or live oyster beds **shall remain closed to the mechanical harvest of clams.**

E. The Division of Marine Fisheries shall place markers with green signs along the boundaries of referenced areas which will be considered the actual closure line. Unauthorized removal or relocation of any marker or sign shall not change the area opened, nor shall any such unauthorized removal or relocation or the absence of any marker or sign affect the applicability of any proclamation pertaining to any such body of water or portion thereof. Where there is conflict between markers or signs and maps, maps shall prevail.

F. When markers or signs delineating the boundaries of the mechanical harvest areas are removed, destroyed, or relocated to the degree that the lines are unenforceable, or when aerial surveys reveal flagrant violations as evidenced by bottom disturbance behind the lines, the Division shall close the affected water body for a period not less than one week. This time shall be used for restoration of the markers or signs and correcting the alignment of the harvest area.

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

November 15, 2012
9:15 A.M.
SF-7-2012/2013
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