PROCLAMATION

RE: LARGE MESH GILL NETS: INTERNAL COASTAL WATERS

Dr. Louis B. Daniel III Director, Division of Marine Fisheries, hereby announces that effective at **6:00 A.M. Friday, February 15, 2013**, 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. AREAS AND EXEMPTIONS

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 Neuse, Bay and Pamlico rivers described as follows:**

1. In Pamlico, Bay and Neuse rivers, the restrictions do not apply west of a line in the vicinity of the mouths of those waterbodies described below:

   a. Pamlico River – a line beginning at a point at 35º 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.
   b. 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.
   c. 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.
2. **In river areas listed in II. A. 1. a., b. and c. above:**
   a. It is unlawful to **use or possess** more than 2,000 yards of large mesh gill net per vessel.
   b. 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. **The** following areas are exempt from the restrictions listed in Section IV. A., B., and D. of this proclamation beginning at **6:00 A.M. on February 15, 2013 for all areas north of the Cape Fear River and at 6:00 A..M. on February 20, 2013 for all areas from the Cape Fear River south.**

1. **The exempted American and hickory shad fishery areas include:**
   a. Pamlico Sound – <u>south of a line</u> 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 and <u>north of a line</u> 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.
   b. 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. In New River north of the Highway 172 Bridge.

2. For areas listed in II. B. 1. a., b. and c. above:

a. 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. The maximum yardage limit in IV. C. is still in effect.

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

A. 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 this proclamation.

IV. GILL NET SETTING REQUIREMENTS

A. **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:

1. 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.

2. 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.

3. 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.

4. 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 (see map), and bound in the south by the North Carolina-South Carolina border, an additional overnight soak period is permitted in addition to IV. 1. through 4. above:

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.

B. 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.

C. It is unlawful to **use or possess** more than 2,000 yards of large mesh gill net per vessel north of the Highway 58 Bridge (coordinates above) and it is unlawful to **use or possess** more than 1,000 yards of large mesh gill net per vessel south of the Highway 58 Bridge.

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. 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 while the Division applies for a statewide incidental take permit from NMFS under Section 10 of the Endangered Species Act. It lists the areas exempted earlier from 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. Proclamation FF-7-2013, dated February 5, 2013 prohibits the **setting of gill nets in the joint fishing waters of the state from midnight on Friday to midnight on Sunday each week**. Portions of Albemarle and Currituck sounds are exempt from that provision.

E. **Shad net restrictions for the Albemarle Sound will be effective February 15, 2013. Gill net restrictions for the entire ASMA are found in Proclamation M-2-2013, dated February 5 , 2013.**

F. The restrictions in this proclamation apply to gill nets used by Recreational Commercial Gear License (RCGL) holders as well as Standard and Retired Commercial Fishing Licenses holders. Attendance requirements for RCGL nets are found in Marine Fisheries Commission Rule 15A NCAC 03) .0302.

G. **The small mesh gill net attendance requirements in N.C. Marine Fisheries 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.**

H. Proclamation M-7-2012, dated February 23, 2013 prohibits the use of gill nets with a stretched mesh length more than 6 ½ inches.

I. This proclamation supersedes Proclamation M-56-2012 dated November 13, 2012.

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

February 5, 2013
9:15 A.M.
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/mjc

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