

## PROCLAMATION

### RE: COMMERCIAL GILL NETS - PAMLICO SOUND GILL NET RESTRICTED AREA (PSGNRA)

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective **12:01 A.M., Saturday, September 15, 2012**, the following management measures will be implemented for **commercial gill net fisheries** in Pamlico Sound:

#### I. PAMLICO SOUND CLOSURE:

**It is unlawful** to use large mesh gill nets (greater than or equal to 5 ½ inch stretched mesh) **from 12:01 A.M. Saturday, September 15, 2012 to midnight on November 30, 2012** in the internal waters of Pamlico Sound south and west of the 35° 46.3000 'N latitude line, east of the 76° 30.0000'W longitude line, and north of the 35° 00.0000'N latitude line **except** as provided in the areas described below as the **Pamlico Sound Gill Net Restricted Areas (PSGNRAs)**.

#### II. PSGNRA DESCRIPTIONS:

##### A. Shallow Water Gill Net Restricted Areas (SGNRA)

###### **1. SGNRA1**

The area from Wainwright Island to Ocracoke Inlet bound by the following points: Beginning at a point on Core Banks at 34° 58.7963'N- 76° 10.0013'W, running northwesterly near Marker # 2CS at the mouth of Wainwright Channel at 35° 00.2780'N- 76° 12.1682'W, then running northeasterly near Marker "HL" at 35° 01.5665'N- 76° 11.4277'W, then running northeasterly near Marker #1 at 35° 09.7058'N- 76° 04.7528'W, then running southeasterly to a point at Beacon Island at 35° 05.9352'N- 76° 02.7408'W, then running south to a point on the northeast corner of Portsmouth Island at 35° 03.7014'N- 76° 02.2595'W, then running southwesterly along the shore of Core Banks to the point of beginning.

###### **2. SGNRA2**

The area from Ocracoke Inlet to Hatteras Inlet bound by the following points: Beginning at a point near Marker #7 at the mouth of Silver Lake at 35° 06.9091'N- 75° 59.3882'W, running north to a point at 35° 08.7925'N- 76° 00.3627'W near Big Foot Slough Entrance, then running easterly to a point at 35° 09.4994'N- 75° 54.2943'W, then running northeasterly to a point at 35° 11.9803'N- 75° 51.6396'W, then running easterly to a point at 35° 13.4489'N- 75° 47.5534'W, then running southerly to just northwest of the Ocracoke/Hatteras Ferry terminal on the Ocracoke side at 35° 11.5985'N- 75° 47.0768'W, then southwesterly along the shore to the point of beginning.

###### **3. SGNRA3**

The area from Hatteras to Avon Channel bound by the following points: Beginning at a point near Marker "HR" at 35° 13.3152'N- 75° 41.6694'W, running northwest near Marker "42 RC" at Hatteras Channel at 35° 16.7617'N- 75° 44.2341'W, then running easterly to a point off Marker #2 at Cape Channel at 35° 19.0380'N- 75° 36.2993'W, then running northeasterly near Marker #1 at the Avon Channel Entrance at 35° 22.8212'N- 75° 33.5984'W, then running southeasterly near Marker #6 on Avon Channel at 35° 20.8224'N- 75° 31.5708'W, then running easterly near Marker #8 at 35° 20.9412'N- 75° 30.9058'W, then running to a point on shore at 35° 20.9562'N-75° 30.8472'W, then following the shoreline in a southerly and westerly direction to the point of beginning.

**4. SGNRA4**

The area from Avon Channel to Rodanthe bound by the following points: Beginning at a point near Marker #1 at the Avon Channel Entrance at 35° 22.8212'N- 75° 33.5984'W, then running northerly to a point on Gull Island at 35° 28.4495'N-75° 31.3247'W, then running north near Marker "ICC" at 35° 35.9891'N- 75° 31.2419'W, then running northwesterly to a point at 35° 41.0000'N- 75° 33.8397'W, then running easterly to a point on shore at 35° 41.0000'N- 75° 29.3271'W, then following the shoreline in a southerly direction to a point on shore near Avon Harbor at 35° 20.9562'N- 75° 30.8472'W, then running westerly near Marker #8 at 35° 20.9412'N- 75° 30.9058'W, then running westerly near Marker #6 on Avon Channel at 35° 20.8224'N- 75° 31.5708'W, then running northwesterly to the point of beginning.

**B. Ocracoke Corridor (OC)**

The area in Ocracoke Inlet bound by the following points: Beginning at a point at 35° 07.9390'N- 76° 03.8080'W, then running northeasterly near Marker #9 at Nine Foot Shoal Entrance at 35° 08.4411'N- 76° 02.6848'W, then running northeasterly near Marker "14 BF" at 35° 09.3627'N- 76° 00.6259'W, then running southeast near Marker #7 at the mouth of Silver Lake at 35° 06.9091'N- 75° 59.3882'W, then following the shoreline southwesterly to a point at the north side of Ocracoke Inlet at 35° 04.4200'N- 75° 59.9245'W, then crossing the inlet to a point on Portsmouth Island at 35° 03.7014'N- 76° 02.2595'W, then in a northerly direction to a point on Beacon Island at 35° 05.9352'N- 76° 02.7408'W, then running in a northwesterly direction to the point of beginning.

**C. Hatteras Corridor (HC)**

The area in Hatteras Inlet bound by the following points: Beginning at a point at 35° 13.4489'N- 75° 47.5531'W, running east to the site of an old platform at 35° 14.0100'N- 75° 45.8097'W, then running northeast near Marker "42 RC" at the mouth of Hatteras Channel at 35° 16.7617'N- 75° 44.2341'W, then following the channel near Marker "HR" at 35° 13.3152'N- 75° 41.6694'W, then following the shoreline to a point on the north side of Hatteras Inlet at 35° 11.3408'N- 75° 44.9907'W, then crossing the inlet to the south side to a point on Ocracoke Island at 35° 11.0793'N- 75° 45.9645'W, then following the shoreline northwest to a point northwest of the Ocracoke/Hatteras ferry terminal at 35° 11.5985'N- 75° 47.0768'W, then running in a northerly direction to the point of beginning.

**D. Oregon Inlet Corridor (OIC)**

The area in Oregon Inlet bound by the following points: Beginning at a point near Marker #12 at Old House Channel at 35° 45.0883'N- 75° 35.9600'W, then following the channel in a northeasterly direction to a point near Marker #53 at 35° 47.2157'N- 75° 34.4264'W, then running easterly near Marker #13 near Oregon Inlet Fishing Center harbor entrance at 35° 47.7076'N – 75° 32.9762'W, then running southerly to a point on the south side of Oregon Inlet at 35° 46.0500'N- 75° 31.6166'W, then running in a southerly direction along the shoreline to a point at 35° 41.0000'N- 75° 29.3271'W, then running west to a point at 35° 41.0000'N- 75° 33.8397'W, then in a northerly direction to the point of beginning.

**E. Mainland Gillnet Restricted Area (MGNRA)**

The area on the mainland side of Pamlico Sound, from the shoreline out to 200 yards, between the 35° 00.0000' N Latitude Line and the 35° 46.3000' N Latitude Line and east of the 76° 30.000' W Longitude Line.

**III. GEAR RESTRICTIONS:**

**Large mesh gill nets are defined in this proclamation as those gill nets with stretched mesh of 5 ½ inches and greater. Small mesh gill nets are defined as those gill nets with stretched mesh less than 5 inches. Gill nets with a mesh size 5 inches or greater and less than 5 ½ inches are prohibited from April 15 through December 15 in accordance with N.C. Fisheries Rule 15 A NCAC 3J .0103 (a)(2).**

**A. SGNRA1, SGNRA2, SGNRA3, SGNRA4, and MGNRA**

1. From 12:01 A.M. on September 15, 2012 through November 30, 2012, fishing operations will be limited to a maximum of 2,000 yards of large mesh gill net and a maximum of 2,000 yards of small mesh gill net. This applies to operations fishing in SGNRA1, SGNRA2, SGNRA3, SGNRA4, and MGNRA or any combination of these areas.
2. From 12:01 A.M. on September 15, 2012 through November 30, 2012, the use of large mesh commercial gill nets in SGNRA1, SGNRA2, SGNRA3, and SGNRA4 will require a PSGNRA Permit (as outlined below). No permit will be required to fish in the MGNRA.

**B. Inlet Corridors (OC, HC, OIC)**

1. From **12:01 A.M. on September 15, 2012 through November 30, 2012**, the use of large mesh gill nets in any of the corridors is **prohibited**. Commercial fishing operations using small mesh gill nets will be limited to a maximum of 2,000 yards.

**IV. GILL NET RESTRICTIONS:**

- A. It is unlawful to use more than 200 yards of gill net in one continuous line.
- B. It is unlawful to use more than one 200 yard section of gill net without leaving a space of at least 25 yards between separate lengths of net.
- C. If the 200 yard sections of net are connected, then a single yellow buoy is required to be placed at each end of the break between sections of net. The buoys must conform to the size and construction requirements in N.C. Fisheries Rule 15A NCAC 03J .0103 (c).

**V. PERMITS AND PERMIT CONDITIONS:**

- A. Pamlico Sound Gill Net Restricted Area Permit (PSGNRA) is required for participation in **large mesh commercial gill net fisheries** in the SGNRAs from **12:01 P.M. on September 15, 2012 through November 30, 2012**. It is unlawful to violate any of the permit conditions specified below.
- B. A single PSGNRA permit is required for each large mesh commercial fishing operation, regardless of the number of persons involved. A fishing operation is defined as all individuals, the vessel actively deploying and fishing gill nets in the SGNRAs, and all nets used under one Permit and one Standard Commercial Fishing License (SCFL). The operation shall have the PSGNRA Permit in possession at all times while on the water. A vessel shall be listed on only one PSGNRA Permit.
- C. An individual must hold or be assigned a Standard Commercial Fishing License (SCFL) or a Retired Standard Commercial Fishing License to obtain a PSGNRA Permit. When a SCFL is assigned, the PSGNRA Permit will be issued in the name of the assignee. The vessel used in the commercial fishing operation must be identified on the PSGNRA Permit application.
- D. **It is unlawful for Gill Net Restricted Area permittees to refuse to allow onboard fisheries observers to collect data from gill net fisheries in the PSGNRA.** Failure to allow an observer onboard or allow Marine Patrol inspection shall result in revocation of the PSGNRA Permit. Other violations of permit conditions may result in the suspension or revocation of the Permit.
- E. Weekly reports from PSGNRA permittees are required to be submitted to NCDMF on forms provided by the Division in accordance with conditions found in the PSGNRA Permit. These reports are required only when permittees fish during that week. Reports are due by 5:00 p.m. each Friday. Late reports will result in revocation of the PSGNRA Permit.
- F. No permit is required to fish in the MGNRA, however if a fishing operation fishes in both the MGNRA and the SGNRA a permit is required.

**VI. SEA TURTLE INTERACTION REPORTING:**

Fishermen shall report all sea turtle interactions with gill nets in the PSGNRA to the NCDMF Communication Center in Morehead City, NC by phone at 800-682-2632 immediately. Failure to report interactions may result in suspension or revocation of the PSGNRA Permit.

**VII. 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, 3I .0107, 03I .0113, 03J .0103, 03O .0506 and 03R .0201.
- 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 management measures in the fall gill net fisheries in southeastern Pamlico Sound that are expected to reduce interactions with threatened and endangered sea turtles from September 15 through November 30, 2012 These actions are expected to provide increased levels of protection for threatened and endangered sea turtles in Pamlico Sound gill net fisheries. **The harvest period will end prior to November 30 if the number of sea turtle interactions exceeds allowable levels.**
- D. "Attendance" is defined in N.C. Fisheries Commission Rule 15A NCAC 03I .0101 (2) (b).
- E. Gill Net Restricted Area Permits are available at no cost from all Division of Marine Fisheries License Offices.
- F. From **12:01 A.M. on September 15 through November 30, 2012**, attendance is required for commercial fishing operations using small mesh gill nets, **as referenced in N.C. Marine Fisheries Commission Rule 03J .0103(h).**

- G. **This proclamation supplements, but does not supersede, the small mesh gill net yardage restriction of 800 yards and the attendance requirement established in Proclamation M-38-2012 dated August 29, 2012, for the areas described in Marine Fisheries Commission Rule 03R .0201(a).**
- H. Fishermen must contact the NCDMF Marine Patrol at 1-800-682-2632 if a sea turtle is incidentally captured, regardless of its status (active and uninjured, injured, lethargic or dead). Resuscitation and handling protocol must be followed for all sea turtles incidentally captured.
- I. This proclamation supersedes Proclamation M-36-2012, dated August 27, 2012 which closed Pamlico Sound. **It also supersedes the portions of Proclamation M-37-2011, dated August 29, 2012 that pertain to the areas of Pamlico Sound described in this proclamation only.**

By: \_\_\_\_\_  
Dr. Louis B. Daniel, Director  
DIVISION OF MARINE FISHERIES

September 6, 2012  
1:00 P.M.  
M-39-2012  
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