PA-38-2013

PROCLAMATION

RE: SHELLFISH POLLUTED AREA

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, upon the recommendation of Laura Gerald, M.D., M.P.H., State Health Director, Department of Health and Human Services, hereby announces that the following change in shellfish harvesting areas will **take effect at sunrise, Friday, April 26, 2013.**

All those waters in **Carteret County** will return to the status in existence immediately prior to the April 20, 2013, temporary closures **except the following which will remain closed:**

CARTERET COUNTY

Newport River - All those waters in Newport River upstream of a line beginning at a point on the south shore at 34º 45.7044' N -76º 43.4977' W near Penn Point; running northerly to a point on the west shore of Harlowe Creek at 34º 46.6935' N -76º 43.4719' W.

North River - All those waters in North River upstream of a straight line beginning at a point at the permanent closure line near Channel Marker #56B to the mainland side of the Harker's Island Bridge at The Straits.

Jarrett Bay – All those waters upstream of a line beginning at a point on the east shore of Spit Bay; thence in a straight line to the southern end of Davis Island; thence in a straight line thru Flashing Beacon #36; thence in a straight line to the southeast end of Bells Island; thence in a straight line to a point on the Marshallberg shoreline.

Oyster Creek - All those waters in Oyster Creek upstream of a straight line across the mouth.

Nelson Bay - All those waters in Nelson Bay upstream of a line from Drum Point to the northern tip of Fulchers Creek.

The following also remains closed:

BRUNSWICK / NEW HANOVER COUNTIES

All those waters between Southport and the South Carolina State Line.

All those waters within 100 yards from the dredge spoils effluent pipe near Bald Head Island located approximately 200 yards north of the mouth of Bald Head Creek.

All those waters 100 yards from the dredge spoils effluent pipe located across the Intracoastal Waterway from The Tides Marina at US Army Corps of Engineers Disposal Area #267 between IWW Channel Markers “149” and “150”.

All those waters 100 yards from the dredge spoils effluent pipe located across the Intracoastal Waterway from Whiskey Creek at US Army Corps of Engineers Disposal Area #256 between IWW Channel Markers “135” and “137”.

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 03K .0101.

B. It is unlawful to violate the provisions of any proclamation issued by the N.C. Fisheries Director under his delegated authority pursuant to N.C. Marine Fisheries Commission Rule 15A NCAC 03H .0103.

C. This proclamation returns the following area to normal closure boundaries: a portion of Newport River, Sleepy Creek, and Brett Bay.

D. **It should be noted that leases closed on or after April 1, 2013, to allow relaying of shellfish from closed areas remain closed.**

E. These reopenings are due to satisfactory bacteriological sampling results.

April 25, 2013
1:45 P.M.
PA-38-2013