



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

M-19-2020

PROCLAMATION

RE: GILL NET RESTRICTIONS - INTERNAL COASTAL WATERS SOUTH OF MANAGEMENT UNIT A – CLOSES MANAGEMENT UNIT B (SUBUNITS SGNRA 1-4, MGNRA AND PORTIONS OF CGNRA), AND MANAGEMENT UNIT C TO THE USE OF GILL NETS WITH STRETCHED MESH LENGTH OF 4 INCHES THROUGH 6 ½ INCHES.

This proclamation supersedes proclamation M-15-2020 dated September 25, 2020. This proclamation closes Management Unit B (subunits SGNRA 1-4, MGNRA and portions of CGNRA) and Management Unit C to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section III.) in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan.

Stephen W. Murphey, Director, Division of Marine Fisheries, hereby announces that effective at **8:16 A.M., Monday, October 19, 2020**, the following provisions **shall apply to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches south of Management Unit A (south of 35° 46.3000' N latitude)**:

I. **AREA DESCRIPTIONS AND RESTRICTIONS (See maps):**

It is unlawful to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches in Internal Coastal Waters except those described below. Areas not listed below are closed to gill nets (including trammel gill nets) with a stretched mesh length of 4 inches through 6 ½ inches; (except as described in Section III.; SEE SECTION II. FOR ADDITIONAL RESTRICTIONS):

A. **Management Unit B Subunit Core Sound Gill Net Restricted Area (CGNRA) (EXCEPT THE AREAS OF WEST BAY, WEST THOROFARE BAY, LONG BAY AND TURNAGAIN BAY) described below is open to gill nets with a stretched mesh length of 4 inches through 6 ½ inches all other areas in Management Unit B are closed:**

1. **CGNRA**

All Internal Coastal waters south of latitude 35° 00.0000'N and north of latitude 34° 48.2700'N which runs approximately from the Club House on Core Banks westerly to a point on the shore at Davis near Marker "1". **(Except that the areas of West Bay, West Thorofare Bay, Long Bay and Turnagain Bay are closed to gill nets with a stretched mesh length of 4 inches through 6 ½ inches.)**

B. **Management Unit D2:** all Internal Coastal Waters west of a line running from 34° 40.6740' N – 76° 37.0000' W to 34° 42.4800' N – 76° 37.0000' W then to the head of Turner Creek, and northerly up the western shoreline of the North River; and east of the NC Hwy 58 Bridge. Management Unit D2 includes Newport River (including the Atlantic Intracoastal Waterway and Harlowe Creek up to NC Hwy 101 Bridge) and Bogue Sound.

C. **Management Unit E:** all Internal Coastal Waters south and west of the Highway 58 Bridge to the North Carolina/South Carolina state line. This includes the Atlantic

Intracoastal Waterway and adjacent sounds and the New, Cape Fear, Lockwood Folly, White Oak, and Shallotte rivers.

II. **ADDITIONAL RESTRICTIONS**

- A. It is unlawful to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section III.) in the following portions of Management Unit E (Map 6):
1. Cape Fear River and its tributaries north of the Railroad Bridge described as a line running from a point on the west shore at 34° 15.5760' N - 77° 59.3000' W; running easterly to a point on the east shore at 34° 15.6270' N - 77° 59.2300' W.
 2. Northeast Cape Fear River and its tributaries north of the Highway 17 Bridge described as a line running from a point on the west shore at 34° 17.9430' N - 77° 57.5540' W to a point on the east shore at 34° 18.1320' N - 77° 57.3790' W.
- B. **It is unlawful for Recreational Commercial Gear License holders to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section III. A. and B.).**

III. **GEAR EXEMPTIONS AND RESTRICTIONS FOR RUN-AROUND, STRIKE, DROP, TRAMMEL, AND DRIFT GILL NETS**

- A. Exempted gear definitions (including trammel gill nets):
1. Run-around, strike, drop, or trammel gill nets - gill nets that are set and then are immediately retrieved.
 2. Drift gill nets - gill nets that are used to capture fish while being moved along by water currents and the net being actively fished and attended from deployment through retrieval.
- B. **It is unlawful to use run-around, strike, drift, drop and trammel gill nets with a stretched mesh length 5 inches and greater.**
- C. It is unlawful to use or possess more than 800 yards of run-around, strike, drop, drift and trammel gill net per commercial fishing operation.
- D. Run-around, strike, drop, drift and trammel gill nets are exempt from the restrictions specified in Sections IV., V. and VI.

IV. **GILL NET CONSTRUCTION AND USE REQUIREMENTS**

During times (see Section V.) and in Management Units indicated (see Section I.) it is unlawful to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches unless they comply with the following provisions:

- A. **Management Unit B Subunit CGNRA as described in Section I. A. 1:**
1. It is unlawful to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches of more than 15 meshes in height and without a lead core or leaded bottom line.
 2. It is unlawful to use cork, floats, or other buoys except those required for identification.
 3. It is unlawful to use or possess more than 1,500 yards of gill net with a stretched mesh length of 4 inches through 6 ½ inches per operation.
 4. It is unlawful to set a gill net, no more than 100 yards in length, with a stretched mesh length of 4 inches through 6 ½ inches without leaving a space of at least 25 yards between separate lengths of net, regardless of individual net length.
- B. **Management Unit D2 as described in Section I. B:**
1. It is unlawful to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches of more than 15 meshes in height and without a lead core or leaded bottom line.

2. It is unlawful to use cork, floats, or other buoys except those required for identification.
3. It is unlawful to use or possess more than 750 yards of gill net with a stretched mesh length of 4 inches through 6 ½ inches per operation.
4. It is unlawful to set a gill net, no more than 100 yards in length, with a stretched mesh length of 4 inches through 6 ½ inches without leaving a space of at least 25 yards between separate lengths of net, regardless of individual net length.

C. Management Unit E as described in Section I. C.:

1. It is unlawful to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches of more than 15 meshes in height and without a lead core or leaded bottom line.
2. It is unlawful to use or possess more than 750 yards of gill net with a stretched mesh length of 4 inches through 6 ½ inches per operation.
3. It is unlawful to set a gill net, no more than 100 yards in length, with a stretched mesh length of 4 inches through 6 ½ inches without leaving a space of at least 25 yards between separate lengths of net, regardless of individual net length.

V. GILL NET SETTING TIME REQUIREMENTS

It is unlawful to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches 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:

A. Management Units B Subunits CGNRA, D2, and E as described in Section I. A. 1., B., and C.

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.

Additional overnight soak period is permitted in Management Units D2 and E as described in Section I. B. and C.:

5. 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.

VI. SEA TURTLE AND ATLANTIC STURGEON INTERACTION REPORTING

It is unlawful to fail to report any sea turtle or sturgeon captured in anchored gill nets. Reports shall be made within 24 hours of the capture to the Division of Marine Fisheries at 252-726-7021 or 800-682-2632. Self-reported takes of sea turtles and sturgeon by fishermen fishing without an observer do not count toward the allowable takes in the Incidental Take Permits.

VII. GENERAL INFORMATION

- A. This proclamation is issued under the authority of N.C.G.S. 113-134; 113-182; 113-170.4; 113-170.5; 113-221.1; 143B-289.52 and N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103 and 03J .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. Marine Fisheries Commission Rule 15A NCAC 03H .0103.

- C. **All other existing gill net rules and proclamations remain in effect.** See <http://portal.ncdenr.org/web/mf/proclamations-current> to refer to those M-type proclamations for gill net regulations that may be effective in the areas covered by this proclamation.
- D. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103 (b)(3)(A) it is unlawful for gill net mesh length to exceed 6 ½ inches in Internal Coastal Waters.
- E. Proclamation M-3-2014, dated February 3, 2014 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.
- F. Proclamation M-6-2019, dated March 15, 2019 prohibits the use of all gill nets in portions of the Pamlico and Neuse Rivers. It also maintains tie-down and distance from shore restrictions for gill nets with a stretched mesh length 5 inches and greater in the western Pamlico Sound and rivers in accordance with Supplement A to Amendment 1 to the N.C. Estuarine Striped Bass Fishery Management Plan.
- G. The small mesh gill net attendance requirements in N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103 (g) and (i) and 03R .0112, mesh length restrictions in 03J .0103 (a)(2), navigational passage requirements in 03J .0101, as well as all other existing gill net rules and proclamations remain in effect.
- H. Proclamation M-24-2014 dated July 31, 2014 requires holders of a Standard Commercial Fishing License (SCFL), Retired Standard Commercial Fishing License (RSCFL), or Recreational Commercial Gear License (RCGL) who deploy gill nets in Internal Coastal Waters with an exception for run-around, strike, drop or drift gill nets, to possess a valid Estuarine Gill Net Permit issued by the Division of Marine Fisheries.
- I. 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 Estuarine Gill Net Permit and an observer program as an inspection procedure to obtain such data.
- J. For gill net restrictions in the Albemarle Sound Area (Incidental Take Permit- Management Unit A) refer to the most recent M-type proclamations for that area.
- K. The Division of Marine Fisheries has received Federal Incidental Take Permits (ITP) for certain threatened or endangered sea turtles, and endangered Atlantic sturgeon. These ITPs allow the legal continuation of the inshore gill net fisheries in North Carolina, subject to permit conditions. The ITP conditions are designed to avoid, minimize, and mitigate interactions with these species. Permit conditions require the division to provide 7-10 percent observer coverage in the large mesh anchored gill net fishery and 1-2 percent observer coverage in the small mesh anchored gill net fishery in Internal Coastal Waters. **If the required coverage is not maintained, large and small mesh anchored gill nets could be prohibited in all Internal Coastal Waters.**
- L. The Pamlico Sound is closed annually from September 1 through December 15 each year to large mesh gill nets by National Marine Fisheries Service, Federal Rule 50 CFR Part 223. The Sea Turtle ITP allows the division to open certain areas within the Pamlico Sound to large mesh gill nets.
- M. The intent of this proclamation is to implement gill net restrictions for gill nets with a stretched mesh length 4 inches through 6 ½ inches in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan and allow directed and bycatch fisheries for various species while minimizing interactions with threatened and/or endangered species. Future proclamations will be issued to implement gear restrictions that correspond to the flounder season closure dates specified in Amendment 2 or to implement ITP requirements.

- N. In accordance with N.C. General Statute 113-221(f) and 113-221.1(c) all persons who may be affected by rules and proclamations issued by the Fisheries Director are under a duty to keep themselves informed of current rules and proclamations. Multiple rules and proclamations regulating a fishery, species, gear, etc. may be in effect concurrently.
- O. Contact N.C. Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557; 252-726-7021 or 800-682-2632 for more information or visit the division website at www.ncmarinefisheries.net.
- P. **This proclamation supersedes proclamation M-15-2020 dated September 25, 2020. This proclamation closes Management Unit B (subunits SGNRA 1-4, MGNRA and portions of CGNRA) and Management Unit C to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section III.). It maintains openings in Management Units D2 and E. These actions are being taken in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan.**

By: 

Stephen W. Murphey, Director
DIVISION OF MARINE FISHERIES

October 16, 2020
1:26 P.M.