PROCLAMATION

RE: 2012- 2013 OYSTER RESTRICTIONS

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective at **sunset, Friday, December 21, 2012,** the following **changes in restrictions** will apply to the area open to the mechanical harvest of oysters:

I. MEANS AND METHODS

MECHANICAL HARVEST RESTRICTIONS:

A. Oysters may be taken by mechanical methods (See General Information Section VII. E., G. and H. for other gear restrictions).

B. Oysters may not be transferred from the catching vessel to any other vessel during oyster harvesting operations or be transported by any vessel other than the vessel in which they are harvested.

C. It is unlawful to possess more than **five** bushels of unculled catch onboard a vessel. Only material on the culling tray is exempt from culling restrictions.

D. It is unlawful to possess unculled catch or culled catch material while underway and not engaged in mechanical harvesting.

E. It is unlawful for the catch container (bag, cage) attached to a dredge to extend more than **two** feet in any direction from the tooth bar.

F. It is unlawful to tow a dredge unless the point where the tow line or cable exits the vessel and goes directly into the water is on the port or starboard side of the vessel forward of the transom.

G. It is unlawful to possess a dredge while engaged in oyster harvesting activities in an area closed to the use of mechanical methods for oystering.

II. HARVEST DAYS AND TIME PERIOD

A. Mechanical oyster harvest will be allowed Monday through Friday from sunrise until 2:00 p.m. each day. (See General Information Section VII. C. and F.). **Oyster dredges must be out of the water and stowed on deck after 2:00 P.M. each weekday.**

B. All oysters must be unloaded by sunset in accordance with N.C. Marine Fisheries Rule 15A NCAC 03K .0106.

III. QUANTITY

Properly licensed persons may take or possess no more than **fifteen (15)** bushels of oysters per fishing operation per day, regardless of the number of persons or vessels involved **except as specified in Section VI. below.** (See General Information Section VII. I.)

IV. MINIMUM SIZE LIMIT

The size limit will be three (3) inches shell length for oysters taken on public or private grounds. (See General Information Section VII. I.)

V. MECHANICAL HARVEST SEASON

The season for harvesting oysters by mechanical methods shall be monitored and changes in harvest areas or season length may be implemented by proclamation at a later date.

VI. AREA RESTRICTIONS

It is unlawful to harvest oysters by mechanical methods in the following areas:

A. **Wysocking Bay** - northwest of a line beginning at a point 35° 22.9684' N - 76° 03.7129' W on Benson Point, running northeasterly to a point 35° 24.6895' N - 76° 01.3155' W on Long Point;

B. **East Bluff Bay** – northwest of a line beginning at a point 35° 19.5333' N - 76° 09.3333' W on Bluff Point; running northeasterly to a point 35° 21.2784' N - 76° 06. 7572' W on North Bluff Point;

C. **West Bluff Bay** – north of a line beginning at a point 35° 20.3413' N - 76° 12.3378' W on the east shore of Cunning Harbor; running easterly to a point 35° 19.5333' N - 76° 09.3333' W on Bluff Point;

D. **Cunning Harbor** - north of a line beginning at a point 35° 20.4372' N - 76° 13.2697' W on the west shore of Cunning Harbor; running easterly to a point 35° 20.3413' N - 76° 12.3378' W on the east shore of Cunning Harbor;

E. **Juniper Bay** - north of a line beginning at a point 35° 20.6217' N - 76° 15.5447' W on the west shore of Juniper Bay, running easterly to a point 35° 20.4372' N - 76° 13.2697' W; running easterly to a point 35° 20.3413' N - 76° 12.3378' W on the east shore of Cunning Harbor;

F. **Swanquarter Bay** - north of a line beginning at a point 35° 20.9500' N – 76° 20.6409' W at The Narrows, running easterly to a point 35° 21.5959' N - 76° 18.3580' W on the east shore;
G. **Deep Cove** - north and east of a line beginning at a point 35° 20.9790' N - 76° 23.8577' W on the west shore; running southeasterly to a point 35° 20.5321' N - 76° 22.7869' W on Swanquarter Island;
H. **Rose Bay** - north of a line beginning at a point 35° 23.3404' N - 76° 26.2491' W on Long Point, running southeasterly to a point 35° 22.4891' N - 76° 25.2012' W on Drum Point;
I. **Spencer Bay** – northwest of a line beginning at a point 35° 22.3866' N - 76° 27.9225' W on Roos Point, running northeasterly to a point 35° 23.3404' N - 76° 26.2491' W on Long Point;
J. **Jones Bay** - west of a line beginning at a point 35° 13.4968' N - 76° 31.1040' W on Mink Trap Point; running southerly to a point 35° 12.3253' N - 76° 31.2767' W on Boar Point;
K. **Slade Creek** - east of a line beginning at a point 35° 27.8879' N - 76° 32.9906' W on the west shore; running southeasterly to a point 35° 27.6510' N - 76° 32.7361' W on the east shore;
L. **Scranton Creek** - south and east of a line beginning at a point 35° 30.6810' N - 76° 28.3435' W on the west shore; running easterly to a point 35° 30.7075' N - 76° 28.6766' W on the east shore;
M. **Pungo Creek** - west of a line beginning at a point 35° 30.7633' N - 76° 38.2831' W on Persimmon Tree Point; running southwesterly to a point 35° 31.1546' N - 76° 37.7590' W on Windmill Point;
N. **South Creek** - west of a line beginning at a point 35° 21.7385' N - 76° 41.5907' W on Hickory Point; running southerly to a point 35° 20.7534' N - 76° 41.7870' W on Fork Point;
O. **Bond Creek/Muddy Creek** - south of a line beginning 35° 20.7534' N - 76° 41.7870' W on Fork Point; running southeasterly to a point 35° 20.5632' N - 76° 41.4645' W on Gum Point;
P. **Goose Creek** – south of a line beginning at a point 35° 19.7932' N - 76° 37.5347' W on the north shore of Lower Spring Creek; running easterly to a point 35° 19.8667' N - 76°35.9333' W on Fulford Point;
Q. **Bay River** – west of a line beginning at a point 35° 11.0333' N - 76° 31.5666' W on Bay Point; running southerly to a point 35° 09.0333' N - 76° 32.1500' W on Maw Point;
R. **Adams Creek** – south of a line beginning at a point 34° 57.3104' N - 76° 41.1292' W on the north shore of Godfrey Creek; running westerly to a point 34° 57. 5226' N - 76° 40. 5630' W on the east shore;
S. **South River** – southeast of a line beginning at a point 34° 58. 6524' N - 76° 35. 4240' W; running northeasterly to a point 34° 59.1936' N - 76° 34.7657' W on the west shore of Horton Bay;
T. **West Bay** - south of a line beginning at a point 35º 01.5700'N - 76º25.2850'W on Newstump Point ; running westerly to a point 35º 01.8982'N - 76º 21.7135'W on Point of Grass.
U. Neuse River and Southwestern Pamlico Sound - an area southwest and west of a line beginning at a point 35° 13.2267' N – 76° 29.5420' W on Sow Island Point, running southeasterly to a point near Marker "BI" 35° 08.0158' N - 76° 17.5777' W on the eastern end of Brant Island Shoal, running southwesterly to a point 35° 01.8982' N - 76° 21.7135' W on Point of Grass.

VII. <u>GENERAL INFORMATION</u>:

A. This proclamation is issued under the authority N.C.G.S. 113-170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52; and Marine Fisheries Rules 15A NCAC 03H .0103, 03K .0201 and .0202.
B. It is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under his delegated authority pursuant to Marine Fisheries Rule 15A NCAC 03H .0103.
C. Marine Fisheries Rule 15A NCAC 03K .0206 requires a permit for the use of mechanical gear on private bottoms. Permits are available, at no cost, from all Division of Marine Fisheries License Offices.
D. It is unlawful to possess or sell oysters without a harvest tag affixed to each container in accordance with Marine Fisheries Rule 15A NCAC 03K .0101 (d).
E. Marine Fisheries Rule 15A NCAC 03K .0204 lists areas closed to the use of mechanical methods to take oysters; 15A NCAC 03N .0104 prohibits the use of mechanical methods to take oysters or clams in primary nursery areas.
F. Marine Fisheries Rule 15A NCAC 03K .0209 prohibits the taking of oysters and clams and the use of mechanical methods for oystering or clamming in oyster sanctuaries designated in Marine Fisheries Rule 15A NCAC 03R .0117.
G. Marine Fisheries Rule 15A NCAC 03K .0106(a) prohibits the taking of oysters between the hours of sunset and sunrise on any day.
H. Marine Fisheries Rule 15A NCAC 03J .0303 prohibits the use of dredges weighing more than 100 pounds except in the Atlantic Ocean; prohibits the use of more than one dredge per vessel to take oysters or crabs; and prohibits possession of oysters aboard a vessel with a dredge weighing more than 100 pounds.
I. Marine Fisheries Rule 15A NCAC 03I .0101(14) defines mechanical methods for oystering.
J. Marine Fisheries Rule 15A NCAC 03K .0207 exempts permitted aquaculture operations from bag and size limit restrictions.
K. This proclamation supersedes Proclamation SF-8-2012, dated December 14, 2012 and adds C. through G. in section I. Means and Methods. It closes Neuse River and part of southwestern Pamlico Sound to mechanical harvesting due to failure to meet the 26% legal-sized threshold approved by the Marine Fisheries Commission and closes Pamlico Sound bays to mechanical harvesting pursuant to the provisions in Amendment 2 to the N.C. Oyster Fishery Management Plan. Hand harvest of oysters will remain open in non-polluted waters in these areas according to the established harvest limits.

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

December 19, 2012
3:10 P.M.
SF-8-2012(REVISED)
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