

## PROCLAMATION

### RE: GILL NETS – ALBEMARLE SOUND AREA

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M. on Thursday, October 4, 2012**, the following provisions shall apply to the use of gill nets in the following areas:

#### I. AREA DESCRIPTION

A. The waters of Albemarle Sound and its tributaries described as follows:

1. In **Albemarle Sound**, the restrictions **north and west** of a line beginning at a point 35° 57.5590'N - 75° 56.8200' W; running northeasterly to a point 36° 04.8280'N - 75° 47.4050'W.
2. In **Currituck Sound**, the waters **north** of the Highway 158 Wright Memorial Bridge beginning at a point on the western shore at 36° 04.8280'N - 75° 47.4050'W; running easterly along the south side of the bridge to a point on the east shore at 36° 05.5770'N - 75° 44.5850'W.

B. The area between the lines referenced in I.A.1. and 2. and the southern boundary of the Albemarle Sound Management Area described as **a line 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.**

#### II. NET RESTRICTIONS

Only gill nets meeting the specified mesh lengths may be used in the described areas. A fishing operation, regardless of the number of vessels or persons involved, shall adhere to the gill net restrictions specified for the following areas:

A. **Albemarle Sound (areas described in I.A.1. and 2):**

1. Gill nets with a mesh length less than 3 inches shall not be used.
2. Gill nets with a mesh length of 3 inches through 4 inches shall not exceed 800 yards, and must be attended at all times.
3. Gill nets with a mesh length greater than 4 inches and less than 5 ½ inches shall not be used.
4. Gill nets with a mesh length of 5 ½ inches and larger are required to be equipped with tie downs spaced no farther apart than 10 yards, restricting the vertical distance between the top and bottom lines to 48 inches or less **unless** they are equipped with floats that do not exceed 2 inches in diameter and 6 inches in length placed a minimum of 10 yards apart, not to exceed 11 floats per 100 yards of net. Gill nets must be set so as to fish the bottom not to exceed a vertical height of 48 inches.
5. Gill nets with a mesh length of 5 ½ inches and larger can only be used as described in II.A.4 and may not exceed **2,000 yards combined.**

6. 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.
7. No gill nets may be used in the area southwest of a line from Black Walnut Point 35° 59.3833'N - 76° 41.0060'W; running southeasterly to a point 35° 56.3333'N - 76° 36.0333'W at the mouth of Mackey's Creek, including Roanoke, Cashie, Middle and Eastmost rivers.

**B. Area of eastern/southern Albemarle Sound Management Area described in I.B. above**

1. Gill nets with a mesh length less than 3 inches shall not be used.
2. Gill nets with a mesh length of 3 inches but less than 4 inches shall not exceed 800 yards and must be attended at all times.
3. Gill nets with a mesh length of 4 inches to 6 ½ inches stretched mesh (inclusive) must adhere to the requirements in **Proclamation M-46-2012, dated September 28, 2012.**
4. Gill nets with a mesh length larger than 6 ½ inches shall not be used.

**III. DRIFT GILL NETS**

Drift gill nets may not be used in the Joint Fishing Waters portion of the Roanoke, Middle, Eastmost, Cashie, Chowan and Meherrin rivers and all other joint water tributaries of the Albemarle Sound Management Area.

**IV. 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 03J .0103, 03Q .0107(c); 03M .0202 and 03M .0513.
- B. It is unlawful to violate 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. "Attended" is defined in N.C. Marine Fisheries Commission Rule 15A NCAC 3I .0101.
- D. Attended gill net areas are defined in N.C. Marine Fisheries Commission Rule 15A NCAC 3R.0112.
- E. **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 observer program as an inspection procedure to obtain such data.**
- F. **This proclamation does not open the PSGNRA which remains CLOSED by M-42-2012, dated September 24, 2012.**
- G. This proclamation supersedes Proclamation M-47-2012, dated September 28, 2012. It maintains the extension of the net construction and setting time restrictions into the eastern Albemarle Sound. It maintains the maximum yardage of large mesh gill nets in the formerly exempted portion of the Albemarle Sound Management Area and the requirement to be present at the nets in those areas at least once a day by noon. The only change is the reference to the Proclamation in II.B.3.

BY: \_\_\_\_\_

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