PROCLAMATION

RE: CRAB, EEL, FISH AND SHRIMP POTS

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective at 12:01 A.M. Monday, June 24, 2013 until midnight November 30, 2013, the following shall apply to crab, eel, fish and shrimp pots in the Pungo River.

I. TEMPORARY SUSPENSION:

North Carolina Marine Fisheries Commission Rule 15A NCAC 03R .0107 is modified by the suspension of subparagraph (a) (5) (A) through (H) and subparagraph (a)(6) (A) through (D). Subparagraph (a) (5) and (a) (6) then read as follows:

- (5) In the Pamlico River and its tributaries west of a line beginning on Willow Point at a point 35° 22.3741' N 76° 28.6905' W; running southerly to Pamlico Point to a point 35° 18.5882' N 76° 28.9625' W; pots may be used within an area bound by the shoreline to the depth of six feet, except areas listed in Paragraph (b) of this Rule that may be opened to the use of pots by proclamation and except pots shall not be set within the following areas described by lines:
 - (A) Long Point beginning on shore at a point 35° 22.4833' N 76° 43.4167' W; running northwesterly to a point 35° 22.6500' N 76° 43.4333' W; running easterly along the six foot depth to a point 35° 22.7333' N 76° 42.7333' W; running to shore to a point 35° 22.4000' N 76° 43.0833' W; running westerly along shore to the beginning point.
 - (B) Pamlico River Mainstream Channel beginning at a point 250 yards north of Marker "7" at a point 35° 27.2953' N 76° 55.1351' W; running westerly to a point near Marker "8" at a point 35° 27.4217' N 76° 56.0917' W; running westerly along the north side of the marked channel to a point 100 yards north of Marker "9" at a point 35° 27.7472' N 76° 57.5392' W; running westerly along the north side of the marked channel to a point near Marker "16", north of Whichard's Beach at a point 35° 30.4750' N 77° 01.2217' W; running southwesterly across the channel to a point 35° 30.4373' N 77° 01.2614' W; running southeasterly along the south side of the marked channel at a distance of 100 yards from the north side of the marked channel to a point near Marker "7" at a point 35° 27.1722' N 76° 55.1380' W; running northerly to the beginning point.
 - (C) Chocowinity Bay Channel beginning at a point near the Wildlife Resources Commission (WRC) red marker in Chocowinity Bay at a point 35° 29.5501' N 77° 01.4335' W; running easterly to the south side of the marked navigation channel in Pamlico River, at a point 35° 29.0408' N 76° 59.5437' W; running southeasterly to a point 35° 28.9236' N 76° 59.3109' W; running westerly to the WRC green buoy in Chocowinity Bay at a point 35° 29.5004' N 77° 01.4339' W; running northerly to the beginning point.
 - (D) Whichards Beach Channel beginning on shore at a point 35° 30.2364' N 77° 01.3679' W; running easterly to the south side of the marked navigation channel in Pamlico River at a point 35° 30.1952' N 77° 01.0252' W; running southeasterly to a point 35° 30.1373' N 77° 00.9685' W; running westerly to shore at a point 35° 30.2002' N 77° 01.4518' W, running northeasterly to the beginning point.

- (E) Broad Creek Channel beginning near Marker "3" in Broad Creek at a point 35° 29.0733' N 76° 57.2417' W; running southwesterly near Marker "1" at a point 35° 28.8591' N 76° 57.3823' W; running southerly to the marked navigation channel in Pamlico River at a point 35° 27.8083' N 76° 57.6250' W; running southeasterly to a point 35° 27.7344' N 76° 57.4822' W; running northerly to the six foot depth at a point 35° 28.5779' N 76° 57.2924' W; running northerly to the six foot depth at a point 35° 28.7781' N 76° 57.3508' W; running northerly along the six foot depth to a point near Marker "4" at a point 35° 29.0933' N 76° 57.1967' W; running southwesterly to the beginning point.
- (F) Blounts Bay from June 1 through September 15, on the south side of Pamlico River beginning near Marker "7" at a point 35° 27.1722' N 76° 55.1381' W; running westerly and along the south side of the marked navigation channel to a point near Marker "9" at a point 35° 27.7070' N 76° 57.5739' W; running northwesterly along the south side of the marked channel to the intersection of the Chocowinity Bay Channel at a point 35° 28.9236' N 76° 59.3109' W; running westerly along the south side of the Chocowinity Bay Channel to a point 35° 29.0206' N 76° 59.6678' W; running southerly to the eight foot depth at a point 35° 28.6667' N 76° 59.6667' W; running southeasterly along the eight foot depth to a point 35° 27.0833' N 76° 55.1667' W; running northerly to the beginning point.
- (6) In the Pamlico River and its tributaries west of a line beginning on Willow Point at a point 35° 22.3741' N 76° 28.6905' W; running southerly to Pamlico Point to a point 35° 18.5882' N 76° 28.9625' W; pots may be used within an area bound by the shoreline to the depth of six feet, except areas listed in Paragraph (b) of this Rule that may be opened to the use of pots by proclamation and except; pots may be set within the following areas described by lines:
 - (A) Pungo Creek beginning on Windmill Point at a point 35° 30.7444' N 76° 38.2869' W; running northeasterly to a point 200 yards west of Marker "3" to a point 35° 31.3500' N 76° 36.6167' W; running northwesterly to the "Breakwater" to a point 35° 31.6296' N 76° 37.1201' W; running westerly along the "Breakwater" to shore to a point 35° 31.5653' N 76° 37.3832' W; running westerly along shore and into Pungo Creek following the shoreline and the Inland/Coastal lines of Vale, Scott, and Smith creeks to the north end of the NC 92 bridge over Pungo Creek; running southerly along the bridge and following the Inland/Coastal line to the southern shore; running easterly along shore to the beginning point.
 - (B) Upper Pamlico in coastal fishing waters west of a line beginning on the north shore of Gum Point at a point 35° 25.1699' N 76° 45.5251' W; running southwesterly to a point on the south shore of Pamlico River to a point 35° 23.4453' N 76° 46.4346' W, except as described in Part (a)(5)(J) through (N) of this Rule.
 - (C) North Side Pamlico beginning on the north shore of Gum Point at a point 35° 25.1699' N 76° 45.5251' W; running southwesterly 500 yards from shore to a point 35° 24.9339' N 76° 45.6495' W; running easterly parallel to the shoreline at a distance of 500 yards near Adams Point to a point 35° 23.3949' N 76° 35.8089' W; running northerly to shore at a point 35° 23.1754' N 76° 35.9619' W; running westerly along shore to the beginning point.
 - (D) South Creek in coastal fishing waters of South Creek and tributaries west of a line beginning on Hickory Point at a point 35° 21.7385' N 76° 41.5907' W; running southerly to Fork Point to a point 35° 20.7534' N 76° 41.7870' W.

II. <u>AREA OPENINGS – BEAUFORT AND HYDE COUNTIES</u> Pots may be set in the following areas:

- (A) Durants Point and South shore, upper Pungo River beginning on Durants Point at a point 35° 30.5197' N - 76° 35.1521' W; running northwesterly to a point 35° 31.1333' N - 76° 35.5833' W; running northeasterly 200 yards south of Marker "10" to a point at 35° 31.2032' N - 76° 35.5558' W; running easterly parallel to the marked navigation channel at a distance of 200 yards to the shore south of Wilkerson Creek to a point 35° 33.0493'N - 76° 27.2752'W; running southerly and westerly along the shoreline and following the Inland/Coastal lines of Horse Island, Tarklin, Scranton and Smith Creeks to the beginning point.
- (B) Tooleys Point and North Shore, upper Pungo River- beginning at the "Breakwater" 200 yards northeast of Beacon "6" at a point 35° 31.7833' N 76° 36.8500' W; running southeasterly to a point 200 yards from Marker "4" at a point 35° 31.5167' N 76° 36.3500' W; running easterly parallel to the marked navigation channel at a distance of 200 yards to the north shore of Wilkerson Creek to a point 35° 33.2339' N 76° 27.5449' W; running northwesterly along the shoreline to the east end of the U.S. 264 bridge; running westerly along the bridge and following the Inland/Coastal lines of Upper Dowry Creek and Lower Dowry Creek; running westerly and along the shoreline Battalina and Tooley Creeks; running along the river shore to the "Breakwater" to a point 35° 31.9908' N 76° 36.6105' W; running southwesterly along the "Breakwater" to the beginning point.

III. 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 Rule 15A NCAC 03H .0103 and 03J .0301.
- 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. The intent of this proclamation is to implement measure approved by the Marine Fisheries Commission to resolve user conflicts between crab potters, shrimp trawlers and long haulers in Pungo River. It opens some portions of the Pungo River to crab pots through November. A public meeting was held June 19, 2013 to solicit public comments as required in Marine Fisheries Commission Rule 15A NCAC 03J .0301 (j).
- D. The temporary suspension of the portion of the rule is necessary to implement the changes agreed to in the conflict resolution meeting and which will be implemented by rule in spring of 2014.

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

June 20, 2013 2:30 P.M. PT-5-2013 /sab