



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

**M-16-2021**

## **PROCLAMATION**

### **RE: GILL NETS – ALBEMARLE SOUND AREA – OPENING MANAGEMENT UNIT A TO THE USE OF LARGE MESH GILL NETS WITH OVERNIGHT SOAKS**

**This proclamation supersedes proclamation M-12-2021 dated April 30, 2021. It opens Management Unit A to the use of gill nets for the purpose of harvesting flounder in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan and the Incidental Take Permit for Sea Turtles. It maintains the exempted areas in MUA open to the use of run-around, strike, drop, and trammel gill nets to harvest blue catfish. It also maintains small mesh gill net attendance requirements in the entirety of Management Unit A.**

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **6:16 P.M., Tuesday, September 14, 2021**, the following provisions shall apply to the use of gill nets in the following areas:

#### **I. MANAGEMENT UNIT A: AREA DESCRIPTIONS AND SPECIFIC AREA RESTRICTIONS**

##### **(See Map)**

- A. **Management Unit A:** encompasses all Internal Coastal Waters bound on the south by 35° 46.3000' N latitude to the North Carolina/Virginia state line. This includes Albemarle, Currituck, Croatan and Roanoke sounds and their tributaries.
- B. **Management Unit A, Subunit A1-South of US-64-BYP/US-64:** area described as south of a line beginning at a point 35° 53.1720' N – 75° 45.6160' W on the mainland shore near Manns Harbor; running easterly along the south side of the Virginia Dare Memorial Bridge, continuing easterly along the south side of the Washington Baum Bridge to a point ending at 35° 54.3820' N – 75° 35.9240' W on the Outer Banks shore.
- C. **Management Unit A, Subunit A2:** The following coastal waters of the Albemarle Sound and Joint waters of the Chowan, Perquimans, Little, and Pasquotank, North, and Alligator rivers are open to the use of gill nets as described in Section II. A. and V. C.

**Albemarle Sound:** Coastal waters of the Albemarle Sound west of a line beginning at a point on the north shore of the Albemarle Sound 36° 8.270' N - 75° 52.000' W, running due south to a point on the south side of Albemarle Sound at Durant's Island 35° 58.470' N - 75° 52.000' W, west to a line beginning at a point on the west shore of the Chowan River 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.

**Chowan River:** Joint waters north of a line beginning at a point on the west shore of the Chowan River 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.

**Perquimans River:** Joint Waters northwest of a line beginning at a point on the north shore at 36° 05.9669' N - 76° 18.1791' W; running northeasterly to a point on the east shore 36° 06.7655' N - 76° 16.5953' W.

**Little River:** Joint Waters northwest of a line beginning at a point on the west shore 36° 07.5322' N - 76° 10.6901' W; running southwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.

**Pasquotank River:** Joint Waters northwest of a line beginning at a point on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.

**North River:** Joint waters north of a line beginning at a point on the west shore 36° 09.8986' N - 75° 54.6771' W; running easterly to a point on the east shore 36° 10.0108' N - 75° 52.0431' W.

**Alligator River:** Coastal and Joint waters of the Alligator River south of a line running 35° 57.623 N and north of a line running 35° 40.350 N.

- D. **Black Walnut Point to Mackey's Creek:** It is unlawful to use ANY gill nets (including those described in Section V.) 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 all other joint water tributaries of the Roanoke River Management Area as defined in N.C. Marine Fisheries Commission Rule 15 NCAC 03R.0201(b).

## II. GILL NET CONSTRUCTION AND USE REQUIREMENTS (see Section V. for exempted gear and areas)

A fishing operation regardless of the number of vessels or persons involved, shall adhere to the gill net restrictions specified:

- A. **Management Unit A (excluding the areas described in Sections I. B., and I. D.):**
1. It is unlawful to use gill nets with a stretched mesh length **less than** 3 inches and greater than 3 <sup>3</sup>/<sub>4</sub> inches (gill nets with a stretched mesh length of 3 inches through 3 <sup>3</sup>/<sub>4</sub> inches may be used).
  2. It is unlawful to use **unattended gill nets with a stretched mesh length of 3 inches through 3 <sup>3</sup>/<sub>4</sub> inches.**
  3. It is unlawful to use gill nets with a stretched mesh length greater than 3 <sup>3</sup>/<sub>4</sub> inches and less than 6 inches.
  4. It is unlawful to use gill nets with a stretched mesh length greater than 6 <sup>1</sup>/<sub>2</sub> inches.
  5. It is unlawful to use gill nets with a stretched mesh length of 6 inches through 6 <sup>1</sup>/<sub>2</sub> inches **unless the nets are set so as to fish the bottom of the water column and not to exceed a vertical height of 48 inches. Vertical height is defined as the distance between the top and bottom lines of the net.**
- B. **MANAGEMENT UNIT A, SUBUNIT A1-SOUTH OF US-64-BYP/US-64 (as described in Section I. B.):**
1. It is unlawful to use gill nets with a stretched mesh length **less than** 3 inches and greater than 3 <sup>3</sup>/<sub>4</sub> inches (gill nets with a stretched mesh length of 3 inches through 3 <sup>3</sup>/<sub>4</sub> inches may be used).
  2. It is unlawful to use **unattended gill nets with a stretched mesh length of 3 inches through 3 <sup>3</sup>/<sub>4</sub> inches.**
  3. It is unlawful to use gill nets with a stretched mesh length greater than 3 <sup>3</sup>/<sub>4</sub> inches and less than 6 inches.
  4. It is unlawful to use gill nets with a stretched mesh length greater than 6 <sup>1</sup>/<sub>2</sub> inches.
  5. It is unlawful to use gill nets with a stretched mesh length of 6 inches through 6 <sup>1</sup>/<sub>2</sub> inches **unless it complies with the following provisions:**
    - a) It is unlawful to use gill nets with a stretched mesh length of 6 inches through 6 <sup>1</sup>/<sub>2</sub> inches of more than 15 meshes in height and without a lead core or leaded bottom line.
    - b) It is unlawful to use cork, floats, or other buoys except those required for identification.

- c) It is unlawful to set more than 100 yards of gill nets with a stretched mesh length of 6 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 A (as described in Section I. A.): It is unlawful for Recreational Commercial Gear License holders to use gill nets with a stretched mesh length of 6 through 6 ½ inches (except as described in Section V. A., B., and C.).**

**III. GILL NET YARDAGE RESTRICTIONS**

A fishing operation, regardless of the number of vessels or persons involved, shall adhere to the gill net yardage restrictions specified:

- A. It is unlawful to use more than 800 yards of gill net with a stretched mesh length of 3 inches through 4 inches in any combination per commercial fishing operation, including nets as described in Section V.
- B. It is unlawful to use more than 1,500 yards of gill net with a stretched mesh length of 6 inches through 6 ½ inches.

**IV. GILL NET SETTING TIME REQUIREMENTS:**

**A. Management Unit A (excluding the areas described in Sections I. B. and I. D.):**

It is unlawful to use gill nets with a stretched mesh length of 6 inches through 6 ½ inches for daytime sets other than during the setting and retrieval periods specified below. Only single overnight soaks are permitted, and are only lawful if set and retrieved as follows:

- 1. Nets may be set no sooner than one hour before sunset and must be retrieved no later than one hour after sunrise.

**B. Management Unit A, Subunit A1-South of US-64-BYP/US-64:**

It is unlawful to use gill nets with a stretched mesh length of 6 inches through 6 ½ inches for daytime sets other than during the setting and retrieval periods specified below. Only single overnight soaks are permitted, and are only lawful if set and retrieved as follows:

- 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 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.

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

**A. Exempted gear definitions (including trammel gill nets):**

- 1. Runaround, 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 drift gill nets 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 as defined in N.C. Marine Fisheries Commission Rule 15A NCAC 03R. 0201.

- C. It is unlawful to use run-around, strike, drift, drop and trammel gill nets with a stretched mesh length less than 3 inches and greater than 4 inches, **except in Management Unit A, Subunit A2 as described in I. C., run-around, strike, drop, and trammel gill nets with a stretched mesh length of 5 ½ inches though 6 ½ inches MAY be used.**
- D. It is unlawful to use or possess more than 800 yards of run-around, strike, drift, drop and trammel gill net per commercial fishing operation.

#### VI. **SEA TURTLE AND ATLANTIC STURGEON INTERACTION REPORTING**

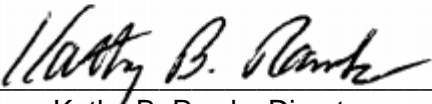
**It is unlawful to fail to report any sea turtle or sturgeon captured in anchored gill nets. Reports shall be made within 24 hours of the capture to the Division of Marine Fisheries at 252-726-7021 or 800-682-2632. Self-reported takes of sea turtles and sturgeon by fishermen fishing without an observer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

#### VII. **GENERAL INFORMATION**

- A. In accordance with proclamation FF-40-2021, it is unlawful to possess flounder taken from anchored large mesh gill nets with a stretched mesh length less than 6 inches.
- B. This proclamation is issued under the authority of N.C.G.S. 113-134; 113-170.4; 113-170.5; 113-182; 113-221.1; and N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103.
- C. It is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under their delegated authority pursuant to N.C. Marine Fisheries Commission Rule 15A NCAC 03H .0103.
- D. The restrictions in this proclamation apply to gill nets used by Recreational Commercial Gear License holders except the allowed yardage in Section III. The allowed yardage for Recreational Commercial Gear License holders is described in N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0302.
- E. **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.
- F. 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 their 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.
- G. The Division of Marine Fisheries has received Federal Incidental Take Permits (ITP) for 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.**
- H. The intent of this proclamation is to implement gill net restrictions in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan and allow fisheries for other species to occur while minimizing interactions with threatened and/or

endangered species.

- I. 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.
- J. In accordance with N.C. General Statute 113-221.1(c) All persons who may be affected by proclamations issued by the Fisheries Director are under a duty to keep themselves informed of current proclamations.
- K. 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](http://www.ncmarinefisheries.net).
- L. **This proclamation supersedes proclamation M-12-2021 dated April 30, 2021. It opens Management Unit A to the use of gill nets for the purpose of harvesting flounder in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan and Incidental Take Permit for Sea Turtles. It maintains the exempted areas in MUA open to the use of run-around, strike, drop, and trammel gill nets to harvest blue catfish. It also maintains small mesh gill net attendance requirements in the entirety of Management Unit A.**

By:   
Kathy B. Rawls, Director  
DIVISION OF MARINE FISHERIES

September 2, 2021  
3:57 P.M.