

## PROCLAMATION

### RE: PERMIT REQUIREMENT- GILL NETS INTERNAL COASTAL WATERS

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces effective at **12:01 A.M., Monday, September 1, 2014**, individuals taking marine and estuarine resources with gill nets in Internal Coastal Waters are required to obtain the following special permit:

#### I. ESTUARINE GILL NET PERMIT (EGNP)

- A. It is unlawful for holders of a Standard Commercial Fishing License (SCFL), Retired Standard Commercial Fishing License (RSCFL), or Recreational Commercial Gear License (RCGL) to deploy gill nets in Internal Coastal Waters with an exception for run around, strike, drop or drift gill nets, without possessing a valid Estuarine Gill Net Permit issued by the Division of Marine Fisheries.
- B. Exempted gill net definitions:
  - 1. Runaround, strike, or drop gill nets, nets that are set and then are immediately retrieved.
  - 2. Drift gill nets, 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.

#### II. GENERAL INFORMATION

- A. 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; 143B-289.52 and N.C. Marine Fisheries Rule 15A NCAC 03O .0506.
- 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. The restrictions in this proclamation apply to gill nets used by Recreational Commercial Gear License holders as well as Standard and Retired Commercial Fishing Licenses holders.
- D. 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.
- E. N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0502 specifies it is unlawful to operate under a permit except in areas, at times, and under conditions specified on the permit. **The Estuarine Gill Net Permit Condition Form** is given to the permit holder when the EGNP is issued.
- F. Permits are non-transferable. An individual who is assigned a SCFL shall hold an EGNP in their own name. The master designated on a single vessel corporation SCFL is the individual eligible to receive the EGNP.

- G. The Division of Marine Fisheries has received Federal Incidental Take (ITP) permits for certain threatened or endangered sea turtles, and endangered Atlantic sturgeon. These ITPs allow 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. The intent of this proclamation is to spell out the roles and responsibilities of the fishermen in achieving state compliance with the Federal Incidental Take Permits.
- H. Estuarine Gill Net Permits are available at no cost from all Division of Marine Fisheries License Offices.
- I. 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 <http://portal.ncdenr.org/web/mf/>.

BY: \_\_\_\_\_  
Dr. Louis B. Daniel III, Director  
DIVISION OF MARINE FISHERIES

July 31, 2014  
9:30 A.M.  
M-24-2014  
/sab