



ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

STEPHEN W. MURPHEY  
*Director*

**M-6-2019**

## **PROCLAMATION**

### **RE: GILL NETS – GILL NET CLOSURE AND RESTRICTIONS - CENTRAL SOUTHERN MANAGEMENT AREA (CSMA) - WESTERN PAMLICO SOUND AND RIVERS**

**During an emergency meeting on March 13, 2019, the N.C. Marine Fisheries Commission directed the N.C. Division of Marine Fisheries Director to issue this proclamation pursuant to N.C. General Statute 113-221.1 (d). The Director has no legal authority to modify or change a proclamation when the proclamation is specifically directed by the Commission under this statute. This proclamation supersedes proclamation M-5-2019, dated March 7, 2019. This proclamation prohibits the use of ALL gill nets upstream of the ferry lines from the Bayview Ferry to Aurora Ferry on the Pamlico River and the Minnesott Beach Ferry to Cherry Branch Ferry on the Neuse River. It maintains tie-down (vertical net height restrictions) and distance from shore restrictions for gill nets with a stretched mesh length 5 inches and greater in the western Pamlico Sound and rivers (excluding the areas described in Section I. B.) in accordance with Supplement A to Amendment 1 to the N.C. Estuarine Striped Bass Fishery Management Plan.**

Stephen W. Murphey, Director, N.C. Division of Marine Fisheries, under specific direction from the N.C. Marine Fisheries Commission, pursuant to N.C. General Statute 113-221.1(d), hereby announces that **effective at 12:01 A.M., Monday, March 18, 2019, the following restrictions will apply to gill nets:**

#### **I. AREA DESCRIPTIONS** (See Map)

- A. All Internal Coastal Fishing Waters (includes Joint Waters) west (upstream) of the 76° 28.0000' W longitude line which passes near Roos Point at the mouth of Pamlico River south to Point of Marsh at the mouth of the Neuse River **(excluding the areas described in Section I. B.)**
- B. All Internal Coastal Fishing Waters (includes Joint Waters) west (upstream) of a line on the:
  1. Pamlico River beginning at a point from the Bayview Ferry 35° 25.6681' N - 76° 44.3929' W running south to a point at the Aurora Ferry 35° 22.6244' N – 76° 44.8947' W;
  2. Neuse River beginning at a point at the Minnesott Beach Ferry 34° 58.0371' N - 76° 48.3639' W running south to a point at the Cherry Branch Ferry 34° 56.2269' N - 76° 48.5725' W.

#### **II. GEAR RESTRICTIONS**

- A. In the area described in Section I. A., it is unlawful to fail to equip gill nets with a stretched mesh length 5 inches and greater with tie downs spaced no farther apart than 10 yards to restrict the vertical distance between the top and bottom lines to 36 inches or less. If the

vertical height of the net (distance between the top and bottom line) is 36 inches or less, no tie-downs are required. Nets must be set so as to fish on the bottom and not exceed a vertical height of 36 inches.

- B. It is unlawful for any portion of the gill net with a stretched mesh length 5 inches and greater to be within 50 yards of any point on shore when set or deployed in the Pungo River north and east (upstream) of a line beginning at a point at Sandy Point 35° 26.8680' N - 76° 33.9520' W; running southwesterly to a point at Field Point on the west shore at 35° 26.2810' N - 76° 35.5530' W.
- C. In the area described in Section I. B., it is unlawful to use **ANY** gill nets.

### 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 .0103.
- 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 intent of this proclamation is to implement orders of the N.C. Marine Fisheries Commission in accordance with N.C. General Statute 113-221.1(d). This order of the commission is being implemented in conjunction with Supplement A to Amendment 1 to the North Carolina Estuarine Striped Bass Fishery Management Plan to reduce bycatch of striped bass in gill net fisheries in the specified areas of the CSMA.
- D. A gill net is defined in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03I. 0101(3)(h).
- E. N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103(a)(2) states it is unlawful to use gill nets in internal waters from April 15 through December 15, with a stretched mesh length 5 inches or greater and less than 5 ½ inches.
- F. N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103(i)(2) states for gill nets with a stretched mesh length 5 inches or greater it is unlawful from June through October, for any portion of the net to be within 10 feet of any point on the shoreline while set or deployed unless the net is attended. N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103 (j) defines the shoreline as the mean high-water line or marsh line, whichever is more seaward.
- G. Proclamation [M-3-2014](#), dated February 3, 2014 prohibits the setting of gill nets in the Joint Fishing Waters of the state from midnight on Friday to midnight on Sunday each week. Portions of Albemarle and Currituck sounds are exempt from that provision.
- H. In accordance with N.C. General Statute 113-221(f) and 113-221.1(c) all persons who may be affected by rules and proclamations issued by the Fisheries Director are under a duty to keep themselves informed of current rules and proclamations. Multiple rules and proclamations regulating a fishery, species, gear, etc. may be in effect concurrently.
- 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://ncmarinefisheries.net>.
- J. **During an emergency meeting on March 13, 2019, the N.C. Marine Fisheries Commission directed the N.C. Division of Marine Fisheries Director to issue this proclamation pursuant to N.C. General Statute 113-221.1 (d). The Director has no legal authority to modify or change a proclamation when the proclamation is specifically directed by the Commission under this statute. This proclamation supersedes proclamation M-5-2019, dated March 7, 2019. This proclamation**

**prohibits the use of ALL gill nets upstream of the ferry lines from the Bayview Ferry to Aurora Ferry on the Pamlico River and the Minnesott Beach Ferry to Cherry Branch Ferry on the Neuse River. It maintains tie-down (vertical net height restrictions) and distance from shore restrictions for gill nets with a stretched mesh length 5 inches and greater in the western Pamlico Sound and rivers (excluding the areas described in Section I. B.) in accordance with Supplement A to Amendment 1 to the N.C. Estuarine Striped Bass Fishery Management Plan.**



By: \_\_\_\_\_  
Stephen W. Murphey, Director  
DIVISION OF MARINE FISHERIES

March 15, 2019  
12:14 P.M.