



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

SF-10-2022

PROCLAMATION

RE: 2022-2023 MECHANICAL HARVEST OF CLAMS FROM PUBLIC BOTTOM

This proclamation opens portions of Carteret, Onslow, and Pender counties to the commercial harvest of clams from public bottom by mechanical methods in accordance with the N.C. Hard Clam Fishery Management Plan Amendment 2. The fishery will close at 4:01 P.M. March 29, 2023, in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0302, unless closed sooner by proclamation.

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **7:30 A.M., Monday, December 12, 2022**, the mechanical harvest of clams **WILL OPEN** with the following restrictions:

- I. **AREA DESCRIPTIONS: It is unlawful to take clams by mechanical methods except in areas described in Section I of this proclamation.**

CARTERET, ONSLOW, AND PENDER COUNTIES

- A. **Core Sound (North and South portions)** – An area starting at the Core Sound Warning Light EE; running northeasterly to the Core Sound Light 11; running southerly to the Cedar Island Bay Channel Buoy 3; running southerly to the Core Sound Light 13; running southerly to the Core Sound Light 15; running southwesterly to the Core Sound Light 16; running southwesterly to the Core Sound Light 18; running southwesterly to the Core Sound Daybeacon 18A; running southwesterly to the Core Sound Lighted Buoy 19; running southwesterly to the Core Sound Warning Daybeacon; running westerly to the Core Sound Lighted Buoy 19A; running southwesterly to the Core Sound Light 20; running southwesterly to the Core Sound Light 22; running southwesterly to the Core Sound Buoy 22A; running southwesterly to the Core Sound Buoy 23; running southwesterly to the Core Sound Warning Light A; running southwesterly to the Core Sound Warning Light B; running southwesterly to the Core Sound Warning Light C; running westerly to the Core Sound Lighted Buoy 28; running southwesterly to the Core Sound Lighted Buoy 29; running southwesterly to the Core Sound Lighted Wreck Buoy WR34; running southwesterly to the Core Sound Light 35; running southwesterly to the Core Sound Light 36; running northerly to a point off of Davis Island 34° 45.2525' N - 76° 29.1762' W; running northeasterly, and bounded by mechanical clam harvest area signs on posts indicated by the hatched areas shown on the attached maps, to a point North of Lola 34° 57.7425' N - 76° 16.5764' W; then running northeasterly to the point of beginning (Map 1).
- B. **North River** – An area starting at a point near Fulcher Creek 34° 46.0603' N - 76° 36.9117' W; running easterly to a point 34° 46.2521' N - 76° 35.6014' W; running southeasterly to a point 34° 46.1661' N - 76° 35.4558' W; running southerly to a point 34° 45.5132' N - 76° 35.1965' W; running southwesterly to a point 34° 45.1821' N - 76° 35.5512' W; running southerly to a point 34° 44.4773' N - 76° 35.4361' W; running

westerly to a point 34° 44.4991' N - 76° 37.0391' W; then running northerly to the point of beginning (Map 2).

- C. **Newport River** – An area starting at a point near Bell Creek 34° 47.0250' N - 76° 41.2538' W; running easterly to a point 34° 47.0130' N - 76° 41.1088' W; running southerly to a point 34° 46.3412' N - 76° 40.8124' W - following the shore and running southeasterly to a point 34° 45.8096' N - 76° 40.4943' W; running northeasterly to a point 34° 45.9472' N - 76° 40.3969' W; running southerly - and bounded by mechanical clam harvest area signs on posts indicated by the hatched areas shown on the attached maps to a point 34° 44.2840' N - 76° 40.0581' W; running southwesterly to a point 34° 44.1587' N - 76° 40.5185' W; running northwesterly to a point 34° 44.4627' N - 76° 40.8733' W; running northerly and following the shoreline to a point 34° 44.8913' N - 76° 40.8118' W; running westerly and following the shoreline to a point 34° 44.9307' N - 76° 41.0822' W; running westerly to a point 34° 45.1021' N - 76° 41.7454' W; running westerly and following the shoreline to a point 34° 45.0440' N - 76° 42.4041' W; running northwesterly to a point 34° 45.5706' N - 76° 43.1861' W; running northeasterly to a point 34° 45.6909' N - 76° 43.1067' W; running northeasterly to a point 34° 46.0819' N - 76° 41.2035' W - then running northerly to the point of beginning (Map 3).
- D. **White Oak River** – Two areas. The first: an area starting at a point near Hampton Bay 34° 43.2467' N - 77° 6.4857' W; running easterly to a point 34° 43.2489' N - 77° 6.2144' W running southerly to a point 34° 43.0821' N - 77° 6.1885' W; running southwesterly to a point 34° 42.7230' N - 77° 6.3915' W; running southerly to a point 34° 42.1740' N - 77° 6.5294' W; running northeasterly to a point 34° 42.2614' N - 77° 6.7461' W; then running northerly to the point of beginning (Map 4). The second: an area starting at a point near Jones Island 34° 41.9480' N - 77° 6.7101' W; running easterly to a point 34° 41.8983' N - 77° 6.4538' W; running southeasterly to a point 34° 41.6935' N - 77° 6.3534' W; running southwesterly to a point 34° 41.4713' N - 77° 6.5631' W; running southwesterly to a point 34° 41.3044' N - 77° 6.8221' W; running northwesterly to a point 34° 41.4791' N - 77° 7.0352' W; then running northeasterly to the point of beginning (Map 4).
- E. All public bottoms from **Intracoastal Waterway Marker #72A to New River Inlet** (No map). **All tributaries will remain closed.**
- F. All public bottoms in the Intracoastal Waterway (maintained marked channel only) from **Marker #65 - south of Sallier's Bay - to Marker #49 at Morris Landing** (Map 5).
- G. All public bottoms within and **100 feet on either side of the Intracoastal Waterway from Marker #49 at Morris Landing to the "BC" Marker at Banks Channel** (Map 6).

II. HARVEST DAYS/TIMES

- A. Effective **Monday, December 12, 2022**, in areas described in Section I. Area Descriptions, persons holding a valid Standard Commercial Fishing License with a shellfish endorsement it is unlawful to use mechanical methods to take clams except from **Monday through Friday** from 7:30 A.M. to 4:00 P.M.
- B. Effective **Monday, December 26, 2022**, in all areas described above in Section I. Area Descriptions and **for the remainder of the season**, it is unlawful to use mechanical methods to take clams except from **Monday through Wednesday** from 7:30 A.M. to 4:00 P.M.

III. HARVEST LIMITS

- A. It is unlawful for persons holding a Standard Commercial Fishing License with a shellfish endorsement to take or possess more than the daily harvest limit as specified below:

1. 5,000 clams (20 bags at 250 clams per bag) per commercial fishing operation in Core Sound identified in Section I.A.
 2. 3,750 clams (15 bags at 250 clams per bag) per commercial fishing operation in North River and Newport River identified in Section I.B. and Section I.C.
 3. 6,250 clams (25 bags at 250 clams per bag) per commercial fishing operation in White Oak River identified in Section I.D., the Intracoastal Waterway (maintained marked channel only) from Marker #65, south of Sallier's Bay to Marker #49 at Morris Landing, all public bottoms within and 100 feet on either side of the Intracoastal Waterway from Marker #49 at Morris Landing to the "BC" Marker at Banks Channel. All public bottoms from Intracoastal Waterway Marker #72A to New River Inlet.
- B. A daily harvest limit by a commercial fishing operation shall not exceed the maximum daily harvest limits set above, regardless of the number of persons, license holders or harvest methods employed.

IV. **HARVEST RESTRICTIONS**

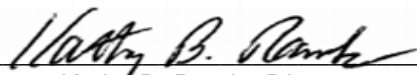
- A. It is unlawful to take clams by mechanical methods within 25 feet of:
1. Permitted marked and maintained navigation channels and piers,
 2. all marked shellfish leases except as allowed by N.C. Marine Fisheries Commission Rule 15A NCAC 03K.0111, and
 3. natural or live oyster beds.
- B. It is unlawful to transfer clams from the catching vessel to any other vessel or transport clams by any vessel other than the vessel from which they are caught.

V. **GENERAL INFORMATION**

- A. This proclamation is issued under the authority of N.C. General Statutes 113-134; 113-170.4; 113-170.5; 113-182; 113-182.1; 113-221.1; 143B-289.52 and N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103 and 03K .0302.
- B. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03H .0103 it is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under their delegated authority.
- C. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0111 requires a permit for the use of mechanical gear on private bottom. Permits are available, at no cost, from all N.C. Division of Marine Fisheries License Offices.
- D. 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.
- E. It is unlawful to possess or sell clams without a harvest tag affixed to each container in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0109.
- F. It is unlawful to use mechanical methods to harvest clams in any established bed of submerged aquatic vegetation or saltwater cordgrass in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0108(b)(1).
- G. N.C. Marine Fisheries Commission Rule 15A NCAC 03N .0104 prohibits the use of mechanical methods to take oysters or clams in primary nursery areas.
- H. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0106 prohibits the taking and unloading of clams between the hours of sunset and sunrise on any day.
- I. N.C. Marine Fisheries Commission Rule 15A NCAC 03I .0101(3)(l) defines mechanical methods for clam harvest.
- J. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0305 exempts permitted aquaculture operations from bag and size limit restrictions.
- K. The Division of Marine Fisheries shall place markers with green signs along the boundaries of referenced areas which will be considered the actual closure line. Unauthorized removal or relocation of any marker or sign shall not change the area

- opened, nor shall any such unauthorized removal or relocation or the absence of any marker or sign affect the applicability of any proclamation pertaining to any such body of water or portion thereof. Where there is conflict between markers or signs, and boundaries described in this proclamation, boundary descriptions shall prevail.
- L. When markers or signs delineating the boundaries of the mechanical harvest areas are removed, destroyed, or relocated to the degree that the lines are unenforceable, or when aerial surveys reveal flagrant violations as evidenced by bottom disturbance behind the lines, the Division shall close the affected water body for a period not less than one week. This time shall be used for restoration of the markers or signs and correcting the alignment of the harvest area.
- M. **N.C. General Statutes 113-168.2 and 113-169.2 require mechanical harvesters to hold a Standard Commercial Fishing License with a shellfish endorsement. Crewmembers working under the direction of a person who holds a valid Standard Commercial Fishing License with a shellfish endorsement are not required to hold a shellfish license.**
- N. **In accordance with Proclamation [SS-1-2022](#):**
1. It is unlawful to possess shellfish in a commercial fishing operation without a harvest tag recording the time of the start of harvest, and information as described in N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0109, affixed to each container of shellfish. The time of the start of harvest shall be the time when the first shellfish is initially removed from the water.
 2. It is unlawful for harvesters to fail to deliver oysters and clams harvested from Coastal Fishing Waters to a licensed shellfish dealer **within 12 hours of the time of the start of harvest.**
- O. Maps are provided to aid in the identification of the specified harvest areas. Maps **DO NOT** supersede existing rules or supersede proclamations closing areas to harvest by reason of pollution. The military restricted areas and danger zones shown on the proclamation maps are closed to civilian access pursuant to federal rules 33 CFR 334.410 and 334.420. These closures render these areas unavailable for clam harvest.
- P. The intent of this proclamation is to open the season to the commercial harvest of clams by mechanical methods from public bottom in accordance with the N.C. Hard Clam Fishery Management Plan Amendment 2.
- Q. 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.
- R. **This proclamation opens portions of Carteret Onslow, and Pender counties to the commercial harvest of clams from public bottom by mechanical methods in accordance with the N.C. Hard Clam Fishery Management Plan Amendment 2. The fishery will close at 4:01 P.M. March 29, 2023, in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0302, unless closed sooner by proclamation.**

By: _____



Kathy B. Rawls, Director
DIVISION OF MARINE FISHERIES

December 7, 2022
3:00 P.M.