



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

M-10-2022

PROCLAMATION

RE: GILL NETS – ALBEMARLE SOUND AREA – MANAGEMENT UNIT A – CLOSES FIXED AND STATIONARY SMALL MESH GILL NETS DUE TO ATLANTIC STURGEON DEAD TAKES

This proclamation supersedes proclamation M-9-2022 dated April 26, 2022. This proclamation makes it unlawful to use fixed or stationary gill nets of any mesh size in Management Unit A due to dead sturgeon takes nearing the authorized amount for Management Unit A. A portion of Management Unit A remains open to the use of run-around, strike and drop gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish. Run-around, strike and drop gill nets with a stretched mesh length of 3 inches through 4 inches may also still be used in portions of Management Unit A. This action is being taken to comply with the Division of Marine Fisheries' Federal Incidental Take Permit for endangered Atlantic sturgeon.

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 P.M., Thursday, April 28, 2022**, the following provisions shall apply to the use of gill nets in the following areas:

I. MANAGEMENT UNIT A: AREA DESCRIPTIONS (See Map)

- A. **Management Unit A:** encompasses all Internal Coastal Fishing 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, Sub-Unit A1:** The following Coastal Fishing Waters of the Albemarle Sound and Joint Waters of the Chowan, Perquimans, Little, Pasquotank, North, and Alligator rivers are open to the use of gill nets as described in Section II. C.
 - Albemarle Sound:** Coastal Fishing Waters of the Albemarle Sound west of a line beginning at a point on the north shore of the Albemarle Sound 36° 08.270' 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 Fishing 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 Fishing 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 Fishing 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 Fishing 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 Fishing 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 Fishing Waters of the Alligator River south of a line running 35° 57.623 N and north of a line running 35° 40.350 N.

- C. **Black Walnut Point to Mackey's Creek:** It is unlawful to use ANY gill nets 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 Fishing Water tributaries of the Roanoke River Management Area as defined in N.C. Marine Fisheries Commission Rule 15 NCAC 03R .0201(b).
- D. **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 Fishing Water tributaries of the Albemarle Sound Management Area as defined in N.C. Marine Fisheries Commission Rule 15 NCAC 03R. 0201.**

II. **GILL NET CONSTRUCTION AND USE REQUIREMENTS (see Section IV. for exempted gear definitions).**

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

- A. **It is unlawful for Recreational Commercial Gear License holders to use gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches.**
- B. **Management Unit A as described in Section I. A.**
1. **It is unlawful to use fixed or stationary gill nets of any size.**
 2. It is unlawful to use **drift gill nets** with a stretched mesh length less than 3 ¼ inches and greater than 4 inches.
 3. It is unlawful to use **run-around, strike and drop gill nets** with a stretched mesh length less than 3 inches and greater than 4 inches (**except in Sub-Unit A1 and as described in Section II. C. 1.**).
- C. **Management Unit A, Sub-Unit A1 as described in Section I. B.**

All the provisions contained in Section II. A. and B. 1–3 apply to Management Unit A, Sub-Unit A.1., with the addition of the following provision:

1. It is unlawful to use run-around, strike and drop gill nets with stretched mesh lengths other than 3 inches through 4 inches **or 5 ½ inches through 6 ½ inches (run-around, strike and drop gill nets with a stretched mesh length 3 inches through 4 inches and 5 ½ inches through 6 ½ inches MAY be used).**

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 or possess more than 800 yards of gill net with a stretched mesh length of 3 inches through 4 inches in any combination per vessel or SCFL/RSCFL holder regardless of the number of license holders on the vessel, including nets as described in Section IV.
- B. **It is unlawful to use or possess more than 800 yards of gill net with a stretched mesh length of 5 ½ inches through 6 ½ inches in any combination per vessel or SCFL/RSCFL holder regardless of the number of license holders on the vessel including nets as described in Section IV.**

IV. **GEAR EXEMPTION DEFINITIONS AND RESTRICTIONS FOR RUN-AROUND, STRIKE, DROP 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.

V. **SEA TURTLE AND ATLANTIC STURGEON INTERACTION REPORTING**

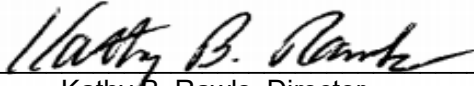
It is unlawful to fail to report any sea turtle or sturgeon captured in anchored gill nets. Reports shall be made within 24 hours of the capture to the Division of Marine Fisheries at 252-726-7021 or 800-682-2632. Self-reported takes of sea turtles and sturgeon by fishermen fishing without an observer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

VI. **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; 113-182.1; 113-221.1; 143B-289.52 and N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103.
- B. 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.
- C. The restrictions in this proclamation also 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.
- D. **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.
- E. 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.
- 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 certain threatened or endangered sea turtles, and endangered Atlantic sturgeon. These ITPs allow the legal continuation of the inshore anchored gill net fisheries in North Carolina, subject to permit conditions. The ITP conditions are designed to monitor, minimize and mitigate interactions with these species. Permit conditions include the requirement the division obtains 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 Fishing Waters.**
- H. The intent of this proclamation is to comply with the Division of Marine Fisheries' Federal Incidental Take Permit for endangered Atlantic sturgeon and implement gill

net restrictions in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan, Amendment 2 to the N.C. River Herring Fishery Management Plan, and Amendment 1 to the N.C. Estuarine Striped Bass Fishery Management Plan. This allows for the blue catfish fishery and small mesh drift, run-around, strike, drop and trammel gill nets in specified areas and times with minimal impacts to other 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 Fishing 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. Proclamation M-1-2014, dated January 16, 2014 prohibits the use of gill nets with a stretched mesh length greater than 6 ½ inches.
- K. 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.
- L. 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.
- M. **This proclamation supersedes proclamation M-9-2022 dated April 26, 2022. This proclamation makes it unlawful to use fixed or stationary gill nets of any mesh size in Management Unit A due to dead sturgeon takes nearing the authorized amount for Management Unit A. A portion of Management Unit A remains open to the use of run-around, strike and drop gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish. Run-around, strike and drop gill nets with a stretched mesh length of 3 inches through 4 inches may also still be used in portions of Management Unit A. This action is being taken to comply with the Division of Marine Fisheries' Federal Incidental Take Permit for endangered Atlantic sturgeon.**

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

April 27, 2022
3:42 P.M.