



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

M-20-2022

PROCLAMATION

RE: GILL NET RESTRICTIONS - INTERNAL COASTAL WATERS SOUTH OF MANAGEMENT UNIT A – CLOSES ALL MANAGEMENT UNITS TO THE USE OF GILL NETS WITH STRETCHED MESH LENGTH OF 4 INCHES THROUGH 6 ½ INCHES.

This proclamation supersedes proclamation M-19-2022 dated September 16, 2022. This proclamation closes Management Units D2 and E at 12:00 P.M. on September 21, 2022, and Management Units B and C at 10:00 A.M. on September 22, 2022 to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section III.) in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan.

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **12:00 P.M., Wednesday September 21, 2022**, the following provisions **shall apply to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches south of Management Unit A (south of 35° 46.3000' N latitude). Gill nets with stretched mesh length of 4 inches to less than 6 ½ inches will remain closed except in accordance with Section III:**

I. AREA DESCRIPTIONS AND RESTRICTIONS (see maps):

A. Effective 12:00 P.M. September 21, 2022 it shall be unlawful to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches in Internal Coastal Waters described below (except as described in Section III; SEE SECTION II. FOR ADDITIONAL RESTRICTIONS):

- 1. Management Unit D2:** all Internal Coastal Waters west of a line running from 34° 40.6740' N – 76° 37.0000'W to 34° 42.4800'N – 76° 37.0000'W then to the head of Turner Creek, and northerly up the western shoreline of the North River; and east of the NC Hwy 58 Bridge. Management Unit D2 includes Newport River (including the Atlantic Intracoastal Waterway and Harlowe Creek up to NC Hwy 101 Bridge) and Bogue Sound.
- 2. Management Unit E:** all Internal Coastal Waters south and west of the Highway 58 Bridge to the North Carolina/South Carolina state line. This includes the Atlantic Intracoastal Waterway and adjacent sounds and the New, Cape Fear, Lockwood Folly, White Oak, and Shallotte rivers.

B. Effective 12:00 P.M. September 22, 2022 it shall be unlawful to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches in Internal Coastal Waters described below (except as described in Section III; SEE SECTION II. FOR ADDITIONAL RESTRICTIONS):

- 1. Management Unit B:** Internal Coastal Waters, bounded on the north by 35° 46.3000' N latitude which runs approximately from the north end of Pea Island (old Coast Guard station) westerly to a point on the shore at Point

Peter Canal, on the south by 34°48.2700'N latitude which runs approximately from the Club House on Core Banks westerly to a point on the shore at Davis near Marker "1", and on the west by 76° 30.0000'W longitude.

Subunits in Management Unit B open to gill nets with a stretched mesh length of 6 inches through 6 ½ inches are described below as: Shallow Water Gill Net Restricted Areas (SGNRA3 and SGNRA4), and Mainland Gill Net Restricted Areas (MGNRA); all other areas in Management Unit B are closed (Map 2):

I. **SGNRA3**

The area from Hatteras to Avon Channel bound by the following points: Beginning at a point near Marker "HR" at 35° 13.3152 'N - 75° 41.6694'W, running northwest near Marker "42 RC" at Hatteras Channel at 35° 16.7617'N - 75° 44.2341'W, then running easterly to a point off Marker #2 at Cape Channel at 35° 19.0380'N - 75° 36.2993'W, then running northeasterly near Marker #1 at the Avon Channel Entrance at 35° 22.8212'N - 75° 33.5984'W, then running southeasterly near Marker #6 on Avon Channel at 35° 20.8224'N - 75° 31.5708'W, then running easterly near Marker #8 at 35° 20.9412'N - 75° 30.9058'W, then running to a point on shore at 35° 20.9562'N - 75° 30.8472'W, then following the shoreline in a southerly and westerly direction to the point of beginning.

II. **SGNRA4**

The area from Avon Channel to Rodanthe bound by the following points: Beginning at a point near Marker #1 at the Avon Channel Entrance at 35° 22.8212'N - 75° 33.5984'W, then running northerly to a point on Gull Island at 35° 28.4495'N - 75° 31.3247'W, then running north near Marker "ICC" at 35° 35.9891'N - 75° 31.2419' W, then running northwesterly to a point at 35° 41.0000'N - 75° 33.8397'W, then running easterly to a point on shore at 35° 41.0000'N - 75° 29.3271' W, then following the shoreline in a southerly direction to a point on shore near Avon Harbor at 35° 20.9562'N - 75° 30.8472'W, then running westerly near Marker #8 at 35° 20.9412' N -75° 30.9058' W, then running westerly near Marker #6 on Avon Channel at 35° 20.8224'N - 75° 31.5708'W, then running northwesterly to the point of beginning.

III. **MGNRA**

The area on the mainland side of Pamlico Sound, **from the shoreline of Dare, Hyde, Pamlico, and Carteret counties out to 200 yards**, between 76° 30.0000' W and 75° 42.4200'W longitude lines.

2. **Management Unit C:** Pamlico, Pungo, Bay and Neuse river drainages and Internal Coastal Waters of Pamlico Sound west of 76° 30.0000' W (Map 3).

II. **ADDITIONAL RESTRICTIONS**

It is unlawful for Recreational Commercial Gear License holders to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section III. A. and B.).

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

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

1. Run-around, 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 run-around, strike, drift, drop and trammel gill nets with a stretched mesh length 5 inches or greater.**
- C. It is unlawful to use or possess more than 800 yards of run-around, strike, drop, drift and trammel gill net per vessel or SCFL/RSCFL holder regardless of the number of license holders on the vessel.
- D. Run-around, strike, drop, drift and trammel gill nets are exempt from the restrictions specified in Sections IV, V, and IV.

IV. **GILL NET CONSTRUCTION AND USE REQUIREMENTS**

During times (see Section V.) and in Management Units indicated (see Section I.) it is unlawful to use gill nets **with a stretched mesh length of 4 inches through 6 ½ inches** except gill nets with a stretched mesh length of 6 inches through 6 ½ inches that comply with the following provisions:

A. **Management Unit B Subunits as described in Section I. B. 1. i.-iii.:**

- 1. It is unlawful to use gill nets with a stretched mesh length of 6 inches through 6 ½ inches of more than 15 meshes in height and without a lead core or leaded bottom line.
- 2. It is unlawful to use cork, floats, or other buoys except those required for identification.
- 3. It is unlawful to use or possess more than 1,500 yards of gill net with a stretched mesh length of 6 inches through 6 ½ inches per vessel or SCFL/RSCFL holder regardless of the number of license holders on the vessel
- 4. It is unlawful to use a gill net more than 100 yards in length, 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.

B. **Management Unit C as described in Section I. B. 2:**

- 1. It is unlawful to use or possess more than 1,500 yards of gill net with a stretched mesh length of 6 inches through 6 ½ inches per vessel or SCFL/RSCFL holder regardless of the number of license holders on the vessel

V. **GILL NET SETTING TIME REQUIREMENTS**

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 night overnight soaks are permitted, and are only lawful if set and retrieved as follows:

A. **Management Unit C as described in Section I. B. 2.:**

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

B. **Management Units B Subunits as described in Section I. B. 1. i.-iii.**

- 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 set 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.

VI. SEA TURTLE AND ATLANTIC STURGEON INTERACTION REPORTING

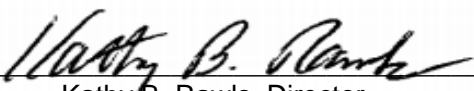
It is unlawful to fail to report any sea turtle or sturgeon captured in anchored gill nets. Reports shall be made within 24 hours of the capture to the Division of Marine Fisheries at 252-726-7021 or 800-682-2632. Self-reported takes of sea turtles and sturgeon by fishermen fishing without an observer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

VII. GENERAL INFORMATION

- A. 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 Rules 15A NCAC 03H .0103, 03J .0103, and 03M .0503.
- 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. **All other existing gill net rules and proclamations remain in effect.** See <https://deq.nc.gov/fisheries-management-proclamations> to refer to those M-type proclamations for gill net regulations that may be effective in the areas covered by this proclamation.
- D. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103 (b)(3)(A) it is unlawful for gill net mesh length to exceed 6 ½ inches in Internal Coastal Waters.
- 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. Proclamation M-6-2019, dated March 15, 2019 prohibits the use of all gill nets in portions of the Pamlico and Neuse Rivers. It also maintains tie-down and distance from shore restrictions for gill nets with a stretched mesh length 5 inches and greater in the western Pamlico Sound and rivers in accordance with Supplement A to Amendment 1 to the N.C. Estuarine Striped Bass Fishery Management Plan.
- G. The small mesh gill net attendance requirements in N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103 (g) and (i) and 03R .0112, mesh length restrictions in 03J .0103 (a)(2), navigational passage requirements in 03J .0101, as well as all other existing gill net rules and proclamations remain in effect.
- H. 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.
- I. 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.
- J. **Proclamation M-14-2022, dated July 8, 2022, establishes the requirement for any fish dealer to possess, purchase, sell or offer for sale flounder taken from Internal Coastal Waters during open seasons they must possess an Estuarine Flounder Dealer Permit.**
- K. For gill net restrictions in the Albemarle Sound Area (Incidental Take Permit-Management Unit A) refer to the most recent M-type proclamations for that area.
- L. 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 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.**

- M. The Pamlico Sound is closed annually from September 1 through December 15 each year to large mesh gill nets by National Marine Fisheries Service, Federal Rule 50 CFR Part 223. The Sea Turtle ITP allows the division to open certain areas within the Pamlico Sound to large mesh gill nets.
- N. The intent of this proclamation is to implement gill net restrictions for gill nets with a stretched mesh length 4 inches through 6 ½ inches in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan while minimizing interactions with threatened and/or endangered species. Future proclamations will be issued to implement area and gear specific restrictions that correspond to the flounder season closure dates specified in Amendment 3 or to implement ITP requirements.
- O. 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.
- P. 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.
- Q. **This proclamation supersedes proclamation M-19-2022 dated September 16, 2022. This proclamation closes Management Units D2 and E at 12:00 P.M. on September 21, 2022, and Management Units B and C at 10:00 A.M. on September 22, 2022 to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section III.) in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan.**

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

September 21, 2022
2:15 P.M.