



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

SF-11-2022

## PROCLAMATION

### RE: 2022-2023 OYSTER MECHANICAL HARVEST RESTRICTIONS – RE-OPENING THE BAYS WITHIN THE PAMLICO RIVER AND NORTHERN HYDE AREAS. CLOSURE OF THE NEUSE RIVER AREA.

This proclamation supersedes Proclamation SF-9-2022 dated November 21, 2022, to re-open the Pamlico River Area and Northern Hyde Area bays in Pamlico Sound through January 6, 2023, to the commercial harvest of oysters by mechanical methods from public bottom, unless closed sooner by proclamation. This proclamation also closes the Neuse River Area of southwestern Pamlico Sound, including the Neuse River and its tributaries to the commercial harvest of oysters by mechanical methods from public bottom in accordance with the N.C. Oyster Fishery Management Plan Amendment 4.

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **sunrise, Monday, December 12, 2022** mechanical harvest of oysters shall be allowed, and the following restrictions will apply:

#### I. MECHANICAL HARVEST RESTRICTIONS:

- A. Oysters may be taken by mechanical methods (See General Information Section VII. E., G., and I. for other gear restrictions).
- B. It is unlawful to transfer oysters from the catching vessel to any other vessel during oyster harvesting operations or to transport oysters by any vessel other than the vessel in which they are harvested.
- C. It is unlawful to possess more than five (5) bushels of uncultured catch onboard a vessel. Only material on the culling tray is exempt from culling restrictions.
- D. It is unlawful to possess accumulated dead shell or accumulated oyster cultch material while underway and not engaged in mechanical harvesting.
- E. It is unlawful for the catch container (bag, cage) attached to a dredge to extend more than **two** feet in any direction from the tooth bar.
- F. It is unlawful to tow a dredge unless the point where the tow line or cable exits the vessel and goes directly into the water is on the port or starboard side of the vessel forward of the transom.
- G. It is unlawful to possess a dredge while engaged in oyster harvesting activities in an area closed to the use of mechanical methods for oyster harvest.

#### II. HARVEST DAYS AND TIME PERIOD

Mechanical oyster harvest will be allowed **Monday through Friday from sunrise until 2:00 P.M. each day. Oyster dredges must be out of the water and stowed on deck after 2:00 P.M. each weekday** (See General Information Section VII. C. and F.).

#### III. QUANTITY

It is unlawful for persons holding a Standard Commercial Fishing License with a shellfish endorsement to take or possess more than fifteen (15) bushels of oysters per fishing operation per day, regardless of the number of persons, license holders, or vessels involved except as specified in Section VI. below (See General Information Section VII. L.). **The harvest vessel is a part of the fishing operation.**

IV. **MINIMUM SIZE LIMIT**

It is unlawful to possess oysters less than three (3) inches shell length for oysters taken on public or private bottom (See General Information Section VII. J.).

V. **MECHANICAL HARVEST SEASON**

**The season for harvesting oysters by mechanical methods shall be monitored and changes in harvest areas may be implemented by proclamation at a later date.**

VI. **AREA RESTRICTIONS**A. **It is unlawful to harvest oysters by mechanical methods in the following areas:**

1. **Neuse River Area** – all waters southwest and west of a line beginning at a point 35° 13.2267' N - 76° 29.5420' W on Sow Island Point, running southeasterly to a point near Marker "BI" 35° 08.0158' N - 76° 17.5777' W on the eastern end of Brant Island Shoal, running southwesterly to a point 35° 01.8982' N - 76° 21.7135' W on Point of Grass.

B. **It is unlawful for persons holding a Standard Commercial Fishing License with a shellfish endorsement to take or possess more than ten (10) bushels of oysters per fishing operation per day in the following areas regardless of the number of persons, license holders, or vessels involved. The harvest vessel is a part of the fishing operation. (See General Information Section VII. E.):**

1. **Wysocking Bay** – northwest of a line beginning at a point 35° 22.9684' N - 76° 03.7129' W on Benson Point, running northeasterly to a point 35° 24.6895' N - 76° 01.3155' W on Long Point;
2. **East Bluff Bay** – northwest of a line beginning at a point 35° 19.5333' N - 76° 09.3333' W on Bluff Point; running northeasterly to a point 35° 21. 2784' N - 76° 06.7572' W on North Bluff Point;
3. **West Bluff Bay** – north of a line beginning at a point 35° 20.3413' N - 76° 12.3378' W on the east shore of Cunning Harbor; running easterly to a point 35° 19.5333' N - 76° 09.3333' W on Bluff Point;
4. **Juniper Bay-Cunning Harbor** – north of a line beginning at a point 35° 20.6217' N - 76° 15.5447' W on the west shore of Juniper Bay, running easterly to a point 35° 20.4372' N - 76° 13.2697' W; running easterly to a point 35° 20.3413' N - 76° 12.3378' W on the east shore of Cunning Harbor;
5. **Swanquarter Bay** – north of a line beginning at a point 35° 20.9500' N – 76° 20.6409' W at The Narrows, running easterly to a point 35° 21.5959' N - 76° 18.3580' W on the east shore and south of a line beginning on the west shore at a point 35° 23.5651' N - 76° 20.6715' W; running easterly to the east shore to a point 35° 23.6988' N - 76° 20.0025' W;
6. **Deep Cove-The Narrows** – north and east of a line beginning at a point 35° 20.9790' N - 76° 23.8577' W on the west shore; running southeasterly to a point 35° 20.5321' N - 76° 22.7869' W on Swanquarter Island, and west of a line at The Narrows beginning at a point 35° 20.9500' N - 76° 20.6409' W on the north shore, running southerly to a point 35° 20.7025' N - 76° 20.5620' W on Swanquarter Island;
7. **Rose Bay** – north of a line beginning at a point 35° 23.3404' N - 76° 26.2491' W on Long Point, running southeasterly to a point 35° 22.4891' N - 76° 25.2012' W on Drum Point;
8. **Spencer Bay** – northwest of a line beginning at a point 35° 22.3866' N - 76° 27.9225' W on Roos Point, running northeasterly to a point 35° 23.3404' N - 76° 26.2491' W on Long Point and southeast of a line beginning on the north shore at a point 35° 24.3129' N - 76° 28.5300' W; running southwesterly to the south shore to a point 35° 23.9681' N - 76° 28.7671' W;
9. **Slade Creek** – east of a line beginning at a point 35° 27.8879' N - 76° 32.9906' W on the west shore; running southeasterly to a point 35° 27.6510' N - 76° 32.7361' W on the east shore and north of a line beginning on the north shore at a point 35° 27.9168' N - 76° 30.5189' W; running westerly to the south shore to a point 35° 27.9532' N - 76° 30.7140' W;

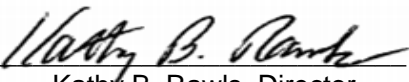
10. **Goose Creek** – south of a line beginning at a point 35° 19.7932' N - 76° 37.5347' W on the north shore of Lower Spring Creek; running easterly to a point 35° 19.8667' N - 76° 35.9333' W on Fulford Point;

VII. **GENERAL INFORMATION:**

- A. This proclamation is issued under the authority 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 .0201.
- 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 bottoms. Permits are available, at no cost, from all Division of Marine Fisheries License Offices.
- D. It is unlawful to possess or sell oysters without a harvest tag affixed to each container in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0109.
- E. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0204 lists areas closed to the use of mechanical methods to take oysters; 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.
- F. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0106 prohibits the taking and unloading of oysters between the hours of sunset and sunrise on any day.
- G. N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0303 prohibits the use of dredges weighing more than 100 pounds except in the Atlantic Ocean; prohibits the use of more than one dredge per vessel to take oysters or crabs; and prohibits possession of oysters aboard a vessel with a dredge weighing more than 100 pounds.
- H. **Proclamation M-1-2021 allows for the incidental take of blue crabs in oyster dredges at 10 percent of the total weight of the combined oyster and crab catch or 100 pounds, whichever is less.**
- I. N.C. Marine Fisheries Commission Rule 15A NCAC 03I .0101 defines mechanical methods for oyster harvest.
- J. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0207 exempts permitted aquaculture operations from bag and size limit restrictions.
- K. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0209 prohibits the taking of oysters and clams and the use of mechanical methods for oyster or clam harvest in oyster sanctuaries designated in N.C. Marine Fisheries Commission Rule 15A NCAC 03R .0117.
- L. **Mechanical oyster harvesters may possess no more than ten (10) bushels of oysters while working in the restricted areas identified in Section VI. Mechanical oyster harvesters may possess no more than fifteen (15) bushels of oysters while working outside of the restricted areas and may transport their catch through the restricted area to the point of landing.**
- 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. Crew members 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. **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 oyster harvest. Polluted Area proclamations and maps can be found at:**

<https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=5759aa19d7484a3b82a8e440fba643aa>

- O. 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.
- P. **In accordance with [Proclamation SS-1-2022](#):**
  - 1. It is unlawful to possess oysters or clams 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 oysters or clams. The time of the start of harvest shall be the time when the first oyster or clam 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.**
- Q. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0202 it is unlawful to possess oysters with accumulated dead shell, accumulated oyster cultch material, a shell length less than three (3) inches, or any combination thereof that exceeds a five (5) percent tolerance limit by volume.
- R. The intent of this proclamation is to close the Pamlico Sound Oyster Mechanical Harvest Management Areas which have tripped the percent legal management trigger and open the remaining available bays to the commercial harvest of oysters by mechanical methods from public bottom, following the management criteria established by the N.C. Oyster Fishery Management Plan Amendment 4.
- S. 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](http://www.ncmarinefisheries.net).
- T. **This proclamation supersedes Proclamation SF-9-2022 dated November 21, 2022, to re-open the Pamlico River Area and Northern Hyde Area bays in Pamlico Sound through January 6, 2023, to the commercial harvest of oysters by mechanical methods from public bottom, unless closed sooner by proclamation. This proclamation also closes the Neuse River Area of southwestern Pamlico Sound, including the Neuse River and its tributaries to the commercial harvest of oysters by mechanical methods from public bottom in accordance with the N.C. Oyster Fishery Management Plan Amendment 4.**

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

December 8, 2022  
3:00 P.M.