



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

M-18-2023

PROCLAMATION

RE: RULE SUSPENSION – GILL NET RESTRICTIONS - INTERNAL COASTAL AND JOINT FISHING WATERS SOUTH OF MANAGEMENT UNIT A FOR GILL NETS WITH A STRETCHED MESH LENGTH LESS THAN 4 INCHES AND ATTENDANCE REQUIREMENTS FOR GILL NETS WITH A STRETCHED MESH LENGTH LESS THAN 5 INCHES – YARDAGE LIMIT DECREASE IN MANAGEMENT UNIT B.

This proclamation supersedes proclamation M-14-2023 dated August 8, 2023. It decreases the yardage limits for the commercial Spanish mackerel drift gill net fishery in Management Unit B.

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M., Monday, September 25, 2023**, the following regulations shall apply to the use of gill nets **with a stretched mesh length less than 4 inches (except as described in Section I. and II. A. and B. which apply to gill nets less than 5 inches) in Internal Coastal and Joint Fishing Waters, south of Management Unit A:**

I. SUSPENSION OF PORTION OF N.C. MARINE FISHERIES COMMISSION RULE 15A NCAC 03J .0103

The following portion of North Carolina Marine Fisheries Commission Rule 15A NCAC 03J .0103 is suspended:

Section (h), which reads:

(h) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation from May 1 through November 30 in the Internal Coastal Waters and Joint Fishing Waters of the state designated in 15A NCAC 03R .0112(b).

II. GILL NET ATTENDANCE REQUIREMENTS (LESS THAN 5 INCHES)

A. It is unlawful to use unattended gill nets with a stretched mesh length less than five inches in a commercial fishing operation from May 1 through November 30 in the Internal Coastal Fishing Waters and Joint Fishing Waters of the state designated in 15A NCAC 03R .0112(b), except year-round attendance is required in the following areas described in Section II. A. 1. below:

1. 15A NCAC 03R .0112(b)(4), within 200 yards of the shoreline in the area upstream of the 76° 28.0000' W longitude line beginning at a point 35° 22.3752' N – 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to a point 35° 04.4833' N – 76° 28.0000' W near Point of Marsh in Neuse River.

B. It is unlawful to use unattended gill nets with a stretched mesh length less than five inches in a commercial fishing operation through November 30 in Management Subunit B.1.: described as an area within the boundary at a point beginning at 35° 46.3000' N – 75° 32.1696' W, the northeastern most boundary point of Management Unit B at Oregon Inlet running westerly to a point 35° 46.3000' N – 75° 37.4665' W and running

southeasterly to a point 35° 44.1710' N – 75° 31.0520' W on the north point of Eagle Nest Bay.

III. AREA DESCRIPTIONS (See Maps):

- A. **Management Unit B:** Internal Coastal Fishing Waters and Joint Fishing 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

1. **SGNRA1**

The area from Wainwright Island to Ocracoke Inlet bound by the following points: Beginning at a point on Core Banks at 34° 58.7963'N - 76° 10.0013'W, running northwesterly near Marker # 2CS at the mouth of Wainwright Channel at 35° 00.2780'N - 76° 12.1682'W, then running northeasterly near Marker "HL" at 35° 01.5665'N - 76° 11.4277'W, then running northeasterly near Marker #1 at 35° 09.7058'N - 76° 04.7528'W, then running southeasterly to a point at Beacon Island at 35° 05.9352'N - 76° 02.7408'W, then running south to a point on the northeast corner of Portsmouth Island at 35° 03.7014'N - 76° 02.2595'W, then running southwest along the shore of Core Banks to the point of beginning .

2. **SGNRA2**

The area from Ocracoke Inlet to Hatteras Inlet bound by the following points: Beginning at a point near Marker #7 at the mouth of Silver Lake at 35° 06.9091' N - 75° 59.3882'W, running north to a point at 35° 08.7925'N - 76° 00.3627'W near Big Foot Slough Entrance, then running easterly to a point at 35° 09.4994' N - 75° 54.2943'W, then running northeasterly to a point at 35° 11.9803'N - 75° 51.6396' W, then running easterly to a point at 35° 13.4489'N - 75° 47.5534'W, then running southerly to just northwest of the Ocracoke/Hatteras Ferry terminal on the Ocracoke side at 35° 11.5985'N - 75° 47.0768'W, then southwest along the shore to the point of beginning.

3. **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.

4. **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.

5. **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.

6. **CGNRA**

All Internal Coastal Fishing Waters south of latitude 35° 00.0000'N and north of latitude 34° 48.2700'N which runs approximately from the Club House on Core Banks westerly to a point on the shore at Davis near Marker "1".

- B. **Management Unit C:** All Coastal Fishing Waters and Joint Fishing Waters in the Pamlico, Pungo, Bay, and Neuse River drainages and Internal Coastal Waters of Pamlico Sound west of 76° 30.0000' W.
- C. **Management Unit D1:** encompasses all estuarine waters south of 34° 48.2700'N and east 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. Management Unit D1 includes Southern Core Sound, Back Sound, and North River.
- D. **Management Unit D2:** all Internal Coastal Fishing Waters west of a line running from 34° 40.6740' N – 76° 37.0000' W to 34° 42.4800' N – 76° 37.0000' W at Lennoxville Point 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 Highway 101 Bridge) and Bogue Sound.
- E. **Management Unit E:** all Internal Coastal Fishing Waters and Joint Fishing Waters south and west of the NC Highway 58 Bridge at Emerald Isle 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.

IV. **MANAGEMENT UNIT RESTRICTIONS:**

It is unlawful to use gill nets with a stretched mesh length less than 4 inches in Management Unit D1 and Management Unit B to include subunits SGNRA1, SGNRA3, SGNRA5, MGNRA and CGNRA, except for run-around, strike, drift and drop gill nets described in Section VIII.

V. **GILL NET YARDAGE LIMITS (LESS THAN 4 INCHES):**

It is unlawful to use or possess (unless transiting to or from the Atlantic Ocean) more than 800 yards of gill net with a stretched mesh length less than four inches per SCFL/RSCFL holder or per vessel regardless of the number of license holders on the vessel whichever is more restrictive in Management Units B, C, D1, D2 and E.

VI. **GILL NET SETTING TIME REQUIREMENTS (LESS THAN 4 INCHES)**

It is unlawful to fail to actively fish **fixed or stationary** gill net sets with a stretched mesh length less than four inches at least once each day between sunrise and 12:01 P.M.

VII. **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.

VIII. **GEAR EXEMPTION DEFINITIONS AND RESTRICTIONS FOR RUN-AROUND, STRIKE, DROP, AND DRIFT GILL NETS:**

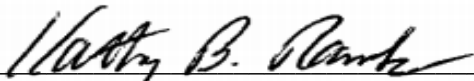
A. **Exempted gear definitions:**

1. **Runaround, strike, or drop gill nets** - gill nets that are set and immediately retrieved.
2. **Drift gill nets** - gill nets used to capture fish while being moved along by water currents and the net actively fished and attended from deployment through retrieval.

IX. **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, 03I .0102 and 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. **All other existing gill net rules and proclamations remain in effect.** See <https://deq.nc.gov/about/divisions/marine-fisheries/rules-proclamations-and-size-and-bag-limits/fisheries-management-proclamations#currentprocs> to refer to those M-type proclamations for gill net regulations that may be effective in the areas covered by this proclamation.
- D. Proclamation M-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.
- E. **Proclamation M-6-2019, dated March 15, 2019 prohibits the use of all gill nets in portions of the Pamlico and Neuse rivers.**
- F. 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.
- G. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03I .0101 (2)(b) "attended" is defined as being in a vessel, in the water or on shore, and immediately available to work the gear and be within 100 yards of any gear in use by that person at all times. Attended does not include being in a building or structure.
- 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 Fishing Waters and Joint 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.
- 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. 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.
- K. **Areas south of Management Unit A are closed to the use of fixed and stationary gill nets with a stretched mesh length of 4-inches to 6 ½-inches except for exemptions described in Section II. in [M-8-2023](#).**

- 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 Fishing Waters and Joint Fishing Waters.**
- M. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103 (a)(1), it is unlawful to use gill nets with a stretched mesh length less than 2 ½ inches.
- N. The intent of this proclamation is to manage fixed and stationary gill nets in areas to maintain compliance with the Incidental Take Permits for endangered and threatened Sea Turtles and endangered Atlantic sturgeon.
- 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-14-2023 dated August 8, 2023. It decreases the yardage limits for the commercial Spanish mackerel drift gill net fishery in Management Unit B.**

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

September 22, 2023
3:00 P.M.