



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

M-4-2023

PROCLAMATION

RE: GILL NET RESTRICTIONS - INTERNAL COASTAL WATERS SOUTH OF MANAGEMENT UNIT A – OPENS MANAGEMENT UNIT C TO THE USE OF GILL NETS WITH STRETCHED MESH LENGTH OF 4 INCHES THROUGH 6 ½ INCHES – IMPLEMENTS MESH SIZE INCREASES IN GEAR EXEMPTIONS SECTION.

This proclamation supersedes proclamation M-20-2022, dated September 21, 2022. This proclamation opens Management Unit C to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches and implements gear exemptions for the shad fishery in all areas south of Management Unit A 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 **12:01 A.M., Wednesday, February 15, 2023**, 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):**

I. **AREA DESCRIPTIONS AND RESTRICTIONS:**

It is unlawful to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches in Internal Coastal Waters except in those areas described below. Areas NOT LISTED BELOW are closed to gill nets (except those gill nets described in Section IV. with a stretched mesh length of 4 inches through 6 ½ inches):

A. **Management Unit C:**

Pamlico, Pungo, Bay and Neuse river drainages and Internal Coastal Waters of Pamlico Sound west of 76° 30.0000' W.

II. **GILL NET CONTRUCTION AND USE REQUIREMENTS**

A. **Management Unit C:**

It is unlawful to use or possess more than 1,500 yards of gill net with a stretch mesh length of 4 inches through 6 ½ inches per SCFL/RSCFL holder or per vessel regardless of the number of license holders on the vessel whichever is more restrictive (except as described in Section IV.).

III. **GILL NET SETTING TIME REQUIREMENTS**

It is unlawful to fail to actively fish gill net sets at least once each day, between sunrise and 12:01 P.M.

IV. **GEAR EXEMPTIONS AND RESTRICTIONS FOR RUN-AROUND, STRIKE, DROP, AND DRIFT GILL NETS (Effective in all Management Units South of Management Unit A)**

- A. Exempted gear definitions:
 - 1. Run-around, strike, or drop 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, drop and drift gill nets with a stretched mesh length 6 ½ inches and greater.**
- C. It is unlawful to use or possess more than 800 yards of run-around, strike, drift, and drop gill net per SCFL/RSCFL holder or per vessel regardless of the number of license holders on the vessel whichever is more restrictive.

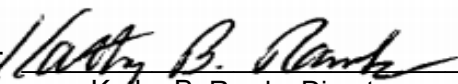
V. **SEA TURTLE AND ATLANTIC STURGEON INTERACTION REPORTING**

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; 113-181; 113-182; 113-182.1; 113-221.1; 143B-289.52 and N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103, 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> 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 Amendment 2 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. 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. 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.**
- L. 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.
- M. 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 and allow directed and bycatch fisheries for various species while minimizing interactions with threatened and/or endangered species.
- N. In accordance with N.C. General Statute 113-221(f) and 113-221.1(c) all persons who may be affected by rules of the Marine Fisheries Commission or 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.
- O. 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.
- P. **This proclamation supersedes proclamation M-20-2022, dated September 21, 2022. This proclamation opens Management Unit C to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches and implements gear exemptions for the shad fishery in all areas south of Management Unit A in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan.**

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

February 13, 2023
1:35 P.M.