



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

M-5-2023

PROCLAMATION

RE: GILL NETS – ALBEMARLE SOUND AREA – MANAGEMENT UNIT A – OPENS A PORTION OF MANAGEMENT UNIT A TO THE USE OF GILL NETS CONFIGURED FOR HARVESTING AMERICAN SHAD

This proclamation supersedes proclamation M-2-2023 dated December 21, 2022. It opens a portion of Management Unit A to the use of floating gill nets configured for harvesting American shad by removing vertical height and setting restrictions for all gill nets with stretched mesh lengths of 5 ¼ through 6 ½ inches.

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 P.M., Thursday, March 2, 2023**, the following provisions shall apply to the use of gill nets in the following areas:

I. MANAGEMENT UNIT A: AREA DESCRIPTIONS AND SPECIFIC AREA RESTRICTIONS (SEE MAP)

- A. **Management Unit A:** encompasses all Internal Coastal Waters bound on the south by 35° 46.3000' N latitude, north to the North Carolina-Virginia state line. This includes Albemarle, Currituck, Croatan and Roanoke sounds and their tributaries.
- B. **Management Unit A-Subunit A1, North of US-64-BYP/US-64:** encompasses all Internal Coastal Waters bound on the south by a line beginning at a point 35° 53.1720' N – 75° 45.6160' W on the mainland shore near Manns Harbor; running easterly along the south side of the Virginia Dare Memorial Bridge, continuing easterly along the south side of the Washington Baum Bridge to a point ending at 35° 54.3820' N – 75° 35.9240' W on the Outer Banks shore, north to the North Carolina-Virginia state line. This includes Albemarle and Currituck sounds and their tributaries, and portions of Croatan and Roanoke sounds, **EXCLUDING the area described in I.D.**
- C. **Management Unit A-Subunit A2, South of US-64-BYP/US-64:** area described as south of a line beginning at a point 35° 53.1720' N – 75° 45.6160' W on the mainland shore near Manns Harbor; running easterly along the south side of the Virginia Dare Memorial Bridge, continuing easterly along the south side of the Washington Baum Bridge to a point ending at 35° 54.3820' N – 75° 35.9240' W on the Outer Banks shore, bound on the south by 35° 46.3000' N latitude.
- D. **Management Unit A-Subunit A3, lower Chowan River and western Albemarle Sound:** It is unlawful to use ANY gill nets in the area south and east of a line beginning at a point on the west shore of the Chowan River at Willow Branch 36° 04.7206' N - 76° 43.7667' W; running northeasterly to a point on the east shore at the mouth of Rocky Hock Creek 36° 06.6406' N - 76° 41.4512' W, extending south and east to a line beginning at a point 36° 01.5570' N - 76° 27.5950' at Bluff Point running southeasterly to a point 35° 58.7230' N - 76° 23.5880' W at Laurel Point.

- E. **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 water tributaries of the Roanoke River Management Area as defined in N.C. Marine Fisheries Commission Rule 15 NCAC 03R.0201(b).
- F. 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 water tributaries of the Albemarle Sound Management Area as defined in N.C. Marine Fisheries Commission Rule 15 NCAC 03R. 0201(a).

II. GILL NET CONSTRUCTION AND USE REQUIREMENTS

A fishing operation regardless of the number of SCFL/RSCFL holders on the vessel or vessels involved, shall adhere to the gill net restrictions specified:

A. **Management Unit A (as described in Section I. A.):**

- 1. It is unlawful for Recreational Commercial Gear License holders to use gill nets with a stretched mesh length of 5 ¼ inches through 6 ½ inches stretched mesh.

B. **Management Unit A-Subunit A1, North of US-64-BYP/US-64 (As described in Section I. B.):**

- 1. It is unlawful to use gill nets with a stretched mesh length other than 3 ¼ inches OR 5 ¼ inches through 6 ½ inches.
- 2. It is unlawful to use fixed or stationary gill nets with a stretched mesh length of 3 ¼ inches unless the nets are set so as to fish the bottom of the water column and not to exceed a vertical height of 48 inches. Vertical height is defined as the distance between the top and bottom lines of the net.

C. **Management Unit A-Subunit A2, South of US-64-BYP/US-64: (As described in Section I. C.):**

- 1. It is unlawful to use gill nets with a stretched mesh length **other than 3 ¼ inches** (except as described in Section IV. C.).
- 2. It is unlawful to use fixed or stationary gill nets with a stretched mesh length of 3¼ inches unless the nets are **set so as to fish the bottom of the water column and not to exceed a vertical height of 48 inches. Vertical height is defined as the distance between the top and bottom lines of the net.**

D. **Management Unit A-Subunit A3, (As described in Section I. D.):**

- 1. It is unlawful to use ANY gill nets in the area south and east of a line beginning at a point on the west shore of the Chowan River at Willow Branch 36° 04.7206' N - 76° 43.7667' W; running northeasterly to a point on the east shore at the mouth of Rocky Hock Creek 36° 06.6406' N - 76° 41.4512' W, extending south and east to a line beginning at a point 36° 01.5570' N - 76° 27.5950' at Bluff Point running southeasterly to a point 35° 58.7230' N - 76° 23.5880' W at Laurel Point.

III. GILL NET YARDAGE RESTRICTIONS AND SETTING TIME REQUIREMENTS

A fishing operation regardless of the number of SCFL/RSCFL holders on the vessel or vessels 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 ¼ inches through 4 inches while engaged in a commercial fishing operation.
- B. **It is unlawful to use or possess more than 500 yards of gill net with a stretched mesh length of 5 ¼ inches through 6 ½ inches.**
- C. It is unlawful to fail to actively fish gill net sets before noon at least once during a calendar day.

IV. **GEAR EXEMPTIONS AND RESTRICTIONS FOR RUN-AROUND, STRIKE, DROP, AND DRIFT GILL NETS IN MANAGEMENT UNIT A (as described in Section I. A.):**

- A. Exempted gear definitions:
1. Runaround, 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, drift and drop gill nets with a stretched mesh length other than 3 ¼ inches through 4 inches in Management Unit A-Subunit A2, South of US-64-BYP/US-64 (as described in Section I. C.).**
- C. **It is unlawful to use or possess more than 800 yards of gill nets in Management Unit A-Subunit A2, South of US-64-BYP/US-64 (as described in Section I. C.), with a stretched mesh length of 3 ¼ inches through 4 inches in any combination while engaged in a commercial fishing operation.**

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

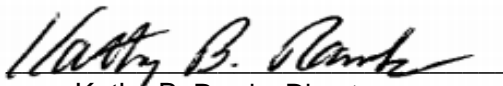
It is unlawful to fail to report any sea turtle or sturgeon captured in anchored gill nets. Reports shall be made within 24 hours of the capture to the Division of Marine Fisheries at 252-726-7021 or 800-682-2632. Self-reported takes of sea turtles and sturgeon by fishermen fishing without an observer 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 apply to gill nets used by Recreational Commercial Gear License holders except the allowed yardage in Sections II. and 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 <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.
- 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 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.

- H. **The intent of this proclamation is to implement gill net restrictions in accordance with Amendment 2 to the N.C. Southern Flounder FMP and Amendment 2 to the N.C. Estuarine Striped Bass FMP and allow fisheries for American shad and other species to occur while minimizing interactions with threatened and/or endangered species.**
- I. **Proclamation FF-8-2023 makes it unlawful to possess American shad for commercial purposes prior to 12:01 A.M. Wednesday, February 15, 2023 and after 11:59 P.M. Friday, April 14, 2023.**
- J. 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.
- K. Proclamation M-1-2014, dated January 16, 2014 prohibits the use of gill nets with a stretched mesh length greater than 6 ½ inches.
- L. 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.
- M. 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.
- N. **This proclamation supersedes proclamation M-2-2023 dated December 21, 2022. It opens a portion of Management Unit A to the use of floating gill nets configured for harvesting American shad by removing vertical height and setting restrictions for all gill nets with stretched mesh lengths of 5 ¼ through 6½ inches.**

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

February 28, 2023
11:45 A.M.