



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

M-7-2024(REVISED)

PROCLAMATION

RE: GILL NET RESTRICTIONS - INTERNAL COASTAL AND JOINT FISHING WATERS SOUTH OF MANAGEMENT UNIT A – MAINTAINS CLOSURE OF ALL MANAGEMENT UNITS TO THE USE OF GILL NETS WITH STRETCHED MESH LENGTH OF 4 INCHES THROUGH 6 ½ INCHES – REMOVES LARGE MESH SIZE ALLOWANCES IN GEAR EXEMPTIONS SECTION.

This proclamation revises proclamation M-7-2024 and corrects the previous superceed proclamation number only. This proclamation supersedes proclamation M-5-2024 dated February 16, 2024, and supersedes proclamation M-1-2014 dated January 16, 2014. This proclamation maintains closures of all management units south of Management Unit A to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches; maintains no allowance of large mesh gill nets above 6 ½ inches stretch mesh length and removes the large mesh size allowances in the gear exemptions for all areas south of MUA (coincides with the commercial shad fishery closure) in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan, the Federal Incidental Take Permits for endangered and threatened Sea Turtles and endangered Atlantic sturgeon and to minimize bycatch with adult red drum and striped bass.

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M., Monday, April 15, 2024**, the following provisions shall apply to the use of gill nets with a stretched mesh length of 4 inches and greater in Internal Coastal and Joint Fishing Waters south of Management Unit A (south of 35° 46.3000' N latitude):

I. **GEAR RESTRICTIONS:**

- A. It shall be unlawful to use gill nets with a stretched mesh length greater than 6 ½ inches.
- B. It shall be unlawful to use gill nets with a stretched mesh length of 4 inches through 6 ½ inches except those described in Section II.

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

- 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 shall be unlawful to use run-around, strike, drift, and drop gill nets with a stretched mesh length 5 inches or greater.**
- C. It shall be unlawful to use or possess more than 800 yards of run-around, strike, drop, and drift gill net per SCFL/RSCFL holder or per vessel regardless of the number of license holders on the vessel.

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

It shall be 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 252-515-5500 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.

IV. 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/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. 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 and Joint Fishing Waters.
- E. The restrictions in this proclamation apply to and are in addition to the maximum allowed yardage for Recreational Commercial Gear License holders described in N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0302.
- F. Proclamation M-1-2024, dated December 15, 2023, 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.
- G. 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.
- H. 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.
- I. 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 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.
- J. 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.
- 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 and Joint Fishing Waters. **If the required coverage is not maintained, large and small mesh anchored gill nets could**

be prohibited in all Internal Coastal and Joint Fishing 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 and allow directed and bycatch fisheries for various species while minimizing interactions with threatened and/or endangered species.
- 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; 252-515-5500 or 800-682-2632 for more information or visit the division website at www.ncmarinefisheries.net.
- Q. **This proclamation revises proclamation M-7-2024 and corrects the previous superceed proclamation number only. This proclamation supersedes proclamation M-5-2024 dated February 16, 2024, and supersedes proclamation M-1-2014 dated January 16, 2014. This proclamation maintains closures of all management units south of Management Unit A to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches; maintains no allowance of large mesh gill nets above 6 ½ inches stretch mesh length and removes the large mesh size allowances in the gear exemptions for all areas south of MUA (coincides with the commercial shad fishery closure) in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan, the Federal Incidental Take Permits for endangered and threatened Sea Turtles and endangered Atlantic sturgeon and to minimize bycatch with adult red drum and striped bass.**

By:



Kathy B. Rawls, Director
DIVISION OF MARINE FISHERIES

April 19, 2024
2:00 P.M.