



ROY COOPER  
*Governor*

MARY PENNY KELLEY  
*Secretary*

KATHY B. RAWLS  
*Director*

**M-15-2024**

## **PROCLAMATION**

### **RE: GILL NETS – ALBEMARLE SOUND AREA INTERNAL COASTAL AND JOINT FISHING WATERS – OPENING MANAGEMENT UNIT A TO THE USE OF LARGE MESH GILL NETS WITH OVERNIGHT SOAKS**

**This proclamation supersedes proclamation M-14-2024(REVISED) dated July 25, 2024. This proclamation opens portions of Management Unit A to the use of gill nets for the purpose of harvesting flounder in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and the Incidental Take Permits for threatened or endangered sea turtles and endangered sturgeon. It maintains the exempted areas in MUA open to the use of run-around, strike, and drop gill nets to harvest blue catfish, and also maintains the closure on the use of fixed or stationary gill nets with stretched mesh lengths less than 6 inches in the entirety of Management Unit A. It also expands a closed area to the use of all gill nets to reduce the likelihood of sturgeon interactions.**

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **5:45 P.M., Tuesday, October 1, 2024**, the following provisions shall apply to the use of gill nets in the following areas:

#### **I. MANAGEMENT UNIT A: AREA DESCRIPTIONS AND RESTRICTIONS (See Map)**

- A. **Management Unit A:** encompasses all Internal Coastal and Joint Fishing Waters bound on the south by 35° 46.3000' N latitude to the North Carolina/Virginia state line. This includes Albemarle, Currituck, Croatan and Roanoke sounds and their tributaries, **EXCLUDING the area described in I.D.**
- B. **Management Unit A, Subunit A1-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.
- C. **Management Unit A, Subunit A2:** The following Coastal and Joint Fishing waters of the Albemarle Sound and Joint Fishing Waters of the Chowan, Perquimans, Little, Pasquotank, North, and Alligator rivers are open to the use of gill nets as described in Sections II. A. and V. C.
  1. **Albemarle Sound:** Coastal and Joint Fishing Waters of the Albemarle Sound west of a line beginning at a point on the north shore of the Albemarle Sound 36° 8.270' N - 75° 52.000' W, running due south to a point on the south side of Albemarle Sound at Durant's Island 35° 58.470' N - 75° 52.000' W, west to a line beginning at a point on the west shore of the Chowan River 36° 02.3162' N - 76° 42.4896' W; running northeasterly to 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.**
  2. **Chowan River:** Joint Fishing Waters north 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.**

3. **Perquimans River:** Joint Fishing Waters northwest of a line beginning at a point on the north shore at 36° 05.9669' N - 76° 18.1791' W; running northeasterly to a point on the east shore 36° 06.7655' N - 76° 16.5953' W.
  4. **Little River:** Joint Fishing Waters northwest of a line beginning at a point on the west shore 36° 07.5322' N - 76° 10.6901' W; running southwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.
  5. **Pasquotank River:** Joint Fishing Waters northwest of a line beginning at a point on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.
  6. **North River:** Joint Fishing Waters north of a line beginning at a point on the west shore 36° 09.8986' N - 75° 54.6771' W; running easterly to a point on the east shore 36° 10.0108' N - 75° 52.0431' W.
  7. **Alligator River:** Coastal and Joint Fishing Waters of the Alligator River south of a line running 35° 57.623 N and north of a line running 35° 40.350 N.
- D. **Lower Chowan River and western Albemarle Sound: It shall be unlawful to use ANY gill nets (including those described in Section V.) 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, including all other Joint Fishing Water tributaries of the Roanoke River Management Area as defined in N.C. Marine Fisheries Commission Rule 15 NCAC 03R .0201(b).**
- E. It shall be 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 Fishing Water tributaries of the Albemarle Sound Management Area as defined in N.C. Marine Fisheries Commission Rule 15A NCAC 03R. 0201.

## II. **GILL NET CONSTRUCTION AND USE REQUIREMENTS (see Section V. for exempted gear and areas)**

A fishing operation regardless of the number of vessels or persons involved, shall adhere to the gill net restrictions specified:

- A. **Management Unit A (excluding the areas described in Sections I. B., and I. D.):**
1. It shall be unlawful to use fixed or stationary gill nets with a stretched mesh length **less than 6 inches.**
  2. It shall be unlawful to use drift gill nets with a stretched mesh length less than 3 inches and greater than 4 inches.
  3. It shall be unlawful to use run-around, strike, or drop gill nets with a stretched mesh length less than 3 inches and greater than 4 inches (except in Subunit A2 as described in Section I. C.).
  4. **It shall be unlawful to use gill nets with a stretched mesh length greater than 6 ½ inches.**
  5. **It shall be unlawful to use gill nets with a stretched mesh length of 6 inches through 6 ½ 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.**

**B. MANAGEMENT UNIT A, SUBUNIT A1-SOUTH OF US-64-BYP/US-64 (as described in Section I. B.):**

1. It shall be unlawful to use fixed or stationary gill nets with a stretched mesh length **less than 6 inches.**
2. It shall be unlawful to use drift gill nets with a stretched mesh length less than 3 inches and greater than 4 inches.
3. It shall be unlawful to use run-around, strike, or drop gill nets with a stretched mesh length less than 3 inches and greater than 4 inches.
4. **It shall be unlawful to use gill nets with a stretched mesh length greater than 6 ½ inches.**
5. **It shall be unlawful to use gill nets with a stretched mesh length of 6 inches through 6 ½ inches unless it complies with the following provisions:**
  - a) **It shall be unlawful to use gill nets with a stretched mesh length of 6 inches through 6 ½ inches of more than 15 meshes in height and without a lead core or leaded bottom line.**
  - b) **It shall be unlawful to use cork, floats, or other buoys except those required for identification.**
  - c) **It shall be unlawful to set more than 100 yards of gill nets with a stretched mesh length of 6 inches through 6 ½ inches without leaving a space of at least 25 yards between separate lengths of net, regardless of individual net length.**

**C. MANAGEMENT UNIT A (as described in Section I. A.): It shall be unlawful for Recreational Commercial Gear License holders to use gill nets with a stretched mesh length of 6 through 6 ½ inches (except as described in Sections V. A. and B.).**

**III. GILL NET YARDAGE RESTRICTIONS**

A fishing operation, regardless of the number of vessels or persons involved, shall adhere to the gill net yardage restrictions specified:

- A. It shall be unlawful to use more than 800 yards of gill net with a stretched mesh length of 3 inches through 4 inches in any combination per commercial fishing operation, including nets as described in Section V.
- B. It shall be unlawful to use more than 1,500 yards of gill net with a stretched mesh length of 6 inches through 6 ½ inches in any combination per commercial fishing operation, including nets as described in Section V.

**IV. GILL NET SETTING TIME REQUIREMENTS:**

**A. Management Unit A (excluding the area described in Sections I. D.):**

It shall be unlawful to use anchored gill nets with a stretched mesh length of 6 inches through 6 ½ inches for overnight soaks **other than during the setting and retrieval periods specified below.** Only single night overnight soaks are permitted, and are only lawful if set and retrieved as follows:

1. Nets set for Tuesday retrieval may be set no sooner than one hour before sunset on Monday and must be retrieved no later than one hour after sunrise on Tuesday.
2. Nets set for Wednesday retrieval may be set no sooner than one hour before sunset on Tuesday and must be retrieved no later than one hour after sunrise on Wednesday.
3. Nets set for Thursday retrieval may be set no sooner than one hour before sunset on Wednesday and must be retrieved no later than one hour after sunrise on Thursday.

V. **AREA AND GEAR EXEMPTIONS 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 actively fished by either (1) using the boat to run a net around a school of fish, creating a closed circle, or (2) using the boat after the net is set to herd fish into the net without delay, whereby soak time does not exceed 30 minutes from the end of the set to the beginning of the haul.
  2. Drift gill nets - gill nets that are used to capture fish while being moved along by water currents whereby the net stays attached to the vessel from deployment through retrieval.
- B. It shall be unlawful to use run-around, strike, drift, or drop gill nets with a stretched mesh length less than 3 inches or greater than 4 inches, **except in Management Unit A, Subunit A2 as described in I. C., run-around, strike, and drop gill nets with a stretched mesh length of 5 ½ inches though 6 ½ inches MAY be used.**
- C. It shall be unlawful to use or possess more than 800 yards of run-around, strike, drift, and drop gill net per commercial fishing operation.

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

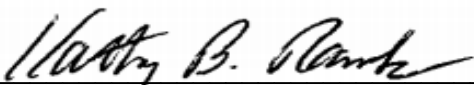
It shall be unlawful to fail to report any sea turtle or sturgeon captured in gill nets permitted by the ITP. Reports shall be made within 24 hours of the capture to the Division of Marine Fisheries at 252-515-5500 or 800-682-2632. Self-reported takes of sea turtles and sturgeon by fishermen fishing without an observer do not count toward the allowable takes in the Incidental Take Permits.

VII. **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 and 03J .0103.
- B. In accordance with proclamation FF-37-2024, it shall be unlawful to possess flounder taken from anchored large mesh gill nets with a stretched mesh length less than 6 inches.
- C. 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.
- D. The restrictions in this proclamation as described for Recreational Commercial Gear License holders are in addition to the maximum allowed yardage 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.
- E. **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.
- 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. N.C. Marine Fisheries Commission Rule 15A NCAC 03I .0113 specifies that it shall be 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.

- H. The Division of Marine Fisheries has received Federal Incidental Take Permits (ITP) for threatened or endangered sea turtles, and endangered 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 monitor, 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 and Joint Fishing Waters.**
- I. **Proclamation M-15-2023, dated August 16, 2023, establishes the requirement for any fish dealer to possess, purchase, sell or offer for sale flounder taken from Internal Coastal and Joint Fishing Waters during open seasons they must possess an Estuarine Flounder Dealer Permit.**
- J. The intent of this proclamation is to implement gill net restrictions in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan while minimizing interactions with threatened and/or endangered species. Future proclamations will be issued to implement gear restrictions that correspond to the flounder season closures as a result of approaching area and gear specific Total Allowable Landings specified in Amendment 3 or to implement ITP requirements.
- K. 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.
- L. In accordance with N.C. General Statute 113-221(f) and 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; 252-515-5500 or 800-682-2632 for more information or visit the division website at [www.ncmarinefisheries.net](http://www.ncmarinefisheries.net).
- N. **This proclamation opens Management Unit A to the use of gill nets for the purpose of harvesting flounder in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and the Incidental Take Permits for threatened or endangered sea turtles and endangered sturgeon. It maintains the exempted areas in MUA open to the use of run-around, strike, and drop gill nets to harvest blue catfish. It also maintains the closure on the use of fixed or stationary gill nets with stretched mesh lengths less than 6 inches in the entirety of Management Unit A. It also expands a closed area to the use of all gill nets to reduce the likelihood of sturgeon interactions.**

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

September 24, 2024  
2:40 P.M.