



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

**M-4-2024**

## **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 INCREASE FOR THE SET GILL NET MENHADEN BAIT FISHERY IN MANAGEMENT UNIT B AND CLOSES MANAGEMENT UNIT D2 TO THE USE OF FIXED OR STATIONARY GILL NETS LESS THAN 4 INCHES STRETCH MESH.**

**This proclamation supersedes proclamation M-22-2023 dated October 6, 2023. It increases the yardage limits for the small mesh gill net fishery in portions of Management Unit B and closes Management Unit D2 to the use of fixed or stationary gill nets less than 4 inches stretch mesh.**

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M., Monday, February 10, 2024**, the following regulations shall apply to the use of gill nets **with a stretched mesh length less than 4 inches (except as described in Sections 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 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  $35^{\circ} 04.4833' N - 76^{\circ} 28.0000' W$  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  $35^{\circ} 46.3000' N - 75^{\circ} 32.1696' W$ , the northeastern most boundary point of Management Unit B at Oregon Inlet running westerly to a point  $35^{\circ} 46.3000' N - 75^{\circ} 37.4665' W$  and running southeasterly to a point  $35^{\circ} 44.1710' N - 75^{\circ} 31.0520' W$  on the north point of Eagle Nest Bay.

### III. **MANAGEMENT UNIT DESCRIPTIONS:**

- A. **Management Unit B:** Internal Coastal and Joint Fishing Waters, bounded on the north by  $35^{\circ} 46.3000' N$  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  $34^{\circ} 48.2700' N$  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  $76^{\circ} 30.0000' W$  longitude.
- B. **Management Unit C:** Pamlico, Pungo, Bay, and Neuse rivers drainages and Internal Coastal and Joint Fishing Waters of Pamlico Sound west of  $76^{\circ} 30.0000' W$ .
- C. **Management Unit D1:** encompasses all Internal Coastal and Joint Fishing Waters south of  $34^{\circ} 48.2700' N$  and east of a line running from  $34^{\circ} 40.6750' N - 76^{\circ} 37.0000' W$  to  $34^{\circ} 42.4800' N - 76^{\circ} 37.0000' W$  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 and Joint Fishing Waters west of a line running from  $34^{\circ} 40.6750' N - 76^{\circ} 37.0000' W$  to  $34^{\circ} 42.4800' N - 76^{\circ} 37.0000' W$  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 Hwy 101 Bridge) and Bogue Sound.
- E. **Management Unit E:** all internal Coastal and Joint Fishing Waters south and west of the Highway 58 Bridge 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. **GILL NET YARDAGE LIMITS (LESS THAN 4 INCHES)**

- A. 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 vessel regardless of the number of SCFL/RSCFL license holders on the vessel in Management Units C, D1, and E.
- B. It is unlawful to use or possess (unless transiting to or from the Atlantic Ocean) more than 2,000 yards of gill net with a stretched mesh length less than four inches per vessel regardless of the number of SCFL/RSCFL license holders on the vessel in Management Unit B except no more than 800 yards of gill net per vessel can be used in the areas of Management Unit B as described in Section V. (Area Restriction).

**V. Area Restriction**

- A. It is unlawful to use more than 800 yards of gill net per vessel with a stretched mesh length less than four inches regardless of the number of SCFL/RSCFL license holders on the vessel in any Internal Coastal and Joint Fishing Waters of the state designated in 15A NCAC 03R .0112(b).
- B. It is unlawful to use more than 800 yards of gill net per vessel with a stretched mesh length less than four inches regardless of the number of SCFL/RSCFL license holders on the vessel 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.
- C. **It is unlawful to use gill nets with a stretched mesh length less than 4 inches in Management Unit D2, except run-around, strike, drift, and drop gill nets described in Section VIII.**

**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 252-515-5500 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.

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

**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.**

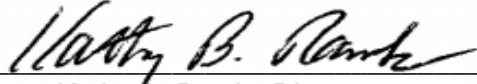
**IX. GENERAL INFORMATION**

- 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-1-2024 dated December 15, 2023 prohibits the use of gill nets during the weekend in the Joint Fishing Waters of the state. The closure is effective from 12:01 A.M. on Saturday to 12:01 A.M. on Monday of each week. Portions of

- Albemarle and Currituck sounds are exempt from the provision in accordance with the N.C. Spotted Seatrout Fishery Management Plan.
- 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 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-24-2023](#). Dated October 20, 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 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 implement attendance restrictions for gill nets with a stretched mesh length less than 5 inches, close areas to maintain compliance with the Incidental Take Permits for endangered and threatened Sea Turtles and endangered Atlantic sturgeon, and implement yardage restrictions for the management of gill nets with a stretched mesh length less than 4 inches in the

Internal Coastal and Joint Fishing Waters of the state, south of Management Unit A. Yardage limit increases in Management Unit B are being implemented for the commercial menhaden gill net fishery. Yardage limits may be adjusted to control quota managed fisheries, or address bycatch issues. A proclamation decreasing the yardage limit in Management Unit B will be issued in April 2024, or earlier if necessary.

- 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](http://www.ncmarinefisheries.net).
- Q. **This proclamation supersedes proclamation M-22-2023 dated October 6, 2023. It increases the yardage limits for the small mesh gill net fishery in portions of Management Unit B and closes Management Unit D2 to the use of fixed or stationary gill nets less than 4 inches stretch mesh.**

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

February 9, 2024  
2:50 P.M.