



ROY COOPER  
*Governor*

MARY PENNY KELLEY  
*Secretary*

KATHY B. RAWLS  
*Director*

**M-21-2024**

## **PROCLAMATION**

**RE: RULE SUSPENSION - GILL NET RESTRICTIONS - INTERNAL COASTAL AND JOINT FISHING WATERS FOR GILL NETS WITH A STRETCHED MESH LENGTH LESS THAN 4 INCHES – ADJUSTS THE BOUNDARIES BETWEEN MANAGEMENT UNITS B, C, AND D1; OUTLINES THE NORTHERN AND SOUTHERN SUBUNITS OF MANAGEMENT UNIT D1; CLOSES MANAGEMENT UNIT D1; EXTENDS ATTENDANCE OF GILL NETS WITH A STRETCHED MESH LENGTH LESS THAN 4 INCHES IN ALL OF MANAGEMENT UNITS B, D2, AND E; UPDATES DEFINITIONS OF GILL NETS EXEMPT FROM INCIDENTAL TAKE PERMIT REQUIREMENTS; REDUCES YARDAGE OF DRIFT GILL NETS IN MANAGEMENT UNIT B.**

**This proclamation supersedes proclamation M-10-2024 dated April 25, 2024. This proclamation adjusts the boundaries between Management Units B, C, and D1; outlines the Northern and Southern Subunits of Management Unit D1; updates definitions of gill nets exempt from Incidental Take Permit requirements; closes all of Management Unit D1 and extends attendance of gill nets with a stretched mesh length less than 4 inches in all Internal Coastal and Joint Fishing Waters of Management Units B, D2, and E; reduces yardage of drift gill nets in Management Unit B.**

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M., October 27, 2024**, the following restrictions shall apply to the use of gill nets with a stretched mesh length less than 4 inches (except as described in Section II. A. and B., which apply to gill nets less than 5 inches, and Section IV.) 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 shall be 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 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° 04.4833' N – 76° 28.0000' W near Point of Marsh in Neuse River.

- B. It shall be unlawful to use unattended gill nets with a stretched mesh length less than 5 inches in a commercial fishing operation in the Internal Coastal and Joint Fishing Waters in Management Units B, D2, and E (except as described in Section IV.).
- C. It shall be unlawful to use gill nets with a stretched mesh length less than 4 inches in the Internal Coastal and Joint Fishing Waters in Management Unit D1 (northern and southern subunits), except run-around, strike, drop, and drift gill nets as described in Section IV.

### III. **AREA DESCRIPTIONS AND RESTRICTIONS:**

- A. **Management Unit B:** Internal Coastal and Joint Fishing Waters of Pamlico Sound, including its bays and tributaries, bounded on the north by 35° 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, bounded on the east by barrier islands, bounded on the west by 76° 30.000' W longitude, and bounded to the south across the mouth of Core Sound at 35° 00.000' N latitude; including Internal Coastal Fishing Waters of West Bay, West Thorofare Bay, and Long Bay ([Maps 1 & 2](#)).
- B. **Management Unit C:** Internal Coastal and Joint Fishing Waters of the Pamlico, Pungo, Bay, and Neuse rivers drainages, Pamlico Sound west of 76° 30.0000'W, and Turnagain Bay. ([Map 3](#)).
- C. **Management Unit D1:** Internal Coastal and Joint Fishing Waters in Core Sound and its tributaries south of 35° 00.000' N latitude running south and west to the Management Units D1 and D2 boundary at 34° 40.6740'N – 76° 37.0000'W to 34° 42.4800'N – 76° 37.0000'W then to the head of Turner Creek, and northerly up the western shoreline of the North River. Management Unit D1 includes Core Sound, Back Sound, The Straits, and North River, including all bays and their tributaries ([Map 4](#))

#### **Subunits in Management Unit D1**

- 1. **Northern D1:** Internal Coastal Fishing Waters of Core Sound bounded on the north by a line from 35° 00.000' N – 76° 07.646' W heading west along to 35° 00.000' N – 76° 15.107' W, bounded on the south by a line across Core Sound from 34° 48.270' N – 76° 27.507' W and then east to Core Banks at 34° 48.270' N – 76° 22.120' W. The Northern D1 subunit includes the northern portion of Core Sound.
  - 2. **Southern D1:** Internal Coastal and Joint Fishing Waters south of 34° 48.2700' N and east of a line running from 34° 40.6750' N – 76° 37.0000' W to 34° 42.4800' N – 76° 37.0000' W then to the head of Turner Creek, and northerly up the western shoreline of the North River. The Southern D1 subunit includes Southern Core Sound, Back Sound, The Straits, and North River.
- D. **Management Unit D2:** all Internal Coastal Fishing Waters west of a line running from 34° 40.6740' N – 76° 37.0000'W to 34° 42.4800'N – 76° 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 ([Map 5](#)).
  - 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 ([Map 6](#)).

### IV. **GEAR EXEMPTIONS FOR RUN-AROUND, STRIKE, DROP, AND DRIFT GILL NETS**

Exempted gear definitions:

- A. **Run-around, 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.

- B. 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.

V. **GILL NET YARDAGE LIMITS (LESS THAN 4 INCHES):**

It shall be 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 SCFL/RSCFL holder or per vessel regardless of the number of license holders on the vessel whichever is more restrictive in Management Units B, C, D2, and E.

VI. **GILL NET SETTING TIME REQUIREMENTS (LESS THAN 4 INCHES)**

It shall be unlawful to fail to actively fish gill nets with a stretched mesh length less than four inches at least once each day between sunrise and 12:01 P.M. (except in accordance with Section IV).

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

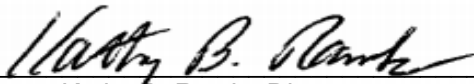
It shall be unlawful to fail to report any sea turtle or sturgeon captured in gill nets permitted by the Incidental Take Permit (ITP). Reports shall be made within 24 hours of the capture to the Division of Marine Fisheries at 252-515-5500 or 800-682-2632. Self-reported takes of sea turtles and sturgeon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

VIII. **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. 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.
- E. **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.**
- F. 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.
- 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. **For additional gill net restrictions in areas south of Management Unit A refer to the most recent M-type proclamation that applies to gill nets with a stretched mesh length of 4-inches to 6 ½-inches.**
- I. The Division of Marine Fisheries has received a Federal Incidental Take Permit (ITP) for threatened or endangered sea turtles, and endangered sturgeon. This ITP allows 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 in gill net fisheries permitted by the ITP (i.e., non-exempted gill net fisheries). Permit conditions require the division to provide 7-10 percent observer coverage in the permitted large mesh gill net fishery and 1-2 percent observer coverage in the permitted small mesh gill net fishery in Internal Coastal Waters. **If the required coverage is not maintained, large and small mesh gill nets permitted by the ITP could be prohibited in all Internal Coastal Fishing Waters and Joint Fishing Waters.**
- J. 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.
- K. The intent of this proclamation is to manage the gill net fishery to maintain compliance with the Incidental Take Permit for endangered and threatened sea turtles and endangered sturgeon. Adjusted boundaries for Management Units B, C, and D1 (including subunits) are included to be consistent with boundaries outlined in the new ITP for sea turtles and sturgeon. The boundary changes do not affect fishing activity in the Management Units. Clarifications to the definitions of gill nets exempted from the new ITP are also provided.
- L. 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.
- 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](http://www.ncmarinefisheries.net).
- N. **This proclamation supersedes proclamation M-10-2024 dated April 25, 2024. This proclamation adjusts the boundaries between Management Units B, C, and D1; outlines the Northern and Southern Subunits of Management Unit D1; updates definitions of gill nets exempt from Incidental Take Permit requirements; closes all of Management Unit D1 and extends attendance of gill nets with a stretched mesh length less than 4 inches in all Internal Coastal Fishing Waters and Joint Fishing Waters of Management Units B, D2, and E; reduces yardage of drift gill nets in Management Unit B.**

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

October 24, 2024  
4:45 P.M.