



ROY COOPER  
*Governor*

DIONNE DELLI-GATTI  
*Secretary*

JOHN G. BATHERSON  
*Acting Director*

**SF-7-2021**

## **PROCLAMATION**

### **RE: MECHANICAL HARVEST OF CLAMS – TEMPORARY OPENING – CORE CREEK**

**This proclamation temporarily opens a portion of Core Creek, Carteret County to the mechanical harvest of clams, at 7:30 A.M, May 3, 2021 and will close either at 4:00 P.M., May 14, 2021 or if bacteriological levels increase due to rainfall for the protection of public health, whichever occurs first.**

John G. Batherson, Acting Director, Division of Marine Fisheries, hereby announces that effective **7:30 A.M. on May 3, 2021** the following area will **temporarily open** to the mechanical harvest of clams.

I. **AREA DESCRIPTIONS (see map)**

**CARTERET COUNTY**

All those waters in the maintained cut of the Intracoastal Waterway in Core Creek bordered on the north by a line beginning to a point 34° 47.9976' N - 76° 41.2753' W on the western shore; running easterly to a point 34° 47.9948' N - 76° 41.1985' W; and running south to a point 34° 47.0312' N - 76° 41.1425' W running westerly to a point 34° 47.0207' N - 76° 41.2459' W and running along the shoreline to the beginning. **Eastman Creek and Bell Creek will remain closed from the mouth upstream to the harvest of clams** (see map).

II. **HARVEST DAYS/TIMES**

- A. In areas described above in Section I., persons holding a **valid Standard Commercial Fishing License with a shellfish endorsement may use mechanical methods to harvest clams from 7:30 A.M. to 4:00 P.M. Mondays through Fridays.**
- B. The temporary opening of a portion of Core Creek, Carteret County to the mechanical harvest of clams will close by proclamation at 4:00 P.M., May 14, 2021 or if bacteriological levels increase due to rainfall for the protection of public health, whichever occurs first.

III. **HARVEST LIMITS**

- A. It is unlawful for persons holding a Standard Commercial Fishing License with a shellfish endorsement to take or possess more than 8,750 clams (35 bags at 250 clams open bag) a day.
- B. A daily harvest limit by a commercial fishing operation shall not exceed the maximum daily harvest limits set above, regardless of the number of persons, license holders or harvest methods employed.

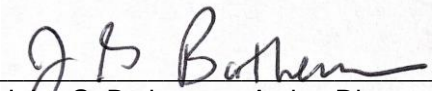
IV. **HARVEST RESTRICTIONS**

- A. It is unlawful to take clams by mechanical methods within 25 feet of:
1. Permitted marked and maintained navigation channels and piers,
  2. All marked shellfish leases except as allowed by N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0111, and

3. Natural or live oyster beds.
- B. It is unlawful to transfer clams from the catching vessel to any other vessel or transport clams by any vessel other than the vessel from which they are caught.
- V. **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; 113-221.1; 143B-289.52 and N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103 and 03K .0301 and .0302.
  - B. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03H .0103, it is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under his delegated authority.
  - C. 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.
  - D. It is unlawful to possess or sell clams without a harvest tag affixed to each container in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0109.
  - E. It is unlawful to use mechanical methods to harvest clams in any established bed of submerged aquatic vegetation or saltwater cordgrass in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0108(b)(1).
  - F. N.C. Marine Fisheries Commission Rule 15A NCAC 03N .0104 prohibits the use of mechanical methods to take oysters or clams in primary nursery areas.
  - G. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0106 prohibits the taking and unloading of clams between the hours of sunset and sunrise on any day.
  - H. N.C. Marine Fisheries Commission Rule 15A NCAC 03I .0101(3)(l) defines mechanical methods for clam harvest.
  - I. It is unlawful to take, possess, sell, or purchase clams less than one-inch thick in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0301.
  - J. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0305 exempts permitted aquaculture operations from bag and size limit restrictions.
  - K. **N.C. General Statutes 113-168.2 and 113-169.2 require mechanical harvesters to hold a Standard Commercial Fishing License with a shellfish endorsement. Crew members working under the direction of a person who holds a valid Standard Commercial Fishing License with a shellfish endorsement are not required to hold a shellfish license.**
  - L. **In accordance with Proclamation [SS-1-2021](#):**
    1. It is unlawful to possess clams in a commercial fishing operation without a harvest tag recording the time of the start of harvest, and information as described in N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0109, affixed to each container of clams. The time of the start of harvest shall be the time when the first clam is initially removed from the water.
    2. It is unlawful for harvesters to fail to deliver clams harvested from Coastal Fishing Waters to a licensed shellfish dealer **within 12 hours of the time of the start of harvest.**
    3. It is unlawful to fail to protect clams from sun exposure **from June 1 through September 30** during harvesting, storage and transport to a licensed dealer.
  - M. Maps are provided to aid in the identification of the specified harvest areas. Maps **DO NOT** supersede existing rules or supersede proclamations closing areas to harvest by reason of pollution. The military restricted areas and danger zones shown on the proclamation maps are closed to civilian access pursuant to federal rules 33 CFR 334.410 and 334.420. These closures render these areas unavailable for clam harvest.
  - N. The intent of this proclamation is to allow mechanical clam harvesters temporary access to public bottom in Core Creek when bacteriological levels are at acceptable levels to

harvest clams in accordance with the N.C. Hard Clam Fishery Management Plan Amendment 2.

- O. 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).
- P. **This proclamation temporarily opens a portion of Core Creek, Carteret County to the mechanical harvest of clams, at 7:30 A.M, May 3, 2021 and will close either at 4:00 P.M., May 14, 2021 or if bacteriological levels increase due to rainfall for the protection of public health, whichever occurs first.**

By:   
John G. Batherson, Acting Director  
DIVISION OF MARINE FISHERIES

April 30, 2021  
1:12 P.M.