



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

M-4-2020

PROCLAMATION

RE: RULE SUSPENSION – GILL NET RESTRICTIONS 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

The Secretary of the Department of Environmental Quality has directed the Division of Marine Fisheries to conduct a thorough review of the regulations governing the use of small mesh gill nets in North Carolina fisheries.

This proclamation implements yardage and time-setting restrictions for gill nets with a stretched mesh length less than 4 inches and attendance restrictions for gill nets with a stretched mesh length less than 5 inches in the Internal Coastal Waters of the state, south of Management Unit A. Yardage limit increases will be considered for the May-October Spanish mackerel drift gill net fishery. Those increases will be implemented by proclamation at a later time.

Stephen W. Murphey, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M., Monday, April 20, 2020**, the following regulations shall apply to the use of gill nets **with a stretched mesh length less than 4 inches (except as described in Section I. and II. which apply to gill nets less than 5 inches) in Internal Coastal 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 effective at 12:01 A.M., Monday, April 20, 2020:

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)**

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), except year round attendance is required in the following areas described in Section II. A. below:

- A. 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 (See Map).

III. **MANAGEMENT UNIT DESCRIPTIONS**

- A. **Management Unit B:** Internal Coastal Waters, 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, on the south by 34°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° 30.0000' W longitude.
- B. **Management Unit C:** Pamlico, Pungo, Bay and Neuse river drainages and Internal Coastal Waters of Pamlico Sound west of 76° 30.0000' W.
- C. **Management Unit D1:** encompasses all estuarine 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. Management Unit D1 includes Southern Core Sound, Back Sound, and North River.
- D. **Management Unit D2:** all Internal Coastal Waters west 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; 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 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 more than 800 yards of gill net per operation in Management Units B, C, D1, D2 and E.
- B. It is unlawful to use fixed, stationary or unattended gill nets in Management Unit D1.

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

It is unlawful to fail to actively fish fixed or stationary gill net sets at least once each day between sunrise and 12:01 P.M.

VI. **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 252-726-7021 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; 113-182; 113-170.4; 113-170.5; 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 his 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 <http://portal.ncdenr.org/web/mf/proclamations-current> 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-3-2014 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.
- E. Proclamation M-6-2019 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 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 his 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. 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.

- L. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0103 (a)(1), it is unlawful to use gill nets with a mesh length less than 2 ½ inches.
- M. The intent of this proclamation is to implement attendance restrictions for gill nets with a stretched mesh length less than 5 inches, and yardage and time setting restrictions for the management of gill nets with a stretched mesh length less than 4 inches in the Internal Coastal Waters of the state, south of Management Unit A. Yardage limit adjustments may be made to control quota managed fisheries.
- N. 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.
- 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.
- P. **This proclamation implements yardage and time setting restrictions for gill nets with a stretched mesh length less than 4 inches and attendance restrictions for gill nets with a stretched mesh length less than 5 inches in the Internal Coastal Waters of the state, south of Management Unit A. Yardage limit increases will be considered for the May-October Spanish mackerel drift gill net fishery. Those increases will be implemented by proclamation at a later time.**

By: 

Stephen W. Murphey, Director
DIVISION OF MARINE FISHERIES

March 19, 2020
4:22 P.M.