



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

SF-5-2022

PROCLAMATION

RE: 2022-2023 OYSTER HAND HARVEST RESTRICTIONS

This proclamation opens the season for harvest of oysters by hand methods in Internal Coastal Waters and reflects harvest limits by license type in accordance with the N.C. Oyster Fishery Management Plan Amendment 4. The harvest of oysters by hand methods in Internal Coastal Waters will close on March 31, 2023 in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0201, unless closed sooner by proclamation.

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **sunrise, Saturday, October 15, 2022**, the following restrictions shall apply to the oyster fishery in Internal Coastal Waters:

I. HARVEST RESTRICTIONS

A. MEANS AND METHODS

1. Oysters may be taken by hand and hand operated implements only (excluding dredges pulled by hand except as described below in (5); see General Information Section III. for further gear restrictions).
2. It is unlawful to transfer oysters from the catching vessel to any other vessel during oyster harvesting operations or to transport oysters by any vessel other than the vessel in which they were harvested.
3. It is unlawful to possess commercial and recreational limits of oysters aboard the same vessel.
4. It is unlawful to sell oysters on Saturday and Sunday taken from public bottom.
5. It is unlawful to use any dredge to take oysters except on shellfish leases and franchises by permit or in an area that is open for mechanical harvest of oysters.

B. HARVEST DAYS

Oyster harvest will be allowed **Monday through Friday of each week** except as provided in Section I.E. below.

C. STANDARD COMMERCIAL FISHING LICENSE HARVEST LIMITS

1. It is unlawful for persons holding a Standard Commercial Fishing License with an endorsement to sell shellfish to take or possess more than five (5) bushels of oysters per day and shall not exceed a total of ten (10) bushels in any combined commercial fishing operation, regardless of the number of persons holding a Standard Commercial Fishing License with an endorsement to sell shellfish or vessels that may be involved, in Internal Coastal Waters, in the following area:

South and west of a line beginning at a point 35° 00.1000' N - 76° 14.8667' W near Hog Island Reef; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; and east of Highway 12 bridge at Thorofare Bay and north of Highway 70 bridge at Salter's Creek and south of the Highway 101 bridges on Core and Harlowe creeks.

2. It is unlawful for persons holding a Standard Commercial Fishing License with an endorsement to sell shellfish to take or possess more than fifteen (15) bushels in any combined commercial fishing operation, regardless of the number of persons holding a Standard Commercial Fishing License with an endorsement to sell shellfish or vessels that may be involved, in Internal Coastal Waters, in the following area except as specified in Section II. below:

North and east of a line beginning at a point 35° 00.1000' N - 76° 14.8667' W near Hog Island Reef; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; and east of Highway 12 bridge at Thorofare Bay, north of Highway 70 bridge at Salter's Creek and north of the Highway 101 bridges on Core and Harlowe creeks.

3. It is unlawful for persons holding a Standard Commercial Fishing License with an endorsement to sell shellfish to take or possess more than five (5) bushels of oysters per day and shall not exceed a total of seven (7) bushels per vessel in any combined commercial fishing operation, if others in the combined fishing operation hold a Shellfish License regardless of the number of Shellfish License holders onboard the vessel that may be involved, in Internal Coastal Waters statewide.

D. SHELLFISH LICENSE HARVEST LIMITS

It is unlawful for persons holding a Shellfish License to take or possess more than two (2) bushels of oysters per day and shall not exceed a total of four (4) bushels per vessel in any combined commercial fishing operation from public bottom, regardless of the number of persons holding a Shellfish License onboard the vessel in Internal Coastal Waters statewide.

E. RECREATONAL HARVEST LIMITS

It is unlawful for unlicensed persons and harvesters taking oysters for personal consumption to take or possess more than one (1) bushel of oysters per person per day not to exceed two (2) bushels per vessel per day for recreational purposes seven days a week in Internal Coastal Waters (see Means and Methods Section I. A.3. above).

F. MINIMUM SIZE LIMIT

It is unlawful to possess oysters less than three (3) inches shell length for oysters taken on public or private bottom (see General Information Section III.D.).

II. AREA RESTRICTIONS

It is unlawful for persons holding a Standard Commercial Fishing License with an endorsement to sell shellfish to take or possess more than ten (10) bushels of oysters per commercial fishing operation per day in the following areas regardless of the number of persons holding a Standard Commercial Fishing License with an endorsement to sell shellfish or vessels involved:

- A. **Wysocking Bay** – northwest of a line beginning at a point 35° 22.9684' N - 76° 03.7129' W on Benson Point, running northeasterly to a point 35° 24.6895' N - 76° 01.3155' W on Long Point;
- B. **East Bluff Bay** – northwest of a line beginning at a point 35° 19.5333' N - 76° 09.3333' W on Bluff Point; running northeasterly to a point 35° 21. 2784' N - 76° 06. 7572' W on North Bluff Point;
- C. **West Bluff Bay** – north of a line beginning at a point 35° 20.3413' N - 76° 12.3378' W on the east shore of Cunning Harbor; running easterly to a point 35° 19.5333' N - 76° 09.3333' W on Bluff Point;
- D. **Juniper Bay-Cunning Harbor** – north of a line beginning at a point 35° 20.6217' N - 76° 15.5447' W on the west shore of Juniper Bay, running easterly to a point 35° 20.4372' N - 76° 13.2697' W; running easterly to a point 35° 20.3413' N - 76° 12.3378' W on the east shore of Cunning Harbor;
- E. **Swanquarter Bay** – north of a line beginning at a point 35° 20.9500' N – 76° 20.6409' W at The Narrows, running easterly to a point 35° 21.5959' N - 76° 18.3580' W on the east shore;
- F. **Deep Cove-The Narrows** – north and east of a line beginning at a point 35° 20.9790' N - 76° 23.8577' W on the west shore; running southeasterly to a point 35° 20.5321' N - 76° 22.7869' W on Swanquarter Island, and west of a line at The Narrows beginning at a point 35° 20.9500'

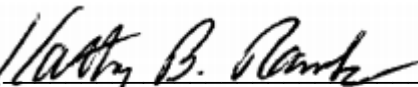
- N - 76° 20.6409' W on the north shore, running southerly to a point 35° 20.7025' N - 76° 20.5620' W on Swanquarter Island;
- G. **Rose Bay** – north of a line beginning at a point 35° 23.3404' N - 76° 26.2491' W on Long Point, running southeasterly to a point 35° 22.4891' N - 76° 25.2012' W on Drum Point;
- H. **Spencer Bay** – northwest of a line beginning at a point 35° 22.3866' N - 76° 27.9225' W on Roos Point, running northeasterly to a point 35° 23.3404' N - 76° 26.2491' W on Long Point;
- I. **Jones Bay** – west of a line beginning at a point 35° 13.4968' N - 76° 31.1040' W on Mink Trap Point; running southerly to a point 35° 12.3253' N - 76° 31.2767' W on Boar Point;
- J. **Slade Creek** – east of a line beginning at a point 35° 27.8879' N - 76° 32.9906' W on the west shore; running southeasterly to a point 35° 27.6510' N - 76° 32.7361' W on the east shore;
- K. **Goose Creek** – south of a line beginning at a point 35° 19.7932' N - 76° 37.5347' W on the north shore of Lower Spring Creek; running easterly to a point 35° 19.8667' N - 76° 35.9333' W on Fulford Point;
- L. **Bay River** – west of a line beginning at a point 35° 11.0333' N - 76° 31.5666' W on Bay Point; running southerly to a point 35° 09.0333' N - 76° 32.1500' W on Maw Point;
- M. **Adams Creek** – south of a line beginning at a point 34° 57.3104' N - 76° 41.1292' W on the north shore of Godfrey Creek; running westerly to a point 34° 57.5226' N - 76° 40.5630' W on the east shore;
- N. **South River** – southeast of a line beginning at a point 34° 58.6524' N - 76° 35.4240' W; running northeasterly to a point 34° 59.1936' N - 76° 34.7657' W on the west shore of Horton Bay;
- O. **West Bay** – south of a line beginning at a point 35° 01.5700' N - 76° 25.2850' W on New Stump Point; running westerly to a point 35° 01.8982' N - 76° 21.7135' W on Point of Grass;

III. GENERAL INFORMATION

- A. This proclamation is issued under the authority of N.C. General Statutes 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 03K .0201.
- B. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 3H .0103 it is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under their delegated authority.
- C. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0102 prohibits the taking of oysters with rakes more than twelve (12) inches wide or weighing more than six (6) pounds.
- D. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0207 exempts permitted aquaculture operations from bag and size limit restrictions.
- E. In accordance with N.C. Marine Fisheries Commission Rule 03K .0106 it is unlawful to take oysters between the hours of sunset and sunrise on any day.
- F. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0202 it is unlawful to possess oysters with accumulated dead shell, accumulated oyster cultch material, a shell length less than three (3) inches, or any combination thereof that exceeds a five (5) percent tolerance limit by volume.
- G. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0205 it is unlawful for shellfish lease or franchise holders or their designees to take or possess oysters from public bottom while possessing aboard a vessel oysters taken from shellfish leases or franchises.
- H. N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0209 prohibits the taking of oysters from oyster sanctuaries designated in N.C. Marine Fisheries Commission Rule 15A NCAC 03R .0117.
- I. In accordance with Shellfish Temperature and Sanitation Controls Proclamation SS-1-2022 (<https://files.nc.gov/deq/documents/2022-04/SS-1-2022%20TimeTempControls.pdf?VersionId=WFH2HebuyHndxO2tkyQv18XIMu2ofmi3>):
1. It is unlawful to possess oysters or 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

oysters. The time of the start of harvest shall be the time when the first oyster is initially removed from the water.

2. It is unlawful for harvesters to fail to deliver oysters harvested from Coastal Fishing Waters to a licensed shellfish dealer **within 12 hours of the time of the start of harvest.**
- J. **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. Visit the online Shellfish Sanitation Temporary Closure Public Viewer at <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=5759aa19d7484a3b82a8e440fba643aa>.**
- K. 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.
- L. The intent of this proclamation is to continue to open the season to the harvest of oysters by hand and hand operated implements only in Internal Coastal Waters and reflects harvest limits by license type in accordance with the N.C. Oyster Fishery Management Plan Amendment 4.
- 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 <https://deq.nc.gov/about/divisions/marine-fisheries>
- N. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0201, this proclamation opens the season for harvest of oysters by hand methods in Internal Coastal Waters.
- O. **This proclamation opens the season for harvest of oysters by hand methods in Internal Coastal Waters and reflects harvest limits by license type in accordance with the N.C. Oyster Fishery Management Plan Amendment 4. The harvest of oysters by hand methods in Internal Coastal Waters will close on March 31, 2023 in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03K .0201, unless closed sooner by proclamation.**

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

October 4, 2022
2:20 P.M.