



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

## PROCLAMATION

### RE: SHELLFISH POLLUTED AREA

Kathy B. Rawls, Director, Division of Marine Fisheries, upon the recommendation of Betsey Tilson, M.D., M.P.H., State Health Director, Department of Health and Human Services, hereby announces that the following changes in shellfish harvesting areas will take effect at sunrise, Saturday, September 30, 2023.

All those waters in New Hanover, Pender, and Carteret Counties will return to the status in existence immediately prior to the September 23, 2023 temporary closures, **except the following which remain closed:**

### NEW HANOVER / PENDER / CARTERET COUNTIES

**All those waters** bordered on the northeast by a line beginning at a point 34°15.0803' N - 77°47.0404' W on the mainland near Howe Point, running southeasterly through Marker "121" and following the northern shore of Masons Creek to the southern tip of Figure Eight Island, and bordered on the southwest by the Wrightsville Beach Bridge, to include a portion of Middle Sound and Masons Inlet.

**All those waters from the Intracoastal Waterway to the mainland** between the Surf City Bridge and IWW Marker "98A" (34° 21.3210' N - 77° 40.8610' W) near Forest Sound Marina, to include the Intracoastal Waterway, a portion of Topsail Sound, Old Topsail Creek, Virginia Creek, and Beckys Creek.

**All those waters** bordered on the northeast by a line beginning at a point 34° 42.5733' N - 76° 57.3713' W on the mainland, running southerly near IWW Beacon "29" and the eastern tip of Wood Island to a point on Emerald Isle at 34° 40.7397' N - 76° 56.8821' W, and bordered on the southwest by IWW Beacon "65A" (34° 32.7006' N - 77° 19.0487' W), to include Salliers Bay, Freeman Creek, Bear Creek, Queens Creek, White Oak River, Deer Creek, Hunting Island Bay, Goose Creek, Sanders Creek, and a portion of Bogue Sound.

**All those waters from the Intracoastal Waterway to the mainland** in Bogue Sound between the Atlantic Beach Bridge and IWW Marker "8", to include the Intracoastal Waterway.

**Bogue Sound - All those waters** near Hoop Pole Creek bounded by a line beginning at a point 34° 42.1460' N - 76° 45.4929' W near the water tower on Atlantic Beach; running northerly to a point 34° 42.4289' N - 76° 45.4854' W on the gazebo island near the Cottages at Bay Ridge; thence running westerly to a point 34° 42.4653' N - 76° 47.4495' W in Bogue Sound; thence running southerly to a point 34° 42.2519' N - 76° 47.4558' W on Pine Knoll Shores near the Country Club of the Crystal Coast.

**Newport River – All those waters in Newport River** upstream of the Highway 70 High Rise Bridge and the Morehead-Beaufort Causeway, to include all tributaries and Core Creek.

**North River - All those waters in North River** upstream of a straight line beginning at a point 34° 42.1302' N - 76° 36.0815' W at the permanent closure line near Beacon "5"; running northeasterly to a point 34° 43.2724' N - 76° 34.5238' W on the mainland at the Harker's Island Bridge at The Straits.

**Whitehurst Creek – All those waters in Whitehurst Creek** upstream of a straight line across the mouth, beginning at a point 34° 43.5146' N - 76° 33.3428' W on the west shore; running easterly to a point 34° 43.5511' N - 76° 33.1664' W on the east shore.

**Sleepy Creek – All those waters in Sleepy Creek** upstream of a straight line across the mouth, beginning at a point 34° 43.2745' N - 76° 31.4600' W on the west shore; running easterly to a point 34° 43.2672' N - 76° 31.2792' W on the east shore.

**Jarrett Bay - All those waters in Jarrett Bay** upstream of a line beginning at a point 34° 45.9213' N - 76° 29.2047' W on the east shore of Spit Bay; thence in a straight line to a point 34° 45.7944' N - 76° 29.3623' W at the northern tip of Davis Island; thence in a straight line to a point 34° 45.5281' N - 76° 30.1032' W at the “Chimney” near Jump Run Creek.

**Oyster Creek - All those waters in Oyster Creek** upstream of a straight line across the mouth, beginning at a point 34° 48.8185' N - 76° 26.9761' W on the west shore; running northeasterly to a point 34° 48.9768' N - 76° 26.6340' W on the east shore.

**Brett Bay - All those waters in Brett Bay** upstream of a straight line from Piney Point to King Point.

**Nelson Bay - All those waters in Nelson Bay** upstream of a line from Drum Point to the northern tip of Fulchers Creek.

**The following also remains closed:**

#### **BRUNSWICK / ONSLOW / PAMLICO COUNTIES**

**All those waters** between the permanent closure line near IWW Marker “89” in Ocean Isle, and the South Carolina State Line, to include the Tubbs Inlet area.

**Lockwoods Folly River - All those waters** north of a line beginning at a point 33° 55.5678' N - 78° 13.8043' W on the south shore of Spring Creek near the mouth; running easterly to a point 33° 55.4621' N - 78° 13.1714' W near the northern tip of Sheep Island; thence running southeasterly to a point 33° 55.2284' N - 78° 12.7791' W near the northwest point of Horse Island, to include a portion of the Intracoastal Waterway north of Horse and Sheep Islands.

**All those waters** in Stump Sound bordered on the north by the North Topsail High Rise Bridge; and bordered on the south by a line beginning at a point 34° 28.2180' N - 77° 30.5521' W on the mainland near Morris Landing, running southeasterly near Beacon “49” to a point on Topsail Island at 34° 27.273' N - 77° 29.937' W.

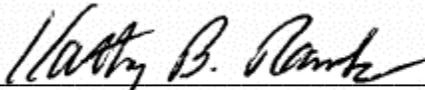
**All those waters** bordered on the northeast by a line beginning at a point 34° 42.5733' N - 76° 57.3713' W on the mainland, running southerly near IWW Beacon “29” and the eastern tip of Wood Island to a point on Emerald Isle at 34° 40.7397' N - 76° 56.8821' W, and bordered on the southwest by IWW Beacon “65A” (34° 32.7006' N - 77° 19.0487' W), to include Salliers Bay, Freeman Creek, Bear Creek, Queens Creek, White Oak River, Deer Creek, Hunting Island Bay, Goose Creek, Sanders Creek, and a portion of Bogue Sound.

**Bay River - All those waters in Bay River** bordered on the northwest by a line running across the Intracoastal Waterway from a point 35° 13.2876' N - 76° 35.5883' W to a point 35° 13.2846' N - 76° 35.4993' W; and bordered on the east by a line running from Bay Point to Maw Point.

#### **GENERAL INFORMATION:**

- A. This proclamation is issued under the authority of N.C.G.S. 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 .0101.
- B. It is unlawful to violate the provisions of any proclamation issued by the N.C. Fisheries Director under their delegated authority pursuant to N.C. Marine Fisheries Commission Rule 15A NCAC 03H .0103.

- 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. This proclamation returns the following areas to normal closure boundaries: A portion of Middle Sound, Pages Creek, a portion of Topsail Sound, a portion of Bogue Sound, and Tar Landing Bay.
- E. These openings are due to satisfactory bacteriological sampling results.

BY:   
Kathy B. Rawls, Director  
DIVISION OF MARINE FISHERIES, DEQ

September 29, 2023  
11:30 A.M.  
PA-92-2023