



ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

JOHN G. BATHERSON  
*Acting Director*

**FF-17-2021**

## **PROCLAMATION**

### **RE: SPANISH AND KING MACKEREL – COMMERCIAL SPANISH MACKEREL – OPEN HARVEST**

**This proclamation supersedes FF-31-2020 dated July 20, 2020. It opens the commercial Spanish mackerel fishery in North Carolina Coastal Fishing Waters.**

John G. Batherson, Acting Director, Division of Marine Fisheries, hereby announces that effective **at 12:01 A.M., Monday, March 1, 2021**, the following restrictions will apply to the Spanish and king mackerel fisheries:

#### **I. SPANISH MACKEREL**

- A. The Spanish mackerel commercial fishery for North Carolina Coastal Fishing Waters **will open at 12:01 A.M., Monday, March 1, 2021.**
- B. N.C. Marine Fisheries Commission Rule 15A NCAC 03M .0301 regarding Spanish and king mackerel remains in effect.

#### **II. KING MACKEREL**

- A. It is unlawful to sell or offer for sale king mackerel harvested by hook-and-line in a commercial fishing operation without a valid Federal Commercial King Mackerel Permit.
- B. It is unlawful for charter vessels or headboats with both a valid Federal Atlantic Charter/Headboat Coastal Migratory Pelagics Permit and a valid Federal Commercial King Mackerel Permit to sell or offer for sale king mackerel harvested when fishing with more than three persons (including captain and mate) onboard.
- C. It is unlawful to sell or offer for sale king mackerel harvested or possessed under the recreational bag limits unless the vessel owner has been issued a valid Federal Commercial King Mackerel Permit.
- D. It is unlawful to sell or offer for sale king mackerel taken with gill nets in the Atlantic Ocean south of **Cape Lookout (34° 37.3000' N. lat), except in accordance with II. F. listed below.**
- E. It is unlawful to purchase king mackerel harvested from the Atlantic Ocean by hook-and-line from a vessel that does not have a valid Federal Commercial King Mackerel Permit.
- F. **It is unlawful for vessels with both a valid Federal Commercial Directed Shark Permit and a valid Federal King Mackerel Permit, when engaged in directed shark fishing with gill nets south of Cape Lookout (34° 37.3000' N. lat), to possess and sell more than three (3) king mackerel per crew member.**

### III. RECREATIONAL TOURNAMENT SALES

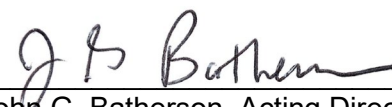
King and Spanish mackerel harvested as part of a licensed recreational fishing tournament may be sold in accordance with N.C.G.S. 113-168.4(c) and N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0102.

### IV. 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, 03M .0301 and 03M .0512.
- 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. The intent of this proclamation is to allow harvest of Spanish and king mackerel in compliance with the Atlantic States Marine Fisheries Commission Spanish Mackerel Fishery Management Plan.
- D. The Gulf of Mexico and South Atlantic Fishery Management Councils approved Amendment 20A to the Fishery Management Plan for Coastal Migratory Pelagics prohibiting the sale of king and Spanish mackerel caught under the bag limit without a valid federal commercial permit. This prohibition on sale also applies to charter vessels and headboats that hold both valid federal charter/headboat and commercial permits, when operating as a charter. An exemption was made to allow sale of fish from state-permitted recreational fishing tournaments that donate all money from the sale to charity. The amendment also eliminates the income qualification requirements for Commercial King and Spanish Mackerel Permits. The amendment and final rule implementing the regulations is located at:  
[http://sero.nmfs.noaa.gov/sustainable\\_fisheries/gulf\\_sa/cmp/2014/am20a/index.html](http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/cmp/2014/am20a/index.html).
- E. The Gulf of Mexico and South Atlantic Fishery Management Councils approved Amendment 26 to the Fishery Management Plan for Coastal Migratory Pelagics that allows for limited retention and sale of king mackerel caught incidental to directed commercial shark fishing with gill nets by vessels that hold both valid federal Commercial Directed Shark and Commercial King Mackerel Permits. **This exemption only applies to directed shark fishing activities south of Cape Lookout, where gill nets are not an allowable gear in the king mackerel fishery. North of Cape Lookout, gill nets are a legal gear in the commercial king mackerel fishery (see 50 CFR §622.375(a)(1)(i)).** The amendment and final rule implementing the regulations is located at:  
[http://sero.nmfs.noaa.gov/sustainable\\_fisheries/gulf\\_sa/cmp/2016/am%2026/index.html](http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/cmp/2016/am%2026/index.html).
- F. The Gulf of Mexico and South Atlantic Fishery Management Councils approved Framework Amendment 5 to the Fishery Management Plan for Coastal Migratory Pelagics that removes the prohibition that a person aboard a vessel with a Federal Commercial King Mackerel Permit or Spanish Mackerel Permit may not fish for or retain king or Spanish mackerel under the recreational bag limits when the commercial season for either species is closed. It allows commercial fishermen to retain the recreational bag limit of these fish after the commercial season is closed and when the recreational season is open, however, purchase or sale of such fish retained under these limits is not allowed (see 50 CFR §622.384(e) and 622.386). The amendment and rule implementing the regulations can be found at:

[http://sero.nmfs.noaa.gov/sustainable\\_fisheries/gulf\\_sa/cmp/2017/framework\\_am5/index.html](http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/cmp/2017/framework_am5/index.html).

- G. **The provisions of N.C. Marine Fisheries Commission Rule 15A NCAC 03M .0301 remain in effect.**
- H. Vessels holding both a valid National Marine Fisheries Service Atlantic Charter/Headboat Coastal Migratory Pelagics Permit and either a valid National Marine Fisheries Service Commercial Spanish Mackerel Permit OR Commercial King Mackerel Permit are considered to be operating as a charter boat/headboat when fishing with more than three persons (including captain and mate) onboard (see 50 CFR § 622.2).
- I. Provisions for individuals onboard a charter or headboat to possess multiple daily bag limits may be found at 50 CFR §622.382(2) and state that a person who is on a trip that spans more than 24 hours may possess no more than two daily bag limits, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.
- J. The federal Exclusive Economic Zone (EEZ) is defined as waters of the Atlantic Ocean from three to 200 miles seaward of the shoreline.
- 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. 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).
- M. **This proclamation supersedes FF-31-2020 dated July 20, 2020. It opens the commercial Spanish mackerel fishery in North Carolina Coastal Fishing Waters.**

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

February 26, 2021  
1:20 P.M.