



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

FF-49-2022

PROCLAMATION

RE: FLOUNDER – COMMERCIAL PURPOSES- INTERNAL COASTAL WATERS AND ATLANTIC OCEAN WATERS (GEAR AND AREA SPECIFIC) – CLOSES THE POUND NET SOUTHERN MANAGEMENT AREA, ESTABLISHES A 250-POUND TRIP LIMIT FOR THE POUND NET NORTHERN AREA, ESTABLISHES A 2,000-POUND TRIP LIMIT FOR THE POUND NET CENTRAL MANAGEMENT AREA, AND MAINTAINS THE OPENING OF THE MOBILE GEAR NORTHERN AND SOUTHERN MANAGEMENT AREAS TO THE USE OF GIGS AND HOOK AND LINE

This proclamation supersedes Proclamation FF-48-2022, dated September 30, 2022. It closes the Pound Net Southern Management Area, establishes a 250-pound trip limit in the Pound Net Northern, establishes a 2,000-pound trip limit in the Pound Net Central Management Area while maintaining the season, size, and gear restrictions for the Pound Net Northern and Central Management Areas; flounder pound nets in the Pound Net Southern Management Area must be rendered inoperable. It maintains the opening of the commercial flounder season for the Mobile Gear Northern and Southern Management Areas to gigs and hook and line only with a 50-fish per person per day limit and maintains the closure to all other mobile gears. If the division determines quota is available for additional harvest days further proclamations will be released. This action is being taken to comply with the requirements of Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and maintain harvest within the total allowable landings (TAL).

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at 5:00 P.M. Wednesday October 5, 2022, the following restrictions will apply to the taking of flounder for commercial purposes in Internal Coastal Waters and Atlantic Ocean Waters (Section III. ONLY):

- I. **MOBILE GEAR DEFINITION, SEASON AND MANAGEMENT AREA DESCRIPTIONS (See Maps)**
 - A. **Definition:** Mobile gears are inclusive of all gears that may land estuarine flounder with the exception of pound nets.
 - B. **Mobile Gear Northern Management Area:** encompasses all Internal Coastal Waters from the North Carolina/Virginia border south to the Incidental Take Permit Management Unit B-D boundary line in Core Sound 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".
 1. **Effective 6:00 P.M. Sunday, October 9, 2022, it shall be unlawful to take flounder from any mobile gear other than gig and hook and line from the Internal Coastal Waters of the Mobile Gear Northern Management Area.**
 2. **The harvest period will close by proclamation when the TAL is approached, or at 6:00 A.M. on Thursday, October 13, 2022, whichever occurs first to maintain harvest within the landings sub-allocation for the Mobile Gear Northern Management Area.**

3. Effective at 6:00 P.M. on Sunday, October 9, 2022, it shall be unlawful for persons participating in a commercial fishing operation employing gigs or hook and line in Internal Coastal Waters of the Mobile Gear Northern Management Area to possess or land more than 50-flounder per day.
4. It is unlawful for a commercial fishing operation consisting of more than one RSCFL/SCFL holder to be in possession of more than 100-flounder.
5. Effective 6:00 P.M. on Friday, October 9, 2022, it shall be unlawful for dealers to purchase more than 50-flounder a day from a person participating in the commercial fishing operation employing gig or hook and line from Internal Coastal Waters of the Mobile Gear Northern Management Area.

C. **Mobile Gear Southern Management Area:** encompasses all Internal Coastal Waters from the line described above in Section I. B. south to the North Carolina/South Carolina border.

1. Effective 6:00 P.M. Sunday, October 9, 2022, it shall be unlawful to take flounder from any mobile gear other than gig and hook and line from the Internal Coastal Waters of the Mobile Gear Southern Management Area.
2. The harvest period will close by proclamation when the TAL is approached, or at 6:00 A.M. on Thursday, October 13, 2022, whichever occurs first to maintain harvest within the landings sub-allocation for the Mobile Gear Southern Management Area.
3. Effective at 6:00 P.M. on Sunday, October 9, 2022, it shall be unlawful for persons participating in a commercial fishing operation employing gigs or hook and line in Internal Coastal Waters of the Mobile Gear Southern Management Area to possess or land more than 50-flounder per day.
4. It is unlawful for a commercial fishing operation consisting of more than one RSCFL/SCFL holder to be in possession of more than 100-flounder.
5. Effective 6:00 P.M. on Friday, October 9, 2022, it shall be unlawful for dealers to purchase more than 50-flounder a day from a person participating in the commercial fishing operation employing gig or hook and line from Internal Coastal Waters of the Mobile Gear Southern Management Area.

II. **POUND NET SEASON OPENING DATES, MANAGEMENT AREA DESCRIPTIONS, AND LIMITS (See Maps)**

A. **Pound Net Northern Management Area:** encompasses all Internal Coastal Waters from the North Carolina/Virginia border south to a line extending across the 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 mainland Dare County shore at Point Peter Canal: this area includes Albemarle, Currituck, Roanoke, and Croatan sounds and their associated rivers or waters.

1. The flounder harvest period for the Pound Net Northern Management Area opened on Thursday, September 15, 2022.
2. Effective at 12:01 A.M, Friday October 7, 2022, it is unlawful for persons participating in a commercial fishing operation employing pound nets in Internal Coastal Waters of the Pound Net Northern Management Area

- to possess or land more than 250-pounds of flounder per day.
3. Effective at 12:01 A.M, Friday October 7, 2022, it is unlawful for a commercial fishing operation consisting of more than one RSCFL/SCFL holder to be in possession of more than 500-pounds of flounder.
 4. Effective at 12:01 A.M, Friday October 7, 2022, it is unlawful for dealers to purchase more than 250-pounds of flounder a day from a person participating in a commercial fishing operation employing pound nets in Internal Coastal Waters of the Pound Net Northern Management Area.
 5. The harvest period will close by proclamation to maintain harvest within the landings sub-allocation for the Pound Net Northern Management Area when the TAL is approached.
- B. **Pound Net Central Management Area:** encompasses all Internal Coastal Waters from the line described in Section II. A. south to a line starting at a point on Portsmouth Island 35° 00.0765' N – 76° 07.4123' W running westerly to Cedar Island Ferry following the shoreline to a point at Cedar Island Ferry landing 35° 01.1349' N – 76° 18.7599' W following Highway 12 to the intersection of Highway 70 to the Core Creek bridge; this area includes Pamlico Sound and the Tar-Pamlico, Neuse, Pungo, and Bay rivers and their tributaries.
1. The flounder harvest period for the Pound Net Central Management Area opened on, Saturday, October 1, 2022.
 2. Effective at 12:01 A.M, Friday October 7, 2022, it is unlawful for persons participating in a commercial fishing operation employing pound nets in Internal Coastal Waters of the Pound Net Central Management Area to possess or land more than 2,000-pounds of flounder per day.
 3. Effective at 12:01 A.M, Friday October 7, 2022, it is unlawful for a commercial fishing operation consisting of more than one RSCFL/SCFL holder to be in possession of more than 4,000-pounds of flounder.
 4. Effective at 12:01 A.M, Friday October 7, 2022, it is unlawful for dealers to purchase more than 2,000-pounds of flounder a day from a person participating in a commercial fishing operation employing pound nets in Internal Coastal Waters of the Pound Net Central Management Area.
 5. The harvest period will close by proclamation to maintain harvest within the landings sub-allocation for the Pound Net Central Management Area when the TAL is approached.
- C. **Pound Net Southern Management Area:** encompasses all Internal Coastal Waters from the line described above in Section II. B. south to the North Carolina/South Carolina border.
1. Effective at 6 P.M, Thursday, October 6, 2022, it shall be unlawful to take flounder by pound nets from the Internal Coastal Waters of the Pound Net Southern Management Area.
 2. Effective at 6 P.M., Thursday, October 6, 2022, it shall be unlawful to fail to render Flounder Pound Net sets inoperable, by dropping a corner to each holding pen or dropping the tunnels, during the closed flounder season in the Pound Net Southern Management Area in accordance with 15A NCAC 03J .0505 (a)(3).
 3. Effective at 6 P.M., Thursday, October 6, 2022, it shall be unlawful for dealers to purchase flounder taken by pound nets from the Internal Coastal Waters of the Pound Net Southern Management Area.

III. Atlantic Ocean Waters

It is unlawful to possess flounder taken in a commercial fishing operation from the Atlantic Ocean if taken by any other method than trawl and in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03M .0503.

IV. MINIMUM SIZE LIMIT

It is unlawful to possess flounder less than 15 inches total length in Internal Coastal Waters.

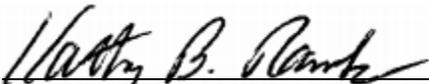
V. GEAR RESTRICTIONS

It is unlawful to use any puncturing devices, such as fish picks, gigs, or spears to retrieve or cull flounder taken from pound nets.

VI. GENERAL INFORMATION

- A. This proclamation is issued under the authority of N.C.G.S. 113-134; 113-134.1; 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 03J .0505, 03M .0503, and 03M .0512.
- B. It is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under their delegated authority pursuant to N.C. Marine Fisheries Rule 15A NCAC 03H .0103.
- C. The intent of this proclamation is to manage the commercial flounder fishery in accordance with Amendment 3 to the N.C. Southern Flounder Fishery Management Plan. Amendment 3 implements a total allowable landings (TAL) of 372,646 pounds for the 2022 commercial fishery that is divided into different sub-allocations based on gear category and management area combinations. For mobile gears, the northern TAL is 123,879 lb. and the southern TAL is 62,309 lb. For the pound nets, the northern TAL is 39,700 lb., the central TAL is 121,756 lb., and the southern TAL is 25,002 lb.
- D. **In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03J .0505 (a)(3) it is unlawful to fail to render a flounder pound net set inoperable during the closed flounder season.**
- E. See additional regulations on flounder from the Atlantic Ocean in N.C. Marine Fisheries Commission Rule 15A NCAC 03M .0503.
- F. For additional restrictions on gill nets please refer to M-type gill net proclamations issued for specific management areas.
- G. In accordance with M-34-2015, it is unlawful to use flounder pound net sets without four unobstructed escape panels in each pound. The escape panels shall be fastened to the bottom and corner ropes on each wall on the side and back of the pound opposite the heart. The escape panels shall be a minimum mesh size 5 ¾ inches, hung on the diamond, and shall be at least six meshes high and eight meshes long.
- H. **Proclamation M-14-2022, dated July 8, 2022, establishes the requirement for any fish dealer to possess, purchase, sell or offer for sale flounder taken from Internal Coastal Waters during open seasons they must possess an Estuarine Flounder Dealer Permit.**
- I. 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.
- J. 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.
- K. **This proclamation supersedes Proclamation FF-48-2022, dated September 30, 2022. It closes the Pound Net Southern Management Area, establishes a 250-pound trip limit in the Pound Net Northern, establishes a 2,000-pound trip limit**

in the Pound Net Central Management Area while maintaining the season, size, and gear restrictions for the Pound Net Northern and Central Management Areas; flounder pound nets in the Pound Net Southern Management Area must be rendered inoperable. It maintains the opening of the commercial flounder season for the Mobile Gear Northern and Southern Management Areas to gigs and hook and line only with a 50-fish per person per day limit and maintains the closure to all other mobile gears. If the division determines quota is available for additional harvest days further proclamations will be released. This action is being taken to comply with the requirements of Amendment 3 to the N.C. Southern Flounder Fishery Management Plan and maintain harvest within the total allowable landings (TAL).

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

October 5, 2022
1:15 P.M.