



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

FF-51-2022

PROCLAMATION

RE: KING MACKEREL – COMMERCIAL AND RECREATIONAL - COASTAL FISHING WATERS

This proclamation supersedes proclamation FF-28-2022 dated April 14, 2022. It updates the language in Section II. GEAR RESTRICTIONS and Section IV. DEALER REQUIREMENTS to allow for the sale king mackerel in the commercial gill net fishery in North Carolina Coastal Fishing Waters north of Cape Lookout only. This proclamation maintains all other management measures for the commercial and recreational harvest of king mackerel in N.C. Coastal Fishing Waters in compliance with the South Atlantic Fishery Management Council's Coastal Migratory Pelagics Fishery Management Plan.

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective **at 12:01 A.M., Monday, October 10, 2022**, the following restrictions shall apply to the king mackerel fisheries in Coastal Fishing Waters:

I. SIZE LIMIT

It is unlawful to possess king mackerel less than 24 inches fork length in a commercial operation or for recreational purposes.

II. GEAR RESTRICTIONS

- A. It is unlawful to possess more than three (3) king mackerel per person per day when fishing with gear other than automatic reel, bandit gear, handline, and rod and reel south of Cape Lookout (34° 37.3000' N. latitude).
- B. **It is unlawful to sell or offer for sale king mackerel harvested by hook-and-line in a commercial fishing operation without a valid National Marine Fisheries Service Commercial King Mackerel Permit.**
- C. 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. latitude), except in accordance with Section II. D. listed below.
- D. It is unlawful to possess or sell more than three (3) king mackerel per crew member when fishing from a vessel with both a valid Federal Commercial Directed Shark Permit and a valid King Mackerel Permit when engaged in a directed shark fishing with gill nets south of Cape Lookout (34° 37.3000' N. latitude).

III. COMMERCIAL HARVEST LIMITS

- A. It is unlawful to possess more than three (3) king mackerel per person per day by hook and line except for persons holding a valid National Marine Fisheries Service King Mackerel Commercial Vessel Permit.
- B. It is unlawful to possess aboard or land from a vessel, or combination of vessels that form a single operation, more than 3,500 pounds of Spanish or king mackerel, in the aggregate, in any one day.

IV. DEALER REQUIREMENTS

It is unlawful to purchase king mackerel taken from waters under the jurisdiction of the South Atlantic Fishery Management Council without a valid Federal Gulf and South Atlantic Dealer Permit.

V. FOR-HIRE VESSEL (While engaged in a For-Hire Vessel operation as defined by G.S. 113-174) HARVEST LIMITS

- A. Charter vessels or head boats that hold a valid National Marine Fisheries Service Coastal Migratory Pelagic (Charter Boat and Head Boat) permit shall comply with the king mackerel possession limits established in Section VI. when fishing with more than three persons (including the captain and mate) on board.
- B. It is unlawful to sell or offer for sale king mackerel taken from a charter vessel or headboat with both a valid National Marine Fisheries Service Coastal Migratory Pelagic (Charter Boat and Head Boat) and a valid National Marine Fisheries Service King Mackerel Commercial Vessel Permit.

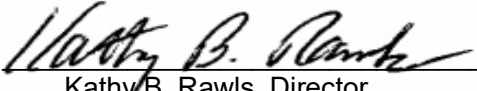
VI. RECREATIONAL HARVEST LIMITS

It is unlawful to possess more than three (3) king mackerel per person per day taken for recreational purposes.

VII. 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 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 Commission Rule 15A NCAC 03H .0103.
- C. The intent of this proclamation is to allow harvest of king mackerel in compliance with the South Atlantic Fishery Management Council Fishery Management Plan for Coastal Migratory Pelagics.
- 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: <https://safmc.net/fishery-management-plans/coastal-migratory-pelagics/>.
- 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: <https://safmc.net/fishery-management-plans/coastal-migratory-pelagics/>.

- 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: <https://safmc.net/fishery-management-plans/coastal-migratory-pelagics/>.
- G. 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).
- H. 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.
- I. The federal Exclusive Economic Zone (EEZ) is defined as waters of the Atlantic Ocean from three to 200 miles seaward of the shoreline.
- J. King 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.
- 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.
- M. **This proclamation supersedes proclamation FF-28-2022 dated April 14, 2022. It updates the language in Section II. GEAR RESTRICTIONS and Section IV. DEALER REQUIREMENTS to allow for the sale of king mackerel in the commercial gill net fishery in North Carolina Coastal Fishing Waters north of Cape Lookout only. This proclamation maintains all other management measures for the commercial and recreational harvest of king mackerel in N.C. Coastal Fishing Waters in compliance with the South Atlantic Fishery Management Council's Coastal Migratory Pelagics Fishery Management Plan.**

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

October 7, 2022
12:15 P.M.