



ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

KATHY B. RAWLS  
Director

**FF-3-2023(REVISED)**

**PROCLAMATION**

**RE: SHARK – COMMERCIAL AND RECREATIONAL HARVEST – OPENING DATE AND HARVEST RESTRICTIONS**

**This proclamation revises proclamation FF-63-2023, dated December 9, 2022, and corrects the proclamation number only. This proclamation supersedes proclamation FF-41-2022, dated July 8, 2022. This proclamation sets the opening date and harvest restrictions for the 2023 Atlantic coastal shark fishery. Please see the following NOAA Rule for more information: [https://www.federalregister.gov/documents/2022/11/14/2022-24643/atlantic-highly-migratory-species-2023-atlantic-shark-commercial-fishing-year?utm\\_medium=email&utm\\_source=govdelivery](https://www.federalregister.gov/documents/2022/11/14/2022-24643/atlantic-highly-migratory-species-2023-atlantic-shark-commercial-fishing-year?utm_medium=email&utm_source=govdelivery)**

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M., Sunday, January 1, 2023**, the harvest of sharks taken in N.C. Coastal Fishing Waters is restricted as follows:

**I. COMMERCIAL HARVEST RESTRICTIONS:**

**A. ALLOWABLE SPECIES, SEASONS AND STATUS OF THE 2023 SEASONS:**

It is unlawful to possess sharks taken for commercial purposes except during open seasons established by this proclamation. Open seasons in North Carolina waters shall be the same as open seasons established by NOAA Fisheries for federal waters and followed by the Atlantic States Marine Fisheries Commission (ASMFC) in state waters. These open seasons are dependent on adherence to established quotas. The allowable shark species groups and commercial fishing seasons are defined herein as:

SPECIES GROUP	SEASONS*	2023 STATUS OF SEASONS
<b>1. AGGREGATED LARGE COASTAL</b>		
Allowable Species: blacktip, silky, spinner, bull, tiger, lemon, nurse, scalloped hammerhead, great hammerhead, smooth hammerhead, and sandbar**	<b>January 1, 2023 - December 31, 2023</b>	Open
<b>2. SMALL COASTAL</b>		
<b>North of 34° 00' N. Latitude</b> Allowable Species: Atlantic sharpnose, bonnethead, and finetooth	<b>January 1, 2023 - December 31, 2023</b>	Open
<b>South of 34° 00' N. Latitude</b> Allowable Species: Atlantic sharpnose, bonnethead, finetooth, and blacknose***	<b>January 1, 2023 - December 31, 2023</b>	Open
<b>3. PELAGIC</b>		
Blue Sharks	<b>January 1, 2023 - December 31, 2023</b>	Open
Porbeagle Sharks	<b>January 1, 2023 - December 31, 2023</b>	Open
Oceanic whitetip, and common thresher sharks	<b>January 1, 2023 - December 31, 2023</b>	Open
<b>4. SMOOTH DOGFISH (SMOOTHBOUND SHARK)</b>	<b>January 1, 2023 - December 31, 2023</b>	Open

\* If annual quotas are reached prior to the end of the season, harvest will be closed by proclamation.

\*\*Sandbar sharks can only be retained by vessels selected to participate in the shark research fishery, subject to the retention limits established by NOAA Fisheries and only when a NOAA Fisheries-approved observer is onboard.

\*\*\*It is unlawful to possess blacknose sharks north of the 34° 00' N. Latitude (approximately at Kure Beach, North Carolina).

**B. SIZE AND CATCH LIMITS:**

1. **Large Coastal:** It is unlawful to possess more than 55 Large Coastal sharks other than sandbar sharks per vessel per trip. There is no minimum size limit on Large Coastal sharks taken for commercial purposes.
2. **Small Coastal:** This group is **exempt** from harvest and size restrictions except for blacknose sharks. It is unlawful to possess blacknose sharks north of the 34° 00' N. Latitude (approximately at Kure Beach, North Carolina). It is unlawful to possess more than 8 blacknose sharks per trip south of the 34° 00' N. Latitude (approximately at Kure Beach, North Carolina).
3. **Pelagic:** This group is **exempt** from harvest and size restrictions.
4. It is unlawful to fail to return all sharks to the water in a manner that ensures the highest likelihood of survival, except when sharks will be legally possessed.
5. It is unlawful to possess any shark [with the exception of smooth dogfish (*Mustelus canis*)] without tail and fins naturally attached to the carcass through the point of landing. Commercial fishermen may eviscerate and remove the head of all shark species, as well as all shark fins of smooth dogfish while at sea provided smooth dogfish make up at least 25 percent, by weight, of the total catch on board at the time of landing. Trips that do not meet the 25 percent catch composition requirement can land smooth dogfish, but the fins must remain naturally attached to the carcass. If fins are removed, the total wet weight of the shark fins may not exceed twelve (12) percent of the total dressed weight of smooth dogfish carcasses landed or found onboard a vessel. Fishermen may retain other sharks on board provided the fins of other shark species remain naturally attached to the carcass through offloading.
6. It is unlawful to possess silky, scalloped hammerhead, great hammerhead, smooth hammerhead and/or oceanic whitetip sharks from a vessel with pelagic longline gear onboard or on vessels issued both a HMS Charter/Headboat permit and a commercial shark permit when tuna, swordfish, or billfish are on board the vessel or being offloaded from the vessel.
7. It is unlawful for a vessel to retain sandbar sharks unless the vessel is selected to participate in the shark research fishery, subject to retention limits established by NOAA Fisheries and only when a NOAA Fisheries-approved observer is onboard.
8. It is unlawful to possess shortfin mako sharks (*Isurus oxyrinchus*) for commercial purposes.

**C. COMMERCIAL RESTRICTIONS:**

1. It is unlawful to use gears **other than** rod and reel, handlines, large and small mesh gill nets, shortlines meeting the criteria in C.2. below, pound nets/fish traps, and trawl nets.
2. For purposes of this proclamation, shortlines shall only be used in state waters to capture sharks if they meet the following criteria. A shortline shall not exceed 500 yards in length nor have more than 50 hooks. Hooks attached to a shortline shall not be corrosion resistant and must be designated by the manufacturer as circle hooks. A vessel shall be limited to a maximum of two (2) shortlines.
3. It is unlawful to sell sharks to anyone who is not a federally permitted shark dealer.
4. It is unlawful to take sharks by using more than 2,734 yards of large mesh gill net (stretched mesh size greater than or equal to 5 inches).

**II. RECREATIONAL SEASON, SIZE AND POSSESSION LIMITS, AND HOOK AND LINE GEAR RESTRICTIONS:**

SPECIES AUTHORIZED FOR RECREATIONAL HARVEST			
Large Coastal Sharks (LCS) (non-ridgeback* LCS & tiger)	Small Coastal Sharks (SCS)	Pelagic Sharks	Other
Blacktip Bull Hammerhead, great** Hammerhead, scalloped** Hammerhead, smooth** Lemon Nurse Spinner Tiger	Atlantic Sharpnose Blacknose Bonnethead Finetooth	Blue Oceanic whitetip** Porbeagle Thresher	Smooth dogfish (smoothhound shark) Spiny dogfish

\*Sharks that do not have an interdorsal ridge.

\*\*Unlawful to possess these sharks while in possession of tunas, billfish or swordfish.

RECREATIONAL SIZE / BAG LIMITS and SEASONS			
Species	Minimum Size (Fork Length) in Inches (")	Trip Bag Limit/Calendar Day	Season
Atlantic sharpnose	None	1 per person of each species	Jan. 1 – Dec. 31
Bonnethead	None		
Hammerheads (Great, Smooth and Scalloped)	78"	1 per vessel *OR 1 per person for shore-anglers**	
Non-Hammerhead Large Coastal Sharks (LCS), Pelagic Sharks, Blacknose and Finetooth	54"		

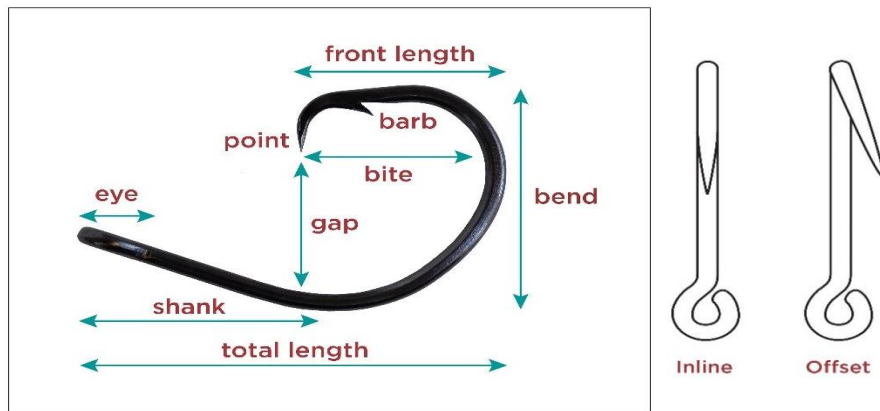
\*For example, the cumulative total recreational catch for a vessel with three (3) fishermen is three (3) Atlantic sharpnose, and (3) bonnethead, and (1) additional shark in the recreationally permitted species list.

\*\*For example, each shore-angler can be in possession of one (1) Atlantic sharpnose, and (1) bonnethead, and (1) additional shark from the recreationally permitted species list.

- A. It is unlawful to possess silky sharks (*Carcharhinus falciformis*) and sandbar (*Carcharhinus plumbeus*) for recreational purposes.
- B. It is unlawful to possess great hammerhead, smooth hammerhead, and scalloped hammerhead sharks less than 78 inches fork length. It is unlawful to possess non-hammerhead Large Coastal Shark species, non-shortfin mako Pelagic Shark species, blacknose sharks, and finetooth sharks less than 54 inches fork length.
- C. Smooth dogfish (smoothhound shark) are exempt from harvest and size restrictions.
- D. Spiny dogfish (*Squalus acanthias*) are exempt from harvest and size restrictions.
- E. Recreational Shore-Angler Possession Limits: It is unlawful for each angler to possess more than one (1) shark from the recreationally permitted species list per person per calendar day. One (1) Atlantic sharpnose and one (1) bonnethead may be possessed per person per calendar day, in addition to the one (1) shark from the recreationally permitted species list.
- F. Recreational Vessel-Fishing Possession Limits: It is unlawful for each angler fishing from a vessel to possess more than one (1) Atlantic sharpnose and one (1) bonnethead per person per calendar day. It is unlawful to possess more than one (1) additional shark from the recreationally permitted species list aboard a vessel, per calendar day, regardless of the number of people on board the vessel.
- G. It is unlawful to fish for or possess sharks (except spiny dogfish) from Coastal Waters for recreational purposes using hook and line gear with natural bait unless using a non-

stainless steel, non-offset circle hook, regardless of tackle or lure configuration. Natural bait is defined as any living or dead organism (animal or plant) or parts thereof. Non-offset circle hook is defined as a hook with the point pointed perpendicularly back towards the shank and the point and barb are in the same plane as the shank. (See Diagrams)

- H. It is unlawful for recreational fishermen to possess any shark without head, tail, and fins intact with the carcass through the point of landing. Anglers may still gut and bleed the carcass provided the tail is not removed. Filleting any shark is prohibited, until that shark is offloaded at the dock or on shore.
- I. It is unlawful to fail to return all sharks to the water in a manner that ensures the highest likelihood of survival, except when sharks will be legally possessed.
- J. It is unlawful for recreational fishermen to catch sharks by any gear other than rod and reel or handlines. Handlines are defined as a mainline with no more than two gangions or hooks attached that are retrieved by hand only.
- K. It is unlawful to possess a great hammerhead, scalloped hammerhead, smooth hammerhead or oceanic whitetip shark while in possession of tunas, billfish or swordfish.
- L. It is unlawful to possess shortfin mako sharks (*Isurus oxyrinchus*) for recreational purposes.



**III. PROHIBITED SPECIES:**

It is unlawful to possess any of the following shark species, regardless of whether fishing recreationally or commercially:

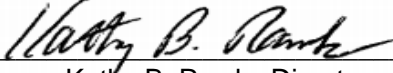
PROHIBITED SPECIES (MUST BE RELEASED)	
Atlantic angel ( <i>Squatina dumerili</i> )	Longfin mako ( <i>Isurus paucus</i> )
Basking ( <i>Cetorhinus maximus</i> )	Narrowtooth ( <i>Carcharhinus brachyurus</i> )
Bigeye sandtiger ( <i>Odontaspis noronhai</i> )	Night ( <i>Carcharhinus signatu</i> )
Bigeye sixgill ( <i>Hexanchus nakamurai</i> )	Sandtiger ( <i>Carcharias taurus</i> )
Bigeye thresher ( <i>Alopias superciliosus</i> )	Sevengill ( <i>Heptranchias perlo</i> )
Bignose ( <i>Carcharhinus altimus</i> )	Shortfin mako ( <i>Isurus oxyrinchus</i> )
Caribbean reef ( <i>Carcharhinus perezii</i> )	Sixgill ( <i>Hexanchus griseus</i> )
Caribbean sharpnose ( <i>Rhizoprionodon porosus</i> )	Smalltail ( <i>Carcharhinus porosus</i> )
Dusky ( <i>Carcharhinus obscurus</i> )	Whale ( <i>Rhincodon typus</i> )
Galapagos ( <i>Carcharhinus galapagensis</i> )	White ( <i>Carcharodon carcharias</i> )

**IV. 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; 113-221.1; 143B-289.52; and N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103, 03J .0103, 03J .0202, 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. Fisheries Commission Rule 15A NCAC 03H .0103.
- C. The federal commercial seasons for sharks are based on quotas. Quota information can be obtained by contacting the NOAA Fisheries Highly Migratory Species Section at 301-427-8503. The website is <https://www.fisheries.noaa.gov/highly-migratory-species>. Although the Aggregated Large Coastal and the Small Coastal groups contain several species, the Large Coastal quota is linked to hammerheads and the Small Coastal quota, south of 34° 00' N. Latitude, is linked to the blacknose, meaning if those particular species' quotas are met, the category will close.
- D. Spiny dogfish commercial seasons and harvest limits are established under the Mid-Atlantic/New England Council Spiny Dogfish Fishery Management Plan or the ASMFC Interstate Spiny Dogfish Fishery Management Plan. Check the most recent Spiny Dogfish proclamation for commercial restrictions. NOAA Fisheries changed the name of smooth dogfish to smoothhound sharks to eliminate confusion that may be caused by having two dogfish species and permits in the future.
- E. **The intent of this proclamation is to implement the ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks. The ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks was adopted in 2008 to complement federal management actions to rebuild depleted stocks and protect healthy stocks from overfishing.**
- F. All gill net restrictions in Internal Coastal Waters pertaining to the Federal Incidental Take (ITP) permits for sea turtles and Atlantic sturgeon are still in effect. Gill nets fished in Atlantic Ocean and Internal Coastal Waters must adhere to N.C. Marine Fisheries Commission Rules 15A NCAC 03J .0202 and 03J .0103, respectively.
- G. From January 1 through July 31, the Mid-Atlantic shark area is closed to the use of bottom longline gear by federally permitted commercial vessels. The closed area is described as the Atlantic Ocean seaward of the inner boundary of the U.S. EEZ at 35° 41' N. lat. just south of Oregon Inlet, North Carolina, and connecting by straight lines the following coordinates in the order stated: 35° 41' N. lat., 75° 25' W. long. proceeding due east to 35° 41' N. lat., 74° 51' W. long.; then proceeding southeast to 35° 30' N. lat., 74° 46' W. long.; then proceeding southwest, roughly following the 55 fathom mark, to 33° 51' N. lat., 76° 24' W. long.; then proceeding due west to intersect the inner boundary of the U.S. EEZ at 33° 51' N. lat., 77° 53' W. long. near Cape Fear, North Carolina.
- H. 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.
- I. 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>.
- J. Educational material related to prohibited shark identification and best practices for safe handling and release of sharks, including from shore, can be found at <https://www.fisheries.noaa.gov/action/amendment-5b-2006-consolidated-hms-fishery-management-plan-atlantic-shark-management>.
- K. Information regarding prohibition of landing or retaining shortfin mako sharks can be found at <https://www.federalregister.gov/documents/2022/07/01/2022-14116/atlantic-highly-migratory-species-shortfin-mako-shark-retention-limit>.
- L. Additional recreational information can be found at in the recreational compliance guide at <https://www.fisheries.noaa.gov/resource/educational-materials/atlantic-highly-migratory-species-recreational-compliance-guide>.
- M. Federal HMS permit holders are responsible for understanding how possession of federal permits may impact their ability to possess, land, and sell sharks. See 50 CFR Part §635.4(a)(10) at [https://www.ecfr.gov/current/title-50/chapter-VI/part-635#p-635.4\(a\)\(10\)](https://www.ecfr.gov/current/title-50/chapter-VI/part-635#p-635.4(a)(10)).

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

December 16, 2022  
1:45 P.M.