



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

**FF-38-2023**

## **PROCLAMATION**

### **RE: SPANISH MACKEREL – COMMERCIAL AND RECREATIONAL – COMMERCIAL HARVEST PERIOD WITH 500 POUND POSSESSION LIMIT**

**This proclamation supersedes FF-15-2023 dated February 23, 2023. It establishes a harvest period for the commercial Spanish mackerel fishery in North Carolina Coastal and Joint Fishing Waters and implements a 500 pound possession limit. The fishery will close by proclamation once the total stock ACL (annual catch limit) is projected to be reached, or 8:00 P.M. November 10, 2023, whichever occurs first. The commercial fishery in federal waters remains closed.**

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective **at 12:01 A.M., Monday, September 25, 2023**, the following restrictions shall apply to the Spanish mackerel fisheries in North Carolina Coastal and Joint Fishing Waters:

#### **I. SIZE LIMIT**

It is unlawful to possess Spanish mackerel less than 12 inches fork length in a commercial operation or for recreational purposes.

#### **II. COMMERCIAL HARVEST LIMITS**

- A. The Spanish mackerel commercial fishery in Federal Waters will close from 12:01 A.M., Monday, September 25, 2023, until March 1, 2024. In North Carolina Coastal and Joint Fishing Waters, the Spanish mackerel commercial fishery will remain open until **8:00 P.M., Friday, November 10, 2023, unless closed earlier by proclamation.**
- B. During the commercial harvest period for North Carolina Coastal and Joint Waters referenced in II.A. above, **it is unlawful to possess aboard or land from a vessel, or combination of vessels that form a single operation, more than 500 pounds of Spanish mackerel in any one day or trip, whichever is more restrictive.**
- C. It is unlawful to sell or offer for sale Spanish mackerel harvested from Federal Waters.
- D. 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.

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

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

Spanish mackerel possession limits established in Section IV. when fishing with more than three persons (including the captain and mate) on board.

**IV. RECREATIONAL HARVEST LIMITS**

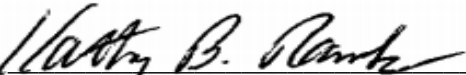
It is unlawful to possess more than 15 Spanish mackerel per person per day taken for recreational purposes.

**V. 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 Spanish mackerel in compliance with the Atlantic States Marine Fisheries Commission Spanish Mackerel Fishery Management Plan and 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. 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).
- F. 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.
- G. The federal Exclusive Economic Zone (EEZ) is defined as waters of the Atlantic Ocean from three to 200 miles seaward of the shoreline.
- H. 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.
- I. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03I .0120 it shall be unlawful to possess or transport through State coastal fishing waters

any species of fish that is subject to State season, size, or harvest restrictions, regardless of whether the species was taken in State or federal waters, unless all fish taken are in compliance with the restrictions for the waterbody or area being fished. If State season, size, or harvest restrictions differ from comparable restrictions pursuant to a fishery management plan adopted by the Atlantic States Marine Fisheries Commission or pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, or if there are no corresponding federal regulations, the State restrictions shall apply during such periods of possession or transportation.

- J. 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.
- K. 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).
- L. **This proclamation supersedes FF-15-2023 dated February 23, 2023. It establishes a harvest period for the commercial Spanish mackerel fishery in North Carolina Coastal and Joint Fishing Waters and implements a 500 pound possession limit. The fishery will close by proclamation once the total stock ACL (annual catch limit) is projected to be reached, or 8:00 P.M. November 10, 2023, whichever occurs first. The fishery in federal waters remains closed.**

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

September 22, 2023  
9:00 A.M.