



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

FF-4-2023

PROCLAMATION

RE: BLACK SEA BASS – COMMERCIAL FISHING OPERATIONS – ATLANTIC OCEAN – NORTH OF CAPE HATTERAS

This proclamation supersedes Proclamation FF-42-2022, dated August 25, 2022. It opens the Atlantic Ocean commercial black sea bass fishery north of Cape Hatteras at 12:01 A.M., Sunday January 1, 2023, and sets the harvest period and offload limits. The fishery will close by proclamation or once 80% of the annual North Carolina quota is reached.

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M., January 1, 2023**, the following restrictions will apply to the Atlantic Ocean commercial black sea bass fishery **north of Cape Hatteras (35° 15.3'N. Latitude:**

I. SIZE LIMIT

It is unlawful to possess black sea bass less than **11 inches total length (excluding the caudal fin filament)** north of Cape Hatteras.

II. HARVEST PERIOD AND LIMITS

- A. **It is unlawful for persons participating in a commercial fishing operation employing fish pots, traps, and/or hook and line gear, regardless of the number of people involved, to possess or land more than 2,000 pounds of black sea bass per trip.**
- B. **It is unlawful for persons participating in a commercial fishing operation employing trawls, regardless of the number of people involved, to offload more than 5,000 pounds of black sea bass per trip.**
- C. **It is unlawful for persons participating in a commercial fishing operation employing any other gear not listed above, regardless of the number of people involved, to possess or land more than 100 pounds of black sea bass per trip.**
- D. **Properly licensed vessel Captains employing trawls can possess landing limits for other states, but it is unlawful to offload those fish in North Carolina.**
- E. **The black sea bass fishery will close by proclamation or once 80% of the quota has been reached.**

III. GEAR RESTRICTIONS

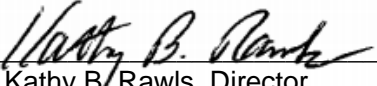
- A. **FISH TRAPS/POTS:** It is unlawful to use black sea bass traps or pots that fail to conform with the Code of Federal Regulations (CFR) rule requirements for escape vents specified in 50 CFR 648.144(b)(2) and for degradable fasteners specified in 50 CFR 648.144(b)(3)(i) and (ii).
- B. **TRAWLS:** It is unlawful for any owner or operator of an otter trawl vessel that is issued a federal black sea bass moratorium permit to possess 500 pounds or more of black sea bass from January 1 through March 31, or more than 100 pounds of black sea bass from April 1 through December 31, unless fishing with nets that have a minimum mesh size of

4.5-inch diamond mesh applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, or for codends with less than 75 meshes, the entire net must have a minimum mesh size of 4.5-inch diamond mesh throughout and all other nets are stowed and not available for immediate use as defined in the CFR (50 CFR 648.2). Rollers used in roller rig or rock hopper trawl gear shall be no larger than 18 inches in diameter.

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; 113-182.1; 113-221.1; 143B-289.52 and N.C. Marine Fisheries Commission Rule 15A NCAC 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. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03I .0101 (e)(3) fish shall be considered landed when the fish reach the shore or structure connected to the shore.
- D. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0503(e)(3), it is unlawful for a fish dealer to purchase or possess more than 100 pounds of black sea bass taken from the Atlantic Ocean north of Cape Hatteras per day per commercial fishing operation during the open season unless the dealer has a valid Black Sea Bass North of Cape Hatteras Dealer Permit.
- E. Permits will be issued only to those licensed fish dealers holding a valid license as authorized in G.S. 113-169.3. Dealers must abide by all conditions of the Black Sea Bass North of Cape Hatteras Dealer Permit as set out in N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0503. Black Sea Bass Dealer Permits are available at no cost from all Division of Marine Fisheries License Offices.
- F. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03I .0113 it is unlawful for any licensee under Chapter 113, Subchapter IV of the N.C. General Statutes to refuse to allow the Fisheries Director or their agents to obtain biological data, harvest information, or other statistical data necessary or useful to the conservation and management of marine and estuarine resources from fish in the licensee's possession.
- G. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0503(e)(1)(A) it is unlawful for dealers to fail to fax or send via electronic mail by noon daily, on forms provided by the Division, the previous day's landings for the permitted fishery to the dealer contact designated on the permit. Landings for Fridays or Saturdays shall be submitted on the following Monday. If the dealer is unable to fax or electronic mail the required information, the permittee shall call in the previous day's landings to the dealer contact designated on the permit but shall maintain a log furnished by the Division.
- H. Federal regulations for Fisheries of the Northeastern United States specify in 50 CFR Part 648.4(a)(7) that "any vessel of the United States that fishes for or retains black sea bass in or from the EEZ north of 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, must have been issued and carry on board a **valid National Marine Fisheries Service Black Sea Bass Moratorium Permit**, except for vessels other than party or charter vessels that observe the 100 pound possession limit established pursuant to §648.145."
- I. The intent of this proclamation is to allow North Carolina to comply with the requirements of the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP) and to manage the commercial black sea bass fishery under the state quota system established by the FMP. North Carolina is operating under a state quota and these trip limits and harvest periods are intended to constrain the harvest to the quota.
- J. Copies of escape vent specifications for black sea bass pots north of Cape Hatteras are available via the CFR posted on the Internet at: <https://www.ecfr.gov/current/title-50/part->

- [648/subpart-i](#) and from the N.C. Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557.
- 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-42-2022, dated August 25, 2022. It opens the Atlantic Ocean commercial black sea bass fishery north of Cape Hatteras at 12:01 A.M., January 1, 2023, and sets the harvest period and offload limits. The fishery will close by proclamation or once 80% of the annual North Carolina quota is reached.**

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

December 16, 2022
3:15 P.M.