



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

**FF-42-2023**

## **PROCLAMATION**

**RE: FLOUNDER – COMMERCIAL - INTERNAL COASTAL AND JOINT FISHING WATERS AND ATLANTIC OCEAN WATERS (GEAR AND AREA SPECIFIC) - CLOSES THE POUND NET NORTHERN MANAGEMENT AREA, MAINTAINS THE TRIP LIMIT FOR THE POUND NET CENTRAL AND SOUTHERN MANAGEMENT AREAS AND MAINTAINS THE OPENING OF THE MOBILE GEAR NORTHERN AND SOUTHERN MANAGEMENT AREAS**

**This proclamation supersedes Proclamation FF-32-2023, dated August 31, 2023. It closes the Pound Net Northern Management Area and maintains the commercial flounder seasons for Internal Coastal and Joint Fishing Waters by Gear Management Area. 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 **6:00 P.M., Thursday, October 5, 2023**, the following restrictions will apply to the taking of flounder for **commercial purposes in Internal Coastal and Joint Fishing Waters and Atlantic Ocean Waters (Section III. ONLY)**:

- I. **MOBILE GEAR DEFINITION, SEASON OPENING DATES, 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 and Joint Fishing Waters from the North Carolina/Virginia border south to the B-D ITP 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. **The flounder harvest period for the Mobile Gear Northern Management Area opened at 12:01 A.M., Tuesday, October 3, 2023.**
    2. **It is unlawful to possess flounder taken from large-mesh gill nets except Tuesday through Thursday each week the harvest period is open. Harvest from all other mobile gear will be allowed seven (7) days a week.**
    3. **The harvest period will close by proclamation to maintain harvest within the landings sub-allocation for the Mobile Gear Northern Management Area when the TAL is approached.**
  - C. **Mobile Gear Southern Management Area:** encompasses all Internal Coastal and Joint Fishing Waters from the line described above in I. B. south to the North Carolina/South Carolina border.
    1. **The flounder harvest period for the Mobile Gear Southern Management Area opened at 12:01 A.M., Tuesday, October 3, 2023.**

2. It is unlawful to possess flounder taken from large-mesh gill nets except Tuesday through Thursday each week the harvest period is open. Harvest from all other mobile gear will be allowed seven (7) days a week.
3. The harvest period will close by proclamation to maintain harvest within the landings sub-allocation for the Mobile Gear Southern Management Area when the TAL is approached.

## II. POUND NET SEASON AND MANAGEMENT AREA DESCRIPTIONS (See Maps)

- A. Pound Net Northern Management Area: encompasses all Internal Coastal and Joint Fishing 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. Effective at 6:00 P.M., Thursday, October 5, 2023, it shall be unlawful to take flounder by pound nets from the Internal Coastal and Joint Fishing Waters of the Pound Net Northern Management Area.
  2. Effective at 6:00 P.M., Thursday, October 5, 2023, 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 Northern Management Area in accordance with 15A NCAC 03J .0505 (a)(3).
  3. Effective at 6:00 P.M., Thursday, October 5, 2023, it shall be unlawful for dealers to purchase flounder taken by pound nets from the Internal Coastal and Joint Fishing Waters of the Pound Net Northern Management Area.
- B. Pound Net Central Management Area: encompasses all Internal Coastal and Joint Fishing Waters from the line described in II. A. south to a line starting at a point on Portsmouth Island 35° 0.0765' N – 76° 7.4123' 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 at 12:01 A.M., Sunday, October 1, 2023.
  2. Effective October 1, 2023 it shall be unlawful for a SCFL/RSCFL holder participating in a commercial fishing operation employing pound nets in Internal Coastal and Joint Fishing Waters of the Pound Net Central Management Area to possess or land more than 2,000-pounds of flounder per day.
  3. It is unlawful for a commercial fishing operation consisting of more than one SCFL/RSCFL holder to be in possession of more than 4,000 pounds of flounder per day.
  4. Effective October 1, 2023 it shall be unlawful for dealers to purchase more than 2,000-pounds of flounder per day from a person participating in a commercial fishing operation employing pound nets in Internal Coastal and Joint Fishing 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 and Joint Fishing Waters from the line described above in II. B. south to the North Carolina/South Carolina border.

1. **The flounder harvest period for the Pound Net Southern Management Area opened at 12:01 A.M., Sunday, October 1, 2023.**
2. **Effective October 1, 2023 it shall be unlawful for a SCFL/RSCFL holder participating in a commercial fishing operation employing pound nets in Internal Coastal and Joint Fishing Waters of the Pound Net Southern Management Area to possess or land more than 500-pounds of flounder per day.**
3. **It is unlawful for a commercial fishing operation consisting of more than one SCFL/RSCFL holder to be in possession of more than 1,000 pounds of flounder per day.**
4. **Effective October 1, 2023 it shall be unlawful for dealers to purchase more than 500-pounds of flounder per day from a person participating in a commercial fishing operation employing pound nets in Internal Coastal and Joint Fishing Waters of the Pound Net Southern Management Area.**
5. **The harvest period will close by proclamation to maintain harvest within the landings sub-allocation for the Pound Net Southern Management Area when the TAL is approached.**

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 and Joint Fishing Waters.

V. **GEAR RESTRICTIONS**

- A. It is unlawful to possess flounder taken from anchored large mesh gill nets with a stretched mesh length less than 6 inches.
- B. For the purpose of this proclamation an anchored large mesh gill net is any gill net in Internal Coastal and Joint Fishing Waters with a stretched mesh length of 4 inches through 6 ½ inches that is anchored by any means at either one or both ends of the net.
- C. It is unlawful to use any puncturing devices, such as fish picks, gigs, or spears to retrieve or cull flounder taken from pound nets.

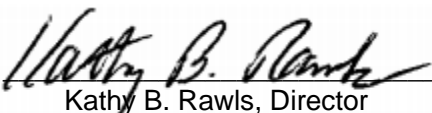
VI. **TRANSPORTATION EXEMPTION**

Commercial fishing operations shall be exempt from the transportation requirement set out in 15A NCAC 03I.0120 when transporting flounder in waterbodies that are closed to harvest. Commercial fishing operations are not exempt when in possession of flounder and fishing in a closed area.

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 Rules 15A NCAC 03H .0103; 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 2023 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 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. Estuarine Flounder Dealer Permits are required for any fish dealer to possess, purchase, sell, or offer for sale flounder taken from Internal Coastal and Joint Fishing Waters. These permits are available at no cost from all Division of Marine Fisheries License Offices. For further information see proclamation M-15-2023.
- 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](http://www.ncmarinefisheries.net).
- K. **This proclamation supersedes Proclamation FF-32-2023, dated August 31, 2023. It closes the Pound Net Northern Management Area and maintains the commercial flounder seasons for Internal Coastal and Joint Fishing Waters by Gear Management Area. 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.**

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

October 4, 2023  
2:30 P.M.