



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

**FF-5-2023**

## **PROCLAMATION**

### **RE: SCUP - COMMERCIAL FISHING OPERATIONS - ATLANTIC OCEAN- NORTH OF CAPE HATTERAS – OPENING OF WINTER I PERIOD**

**This proclamation supersedes Proclamation FF-47-2022, dated September 29, 2022. It sets the harvest period and limits for the commercial scup Winter I harvest period, north of Cape Hatteras. This commercial harvest period will close at 6:00 P.M., Sunday, April 30, 2023, or when the 80% of the quota is reached, whichever occurs first.**

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

#### **I. SIZE AND HARVEST LIMITS**

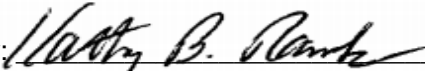
- A. It is unlawful to take, possess, buy, sell or offer for sale scup less than 9 inches total length.
- B. It is unlawful to possess, sell or offer for sale more than **50,000 pounds of scup per trip** during the Winter I commercial harvest period, ending at **6:00 P.M., Sunday, April 30, 2023, or when 80% of the quota is reached, whichever occurs first.**

#### **II. GEAR REQUIREMENTS**

- A. **TRAWLS:** It is unlawful for any owner or operator of an otter trawl vessel that is issued a federal scup moratorium permit to possess more than 1,000 pounds of scup from October 1 through April 14, more than 2,000 pounds of scup from April 15 through June 15, or more than 200 pounds of scup from June 16 through September 30, unless fishing with nets that have a minimum mesh size of 5.0-inch diamond mesh, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, and all other nets are stowed and not available for immediate use as defined in the Federal Code of Regulations (50 CFR 648.2). It is unlawful to use roller rig trawl gear equipped with rollers greater than 18 inches in diameter.
- B. **FISH TRAPS/POTS:** It is unlawful to fish scup traps or pots without degradable fastener made of either untreated hemp, jute, or cotton string 3/16 inches or smaller, magnesium alloy timed float releases or fasteners, or ungalvanized, uncoated iron wire of 0.094 inches or smaller. It is unlawful to fish scup traps or pots without a circular escape vent with a minimum of 3.1 inches in diameter, or a square escape vent with a minimum of 2.25 inches for each side, or an equivalent rectangular escape vent.

III. **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. In accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03I .0101(5)(e) 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 03I .0113 it is unlawful for any license 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.
- E. The intent of this proclamation is to maintain North Carolina's compliance 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.
- F. 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.
- G. Contact the 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 <http://ncmarinefisheries.net/>.
- H. **This proclamation supersedes Proclamation FF-47-2022, dated September 29, 2022. It sets the harvest period and limits for the commercial scup Winter I harvest period, north of Cape Hatteras. This commercial harvest period will close at 6:00 P.M., Sunday, April 30, 2023, or when 80% of the quota is reached, whichever occurs first.**

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

December 16, 2022  
3:20 P.M.