

## PROCLAMATION

### RE: STRIPED BASS SEASON –GILL NETSATLANTIC OCEAN

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M., Tuesday, January 1, 2013** the season for the harvest of striped bass with gill nets in the Atlantic Ocean waters of North Carolina **SHALL OPEN**. The following restrictions shall apply:

#### I. SIZE LIMIT

No person may possess, transport, buy, sell or offer for sale striped bass less than 28 inches total length taken from the Atlantic Ocean.

#### II. HARVEST RESTRICTIONS

- A. It is unlawful to take striped bass with a gill net from the Atlantic Ocean without having an Atlantic Ocean Striped Bass Commercial Gear Permit (AOSBCGP) designated for the gill net fishery.
- B. The quota for the gill net fishery will be 160,160 pounds.
- C. It is unlawful to possess striped bass taken with a gill net from the Atlantic Ocean without having an AOSBCGP designated for the gill net fishery except that possession of striped bass transferred from a properly permitted AOSBCGP gill net operation to AOSBCGP holders for any gear (gill nets, beach seines or trawls) is allowed. Transfers will count against the gill net portion of the quota regardless of the type of AOSBCGP held by the person receiving the transfer.
- D. It is unlawful for an AOSBCGP gill net permit holder to land or sell more than 50 striped bass per calendar day.
- E. It is unlawful for an AOSBCGP gill net permit holder to possess more than 50 striped bass per calendar day unless the striped bass exceeding the limit are being transferred to another holder of an AOSBCGP. These transfers shall take place in the Atlantic Ocean.
- F. For the purpose of this proclamation, a gill net is defined as a net **deployed from and retrieved into a vessel** and set vertically in the water to capture fish by entanglement by the gills in its mesh as a result of net design, construction, mesh size, webbing diameter or method in which it is used.

#### III. LANDING RESTRICTIONS

- A. Striped bass harvested in this fishery may be sold only to and purchased by a currently licensed finfish dealer possessing a valid 2012/2013 **Striped Bass Dealer Permit validated for the Atlantic Ocean**.
- B. It is unlawful for an AOSBCGP holder to fail to accompany each harvest limit of striped bass until the time of sale to a dealer who possesses a valid 2012/2013 Striped Bass Dealer Permit validated for the Atlantic Ocean.

#### IV. DEALER PERMITS

- A. No finfish dealer may possess, buy, sell or offer for sale striped bass taken from the Atlantic Ocean without first obtaining a 2012/2013 STRIPED BASS DEALER PERMIT validated for the **Atlantic Ocean** from the N.C. Division of Marine Fisheries. Dealers must abide by all conditions of the STRIPED BASS DEALER PERMIT and the general permit conditions found in N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0500 *et seq.*
- B. Only a STRIPED BASS DEALER PERMIT validated for the Atlantic Ocean may be used for transactions involving striped bass taken from the area opened by this proclamation.
- C. Striped bass lawfully sold to a permitted dealer may be resold to a non-permitted wholesale or retail market provided the initial permitted dealer records their dealer identification number on each bill of lading or receipts involved in the shipment of striped bass. Any individual or corporation who holds a current finfish dealer license must obtain a STRIPED BASS DEALER PERMIT validated for the Atlantic Ocean in order to sell any striped bass personally harvested.

**V. SALE TAGS**

**No finfish dealer may possess, buy, sell or offer for sale striped bass taken from the Atlantic Ocean without having a North Carolina Division of Marine Fisheries-issued Atlantic Ocean striped bass sale tag affixed through the mouth and gill cover. In the case of striped bass imported from other states, a similar tag that is issued for striped bass in the state of origin must be affixed.**

**VI. SEASON CLOSURE**

The Atlantic Ocean gill net season for striped bass shall close by proclamation when the harvest allocation is reached or 8:00 P.M. on February 14, 2013, whichever occurs first. The February 15 through March 15 gill net closure in the Atlantic Ocean is due to federal harbor porpoise restrictions.

**VII. GENERAL INFORMATION**

- A. This proclamation is issued under the authority of N.C.G.S. 113-170.4; 113-170.5; 113-181; 113-182; 113-221.1; 143B-289.52; and N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103, 03M .0201, 03M.0204, and 03O .0500 *et seq.*
- B. It is unlawful to violate the provisions of any proclamation issued by the Director under his delegated authority pursuant to N.C. Marine Fisheries Commission Rule 15A NCAC 03H .0103.
- C. The intent of this proclamation is to allow the commercial harvest of striped bass from the Atlantic Ocean by traditional gears within the 480,480 pound quota established for the 2012/2013 season by the Atlantic States Marine Fisheries Commission Fishery Management Plan for Striped Bass.
- D. The NMFS Bottlenose Dolphin Take Reduction Plan prohibits the use of gill nets, greater than or equal to 7 inch stretched mesh, at night from December 16 through April 14, unless tie downs are used from the NC/VA border (36° 33' N) to Cape Lookout (34° 35.4'N). Tie downs shall be spaced not more than 15 feet apart along the float line, not more than 48 inches in length from the point where it connects to the float line to the point where it connects to the lead line. Night is any time one hour after sunset and one hour prior to sunrise.
- E. The waters of the Atlantic Ocean, as applicable to this proclamation are defined as waters seaward of the COLREGS Demarcation Lines as indicated on National Ocean Service navigation charts for the areas to which this proclamation applies.
- F. The AOSBCG Permits can be obtained from North Carolina Marine Fisheries License Offices at any time.
- G. All striped bass taken during season closures and all undersized striped bass shall be immediately returned to the waters where taken, regardless of the condition of the fish.
- H. Hook-and-line fishing equipment is not commercial fishing equipment in the striped bass fishery and it is illegal to sell or purchase striped bass taken by hook-and-line in accordance with N.C. Marine Fisheries Commission Rule 15A NCAC 03M .0201 (b).
- I. Holders of Recreational Commercial Gear License or hook-and-line fishermen must follow the bag and restrictions of the recreational fishery for striped bass.
- J. Dealers whose businesses are located in Beaufort, Carteret, Craven and Pamlico counties may obtain tags by contacting the Morehead City Marine Patrol Office at 800-682-2632 or 252-726-7021. Dealers whose businesses are located in Hyde, Dare, Tyrrell, Washington, Bertie, Chowan, Pasquotank, Camden, Hertford and other northern counties may obtain tags by contacting the Manteo Marine Patrol Office at 800-405-7774 or 252-473-5734. Allow 48 hours for delivery.

BY: \_\_\_\_\_  
Dr. Louis B. Daniel III, Director  
DIVISION OF MARINE FISHERIES

December 11, 2012  
11:10 A.M.  
FF-65-2012  
/sab