PROCLAMATION

RE: SNAPPER-GROUPER COMPLEX-COMMERCIAL AND RECREATIONAL PURPOSES

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective **at 12:01 A.M., Saturday, September 8, 2012,** the following restrictions will apply to the fisheries for snapper-grouper:

I. **Black Sea Bass, south of Cape Hatteras (35° 15.0321' N. Latitude)**

A. For **commercial** purposes**:**

1. It is unlawful to possess black sea bass less than **11 inches total length.**
2. It is unlawful for a vessel with a valid Federal Commercial South Atlantic Snapper-Grouper Permit to possess more than 1,180 pounds whole weight (1,000 pounds gutted weight) of black sea bass per trip.
3. It is unlawful for a vessel with a valid federal South Atlantic Snapper Grouper permit and a valid Black Sea Bass Pot Endorsement to possess on board **more than 35 pots** when in possession of black sea bass.
4. It is unlawful for a vessel with a valid federal South Atlantic Snapper Grouper permit and a valid Black Sea Bass Pot Endorsement to fail to remove all sea bass pots from the water and return the vessel to a dock, berth, beach, seawall or ramp at the conclusion of a trip.

B. For **recreational** purposes:

It is unlawful to possess black sea bass taken from waters under the jurisdiction of North Carolina or the South Atlantic Fishery Management Council for recreational purposes.
This closure shall remain in effect until 12:01 A.M. June 1, 2013.

II. **Gag Grouper and Black Grouper**

A. For **recreational** purposes:

1. It is unlawful to possess gag or black grouper less than 24 inches total length.
2. It is unlawful to possess more than **one** gag or **one** black grouper per person per day without a valid Federal Commercial South Atlantic Snapper-Grouper permit.

B. For **commercial** purposes**:**

1. It is unlawful to possess gag or black grouper less than 24 inches total length.
2. It is unlawful to possess more than **one** gag or **one** black grouper per person per day without a valid Federal Commercial South Atlantic Snapper-Grouper permit.
3. **It is unlawful for a vessel with a valid Federal Commercial South Atlantic Snapper-Grouper Permit to possess more than 1,000 pounds (gutted weight) of gag grouper per trip.**

III. **Other Groupers**

A. It is unlawful to possess **shallow water grouper species taken from the waters under the jurisdiction of North Carolina or the South Atlantic Fishery Management Council from January 1 through April 30. Shallow water grouper species include gag, black, red, scamp, rock hind, red hind, coney, graysby, yellowfin, and yellowmouth grouper.**

B. It is unlawful to possess red grouper less than 20 inches total length.

C. It is unlawful to possess yellowfin grouper (fireback grouper) less than 20 inches total length.

D. It is unlawful to possess scamp less than 20 inches total length.

E. It is unlawful to possess yellowmouth grouper less than 20 inches total length.

F. It is unlawful for a vessel with a valid Federal Commercial South Atlantic Snapper-Grouper permit to possess or land more than one hundred pounds of snowy grouper per trip.

G. For **commercial** purposes, it is unlawful to possess misty grouper and yellowedge grouper. This closure is in effect until 12:01 A.M. January 1, 2013.

IV. **Greater Amberjack**

A. For **recreational** purposes:

1. It is unlawful to possess greater amberjack less than 28 inches fork length.
2. It is unlawful to possess more than one greater amberjack per person per day.

B. For **commercial** purposes:
   1. It is unlawful to possess greater amberjack less than 36 inches fork length.
   2. It is unlawful to sell or purchase greater amberjack less than 36 inches fork length.
C. It is unlawful to possess more than one greater amberjack per person per day without a valid Federal Commercial South Atlantic Snapper-Grouper permit.
D. **It is unlawful for a vessel with a valid Federal Commercial South Atlantic Snapper-Grouper Permit to possess more than 1,200 pounds (gutted weight) of greater amberjack per trip.**
E. It is unlawful to possess more than one greater amberjack per person per day during the month of April.
F. It is unlawful to sell or purchase greater amberjack during any season closure for greater amberjack.

V. **Other Jacks**

A. For **commercial** purposes:
Effective at 12:01 a.m. July 2, 2012 through December 31, 2012, it is unlawful to possess almaco jack, banded rudderfish and lesser amberjack**.** Possession is restricted to the recreational bag and possession limits.

B. For **recreational** purposes:
Almaco jack, banded rudderfish and lesser amberjack are part of the 20 fish in the aggregate per person per day recreational bag and possession limit in XII. I.

VI. **Red Snapper**

A. For **commercial** purposes:
Effective at 12:01A.M. Monday, September 17 through midnight Sunday, September 23, 2012 **only,** no commercial fishing operation regardless of the number of persons involved, may possess more than 50 pounds (gutted weight) or 55 pounds (whole weight) of red snapper. There is no minimum size limit.

B. For recreational purposes:
For the two weekend periods beginning at 12:01 A.M., Friday September 14 until midnight, Sunday, September 16, 2012 **and from** 12:01 A.M. Friday, September 21 through midnight Sunday September 23, 2012, no person may possess more than one red snapper per person per day. There is no minimum size limit.
It is unlawful to possess, sell or offer for sale red snapper taken from waters under the jurisdiction of North Carolina or the South Atlantic Fishery Management Council for recreational or commercial purposes prior to and following the dates listed in VI. A. and B. above.

VII. **Vermilion Snapper**

A. For **recreational** purposes:
   1. It is unlawful to possess vermilion snapper (beeliner) less than 12 inches total length.
   2. It is unlawful to possess more than **five** vermilion snapper per person per day.
   3. It is unlawful to possess vermilion snapper (beeliner) taken from the waters under the jurisdiction of North Carolina or the South Atlantic Fishery Management Council from November 1 through March 31.

B. For **commercial** purposes:
   1. **It is unlawful for a vessel with a valid Federal Commercial South Atlantic Snapper-Grouper Permit to possess more than 1,500 pounds (gutted weight) of vermilion snapper per trip.**
   2. It is unlawful to possess vermilion snapper less than 12 inches total length.

VIII. **Other Snapper**

A. For **commercial** purposes:
   1.**Effective at 12:01 A.M. Saturday, September 8, 2012**, it is unlawful to possess queen snapper, silk snapper, black snapper and blackfin snapper. This closure will remain in effect until 12:01 A.M. January 1, 2013.
   2.**Effective at 12:01A.M. Tuesday, September 11, 2013**, it is unlawful to possess yellowtail snapper. This closure will remain in effect until 12:01 A.M. January 1, 2013.

B. For **recreational** purposes:
   1.It is unlawful to possess silk snapper less than 12 inches total length.
   2.It is unlawful to possess blackfin snapper less than 12 inches total length.

IX. **Hogfish**

A. For **recreational** purposes:
   1. It is unlawful to possess more than five hogfish **(hog snapper)** per person per day without a valid Federal Commercial South Atlantic Snapper-Grouper permit.
   2. It is unlawful to possess hogfish less than 12 inches **fork length**.

B. For **commercial** purposes:
   1. It is unlawful to possess hogfish less than 12 inches **fork length**.

2. **For a single day trip, it is unlawful to possess more than 150 pounds of hogfish per vessel, regardless of the number of persons onboard.**
3. **For trips of more than one day, it is unlawful to possess more than 100 pounds of hogfish per vessel, regardless of the number of persons onboard, for each additional day up to seven days. It is unlawful to possess more than 750 pounds of hogfish in seven days. Vessels targeting hogfish shall call in to Marine Patrol Communications at 800-682-2632 and report date of departure prior to leaving the dock.**

X. **Red Porgy**

A. For **recreational** purposes:
1. It is unlawful to possess red porgy less than 14 inches total length.
2. It is unlawful to possess more than three red porgies per person per day without a valid Federal Commercial Snapper-Grouper permit.

B. For **commercial** purposes:
1. It is unlawful to possess red porgy less than 14 inches total length.
2. It is unlawful to sell or offer for sale or purchase red porgy **from January 1 through April 30**.
3. It is unlawful for a vessel with a valid Federal Commercial South Atlantic Snapper-Grouper permit to possess or land more than 120 individual red porgy per vessel per trip from May 1 through December 31.

XI. **Wreckfish**

For **recreational** purposes:
It is unlawful to possess more than one wreckfish per vessel per day.
It is unlawful to possess wreckfish **except** from July 1 through August 31 of each year.

XII. **Combined Bag Limits**

A. It is unlawful to possess more than **five** vermilion snapper and 10 other snappers per person per day without a valid Federal Commercial South Atlantic Snapper-Grouper permit.

B. It is unlawful to possess more than **three** grouper per person without a valid Federal Commercial South Atlantic Snapper-Grouper permit of which:
1. no more than **one** may be a gag or black grouper (individually or in combination) per person per day;
2. no more than three blueline tilefish or sand tilefish per person per day.

C. For **commercial purposes**, it is unlawful to possess blueline tilefish or sand tilefish. This closure is in effect until 12:01 A.M. January 1, 2013.

D. **It is unlawful to possess speckled hind.**

E. **It is unlawful to possess warsaw grouper.**

F. **It is unlawful to possess more than one snowy grouper per vessel.**

G. For commercial purposes, it is unlawful to possess or sell golden tilefish taken from the waters under the jurisdiction of North Carolina or the South Atlantic Fishery Management Council through December 31, 2012.

H. **For recreational purposes, it is unlawful to possess golden tilefish taken from the waters under the jurisdiction of North Carolina or the South Atlantic Fishery Management Council through December 31, 2012.**

I. It is unlawful to possess more than 20 fish in the aggregate per person per day of the following species without a valid Federal Commercial South Atlantic Snapper-Grouper permit: whitebone porgy, jolthead porgy, knobbed porgy, longspine porgy, scup, gray triggerfish, yellow jack, bar jack, almaco jack, lesser amberjack, banded rudderfish, white grunt, tomtate, margate and spadefish.

J. For **commercial** purposes, it is unlawful to possess jolthead, knobbed, saucereye and whitebone porgy and scup. This closure is in effect until 12:01 A.M. January 1, 2013.

K. For **commercial** purposes, e**ffective at 12:01A.M. Tuesday, September 11, 2013**, it is unlawful to possess gray triggerfish. This closure will remain in effect until 12:01 A.M. January 1, 2013.

L. **As an exception to XII.I. above,** spadefish may be retained and sold in any number without a Federal Commercial South Atlantic Snapper Grouper Permit when taken for commercial purposes in coastal waters.

M. It is unlawful to possess any species of the Snapper-Grouper complex except snowy, yellowedge, and misty groupers; blueline and sand tilefishes; while having longline gear aboard a vessel during open harvest seasons.

N. It is unlawful to possess Nassau grouper or goliath grouper.

O. It is unlawful for persons in possession of a valid National Marine Fisheries Service Snapper-Grouper Permit for Charter Vessels to exceed the creel restrictions established in Sections (I), (IX) and (X) of this proclamation when fishing with more than three persons (including the captain and mate) on board.

P. It is unlawful to sell, offer for sale any species of the Snapper-Grouper complex harvested or possessed under the bag limits specified in 50 CFR Part §622.39 (d) unless the vessel owner has been issued a Federal Commercial South Atlantic Snapper-Grouper Permit.

Q. It is unlawful to purchase any species of the snapper grouper complex harvested in the Atlantic Ocean without a valid South Atlantic Snapper-Grouper Dealer Permit.

R. It is unlawful to purchase any species of the snapper grouper complex harvested in the Atlantic Ocean from a vessel without a valid South Atlantic Snapper Grouper Permit.

XIII. **Fish Traps/Pots**

A. It is unlawful to use or have on board a vessel fish traps for taking snappers and groupers except sea bass pots as allowed in Section **XIII.** B. below.

B. Sea bass may be taken with pots that conform with the federal rule requirements for mesh sizes and pot size as specified in 50 CFR Part §646.2, openings and degradable fasteners specified in 50 CFR §Part 646.22(c)(2)(i), and escape vents and degradable materials as specified in 50 CFR Part §622.40 (b)(3)(i) and rules published in 50 CFR pertaining to sea bass north of Cape Hatteras (35° 15.0321' N. Latitude). **New federal rules for commercial black sea bass pot endorsements and pot restrictions, both of which are effective July 1, 2012, can be found in 50 CFR Part §622.40(a)(2)(xv) and 50 CFR Part §622.40(d)(1)(i), respectively.** South of Cape Hatteras, sea bass may be taken with pots that conform with the federal rule requirements for mesh sizes and pot size as specified in 50 CFR Part §622.40**. Copies of these rules are available via the Federal Register notice for South Atlantic Snapper Grouper Amendment 18A, posted on the Internet at http://gpo.gov/fdsys/pkg/FR-2012-06-01/pdf/2012-13342.pdf** and at the Division of Marine Fisheries, P.O. Box 769, Morehead City, North Carolina 28557 at no cost.

XIV. **Dehooking Tools**

It is unlawful to fail to use dehooking tools in both the recreational and commercial snapper-grouper fisheries when the fish is to be released.

XV. **GENERAL INFORMATION**

A. This proclamation is issued under the authority of N.C.G.S. 113-170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52 and N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103, 03I .0102, 03M .0506 and 03M .0512.

B. It is unlawful to violate the provisions of any proclamation issued by the Fisheries 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 maintain North Carolina's compliance with the requirements of Amendments 15B and 16 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region. Effective October 1, 2008, the provisions found in this proclamation were eliminated from N.C. Fisheries Commission Rule 15A NCAC 03M .0506 in order to allow the Fisheries Director the latitude to comply with changes that occur in the requirements without suspending portions of the rule.

D. **Provisions for multiple day trip possessions for vessels without a valid Federal South Atlantic Snapper-Grouper Permit are found in 50 CFR Part §622.39.** This rule states in part that a person aboard a charter vessel or headboat on a trip that spans more than 24 hours may possess no more than two daily bag limits of species other than red porgy. A person aboard a headboat on a trip that spans more than 48 hours and who can document that fishing was conducted on at least three days may possess no more than three bag limits of species other than red porgy. **Privately-operated vessels are allowed only one bag limit**. The gag grouper, black sea bass and vermilion snapper commercial fisheries are managed by quota and will close by proclamation when the quotas are reached.

E. This proclamation supersedes Proclamation FF-39-2012 dated August 28, 2012**. Due to federal catch limits being met, effective September 8, 2012, yellowedge and misty grouper, blueline and sand tilefish, silk, queen, blackfin and black snapper as well as jolthead, knobbed, saucereye and whitebone porgy and scup will close to commercial possession. Effective September 11, 2013, gray triggerfish and yellowtail snapper commercial harvest will close. For vessels that have a valid federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper, recreational bag and possession limits apply. All of these closures will remain in effect until 12:01 A.M. January 1, 2013. The red snapper openings are unchanged.**

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

September 5, 2012
1:00 P.M.
FF-40-2012
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