PROCLAMATION

RE: STRIPED BASS SEASON – COMMERCIAL FISHING OPERATIONS – ALBEMARLE SOUND MANAGEMENT AREA

Dr. Louis B. Daniel, III, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M., Tuesday, January 1, 2013**, the harvest of striped bass with **COMMERCIAL FISHING OPERATIONS IN THE ALBEMARLE SOUND MANAGEMENT AREA WILL OPEN** and the following provisions shall apply:

I. AREA DESCRIPTION

Albemarle Sound Management Area as described in Marine Fisheries Rule 15A NCAC 3R .0201 (a).

II. SIZE AND HARVEST RESTRICTIONS

A. It is unlawful to take, possess, transport, buy, sell, or offer for sale striped bass less than 18 inches total length taken by commercial fishing operations from the Albemarle Sound Management Area.

B. It is unlawful for an individual or commercial fishing operation regardless of the number of persons or vessels involved, to possess, land, sell or offer for sale more than ten (10) striped bass, unless taken in conjunction with other commercially important finfish. Striped bass shall be limited to 50% by weight, of the combined daily harvest, not to exceed 10 fish per day, **per Standard Commercial Fishing License (SCFL) holder.** The daily harvest limit of 10 striped bass shall not be exceeded, regardless of where taken from internal waters, **unless the fish are taken in accordance with II. C. below.**

C. It is unlawful for any operation consisting of more than one SCFL holder to be in possession of more than two daily harvest limits. The SCFL holders must accompany and transport each single harvest limit and the other commercially important finfish together until the striped bass are sold to a dealer possessing a valid 2012/2013 STRIPED BASS DEALER PERMIT validated for the Albemarle Sound Management Area.

D. For gill net requirements in the Albemarle Sound Management Area, see the most recent M-type proclamations specific to the area.

III. PERMITS

A. It is unlawful for a dealer to possess, buy, sell or offer for sale striped bass taken from the Albemarle Sound Management Area without holding a valid STRIPED BASS DEALER PERMIT validated for the Albemarle Sound Management Area from the N.C. Division of Marine Fisheries. Dealers must abide by all conditions which appear on the permit as well as the general provisions which appear in 15A NCAC 3O .0500 *et seq.*

B. 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 Albemarle Sound Management Area in order to sell any striped bass personally harvested.

IV. SALE TAGS

It is unlawful for a dealer to possess, buy, sell, or offer for sale striped bass taken from the Albemarle Sound Management Area without having a North Carolina Division of Marine Fisheries-issued Albemarle Sound Management Area striped bass tag affixed through the mouth and gill cover. In case of the striped bass imported from other states, a similar tag that is issued for striped bass in the state of origin must be affixed.

V. LANDING RESTRICTIONS

Striped bass taken from areas opened by this proclamation may be sold only to and purchased by a dealer possessing a STRIPED BASS DEALER PERMIT validated for the Albemarle Sound Management Area.

VI. SEASON CLOSURE

The striped bass season for commercial fishing equipment in the Albemarle Sound Management Area will close at **8:00 P.M., Tuesday, April 30, 2013,** unless closed by proclamation at an earlier date due to the harvest allocation being met. Dealers will have until two weeks after the closing of the season to sell, offer for sale, transport, or have in possession unfrozen striped bass taken in this fishery.

VII. 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 the N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103, 03M .0201 and 03M .0202, 03O .0501 *et seq.* and 03Q .0107 (1)(c).

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 allow the harvest of striped bass in the Albemarle Sound Management Area by commercial fishing equipment within the harvest quota established by the North Carolina Estuarine Striped Bass Fishery Management Plan.

D. 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).

E. Holders of Recreational Commercial Gear Licenses or hook-and-line fishermen must follow the bag limit and harvest restrictions of the recreational fishery for striped bass.

F. All striped bass taken during the season closures and all undersize striped bass shall be immediately returned to the water where taken, regardless of the condition of the fish.

G. Dealers whose businesses are located in Hyde, Dare, Tyrrell, Washington, Bertie, Chowan, Pasquotank, Camden, Hertford, Perquimans 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.

H. This proclamation supersedes Proclamation FF-43-2012, dated September 7, 2012.

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

December 20, 2012
8:15 A.M.
FF-69-2012
/sab

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