PROCLAMATION

RE: FLOUNDER – COMMERCIAL FISHING OPERATIONS – ATLANTIC OCEAN

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M., Wednesday, March 20, 2013,** the following restrictions shall apply to the commercial flounder fishery:

I. SUSPENSION OF PORTION OF MARINE FISHERIES RULE 15A NCAC 03M .0503

The following portion of Marine Fisheries Rules for Coastal Waters 15A NCAC 03M .0503 **is suspended:** The following words in Section (i) (1): **"80 percent of"** are removed. Section (i) (1) would then read:

(i)(1) The North Carolina season for landing ocean-caught flounder shall open January 1 of each year. If the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken, the Fisheries Director shall, by proclamation, close North Carolina ports to the landing of flounder taken from the ocean.

II. HARVEST LIMITS

During the period beginning at **12:01 A.M., Wednesday, March 20, 2013 and ending at 6:00 P.M., Friday, April 5, 2013**, no commercial fishing operation, regardless of the number of people involved, may have total landings of more than **10,000 pounds** of flounder taken from the Atlantic Ocean. These operations require a valid License to Land Flounder from the Atlantic Ocean. The Atlantic Ocean flounder fishery will close immediately after the Director issues a public notice that the quota of flounder has been landed from the Atlantic Ocean, or at 6:00 P.M., April 5, 2013, whichever occurs first.

III. PERMITS

A. Finfish dealers may not buy more than 100 pounds of flounder per day per commercial fishing operation unless the dealer has a valid 2013 Atlantic Ocean Flounder Dealer Permit. Vessels landing more than 100 pounds of flounder per day from the Atlantic Ocean are required to possess a valid License to Land Flounder from the Atlantic Ocean from the North Carolina Division of Marine Fisheries. Permits will be issued only to those licensed fish dealers holding a valid license as authorized in G.S. 113-169.3. Dealers must abide by all conditions of the 2013 Atlantic Ocean Flounder Dealer Permit.

B. Dealers possessing a 2013 Atlantic Ocean Flounder Dealer Permit shall report flounder landings from the Atlantic Ocean through FAX transmittal (252-726-3903) or electronic mail on forms provided by the Division of Marine Fisheries. Flounder landings reports for each day's catch shall be reported **by noon** of the following day.

IV. GENERAL INFORMATION

A. This proclamation is issued under the authority of N.C.G.S. 113-134; 113- 170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52 and N.C. Marine Fisheries Commission Rules 15A NCAC 03M .0503 and 03O. 0500 *et seq*.

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. For the purposes of this proclamation, fish shall be considered landed when fish are unloaded or the vessel is tied to the dock, whichever occurs first.

D. N.C. Marine Fisheries Commission Rule 15A NCAC 03M .0503 (c) (1) states it is unlawful to land more than 100 pounds per trip of flounder taken from the Atlantic Ocean unless the vessel has been issued a **North Carolina License to Land Flounder from the Atlantic Ocean.** This is in addition to the normally required licenses.

E. N.C. Marine Fisheries Commission Rule 15A NCAC 03M .0503 (c) (2) specifies that it is unlawful for a fish dealer to purchase or off-load more than 100 pounds of flounder taken from the Atlantic Ocean by a vessel that has not first produced a valid **North Carolina License to Land Flounder from the Atlantic Ocean.**

F. N.C. Marine Fisheries Commission Rule 15A NCAC 03M .0503 (g) specifies that if trawls with a cod end mesh length of 5 ½ inches stretched mesh (or 6 inches square mesh) **or smaller** are used or possessed on board a vessel, no more than 200 pounds of flounder may be possessed or landed from that vessel from November 1 through April 30.

G. N.C. Marine Fisheries Commission Rule 15A NCAC 03I .0113 specifies that it is unlawful for any licensee under Chapter 113, Subchapter IV of the General Statutes to refuse to allow the Fisheries Director or his 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.

H. The intent of this proclamation is to establish trip limits and a reporting process for the taking of flounder from the Atlantic Ocean to assure that the quota allocated to North Carolina in the joint Mid-Atlantic Fisheries Management Council - Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is not exceeded.

I. Atlantic Ocean Flounder Dealer Permits are available at no cost from all Division of Marine Fisheries License Offices.

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

March 13, 2013
8:00 A.M.
FF-20-2013
/sab

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