

North Carolina Rules for Coastal Fishing Waters 2009



N.C. Marine Fisheries Commission

THE ORIGINAL AND OFFICIAL COPY OF TITLE
15A, CHAPTER 3 OF THE NORTH CAROLINA
ADMINISTRATIVE CODE IS ON FILE IN THE
OFFICE OF ADMINISTRATIVE HEARINGS AND IS
AVAILABLE FOR PUBLIC INSPECTION DURING
NORMAL WORKING HOURS.

THESE BOOKS ARE AVAILABLE FROM:

DIVISION OF MARINE FISHERIES
POST OFFICE BOX 769
3441 ARENDELL STREET
MOREHEAD CITY, NC 28557
(252) 726-7021

NORTH CAROLINA
RULES FOR COASTAL
FISHING WATERS
2009



NORTH CAROLINA
MARINE FISHERIES COMMISSION
Mac Currin, Chairman

DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
Dee Freeman, Secretary

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

N.C. DIVISION OF MARINE FISHERIES WEBSITE:
<http://www.ncfisheries.net>

**DIVISION OF MARINE FISHERIES
MARINE PATROL**

Protect Marine Resources – Report Violations

24-Hour Contact

Morehead City: 1-800-682-2632 (NC only)
(252) 726-7021

Monday – Friday (8am – 5pm)

Columbia Area: 1-800-405-7774
Morehead City Area: 1-800-682-2632
Wilmington Area: 1-800-248-4536

District Office Contact Information

Headquarters – Morehead City

Communications Center 1-800-682-2632
or (252) 726-7021
Marine Patrol Colonel (252) 726-7021
Marine Patrol Major (252) 726-7021

District 1 – Columbia

1-800-405-7774
or (252) 796-1322
District 1 Captain (252) 796-1322
District 1 Lieutenant (252) 796-1322

District 2 – Morehead City

1-800-682-2632
or (252) 726-7021
District 2 Captain (252) 808-8134
District 2 Lieutenant (252) 808-8135

District 3 – Wilmington

1-800-248-4536
or (910) 796-7215
District 3 Captain (910) 796-7220
District 3 Lieutenant (910) 796-7286

N.C. MARINE FISHERIES COMMISSION

Mac Currin, *Chairman/Recreational Industry*
(919) 881-0049
801 Westwood Drive
Raleigh, NC 27607

B.J. Copeland, *Vice Chairman/Scientist*
(919) 837-5024
1760 DeWitt Smith Road
Pittsboro, NC 27312

David A. Beresoff, *Commercial Dealer*
(910) 842-8388
511 Mulligan Way
Bolivia, NC 28422

Robert W. Bizzell, *At-Large*
(252) 527-1081
300-C N. Queen Street
Kinston, NC 28501

Mikey Daniels, *Commercial Fisherman*
(252) 473-5001
P.O. Box 443
Wanchese, NC 27981

Jess Hawkins, *At-Large*
(252) 808-3354
112 Hodges Street
Morehead City, NC 28557

Edward L. Mann, *Recreational Fisherman*
(252) 475-5880
182 Creef's Ridge Road
Manteo, NC 27954

William T. Rusty Russ, *Recreational Fisherman*
(910) 754-6596
1286 Riverbend Drive SW
Shalotte, NC 28470

Bradley Styron, *Commercial Fisherman*
(252) 225-0073
P.O. Box 659
Cedar Island, NC 28520

Introduction

The *North Carolina Rules for Coastal Fishing Waters* is a collection of state rules and statutes governing activities impacting marine and estuarine resources in coastal and joint fishing waters, including the brackish waters of the state's rivers and their tributaries, sounds and bays, and in saltwater extending out to three miles offshore in the Atlantic Ocean. The N.C. General Assembly enacts fisheries statutes, or laws, and provides the N.C. Marine Fisheries Commission authority to adopt rules to implement those statutes. These rules are found in Chapter 3 of Title 15A of the N.C. Administrative Code.

The Department of Environment and Natural Resources is the parent agency of the commission and the N.C. Division of Marine Fisheries. The commission is responsible for managing, protecting, preserving and enhancing the marine and estuarine resources under its jurisdiction. In support of these responsibilities, the division conducts management, enforcement, research, monitoring, statistics and licensing programs to provide information on which to base decisions on rule making. The division presents information to the department and commission in the form of fishery management and coastal habitat protection plans and proposed rules. The division also administers and enforces the commission's adopted rules.

The N.C. Wildlife Resources Commission is responsible for regulating fishing activities in inland waters (see 15A NCAC 03Q .0200 for boundary descriptions). The federal government, including the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) and federal fishery management councils, and the Atlantic States Marine Fisheries Commission (ASMFC), manage species that migrate across state boundaries or fisheries occurring in the Exclusive Economic Zone (EEZ) from three miles out to 200 miles in the Atlantic Ocean. Coastal and joint fishing waters typically lie between inland waters and the EEZ. State inspectors may enforce federal regulations if state rules are adopted to comply with management measures adopted by NMFS, federal fishery management councils or ASMFC.

The public may comment on proposed rules at public meetings of the commission and its committees and at public hearings announced in the *North Carolina Register* (go to <http://www.oah.state.nc.us/rules/register/>). Persons proposing the commission amend, repeal or adopt a fisheries rule may suggest rule changes through public comment opportunities provided at commission meetings or by filing a petition with the commission following the procedures set out in 15A NCAC 03P .0300.

Another tool the state uses to manage fisheries is the proclamation. The commission has the authority to delegate to the fisheries director the ability to issue public notices, called proclamations, suspending or implementing particular commission rules that may be affected by variable conditions. The proclamation authority granted to the fisheries director includes the ability to open and close seasons and fishing areas, set harvest and gear limits, and establish conditions governing various fishing activities. Proclamation authority is promulgated through the rule-making process and proclamation measures are codified in rules.

Proclamations are not included in this book because they change frequently. However, a “♦” symbol is used in the index of the rulebook as a visual sign to alert readers there may be a proclamation for a subject. For example, when you are looking in the index for information on bluefish and you see “**Bluefish ♦**” that indicates there may be a proclamation outlining harvest restrictions or other information for that species.

Go to <http://www.ncfisheries.net/procs/index.html> to view proclamations and learn about the restrictions. You can also sign up to receive proclamations electronically at this site. If you do not have Internet access, please call 252-726-7021 or 800-682-2632 to find out how to receive proclamation information. Regulations implemented by proclamation can be effective immediately for public health issues and quota managed fisheries, and in as little as 48 hours for other issues. It is imperative that persons affected by proclamations keep themselves informed.

It is your responsibility to know and abide by fishing regulations, including proclamations, rules, statutes and laws. Compliance today means fish for the future.

NOTICE

There have been major revisions to rules dealing with a number of finfish species. Many restrictions for these species have been removed from rule and are covered by general proclamation authority in 15A NCAC 03M .0512. This was done in order for North Carolina to better comply with interstate, coastwide or regional Fishery Management Plan(s). The affected species are:

alewife (river herring)	monkfish
bass, striped (rockfish)	scup
bluefish	sea bass, black
croaker, Atlantic	seatrout, spotted (speckled trout)
dogfish, spiny	shad, American
dolphin	shad, hickory
drum, red (channel bass, puppy drum)	shark complex*
eel, American	snapper-grouper complex**
flounder, summer	spot
herring, blueback (river herring)	sturgeon, Atlantic
mackerel, king	tautog
mackerel, Spanish	wahoo
menhaden, Atlantic	weakfish (gray trout)

* The **shark complex** includes, but is not limited to: angel, Atlantic; basking; bignose; blacknose; blacktip; blue; bonnethead; bull; dogfish, smooth; dusky; finetooth; Galapagos; hammerhead, great; hammerhead, scalloped; hammerhead, smooth; lemon; mako, longfin; mako, shortfin; narrowtooth; night; nurse; porbeagle; reef; sand tiger; sand tiger, bigeye; sandbar; sevengill, sharpnose; sharpnose, Atlantic; sharpnose, Caribbean; silky; sixgill, bigeye; sixgill, bluntnose; smalltail; spinner; thresher; thresher, bigeye; tiger; whale; white; whitetip, oceanic.

** The **snapper-grouper complex** includes, but is not limited to: amberjack, greater; amberjack, lesser; grouper, black; grouper, gag; grouper, goliath; grouper, misty; grouper, Nassau; grouper, red; grouper, snowy; grouper, Warsaw; grouper, yellowedge; grouper, yellowfin; grouper, yellowmouth; grunt, white; hind, speckled; hogfish; jack, almaco; jack, bar; jack, crevalle; jack, yellow; margate; porgy, jolthead; porgy, knobbed; porgy, longspine; porgy, red; porgy, whitebone; rudderfish, banded; scamp; sea bass, black; sheepshead; snapper, blackfin; snapper, red; snapper, silk; snapper, vermilion (beeliner); spadefish; tilefish, blueline; tilefish, golden; tilefish, sand; triggerfish, gray; triggerfish, queen.

NORTH CAROLINA ADMINISTRATIVE CODE

TITLE 15A

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

CHAPTER 3

MARINE FISHERIES

SUBCHAPTER 03H – GENERAL INFORMATION

	PAGE
SECTION .0100 – GENERAL INFORMATION	
15A NCAC 03H .0101 IDENTIFICATION INFORMATION (REPEALED)	1
15A NCAC 03H .0102 SCOPE AND PURPOSE	1
15A NCAC 03H .0103 PROCLAMATION AUTHORITY OF FISHERIES DIRECTOR	1
15A NCAC 03H .0104 MAPS AND MARKING	1

SUBCHAPTER 03I – GENERAL RULES

SECTION .0100 – GENERAL RULES

15A NCAC 03I .0101 DEFINITIONS	2
15A NCAC 03I .0102 TEMPORARY SUSPENSION OF RULES	6
15A NCAC 03I .0103 CONFISCATION AND DISPOSITION	6
15A NCAC 03I .0104 INTRODUCE, TRANSFER OR HOLD IMPORTED MARINE AND ESTUARINE ORGANISMS	7
15A NCAC 03I .0105 LEAVING DEVICES UNATTENDED	7
15A NCAC 03I .0106 SCIENTIFIC, EDUCATIONAL, OR OFFICIAL COLLECTING PERMIT (REPEALED)	8
15A NCAC 03I .0107 ENDANGERED OR THREATENED SPECIES	8
15A NCAC 03I .0108 OCEAN FISHING PIERS	8
15A NCAC 03I .0109 ARTIFICIAL REEFS AND RESEARCH SANCTUARIES	9
15A NCAC 03I .0110 MILITARY DANGER ZONES AND RESTRICTED AREAS	9
15A NCAC 03I .0111 PERMITS FOR AQUACULTURE OPERATIONS (REPEALED)	9
15A NCAC 03I .0112 SPECIAL PERMIT REQUIRED FOR SPECIFIC MANAGEMENT PURPOSES (REPEALED)	10
15A NCAC 03I .0113 BIOLOGICAL SAMPLING	10
15A NCAC 03I .0114 RECORDKEEPING REQUIREMENTS	10
15A NCAC 03I .0115 REPLACEMENT COSTS OF MARINE AND ESTUARINE RESOURCES-FISH	10
15A NCAC 03I .0116 CORAL AND LIVE ROCK	13
15A NCAC 03I .0117 FISHERY RESOURCE GRANT PROGRAM (REPEALED)	13
15A NCAC 03I .0118 DISPOSAL OF EVIDENCE	13
15A NCAC 03I .0119 PROHIBITED FISHING ACTIVITY DUE TO PUBLIC HEALTH OR SAFETY	13
15A NCAC 03I .0120 POSSESSION OR TRANSPORTATION LIMITS	14

SUBCHAPTER 03J – NETS, POTS, DREDGES, AND OTHER FISHING DEVICES

SECTION .0100 – NET RULES, GENERAL

15A NCAC 03J .0101 FIXED OR STATIONARY NETS	14
15A NCAC 03J .0102 NETS OR NET STAKES	15

	PAGE
15A NCAC 03J .0103	GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS 15
15A NCAC 03J .0104	TRAWL NETS 16
15A NCAC 03J .0105	PURSE SEINES 17
15A NCAC 03J .0106	CHANNEL NETS 18
15A NCAC 03J .0107	POUND NET SETS (REPEALED) 18
15A NCAC 03J .0108	NETS PULLED BY MORE THAN ONE BOAT 19
15A NCAC 03J .0109	LONG-HAUL FISHING OPERATIONS, IDENTIFICATION REQUIREMENTS 19
15A NCAC 03J .0110	SEINES 19
15A NCAC 03J .0111	FYKE OR HOOP NETS 19
 SECTION .0200 – NET RULES, SPECIFIC AREAS	
15A NCAC 03J .0201	ALBEMARLE SOUND AND TRIBUTARIES (REPEALED) 20
15A NCAC 03J .0202	ATLANTIC OCEAN 20
15A NCAC 03J .0203	CHOWAN RIVER AND ITS TRIBUTARIES 20
15A NCAC 03J .0204	CURRITUCK SOUND AND ITS TRIBUTARIES 21
15A NCAC 03J .0205	ROANOKE: CASHIE: MIDDLE AND EASTMOST RIVERS (REPEALED) 21
15A NCAC 03J .0206	SOUTHPORT BOAT HARBOR 21
15A NCAC 03J .0207	CAROLINA POWER AND LIGHT INTAKE CANAL 21
15A NCAC 03J .0208	NEW RIVER 21
15A NCAC 03J .0209	ALBEMARLE SOUND/CHOWAN RIVER HERRING MANAGEMENT AREAS 21
 SECTION .0300 – POTS, DREDGES, AND OTHER FISHING DEVICES	
15A NCAC 03J .0301	POTS 22
15A NCAC 03J .0302	RECREATIONAL USE OF POTS 23
15A NCAC 03J .0303	DREDGES AND MECHANICAL METHODS PROHIBITED 23
15A NCAC 03J .0304	ELECTRICAL FISHING DEVICE 24
15A NCAC 03J .0305	TROT LINES (MULTIPLE HOOK OR MULTIPLE BAIT) 24
15A NCAC 03J .0306	HOOKE-AND-LINE 24
 SECTION .0400 – FISHING GEAR	
15A NCAC 03J .0401	FISHING GEAR 24
15A NCAC 03J .0402	FISHING GEAR RESTRICTIONS 25
15A NCAC 03J .0403	NEUSE RIVER AND ITS TRIBUTARIES (REPEALED) 27
 SECTION .0500 – POUND NETS	
15A NCAC 03J .0501	DEFINITIONS AND STANDARDS FOR POUND NETS AND POUND NET SETS 27
15A NCAC 03J .0502	POUND NET SET PERMIT APPLICATION AND PROCESSING 28
15A NCAC 03J .0503	POUND NET SET PERMIT RENEWAL 29
15A NCAC 03J .0504	POUND NET SET PERMIT TRANSFER 29
15A NCAC 03J .0505	POUND NET SET PERMIT CONDITIONS 29
 SUBCHAPTER 03K – OYSTERS, CLAMS, SCALLOPS AND MUSSELS	
 SECTION .0100 – SHELLFISH, GENERAL	
15A NCAC 03K .0101	PROHIBITED SHELLFISH AREAS/ACTIVITIES 30
15A NCAC 03K .0102	PROHIBITED RAKES 30
15A NCAC 03K .0103	SHELLFISH MANAGEMENT AREAS 30
15A NCAC 03K .0104	PERMITS FOR PLANTING SHELLFISH FROM PROHIBITED/POLLUTED AREAS 31
15A NCAC 03K .0105	RECREATIONAL HARVEST OF SHELLFISH 31

	PAGE
15A NCAC 03K .0106	TAKING OR UNLOADING OYSTERS AND CLAMS ON SUNDAY OR AT NIGHT 31
15A NCAC 03K .0107	DEPURATION OF SHELLFISH 32
15A NCAC 03K .0108	DREDGES/MECHANICAL METHODS PROHIBITED 32
15A NCAC 03K .0109	SHELLFISH HARVESTER AND DEALER TAGS 33
 SECTION .0200 – OYSTERS	
15A NCAC 03K .0201	OPEN SEASON AND POSSESSION LIMIT 33
15A NCAC 03K .0202	SIZE LIMIT AND CULLING TOLERANCE 34
15A NCAC 03K .0203	TRAWLING ACROSS OYSTER MANAGEMENT AREAS PROHIBITED (REPEALED) 34
15A NCAC 03K .0204	DREDGES/MECHANICAL METHODS PROHIBITED 34
15A NCAC 03K .0205	MARKETING OYSTERS TAKEN FROM PRIVATE SHELLFISH BOTTOMS 34
15A NCAC 03K .0206	PERMITS TO USE MECHANICAL METHODS FOR OYSTER OR CLAMS ON SHELLFISH LEASES OR FRANCHISES 34
15A NCAC 03K .0207	OYSTER SIZE AND HARVEST LIMIT EXEMPTION 35
15A NCAC 03K .0208	SEED OYSTER MANAGEMENT AREAS 35
15A NCAC 03K .0209	OYSTER SANCTUARIES 35
 SECTION .0300 – HARD CLAMS (MERCENARIA)	
15A NCAC 03K .0301	SIZE AND HARVEST LIMIT 35
15A NCAC 03K .0302	MECHANICAL HARVEST SEASON 35
15A NCAC 03K .0303	PERMITS TO USE MECHANICAL METHODS FOR OYSTERS OR CLAMS ON SHELLFISH LEASES OR FRANCHISES REQUIREMENT 36
15A NCAC 03K .0304	PROHIBITED TAKING 36
15A NCAC 03K .0305	CLAM SIZE AND HARVEST LIMIT EXEMPTION 36
 SECTION .0400 – RANGIA CLAMS	
15A NCAC 03K .0401	PROHIBITED (POLLUTED) AREA PERMIT REQUIREMENT 37
15A NCAC 03K .0402	SEASON, SIZE AND HARVEST LIMITS 37
15A NCAC 03K .0403	DISPOSITION OF MEATS 37
15A NCAC 03K .0404	DREDGES/MECHANICAL METHODS PROHIBITED AND OPEN SEASON 37
15A NCAC 03K .0405	OYSTERS, MUSSELS, HARD CLAMS PROHIBITED 37
 SECTION .0500 – SCALLOPS	
15A NCAC 03K .0501	BAY SCALLOPS – SEASONS AND HARVEST LIMITS 37
15A NCAC 03K .0502	TAKING BAY SCALLOPS AT NIGHT AND ON WEEKENDS 38
15A NCAC 03K .0503	PROHIBITED BAY SCALLOP DREDGE 38
15A NCAC 03K .0504	CALICO SCALLOP SEASON 38
15A NCAC 03K .0505	SEA SCALLOPS SIZE LIMIT AND TOLERANCE 38
15A NCAC 03K .0506	SOAKED OR SWELLED BAY SCALLOPS PROHIBITED (REPEALED) 38
 SUBCHAPTER 03L – SHRIMP, CRABS, AND LOBSTER	
 SECTION .0100 – SHRIMP	
15A NCAC 03L .0101	SEASON 38
15A NCAC 03L .0102	WEEKEND SHRIMPING PROHIBITED 39
15A NCAC 03L .0103	PROHIBITED NETS, MESH SIZES AND AREAS 39
15A NCAC 03L .0104	UNLAWFUL TO USE OR TAKE (REPEALED) 39
15A NCAC 03L .0105	RECREATIONAL SHRIMP LIMITS 39

	PAGE
SECTION .0200 – CRABS	
15A NCAC 03L .0201	SIZE LIMIT AND CULLING TOLERANCE 40
15A NCAC 03L .0202	CRAB TRAWLING 40
15A NCAC 03L .0203	CRAB DREDGING 40
15A NCAC 03L .0204	CRAB POTS 40
15A NCAC 03L .0205	CRAB SPAWNING SANCTUARIES 41
15A NCAC 03L .0206	PEELER CRABS 41
15A NCAC 03L .0207	HORSESHOE CRABS 41
15A NCAC 03L .0208	STONE CRABS (MENIPPE MERCENARIA) 41
15A NCAC 03L .0209	RECREATIONAL HARVEST OF CRABS 42
SECTION .0300 – LOBSTER	
15A NCAC 03L .0301	AMERICAN LOBSTER (NORTHERN LOBSTER) 42
15A NCAC 03L .0302	SPINY LOBSTER 42
SUBCHAPTER 03M – FINFISH	
SECTION .0100 – FINFISH, GENERAL	
15A NCAC 03M .0101	MUTILATED FINFISH 43
15A NCAC 03M .0102	UNMARKETABLE FINFISH 43
15A NCAC 03M .0103	MINIMUM SIZE LIMITS 43
SECTION .0200 – STRIPED BASS	
15A NCAC 03M .0201	GENERAL 43
15A NCAC 03M .0202	SEASON, SIZE AND HARVEST LIMIT: INTERNAL COASTAL WATERS 44
15A NCAC 03M .0203	SIZE AND CREEL LIMIT: INTERNAL COASTAL WATERS (REPEALED) 44
15A NCAC 03M .0204	SEASON, SIZE AND HARVEST LIMIT: ATLANTIC OCEAN 44
15A NCAC 03M .0205	PROHIBITED TRAWLING 44
15A NCAC 03M .0206	HYBRID STRIPED BASS CULTURE 45
SECTION .0300 – SPANISH AND KING MACKEREL	
15A NCAC 03M .0301	SPANISH AND KING MACKEREL 45
15A NCAC 03M .0302	PURSE GILL NET PROHIBITED 45
SECTION .0400 – MENHADEN AND ATLANTIC THREAD HERRING	
15A NCAC 03M .0401	SEASON AND AREAS (REPEALED) 45
15A NCAC 03M .0402	FOODFISH PROHIBITED (REPEALED) 46
15A NCAC 03M .0403	FISHING ON WEEKENDS AND HOLIDAYS PROHIBITED (REPEALED) 46
15A NCAC 03M .0404	FISH SPILL REPORTING MANDATORY (REPEALED) 46
SECTION .0500 – OTHER FINFISH	
15A NCAC 03M .0501	RED DRUM 46
15A NCAC 03M .0502	MULLET 46
15A NCAC 03M .0503	FLOUNDER 46
15A NCAC 03M .0504	TROUT 48
15A NCAC 03M .0505	SHARK (REPEALED) 48
15A NCAC 03M .0506	SNAPPER-GROUPER COMPLEX 48
15A NCAC 03M .0507	BILLFISH 49
15A NCAC 03M .0508	STURGEON 49
15A NCAC 03M .0509	TARPON 49
15A NCAC 03M .0510	AMERICAN EEL 49
15A NCAC 03M .0511	BLUEFISH 49

15A NCAC 03M .0512	COMPLIANCE WITH FISHERY MANAGEMENT PLANS	49
15A NCAC 03M .0513	RIVER HERRING	50
15A NCAC 03M .0514	SCUP (REPEALED)	50
15A NCAC 03M .0515	DOLPHIN	50
15A NCAC 03M .0516	COBIA	50
15A NCAC 03M .0517	WAHOO	50
15A NCAC 03M .0518	KINGFISH (SEA MULLET)	51
15A NCAC 03M .0519	SHAD	51
15A NCAC 03M .0520	TUNA	51

SUBCHAPTER 03N – FISH HABITAT AREAS

15A NCAC 03N .0101	SCOPE AND PURPOSE	51
15A NCAC 03N .0102	NURSERY AREAS DEFINED (REPEALED)	51
15A NCAC 03N .0103	NURSERY AREA BOUNDARIES	51
15A NCAC 03N .0104	PROHIBITED GEAR, PRIMARY NURSERY AREAS	52
15A NCAC 03N .0105	PROHIBITED GEAR, SECONDARY NURSERY AREAS	52
15A NCAC 03N .0106	ANADROMOUS FISH SPAWNING AREA BOUNDARIES	52

SUBCHAPTER 03O – LICENSES, LEASES, FRANCHISES, AND PERMITS

SECTION .0100 – LICENSES

15A NCAC 03O .0101	PROCEDURES AND REQUIREMENTS TO OBTAIN LICENSES, ENDORSEMENTS AND COMMERCIAL FISHING VESSEL REGISTRATIONS	52
15A NCAC 03O .0102	RECREATIONAL FISHING TOURNAMENT LICENSE TO SELL FISH	55
15A NCAC 03O .0103	AUXILIARY VESSELS	55
15A NCAC 03O .0104	COMMERCIAL UNLOADING OF FISH	55
15A NCAC 03O .0105	BAIT AND MUSSEL DEALERS	56
15A NCAC 03O .0106	DISPLAY OF LICENSES AND REGISTRATIONS	56
15A NCAC 03O .0107	LOST LICENSE REPLACEMENT	56
15A NCAC 03O .0108	LICENSE TRANSFERS	56
15A NCAC 03O .0109	ASSIGNMENT OF SCFL	58
15A NCAC 03O .0110	LICENSE REFUNDS	58
15A NCAC 03O .0111	SURRENDER OF LICENSES	58
15A NCAC 03O .0112	FOR HIRE COASTAL RECREATIONAL FISHING	59

SECTION .0200 – LEASES AND FRANCHISES

15A NCAC 03O .0201	STANDARDS FOR SHELLFISH BOTTOM AND WATER COLUMN LEASES	59
15A NCAC 03O .0202	SHELLFISH BOTTOM AND WATER COLUMN LEASE APPLICATIONS	60
15A NCAC 03O .0203	SHELLFISH LEASE APPLICATION PROCESSING	61
15A NCAC 03O .0204	MARKING SHELLFISH LEASES AND FRANCHISES	61
15A NCAC 03O .0205	LEASE RENEWAL	62
15A NCAC 03O .0206	LEASE PROTEST	63
15A NCAC 03O .0207	PRODUCTION REPORTS	63
15A NCAC 03O .0208	CANCELLATION	63
15A NCAC 03O .0209	TRANSFER OF INTEREST	63
15A NCAC 03O .0210	SHELLFISH FRANCHISES	64
15A NCAC 03O .0211	PROTECTION OF PRIVATE SHELLFISH INTEREST	64

SECTION .0300 – RECREATIONAL COMMERCIAL GEAR LICENSES

15A NCAC 03O .0301	ELIGIBILITY FOR RECREATIONAL COMMERCIAL GEAR LICENSES	64
15A NCAC 03O .0302	AUTHORIZED GEAR	64
15A NCAC 03O .0303	RECREATIONAL COMMERCIAL GEAR LICENSE POSSESSION LIMITS	65
15A NCAC 03O .0304	CONSIDERATION OF APPEAL PETITIONS (REPEALED)	66
15A NCAC 03O .0305	EMERGENCY LICENSES (REPEALED)	66
15A NCAC 03O .0306	HARDSHIP LICENSES (REPEALED)	66
15A NCAC 03O .0307	APPEALS PANEL FINAL DECISION (REPEALED)	66
15A NCAC 03O .0308	OFFICIAL RECORD (REPEALED)	66
15A NCAC 03O .0309	REASONS FOR REVOCATION (REPEALED)	66
15A NCAC 03O .0310	TEMPORARY EMERGENCY VESSEL CRAB LICENSES (REPEALED)	66

SECTION .0400 – STANDARD COMMERCIAL LICENSE ELIGIBILITY

15A NCAC 03O .0401	ELIGIBILITY BOARD	66
15A NCAC 03O .0402	APPLICATION PROCESS	66
15A NCAC 03O .0403	ELIGIBILITY BOARD REVIEW	67
15A NCAC 03O .0404	ELIGIBILITY CRITERIA	67
15A NCAC 03O .0405	APPLICATION DOCUMENTATION	68
15A NCAC 03O .0406	STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL CERTIFICATION	68

SECTION .0500 – PERMITS

15A NCAC 03O .0501	PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS	69
15A NCAC 03O .0502	PERMIT CONDITIONS; GENERAL	70
15A NCAC 03O .0503	PERMIT CONDITIONS; SPECIFIC	71
15A NCAC 03O .0504	SUSPENSION/REVOCATION OF PERMITS	74
15A NCAC 03O .0505	FEES (REPEALED)	75
15A NCAC 03O .0506	SPECIAL PERMIT REQUIRED FOR SPECIFIC MANAGEMENT PURPOSES	75

SUBCHAPTER 03P – HEARING PROCEDURES**SECTION .0100 – HEARING PROCEDURES**

15A NCAC 03P .0101	LICENSE/PERMIT DENIAL: INFORMAL HEARING PROCEDURES	75
15A NCAC 03P .0102	CONTESTED CASE HEARING PROCEDURES	75
15A NCAC 03P .0103	PETITIONS FOR REGULATORY ACTIVITY (REPEALED)	76

SECTION .0200 – DECLARATORY RULINGS

15A NCAC 03P .0201	DECLARATORY RULINGS: GENERALLY	76
15A NCAC 03P .0202	PROCEDURE FOR REQUESTING DECLARATORY RULINGS	76
15A NCAC 03P .0203	DEFINITION	77

SECTION .0300 – PETITIONS FOR RULEMAKING

15A NCAC 03P .0301	FORM AND CONTENTS OF PETITION	77
15A NCAC 03P .0302	REVIEW BY A COMMITTEE OF THE COMMISSION	77
15A NCAC 03P .0303	PRESENTATION TO THE COMMISSION	78
15A NCAC 03P .0304	RECOURSE TO DENIAL OF THE PETITION	78

SUBCHAPTER 03Q – JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS**SECTION .0100 – GENERAL REGULATIONS: JOINT**

15A NCAC 03Q .0101	SCOPE AND PURPOSE	78
15A NCAC 03Q .0102	INLAND FISHING WATERS	79
15A NCAC 03Q .0103	COASTAL FISHING WATERS	79
15A NCAC 03Q .0104	JOINT FISHING WATERS	79
15A NCAC 03Q .0105	POSTING DIVIDING LINES	79
15A NCAC 03Q .0106	APPLICABILITY OF RULES: JOINT WATERS	79
15A NCAC 03Q .0107	SPECIAL REGULATIONS: JOINT WATERS	80
15A NCAC 03Q .0108	MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN JOINT WATERS	80
15A NCAC 03Q .0109	IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS: RECREATIONAL FISHING	81

SECTION .0200 – BOUNDARY LINES: COASTAL-JOINT-INLAND FISHING WATERS

15A NCAC 03Q .0201	SPECIFIC CLASSIFICATION OF WATERS	81
15A NCAC 03Q .0202	DESCRIPTIVE BOUNDARIES FOR COASTAL-JOINT-INLAND WATERS	81

SUBCHAPTER 03R – DESCRIPTIVE BOUNDARIES**SECTION .0100 – DESCRIPTIVE BOUNDARIES**

15A NCAC 03R .0101	SEA TURTLE SANCTUARY	106
15A NCAC 03R .0102	MILITARY DANGER ZONES AND RESTRICTED AREAS	106
15A NCAC 03R .0103	PRIMARY NURSERY AREAS	109
15A NCAC 03R .0104	PERMANENT SECONDARY NURSERY AREAS	126
15A NCAC 03R .0105	SPECIAL SECONDARY NURSERY AREAS	128
15A NCAC 03R .0106	TRAWL NETS PROHIBITED	130
15A NCAC 03R .0107	DESIGNATED POT AREAS	131
15A NCAC 03R .0108	MECHANICAL METHODS PROHIBITED	139
15A NCAC 03R .0109	TAKING CRABS WITH DREDGES	142
15A NCAC 03R .0110	CRAB SPAWNING SANCTUARIES	142
15A NCAC 03R .0111	PURSE SEINES PROHIBITED	143
15A NCAC 03R .0112	ATTENDED GILL NET AREAS	144
15A NCAC 03R .0113	POUND NET SET PROHIBITED AREAS	145
15A NCAC 03R .0114	SHRIMP TRAWL PROHIBITED AREAS	146
15A NCAC 03R .0115	ANADROMOUS FISH SPAWNING AREAS	146
15A NCAC 03R .0116	DESIGNATED SEED OYSTER MANAGEMENT AREAS	149
15A NCAC 03R .0117	OYSTER SANCTUARIES	150

SECTION .0200 – FISHERY MANAGEMENT AREAS

15A NCAC 03R .0201	STRIPED BASS MANAGEMENT AREAS	150
--------------------	-------------------------------	-----

SUBCHAPTER 03S – ECONOMIC ASSISTANCE TO THE FISHING INDUSTRY**SECTION .0100 – ECONOMIC ASSISTANCE PROGRAMS**

15A NCAC 03S .0101	GENERAL	151
15A NCAC 03S .0102	GRANTS TO COMMERCIAL SHRIMPING INDUSTRY FOR ECONOMIC LOSSES DUE TO FOREIGN IMPORTED SHRIMP	151
15A NCAC 03S .0103	GRANTS TO COMMERCIAL BLUE CRABBING INDUSTRY	152

SELECTED NORTH CAROLINA GENERAL STATUTES AND SESSION LAWS

G.S. 14-384.	Injuring notices and advertisements.	154
G.S. 14-399.	Littering.	154
G.S. 76-40.	Navigable waters; certain practices regulated.	156
G.S. 77-20.	Seaward boundary of coastal lands.	156
G.S. 113-129.	Definitions relating to resources.	157
G.S. 113-130.	Definitions relating to activities of public.	159
G.S. 113-132.	Jurisdiction of fisheries agencies.	160
G.S. 113-134.	Rules.	161
G.S. 113-134.1.	Jurisdiction over marine fisheries resources in Atlantic Ocean.	161
G.S. 113-135.	General penalties for violating Subchapter or rules; increased penalty for prior convictions; interpretive provisions.	161
G.S. 113-136.	Enforcement authority of inspectors and protectors; refusal to obey or allow inspection by inspectors and protectors.	161
G.S. 113-137.	Search on arrest; seizure and confiscation of property; disposition of confiscated property.	163
G.S. 113-138.	Enforcement jurisdiction of special conservation officers.	165
G.S. 113-140.	Warning tickets.	165
G.S. 113-168.	Definitions.	166
G.S. 113-168.1.	General provisions governing licenses and endorsements.	166
G.S. 113-168.2.	Standard Commercial Fishing License.	167
G.S. 113-168.3.	Retired Standard Commercial Fishing License.	168
G.S. 113-168.4.	Sale of fish.	169
G.S. 113-168.5.	License endorsements for Standard Commercial Fishing License.	169
G.S. 113-168.6.	Commercial fishing vessel registration.	169
G.S. 113-169.	Menhaden license for nonresidents not eligible for a SCFL.	170
G.S. 113-169.1.	Permits for gear, equipment, and other specialized activities authorized.	170
G.S. 113-169.2.	Shellfish license for North Carolina residents without a SCFL.	170
G.S. 113-169.3.	Licenses for fish dealers.	171
G.S. 113-169.4.	Licensing of ocean fishing piers; fees.	172
G.S. 113-169.5.	Land or sell license; vessels fishing beyond territorial waters.	172
G.S. 113-170.	Exportation and importation of fish and equipment.	173
G.S. 113-170.1.	Nonresidents reciprocal agreements.	173
G.S. 113-170.2.	Fraud or deception as to licenses, permits, or records.	173
G.S. 113-170.3.	Record-keeping requirements.	173
G.S. 113-170.4.	Rules as to possession, transportation, and disposition of fisheries resources.	174
G.S. 113-170.5.	Violations with respect to coastal fisheries resources.	174
G.S. 113-171.	Suspension, revocation, and reissuance of licenses.	174
G.S. 113-171.1.	Use of spotter planes in commercial fishing operations regulated.	175
G.S. 113-172.	License agents.	175
G.S. 113-173.	Recreational Commercial Gear License.	176
G.S. 113-174.	Definitions.	177
G.S. 113-174.1.	License required; general provisions governing licenses.	177
G.S. 113-174.2.	Coastal Recreational Fishing License.	178
G.S. 113-174.3.	For Hire Blanket CRFL.	179
G.S. 113-174.4.	Ocean Fishing Pier Blanket CRFL.	179
G.S. 113-174.5.	Blocks of 10 Ten-Day Coastal Recreational Fishing Licenses.	179
G.S. 113-175.1.	North Carolina Marine Resources Fund.	180
G.S. 113-175.5.	North Carolina Marine Resources Endowment Fund.	180
G.S. 113-182.	Regulation of fishing and fisheries.	181
G.S. 113-182.1.	Fishery Management Plans.	181
G.S. 113-183.	Unlawful possession, transportation and sale of fish.	183

	PAGE
G.S. 113-184.	Possession and transportation of prohibited oyster equipment. 183
G.S. 113-185.	Fishing near ocean piers; trash or scrap fishing. 183
G.S. 113-187.	Penalties for violations of Subchapter and rules. 183
G.S. 113-189.	Protection of sea turtles and porpoises. 184
G.S. 113-191.	Unlawful sale or purchase of fish; criminal and civil penalties. 184
G.S. 113-201.	Legislative findings and declaration of policy; authority of Marine Fisheries Commission. 184
G.S. 113-201.1.	Definitions. 185
G.S. 113-202.	New and renewal leases for shellfish cultivation; termination of leases issued prior to January 1, 1966. 185
G.S. 113-202.1.	Water column leases for aquaculture. 188
G.S. 113-202.2.	Water column leases for aquaculture for perpetual franchises. 189
G.S. 113-203.	Transplanting of oysters and clams. 190
G.S. 113-207.	Taking shellfish from certain areas forbidden; penalty. 191
G.S. 113-208.	Protection of private shellfish rights. 191
G.S. 113-209.	Taking polluted shellfish at night or with prior conviction forbidden; penalty. 191
G.S. 113-210.	Under Dock Oyster Culture. 191
G.S. 113-221.	Rules. 192
G.S. 113-221.1.	Proclamations; emergency review. 192
G.S. 113-228.	Adoption of federal regulations. 193
G.S. 113-262.	Taking fish or wildlife by poisons, drugs, explosives or electricity prohibited; exceptions; possession of illegally killed fish or wildlife prohibited. 194
G.S. 113-264.	Regulatory power over property of agency; public hunting grounds; scheduling of managed big game hunts. 194
G.S. 113-265.	Obstructing or polluting flow of water into hatchery; throwing fish offal into waters. 194
G.S. 113-266.	Interference with artificial reef marking devices. 194
G.S. 113-267.	Replacement costs of marine, estuarine, and wildlife resources; rules authorized; prima facie evidence. 195
G.S. 113-268.	Injuring, destroying, stealing, or stealing from nets, seines, buoys, pots, etc. 195
G.S. 113-269.	Robbing or injuring hatcheries and other aquaculture operations. 195
G.S. 143B-279.8.	Coastal Habitat Protection Plans. 196
G.S. 143B-289.50.	Definitions. 197
G.S. 143B-289.51.	Marine Fisheries Commission -- creation; purposes. 197
G.S. 143B-289.52.	Marine Fisheries Commission -- powers and duties. 197
G.S. 143B-289.53.	Marine Fisheries Commission -- quasi-judicial powers; procedures. 199
G.S. 143B-289.54.	Marine Fisheries Commission -- members; appointment; term; oath; ethical standards; removal; compensation; staff. 199
G.S. 143B-289.55.	Marine Fisheries Commission -- officers; organization; seal. 201
G.S. 143B-289.56.	Marine Fisheries Commission -- meetings; quorum. 201
G.S. 143B-289.57.	Marine Fisheries Commission Advisory Committees established; members; selection; duties. 202
G.S. 143B-289.58.	Marine Fisheries Endowment Fund. 202
G.S. 143B-289.59.	Conservation Fund; Commission may accept gifts. 203
G.S. 146-64.	Definitions. 203
G.S. 150B-20.	Petitioning an agency to adopt a rule. 204
G.S. 150B-21.22.	Effect of inclusion in Code. 204
S.L. 1967-Chp 876 [Section 2 only]	AN ACT PROVIDING FOR THE LEASE OF STATE-OWNED BOTTOMS FOR OYSTER AND CLAM CULTIVATION. 204

		PAGE
S.L. 1998-225 [Sections 4.24 and 5.6 only]	AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS AND TO RECOGNIZE THE COMMON LAW RIGHT OF THE PUBLIC TO THE CUSTOMARY FREE USE AND ENJOYMENT OF THE OCEAN BEACHES.	205
S.L. 2003-64	AN ACT TO LIMIT THE AREA OF WESTERN CORE SOUND THAT MAY BE LEASED FOR THE CULTIVATION OF SHELLFISH AND TO DIRECT THE DIVISION OF MARINE FISHERIES TO REPORT TO THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE ON THE IMPLEMENTATION OF THIS ACT.	206
S.L. 2007-320	AN ACT TO MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET WITHIN THREE NAUTICAL MILES OF THE SHORELINE OF BRUNSWICK COUNTY FROM MAY 1 THROUGH OCTOBER 31 OF EACH YEAR.	207
INDEX		209

SUBCHAPTER 03H - GENERAL INFORMATION

SECTION .0100 - GENERAL INFORMATION

15A NCAC 03H .0101 IDENTIFICATION INFORMATION

History Note: Authority G.S. 113-134;
Eff. January 1, 1991;
Amended Eff. March 1, 1994;
Temporary Repeal Eff. July 1, 1999;
Repealed Eff. August 1, 2000.

15A NCAC 03H .0102 SCOPE AND PURPOSE

- (a) The Division of Marine Fisheries is charged with the stewardship of the marine and estuarine resources of the State of North Carolina and is responsible for the management of all marine and estuarine resources. This responsibility includes the administration and enforcement of all statutes and rules governing commercial and recreational fishing in coastal waters, the development and improvement of the cultivation and harvesting of shellfish, and submerged land claims in North Carolina.
- (b) In its constant effort to meet its obligations, the Division of Marine Fisheries administers programs in commercial and recreational fisheries management and enforcement, applied research and monitoring, fisheries statistics, shellfish rehabilitation, bottom leasing, submerged land claims, and information and education.
- (c) The rules herein are applicable in all coastal waters of North Carolina, including joint fishing waters, and in the Atlantic Ocean.
- (d) The rules are designed to carry out, in part, the duty of the Division of Marine Fisheries to maintain, preserve, protect, and develop all the marine and estuarine resources of the State.

History Note: Authority G.S. 113-134; 143B-289.52; 150B-11;
Eff. January 1, 1991.

15A NCAC 03H .0103 PROCLAMATION AUTHORITY OF FISHERIES DIRECTOR

- (a) The proclamation authority granted to the Fisheries Director by the Marine Fisheries Commission within this Chapter includes the authority to close as well as open seasons and areas, to establish conditions governing various activities, and to reduce or increase the size and harvest limits from those stated in rule when specifically authorized. It is unlawful to violate the provisions of any proclamation issued by the authority of Marine Fisheries Commission Rule.
- (b) Unless specific variable conditions are set forth in a rule granting proclamation authority to the Fisheries Director, variable conditions triggering the use of the Fisheries Director's proclamation authority may include any of the following: compliance with changes mandated by the Fisheries Reform Act and its amendments, biological impacts, environmental conditions, compliance with Fishery Management Plans, user conflicts, bycatch issues and variable spatial distributions.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994; September 1, 1991;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2000.

15A NCAC 03H .0104 MAPS AND MARKING

- (a) Maps or charts showing the boundaries of the areas identified in Subchapter 15A NCAC 03R and 03Q .0202 are available for inspection at the Morehead City Office of the Division of Marine Fisheries.
- (b) The Division of Marine Fisheries shall mark the boundaries of areas identified in 15A NCAC 03R and 03Q.0202 with signs insofar as may be practical. No removal or relocation of any such marker or sign shall have the effect of changing the classification of any body of water or portion thereof, nor shall any such removal or relocation or the absence of any marker or sign affect the applicability of any rule pertaining to any such body of water or portion thereof. Where there is conflict between signs and 15A NCAC 03R or 03Q .0202 boundaries, rule boundaries shall prevail.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. August 1, 2004.

SUBCHAPTER 03I - GENERAL RULES

SECTION .0100 - GENERAL RULES

15A NCAC 03I .0101 DEFINITIONS

All definitions set out in G.S. 113, Subchapter IV and the following additional terms apply to this Chapter:

- (1) Enforcement and management terms:
 - (a) Commercial Quota. Total quantity of fish allocated for harvest by commercial fishing operations.
 - (b) Educational Institution. A college, university or community college accredited by an accrediting agency recognized by the U.S. Department of Education.
 - (c) Internal Coastal Waters or Internal Waters. All coastal fishing waters except the Atlantic Ocean.
 - (d) Length of finfish.
 - (i) Curved fork length. A length determined by measuring along a line, tracing the contour of the body from the tip of the upper jaw to the middle of the fork in the caudal (tail) fin.
 - (ii) Fork length. A length determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the middle of the fork in the caudal (tail) fin, except that fork length for billfish is measured from the tip of the lower jaw to the middle of the fork of the caudal (tail) fin.
 - (iii) Total length. A length determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the tip of the compressed caudal (tail) fin.
 - (e) Recreational Possession Limit. Restrictions on size, quantity, season, time period, area, means, and methods where take or possession is for a recreational purpose.
 - (f) Recreational Quota. Total quantity of fish allocated for harvest for a recreational purpose.
 - (g) Regular Closed Oyster Season. March 31 through October 15, unless amended by the Fisheries Director through proclamation authority.
 - (h) Seed Oyster Management Area. An open harvest area that, by reason of poor growth characteristics, predation rates, overcrowding or other factors, experiences poor utilization of oyster populations for direct harvest and sale to licensed dealers and is designated by the Marine Fisheries Commission as a source of seed for public and private oyster culture.
- (2) Fishing Activities:
 - (a) Aquaculture operation. An operation that produces artificially propagated stocks of marine or estuarine resources or obtains such stocks from permitted sources for the purpose of rearing in a controlled environment. A controlled environment provides and maintains throughout the rearing process one or more of the following:
 - (i) food,
 - (ii) predator protection,
 - (iii) salinity,
 - (iv) temperature controls, or
 - (v) water circulation,utilizing technology not found in the natural environment.
 - (b) Attended. Being in a vessel, in the water or on the shore and immediately available to work the gear and within 100 yards of any gear in use by that person at all times. Attended does not include being in a building or structure.
 - (c) Blue Crab Shedding. The process whereby a blue crab emerges soft from its former hard exoskeleton. A shedding operation is any operation that holds peeler crabs in a controlled environment. A controlled environment provides and maintains throughout the shedding process one or more of the following:
 - (i) food,
 - (ii) predator protection,
 - (iii) salinity,
 - (iv) temperature controls, or
 - (v) water circulation,utilizing technology not found in the natural environment. A shedding operation does not include transporting pink or red-line peeler crabs to a permitted shedding operation.
 - (d) Depuration. Purification or the removal of adulteration from live oysters, clams, and mussels by any natural or artificially controlled means.
 - (e) Long Haul Operations. Fishing a seine towed between two boats.

- (f) Peeler Crab. A blue crab that has a soft shell developing under a hard shell and having a white, pink, or red-line or rim on the outer edge of the back fin or flipper.
 - (g) Possess. Any actual or constructive holding whether under claim of ownership or not.
 - (h) Recreational Purpose. A fishing activity that is not a commercial fishing operation as defined in G.S. 113-168.
 - (i) Shellfish marketing from leases and franchises. The harvest of oysters, clams, scallops, mussels, from privately held shellfish bottoms and lawful sale of those shellfish to the public at large or to a licensed shellfish dealer.
 - (j) Shellfish planting effort on leases and franchises. The process of obtaining authorized cultch materials, seed shellfish, and polluted shellfish stocks and the placement of those materials on privately held shellfish bottoms for increased shellfish production.
 - (k) Shellfish production on leases and franchises:
 - (i) The culture of oysters, clams, scallops, and mussels, on shellfish leases and franchises from a sublegal harvest size to a marketable size.
 - (ii) The transplanting (relay) of oysters, clams, scallops and mussels from areas closed due to pollution to shellfish leases and franchises in open waters and the natural cleansing of those shellfish.
 - (l) Swipe Net Operations. Fishing a seine towed by one boat.
 - (m) Transport. Ship, carry, or cause to be carried or moved by public or private carrier by land, sea, or air.
 - (n) Use. Employ, set, operate, or permit to be operated or employed.
- (3) Gear:
- (a) Bunt Net. The last encircling net of a long haul or swipe net operation constructed of small mesh webbing. The bunt net is used to form a pen or pound from which the catch is dipped or bailed.
 - (b) Channel Net. A net used to take shrimp which is anchored or attached to the bottom at both ends or with one end anchored or attached to the bottom and the other end attached to a boat.
 - (c) Commercial Fishing Equipment or Gear. All fishing equipment used in coastal fishing waters except:
 - (i) Cast nets;
 - (ii) Collapsible crab traps, a trap used for taking crabs with the largest open dimension no larger than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved from or lowered to the bottom;
 - (iii) Dip nets or scoops having a handle not more than eight feet in length and a hoop or frame to which the net is attached not exceeding 60 inches along the perimeter;
 - (iv) Gigs or other pointed implements which are propelled by hand, whether or not the implement remains in the hand;
 - (v) Hand operated rakes no more than 12 inches wide and weighing no more than six pounds and hand operated tongs;
 - (vi) Hook-and-line and bait-and-line equipment other than multiple-hook or multiple-bait trotline;
 - (vii) Landing nets used to assist in taking fish when the initial and primary method of taking is by the use of hook and line;
 - (viii) Minnow traps when no more than two are in use;
 - (ix) Seines less than 30 feet in length;
 - (x) Spears, Hawaiian slings or similar devices, which propel pointed implements by mechanical means, including elastic tubing or bands, pressurized gas or similar means.
 - (d) Dredge. A device towed by engine power consisting of a frame, tooth bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or conchs.
 - (e) Fixed or stationary net. A net anchored or staked to the bottom, or some structure attached to the bottom, at both ends of the net.
 - (f) Fyke Net. An entrapment net supported by a series of internal or external hoops or frames, with one or more lead or leaders that guide fish to the net mouth. The net has one or more internal funnel-shaped openings with tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).

- (g) Gill Net. A net 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.
 - (h) Hoop Net. An entrapment net supported by a series of internal or external hoops or frames. The net has one or more internal funnel-shaped openings with tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap the fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).
 - (i) Mechanical methods for clamming. Dredges, hydraulic clam dredges, stick rakes and other rakes when towed by engine power, patent tongs, kicking with propellers or deflector plates with or without trawls, and any other method that utilizes mechanical means to harvest clams.
 - (j) Mechanical methods for oystering. Dredges, patent tongs, stick rakes and other rakes when towed by engine power and any other method that utilizes mechanical means to harvest oysters.
 - (k) Mesh Length. The diagonal distance from the inside of one knot to the outside of the other knot, when the net is stretched hand-tight.
 - (l) Pound Net Set. A fish trap consisting of a holding pen, one or more enclosures, lead or leaders, and stakes or anchors used to support the trap. The lead(s), enclosures, and holding pen are not conical, nor are they supported by hoops or frames.
 - (m) Purse Gill Nets. Any gill net used to encircle fish when the net is closed by the use of a purse line through rings located along the top or bottom line or elsewhere on such net.
 - (n) Seine. A net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh size, webbing diameter, or method in which it is used.
- (4) Fish habitat areas. The estuarine and marine areas that support juvenile and adult populations of fish species, as well as forage species utilized in the food chain. Fish habitats as used in this definition, are vital for portions of the entire life cycle, including the early growth and development of fish species. Fish habitats in all coastal fishing waters, as determined through marine and estuarine survey sampling, include:
- (a) Anadromous fish nursery areas. Anadromous fish nursery areas are those areas in the riverine and estuarine systems utilized by post-larval and later juvenile anadromous fish.
 - (b) Anadromous fish spawning areas. Anadromous fish spawning areas are those areas where evidence of spawning of anadromous fish has been documented in Division sampling records through direct observation of spawning, capture of running ripe females, or capture of eggs or early larvae.
 - (c) Coral:
 - (i) Fire corals and hydrocorals (Class Hydrozoa);
 - (ii) Stony corals and black corals (Class Anthozoa, Subclass Scleractinia); or
 - (iii) Octocorals; Gorgonian corals (Class Anthozoa, Subclass Octocorallia), which include sea fans (*Gorgonia* sp.), sea whips (*Leptogorgia* sp. and *Lophogorgia* sp.), and sea pansies (*Renilla* sp.).
 - (d) Intertidal Oyster Bed. A formation, regardless of size or shape, formed of shell and live oysters of varying density.
 - (e) Live rock. Living marine organisms or an assemblage thereof attached to a hard substrate, excluding mollusk shells, but including dead coral or rock. Living marine organisms associated with hard bottoms, banks, reefs, and live rock include:
 - (i) Coralline algae (Division Rhodophyta);
 - (ii) *Acetabularia* sp., mermaid's fan and cups (*Udotea* sp.), watercress (*Halimeda* sp.), green feather, green grape algae (*Caulerpa* sp.) (Division Chlorophyta);
 - (iii) *Sargassum* sp., *Dictyopteris* sp., *Zonaria* sp. (Division Phaeophyta);
 - (iv) Sponges (Phylum Porifera);
 - (v) Hard and soft corals, sea anemones (Phylum Cnidaria), including fire corals (Class Hydrozoa), and Gorgonians, whip corals, sea pansies, anemones, *Solengastrea* (Class Anthozoa);
 - (vi) Bryozoans (Phylum Bryozoa);
 - (vii) Tube worms (Phylum Annelida), fan worms (*Sabellidae*); feather duster and Christmas treeworms (*Serpulidae*), and sand castle worms (*Sabellaridae*);
 - (viii) Mussel banks (Phylum Mollusca: *Gastropoda*); and
 - (ix) Acorn barnacles (Arthropoda: Crustacea: *Semibalanus* sp.).

- (f) Nursery areas. Nursery areas are those areas in which for reasons such as food, cover, bottom type, salinity, temperature and other factors, young finfish and crustaceans spend the major portion of their initial growing season. Primary nursery areas are those areas in the estuarine system where initial post-larval development takes place. These are areas where populations are uniformly early juveniles. Secondary nursery areas are those areas in the estuarine system where later juvenile development takes place. Populations are composed of developing sub-adults of similar size which have migrated from an upstream primary nursery area to the secondary nursery area located in the middle portion of the estuarine system.
- (g) Shellfish producing habitats. Shellfish producing habitats are those areas in which shellfish, such as clams, oysters, scallops, mussels, and whelks, whether historically or currently, reproduce and survive because of such favorable conditions as bottom type, salinity, currents, cover, and cultch. Included are those shellfish producing areas closed to shellfish harvest due to pollution.
- (h) Strategic Habitat Areas. Strategic Habitat Areas are locations of individual fish habitats or systems of habitats that provide exceptional habitat functions or that are particularly at risk due to imminent threats, vulnerability, or rarity.
- (i) Submerged aquatic vegetation habitat. Submerged aquatic vegetation (SAV) habitat is submerged lands that:
 - (i) are vegetated with one or more species of submerged aquatic vegetation including bushy pondweed or southern naiad (*Najas guadalupensis*), coontail (*Ceratophyllum demersum*), eelgrass (*Zostera marina*), horned pondweed (*Zannichellia palustris*), naiads (*Najas* spp.), redhead grass (*Potamogeton perfoliatus*), sago pondweed (*Stuckenia pectinata*, formerly *Potamogeton pectinatus*), shoalgrass (*Halodule wrightii*), slender pondweed (*Potamogeton pusillus*), water stargrass (*Heteranthera dubia*), water starwort (*Callitriche heterophylla*), waterweeds (*Elodea* spp.), widgeongrass (*Ruppia maritima*) and wild celery (*Vallisneria americana*). These areas may be identified by the presence of above-ground leaves, below-ground rhizomes, or reproductive structures associated with one or more SAV species and include the sediment within these areas; or
 - (ii) have been vegetated by one or more of the species identified in Sub-item (4)(i)(i) of this Rule within the past 10 annual growing seasons and that meet the average physical requirements of water depth (six feet or less), average light availability (secchi depth of one foot or more), and limited wave exposure that characterize the environment suitable for growth of SAV. The past presence of SAV may be demonstrated by aerial photography, SAV survey, map, or other documentation. An extension of the past 10 annual growing seasons criteria may be considered when average environmental conditions are altered by drought, rainfall, or storm force winds.

This habitat occurs in both subtidal and intertidal zones and may occur in isolated patches or cover extensive areas. In defining SAV habitat, the Marine Fisheries Commission recognizes the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et. seq.) and does not intend the submerged aquatic vegetation definition, or rules 15A NCAC 03K .0304, .0404 and 03I .0101, to apply to or conflict with the non-development control activities authorized by that Act.

- (5) Licenses, permits, leases and franchises, and record keeping:
 - (a) Assignment. Temporary transferal to another person of privileges under a license for which assignment is permitted. The person assigning the license delegates the privileges permitted under the license to be exercised by the assignee, but retains the power to revoke the assignment at any time, is still the responsible party for the license.
 - (b) Designee. Any person who is under the direct control of the permittee or who is employed by or under contract to the permittee for the purposes authorized by the permit.
 - (c) For Hire Vessel. As defined by G.S. 113-174 when the vessel is fishing in state waters or when the vessel originates from or returns to a North Carolina port.
 - (d) Holder. A person who has been lawfully issued in their name a license, permit, franchise, lease, or assignment.
 - (e) Land:
 - (i) For commercial fishing operations, when fish reach the shore or a structure connected to the shore.

- (ii) For purposes of trip tickets, when fish reach a licensed seafood dealer, or where the fisherman is the dealer, when the fish reaches the shore or a structure connected to the shore.
- (iii) For recreational fishing operations, when fish are retained in possession by the fisherman.
- (f) Licensee. Any person holding a valid license from the Department to take or deal in marine fisheries resources.
- (g) Master. Captain of a vessel or one who commands and has control, authority, or power over a vessel.
- (h) New fish dealer. Any fish dealer making application for a fish dealer license who did not possess a valid dealer license for the previous license year in that name or ocean pier license in that name on June 30, 1999. For purposes of license issuance, adding new categories to an existing fish dealers license does not constitute a new dealer.
- (i) North Carolina Trip Ticket. Paper forms provided by the Division, and electronic data files generated from software provided by the Division, for the reporting of fisheries statistics, which include quantity, method and location of harvest.
- (j) Office of the Division. Physical locations of the Division conducting license and permit transactions in Wilmington, Washington, Morehead City, Columbia, Roanoke Island and Elizabeth City, North Carolina. Other businesses or entities designated by the Secretary to issue Recreational Commercial Gear Licenses or Coastal Recreational Fishing Licenses are not considered Offices of the Division.
- (k) Responsible party. Person who coordinates, supervises or otherwise directs operations of a business entity, such as a corporate officer or executive level supervisor of business operations and the person responsible for use of the issued license in compliance with applicable statutes and rules.
- (l) Tournament Organizer. The person who coordinates, supervises or otherwise directs a recreational fishing tournament and is the holder of the Recreational Fishing Tournament License.
- (m) Transaction. Act of doing business such that fish are sold, offered for sale, exchanged, bartered, distributed or landed.
- (n) Transfer. Permanent transferal to another person of privileges under a license for which transfer is permitted. The person transferring the license retains no rights or interest under the license transferred.

History Note: Authority G.S. 113-134; 113-174; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1995; March 1, 1994; October 1, 1993; July 1, 1993;
Recodified from 15A NCAC 03I .0001 Eff. December 17, 1996;
Amended Eff. April 1, 1999; August 1, 1998; April 1, 1997;
Temporary Amendment Eff. May 1, 2000; August 1, 1999; July 1, 1999;
Amended Eff. August 1, 2000;
Temporary Amendment Eff. August 1, 2000;
Amended Eff. April 1, 2009; October 1, 2008; December 1, 2007; December 1, 2006; September 1, 2005; April 1, 2003; April 1, 2001.

15A NCAC 03I .0102 TEMPORARY SUSPENSION OF RULES

The Fisheries Director is authorized to suspend, in whole or in part, until the next meeting of the Marine Fisheries Commission, or for a lesser period, the operation of any rule of the Marine Fisheries Commission regarding coastal fisheries which may be affected by variable conditions.

History Note: Authority G.S. 113-134; 143B-289.52;
Eff. January 1, 1991;
Recodified from 15A NCAC 3I .0002 Eff. December 17, 1996.

15A NCAC 03I .0103 CONFISCATION AND DISPOSITION

The Fisheries Director is directed to establish administrative procedures for the summary disposition of confiscated live or perishable fish, not inconsistent with the provisions of G.S. 113-137(d). In so doing, he may require inspectors to obtain and file receipts for any fish so disposed of.

History Note: Authority G.S. 113-134; 113-137; 113-221; 143B-289.52;

Eff. January 1, 1991;
Recodified from 15A NCAC 3I .0003 Eff. December 17, 1996.

15A NCAC 03I .0104 INTRODUCE, TRANSFER OR HOLD IMPORTED MARINE AND ESTUARINE ORGANISMS

(a) In order to protect the marine and estuarine resources of North Carolina from unacceptable risks from predators, pests, parasites, and disease, it is unlawful, without first obtaining a permit from the Fisheries Director or without obtaining live marine and estuarine organisms from a permit holder:

- (1) To place into the coastal fishing waters of the state live marine and estuarine organisms not native to the state. For the purpose of this Rule, this action is an introduction.
- (2) To place into the coastal fishing waters of the state live marine and estuarine organisms which are native but which originated outside the State's boundaries. For the purpose of this Rule, this action is a transfer.
- (3) To hold or maintain any live marine or estuarine organism imported into the state in a quarantine or isolation system for live bait or use in an aquaculture operation as defined in 15A NCAC 03I .0101.
- (4) To sell for bait any live marine or estuarine organism imported into the state.

(b) Any person desiring to obtain a Permit to Introduce, Transfer or Hold Imported Marine and Estuarine Organisms must make written application to the Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557-0769. In order for the Fisheries Director to determine the level of risk to any native marine resource or the environment, the applicant shall provide:

- (1) A certification from a pathologist that a sample of 60 organisms from proposed shipments are disease free or a certification from a governmental veterinary service that the organisms to be shipped were produced in an area or facility free of diseases posing a risk to North Carolina's estuarine resources, or their environment, as determined by the Fisheries Director; and
- (2) A certification from a biologist or veterinarian that macroscopic and microscopic examination indicates the shipment contains only those species identified on the permit application.

(c) The Fisheries Director shall require disinfection, quarantine or destruction of organisms and transfer materials as a condition of the permit, upon finding the importation poses a risk to North Carolina's estuarine resources, or their environment.

(d) The Fisheries Director may hold public meetings prior to granting permits for activities specified in Paragraph (a) of this Rule to gather information concerning risks to native marine resources or the environment.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. November 1, 1991;
Recodified from 15A NCAC 3I .0004 Eff. December 17, 1996;
Amended Eff. April 1, 2009.

15A NCAC 03I .0105 LEAVING DEVICES UNATTENDED

(a) It is unlawful to leave stakes, anchors, nets, buoys, or floating devices in any coastal fishing waters when such devices are not being employed in fishing operations except as otherwise provided by rule or General Statute.

(b) It is unlawful to leave pots in any coastal fishing waters for more than five consecutive days, when such pots are not being employed in fishing operations, except upon a timely and sufficient showing of hardship as defined in Subparagraph (b)(2) of this Rule or as otherwise provided by General Statute.

- (1) Agents of the Fisheries Director may tag pots with a device approved by the Fisheries Director to aid and assist in the investigation and identification of unattended pots. Any such device attached to a pot by agents of the Fisheries Director must be removed by the individual utilizing the pot within five days of attachment in order to demonstrate that the pot is being employed in fishing operations.
- (2) For the purposes of Paragraph (b) of this Rule only, a timely and sufficient showing of hardship in a commercial fishing operation shall be written notice given to the Fisheries Director that a mechanical breakdown of the owner's vessel(s) currently registered with the Division of Marine Fisheries under G.S. 113-168.6, or the death, illness or incapacity of the owner of the pot or his immediate family, as defined in G.S. 113-168, prevented or will prevent employing such pots in fishing operations more than five consecutive days. The notice, specifying the time needed because of hardship, shall be received by the Fisheries Director before any pot is left in coastal fishing waters for five consecutive days without being employed in fishing operations, and shall state, in addition to the following, the number and specific location of the pots, and the date on which the pots will be employed in fishing operations or removed from coastal fishing waters:
 - (A) in case of mechanical breakdown, the notice shall state the commercial fishing vessel registration number, owner's N.C. motor boat registration number of the disabled vessel, date

disabled, arrangements being made to repair the vessel or a copy of the work order showing the name, address and phone number of the repair facility; or

- (B) in case of the death, illness or incapacity of the owner of the pot or his immediate family, the notice shall state the name of the owner or immediate family member, the date of death, the date and nature of the illness or incapacity. The Fisheries Director may require a doctor's verification of the illness or incapacity.

- (3) The Fisheries Director may, by proclamation, modify the five day requirement, if necessary due to hurricanes, severe weather or other variable conditions. Failure to employ in fishing operations or remove from coastal fishing waters all pots for which notice of hardship is received under this Rule within 14 days of the expiration of the hardship shall be violation of this Rule.

(c) It is unlawful to set or have any fishing equipment in coastal fishing waters in violation of this Section or which contains edible species of fish unfit for human consumption.

*History Note: Authority G.S. 113-134; 113-137; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996;
Recodified from 15A NCAC 03I .0005 Eff. December 17, 1996;
Amended Eff. April 1, 1997;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. September 1, 2005; August 1, 2000.*

15A NCAC 03I .0106 SCIENTIFIC, EDUCATIONAL, OR OFFICIAL COLLECTING PERMIT

*History Note: Authority G.S. 113-134; 113-169.3; 113-182; 113-261; 143B-289.52;
Eff. January 1, 1991;
Recodified from 15A NCAC 3I .0006 Eff. December 17, 1996;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 1999;
Temporary Repeal Eff. September 1, 2000;
Repealed Eff. August 1, 2002.*

15A NCAC 03I .0107 ENDANGERED OR THREATENED SPECIES

(a) Pursuant to a cooperative agreement entered into on February 5, 1979, by the Department of Environment and Natural Resources, the Marine Fisheries Commission, and the Wildlife Resources Commission, the Wildlife Resources Commission will exercise regulatory jurisdiction over any species of sea turtle, and their eggs and nests, consistent with designation of such species as endangered or threatened by the U.S. Fish and Wildlife Service. As provided by said agreement, the law enforcement officers of both the Marine Fisheries Division and the Wildlife Resources Commission have jurisdiction to enforce any State laws and rules, including those contained in 15A NCAC 10I, relating to endangered or threatened species of sea turtles and their eggs and nests.

(b) The Fisheries Director may close or restrict by proclamation any coastal waters with respect to taking or attempting to take any or all kinds of marine resources when the method (equipment) used is a serious threat to an endangered or threatened species listed pursuant to 16 USC 1533(c). Copies of this list may be obtained from the Division of Marine Fisheries, PO Box 769, 3441 Arendell St., Morehead City, North Carolina 28557-0769.

(c) It is unlawful to use any commercial fishing equipment in the sea turtle sanctuary located in the Atlantic Ocean adjacent to Onslow County as described in 15A NCAC 03R .0101 from June 1 through August 31, except that the Fisheries Director may, by proclamation, modify the sanctuary within the described area and vary implementation between specified dates for the protection of the sea turtle population.

*History Note: Authority G.S. 113-132; 113-134; 113-134.1; 113-182; 113-189; 143B-289.52;
Eff. January 1, 1991;
Recodified from 15A NCAC 3I .0007 Eff. December 17, 1996;
Amended Eff. July 1, 1999; May 1, 1997.*

15A NCAC 03I .0108 OCEAN FISHING PIERS

(a) It is unlawful to fish with nets of any kind or from boats within the zone adjacent to any ocean fishing pier meeting the requirements of G.S. 113-185(a), if such zone is marked by one of the following methods or a combination of methods:

- (1) Yellow range poles at least three inches in diameter and extending not less than six feet above the surface of the ground, and which are parallel to the pier and identified by signs with the name of the pier printed in letters at least three inches high; or

- (2) Buoys, which shall be yellow in color and not less than nine inches in diameter and extend no less than three feet above the surface of the water.
- (b) It is unlawful to define a zone that extends more than 750 feet from the pier. When a marking system defines a smaller area than authorized, the limitations on fishing activities shall apply within the marked zone. When the marking system does not include buoys placed seaward of the pier's offshore end, the zone protected under G.S. 113-185 shall be limited to the areas parallel to the sides of the pier and shall include no area seaward of the offshore end of the pier.
- (c) Owners of qualifying ocean piers shall be responsible for complying with all applicable local, state and federal regulations for marking systems.

*History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.52;
Eff. January 1, 1991;
Recodified from 15A NCAC 3I .0008 Eff. December 17, 1996.*

15A NCAC 03I .0109 ARTIFICIAL REEFS AND RESEARCH SANCTUARIES

- (a) The Fisheries Director may, by proclamation, prohibit or restrict the taking of fish and the use of any equipment in and around any artificial reef or research sanctuary. Any closure or restriction is subject to the following conditions:
- (1) Artificial reefs shall not be closed or restricted beyond 500 yards in the Atlantic Ocean or 250 yards in internal coastal waters. Artificial reefs shall be marked as near center as feasible by one readily identifiable official buoy and distances for closures or restrictions shall be measured from such buoy.
 - (2) Any closure or restriction shall be for no more than one year, subject to renewal in the discretion of the Fisheries Director.
 - (3) The economic effect of the closure or restriction on fishing interests with respect to the size and location of the area and the nature of the equipment affected shall be considered before such closure is made and findings shall be made in writing which findings shall be available for public inspection at the office of Division of Marine Fisheries in Morehead City.
- (b) It is unlawful to engage in any fishing activity, use any equipment, or conduct any other operation which has been prohibited by proclamation issued under this authority.

*History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.52;
Eff. January 1, 1991;
Recodified from 15A NCAC 3I .0009 Eff. December 17, 1996.*

15A NCAC 03I .0110 MILITARY DANGER ZONES AND RESTRICTED AREAS

- (a) Pursuant to Title 33 United States Code Section 3, the United States Army Corps of Engineers has adopted regulations which restrict access to and activities within certain areas of coastal and inland fishing waters. Federal Rules codified at 33 CFR 334.410 through 334.450 designate danger zones and restricted areas, within North Carolina coastal waters. These areas are designated in 15A NCAC 03R .0102. Only the applicable military commanders listed in the federal regulations have authority to authorize navigation or fishing access to these designated areas. All military danger zone and restricted area closures shall be enforced by the appropriate federal agency. If reasonable use of these areas by the food fishing industry is allowed or a permit process implemented by the appropriate military authorities to allow access in accordance with 33 U.S.C. Section 3 or the appropriate federal authority allows access to danger zones or restricted areas, all applicable fisheries statutes, N.C. Marine Fisheries Commission rules, and proclamations issued by the Fisheries Director, other than those allowing access, shall apply within these areas.
- (b) The military danger zones and restricted areas are shown on navigational charts and specifically described in the Coastal Pilot and the Code of Federal Regulations (CFR). Copies of the CFR provisions are available on the internet at www.gpoaccess.gov/cfr/index.html or at the Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557. These areas are also designated in 15A NCAC 03R .0102.

*History Note: Authority G.S. 113-134; 113-182; 113-228; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994;
Recodified from 15A NCAC 3I .0010 Eff. December 17, 1996;
Amended Eff. August 1, 2004; May 1, 1997.*

15A NCAC 03I .0111 PERMITS FOR AQUACULTURE OPERATIONS

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 1992; September 1, 1991;
Recodified from 15A NCAC 3I .0011 Eff. December 17, 1996;*

*Temporary Repeal Eff. September 1, 2000;
Repealed Eff. August 1, 2002.*

15A NCAC 03I .0112 SPECIAL PERMIT REQUIRED FOR SPECIFIC MANAGEMENT PURPOSES

*History Note: Authority G.S. 113-134; 113-170.3; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Recodified from 15A NCAC 3I .0012 Eff. December 17, 1996;
Temporary Repeal Eff. May 1, 2000;
Repealed Eff. April 1, 2001.*

15A NCAC 03I .0113 BIOLOGICAL SAMPLING

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. Such data shall include, but is not limited to, species identification, length, weight, age, sex, number, area of catch, harvest method, and quantity of catch.

*History Note: Authority G.S. 113-134; 113-170.3; 113-170.4; 113-182;
Eff. October 1, 1992
Recodified from 15A NCAC 3I .0013 Eff. December 17, 1996.*

15A NCAC 03I .0114 RECORDKEEPING REQUIREMENTS

(a) It is unlawful for a fish dealer:

- (1) To fail to accurately and legibly complete all mandatory items on the North Carolina trip ticket for each transaction and submit the trip ticket in accordance with G.S. 113-168.2;
- (2) To fail to provide to the Division a completed no transaction form by the tenth day of the following month when no transactions occurred for a month;
- (3) To fail to keep all trip tickets and all supporting documentation for each transaction including receipts, checks, bills of lading, records and accounts for a period of not less than three years.

(b) It is unlawful for a seller licensed under G.S. 113, Article 14A or donor to fail to provide to the fish dealer, at the time of transaction, the following:

- (1) A current and valid license or permit to sell the type of fish being offered and if a vessel is used, the commercial fishing vessel registration; and
- (2) Complete and accurate information on harvest method and area of catch and other information required by the Division.

(c) It is unlawful to transport fish without having ready at hand for inspection a bill of consignment, bill of lading, or other shipping documentation provided by the shipping dealer showing thereon the name of the consignee, name of the shipper, the date of the shipment, and the quantity of each species of fish shipped. In the event the fisherman taking the fish is also a dealer and ships from the point of landing, all shipping records shall be recorded at the point of landing. Fishermen who transport their fish directly to dealers are exempt from this Paragraph of this Rule.

(d) It is unlawful to export fish landed in the State in a commercial fishing operation without a North Carolina licensed fish dealer completing all the record keeping requirements in G.S. 113-168.2(i).

(e) It is unlawful to offer for sale fish purchased from a licensed fish dealer without having ready at hand for inspection written documentation of purchase showing thereon the name of the licensed dealer, name of the purchaser, date of the purchase, and the quantity of each species purchased.

(f) It is unlawful for a holder of a Fish Dealer's License to have fish in possession at a licensed location without written documentation from a licensed fish dealer or a completed North Carolina Marine Fisheries Trip Ticket to show the quantity and origin of all fish.

*History Note: Authority G.S. 113-134; 113-168.2; 113-168.3; 113-169.3; 113-170; 113-170.3; 113-170.4; 143B-289.52;
Eff. March 1, 1994;
Recodified from 15A NCAC 3I .0014 Eff. December 17, 1996;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2000.*

15A NCAC 03I .0115 REPLACEMENT COSTS OF MARINE AND ESTUARINE RESOURCES - FISH

(a) Fish, as used throughout this Rule, is defined in G.S. 113-129(7).

(b) Replacement Costs Distinguished. As it applies to fishes the term "replacement costs" must be distinguished from the "value" of the fish concerned. Except in cases where fish may lawfully be sold on the open market, as with commercially reared species, the monetary value of the specimens cannot be determined easily. The degree of special interest or concern in a particular species by the public, including not only anglers, but conservationists and those to whom the value of fishes is primarily aesthetic, cannot be measured in dollar amounts. The average cost of fish legally taken by anglers including travel and lodging, fishing equipment and bait, excise taxes on equipment, licenses and other fees, may fairly be estimated. This too, however, is a reflection on the value of existing fishery resources rather than a measure of the cost of their replacement. Thus, the relative value of fish species shall be considered only as they may bear on the necessity or desirability of actual replacement.

(c) Determining replacement costs. The replacement costs of species of fishes that have been taken, injured, removed, harmfully altered, damaged, or destroyed shall be determined as follows. The weight of each undersized fish shall be adjusted to the average weight of a fish on the minimum legal size established by the Marine Fisheries Commission for that species. The replacement cost shall be calculated based on the greater of either:

- (1) the cost of propagating and rearing the species in a hatchery and the cost of transporting them to areas of suitable habitat; or
- (2) the average annual ex-vessel value of fish species per pound.

(d) The cost of propagating, rearing and transporting the fish and the average annual ex-vessel value of fish species per pound shall be taken from the Division of Marine Fisheries annual statistical report for the calendar year next preceding the year in which the offense was committed. When the cost of propagating, rearing or transporting a particular species is not available, replacement costs shall be calculated based upon the average annual ex-vessel value of the species. When neither the cost of propagating, rearing or transporting a particular species, nor the average annual ex-vessel value of the species is available, replacement costs shall be determined according to the following factors:

- (1) whether the species is classified as endangered or threatened;
- (2) the relative frequency of occurrence of the species in the state;
- (3) the extent of existing habitat suitable for the species within the state;
- (4) the dependency of the species on unique habitat requirements;
- (5) the cost of improving and maintaining suitable habitat for the species;
- (6) the cost of capturing the species in areas of adequate populations and transplanting them to areas of suitable habitat with low populations;
- (7) the availability of the species and the cost of acquisition for restocking purposes;
- (8) the cost of those species which, when released, have a probability of survival in the wild;
- (9) the ratio between the natural life expectancy of the species and the period of its probable survival when, having been reared in a hatchery, it is released to the wild.

(e) Replacement costs will be assessed for the following fish:

- (1) Alewife (River Herring);
- (2) Amberjacks;
- (3) Anglerfish (Goosefish);
- (4) Bluefish;
- (5) Bonito;
- (6) Butterfish;
- (7) Carp;
- (8) Catfishes;
- (9) Cobia;
- (10) Croaker, Atlantic;
- (11) Cutlassfish, Atlantic;
- (12) Dolphinfish;
- (13) Drum, Black;
- (14) Drum, Red (Channel Bass);
- (15) Eels;
- (16) Flounders;
- (17) Flounders, Fluke;
- (18) Garfish;
- (19) Gizzard Shad;
- (20) Groupers;
- (21) Grunts;
- (22) Hakes;
- (23) Harvestfish;
- (24) Herring, Thread;
- (25) Hickory Shad;
- (26) Hogfish;

- (27) Jacks;
- (28) Kingfishes (Sea Mullet);
- (29) Mackerel, Atlantic;
- (30) Mackerel, King;
- (31) Mackerel, Spanish;
- (32) Menhaden, Atlantic;
- (33) Mullets;
- (34) Perch, White;
- (35) Perch, Yellow;
- (36) Pigfish;
- (37) Pompano;
- (38) Porgies;
- (39) Scup;
- (40) Sea Basses;
- (41) Seatrout, Spotted;
- (42) Shad (American);
- (43) Sharks;
- (44) Sharks, Dogfish;
- (45) Sheepshead;
- (46) Skippers;
- (47) Snappers;
- (48) Spadefish, Atlantic;
- (49) Spot;
- (50) Striped Bass;
- (51) Swellfishes (Puffers);
- (52) Swordfish;
- (53) Tilefish;
- (54) Triggerfish;
- (55) Tuna;
- (56) Wahoo;
- (57) Weakfish (Grey Trout);
- (58) Whiting;
- (59) Wreckfish;
- (60) Unclassified Fish;
- (61) Brown Shrimp;
- (62) Pink Shrimp;
- (63) Rock Shrimp;
- (64) White Shrimp;
- (65) Unclassified Shrimp;
- (66) Clam, Hard;
- (67) Conchs;
- (68) Crabs, Blue, Hard;
- (69) Crabs, Blue, Soft;
- (70) Octopus;
- (71) Oyster;
- (72) Scallop, Bay;
- (73) Scallop, Calico;
- (74) Scallop, Sea;
- (75) Squid;
- (76) Unclassified Shellfish.

(f) Cost of Investigations:

- (1) Factors to be Considered. Upon any investigation required as provided by G.S. 143-215.3(a)(7) or by court order for the purpose of determining the cost of replacement of marine and estuarine resources which have been killed, taken, injured, removed, harmfully altered, damaged, or destroyed, the factors to be considered in determining the cost of the investigation are as follows:
 - (A) the time expended by the employee or employees making the investigation, including travel time between the place of usual employment and the site of the investigation, and the time required in formulating and rendering the report;

- (B) the cost of service to the state of each employee concerned, including annual salary, hospitalization insurance, and the state's contribution to social security taxes and to the applicable retirement system;
 - (C) subsistence of the investigating personnel, including meals, reasonable gratuities, and lodging away from home, when required;
 - (D) the cost of all necessary transportation;
 - (E) the use or rental of boats and motors, when required;
 - (F) the cost of cleaning or repairing any uniform or clothing that may be damaged, soiled or contaminated by reason of completing the investigation;
 - (G) the cost of necessary telephonic communications;
 - (H) any other expense directly related to and necessitated by the investigation.
- (2) Computation of Costs. In assessing the cost of time expended in completing the investigation, the time expended by each person required to take part in the investigation shall be recorded in hours, the value of which shall be computed according to the ratio between the annual cost of service of the employee and his total annual working hours (2087 hours reduced by holidays, annual leave entitlement, and earned sick leave). Other costs shall be assessed as follows:
- (A) subsistence: the per diem amount for meals, reasonable gratuities, and lodging away from home, not to exceed the then current maximum per diem for state employees;
 - (B) transportation: total mileage by motor vehicle multiplied by:
 - (i) the then current rate per mile for travel by state-owned vehicle; or
 - (ii) the then current rate per mile for travel by privately owned vehicle, as applicable;
 - (C) boat and motor: ten dollars (\$10.00) per hour;
 - (D) uniform and clothing cleaning and repair: actual cost;
 - (E) telephonic communications: actual cost;
 - (F) other expenses: actual cost.

History Note: Authority G.S. 113-134; 113-267; 143B-289.52;
Eff. March 1, 1995;
Recodified from 15A NCAC 3I .0015 Eff. December 17, 1996.

15A NCAC 03I .0116 CORAL AND LIVE ROCK

- (a) It is unlawful to harvest or possess aboard a vessel coral or live rock as defined in 15A NCAC 3I .0101(24) and (25).
- (b) Live rock and coral shall be returned immediately to the waters where taken.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. March 1, 1995;
Recodified from 15A NCAC 3I .0016 Eff. December 17, 1996;
Amended Eff. May 1, 1997.

15A NCAC 03I .0117 FISHERY RESOURCE GRANT PROGRAM

History Note: Filed as a Temporary Adoption Eff. September 26, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 113-134; 113-200; 143B-289.52; 1993 (Regular Session 1994), c. 769, s. 27.17;
Eff. February 1, 1995;
Recodified from 15A NCAC 3I .0017 Eff. December 17, 1996;
Temporary Amendment Eff. April 20, 1997;
Amended Eff. August 1, 1998;
Repealed Eff. January 1, 2000.

15A NCAC 03I .0118 DISPOSAL OF EVIDENCE

It is unlawful for any person to dispose of fish or parts thereof, or other matter in any manner, after any communication or signal from an inspector, or after the approach of an inspector or an enforcement vessel.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. March 1, 1996;
Recodified from 15A NCAC 3I .0018 Eff. December 17, 1996.

15A NCAC 03I .0119 PROHIBITED FISHING ACTIVITY DUE TO PUBLIC HEALTH OR SAFETY

(a) It is unlawful to possess, sell, or take fish by any method or use any fishing equipment in areas of coastal waters that are closed to fishing by the Marine Fisheries Commission because the areas are determined to pose a public health or safety risk by the State Health Director.

(b) After prior consent of the Marine Fisheries Commission the Fisheries Director may, by proclamation, prohibit or restrict the taking of fish by any method and the use of any fishing equipment in areas of coastal waters that are the subject of warnings or advisories by the State Health Director concerned with dangers or risks to public health or safety. Criteria to be considered for deciding when closures are necessary and when to reopen areas are as follows:

- (1) *Pfiesteria piscicida* outbreaks:
 - (A) Closing fisheries:
 - (i) Kills: Active fish kills observed for six continuous days.
 - (ii) Disease: Disease event observed, with fish showing bleeding ulcerations for six continuous days.
 - (iii) *Pfiesteria piscicida*: Toxic flagellated and amoeboid stages at concentrations of greater than 300 cells per ml in kill areas while fish are dying (if laboratory capability is available). [Note: Basis -more than 100 confirming bioassays of *Pfiesteria* toxicity, together with supporting field data].
 - (B) Opening Fisheries:
 - (i) Kills: No active fish kills observed and no documented schools of fish in apparent distress for six continuous days.
 - (ii) Disease: No disease event of fish showing bleeding ulcerations of six continuous days.
 - (iii) *Pfiesteria piscicida*: Toxic flagellated and amoeboid stages at concentrations of less than 200 cells per ml following a kill/disease event [if laboratory capability is available]. [Note: Basis - more than 100 confirming bioassays of *Pfiesteria* toxicity, together with supporting field data].
 - (iv) Biological sampling indicating that the kill or disease event has passed, interpreted through the following information:
 - (I) Sampling of affecting area or established monitoring sites.
 - (II) Observations of catch by fishing gear that may be set or used in the area.
 - (III) Species diversity and abundance that has returned to normal levels for the area and season when compared to historic data, if available.
- (2) Other Environmental Events:
 - (A) Closing fisheries: State Health Director determines there is a public health or safety risk.
 - (B) Opening fisheries: State Health Director determines a public health or safety risk no longer exists.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Temporary Adoption Eff. February 1, 1996;
Eff. June 1, 1996;
Recodified from 15A NCAC 3I .0019 Eff. December 17, 1996.

15A NCAC 03I .0120 POSSESSION OR TRANSPORTATION LIMITS

(a) It is unlawful to possess any species of fish which is subject to size or harvest restrictions, while actively engaged in a fishing operation, unless all fish are in compliance with the restrictions for the waterbody and area being fished.

(b) It is unlawful to import into the state species of fish native to North Carolina for sale in North Carolina that do not meet established size limits, except as provided in 15A NCAC 03K .0202(c), 03K .0207, 03K .0305, and 03M .0503.

History Note: Authority G.S. 113-134; 113-170; 113-170.4; 113-170.5; 113-182; 143B-289.52;
Temporary Adoption Eff. July 1, 1999;
Eff. August 1, 2000;
Temporary Amendment Eff. October 1, 2001;
Amended Eff. September 1, 2005; April 1, 2003.

SUBCHAPTER 03J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES

SECTION .0100 - NET RULES, GENERAL

15A NCAC 03J .0101 FIXED OR STATIONARY NETS

It is unlawful to use or set fixed or stationary nets:

- (1) In the channel of the Intracoastal Waterway or in any other location where it may constitute a hazard to navigation;
- (2) So as to block more than two-thirds of any natural or manmade waterway, sound, bay, creek, inlet or any other body of water;
- (3) In the middle third of any marked navigation channel;
- (4) In the channel third of the following rivers: Roanoke, Cashie, Middle, Eastmost, Chowan, Little, Perquimans, Pasquotank, North, Alligator, Pungo, Pamlico, and Yeopim.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03J .0102 NETS OR NET STAKES

It is unlawful to use nets or net stakes:

- (1) Within 150 yards of railroad or highway bridge crossing the Northeast Cape Fear River, New River, White Oak River, Trent River, Neuse River, Pamlico River, Roanoke River, and Alligator River;
- (2) Within 300 yards of any highway bridge crossing Albemarle Sound, Chowan River, Croatan Sound, Currituck Sound and Roanoke Sound;
- (3) If such net stakes are of metallic material.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03J .0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS

(a) It is unlawful to use gill nets:

- (1) With a mesh length less than 2 ½ inches.
- (2) In internal waters from April 15 through December 15, with a mesh length 5 inches or greater and less than 5 ½ inches.

(b) The Fisheries Director may, by proclamation, limit or prohibit the use of gill nets or seines in coastal waters, or any portion thereof, or impose any or all of the following restrictions on gill net or seine fishing operations:

- (1) Specify area.
- (2) Specify season.
- (3) Specify gill net mesh length.
- (4) Specify means/methods.
- (5) Specify net number and length.

(c) It is unlawful to use fixed or stationary gill nets in the Atlantic Ocean, drift gill nets in the Atlantic Ocean for recreational purposes, or any gill nets in internal waters unless nets are marked by attaching to them at each end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. Gill nets, which are not connected together at the top line, are considered as individual nets, requiring two buoys at each end of each individual net. Gill nets connected together at the top line are considered as a continuous net requiring two buoys at each end of the continuous net. Any other marking buoys on gill nets used for recreational purposes shall be yellow except one additional buoy, any shade of hot pink in color, constructed as specified in this Paragraph, shall be added at each end of each individual net. Any other marking buoys on gill nets used in commercial fishing operations shall be yellow except that one additional identification buoy of any color or any combination of colors, except any shade of hot pink, may be used at either or both ends. The owner shall be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Owner's N.C. motor boat registration number, or
- (2) Owner's U.S. vessel documentation name.

(d) It is unlawful to use gill nets:

- (1) Within 200 yards of any flounder or other finfish pound net set with lead and either pound or heart in use, except from August 15 through December 31 in all coastal fishing waters of the Albemarle Sound, including its tributaries to the boundaries between coastal and joint fishing waters, west of a line beginning at a point 36° 04.5184' N - 75° 47.9095' W on Powell Point; running southerly to a point 35° 57.2681' N - 75° 48.3999' W on Caroon Point, it is unlawful to use gill nets within 500 yards of any pound net set with lead and either pound or heart in use;
- (2) From March 1 through October 31 in the Intracoastal Waterway within 150 yards of any railroad or highway bridge.

(e) It is unlawful to use gill nets within 100 feet either side of the center line of the Intracoastal Waterway Channel south of the entrance to the Alligator-Pungo River Canal near Beacon "54" in Alligator River to the South Carolina line, unless such net is used in accordance with the following conditions:

- (1) No more than two gill nets per vessel may be used at any one time;
 - (2) Any net used must be attended by the fisherman from a vessel who shall at no time be more than 100 yards from either net; and
 - (3) Any individual setting such nets shall remove them, when necessary, in sufficient time to permit unrestricted boat navigation.
- (f) It is unlawful to use drift gill nets in violation of 15A NCAC 03J .0101(2) and Paragraph (e) of this Rule.
- (g) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation in the gill net attended areas designated in 15A NCAC 03R .0112(a).
- (h) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation from May 1 through November 30 in the internal coastal and joint waters of the state designated in 15A NCAC 03R .0112(b).
- (i) For gill nets with a mesh length five inches or greater, it is unlawful:
- (1) To use more than 3,000 yards of gill net per vessel in internal waters regardless of the number of individuals involved.
 - (2) From June through October, for any portion of the net to be within 10 feet of any point on the shoreline while set or deployed, unless the net is attended.
- (j) For the purpose of this Rule and 15A NCAC 03R .0112, shoreline is defined as the mean high water line or marsh line, whichever is more seaward.

History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52; Eff. January 1, 1991; Amended Eff. August 1, 1998; March 1, 1996; March 1, 1994; July 1, 1993; September 1, 1991; Temporary Amendment Eff. October 2, 1999; July 1, 1999; October 22, 1998; Amended Eff. April 1, 2001; Temporary Amendment Eff. May 1, 2001; Amended Eff. April 1, 2009; December 1, 2007; September 1, 2005; August 1, 2004; August 1, 2002.

15A NCAC 03J .0104 TRAWL NETS

- (a) It is unlawful to possess aboard a vessel while using a trawl in internal waters more than 500 pounds of finfish from December 1 through February 28 and 1,000 pounds of finfish from March 1 through November 30.
- (b) It is unlawful to use trawl nets:
- (1) In internal coastal waters, from 9:00 p.m. on Friday through 5:00 p.m. on Sunday, except that in the areas listed in Subparagraph (b)(5) of this Rule, trawling is prohibited from December 1 through February 28 from one hour after sunset on Friday to one hour before sunrise on Monday.
 - (2) For the taking of oysters;
 - (3) In Albemarle Sound, Currituck Sound, and their tributaries, west of a line beginning on the south shore of Long Point at a point 36° 02.4910' N - 75° 44.2140' W; running southerly to the north shore on Roanoke Island to a point 35° 56.3302' N - 75° 43.1409' W; running northwesterly to Caroon Point to a point 35° 57.2255' N - 75° 48.3324' W;
 - (4) In the areas described in 15A NCAC 03R .0106, except that the Fisheries Director may, by proclamation, open the area designated in Item (6) of 15A NCAC 03R .0106 to peeler crab trawling;
 - (5) From December 1 through February 28 from one hour after sunset to one hour before sunrise in the following areas:
 - (A) In Pungo River, north of a line beginning on Currituck Point at a point 35° 24.5833' N-76° 32.3166' W; running southwesterly to Wades Point to a point 35° 23.3062' N-76° 34.5135' W;
 - (B) In Pamlico River, west of a line beginning on Wades Point at a point 35° 23.3062' N - 76° 34.5135' W; running southwesterly to Fulford Point to a point 35° 19.8667' N - 76° 35.9333' W;
 - (C) In Bay River, west of a line beginning on Bay Point at a point 35° 11.0858' N - 76° 31.6155' W; running southerly to Maw Point to a point 35° 09.0214' N - 76° 32.2593' W;
 - (D) In Neuse River, west of a line beginning on the Minnesott side of the Neuse River Ferry at a point 34° 57.9116' N - 76° 48.2240' W; running southerly to the Cherry Branch side of the Neuse River Ferry to a point 34° 56.3658' N - 76° 48.7110' W; and
 - (E) In New River, all waters upstream of the N.C. Highway 172 Bridge when opened by proclamation; and
 - (6) In designated pot areas opened to the use of pots by 15A NCAC 03J .0301(a)(2) and described in 15A NCAC 03R .0107(a)(5), (a)(6), (a)(7), (a)(8) and (a)(9) within an area bound by the shoreline to the depth of six feet.
- (c) Minimum mesh sizes for shrimp and crab trawls are presented in 15A NCAC 03L .0103 and .0202.

(d) The Fisheries Director may, with prior consent of the Marine Fisheries Commission, by proclamation, require bycatch reduction devices or codend modifications in trawl nets to reduce the catch of finfish that do not meet size limits or are unmarketable as individual foodfish by reason of size.

(e) It is unlawful to use shrimp trawls for recreational purposes unless the trawl is marked by attaching to the codend (tailbag), one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall always be identified on the buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Gear owner's current motor boat registration number; or
- (2) Owner's U.S. vessel documentation name.

(f) It is unlawful to use shrimp trawls for the taking of blue crabs in internal waters, except that it shall be permissible to take or possess blue crabs incidental to shrimp trawling in accordance with the following limitations:

- (1) For individuals using shrimp trawls authorized by a Recreational Commercial Gear License, 50 blue crabs, not to exceed 100 blue crabs if two or more Recreational Commercial Gear License holders are on board.
- (2) For commercial operations, crabs may be taken incidental to lawful shrimp trawl operations provided that the weight of the crabs shall not exceed:
 - (A) 50 percent of the total weight of the combined crab and shrimp catch; or
 - (B) 300 pounds, whichever is greater.

(g) The Fisheries Director may, by proclamation, close any area to trawling for specific time periods in order to secure compliance with this Rule.

History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52; Eff. February 1, 1991; Amended Eff. August 1, 1998; May 1, 1997; March 1, 1994; February 1, 1992; Temporary Amendment Eff. July 1, 1999; Amended Eff. April 1, 2009; September 1, 2005; August 1, 2004; August 1, 2000.

15A NCAC 03J .0105 PURSE SEINES

(a) It is unlawful to use purse seines except for the taking of menhaden, Atlantic thread herring, gizzard shad or pinfish, as further restricted by (b) and (c) of this rule.

(b) It is unlawful to take menhaden, Atlantic thread herring, gizzard shad or pinfish with a purse seine in violation of any of the following limitations:

- (1) In the Atlantic Ocean during the periods and within an area described:
 - (A) In 15A NCAC 03R .0111, and
 - (B) By Session Law 2007-320.
- (2) Except as provided in Subparagraph (5), between January 16 and May 14 in:
 - (A) Internal waters, and
 - (B) Atlantic Ocean within one mile of shore.
- (3) Between January 16 and March 31 in Core Sound.
- (4) In internal waters except in:
 - (A) Pamlico Sound,
 - (B) Pamlico River east of a line from Wades Point to Intracoastal Waterway Marker No. 1 at the mouth of Goose Creek,
 - (C) Neuse River east of a line from Wilkinson Point to Cherry Point,
 - (D) Adams Creek,
 - (E) Core Sound and its tributaries,
 - (F) Back Sound, the Straits, and North river,
 - (G) Newport River,
 - (H) North River, and
 - (I) Bogue Sound.
- (5) The Fisheries Director may, by proclamation, open the Atlantic Ocean within one mile of shore and the internal waters specified in Subparagraph (4) of this Rule between April 1 and May 14, and may impose any or all of the following restrictions:
 - (A) Specify means and methods by area which may be employed in the taking;
 - (B) Limit the quantity; and
 - (C) Require submission of statistical and biological data.

(c) Menhaden, Atlantic thread herring, gizzard shad or pinfish may be taken at any time with a purse seine from beyond one mile of shore in the Atlantic Ocean and transported to port except as specified by Session Law 2007-320 and except as prohibited below:

- (1) It is unlawful to take menhaden, Atlantic thread herring, gizzard shad or pinfish by use of a purse seine between sunset on any Friday and sunrise of the following Monday from the Friday of the Memorial Day weekend through sunset on Labor Day each year.
 - (2) It is unlawful to take menhaden, Atlantic thread herring, gizzard shad or pinfish by use of a purse seine between the hours of sunrise and sunset on the following holidays:
 - (A) Memorial Day;
 - (B) Fourth of July, when the Fourth of July falls on any calendar day Friday through Monday; and
 - (C) Labor Day.
- (d) It is unlawful for the responsible party to fail to carry out the following requirements when a fish spill from a purse seine occurs:
- (1) Immediately notify the office of the Fisheries Director of the North Carolina Division of Marine Fisheries of such spill; and
 - (2) Report to the Fisheries Director of the North Carolina Division of Marine Fisheries in writing within 30 days of the completion of spill clean-up on the circumstances associated with each spill and costs of its clean-up.

*History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2008.*

15A NCAC 03J .0106 CHANNEL NETS

- (a) It is unlawful to use a channel net:
- (1) Until the Fisheries Director specifies by proclamation, time periods and areas for the use of channel nets and other fixed nets for shrimping.
 - (2) Without yellow light reflective tape on the top portion of each staff or stake and on any buoys located at either end of the net.
 - (3) With any portion of the set including boats, anchors, cables, ropes or nets within 50 feet of the center line of the Intracoastal Waterway Channel.
 - (4) In the middle third of any navigation channel marked by Corps of Engineers or U.S. Coast Guard.
 - (5) Unless attended by the fisherman who shall be no more than 50 yards from the net at all times.
- (b) It is unlawful to use or possess aboard a vessel any channel net with a corkline exceeding 40 yards.
- (c) It is unlawful to leave any channel net, channel net buoy, or channel net stakes in coastal fishing waters from December 1 through March 1.
- (d) It is unlawful to use floats or buoys of metallic material for marking a channel net set.
- (e) From March 2 through November 30, cables used in a channel net operation shall, when not attached to the net, be connected together and any attached buoy shall be connected by non-metal line.
- (f) It is unlawful to leave channel net buoys in coastal fishing waters without yellow light reflective tape on each buoy and without the owner's identification being legibly printed on each buoy. Such identification must include one of the following:
- (1) Owner's N.C. motorboat registration number; or
 - (2) Owner's U.S. vessel documentation name; or
 - (3) Owner's last name and initials.
- (g) It is unlawful to use any channel nets, anchors, lines, or buoys in such a manner as to constitute a hazard to navigation.
- (h) It is unlawful to use channel nets for the taking of blue crabs in internal waters, except that it shall be permissible to take or possess blue crabs incidental to channel net operations in accordance with the following limitations:
- (1) Crabs may be taken incidental to lawful channel net operations provided that the weight of the crabs shall not exceed:
 - (A) 50 percent of the total weight of the combined crab and shrimp catch; or
 - (B) 300 pounds, whichever is greater.
 - (2) The Fisheries Director may, by proclamation, close any area to channel net use for specific time periods in order to secure compliance with this Paragraph.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 2005.*

15A NCAC 03J .0107 POUND NET SETS

History Note: Authority G.S. 113-134; 113-182; 113-182.1; 113-221; 143B-289.52;

Eff. January 1, 1991;
Amended Eff. April 1, 1999; March 1, 1996; March 1, 1994; September 1, 1991; January 1, 1991;
Temporary Amendment Eff. September 1, 2000; August 1, 2000;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. February 10, 2003;
Amended Eff. December 1, 2007; September 1, 2005; August 1, 2004;
Repealed Eff. April 1, 2009.

15A NCAC 03J .0108 NETS PULLED BY MORE THAN ONE BOAT

It is unlawful to pull or tow a net with more than one boat except in long-haul fishing operations.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03J .0109 LONG-HAUL FISHING OPERATIONS, IDENTIFICATION REQUIREMENTS

It is unlawful to tow or pull a net in a long-haul or swipe net fishing excluding operations with nets made entirely of monofilament and having a mesh length of three inches or greater:

- (1) Without a floating buoy attached a minimum of every 100 yards along the cork line. The buoy shall be international orange and shall be no less than five inches in diameter and no less than 11 inches in length; and
- (2) Without a flag, square in shape, international orange in color, at least 24 inches by 24 inches in size, flying in the rigging so as to be visible when approaching the vessel from any direction.
- (3) In the internal coastal waters south and west of a line beginning on the west shore of Pamlico Sound at Bluff Point at a point 35° 19.5333' N - 76° 09.3333' W; running southeasterly to Ocracoke Island to a point 35° 08.0000' N - 75° 55.0000' W, without escape panels as follows:
 - (a) For long haul operations, two panels four feet deep and six feet long shall be installed with the entire panel within 10 feet of the staff on the end of the bunt net from which the fish are being bailed. The panels shall be in the water while fish are harvested.
 - (b) For swipe net operations, two panels three feet deep and five feet long shall be installed with the entire panel within 10 feet of the staff on the end of the bunt net from which the fish are being bailed. The panels shall be in the water while fish are harvested.
 - (c) The upper edge of one panel shall be installed within 12 to 24 inches of the float line and the lower edge of the other panel shall be installed within 12 to 24 inches of the lead line.
 - (d) The panels shall be constructed of unobstructed trawl rings with an inside diameter no less than one and nine-sixteenth inches (1 9/16"). The rings shall be fastened together at a maximum of four points per ring.

History Note: Authority G.S. 113-134; 113-182; 143B-289.4; 143B-289.52;
Eff. January 1991;
Amended Eff. August 1, 2004; April 1, 1999.

15A NCAC 03J .0110 SEINES

It is unlawful to use seines 30 feet or over in length for recreational purposes unless the net is marked by attaching to the corkline one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall always be identified on the buoy using engraved buoys or by attaching engraved metal or plastic tags to the buoy. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Gear owner's current motor boat registration number; or
- (2) Owner's U.S. vessel documentation name.

History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;
Temporary Adoption Eff. July 1, 1999;
Eff. August 1, 2000.

15A NCAC 03J .0111 FYKE OR HOOP NETS

(a) It is unlawful to use fyke or hoop nets in coastal fishing waters without:

- (1) the owner's identification being clearly printed on a sign no less than six inches square, securely attached on an outside corner stake of each such net; or
- (2) each net being marked by attaching a floating buoy to a single net and a buoy on each end of the line connecting multiple (two or more) nets, when stakes are not used. Buoys shall be of solid foam or

other solid buoyant material and no less than five inches in diameter and no less than five inches in length. Buoys shall be of any color except yellow or hot pink. The owner shall always be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy. Such identification shall include the gear owner's current motorboat registration number and the gear owner's last name and initials.

- (b) It is unlawful to use a fyke or hoop net within 200 yards of any operational pound net set.
- (c) It is unlawful to use a fyke or hoop net within 150 yards of any railroad or highway bridge.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Temporary Adoption Eff. August 1, 2000;
Amended Eff. April 1, 2003; April 1, 2001.

SECTION .0200 - NET RULES, SPECIFIC AREAS

15A NCAC 03J .0201 ALBEMARLE SOUND AND TRIBUTARIES

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;
Eff. January 1, 1991;
Repealed Eff. September 1, 1991.

15A NCAC 03J .0202 ATLANTIC OCEAN

In the Atlantic Ocean:

- (1) It is unlawful to use nets from June 15 through August 15 in the waters of Masonboro Inlet or in the ocean within 300 yards of the beach between Masonboro Inlet and a line running southeasterly through the water tank 34° 13.1500'N - 77° 47.300' W on the northern end of Wrightsville Beach, a distance of 4400 yards parallel with the beach.
- (2) It is unlawful to use trawls within one-half mile of the beach between the Virginia line and Oregon Inlet.
- (3) It is unlawful to use a trawl with a mesh length less than four inches in the main body, three inches in the extension, and one and three-fourths inches in the cod end or tail bag inshore of a line beginning on the western side of Beaufort Inlet Channel at a point 34° 41.3000' N - 76° 40.1333' W; running westerly parallel to and one-half miles from the shore off Salter Path to a point 34° 40.5333' N - 76° 53.7500' W.
- (4) It is unlawful to use trawl nets, including flynets, southwest of the 9960-Y chain 40250 LORAN C line (running offshore in a southeasterly direction) from Cape Hatteras to the North Carolina/South Carolina line except:
 - (a) Shrimp trawls as defined in 15A NCAC 03L .0103;
 - (b) Crab trawls as defined in 15A NCAC 03L .0202; or
 - (c) Flounder trawls as defined in 15A NCAC 03M .0503.
- (5) It is unlawful to possess finfish (including pursuant to 15A NCAC 03M .0102) incidental to shrimp or crab trawl operations from December 1 through March 31 unless the weight of the combined catch of shrimp and crabs exceeds the weight of finfish, except an additional 300 pounds of kingfish (*Menticirrhus*, spp.) may be taken south of Bogue Inlet.
- (6) It is unlawful to use unattended gill nets or block or stop nets in the Atlantic Ocean within 300 yards of the beach from Beaufort Inlet to the South Carolina line from sunset Friday to sunrise Monday from Memorial Day through Labor Day.
- (7) It is unlawful to use gill nets in the Atlantic Ocean with a mesh length greater than seven inches from April 15 through December 15.
- (8) It is unlawful to use shrimp trawls in all waters west of a line beginning at the southeastern tip of Baldhead Island at a point 33° 50.4833' N - 77° 57.4667' W; running southerly in the Atlantic Ocean to a point 33° 46.2667' N - 77° 56.4000' W; from 9:00 P.M. through 5:00 A.M.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; September 1, 1991;
Temporary Amendment Eff. December 1, 1997;
Amended Eff. October 1, 2008; August 1, 2004; August 1, 1998.

15A NCAC 03J .0203 CHOWAN RIVER AND ITS TRIBUTARIES

In the Chowan River and its tributaries:

- (1) It is unlawful to anchor the lead line of any net closer than 50 feet from shore except in the Meherrin River.
- (2) It is unlawful to use pound nets in any tributary creek or within 150 yards of the mouth of any such tributary creek of the Chowan River.
- (3) It is unlawful to set a pound net within 200 yards parallel to any other pound net in the Chowan River.
- (4) It is unlawful to use a seine within 1,000 yards of the mouth of any creek tributary to the Chowan River.
- (5) It is unlawful to set a trotline within 100 yards of a pound net from February 1 through May 31.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 1991.

15A NCAC 03J .0204 CURRITUCK SOUND AND ITS TRIBUTARIES

In Currituck Sound and its tributaries:

- (1) It is unlawful to use any net or seine with more than one power boat.
- (2) It is unlawful to use any seine or haul net which is more than 900 yards in length or which has a mesh length of less than three inches.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 1991.

15A NCAC 03J .0205 ROANOKE: CASHIE: MIDDLE AND EASTMOST RIVERS

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;
Eff. January 1, 1991;
Repealed Eff. September 1, 1991.

15A NCAC 03J .0206 SOUTHPORT BOAT HARBOR

It is unlawful to use any commercial fishing gear in the Southport Boat Harbor, Brunswick County, north of a line beginning at a point on the west side of the mouth of the harbor 33°54.9656'N – 78°01.4477' W running easterly to a point on the east side of the mouth of the harbor 33°54.9656'N – 78°01.3797' W.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. August 1, 2004.

15A NCAC 03J .0207 CAROLINA POWER AND LIGHT INTAKE CANAL

It is unlawful to use any commercial fishing equipment in the Carolina Power and Light Intake Canal between the fish diversion screen and the Carolina Power and Light Brunswick nuclear power plant.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03J .0208 NEW RIVER

It is unlawful to use trawl nets upstream of the Highway 172 Bridge over New River from 9:00 P.M. through 5:00 A.M. when opened by proclamation from August 16 through November 30.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. August 1, 1998;
Amended Eff. August 1, 2004.

15A NCAC 03J .0209 ALBEMARLE SOUND/CHOWAN RIVER HERRING MANAGEMENT AREAS

(a) The Albemarle Sound Herring Management Area is defined as Albemarle Sound and all its joint water tributaries; Currituck Sound; Roanoke and Croatan sounds and all their joint water tributaries, including Oregon Inlet, north of a line beginning on the west shore at a point 35° 48.3693' N – 75° 43.7232' W on Roanoke Marshes Point; running southeasterly to the east shore to a point 35° 44.1710' N – 75° 31.0520' W on the north point of Eagles Nest Bay.

(b) The Chowan River Herring Management Area is defined as that area northwest of a line beginning on the west shore at a point 35° 59.9267' N – 76° 41.0313' W on Black Walnut Point; running northeasterly to the east shore to a point 36° 02.2140' N – 76° 39.3240' W on Reedy Point, to the North Carolina/Virginia state line; including the Meherrin River.

(c) Effective January 1, 2001, it is unlawful to use drift gill nets in the Albemarle Sound and Chowan River river herring management areas with a mesh length less than three inches from January 1 through May 15.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Temporary Adoption Eff. May 1, 2000;
Eff. April 1, 2001;
Amended Eff. December 1, 2007.*

SECTION .0300 - POTS, DREDGES, AND OTHER FISHING DEVICES

15A NCAC 03J .0301 POTS

(a) It is unlawful to use pots except during time periods and in areas specified herein:

- (1) In Coastal Fishing Waters from December 1 through May 31, except that all pots shall be removed from internal waters from January 15 through February 7. Fish pots upstream of U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke, Cashie, Middle and Eastmost Rivers to the Highway 258 Bridge are exempt from the January 15 through February 7 removal requirement. The Fisheries Director may, by proclamation, reopen various waters to the use of pots after January 19 if it is determined that such waters are free of pots.
- (2) From June 1 through November 30, north and east of the Highway 58 Bridge at Emerald Isle:
 - (A) In areas described in 15A NCAC 03R .0107(a);
 - (B) To allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director may, by proclamation, specify time periods for or designate the areas described in 15A NCAC 03R .0107(b); or any part thereof, for the use of pots.
- (3) From May 1 through November 30 in the Atlantic Ocean and west and south of the Highway 58 Bridge at Emerald Isle in areas and during time periods designated by the Fisheries Director by proclamation.

(b) It is unlawful to use pots:

- (1) in any navigation channel marked by State or Federal agencies; or
- (2) in any turning basin maintained and marked by the North Carolina Ferry Division.

(c) It is unlawful to use pots in a commercial fishing operation unless each pot is marked by attaching a floating buoy which shall be of solid foam or other solid buoyant material and no less than five inches in diameter and no less than five inches in length. Buoys may be of any color except yellow or hot pink or any combination of colors that include yellow or hot pink. The owner shall always be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy. Such identification shall include one of the following:

- (1) gear owner's current motorboat registration number; or
- (2) gear owner's U.S. vessel documentation name; or
- (3) gear owner's last name and initials.

(d) Pots attached to shore or a pier shall be exempt from Subparagraphs (a)(2) and (a)(3) of this Rule.

(e) It is unlawful to use shrimp pots with mesh lengths smaller than one and one-fourth inches stretch or five-eighths inch bar.

(f) It is unlawful to use eel pots with mesh sizes smaller than one inch by one-half inch unless such pots contain an escape panel that is at least four inches square with a mesh size of 1 inch by one-half inch located in the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots, except that not more than two eel pots per fishing operation with a mesh of any size may be used to take eels for bait.

(g) It is unlawful to use crab pots in coastal fishing waters unless each pot contains no less than two unobstructed escape rings that are at least 2 5/16 inches inside diameter and located in the opposite outside panels of the upper chamber of the pot. Peeler pots with a mesh size less than 1 1/2 inches shall be exempt from the escape ring requirement. The Fisheries Director may, by proclamation, exempt the escape ring requirement in order to allow the harvest of peeler crabs or mature female crabs and may impose any or all of the following restrictions:

- (1) Specify areas, and
- (2) Specify time.

(h) It is unlawful to use more than 150 pots per vessel in Newport River.

(i) It is unlawful to remove crab pots from the water or remove crabs from crab pots between one hour after sunset and one hour before sunrise.

(j) User Conflicts:

- (1) In order to address user conflicts, the Fisheries Director may by proclamation impose any or all of the following restrictions:

- (A) Specify time period;
- (B) Specify areas; and
- (C) Specify means and methods.

The Fisheries Director shall hold a public meeting in the affected area before issuance of such proclamation.

- (2) Any person(s) desiring user conflict resolution may make such request in writing addressed to the Director of the Division of Marine Fisheries. Such requests shall contain the following information:
 - (A) A map of the affected area including an inset vicinity map showing the location of the area with detail sufficient to permit on-site identification and location;
 - (B) Identification of the user conflict causing a need for user conflict resolution;
 - (C) Recommended solution for resolving user conflict; and
 - (D) Name and address of the person(s) requesting user conflict resolution.
 - (3) Upon the requestor's demonstration of a user conflict to the Fisheries Director and within 90 days of the receipt of the information required in Subparagraph (j)(2) of this Rule, the Fisheries Director shall issue a public notice of intent to address a user conflict. A public meeting shall be held in the area of the user conflict. The requestor shall present his or her request at the public meeting, and other parties affected may participate.
 - (4) The Fisheries Director shall deny the request or submit a proclamation that addresses the results of the public meeting to the Marine Fisheries Commission for their approval.
 - (5) Proclamations issued under Subparagraph (j)(1) of this Rule shall suspend appropriate rules or portions of rules under 15A NCAC 03R .0107 as specified in the proclamation. The provisions of 15A NCAC 03I .0102 terminating suspension of a rule as of the next Marine Fisheries Commission meeting and requiring review by the Marine Fisheries Commission at the next meeting shall not apply to proclamations issued under Subparagraph (j)(1) of this Rule.
- (k) It is unlawful to use pots to take crabs unless the line connecting the pot to the buoy is non-floating.
- (l) It is unlawful to use pots with leads or leaders to take shrimp. For the purpose of this Rule, leads or leaders are defined as any fixed or stationary net or device used to direct fish into any gear used to capture fish. Any device with leads or leaders used to capture fish is not a pot.

History Note: Authority G. S. 113-134; 113-173; 113-182; 113-221; 143B-289.52; Eff. January 1, 1991; Amended Eff. August 1, 1998; May 1, 1997; March 1, 1996; March 1, 1994; October 1, 1992; September 1, 1991; Temporary Amendment Eff. July 1, 1999; Amended Eff. August 1, 2000; Temporary Amendment Eff. September 1, 2000; Amended Eff. September 1, 2005; August 1, 2004; August 1, 2002.

15A NCAC 03J .0302 RECREATIONAL USE OF POTS

- (a) It is unlawful to use pots for recreational purposes unless each pot is marked by attaching one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall always be identified on the buoy using engraved buoys or by attaching engraved metal or plastic tags to the buoy. Such identification shall include the owner's last name and initials and if a vessel is used, one of the following:
- (1) Gear owner's current motor boat registration number, or
 - (2) Owner's U.S. vessel documentation name.
- (b) It is unlawful for a person to use more than one crab pot attached to the shore along privately owned land or to a privately owned pier without possessing a valid Recreational Commercial Gear License.

History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52; Eff. January 1, 1991; Temporary Amendment Eff. July 1, 1999; Amended Eff. August 1, 2000.

15A NCAC 03J .0303 DREDGES AND MECHANICAL METHODS PROHIBITED

- (a) It is unlawful to use any dredge weighing more than 100 pounds except in the Atlantic Ocean.
- (b) It is unlawful to use more than one dredge per vessel to take oysters or crabs or to use any dredges or mechanical methods between sunset and sunrise.
- (c) It is unlawful to possess oysters aboard a vessel with a dredge weighing more than 100 pounds on board.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994; January 1, 1991.

15A NCAC 03J .0304 ELECTRICAL FISHING DEVICE

It is unlawful to take catfish by the use of a hand-operated device generating pulsating electrical current in the Cape Fear River except from 800 feet downstream of Lock and Dam No. 1 in Bladen County to where the Black River joins the Cape Fear River from July 1 through the last day of February.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 2008.

15A NCAC 03J .0305 TROTTLINES (MULTIPLE HOOK OR MULTIPLE BAIT)

It is unlawful to use multiple hook or multiple bait trotlines for recreational purposes unless such trotlines are marked by attaching to them at each end one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall always be identified on the buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Gear owner's current motor boat registration number, or
- (2) Owner's U.S. vessel documentation name.

History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;
Temporary Adoption Eff. July 1, 1999;
Eff. August 1, 2000.

15A NCAC 03J .0306 HOOK-AND-LINE

It is unlawful to use any hook larger than 4/0 from July 1 through September 30 in the internal coastal fishing waters of Pamlico Sound and its tributaries south of the Albemarle Sound Management Area as defined in 15A NCAC 03R .0201 and north of a line beginning at a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks while using natural bait from 7:00 p.m. to 7:00 a.m. unless the terminal tackle consists of:

- (1) A circle hook defined as a hook with the point of the hook directed perpendicularly back toward the shank, and with the barb either compressed or removed; and
- (2) A fixed sinker not less than two ounces in weight, secured not more than six inches from the fixed weight to the circle hook.

History Note: Authority G.S. 113-182; 113-182.1; 143B-289.52;
Eff. April 1, 2009.

SECTION .0400 - FISHING GEAR

15A NCAC 03J .0401 FISHING GEAR

(a) The Fisheries Director in order to address issues involving user conflicts may, by proclamation, close the areas described in Paragraph (b) of this Rule to the use of specific fishing gear.

(b) It is unlawful to use fishing gear as specified by proclamation at the time and dates specified in the proclamation between the Friday before Easter through December 31 in the following areas when such areas have been closed by proclamation:

- (1) All or part of the Atlantic Ocean, up to one-half mile from the beach;
- (2) Up to one-half mile in all directions of Oregon Inlet;
- (3) Up to one-half mile in all directions of Hatteras Inlet;
- (4) Up to one-half mile in all directions of Ocracoke Inlet;
- (5) Up to one-half mile of the Cape Lookout Rock Jetty;
- (6) Up to one-half mile in all directions of fishing piers open to the public;
- (7) Up to one-half mile in all directions of State Parks;
- (8) Up to one-half mile of marinas as defined by the Coastal Resources Commission.

(c) The Fisheries Director shall specify in the proclamation the boundaries of the closure through the use of maps, legal descriptions, prominent landmarks or other permanent type markers.

(d) The Fisheries Director shall hold a public meeting in the affected area before issuance of proclamations authorized by this Rule.

History Note: Authority G.S. 113-133; 113-134; 113-182; 113-221; 143B-289.52; Eff. July 1, 1993; Amended Eff. June 1, 1996; March 1, 1995; October 1, 1993.

15A NCAC 03J .0402 FISHING GEAR RESTRICTIONS

(a) It is unlawful to use commercial fishing gear in the following areas during dates and times specified for the identified areas:

- (1) Atlantic Ocean - Dare County:
 - (A) Nags Head:
 - (i) Seines and gill nets may not be used from the North Town Limit of Nags Head at Eight Street southward to Gulf Street:
 - (I) From Wednesday through Saturday of the week of the Nags Head Surf Fishing Tournament held during October of each year the week prior to Columbus Day.
 - (II) From November 1 through December 15.
 - (ii) Commercial fishing gear may not be used within 750 feet of licensed fishing piers when open to the public.
 - (B) Oregon Inlet. Seines and gill nets may not be used from the Friday before Easter through December 31:
 - (i) Within one-quarter mile of the beach from the National Park Service Ramp #4 (35° 48.2500' N - 75° 32.7000' W) on Bodie Island to the northern terminus of the Bonner Bridge (35° 46.5000' N - 75° 32.3666' W) on Hwy. 12 over Oregon Inlet.
 - (ii) Within the area known locally as "The Pond", a body of water generally located to the northeast of the northern terminus of the Bonner Bridge.
 - (C) Cape Hatteras (Cape Point). Seines and gill nets may not be used within one-half mile of Cape Point from the Friday before Easter through December 31. The closed area is defined by a circle with a one-half mile radius having the center near Cape Point at a point 35° 12.9000' N - 75° 31.7166' W.
- (2) Atlantic Ocean - Onslow and Pender Counties. Commercial fishing gear may not be used during the time specified for the following areas:
 - (A) Topsail Beach. From January 1 through December 31, that area around Jolly Roger Fishing Pier bordered on the offshore side by a line 750 feet from the end of the pier and on the northeast and southwest by a line beginning at a point on the beach one-quarter mile from the pier extending seaward to intersect the offshore boundary.
 - (B) Surf City:
 - (i) From January 1 to June 30, that area around the Surf City Fishing Pier bordered on the offshore side by a line 750 feet from the end of the pier, on the southwest by a line beginning at a point on the beach one-quarter mile from the pier and on the northeast by a line beginning at a point on the beach 750 feet from the pier extending seaward to intersect the offshore boundaries.
 - (ii) From July 1 to December 31, those areas around the pier bordered on the offshore side by a line 750 feet from the end of the pier, on the southwest by a line beginning at a point on the beach 750 feet from the pier and on the northeast by a line beginning at a point on the beach one-quarter mile from the pier extending seaward to intersect the offshore boundaries.
- (3) Atlantic Ocean - New Hanover County. Carolina Beach Inlet through Kure Beach. Commercial fishing gear may not be used during the times specified for the following areas:
 - (A) From the Friday before Easter to November 30, within the zones adjacent to the Carolina Beach and Kure Beach Fishing Piers bordered on the offshore side by a line 750 feet from the ends of the piers and on the north and south by a line beginning at a point on the beach one-quarter mile from the pier extending seaward to intersect the offshore boundary, except the southern boundary for Kure Beach Pier is a line beginning on the beach one mile south of the pier to the offshore boundary for the pier.
 - (B) From May 1 to November 30, within 900 feet of the beach, from Carolina Beach Inlet to the southern end of Kure Beach with the following exceptions:
 - (i) From one-quarter mile north of Carolina Beach Fishing pier to Carolina Beach Inlet from October 1 to November 30:
 - (I) Strike nets may be used within 900 feet of the beach;

- (II) Attended nets may be used between 900 feet and one-quarter mile of the beach.
 - (ii) Strike nets and attended gill nets may be used within 900 feet of the beach from October 1 to November 30 in other areas except those described in Part (a)(3)(A) and Subpart (a)(3)(B)(i) of this Rule.
 - (iii) It is unlawful to use commercial fishing gear within 900 feet of the beach from Carolina Beach Inlet to a point on the beach 33°55.0026' N – 77°56.6630' W near the former location of New Inlet during the October surf fishing tournament in Carolina Beach.
- (4) Pamlico River – Beaufort County. Goose Creek State Park. Commercial fishing gear may not be used from the Friday before Easter through December 31 for the following areas:
 - (A) Within 150 feet of the shoreline within park boundaries;
 - (B) Within the marked channel from Dinah Landing to the mouth of Upper Goose Creek.
- (b) It is unlawful to use gill nets or seines in the following areas during dates and times specified for the identified areas:
 - (1) Neuse River and South River, Carteret County. No more than 1,200 feet of gill net(s) having a stretched mesh of five inches or larger may be used:
 - (A) Within one-half mile of the shore from Winthrop Point at Adams Creek to Channel Marker "2" at the mouth of Turnagain Bay.
 - (B) Within South River.
 - (2) Cape Lookout, Carteret County:
 - (A) Gill nets or seines may not be used in the Atlantic Ocean within 300 feet of the Rock Jetty (at Cape Lookout between Power Squadron Spit and Cape Point).
 - (B) Seines may not be used within one-half mile of the shore from Power Squadron Spit south to Cape Point and northward to Cape Lookout Lighthouse including the area inside the "hook" south of a line from the COLREGS Demarcation Line across Bardens Inlet to the eastern end of Shackleford Banks and then to the northern tip of Power Squadron Spit from 12:01 a.m. Saturdays until 12:01 a.m. Mondays from May 1 through November 30.
 - (3) State Parks/Recreation Areas:
 - (A) Gill nets or seines may not be used in the Atlantic Ocean within one-quarter mile of the shore at Fort Macon State Park, Carteret County.
 - (B) Gill nets or seines may not be used in the Atlantic Ocean within one-quarter mile of the shore at Hammocks Beach State Park, Onslow County, from May 1 through October 1, except strike nets and attended gill nets may be used beginning August 15.
 - (C) Gill nets or seines may not be used within the boat basin and marked entrance channel at Carolina Beach State Park, New Hanover County.
 - (4) Mooring Facilities/Marinas. Gill nets or seines may not be used from May 1 through November 30 within:
 - (A) One-quarter mile of the shore from the east boundary fence to the west boundary fence at U.S. Coast Guard Base Fort Macon at Beaufort Inlet, Carteret County;
 - (B) Canals within Pine Knoll Shores, Carteret County;
 - (C) Spooners Creek entrance channel and marina on Bogue Sound, Carteret County; Harbor Village Marina on Topsail Sound, Pender County; and Marina and entrance canal within Carolina Marlin Club property adjacent to Newport River, Carteret County.
 - (5) Masonboro Inlet. Gill nets and seines may not be used:
 - (A) Within 300 feet of either rock jetty; and
 - (B) Within the area beginning 300 feet from the offshore end of the jetties to the Intracoastal Waterway including all the waters of the inlet proper and all the waters of Shinn Creek.
 - (6) Atlantic Ocean Fishing Piers. At a minimum, gill nets and seines may not be used within 300 feet of ocean fishing piers when open to the public. If a larger closed area has been delineated by the placement of buoys or beach markers as authorized by G.S. 113-185(a), it is unlawful to fish from vessels or with nets within the larger marked zone.
 - (7) Topsail Beach, Pender County. It is unlawful to use gill nets and seines from 4:00 p.m. Friday until 6:00 a.m. the following Monday in the three finger canals on the south end of Topsail Beach.
 - (8) Mad Inlet to Tubbs Inlet - Atlantic Ocean, Brunswick County. It is unlawful to use gill nets and seines from September 1 through November 15, except that a maximum of four commercial gill nets per vessel not to exceed 200 yards in length individually or 800 yards in combination may be used.
 - (9) Spooners Creek, Carteret County. It is unlawful to use gill nets and seines between sunset and sunrise in Spooners Creek entrance channel in Bogue Sound, all of Spooners Creek proper and the adjoining tributary canals and channels.

History Note: Authority G.S. 113-133; 113-134; 113-182; 113-221; 143B-289.52;
Eff. March 1, 1996;
Amended Eff. October 1, 2004; August 1, 2004; April 1, 2001.

15A NCAC 03J .0403 NEUSE RIVER AND ITS TRIBUTARIES

History Note: Filed as a Temporary Adoption Eff. October 16, 1995, for a period of 77 days to expire on January 1, 1996;
Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Temporary Adoption Expired January 1, 1996.

SECTION .0500 - POUND NETS

15A NCAC 03J .0501 DEFINITIONS AND STANDARDS FOR POUND NETS AND POUND NET SETS

(a) For the purpose of this Section the following terms are hereby defined:

- (1) Pound Net Set Permit. A Division authorization to set and fish a pound net set in a commercial fishing operation in a specified location in a specified fishery.
- (2) Permit period. One year from the date of issuance of a new or renewal pound net set permit.
- (3) Deployed pound net. Setting of any part of a pound net, except for a location identification stake or for a pound net used in the Atlantic Ocean a location identification buoy placed at each end of a proposed new location.
- (4) Operational pound net set. A pound net set as defined in 15A NCAC 03I .0101 and deployed according to rules and permit conditions with net attached to stakes or anchors for the lead and pound, including only a single pound in a multi-pound set, and a non-restricted opening leading into the pound such that the set is able to catch and hold fish.
- (5) Flounder pound net. A pound net set that produces a catch consisting of 50 percent or more flounder by weight of the entire landed catch, excluding blue crabs or a pound net set with all pounds (holding pen) constructed of four inch stretch mesh or greater.
- (6) Shrimp pound net. A pound net set with all pounds (holding pen) constructed of stretch mesh equal to or greater than one and one-fourth inches and less than or equal to two inches.

(b) It is unlawful for a pound net used in a commercial fishing operation to:

- (1) Be deployed on a site without first obtaining a Pound Net Set Permit from the Fisheries Director.
- (2) Fail to be operational for a minimum of 30 consecutive days during the pound net set permit period unless a season for the fishery for which the pound net set is permitted is ended earlier due to a quota being met.

(c) It is unlawful for a pound net set in a commercial fishing operation in coastal fishing waters to fail to:

- (1) Have the permittee's identification legibly printed on a sign no less than six inches square, securely attached to a stake at the permitted ends of each set at all times. For pound net sets in the Atlantic Ocean using anchors instead of stakes, the set shall be identified with a yellow buoy, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than 11 inches in length. The permittee's identification shall be legibly printed on the buoy. The identification on signs or buoys shall include the Pound Net Set Permit number and the permittee's last name and initials.
- (2) Have yellow light reflective tape or yellow light reflective devices on each pound. The yellow light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter on any outside corner of each pound, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.
- (3) Have a marked navigational opening at least 25 feet wide at the end of every third pound. The opening shall be marked with yellow light reflective tape or yellow light reflective devices on each side of the opening. The yellow light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.

If a permittee notified of a violation under this Paragraph fails or refuses to take corrective action sufficient to remedy the violation within 10 days of receiving notice of the violation, the Fisheries Director shall revoke the permit.

(d) It is unlawful to use a Recreational Commercial Gear License (RCGL) shrimp pound net as defined in 15A NCAC 03O .0302 (a)(8) in coastal fishing waters unless the shrimp pound net is:

- (1) Marked by attaching to the offshore lead, one floating buoy, any shade of hot pink in color, which is of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall be identified on the buoy by using an engraved buoy or by attaching

engraved metal or plastic tags to the buoy. The identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (A) Gear owner's current motor boat registration number; or
- (B) Owner's U.S. vessel documentation name.

- (2) Set a minimum of 100 yards from a RCGL shrimp pound net set or 300 yards from an operational permitted shrimp pound net set.

(e) Escape Panels:

- (1) The Fisheries Director may, by proclamation, require escape panels in pound net sets and may impose any or all of the following requirements or restrictions on the use of escape panels:

- (A) Specify size, number, and location.
- (B) Specify mesh length, but not more than six inches.
- (C) Specify time or season.
- (D) Specify areas.

- (2) It is unlawful to use flounder pound net sets without four unobstructed escape panels in each pound. The escape panels shall be fastened to the bottom and corner ropes on each wall on the side and back of the pound opposite the heart. The escape panels shall be a minimum mesh size of five and one-half inches, hung on the diamond, and shall be at least six meshes high and eight meshes long.

(f) During 1 December through 1 February the Director shall by proclamation establish time periods and areas where it is unlawful to fail to remove all nets from pound net sets in commercial fishing operations in internal coastal waters.

(g) It is unlawful within 30 days of abandonment of a permitted pound net set to fail to remove all stakes and associated gear from coastal fishing waters. The responsible party for abandoned pound net gear may be charged the costs incurred by the Division when the Division undertakes removal of the abandoned pound net gear.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52; Eff. April 1, 2009.

15A NCAC 03J .0502 POUND NET SET PERMIT APPLICATION AND PROCESSING

(a) All initial, renewal or transfer applications for Pound Net Set Permits, and the operation of such pound net sets, shall comply with the rules governing all permits as provided in 15A NCAC 03O .0502. The procedures and requirements for obtaining permits are set forth in 15A NCAC 03O .0501.

(b) Applicants for Pound Net Set permits shall meet the following eligibility requirements as determined by the Fisheries Director:

- (1) Applicant is an individual and not a corporation, partnership, organization or other entity;
- (2) Applicant has in the past complied with fisheries rules and laws and does not have any licenses or privileges under suspension or revocation. In addition, a history of habitual fisheries violations evidenced by eight or more convictions in 10 years shall make an individual ineligible.
- (3) Applicant has in the past complied with all permit conditions, rules and laws related to pound nets.
- (4) Applicant holds proper valid license(s) and permit(s) necessary to fish the type of net indicated in the application.

(c) Applications for Pound Net Set permits shall include the following:

- (1) A base map provided by the Division indicating the proposed set location including an inset vicinity map showing the location of the proposed set with detail sufficient to permit on-site identification and location.
- (2) Declaration of the type of pound net that will be deployed at the site. One of the following pound net fisheries shall be specified:
 - (A) Flounder pound net set;
 - (B) Bait pound net set;
 - (C) Shrimp pound net set;
 - (D) Blue crab pound net set;
 - (E) Other finfish pound net set.

(d) For proposed new location(s), the Fisheries Director shall issue a public notice of intent to consider issuance of a Pound Net Set Permit allowing for public comment for 20 days, and after the comment period, may hold public meetings to take comments on the proposed pound net set. If the Director does not approve or deny the application within 90 days of receipt of a complete and verified application, the application is deemed denied. The applicant shall be notified of denial in writing. Approval is conditional based upon the applicant's continuing compliance with eligibility requirements set out in Paragraph (e) of this Rule and specific conditions contained on the Pound Net Set Permit. The final decision to approve or deny the Pound Net Set Permit application may be appealed by the applicant by filing a petition for a contested case hearing, in writing, within 60 days from the date of mailing notice of such final decision to the applicant, with the Office of Administrative Hearings.

(e) In order for a site to be deemed suitable for a pound net set, the proposed set location shall meet the following criteria as determined by the Fisheries Director:

- (1) The proposed pound net set, either alone or when considered cumulatively with other existing pound net sets in the area, will not interfere with public navigation or with existing, traditional uses of the area other than navigation, and will not violate 15A NCAC 03J .0101 and .0102;
- (2) The proposed pound net set will not interfere with the rights of any riparian or littoral landowner, including the construction or use of piers;
- (3) The proposed pound net set will not, by its proximate location, interfere with existing pound net sets in the area. Flounder or other finfish pound net sets will be a minimum of 1,000 yards, as measured in a perpendicular direction, from any point on a line following the permitted location of existing pound net sets; except
 - (A) in Chowan River as referenced in 15A NCAC 03J .0203; and
 - (B) for renewal of pound net sets permitted prior to January 1, 2003;
- (4) The proposed shrimp or blue crab pound net set will be a minimum of 300 yards, as measured in a perpendicular direction, from any point on a line following the permitted location of existing pound net sets;
- (5) The proposed pound net set is not located in Core Sound in areas designated in 15A NCAC 03R .0113 except that only those Pound Net Set Permits valid within the specified area as of March 1, 1994, may be renewed or transferred subject to the requirements of this Rule; and
- (6) Issuance of the proposed Pound Net Set Permit is in compliance with management measures adopted in fishery management plans.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52;
Eff. April 1, 2009.

15A NCAC 03J .0503 POUND NET SET PERMIT RENEWAL

An application for renewal of an existing Pound Net Set Permit shall be filed not less than 30 days prior to the date of expiration of the existing permit, and shall not be processed unless filed by the permittee. The Fisheries Director shall review the renewal application under the criteria for issuance of a new Pound Net Set Permit. The Fisheries Director may hold public meetings and may conduct such investigations necessary to determine if the permit should be renewed.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52;
Eff. April 1, 2009.

15A NCAC 03J .0504 POUND NET SET PERMIT TRANSFER

It is unlawful to transfer a Pound Net Set Permit without a completed application for transfer being submitted to the Division not less than 45 days before the date of the transfer. The application shall be made by the proposed new permittee in writing and shall be accompanied by a copy of the current permittee's permit and an application for a Pound Net Set Permit in the new permittee's name. The Fisheries Director may hold a public meeting and conduct such investigations necessary to determine if the permit should be transferred. The transferred permit expires on the same date as the initial permit. Upon death of the permittee, the permit may be transferred to the Administrator/Executor of the estate of the permittee if transferred within six months of the Administrator/Executor's qualification in accordance with Chapter 28A of the North Carolina General Statutes. The Administrator/Executor shall provide a copy of the deceased permittee's death certificate, a copy of letters of administration/letters testamentary and a list of eligible immediate family members as defined in G.S. 113-168 to the Morehead City Office of the Division. Once transferred to the Administrator/Executor, the Administrator/Executor may transfer the permit(s) to eligible immediate family members of the deceased permittee. No transfer is effective until approved and processed by the Division.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52;
Eff. April 1, 2009.

15A NCAC 03J .0505 POUND NET SET PERMIT CONDITIONS

(a) It is unlawful for a permittee:

- (1) To fail to notify the Marine Patrol Communications Center within 72 hours by phone:
 - (A) Of an operational pound net set. Notification shall include the name of permittee, type of net, Pound Net Set Permit number, county where located, a specific location site, and how many pounds are in the set; and
 - (B) Of a change to the type of net being set at the permitted site.
- (2) To make false notifications.

- (3) To fail to render the pound net set inoperable during any closed season for the type of fishery for which the pound net is permitted.

Failure to comply with this Paragraph is grounds for the Fisheries Director to revoke any Pound Net Set Permits held by the permittee and for denial of any future applications for Pound Net Set Permits.

- (b) Pound net sets are subject to inspection at all times.
(c) Daily reporting may be a condition of the permit for a pound net set for fisheries under a quota.
(d) It is unlawful to fail to remove all pound net stakes and associated gear within 30 days after expiration of the permit or notice by the Fisheries Director that an existing Pound Net Set Permit has been revoked or denied.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52;
Eff. April 1, 2009.

SUBCHAPTER 03K - OYSTERS, CLAMS, SCALLOPS AND MUSSELS

SECTION .0100 - SHELLFISH, GENERAL

15A NCAC 03K .0101 PROHIBITED SHELLFISH AREAS/ACTIVITIES

(a) It is unlawful to possess, sell, or take oysters, clams or mussels from areas which have been designated as prohibited (polluted) by proclamation by the Fisheries Director except as provided in 15A NCAC 03K .0103, .0104, .0107, and .0401. The Fisheries Director shall issue such proclamations upon notice by the Division of Environmental Health that duly adopted criteria for approved shellfish harvest areas have not been met. The Fisheries Director may reopen any such closed area upon notification from the Division of Environmental Health that duly adopted criteria for approved shellfish harvest areas have been met. Copies of these proclamations and maps of these areas are available upon request at the Division of Marine Fisheries, 3441 Arendell St., Morehead City, NC 28557; (252) 726-7021.

(b) The Fisheries Director may, by proclamation, close areas to the taking of oysters, clams, scallops and mussels in order to protect the shellfish populations for management purposes or for public health purposes not specified in Paragraph (a) of this Rule.

(c) It is unlawful to possess or sell oysters, clams, or mussels taken from polluted waters outside North Carolina.

History Note: Authority G.S. 113-134; 113-168.5; 113-169.2; 113-182; 113-221; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1993;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2000;
Temporary Amendment Eff. October 1, 2001;
Amended Eff. October 1, 2008; April 1, 2003.

15A NCAC 03K .0102 PROHIBITED RAKES

It is unlawful to use a rake more than 12 inches wide or weighing more than six pounds to take:

- (1) oysters or scallops;
- (2) clams in any live oyster bed, in any established bed of submerged aquatic vegetation as described in 15A NCAC 03I .0101, or in any established bed of salt water cordgrass (*Spartina alterniflora*).

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2008; February 1, 2008.

15A NCAC 03K .0103 SHELLFISH MANAGEMENT AREAS

(a) The Fisheries Director may, by proclamation, designate Shellfish Management Areas which meet either of the following criteria. The area has:

- (1) conditions of bottom type, salinity, currents, cover or cultch necessary for shellfish growth;
- (2) shellfish populations or shellfish enhancement projects that may:
 - (A) produce commercial quantities of shellfish at 10 bushels or more per acre;
 - (B) produce shellfish suitable for transplanting as seed or for relaying from prohibited (polluted) areas; or
 - (C) serve as sanctuaries to increase spawning and disease resistance or to prevent predation.

(b) It is unlawful to use a trawl net, long haul seine, or swipe net in any designated Shellfish or Seed Management area. These areas shall be marked with signs or buoys. Unmarked and undesignated tributaries shall be the same designation as the designated waters to which they connect or into which they flow. No unauthorized removal or relocation of any such marker shall have the effect of changing the designation of any such body of water or portion thereof, nor shall any

such unauthorized removal or relocation or the absence of any marker affect the applicability of any rule pertaining to any such body of water or portion thereof.

(c) It is unlawful to take shellfish from any Shellfish Management Area which has been closed and posted, except that the Fisheries Director may, by proclamation, open specific areas to allow the taking of shellfish and may designate time, place, character, or dimensions of any method or equipment that may be employed.

History Note: Authority G.S. 113-134; 113-182; 113-221; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994;
Temporary Amendment Eff. October 1, 2001;
Amended Eff. October 1, 2008; February 1, 2008; April 1, 2003.

15A NCAC 03K .0104 PERMITS FOR PLANTING SHELLFISH FROM PROHIBITED/POLLUTED AREAS

(a) It is unlawful to take oysters or clams from prohibited (polluted) public waters for planting on leases and franchises except as authorized by G.S. 113-203. Lease and franchise holders shall first obtain a permit from the Fisheries Director setting forth the time, area, and method by which such shellfish may be taken. The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500.

(b) The season for relaying clams shall be between April 1 and May 15 and the season for relaying oysters shall be for a specified six week period between the date of the statewide closure of oyster season and June 30, as determined by the Fisheries Director based on the status of oyster resources available for harvest from public bottom and market factors affecting sale of oysters from public bottom which will assist in determining the statewide closure date and manpower available to monitor the relaying activity.

(c) For areas designated by the Fisheries Director as sites where shellfish would otherwise be destroyed in maintenance dredging operations, the season as set out in Paragraph (b) of this Rule shall not apply.

(d) The Fisheries Director, acting upon recommendations of the Division of Environmental Health, shall close and reopen by proclamation any private shellfish beds for which the owner has obtained a permit to relay oysters and clams from prohibited (polluted) public waters.

History Note: Authority G.S. 113-134; 113-182; 113-203; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; September 1, 1991;
Temporary Amendment Eff. October 1, 2001;
Amended Eff. April 1, 2003.

15A NCAC 03K .0105 RECREATIONAL HARVEST OF SHELLFISH

(a) It is unlawful to take oysters or clams from public bottoms on Sundays, and scallops from public bottoms on Saturdays and Sundays except:

- (1) during open seasons, and
- (2) for recreational purposes.

(b) It is unlawful to possess, for recreational purposes, more than:

- (1) 10 conchs or whelks per person per day, not to exceed 20 conchs or whelks per vessel per day, and
- (2) 100 mussels per person per day, not to exceed 200 mussels per vessel per day, and
- (3) 100 clams per person per day, not to exceed 200 clams per vessel per day.

History Note: Filed as a Temporary Amendment Eff. October 9, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 113-134; 113-169.2; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. May 1, 1997; March 1, 1996; March 1, 1994; February 1, 1992; September 1, 1991;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. October 1, 2008; August 1, 2000.

15A NCAC 03K .0106 TAKING OR UNLOADING OYSTERS AND CLAMS ON SUNDAY OR AT NIGHT

(a) It is unlawful to take oysters or clams between the hours of sunset and sunrise on any day.

(b) It is unlawful to unload oysters or clams from any vessel or remove any vessel containing oysters or clams from the water on Sunday or between sunset and sunrise on any day except that in New Hanover, Pender and Brunswick Counties, oysters and clams may be unloaded until two hours after sunset.

(c) Oysters and clams taken on Sunday from public bottom under the provisions of 15A NCAC 03K .0105 or from shellfish leases and franchises pursuant to G.S. 113-208 are exempt from Paragraph (b) of this Rule.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. October 1, 2008; August 1, 2000.*

15A NCAC 03K .0107 DEPURATION OF SHELLFISH

(a) It is unlawful to take clams or oysters from the public or private prohibited (polluted) waters of the state for the purpose of depuration except when the harvest will utilize shellfish that would otherwise be destroyed in maintenance dredging operations. All harvest and transport activities within the State of North Carolina related to depuration shall be under the supervision of the Division of Marine Fisheries or the Division of Environmental Health. For the purpose of this Rule, the term depuration does not include relaying of clams or oysters from shellfish leases or franchises as authorized by 15A NCAC 03K .0104.

(b) The Fisheries Director, may, by proclamation, impose any or all of the following restrictions on the harvest of clams or oysters for depuration:

- (1) Specify species;
- (2) Specify areas except harvest will not be allowed from designated buffer zones adjacent to sewage outfall facilities;
- (3) Specify harvest days;
- (4) Specify time period;
- (5) Specify quantity or size;
- (6) Specify harvest methods;
- (7) Specify record keeping requirements.

(c) Depuration permits:

- (1) It is unlawful for individuals to harvest clams or oysters from prohibited (polluted) waters for the purpose of depuration unless they have obtained a Depuration Permit or are listed as designees on a Depuration Permit from the Division of Marine Fisheries and Division of Environmental Health setting forth the method of harvest to be employed. Permits shall be issued to licensed North Carolina Clam or Oyster Dealers only. Permittees and designees harvesting under Depuration Permits must have a current Shellfish License or Shellfish Endorsement on a Standard or Retired Standard Commercial Fishing License.
- (2) In addition to information required in 15A NCAC 03O .0501, the permit application shall provide the name, address, location and telephone number of the depuration operation where the shellfish will be depurated.
- (3) Clam or Oyster Dealers desiring to obtain prohibited (polluted) clams or oysters for depuration shall apply for a depuration permit at least 15 days prior to initiation of operation.

(d) Transport of clams or oysters for depuration:

- (1) Clams or oysters harvested from prohibited (polluted) waters for depuration in a depuration operation located within the State of North Carolina shall be transported under the supervision of the Division of Marine Fisheries or the Division of Environmental Health.
- (2) Clams or oysters harvested from prohibited (polluted) waters for depuration in a depuration operation outside the State of North Carolina shall not be transported within the State of North Carolina except under the supervision of the Division of Marine Fisheries or the Division of Environmental Health.

(e) It is unlawful to ship clams or oysters harvested for depuration to depuration facilities located in a state other than North Carolina unless the facility is in compliance with the applicable rules and laws of the shellfish control agency of that state.

(f) The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Temporary Amendment Eff. October 1, 2001;
Amended Eff. October 1, 2008; April 1, 2003.*

15A NCAC 03K .0108 DREDGES/MECHANICAL METHODS PROHIBITED

(a) It unlawful to use mechanical methods, except mechanical methods for oystering and clamming defined in 15A NCAC 03I .0101, to take shellfish.

(b) It is unlawful to use mechanical methods for oystering or clamming to take shellfish not subject to the restrictions in 15A NCAC 03K .0201, .0204, .0302, 0304, .0404, .0501, and .0503:

- (1) within any established bed of submerged aquatic vegetation as defined in 15A NCAC 03I .0101 or salt water cordgrass (*Spartina alterniflora*);
- (2) in areas designated in 15A NCAC 03R .0108, except on shellfish leases and franchises with a Permit to Use Mechanical Methods for Oysters and Clams on Shellfish Leases and Franchises;
- (3) in areas designated in 15A NCAC 03K .0204 and 03R .0103; and
- (4) except following restrictions for the use of mechanical methods specified pursuant to 15A NCAC 03J .0303 and 03K .0201, .0302, .0404, .0501, and .0503.

History Note: Authority G.S. 113-134; 113-201; 143B-289.52;
Eff. October 1, 2008.

15A NCAC 03K .0109 SHELLFISH HARVESTER AND DEALER TAGS

It is unlawful to possess or sell oysters, clams, or mussels in a commercial fishing operation without a harvest tag affixed to each container of oysters, clams or mussels. Tags shall be affixed by the harvester or dealer and shall meet the following criteria:

- (1) Tags shall be identified as harvest tags. They shall be durable for at least 90 days, water resistant, and a minimum of two and five-eighths inches by five and one-fourth inches in size.
- (2) Tags shall be securely fastened to the outside of each container in which shellstock is transported. A harvester or dealer tag shall be securely fastened to the outside of each container at a dealer location except, bulk shipments of shellfish in one container and from the same source may have one tag with all required information attached. Harvesters who are also certified shellfish dealers may use only their dealer tag if it contains the required information. The required information shall be included on all lots of shellfish subdivided or combined into market grades or market quantities by a harvester or a certified shellfish dealer.
- (3) Tags shall be attached to all shellfish stored at a dealer location.
- (4) Tags shall contain legible information arranged in the specific order as follows:
 - (a) The harvester's name, address and shellfish license or standard or retired standard commercial fishing license with shellfish endorsement number.
 - (b) The date of harvest.
 - (c) The most precise description of the harvest location as is practicable (e.g., Long Bay, Rose Bay) that can be easily located by maps and charts.
 - (d) Type and quantity of shellfish.
 - (e) The following statement in bold, capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS".

History Note: Authority G.S. 113-134; 113-168.5; 113-169.2; 113-182; 113-221; 143B-289.52;
Eff. October 1, 2008.

SECTION .0200 - OYSTERS

15A NCAC 03K .0201 OPEN SEASON AND POSSESSION LIMIT

It is unlawful to take or possess oysters from public bottoms except from October 15 through March 31. The Fisheries Director may, by proclamation, close and open the season within the time period stated herein or close and open any of the various waters to the taking of oysters depending on the need to protect small oysters and their habitat, the amount of saleable oysters available for harvest, the number of days harvest is prevented due to unsatisfactory bacteriological samples and weather conditions, and the need to prevent loss of oysters due to parasitic infections and thereby reduce the transmission of parasites to uninfected oysters or other variable conditions and may impose any or all of the following restrictions on commercial and recreational oyster harvest:

- (1) Specify days of the week harvesting will be allowed;
- (2) Specify areas;
- (3) Specify means and methods which may be employed in the taking;
- (4) Specify time period;
- (5) Specify the quantity, but shall not exceed possession of more than 50 bushels in a commercial fishing operation; and
- (6) Specify the minimum size limit by shell length, but not less than 2 1/2 inches.

History Note: Authority G.S. 113-134; 113-182; 113-201; 113-221; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2008; March 1, 1996; September 1, 1991.

15A NCAC 03K .0202 SIZE LIMIT AND CULLING TOLERANCE

(a) It is unlawful to possess oysters which have accumulated dead shell, accumulated oyster cultch material, a shell length less than that specified by proclamation, or any combination thereof that exceeds a 10 percent tolerance limit by volume. In determining whether the tolerance limit is exceeded, the Fisheries Director and his agents may grade all, or any portion, or any combination of portions of the entire quantity being graded, and in cases of violations, may seize and return to public bottom or otherwise dispose of the oysters as authorized by law.

(b) All oysters shall be culled by the catcher where harvested and all oysters of less than legal size, accumulated dead shell and cultch material, shall be immediately returned to the bottom from which taken.

(c) This Rule shall not apply to oysters imported from out-of-state solely for shucking and packing plants currently permitted by the Shellfish Sanitation Section of the Division of Environmental Health.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; September 1, 1991;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2000.*

15A NCAC 03K .0203 TRAWLING ACROSS OYSTER MANAGEMENT AREAS PROHIBITED

*History Note: Authority G.S. 113-134; 113-182; 143B-289.4;
Eff. January 1, 1991;
Repealed Eff. March 1, 1994.*

15A NCAC 03K .0204 DREDGES/MECHANICAL METHODS PROHIBITED

It is unlawful to use any dredge or other mechanical method to take oysters:

- (1) in the Mechanical Methods Prohibited areas designated in 15A NCAC 03R .0108, except on shellfish leases and franchises by permit; and
- (2) on any posted bottoms upon which oysters or shells have been planted by the state, unless such bottoms have been opened to the public and dredging permitted.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. August 1, 2004; May 1, 1997.*

15A NCAC 03K .0205 MARKETING OYSTERS TAKEN FROM PRIVATE SHELLFISH BOTTOMS

(a) It is unlawful to take, possess, buy, or sell oysters from shellfish leases or franchises during the open season unless such oysters have been culled in accordance with Rule 15A NCAC 03K .0202.

(b) It is unlawful to sell, purchase or possess oysters during the regular closed season without the lease or franchise holder delivering to the purchaser or other recipient a certification, on a form provided by the Division, that the oysters were taken from a valid shellfish lease or franchise. Certification forms shall be furnished by the Division to lease and franchise holders upon request.

(c) It is unlawful for lease or franchise holders or their designees to take or possess oysters from public bottom while possessing aboard a vessel oysters taken from shellfish leases or franchises.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 1991;
Temporary Amendment Eff. October 1, 2001;
Amended Eff. April 1, 2003.*

15A NCAC 03K .0206 PERMITS TO USE MECHANICAL METHODS FOR OYSTERS OR CLAMS ON SHELLFISH LEASES OR FRANCHISES

(a) Permits to Use Mechanical Methods for Oysters or Clams on Shellfish Leases or Franchises shall be issued in compliance with the general rules governing all permits in 15A NCAC 03O .0500. The procedures and requirements for obtaining permits are also found in 15A NCAC 03O .0500.

(b) It is unlawful to harvest oysters by the use of mechanical methods from shellfish leases or franchises without first obtaining a Permit to Use Mechanical Methods for Oysters or Clams on Shellfish Leases or Franchises.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;

Eff. October 1, 1992;
Temporary Amendment Eff. September 1, 2000;
Amended Eff. August 1, 2002.

15A NCAC 03K .0207 OYSTER SIZE AND HARVEST LIMIT EXEMPTION

Possession and sale of oysters by a hatchery or oyster aquaculture operation and purchase and possession of oysters from a hatchery or oyster aquaculture operation shall be exempt from bag and size limit restrictions set under authority of 15A NCAC 03K .0201 and 03K .0202. It is unlawful to possess, sell, purchase, or transport such oysters unless they are in compliance with all conditions of the Aquaculture Operations Permit.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Temporary Adoption Eff. October 1, 2001;
Eff. April 1, 2003.

15A NCAC 03K .0208 SEED OYSTER MANAGEMENT AREAS

(a) It is unlawful to take oysters from Seed Oyster Management Areas designated in 15A NCAC 03R .0116 for planting on shellfish leases or franchises without first obtaining a Permit to Transplant Oysters from Seed Oyster Management Areas from the Fisheries Director. The procedures and requirements for obtaining permits are set forth in 15A NCAC 03O .0501.

(b) It is unlawful to use a trawl net, long haul seine, or swipe net in any designated Seed Oyster Management Area.

History Note: Authority G.S. 113-134; 113-182; 113-203; 113-221; 143B-289.52;
Eff. October 1, 2008.

15A NCAC 03K .0209 OYSTER SANCTUARIES

(a) It is unlawful to use a trawl net, long haul seine, or swipe net in Oyster Sanctuaries designated in 15A NCAC 03R .0117. These areas shall be marked with signs or buoys. Unmarked and undesignated tributaries shall be the same designation as the designated waters to which they connect or into which they flow. No unauthorized removal or relocation of any such marker shall have the effect of changing the designation of any such body of water or portion thereof, nor shall any such unauthorized removal or relocation or the absence of any marker affect the applicability of any rule pertaining to any such body of water or portion thereof.

(b) It is unlawful to use mechanical methods for oystering or clamming in, or to take oysters or clams from Oyster Sanctuaries designated in 15A NCAC 03R .0117.

History Note: Authority G.S. 113-134; 113-182; 113-201; 113-204; 143B-289.52;
Eff. October 1, 2008.

SECTION .0300 - HARD CLAMS (MERCENARIA)

15A NCAC 03K .0301 SIZE AND HARVEST LIMIT

(a) It is unlawful to take, land, or possess aboard a vessel more than 6,250 hard clams per fishing operation from public bottom in internal waters. It is unlawful to take, possess, sell, or purchase any clams (except Rangia or freshwater clams) less than one inch thick except in accordance with 15A NCAC 3K .0305(b). Clams shall be culled where harvested and all clams of less than legal size with their shell, shall be immediately returned to the bottom from which taken. Agents of the Fisheries Director are authorized and empowered to grade all, or any portion, or any combination of portions of the entire quantity of clams being graded and may seize and return to public bottom or other disposition as authorized by law of the entire quantity being graded or any portion thereof.

(b) Size and harvest limits established in Paragraph (a) of this Rule and the season and area limitations established in 15A NCAC 3K .0302 may not apply:

- (1) For temporary openings made upon the recommendation of Division of Environmental Health,
- (2) For maintenance dredging operations, or
- (3) For relaying of polluted clams to private shellfish bottoms as permitted by 15A NCAC 3K .0104.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994.

15A NCAC 03K .0302 MECHANICAL HARVEST SEASON

(a) It is unlawful to take, buy, sell, or possess any clams taken by mechanical methods from public bottom except that the Fisheries Director may, by proclamation, open and close the season at any time in the Atlantic Ocean and only

between December 1 through March 31 in internal waters for the use of mechanical clam harvesting gear. The Fisheries Director is further empowered to impose any or all of the following restrictions:

- (1) specify number of days;
- (2) specify areas;
- (3) specify time period;
- (4) specify quantity or size; and
- (5) specify means/methods. Any proclamation specifying means or methods must be approved by the Marine Fisheries Commission prior to issuance.

(b) The Fisheries Director may, by proclamation, open only areas in Core and Bogue Sounds, Newport, North, White Oak and New Rivers and the Intracoastal Waterway north of "BC" Marker at Topsail Beach which have been opened at any time from January, 1979, through September, 1988, to the harvest of clams by mechanical methods. The Fisheries Director may, by proclamation, open the Atlantic Ocean and the area or any portion of the area in Pamlico Sound bounded by a line beginning on Portsmouth Island at a point 35° 01.5000' N - 76° 06.0000' W; running northerly to a point 35° 06.0000' N - 76° 06.0000' W; running westerly to a point 35° 06.0000' N - 76° 10.0000' W; running southerly to a point 35° 01.5000' N - 76° 10.0000' W; running easterly to the point of beginning to the harvest of clams by mechanical methods. Other areas opened for purposes as set out in 15A NCAC 03K .0301(b) shall open only for those purposes.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Temporary Amendment Eff. October 1, 2001;
Amended Eff. April 1, 2003.

15A NCAC 03K .0303 PERMITS TO USE MECHANICAL METHODS FOR OYSTERS OR CLAMS ON SHELLFISH LEASES OR FRANCHISES REQUIREMENT

(a) Permits to Use Mechanical Methods for Oysters or Clams on Shellfish Leases or Franchises shall be issued in compliance with the general rules governing all permits in 15A NCAC 03O .0500. The procedures and requirements for obtaining permits are also found in 15A NCAC 03O .0500.

(b) It is unlawful to harvest hard clams by the use of mechanical methods from shellfish leases or franchises without first obtaining a Permit to Use Mechanical Methods for Oysters or Clams on Shellfish Leases of Franchises.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 1991;
Temporary Amendment Eff. September 1, 2000;
Amended Eff. August 1, 2002.

15A NCAC 03K .0304 PROHIBITED TAKING

(a) It is unlawful to take clams by any method, other than by hand tongs, hand rakes, or by hand, except as provided in 15A NCAC 03K .0302 and .0303. Regardless of the areas which may be opened, it is unlawful to take clams by hand tongs in any established bed of submerged aquatic vegetation as described in 15A NCAC 03I .0101 or salt water cordgrass (*Spartina alterniflora*).

(b) It is unlawful to possess clam trawls or cages aboard a vessel at any time, or have kick/deflector plates normally used in the mechanical harvest of clams affixed to a vessel at any time, except during the time period specified for a mechanical clam harvest season in internal waters in accordance with 15A NCAC 03K .0302(a). A period of 14 days before and after the season as specified by proclamation will be allowed for the installation and removal of kick/deflector plates and clam trawls or cages. Vessels with permits for activities provided for in 15A NCAC 03K .0104, .0107, .0303(a), and .0401 shall be exempt from this Rule during the times such activities are permitted.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2008; February 1, 2008; May 1, 1997; July 1, 1993.

15A NCAC 03K .0305 CLAM SIZE AND HARVEST LIMIT EXEMPTION

Possession and sale of clams by a hatchery or clam aquaculture operation and purchase and possession of clams from a hatchery or clam aquaculture operation shall be exempt from bag and size limit restrictions in 15A NCAC 03K .0301(a). It is unlawful to possess, sell, purchase, or transport such clams unless they are in compliance with all conditions of the Aquaculture Operation Permit.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;

Eff. January 1, 1991;
Amended Eff. September 1, 1991.

SECTION .0400 - RANGIA CLAMS

15A NCAC 03K .0401 PROHIBITED (POLLUTED) AREA PERMIT REQUIREMENT

It is unlawful to take Rangia clams or their shells by any method from prohibited (polluted) waters without first securing a Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas from the Fisheries Director. The permit application shall include a list of all designees operating under the permit. Such permit shall designate the area, means and methods, and time(s) in which Rangia clams may be taken. The permit applicant shall designate the licensed fish dealer where the Rangia clams are to be landed and the method for disposing of Rangia clam meats. The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500.

History Note: Authority G.S. 113-134; 113-201; 113-202; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. August 1, 2004.

15A NCAC 03K .0402 SEASON, SIZE AND HARVEST LIMITS

Size and harvest limits applicable to hard clams in 15A NCAC 03K .0301 do not apply to Rangia clams.

History Note: Authority G.S. 113-134; 113-201; 113-202; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. August 1, 2004.

15A NCAC 03K .0403 DISPOSITION OF MEATS

It is unlawful to dispose of meats from Rangia clams taken in prohibited (polluted) waters for human consumption or by a method that will create risk of human consumption.

History Note: Authority G.S. 113-134; 113-201; 113-202; 143B-298.52;
Eff. January 1, 1991;
Amended Eff. August 1, 2004.

15A NCAC 03K .0404 DREDGES/MECHANICAL METHODS PROHIBITED AND OPEN SEASON

It is unlawful to use mechanical methods for oystering or clamming to take Rangia clams or their shells:

- (1) within 100 feet of any pier;
- (2) within any established bed of submerged aquatic vegetation as defined in 15A NCAC 03I .0101 or salt water cordgrass (*Spartina alterniflora*) that may exist together or separately;
- (3) in areas designated in 15A NCAC 03R .0108, except on shellfish leases and franchises with a Permit to Use Mechanical Methods for Oysters and Clams on Shellfish Leases and Franchises.
- (4) in areas designated in 15A NCAC 03K .0204(3) and 03R .0103; and
- (5) except in areas and at times specified by proclamation as authorized by 15A NCAC 03K .0201 and 03K .0302.

History Note: Authority G.S. 113-134; 113-201; 143B-289.52;
Eff. August 1, 2004.

15A NCAC 03K .0405 OYSTERS, MUSSELS, HARD CLAMS PROHIBITED

While taking Rangia clams or their shells from a prohibited (polluted) area it is unlawful to possess any other shellfish.

History Note: Authority G.S. 113-134; 113-201; 143B-289.52;
Eff. August 1, 2004.

SECTION .0500 - SCALLOPS

15A NCAC 03K .0501 BAY SCALLOPS - SEASONS AND HARVEST LIMITS

(a) The Fisheries Director may, by proclamation, specify open seasons and methods for the taking of bay scallops during the following periods:

- (1) From the last Monday in January through the last Friday in May; and
- (2) From August 1 through September 15 by hand harvest methods only as described by proclamation.

(b) The Fisheries Director may, by proclamation, impose any or all of the following restrictions for any commercial or recreational open season:

- (1) Specify number of days;
- (2) Specify areas;
- (3) Specify means and methods which may be employed in the taking;
- (4) Specify time period; and
- (5) Specify the quantity, but shall not exceed possession of more than 20 standard U.S. bushels per person per day or a total of 40 standard U.S. bushels in any combined commercial fishing operation per day.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. February 1, 2008.

15A NCAC 03K .0502 TAKING BAY SCALLOPS AT NIGHT AND ON WEEKENDS

It is unlawful to take bay scallops between sunset and sunrise, or on Saturdays or Sundays, except as provided in 15A NCAC 03K .0105.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2000.

15A NCAC 03K .0503 PROHIBITED BAY SCALLOP DREDGE

It is unlawful to take bay scallops with dredges weighing more than 50 pounds or equipped with teeth. Any other instrument or device designed to drag the bottom to aid in the taking of bay scallops is also prohibited.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03K .0504 CALICO SCALLOP SEASON

It is unlawful to land or possess aboard a vessel calico scallops except at such times as designated by the Fisheries Director by proclamation.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03K .0505 SEA SCALLOPS SIZE LIMIT AND TOLERANCE

It is unlawful to land or possess sea scallops with a shell height (length) of less than three and one-half inches. A tolerance of not more than ten percent by number for undersized sea scallop shell height shall be allowed. In determining whether the proportion of undersized sea scallops exceeds the ten percent tolerance limit, the Fisheries Director and his agents are authorized and empowered to grade all, or any portion, or any combination of portions of the entire quantity being graded, and in cases of violations, may require seizure or other disposition as authorized by law.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03K .0506 SOAKED OR SWELLED BAY SCALLOPS PROHIBITED

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1993;
Repealed Eff. February 1, 2008.

SUBCHAPTER 03L - SHRIMP, CRABS, AND LOBSTER

SECTION .0100 - SHRIMP

15A NCAC 03L .0101 SEASON

It is unlawful to take shrimp with nets until the Fisheries Director, by proclamation, opens the season in various waters. Proclamations may specify any hours of day or night or both and any other conditions appropriate to management of the

fishery. If sampling indicates primarily undersized shrimp or juveniles of any other species of major economic importance, the Fisheries Director may close such waters to shrimping and prohibit the use of nets for any purpose except cast nets as provided in 15A NCAC 3L .0102. Prominent landmarks or other permanent-type markers shall be considered when establishing closure lines even if such lines extend beyond the area of concern.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991.*

15A NCAC 03L .0102 WEEKEND SHRIMPING PROHIBITED

It is unlawful to take shrimp by any method from 9:00 P.M. on Friday through 5:00 P.M. on Sunday, except:

- (1) in the Atlantic Ocean; or
- (2) with the use of fixed and channel nets, hand seines, shrimp pots and cast nets.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. August 1, 2004; March 1, 1994.*

15A NCAC 03L .0103 PROHIBITED NETS, MESH SIZES AND AREAS

(a) It is unlawful to take shrimp with nets with mesh lengths less than the following:

- (1) Trawl net - one and one-half inches;
- (2) Fixed nets, channel nets, float nets, butterfly nets, and hand seines - one and one-fourth inches; and
- (3) Cast net - no restriction.

(b) It is unlawful to take shrimp with a net constructed in such a manner as to contain an inner or outer liner of any mesh size. Net material used as chafing gear shall be no less than four inches mesh length except that chafing gear with smaller mesh may be used only on the bottom one-half of the tailbag. Such chafing gear shall not be tied in a manner that forms an additional tailbag.

(c) It is unlawful to take shrimp with trawls which have a combined headrope of greater than 90 feet in internal coastal waters except:

- (1) Pamlico Sound;
- (2) Pamlico River downstream of a line from a point 35° 18.5882'N – 76° 28.9625'W at Pamlico Point; running northerly to a point 35° 22.3741'N – 76° 28.6905'W at Willow Point;
- (3) Neuse River northeast of a line from a point 34° 58.2000'N – 76° 40.5167'W at Winthrop Point on the eastern shore of the entrance to Adam's Creek running northerly to a point 35° 01.0744' N – 76° 42.1550' W at Windmill Point at the entrance of Greens Creek at Oriental.

(d) It is unlawful to use a shrimp trawl in the areas described in 15A NCAC 03R .0114.

(e) It is unlawful to use channel nets except as provided in 15A NCAC 03J .0106.

(f) It is unlawful to use shrimp pots except as provided in 15A NCAC 03J .0301.

(g) It is unlawful to use a shrimp trawl that does not conform with the federal rule requirements for Turtle Excluder Devices (TED) as specified in 50 CFR Part 222.102 Definitions, 50 CFR Part 223.205 (a) and Part 223.206 (d) Gear Requirements for Trawlers, and 50 CFR Part 223.207 Approved TEDs. Copies of these rules are available via the Code of Federal Regulations posted on the Internet at <http://www.gpoaccess.gov/cfr/index.html> and at the Division of Marine Fisheries, P.O. Box 769, Morehead City, North Carolina 28557 at no cost.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. April 1, 2009; July 1, 2006.*

15A NCAC 03L .0104 UNLAWFUL TO USE OR TAKE

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Repealed Eff. April 1, 2009.*

15A NCAC 03L .0105 RECREATIONAL SHRIMP LIMITS

It is unlawful to:

- (1) Possess more than 48 quarts, heads on or 30 quarts, heads off, of shrimp per person per day or if a vessel is used, per vessel per day for recreational purposes except as provided in 15A NCAC 03O .0303 (e) and (f).
- (2) Take or possess shrimp taken from any area closed to the taking of shrimp except 100 shrimp per person per day may be taken while fishing in a closed area with a cast net.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. April 1, 2009.*

SECTION .0200 - CRABS

15A NCAC 03L .0201 SIZE LIMIT AND CULLING TOLERANCE

- (a) It is unlawful to possess blue crabs less than five inches from tip of spike to tip of spike except mature females, soft and peeler crabs and from March 1 through October 31, and male crabs to be used as peeler bait. A culling tolerance of not more than 10 percent by number in any container shall be allowed.
- (b) All crabs not of legal size, except mature female and soft crabs shall be immediately returned to the waters from which taken. Peeler crabs shall be separated where taken and placed in a separate container. White-line peeler crabs shall be separated from pink and red-line peeler crabs where taken and placed in a separate container. A culling tolerance of not more than five percent by number shall be allowed for white-line peelers in the pink and red-line peeler container. Those peeler crabs not separated shall be deemed hard crabs and are not exempt from the size restrictions specified in Paragraph (a) of this Rule.
- (c) The Director, may by proclamation, impose the following restrictions when the sum of the carapace widths of mature female blue crabs collected during the September cruise of the Division of Marine Fisheries Pamlico Sound Fishery Independent Trawl Survey divided by the total number of tows (adjusted catch per effort) falls below the lower 90 percent confidence limit for two consecutive years (spawner index):
- (1) It is unlawful to possess mature female blue crabs greater than 6¾ inches from tip of spike to tip of spike from September 1 through April 30. A culling tolerance of not more than five percent by number in any container shall be allowed.
 - (2) It is unlawful to possess female peeler crabs greater than 5¼ inches from tip of spike to tip of spike from September 1 through April 30.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. April 1, 1997; July 1, 1993;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. September 1, 2005; August 1, 2000.*

15A NCAC 03L .0202 CRAB TRAWLING

- (a) It is unlawful to take or possess aboard a vessel crabs taken by trawl in internal waters except in areas and during such times as the Fisheries Director may specify by proclamation.
- (b) It is unlawful to use any crab trawl with a mesh length less than three inches for taking hard crabs, except that the Fisheries Director may, by proclamation, increase the minimum mesh length to no more than four inches, and specify areas for crab trawl mesh size use.
- (c) It is unlawful to use trawls with a mesh length less than two inches or with a combined total headrope length exceeding 25 feet for taking soft or "peeler" crabs.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. February 1, 1991;
Amended Eff. September 1, 2005; August 1, 2004; March 1, 1994; September 1, 1991.*

15A NCAC 03L .0203 CRAB DREDGING

- (a) It is unlawful to take crabs with dredges except:
- (1) From January 1 through March 1 in the area of Pamlico Sound described in 15A NCAC 03R .0109.
 - (2) Crabs may be taken incidental to lawful oyster dredging operations provided the weight of the crabs shall not exceed:
 - (A) 50 percent of the total weight of the combined oyster and crab catch; or
 - (B) 500 pounds, whichever is less.
- (b) It is unlawful to take crabs with dredges between sunset and sunrise and between sunset on any Saturday and sunrise on the following Monday, except in the Atlantic Ocean.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. May 1, 1997.*

15A NCAC 03L .0204 CRAB POTS

It is unlawful to take crabs with pots except as provided in 15A NCAC 03J .0301 and .0302.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991.*

15A NCAC 03L .0205 CRAB SPAWNING SANCTUARIES

(a) It is unlawful to set or use trawls, pots, and mechanical methods for oysters or clams or take crabs with the use of commercial fishing equipment from the crab spawning sanctuaries described in 15A NCAC 3R .0110 from March 1 through August 31.

(b) From September 1 through February 28, the Fisheries Director may, by proclamation, close the crab spawning sanctuaries and may impose any or all of the following restrictions:

- (1) specify number of days;
- (2) specify areas;
- (3) specify means and methods which may be employed in the taking;
- (4) specify time period; and
- (5) limit the quantity.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. May 1, 1997;
Temporary Amendment Eff. October 2, 1999;
Amended Eff. April 1, 2001.*

15A NCAC 03L .0206 PEELER CRABS

(a) It is unlawful to bait peeler pots, except with male blue crabs. Male blue crabs to be used as peeler bait and less than the legal size shall be kept in a separate container, and may not be landed or sold.

(b) It is unlawful to possess male white line peelers from June 1 through September 1.

(c) It is unlawful to sell white-line peelers.

(d) It is unlawful to possess white-line peelers unless they are to be used by the harvester in the harvester's permitted blue crab shedding operation.

(e) Peeler crabs shall be separated where taken and placed in a separate container.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Temporary Adoption Eff. July 1, 1999;
Eff. August 1, 2000;
Amended Eff. September 1, 2005.*

15A NCAC 03L .0207 HORSESHOE CRABS

(a) It is unlawful to possess more than 500 horseshoe crabs per vessel per trip.

(b) Horseshoe crabs taken for biomedical use under a Horseshoe Crab Biomedical Use Permit are exempt from this Rule.

(c) The annual (January through December) commercial quota for North Carolina for horseshoe crabs shall be established by the Atlantic States Marine Fisheries Commission Horseshoe Crab Management Plan. Once the quota is projected to be taken, the Fisheries Director shall, by proclamation, close the season for the landing of horseshoe crabs.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Temporary Adoption Eff. August 1, 2000;
Codifier determined that findings did not meet criteria for temporary rule on October 31, 2000;
Temporary Adoption Eff. December 6, 2000;
Eff. August 1, 2002.*

15A NCAC 03L .0208 STONE CRABS (MENIPPE MERCENARIA)

It is unlawful to:

- (1) Possess stone crab bodies, or fail to immediately return stone crab bodies to the waters from which taken;
- (2) Remove, take or possess any claw(s) from June 15 through August 15;
- (3) Remove, take or possess any claw(s) from egg-bearing stone crabs;
- (4) Use any device to take stone crabs that can puncture, crush, or injure the crab body, such as gigs, spears, grabs, hooks, or similar devices; and

- (5) Remove, take or possess stone crab claw(s) which have a propodus (forearm) less than two and three quarter inches in length, measured by a straight line from the elbow to the tip of the lower immovable finger. The propodus (forearm) is defined as the largest section of the claw assembly that has both a movable and immovable finger and is located farthest from the body of the crab.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. December 1, 2006.

15A NCAC 03L .0209 RECREATIONAL HARVEST OF CRABS

It is unlawful to possess more than 50 blue crabs per person per day, not to exceed 100 blue crabs per vessel per day, for recreational purposes.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. October 1, 2008.

SECTION .0300 - LOBSTER

15A NCAC 03L .0301 AMERICAN LOBSTER (NORTHERN LOBSTER)

- (a) It is unlawful to possess American lobster:
 - (1) with a carapace less than 3 3/8 inches or greater than 5 1/4 inches;
 - (2) which has eggs or from which eggs have been artificially removed by any method;
 - (3) meats, detached meats, detached tails or claws or any other part of a lobster that has been separated from the lobster;
 - (4) which has an outer shell which has been speared;
 - (5) that is a V-notched female lobster. A V-notched female lobster is any female lobster that bears a notch or indentation in the base of the flipper that is at least as deep as 1/8 inch, with or without setal hairs. A V-notched female lobster is also any female lobster which is mutilated in a manner which would hide, obscure or obliterate such a mark; or
 - (6) in quantities greater than 100 per day or 500 per trip for trips five days or longer taken by gear or methods other than traps.
- (b) American lobster traps not constructed entirely of wood (excluding heading or parlor twine and the escape vent) must contain a ghost panel that meets the following specifications:
 - (1) the opening to be covered by the ghost panel shall be not less than 3 3/4 inches (9.53 cm) by 3 3/4 inches (9.53 cm);
 - (2) the panel must be constructed of, or fastened to the trap with, one of the following untreated materials: wood lath, cotton, hemp, sisal or jute twine not greater than 3/16 inch (0.48 cm) in diameter, or non-stainless, uncoated ferrous metal not greater than 3/32 inch (0.24 cm) in diameter;
 - (3) the door of the trap may serve as the ghost panel, if fastened with a material specified in this Section;
 - (4) the ghost panel must be located in the outer parlor(s) of the trap and not the bottom of the trap; and
 - (5) contains at least one rectangular escape vent per trap, 2 inches by 5 3/4 inches minimum size, or two circular escape vents per trap, with a minimum inside diameter of 2 5/8 inches.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996;
Temporary Amendment Eff. August 1, 2000;
Amended Eff. April 1, 2009; September 1, 2005; April 1, 2001.

15A NCAC 03L .0302 SPINY LOBSTER

It is unlawful to:

- (1) Possess a egg bearing spiny lobster or a spiny lobster from which eggs have been stripped, scrubbed or removed;
- (2) Possess spiny lobster with a carapace length less than 3 inches;
- (3) Possess aboard a vessel or land more than two spiny lobsters per person;
- (4) Possess aboard a vessel or land detached spiny lobster tails; or
- (5) Take spiny lobsters with a gaff hook, spear or similar device. Possession of a speared, pierced, or punctured spiny lobster is prima facie evidence that prohibited gear was used.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;

Amended Eff. March 1, 1996.

SUBCHAPTER 03M - FINFISH

SECTION .0100 - FINFISH, GENERAL

15A NCAC 03M .0101 MUTILATED FINFISH

It is unlawful to possess aboard a vessel or while engaged in fishing from the shore or a pier any species of finfish that is subject to a size or harvest restriction without having head and tail attached, except for mullet when used for bait. Blueback herring, hickory shad and alewife shall be exempt from this Rule when used for bait provided that not more than two fish per boat or fishing operation may be cut for bait at any one time.

*History Note: Authority G.S. 113-134; 113-185; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. January 1, 1991;
Temporary Amendment Eff. May 1, 2001;
Amended Eff. July 1, 2006; August 1, 2002.*

15A NCAC 03M .0102 UNMARKETABLE FINFISH

- (a) It is unlawful to land finfish if in violation of minimum size or possession limits established by rule or proclamation.
- (b) It is unlawful to land finfish taken in connection with commercial fishing operations which are unmarketable as individual finfish by reason of size, except a quantity not exceeding 5,000 pounds per vessel per day may be sold to a dealer that is licensed under G.S. 113-169.3 (f) (6), (7) and (8).
- (c) Menhaden, Atlantic thread herring, gizzard shad, and pinfish are exempt from this Rule.

*History Note: Authority G.S. 113-134; 113-185; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2008.*

15A NCAC 03M .0103 MINIMUM SIZE LIMITS

It shall be unlawful to possess, sell, or purchase fish under four inches in length except:

- (1) for use as bait in the crab pot fishery in North Carolina with the following provision: such crab pot bait shall not be transported west of U.S. Interstate 95 and when transported, shall be accompanied by documentation showing the name and address of the shipper, the name and address of the consignee, and the total weight of the shipment.
- (2) for use as bait in the finfish fishery with the following provisions:
 - (A) It shall be unlawful to possess more than 200 pounds of live fish or 100 pounds of dead fish.
 - (B) Such finfish bait may not be transported outside the State of North Carolina.

Bait dealers who possess valid finfish dealers license from the Division of Marine Fisheries are exempt from Subitems (2)(a) and (b) of this Rule. Tolerance of not more than five percent shall be allowed. Menhaden, herring, gizzard shad, pinfish and live fish in aquaria other than those for which a minimum size exists are exempt from this Rule.

*History Note: Authority G.S. 113-134; 113-185; 143B-289.52;
Eff. July 1, 1993.*

SECTION .0200 - STRIPED BASS

15A NCAC 03M .0201 GENERAL

- (a) Striped bass is defined as striped bass (*Morone saxatilis*) and its hybrids taken in coastal and joint waters.
- (b) Hook-and-line fishing equipment is not commercial fishing equipment in the striped bass fishery. It is unlawful to sell or purchase striped bass taken by hook-and-line. Striped bass taken legally with hook-and-line may be possessed and transported.
- (c) It is unlawful to possess striped bass imported from other states less than 18 inches long (total length).
- (d) It is unlawful to import, buy, sell, transport, offer to buy or sell, or possess striped bass except during any:
 - (1) open striped bass season established for internal coastal waters;
 - (2) open striped bass season established for the Atlantic Ocean; or
 - (3) open striped bass season of another state without possession of the following:
 - (A) A bill of lading as described in 15A NCAC 03I .0114;
 - (B) A numbered, state-issued tag from the State of origin affixed through the mouth and gill cover. This tag must remain affixed until processed for consumption by the consumer.

(e) The management units and recreational fishery management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC 03R .0201.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994; September 1, 1991;
Temporary Amendment Eff. May 1, 2000;
Amended Eff. October 1, 2008; October 1, 2004; April 1, 2001.

15A NCAC 03M .0202 SEASON, SIZE AND HARVEST LIMIT: INTERNAL COASTAL WATERS

- (a) It is unlawful to possess striped bass from the coastal fishing waters of the Cape Fear River and its tributaries.
- (b) The Fisheries Director may, by proclamation, impose any or all the following restrictions on the taking of striped bass in a commercial fishing operation or for recreational purposes in internal coastal waters during the period from October 1 through April 30:
- (1) Specify fishing days and times,
 - (2) Specify areas,
 - (3) Specify quantity, except possession for recreational purposes shall not exceed:
 - (A) more than three fish in any one day in the Albemarle Sound Management Area as designated in 15A NCAC 03R .0201, and
 - (B) more than two fish in any one day in the joint and coastal fishing waters of the Central Southern Management Area as designated in 15A NCAC 03R .0201.
 - (4) Specify means/methods,
 - (5) Specify size, but the minimum size specified shall not be less than 18 inches total length, and
 - (6) Require submission of statistical and biological data.

Fish that do not meet the minimum size limit specified by proclamation shall immediately be returned to the waters from which taken regardless of condition.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; November 1, 1991;
Temporary Amendment Eff. September 1, 1996;
Amended Eff. April 1, 1997;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. July 1, 2008; August 1, 2000.

15A NCAC 03M .0203 SIZE AND CREEL LIMIT: INTERNAL COASTAL WATERS

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;
Eff. January 1, 1991;
Repealed Eff. November 1, 1991.

15A NCAC 03M .0204 SEASON, SIZE AND HARVEST LIMIT: ATLANTIC OCEAN

It is unlawful to possess striped bass taken from the Atlantic Ocean less than the size limit as determined by the Atlantic States Marine Fisheries Commission in their Interstate Fisheries Management Plan for striped bass. The Fisheries Director shall issue proclamations necessary to bring North Carolina's size limit in compliance with the Interstate Fisheries Management Plan.

History Note: Authority G.S. 113-134; 113-182; 113-221; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996;
Temporary Amendment Eff. October 1, 1996;
Amended Eff. October 1, 2008; July 1, 1998.

15A NCAC 03M .0205 PROHIBITED TRAWLING

- (a) It is unlawful to possess striped bass on a vessel with a trawl net on that vessel in internal coastal waters except during transit from ocean fishing grounds to port during any open striped bass trawl season in the Atlantic Ocean established by proclamation. Striped bass so possessed must meet the minimum size limit set by proclamation.
- (b) It is unlawful to possess striped bass on a vessel in the Atlantic Ocean with a trawl net on that vessel except during any open striped bass trawl season in the Atlantic Ocean established by proclamation.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. December 1, 2007.

15A NCAC 03M .0206 HYBRID STRIPED BASS CULTURE

Culture and sale of hybrid striped bass conducted in accordance with Rule 15A NCAC 10H Section .0700 of the North Carolina Wildlife Resources Commission shall be exempt from rules of the North Carolina Marine Fisheries Commission concerning striped bass.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991.

SECTION .0300 - SPANISH AND KING MACKEREL

15A NCAC 03M .0301 SPANISH AND KING MACKEREL

(a) Spanish Mackerel:

- (1) It is unlawful to possess Spanish mackerel less than 12 inches fork length.
- (2) It is unlawful to possess more than 15 Spanish mackerel per person per day taken for recreational purposes.
- (3) It is unlawful to possess more than 15 Spanish mackerel per person per day in the Atlantic Ocean beyond three miles in a commercial fishing operation except for persons holding a valid National Marine Fisheries Service Spanish Mackerel Commercial Vessel Permit.

(b) King mackerel:

- (1) It is unlawful to possess king mackerel less than 24 inches fork length.
- (2) It is unlawful to possess more than three king mackerel per person per day taken for recreational purposes.
- (3) It is unlawful to possess more than three king mackerel per person per day in the Atlantic Ocean:
 - (A) by hook and line except for persons holding a valid National Marine Fisheries Service King Mackerel Commercial Vessel Permit; or
 - (B) between three miles and 200 miles from the State's mean low water mark in a commercial fishing operation except for persons holding a valid National Marine Fisheries Service King Mackerel Commercial Vessel Permit.
- (4) It is unlawful to use gill nets in the Atlantic Ocean to take more than three king mackerel per person per day south of 34° 37.3000' N (Cape Lookout).

(c) Charter vessels or head boats that hold a valid National Marine Fisheries Service Coastal Migratory Pelagic (Charter Boat and Head Boat) permit must comply with the Spanish mackerel and king mackerel possession limits established in Subparagraphs (a)(2) and (b)(2) of this Rule when fishing with more than three persons (including the captain and mate) on board.

(d) It is unlawful to possess aboard or land from a vessel, or combination of vessels that form a single operation, more than 3,500 pounds of Spanish or king mackerel, in the aggregate, in any one day.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996;
Temporary Amendment Eff. January 1, 2000; July 1, 1999;
Amended Eff. October 1, 2008; August 1, 2002; April 1, 2001.

15A NCAC 03M .0302 PURSE GILL NET PROHIBITED

It is unlawful to have a purse gill net on board a vessel when taking or landing Spanish or King Mackerel.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991.

SECTION .0400 - MENHADEN AND ATLANTIC THREAD HERRING

15A NCAC 03M .0401 SEASON AND AREAS

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. May 1, 1997;

Repealed Eff. October 1, 2008.

15A NCAC 03M .0402 FOODFISH PROHIBITED

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Repealed Eff. October 1, 2008.*

15A NCAC 03M .0403 FISHING ON WEEKENDS AND HOLIDAYS PROHIBITED

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Repealed Eff. October 1, 2008.*

15A NCAC 03M .0404 FISH SPILL REPORTING MANDATORY

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Repealed Eff. October 1, 2008.*

SECTION .0500 - OTHER FINFISH

15A NCAC 03M .0501 RED DRUM

- (a) It is unlawful to remove red drum from any type of net with the aid of any boat hook, gaff, spear, gig, or similar device.
- (b) It is unlawful to take or possess red drum taken by any boat hook, gaff, spear, gig, or similar device.
- (c) It is unlawful to possess red drum less than 18 inches total length or greater than 27 inches total length.
- (d) It is unlawful to possess more than one red drum per person per day taken-by hook-and-line or for recreational purposes.
- (e) The annual commercial harvest limit (September 1 through August 31) for red drum is 250,000 pounds. The annual commercial harvest limit is allotted in two periods: September 1 through April 30 at 150,000 pounds, and May 1 through August 31 at 100,000 pounds plus any remainder from the first period allotment. Any annual commercial harvest limit that is exceeded one year will result in the poundage overage being deducted from the subsequent year's commercial harvest limit and the Fisheries Director shall adjust the period allotments accordingly. If the harvest limit is projected to be taken in any period, the Fisheries Director shall, by proclamation, prohibit possession of red drum taken in a commercial fishing operation for the remainder of that period.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; October 1, 1992; September 1, 1991;
Temporary Amendment Eff. May 1, 2000; July 1, 1999; October 22, 1998;
Amended Eff. April 1, 2001;
Temporary Amendment Eff. May 1, 2001;
Amended Eff. April 1, 2009; October 1, 2008; August 1, 2002.*

15A NCAC 03M .0502 MULLET

- (a) The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of mullet:
 - (1) Specify season,
 - (2) Specify areas,
 - (3) Specify quantity,
 - (4) Specify means/methods,
 - (5) Specify size.
- (b) It is unlawful to possess more than 200 mullet per person per day for recreational purposes.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 2006.*

15A NCAC 03M .0503 FLOUNDER

- (a) It is unlawful to possess flounder less than 14 inches total length taken from the Atlantic Ocean in a commercial fishing operation.
- (b) From October 1 through April 30, it shall be unlawful to use a trawl in the Atlantic Ocean within three miles of the ocean beach from the North Carolina/Virginia state line (36° 33.000'N) to Cape Lookout (34° 36.000'N) unless each trawl has a mesh length of 5 1/2 inches or larger diamond mesh (stretched) or 6 inches or larger square mesh (stretched) applied throughout the body, extension(s) and the cod end (tailbag) of the net except as provided in Paragraphs (g) and (h) of this Rule.
- (c) License to Land Flounder from the Atlantic Ocean:
- (1) It is unlawful to land more than 100 pounds per trip of flounder taken from the Atlantic Ocean unless the owner of the vessel or in the case of Land or Sell Licenses, the responsible party, has been issued a License to Land Flounder from the Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from the Atlantic Ocean.
 - (2) It is unlawful for a fish dealer to purchase or offload more than 100 pounds of flounder taken from the Atlantic Ocean by a vessel whose owner, or in the case of Land or Sell Licenses, the responsible party, has not first procured a valid North Carolina License to Land Flounder from the Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from the Atlantic Ocean.
 - (3) It is unlawful for any person to land flounder from the Atlantic Ocean under a License to Land Flounder from the Atlantic Ocean unless that person is the holder of the license or the master designated on the license.
 - (4) It is unlawful for any individual to land flounder from the Atlantic Ocean without having ready at hand for inspection a valid License to Land Flounder from the Atlantic Ocean, except as specified in Subparagraph (c)(1) of this Rule.
- (d) All fish dealer transactions in flounder landed from the Atlantic Ocean must be conducted in accordance with the Atlantic Ocean Flounder Dealer Permits in 15A NCAC 030 .0503 and related rules in 15A NCAC 030 .0500.
- (e) It is unlawful to transfer flounder taken from the Atlantic Ocean from one vessel to another.
- (f) Tailbag liners of any mesh size, the multiple use of two or more cod ends, or other netting material that in any way could restrict the legal size mesh shall not be used or possessed on the deck of a vessel in the Atlantic Ocean from October 1 through April 30 from the North Carolina/Virginia state line (36° 33.000' N) to Cape Lookout (34° 36.0000'N).
- (g) Trawls with a cod end mesh size smaller than described in Paragraph (b) of this Rule may be used or possessed on the deck of a vessel provided not more than 100 pounds of flounder per trip from May 1 through October 31 or more than 200 pounds from November 1 through April 30 is possessed aboard or landed from that vessel.
- (h) Flynets are exempt from the flounder trawl mesh requirements if they meet the following definition:
- (1) The net has large mesh in the wings that measure 8 inches to 64 inches;
 - (2) The first body section (belly) of the net has 35 or more meshes that are at least 8 inches; and
 - (3) The mesh decreases in size throughout the body of the net to as small as 2 inches or smaller towards the terminus of the net.
- (i) Commercial Season.
- (1) The North Carolina season for landing ocean-caught flounder shall open January 1 each year. If 80 percent of 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 landing of flounder taken from the ocean.
 - (2) The season for landing flounder taken in the Atlantic Ocean shall reopen November 1 if any of 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 remains. If after reopening, 100 percent of 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 prior to the end of the calendar year, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.
 - (3) During any closed season prior to November 1, vessels may land up to 100 pounds of flounder per trip taken from the Atlantic Ocean.
- (j) The Fisheries Director may, by proclamation, establish trip limits for the taking of flounder from the Atlantic Ocean to assure that the individual state quota allocated to North Carolina in the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is not exceeded.
- (k) The Fisheries Director may, by proclamation, based on variability in environmental and local stock conditions, take any or all of the following actions in the flounder fishery:
- (1) Specify size;
 - (2) Specify season;

- (3) Specify area;
- (4) Specify quantity;
- (5) Specify means/methods; and
- (6) Require submission of statistical and biological data.

(l) Possession and sale of flounder by a hatchery or flounder aquaculture operation and purchase and possession of flounder from a hatchery or flounder aquaculture operation shall be exempt from season and size limit restrictions set under Paragraph (k) of this Rule. It is unlawful to possess, sell, purchase, or transport such flounder unless they are in compliance with all conditions of the Aquaculture Operations Permit.

History Note: Authority G.S. 113-134; 113-169.5; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; February 1, 1992;
Temporary Amendment Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Temporary Amendment Eff. December 23, 1996;
Amended Eff. April 1, 1997;
Temporary Amendment Eff. June 1, 1998; August 18, 1997;
Amended Eff. April 1, 1999;
Temporary Amendment Eff. May 1, 2000; July 1, 1999;
Amended Eff. April 1, 2001; August 1, 2000;
Temporary Amendment Eff. September 1, 2004;
Temporary Amendment Expired June 12, 2005;
Amended Eff. September 1, 2005.

15A NCAC 03M .0504 TROUT

- (a) It is unlawful to possess spotted seatrout (speckled trout) less than 12 inches total length.
- (b) It is unlawful to possess more than 10 spotted seatrout per person per day taken by hook-and-line or for recreational purposes.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; March 1, 1995; February 1, 1992;
Temporary Amendment Eff. September 9, 1996;
Temporary Amendment Eff. October 1, 1996;
Amended Eff. April 1, 1997;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. October 1, 2008; August 1, 2000.

15A NCAC 03M .0505 SHARK

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. September 1, 1991;
Repealed Eff. October 1, 2008.

15A NCAC 03M .0506 SNAPPER-GROUPER COMPLEX

- (a) In the Atlantic Ocean, it is unlawful for an individual fishing under a Recreational Commercial Gear License with seines, shrimp trawls, pots, trotlines or gill nets to take any species of the Snapper-Grouper complex.
- (b) The species of the snapper-grouper complex listed in the South Atlantic Fishery Management Council Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region are hereby incorporated by reference and copies are available via the Federal Register posted on the Internet at www.safmc.net and at the Division of Marine Fisheries, P.O. Box 769, Morehead City, North Carolina 28557 at no cost.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. April 1, 1997; March 1, 1996; September 1, 1991;
Temporary Amendment Eff. December 23, 1996;
Amended Eff. August 1, 1998; April 1, 1997;
Temporary Amendment Eff. January 1, 2002; August 29, 2000; January 1, 2000; May 24, 1999;
Amended Eff. October 1, 2008; May 1, 2004; July 1, 2003; April 1, 2003; August 1, 2002.

15A NCAC 03M .0507 BILLFISH

(a) Marlin: Taken for recreational purposes or by hook and line:

- (1) It is unlawful to possess blue marlin less than 99 inches in length from the lower jaw to the fork in the tail.
- (2) It is unlawful to possess white marlin less than 66 inches in length from the lower jaw to the fork in the tail.
- (3) It is unlawful to possess more than one blue or white marlin in the aggregate per vessel per trip.
- (4) It is unlawful to sell or offer for sale blue or white marlin.

(b) Sailfish: Taken for recreational purposes or by hook and line:

- (1) It is unlawful to possess sailfish less than 63 inches in length from the lower jaw to the fork in the tail.
- (2) It is unlawful to possess more than one sailfish per person per day.
- (3) It is unlawful to sell or offer for sale sailfish.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. March 1, 1996; March 1, 1994; February 1, 1992; September 1, 1991;
 Temporary Amendment Eff. June 7, 1998; September 1, 1996;
 Amended Eff. July 1, 1998;
 Temporary Amendment Eff. July 1, 1999;
 Amended Eff. August 1, 2000.

15A NCAC 03M .0508 STURGEON

It is unlawful to possess sturgeon in North Carolina.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
 Eff. September 1, 1991;
 Amended Eff. July 1, 1993.

15A NCAC 03M .0509 TARPON

- (a) It is unlawful to sell or offer for sale tarpon.
- (b) It is unlawful to possess more than one tarpon per person taken in any one day.
- (c) It is unlawful to take tarpon by any method other than hook-and-line.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
 Eff. October 1, 1992.

15A NCAC 03M .0510 AMERICAN EEL

It is unlawful to:

- (1) Possess, sell or take eels less than six inches in length; and
- (2) Possess more than 50 eels per person per day for recreational purposes.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
 Eff. July 1, 1993;
 Temporary Amendment Eff. August 1, 2000;
 Amended Eff. April 1, 2001.

15A NCAC 03M .0511 BLUEFISH

It is unlawful to possess more than 15 bluefish per person per day for recreational purposes. Of these 15 bluefish, it is unlawful to possess more than five bluefish that are greater than 24 inches total length.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
 Eff. March 1, 1994;
 Amended Eff. March 1, 1996;
 Temporary Amendment Eff. September 9, 1996;
 Amended Eff. April 1, 1997;
 Temporary Amendment Eff. July 1, 1999;
 Amended Eff. October 1, 2008; April 1, 2003; August 1, 2000.

15A NCAC 03M .0512 COMPLIANCE WITH FISHERY MANAGEMENT PLANS

(a) In order to comply with management requirements incorporated in Federal Fishery Management Council Management Plans or Atlantic States Marine Fisheries Commission Management Plans or to implement state management measures, the Fisheries Director may, by proclamation, take any or all of the following actions for species listed in the Interjurisdictional Fisheries Management Plan:

- (1) Specify size;
- (2) Specify seasons;
- (3) Specify areas;
- (4) Specify quantity;
- (5) Specify means and methods; and
- (6) Require submission of statistical and biological data.

(b) Proclamations issued under this Rule shall be subject to approval, cancellation, or modification by the Marine Fisheries Commission at its next regularly scheduled meeting or an emergency meeting held pursuant to G.S. 113-221.1.

History Note: Authority G.S. 113-134; 113-182; 113-221; 113-221.1; 143B-289.4;
Eff. March 1, 1996;
Amended Eff. October 1, 2008.

15A NCAC 03M .0513 RIVER HERRING

It is unlawful to possess river herring taken from coastal fishing waters unless the river herring season is open.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. March 1, 1995;
Amended Eff. August 1, 1998;
Temporary Amendment Eff. May 1, 2000; August 1, 1999; July 1, 1999; March 1, 1999;
Amended Eff. October 1, 2008; December 1, 2007; April 1, 2001.

15A NCAC 03M .0514 SCUP

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Temporary Adoption Eff. December 23, 1996;
Eff. July 1, 1998;
Repealed Eff. October 1, 2008.

15A NCAC 03M .0515 DOLPHIN

- (a) It is unlawful to possess more than 10 dolphin per person per day taken by hook and line for recreational purposes.
- (b) It is unlawful to possess more than 60 dolphin per day per vessel regardless of the number of people on board, except headboat vessels with a valid U.S. Coast Guard Certificate of Inspection may possess 10 dolphin per paying customer.
- (c) It is unlawful to take or possess more than 10 dolphin per person per day, or sell dolphin without a valid Federal Commercial Dolphin/Wahoo vessel permit and either a Standard Commercial Fishing License, a Retired Standard Commercial Fishing License, or a Land or Sell License.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Temporary Adoption Eff. July 1, 1999;
Temporary Amendment Eff. January 1, 2000;
Amended Eff. September 1, 2005; April 1, 2001.

15A NCAC 03M .0516 COBIA

- (a) It is unlawful to possess cobia less than 33 inches fork length.
- (b) It is unlawful to possess more than two cobia per person per day.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Temporary Adoption Eff. July 1, 1999;
Eff. August 1, 2000.

15A NCAC 03M .0517 WAHOO

- (a) It is unlawful to possess more than two wahoo per person per day taken by hook and line for recreational purposes.
- (b) It is unlawful to take or possess more than two wahoo per person per day, or sell wahoo without a Federal Commercial Dolphin/Wahoo permit and either a Standard Commercial Fishing License, Retired Standard Commercial Fishing License, or a Land or Sell License.
- (c) It is unlawful to possess aboard or land more than 500 pounds of wahoo per trip in a commercial fishing operation.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. September 1, 2005.

15A NCAC 03M .0518 KINGFISH (SEA MULLET)

The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of kingfishes:

- (1) Specify season,
- (2) Specify areas,
- (3) Specify quantity,
- (4) Specify means and methods,
- (5) Specify size.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Eff. October 1, 2008.

15A NCAC 03M .0519 SHAD

- (a) It is unlawful to take American shad and hickory shad by any method except hook-and-line from April 15 through December 31.
- (b) It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook-and-line or for recreational purposes.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Eff. October 1, 2008.

15A NCAC 03M .0520 TUNA

- (a) It is unlawful to possess in a commercial fishing operation:
 - (1) Yellowfin tuna less than 27 inches curved fork length.
 - (2) Bigeye tuna less than 27 inches curved fork length.
 - (3) Bluefin tuna less than 73 inches curved fork length.
- (b) It is unlawful to possess for recreational purposes:
 - (1) Yellowfin tuna less than 27 inches curved fork length.
 - (2) Bigeye tuna less than 27 inches curved fork length.
 - (3) More than three yellowfin tuna per person per day.

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;
Eff. October 1, 2008.

SUBCHAPTER 03N - FISH HABITAT AREAS

15A NCAC 03N .0101 SCOPE AND PURPOSE

To establish and protect those fragile estuarine and marine areas which support juvenile and adult populations of economically important fish species, as well as forage fish utilized in the food chain, the Rules in this Subchapter set forth permanent fish habitat areas in all coastal fishing waters as defined through extensive estuarine and marine survey sampling conducted by the Division.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. December 1, 2007.

15A NCAC 03N .0102 NURSERY AREAS DEFINED

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Repealed Eff. December 1, 2007.

15A NCAC 03N .0103 NURSERY AREA BOUNDARIES

- (a) Primary and secondary nursery areas are defined in 15A NCAC 03I .0101 and designated in 15A NCAC 03R .0103, .0104, and .0105.

(b) Unless otherwise specified by the rule, primary nursery areas described in 15A NCAC 03R .0103 encompass all waters from the described line in the direction indicated in rule up to the headwaters of the waterbody or Inland-Coastal boundary lines, whichever area is first encountered.

(c) Unless otherwise specified by the rule, permanent and special secondary nursery areas designated in 15A NCAC 03R .0104 and .0105 encompass all waters from the described line in the direction indicated in rule up to the primary nursery area lines, Inland-Coastal boundary lines or the headwaters of the waterbody, whichever area is first encountered.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 1991;
Recodified from 15A NCAC 03N .0003 Eff. May 1, 1997;
Amended Eff. December 1, 2007; August 1, 2004; May 1, 1997.

15A NCAC 03N .0104 PROHIBITED GEAR, PRIMARY NURSERY AREAS

It is unlawful to use any trawl net, long haul seine, swipe net, dredge, or mechanical method for clams or oysters for the purpose of taking any marine fishes in any of the primary nursery areas described in 15A NCAC 03R .0103.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 1991;
Recodified from 15A NCAC 3N .0004 Eff. May 1, 1997;
Amended Eff. May 1, 1997.

15A NCAC 03N .0105 PROHIBITED GEAR, SECONDARY NURSERY AREAS

(a) It is unlawful to use trawl nets for any purpose in any of the permanent secondary nursery areas designated in 15A NCAC 03R .0104.

(b) It is unlawful to use trawl nets for any purpose in any of the special secondary nursery areas designated in 15A NCAC 03R .0105, except that the Fisheries Director, may, by proclamation, open any or all of the special secondary nursery areas, or any portion thereof, listed in 15A NCAC 03R .0105 to shrimp or crab trawling from August 16 through May 14 subject to the provisions of 15A NCAC 03L .0100 and .0200.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 1991;
Recodified from 15A NCAC 03N .0005 Eff. May 1, 1997;
Amended Eff. August 1, 2004; May 1, 1997.

15A NCAC 03N .0106 ANADROMOUS FISH SPAWNING AREA BOUNDARIES

(a) Anadromous fish spawning areas are defined in 15A NCAC 03I .0101 and designated in 15A NCAC 03R .0115.

(b) Anadromous fish spawning areas described in 15A NCAC 03R .0115 encompass all waters, including tributaries from the described line in the direction indicated in Rule up to the headwaters of the waterbody or Inland-Coastal boundary lines, whichever area is first encountered and except when:

- (1) otherwise specified by 15A NCAC 03R .0115; or
- (2) the waterbody is impassable to fish migration due to manmade obstructions such as dams and causeways.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. December 1, 2007.

SUBCHAPTER 030 - LICENSES, LEASES, FRANCHISES, AND PERMITS

SECTION .0100 - LICENSES

15A NCAC 030 .0101 PROCEDURES AND REQUIREMENTS TO OBTAIN LICENSES, ENDORSEMENTS AND COMMERCIAL FISHING VESSEL REGISTRATIONS

(a) To obtain any Marine Fisheries licenses, endorsements, commercial fishing vessel registrations except Recreational Fishing Tournament Licenses to Sell Fish and Land or Sell Licenses, the following information is required for the application by the licensee, a responsible party or person holding a power of attorney:

- (1) Full name, physical address, mailing address, date of birth, and signature of the licensee on the application. If the licensee is not appearing before a license agent or a representative of the Division, the licensee's signature on the application shall be notarized;
 - (2) Current picture identification of licensee or responsible party; acceptable forms of picture identification are driver's license, state identification card, military identification card, resident alien card (green card) or passport or if purchased by mail, a copy thereof;
 - (3) Certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years, except Blanket Coastal Recreational Fishing Licenses;
 - (4) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted;
 - (5) Current articles of incorporation and a current list of corporate officers when purchasing a license or commercial fishing vessel registration in a corporate name. In the case of incorporation of an individual fishing vessel, the name of the master of that vessel shall also be specified. It is unlawful to fail to notify the Morehead City Office of the Division of Marine Fisheries within five days of change of the master specified for that vessel;
 - (6) If a partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when purchasing a license, endorsement or commercial fishing vessel registration in a partnership name;
 - (7) For nonresidents, certification of the state of residency;
 - (8) In addition to the information required in G.S. 113-169.4, linear length of pier when purchasing an Ocean Fishing Pier License;
 - (9) In addition to the information required in G.S. 113-171.1, current aircraft registration and list of operator(s) when purchasing a Spotter Plane License;
 - (10) In addition, for fish dealers licenses, the physical address of the established location where business is conducted and, if different, the address where records are kept;
 - (11) When purchasing a Fish Dealer License with clam or oyster categories or a consolidated license, the applicant shall provide valid certification as a North Carolina certified shellfish dealer;
 - (12) In addition, for the Ocean Fishing Pier Blanket Coastal Recreation Fishing License, a valid Ocean Fishing Pier License issued in the name of the applicant or copy thereof.
 - (13) In addition, for the For Hire Blanket Coastal Recreational Fishing License, the applicant shall provide:
 - (A) A valid certification from the United States Coast Guard (USCG) that allows carrying six or fewer passengers or a certification from the USCG that allows carrying more than six passengers; and
 - (B) Valid documentation papers or current motor boat registration or copies thereof for the vessel engaged as for-hire. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.
- (b) License to Land Flounder from the Atlantic Ocean.
- (1) To qualify for a License to Land Flounder from the Atlantic Ocean, the applicant shall:
 - (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license years for which the person had a vessel that was licensed to land in North Carolina; and
 - (B) have been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years; and
 - (C) hold a valid Standard or Retired Standard Commercial Fishing License or valid Land or Sell License.
 - (2) It is lawful for a person to hold Licenses to Land Flounder from the Atlantic Ocean equal to the number of vessels that he owns that individually met the eligibility requirements of Parts (b)(1)(A) and (b)(1)(B) of this Rule.
 - (3) The License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel specified at the time of license issuance.
 - (4) At the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean shall specify the name of the master of the vessel for each License to Land Flounder from the Atlantic Ocean issued.
 - (5) Applicants for a License to Land Flounder from the Atlantic Ocean shall complete an application form provided by the Division of Marine Fisheries and submit it to the Morehead City Office of the Division of Marine Fisheries for processing.
 - (6) It is unlawful for the holder of the License to Land Flounder from the Atlantic Ocean to fail to notify the Morehead Office of the Division of Marine Fisheries within five days of change as to the master identified on the license.

- (7) Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year and expire on June 30.

(c) To obtain a Recreational Fishing Tournament License to Sell Fish, the tournament organizer shall apply with the Division of Marine Fisheries at least 30 days prior to the starting date of the tournament with the following required information:

- (1) Full name, physical address, mailing address, date of birth, signature of the tournament organizer, name of tournament, and dates of tournament on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature shall be notarized on the application.
- (2) Current picture identification of tournament organizer; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport, or if purchased by mail, a copy thereof.

(d) To obtain a Land or Sell License, the following information is required for a proper application:

- (1) Full name, physical address, mailing address, date of birth, and signature of the responsible party or master for the vessel on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature on the application shall be notarized on the application;
- (2) Current picture identification of responsible party or master; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport or if applying by mail, a copy thereof;
- (3) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.

Fees shall be based on the vessel's homeport as it appears on the U.S. Coast Guard documentation papers or the State in which the vessel is registered.

(e) Proof of residency in North Carolina for:

- (1) Standard Commercial Fishing License or Retired Standard Commercial Fishing License shall require a notarized certification from the applicant that the applicant is a resident of the State of North Carolina as defined by G.S. 113-130(4); and
 - (A) a notarized certification from the applicant that a North Carolina State Income Tax Return was filed for the previous calendar or tax year as a North Carolina resident; or
 - (B) a notarized certification that the applicant was not required to file a North Carolina State Income Tax Return for the previous calendar or tax year; or
 - (C) military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.
- (2) All other types of licenses:
 - (A) North Carolina voter registration card; or
 - (B) Current North Carolina Driver's License; or
 - (C) Current North Carolina Certificate of Domicile; or
 - (D) Current North Carolina Identification Card issued by the North Carolina Division of Motor Vehicles; or
 - (E) Military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.

(f) Applications submitted without complete and required information shall be deemed incomplete and shall not be considered further until resubmitted with all required information.

(g) It is unlawful for a license or registration holder to fail to notify the Division of Marine Fisheries within 30 days of a change of address.

(h) Licenses are available at Offices of the Division or by mail from the Morehead City Office, unless otherwise specified. In addition, Recreational Commercial Gear Licenses are available at Wildlife Service Agents who have been designated as agents of the Department.

(i) To renew any Marine Fisheries licenses, endorsements, and commercial fishing vessel registration, except Recreational Commercial Gear Licenses, the following is required for the renewal application by the licensee, a responsible party or person holding a power of attorney;

- (1) The information required in Subparagraphs (a)(4), (a)(5), and (a)(6) of this Rule are only required if a change has occurred since the last issuance of license, endorsement or commercial fishing vessel registration.
- (2) Certification that articles of incorporation and list of corporate officers, if incorporated, written partnership agreement, if written partnership, or documentation papers or motor boat registration previously provided for initial license purchase are still valid and current for renewal.

- (3) Current and valid state driver's license or state identification picture identification numbers and expiration dates shall be verified on mail license renewal applications or any other electronic license renewal process, otherwise the licensee shall provide a photocopy for renewal by mail or visit a Division License Office and present a current and valid picture identification pursuant to Subparagraph (a)(2) of this Rule.
- (4) The licensee's or responsible party's signature on the application shall certify all information as true and accurate. Notarization of signature on renewal applications is not required.
- (5) The Division of Marine Fisheries may require current copies of documentation for licenses, endorsements, commercial fishing vessel registration on renewal when necessary to verify inconsistent information or the information cannot be verified by independent sources.
- (6) If the linear length of the pier has not changed for the Ocean Fishing Pier License renewal, the responsible party shall certify that the length is accurate; otherwise, a Marine Patrol Officer's signature is required to certify the linear length before the license can be renewed.
- (7) Certification that shellfish dealer certification by North Carolina previously provided for issuance of Fish Dealer License with clam or oyster categories or consolidated license is still valid and current for renewal.

History Note: Authority G.S. 113-134; 113-168; 113-168.1-6; 113-169; 113-169.2-5; 113-171.1; 113-174.3; 113-174.4; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. July 1, 1997; March 1, 1994;
 Temporary Amendment Eff. July 1, 1999;
 Amended Eff. August 1, 2000;
 Temporary Amendment Eff. April 1, 2001;
 Amended Eff. July 1, 2008; December 1, 2006; August 1, 2004; August 1, 2002.

15A NCAC 030 .0102 RECREATIONAL FISHING TOURNAMENT LICENSE TO SELL FISH

- (a) It is unlawful for anyone other than the holder of the Recreational Fishing Tournament License to Sell Fish to sell fish taken during a recreational fishing tournament.
- (b) Fish to be sold under the Recreational Fishing Tournament License to Sell Fish must be sold only to licensed fish dealers and shall comply with all applicable rules of the Marine Fisheries Commission (MFC) or provisions of proclamations issued by the Fisheries Director as authorized by the MFC.
- (c) It is unlawful for a licensed recreational fishing tournament organizer to fail to accurately and legibly complete and file within 30 days after the last day of the tournament a North Carolina Recreational Fishing Tournament Disposition of Proceeds from the Sale of Fish Form provided by the Division.

History Note: Authority G.S. 113-134; 113-168.4; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. March 1, 1994;
 Temporary Amendment Eff. July 1, 1999;
 Amended Eff. December 1, 2006; August 1, 2000.

15A NCAC 030 .0103 AUXILIARY VESSELS

- (a) Buy boats, run boats, purse boats or any other vessels used in conjunction with commercial fishing operations, except vessels without motors used in connection with other vessels with commercial fishing vessel registrations, shall have a commercial fishing vessel registration.
- (b) A person in command of a vessel that is auxiliary to a vessel with a commercial fishing vessel registration with a person aboard who holds a Standard Commercial Fishing License or a Retired Standard Commercial Fishing License engaged in a commercial fishing operation using a pound net, long-haul, beach seine or purse seine is exempt from the provisions of G.S. 113-168.2 (a1).

History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.5; 113-168.6; 113-169; 143B-289.52;
 Eff. January 1, 1991;
 Temporary Amendment Eff. July 1, 1999;
 Amended Eff. August 1, 2000.

15A NCAC 030 .0104 COMMERCIAL UNLOADING OF FISH

It is unlawful to unload fish from a vessel in North Carolina which has been engaged in a commercial fishing operation outside state waters without possessing a valid:

- (1) Standard or Retired Standard Commercial Fishing Licenses; or

- (2) Menhaden License for Nonresidents Without a Standard Commercial Fishing License; or
- (3) Shellfish License for North Carolina Residents without a Standard Commercial Fishing Licenses; or
- (4) Land or Sell License.

History Note: Authority G.S. 113-168.1; 113-168.2; 113-168.4; 113-169; 113-169.5; 143B-289.52;
Eff. January 1, 1991;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2000.

15A NCAC 030 .0105 BAIT AND MUSSEL DEALERS

(a) Persons dealing in minnows, live shrimp, or both minnows and live shrimp for bait purposes, who are subject to licensing requirements under G.S. 113-169.3 are required to purchase only the license applicable to finfish dealers. A bona fide dealer in shrimp, licensed under the provisions of G.S. 113-169.3, may, however, deal in minnows as well as live shrimp for bait purposes, as an incident of his operations under his shrimp dealer's license.

(b) Persons dealing in mussels who are subject to licensing requirements under the provisions of G.S. 113-169.3 are required to purchase only the license applicable to clam dealers and meet the shellfish dealer certification requirements in 15A NCAC 030 .0101(a)(11).

History Note: Authority G.S. 113-134; 113-169.3; 143B-289.52;
Eff. January 1, 1991;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2004; August 1, 2000.

15A NCAC 030 .0106 DISPLAY OF LICENSES AND REGISTRATIONS

(a) It is unlawful:

- (1) For any person to use a vessel required to be registered under the provisions of G.S. 113-168.6 in a commercial fishing operation without a current commercial fishing vessel registration decal mounted on an exterior surface so as to be plainly visible when viewed from the port side;
- (2) To display any commercial fishing vessel registration decal not issued for the vessel displaying it.

(b) It is unlawful to fail to display any fish dealer's licenses required by G.S. 113-169.3, ocean fishing pier license required by G.S. 113-169.4, or Ocean Fishing Pier Blanket Coastal Recreational Fishing License (CRFL) pursuant to G.S. 113-174.4 in prominent public view in each location subject to licensing.

History Note: Authority G.S. 113-168.6; 113-169.3; 113-169.4; 113-174.4; 143B-289.52;
Eff. January 1, 1991;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. December 1, 2006; August 1, 2000.

15A NCAC 030 .0107 LOST LICENSE REPLACEMENT

Lost licenses except Blanket Coastal Recreational Fishing Licenses, endorsements, and commercial fishing vessel registration decals may be replaced upon payment of a fee of ten dollars (\$10.00) or a fee equal to the initial cost of the license, endorsement, or commercial fishing vessel registration, whichever is less. The replacement fee for the Blanket Coastal Recreational Fishing Licenses is five dollars (\$5.00).

History Note: Authority G.S. 113-134; 113-168.1; 113-168.6; 113-169.4; 113-173; 113-174.1; 143B-289.52;
Eff. January 1, 1991;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. December 1, 2006; August 1, 2000.

15A NCAC 030 .0108 LICENSE TRANSFERS

(a) Licenses to Land Flounder from the Atlantic Ocean may only be transferred:

- (1) with the transfer of the ownership of a vessel that the licensee owns that individually met the eligibility requirements of 15A NCAC 30 .0101 (b) (1) (A) and (b) (1) (B) to the new owner of that vessel. Transfer of the License to Land Flounder from the Atlantic Ocean transfers all flounder landings from the Atlantic Ocean associated with that vessel; or
- (2) by the owner of a vessel to another vessel under the same ownership.

Any transfer of license under this Paragraph may only be processed through the Division of Marine Fisheries Morehead City Office and no transfer is effective until approved and processed by the Division.

(b) Commercial Fishing Vessel Registration Transfer. When transferring ownership of a vessel bearing a current commercial fishing vessel registration, the new owner shall follow the requirements in 15A NCAC 030 .0101 and pay a

replacement fee of ten dollars (\$10.00) for a replacement commercial fishing vessel registration. The new owner must submit a form provided by the Division with the signatures of the former licensee and the signature of the new licensee notarized.

(c) Standard or Retired Standard Commercial Fishing License transfers:

- (1) A Standard or Retired Standard Commercial Fishing License may only be transferred if both the transferor and the transferee have no current suspensions or revocations of any Marine Fisheries license privileges.
- (2) At the time of the transfer of a Standard or Retired Standard Commercial Fishing License, the transferor must indicate the retainment or transfer of the landings history associated with that Standard or Retired Standard Commercial Fishing License. The transferor may retain a landings history only if the transferor holds an additional Standard or Retired Standard Commercial Fishing License. Transfer of a landings history is all or none.
- (3) To transfer a Standard or Retired Standard Commercial Fishing License, the following information is required:
 - (A) information on the transferee as set out in 15A NCAC 03O .0101;
 - (B) notarization of the current license holder's and the transferee's signatures on a transfer form provided by the Division;
 - (C) when the transferee is a non-resident, a written certified statement from the applicant listing any violations involving marine and estuarine resources during the previous three years;
 - (D) when the transferor is retiring from commercial fishing, the transferor must submit evidence showing that such retirement has in fact occurred, for example, evidence of the transfer of all licensee's Standard Commercial Fishing Licenses, sale of all the licensee's registered vessels, or discontinuation of any active involvement in commercial fishing.

Properly completed transfer forms must be returned to Division Offices by mail or in person.
- (4) The Standard or Retired Standard Commercial Fishing License which is being transferred must be surrendered to the Division at the time of the transfer application.
- (5) Fees:
 - (A) Transferee must pay a replacement fee of ten dollars (\$10.00).
 - (B) Transferee must pay the differences in fees as specified in G.S. 113-168.2 (e) or G.S. 113-168.3 (b) when the transferee who is a non-resident is being transferred a resident Standard or Retired Standard Commercial Fishing License.
 - (C) Transferee must pay the differences in fees as specified in G.S. 113-168.2 (e) when the license to be transferred is a Retired Standard Commercial Fishing License and the transferee is less than 65 years old.
- (6) Transfer of Standard or Retired Standard Commercial Fishing License for Deceased Licensees:
 - (A) When the deceased licensee's immediate surviving family member(s) is eligible to hold the deceased's Standard Commercial Fishing Licenses or Retired Standard Commercial Fishing License, the Administrator/Executor must give written notification within six months after the Administrator/Executor qualifies under G. S. 28A to the Morehead City Office of the Division of Marine Fisheries of the request to transfer the deceased's license to the estate Administrator/Executor.
 - (B) A transfer to the Administrator/Executor shall be made according to the provisions of Subparagraphs (c (2) - (c) (4) of this Rule. The Administrator/Executor must provide a copy of the deceased licensee's death certificate, a copy of the certificate of administration and a list of eligible immediate family members to the Morehead City Office of the Division of Marine Fisheries.
 - (C) The Administrator/Executor may only transfer a license in the Administrator/Executor name on behalf of the estate to an eligible surviving family member. The surviving family member transferee may only transfer the license to a third party purchaser of the deceased licensee's fishing vessel. Transfers shall be made according to the provisions of Subparagraphs (c) 2 - (c) (4) of this Rule.

(d) Transfer forms submitted without complete and required information shall be deemed incomplete and will not be considered further until resubmitted with all required information.

(e) It is unlawful for a person to accept transfer of a Standard or Retired Standard Commercial Fishing License for which they are ineligible.

History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.3; 113-168.6; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. March 1, 1994;
 Temporary Amendment Eff. August 1, 1999; July 1, 1999;

Amended Eff. August 1, 2000.

15A NCAC 030 .0109 ASSIGNMENT OF SCFL

(a) The Division of Marine Fisheries shall provide assignment forms upon issuance of the Standard Commercial Fishing License. Assignment must be made on the Division assignment forms. On the assignment form, the Standard Commercial Fishing License holder must designate what, if any, endorsements are included in the assignment. Endorsements may not be assigned independent of the Standard Commercial Fishing License. It is unlawful for the Standard Commercial Fishing License holder to fail to submit within five days the completed assignment form to any office of the Division in person or by mail to the Morehead City Division Office. An assignment is in effect from the date specified on the assignment form and when:

- (1) assignment form is properly completed;
- (2) signatures of the current license holder and the assignee are notarized; and
- (3) assignee has in their possession the original actual Standard Commercial Fishing License with endorsements of the current license holder.

(b) Assignments terminate when:

- (1) date specified on the assignment form is reached; or
- (2) licensee or assignee are determined ineligible for a license or assignment; or
- (3) Division receives a notarized statement from the current license holder stating a revised date for an earlier assignment termination; or
- (4) upon the licensee or assignee's death; or
- (5) the Standard Commercial Fishing License expires.

If the properly completely assignment form is not received by the Division within five days from the date it was signed, the assignment is null and void. For an extension of time for assignments, a new assignment form must be completed in accordance with Subparagraphs (a)(1) - (3) of this Rule.

(c) It is unlawful for an individual assigned a Standard Commercial Fishing License to fail to have available ready at hand for inspection all required documents as stated under G.S. 113-168.1. The assignee when involved in a commercial fishing operation must have the original actual Standard Commercial Fishing License and any assigned endorsements and a copy of the assignment form in their possession ready for inspection.

(d) All landings occurring during the time of the assignment shall be credited to the Standard Commercial Fishing License holder, not the assignee.

(e) It is unlawful to be assigned more than a single Standard Commercial Fishing License at any one time. It is unlawful to assign a Standard Commercial Fishing License to more than one individual at any one time. Assignments may only be made by the person issued the Standard Commercial Fishing License and may not be further assigned by assignees. Masters identified on the Standard Commercial Fishing Licenses of corporations consisting of an individual fishing vessel may not assign such licenses.

(f) It is unlawful for a person to accept assignment of a Standard Commercial Fishing License for which they are ineligible.

(g) Assignments submitted without complete and required information shall be deemed not in effect and shall not be considered further until resubmitted with all required information.

(h) It is unlawful for any assignee of a Standard Commercial Fishing License not to return the assignment and the Standard Commercial Fishing License with any assigned endorsements to the assignor of that license within five days of notice that the assignment has been terminated or a demand by the assignor to return the license.

History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.5; 143B-289.52; Eff. January 1, 1991; Temporary Amendment Eff. October 2, 1999; July 1, 1999; Amended Eff. August 1, 2000.

15A NCAC 030 .0110 LICENSE REFUNDS

All license fees are non-refundable except when licenses are issued by the Division in error.

History Note: Authority G.S. 113-134; 113-168.1; 113-173; 143B-289.52; 147-84; 1993 (Regular Session 1994), c. 576, s. 3; Eff. March 1, 1995; Temporary Amendment Eff. July 1, 1999; Amended Eff. August 1, 2000.

15A NCAC 030 .0111 SURRENDER OF LICENSES

- (a) It is unlawful for any licensee to refuse to surrender to an agent of the Secretary all licenses, license receipts, endorsements, commercial fishing vessel registration or decals, and other forms and records relating to the license following personal service of notice of suspension or revocation of licenses in accordance with G.S. 113-171.
- (b) It is unlawful for any person in custody or possession of any licenses, license receipt, endorsements, commercial fishing vessel registration or decals, and other forms and records required to be surrendered to refuse to surrender same to an agent of the Secretary making such demand.

History Note: Authority G.S. 113-134; 113-171; 143B-289.52;
Temporary Adoption Eff. July 1, 1999;
Eff. August 1, 2000.

15A NCAC 030 .0112 FOR HIRE COASTAL RECREATIONAL FISHING

- (a) It is unlawful to operate a For Hire Vessel unless the vessel operator possesses either the For Hire Blanket Coastal Recreational Fishing License (CRFL) for the vessel or a Division of Marine Fisheries For Hire Fishing Permit for the vessel as provided in 15A NCAC 030 .0503(k).
- (b) It is unlawful for a For Hire Vessel operator to operate under the For Hire Blanket CRFL without:
- (1) Holding the USCG certification required in 15A NCAC 030 .0101(a)(13);
 - (2) Having the For Hire Blanket CRFL for the vessel or copy thereof in possession and ready at hand for inspection; and
 - (3) Having current picture identification in possession and ready at hand for inspection.
- (c) It is unlawful for the holder of the For Hire Blanket CRFL to fail to participate in and provide accurate information as requested by the Division for biological sampling and survey programs.
- (d) It is unlawful to fail to display a current For Hire Blanket CRFL decal mounted on an exterior surface of the vessel so as to be visible when viewed from the port side while engaged in for-hire recreational fishing.

History Note: Authority G.S. 113-134; 113-174.3; 143B-289.52;
Eff. July 1, 2008.

SECTION .0200 - LEASES AND FRANCHISES

15A NCAC 030 .0201 STANDARDS FOR SHELLFISH BOTTOM AND WATER COLUMN LEASES

- (a) All areas of the public bottoms underlying coastal fishing waters shall meet the following standards in addition to the standards in G.S. 113-202 in order to be deemed suitable for leasing for shellfish cultivation purposes:
- (1) The lease area must not contain a natural shellfish bed which is defined as 10 bushels or more of shellfish per acre.
 - (2) The lease area must not be closer than 100 feet to a developed shoreline, except no minimum setback is required when the area to be leased borders the applicant's property or the property of riparian owners who have consented in a notarized statement. In an area bordered by undeveloped shoreline, no minimum setback is required.
 - (3) The proposed lease area shall not be less than one-half acre and shall not exceed five acres for all areas except those areas open to the mechanical harvest of oysters where proposed lease area shall not exceed 10 acres.

This Subparagraph shall not be applied to reduce any holdings as of July 1, 1983.

- (b) Persons holding five or more acres under shellfish lease or franchise shall meet the standards established in Paragraph (c) of this Rule prior to acceptance of applications for additional shellfish lease acreage.
- (c) Franchises recognized pursuant to G.S. 113-206 and shellfish bottom leases shall meet the following standards in addition to the standards in G.S. 113-202. In order to avoid termination, franchises and shellfish bottom leases shall:
- (1) Produce and market 10 bushels of shellfish per acre per year; and
 - (2) Plant 25 bushels of seed shellfish per acre per year or 50 bushels of cultch per acre per year, or a combination of cultch and seed shellfish where the percentage of required cultch planted and the percentage of required seed shellfish planted totals at least 100 percent.
- (d) The following standards shall be applied to determine compliance with Subparagraphs (1) and (2) of Paragraph (c) of this Rule:
- (1) Only shellfish planted, produced or marketed according to the definitions in 15A NCAC 03I .0101 shall be submitted on production/utilization forms for shellfish leases and franchises.
 - (2) If more than one shellfish lease or franchise is used in the production of shellfish, one of the leases or franchises used in the production of the shellfish must be designated as the producing lease or franchise for those shellfish. Each bushel of shellfish may be produced by only one shellfish lease or franchise. Shellfish transplanted between leases or franchises may be credited as planting effort on only one lease or franchise.

- (3) Production and marketing information and planting effort information shall be compiled and averaged separately to assess compliance with the standards. The lease or franchise must meet the production requirement and the planting effort requirement within the dates set forth to be judged in compliance with these standards.
 - (4) In determining production and marketing averages and planting effort averages for information not reported in bushel measurements, the following conversion factors shall be used:
 - (A) 300 oysters, 400 clams, or 400 scallops equal one bushel; and
 - (B) 40 pounds of scallop shell, 60 pounds of oyster shell, 75 pounds of clam shell and 90 pounds of fossil stone equal one bushel.
 - (5) In the event that a portion of an existing lease or franchise is obtained by a new owner, the production history for the portion obtained shall be a percentage of the originating lease or franchise production equal to the percentage of the area of lease or franchise site obtained to the area of the originating lease or franchise.
 - (6) The production and marketing rates shall be averaged:
 - (A) over the consecutive full calendar years remaining on the lease contract after December 31 following the second anniversary of initial bottom leases and franchises.
 - (B) over the consecutive full calendar years beginning January 1 of the final year of the previous lease term and ending December 31 of the final year of the current lease contract for renewal leases.
 - (C) over the first five year period for initial water column leases and over the most recent five year period thereafter for renewal water column leases.Production and marketing rate averages shall be computed irrespective of transfer of the shellfish lease or franchise.
 - (7) All bushel measurements shall be in U.S. Standard Bushels.
- (e) Water columns superjacent to leased bottoms shall meet the standards in G.S. 113-202.1 in order to be deemed suitable for leasing for aquaculture purposes.
- (f) Water columns superjacent to franchises recognized pursuant to G.S. 113-206 shall meet the standards in G.S. 113-202.2 in order to be deemed suitable for leasing for aquaculture purposes.
- (g) Water column leases must produce and market 40 bushels of shellfish per acre per year to meet the minimum commercial production requirement or plant 100 bushels of cultch or seed shellfish per acre per year to meet commercial production by planting effort. The standards for determining production and marketing averages and planting effort averages shall be the same for water column leases as for bottom leases and franchises set forth in Paragraph (d) of this Rule except that either the produce and market requirement or the planting requirement must be met.

History Note: Authority G.S. 113-134; 113-201; 113-202; 113-202.1; 113-202.2; 143B-289.52; Eff. January 1, 1991; Amended Eff. May 1, 1997; March 1, 1995; March 1, 1994; September 1, 1991; Temporary Amendment Eff. October 1, 2001; Amended Eff. October 1, 2008; April 1, 2003.

15A NCAC 030 .0202 SHELLFISH BOTTOM AND WATER COLUMN LEASE APPLICATIONS

- (a) Application forms are available from the Division's office headquarters at 3441 Arendell Street, Morehead City, NC 28557 for persons desiring to apply for shellfish bottom and water column leases. Each application shall be accompanied by a map or diagram prepared at the applicant's expense including an inset vicinity map showing the location of the proposed lease with detail sufficient to permit on-site identification and must meet the information requirements pursuant to G.S. 113-202(d).
- (b) As a part of the application, the applicant shall submit a management plan for the area to be leased on a form provided by the Division which meets the following standards:
 - (1) States the methods through which the applicant will cultivate and produce shellfish consistent with the minimum requirements set forth in 15A NCAC 030 .0201;
 - (2) States the time intervals during which various phases of the cultivation and production plan will be achieved;
 - (3) States the materials and techniques that will be utilized in management of the lease;
 - (4) Forecasts the results expected to be achieved by the management activities; and
 - (5) Describes the productivity of any other leases or franchises held by the applicant.
- (c) The completed application, map or diagram, and management plan for the requested lease shall be accompanied by the non-refundable filing fee set forth in G.S. 113-202(d1). An incomplete application shall be returned and not considered further until re-submitted complete with all required information.
- (d) Immediately after an application is deemed to have met all requirements and is accepted by the Division, the applicant shall identify the area for which a lease is requested with stakes at each corner in accordance with 15A NCAC

030 .0204(a)(1)(A). The applicant shall attach to each stake a sign, provided by the Division containing the name of the applicant, the date the application was filed, and the estimated acres.

History Note: Authority G.S. 113-134; 113-201; 113-202; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 2005; May 1, 1997; September 1, 1991.

15A NCAC 030 .0203 SHELLFISH LEASE APPLICATION PROCESSING

(a) Upon acceptance of a completed application, the proposed lease area shall be inspected by agents of the Division. Proposed lease areas inconsistent with applicable standards contained or referenced in 15A NCAC 30 .0201 shall result in the return of applications for amendment to remove the inconsistencies. If the boundaries of the proposed lease area are modified, the stakes identifying such areas shall be relocated accordingly by the applicant. The failure of applicants to amend applications or modify lease area identification, when required, shall result in denial of such applications.

(b) If the initial or amended lease application is deemed consistent with all applicable requirements, the Secretary or his designee shall notify the applicant and publish notices of intention to lease in accordance with standards in G.S. 113-202(f).

(c) The Secretary shall consider the lease application, the Division's proposed lease area analysis, and public comments, and may in his discretion lease or decline to lease the proposed lease area or any part thereof. Special conditions may be imposed so that leases may be issued which would otherwise be denied. Should an applicant decide not to accept any special condition imposed on the lease by the Secretary, the application shall be considered denied.

(d) Upon approval of leases by the Secretary, applicants shall mark the shellfish bottom leases in accordance with 15A NCAC 30 .0204(a)(1), water column leases in accordance with 15A NCAC 30 .0204(a)(2), and shall within 90 days submit to the Division acceptable surveys of the areas approved for leasing except that a water column lease which entirely covers a shellfish bottom lease or franchise with an accepted survey on file does not require another survey. Such surveys shall be made at the expense of applicants and must meet the following standards:

- (1) Surveys and maps shall meet all the requirements of 21 NCAC 56 .1600, Standards of Practice for Land Surveying in North Carolina, which is hereby incorporated by reference including subsequent amendments and editions. This material is available for inspection and copies may be obtained from the Marine Fisheries Division, Marine Fisheries Building, 3441 Arendell St., P.O. Box 769, Morehead City, North Carolina 28557, at no cost.
- (2) Maps shall bear the certificate:
"I _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision); that the error of closure as calculated by latitudes and departures is 1: _____, that the area is _____ acres. Witness my hand and seal this _____ day of _____ AD _____."

Surveyor or Engineer

- (3) The phrase "other appropriate natural monuments or landmarks" in 21 NCAC 56 .1604(e)(9) shall include bridges, roads, highways, intersections, publicly maintained aids to navigation, houses and other permanent buildings, radio, telephone, TV, and water towers; docks; piers, and bulkheads; but does not include stakes marking the boundaries of adjoining leases, points of marsh, junctions of streams, or other landmarks which are particularly subject to change through natural processes, storms, or the effect of man.
- (4) A written description of the survey suitable for official documents shall be provided with the survey.
- (5) Locations of all corner markers in latitude and longitude shall be provided with the survey and presented in an eight digit format. The relative accuracy of the corner marker locations shall be equal to or less than two meters. Information on the method of measurement, make and model of equipment, and coordinate system used to determine the latitude and longitude shall be included.

(e) Proposed shellfish bottom lease areas remain public bottom until a lease contract has been executed by the Secretary.

(f) Proposed water column lease areas superjacent to shellfish bottom leases and recognized perpetual franchises remain public water until a lease contract has been executed by the Secretary.

History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2008; March 1, 1994; September 1, 1991.

15A NCAC 030 .0204 MARKING SHELLFISH LEASES AND FRANCHISES

(a) All shellfish bottom leases, franchises, and water column leases shall be marked as follows:

- (1) Shellfish bottom leases and franchises shall be marked by:

- (A) Stakes of wood or plastic material at least three inches in diameter at the water level and extending at least four feet above the high water mark. The stakes shall be firmly jetted or driven into the bottom at each corner.
 - (B) Signs displaying the number of the lease or franchise and the name of the owner printed in letters at least three inches high must be firmly attached to each corner stake.
 - (C) Supplementary stakes of wood or plastic material, not farther apart than 50 yards or closer together than 50 feet and extending at least four feet above the high water mark, must be placed along each boundary, except when such would interfere with the use of traditional navigation channels.
- (2) Water column leases shall be marked by anchoring two yellow buoys, meeting the material and minimum size requirements specified in 15A NCAC 3J .0103(b) at each corner of the area or by larger buoys, posts and signs as identified and approved by the Secretary in the Management Plan.
- (b) Stakes marking areas of management within shellfish bottom leases or franchises, as approved in the management plan, must conform to Subparagraph (a)(1)(C) of this Rule and may not exceed one for each 1,200 square feet. Marking at concentrations of stakes greater than one for each 1,200 square feet constitutes use of the water column and a water column lease is required in accordance with G.S. 113-202.1 or G.S. 113-202.2.
- (c) All areas claimed in filings made pursuant to G.S. 113-205 as deeded bottoms through oyster grants issued by the county clerk of court or as private bottoms through perpetual franchises issued by the Shellfish Commission shall be marked in accordance with Paragraph (a) of this Rule, except the sign shall include the number of the franchise rather than the number of the lease. However, claimed areas not being managed and cultivated shall not be marked.
- (d) It is unlawful to fail to remove all stakes, signs, and markers within 30 days of receipt of notice from the Secretary pursuant to Departmental Rule 15A NCAC 1G .0207 that a G.S. 113-205 claim to a marked area has been denied.
- (e) It is unlawful to exclude or attempt to exclude the public from allowable public trust use of navigable waters on shellfish leases and franchises including, but not limited to, fishing, hunting, swimming, wading and navigation.
- (f) The Division has no duty to protect any shellfish bottom lease, franchise, or water column lease not marked in accordance with Paragraph (a) of this Rule.

History Note: Authority G.S. 76-40; 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-205; 143B-289.52; Eff. January 1, 1991; Amended Eff. September 1, 1997; March 1, 1994; October 1, 1992; September 1, 1991.

15A NCAC 030 .0205 LEASE RENEWAL

- (a) Lease renewal applications shall be provided to lessees as follows:
- (1) For shellfish bottom leases, renewal applications shall be provided in January of the year of expiration.
 - (2) For water column leases, renewal applications shall be provided at least 90 days prior to expiration dates.
- (b) Lease renewal applications shall be accompanied by management plans meeting the requirements of 15A NCAC 030 .0202(b). The non-refundable filing fee set forth in G.S. 113-202(j) shall accompany each renewal application for shellfish bottom leases.
- (c) A survey for renewal leases shall be required at the applicant's expense when the Division determines that the area leased to the renewal applicant is inconsistent with the survey on file.
- (d) When it is determined, after due notice to the lessee, and after opportunity for the lessee to be heard, that the lessee has not complied with the requirements of this Section or that the lease as issued is inconsistent with this Section, the Secretary may decline to renew, at the end of the current terms, any shellfish bottom or water column lease. The lessee may appeal the Secretary's decision by initiating a contested case as outlined in 15A NCAC 03P .0102.
- (e) Pursuant to G.S. 113-202(a)(6), the Secretary is not authorized to recommend approval of renewal of a shellfish lease in an area closed to shellfishing by reason of pollution. Shellfish leases partially closed due to pollution must be amended to exclude the area closed to shellfishing prior to renewal. For purposes of lease renewal determinations, an area shall be considered closed to shellfish harvest by reason of pollution when the area has been classified by the State Health Director as prohibited or has been closed for more than 50 percent of the days during the final four years prior to renewal except shellfish leases in areas which have been closed for more than 50 percent of the days during the final four years prior to renewal and continue to meet established production requirements by sale of shellfish through relay periods or other depuration methods shall not be considered closed due to pollution for renewal purposes.
- (f) If the Secretary declines to renew a lease that has been determined to be inconsistent with the standards of this Section, the Secretary, with the agreement of the lessee, may issue a renewal lease for all or part of the area previously leased to the lessee that contains conditions necessary to conform the renewal lease to the requirements of this Section for new leases.

History Note: Authority G.S. 113-134; 113-201; 113-202; 113-202.1; 113-202.2; 143B-289.52;

Eff. January 1, 1991;

Amended Eff. September 1, 2005; May 1, 1997; March 1, 1995; March 1, 1994; October 1, 1992; September 1, 1991.

15A NCAC 030 .0206 LEASE PROTEST

(a) Should any person object to the granting of any initial or renewal lease, he has the right to protest its issuance prior to the granting of the lease by the Secretary. The protestant may file a sworn statement of protest with the Division stating the grounds for protest. The Secretary shall notify both the prospective lessee and the protestant upon receipt of a protest, and shall conduct such investigation as he deems necessary, and shall notify both parties of the outcome of his investigation. Protestants or applicants receiving an adverse recommendation on the lease application from the Secretary may appeal this decision as outlined in G.S. 113-202(g).

(b) Any member of the public shall be allowed an opportunity to comment on any lease application during the public hearing at which the lease application is being considered by the Secretary.

History Note: Authority G.S. 113-134; 113-201; 113-202; 143B-289.52;

Eff. January 1, 1991;

Amended Eff. March 1, 1994; September 1, 1991.

15A NCAC 030 .0207 PRODUCTION REPORTS

(a) The owners of shellfish leases and franchises shall provide annual production reports to the Division showing the amounts of material planted and harvested in connection with management for commercial production. Reporting forms will be provided to owners of shellfish bottom leases and recognized franchises during the period that annual notices of rent due are provided to owners of shellfish bottom leases in accordance with G.S. 113-202(j). Reporting forms will be provided to owners of water column leases prior to each annual anniversary date.

(b) Failure to furnish the required production report, correct and in detail requested, or filing a report containing false information, can constitute grounds for termination.

History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 143B-289.52;

Eff. January 1, 1991;

Amended Eff. September 1, 1991.

15A NCAC 030 .0208 CANCELLATION

(a) In addition to the grounds established by G.S. 113-202, the Secretary shall begin action to terminate leases and franchises for failure to produce and market shellfish or for failure to maintain a planting effort of cultch or seed shellfish in accordance with 15A NCAC 030 .0201

(b) Action to terminate a shellfish franchise shall begin when there is reason to believe that the patentee, or those claiming under him, have done or omitted an act in violation of the terms and conditions on which the letters patent were granted, or have by any other means forfeited the interest acquired under the same. The Division shall investigate all such rights issued in perpetuity to determine whether the Secretary should request that the Attorney General initiate an action pursuant to G.S. 146-63 to vacate or annul the letters patent granted by the state.

(c) Action to terminate a shellfish lease or franchise shall begin when the Fisheries Director has cause to believe the holder of private shellfish rights has encroached or usurped the legal rights of the public to access public trust resources in navigable waters.

(d) In the event action to terminate a lease is begun, the owner shall be notified by registered mail and given a period of 30 days in which to correct the situation. Petitions to review the Secretary's decision must be filed with the Office of Administrative Hearings as outlined in 15A NCAC 03P .0102.

(e) The Secretary's decision to terminate a lease may be appealed by initiating a contested case as outlined in 15A NCAC 03P .0102.

History Note: Authority G.S. 113-134; 113-201; 113-202; 113-202.1; 113-202.2; 143B-289.52;

Eff. January 1, 1991;

Amended Eff. May 1, 1997; March 1, 1995; March 1, 1994; October 1, 1992; September 1, 1991;

Temporary Amendment Eff. January 1, 2002; October 1, 2001;

Amended Eff. April 1, 2003.

15A NCAC 030 .0209 TRANSFER OF INTEREST

(a) Within 30 days after transfer of ownership of all or any portion of interest in a shellfish lease or franchise, the new owner shall notify the Division, and provide the number of the lease or franchise and the county in which it is located. Such notification shall be accompanied by a management plan prepared by the new owner in accordance with 15A NCAC 30 .0202(b).

- (b) If the new owner obtains a portion of an existing shellfish bottom lease or franchise, it shall not contain less than one-half acre and the required notification to the Division shall be accompanied by a survey prepared in accordance with the standards in 15A NCAC 30 .0203(d).
- (c) Water column leases are not transferrable except when the Secretary approves such transfer in accordance with G.S. 113-202.1(f) and G.S. 113-202.2(f).
- (d) In the event the transferee involved in a lease is a nonresident, the Secretary must initiate termination proceedings.

History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-205; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994; September 1, 1991.

15A NCAC 030 .0210 SHELLFISH FRANCHISES

- (a) The resolution of claims filed under G.S. 113-205 is governed by standards in Departmental Rules 15A NCAC 1G .0200 and .0300. Following receipt of notification that a claim has a valid chain of title, the owner shall provide to the Division within 90 days a survey prepared in accordance with the standards in 15A NCAC 030 .0203(d). Failure to provide the required survey within the time period specified will result in denial of the claim.
- (b) Acceptable management plans, prepared in accordance with the standards in 15A NCAC 030 .0202(b), shall be provided to the Division within 30 days following formal recognition of a valid chain of title and at ten-year intervals thereafter.
- (c) The survey and management plan requirements in Paragraphs (a) and (b) of this Rule, and all other requirements and conditions of this Section affecting management of franchises, shall apply to all valid shellfish franchises recognized prior to September 1, 1989.
- (d) Commercial production requirements for franchises shall be identical to that required for leases in 15A NCAC 030 .0201(c) averaged over the most recent three-year period after January 1 following the second anniversary of the dates of recognition of claims as valid shellfish franchises and continuing throughout the term of management plans required in Paragraph (b) of this Rule. Annual reporting of commercial production shall be submitted upon receipt of forms provided by the Division for that purpose.

History Note: Authority G.S. 113-134; 113-201; 113-202; 113-205; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2008; September 1, 1991.

15A NCAC 030 .0211 PROTECTION OF PRIVATE SHELLFISH INTEREST

It is unlawful to use any trawl net, long haul seine, swipe net, dredge, or mechanical method for clams or oysters on any shellfish lease or franchise unless it has been duly authorized by the Fisheries Director as provided in 15A NCAC 3K .0206 and .0303.

History Note: Authority G.S. 113-134; 113-182; 113-201;
Eff. October 1, 1992;
Amended Eff. August 1, 1998.

SECTION .0300 - RECREATIONAL COMMERCIAL GEAR LICENSES

15A NCAC 030 .0301 ELIGIBILITY FOR RECREATIONAL COMMERCIAL GEAR LICENSES

- (a) It is unlawful for any individual to hold more than one Recreational Commercial Gear License.
- (b) Recreational Commercial Gear Licenses shall only be issued to individuals.

History Note: Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 113-134; 113-170.4; 113-173; 113-221; 143B-289.52;
Eff. February 1, 1995;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2000.

15A NCAC 030 .0302 AUTHORIZED GEAR

- (a) The following are the only commercial fishing gear authorized (including restrictions) for use under a valid Recreational Commercial Gear License:
 - (1) One seine 30 feet or over in length but not greater than 100 feet with a mesh length less than 2 1/2 inches when deployed or retrieved without the use of a vessel or any other mechanical methods. A vessel may be used only to transport the seine;

- (2) One shrimp trawl with a headrope not exceeding 26 feet in length per vessel.
- (3) With or without a vessel, five eel, fish, shrimp, or crab pots in any combination, except only two pots of the five may be eel pots. Peeler pots are not authorized for recreational purposes;
- (4) One multiple hook or multiple bait trotline up to 100 feet in length;
- (5) Gill Nets:
 - (A) Not more than 100 yards of gill nets with a mesh length equal to or greater than 2 1/2 inches except as provided in (C) of this Subparagraph. Attendance is required at all times;
 - (B) Not more than 100 yards of gill nets with a mesh length equal to or greater than 5 1/2 inches except as provided in (C) of this Subparagraph. Attendance is required when used from one hour after sunrise through one hour before sunset in internal coastal fishing waters east and north of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean east and north of 77° 04.0000' W. Attendance is required at all times in internal coastal fishing waters west and south of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean west and south of 77° 04.0000' W; and
 - (C) Not more than 100 yards of gill net may be used at any one time, except that when two or more Recreational Commercial Gear License holders are on board, a maximum of 200 yards may be used from a vessel;
 - (D) It is unlawful to possess aboard a vessel more than 100 yards of gill nets with a mesh length less than 5 1/2 inches and more than 100 yards of gill nets with a mesh length equal to or greater than 5 1/2 inches identified as recreational commercial fishing equipment when only one Recreational Commercial Gear License holder is on board. It is unlawful to possess aboard a vessel more than 200 yards of gill nets with a mesh length less than 5 1/2 inches and more than 200 yards of gill nets with a mesh length equal to or greater than 5 1/2 inches identified as recreational commercial fishing equipment when two or more Recreational Commercial Gear License holders are on board;
- (6) A hand-operated device generating pulsating electrical current for the taking of catfish in the area described in 15A NCAC 03J .0304;
- (7) Skimmer trawls not exceeding 26 feet in total combined width.
- (8) One pound net used to take shrimp with each lead 10 feet or less in length and with a minimum lead net mesh of 1 1/2 inches, and enclosures constructed of net mesh of 1 1/4 inches or greater and with all dimensions being 36 inches or less. Attendance is required at all times and all gear must be removed from the water when not being fished. Gear is to be marked and set as specified in 15A NCAC 03J .0501.

(b) It is unlawful to use more than the quantity of authorized gear specified in Subparagraphs (a)(1) through (a)(8) of this Rule, regardless of the number of individuals aboard a vessel possessing a valid Recreational Commercial Gear License.

(c) It is unlawful for a person to violate the restrictions of or use gear other than that authorized by Paragraph (a) of this Rule.

(d) Unless otherwise provided, this Rule does not exempt Recreational Commercial Gear License holders from the provisions of other applicable rules of the Marine Fisheries Commission or provisions of proclamations issued by the Fisheries Director as authorized by the Marine Fisheries Commission.

*History Note: Authority G.S. 113-134; 113-173;
 Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. February 1, 1995;
 Temporary Amendment Eff. August 1, 1999; July 1, 1999;
 Amended Eff. August 1, 2000;
 Temporary Amendment Eff. August 1, 2000;
 Amended Eff. April 1, 2009; July 1, 2006; November 1, 2005; August 1, 2002.*

15A NCAC 030 .0303 RECREATIONAL COMMERCIAL GEAR LICENSE POSSESSION LIMITS

(a) It is unlawful to possess more than a single recreational possession limit when only one person aboard a vessel possesses a valid Recreational Commercial Gear License and recreational commercial fishing equipment as defined in 15A NCAC 030 .0302(a) is used, regardless of the number of persons on board.

(b) It is unlawful to possess individual recreational possession limits in excess of the number of individuals aboard a vessel holding valid Recreational Commercial Gear Licences except as provided in Paragraph (f) of this Rule.

(c) It is unlawful for any person who holds both a Recreational Commercial Gear License and a Standard or Retired Standard Commercial Fishing License and who is in possession of identified recreational commercial fishing equipment as defined in 15A NCAC 030 .0302(a), to exceed the single recreational possession limit.

(d) It is unlawful for persons aboard a vessel collectively holding only one Recreational Commercial Gear License and any Standard Commercial Fishing License or Retired Standard Commercial Fishing License and who are in possession of any identified recreational commercial fishing equipment as defined in 15A NCAC 03O .0302(a), to exceed one recreational possession limit.

(e) It is unlawful to possess more than 48 quarts, heads on, or 30 quarts, heads off, of shrimp when only one person aboard a vessel possesses a valid Recreational Commercial Gear License and recreational commercial fishing equipment as defined in 15A NCAC 03O .0302(a) is used.

(f) It is unlawful to possess more than 96 quarts, heads on or 60 quarts, heads off, of shrimp if more than one person aboard a vessel possesses a valid Recreational Commercial Gear License and recreational commercial fishing equipment as defined in 15A NCAC 03O .0302(a) is used.

History Note: Authority G.S. 113-134; 113-170.4; 113-173; 143B-289.52;
Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1995;
Temporary Amendment Eff. June 7, 1998;
Amended Eff. April 1, 1999;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. July 1, 2006; August 1, 2000.

- 15A NCAC 03O .0304 CONSIDERATION OF APPEAL PETITIONS**
- 15A NCAC 03O .0305 EMERGENCY LICENSES**
- 15A NCAC 03O .0306 HARDSHIP LICENSES**
- 15A NCAC 03O .0307 APPEALS PANEL FINAL DECISION**
- 15A NCAC 03O .0308 OFFICIAL RECORD**
- 15A NCAC 03O .0309 REASONS FOR REVOCATION**
- 15A NCAC 03O .0310 TEMPORARY EMERGENCY VESSEL CRAB LICENSES**

History Note: Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 113-134; 113-153.1; 1993 (Regular Session 1994), c. 576, s. 3; 143B-289.52;
Eff. February 1, 1995;
Temporary Repeal Eff. July 1, 1999;
Repealed Eff. August 1, 2000.

SECTION .0400 - STANDARD COMMERCIAL LICENSE ELIGIBILITY

15A NCAC 03O .0401 ELIGIBILITY BOARD

(a) The Chairman of the Marine Fisheries Commission, the Secretary of the Department of Environment and Natural Resources, and the Director of the Division of Marine Fisheries may each name a designee and an alternate designee to serve on the Eligibility Board as their representative in their absence.

(b) The Eligibility Board shall not review an application for eligibility without a quorum of the Eligibility Board members or designees being present. Two or more members of the Eligibility Board or their designees constitute a quorum.

History Note: Authority G.S. 113-134; 143B-289.52; S.L. 1998-225, s. 4.24;
Temporary Adoption Eff. April 1, 1999;
Eff. August 1, 2000

15A NCAC 03O .0402 APPLICATION PROCESS

(a) Application forms for determination of eligibility for the Standard Commercial Fishing Licenses Eligibility Pool shall be available at all offices of the Division of Marine Fisheries and must be submitted to the Morehead City Office of the Division of Marine Fisheries for processing.

(b) Only one application per individual for determination of eligibility for the Standard Commercial Fishing Licenses Eligibility Pool shall be accepted or may be pending at any one time. An applicant may have only one entry in the eligibility pool at any one time.

(c) Individuals who currently hold or are eligible to purchase a Standard or Retired Standard Commercial Fishing License shall not be eligible to apply for additional Standard Commercial Fishing Licenses through the Standard Commercial Fishing Licenses Eligibility Pool.

- (d) If an applicant has died or becomes ineligible and is subsequently selected from the eligibility pool, that license eligibility shall automatically revert to the eligibility pool.
- (e) Persons claiming retirement from commercial fishing or transferring their Standard Commercial Fishing License may not apply for pool eligibility for two years from the date of the last transfer except as provided in 15A NCAC 030 .0404(3).
- (f) Applicants shall notify the Division of Marine Fisheries within 30 days of a change of address.

*History Note: Authority G.S. 113-134; 143B-289.52; S.L. 1998-225, s. 4:24;
Temporary Adoption Eff. April 1, 1999;
Eff. August 1, 2000;
Amended Eff. October 1, 2008; February 1, 2008.*

15A NCAC 030 .0403 ELIGIBILITY BOARD REVIEW

- (a) After determination by the Eligibility Board, applicants will be notified in writing as to the applicant's meeting or not meeting required eligibility criteria for the Standard Commercial Fishing License Eligibility Pool.
- (b) The Marine Fisheries Commission shall determine the number of licenses available from the pool at their first scheduled meeting following July 1 of each year.
- (c) The Eligibility Board shall meet to review applications as often as deemed necessary by the Chairman of the Eligibility Board.

*History Note: Authority G.S. 113-134; 143B-289.52; S.L. 1998-225, s. 4:24;
Temporary Adoption Eff. April 1, 1999;
Eff. August 1, 2000;
Amended Eff. February 1, 2008.*

15A NCAC 030 .0404 ELIGIBILITY CRITERIA

In determining eligibility of an application for the Standard Commercial Fishing License Eligibility Pool, the Eligibility Board shall apply the following criteria:

- (1) Involvement in Commercial Fishing:
 - (a) Significant involvement in the commercial fishing industry for three of the last five years; or
 - (b) Significant involvement in commercial fishing or in the commercial fishing industry prior to the last five years; or
 - (c) In the case of an applicant who is under 16 years of age, significant involvement in commercial fishing for two out of the last five years with a parent, legal guardian, grandparent or other adult; or
 - (d) Significant involvement of the applicant's family in commercial fishing. For the purpose of this Sub-item, family shall include mother, father, brother, sister, spouse, children, grandparents or legal guardian.

For the purposes of this Rule, significant involvement means persons or corporations who are engaged in the actual taking of fish for sale, from the waters of the State, or other states, jurisdictions, or federal waters, or any licensed dealer or the dealer's employees who purchases fish at the point of landing. Significant involvement does not include activities such as those who transport fish from the point of landing; those who sell or make commercial or recreational fishing gear; those who operate bait and tackle shops unless they are engaged in the actual taking of bait for sale; or those who work in fish markets or crab picking operations.

- (2) Compliance with Applicable Laws and Regulations:
 - (a) The applicant shall not have any licenses, endorsements or commercial fishing vessel registrations issued by the Division of Marine Fisheries or the right to hold such under suspension or revocation at the time of application or during the eligibility review; or
 - (b) If selected for the Standard Commercial Fishing License Eligibility Pool, the applicant shall become ineligible for the Standard Commercial Fishing License Eligibility Pool if any licenses, endorsements or registrations or the right to hold such issued by the Division of Marine Fisheries are suspended or revoked; or
 - (c) Four convictions within the last three years or the number of convictions which would cause suspension or revocation of license, endorsement, or registration within the last three years shall result in the application being denied; or
 - (d) A record of habitual violations evidenced by eight or more convictions in the last 10 years shall result in the application being denied.

For purposes of eligibility for the Standard Commercial Fishing License Eligibility Pool, the term convictions shall include but not be limited to any conviction for violation of any provision of Chapter

113 of the North Carolina General Statutes and any rule implementing or authorized by such statutes; any conviction for violation of G.S. 76-40 and any rule implementing or authorized by such statute; any conviction of Chapter 75A of the North Carolina General Statutes and any rule implementing or authorized by such statutes; any conviction for violation of any provision of Article 7 of Chapter 143B of the North Carolina General Statutes and any rule implementing or authorized by such statutes; any conviction of resist, obstruct, or delay involving a Marine Patrol Officer or Wildlife Officer under G.S. 14-223; and any conviction involving assaultive behavior toward a Marine Patrol Officer or other governmental official of the Department of Environment and Natural Resources or the Wildlife Commission.

Applicants for the Standard Commercial Fishing License Eligibility Pool must provide certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years.

- (3) The responsible party shall not have transferred a Standard Commercial Fishing License granted by the Eligibility Board.
- (4) All applicants for the Standard Commercial Fishing License Eligibility Pool must meet all other statutory eligibility requirements for the Standard Commercial Fishing License.

History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 143B-289.52; S.L. 1998-225, s. 4.24; Temporary Adoption Eff. April 1, 1999; Eff. August 1, 2000; Amended Eff. October 1, 2008; February 1, 2008.

15A NCAC 030 .0405 APPLICATION DOCUMENTATION

Documentation for applications:

- (1) Statements from individuals verifying the applicant's involvement must contain the individual's name, address and telephone number and must be notarized.
- (2) Proof of income derived from commercial fishing or the commercial fishing industry. Proof of this income shall be tax records.
- (3) The extent to which the applicant has complied with federal and state laws, regulations, and rules relating to coastal fishing and protection of the environment. Federal compliance will be verified by a notarized statement from the applicant that he has complied with federal laws.
- (4) All documents required by this Rule must be notarized.
- (5) Applications shall be legible and complete or they will be returned.
- (6) It is unlawful to submit false statements on applications or supporting documents. If eligibility is based on false information provided by the applicant, this eligibility is automatically revoked.

History Note: Authority G.S. 113-134; 143B-289.52; S.L. 1998-225, s. 4.24; Temporary Adoption Eff. April 1, 1999; Eff. August 1, 2000.

15A NCAC 030 .0406 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL CERTIFICATION

Annual certification to maintain an eligible application in the Standard Commercial Fishing License Eligibility Pool shall be as follows:

- (1) The applicant shall certify that the information on his original application is correct and that he desires to remain in the Standard Commercial Fishing License Eligibility Pool.
- (2) A certification form shall be provided and mailed to the applicant at the last known address by the Division.
- (3) This certification, with any changes such as address, phone number, or updated fisheries involvement information since the last application or certification must be notarized and submitted to the Division within 12 months of the initial application and annually thereafter.
- (4) Failure to return certification that application is correct or with changes within 30 days shall result in the application being deleted from the Standard Commercial Fishing License Eligibility Pool.
- (5) An applicant that has been deleted from the Standard Commercial Fishing License Eligibility Pool shall receive a notice from the Division.

History Note: Authority G.S. 113-134; 143B-289.52; S.L. 1998-225, s. 4.24; Temporary Adoption Eff. April 1, 1999; Eff. August 1, 2000.

SECTION .0500 - PERMITS**15A NCAC 030 .0501 PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS**

(a) To obtain any Marine Fisheries permit, the following information is required for proper application from the applicant, a responsible party or person holding a power of attorney:

- (1) Full name, physical address, mailing address, date of birth, and signature of the applicant on the application. If the applicant is not appearing before a license agent or the designated Division contact, the applicant's signature on the application shall be notarized;
 - (2) Current picture identification of applicant, responsible party and, when applicable, person holding a power of attorney; acceptable forms of picture identification are driver's license, current North Carolina Identification card issued by the North Carolina Division of Motor Vehicles, military identification card, resident alien card (green card) or passport or if applying by mail, a copy thereof;
 - (3) Full names and dates of birth of designees of the applicant who shall be acting under the requested permit where that type permit requires listing of designees;
 - (4) Certification that the applicant and his designees do not have four or more marine or estuarine resource convictions during the previous three years;
 - (5) For permit applications from business entities, the following documentation is required:
 - (A) Business Name;
 - (B) Type of Business Entity: Corporation, partnership, or sole proprietorship;
 - (C) Name, address and phone number of responsible party and other identifying information required by this Subchapter or rules related to a specific permit;
 - (D) For a corporation, current articles of incorporation and a current list of corporate officers when applying for a permit in a corporate name;
 - (E) For a partnership, if the partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when applying for a permit;
 - (F) For business entities, other than corporations, copies of current assumed name statements if filed and copies of current business privilege tax certificates, if applicable.
 - (6) Additional information as required for specific permits.
- (b) A permittee shall hold a valid Standard or Retired Standard Commercial Fishing License in order to hold a:
- (1) Pound Net Permit;
 - (2) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean; or
 - (3) Atlantic Ocean Striped Bass Commercial Gear Permit.
- (c) A permittee and his designees shall hold a valid Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order to hold a:
- (1) Permit to Transplant (Prohibited) Polluted Shellfish;
 - (2) Permit to Transplant Oysters from Seed Management Areas;
 - (3) Permit to Use Mechanical Methods for Oysters or Clams on Shellfish Leases or Franchises;
 - (4) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas; or
 - (5) Depuration Permit.
- (d) A permittee shall hold a valid:
- (1) Fish Dealer License in the proper category in order to hold Dealer Permits for Monitoring Fisheries Under a Quota/Allocation for that category; and
 - (2) Standard Commercial Fishing License with a Shellfish Endorsement, Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order to harvest clams or oysters for depuration.
- (e) Aquaculture Operations/Collection Permits:
- (1) A permittee shall hold a valid Aquaculture Operation Permit issued by the Fisheries Director to hold an Aquaculture Collection Permit.
 - (2) The permittee or designees shall hold appropriate licenses from the Division of Marine Fisheries for the species harvested and the gear used under the Aquaculture Collection Permit.
- (f) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) Application for an Atlantic Ocean Striped Bass Commercial Gear Permit must be made prior to November 1 of each year. A person shall declare one of the following gears for an initial Atlantic Ocean Striped Bass Commercial Gear Permit and at intervals of three consecutive license years thereafter:
 - (A) gill net;
 - (B) trawl; or
 - (C) beach seine.

For the purpose of this Rule, a beach seine is defined as a swipe net constructed of multi-filament or multi-fiber webbing fished from the ocean beach that is deployed from a vessel launched from the ocean beach where the fishing operation takes place.

Gear declarations are binding on the permittee for three consecutive license years without regard to subsequent annual permit issuance.

- (2) A person is not eligible for more than one Atlantic Ocean Striped Bass Commercial Gear Permit regardless of the number of Standard Commercial Fishing Licenses, Retired Standard Commercial Fishing Licenses or assignments held by the person.
 - (3) The annual, nonrefundable permit fee is ten dollars (\$10.00).
- (g) For Hire Fishing Permit:
- (1) The permittee shall hold a valid certification from the United States Coast Guard (USCG) that allows carrying six or fewer passengers or a certification from the USCG that allows carrying more than six passengers;
 - (2) The permittee shall provide valid documentation papers or current motor boat registration or copies thereof for the vessel engaged as for-hire. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.
- (h) Applications submitted without complete and required information shall not be processed until all required information has been submitted. Incomplete applications shall be returned to the applicant with deficiency in the application so noted.
- (i) A permit shall be issued only after the application has been deemed complete by the Division of Marine Fisheries and the applicant certifies to abide by the permit general and specific conditions established under 15A NCAC 03J .0501, 03J .0505, 03K .0103, 03K .0104, 03K .0107, 03K .0206, 03K .0303, 03K .0401, 03O .0502, and 03O .0503 as applicable to the requested permit.
- (j) The Fisheries Director, or his agent may evaluate the following in determining whether to issue, modify or renew a permit:
- (1) Potential threats to public health or marine and estuarine resources regulated by the Marine Fisheries Commission;
 - (2) Applicant's demonstration of a valid justification for the permit and a showing of responsibility as determined by the Fisheries Director;
 - (3) Applicant's history of habitual fisheries violations evidenced by eight or more violations in 10 years.
- (k) The applicant shall be notified in writing of the denial or modification of any permit request and the reasons therefor. The applicant may submit further information, or reasons why the permit should not be denied or modified.
- (l) Permits are valid from the date of issuance through the expiration date printed on the permit. Unless otherwise established by rule, the Fisheries Director may establish the issuance timeframe for specific types and categories of permits based on season, calendar year, or other period based upon the nature of the activity permitted, the duration of the activity, compliance with federal or state fishery management plans or implementing rules, conflicts with other fisheries or gear usage, or seasons for the species involved. The expiration date shall be specified on the permit.
- (m) To renew a permit, the permittee shall file a certification that the information in the original application is still valid, or a statement of all changes in the original application and any additional information required by the Division of Marine Fisheries.
- (n) For initial or renewal permits, processing time for permits may be up to 30 days unless otherwise specified in this Chapter.
- (o) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries within 30 days of a change of name or address.
- (p) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries of a change of designee prior to use of the permit by that designee.
- (q) Permit applications shall be available at all Division Offices.

History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52; Temporary Adoption Eff. September 1, 2000; May 1, 2000; Eff. April 1, 2001; Temporary Amendment Eff. October 1, 2001; Amended Eff. April 1, 2009; July 1, 2008; December 1, 2007; September 1, 2005; April 1, 2003; August 1, 2002.

15A NCAC 03O .0502 PERMIT CONDITIONS; GENERAL

The following conditions apply to all permits issued by the Fisheries Director:

- (1) it is unlawful to operate under the permit except in areas, at times, and under conditions specified on the permit;

- (2) it is unlawful to operate under a permit without having the permit or copy thereof in possession of the permittee or his or her designees at all times of operation and the permit or copy thereof shall be ready at hand for inspection, except for Pound Net Permits;
- (3) it is unlawful to operate under a permit without having a current picture identification in possession and ready at hand for inspection;
- (4) it is unlawful to refuse to allow inspection and sampling of a permitted activity by an agent of the Division;
- (5) it is unlawful to fail to provide complete and accurate information requested by the Division in connection with the permitted activity;
- (6) it is unlawful to hold a permit issued by the Fisheries Director when not eligible to hold any license required as a condition for that permit as stated in 15A NCAC 03O .0501;
- (7) it is unlawful to fail to provide reports within the timeframe required by the specific permit conditions;
- (8) it is unlawful to fail to keep such records and accounts as required by the rules in this Chapter for determination of conservation policy, equitable and efficient administration and enforcement, or promotion of commercial or recreational fisheries;
- (9) it is unlawful to assign or transfer permits issued by the Fisheries Director, except for Pound Net Permits as authorized by 15A NCAC 03J .0504;
- (10) the Fisheries Director, or his agent, may, by conditions of the permit, specify any or all of the following for the permitted purposes:
 - (a) species;
 - (b) quantity or size;
 - (c) time period;
 - (e) location;
 - (d) means and methods;
 - (f) disposition of resources;
 - (g) marking requirements; or
 - (h) harvest conditions.
- (11) unless specifically stated as a condition on the permit, all statutes, rules and proclamations shall apply to the permittee and his or her designees; and
- (12) as a condition of accepting the permit from the Fisheries Director, the permittee agrees to abide by all conditions of the permit and agrees that if specific conditions of the permit, as identified on the permit, are violated or if false information was provided in the application for initial issuance, renewal or transfer, the permit may be suspended or revoked by the Fisheries Director.

*History Note: Authority G.S. 113-134; 113-169.1; 113-182; 113-210; 143B-289.52;
 Temporary Adoption Eff. May 1, 2000;
 Eff. April 1, 2001;
 Amended Eff. April 1, 2009; September 1, 2005.*

15A NCAC 03O .0503 PERMIT CONDITIONS; SPECIFIC

(a) Horseshoe Crab Biomedical Use Permit:

- (1) It is unlawful to use horseshoe crabs for biomedical purposes without first obtaining a permit.
- (2) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to submit a report on the use of horseshoe crabs to the Division of Marine Fisheries due on February 1 of each year. Such reports shall be filed on forms provided by the Division and shall include a monthly account of the number of crabs harvested, statement of percent mortality up to the point of release, and a certification that harvested horseshoe crabs are solely used by the biomedical facility and not for other purposes.
- (3) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to comply with the Atlantic States Marine Fisheries Commission Horseshoe Crab Fisheries Management Plan monitoring and tagging requirements for horseshoe crabs. Copies of this plan are available from the Atlantic States Marine Fisheries Commission, 1444 Eye Street, NW, 6th Floor, Washington, DC 20005, (202) 289-6400, or the Division of Marine Fisheries' Morehead City Office.

(b) Dealers Permits for Monitoring Fisheries under a Quota/Allocation:

- (1) During the commercial season opened by proclamation or rule for the fishery for which a Dealers Permit for Monitoring Fisheries under a Quota/Allocation permit is issued, it is unlawful for fish dealers issued such permit to fail to:
 - (A) Fax or send via electronic mail by noon daily, on forms provided by the Division, the previous day's landings for the permitted fishery to the dealer contact designated on the permit. Landings for Fridays or Saturdays shall be submitted on the following Monday. If

the dealer is unable to fax or electronic mail the required information, the permittee shall call in the previous day's landings to the dealer contact designated on the permit but shall maintain a log furnished by the Division;

- (B) Submit the required log to the Division upon request or no later than five days after the close of the season for the fishery permitted;
- (C) Maintain taxes and other related documentation in accordance with 15A NCAC 03I .0114;
- (D) Contact the dealer contact daily regardless of whether or not a transaction for the fishery for which a dealer is permitted occurred;
- (E) Record the permanent dealer identification number on the bill of lading or receipt for each transaction or shipment from the permitted fishery.

(2) Striped Bass Dealer Permit:

- (A) It is unlawful for a fish dealer to possess, buy, sell or offer for sale striped bass taken from the following areas without first obtaining a Striped Bass Dealer Permit validated for the applicable harvest area:
 - (i) Atlantic Ocean;
 - (ii) Albemarle Sound Management Area as designated in 15A NCAC 03R .0201; and
 - (iii) The joint and coastal fishing waters of the Central/Southern Management Area as designated in 15A NCAC 03R .0201.
- (B) No permittee shall possess, buy, sell or offer for sale striped bass taken from the harvest areas opened by proclamation without having a North Carolina Division of Marine Fisheries issued valid tag for the applicable area affixed through the mouth and gill cover, or, in the case of striped bass imported from other states, a similar tag that is issued for striped bass in the state of origin. North Carolina Division of Marine Fisheries striped bass tags shall not be bought, sold, offered for sale, or transferred. Tags shall be obtained at the North Carolina Division of Marine Fisheries Offices. The Division of Marine Fisheries shall specify the quantity of tags to be issued based on historical striped bass landings. It is unlawful for the permittee to fail to surrender unused tags to the Division upon request.

(3) Albemarle Sound Management Area for River Herring Dealer Permit: It is unlawful to possess, buy, sell or offer for sale river herring taken from the following area without first obtaining an Albemarle Sound Management Area for River Herring Dealer Permit: Albemarle Sound Management Area for River Herring is defined in 15A NCAC 03J .0209.

(4) Atlantic Ocean Flounder Dealer Permit:

- (A) It is unlawful for a fish dealer to allow vessels holding a valid License to Land Flounder from the Atlantic Ocean to land more than 100 pounds of flounder from a single transaction at their licensed location during the open season without first obtaining an Atlantic Ocean Flounder Dealer Permit. The licensed location shall be specified on the Atlantic Ocean Flounder Dealer Permit and only one location per permit shall be allowed.
- (B) It is unlawful for a fish dealer to possess, buy, sell, or offer for sale more than 100 pounds of flounder from a single transaction from the Atlantic Ocean without first obtaining an Atlantic Ocean Flounder Dealer Permit.

(5) Black Sea Bass North of Cape Hatteras Dealer Permit. It is unlawful for a fish dealer to purchase or possess more than 100 pounds of black sea bass taken from the Atlantic Ocean north of Cape Hatteras (35° 15.0321' N) per day per commercial fishing operation during the open season unless the dealer has a Black Sea Bass North of Cape Hatteras Dealer Permit.

(c) Blue Crab Shedding Permit: It is unlawful to possess more than 50 blue crabs in a shedding operation without first obtaining a Blue Crab Shedding Permit from the Division of Marine Fisheries.

(d) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean:

- (1) It is unlawful to trawl for shrimp in the Atlantic Ocean without Turtle Excluder Devices installed in trawls within one nautical mile of the shore from Browns Inlet (34° 35.7000' N latitude) to Rich's Inlet (34° 17.6000' N latitude) without a valid Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean when allowed by proclamation from April 1 through November 30.
- (2) It is unlawful to tow for more than 55 minutes from April 1 through October 31 and 75 minutes from November 1 through November 30 in this area when working under this permit. Tow time begins when the doors enter the water and ends when the doors exit the water.
- (3) It is unlawful to fail to empty the contents of each net at the end of each tow.
- (4) It is unlawful to refuse to take observers upon request by the Division of Marine Fisheries or the National Marine Fisheries Service.
- (5) It is unlawful to fail to report any sea turtle captured. Reports shall be made within 24 hours of the capture to the Marine Patrol Communications Center by phone. All turtles taken incidental to trawling shall be handled and resuscitated in accordance with requirements specified in 50 CFR 223.206, copies

of which are available via the Internet at www.nmfs.gov and at the Division of Marine Fisheries, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405.

- (e) Pound Net Set Permits. Rules setting forth specific conditions for pound net sets are set forth in 15A NCAC 03J .0505.
- (f) Aquaculture Operations/Collection Permits:
- (1) It is unlawful to conduct aquaculture operations utilizing marine and estuarine resources without first securing an Aquaculture Operation Permit from the Fisheries Director.
 - (2) It is unlawful:
 - (A) To take marine and estuarine resources from coastal fishing waters for aquaculture purposes without first obtaining an Aquaculture Collection Permit from the Fisheries Director.
 - (B) To sell, or use for any purpose not related to North Carolina aquaculture, marine and estuarine resources taken under an Aquaculture Collection Permit.
 - (C) To fail to submit to the Fisheries Director an annual report due on December 1 of each year on the form provided by the Division the amount and disposition of marine and estuarine resources collected under authority of this permit.
 - (3) Lawfully permitted shellfish relaying activities authorized by 15A NCAC 03K .0103 and .0104 are exempt from requirements to have an Aquaculture Operation or Collection Permit issued by the Fisheries Director.
 - (4) Aquaculture Operations/Collection Permits shall be issued or renewed on a calendar year basis.
 - (5) It is unlawful to fail to provide the Division of Marine Fisheries with a listing of all designees who will be acting under an Aquaculture Collection Permit at the time of application.
- (g) Scientific or Educational Collection Permit:
- (1) It is unlawful for individuals or agencies seeking exemptions from license, rule, proclamation or statutory requirements to collect for scientific or educational purposes as approved by the Division of Marine Fisheries any marine and estuarine species without first securing a Scientific or Educational Collection Permit.
 - (2) It is unlawful for persons who have been issued a Scientific or Educational Collection Permit to fail to submit a report on collections to the Division of Marine Fisheries due on December 1 of each year unless otherwise specified on the permit. The reports shall be filed on forms provided by the Division. Scientific or Educational Collection Permits shall be issued on a calendar year basis.
 - (3) It is unlawful to sell marine and estuarine species taken under a Scientific or Educational Collection Permit:
 - (A) without the required license(s) for such sale;
 - (B) to anyone other than a licensed North Carolina fish dealer; and
 - (C) without authorization stated on the permit for such sale.
 - (4) It is unlawful to fail to provide the Division of Marine Fisheries a listing of all designees who will be acting under Scientific or Educational Collection Permits at the time of application.
 - (5) The permittee or designees utilizing the permit shall call or fax the Division of Marine Fisheries Communications Center not later than 24 hours prior to use of the permit, specifying activities and location.
- (h) Under Dock Oyster Culture Permit:
- (1) It is unlawful to cultivate oysters in containers under docks for personal consumption without first obtaining an Under Dock Oyster Culture Permit.
 - (2) An Under Dock Oyster Culture Permit shall be issued only in accordance with provisions set forth in G.S. 113-210(c).
 - (3) The applicant shall complete and submit an examination, with a minimum of 70 percent correct answers, based on an educational package provided by the Division of Marine Fisheries pursuant to G.S. 113-210(j). The examination demonstrates the applicant's knowledge of:
 - (A) the application process;
 - (B) permit criteria;
 - (C) basic oyster biology and culture techniques;
 - (D) shellfish harvest area closures due to pollution;
 - (E) safe handling practices;
 - (F) permit conditions; and
 - (G) permit revocation criteria.
 - (4) Action by an Under Dock Oyster Culture Permit holder to encroach on or usurp the legal rights of the public to access public trust resources in coastal fishing waters shall result in permit revocation.
- (i) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) It is unlawful to take striped bass from the Atlantic Ocean in a commercial fishing operation without first obtaining an Atlantic Ocean Striped Bass Commercial Gear Permit.

- (2) It is unlawful to use a single Standard Commercial Fishing License, including assignments, to obtain more than one Atlantic Ocean Striped Bass Commercial Gear Permit during a license year.
- (j) Coastal Recreational Fishing License Exemption Permit:
 - (1) It is unlawful for the responsible party seeking exemption from recreational fishing license requirements for eligible individuals to conduct an organized fishing event held in coastal or joint fishing waters without first obtaining a Coastal Recreational Fishing License Exemption Permit.
 - (2) The Coastal Recreational Fishing License Exemption Permit shall only be issued for recreational fishing activity conducted solely for the participation and benefit of one of the following groups of eligible individuals:
 - (A) Individuals with physical or mental limitations;
 - (B) Members of the United States Armed Forces and their dependents, upon presentation of a valid military identification card, for military appreciation;
 - (C) Individuals receiving instruction on recreational fishing techniques and conservation practices from employees of state or federal agencies, or instructors affiliated with educational institutions; and
 - (D) Disadvantaged youths.
 - (3) The Coastal Recreational Fishing License Exemption Permit is valid for the date(s), time and physical location of the organized fishing event for which the exemption is granted and the time period shall not exceed one year from the date of issuance.
 - (4) The Coastal Recreational Fishing License Exemption Permit shall only be issued when all of the following, in addition to the information required in 15A NCAC 03O .0501, is submitted to the Fisheries Director in writing a minimum of 30 days prior to the event:
 - (A) The name, date(s), time and physical location of the event;
 - (B) Documentation that substantiates local, state or federal involvement in the organized fishing event, if applicable;
 - (C) The cost or requirements, if any, for an individual to participate in the event; and
 - (D) An estimate of the number of participants.
- (k) For Hire Fishing Permit:
 - (1) It is unlawful to operate a For Hire Vessel unless the vessel operator possesses either the For Hire Blanket Coastal Recreational Fishing License (CRFL) for the vessel as provided in 15A NCAC 03O .0112 or a Division of Marine Fisheries For Hire Fishing Permit for the vessel.
 - (2) It is unlawful for a For Hire vessel operator to operate under the For Hire Fishing Permit without:
 - (A) Holding the USCG certification required in 15A NCAC 03O .0501(g)(1);
 - (B) Having the For Hire Fishing Permit for the vessel or copy thereof in possession and ready at hand for inspection;
 - (C) Having current picture identification in possession and ready at hand for inspection.
 - (3) It is unlawful for the permittee to fail to notify the Division within five days of any changes to information provided on the permit.
 - (4) It is unlawful to fail to display a current For Hire Fishing Permit decal mounted on an exterior surface of the vessel so as to be visible when viewed from the port side while engaged in for-hire recreational fishing.
 - (5) The For Hire Fishing Permit is valid for one year from the date of issuance.

History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52; Temporary Adoption Eff. September 1, 2000; August 1, 2000; May 1, 2000; Eff. April 1, 2001; Amended Eff. April 1, 2009; July 1, 2008; January 1, 2008; September 1, 2005; October 1, 2004; August 1, 2004; August 1, 2002.

15A NCAC 03O .0504 SUSPENSION/REVOCAION OF PERMITS

- (a) For violation of specific permit conditions (as specified on the permit), permits may be suspended or revoked according to the following schedule:
 - (1) violation of one specific condition in a three year period, permit shall be suspended for 10 days;
 - (2) violation of two specific conditions in a three year period, permits shall be suspended for 30 days;
 - (3) violation of three specific conditions in a three year period, permits shall be revoked for a period not less than six months.

If the permit condition violated is the refusal to provide information upon request by Division staff, either by telephone, in writing or in person, the Fisheries Director may suspend the permit. Such permit may be reinstated 10 days after the requested information is provided.

(b) All permits will be suspended or revoked when the permittee's license privilege has been suspended or revoked as set out in G.S. 113-171. The duration of the suspension or revocation shall be the same as the license suspension or revocation. In the event the person makes application for a new permit during any period of license suspension, no new permit will be issued during the suspension period. In case of revocation of license privileges, the minimum waiting period before application for a new permit to be considered will be six months.

(c) Permit designees shall not be permitted to participate in a permit operation during any period they are under license suspension or revocation.

(d) Upon service of a notice of suspension or revocation of a permit, it is unlawful to fail to surrender any permit so suspended or revoked.

History Note: Authority G.S. 113-134; 143B-289.52;
Temporary Adoption Eff. May 1, 2000;
Eff. April 1, 2001.

15A NCAC 030 .0505 FEES

History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 143B-289.52;
Temporary Adoption Eff. August 1, 2000; May 1, 2000;
Temporary Repeal Eff. September 1, 2000;
Temporary Rule Expired April 13, 2001.

15A NCAC 030 .0506 SPECIAL PERMIT REQUIRED FOR SPECIFIC MANAGEMENT PURPOSES

The Fisheries Director may, by proclamation, require individuals taking marine and estuarine resources regulated by the Marine Fisheries Commission, to obtain a special permit.

History Note: Authority G.S. 113-134; 113-170.3; 113-182; 113-221; 143B-289.52;
Temporary Adoption Eff. May 1, 2000;
Eff. April 1, 2001.

SUBCHAPTER 03P - HEARING PROCEDURES

SECTION .0100 - HEARING PROCEDURES

15A NCAC 03P .0101 LICENSE/PERMIT DENIAL: INFORMAL HEARING PROCEDURES

(a) If the Division decides to deny or limit a renewal of a license or permit for an activity of a continuing nature, the license sought to be renewed shall continue in effect as provided in G.S. 150B-3.

(b) Except in cases where G.S. 113-171 is applicable, before the Division may commence proceedings for suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of a license or permit, notice shall be given to the license or permit holder notifying him that:

- (1) He may request an opportunity to show compliance with all lawful requirements for retention of the license in an informal meeting with Division personnel responsible for the initiation of the action to revoke the license; and
- (2) He has a right through filing a request for a contested case hearing in the Office of Administrative Hearings to a hearing before an administrative law judge and a final agency decision by the Marine Fisheries Commission.

(c) Any requests for an informal meeting or administrative hearings shall be made to the person designated in the notice.

(d) The Division may order summary suspension of a license or permit if it finds that the public health, safety, or welfare requires emergency action. Upon such determination the Fisheries Director shall issue an order giving the reasons for the emergency action. The effective date of the order shall be the date specified on the order or the date of service of a certified copy of the order at the last known address of the license or permit holder whichever is later.

(e) When a license is summarily suspended and a request is made for an informal meeting or a hearing, the proceeding shall be promptly commenced and determined.

History Note: Authority G.S. 113-134; 113-171; 150B-23;
Eff. January 1, 1991;
Amended Eff. August 1, 1999.

15A NCAC 03P .0102 CONTESTED CASE HEARING PROCEDURES

Administrative hearings shall be held in accordance with G.S. 150B, and the administrative hearing procedures codified at 15A NCAC 1B .0200.

History Note: Authority G.S. 113-134; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. August 1, 1999.

15A NCAC 03P .0103 PETITIONS FOR REGULATORY ACTIVITY

History Note: Authority G.S. 113-134; 143B-289.4; 150B-20;
Eff. September 1, 1991;
Amended Eff. May 1, 1992;
Repealed Eff. April 1, 1999.

SECTION .0200 - DECLARATORY RULINGS

15A NCAC 03P .0201 DECLARATORY RULINGS: GENERALLY

At the request of any person aggrieved, as defined in G.S. 150B-2(6), the Marine Fisheries Commission may issue a declaratory ruling as provided in G.S. 150B-4.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;
Eff. April 1, 1999.

15A NCAC 03P .0202 PROCEDURE FOR REQUESTING DECLARATORY RULINGS

(a) All requests for a declaratory ruling shall be filed in writing with the Director of the Division of Marine Fisheries, Department of Environment and Natural Resources (DENR), P.O. Box 769, Morehead City, North Carolina 28557. All requests shall include the following: the aggrieved person's name and address; the rule, statute or order upon which a ruling is desired; a concise statement as to whether the request is for a ruling on the validity of a rule or on the applicability of a rule, order or statute to a given factual situation; arguments or data which demonstrate that the petitioner is aggrieved by the rule or statute or its potential application to him; a statement of the consequences of a failure to issue a declaratory ruling in favor of the petitioner; and a statement of whether an oral argument is desired, and, if so, the reasons for requesting such an oral argument.

(b) A request for a ruling on the applicability of a rule, order, or statute must include a description of the factual situation on which the ruling is to be based. A request for a ruling on the validity of a Commission rule must state the aggrieved person's reasons for questioning the validity of the rule. A person may ask for both types of rulings in a single request. A request for a ruling must include or be accompanied by:

- (1) a statement of the facts proposed for adoption by the Commission; and
- (2) a draft of the proposed ruling.

(c) Before deciding the merits of the request, the Commission may:

- (1) request additional written submissions from petitioner(s);
- (2) request a written response from the Division staff or any other person; or
- (3) hear oral argument from the petitioner(s) and Division staff.

(d) Unless the Division waives the opportunity to be heard, it shall be a party to any request for declaratory ruling. Upon written request, the requesting party and the Division may each be allowed to present oral arguments to the Commission at a regularly scheduled meeting. Neither party may offer testimony or conduct cross-examination before the Commission. The declaratory ruling shall be determined on the basis of the statement of facts submitted by the parties.

(e) Whenever the Commission believes "for good cause" that the issuance of a declaratory ruling is undesirable, the Commission may refuse to issue such ruling. The Commission shall notify in writing the person requesting the ruling, stating the reasons for the refusal to issue a ruling on the request.

(f) For purposes of Paragraph (e) of this Rule, the Commission shall ordinarily refuse to issue a ruling on a request for declaratory ruling on finding that:

- (1) the petitioner(s) and the Division cannot agree on a set of facts sufficient to support a meaningful ruling;
- (2) there has been a similar determination in a previous contested case or declaratory ruling;
- (3) the matter is the subject of a pending contested case hearing or litigation in any North Carolina or federal court; or
- (4) no genuine controversy exists as to the application of a statute or rule to the factual situation presented.

(g) The Commission shall keep a record of each declaratory ruling, which shall include at a minimum the following items:

- (1) the request for a ruling;
- (2) any written submissions by the parties;

- (3) the statement of facts on which the ruling was based;
- (4) any transcripts of oral proceedings, or, in the absence of a transcript, a summary of all arguments;
- (5) any other matter considered by the Commission in making the decision; and
- (6) the declaratory ruling, or the decision to refuse to issue a declaratory ruling, together with the reasons therefore.

(h) A declaratory ruling is binding on the Commission and the person requesting it unless it is altered or set aside by the court. The Commission may not retroactively change a declaratory ruling, but nothing in this Section prevents the Commission from prospectively changing a ruling.

(i) Unless the requesting party consents to the delay, failure of the Commission to issue a ruling on the merits or deny the request within 60 days of receipt of the request for such ruling shall constitute a denial of the request as well as a denial of the merits of the request and shall be subject to judicial review.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;
Eff. April 1, 1999.

15A NCAC 03P .0203 DEFINITION

For purposes of Rule .0202 of this Section, a declaratory ruling shall be deemed to be "in effect" until the statute or rule interpreted by the declaratory ruling is amended, altered or repealed; until the Commission changes the declaratory ruling prospectively for good reasons; until any court sets aside the ruling in litigation between the Commission or Department of Environment and Natural Resources and the party requesting the rule; or until any court of the Appellate Division of the General Court of Justice shall construe the statute or rule which is the subject of the declaratory ruling in a manner plainly irreconcilable with the declaratory ruling.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;
Eff. April 1, 1999.

SECTION .0300 - PETITIONS FOR RULEMAKING

15A NCAC 03P .0301 FORM AND CONTENTS OF PETITION

(a) Any person wishing to request the adoption, amendment, or repeal of a rule of the Marine Fisheries Commission (hereinafter referred to as the Commission) shall make his request in a written petition addressed to the Chairman of the Marine Fisheries Commission and submitted to the Commission staff at:

Marine Fisheries Commission
Division of Marine Fisheries
PO Box 769
Morehead City, North Carolina 28557.

(b) The petition shall contain the following information:

- (1) the text of the proposed rule(s);
- (2) the statutory authority for the agency to promulgate the rule(s);
- (3) a statement of the reasons for adoption of the proposed rule(s);
- (4) a statement of the effect on existing rules;
- (5) copies of any documents and data supporting the proposed rule(s);
- (6) a statement of the effect of the proposed rule(s) on existing practices in the area involved, including an estimate of cost factors for persons affected by the proposed rule(s);
- (7) a description of those most likely to be affected by the proposed rule(s); and
- (8) the name(s) and address(es) of the petitioner(s).

(c) When petitions and supporting documents and data exceed 10 pages in length, 15 copies of the entire petition and any attachments shall be submitted.

(d) Petitions failing to contain the required information shall be returned by the Marine Fisheries Commission Chairman.

History Note: Authority G.S. 113-134; 113-182; 113-182.1; 113-201; 143B-289.51; 143B-289.52; 150B-20;
Eff. April 1, 1999.

15A NCAC 03P .0302 REVIEW BY A COMMITTEE OF THE COMMISSION

(a) The Marine Fisheries Commission Chairman may refer duly submitted petitions to the appropriate standing advisory committee(s) or other advisory committee(s) of the Commission for review and recommended action. Copies of petitions for rulemaking shall be distributed to the Commission members when referred to a committee of the Commission.

(b) The Chairman of the Committee assigned to review a submitted petition for rulemaking shall announce the date of a meeting to consider the petition within 10 days of the assignment of the petition.

(c) At least 15 days before the Committee meeting, the Committee Chairman shall send notice of the Committee meeting to the petitioner, members of the Commission, and persons who have requested notice of petitions for rulemaking.

(d) The petitioner shall be afforded the opportunity to present the petition for rulemaking to the Committee. The Director, through staff, may make a presentation to the Committee.

(e) Interested persons must request the opportunity to make a presentation to the Committee(s) through the Committee(s) chair(s). The request shall:

- (1) state the interest of the person,
- (2) the person's position on the petition for rulemaking, and
- (3) be accompanied by supporting materials.

The Chairman of the Committee will determine whether additional interested persons make oral presentations before the Committee.

(f) The Chairman of the Committee will determine whether a public meeting should be conducted by the Committee before it makes a recommendation on the petition for rulemaking.

(g) During the Committee's review, members of the Commission, other than Committee members, who are present may participate as a member of the Committee in discussions of the petition but may not vote on the recommended action on the petition.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-20;
Eff. April 1, 1999.

15A NCAC 03P .0303 PRESENTATION TO THE COMMISSION

(a) Petitions for rulemaking, when deemed complete by the Marine Fisheries Commission Chairman, shall be presented to the Marine Fisheries Commission for its consideration and determination at the next regularly scheduled meeting of the Commission.

(b) Within 120 days following submission of the petition requesting rulemaking, the Marine Fisheries Commission shall:

- (1) initiate rulemaking proceedings in accordance with G.S. 150B-20 and notify the person(s) who submitted the petition of the decision in writing; or
- (2) deny the petition in writing, stating the reason or reasons for the denial, and send the written denial to the person(s) who submitted the petition.

History Note: Authority G.S. 113-134; 113-182; 143B-289.51; 150B-20;
Eff. April 1, 1999.

15A NCAC 03P .0304 RECOURSE TO DENIAL OF THE PETITION

If the Marine Fisheries Commission denies the petition for rulemaking, the petitioner(s) may seek judicial review of the denial under G.S. 150B, Article 4 of Chapter 150B of the General Statutes.

History Note: Authority G.S. 113-134; 113-182; 143B-289.51; 150B-20;
Eff. April 1, 1999.

SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS

SECTION .0100 - GENERAL REGULATIONS: JOINT

15A NCAC 03Q .0101 SCOPE AND PURPOSE

The rules in this Section pertain to the classification of the waters of North Carolina as coastal fishing waters, inland fishing waters and joint fishing waters. These rules are adopted jointly by the Marine Fisheries Commission and the Wildlife Resources Commission. In addition to the classification of the waters of the state these joint rules set forth guidelines to determine which fishing activities in joint waters are regulated by the Marine Fisheries Commission and which are regulated by the Wildlife Resources Commission. Finally, the joint rules set forth special fishing regulations applicable in joint waters that can be enforced by officers of the Division of Marine Fisheries and the Wildlife Resources Commission. These regulations do not affect the jurisdiction of the Marine Fisheries Commission and the Wildlife Resources Commission in any matters other than those specifically set out.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03Q .0102 INLAND FISHING WATERS

Inland fishing waters are all inland waters except private ponds; and all waters connecting with or tributary to coastal sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters which are tributary to inland fishing waters and which are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are inland fishing waters. The regulation and licensing of fishing in inland fishing waters is under the jurisdiction of the Wildlife Resources Commission. Regulations and laws administered by the Wildlife Resources Commission regarding fishing in inland fishing waters are enforced by wildlife enforcement officers.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03Q .0103 COASTAL FISHING WATERS

Coastal fishing waters are the Atlantic Ocean; the various coastal sounds; and estuarine waters up to the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters which are tributary to coastal fishing waters and which are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are coastal fishing waters. The regulations and licensing of fishing in coastal fishing waters is under the jurisdiction of the Marine Fisheries Commission; except that inland game fish (exclusive of spotted seatrout, weakfish, and striped bass) are subject to regulations by the Wildlife Resources Commission in coastal fishing waters. Regulations and laws administered by the Marine Fisheries Commission regarding fishing in coastal waters are enforced by fisheries enforcement officers. Regulations regarding inland game fish in coastal fishing waters are enforced by wildlife enforcement officers unless otherwise agreed to by the Wildlife Resources Commission.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03Q .0104 JOINT FISHING WATERS

Joint fishing waters are those coastal fishing waters, hereinafter set out, denominated by agreement of the Marine Fisheries Commission and the Wildlife Resources Commission pursuant to G.S. 113-132(e) as joint fishing waters. All waters which are tributary to joint fishing waters and which are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are classified as joint fishing waters. The regulation and licensing of fishing in joint waters shall be as stated in 15A NCAC 3Q .0106.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03Q .0105 POSTING DIVIDING LINES

The dividing lines of all major bodies of water and watercourses which are divided by the agreement of the Marine Fisheries Commission and the Wildlife Resources Commission so that portions of the same are constituted inland fishing waters, coastal fishing waters, or joint fishing waters shall be marked with signs in so far as may be practicable. Unmarked and undesignated tributaries shall have the same classification as the designated waters to which they connect or into which they flow. No unauthorized removal or relocation of any such marker shall have the effect of changing the classification of any body of water or portion thereof, nor shall any such unauthorized removal or relocation or the absence of any marker affect the applicability of any regulation pertaining to any such body of water or portion thereof.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991.

15A NCAC 03Q .0106 APPLICABILITY OF RULES: JOINT WATERS

(a) All coastal fishing laws and regulations administered by the Department of Environment and Natural Resources and the Marine Fisheries Commission apply to joint waters except as otherwise provided, and shall be enforced by fisheries enforcement officers.

(b) The following inland fishing laws and regulations administered by the Wildlife Resources Commission apply to joint waters and shall be enforced by wildlife enforcement officers:

- (1) all laws and regulations pertaining to inland game fishes,
- (2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,
- (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1999.*

15A NCAC 03Q .0107 SPECIAL REGULATIONS: JOINT WATERS

In order to effectively manage all fisheries resources in joint waters and in order to confer enforcement powers on both fisheries enforcement officers and wildlife enforcement officers with respect to certain rules, the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to adopt special rules for joint waters. Such rules supersede any inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise be applicable in joint waters under the provisions of 15A NCAC 03Q .0106:

- (1) Striped Bass
 - (a) It is unlawful to possess any striped bass or striped bass hybrid that is less than 18 inches long (total length).
 - (b) It is unlawful to possess striped bass or striped bass hybrids between the lengths of 22 and 27 inches (total length) in joint fishing waters of the Central Southern Management Area as designated in 15A NCAC 03R .0201.
 - (c) It is unlawful to possess striped bass or striped bass hybrids May through September in the joint fishing waters of the Central Southern Management Area and the Albemarle Sound Management Area.
 - (d) It is unlawful to possess striped bass or striped bass hybrids taken from the joint fishing waters of the Cape Fear River.
 - (e) It is unlawful to possess more than one daily creel limit of striped bass or striped bass hybrids, in the aggregate, per person per day, regardless of the number of management areas fished.
 - (f) Possession of fish shall be assessed for the creel and size limits of the management area in which the individual is found to be fishing, regardless of the size or creel limits for other management areas visited by that individual in a given day.
 - (g) It is unlawful to engage in net fishing for striped bass or striped bass hybrids in joint waters except as authorized by rules of the Marine Fisheries Commission.
- (2) Lake Mattamuskeet:
 - (a) It is unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint waters.
 - (b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint waters.
- (3) Cape Fear River. It is unlawful to use or attempt to use any net, net stakes or electrical fishing device within 800 feet of the dam at Lock No.1 on the Cape Fear River.
- (4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook-and-line.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1993; November 1, 1991;
Temporary Amendment Eff. May 1, 2000;
Amended Eff. July 1, 2008; September 1, 2005; April 1, 2001; August 1, 2000.*

15A NCAC 03Q .0108 MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN JOINT WATERS

- (a) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC 03R .0201.
- (b) In order to effectively manage the recreational hook and line harvest in joint waters of the Albemarle Sound-Roanoke River stock of striped bass, the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to establish two management areas; the Albemarle Sound Management Area and the Roanoke River Management Area as designated in 15A NCAC 03R .0201. The Wildlife Resources Commission shall have principal management responsibility for the stock when it is in the joint and inland fishing waters of the Roanoke River Management Area. The Marine Fisheries Commission shall have principal management responsibility for the stock in the coastal, joint and inland waters of the Albemarle Sound Management Area. The annual quota for recreational harvest of the Albemarle-Roanoke striped bass stock shall be divided equally between the two management areas. Each commission shall implement management actions for recreational harvest within their respective management areas that will be consistent with the North Carolina Estuarine Striped Bass Fishery Management Plan.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2004; September 1, 1991.

**15A NCAC 03Q .0109 IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS:
RECREATIONAL FISHING**

The Marine Fisheries and Wildlife Resources Commissions shall implement their respective striped bass management actions for recreational fishing pursuant to their respective rule-making powers. To preserve jurisdictional authority of each Commission, the following means are established through which management measures can be implemented by a single instrument in the following management areas:

- (1) In the Roanoke River Management Area, the exclusive authority to open and close seasons and areas, and establish size and creel limits whether inland or joint fishing waters shall be vested in the Wildlife Resources Commission. An instrument closing any management area in joint waters shall operate as and shall be a jointly issued instrument opening or closing seasons or areas to harvest in the Roanoke River management area.
- (2) In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether coastal or joint fishing waters shall be vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota is about to be exceeded. In the Albemarle Sound Management Area administered by the Marine Fisheries Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke River Management Area, shall automatically be implemented and effective as a Wildlife Resources Commission action in the inland waters and tributaries to the waters affected.

History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2004; September 1, 1991.

SECTION .0200 - BOUNDARY LINES: COASTAL-JOINT-INLAND FISHING WATERS

15A NCAC 03Q .0201 SPECIFIC CLASSIFICATION OF WATERS

The boundary lines of internal coastal waters which are specifically classified as inland, joint, or coastal fishing waters by agreement of the Marine Fisheries Commission and the Wildlife Resources Commission are described in 15A NCAC 03Q .0202 under the coastal counties in which such waters or portions thereof are located. Indentation indicates the waterbody named is tributary to the next preceding waterbody named and not so indented. The specific classification applies to the main stem of the described waterbody. A waterbody that is not specifically classified as inland, joint, or coastal fishing waters in 15A NCAC 03Q .0202 carries the same classification as that assigned to the waterbody of which it is tributary. The coastal fishing water are found within the area bound by a line running parallel to the shoreline three miles offshore in the Atlantic Ocean and the joint or inland fishing water boundary in internal waters that is listed. The joint waters are found within the area bound by the joint fishing water boundaries described in the rule and the inland water boundaries described. The inland waters are found within the area bound by the inland fishing water boundary description and the headwaters of that particular waterbody.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. August 1, 2004.

15A NCAC 03Q .0202 DESCRIPTIVE BOUNDARIES FOR COASTAL-JOINT-INLAND WATERS

Descriptive boundaries for Coastal-Joint-Inland Waters referenced in 15A NCAC 03Q .0201 are as follows:

- (1) Beaufort County
 - (a) Pamlico -Tar River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 32.2167' N - 77° 02.8701' W; running southwesterly along the east side of the railroad bridge to a point on the south shore 35° 32.0267' N - 77° 03.5179' W.
 - (i) All Manmade tributaries - All manmade tributaries within Pamlico – Tar River in Beaufort County are designated as Joint.
 - (b) Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354' W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.
 - (i) Flax Pond Bay - All waters within this waterbody are designated as Coastal.

- (ii) Upper Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.8946' N - 76° 32.1231' W; running northeasterly to a point on the east shore 35° 31.9656' N - 76° 32.0114' W.
- (iii) Lower Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.4188' N - 76° 35.3924' W; running northeast to a point on the east shore 35° 32.4691' N - 76° 35.2748' W.
- (iv) George Best Creek - All waters within this waterbody are designated as Coastal.
- (v) Toms Creek - All waters within this waterbody are designated as Coastal.
- (vi) Pantego Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 31.9908' N - 76° 36.6105' W; running southerly along the Breakwater to a point 35° 31.6628' N - 76° 36.9840' W; running southwesterly to a point on the south shore 35° 31.5653' N - 76° 37.3832' W.
- (vii) Pungo Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 29.9986' N - 76° 40.3564' W; running southerly to a point on the south shore 35° 29.8887' N - 76° 40.3262' W.
 - (A) Vale Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.0370' N - 76° 38.9044' W; running northeasterly to a point on the east shore 35° 31.0528' N - 76° 38.8536' W.
 - (B) Scotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 30.4264' N - 76° 40.1156' W; running easterly to a point on the east shore 35° 30.4264' N - 76° 39.9430' W.
 - (C) Smith Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 30.2844' N - 76° 40.2941' W; running southerly to a point on the south shore 35° 30.1982' N - 76° 40.2621' W.
- (viii) Woodstock (Little) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.5291' N - 76° 38.1600' W; running easterly to a point on the east shore 35° 30.4852' N - 76° 38.0278' W.
- (ix) Jordan Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 27.7256' N - 76° 36.2159' W; running southerly to a point 35° 27.5587' N - 76° 36.2704' W; following the eastern shore to a point 35° 27.4651' N - 76° 36.3294' W; running southerly to a point on the south shore 35° 27.3429' N - 76° 36.4498' W.
- (x) Satterthwaite Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 25.2994' N - 76° 35.4281' W; running southerly to a point on the south shore 35° 25.1284' N - 76° 35.4949' W.
- (xi) Wright Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the west shore 35° 24.8664' N - 76° 35.4240' W; running southeasterly to a point on the east shore 35° 24.7995' N - 76° 35.3086' W.
- (c) North Creek - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.1667' N - 76° 40.1042' W; running easterly to a point on the east shore 35° 25.0971' N - 76° 39.6340' W.
- (d) St. Clair Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7691' N - 76° 42.6406' W; running easterly to a point on the east shore 35° 25.7695' N - 76° 42.5967' W.
- (e) Mixon Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7601' N - 76° 46.5971' W; running easterly to a point 35° 25.7304' N - 76° 46.2547' W; following the southern shoreline to a point 35° 25.6878' N - 76° 46.2034' W; running southeasterly to a point 35° 25.6606' N - 76° 46.1892' W; following the southern shoreline to a point 35° 25.6267' N - 76° 46.1494' W; running southeasterly to a point on the east shore 35° 25.6166' N - 76° 46.1361' W.
- (f) Bath Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.1685' N - 76° 49.4087' W; running northeasterly to a point on the east shore 35° 27.2371' N - 76° 49.0969' W.
- (g) Duck Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 27.5395' N - 76° 52.0074' W; running southerly to a point on the east shore 35° 27.4401' N - 76° 51.9827' W.

- (h) Mallard Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.6461' N - 76° 53.6398' W; running easterly to a point on the east shore 35° 27.6425' N - 76° 53.5816' W.
- (i) Upper Goose Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 28.5346' N - 76° 56.0229' W; running southeasterly to a point on the east shore 35° 28.4014' N - 76° 55.8714' W.
- (j) Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 29.1023' N - 76° 57.3738' W; running easterly to a point on the east shore 35° 29.1059' N - 76° 57.1188' W.
- (k) Herring Run (Runyan Creek) - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.1615' N - 77° 02.3606' W; running southeasterly to a point on the east shore 35° 32.1340' N - 77° 02.3438' W.
- (l) Chocowinity Bay - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 35° 29.4751' N - 77° 01.8507' W; running northeasterly to a point on the east shore 35° 29.8780' N - 77° 01.3169' W.
- (m) Calf Tree Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the north shore 35° 29.2268' N - 77° 01.2973' W; running southeasterly to a point on the south shore 35° 29.2115' N - 77° 01.2831' W.
- (n) Hills Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 28.5227' N - 77° 00.2664' W; running easterly to a point on the east shore 35° 28.5193' N - 77° 00.2270' W.
- (o) Blounts Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 26.2010' N - 76° 58.1716' W; running southerly to a point on the south shore 35° 26.1369' N - 76° 58.1671' W.
- (p) Nevil Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 26.1117' N - 76° 54.5233' W; running southeasterly to a point on the east shore 35° 26.0966' N - 76° 54.5045' W.
- (q) Barris Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 24.8423' N - 76° 49.9928' W; running easterly to a point on the east shore 35° 24.8451' N - 76° 49.9745' W.
- (r) Durham Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 23.7824' N - 76° 49.3016' W; running easterly to a point on the east shore 35° 23.7821' N - 76° 48.8703' W.
- (s) Huddles Cut - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 22.5817' N - 76° 44.8727' W; running easterly to a point on the east shore 35° 22.5782' N - 76° 44.8594' W.
- (t) Huddy Gut – All waters within this waterbody are designated as Coastal.
- (u) South Creek – Inland Waters south and Coast Waters north of a line beginning at a point on the west shore 35° 18.9589' N – 76° 47.4298' W; running easterly to a point on the east shore 35° 18.9994' N – 76° 47.3007' W.
 - (i) Tooleys Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.7080' N - 76° 44.8937' W; running northeasterly to a point on the east shore 35° 20.7440' N - 76° 44.8324' W.
 - (ii) Drinkwater Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.1441' N - 76° 45.8262' W; running easterly to a point on the east shore 35° 20.1333' N - 76° 45.7530' W.
 - (iii) Jacobs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 20.1420' N - 76° 45.8395' W; running southwesterly to a point on the south shore 35° 20.0692' N - 76° 45.8912' W.
 - (iv) Jacks Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 19.5455' N - 76° 47.0155' W; running southwesterly to a point on the south shore 35° 19.4986' N - 76° 47.0741' W.
 - (v) Whitehurst Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 19.2878' N - 76° 47.4778' W; running southerly to a point on the south shore 35° 19.2295' N - 76° 47.4430' W.
 - (vi) Little Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 18.9873' N - 76° 45.9292' W; running easterly to a point on the east shore 35° 19.0209' N - 76° 45.8258' W.

- (vii) Short Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore 35° 20.1228' N - 76° 44.6031' W; running southwesterly to a point on the south shore 35° 20.0527' N - 76° 44.6667' W.
- (viii) Long Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.3050' N - 76° 44.3444' W; running northeasterly to a point on the east shore 35° 20.4185' N - 76° 43.8949' W.
- (ix) Bond Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.4231' N - 76° 42.0469' W; running southeasterly to a point on the east shore 35° 20.2539' N - 76° 41.8254' W.
- (x) Muddy Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.1523' N - 76° 41.2074' W; running northeasterly to a point on the east shore 35° 20.2413' N - 76° 41.0572' W.
- (v) Davis Creek - Inland Waters south Coastal Waters north of a line beginning at a point on the west shore 35° 20.7032' N - 76° 40.3404' W; running easterly to a point on the east shore 35° 20.7112' N - 76° 40.1637' W.
- (w) Strawhorn Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.4091' N - 76° 39.0998' W; running northeasterly to a point on the east shore 35° 20.4750' N - 76° 38.8874' W.
- (x) Lower Goose Creek – All waters within this waterbody are designated as Coastal.
 - (i) Lower Spring Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 19.7932' N - 76° 37.5347' W; running southerly to a point on the south shore 35° 19.4670' N - 76° 37.4134' W.
 - (ii) Peterson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 18.7722' N - 76° 37.5059' W; running northeasterly to a point on the east shore 35° 18.8406' N - 76° 37.4111' W.
 - (iii) Snode Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 18.2787' N - 76° 37.4679' W; running southwesterly to a point on the south shore 35° 18.0821' N - 76° 37.5544' W.
 - (iv) Campbell Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 17.1203' N - 76° 37.9248' W; running southerly to a point on the south shore 35° 16.8807' N - 76° 37.9101' W.
 - (A) Smith Creek – All waters within this waterbody are designated as Inland.
 - (v) Hunting Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 16.7523' N - 76° 36.8138' W; running easterly to a point on the east shore 35° 16.6779' N - 76° 36.5885' W.
- (2) Bertie County
 - (a) Albemarle Sound - All waters in this waterbody are designated as Coastal.
 - (i) All Manmade Tributaries – All manmade tributaries within this waterbody for Bertie County are designated as Joint.
 - (ii) Roanoke River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore of the Roanoke River 35° 56.5068' N - 76° 41.8858' W; running easterly to a point on the east shore 35° 56.5324' N - 76° 41.5896' W.
 - (A) Sandy Run (Norfleet Gut) – Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 10.1119' N - 77° 17.5396' W; running northeasterly to a point on the east shore 36° 10.1172' N - 77° 17.5316' W.
 - (B) Quinine - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 09.6041' N - 77° 15.9091' W; running easterly to a point on the east shore 36° 09.6068' N - 77° 15.8912' W.
 - (C) Wire Gut - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 00.9580' N - 77° 13.0755' W; running easterly to a point on the east shore 36° 00.9542' N - 77° 13.0320' W.
 - (D) Apple Tree Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 00.4174' N - 77° 12.3252' W; running southeasterly to a point on the south shore 36° 00.3987' N - 77° 12.3088' W.
 - (E) Indian Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 59.0794' N - 77° 11.4926' W; running southerly to a point on the south shore 35° 59.0597' N - 77° 11.4967' W.

- (F) Coniott Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 56.6562' N - 77° 04.2860' W; running southwesterly to a point on the south shore 35° 56.6397' N - 77° 04.3066' W.
- (G) Conine Creek - All waters in this waterbody are designated as Joint.
- (H) Old Mill Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 53.9483' N - 76° 55.3921' W; running southeasterly to a point on the east shore 35° 53.9378' N - 76° 55.3710' W.
- (I) Cut Cypress Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 35° 51.9465' N - 76° 53.5762' W; running southeasterly to a point on the south shore 35° 51.9229' N - 76° 53.5556' W.
- (J) Broad Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 52.5191' N - 76° 50.4235' W; running southerly to a point on the south shore 35° 52.4262' N - 76° 50.3791' W.
- (K) Thorofare - All waters within this waterbody are designated as Joint.
- (iii) Cashie River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 54.7865' N - 76° 49.0521' W; running southerly to a point on the south shore 35° 54.6691' N - 76° 49.0553' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.4598' N - 76° 43.8093' W; running southerly to a point on the north shore of an island in the mouth of the river 35° 56.2250' N - 76° 43.9265' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the south shore of an island in the mouth of the river 35° 56.1254' N - 76° 43.9846' W; running southerly to a point on the south shore 35° 56.0650' N - 76° 43.9599' W.
 - (A) Cashoke Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 56.2934' N - 76° 44.1769' W; running southwesterly to a point on the south shore 35° 56.2623' N - 76° 44.1993' W.
 - (B) Broad Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.0568' N - 76° 45.2632' W; running easterly to a point on the east shore 35° 55.0543' N - 76° 45.1309' W.
 - (C) Grinnel Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 55.3147' N - 76° 44.5010' W; running southerly to a point on the south shore 35° 55.2262' N - 76° 44.5495' W.
- (iv) Middle River – All waters within this waterbody are designated Joint.
- (v) Eastmost River – Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.5024' N - 76° 42.4877' W; running westerly to a point on the east shore 35° 56.4070' N - 76° 42.7647' W.
- (vi) Mud Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 53.2880' N - 76° 45.4463' W; running southwesterly to a point on the south shore 35° 53.2527' N - 76° 45.4678' W.
- (b) Black Walnut Swamp - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 59.4680' N - 76° 40.9556' W; running southerly to a point on the south shore 35° 59.3946' N - 76° 40.9629' W.
- (c) Salmon Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 36° 00.4648' N - 76° 42.3513' W; running southeasterly to a point on the south shore 36° 00.3373' N - 76° 42.1499' W.
- (d) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.
 - (i) Barkers Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 14.0709' N - 76° 44.2451' W; running southerly to a point on the south shore 36° 14.0492' N - 76° 44.2456' W.
 - (ii) Willow Branch - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 04.7206' N - 76° 43.7667' W; running southeasterly to a point on the south shore 36° 04.7138' N - 76° 43.7580' W.

- (iii) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east shore 36° 14.0899' N - 76° 43.8533' W.
- (3) Bladen County
- (a) Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2628' N - 78° 17.6390' W; running northeasterly along the Lock and Dam # 1 to a point on the east shore 34° 24.2958' N - 78° 17.5634' W.
 - (i) Natmore Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2841' N - 78° 16.4405' W; running easterly to a point on the east shore 34° 24.2852' N - 78° 16.4039' W.
- (4) Brunswick County
- (a) Calabash River And Tributaries - All waters within this waterbody in Brunswick County are designated as Coastal.
 - (b) Saucedan Creek - All waters within this waterbody are designated as Coastal.
 - (c) Shallotte River - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the south shore 33° 58.3412' N - 78° 23.1948' W; running northeasterly to a point on the north shore 33° 58.3518' N - 78° 23.1816' W.
 - (i) Mill Dam Branch - All waters within this waterbody are designated as Coastal.
 - (ii) Squash Creek - All waters within this waterbody are designated as Coastal.
 - (iii) Mill Pond - All waters within this waterbody are designated as Coastal.
 - (iv) Charles Branch - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 58.6276' N - 78° 21.2919' W; running easterly to a point on the east shore 33° 58.6257' N - 78° 21.2841' W.
 - (v) Grisset Swamp - All waters within this waterbody are designated as Coastal.
 - (vi) Little Shallotte River And Tributaries - All waters within this waterbody are designated as Coastal.
 - (d) Lockwood Folly River- Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the north shore 34° 00.6550' N - 78° 15.8134' W; running southeasterly along the south side of NC Hwy 211 bridge to a point on the south shore 34° 00.6285' N - 78° 15.7928' W.
 - (i) Stanberry Creek - All waters within this waterbody are designated as Coastal.
 - (ii) Pompeys Creek - All waters within this waterbody are designated as Coastal.
 - (iii) Maple Creek - All waters within this waterbody are designated as Coastal.
 - (iv) Rubys Creek - All waters within this waterbody are designated as Coastal.
 - (v) Big Doe Creek - All waters within this waterbody are designated as Coastal.
 - (vi) Lennons Creek - All waters within this waterbody are designated as Coastal.
 - (vii) Mercers Mill Pond Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 57.7498' N - 78° 12.3532' W; running southeasterly to a point on the east shore 33° 57.7439' N - 78° 12.3440' W.
 - (e) Elizabeth River - All waters within this waterbody are designated as Coastal.
 - (i) Ash Creek - All waters within this waterbody are designated as Coastal.
 - (f) Beaverdam Creek - All waters within this waterbody are designated as Coastal.
 - (g) Dutchman Creek - All waters within this waterbody are designated as Coastal.
 - (i) Calf Gully Creek - All waters within this waterbody are designated as Coastal.
 - (ii) Jumpin Run - All waters within this waterbody are designated as Coastal.
 - (iii) Fiddlers Creek - All waters within this waterbody are designated as Coastal.
 - (h) Cape Fear River - Joint Waters north and Coastal Waters south of a line beginning at a point on the western side 34° 13.6953' N - 77° 57.2396' W; running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W.
 - (i) Carolina Power And Light Intake Canal - All waters within this waterbody are designated as Coastal.
 - (ii) Walden Creek - All waters within this waterbody are designated as Coastal.
 - (iii) Orton Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 02.8436' N - 77° 56.7498' W; running southerly to a point on the south shore 34° 02.8221' N - 77° 56.7439' W.
 - (iv) Lilliput Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 04.1924' N - 77° 56.5361' W; running southerly to a point on the south shore 34° 04.1487' N - 77° 56.5447' W.

- (v) Sandhill Creek -Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 06.9584' N - 77° 57.0085' W; running southeasterly to a point on the south shore 34° 06.9371' N - 77° 56.9943' W.
 - (vi) Town Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 07.7492' N - 77° 57.3445' W; running southerly to a point on the south shore 34° 07.7034' N - 77° 57.3431' W.
 - (vii) Mallory Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 09.9868' N - 77° 58.2023' W; running southerly to a point on the south shore 34° 09.9618' N - 77° 58.2133' W.
 - (viii) Brunswick River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the south shore 34° 10.7281' N - 77° 57.7793' W; running northeasterly to a point on the north shore 34° 10.9581' N - 77° 57.6452' W.
 - (A) Alligator Creek - For the southernmost entrance into the Brunswick River: Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 13.5040' N - 77° 58.6331' W; running northwesterly to a point on the north shore 34° 13.5472' N - 77° 58.6628' W. For the northernmost entrance into the Brunswick River: Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 14.4300' N - 77° 59.2346' W; running northerly to a point on the north shore 34° 14.4618' N - 77° 59.2300' W.
 - (B) Jackeys Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the south shore 34° 11.9400' N - 77° 58.5859' W; running northerly to a point on the north shore 34° 11.9565' N - 77° 58.5859' W.
 - (C) Sturgeon Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 14.6761' N - 77° 59.4145' W; running southerly to a point on the south shore 34° 14.6404' N - 77° 59.4058' W.
 - (ix) Cartwheel Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 15.7781' N - 77° 59.3852' W; running southerly to a point on the south shore 34° 15.7564' N - 77° 59.3898' W.
 - (x) Indian Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 17.0441' N - 78° 00.3662' W; running southwestly to a point on the south shore 34° 17.0006' N - 78° 00.3977' W.
 - (xi) Hood Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 20.3713' N - 78° 04.7492' W; running southwestly to a point on the south shore 34° 20.3393' N - 78° 04.7373' W.
 - (xii) Northwest Creek - All waters within this waterbody are designated as Inland.
- (5) Camden County
- (a) Albemarle Sound – All waters within this waterbody are designated Coastal.
 - (i) All Manmade Tributaries – All waters within this waterbody are designated as Joint.
 - (ii) Pasquotank River – Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.0768' N - 76° 13.0979' W; running easterly along the south side of the Highway 158 Bridge to a point on the east shore 36° 18.0594' N - 76° 12.9620' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwestly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.
 - (A) Raymond Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.0746' N - 76° 03.3952' W; running easterly to a point on the east shore 36° 14.0711' N - 76° 03.3668' W.
 - (B) Portohonk Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 15.0519' N - 76° 05.2793' W; running southeasterly to a point on the east shore 36° 15.0391' N - 76° 05.2532' W.
 - (C) Areneuse Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 17.3133' N - 76° 08.1655' W; running southeasterly to a point on the east shore 36° 17.1328' N - 76° 07.6269' W.

- (iii) North River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.7703' N - 75° 58.7384' W; running southerly to a point on the south shore 36° 18.4130' N - 75° 58.7228' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 09.8986' N - 75° 54.6771' W; running easterly to a point on the east shore 36° 10.0108' N - 75° 52.0431' W.
 - (A) Wading Gut - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 10.6054' N - 75° 55.9529' W; running southeasterly to a point on the east shore 36° 10.5777' N - 75° 55.8654' W.
 - (B) Little Broad Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 11.6530' N - 75° 57.2035' W; running southeasterly to a point on the east shore 36° 11.5587' N - 75° 56.9160' W.
 - (C) Broad Creek – Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 12.2197' N - 75° 57.2685' W; running southerly to a point on the south shore 36° 11.6766' N - 75° 57.2254' W.
 - (D) Hunting Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 15.0480' N - 75° 57.5820' W; running southeasterly to a point on the south shore 36° 14.9308' N - 75° 57.4635' W.
 - (E) Abel Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 15.9530' N - 75° 58.0348' W; running southerly to a point on the south shore 36° 15.8553' N - 75° 58.0842' W.
 - (F) Back Landing Creek - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 36° 16.4746' N - 76° 07.6377' W; running southwesterly to a point on the south shore 36° 16.2030' N - 76° 57.8897' W.
 - (G) Public Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 17.2462' N - 75° 58.2774' W; running southerly to a point on the south shore 36° 17.2121' N - 75° 58.2788' W.
 - (H) Cow Creek -Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 17.8667' N - 75° 58.3483' W; running southerly to a point on the marsh island 36° 17.7600' N - 75° 58.3300' W; running southerly following the eastern shoreline of the island to a point 36° 17.7122' N - 75° 58.3273' W; running southwesterly to a point on the south shore 36° 17.6522' N - 75° 58.3543' W.
 - (I) Great Creek - Mouth: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.1045' N - 75° 58.4289' W; running southerly to a point on the south shore 36° 17 9882' N - 75° 58.4458' W. On north shore of Great Creek within the fourth tributary: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 18.1729' N - 75° 58.9137' W; running southeasterly to a point on the south shore 36° 18.1640' N - 75° 58.9022' W.
 - (J) Indiantown Creek – All waters within this waterbody are designated as Inland.
- (6) Carteret County
 - (a) Neuse River - All waters in this waterbody are designated as Coastal.
 - (i) Adams Creek - All waters in this waterbody are designated as Coastal.
 - (A) Back (Black) Creek - All waters in this waterbody are designated as Coastal.
 - (B) Cedar Creek - All waters in this waterbody are designated as Coastal.
 - (ii) Garbacon Creek - All waters in this waterbody are designated as Coastal.
 - (iii) South River - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 34° 53.5068' N - 76° 31.1233' W; running northeasterly to a point on the east shore 34° 53.4494' N - 76° 31.3032' W.
 - (A) Big Creek - All waters in this waterbody are designated as Coastal.
 - (B) Southwest Creek - All waters in this waterbody are designated as Coastal.
 - (C) West Fork - All waters in this waterbody are designated as Inland.
 - (D) East Creek - All waters in this waterbody are designated as Inland.

- (E) Eastman Creek - All waters in this waterbody are designated as Coastal.
- (iv) Browns Creek - All waters in this waterbody are designated as Coastal.
- (b) North River And Tributaries - All waters in this waterbody are designated as Coastal.
 - (i) Panter Cat Creek - All waters in this waterbody are designated as Coastal.
 - (ii) Cypress Creek - All waters in this waterbody are designated as Coastal.
- (c) Newport River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 45.2478' N - 76° 46.4479' W; running southerly to a point on the south shore 34° 45.1840' N - 76° 46.4488' W.
 - (i) Core Creek - All waters in this waterbody are designated as Coastal.
 - (ii) Harlowe Creek - All waters in this waterbody are designated as Coastal.
 - (iii) Bogue Sound And Tributaries - All waters in this waterbody are designated as Coastal.
- (d) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N -77° 11.4711' W; running easterly to a point on the east shore 34° 48.1620' N -77° 11.4244' W.
 - (i) Pettiford Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 42.6935' N - 77° 04.0745' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 42.6569' N - 77° 04.0786' W.
 - (ii) Little Hadnotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 45.0839' N - 77° 06.5931' W; running northerly to an easterly point on the east shore 34° 45.0867' N - 77° 06.5780' W.
 - (iii) Hadnotts Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 45.9908' N - 77° 05.7847' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 45.9738' N - 77° 05.7810' W.
 - (iv) Neds Creek - All waters in this waterbody are designated as Coastal.
 - (v) Hunters Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N - 77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N -77° 09.9160' W.
- (7) Chowan County
 - (a) Albemarle Sound - All waters within this waterbody in Chowan County are designated as Coastal.
 - (i) All Manmade Tributaries - All manmade tributaries are designated as Joint.
 - (ii) Yeopim River – Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.4526' N - 76° 27.7651' W; running southerly to a point on the south shore at Norcum Point 36° 05.1029' N - 76° 27.7120' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 04.7426' N - 76° 24.2536' W; running southwesterly to a point on the south shore 36° 04.1136' N - 76° 24.5365' W.
 - (iii) Queen Anne Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.3757' N - 76° 36.3629' W; running southerly to a point on the south shore 36° 03.3551' N - 76° 36.3574' W.
 - (iv) Pembroke Creek (Pollock Swamp) - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 36° 03.2819' N - 76° 37.0138' W; running northeasterly to a point on the east shore 36° 03.4185' N - 76° 36.6783' W.
 - (v) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.
 - (A) Rocky Hock Creek - Inland Waters east and Joint Waters west of a line beginning on the west shore at a point 36° 06.5662' N - 76° 41.3108' W; running southeasterly to a point on the east shore at 36° 06.6406' N - 76° 41.4512' W.
 - (B) Dillard (Indian) Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 14.2234' N - 76° 41.5901' W; running southerly to a point on the south shore 36° 14.2023' N - 76° 41.5855' W.
 - (C) Stumpy Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 16.6440' N - 76° 40.4251' W;

running southerly to a point on the south shore 36° 16.6255' N - 76° 40.4196' W.

- (D) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76° 41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.

(8) Columbus County

- (a) Cape Fear River – All waters within this waterbody of Columbus County are designated as Joint.

- (i) Livingston Creek – Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 21.1518' N – 78° 12.0358' W; running easterly to a point on the east shore 34° 21.1420' N – 78° 12.0018' W.
- (ii) Waymans Creek – Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 34° 22.9861' N – 78° 14.5266' W; running southeasterly to a point on the east shore 34° 22.9838' N – 78° 14.5236' W.

(9) Craven County

- (a) Neuse River - Inland Waters west and Joint Waters east of a line at Pitch Kettle Creek beginning at a point on the north shore 35° 16.9793' N - 77° 15.5529' W; running south to a point on the south shore 35° 16.9237' N - 77° 15.5461' W. Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the east shore 35° 07.7096' N - 77° 01.6749' W; running southwesterly along the southern side of the Southern Railroad bridge to a point on the west shore 35° 07.1530' N - 77° 02.5570' W.

- (i) Adams Creek - All waters in this waterbody are designated as Coastal.
- (A) Back Creek – All waters in this waterbody are designated as Coastal.
- (ii) Courts Creek - Inland Waters east Joint Waters west of a line beginning at a point on the north shore 34° 56.6958' N - 76° 42.7175' W; running southwesterly to a point on the south shore 34° 56.6606' N - 76° 42.7450' W.
- (iii) Long Branch - Inland Waters south and Coastal Waters north of a line beginning on the west shore 34° 55.6189' N - 76° 43.8180' W; running easterly to a point on the east shore 34° 55.6175' N - 76° 43.7846' W.
- (iv) Clubfoot Creek - All waters in this waterbody are designated as Coastal.
- (A) Gulden Creek - All waters in this waterbody are designated as Coastal.
- (B) Mitchell Creek - All waters in this waterbody are designated as Coastal.
- (C) Morton Mill Pond - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 51.9245' N - 76° 45.7754' W; running southerly to a point on the south shore 34° 51.7799' N - 76° 45.8184' W.
- (v) Hancock Creek - Coastal Waters east and Inland Waters west of a line beginning on the north shore at 34° 56.3420' N - 76° 51.2809' W; running southerly to a point on the south shore at 34° 56.2731' N - 76° 51.3034' W.
- (vi) Slocum Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore at 34° 57.1875' N - 76° 53.7648' W; running southwesterly to a point on the south shore 34° 57.1334' N - 76° 53.8069' W.
- (vii) Scott Creek - Inland Waters west and Coastal Waters east of a line from a point on the north shore 35° 05.5723' N - 77° 02.0677' W; running southerly to a point on the south shore 35° 05.5316' N - 77° 02.0745' W.
- (viii) Trent River – Inland Waters west and Joint Waters east of a line at Wilson Creek beginning at a point on the north shore 35° 04.05490' N - 77° 06.0987' W; running southerly to a point on the south shore 35° 04.3837' N - 77° 06.1230' W. Joint Waters west and Coastal Waters east of a line on the western side of the Highway 70 Trent River Bridge beginning at a point on the north shore 35° 06.2136' N - 77° 02.1968' W; running southerly to a point on the south shore 35° 05.9351' N - 77° 02.2645' W.
- (A) Brice Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 04.5114' N - 77° 03.6433' W; running easterly to a point on the east shore 35° 04.5634' N - 77° 03.4469' W.
- (ix) Jack Smith Creek - Inland Waters southwest and Joint Waters northeast of a line beginning on the west shore 35° 07.5482' N - 77° 03.1613' W; running southeasterly to a point on the east shore 35° 07.5320' N - 77° 03.1338' W.

- (x) Bachelor Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 09.0099' N - 77° 04.5858' W; running southerly to a point on the south shore 35° 08.9085' N - 77° 04.7172' W.
 - (xi) Dollys Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 13.6303' N - 77° 09.9847' W; running southerly to a point on the south shore 35° 13.5937' N - 77° 09.9778' W.
 - (xii) Greens Thoroughfare - Easternmost entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 13.7807' N - 77° 09.9224' W; running southwesterly to a point on the south shore 35° 13.7587' N - 77° 09.9728' W. Westernmost entrance: Inland Waters south and Joint Waters north of a line beginning on the west shore 35° 14.1398' N - 77° 11.5530' W; running easterly to a point on the east shore 35° 14.1481' N - 77° 11.5036' W.
 - (xiii) Greens Creek - Inland Waters west and Joint Waters east of a line beginning on the north shore 35° 14.1883' N - 77° 11.8862' W; running southeasterly to a point on the south shore 35° 14.1389' N - 77° 11.7535' W.
 - (xiv) Turkey Quarter Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 15.6738' N - 77° 14.6823' W; running southeasterly to a point on the east shore 35° 15.6534' N - 77° 14.6470' W.
 - (xv) Pitch Kettle Creek – All waters within this waterbody are designated as Inland.
 - (xvi) Taylors Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 14.3719' N - 77° 10.8050' W; running southwesterly to a point on the south shore 35° 14.3300' N - 77° 10.8352' W.
 - (xvii) Pine Tree Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 12.6663' N - 77° 07.4285' W; running southwesterly to a point on the south shore 35° 12.7033' N - 77° 07.3594' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 12.8553' N - 77° 07.8300' W; running easterly to a point on the east shore 35° 12.8372' N - 77° 07.7934' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 13.2012' N - 77° 08.7753' W; running southeasterly to a point on the east shore 35° 13.1714' N - 77° 08.7071' W.
 - (xviii) Stumpy Creek - Southern entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 11.5752' N - 77° 06.1866' W; running southwesterly to a point on the south shore 35° 11.5550' N - 77° 06.2411' W. Northern entrance: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 11.9377' N - 77° 06.7263' W; running southeasterly to a point on the south shore 35° 11.9169' N - 77° 06.7044' W.
 - (xix) Swift Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 11.5972' N - 77° 06.0562' W; running easterly to a point on the east shore 35° 11.5816' N - 77° 05.9861' W.
 - (xx) Mill Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 08.5041' N - 77° 02.3400' W; running south easterly to a point on the south shore 35° 08.4711' N - 77° 02.3176' W.
 - (xxi) Duck Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 05.7648' N - 77° 00.5191' W; running south easterly to a point on the south shore at 35° 05.6803' N - 77° 00.4179' W.
 - (xxii) Northwest Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 03.5096' N - 76° 58.2604' W; running northeasterly to a point on the east shore at 35° 03.5948' N - 76° 58.0297' W.
 - (xxiii) Upper Broad Creek – Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running easterly along the Tidelands EMC power lines to a point on the east shore at 35° 04.4705' N - 76° 56.2115' W.
- (10) Currituck County
- (a) Albemarle Sound - All waters within Albemarle Sound in Currituck County are designated as Coastal.
 - (i) All Manmade Tributaries - All Manmade Tributaries to Albemarle Sound in Currituck County are designated as Joint.
 - (ii) North River – Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.7703' N - 75° 58.7384' W; running southerly to a point on the south shore 36° 18.4130' N - 75° 58.7228' W. Joint Waters north and Coastal

Waters south of a line beginning on the west shore $36^{\circ} 09.8986' N - 75^{\circ} 54.6771' W$; running easterly to a point on the east shore $36^{\circ} 10.0108' N - 75^{\circ} 52.0431' W$.

- (A) Duck Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore $36^{\circ} 12.4056' N - 75^{\circ} 54.2967' W$; running southeasterly to a point on the east shore $36^{\circ} 12.1865' N - 75^{\circ} 54.0298' W$.
 - (B) Barnett Creek - Inland Waters northeast and Joint Waters southwest of line beginning at a point on the north shore $36^{\circ} 14.2405' N - 75^{\circ} 55.0112' W$; running southeasterly to a point on the south shore $36^{\circ} 14.0956' N - 75^{\circ} 54.9774' W$.
 - (C) Lutz Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore $36^{\circ} 14.7397' N - 75^{\circ} 55.4914' W$; running southeasterly to a point on the east shore $36^{\circ} 14.4948' N - 75^{\circ} 55.1989' W$.
 - (D) Goose Pond - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore $36^{\circ} 15.5152' N - 75^{\circ} 57.0936' W$; running easterly to a point on the east shore $36^{\circ} 15.4016' N - 75^{\circ} 56.7842' W$. Also south of a line beginning at a point on the west shore $36^{\circ} 16.0334' N - 75^{\circ} 57.1018' W$; running easterly to a point on the east shore $36^{\circ} 16.0301' N - 75^{\circ} 57.0629' W$.
 - (E) Deep Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore $36^{\circ} 17.1576' N - 75^{\circ} 56.7594' W$; running southerly to a point on the south shore $36^{\circ} 16.9846' N - 75^{\circ} 56.6802' W$.
 - (F) Narrow Ridges Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore $36^{\circ} 18.3249' N - 75^{\circ} 57.8910' W$; running southerly to a point on the south shore $36^{\circ} 18.1388' N - 75^{\circ} 57.9029' W$.
 - (G) Bump Landing Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore $36^{\circ} 19.3757' N - 75^{\circ} 57.9057' W$; running southerly to a point on the south shore $36^{\circ} 19.2496' N - 75^{\circ} 57.9107' W$.
 - (H) Taylor Bay - All waters within Taylor Bay are designated Joint.
 - (I) Intracoastal Waterway From Taylor Bay To Coinjock Bay - All waters within the IWW are designated Joint.
 - (J) Indiantown Creek – All waters within this waterbody are designated Inland.
- (b) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore of Currituck Sound $36^{\circ} 04.8195' N - 75^{\circ} 47.4101' W$; running easterly to a point on the east shore $36^{\circ} 05.5739' N - 75^{\circ} 44.5729' W$.
- (i) All Manmade Tributaries – All manmade tributaries within this waterbody are designated as Joint.
 - (ii) Coinjock Bay - All waters within this waterbody are designated as Joint.
 - (iii) Nelson (Nells) Creek - Northern entrance: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore $36^{\circ} 16.5806' N - 75^{\circ} 52.1168' W$; running northeasterly to a point on the east shore $36^{\circ} 16.6410' N - 75^{\circ} 51.9580' W$. Southern entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore $36^{\circ} 15.9816' N - 75^{\circ} 51.7245' W$; running southerly to a point on the south shore $36^{\circ} 15.8640' N - 75^{\circ} 51.6897' W$.
 - (iv) Hog Quarter Creek - Northernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore $36^{\circ} 07.7400' N - 75^{\circ} 48.6254' W$; running southerly to a point on the south shore $36^{\circ} 07.7210' N - 75^{\circ} 48.6135' W$. Southernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore $36^{\circ} 07.4118' N - 75^{\circ} 48.4986' W$; running southerly to a point on the south shore $36^{\circ} 07.3532' N - 75^{\circ} 48.5110' W$.
 - (v) Parkers Creek – Inland Waters northwest and Joint Waters southeast of a line beginning on the west shore $36^{\circ} 22.1079' N - 75^{\circ} 55.5459' W$; running northeasterly to a point on the east shore $36^{\circ} 22.1607' N - 75^{\circ} 55.4512' W$. Inland Waters south and Joint Waters north of a line beginning at a point on the west shore $36^{\circ} 22.3928' N - 75^{\circ} 55.6970' W$; running northeasterly to a point on the east shore $36^{\circ} 22.4011' N - 75^{\circ} 55.6782' W$.
 - (vi) North Landing River - All waters in this waterbody are designated as Joint.

- (A) Northwest River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore of 36° 30.8374' N - 76° 04.8770' W; running southerly to a point on the south shore 36° 30.7061' N - 76° 04.8916' W.
 - (I) Gibbs Canal - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 32.2322' N - 76° 01.8923' W; running southerly to a point on the south shore 36° 32.1997' N - 76° 01.8937' W.
 - (II) Tull Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 30.0991' N - 76° 04.8587' W; running southeasterly to a point on the south shore 36° 29.9599' N - 76° 04.7126' W.
 - (B) West Landing - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 30.9867' N - 76° 02.5868' W; running easterly to a point on the east shore 36° 31.0045' N - 76° 02.3780' W.
- (11) Dare County
- (a) Alligator River – Coastal Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 54.2903' N - 76° 01.6818' W; running along the south side of the US 64 bridge to a point on the east shore 35° 53.6835' N - 75° 58.8578' W.
 - (i) Whipping Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 41.3930' N - 76° 00.2481' W; running southerly to a point on the south shore 35° 41.3717' N - 76° 00.2554' W.
 - (ii) Swan Creek and Lake - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 40.2674' N - 76° 00.7360' W; running southerly to a point on the south shore 35° 40.2420' N - 76° 00.7548' W.
 - (iii) Milltail Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 50.5192' N - 75° 58.6134' W; running southerly to a point on the south shore 35° 50.4956' N - 75° 58.6158' W.
 - (iv) Laurel Bay Lake (Creek) - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 52.4036' N - 75° 58.8560' W; running southerly to a point on the south shore 35° 52.3960' N - 75° 58.8528' W.
 - (v) East Lake - Coastal Waters west and Inland Waters east of a line beginning at a point on the north shore 35° 56.1676' N - 75° 55.2603' W; running southerly to a point on the south shore 35° 55.4727' N - 75° 55.5043' W. Joint Waters north and Inland Waters south of a line beginning at a point on the west shore 35° 58.6402' N - 75° 52.1855' W; running easterly to a point on the east shore 35° 58.5887' N - 75° 51.7080' W.
 - (b) Albemarle Sound - All waters in this waterbody in Dare County are designated as Coastal.
 - (i) All Manmade Tributaries - All manmade tributaries in Dare County for this waterbody are designated as Joint.
 - (ii) Kitty Hawk Bay - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 03.1967' N - 75° 44.3087' W; running easterly to a point on the east shore 36° 03.1871' N - 75° 44.2716' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.1338' N - 75° 44.2423' W; running southerly to a point on the south shore 36° 03.0919' N - 75° 44.2533' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 02.9960' N - 75° 44.2840' W; running southerly to a point on the south shore 36° 02.9592' N - 75° 44.2291' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 02.4964' N - 75° 44.2089' W; running southerly to a point on the south shore 36° 01.3270' N - 75° 43.6422' W.
 - (iii) Peter Mashoes Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 57.2344' N - 75° 48.3087' W; running southerly to a point on the south shore 35° 56.7805' N - 75° 48.3563' W.
 - (iv) Tom Mann Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 58.5296' N - 75° 52.8982' W; running easterly to a point on the east shore 35° 58.5175' N - 75° 53.6851' W.

- (v) Collington Harbor – Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 01.0828' N - 75° 43.6070' W; running southerly to a point on the south shore 36° 01.0510' N - 75° 43.6015' W.
- (c) Croatan Sound - All waters in this waterbody in Dare County are designated as Coastal.
 - (i) All Manmade Tributaries - All waters in this waterbody are designated as Joint.
 - (ii) Spencer Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.4205' N - 75° 45.0645' W; running southerly to a point on the south shore 35° 51.3876' N - 75° 45.0640' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.5597' N - 75° 45.0141' W; running southerly to a point on the south shore 35° 51.4624' N - 75° 45.0498' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.6783' N - 75° 44.9125' W; running southerly to a point on the south shore 35° 51.5693' N - 75° 45.0109' W.
 - (iii) Calahan Creek (Callaghan Creek) - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.1312' N - 75° 45.1327' W; running southwesterly to a point on the south shore 35° 51.0953' N - 75° 45.1629' W.
- (d) Roanoke Sound - All waters in this waterbody in Dare County are designated as Coastal.
 - (i) Buzzard Bay - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 59.6662' N - 75° 41.8400' W; running easterly to a point on the east shore 35° 59.4376' N - 75° 40.5770' W.
- (e) Pamlico Sound - All waters in this waterbody in Dare County are designated as Coastal.
 - (i) Stumpy Point Bay - All waters in this waterbody are designated as Coastal.
 - (A) All Manmade Tributaries - All waters in this waterbody are designated as Joint.
 - (ii) Long Shoal River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 38.7661' N - 75° 53.4429' W; running easterly to a point on the east shore 35° 38.7641' N - 75° 53.4159' W
 - (A) All Manmade Tributaries - All waters in this waterbody are designated as Joint.
 - (B) Pains Bay - All waters in this waterbody are designated as Coastal.
 - (I) Pains Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 36.4464' N - 75° 49.0420' W; running easterly to a point on the east shore 35° 36.4439' N - 75° 49.0324' W.
 - (C) Deep Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 37.8971' N - 75° 51.3125' W; running easterly to a point on the east shore 35° 37.8840' N - 75° 51.2928' W.
- (f) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 04.8195' N - 75° 47.4101' W; running easterly to a point on the east shore 36° 05.5739' N - 75° 44.5729' W.
 - (i) All Manmade Tributaries – All manmade tributaries are designated as Joint.
 - (ii) Martin Point Creek (Jean Guite Creek) - Inland Waters south Joint Waters north of a line beginning at a point on the west shore 36° 07.6716' N - 75° 44.9656' W; running easterly to a point on the east shore 36° 07.7568' N - 75° 44.6823' W.
- (12) Gates County
 - (a) Chowan River - All waters within this waterbody for Gates County are designated as Joint.
 - (i) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76° 41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.
 - (ii) Bennetts Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.3499' N - 76° 42.0286' W; running northeasterly to a point on the east shore 36° 18.4057' N - 76° 41.6986' W.
 - (iii) Beef Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 20.3235' N - 76° 44.6401' W; running easterly to a point on the east shore 36° 20.3070' N - 76° 44.5797' W.
 - (iv) Sarem Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 21.7259' N - 76° 46.4085' W; running southerly to a point on the south shore 36° 21.6748' N - 76° 46.4392' W

- (v) Shingle (Island) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the north shore of the westernmost entrance into Chowan River 36° 21.8449' N - 76° 48.0940' W; running southeasterly to a point on the south shore 36° 21.7831' N - 76° 48.0427' W. At the easternmost entrance to the creek: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 21.8469' N - 76° 47.2668' W; running northeasterly to a point on the east shore 36° 21.9062' N - 76° 47.1862' W.
 - (vi) Barnes Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the western shore 36° 21.8820' N - 76° 48.6419' W; running easterly to a point on the east shore 36° 21.8978' N - 76° 48.5902' W.
 - (vii) Spikes Creek - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 22.6515' N - 76° 50.8882' W; running northeasterly to a point on the east shore 36° 22.6684' N - 76° 50.8493' W.
 - (viii) Buckhorn Creek (Run Off Swamp) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 22.9682' N - 76° 51.9172' W; running easterly to a point on the east shore 36° 22.9614' N - 76° 51.8870' W.
 - (ix) Mud Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 23.5134' N - 76° 53.9131' W; running easterly to a point on the east shore 36° 23.5132' N - 76° 53.8815' W.
 - (x) Somerton Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.7177' N - 76° 54.8327' W; running easterly to a point on the east shore 36° 31.7143' N - 76° 54.7810' W.
- (13) Halifax County
- (a) Roanoke River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.5264' N - 77° 23.0223' W; running northeasterly along the south side of the Highway 258 Bridge to a point on the east shore 36° 12.5674' N - 77° 22.9724' W.
 - (i) Kehukee Swamp – Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.1942' N - 77° 18.9596' W; running southwesterly to a point on the south shore 36° 05.1670' N - 77° 18.9761' W.
 - (ii) Clarks Canal - Inland Waters north and Joint Waters south of a line of a line beginning at a point on the west shore 36° 04.6165' N - 77° 19.5817' W; running easterly to a point on the east shore 36° 04.6215' N - 77° 19.5643' W.
- (14) Hertford County
- (a) Chowan River – All waters within this waterbody for Hertford County are designated as Joint.
 - (i) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east shore 36° 14.0899' N - 76° 43.8533' W.
 - (ii) Swain Mill (Taylor Pond) Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.5808' N - 76° 43.4729' W; running southerly to a point on the south shore 36° 18.5616' N - 76° 43.4706' W.
 - (iii) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 19.5838' N - 76° 44.5971' W; running southerly to a point on the south shore 36° 19.5375' N - 76° 44.5925' W.
 - (iv) Wiccacon River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 20.5439' N - 76° 45.4550' W; running southeasterly to a point on the south shore 36° 20.4684' N - 76° 45.3392' W.
 - (v) Hodges Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 21.2459' N - 76° 46.3421' W; running southerly to a point on the south shore 36° 21.1823' N - 76° 46.3243' W.
 - (vi) Catherine Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 22.9579' N - 76° 53.1994' W; running southeasterly to a point on the east shore 36° 22.9456' N - 76° 53.1742' W.
 - (vii) Harris (Hares) Mill Creek - All waters within this waterbody are designated as Inland.
 - (viii) Meherrin River - All waters within this waterbody are designated as Joint.
 - (A) Potecasi Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 36° 26.1234' N - 76° 57.5262' W; running southeasterly to a point on the east shore 36° 26.1005' N - 76° 57.4960' W.

- (B) Liverman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 26.7244' N - 76° 58.2797' W; running easterly to a point on the east shore 36° 26.7086' N - 76° 58.2499' W.
- (C) Vaughan's Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 28.3541' N - 77° 05.6259' W; running southerly to a point on the south shore 36° 28.3307' N - 77° 05.6369' W.
- (D) Banks Creek - All waters in this waterbody are designated as Inland.
- (ix) Buckhorn Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.9519' N - 76° 55.2580' W; running easterly to a point on the east shore 36° 31.9628' N - 76° 55.2429' W.
- (15) Hyde County
 - (a) Pamlico Sound - All waters within this waterbody in Hyde County are designated as Coastal.
 - (i) Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354' W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.
 - (A) Rutman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 33.1874' N - 76° 27.4090' W; running easterly to a point 35° 33.1759' N - 76° 27.2525' W; running northeasterly to a point on the east shore 35° 33.2455' N - 76° 26.9119' W.
 - (B) Wilkerson Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 33.1251' N - 76° 27.2328' W; running northerly to a point 35° 33.1553' N - 76° 27.2447' W; running easterly to a point on the east shore 35° 33.3286' N - 76° 26.2019' W.
 - (C) Atlantic Intracoastal Waterway From Wilkerson Creek To Alligator River At Winn Bay – All waters within this part of the IWW are designated as Joint.
 - (D) Horse Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 32.1965' N - 76° 28.0462' W; running southerly to a point on the south shore 35° 32.1480' N - 76° 28.0705' W.
 - (E) Tarklin Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 31.1553' N - 76° 28.1478' W; running southeasterly to a point on the south shore 35° 31.0974' N - 76° 28.0984' W.
 - (F) Scranton Creek – Inland Waters east and Joint Waters west of line beginning at a point on the north shore 35° 30.0080' N - 76° 26.7759' W; running southerly to a point on the south shore 35° 29.9574' N - 76° 26.7750' W.
 - (G) Smith Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.2812' N - 76° 29.7546' W; running southeasterly to a point on the east shore 35° 30.1904' N - 76° 29.4657' W.
 - (H) Fishing Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the west shore 35° 30.2400' N - 76° 35.0143' W; running southeasterly to a point on the east shore 35° 30.0645' N - 76° 34.8211' W.
 - (I) Slades Creek - All waters within this waterbody are designated as Coastal.
 - (J) Fortescue Creek - All waters within this waterbody are designated as Coastal.
 - (ii) Rose Bay - All waters within this waterbody are designated as Coastal.
 - (A) Rose Bay Creek - All waters within this waterbody are designated as Coastal.
 - (B) Rose Bay Canal - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 28.5607' N - 76° 19.6545' W; running southerly to a point on the south shore 35° 28.5509' N - 76°

- 19.6572' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.8491' W - 76° 24.2198' W; running easterly to a point on the east shore 35° 27.8404' N - 76° 24.2065' W.
- (iii) Swan Quarter Bay - All waters within this waterbody are designated as Coastal.
 - (A) Oyster Creek - All waters within this waterbody are designated as Coastal.
 - (iv) Juniper Bay - All waters within this waterbody are designated as Coastal.
 - (A) Juniper Bay Creek - Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 23.2472' N - 76° 14.8754' W; running southwesterly to a point on the south shore 35° 23.1738' N - 76° 14.9794' W.
 - (B) Juniper Bay Creek Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 23.8618' N - 76° 13.1044' W; running easterly to a point on the east shore 35° 23.8677' N - 76° 13.0888' W.
 - (v) Lake Mattamuskeet – All waters in this waterbody are designated as Inland.
 - (A) Outfall Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 26.6017' N - 76° 10.1715' W; running easterly to a point on the east shore 35° 26.6093' N - 76° 10.1513' W. Joint Waters north and Coastal waters south of a line beginning at a point on the west shore 35° 21.4945' N - 76° 06.5336' W; running northeasterly to a point on the east shore 35° 21.5480' N - 76° 06.4819' W.
 - (B) Lake Landing Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 28.7878' N - 76° 04.5867' W; running easterly to a point on the east shore 35° 28.7910' N - 76° 04.5726' W. Joint Waters north and Coastal waters south of a line beginning at a point on the west shore 35° 25.9529' N - 76° 03.6785' W; running easterly to a point on the east shore 35° 25.9568' N - 76° 03.6566' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.9666' N - 76° 03.5856' W; running easterly to a point on the east shore 35° 25.9819' N - 76° 03.5600' W.
 - (C) Waupopin Canal - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 31.8413' N - 76° 01.7779' W; running southerly to a point on the south shore 35° 31.8283' N - 76° 01.7637' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 31.5557' N - 75° 58.8725' W; running easterly to a point on the east shore 35° 31.5648' N - 75° 58.8555' W.
 - (D) Rattlesnake Canal - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 26.6965' N - 76° 00.8079' W; running easterly to a point on the east shore 35° 26.7116' N - 76° 00.7749' W.
 - (E) All Other Manmade Tributaries To Lake Mattamuskeet – All manmade tributaries of this waterbody are designated as Inland.
 - (vi) Middletown Creek - All waters within this waterbody are designated as Coastal.
 - (vii) Long Shoal River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 38.7661' N - 75° 53.4429' W; running easterly to a point on the east shore 35° 38.7641' N - 75° 53.4159' W.
 - (A) All Manmade Tributaries – All manmade tributaries of this waterbody are designated as Joint.
 - (B) Broad Creek - All waters within this waterbody are designated as Coastal.
 - (C) Flag Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 37.3782' N - 75° 53.0699' W; running easterly to a point on the east shore 35° 37.3894' N - 75° 53.0593' W.
 - (D) Cumberland Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 38.3026' N - 75° 53.3010' W; running southerly to a point on the south shore 35° 38.2692' N - 75° 53.3038' W.
 - (b) Alligator River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore at Cherry Ridge Landing 35° 42.2172' N - 76° 08.4686' W; running southerly to a point on the south shore 35° 42.1327' N - 76° 08.5002' W.

- Swan Creek and Lake - All waters within this waterbody are designated as Inland.
- (16) Jones County
- (a) White Oak River – Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N -77° 11.4711' W; running easterly to a point on the east shore 34° 48.1620' N -77° 11.4244' W.
- (i) Grants Creek - All waters within this waterbody are designated as Inland.
- (ii) Hunters Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N -77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N -77° 09.9160' W.
- (17) Martin County
- (a) Roanoke River – All waters within this waterbody in Martin County are designated as Joint.
- (i) Prices Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 57.3701' N - 77° 11.9815' W; running southerly to a point on the south shore 35° 57.3552' N - 77° 11.9796' W.
- (ii) Rainbow Gut - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.9334' N - 77° 11.3246' W; running easterly to a point on the east shore 35° 55.9275' N - 77° 11.3136' W.
- (iii) Conoho Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 52.5439' N - 77° 02.6673' W; running easterly to a point on the east shore 35° 52.5407' N - 77° 02.6280' W.
- (iv) Sweetwater Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the west shore 35° 51.6464' N - 77° 00.5090' W; running southeasterly to a point on the east shore 35° 51.6252' N - 77° 00.4879' W.
- (A) Peter Swamp – All waters within this waterbody are designated as Inland.
- (v) Devils Gut - All waters in this waterbody are designated as Joint.
- (A) Upper Deadwater Creek - All waters in this waterbody are designated Joint.
- (B) Lower Deadwater Creek - All waters in this waterbody are designated Joint.
- (C) Gardner Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 50.1599' N - 76° 56.0211' W; running easterly to a point on the east shore 35° 50.1633' N - 76° 55.9899' W.
- (vi) Roses Creek - Inland Waters southeast and Joint Waters northwest of a line beginning at a point on the north shore 35° 50.1683' N - 76° 50.9664' W; running southwesterly to a point on the south shore 35° 50.1363' N - 76° 56.9907' W.
- (vii) Welch Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the western shore 35° 51.8458' N - 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to a point on the east shore 35° 51.8840' N - 76° 45.6207' W.
- (18) New Hanover County
- (a) Cape Fear River - Joint Waters north and Coastal Waters south of a line beginning at a point on the western side 34° 13.6953' N - 77° 57.2396' W; running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W.
- (i) Lords Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 05.1562' N - 77° 55.3816' W; running southerly to a point on the south shore 34° 05.1303' N - 77° 55.4008' W.
- (ii) Todds Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 07.4791' N - 77° 55.5175' W; running southeasterly to a point on the south shore 34° 07.4578' N - 77° 55.5116' W.
- (iii) Barnards Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 09.4347' N - 77° 56.5969' W; running southerly to a point on the south shore 34° 09.3887' N - 77° 56.5791' W.
- (iv) Greenfield Lake Outlet - Greenfield Lake Outlet Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 12.7210' N - 77° 57.2058' W; running southerly to a point on the south shore 34° 12.7075' N - 77° 57.2085' W.
- (v) Tommer Creek - For the southernmost entrance into the Cape Fear: Inland Waters northwest and Joint Waters southwest of a line beginning at a point on the west shore 34° 15.6397' N - 77° 58.9608' W; running northeasterly to a point on the east shore 34° 15.6589' N - 77° 58.9338' W. For the northernmost entrance into the Cape Fear:

Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 16.6630' N - 77° 59.4699' W; running northeasterly to a point on the east shore 34° 16.6767' N - 77° 59.4506' W.

- (vi) Catfish Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.7546' N - 77° 59.3751' W ; running southeasterly to a point on the south shore 34° 16.7118' N - 77° 59.3870' W.
 - (vii) Northeast Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of NC 210 bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.
 - (A) Smiths Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.0366' N - 77° 56.8405' W; running southeasterly to a point on the south shore 34° 15.9919' N - 77° 56.7961' W.
 - (B) Ness Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 17.1741' N - 77° 57.2460' W; running southeasterly to a point on the south shore 34° 17.1494' N - 77° 57.2044' W.
 - (C) Dock Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 18.1274' N - 77° 57.3847' W; running southwesterly to a point on the south shore 34° 18.1173' N - 77° 57.3678' W.
 - (D) Fishing Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 19.1613' N - 77° 57.2460' W; running southwesterly to a point on the south shore 34° 19.1331' N - 77° 57.2245' W.
 - (E) Prince George Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 21.8481' N - 77° 57.0066' W; running northeasterly to a point on the east shore 34° 21.8778' N - 77° 57.9755' W.
 - (F) Sturgeon Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 22.6796' N - 77° 51.6018' W; running northeasterly to a point on the east shore 34° 22.6931' N - 77° 51.5776' W.
 - (G) Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 23.2509' N - 77° 47.3377' W ; running northeasterly to a point on the north shore 34° 23.3322' N - 77° 49.3208' W.
- (19) Northampton County
- (a) Roanoke River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.5264' N - 77° 23.0223' W; running northeasterly along the south side of the Highway 258 Bridge to a point on the east shore 36° 12.5674' N - 77° 22.9724' W.
 - (i) Sandy Run (Norfleet Gut) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 10.1119' N - 77° 17.5396' W; running northeasterly to a point on the east shore 36° 10.1172' N - 77° 17.5316' W.
 - (b) Meherrin River - All waters of Meherrin River up to the Virginia state line within Northampton County are designated as Joint.
 - (i) Vaughan's Creek – Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 28.3541' N – 77° 05.6259' W; running southerly to a point on the south shore 36 ° 28.3307' N – 77° 05.6369' W.
- (20) Onslow County
- (a) Beasleys Creek (Barlow Creek) - All waters within this waterbody are designated as Coastal.
 - (b) Kings Creek - All waters within this waterbody are designated as Coastal.
 - (c) Turkey Creek - All waters within this waterbody are designated as Coastal.
 - (d) Mill Creek - All waters within this waterbody are designated as Coastal.
 - (e) New River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 45.1654' N - 77° 26.1222' W; running easterly along the southern side of the US Hwy 17 bridge to a point on the east shore 34° 45.2007' N - 77° 25.9790' W.
 - (i) Wheeler Creek - All waters within this waterbody are designated as Coastal.
 - (ii) Everett Creek - All waters within this waterbody are designated as Coastal.
 - (iii) Stones Creek - All waters within this waterbody are designated as Coastal.
 - (iv) Muddy Creek - All waters within this waterbody are designated as Coastal.

- (v) Mill Creek - All waters within this waterbody are designated as Coastal.
- (vi) Lewis Creek - All waters within this waterbody are designated as Coastal.
- (vii) Southwest Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 40.8723' N - 77° 26.2399' W; running northeasterly to a point on the east shore 34° 40.9112' N - 77° 26.1758' W.
- (viii) Brinson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 44.0945' N - 77° 26.4335' W; running southerly to a point on the south shore 34° 44.0654' N - 77° 26.4239' W.
- (ix) Northeast Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 34° 44.0778' N - 77° 21.2640' W; running southeasterly along the southern side of the railroad bridge to a point on the east shore 34° 44.0446' N - 77° 21.2126' W.
- (x) Wallace Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 40.9604' N - 77° 21.5698' W; running southwestward along the western side of the first bridge upstream from the mouth, to a point on the south shore 34° 40.8576' N - 77° 21.4787' W.
- (xi) Codels Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 38.8845' N - 77° 20.4533' W; running southerly to a point on the south shore 34° 38.8691' N - 77° 20.4515' W.
- (xii) French Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 38.4059' N - 77° 20.2619' W; running southerly to a point on the south shore 34° 38.2566' N - 77° 20.3233' W.
- (xiii) Duck Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 38.0179' N - 77° 20.5169' W; running southwestward to a point on the south shore 34° 37.9172' N - 77° 20.6520' W.
- (f) Freeman (Browns) Creek - All waters within this waterbody are designated as Coastal.
- (g) Bear Creek - All waters within this waterbody are designated as Coastal.
- (h) Queens Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 42.1815' N - 77° 11.5690' W; running easterly to a point on the east shore 34° 42.2273' N - 77° 11.4193' W.
- (i) Parrotts Swamp - All waters within this waterbody are designated as Coastal.
- (i) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N - 77° 11.4711' W; running northeasterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W.
- (i) Stevens Creek - All waters within this waterbody are designated as Coastal.
- (ii) Holland Mill (Mill Pond) Creek - All waters within this waterbody are designated as Coastal.
- (iii) Webbs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 34° 45.7559' N - 77° 10.1321' W; running southwestward to a point on the south shore 34° 45.7404' N - 77° 10.1486' W.
- (iv) Freemans Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 46.9791' N - 77° 10.3935' W; running southerly to a point on the south shore 34° 46.9663' N - 77° 10.3999' W.
- (v) Calebs Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 48.1354' N - 77° 11.4688' W; running southeasterly to a point on the south shore 34° 48.1192' N - 77° 11.4546' W.
- (vi) Grants Creek - All waters within this waterbody are designated as Inland.
- (21) Pamlico County
 - (a) Pamlico River - All waters within this waterbody are designated as Coastal.
 - (i) Lower Goose Creek - All waters within this waterbody are designated as Coastal.
 - (A) Dixons Creek - All waters within this waterbody are designated as Coastal.
 - (B) Patons Creek - All waters within this waterbody are designated as Coastal.
 - (C) Wilson Creek - All waters within this waterbody are designated as Coastal.
 - (D) Eastham Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 17.8205' N - 76° 35.1828' W; running southerly to a point on the south shore 35° 17.6797' N - 76° 35.1840' W.
 - (E) Upper Spring Creek - All waters within this waterbody are designated as Coastal.

- (F) Intracoastal Waterway from Upper Spring Creek To Gale Creek - All waters within this waterbody are designated as Coastal.
- (G) Hunting Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 16.7523' N - 76° 36.8138' W; running easterly to a point on the east shore 35° 16.6779' N - 76° 36.5885' W.
- (ii) Oyster Creek - All waters within this waterbody are designated as Coastal.
- (iii) Clark Creek - All waters within this waterbody are designated as Coastal.
 - (A) Middle Prong - All waters within this waterbody are designated as Coastal.
 - (B) James Creek - All waters within this waterbody are designated as Coastal.
- (b) Pamlico Sound - All waters within this waterbody are designated as Coastal.
 - (i) Porpoise Creek - All waters within this waterbody are designated as Coastal.
 - (ii) Drum Creek - All waters within this waterbody are designated as Coastal.
 - (iii) Bay River - Inland Waters south and Coastal Waters north of a line beginning at a point on the north shore 35° 08.4601' N - 76° 45.9173' W; running southeasterly to a point on the south shore 35° 08.4436' N - 76° 45.8885' W.
 - (A) Gale Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 13.3142' N - 76° 36.7089' W; running southwesterly to a point on the south shore 35° 13.2964' N - 76° 36.7222' W.
 - (B) Chadwick Creek - All waters within this waterbody are designated as Coastal.
 - (C) Bear Creek - All waters within this waterbody are designated as Coastal.
 - (D) Vandemere Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 12.0330' N - 76° 40.7460' W; running northeasterly to a point on the east shore 35° 12.0433' N - 76° 40.7235' W.
 - (I) Long Creek - All waters within this waterbody are designated as Coastal.
 - (E) Smith Creek - All waters within this waterbody are designated as Coastal.
 - (F) Chapel Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 10.0076' N - 76° 42.4909' W; running easterly to a point on the east shore 35° 10.0096' N - 76° 42.4722' W.
 - (G) Raccoon Creek - All waters within this waterbody are designated as Coastal.
 - (H) Trent Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 06.2738' N - 76° 43.1071' W; running southeasterly to a point on the east shore 35° 06.2603' N - 76° 43.0741' W.
 - (I) Thomas Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 07.2024' N - 76° 43.0929' W; running southerly to a point on the south shore 35° 07.1610' N - 76° 43.0947' W.
 - (iv) Masons Creek - All waters within this waterbody are designated as Coastal.
 - (v) Moore Creek - All waters within this waterbody are designated as Coastal.
 - (vi) Rices Creek - All waters within this waterbody are designated as Coastal.
 - (vii) Ball Creek - All waters within this waterbody are designated as Coastal.
 - (viii) Cabin Creek - All waters within this waterbody are designated as Coastal.
 - (ix) Riggs Creek - All waters within this waterbody are designated as Coastal.
 - (x) Spring Creek - All waters within this waterbody are designated as Coastal.
 - (xi) Long Creek - All waters within this waterbody are designated as Coastal.
 - (c) Neuse River - All waters within this waterbody are designated as Coastal.
 - (i) Swan Creek - All waters within this waterbody are designated as Coastal.
 - (ii) Lower Broad Creek - All waters within this waterbody are designated as Coastal.
 - (A) Greens Creek - All waters within this waterbody are designated as Coastal.
 - (B) Pittman Creek - All waters within this waterbody are designated as Coastal.
 - (C) Burton Creek - All waters within this waterbody are designated as Coastal.
 - (D) Brown Creek - All waters within this waterbody are designated as Coastal.

- (I) Spice Creek - All waters within this waterbody are designated as Coastal.
 - (E) Gideon Creek - All waters within this waterbody are designated as Coastal.
 - (F) Tar Creek - All waters within this waterbody are designated as Coastal.
 - (G) Parris Creek - All waters within this waterbody are designated as Coastal.
 - (iii) Orchard Creek - All waters within this waterbody are designated as Coastal.
 - (iv) Pierce Creek - All waters within this waterbody are designated as Coastal.
 - (v) Whitaker Creek - All waters within this waterbody are designated as Coastal.
 - (vi) Smith Creek - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore at the Oriental Bridge 35° 01.5149' N - 76° 41.9549' W; running southwesterly to a point on the south shore 35° 01.3391' N - 76° 42.1774' W.
 - (vii) Greens Creek - All waters within this waterbody are designated as Joint.
 - (A) Kershaw Creek - All waters within this waterbody are designated as Joint.
 - (viii) Dawson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 00.3371' N - 76° 45.6513' W; running southerly to a point on the south shore 35° 00.1492' N - 76° 45.6202' W.
 - (A) Tarkiln Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 00.4124' N - 76° 45.5392' W; running easterly to a point on the east shore 35° 00.4289' N - 76° 45.4472' W.
 - (ix) Gatlin Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 58.4165' N - 76° 47.4645' W; running easterly to a point on the east shore 34° 58.4154' N - 76° 47.4371' W.
 - (x) Little Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 58.5175' N - 76° 49.5822' W; running southeasterly to a point on the east shore 34° 58.5086' N - 76° 49.5680' W.
 - (xi) Mill Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 59.6024' N - 76° 51.1276' W; running easterly to a point on the east shore 34° 59.5955' N - 76° 51.0864' W.
 - (xii) Beard Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 00.3293' N - 76° 52.1855' W; running easterly to a point on the east shore 35° 00.3055' N - 76° 51.9012' W.
 - (xiii) Lower Duck Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 01.5781' N - 76° 54.1580' W; running easterly to a point on the east shore 35° 01.5566' N - 76° 54.0248' W.
 - (xiv) Goose Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 03.4414' N - 76° 55.1170' W; running easterly to a point on the east shore 35° 03.3567' N - 76° 54.9728' W.
 - (xv) Upper Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running easterly to a point on the east shore 35° 04.4705' N - 76° 56.2115' W.
- (22) Pasquotank County
- (a) Albemarle Sound - All waters within this waterbody in Pasquotank County are designated Coastal.
 - (i) All Manmade Tributaries - All manmade tributaries of Pasquotank County are designated as Joint.
 - (ii) Little River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.2950' N - 76° 17.1405' W; running northeasterly to a point on the east shore 36° 12.5237' N - 76° 16.9418' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 07.5322' N - 76° 10.6901' W; running southwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.
 - (A) Symonds Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 10.2898' N - 76° 14.1801' W; running southeasterly to a point on the south shore 36° 10.2042' N - 76° 14.0368' W.
 - (iii) Big Flatty Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 09.3267' N - 76° 08.2562' W; running southerly to a point on the south shore 36° 08.9730' N - 76° 08.3175' W. Joint waters north and

Coastal Waters south of a line beginning at a point on the west shore 36° 07.9621' N - 76° 07.1818' W; running easterly to a point on the east shore 36° 08.2706' N - 76° 06.2525' W.

- (iv) Pasquotank River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.0768' N - 76° 13.0979' W; running easterly along the south side of the Highway 158 Bridge to a point on the east shore 36° 18.0594' N - 76° 12.9620' W. Joint Waters west and Coastal Waters east of a line beginning on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.
 - (A) Little Flatty Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 11.5209' N - 76° 04.6517' W; running southerly to a point on the south shore 36° 10.9973' N - 76° 04.5149' W.
 - (B) New Begun Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 13.3298' N - 76° 08.2878' W; running southerly to a point on the south shore 36° 13.0286' N - 76° 08.1820' W.
 - (I) Paling Creek – All waters in this waterbody are designated as Inland.
 - (II) James Creek – All waters in this waterbody are designated as Inland.
 - (C) Charles Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 17.8090' N - 76° 13.0732' W; running easterly to a point on the east shore 36° 17.8024' N - 76° 13.0407' W.
- (23) Pender County
 - (a) Cape Fear River – All waters within this waterbody for Pender County are designated as Joint.
 - (i) Thorofare – For the easternmost entrance into the Black River: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 34° 22.0493' N - 78° 04.4435' W; running northeasterly to a point on the east shore 34° 22.0783' N - 78° 04.4123' W. For the westernmost entrance into the Cape Fear River: Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 21.9197' N - 78° 07.0527' W; running southeasterly to a point on the south shore 34° 21.8618' N - 78° 06.9992' W
 - (ii) Black River - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 34° 22.0783' N - 78° 04.4123' W; running southeasterly to a point on the south shore 34° 21.9950' N - 78° 04.2864' W.
 - (iii) Northeast Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of NC 210 bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.
 - (A) Cowpen Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 22.1417' N - 77° 59.3357' W; running southerly to a point on the south shore 34° 22.1298' N - 77° 59.3426' W.
 - (B) Long Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the west shore 34° 22.7149' N - 77° 58.2797' W; running northeasterly to a point on the east shore 34° 22.7428' N - 77° 58.2348' W.
 - (C) Turkey Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 22.8465' N - 77° 57.4827' W; running southerly to a point on the south shore 34° 22.7895' N - 77° 57.4452' W.
 - (D) Old Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 22.5249' N - 77° 52.1493' W; running northeasterly to a point on the east shore 34° 22.5327' N - 77° 52.1278' W.
 - (E) Honey Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 22.8627' N - 77° 51.0887' W; running easterly to a point on the east shore 34° 22.8609' N - 77° 51.0507' W.

- (F) Harrisons Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore $34^{\circ} 24.1859' N - 77^{\circ} 48.6570' W$; running southwesterly to a point on the south shore $34^{\circ} 24.1387' N - 77^{\circ} 48.6982' W$.
- (G) Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the south shore $34^{\circ} 23.2509' N - 77^{\circ} 47.3377' W$; running northeasterly to a point on the north shore $34^{\circ} 23.3322' N - 77^{\circ} 49.3208' W$.
- (b) Topsail Sound And Tributaries - All waters within this these waterbodies are designated as Coastal.
- (c) Beasleys (Barlow) Creek - All waters within this waterbody are designated as Coastal.
- (24) Perquimans County
 - (a) Albemarle Sound – All waters within this waterbody in Perquimans County are designated as Coastal.
 - (i) All Manmade Tributaries – All waters within this water body are designated as Joint.
 - (ii) Yeopim River – Inland Waters west and Joint Waters east of a line beginning at a point on the north shore $36^{\circ} 05.4526' N - 76^{\circ} 27.7651' W$; running southerly to a point on the south shore at Norcum Point $36^{\circ} 05.1029' N - 76^{\circ} 27.7120' W$. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore $36^{\circ} 04.7426' N - 76^{\circ} 24.2536' W$; running southwesterly to a point on the south shore $36^{\circ} 04.1136' N - 76^{\circ} 24.5365' W$.
 - (A) Yeopim Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore of $36^{\circ} 04.7206' N - 76^{\circ} 24.8396' W$; running easterly to a point on the east shore $36^{\circ} 04.7426' N - 76^{\circ} 24.2536' W$
 - (iii) Perquimans River - Joint Waters west and Coastal Waters east of a line beginning at a point on the west shore $36^{\circ} 05.9669' N - 76^{\circ} 18.1791' W$; running northeasterly to a point on the east shore $36^{\circ} 06.7655' N - 76^{\circ} 16.5953' W$. Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore $36^{\circ} 11.6569' N - 76^{\circ} 28.0055' W$; running southeasterly to a point on the east shore $36^{\circ} 11.6123' N - 76^{\circ} 27.9382' W$.
 - (A) Walter's Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore $36^{\circ} 11.1305' N - 76^{\circ} 27.9185' W$; running southeasterly to a point on the south shore $36^{\circ} 11.0224' N - 76^{\circ} 27.6626' W$.
 - (B) Mill Pond Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore $36^{\circ} 11.9757' N - 76^{\circ} 27.5752' W$; running easterly to a point on the east shore $36^{\circ} 11.9766' N - 76^{\circ} 27.2511' W$.
 - (C) Suttons Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore $36^{\circ} 10.0394' N - 76^{\circ} 23.7945' W$; running southeasterly to a point on the east shore $36^{\circ} 09.9325' N - 76^{\circ} 23.5263' W$.
 - (D) Jackson (Cove) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore $36^{\circ} 08.4642' N - 76^{\circ} 20.3324' W$; running southeasterly to a point on the east shore $36^{\circ} 08.4159' N - 76^{\circ} 20.2890' W$.
 - (E) Muddy Creek - Inland Waters northwest and Joint Waters southwest of a line beginning at a point on the north shore $36^{\circ} 07.0381' N - 76^{\circ} 17.1350' W$; running southeasterly to a point on the east shore $36^{\circ} 07.0218' N - 76^{\circ} 17.1226' W$.
 - (iv) Little River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore $36^{\circ} 12.2950' N - 76^{\circ} 17.1405' W$; running northeasterly to a point on the east shore $36^{\circ} 12.5237' N - 76^{\circ} 16.9418' W$. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore $36^{\circ} 07.5322' N - 76^{\circ} 10.6901' W$; running southwesterly to a point on the south shore $36^{\circ} 06.4199' N - 76^{\circ} 11.6047' W$.
 - (A) Deep Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore $36^{\circ} 11.0945' N - 76^{\circ} 16.6717' W$; running southeasterly to a point on the south shore $36^{\circ} 10.7510' N - 76^{\circ} 16.2258' W$.

- (B) Davis Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore $36^{\circ} 12.2950' N - 76^{\circ} 17.1405' W$; running southerly to a point on the south shore $36^{\circ} 12.2222' N - 76^{\circ} 17.1153' W$.
- (25) Tyrrell County
- (a) Albemarle Sound – All waters within this waterbody in Tyrrell County are designated as Coastal.
- (i) All Manmade Tributaries – All manmade tributaries within this waterbody are designated as Joint.
- (ii) Banton (Maybell) Creek – Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore $35^{\circ} 56.0552' N - 76^{\circ} 22.0664' W$; running northeasterly to a point on the east shore $35^{\circ} 56.1151' N - 76^{\circ} 21.8760' W$.
- (iii) Scuppernong River – Coastal Waters northwest and Joint Waters southeast of a line beginning at a point on the northeast shore $35^{\circ} 56.7196' N - 76^{\circ} 18.8964' W$; running southwesterly to a point on the southwest shore at $35^{\circ} 56.3351' N - 76^{\circ} 19.6609' W$. Inland Waters south and Joint Waters north of a line beginning at a point on the west shore $35^{\circ} 54.0158' N - 76^{\circ} 15.4605' W$; running easterly to a point on the east shore $35^{\circ} 54.0406' N - 76^{\circ} 15.3007' W$.
- (A) First Creek (Rider's Creek) - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore $35^{\circ} 54.0495' N - 76^{\circ} 15.2842' W$; running northeasterly to a point on the east shore $35^{\circ} 54.0641' N - 76^{\circ} 15.2554' W$.
- (B) Furlough Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore $35^{\circ} 55.6391' N - 76^{\circ} 18.9797' W$; running southwesterly to a point on the south shore $35^{\circ} 55.6322' N - 76^{\circ} 18.9907' W$.
- (iv) Alligator River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore at Cherry Ridge Landing $35^{\circ} 42.2172' N - 76^{\circ} 08.4686' W$; running southerly to a point on the south shore $35^{\circ} 42.1327' N - 76^{\circ} 08.5002' W$. Coastal Waters north and Joint Waters south of a line running along the north side of the Highway 64 Bridge beginning at a point on the west shore $35^{\circ} 54.2903' N - 76^{\circ} 01.6818' W$; running easterly to a point on the east shore $35^{\circ} 53.6835' N - 75^{\circ} 58.8578' W$.
- (A) Little Alligator River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore $35^{\circ} 56.7640' N - 76^{\circ} 01.0299' W$; running southerly to a point on the south shore $35^{\circ} 55.9362' N - 76^{\circ} 01.2492' W$.
- (B) Second Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore $35^{\circ} 51.7616' N - 76^{\circ} 03.5105' W$; running southerly to a point on the south shore $35^{\circ} 51.1317' N - 76^{\circ} 03.8003' W$.
- (C) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore $35^{\circ} 50.2658' N - 76^{\circ} 03.9115' W$; running southerly to a point on the south shore $35^{\circ} 50.2123' N - 76^{\circ} 03.9120' W$.
- (D) The Frying Pan - Joint Waters by connection with Alligator River.
- (E) Gum Neck Landing Ditch - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore $35^{\circ} 41.6054' N - 76^{\circ} 06.8215' W$; running southeasterly to a point on the east shore $35^{\circ} 41.5841' N - 76^{\circ} 06.7991' W$.
- (26) Washington County
- (a) Albemarle Sound - All waters within this waterbody in Washington County are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries of Albemarle Sound within Washington County are designated as Joint.
- (ii) Mackeys (Kendrick) Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore $35^{\circ} 56.3806' N - 76^{\circ} 36.4356' W$; running southwesterly to a point on the south shore $35^{\circ} 56.3122' N - 76^{\circ} 36.4613' W$.
- (iii) Pleasant Grove Creek (Cherry Swamp) - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore $35^{\circ} 56.4791' N - 76^{\circ} 34.1624' W$; running easterly to a point on the east shore $35^{\circ} 56.5042' N - 76^{\circ} 34.0319' W$.

- (iv) Chapel Swamp Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.4150' N - 76° 33.3494' W; running easterly to a point on the east shore 35° 56.4122' N - 76° 33.3091' W.
- (v) Bull Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.9954' N - 76° 23.0291' W; running southerly to a point on the south shore 35° 56.9602' N - 76° 23.0282' W.
- (vi) Deep Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.1291' N - 76° 23.1179' W; running southerly to a point on the south shore 35° 56.0744' N - 76° 23.1230' W.
- (vii) Banton (Maybell) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.0552' N - 76° 22.0664' W; running northeasterly to a point on the east shore 35° 56.1151' N - 76° 21.8760' W.
- (b) Roanoke River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore of the Roanoke River 35° 56.5068' N - 76° 41.8858' W; running easterly to a point on the east shore 35° 56.5324' N - 76° 41.5896' W.
 - (i) Conaby Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.3779' N - 76° 42.4401' W; running easterly to a point on the east shore 35° 55.3752' N - 76° 42.3408' W.
 - (ii) Welch Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the western shore 35° 51.8458' N - 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to a point on the east shore 35° 51.8840' N - 76° 45.6207' W.
- (c) Scuppernong River - All waters in this waterbody in Washington County are designated as Inland.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
 Eff. February 1, 1991;
 Amended Eff. April 1, 2009; August 1, 2004; July 1, 1993; September 1, 1991.

SUBCHAPTER 03R - DESCRIPTIVE BOUNDARIES

SECTION .0100 - DESCRIPTIVE BOUNDARIES

15A NCAC 03R .0101 SEA TURTLE SANCTUARY

The sea turtle sanctuary referenced in 15A NCAC 03I .0107 is in the Atlantic Ocean adjacent to Onslow County. It is bounded by a line beginning near the easternmost end of Hammocks Beach (Bear Island) at a point 34° 38.3990' N - 77° 07.2962' W; running southeasterly to a point near the Bogue Inlet Bell Buoy 34° 38.3063' N - 77° 07.0738' W; running southwesterly 1,000 feet offshore parallel with the ocean shoreline of Bear Island to a point 34° 37.1000' N - 77° 10.1000' W; running southerly to a point 34° 36.7000' N - 77° 09.8000' W, running southwesterly to a point 34° 35.1000' N - 77° 13.2000' W; running northerly to a point off the mouth of Brown's Inlet 34° 35.6000' N - 77° 13.6000' W; running southwesterly parallel with the ocean shoreline 1,000 feet offshore to a point 34° 34.7000' N - 77° 15.1000' W; running southeasterly to a point 34° 34.3000' N - 77° 14.7000' W; W, running southwesterly to a point near the New River Inlet Bell Buoy 34° 31.0500' N - 77° 19.8333' W; running northwesterly to a point near the southernmost tip of Onslow Beach 34° 31.9226' N - 77° 20.3045' W; then running northeasterly following the shoreline at mean high water across Brown and Bear inlets on the COLREGS demarcation line (as indicated on National Ocean Service navigation charts for the area) to the point of beginning.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. September 1, 1991;
 Recodified from 15A NCAC 3R .0001 Eff. December 17, 1996;
 Amended Eff. August 1, 2004; May 1, 1997.

15A NCAC 03R .0102 MILITARY DANGER ZONES AND RESTRICTED AREAS

The designated military danger zones and restricted areas referenced in 15A NCAC 03I .0110(b) are delineated in the following areas:

- (1) Currituck Sound:
 - (a) In the vicinity of North Landing River, the waters within a circular area with a radius of 1,000 yards having its center at a point 36° 31.0000' N - 76° 01.6666' W.

- (b) In the vicinity of Northern Currituck Sound, southeasterly of a line beginning at a point $36^{\circ} 28.0826' N - 75^{\circ} 58.3818' W$; running southerly to a point $36^{\circ} 26.0657' N - 75^{\circ} 57.0005' W$; running easterly to a point $36^{\circ} 26.0831' N - 75^{\circ} 55.4026' W$; northerly to a point $36^{\circ} 28.1984' N - 75^{\circ} 54.7119' W$; westerly to the point of beginning $36^{\circ} 28.0826' N - 75^{\circ} 58.3818' W$.
- (2) Albemarle Sound:
- (a) In the vicinity of Harvey Point, southwest of a line beginning at a point on shore at Harvey Neck $36^{\circ} 05.3354' N - 76^{\circ} 20.3059' W$; running southeasterly to a point $36^{\circ} 03.4999' N - 76^{\circ} 21.7333' W$; running southeasterly to a point $36^{\circ} 02.2999' N - 76^{\circ} 19.5000' W$; running easterly to a point $36^{\circ} 03.0999' N - 76^{\circ} 16.7166' W$; running northerly to a point $36^{\circ} 04.8744' N - 76^{\circ} 17.5538' W$; running northerly to a point onshore at Harvey Neck $36^{\circ} 05.9802' N - 76^{\circ} 18.1612' W$.
- (b) Along south shore of Albemarle Sound, southeast of a line beginning at a point $36^{\circ} 00.7166' N - 76^{\circ} 19.3333' W$; running southerly to a point $35^{\circ} 59.5833' N - 76^{\circ} 19.3333' W$; running easterly to a point $36^{\circ} 00.1999' N - 76^{\circ} 04.4333' W$; running northerly to a point $36^{\circ} 02.6666' N - 76^{\circ} 04.4333' W$; running westerly to the point of the beginning $36^{\circ} 00.7166' N - 76^{\circ} 19.3333' W$.
- (i) Southeast of a line beginning at a point $36^{\circ} 00.7166' N - 76^{\circ} 19.3333' W$; running southerly to a point $35^{\circ} 59.5833' N - 76^{\circ} 19.3333' W$; running easterly to a point $35^{\circ} 59.7499' N - 76^{\circ} 14.5000' W$; running northerly to point $36^{\circ} 01.3333' N - 76^{\circ} 14.5002' W$; running westerly to the point of the beginning $36^{\circ} 00.7166' N - 76^{\circ} 19.3333' W$.
- (ii) Southeast of a line beginning at a point $36^{\circ} 01.3333' N - 76^{\circ} 14.5002' W$; running southerly to a point $35^{\circ} 59.7499' N - 76^{\circ} 14.5000' W$; running easterly to a point $36^{\circ} 00.0833' N - 76^{\circ} 07.2499' W$; running northerly to a point $36^{\circ} 02.2999' N - 76^{\circ} 07.2499' W$; running westerly to the point of the beginning $36^{\circ} 01.3333' N - 76^{\circ} 14.5002' W$.
- (iii) Southeast of a line beginning at a point $36^{\circ} 02.2999' N - 76^{\circ} 07.2499' W$; running southerly to a point $36^{\circ} 00.0833' N - 76^{\circ} 07.2499' W$; running easterly to a point $36^{\circ} 00.1999' N - 76^{\circ} 04.4333' W$; running northerly to a point $36^{\circ} 02.6666' N - 76^{\circ} 04.4334' W$; running westerly to the point of the beginning $36^{\circ} 02.2999' N - 76^{\circ} 07.2499' W$.
- (3) Pamlico Sound:
- (a) In the vicinity of Long Shoal, the waters within a circular area with a radius of one and one-half nautical miles having its center at a point $35^{\circ} 32.3000' N - 75^{\circ} 40.6500' W$;
- (b) In the vicinity of Brant Island, the waters within a circular area with a radius of 3.0 statute miles having its center at a point $35^{\circ} 12.5000' N - 76^{\circ} 26.5000' W$;
- (c) In the vicinity of Piney Island, the waters within a circular area with a radius of:
- (i) 0.5 statute mile having its center at a point $35^{\circ} 04.2000' N - 76^{\circ} 28.4000' W$;
- (ii) 1.8 statute mile having its center at a point $35^{\circ} 02.2000' N - 76^{\circ} 28.0000' W$;
- (iii) 0.5 statute mile having its center at a point $35^{\circ} 01.7000' N - 76^{\circ} 25.8000' W$;
- (iv) 0.5 statute mile having its center at a point $34^{\circ} 58.8000' N - 76^{\circ} 26.2000' W$.
- (4) In the Neuse River and its tributaries, within 500 feet from of the shore along the reservation of the Marine Corps Air Station, Cherry Point, North Carolina, beginning on the reservation west of Slocum Creek at a point $34^{\circ} 57.8766' N - 76^{\circ} 54.8823' W$; running southeasterly, east of Hancock Creek to a point $34^{\circ} 56.1855' N - 76^{\circ} 50.6363' W$; including all waters of Slocum and Hancock creeks and their tributaries within the boundaries of the reservation.
- (5) Atlantic Ocean:
- (a) In the vicinity east of New River Inlet, beginning at a point on the ocean shoreline of the southwest portion of Onslow Beach $34^{\circ} 32.5609' N - 77^{\circ} 18.5578' W$; running southwesterly to a point $34^{\circ} 23.7279' N - 77^{\circ} 23.5996' W$; east and north of an arc of a circle to a point $34^{\circ} 35.3465' N - 77^{\circ} 01.2528' W$; northwesterly to a point on the ocean shoreline on the southwest shore of Bear Inlet $34^{\circ} 37.3793' N - 77^{\circ} 10.2449' W$; running southwesterly following the ocean shoreline to the point of the beginning $34^{\circ} 32.5609' N - 77^{\circ} 18.5578' W$.
- (b) In the vicinity of Bear Inlet, southwest and southeast of a line beginning at a point $34^{\circ} 37.5333' N - 77^{\circ} 12.0500' W$; running southwesterly to a point $34^{\circ} 34.8333' N - 77^{\circ} 15.1666' W$; running southerly to a point $34^{\circ} 28.9166' N - 77^{\circ} 15.0833' W$; running easterly to a point $34^{\circ} 32.4500' N - 77^{\circ} 06.5000' W$; running northerly to a point $34^{\circ} 37.7333' N - 77^{\circ} 10.5833' W$.

- W; running southwesterly to a point $34^{\circ} 36.9666' N - 77^{\circ} 11.4166' W$; running to the northwesterly to the point of the beginning $34^{\circ} 37.5333' N - 77^{\circ} 12.0500' W$.
- (6) Brown's Inlet between Bear Creek and the Onslow Beach Bridge and the Atlantic Ocean:
- (a) In vicinity of Bear Inlet, southwesterly and southeasterly of line beginning at a point on the north shoreline of the IWW near Bear Creek $34^{\circ} 38.0450' N - 77^{\circ} 12.2606' W$; running southwesterly parallel to the IWW to a point near the northwest side of the Onslow Beach Bridge $34^{\circ} 34.5445' N - 77^{\circ} 16.3578' W$; running through the Onslow Beach Bridge to a point on the ocean shoreline $34^{\circ} 34.1240' N - 77^{\circ} 16.2896' W$ running northeasterly following the ocean shoreline across Brown's Inlet to a point $34^{\circ} 37.0903' N - 77^{\circ} 10.7206' W$; running around the shoreline of Bear Inlet to a point $34^{\circ} 37.2494' N - 77^{\circ} 10.7206' W$; running along the northeast shoreline of Bear Creek to the south shoreline of the IWW to a point $34^{\circ} 37.9597' N - 77^{\circ} 12.2038' W$; running across the IWW to include all inlets, streams, bays and water therein to the point of the beginning $34^{\circ} 38.0450' N - 77^{\circ} 12.2606' W$.
- (7) New River within eight sections:
- (a) Trap Bay Sector, in New River, north of a line beginning on the west shore $34^{\circ} 33.1209' N - 77^{\circ} 21.7232' W$; running easterly to a point $34^{\circ} 33.2885' N - 77^{\circ} 21.0809' W$; running easterly to a point on the east shore $34^{\circ} 33.2054' N - 77^{\circ} 20.4736' W$; following the northeast shoreline to include all streams, bays and waters therein to a point $34^{\circ} 34.1996' N - 77^{\circ} 21.6639' W$; running southwest to a point $34^{\circ} 33.6955' N - 77^{\circ} 22.3780' W$; following the southwest shoreline to include all streams, bays and water therein to a point of the beginning $34^{\circ} 33.1209' N - 77^{\circ} 21.7232' W$.
- (b) Courthouse Bay Sector, in New River, north of a line beginning on the southwest shore to a point $34^{\circ} 33.6955' N - 77^{\circ} 22.3780' W$; running to a point on the northeast shore $34^{\circ} 34.1996' N - 77^{\circ} 21.6639' W$; following the northeast shoreline to include all streams, bays and water therein to a point on the northshore near Hwy. 172 Bridge $34^{\circ} 34.7737' N - 77^{\circ} 23.9604' W$; running to a point on the southshore near Hwy. 172 Bridge $34^{\circ} 34.5917' N - 77^{\circ} 23.9464' W$; following the southeast shoreline to include all streams, bays and waters therein to the point of the beginning $34^{\circ} 33.6955' N - 77^{\circ} 22.3780' W$.
- (c) Stone Bay Sector, in New River, north of a line beginning on the southwest shore near Hwy. 172 Bridge $34^{\circ} 34.5917' N - 77^{\circ} 23.9464' W$; running to a point on the north shore near Hwy. 172 Bridge $34^{\circ} 34.7737' N - 77^{\circ} 23.9604' W$; following the north shoreline to a point $34^{\circ} 35.7399' N - 77^{\circ} 24.0444' W$; running to a point on the Grey Point Sector Line $34^{\circ} 36.3841' N - 77^{\circ} 25.9488' W$; running westerly to a point on the west shore $34^{\circ} 36.5801' N - 77^{\circ} 26.6910' W$; following the west shore to the point of the beginning near Hwy. 172 Bridge $34^{\circ} 34.5917' N - 77^{\circ} 23.9464' W$.
- (d) Stone Creek Sector, in New River, southwest of a line beginning on the north shore $34^{\circ} 37.1122' N - 77^{\circ} 25.9628' W$; running southerly to a point on the Grey Point Sector line $34^{\circ} 36.3841' N - 77^{\circ} 25.9488' W$; running westerly to a point on the west shore $34^{\circ} 36.5801' N - 77^{\circ} 26.6910' W$; following the shoreline to include all streams, bays and water therein to the point of beginning $34^{\circ} 37.1122' N - 77^{\circ} 25.9628' W$.
- (e) Grey Point Sector, in New River, northeast of a line beginning on the west shore $34^{\circ} 36.5801' N - 77^{\circ} 26.6910' W$; running easterly to a point on the east shore $34^{\circ} 35.7399' N - 77^{\circ} 24.0444' W$; following the easterly shoreline including all streams, bays and water therein to a point $34^{\circ} 38.2465' N - 77^{\circ} 20.3336' W$; running northwest to a point on the west shore $34^{\circ} 39.1847' N - 77^{\circ} 22.8821' W$; following the west shoreline to include all streams, bays and waters therein to a point $34^{\circ} 37.1122' N - 77^{\circ} 25.9628' W$; running southerly to a point on the Grey Point Sector line $34^{\circ} 36.3841' N - 77^{\circ} 25.9488' W$.
- (f) Farnell Bay Sector, in New River, north of a line on the west shore $34^{\circ} 39.1847' N - 77^{\circ} 22.8821' W$; running to a point on the east shore $34^{\circ} 38.2465' N - 77^{\circ} 20.3336' W$; in Frenchs Creek, west of a line on the north shore $34^{\circ} 38.3585' N - 77^{\circ} 19.9695' W$; running to a point on the south shore $34^{\circ} 38.1064' N - 77^{\circ} 19.9415' W$; following the east shoreline to a point $34^{\circ} 40.4730' N - 77^{\circ} 22.7141' W$; running northwest to a point on the west shore $34^{\circ} 40.7530' N - 77^{\circ} 23.9744' W$; following the west shoreline to include all streams, bays and waters therein to a point $34^{\circ} 39.1847' N - 77^{\circ} 22.8821' W$.
- (g) Morgan Bay Sector, in New River, north of a line on the west shore $34^{\circ} 40.7530' N - 77^{\circ} 23.9744' W$; running to a point on the east shore $34^{\circ} 40.4730' N - 77^{\circ} 22.7141' W$; in Wallace Creek, west of a line $34^{\circ} 40.9070' N - 77^{\circ} 21.9719' W$; running south to a point on the south shore $34^{\circ} 40.6970' N - 77^{\circ} 21.9579' W$; following the east shoreline to a point $34^{\circ} 42.5526' N$

- 77° 23.6712' W; running south to a point on the west shore 34° 42.0211' N - 77° 24.9325' W; following the west shoreline to include all streams, bays and waters therein to a point 34° 40.7530' N - 77° 23.9744' W.
- (h) Jacksonville Sector in New River, Southwest Creek; northwest of a line beginning at a point 34° 41.0751' N - 77° 25.6267' W; to a point on the south shore 34° 40.9581' N - 77° 25.6624' W; north of a line beginning at a point on the northeast shoreline of Southwest Creek 34° 42.0211' N - 77° 24.9325' W; running northwest to a point on the east shoreline of New River 34° 42.5526' N - 77° 23.6712' W; southeast of a line beginning at a point on the west shore of New River 34° 43.7028' N - 77° 25.8448' W; running east to a point on the east shore of New River 34° 43.7108' N - 77° 25.5275' W; southwest of a line beginning at a point on the north shore of Northeast Creek 34° 43.7108' N - 77° 23.4412' W; running southerly to a point on the south shore of Northeast Creek 34° 43.3696' N - 77° 23.4333' W;
- (8) Cape Fear River:
- (a) In the vicinity of Sunny Point Army Terminal, beginning at a point onshore west of the main ship channel 33° 58.2950' N - 77° 58.1533' W; running easterly to a point near marker #23, 33° 58.2950' N - 77° 56.9517' W; running northerly parallel with the shoreline to a point 33° 59.1838' N - 77° 56.8694' W; running northerly parallel to the shoreline to a point 34° 00.6158' N - 77° 56.4250' W; running northerly parallel to the shoreline to a point 34° 02.0478' N - 77° 56.4250' W; running westerly back to a point onshore 34° 02.0642' N - 77° 56.6061' W.

History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.52; Eff. January 1, 1991; Amended Eff. March 1, 1994; July 1, 1993; September 1, 1991; Recodified from 15A NCAC 3R .0002 Eff. December 17, 1996; Amended Eff. August 1, 2004; May 1, 1997.

15A NCAC 03R .0103 PRIMARY NURSERY AREAS

The primary nursery areas referenced in 15A NCAC 03N .0104 are delineated in the following coastal water areas:

- (1) In the Roanoke Sound Area:
- (a) Shallowbag Bay:
- (i) Dough Creek - northeast of a line beginning on the west shore at a point 35° 54.5396' N - 75° 39.9681' W; running northeasterly to the east shore to a point 35° 54.4615' N - 75° 40.1598' W; and west of a line that crosses a canal on the east side of Dough Creek beginning on the north shore at a point 35° 54.7103' N - 75° 40.0951' W; running southerly to the south shore to a point 35° 54.6847' N - 75° 40.0882' W;
- (ii) Scarborough Creek - south of a line beginning on the west shore at a point 35° 53.9801' N - 75° 39.5985' W; running northeasterly to the east shore to a point 35° 54.0372' N - 75° 39.5558' W.
- (b) Broad Creek - all waters north of a line beginning on the west shore at a point 35° 51.9287' N - 75° 38.3377' W; running northeasterly to the east shore to a point 35° 52.0115' N - 75° 38.1792' W; and west and south of a line beginning on the north shore at a point 35° 53.3655' N - 75° 38.0254' W; running southeasterly to the south shore to a point 35° 53.3474' N - 75° 37.9430' W.
- (2) In the Northern Pamlico Sound Area:
- (a) Long Shoal River:
- (i) Long Shoal River - northwest of a line beginning on the north shore at a point 35° 38.0175' N - 75° 52.9270' W; running southwesterly to the south shore to a point 35° 37.8369' N - 75° 53.1060' W;
- (ii) Deep Creek - southeast of a line beginning on the north shore at a point 35° 37.7346' N - 75° 52.1383' W; running southwesterly to the south shore to a point 35° 37.6673' N - 75° 52.2997' W;
- (iii) Broad Creek - west of a line beginning on the north shore at a point 35° 35.9820' N - 75° 53.6789' W; running southerly to the south shore to a point 35° 35.7093' N - 75° 53.7335' W;
- (iv) Muddy Creek - east of a line beginning on the north shore at a point 35° 36.4566' N - 75° 52.1460' W; running southerly to the south shore to a point 35° 36.2828' N - 75° 52.1640' W;

- (v) Pains Bay - north of a line beginning on the west shore at a point 35° 35.4517' N - 75° 49.1414' W; running easterly to the east shore to a point 35° 35.4261' N - 75° 48.8029' W;
- (vi) Otter Creek - southwest of a line beginning on the west shore at a point 35° 33.2597' N - 75° 55.2129' W; running easterly to the east shore to a point 35° 33.1995' N - 75° 54.8949' W;
- (vii) Clark Creek - northeast of a line beginning on the north shore at a point 35° 35.7776' N - 75° 51.4652' W; running southeasterly to the south shore to a point 35° 35.7128' N - 75° 51.4188' W;
- (b) Far Creek - west of a line beginning on the north shore at a point 35° 30.9782' N - 75° 57.7611' W; running southerly to Gibbs Point to a point 35° 30.1375' N - 75° 57.8108' W;
- (c) Middletown Creek - west of a line beginning on the north shore at a point 35° 28.4868' N - 75° 59.8186' W; running southwesterly to the south shore to a point 35° 28.1919' N - 76° 00.0216' W;
- (d) Wysocking Bay:
 - (i) Lone Tree Creek - east of a line beginning on the north shore at a point 35° 25.6048' N - 76° 02.3577' W; running southeasterly to the south shore to a point 35° 25.1189' N - 76° 02.0499' W;
 - (ii) Wysocking Bay - north of a line beginning on the west shore at a point 35° 25.7793' N - 76° 03.5773' W; running northeasterly to the east shore to a point 35° 25.9585' N - 76° 02.9055' W;
 - (iii) Douglas Bay - northwest of a line beginning on Mackey Point at a point 35° 25.2627' N - 76° 03.1702' W; running southwesterly to the south shore to a point 35° 24.8225' N - 76° 03.6353' W;
 - (iv) Tributaries west of Brown Island - west of a line beginning on Brown Island at a point 35° 24.3606' N - 76° 04.4557' W; running southerly to the north shore of Brown Island to a point 35° 24.2081' N - 76° 04.4622' W; and northwest of a line beginning on the south shore of Brown Island at a point 35° 23.8255' N - 76° 04.4761' W; running southwesterly to a point 35° 23.6543' N - 76° 04.8630' W;
- (e) East Bluff Bay - Harbor Creek east of a line beginning on the north shore at a point 35° 21.5762' N - 76° 07.8755' W; running southerly to a point 35° 21.4640' N - 76° 07.8750' W; running easterly to the south shore to a point 35° 21.4332' N - 76° 07.7211' W;
- (f) Cunning Harbor tributaries - north of a line beginning on the west shore at a point 35° 20.7567' N - 76° 12.6379' W; running easterly to the east shore to a point 35° 20.7281' N - 76° 12.2292' W;
- (g) Juniper Bay:
 - (i) Upper Juniper Bay - north of a line beginning on the west shore at a point 35° 23.1687' N - 76° 15.1921' W; running easterly to the east shore to a point 35° 23.1640' N - 76° 14.9892' W;
 - (ii) Rattlesnake Creek - west of a line beginning on the north shore at a point 35° 22.9453' N - 76° 15.2748' W, running southerly to the south shore to a point 35° 22.8638' N - 76° 15.3461' W;
 - (iii) Buck Creek - north of a line beginning on the west shore at a point 35° 21.5220' N - 76° 13.8865' W; running southeasterly to the east shore to a point 35° 21.3593' N - 76° 13.7039' W;
 - (iv) Laurel Creek - east of a line beginning on the north shore at a point 35° 20.6693' N - 76° 13.3177' W; running southerly to the south shore to a point 35° 20.6082' N - 76° 13.3305' W;
 - (v) Old Haulover - west of a line beginning on the north shore at a point 35° 22.0186' N - 76° 15.6736' W; running southerly to the south shore to a point 35° 21.9708' N - 76° 15.6825' W;
- (h) Swanquarter Bay:
 - (i) Upper Swanquarter Bay - north of a line beginning on the west shore at a point 35° 23.5651' N - 76° 20.6715' W; running easterly to the east shore to a point 35° 23.6988' N - 76° 20.0025' W;
 - (ii) Oyster Creek - east of a line beginning on the north shore at a point 35° 23.1214' N - 76° 19.0026' W; running southeasterly to the south shore to a point 35° 23.0117' N - 76° 18.9591' W;
 - (iii) Caffee Bay:

- (A) Unnamed tributary - north of a line beginning on the west shore at a point 35° 22.1604' N - 76° 18.9140' W; running easterly to the east shore to a point 35° 22.1063' N - 76° 18.7500' W;
 - (B) Unnamed tributary - north of a line beginning on the west shore at a point 35° 22.1573' N - 76° 18.5101' W; running easterly to the east shore to a point 35° 22.1079' N - 76° 18.1562' W;
 - (C) Upper Caffee Bay (Haulover) - east of a line beginning on the north shore at a point 35° 21.8499' N - 76° 17.5199' W; running southerly to the south shore to a point 35° 21.5451' N - 76° 17.4966' W;
- (i) Rose Bay:
- (i) Rose Bay - north of a line beginning on the west shore at a point 35° 26.6543' N - 76° 25.3992' W; running easterly to Channel Marker "6"; running northeasterly to Watch Point to a point 35° 26.8515' N - 76° 25.0055' W;
 - (ii) Island Point Creek - west of a line beginning on the north shore at a point 35° 26.0413' N - 76° 25.0452' W; running southeasterly to the south shore to a point 35° 25.9295' N - 76° 24.9882' W;
 - (iii) Tooley Creek - west of a line beginning on the north shore at a point 35° 25.4937' N - 76° 25.5324' W; running southerly to the south shore to a point 35° 25.1819' N - 76° 25.5776' W;
 - (iv) Broad Creek - east of a line beginning on the north shore at a point 35° 24.4620' N - 76° 23.3398' W; running southwesterly to the south shore to a point 35° 24.2352' N - 76° 23.5158' W;
 - (v) Lightwood Snag Bay - northwest of a line beginning on the north shore at a point 35° 24.3340' N - 76° 25.9680' W; running southwesterly to a point 35° 24.2610' N - 76° 26.1800' W; running southwesterly to a point on the shore 35° 23.9270' N - 76° 26.3300' W;
 - (vi) Deep Bay:
 - (A) Old Haulover - north of a line beginning on the west shore at a point 35° 23.2140' N - 76° 22.8560' W; running easterly to the east shore to a point 35° 23.2124' N - 76° 22.7340' W;
 - (B) Drum Cove (Stinking Creek) - south of a line beginning on the west shore at a point 35° 22.5212' N - 76° 24.7321' W; running southeasterly to the east shore to a point 35° 22.4282' N - 76° 24.5147' W;
 - (vii) Eastern tributaries (Cedar Hammock and Long Creek) - east of a line beginning on the north shore at a point 35° 24.9119' N - 76° 23.1587' W; running southerly to the south shore to a point 35° 24.6700' N - 76° 23.2171' W;
- (j) Spencer Bay:
- (i) Germantown Bay:
 - (A) Ditch Creek - northwest of a line beginning on the north shore at a point 35° 24.1874' N - 76° 27.8527' W; running southwesterly to the south shore to a point 35° 24.0937' N - 76° 27.9348' W;
 - (B) Jenette Creek - northwest of a line beginning on the north shore at a point 35° 24.5054' N - 76° 27.6258' W; running southwesterly to the south shore to a point 35° 24.4642' N - 76° 27.6659' W;
 - (C) Headwaters of Germantown Bay - north of a line beginning on the west shore at a point 35° 24.8345' N - 76° 27.2605' W; running southeasterly to the east shore to a point 35° 24.6210' N - 76° 26.9221' W;
 - (D) Swan Creek - southeast of a line beginning on the north shore at a point 35° 24.4783' N - 76° 27.1513' W; running southwesterly to the south shore to a point 35° 24.3899' N - 76° 27.2809' W;
 - (ii) Unnamed tributary - west of a line beginning on the north shore at a point 35° 22.9741' N - 76° 28.3469' W; running southerly to the south shore to a point 35° 22.8158' N - 76° 28.3280' W;
 - (iii) Unnamed tributary - west of a line beginning on the north shore at a point 35° 23.1375' N - 76° 28.5681' W; running southerly to the south shore to a point 35° 23.0209' N - 76° 28.5060' W;
 - (iv) Unnamed tributary - southwest of a line beginning on the north shore at a point 35° 23.3775' N - 76° 28.7332' W; running southeasterly to the south shore to a point 35° 23.3297' N - 76° 28.5608' W;

- (v) Unnamed tributaries - northwest of a line beginning on the north shore at a point 35° 23.7207' N - 76° 28.6590' W; running southwesterly to the south shore to a point 35° 23.4738' N - 76° 28.7763' W;
 - (vi) Upper Spencer Bay - northwest of a line beginning on the north shore at a point 35° 24.3129' N - 76° 28.5300' W; running southwesterly to the south shore to a point 35° 23.9681' N - 76° 28.7671' W;
 - (vii) Spencer Creek - east of a line beginning on the north shore at a point 35° 23.9990' N - 76° 27.3702' W; running southerly to the south shore to a point 35° 23.8598' N - 76° 27.4037' W;
 - (k) Long Creek - north of a line beginning on the west shore at a point 35° 22.4678' N - 76° 28.7868' W; running southeasterly to the east shore to a point 35° 22.3810' N - 76° 28.7064' W;
 - (l) Willow Creek – east of a line beginning on the north shore at a point 35° 23.1370' N - 76° 29.8829' W; running southeasterly to the south shore to a point 35° 22.9353' N - 76° 29.7215' W;
 - (m) Abels Bay - north and east of a line beginning on the west shore at a point 35° 24.1072' N - 76° 30.3848' W; running southeasterly to the east shore to a point 35° 23.9898' N - 76° 30.1178' W; thence running southerly to the south shore to a point 35° 23.6947' N - 76° 30.1900' W;
 - (n) Crooked Creek - north of a line beginning on the west shore at a point 35° 24.4138' N - 76° 32.2124' W; running easterly to the east shore to a point 35° 24.3842' N - 76° 32.0419' W.
- (3) In the Pungo River Area:
- (a) Fortescue Creek:
 - (i) Headwaters of Fortescue Creek - southeast of a line beginning on the south shore at a point 35° 25.5379' N – 76° 30.6923' W; running easterly to the north shore to a point 35° 25.5008' N - 76° 30.5537' W;
 - (ii) Warner Creek - north of a line beginning on the west shore at a point 35° 26.2778' N – 76° 31.5463' W; running easterly to the east shore to a point 35° 26.3215' N - 76° 31.4522' W;
 - (iii) Island Creek - north of a line beginning on the west shore at a point 35° 26.1342' N - 76° 32.3883' W; running easterly to the east shore to a point 35° 26.1203' N - 76° 32.2603' W;
 - (iv) Dixon Creek - south of a line beginning on the west shore at a point 35° 25.5766' N - 76° 31.8489' W; running easterly to the east shore to a point 35° 25.5865' N - 76° 31.6960' W;
 - (v) Pasture Creek - north of a line beginning on the west shore at a point 35° 25.9437' N - 76° 31.8468' W; running southwesterly to the east shore to a point 35° 25.9918' N - 76° 31.7224' W;
 - (vi) Cox, Snell, and Seer Creeks - northeast of a line beginning on the west shore at a point 35° 26.0496' N - 76° 31.2087' W; running southeasterly to the east shore to a point 35° 25.8497' N - 76° 30.8828' W;
 - (vii) Unnamed tributary on the north side of Fortescue Creek - northeast of a line beginning on the west shore at a point 35° 25.7722' N - 76° 30.7825' W; running southeasterly to the east shore to a point 35° 25.7374' N -- 76° 30.7102' W;
 - (viii) Runway Creek - northeast of a line beginning on the west shore at a point 35° 25.6547' N - 76° 30.6637' W; running easterly to the east shore to a point 35° 25.6113' N - 76° 30.5714' W;
 - (b) Slade Creek:
 - (i) Upper Slade Creek - south of a line beginning on the north shore at a point 35° 27.9168' N - 76° 30.5189' W; running westerly to the south shore to a point 35° 27.9532' N - 76° 30.7140' W;
 - (ii) Jarvis Creek - northeast of a line beginning on the west shore at a point 35° 28.2450' N - 76° 30.8921' W; running southeasterly to the east shore to a point 35° 28.2240' N - 76° 30.8200' W;
 - (iii) Jones Creek - south of a line beginning on the west shore at a point 35° 28.0077' N - 76° 30.9337' W; running southeasterly to the east shore to a point 35° 27.9430' N - 76° 30.8938' W;
 - (iv) Becky Creek - north of a line beginning on the west shore at a point 35° 28.6081' N – 76° 31.6886' W; running northeasterly to the east shore to a point 35° 28.6297' N - 76° 31.6073' W;

- (v) Neal Creek - north of a line beginning on the west shore at a point 35° 28.7797' N - 76° 31.8657' W; running northeasterly to the east shore to a point 35° 28.8084' N - 76° 31.7727' W;
- (vi) Wood Creek - north of a line beginning on the west shore at a point 35° 28.5788' N - 76° 32.4163' W; running northeasterly to the east shore to a point 35° 28.6464' N - 76° 32.3339' W;
- (vii) Spellman Creek - north of a line beginning on the east shore at a point 35° 28.2233' N - 76° 32.6827' W; running southwesterly to the west shore to a point 35° 28.2567' N - 76° 32.6533' W;
- (viii) Speer Creek - east of a line beginning on the north shore at a point 35° 27.9680' N - 76° 32.3593' W; running southerly to the south shore to a point 35° 27.9216' N - 76° 32.3862' W;
- (ix) Church Creek and Speer Gut - east of a line beginning on the north shore at a point 35° 27.5910' N - 76° 32.7412' W; running southwesterly to the south shore to a point 35° 27.5282' N - 76° 32.8227' W;
- (x) Allison and Foreman Creek - south of a line beginning on Parmalee Point at a point 35° 27.2812' N - 76° 33.0634' W; running southwesterly to the west shore to a point 35° 27.2418' N - 76° 33.1451' W;
- (c) Flax Pond - west of a line beginning the north shore at a point 35° 32.0297' N - 76° 33.0389' W; running southwesterly to the south shore to a point 35° 31.9212' N - 76° 33.2061' W;
- (d) Battalina and Tooleys creeks - northwest of a line beginning on the north shore at a point 35° 32.3914' N - 76° 36.1548' W; running southwesterly to the south shore to a point 35° 32.0627' N - 76° 36.3769' W.
- (4) In the Pamlico River Area:
 - (a) North Creek:
 - (i) North Creek - north of a line beginning on the west shore at a point 35° 25.6764' N - 76° 39.9970' W; running northeasterly to the east shore to a point 35° 25.5870' N - 76° 40.0806' W;
 - (ii) East Fork:
 - (A) Northeast of a line beginning on the west shore at a point 35° 25.8000' N - 76° 39.2679' W; running southeasterly to the east shore to a point 35° 25.6914' N - 76° 39.1374' W;
 - (B) Unnamed tributary of East Fork - northwest of a line beginning on the north shore at a point 35° 25.6950' N - 76° 39.4337' W; running southwesterly to the south shore to a point 35° 25.6445' N - 76° 39.4698' W;
 - (iii) Frying Pan Creek - east of a line beginning on the north shore at a point 35° 24.9881' N - 76° 39.5948' W; running southwesterly to Chambers Point to a point 35° 24.8508' N - 76° 39.6811' W;
 - (iv) Little Ease Creek - west of a line beginning on the north shore at a point 35° 25.1463' N - 76° 40.3490' W; running southwesterly to Cousin Point to a point 35° 25.0075' N - 76° 40.4159' W;
 - (b) Goose Creek:
 - (i) Hatter Creek - west of a line beginning on the north shore at a point 35° 19.9593' N - 76° 37.5992' W; running southerly to the south shore to a point 35° 19.9000' N - 76° 37.5904' W;
 - (ii) Upper Spring Creek:
 - (A) Headwaters of Upper Spring Creek - east of a line beginning on the north shore at a point 35° 16.3636' N - 76° 36.0568' W; running southeasterly to the south shore to a point 35° 16.1857' N - 76° 36.0111' W;
 - (B) Unnamed tributary - north of a line beginning on the west shore at a point 35° 16.8386' N - 76° 36.4447' W; running easterly to the east shore to a point 35° 16.8222' N - 76° 36.3811' W;
 - (iii) Eastham Creek:
 - (A) Slade Landing Creek - south of a line beginning on the west shore at a point 35° 17.5450' N - 76° 35.9677' W; running southeasterly to the east shore to a point 35° 17.4845' N - 76° 35.8946' W;
 - (B) Mallard Creek - north of a line beginning on the west shore at a point 35° 17.8230' N - 76° 36.1314' W; running southeasterly to the east shore to a point 35° 17.7927' N - 76° 36.0330' W;

- (iv) Mud Gut - northeast of a line beginning on the north shore at a point 35° 17.8754' N - 76° 36.7704' W; running southeasterly to the south shore to a point 35° 17.8166' N - 76° 36.7468' W;
- (v) Wilkerson Creek - east of a line beginning on the north shore at a point 35° 18.4096' N - 76° 36.7479' W; running southwesterly to the south shore to a point 35° 18.3542' N - 76° 36.7741' W;
- (vi) Dixon Creek - east of a line beginning on the north shore at a point 35° 18.8893' N - 76° 36.5973' W; running southerly to the south shore to a point 35° 18.5887' N - 76° 36.7142' W;
- (c) Oyster Creek; Middle Prong:
 - (i) Oyster Creek:
 - (A) West of a line, beginning on the north shore at a point 35° 19.4780' N - 76° 34.0131' W; running southerly to the south shore to a point 35° 19.3796' N - 76° 34.0021' W;
 - (B) Duck Creek - south of a line beginning on the west shore at a point 35° 19.0959' N - 76° 33.2998' W; running northeasterly to the east shore to a point 35° 19.1553' N - 76° 33.2027' W;
 - (ii) James Creek - southwest of a line beginning on the north shore at a point 35° 18.6045' N - 76° 32.3233' W; running southeasterly to James Creek Point at a point 35° 18.4805' N - 76° 32.0240' W;
 - (iii) Middle Prong - south of a line beginning on the west shore at a point 35° 17.8888' N - 76° 31.9379' W; running southerly to the east shore to a point 35° 17.7323' N - 76° 31.9052' W;
 - (iv) Clark Creek:
 - (A) Headwaters of Clark Creek (including Mouse Harbor Ditch) - southeast of a line beginning on the west shore at a point 35° 18.1028' N - 76° 31.1661' W; running northeasterly to the east shore to a point 35° 18.1907' N - 76° 31.0610' W;
 - (B) Boat Creek - east of a line beginning on the north shore at a point 35° 18.5520' N - 76° 31.2927' W; running southerly to the south shore to a point 35° 18.4189' N - 76° 31.2660' W.
- (5) In the Western Pamlico Sound Area:
 - (a) Mouse Harbor:
 - (i) Long Creek - north of a line beginning on the west shore at a point 35° 18.4025' N - 76° 29.8139' W; running northeasterly to the east shore to a point 35° 18.4907' N - 76° 29.5652' W;
 - (ii) Lighthouse Creek - north of a line beginning on the west shore at a point 35° 18.5166' N - 76° 29.2166' W; running southeasterly to the east shore to a point 35° 18.4666' N - 76° 29.1666' W;
 - (iii) Cedar Creek and Island creeks - south of a line beginning on the west shore at a point 35° 16.9073' N - 76° 29.8667' W; running southeasterly to the east shore to a point 35° 16.6800' N - 76° 29.4500' W;
 - (b) Porpoise Creek - west of a line beginning on the north shore at a point 35° 15.7263' N - 76° 29.4897' W; running southeasterly to the south shore to a point 35° 15.6335' N - 76° 29.3346' W;
 - (c) Middle Bay:
 - (i) Middle Bay - west of a line beginning on the north shore at a point 35° 14.6137' N - 76° 30.8086' W; running southeasterly to the south shore to a point 35° 14.0631' N - 76° 30.5176' W;
 - (ii) Little Oyster Creek - north of a line beginning on the west shore at a point 35° 14.4745' N - 76° 30.2111' W; running northeasterly to the east shore to a point 35° 14.5825' N - 76° 29.9144' W;
 - (d) Jones Bay, west of the IWW:
 - (i) Little Drum Creek and Little Eve Creek - south of a line beginning on the west shore at a point 35° 12.4380' N - 76° 31.7428' W; running southeasterly to the east shore to a point 35° 12.3499' N - 76° 31.2554' W;
 - (ii) Ditch Creek - south of a line beginning on the west shore at a point 35° 13.3609' N - 76° 33.6539' W; running southeasterly to the east shore to a point 35° 13.2646' N - 76° 33.1996' W;

- (iii) Lambert Creek - west of a line beginning on the north shore at a point 35° 13.8980' N - 76° 34.3078' W; running southeasterly to the south shore to a point 35° 13.8354' N - 76° 34.2665' W;
 - (iv) Headwaters of Jones Bay, (west of the IWW) - west of a line beginning on the north shore at a point 35° 14.4684' N - 76° 35.4307' W; running southerly to the south shore to a point 35° 14.3947' N - 76° 35.4205' W;
 - (v) Bills Creek - north of a line beginning on the west shore at a point 35° 14.4162' N - 76° 34.8566' W; running northerly to the east shore to a point 35° 14.4391' N - 76° 34.7248' W;
 - (vi) Doll Creek - north of a line beginning on the west shore at a point 35° 14.3320' N - 76° 34.2935' W; running southeasterly to the east shore to a point 35° 14.2710' N - 76° 34.0406' W;
 - (vii) Drum Creek - north of a line beginning on the west shore at a point 35° 14.1764' N - 76° 33.2632' W; running easterly to the east shore to a point 35° 14.1620' N - 76° 33.0614' W.
- (6) In the Bay River Area:
- (a) Mason Creek - southeast of a line beginning on the north shore at a point 35° 08.2531' N - 76° 41.4897' W; running southwesterly to the west shore to a point 35° 08.1720' N - 76° 41.6340' W;
 - (b) Moore Creek - southeast of a line beginning on the north shore at a point 35° 08.9671' N - 76° 40.2017' W; running southeasterly to the south shore to a point 35° 08.8629' N - 76° 40.1598' W;
 - (c) Small tributaries from Bell Point to Ball Creek:
 - (i) Tributary west of Bell Point - south of a line beginning on the west shore at a point 35° 09.9536' N - 76° 39.3977' W; running northeasterly to the east shore to a point 35° 09.9970' N - 76° 39.3420' W;
 - (ii) Little Pasture Creek - south of a line beginning on the west shore at a point 35° 09.8944' N - 76° 39.1483'; running southeasterly to the east shore to a point 35° 09.8417' N - 76° 39.1130' W;
 - (iii) Rice Creek - south of a line beginning on the west shore at a point 35° 09.7616' N - 76° 38.9686' W; running southeasterly to the east shore to a point 35° 09.7378' N - 76° 38.8833' W;
 - (d) Ball and Cabin creeks - south of a line beginning on the west shore at a point 35° 09.6479' N - 76° 37.9973' W; running southeasterly to the east shore to a point 35° 09.5589' N - 76° 37.5879' W;
 - (e) Bonner Bay:
 - (i) Riggs Creek - west of a line beginning on the north shore at a point 35° 09.4050' N - 76° 36.2205' W; running southeasterly to the south shore to a point 35° 09.2298' N - 76° 36.0949' W;
 - (ii) Spring Creek - west of a line beginning on the north shore at a point 35° 08.5149' N - 76° 36.0799' W; running southerly to the south shore to a point 35° 08.3575' N - 76° 36.0713' W;
 - (iii) Bryan and Ives creeks - south of a line beginning on the west shore at a point 35° 08.3632' N - 76° 35.8653' W; running northeasterly to the east shore to a point 35° 08.4109' N - 76° 35.7075' W;
 - (iv) Dipping Vat Creek - east of a line beginning on the north shore at a point 35° 09.2734' N - 76° 34.3363' W; running southerly to the south shore to a point 35° 09.1212' N - 76° 34.3667' W;
 - (v) Long Creek - east of a line beginning on the west shore at a point 35° 08.1404' N - 76° 34.5741' W; running northeasterly to the east shore to a point 35° 08.2078' N - 76° 34.4819' W;
 - (vi) Cow Gallus Creek - west of a line beginning on the north shore at a point 35° 08.5125' N - 76° 34.6417' W; running southerly to the south shore to a point 35° 08.4083' N - 76° 34.6131' W;
 - (f) Rock Hole Bay - northeast of a line beginning on the west shore at a point 35° 11.6478' N - 76° 32.5840' W; running southeasterly to the east shore to a point 35° 11.2664' N - 76° 32.2160' W;
 - (g) Dump Creek - north of a line beginning on the west shore at a point 35° 11.7105' N - 76° 33.4228' W; running easterly to the east shore to a point 35° 11.7174' N - 76° 33.1807' W;
 - (h) Tributaries east of IWW at Gales Creek:

- (i) Raccoon Creek - east of a line beginning on the north shore at a point 35° 12.9169' N - 76° 35.4930' W; running southeasterly to the south shore to a point 35° 12.6515' N - 76° 35.3368' W;
- (ii) Ditch Creek - east of a line beginning on the north shore at a point 35° 12.4460' N - 76° 35.0707' W; running southeasterly to the south shore to a point 35° 12.3495' N - 76° 34.9917' W;
- (i) Tributaries west of IWW at Gales Creek:
 - (i) Jumpover Creek - west of a line beginning on the north shore at a point 35° 13.2830' N - 76° 35.5843' W; running southerly to the south shore to a point 35° 13.2035' N - 76° 35.5844' W;
 - (ii) Gales Creek - west of a line beginning on the north shore at a point 35° 12.9653' N - 76° 35.6600' W; running southerly to the south shore to a point 35° 12.8032' N - 76° 35.6366' W;
 - (iii) Whealton and Tar creeks - west of a line beginning on the north shore at a point 35° 12.7334' N - 76° 35.5430' W; running southeasterly to the south shore to a point 35° 12.4413' N - 76° 35.3594' W;
- (j) Chadwick and No Jacket creeks - north of a line beginning on the west shore at a point 35° 11.9511' N - 76° 35.8899' W; running northeasterly to the east shore to a point 35° 12.0599' N - 76° 35.3973' W;
- (k) Bear Creek - west of a line beginning on the north shore at a point 35° 11.7526' N - 76° 36.2721' W; running southwesterly to the south shore to a point 35° 11.5781' N - 76° 36.3366' W;
- (l) Little Bear Creek - north of a line beginning on the west shore at a point 35° 11.1000' N - 76° 36.3060' W; running northeasterly to the east shore to a point 35° 11.2742' N - 76° 35.9822' W;
- (m) Tributaries to Bay River from Petty Point to Sanders Point:
 - (i) Oyster Creek - north of a line beginning on the west shore at a point 35° 10.7971' N - 76° 36.7399' W; running northeasterly to the east shore to a point 35° 10.9493' N - 76° 36.4878' W;
 - (ii) Potter Creek - north of a line beginning on the west shore at a point 35° 10.7259' N - 76° 37.0764' W; running northeasterly to the east shore to a point 35° 10.7778' N - 76° 36.7933' W;
 - (iii) Barnes and Gascon creeks - north of a line beginning on the west shore at a point 35° 10.6396' N - 76° 37.3137' W; running northeasterly to the east shore to a point 35° 10.6929' N - 76° 37.2087' W;
 - (iv) Harris Creek - north of a line beginning on the west shore at a point 35° 10.5922' N - 76° 37.5333' W; running northeasterly to the east shore to a point 35° 10.6007' N - 76° 37.5103' W;
 - (v) Mesic Creek - north of a line beginning on the west shore at a point 35° 10.5087' N - 76° 37.9520' W; running easterly to the east shore to a point 35° 10.4830' N - 76° 37.8477' W;
- (n) In Vandemere Creek:
 - (i) Cedar Creek - north of a line beginning on the west shore at a point 35° 11.2495' N - 76° 39.5727' W; running northeasterly to the east shore to a point 35° 11.2657' N - 76° 39.5238' W;
 - (ii) Long Creek - east of a line beginning on the north shore at a point 35° 11.4779' N - 76° 38.7790' W; running southerly to the south shore to a point 35° 11.4220' N - 76° 38.7521' W;
 - (iii) Little Vandemere Creek - north of a line beginning on the west shore at a point 35° 12.1449' N - 76° 39.2620' W; running southeasterly to the east shore to a point 35° 12.1182' N - 76° 39.1993' W;
- (o) Smith Creek - north of a line beginning on the west shore to a point 35° 10.4058' N - 76° 40.2565' W; running northeasterly to the east shore to a point 35° 10.4703' N - 76° 40.1593' W;
- (p) Harper Creek - west of a line beginning on the north shore at a point 35° 09.2767' N - 76° 41.8489' W; running southwesterly to the south shore to a point 35° 09.1449' N - 76° 41.9137' W;
- (q) Chapel Creek - north of a line beginning on the west shore at a point 35° 08.9333' N - 76° 42.8382' W; running northeasterly to the east shore to a point 35° 08.9934' N - 76° 42.7694' W;

- (r) Swindell Bay - south of a line beginning on the west shore at a point 35° 08.2580' N - 76° 42.9380' W; running southeasterly to the east shore to a point 35° 08.2083' N - 76° 42.8031' W.
- (7) In the Neuse River Area North Shore:
 - (a) Swan Creek - west of a line beginning on the south shore at a point 35° 06.5470' N - 76° 33.8203' W; running northeasterly to a point 35° 06.4155' N - 76° 33.9479'; running to the south shore of Swan Island to a point 35° 06.3168' N - 76° 34.0263' W; running northeasterly to a point 35° 06.6705' N - 76° 33.7307' W, running northeasterly to the north shore to a point 35° 06.8183' N - 76° 33.5971' W;
 - (b) Broad Creek:
 - (i) Greens Creek - north of a line beginning on the west shore at a point 35° 06.0730' N - 76° 35.5110' W; running southeasterly to the east shore to a point 35° 05.9774' N - 76° 35.3704' W;
 - (ii) Pittman Creek - north of a line beginning on the west shore at a point 35° 05.8143' N - 76° 36.1475' W; running northeasterly to the east shore to a point 35° 05.8840' N - 76° 36.0144' W;
 - (iii) Burton Creek - west of a line beginning on the north shore at a point 35° 05.7174' N - 76° 36.4797' W; running southwesterly to the south shore to a point 35° 05.6278' N - 76° 36.5067' W;
 - (iv) All tributaries on the north shore of Broad Creek - north of a line beginning on the west shore of the western most tributary at a point 35° 05.5350' N - 76° 37.4058' W; running easterly to a point 35° 05.4752' N - 76° 36.9672' W; running to a point 35° 05.4868' N - 76° 36.9163' W; north of a line beginning on the west shore of the eastern most tributary at 35° 05.4415' N - 76° 36.7869' W, running northeasterly to a point 35° 05.4664' N - 76° 36.7540' W;
 - (v) Brown Creek - northwest of a line beginning on the west shore at a point 35° 05.5310' N - 76° 37.8132' W; running northeasterly to the east shore to a point 35° 05.5737' N - 76° 37.6908' W;
 - (vi) Broad Creek including Gideon Creek - west of a line beginning on the north shore at a point 35° 05.5310' N - 76° 37.8132' W; running southerly to the south shore to a point 35° 05.3212' N - 76° 37.8398' W;
 - (vii) Tar Creek - south of a line beginning on the west shore at a point 35° 05.2604' N - 76° 37.5093' W; running easterly to the east shore to a point 35° 05.2728' N - 76° 37.6251' W;
 - (viii) Tributary east of Tar Creek - south of a line beginning on the west shore at a point 35° 05.3047' N - 76° 37.0316' W; running easterly to the east shore to a point 35° 05.2674' N - 76° 36.8086' W;
 - (ix) Tributary east of Tar Creek - south of a line beginning on the west shore at a point 35° 05.2674' N - 76° 36.8086' W; running easterly to the east shore to a point 35° 05.2445' N - 76° 36.5416' W;
 - (x) Parris Creek - south of a line beginning on the west shore at a point 35° 05.2445' N - 76° 36.5416' W; running southeasterly to the east shore to a point 35° 05.2031' N - 76° 36.4573' W;
 - (xi) Mill Creek - south of a line beginning on the west shore at a point 35° 05.4439' N - 76° 36.0260' W; running northeasterly to the east shore to a point 35° 05.4721' N - 76° 35.8835' W;
 - (xii) Cedar Creek - south of a line beginning on the west shore at a point 35° 05.3711' N - 76° 35.6556' W; running southeasterly to the east shore to a point 35° 05.2867' N - 76° 35.5348' W;
 - (c) Orchard and Old House creeks - north of a line beginning on the west shore at a point 35° 03.3302' N - 76° 38.4478' W; running northeasterly to the east shore to a point 35° 03.6712' N - 76° 37.9040' W;
 - (d) Pierce Creek - north of a line beginning on the west shore at a point 35° 02.5030' N - 76° 40.0536' W; running northeasterly to the east shore to a point 35° 02.5264' - 76° 39.9901' W;
 - (e) Whittaker Creek - north of a line beginning on the west shore at a point 35° 01.7186' N - 76° 41.1309' W; running easterly to the east shore to a point 35° 01.6702' N - 76° 40.9036' W;
 - (f) Oriental:
 - (i) Smith and Morris creeks - north of a line beginning on the west shore at a point 35° 02.1553' N - 76° 42.2931' W; running southeasterly to the east shore to a point 35° 02.1097' N - 76° 42.1806' W;

- (ii) Unnamed tributary west of Dewey Point - north of a line beginning on the west shore at a point 35° 01.3704' N - 76° 42.4906' W; running northeasterly to the east shore to a point 35° 01.3530' N - 76° 42.4323' W;
- (iii) Unnamed tributary on the south shore of Greens Creek - south of a line beginning on the west shore at a point 35° 01.4340' N - 76° 42.7920' W; running southeasterly to the east shore to a point 35° 01.4040' N - 76° 42.7320' W;
- (iv) Unnamed tributary on the south shore of Greens Creek - south of a line beginning on the west shore at a point 35° 01.3680' N - 76° 42.4920' W; running southeasterly to the east shore to a point 35° 01.3560' N - 76° 42.4320' W;
- (v) Greens Creek - west of a line beginning on the north shore at a point 35° 01.5985' N - 76° 42.9959' W; running southeasterly to the south shore to a point 35° 01.4759' N - 76° 42.9570' W;
- (vi) Kershaw Creek - north of a line beginning on the west shore at a point 35° 01.5985' N - 76° 42.9959' W; running easterly to the east shore to a point 35° 01.6077' N - 76° 42.8459' W;
- (vii) Shop Gut Creek - west of a line beginning on the north shore at a point 35° 01.2720' N - 76° 42.1500' W; running southerly to the south shore to a point 35° 01.1700' N - 76° 42.1380' W;
- (g) Dawson Creek:
 - (i) Unnamed eastern tributary of Dawson Creek - east of a line beginning on the north shore at a point 35° 00.2064' N - 76° 45.2652' W; running southeasterly to the south shore to a point 35° 00.1790' N - 76° 45.2289' W;
 - (ii) Unnamed tributary of Dawson Creek (at mouth) - east of a line beginning on the north shore at a point 34° 59.6620' N - 76° 45.1156' W; running southerly to the south shore to a point 34° 59.6326' N - 76° 45.1177' W;
- (h) Beard Creek tributary - southeast of a line beginning on the north shore at a point 35° 00.3176' N - 76° 51.9098' W; running southwesterly to the southwest shore to a point 35° 00.1884' N - 76° 51.9850' W.
- (8) In the Neuse River Area South Shore:
 - (a) Clubfoot Creek - south of a line beginning on the west shore at a point 34° 52.4621' N - 76° 45.9256' W; running easterly to the east shore to a point 34° 52.4661' N - 76° 45.7567' W;
 - (i) Mitchell Creek - west of a line beginning on the north shore at a point 34° 54.4176' N - 76° 45.7680' W; running southerly to the south shore to a point 34° 54.2610' N - 76° 45.8277' W;
 - (ii) Gulden Creek - east of a line beginning on the north shore at a point 34° 54.1760' N - 76° 45.4438' W; running southerly to the south shore to a point 34° 54.0719' N - 76° 45.4888' W;
 - (b) Adams Creek:
 - (i) Godfrey Creek - south of a line beginning on the west shore at a point 34° 57.3104' N - 76° 41.1292' W; running easterly to the east shore to a point 34° 57.2655' N - 76° 41.1187' W;
 - (ii) Delamar Creek - south of a line beginning on the west shore at a point 34° 57.0475' N - 76° 40.7230' W; running southeasterly to the east shore to a point 34° 57.0313' N - 76° 40.7015' W;
 - (iii) Kellum Creek - west of a line beginning on the north shore at a point 34° 55.5240' N - 76° 39.8072' W; running southeasterly to the south shore to a point 34° 55.4356' N - 76° 39.8201' W;
 - (iv) Kearney Creek and unnamed tributary - west of a line beginning on the north shore of the north creek at a point 34° 55.1847' N - 76° 39.9686' W; running southerly to the south shore to a point 34° 54.9661' N - 76° 40.0091' W;
 - (v) Isaac Creek - south of a line beginning on the west shore at a point 34° 54.2457' N - 76° 40.1010' W; running easterly to the east shore to a point 34° 54.2630' N - 76° 40.0088' W;
 - (vi) Back Creek - southeast of a line beginning on the northeast shore at a point 34° 54.6598' N - 76° 39.5257' W; running southwesterly to the southwest shore to a point 34° 54.5366' N - 76° 39.7075' W;
 - (vii) Cedar Creek - southeast of a line beginning on the west shore at a point 34° 55.7759' N - 76° 38.6070' W; running easterly to the east shore to a point 34° 55.7751' N - 76° 38.4965' W;

- (viii) Jonaquin Creek - northeast of a line beginning on the west shore at a point 34° 56.1192' N - 76° 38.4997' W; running easterly to the east shore to a point 34° 56.1172' N - 76° 38.4584' W;
- (ix) Dumpling Creek - east of a line beginning on the northwest shore at a point 34° 56.9187' N - 76° 39.5559' W; running southeasterly to the southeast shore to a point 34° 56.8421' N - 76° 39.5155' W;
- (x) Sandy Huss Creek - northeast of a line beginning on the west shore at a point 34° 57.2348' N - 76° 39.8457' W; running southeasterly to the east shore to a point 34° 57.1638' N - 76° 39.7169' W;
- (c) Garbacon Creek - south of a line beginning on the west shore at a point 34° 59.0044' N - 76° 38.5758' W; running easterly to the east shore to a point 34° 59.0006' N - 76° 38.4845' W;
- (d) South River:
 - (i) Big Creek - southwest of a line beginning on the northwest shore at a point 34° 56.9502' N - 76° 35.3498' W; running southeasterly to the southeast shore to a point 34° 56.8346' N - 76° 35.2091' W;
 - (ii) Horton Bay - north of a line beginning on the west shore at a point 34° 59.1936' N - 76° 34.7657' W; running easterly to the east shore to a point 34° 59.2023' N - 76° 34.4586' W;
- (e) Brown Creek - south of a line beginning on the west shore at a point 34° 59.8887' N - 76° 33.5707' W; running easterly to the east shore to a point 34° 59.9440' N - 76° 33.4180' W;
- (f) Turnagain Bay:
 - (i) Abraham Bay - west of a line beginning on the north shore at a point 35° 00.1780' N - 76° 30.7564' W; running southerly to the south shore to a point 34° 59.8338' N - 76° 30.7128' W;
 - (ii) Broad Creek and Persons Creek - southwest of a line beginning at a point on the north shore 34° 59.1974' N - 76° 30.4118' W; running southeasterly to the south shore to a point 34° 58.9738' N - 76° 30.1168' W;
 - (iii) Mulberry Point Creek - east of a line beginning on the north shore at a point 35° 00.4736' N - 76° 29.7538' W; running southerly to the south shore to a point 35° 00.3942' N - 76° 29.7082' W;
 - (iv) Tump Creek - east of a line beginning on the north shore at a point 35° 00.2035' N - 76° 29.5947' W; running southerly to the south shore to a point 35° 00.0500' N - 76° 29.4897' W;
 - (v) Tributary south of Tump Creek - east of a line beginning on the north shore at a point 34° 59.7784' N - 76° 29.3548' W; running southerly to the south shore to a point 34° 59.6830' N - 76° 29.3303' W;
 - (vi) Deep Gut - northeast of a line beginning on the north shore at a point 34° 59.6134' N - 76° 29.0376' W; running southeasterly to the south shore to a point 34° 59.4799' N - 76° 28.9362' W;
 - (vii) Big Gut - east of a line beginning on the north shore at a point 34° 59.0816' N - 76° 28.7076' W; running southerly to the south shore to a point 34° 58.9300' N - 76° 28.7383' W.
- (9) West Bay; Long Bay Area:
 - (a) Fur Creek and Henrys Creek - southwest of a line beginning on the northwest shore at a point 34° 56.5580' N - 76° 27.7065' W; running southeasterly to the southeast shore to a point 34° 56.3830' N - 76° 27.4563' W;
 - (b) Cadduggen Creek - south of a line beginning on the west shore at a point 34° 56.5767' N - 76° 23.8711' W; running easterly to the east shore to a point 34° 56.2890' N - 76° 23.6626' W.
- (10) Core Sound Area:
 - (a) Cedar Island Bay - northwest of a line beginning on the northeast shore at a point 34° 59.7770' N - 76° 17.3837' W; running southwesterly to the southwest shore to a point 34° 59.0100' N - 76° 17.9339' W;
 - (b) Lewis Creek - north of a line beginning on the west shore at a point 34° 56.8736' N - 76° 16.8740' W; running easterly to the east shore to a point 34° 56.9455' N - 76° 16.8234' W;
 - (c) Thorofare Bay:
 - (i) Merkle Hammock Creek - southwest of a line beginning on the northwest shore at a point 34° 55.4796' N - 76° 21.4463' W; running southeasterly to the southeast shore to a point 34° 55.3915' N - 76° 21.1682' W;

- (ii) Barry Bay - west of a line beginning on the north shore at a point 34° 54.6450' N - 76° 20.6127' W; running southerly to the south shore to a point 34° 54.4386' N - 76° 20.4912' W;
- (d) Nelson Bay:
 - (i) Willis Creek and Fulchers Creek - west of a line beginning on the north shore of Willis Creek at a point 34° 51.1006' N - 76° 24.5996' W; running southerly to the south shore of Fulchers Creek to a point 34° 50.2861' N - 76° 24.8708' W;
 - (ii) Lewis Creek - west of a line beginning on the north shore at a point 34° 51.9362' N - 76° 24.6322' W; running southerly to the south shore to a point 34° 51.7323' N - 76° 24.6487' W;
- (e) Cedar Creek between Sea Level and Atlantic - west of a line beginning on the north shore at a point 34° 52.0126' N - 76° 22.7046' W; running southerly to the south shore to a point 34° 51.9902' N - 76° 22.7190' W;
- (f) Oyster Creek, northwest of the Highway 70 bridge;
- (g) Jarretts Bay Area:
 - (i) Smyrna Creek - northwest of the Highway 70 bridge;
 - (ii) Ditch Cove and adjacent tributary - east of a line beginning on the north shore at a point 34° 48.0167' N - 76° 28.4674' W; running southerly to the south shore to a point 34° 47.6143' N - 76° 28.6473' W;
 - (iii) Broad Creek - northwest of a line beginning on the west shore at a point 34° 47.7820' N - 76° 29.2724' W; running northeasterly to the east shore to a point 34° 47.9766' N - 76° 28.9729' W;
 - (iv) Howland Creek - northwest of a line beginning on the northeast shore at a point 34° 47.5129' N - 76° 29.6217' W; running southwesterly to the southwest shore to a point 34° 47.3372' N - 76° 29.8607' W;
 - (v) Great Creek - southeast of a line beginning on the northeast shore at a point 34° 47.4279' N - 76° 28.9565' W; running southwesterly to the southwest shore to a point 34° 47.1515' N - 76° 29.2077' W;
 - (vi) Williston Creek - northwest of the Highway 70 bridge;
 - (vii) Wade Creek - west of a line beginning on the north shore at a point 34° 46.3022' N - 76° 30.5443' W; running southerly to the south shore to a point 34° 46.2250' N - 76° 30.3864' W;
 - (viii) Jump Run - north of a line beginning on the west shore at a point 34° 45.5385' N - 76° 30.3974' W; running easterly to the east shore to a point 34° 45.5468' N - 76° 30.3485' W;
 - (ix) Middens Creek - west of a line beginning on the north shore at a point 34° 45.5046' N - 76° 30.9710' W; running southerly to the south shore to a point 34° 45.4093' N - 76° 30.9584' W;
 - (x) Tusk Creek - northwest of a line beginning on the northwest shore at a point 34° 44.8049' N - 76° 30.6248' W; running southerly to the south shore to a point 34° 44.6074' N - 76° 30.7553' W;
 - (xi) Creek west of Bells Island - west of a line beginning on the north shore at a point 34° 43.9531' N - 76° 30.4144' W; running southerly to the south shore to a point 34° 43.7825' N - 76° 30.3543' W.
- (11) Straits, North River, Newport River Area:
 - (a) Straits:
 - (i) Sleepy Creek - north of a line beginning on the west shore at a point 34° 43.3925' N - 76° 31.4912' W; running easterly to the east shore to a point 34° 43.3651' N - 76° 31.3250' W;
 - (ii) Dicks Creek - north of a line beginning on the west shore at a point 34° 43.3858' N - 76° 32.9125' W; running southeasterly to the east shore to a point 34° 43.3912' N - 76° 32.8605' W;
 - (iii) Whitehurst Creek - north of a line beginning on the west shore at a point 34° 43.5118' N - 76° 33.3392' W; running northeasterly to the east shore to a point 34° 43.5561' N - 76° 33.1869' W;
 - (b) North River, north of Highway 70 bridge:
 - (i) Ward Creek - north of Highway 70 bridge:
 - (A) North Leopard Creek - southeast of a line beginning on the southwest shore at a point 34° 45.9573' N - 76° 34.4208' W; running northeasterly to the northeast shore to a point 34° 46.0511' N - 76° 34.3170' W;

- (B) South Leopard Creek - southeast of a line beginning on the southwest shore at a point 34° 45.4930' N - 76° 34.7622' W; running northeasterly to the northeast shore to a point 34° 45.5720' N - 76° 34.6236' W;
- (ii) Turner Creek (Gibbs Creek) - west of a line beginning on the north shore at a point 34° 43.4693' N - 76° 37.6372' W; running southerly to the south shore to a point 34° 43.4054' N - 76° 37.6585' W;
- (c) Newport River - west of a line beginning on the north shore at a point 34° 46.5635' N - 76° 44.3998' W; running southerly to Lawton Point to a point 34° 45.6840' N - 76° 44.0895' W;
 - (i) Russel Creek - northeast of a line beginning on the north shore at a point 34° 45.5840' N - 76° 39.8020' W; running southeasterly to the south shore to a point 34° 45.5819' N - 76° 39.7895' W;
 - (ii) Ware Creek - northeast of a line beginning on the north shore at a point 34° 46.4576' N - 76° 40.5020' W; running southeasterly to the south shore to a point 34° 46.4125' N - 76° 40.4460' W;
 - (iii) Bell Creek - east of a line beginning on the north shore at a point 34° 47.2805' N - 76° 40.9082' W; running southerly to the south shore to a point 34° 47.0581' N - 76° 40.8854' W;
 - (iv) Eastman Creek - east of a line beginning on the north shore at a point 34° 47.8640' N - 76° 41.0671' W; running southerly to the south shore to a point 34° 47.8027' N - 76° 41.0605' W;
 - (v) Oyster Creek - north of a line beginning on the west shore at a point 34° 46.6610' N - 76° 42.5011' W; running easterly to the east shore to a point 34° 46.7161' N - 76° 42.3481' W;
 - (vi) Harlow Creek - north of a line beginning on the west shore at a point 34° 46.7138' N - 76° 43.4838' W; running northeasterly to the east shore to a point 34° 46.8490' N - 76° 43.3296' W;
 - (vii) Calico Creek - west of a line beginning on the north shore at a point 34° 43.7318' N - 76° 43.1268' W; running southerly to the south shore to a point 34° 43.6066' N - 76° 43.2040' W;
 - (viii) Crab Point Bay - northwest of a line beginning on the northeast shore at a point 34° 44.0615' N - 76° 42.9393' W; running southwesterly to the southwest shore to a point 34° 43.9328' N -- 76° 43.0721' W.
- (12) Bogue Sound; Bogue Inlet Area:
 - (a) Gales Creek - north of the Highway 24 bridge;
 - (b) Broad Creek - north of the Highway 24 bridge;
 - (c) Sanders Creek – north of a line beginning at a point 34° 42.4694' N - 76° 58.3754' W on the west shore; running easterly to a point 34° 42.4903' N - 76° 58.143' W on the east shore;
 - (d) Goose Creek - north of a line beginning on the west shore at a point 34° 41.8183' N - 77° 00.7208' W; running easterly to the east shore to a point 34° 41.8600' N - 77° 00.5108' W;
 - (e) Archer Creek - west of a line beginning on the north shore at a point 34° 40.4721' N - 77° 00.7577' W; running southerly to the south shore to a point 34° 40.3521' N - 77° 00.8008' W;
 - (f) White Oak River - northwest of a line beginning on the northeast shore at a point 34° 45.6730' N - 77° 07.5960' W; running southwesterly to the southwest shore to a point 34° 45.2890' N - 77° 07.7500' W;
 - (i) Pettiford Creek - east of a line beginning on the north shore at a point 34° 42.8670' N - 77° 05.3990' W; running southerly to the south shore to a point 34° 42.6310' N - 77° 05.3180' W;
 - (ii) Holland Mill Creek - west of a line beginning on the north shore at a point 34° 43.8390' N - 77° 08.0090' W; running southeasterly to the south shore to a point 34° 43.4800' N - 77° 07.7650' W;
 - (g) Hawkins Creek - west of a line beginning on the north shore at a point 34° 41.1210' N - 77° 07.5720' W; running southerly to the south shore to a point 34° 41.0460' N - 77° 07.5930' W;
 - (h) Queen's Creek - north of state road number 1509 bridge:
 - (i) Dick's Creek - west of a line beginning on the north shore at a point 34° 39.9790' N - 77° 09.3470' W; running southeasterly to the south shore to a point 34° 39.9350' N - 77° 09.3280' W;
 - (ii) Parrot Swamp - west of a line beginning on the north shore at a point 34° 40.6170' N - 77° 09.7820' W; running southeasterly to the south shore to a point 34° 40.3660' N - 77° 09.5980' W;

- (iii) Hall's Creek - east of a line beginning on the north shore at a point 34° 41.0740' N - 77° 09.8640' W; running easterly to the south shore to a point 34° 41.0300' N - 77° 09.6740' W;
 - (i) Bear Creek - west of a line beginning at Willis Landing at a point 34° 38.7090' N - 77° 12.6860' W; running southeasterly to the south shore to a point 34° 38.4740' N - 77° 12.3810' W.
- (13) New River Area:
- (a) Salliers Bay area - all waters north and northwest of the IWW beginning at a point on the shoreline 34° 37.0788' N - 77° 12.5350' W; running easterly to a point near Beacon "58" at a point 34° 37.9670' N - 77° 12.3060' W; running along the IWW near Cedar Point to a point 34° 33.1860' N - 77° 20.4370' W; running northerly to a point on the shoreline 34° 33.1063' N - 77° 20.4679' W; following the shoreline to the point of origin; including Howard Bay, Mile Hammock Bay, Salliers Bay, and Freeman Creek;
 - (b) New River Inlet area (including Hellgate Creek and Ward's Channel) - all waters south of the IWW from a point on the shoreline 34° 33.0486' N - 77° 18.6295' W running northwesterly to a point near Beacon "65" 34° 33.0550' N - 77° 18.6380' W; running along the IWW to a point near Beacon "15" 34° 31.0630' N - 77° 22.2630' W; running southerly to a point on the shoreline 34° 30.9212' N - 77° 22.2257' W; following the shoreline across New River Inlet at the COLREGS demarcation line back to the point of origin excluding the marked New River Inlet Channel;
 - (c) New River:
 - (i) Trap's Bay - northeast of a line beginning on the west shore at a point 34° 34.0910' N - 77° 21.0010' W; running southeasterly to the east shore to a point 34° 33.8260' N - 77° 20.4060' W;
 - (ii) Courthouse Bay:
 - (A) Tributary of Courthouse Bay - southeast of a line beginning on Harvey's Point at a point 34° 35.0050' N - 77° 22.3910' W; running northeasterly to the east shore to a point 34° 35.0830' N - 77° 22.1890' W;
 - (B) Tributary of Courthouse Bay - northwest of a line beginning on the west shore at a point 34° 35.0970' N - 77° 22.6010' W; running northeasterly to the east shore to a point 34° 35.1630' N - 77° 22.5030' W;
 - (C) Rufus Creek - east of a line beginning at a point on the north shore 34° 34.4630' N - 77° 21.6410' W; running southerly to a point near Wilken's Bluff 34° 34.3140' N - 77° 21.6620' W;
 - (iii) Wheeler Creek - south of a line beginning on the west shore at a point 34° 34.0570' N - 77° 23.3640' W; running easterly to a point near Poverty Point 34° 34.1060' N - 77° 23.2440' W;
 - (iv) Fannie Creek - south of a line beginning on the west shore at a point 34° 34.1470' N - 77° 23.6390' W; running easterly to the east shore to a point 34° 34.1300' N - 77° 23.5600' W;
 - (v) Snead's Creek - northwest of a line beginning on the west shore at a point 34° 35.2850' N - 77° 23.5500' W; running northerly to the east shore to a point 34° 35.3440' N - 77° 23.4860' W;
 - (vi) Everette Creek - south of a line beginning on the west shore at a point 34° 34.2570' N - 77° 24.8480' W; running easterly to the east shore to a point 34° 34.2380' N - 77° 24.6970' W;
 - (vii) Stone's Creek - southwest of a line beginning on the northwest shore at a point 34° 36.6170' N - 77° 26.8670' W; running southeasterly to the southeast shore to a point 34° 36.5670' N - 77° 26.8500' W;
 - (viii) Muddy Creek - north of a line beginning on the west shore 34° 36.8670' N - 77° 26.6340' W; running easterly to the east shore to a point 34° 36.8670' N - 77° 26.6170' W;
 - (ix) Mill Creek - north of a line beginning on the west shore at a point 34° 37.2350' N - 77° 25.7000' W; running easterly to the east shore to a point 34° 37.2360' N - 77° 25.6890' W;
 - (x) Whitehurst Creek - west of a line beginning on the north shore at a point 34° 38.0780' N - 77° 22.6110' W; running easterly to the south shore to a point 34° 38.0720' N - 77° 22.6000' W;

- (xi) Town Creek - west of a line beginning on the north shore at a point 34° 39.6060' N - 77° 23.0690' W; running southerly to the south shore to a point 34° 39.5950' N - 77° 23.0830' W;
 - (xii) Lewis Creek - southwest of a line beginning on the northwest shore at a point 34° 40.9330' N - 77° 24.5290' W; running southeasterly to the southeast shore to a point 34° 40.9190' N - 77° 24.5040' W;
 - (xiii) Northeast Creek - east of a line beginning at the mouth of Scale's Creek at a point 34° 43.7350' N - 77° 24.1190' W; running southeasterly to the south shore to a point 34° 43.3950' N - 77° 23.5450' W;
 - (xiv) Southwest Creek - southwest of a line beginning on the north shore at a point 34° 41.8500' N - 77° 25.6460' W; running southeasterly to the south shore to a point 34° 41.5540' N - 77° 25.2250' W;
 - (xv) Upper New River - north of a line beginning on the west shore at a point 34° 42.9770' N - 77° 25.9070' W; running easterly through a point near Beacon "53" to a point 34° 43.2600' N - 77° 25.3800' W; to the east shore to a point 34° 43.4260' N - 77° 25.0700' W;
- (d) Chadwick Bay - all waters bounded by a line beginning on Roses Point at a point 34° 32.2240' N - 77° 22.2880' W; running easterly to a point near Marker "6" at 34° 32.4180' N - 77° 21.6080' W; then following the IWW to a point near Marker "14" at 34° 31.3220' N - 77° 22.1520' W; following the shoreline of Chadwick Bay back to the point of origin:
- (i) Fullard Creek (including Charles Creek) - northwest of a line beginning on the north shore at a point 34° 32.2210' N - 77° 22.8080' W; running southeasterly to the south shore to a point 34° 32.0340' N - 77° 22.7160' W;
 - (ii) Bump's Creek - north of a line beginning on the west shore at a point 34° 32.3430' N - 77° 22.4570' W; running northeasterly to the east shore to a point 34° 32.4400' N - 77° 22.3830' W.
- (14) Stump Sound Area: Stump Sound - all waters north of the IWW from a point on the shoreline 34° 31.1228' N - 77° 22.3181' W; running southerly to a point across the IWW from Beacon "15" 34° 31.1040' N - 77° 22.2960' W; running along the IWW to a point near Marker "78" 34° 25.4050' N - 77° 34.2120' W; running northerly to a point on the shoreline 34° 24.5183' N - 77° 34.9833' W; running along the shoreline to the point of origin; except 100 feet north of the IWW from a point across from Beacon "49" 34° 28.1330' N - 77° 30.5170' W to a point near Marker "78" 34° 25.4050' N - 77° 34.2120' W. All waters south of IWW from a point on the shoreline 34° 31.0550' N - 77° 22.2574' W; running northerly to a point near Beacon "15" at 34° 31.0630' N - 77° 22.2630' W; running along the IWW to a point across the IWW from Marker "78" 34° 25.3110' N - 77° 34.1710' W; running southeasterly to a point on the shoreline 34° 23.9817' N - 77° 35.0367' W; running along the shoreline to the point of origin; except 100 feet on the south side of the IWW from a point near Beacon "49" 34° 28.082' N - 77° 30.4600' W at Morris Landing to a point across the IWW from Marker "78" 34° 25.3110' N - 77° 34.1710' W and except the dredged canals at Old Settler's Beach and the dredged channel from the IWW north of Marker "57" to the Old Settler's Beach Canals.
- (15) Topsail Sound Area:
- (a) Virginia Creek - all waters northwest of a line beginning on the southwest shore near the mouth at a point 34° 24.8030' N - 77° 35.5960' W; running northeasterly to a point 34° 25.0333' N - 77° 35.3167' W; running easterly to intersect the nursery area line near Becky's Creek at a point 34° 25.4050' N - 77° 34.2120' W, with the exception of the natural channel as marked by the North Carolina Division of Marine Fisheries;
 - (b) Old Topsail Creek - all waters northwest of a line beginning on the northeast shore at a point 34° 21.7740' N - 77° 40.3870' W; running southwesterly to the southwest shore to a point 34° 21.4930' N - 77° 40.6900' W, with the exception of the dredged channel as marked by the North Carolina Division of Marine Fisheries;
 - (c) Topsail Sound - all waters enclosed within a line starting near Beacon "BC" at a point 34° 24.6110' N - 77° 35.7050' W; then bounded on the northeast and southeast by Bank's Channel, on the southwest by Marker "98" channel and on the northeast by the IWW; then back to the point of origin;
 - (d) Mallard Bay Area - all waters northwest of the IWW beginning at a point on the shoreline 34° 24.0278' N - 77° 36.8498' W; running southerly to a point 34° 24.0167' N - 77° 36.7333' W near Beacon "93"; running to a point 34° 23.8167' N - 77° 36.9667' W; running southwesterly along the marsh line to a point on the shoreline 34° 22.6168' N - 77° 38.8580' W near Beacon "96"; running along the shoreline to the point of origin.
- (16) Middle Sound Area:

- (a) Howard Channel and Long Point Channel area - all waters southeast of the IWW beginning at a point on the shoreline $34^{\circ} 20.4514' N - 77^{\circ} 40.0183' W$; running along the shorelines of Topsail Inlet Channel and Marker # 98 Channel to a point near Beacon "98" $34^{\circ} 21.5670' N - 77^{\circ} 40.4580' W$; to running along the IWW to a point on the north side of the Figure 8 Island Marina Channel to a point $34^{\circ} 16.5120' N - 77^{\circ} 45.4870' W$; following the shoreline of Figure 8 Island Marina Channel to a point $34^{\circ} 16.2628' N - 77^{\circ} 44.7855' W$; following the shoreline across Rich Inlet at the COLREGS demarkation line to the point of origin. [with the exception of Howard Channel from the IWW to New Topsail Inlet, Green Channel from Marker "105" to Rich's Inlet, Butler's Creek (Utley's Channel) from the IWW to Nixon's Channel, and Nixon's Channel from IWW to Rich's Inlet;]
 - (b) Futch Creek - northwest of a line beginning on the north shore at Baldeagle Point at a point $34^{\circ} 17.9900' N - 77^{\circ} 44.4930' W$; running southerly to Porter's Neck to a point $34^{\circ} 18.1170' N - 77^{\circ} 44.3760' W$;
 - (c) Page's Creek - northwest of a line beginning on the north shore at a point $34^{\circ} 16.7420' N - 77^{\circ} 46.6940' W$; running southwesterly to the south shore to a point $34^{\circ} 16.6910' N - 77^{\circ} 46.8510' W$;
 - (d) All waters bounded on the north by the Figure Eight Island Causeway, on the east by Mason's Channel, on the south by Mason's Inlet Channel and on the west by the Intracoastal Waterway, with the exception of Mason's Channel.
- (17) Greenville Sound Area:
- (a) Shell Island area - all waters bounded on the north by Mason's Inlet Channel, on the west by the IWW, on the south by Old Moores Inlet Channel and on the east by Wrightsville Beach;
 - (b) Howe Creek (Moore's Creek) - northwest of a line beginning on the north shore at a point $34^{\circ} 14.9060' N - 77^{\circ} 47.2180' W$; running southwesterly to the south shore to a point $34^{\circ} 14.8470' N - 77^{\circ} 47.3810' W$;
 - (c) Bradley Creek - all waters west of a line beginning on the north side of the Highway 17, 74 and 76 bridge at a point $34^{\circ} 12.9700' N - 77^{\circ} 50.0260' W$ running southerly to the south side of the Bridge at a point $34^{\circ} 12.8620' N - 77^{\circ} 50.0550' W$;
 - (d) Wrightsville Beach area - all waters in an area enclosed by a line beginning across the IWW from the mouth of Bradley Creek at a point $34^{\circ} 12.3530' N - 77^{\circ} 49.1250' W$; running easterly to a point (near the Borrow Pit) $34^{\circ} 12.3820' N - 77^{\circ} 48.6610' W$; then bounded by Bank's Channel on the east, Shinn Creek on the south and the IWW on the west, back to point of origin.
- (18) Masonboro Sound Area:
- (a) Masonboro-Myrtle Grove Sound area (west side) -all waters west and northwest of the IWW beginning at a point on the shoreline $34^{\circ} 12.7423' N - 77^{\circ} 49.8391' W$; running southeasterly to a point at the mouth of Bradley Creek at a point $34^{\circ} 12.4130' N - 77^{\circ} 49.2110' W$; running along the west side of the IWW to a point opposite Beacon "161" at $34^{\circ} 03.5590' N - 77^{\circ} 53.4550' W$; running westerly to a point on the shoreline $34^{\circ} 03.5715' N - 77^{\circ} 53.4979' W$; running along the shoreline back to the point of origin;
 - (b) Masonboro-Myrtle Grove Sound area (east side) - all waters south and southeast of a line beginning on the north end of Masonboro Island at a point $34^{\circ} 10.9130' N - 77^{\circ} 48.9550' W$; running northwesterly to a point near the intersection of Shinn Creek and the IWW $34^{\circ} 11.3840' N - 77^{\circ} 49.5240' W$; running along the east side of the IWW to a point near Marker "161" $34^{\circ} 03.5270' N - 77^{\circ} 53.3550' W$; running southerly to a point on the shoreline $34^{\circ} 03.3917' N - 77^{\circ} 53.0423' W$; running along the shoreline across Carolina Beach Inlet at the COLREGS demarcation line back to the point of origin (with the exception of Old Masonboro Channel and Carolina Beach Inlet Channel).
- (19) Cape Fear River Area:
- (a) Cape Fear River - all waters north of a line beginning on the west shore at a point $34^{\circ} 10.4410' N - 77^{\circ} 57.7400' W$; running easterly through Beacon "59" to the east shore to a point $34^{\circ} 10.4050' N - 77^{\circ} 57.1310' W$; with the exception of the maintained channel, and all waters north of a line beginning on the west shore at a point $34^{\circ} 04.6040' N - 77^{\circ} 56.4780' W$; running easterly through Beacon "41" to the east shore to a point $34^{\circ} 04.7920' N - 77^{\circ} 55.4740' W$; with the exception of 300 yards east and west of the main shipping channel up to Beacon "59" (mouth of Brunswick River);
 - (b) The Basin (Ft. Fisher area) - east of a line beginning on the north shore at a point $33^{\circ} 57.2950' N - 77^{\circ} 56.1450' W$; running southeasterly to the south shore to a point $33^{\circ} 57.1120' N - 77^{\circ} 56.2060' W$;

- (c) Walden Creek - all waters northwest of a line beginning on the north side of county road No. 1528 bridge at a point 33° 58.2950' N – 77° 59.0280' W running southerly to the south side of the bridge at a point 33° 58.2250' N – 77° 59.0440' W;
- (d) Baldhead Island Creeks:
 - (i) Baldhead Creek - southeast of a line beginning on the north shore at a point 33° 51.7680' N - 77° 59.1700' W; running westerly to the south shore to a point 33° 51.7590' N - 77° 59.1850' W;
 - (ii) Cape Creek - southeast of a line beginning on the north shore at a point 33° 51.9740' N - 77° 58.3090' W; running southwesterly to the south shore to a point 33° 51.9480' N - 77° 58.3480' W;
 - (iii) Bluff Island Creek (East Beach Creek) - south of a line beginning on the west shore at a point 33° 52.6740' N - 77° 58.1530' W; running easterly to the east shore to a point 33° 52.6850' N - 77° 58.0780' W;
 - (iv) Deep Creek - south of a line on the west shore at a point 33° 52.6850' N - 77° 58.0780' W; running northeasterly to the east shore to a point 33° 52.7690' N - 77° 58.0110' W;
- (e) Dutchman Creek - north of a line beginning on the west shore at a point 33° 55.1560' N - 78° 02.7260' W; running southeasterly to the east shore to a point 33° 55.1130' N - 78° 02.5990' W;
- (f) Denis Creek - west of a line beginning on the north shore at a point 33° 55.0410' N - 78° 03.5180' W; running southerly to the south shore to a point 33° 55.0120' N - 78° 03.5110' W;
- (g) Piney Point Creek - west of a line beginning on the north shore at a point 33° 54.6310' N - 78° 03.5020' W; running southerly to the south shore to a point 33° 54.6040' N - 78° 03.5010' W;
- (h) Molasses, Coward and Smokehouse creeks - all waters bounded by the IWW and the Elizabeth River on the north and east, the Oak Island Coast Guard canal on the east, Oak Island on the south and the CP and L Discharge canal on the west;
- (i) Oak Island area - all waters north of the IWW from a point on the shoreline 33° 55.2827' N – 78° 03.7681' W; running southerly to a point across the IWW from Marker # 9 33° 55.2610' N – 78° 03.7630' W; running along the IWW to a point near Beacon "18" 33° 55.7410' N - 78° 10.2760' W; running northerly to a point on the shoreline 33° 55.7718'N – 78° 10.2744' W; running along the shoreline back to the point of origin; all waters south of the IWW from a point near Marker "9" 33° 55.2060' N - 78° 03.7580' W; running along the IWW to a point across the IWW from Beacon "18" 33° 55.7199' N – 78° 10.2764' W; running southerly to a point on the shoreline 33° 55.6898' N – 78° 10.2775'W; running along the shoreline back to the point of origin.
- (20) Lockwoods Folly Inlet Area:
 - (a) Davis Creek and Davis Canal - east of a line beginning on the north shore at a point 33° 55.2280' N - 78° 10.8610' W; running southerly to the south shore to a point 33° 55.1970' N - 78° 10.8390' W;
 - (b) Lockwoods Folly River - north of a line beginning on the west shore at a point 33° 56.3880' N - 78° 13.2360' W; running easterly to the east shore to a point 33° 56.6560' N - 78° 12.8350' W;
 - (c) Spring Creek (Galloway Flats area) - all waters northwest of a line beginning on the north shore at a point 33° 55.7350' N - 78° 13.7090' W; running southwesterly to the south shore to a point 33° 55.5590' N - 78° 13.7960' W.
- (21) Shallotte Inlet Area:
 - (a) Shallotte River - north of a line beginning on Bill Holden's Landing at a point 33° 55.8840' N - 78° 22.0710' W; running northeasterly to Gibbins Point to a point 33° 56.3190' N - 78° 21.8740' W;
 - (b) Shallotte River (Ocean Flats)- excluding Gibbs Creek, the area enclosed by a line beginning at Long Point 33° 54.6210' N - 78° 21.7960' W; then bounded on the south by the IWW, the west by Shallotte River, the north by Gibb's Creek and the east by the shoreline of the Shallotte River back to the point of origin;
 - (c) Shallotte Creek (Little Shallotte River) - east of a line beginning on Shell Landing at a point 33° 55.7390' N - 78° 21.6410' W; running southerly to Boone's Neck Point to a point 33° 55.5990' N - 78° 21.5480' W;
 - (d) Saucepan Creek - northwest of a line beginning on the west shore at a point 33° 54.7007' N - 78° 23.4183' W; running northerly to the east shore (mouth of Old Mill Creek) to a point 33° 54.9140' N - 78° 23.4370' W;

- (e) Old Channel area - all waters south of the IWW from a point near Beacon "83" 33° 54.2890' N - 78° 23.1930' W; running along the IWW to a point near Ocean Isle Beach bridge 33° 53.7270' N - 78° 26.3760' W; running southerly to a point on the shoreline 33° 53.7082' N - 78° 26.3732' W; running southerly along the shoreline to a point on the shoreline 33° 53.3827' N - 78° 26.2118' W; running along the shoreline to the point of origin; except the dredged finger canals at Ocean Isle Beach located on the south side of the IWW between the Ocean Isle Beach Bridge and IWW Marker "89".
- (22) Little River Inlet Area:
- (a) Gause Landing area - all waters north of the IWW from a point on the shoreline 33° 53.9053' N - 78° 25.6064' W; running southerly to a point near Beacon "90" 33° 53.8790' N - 78° 25.5950' W; then following the IWW to a point at the intersection of the IWW and the South Carolina line; 33° 52.0003' N - 78° 33.5633' W; running northerly along the South Carolina line to a point on the shoreline 33° 52.0290' N - 78° 33.5893' W; running along the shoreline to the point of origin;
- (b) Eastern Channel Area - all waters bounded on the east and south by Eastern Channel, on the west by Jink's Creek and on the north by the IWW;
- (c) The Big Narrows Area:
- (i) Big Teague Creek - west of a line beginning on the north shore at a point 33° 52.8260' N - 78° 30.0110' W; running southerly to the south shore to a point 33° 52.8040' N - 78° 29.9940' W;
- (ii) Little Teague Creek - west of a line beginning on the north shore at a point 33° 52.9280' N - 78° 30.1500' W; running southeasterly to the south shore to a point 33° 52.9130' N - 78° 30.1220' W;
- (iii) Big Norge Creek - south of a line beginning on the west shore at a point 33° 52.8550' N - 78° 30.6190' W; running easterly to the east shore to a point 33° 52.8620' N - 78° 30.5900' W;
- (d) Mad Inlet area - all waters south of the IWW from a point on the shoreline 33° 52.3121' N - 78° 30.4990' W; running northerly to a point near the Sunset Beach bridge 33° 52.8450' N - 78° 30.6510' W; then following the IWW to a point at the intersection of the IWW and the South Carolina line 33° 51.9888' N - 78° 33.5458' W; running southeasterly along the South Carolina line to a point on the shoreline; running along the shoreline across Mad Inlet at the COLREGS demarcation line to the point of origin; with the exception of Bonaparte Creek;
- (e) Calabash River - all waters east of a line beginning at a point on the north side of state road No. 1164 bridge at a point 33° 53.3850' N - 78° 32.9710' W running southerly to the south side of the bridge at a point 33° 53.3580' N - 78° 32.9750' W.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; September 1, 1991;
Recodified from 15A NCAC 03R .0003 Eff. December 17, 1996;
Amended Eff. December 1, 2006; September 1, 2005; August 1, 2004; May 1, 1997.*

15A NCAC 03R .0104 PERMANENT SECONDARY NURSERY AREAS

The permanent secondary nursery areas referenced in 15A NCAC 03N .0105(a) are delineated in the following coastal water areas:

- (1) Roanoke Sound
- (a) Inner Shallowbag Bay - west of a line beginning on the northeast shore at a point 35° 54.6729' N - 75° 39.8099' W; running southerly to the southeast shore to a point 35° 54.1722' N - 75° 39.6806' W;
- (2) In the Pamlico Long Sound Area:
- (a) Long Shoal River - north of a line beginning at the 5th Avenue Canal at a point 35° 35.2120' N - 75° 53.2232' W, running easterly to the east shore on Pains Point to a point 35° 35.0666' N - 75° 51.2000' W;
- (b) Pains Bay - east of a line beginning on Pains Point at a point 35° 35.0666' N - 75° 51.2000' W, running southerly to Rawls Island to a point 35° 34.4666' N - 75° 50.9666' W; running easterly to the east shore to a point 35° 34.2309' N - 75° 50.2695' W;
- (c) Wysocking Bay - northwest of a line beginning at Benson Point at a point 35° 22.9684' N - 76° 03.7129' W, running northeasterly to Long Point to a point 35° 24.6895' N - 76° 01.3155' W;

- (d) Juniper Bay-Cunning Harbor - north of a line beginning on the west shore of Juniper Bay at a point 35° 20.6217' N - 76° 15.5447' W, running easterly to a point 35° 20.4372' N - 76° 13.2697' W; running easterly to the east shore of Cunning Harbor to a point 35° 20.3413' N - 76° 12.3378' W;
- (e) Swanquarter Bay - north of a line beginning at The Narrows at a point 35° 20.9500' N - 76° 20.6409' W, running easterly to the east shore to a point 35° 21.5959' N - 76° 18.3580' W;
- (f) Deep Cove - The Narrows - north and east of a line beginning on the west shore at a point 35° 20.9790' N - 76° 23.8577' W; running southeasterly to Swanquarter Island to a point 35° 20.5321' N - 76° 22.7869' W, and west of a line at The Narrows beginning on the north shore to a point 35° 20.9500' N - 76° 20.6409' W, running southerly to Swanquarter Island to a point 35° 20.7025' N - 76° 20.5620' W;
- (g) Rose Bay - north of a line beginning on Long Point at a point 35° 23.3404' N - 76° 26.2491' W, running southeasterly to Drum Point to a point 35° 22.4891' N - 76° 25.2012' W;
- (h) Spencer Bay - northwest of a line beginning on Roos Point at a point 35° 22.3866' N - 76° 27.9225' W, running northeasterly to Long Point to a point 35° 23.3404' N - 76° 26.2491' W;
- (i) Abel Bay - northeast of a line beginning on the west shore at a point 35° 23.6463' N - 76° 31.0003' W, running southeasterly to the east shore to a point 35° 22.9353' N - 76° 29.7215' W;
- (j) Mouse Harbor - west of a line beginning on Persimmon Tree Point at a point 35° 18.3915' N - 76° 29.0454' W, running southerly to Yaupon Hammock Point to a point 35° 17.1825' N - 76° 28.8713' W;
- (k) Big Porpoise Bay - northwest of a line beginning on Big Porpoise Point at a point 35° 15.6993' N - 76° 28.2041' W, running southwesterly to Middle Bay Point to a point 35° 14.9276' N - 76° 28.8658' W;
- (l) Middle Bay - west of a line beginning on Deep Point at a point 35° 14.8003' N - 76° 29.1923' W, running southerly to Little Fishing Point to a point 35° 13.5419' N - 76° 29.6123' W;
- (m) Jones Bay - west of a line beginning on Mink Trap Point at a point 35° 13.4968' N - 76° 31.1040' W; running southerly to Boar Point to a point 35° 12.3253' N - 76° 31.2767' W;
- (n) In the Bay River Area:
 - (i) Bonner Bay - southeast of a line beginning on the west shore at a point 35° 09.6281' N - 76° 36.2185' W; running northeasterly to Davis Island Point to a point 35° 10.0888' N - 76° 35.2587' W;
 - (ii) Gales Creek-Bear Creek (tributaries of Bay River) - north and west of a line beginning on Sanders Point at a point 35° 11.2833' N - 76° 35.9000' W, running northeasterly to the east shore to a point 35° 11.9000' N - 76° 34.2833' W;
- (3) In the Pamlico and Pungo Rivers Area:
 - (a) Pungo River - north of a line beginning on the west shore at a point 35° 32.2000' N - 76° 29.2500' W; running east near Beacon "21" to the east shore to a point 35° 32' 0833' N - 76° 28.1500' W;
 - (b) Fortescue Creek - east of a line beginning on Pasture Point at a point 35° 25.9213' N - 76° 31.9135' W; running southerly to the Lupton Point shore to a point 35° 25.6012' N - 76° 31.9641' W;
 - (c) Pamlico River - west of a line beginning on Ragged Point at a point 35° 27.5768' N - 76° 54.3612' W; running southwesterly to Mauls Point to a point 35° 26.9176' N - 76° 55.5253' W;
 - (d) North Creek - north of a line beginning on the west shore at a point 35° 25.3988' N - 76° 40.0455' W, running southeasterly to the east shore to a point 35° 25.1384' N - 76° 39.6712' W;
 - (e) In the Goose Creek area:
 - (i) Campbell Creek - west of a line beginning on the north shore at a point 35° 17.3600' N - 76° 37.1096' W; running southerly to the south shore to a point 35° 16.9876' N - 76° 37.0965' W;
 - (ii) Eastham Creek - east of a line beginning on the north shore at a point 35° 17.7423' N - 76° 36.5164' W; running southeasterly to the south shore to a point 35° 17.5444' N - 76° 36.3963' W;
 - (f) Oyster Creek-Middle Prong - southwest of a line beginning on Cedar Island at a point 35° 19.4921' N - 76° 32.2590' W; running southeasterly to Beard Island Point to a point 35° 19.1265' N - 76° 31.7226' W; and southwest of a line beginning on the west shore at a point 35° 19.5586' N - 76° 32.8830' W running easterly to the east shore to a point 35° 19.5490' N - 76° 32.7365' W;

- (4) In the Neuse River Area:
- (a) Lower Broad Creek – west of a line beginning on the north shore at a point 35° 05.8314' N - 76° 35.3845' W; running southwesterly to the south shore to a point 35° 05.5505' N - 76° 35.7249' W;
 - (b) Greens Creek - north of a line beginning on the west shore of Greens Creek at a point 35° 01.3476' N - 76° 42.1740' W; running northeasterly to the east shore to a point 35° 01.4899' N - 76° 41.9961' W;
 - (c) Dawson Creek - north of a line beginning on the west shore at a point 34° 59.5920' N - 76° 45.4620' W; running southeasterly to the east shore to a point 34° 59.5800' N - 76° 45.4140' W;
 - (d) Goose Creek - Creek, north and east of a line beginning at a point on the west shore at a point 35° 02.6642' N - 76° 56.4710' W; running southeasterly to a point on Cooper Point 35° 02.0908' N - 76° 56.0092' W;
 - (e) Upper Broad Creek - Creek, northeast of a line beginning at a point on Rowland Point on the north shore at a point 35° 02.6166' N - 76° 56.4500' W; running southeasterly to the south shore to a point 35° 02.8960' N - 76° 56.7865' W;
 - (f) Clubfoot Creek - south of a line beginning on the west shore at a point 34° 54.5424' N - 76° 45.7252' W, running easterly to the east shore to a point 34° 54.4853' N - 76° 45.4022' W;
 - (g) (In the Adams Creek Area) Cedar Creek - east of a line beginning on the north shore at a point 34° 56.1203' N - 76° 38.7988' W; running southerly to the south shore to a point 34° 55.8745' N - 76° 38.8153' W;
- (5) Virginia Creek - all waters of the natural channel northwest of the primary nursery area line;
- (6) Old Topsail Creek - all waters of the dredged channel northwest of the primary nursery area line;
- (7) Mill Creek - all waters west of a line beginning on the north shore at a point 34° 20.6420' N - 77° 42.1220' W; running southwesterly to the south shore to a point 34° 20.3360' N - 77° 42.2400' W;
- (8) Pages Creek - all waters west of a line beginning on the north south shore at a point 34° 16.1610' N - 77° 45.9930' W; running southwesterly to the south shore to a point 34° 15.9430' N - 77° 46.1670' W;
- (9) Bradley Creek - all waters west of a line beginning on the north shore at a point 34° 12.7030' N - 77° 49.1230' W; 4" W, running southerly near the dredged channel to a point 34° 12.4130' N - 77° 49.2110' W;
- (10) Davis Creek, all waters east of a line beginning on Horse Island at a point 33° 55.0160' N - 78° 12.7380' W; running southerly to Oak Island to a point 33° 54.9190' N - 78° 12.7170' W; continuing upstream to the primary nursery line and Davis Canal, all waters southeast of a line beginning on Pinner Point at a point 33° 55.2930' N - 78° 11.6390' W; running southwesterly across the mouth of Davis Canal to the spoil island at the southwest intersection of the IWW and Davis Canal to a point 33° 55.2690' N - 78° 11.6550' W.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52; Eff. January 1, 1991; Amended Eff. March 1, 1996; March 1, 1994; Recodified from 15A NCAC 3R .0004 Eff. December 17, 1996; Amended Eff. August 1, 2004; May 1, 1997.

15A NCAC 03R .0105 SPECIAL SECONDARY NURSERY AREAS

The special secondary nursery areas referenced in 15A NCAC 03N .0105(b) are designated in the following coastal water areas:

- (1) Roanoke Sound:
- (a) Outer Shallowbag Bay – west of a line beginning on Baum Point at a point 35° 55.1461' N - 75° 39.5618' W; running southeasterly to Ballast Point to a point 35° 54.6250' N - 75° 38.8656' W; including the canal on the southeast shore of Shallowbag Bay.
 - (b) Kitty Hawk Bay/Buzzard Bay – within the area designated by a line beginning at a point on the east shore of Collington Creek at a point 36° 02.4360' N - 75° 42.3189' W; running westerly to a point 36° 02.6630' N - 75° 41.4102' W; running along the shoreline to a point 36° 02.3264' N - 75° 42.3889' W; running southwesterly to a point 36° 02.1483' N - 75° 42.4329' W; running along the shoreline to a point 36° 01.6736' N - 75° 42.5313' W; running southwesterly to a point 36° 01.5704' N - 75° 42.5899' W; running along the shoreline to a point 36° 00.9162' N - 75° 42.2035' W; running southeasterly to a point 36° 00.8253' N - 75° 42.0886' W; running along the shoreline to a point 35° 59.9886' N - 75° 41.7284' W; running southwesterly to a point 35° 59.9597' N - 75° 41.7682' W; running along the shoreline to the mouth of Buzzard Bay to a point 35° 59.6480' N - 75° 32.9906' W; running easterly to Mann

- Point to a point 35° 59.4171' N - 75° 32.7361' W; running northerly along the shoreline to the point of beginning.
- (2) In the Pamlico and Pungo rivers Area:
- (a) Pungo Creek - west of a line beginning on Persimmon Tree Point at a point 35° 30.7633' N - 76° 38.2831' W; running southwesterly to Windmill Point to a point 35° 31.1546' N - 76° 37.7590' W;
 - (b) Scranton Creek - south and east of a line beginning on the west shore at a point 35° 30.6810' N - 76° 28.3435' W; running easterly to the east shore to a point 35° 30.7075' N - 76° 28.6766' W;
 - (c) Slade Creek - east of a line beginning on the west shore at a point 35° 27.8879' N - 76° 32.9906' W; running southeasterly to the east shore to a point 35° 27.6510' N - 76° 32.7361' W;
 - (d) South Creek - west of a line beginning on Hickory Point at a point 35° 21.7385' N - 76° 41.5907' W; running southerly to Fork Point to a point 35° 20.7534' N - 76° 41.7870' W;
 - (e) Bond Creek/Muddy Creek - south of a line beginning on Fork Point 35° 20.7534' N - 76° 41.7870' W; running southeasterly to Gum Point to a point 35° 20.5632' N - 76° 41.4645' W;
- (3) In the West Bay Area:
- (a) West Thorofare Bay - south of a line beginning on the west shore at a point 34° 57.2199' N - 76° 24.0947' W; running easterly to the east shore to a point 34° 57.4871' N - 76° 23.0737' W;
 - (b) Long Bay-Ditch Bay - west of a line beginning on the north shore of Ditch Bay at a point 34° 57.9388' N - 76° 27.0781' W; running southwesterly to the south shore of Ditch Bay to a point 34° 57.2120' N - 76° 27.2185' W; then south of a line running southeasterly to the east shore of Long Bay to a point 34° 56.7633' N - 76° 26.3927' W;
 - (c) Turnagain Bay - south of a line beginning on the west shore at a point 34° 59.4065' N - 76° 30.1906' W; running easterly to the east shore to a point 34° 59.5668' N - 76° 29.3557' W;
- (4) In the Core Sound Area:
- (a) Cedar Island Bay - northwest of a line beginning near the gun club dock at a point 34° 58.7203' N - 76° 15.9645' W; running northeasterly to the south shore to a point 34° 57.7690' N - 76° 16.8781' W;
 - (b) Thorofare Bay-Barry Bay - northwest of a line beginning on Rumley Hammock at a point 34° 55.4853' N - 76° 18.2487' W; running northeasterly to Hall Point to a point 34° 54.4227' N - 76° 19.1908' W;
 - (c) Nelson Bay - northwest of a line beginning on the west shore of Nelson Bay at a point 34° 51.1353' N - 76° 24.5866' W; running northeasterly to Drum Point to a point 34° 51.6417' N - 76° 23.7620' W;
 - (d) Brett Bay - north of a line beginning on the west shore at a point 34° 49.4019' N - 76° 26.0227' W; running easterly to Piney Point to a point 34° 49.5799' N - 76° 25.0534' W;
 - (e) Jarrett Bay - north of a line beginning on the west shore near Old Chimney at a point 34° 45.5743' N - 76° 30.0076' W; running easterly to a point east of Davis Island 34° 45.8325' N - 76° 28.7955' W;
- (5) In the North River Area:
- (a) North River - north of a line beginning on the west shore at a point 34° 46.0383' N - 76° 37.0633' W; running easterly to a point on the east shore 34° 46.2667' N - 76° 35.4933' W;
 - (b) Ward Creek - east of a line beginning on the north shore at a point 34° 46.2667' N - 76° 35.4933' W; running southerly to the south shore to a point 34° 45.4517' N - 76° 35.1767' W;
- (6) Newport River - west of a line beginning near Penn Point on the south shore at a point 34° 45.6960' N - 76° 43.5180' W; running northeasterly to the north shore to a point 34° 46.8490' N - 76° 43.3296' W;
- (7) New River - all waters upstream of a line beginning on the north side of the N.C. Highway 172 Bridge at a point 34° 34.7680' N - 77° 23.9940' W; running southerly to the south side of the bridge at a point 34° 34.6000' N - 77° 23.9710' W;
- (8) Intracoastal Waterway - all waters in the IWW maintained channel from a point near Marker "17" north of Alligator Bay 34° 30.7930' N - 77° 23.1290' W; to a point near Marker "49" at Morris Landing at a point 34° 28.0820' N - 77° 30.4710' W; and all waters in the IWW maintained channel and 100 feet on either side from Marker "49" to the N.C. Highway 50-210 Bridge at Surf City;
- (9) Cape Fear River - all waters bounded by a line beginning on the south side of the Spoil Island at the intersection of the IWW and the Cape Fear River ship channel at a point 34° 01.5780' N - 77° 56.0010' W; running easterly to the east shore of the Cape Fear River to a point 34° 01.7230' N - 77° 55.1010' W; running southerly and bounded by the shoreline to the Ferry Slip at Federal Point at a point 33° 57.8080' N - 77° 56.4120' W; running northerly to Bird Island to a point 33° 58.3870' N - 77° 56.5780' W;

- W; running northerly along the west shoreline of Bird Island and the Cape Fear River spoil islands back to point of origin;
- (10) Lockwood Folly River – all waters north of a line beginning on Howells Point at a point 33° 55.3680' N - 78° 12.7930' W and running in a westerly direction along the IWW near IWW Marker "46" to a point 33° 55.3650' N - 78° 13.8500' W;
- (11) Saucepan Creek - all waters north of a line beginning on the west shore at a point 33° 54.6290' N - 78° 22.9170' W; running northeasterly to the east shore to a point 33° 54.6550' N - 78° 22.8670' W.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. March 1, 1996; March 1, 1994;
 Recodified from 15A NCAC 3R .0005 Eff. December 17, 1996;
 Amended Eff. August 1, 2004; May 1, 1997.

15A NCAC 03R .0106 TRAWL NETS PROHIBITED

The trawl net prohibited areas referenced in 15A NCAC 03J .0104 (b)(4) are delineated in the following coastal water areas:

- (1) In Pamlico, Core and Back sounds - within the area described by a line beginning at a point 35° 43.7457' N - 75° 30.7014' W on the south shore of Eagles Nest Bay on Pea Island; running westerly to a point 35° 42.9500' N - 75° 34.1500' W; running southerly to a point 35° 39.3500' N - 75° 34.4000' W; running southeasterly to a point 35° 35.8931' N - 75° 31.1514' W in Chicamacomico Channel near Beacon "ICC"; running southerly to a point 35° 28.5610' N - 75° 31.5825' W on Gull Island; running southwesterly to a point 35° 22.8671' N - 75° 33.5851' W in Avon Channel near Beacon "1"; running southwesterly to a point 35° 18.9603' N - 75° 36.0817' W in Cape Channel near Beacon "2"; running westerly to a point 35° 16.7588' N - 75° 44.2554' W in Rollinson Channel near Beacon "42RC"; running southwesterly to a point 35° 14.0337' N - 75° 45.9643' W southwest of Oliver Reef near the quick-flashing beacon; running westerly to a point 35° 09.3650' N - 76° 00.6377' W in Big Foot Slough Channel near Beacon "14BF"; running southwesterly to a point 35° 08.4523' N - 76° 02.6651' W in Nine Foot Shoal Channel near Beacon "9"; running westerly to a point 35° 07.1000' N - 76° 06.9000' W; running southwesterly to a point 35° 01.4985' N - 76° 11.4353' W near Beacon "HL"; running southwesterly to a point 35° 00.2728' N - 76° 12.1903' W near Beacon "2CS"; running southerly to a point 34° 59.5027' N - 76° 12.3204' W in Wainwright Channel immediately east of the northern tip of Wainwright Island; running easterly to a point 34° 58.6760' N - 76° 12.4164' W; running southerly to a point 34° 56.6697' N - 76° 13.6052' W near Marker "15"; running southwesterly to a point 34° 54.1584' N - 76° 16.9016' W; running southwesterly to a point 34° 52.1484' N - 76° 19.2607' W; running southwesterly to a point 34° 51.0617' N - 76° 21.0449' W; running southwesterly to a point 34° 48.3137' N - 76° 24.3717' W; running southwesterly to a point 34° 46.3739' N - 76° 26.1526' W; running southwesterly to a point 34° 44.5795' N - 76° 27.5136' W; running southwesterly to a point 34° 43.4895' N - 76° 28.9411' W near Beacon "37A"; running southwesterly to a point 34° 40.4500' N - 76° 30.6833' W; running westerly to a point 34° 40.7061' N - 76° 31.5893' W near Beacon "35" in Back Sound; running westerly to a point 34° 41.3178' N - 76° 33.8092' W near Buoy "3"; running southwesterly to a point 34° 39.6601' N - 76° 34.4078' W on Shackelford Banks; running easterly and northeasterly along the shoreline and across Barden Inlet following the COLREGS Demarcation line; then running northerly along the shoreline across the inlets following the COLREGS Demarcation line up the Outer Banks to Eagles Nest Bay at the point of beginning.
- (2) In Northern Pamlico Sound, Stumpy Point Bay - north of a line beginning at a point 35° 40.9719' N - 75° 44.4213' W on Drain Point; running westerly to a point 35° 40.6550' N - 75° 45.6869' W on Kazer Point;
- (3) In the Pamlico River area, lower Goose Creek - south of a line beginning at a point 35° 18.2676' N - 76° 37.4706' W on the north shore of Snode Creek; running easterly to a point 35° 18.1660' N - 76° 36.9095' W on Store Point;
- (4) In the Bay River Area:
- (a) In Dump Creek - north of a line beginning at a point 35° 11.6666' N - 76° 33.4207' W on the west shore; running southeasterly to a point 35° 11.3926' N - 76° 32.8993' W on the east shore;
- (b) In Rockhole Bay - north of a line beginning at a point 35° 11.3926' N - 76° 32.8993' W on the west shore; running southeasterly to a point 35° 11.1321' N - 76° 32.1360' W on the east shore;

- (c) In Vandemere Creek - north of a line beginning at a point 35° 11.2681' N - 76° 39.5220' W on the west shore; running southerly to a point 35° 11.0879' N - 76° 39.3200' W on the east shore;
- (d) In Cedar Creek - west of a line beginning at a point 35° 11.2681' N - 76° 39.5220' W on the north shore; running southwesterly to a point 35° 11.1033' N - 76° 39.7321' W on the south shore of an unnamed tributary;
- (e) In Chapel Creek - north of a line beginning at a point 35° 08.6768' N - 76° 42.7985' W on the west shore; running easterly to a point 35° 08.7677' N - 76° 42.3604' W on the east shore;
- (f) In Upper Bay River - west of a line beginning at a point 35° 08.6704' N - 76° 43.0836' W on the north shore; running southwesterly to a point 35° 08.4590' N - 76° 43.1930' W on the south shore;
- (5) In the Neuse River Area, Pierce Creek - west of a line beginning at a point 35° 02.4336' N - 76° 39.7653' W on the north shore; running southerly to a point 35° 02.3767' N - 76° 39.7876' W on the south shore;
- (6) In Cape Lookout Bight, all of Cape Lookout Bight - southwest of the COLREGS Demarcation line at Barden Inlet to the northeastern most point of Power Squadron Spit; running northeasterly to a point 34° 38.6150' N - 76° 32.7434' W on Shackleford Banks;
- (7) Newport River - all waters upstream of a line beginning at a point 34° 45.6960' N - 76° 43.5180' W near Penn Point; running northeasterly to a point 34° 46.5733' N - 76° 42.6350' W at Hardesty Farms subdivision;
- (8) White Oak River - all waters upstream of a line beginning at a point on the west side of the river 34° 43.3425' N - 77° 07.2209' W; running northerly to a point 34° 43.6445' N - 77° 07.3177' W in the river above Cahoon's Slough; running easterly to a point 34° 43.5588' N - 77° 06.6206' W at Hancock Point;
- (9) Intracoastal Waterway - all waters in the maintained channel from a point near Marker #105 34° 18.8167' N - 77° 42.8833' W running southerly to a point at the Wrightsville Beach Drawbridge 34° 12.9500' N - 77° 47.9833' W;
- (10) Cape Fear River - all waters bounded by a line beginning at a point near Fort Fisher 33° 57.5333' N - 77° 56.9333' W running southwesterly along The Rocks to a point 33° 55.1833' N - 77° 58.0833' W running southeasterly and southerly along the shorelines of Second and Buzzard's Bays to a point 33° 53.0333' N - 57.9333' W running northeasterly and northwesterly along the barrier island shorelines of Buzzard's Bay, Second Bay and The Basin back to the point of origin;
- (11) Cape Creek - all waters upstream of a line beginning at a point on the north shore 33° 53.6167' N - 77° 59.3333' W running southwesterly to a point on the south shore 33° 53.3667' N - 77° 59.4667' W; and
- (12) Bald Head Creek - all waters upstream of a line beginning at a point on the west shore 33° 52.8667' N - 77° 59.8000' W running easterly to a point on the east shore 33° 52.8667' N - 77° 59.7167' W.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. March 1, 1994;
 Recodified from 15A NCAC 3R .0006 Eff. December 17, 1996;
 Amended Eff. July 1, 2006; August 1, 2004; April 1, 1997.*

15A NCAC 03R .0107 DESIGNATED POT AREAS

- (a) The pot areas referenced in 15A NCAC 03J .0301(a)(2)(A) are delineated in the following coastal fishing waters:
 - (1) In Albemarle and Currituck sounds and tributaries.
 - (2) In Roanoke Sound and tributaries.
 - (3) In Croatan Sound and tributaries.
 - (4) In Pamlico Sound and tributaries, except areas further described in Subparagraphs (a)(5), (a)(7), and (a)(8) of this Rule. Pots shall not be set within the following area described by lines:
 - (A) Striking Bay - beginning on shore at a point 35° 23.7003' N - 76° 26.6951' W; running southeasterly to shore at a point 35° 23.3580' N - 76° 26.3777' W; running easterly along shore to Long Point to a point 35° 23.3380' N - 76° 26.2540' W; running southeasterly to Drum Point to a point 35° 22.4830' N - 76° 25.1930' W; running southerly along shore to Point of Narrows to a point 35° 21.9240' N - 76° 25.4080' W; running northwesterly near Marker "2" to a point 35° 22.4166' N - 76° 26.4833' W; running westerly to a point 35° 22.3833' N - 76° 27.0000' W; running northerly to Short Point to a point 35° 23.3831' N - 76° 26.9922' W; running northerly along shore to a point 35° 23.5000' N - 76° 26.9666' W; running northeasterly to the beginning point.

- (5) In the Pamlico River and its tributaries west of a line beginning on Willow Point at a point 35° 22.3741' N - 76° 28.6905' W; running southerly to Pamlico Point to a point 35° 18.5882' N - 76° 28.9625' W; pots may be used within an area bound by the shoreline to the depth of six feet, except areas listed in Paragraph (b) of this Rule that may be opened to the use of pots by proclamation and except pots shall not be set within the following areas described by lines:
- (A) Lupton Point - beginning on Lupton Point at a point 35° 25.6012' N - 76° 31.9641' W; running northwesterly to a point 35° 25.7333' N - 76° 32.1500' W; running southerly along the six foot depth to a point 35° 25.2833' N - 76° 32.3000' W; running northeasterly to shore to a point 35° 25.3389' N - 76° 31.9592' W; running northerly along shore to the beginning point.
 - (B) Green Point - beginning on shore at a point 35° 26.6478' N - 76° 33.5008' W; running westerly to a point 35° 26.5833' N - 76° 33.8333' W; running southeasterly along the six foot depth to a point 35° 26.0833' N - 76° 33.2167' W; running northerly to shore to a point 35° 26.4216' N - 76° 33.2856' W; running northwesterly along the shore to the beginning point.
 - (C) July Point - beginning on shore at a point 35° 27.3667' N - 76° 33.3500' W; running northeasterly to a point 35° 27.5166' N - 76° 33.3000' W; running westerly along the six foot depth to a point 35° 27.3000' N - 76° 33.8833' W; running easterly to the beginning point.
 - (D) Manley Point - beginning on shore at a point 35° 28.0171' N - 76° 33.3144' W; running northwesterly to a point 35° 28.1500' N - 76° 33.7167' W; running southeasterly along the six foot depth to a point 35° 27.6667' N - 76° 33.2000' W; running northwesterly to the beginning point.
 - (E) Durants Point - beginning on shore east of Durants Point at a point 35° 30.4660' N - 76° 33.4513' W; running northwesterly to a point 35° 30.7666' N - 76° 33.6500' W; running easterly along the six foot depth to a point 35° 30.8347' N - 76° 32.6529' W; running southwestly to shore to a point 35° 30.4400' N - 76° 32.7897' W; running westerly along shore to the beginning point.
 - (F) Lower Dowry Point - beginning on shore west of Lower Dowry Creek at a point 35° 32.4334' N - 76° 35.6647' W; running southwestly to a point 35° 32.2333' N - 76° 35.8500' W; running easterly along the six foot depth to a point 35° 32.1166' N - 76° 35.1166' W; running northerly to shore to a point 35° 32.4740' N - 76° 35.1017' W; running westerly along shore to the Inland/Coastal line on the east shore of Lower Dowry Creek; running westerly along the Inland/Coastal line to the west shore of Lower Dowry Creek; running westerly along shore to the beginning point.
 - (G) Schrams Beach - beginning on shore at a point 35° 27.2222' N - 76° 36.4662' W; running northeasterly to a point 35° 27.2988' N - 76° 36.2600' W; running southerly along the six foot depth to a point 35° 26.9000' N - 76° 36.1500' W; running northwesterly to shore to a point 35° 27.0418' N - 76° 36.3767' W; running northerly along shore to the beginning point.
 - (H) Grassy Point - beginning on shore at a point 35° 25.8333' N - 76° 35.6167' W; running northeasterly to a point 35° 25.9846' N - 76° 35.4654' W; running southerly along the six foot depth to a point 35° 25.7333' N - 76° 34.7667' W; running westerly to shore to a point 35° 25.6787' N - 76° 35.4654' W; running northwesterly along shore to the beginning point.
 - (I) Long Point - beginning on shore at a point 35° 22.4833' N - 76° 43.4167' W; running northwesterly to a point 35° 22.6500' N - 76° 43.4333' W; running easterly along the six foot depth to a point 35° 22.7333' N - 76° 42.7333' W; running to shore to a point 35° 22.4000' N - 76° 43.0833' W; running westerly along shore to the beginning point.
 - (J) Pamlico River Mainstream Channel - beginning at a point 250 yards north of Marker "7" at a point 35° 27.2953' N - 76° 55.1351' W; running westerly to a point near Marker "8" at a point 35° 27.4217' N - 76° 56.0917' W; running westerly along the north side of the marked channel to a point 100 yards north of Marker "9" at a point 35° 27.7472' N - 76° 57.5392' W; running westerly along the north side of the marked channel to a point near Marker "16", north of Whichard's Beach at a point 35° 30.4750' N - 77° 01.2217' W; running southwestly across the channel to a point 35° 30.4373' N - 77° 01.2614' W; running southeasterly along the south side of the marked channel at a distance of 100 yards from the north side of the marked channel to a point near Marker "7" at a point 35° 27.1722' N - 76° 55.1380' W; running northerly to the beginning point.
 - (K) Chocowinity Bay Channel - beginning at a point near the Wildlife Resources Commission (WRC) red marker in Chocowinity Bay at a point 35° 29.5501' N - 77° 01.4335' W; running easterly to the south side of the marked navigation channel in Pamlico River, at a point 35° 29.0408' N - 76° 59.5437' W; running southeasterly to a point 35° 28.9236' N - 76° 59.3109'

- W; running westerly to the WRC green buoy in Chocowinity Bay at a point 35° 29.5004' N - 77° 01.4339' W; running northerly to the beginning point.
- (L) Whichards Beach Channel - beginning on shore at a point 35° 30.2364' N - 77° 01.3679' W; running easterly to the south side of the marked navigation channel in Pamlico River at a point 35° 30.1952' N - 77° 01.0252' W; running southeasterly to a point 35° 30.1373' N - 77° 00.9685' W; running westerly to shore at a point 35° 30.2002' N - 77° 01.4518' W, running northeasterly to the beginning point.
- (M) Broad Creek Channel - beginning near Marker "3" in Broad Creek at a point 35° 29.0733' N - 76° 57.2417' W; running southwestwardly near Marker "1" at a point 35° 28.8591' N - 76° 57.3823' W; running southerly to the marked navigation channel in Pamlico River at a point 35° 27.8083' N - 76° 57.6250' W; running southeasterly to a point 35° 27.7344' N - 76° 57.4822' W; running northerly to the six foot depth at a point 35° 28.5779' N - 76° 57.2924' W; running northerly to the six foot depth at a point 35° 28.7781' N - 76° 57.3508' W; running northerly along the six foot depth to a point near Marker "4" at a point 35° 29.0933' N - 76° 57.1967' W; running southwestwardly to the beginning point.
- (N) Blounts Bay - from June 1 through September 15, on the south side of Pamlico River beginning near Marker "7" at a point 35° 27.1722' N - 76° 55.1381' W; running westerly and along the south side of the marked navigation channel to a point near Marker "9" at a point 35° 27.7070' N - 76° 57.5739' W; running northwestwardly along the south side of the marked channel to the intersection of the Chocowinity Bay Channel at a point 35° 28.9236' N - 76° 59.3109' W; running westerly along the south side of the Chocowinity Bay Channel to a point 35° 29.0206' N - 76° 59.6678' W; running southerly to the eight foot depth at a point 35° 28.6667' N - 76° 59.6667' W; running southeasterly along the eight foot depth to a point 35° 27.0833' N - 76° 55.1667' W; running northerly to the beginning point.
- (6) In the Pamlico River and its tributaries west of a line beginning on Willow Point at a point 35° 22.3741' N - 76° 28.6905' W; running southerly to Pamlico Point to a point 35° 18.5882' N - 76° 28.9625' W; pots may be used within an area bound by the shoreline to the depth of six feet, except areas listed in Paragraph (b) of this Rule that may be opened to the use of pots by proclamation and except; pots may be set within the following areas described by lines:
- (A) Durants Point - beginning on Durants Point at a point 35° 30.5197' N - 76° 35.1521' W; running northwestwardly to a point 35° 31.1333' N - 76° 35.5833' W; running northeasterly 200 yards south of Marker "10" to a point 35° 31.2032' N - 76° 35.5558' W; running easterly parallel to the marked navigation channel at a distance of 200 yards to a point southwest of Marker "12" to a point 35° 31.1492' N - 76° 33.8997' W; running southeasterly to shore to a point 35° 30.4660' N - 76° 33.4513' W; running westerly along shore to the beginning point.
- (B) South shore, upper Pungo River - beginning on shore west of Durants Point at a point 35° 30.4400' N - 76° 32.7897' W; running northeasterly to a point southeast of Marker "14" to a point 35° 31.0833' N - 76° 32.5667' W; running easterly parallel to the marked navigation channel at a distance of 200 yards to the shore south of Wilkerson Creek to a point 35° 33.0493' N - 76° 27.2752' W; running southerly and westerly along the shoreline and following the Inland/Coastal lines of Horse Island, Tarklin, Scranton, and Smith Creeks to the beginning point.
- (C) North shore, upper Pungo River - beginning on shore east of Lower Dowry Creek at a point 35° 32.4740' N - 76° 35.1017' W; running southerly to a point 35° 31.5167' N - 76° 35.1000' W; running easterly parallel to the marked navigation channel at a distance of 200 yards to the north shore of Wilkerson Creek to a point 35° 33.2339' N - 76° 27.5449' W; running northwestwardly along the shoreline to the east end of the US 264 bridge; running westerly along the bridge and following the Inland/Coastal line to the western shore; running southerly and westerly along the shoreline and following the Inland/Coastal lines of Crooked Creek and Upper Dowry Creek to the beginning point.
- (D) Tooleys Point - beginning at the "Breakwater" 200 yards northeast of Beacon "6", at a point 35° 31.7833' N - 76° 36.8500' W; running southeasterly to a point 200 yards from Marker "4" at a point 35° 31.5167' N - 76° 36.3500' W; running easterly to a point 35° 31.4667' N - 76° 35.9833' W; running northerly near Beacon "1" to a point 35° 32.1100' N - 76° 35.9817' W; running northeasterly to shore to a point 35° 32.4334' N - 76° 35.6647' W; running westerly and along the shoreline of Battalina and Tooley Creeks; running along the river shore to the "Breakwater" to a point 35° 31.9908' N - 76° 36.6105' W; running southwestwardly along the "Breakwater" to the beginning point.
- (E) Pungo Creek - beginning on Windmill Point at a point 35° 30.7444' N - 76° 38.2869' W; running northeasterly to a point 200 yards west of Marker "3" to a point 35° 31.3500' N - 76°

- 36.6167' W; running northwesterly to the "Breakwater" to a point 35° 31.6296' N - 76° 37.1201' W; running westerly along the "Breakwater" to shore to a point 35° 31.5653' N - 76° 37.3832' W; running westerly along shore and into Pungo Creek following the shoreline and the Inland/Coastal lines of Vale, Scott, and Smith creeks to the north end of the NC 92 bridge over Pungo Creek; running southerly along the bridge and following the Inland/Coastal line to the southern shore; running easterly along shore to the beginning point.
- (F) Upper Pamlico - in coastal fishing waters west of a line beginning on the north shore of Gum Point at a point 35° 25.1699' N - 76° 45.5251' W; running southwestly to a point on the south shore of Pamlico River to a point 35° 23.4453' N - 76° 46.4346' W, except as described in Part (a)(5)(J) through (N) of this Rule.
- (G) North Side Pamlico - beginning on the north shore of Gum Point at a point 35° 25.1699' N - 76° 45.5251' W; running southwestly 500 yards from shore to a point 35° 24.9339' N - 76° 45.6495' W; running easterly parallel to the shoreline at a distance of 500 yards near Adams Point to a point 35° 23.3949' N - 76° 35.8089' W; running northerly to shore at a point 35° 23.1754' N - 76° 35.9619' W; running westerly along shore to the beginning point.
- (H) South Creek - in coastal fishing waters of South Creek and tributaries west of a line beginning on Hickory Point at a point 35° 21.7385' N - 76° 41.5907' W; running southerly to Fork Point to a point 35° 20.7534' N - 76° 41.7870' W.
- (7) In Bay River west of a line beginning on Bay Point at a point 35° 11.0750' N - 76° 31.6080' W; running southerly to Maw Point to a point 35° 09.0407' N - 76° 32.2348' W; pots may be used within an area bound by the shoreline to the depth of six feet, except areas listed in Paragraph (b) of this Rule that may be opened to the use of pots by proclamation, and pots shall not be set within the following areas described by lines:
- (A) Vandemere - beginning on the west shore of Vandemere Creek at a point 35° 11.2280' N - 76° 39.6046' W; running southeasterly to the east shore to a point 35° 11.0920' N - 76° 39.3240' W; running southerly to a point 35° 10.9390' N - 76° 39.4426' W; running southwestly to a point 35° 10.8567' N - 76° 39.6212' W; running northwesterly to shore west of Vandemere Creek to a point 35° 10.8983' N - 76° 39.7307' W; running northerly along shore to the beginning point.
- (B) Moore Bay - beginning on shore west of Bell Point at a point 35° 09.6712' N - 76° 39.9651' W; running northwesterly to a point 35° 09.7331' N - 76° 40.0928' W; running southerly along the six foot depth to a point 35° 09.0045' N - 76° 40.3141' W; running southeasterly to the north shore of Moore Creek to a point 35° 08.9640' N - 76° 40.2000' W; running northerly along shore to the beginning point.
- (8) In the Neuse River and Point of Marsh area south and west of a line beginning on Maw Point at a point 35° 09.0407' N - 76° 32.2348' W; running southeasterly near the Maw Point Shoal Marker "2" to a point 35° 08.1250' N - 76° 30.8532' W; running southeasterly near the Neuse River Entrance Marker "NR" to a point 35° 06.6212' N - 76° 28.5383' W; running southeasterly to a point 35° 04.7670' N - 76° 25.7920' W; running southwestly to shore to a point 35° 03.9387' N - 76° 27.0466' W; pots may be used in coastal fishing waters bound by the shoreline to the depth of six feet, except areas listed in Paragraph (b) of this Rule that may be opened to the use of pots by proclamation and except pots shall not be set within the following areas described by lines:
- (A) Oriental - in that area including Greens Creek and tributaries downstream of the bridge on State Secondary Road 1308, and Whittaker Creek north of a line beginning on the west shore at the Whittaker Creek primary nursery area (PNA) line; running easterly along the Whittaker Creek PNA line to the east shore; running southerly to a point 35° 01.3833' N - 76° 40.9500' W; running westerly following the six foot depth to a point 35° 01.1666' N - 76° 41.8833' W; running southerly across the channel to a point 35° 01.1339' N - 76° 41.9589' W; running westerly to Windmill Point to the south shore of the Shop Gut Creek PNA line; running northerly along the Shop Gut Creek PNA line to the north shore of the Shop Gut Creek PNA line.
- (B) Greens Creek - more than 75 yards from shore in the area beginning on the south shore of Greens Creek primary nursery area (PNA) line; following the PNA lines of Greens Creek and Kershaw Creek to the east shore of Kershaw Creek; running easterly along the shore of Greens Creek, and running along the shore of Smith Creek and its tributaries to the bridge on State Secondary Road 1308; running southwestly along the bridge to the south shore of Greens Creek; running westerly along the shore to the beginning point.
- (C) Dawson Creek - beginning on the west shore at a point 34° 59.5920' N - 76° 45.4620' W; running easterly along the bridge on State Secondary Road 1302 to shore at a point 34° 59.5800' N - 76° 45.4140' W; running northerly and easterly along the shore to the primary

- nursery area (PNA) line of the southeastern tributary; running northerly along the PNA line to shore; running northerly along shore to the PNA line of the unnamed northeastern tributary; running northwesterly along the PNA line to shore; running northwesterly along shore to the Inland/Coastal line on Tarklin Creek; running westerly along the Inland/Coastal line to shore; running southwestly along shore to the Inland/Coastal line on Dawson Creek; running southerly along the Inland/Coastal line to the shore; running easterly and then southerly along shore to the beginning point.
- (D) Wilkerson Point - beginning on the west side of the Minnesott Beach Yacht Basin Channel at a point 34° 58.2682' N – 76° 49.1903' W; running southerly to a point 34° 58.1403' N – 76° 49.2253' W; running easterly along the six foot depth to a point 34° 58.4000' N – 76° 46.5667' W; running northerly to shore to a point 34° 58.5333' N – 76° 46.6333' W; running westerly along shore to the beginning point.
- (E) Beard Creek - beginning on shore west of Beard Creek at a point 35° 00.1902' N – 76° 52.2176' W; running southerly to a point 34° 59.8883' N – 76° 52.3594' W; running easterly along the six foot depth to a point 34° 59.4167' N – 76° 51.2333' W; running northeasterly to shore to a point 34° 59.5989' N – 76° 51.0781' W; running westerly along shore to the Beard Creek tributary primary nursery area (PNA) line; running northeasterly along the PNA line to the Inland/Coastal line in Beards Creek; running westerly along the Inland/Coastal line to the western shore; running southerly along shore to the beginning point.
- (F) Clubfoot Creek - more than 50 yards from shore in the area south of a line beginning at a point 34° 54.9327' N - 76° 45.6506' W on the west shore; running northerly to a point 34° 55.1501' N - 76° 45.6221' W; running northeasterly to a point 34° 55.1812' N - 76° 45.5172' W near Marker "5"; running northeasterly to a point 34° 55.2994' N - 76° 45.1180' W on the east shore and north of line beginning at a point on the west shore 34° 54.5424' N - 76° 45.7252' W; running easterly to a point 34° 54.4853' N - 76° 45.4022' W on the east shore.
- (9) In the Neuse River and Point of Marsh area south and west of a line beginning on Maw Point at a point 35° 09.0407' N – 76° 32.2348' W; running southeasterly near the Maw Point Shoal Marker "2" to a point 35° 08.1250' N - 76° 30.8532' W; running southeasterly near the Neuse River Entrance Marker "NR" to a point 35° 06.6212' N – 76° 28.5383' W; running southeasterly to a point 35° 04.7670' N – 76° 25.7920' W; running southwestly to shore to a point 35° 03.9387' N – 76° 27.0466' W; pots may be used in coastal fishing waters bound by the shoreline to the depth of six feet, except areas listed in Paragraph (b) of this Rule that may be opened to the use of pots by proclamation and except pots may be set in coastal fishing waters west of a line beginning on shore west of Beards Creek at a point 35° 00.1902' N – 76° 52.2176' W; running southwestly to shore west of Slocum Creek to a point 34° 57.0333' N – 76° 53.7252' W.
- (10) In the West Bay and Long Bay area south and west of a line beginning on shore at a point 35° 03.9387' N – 76° 27.0466' W; running northeasterly to a point 35° 04.7670' N – 76° 25.7920' W; running southeasterly to the eastern shore of West Bay to a point 35° 02.1203' N - 76° 21.8122' W; areas described by lines:
- (A) Raccoon Island, northern shore - beginning at the western point at a point 35° 04.3696' N – 76° 26.1815' W; running southeasterly along the north shore to a point 35° 03.9814' N - 76° 25.5862' W; running easterly 150 yards to a point 35° 03.9777' N - 76° 25.4910' W; running northwesterly at a distance of 150 yards from shore to a point 35° 04.4417' N - 76° 26.2150' W; running easterly to the beginning point.
- (B) Raccoon Island, southern shore - beginning at the western point at a point 35° 04.3696' N – 76° 26.1815' W; running southeasterly along the south shore to a point 35° 03.9814' N – 76° 25.5862' W; running easterly 50 yards to a point 35° 03.9800' N - 76° 25.5513' W; running westerly at a distance of 50 yards from shore to a point 35° 04.3955' N - 76° 26.1934' W; running easterly to the beginning point.
- (C) West Bay: Point of the Narrows - beginning on shore at a point 35° 03.5421' N – 76° 26.3909' W; running northeasterly to a point 35° 03.5980' N – 76° 26.3894' W; running southeasterly parallel to shore at a distance of 100 yards to a point 35° 02.4740' N – 76° 26.1280' W; running northwesterly to shore to a point 35° 02.5440' N – 76° 26.1486' W; running northerly along shore to the beginning point.
- (D) West Bay: Point of Island Bay, Dowdy Bay - beginning on shore at a point 35° 01.5271' N – 76° 26.2836' W; running southeasterly to a point 35° 01.4684' N - 76° 26.2450' W; running southeasterly parallel to shore at a distance of 100 yards to a point 35° 00.0701' N - 76° 25.4414' W; running southerly to a point 35° 00.0620' N - 76° 25.5074' W on Dowdy Point; running westerly and northerly along shore to the beginning point.

- (E) West Bay – beginning on Dowdy Point at a point 35° 00.0620' N – 76° 25.5074' W; running easterly to a point 35° 00.1000' N – 76° 25.2000' W; running southerly to a point 34° 58.7500' N – 76° 24.7000' W; running westerly to Jack's Bay Point to a point 34° 58.6886' N – 76° 25.3683' W; running northerly along shore to the beginning point.
- (F) Long Bay: Jack's Bay, Stump Bay - beginning on Jack's Bay Point at a point 34° 58.6886' N – 76° 25.3683' W; running southwesterly to a point 34° 57.6500' N – 76° 25.8500' W; running westerly to shore to a point 34° 57.2089' N – 76° 27.2292' W; running northerly along shore to the boundary of the military restricted area (having its center at a point 34° 58.8000' N – 76° 26.2000' W) in Jack's Bay to a point 34° 58.4208' N – 76° 25.9417' W; running northeasterly along the boundary of the military restricted area to a point 34° 58.7746' N – 76° 25.6733' W; running easterly along shore to the beginning point.
- (G) Long Bay - beginning on the east point of the southern shore of Stump Bay at a point 34° 57.2089' N – 76° 27.2292' W; running southeasterly to Swimming Point to a point 34° 56.7619' N – 76° 26.3838' W; running southerly along shore to the head of Long Bay; running northerly along the west shore to the beginning point.
- (H) Long Bay: Owens Bay - beginning on Swimming Point at a point 34° 56.7619' N – 76° 26.3838' W; running northwesterly to a point 34° 56.8470' N – 76° 26.5363' W; running northeasterly parallel to shore at a distance of 300 yards to a point 34° 57.9394' N – 76° 24.1326' W; running southwesterly to Long Bay Point at a point 34° 57.7863' N – 76° 24.1837' W; running southwesterly along shore to the beginning point.
- (I) West Thorofare Bay, Merkle Bay - beginning on Long Bay Point at a point 34° 57.7863' N – 76° 24.1837' W; running northeasterly near Marker "8WB" to a point 34° 58.4600' N – 76° 23.9600' W; running easterly to Tump Point to a point 34° 58.7000' N – 76° 22.8166' W; running southerly along the shore of Merkle Bay and West Thorofare Bay back to the beginning point.
- (J) West Bay, North Bay - beginning on the eastern shore of West Bay at a point 35° 02.1203' N – 76° 21.8122' W; running northwesterly to a point 35° 02.5412' N – 76° 22.4445' W; running southwesterly near Marker "5WB" to a point 35° 02.0798' N – 76° 22.8729' W; running southerly to a point 35° 00.5666' N – 76° 21.8333' W; running southerly to Deep Bend Point to a point 34° 58.5923' N – 76° 21.7325' W; running easterly and northerly along shore to the beginning point.
- (11) Core Sound, Back Sound and the Straits and their tributaries.
- (12) North River:
- (A) Goose Bay - beginning on shore west of South Leopard Creek at a point 34° 45.4517' N – 76° 35.1767' W; running northerly to a point 34° 45.6409' N – 76° 35.2503' W; running southwesterly to a point 34° 45.3333' N – 76° 35.7500' W; running southerly to a point 34° 43.4667' N – 76° 35.2333' W; running easterly to shore at a point 34° 43.5833' N – 76° 34.9167' W; running northerly along shore to the beginning point.
- (B) Ward Creek - coastal fishing waters north and east of a line beginning on the north shore at a point 34° 46.2667' N – 76° 35.4933' W; running southerly to south shore to a point 34° 45.4517' N – 76° 35.1767' W.
- (C) Upper North River - coastal fishing waters north of a line beginning on the west shore at a point 34° 46.0383' N – 76° 37.0633' W; running easterly to shore to a point 34° 46.2667' N – 76° 35.4933' W.
- (D) Newby Creek, Gibbs Creek - beginning on Marsh Hen Point at a point 34° 45.2004' N – 76° 37.0639' W; running southwesterly to a point 34° 44.5833' N – 76° 36.6000' W; running southeasterly to shore near Holland's Rocks to a point 34° 43.6667' N – 76° 37.3333' W; running northerly along shore to the beginning point.
- (E) North River Marshes - beginning near Marker "6" at a point 34° 43.4833' N – 76° 37.3500' W; running northeasterly to a point 34° 44.1333' N – 76° 36.8667' W; running southeasterly to a point 34° 43.8000' N – 76° 36.1333' W; running southeasterly to a point 34° 43.5000' N – 76° 35.7833' W; running southerly near Marker "56" to a point 34° 42.2391' N – 76° 35.8498' W; running westerly to a point 34° 42.2333' N – 76° 36.7167' W; running northerly to a point 34° 42.7500' N – 76° 36.9667' W; running northerly to a point 34° 43.2333' N – 76° 36.9667' W; running northwesterly to the beginning point.
- (13) Newport River:
- (A) Lower portion - beginning on shore east of Penn Point at a point 34° 45.4397' N – 76° 43.0638' W; running northeasterly to shore east of Oyster Creek to a point 34° 46.5480' N – 76° 41.9910' W; running easterly along shore to a point on the western shore of Core Creek to a point 34° 47.0816' N – 76° 41.2605' W; running easterly to the eastern shore at a point 34°

- 46.9867' N – 76° 41.0437' W; running southerly along shore to Gallant Point to a point 34° 43.9911' N – 76° 40.2762' W; running westerly near Marker "2" to a point 34° 44.0031' N – 76° 40.5038' W; running southeasterly near Marker "4" to a point 34° 43.7064' N – 76° 40.1627' W; running southerly to the west side of Gallant's Channel at the drawbridge to a point 34° 43.3500' N – 76° 40.1833' W; running westerly along the US 70 and the US 70 bridge to its terminus at the State Port Terminal; running westerly and northerly along the western shore of Newport River and its tributaries to the beginning point.
- (B) Upper portion - the coastal fishing waters west of a line beginning on shore east of Harlowe Creek at a point 34° 46.5730' N – 76° 42.6350' W; running southerly to shore east of Penn Point to a point 34° 45.6970' N - 76° 43.5180' W.
- (14) Bogue Sound:
- (A) South of the IWW - beginning on the south shore at the NC 58 bridge at a point 34° 40.0585' N – 77° 03.8005' W; running northerly along the bridge to the south side of the IWW channel to a point 34° 40.4464' N – 77° 03.9155' W; running easterly along the south side of the IWW channel to the Atlantic Beach bridge to a point 34° 43.0320' N – 76° 44.1300' W; running easterly to the northeastern shore of Tar Landing Bay to a point 34° 42.5000' N – 76° 42.2000' W; running easterly along shore to a point 34° 42.1990' N - 76° 41.3873' W; running southeasterly to a point 34° 42.1631' N - 76° 41.3491' W; running southeasterly and westerly along shore to the beginning point.
- (B) North of the IWW - beginning on the north shore at the NC 58 bridge at a point 34° 40.7780' N - 77° 04.0010' W; running southerly along the bridge to the north side of the IWW channel to a point 34° 40.4640' N – 77° 03.9090' W; running easterly along the north side of the IWW channel to the Atlantic Beach bridge to a point 34° 43.0620' N – 76° 44.1240' W; running northerly along the bridge to shore to a point 34° 43.2780' N – 76° 44.0700' W; running westerly along shore to the beginning point.
- (15) Designated primary nursery areas in all coastal fishing waters which are listed in 15A NCAC 03R .0103, except Burton Creek off Lower Broad Creek in Pamlico County.
- (b) The pot areas referenced in 15A NCAC 03J .0301(a)(2)(B) to be opened by proclamation are delineated in the following coastal fishing waters:
- (1) Wysocking Bay:
- (A) Lone Tree Creek - beginning on shore at a point 35° 25.9705' N - 76° 02.7799' W; running easterly along the shoreline to the primary nursery area (PNA) line on the north shore of Lone Tree Creek; running southeasterly along the PNA line to the south shore; running southwesterly to a point 35° 24.7666' N - 76° 02.5333' W; running northwesterly to a point 35° 25.7000' N - 76° 03.2666' W; running northeasterly to the beginning point.
- (B) Mt. Pleasant Bay - beginning on shore west of Green Point at a point 35° 24.6160' N - 76° 03.9690' W; running easterly to a point 35° 24.4500' N - 76° 03.2000' W; running southerly to a point 35° 23.2833' N - 76° 03.5333' W; running southwesterly to shore to a point 35° 23.1166' N - 76° 04.2000' W; running westerly and northerly along shore to the primary nursery area (PNA) line on the western shore of Hickory Creek Bay; running northeasterly along the PNA line to Browns Island; running along the eastern shore of Browns Island to the PNA line on the south shore of Old Hill Bay; running northerly along the PNA line to shore; running northeasterly along shore to the beginning point.
- (2) Juniper Bay - beginning on shore at a point 35° 21.7957' N - 76° 14.3545' W; running southeasterly along shore to the primary nursery area (PNA) line on the western shore of Buck Creek; running southeasterly along the PNA line to the eastern shore; running southeasterly along shore to the PNA line on the north shore of Laurel Creek; running southerly to the south shore; running southerly along shore to Juniper Bay Point to a point 35° 20.4420' N - 76° 13.2680' W; running westerly to a point 35° 20.2500' N - 76° 14.7500' W; running northerly near Marker "3" to a point 35° 21.5360' N - 76° 14.8040' W; running northeasterly to the beginning point.
- (3) Swanquarter Bay - beginning in Caffee Bay on the north shore at a point 35° 21.9928' N - 76° 17.6720' W; running southerly to the south shore at a point 35° 21.5240' N - 76° 17.8130' W; running westerly along shore to Drum Point to a point 35° 21.5920' N - 76° 18.3560' W; running westerly to a point 35° 21.2833' N - 76° 19.0500' W; running northwesterly to a point 35° 21.8500' N - 76° 19.4500' W; running easterly to Sandy Point to a point 35° 22.1080' N - 76° 18.7440' W; running easterly along shore and following the PNA line of the northern tributary in Caffee Bay to the beginning point.
- (4) Deep Cove - beginning on the north shore at a point 35° 21.5784' N - 76° 22.7505' W; running easterly along shore to a point 35° 21.5002' N - 76° 22.1112' W; running southerly to shore to a point 35° 20.6851' N - 76° 22.0524' W; running westerly along shore to a point 35° 20.5390' N - 76° 22.7790' W; running northerly to the beginning point.

- (5) Rose Bay - beginning on shore south of Swan Point at a point 35° 23.9650' N - 76° 23.5530' W; running southeasterly along shore to a point 35° 23.5060' N - 76° 23.2090' W; running westerly to a point 35° 23.3166' N - 76° 24.0666' W; running northwesterly to a point 35° 24.0500' N - 76° 24.5500' W; running easterly to the beginning point.
- (6) Spencer Bay - beginning on Roos Point at a point 35° 22.3590' N - 76° 28.1850' W; running northeasterly to a point 35° 22.9500' N - 76° 27.2166' W; running northwesterly to a point 35° 23.4166' N - 76° 27.9500' W; running southwest to shore to a point 35° 23.0209' N - 76° 28.5060' W; running southeasterly along shore and the primary nursery area line of the unnamed western tributary of Spencer Bay to the beginning point.
- (7) Pamlico River:
- (A) Lee Creek - beginning on shore at a point 35° 22.8779' N - 76° 45.7149' W; running northerly to a point 35° 23.1011' N - 76° 45.7371' W; running easterly along the six foot depth to a point 35° 22.9450' N - 76° 44.8403' W; running southwest to shore to a point 35° 22.7667' N - 76° 45.2333' W; running westerly along shore to the beginning point.
- (B) Huddy Gut - beginning on shore at a point 35° 22.5000' N - 76° 44.4500' W; running northerly to a point 35° 22.7166' N - 76° 44.5000' W; running easterly along the six foot depth to a point 35° 22.7170' N - 76° 43.9500' W; running southwest to shore to a point 35° 22.4657' N - 76° 44.0536' W; running westerly along shore to the beginning point.
- (C) Indian Island - beginning on shore at the west end of Indian Island at a point 35° 21.6240' N - 76° 39.4090' W; running westerly to a point 35° 21.7667' N - 76° 40.2667' W; running easterly along the six foot depth to a point 35° 21.6107' N - 76° 38.2202' W; running westerly to the east end of Indian Island to a point 35° 21.6100' N - 76° 38.6290' W; running westerly along the northern shore to the beginning point.
- (D) Old Field Point, Goose Creek - beginning on shore at a point 35° 20.2297' N - 76° 37.3456' W; running southeasterly to a point 35° 20.1500' N - 76° 37.1000' W; running southerly along the six foot depth to a point 35° 19.9031' N - 76° 37.2308' W; running westerly to shore to a point 35° 19.9812' N - 76° 37.4917' W; running northerly along shore to the beginning point.
- (8) Big Porpoise Bay - beginning on the north shore at a point 35° 16.0028' N - 76° 29.1708' W; running southerly to Sage Point at a point 35° 15.5930' N - 76° 29.1270' W; running easterly to a point 35° 15.4660' N - 76° 28.6000' W; running northerly to shore to a point 35° 15.8120' N - 76° 28.4270' W; running westerly along shore to the beginning point.
- (9) Middle Bay - beginning on Middle Bay Point at a point 35° 14.8310' N - 76° 28.7500' W; running southerly to Sow Island Point at a point 35° 13.2876' N - 76° 29.5585' W; running westerly along shore to Big Fishing Point at a point 35° 14.0285' N - 76° 29.9336' W; running northerly to Oyster Creek Point at a point 35° 14.6042' N - 76° 29.8544' W; running easterly along shore to the beginning point.
- (10) Jones Bay - beginning on Sow Island Point at a point 35° 13.1811' N - 76° 29.6096' W; running southerly near Marker "3" to a point 35° 12.0250' N - 76° 29.9660' W; running northwesterly to a point 35° 12.8000' N - 76° 30.9666' W; running southwest to shore at the east shore of the Little Drum Creek primary nursery area (PNA) line; running westerly along the PNA line to the west shore of the Little Eve Creek PNA; running westerly along shore to a point 35° 12.6000' N - 76° 32.0166' W; running northeasterly to a point 35° 12.8666' N - 76° 31.7500' W; running northwesterly to a point 35° 13.1833' N - 76° 32.1166' W; running northerly to a point 35° 13.6500' N - 76° 31.9000' W; running southeasterly to a point 35° 13.1500' N - 76° 30.8000' W; running northerly to shore at a point 35° 13.4886' N - 76° 30.7785' W; running easterly along shore to the beginning point.
- (11) Bay Point - beginning on Boar Point at a point 35° 12.1450' N - 76° 31.1150' W; running easterly near Marker "5" to a point 35° 12.0250' N - 76° 29.9660' W; running southerly to a point 35° 10.9333' N - 76° 30.1666' W; running westerly to Bay Point to a point 35° 11.0750' N - 76° 31.6080' W; running northerly along shore to the beginning point.
- (12) Bay River:
- (A) Rockhole Bay - beginning on the western shore of Dump Creek at a point 35° 11.6708' N - 76° 33.4359' W; running southerly to a point 35° 11.3833' N - 76° 33.3166' W; running southeasterly along the six foot depth to a point 35° 10.8333' N - 76° 32.1333' W; running northerly to shore at a point 35° 11.1250' N - 76° 32.1340' W; running northwesterly along shore to the southeast shore of the Rockhole Bay PNA line; running northwesterly along the PNA line to the western shore; running westerly along shore to the east shore of PNA line in Dump Creek; running southwest along the PNA line to the western shore; running southerly along shore to the beginning point.
- (B) Hogpen Creek - beginning on shore north of Bonner Bay at a point 35° 10.4174' N - 76° 34.7041' W; running northerly to a point 35° 10.7500' N - 76° 34.7333' W; running easterly along the six foot depth to a point southwest of Marker "3" to a point 35° 10.8137' N - 76°

- 33.5120' W; running southwesterly to shore to a point 35° 10.3195' N - 76° 34.0876' W; running westerly along shore to the beginning point.
- (C) Fisherman Bay - beginning on the western shore of Fisherman Bay at a point 35° 09.2345' N - 76° 33.0199' W; running northwesterly to a point 35° 09.9892' N - 76° 33.2213' W; running easterly along the six foot depth to a point southwest and near Marker "1" to a point 35° 09.7951' N - 76° 32.0099' W; running southwesterly to shore to a point 35° 09.2668' N - 76° 32.3668' W; running westerly along shore to the beginning point.
- (13) Neuse River:
- (A) Swan Creek - beginning at a point on shore south of Maw Bay at a point 35° 08.5760' N - 76° 32.6320' W; running southerly along shore to a point north of Swan Creek to a point 35° 07.3182' N - 76° 33.4620' W; running southeasterly to the six foot depth to a point 35° 07.2524' N - 76° 33.2078' W; running northeasterly along the six foot depth to a point 35° 08.3214' N - 76° 31.9971' W; running westerly to the beginning point.
- (B) Broad Creek - beginning on Tonney Hill Point at a point 35° 05.5505' N - 76° 35.7249' W; running southeasterly along shore and following the primary nursery area line of Cedar Creek; running southerly along shore to a point north of Gum Thicket Creek to a point 35° 04.6741' N - 76° 35.7051' W; running southeasterly to a point 35° 04.5786' N - 76° 35.4808' W; running northerly near Marker "1" to a point 35° 05.4809' N - 76° 34.9734' W; running westerly along the six foot depth near Marker "3" to a point 35° 05.6400' N - 76° 35.6433' W; running southwesterly to the beginning point.
- (C) Gum Thicket Shoal - beginning on shore west of Gum Thicket Creek at a point 35° 04.2169' N - 76° 36.2119' W; running southwesterly along shore to a point 35° 04.0634' N - 76° 36.6548' W; running southerly to a point 35° 03.6833' N - 76° 36.7166' W; running easterly along the six foot depth to a point 35° 03.9166' N - 76° 35.8000' W; running northwesterly to the beginning point.
- (D) Orchard Creek - beginning on the eastern shore at and running southwesterly along the Orchard and Old House Creeks primary nursery area line to Cockle Point; running easterly to a point 35° 03.3000' N - 76° 37.8833' W; running northerly to the beginning point.
- (E) Dawson Creek - beginning on the eastern shore of Dawson Creek at a point 34° 59.5800' N - 76° 45.4140' W; running westerly along the bridge to the western shore to a point 34° 59.5920' N - 76° 45.4620' W; running southwesterly along shore to a point 34° 59.0667' N - 76° 45.9000' W; running southeasterly to a point 34° 58.7833' N - 76° 45.6500' W; running northerly along the six foot depth to a point 34° 59.3666' N - 76° 45.3166' W; running northwesterly near Marker "4" to a point 34° 59.4430' N - 76° 45.4521' W; running northerly to the beginning point.
- (F) Pine Cliff Recreation Area - beginning on shore at a point 34° 56.4333' N - 76° 49.5833' W; running easterly along shore to a point 34° 56.3422' N - 76° 49.1158' W; running northeasterly near Marker "2" to a point 34° 56.7650' N - 76° 48.5778' W; running northerly to a point 34° 56.8333' N - 76° 48.6000' W; running southwesterly along the six foot depth to a point 34° 56.6067' N - 76° 49.6190' W; running southerly to the beginning point.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. March 1, 1996; March 1, 1994; July 1, 1993; September 1, 1991;
 Recodified from 15A NCAC 03R .0007 Eff. December 17, 1996;
 Amended Eff. September 1, 2005; May 1, 1997; April 1, 1997.

15A NCAC 03R .0108 MECHANICAL METHODS PROHIBITED

The dredges and mechanical methods prohibited areas referenced in 15A NCAC 03K .0204 are delineated in the following coastal water areas:

- (1) In Roanoke Sound and tributaries, south of a line beginning at a point 35° 55.1461' N - 75° 39.5618' W on Baum Point, running easterly to a point 35° 55.9795' N - 75° 37.2072' W and north and east of a line beginning at a point 35° 50.8315' N - 75° 37.1909' W on the west side of the mouth of Broad Creek, running easterly to a point 35° 51.0097' N - 75° 36.6910' W near Beacon "17", running southerly to a point 35° 48.6145' N - 75° 35.3760' W near Beacon "7", running easterly to a point 35° 49.0348' N - 75° 34.3161' W on Cedar Point.
- (2) In Pamlico Sound and tributaries:
- (a) Outer Banks area, within the area described by a line beginning at a point 35° 46.0638' N - 75° 31.4385' W on the shore of Pea Island; running southwesterly to a point 35° 42.9500' N - 75° 34.1500' W; running southerly to a point 35° 39.3500' N - 75° 34.4000' W; running

southeasterly to a point 35°35.8931' N – 75°31.1514' W in Chicamacomico Channel near Beacon "ICC"; running southerly to a point 35° 28.5610' N – 75°31.5825' W on Gull Island; running southerly to a point 35° 22.8671' N – 75° 33.5851' W in Avon Channel near Beacon "1"; running southwesterly to a point 35°18.9603' N – 75°36.0817' W in Cape Channel near Beacon "2"; running westerly to a point 35°16.7588' N – 75°44.2554' W in Rollinson Channel near Beacon "42RC"; running southwesterly to a point 35°14.0337' N – 75°45.9643' W southwest of Oliver Reef near the quick-flashing beacon; running westerly to a point 35°09.3650' N – 76°00.6377' W in Big Foot Slough Channel near Beacon "14BF"; running southwesterly to a point 35°08.4523' N – 76°02.6651' W in Nine Foot Shoal Channel near Beacon "9"; running westerly to a point 35°07.1000' N – 76°06.9000; running southwesterly to a point 35°01.4985' N – 76°11.4353' W near Beacon "HL"; running southwesterly to a point 35°00.2728' N – 76°12.1903' W near Beacon "2CS"; running southerly to a point 34°59.4383' N – 76°12.3541' W in Wainwright Channel immediately east of the northern tip of Wainwright Island; running easterly to a point 34°58.7853' N – 76°09.8922' W on Core Banks; running northerly along the shoreline and across the inlets following the COLREGS Demarcation lines to the point of beginning;

- (b) Stumpy Point Bay, north of a line beginning at a point 35° 40.9719' N - 75° 44.4213' W on Drain Point; running westerly to a point 35° 40.6550' N - 75° 45.6869' W on Kazer Point;
- (c) Pains Bay, east of a line beginning at a point 35° 35.0666' N - 75° 51.2000' W on Pains Point, running southerly to a point 35° 34.4666' N – 75° 50.9666' W on Rawls Island; running easterly to a point 35° 34.2309' N - 75° 50.2695' W on the east shore;
- (d) Long Shoal River, north of a line beginning at a point 35° 35.2120' N - 75° 53.2232' W at the 5th Avenue Canal, running easterly to a point 35° 35.0666' N - 75° 51.2000' W on the east shore on Pains Point;
- (e) Wysocking Bay:
 - (i) Wysocking Bay, north of a line beginning at a point 35° 25.2741' N - 76° 03.1169' W on Mackey Point, running easterly to a point 35° 25.1189' N - 76°02.0499' W at the mouth of Lone Tree Creek;
 - (ii) Mount Pleasant Bay, west of a line beginning at a point 35° 23.8652' N - 76° 04.1270' W on Browns Island, running southerly to a point 35° 22.9684' N - 76° 03.7129' W on Bensons Point;
- (f) Juniper Bay, north of a line beginning at a point 35° 22.1384' N - 76° 15.5991' W near the Caffee Bay ditch, running easterly to a point 35° 22.0598' N - 76° 15.0095' W on the east shore;
- (g) Swan Quarter Bay:
 - (i) Caffee Bay, east of a line beginning at a point 35° 22.1944' N - 76° 19.1722' W on the north shore, running southerly to a point 35° 21.5959' N - 76° 18.3580' W on Drum Point;
 - (ii) Oyster Creek, east of a line beginning at a point 35° 23.3278' N - 76° 19.9476' W on the north shore, running southerly to a point 35° 22.7018' N - 76° 19.3773' W on the south shore;
- (h) Rose Bay:
 - (i) Rose Bay, north of a line beginning at a point 35° 25.7729' N - 76° 24.5336' W on Island Point, running southeasterly and passing near Beacon "5" to a point 35° 25.1854' N - 76° 23.2333' W on the east shore;
 - (ii) Tooleys Creek, west of a line beginning at a point 35° 25.7729' N - 76° 24.5336' W on Island Point, running southwesterly to a point 35° 25.1435' N - 76° 25.1646' W on Ranger Point;
- (i) Spencer Bay:
 - (i) Striking Bay, north of a line beginning at a point 35° 23.4106' N - 76° 26.9629' W on Short Point, running easterly to a point 35° 23.3404' N - 76° 26.2491' W on Long Point;
 - (ii) Germantown Bay, north of a line beginning at a point 35° 24.0937' N - 76° 27.9348' W; on the west shore, running easterly to a point 35° 23.8598' N - 76° 27.4037' W on the east shore;
- (j) Abel Bay, northeast of a line beginning at a point 35° 23.6463' N - 76° 31.0003' W on the west shore, running southeasterly to a point 35° 22.9353' N - 76° 29.7215' W on the east shore;

- (k) Pungo River, Fortescue Creek, east of a line beginning at a point 35° 25.9213' N - 76° 31.9135' W on Pasture Point; running southerly to a point 35° 25.6012' N - 76° 31.9641' W on Lupton Point ;
- (l) Pamlico River:
 - (i) North Creek, north of a line beginning at a point 35° 25.3988' N - 76° 40.0455' W on the west shore, running southeasterly to a point 35° 25.1384' N - 76° 39.6712' W on the east shore;
 - (ii) Campbell Creek (off of Goose Creek), west of a line beginning at a point 35° 17.3600' N - 76° 37.1096' W on the north shore; running southerly to a point 35° 16.9876' N - 76° 37.0965' W on the south shore;
 - (iii) Eastham Creek (off of Goose Creek), east of a line beginning at a point 35° 17.7423' N - 76° 36.5164' W on the north shore; running southeasterly to a point 35° 17.5444' N - 76° 36.3963' W on the south shore;
 - (iv) Oyster Creek-Middle Prong, southwest of a line beginning at a point 35° 19.4921' N - 76° 32.2590' W on Cedar Island; running southeasterly to a point 35° 19.1265' N - 76° 31.7226' W on Beard Island Point; and southwest of a line beginning at a point 35° 19.5586' N - 76° 32.8830' W on the west shore, running easterly to a point 35° 19.5490' N - 76° 32.7365' W on the east shore;
- (m) Mouse Harbor, west of a line beginning at a point 35° 18.3915' N - 76° 29.0454' W on Persimmon Tree Point, running southerly to a point 35° 17.1825' N - 76° 28.8713' W on Yaupon Hammock Point;
- (n) Big Porpoise Bay, northwest of a line beginning at a point 35° 15.6993' N - 76° 28.2041' W on Big Porpoise Point, running southwesterly to a point 35° 14.9276' N - 76° 28.8658' W on Middle Bay Point;
- (o) Middle Bay, west of a line beginning at a point 35° 14.8003' N - 76° 29.1923' W on Deep Point, running southerly to a point 35° 13.5419' N - 76° 29.6123' W on Little Fishing Point;
- (p) Jones Bay, west of a line beginning at a point 35° 14.0406' N - 76° 33.3312' W on Drum Creek Point, running southerly to a point 35° 13.3609' N - 76° 33.6539' W on Ditch Creek Point;
- (q) Bay River:
 - (i) Gales Creek-Bear Creek, north and west of a line beginning at a point 35° 11.2833' N - 76° 35.9000' W on Sanders Point, running northeasterly to a point 35° 11.9000' N - 76° 34.2833' W on the east shore;
 - (ii) Bonner Bay, southeast of a line beginning at a point 35° 09.6281' N - 76° 36.2185' W on the west shore; running northeasterly to a point 35° 10.0888' N - 76° 35.2587' W on Davis Island Point;
- (r) Neuse River:
 - (i) Lower Broad Creek, west of a line beginning at a point 35° 05.8314' N - 76° 35.3845' W on the north shore; running southwesterly to a point 35° 05.5505' N - 76° 35.7249' W on the south shore;
 - (ii) Greens Creek - north of a line beginning at a point 35° 01.3476' N - 76° 42.1740' W on the west shore of Greens Creek; running northeasterly to a point 35° 01.4899' N - 76° 41.9961' W on the east shore;
 - (iii) Dawson Creek, north of a line beginning at a point 34° 59.5920' N - 76° 45.4620' W on the west shore; running southeasterly to a point 34° 59.5800' N - 76° 45.4140' W on the east shore;
 - (iv) Clubfoot Creek, south of a line beginning at a point 34° 54.5424' N - 76° 45.7252' W on the west shore, running easterly to a point 34° 54.4853' N - 76° 45.4022' W on the east shore;
 - (v) Turnagain Bay, south of a line beginning at a point 34° 59.4065' N - 76° 30.1906' W on the west shore; running easterly to a point 34° 59.5668' N - 76° 29.3557' W on the east shore;
- (s) West Bay:
 - (i) Long Bay-Ditch Bay, west of a line beginning at a point 34° 57.9388' N - 76° 27.0781' W on the north shore of Ditch Bay; running southwesterly to a point 34° 57.2120' N - 76° 27.2185' W on the south shore of Ditch Bay; then south of a line running southeasterly to a point 34° 56.7633' N - 76° 26.3927' W on the east shore of Long Bay;

- (ii) West Thorofare Bay, south of a line beginning at a point 34° 57.2199' N - 76° 24.0947' W on the west shore; running easterly to a point 34° 57.4871' N - 76° 23.0737' W on the east shore;
 - (iii) Merkle Bay, east of a line beginning at a point 34° 58.2286' N - 76° 22.8374' W on the north shore, running southerly to a point 34° 57.5920' N - 76° 23.0704' W on Merkle Bay Point;
 - (iv) North Bay, east of a line beginning at a point 35° 01.8982' N - 76° 21.7135' W on Point of Grass, running southeasterly to a point 35° 01.3320' N - 76° 21.3353' W on Western Point.
- (3) In Core Sound and its tributaries, southwest of a line beginning at a point 35°00.1000' N – 76°14.8667' W near Hog Island Reef; running easterly to a point 34°58.7853' N – 76°09.8922' W on Core Banks; and in the following waterbodies and their tributaries: Back Bay, the Straits, Back Sound, North River, Newport River, Bogue Sound and White Oak River.
- (4) In any of the coastal waters of Onslow, Pender, New Hanover, and Brunswick counties.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. July 1, 1993; October 1, 1992; September 1, 1991;
 Recodified from 15A NCAC 03R .0008 Eff. December 17, 1996;
 Amended Eff. October 1, 2004.

15A NCAC 03R .0109 TAKING CRABS WITH DREDGES

The area referenced in 15A NCAC 03L .0203 is described by a line beginning near Roanoke Marshes Light at a point 35° 48.6649' N - 75° 42.0503' W; running southwest to a point 35° 47.7480' N – 75° 43.9320' W; running southerly to a point 35° 40.9719' N - 75° 44.4213' W on Drain Point; running southerly to a point 35° 37.5234' N - 75° 44.0875' W on Sandy Point; running easterly to a point 35° 36.0000' N - 75° 31.2000' W near Beacon "ICC" at Chicamacomico Channel; running northwesterly to a point 35° 39.3500' N - 75° 34.4000' W in Pamlico Sound; running northerly to a point 35° 42.9500' N - 75° 34.1500' W in Pamlico Sound; running northeasterly to a point 35° 46.0638' N - 75° 31.4385' W on Pea Island; running northwesterly near the Bodie Island Lighthouse to a point 35° 49.1160' N - 75° 33.8100' W; running westerly to the point of beginning.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
 Eff. January 1, 1991;
 Recodified from 15A NCAC 3R .0009 Eff. December 17, 1996;
 Amended Eff. August 1, 2004.

15A NCAC 03R .0110 CRAB SPAWNING SANCTUARIES

The crab spawning sanctuaries within which the taking of crabs may be restricted or prohibited are described as follows:

- (1) In the Oregon Inlet Area. Beginning at a point on the Atlantic Ocean shore of Bodie Island 35° 47.7054' N - 75° 32.3522' W; running northeasterly to a point in the Atlantic Ocean 35° 47.9833' N - 75° 31.8500' W; running southerly to a point in the ocean 35° 46.3500' N - 75° 30.6666' W; running westerly to a point on the Atlantic Ocean shore at 35° 46.1037' N - 75° 31.2785' W; running northerly along the Atlantic shore of Pea Island to and around South Point and continuing southerly along the shore of Pamlico Sound to a point on the south point of Eagle Nest Bay at 35° 43.7085' N - 75° 30.8009' W; running westerly to a point in Pamlico Sound at 35° 43.7100' N - 75° 32.2113' W; running northerly to a point 35° 47.3992' N - 75° 34.1650' W in Pamlico Sound; running northerly to a point on Bodie Island 35° 48.5740' N – 75° 33.8722' W; running southerly along the shore to and around North Point at Oregon Inlet and then northerly on the Atlantic shore to the point of beginning;
- (2) In the Hatteras Inlet Area. Beginning at a point on the Pamlico Sound shoreline of Hatteras Island 35° 12.0846' N – 75° 43.3514' W; running northwesterly to a point in Pamlico Sound 35° 13.6361' N – 75° 45.4451' W; running southwest to a point near Outer Green Island 35° 11.0794' N – 75° 48.4440' W; running southeasterly to a point on the Pamlico Sound shore of Ocracoke Island 35° 10.7004' N – 75° 47.9094' W; running northeasterly along the shoreline to a point on the northeastern tip of Ocracoke Island 35° 11.2340' N – 75° 46.3051' W; running southeasterly to a point in the Atlantic Ocean at 35° 10.6644' N – 75° 44.5221' W; running northeasterly to a point on the ocean shoreline of Hatteras Island 35° 11.7894' N – 75° 43.5946' W; running southwest around the tip of Hatteras Island to the point of beginning;
- (3) In the Ocracoke Inlet Area. Beginning at a point on Ocracoke Island 35° 06.2555' N – 75° 59.3722' W; running westerly through Shellcastle Island to a point in Pamlico Sound 35° 05.8599' N – 76° 04.3639' W; running southerly to a point on Portsmouth Island 35° 03.7378' N – 76° 04.7850' W; running

- northeasterly along the shore of Pamlico Sound around the western side of Ocracoke Inlet and southwesterly along the shore of the Atlantic Ocean to a point 35° 03.0500' N - 76° 03.0833' W; running southeasterly offshore to a point in the Atlantic Ocean 35° 02.6333' N - 76° 02.7166' W; running northeasterly to a point in the ocean 35° 03.9666' N - 75° 59.3000' W; running northwesterly to a point on the Atlantic shore of Ocracoke Island 35° 04.7402' N - 75° 59.7124' W; running southwesterly along the shore around the eastern side of Ocracoke Inlet and northeasterly along the shore to the point of beginning;
- (4) In the Drum Inlet Area. Beginning at a point on the Core Sound shore of Core Banks 34° 52.81101' N - 76° 17.1780' W; running northwesterly to a point in Core Sound 34° 53.7347' N - 76° 18.0439' W; running southwesterly to a point in Core Sound 34° 50.8286' N - 76° 21.2515' W; running southeasterly to a point on the Core Sound shore of Core Banks 34° 50.1496' N - 76° 20.3924' W; following the shoreline in a northeasterly direction around the western side of Drum Inlet then along the Atlantic Ocean shoreline to a point on Core Banks 34° 50.0049' N - 76° 20.3741' W; running southeasterly to a point in the Atlantic Ocean 34° 49.4995' N - 76° 19.8407' W; running northeasterly to a point in the Atlantic Ocean 34° 52.2167' N - 76° 16.7476' W; running northwesterly to a point on the ocean shore of Core Banks 34° 52.6147' N - 76° 17.0705' W; running southwesterly toward and around the eastern side of Drum Inlet, then in a northeasterly direction along the Core Sound shore of Core Sound to the point of beginning;
- (5) In the Bardens Inlet Area. Beginning at a point on Core Banks near the southern side of Hogpen Bay 34° 40.7047' N - 76° 29.6108' W; running westerly to a point near Marker "35" at 34° 40.7071' N - 76° 31.5922' W; running southwesterly to a point on Shackleford Banks 34° 38.9974' N - 76° 32.4858' W; running southeasterly around the eastern end of Shackleford Banks and then northwesterly along the ocean shoreline to a point on shore 34° 38.5608' N - 76° 32.6863' W; running southwesterly through Buoy "4" to Buoy "2" at the end of the Cape Lookout Jetty 34° 37.1272' N - 76° 33.7381' W; running southeasterly to the base of the Cape Lookout Jetty 34° 36.7836' N - 76° 33.1569' W; running northerly to the end of Power Squadron Spit, around Lookout Bight and northerly up Core Banks to the point of beginning.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 1991;
Recodified from 15A NCAC 03R .0010 Eff. December 17, 1996;
Amended Eff. August 1, 2004.*

15A NCAC 03R .0111 PURSE SEINES PROHIBITED

- (a) It is unlawful to take menhaden or Atlantic thread herring by the use of a purse seine from the Atlantic Ocean within an area bounded by a line extending from a point near the Bald Head Lighthouse (33° 52.3500' N - 78° 00.3000' W) running southwesterly to a point near Cape Fear River ship channel buoy "9" (33° 51.5500' N - 78° 01.5500' W), then running northwesterly to a point near the foot of the Yaupon Beach Fishing Pier on Oak Island (33° 54.2000' N - 78° 04.9333' W), then following the shoreline easterly to a point near Fort Caswell (33° 53.2166' N - 78° 01.1833' W), then running southeasterly back to the point of origin.
- (b) It is unlawful to take menhaden or Atlantic thread herring by the use of a purse seine from the Atlantic Ocean from May 1 through September 30:
- (1) In that area bounded by a line beginning at a point onshore at the northern boundary of Dare County 36° 13.8536' N - 75° 46.3914' W; running easterly 1.5 miles to a point offshore 36° 13.8536' N - 75° 44.3814' W; running southerly parallel to and 1.5 nautical miles from the ocean beach to a point 1.5 nautical miles offshore the northern town limits of Southern Shores 36° 09.0673' N - 75° 44.2225' W; running westerly to a point onshore at the northern town limits of Southern Shores 36° 09.0673' N - 75° 42.2416' W; and
 - (2) In that area bounded by a line beginning at a point at the southern limits of Kitty Hawk 36° 03.3187' N - 75° 40.9503' W; running easterly 1.5 nautical miles to a point offshore 36° 03.3187' N - 75° 38.8029' W; running southerly parallel to and 1.5 nautical miles from the ocean beach to a point 1.5 nautical miles offshore of the rock jetty south of Oregon Inlet 35° 46.4052' N - 75° 29.2379' W; running westerly to a point onshore at the rock jetty south of Oregon Inlet 35° 46.4052' N - 75° 31.5369' W.
- (c) It is unlawful to take menhaden or Atlantic thread herring by the use of a purse seine from the Atlantic Ocean from October 1 through December 31:
- (1) In that area bounded by a line beginning at a point onshore at the northern boundary of Dare County 36° 13.8536' N - 75° 46.3914' W; running easterly 0.5 nautical miles to a point offshore 36° 13.8536' N - 75° 45.6977' W; running southerly parallel to and 0.5 nautical miles off the ocean beach to a point 0.5 nautical miles offshore the northern town limits of Southern Shores 36° 09.0673' N - 75° 43.5514'

- W; running westerly 0.5 nautical miles to a point onshore at the northern town limits of Southern Shores 36° 09.0673' N - 75° 44.2416' W; and
- (2) In that area bounded by a line beginning at a point at the southern limits of Kitty Hawk 36° 03.3187' N - 75° 40.9503' W; running easterly 0.5 nautical miles to a point offshore 36° 03.3187' N - 75° 40.2033' W; running southerly parallel to and 0.5 nautical mile off the ocean beach to a point offshore the rock jetty south of Oregon Inlet 35° 46.4052' N - 75° 30.6134' W; running westerly to a point onshore at the rock jetty south of Oregon Inlet 35° 46.4052' N - 75° 31.5369' W.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. October 1, 1993;
 Recodified from 15A NCAC 03R .0011 Eff. December 17, 1996;
 Amended Eff. August 1, 2004.

15A NCAC 03R .0112 ATTENDED GILL NET AREAS

- (a) The attended gill net areas referenced in 15A NCAC 03J .0103 (g) are delineated in the following areas:
- (1) Pamlico River, west of a line beginning at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point; running southwesterly to a point 35° 26.9176' N - 76° 55.5253' W on Mauls Point;
 - (2) Within 200 yards of any shoreline in Pamlico River and its tributaries east of the line beginning at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point; running southwesterly to a point 35° 26.9176' N - 76° 55.5253' W on Mauls Point; and west of a line beginning at a point 35° 22.3622' N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76° 28.9530' W on Pamlico Point;
 - (3) Pungo River, east of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N - 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N - 76° 35.1594' W on Durants Point;
 - (4) Within 200 yards of any shoreline in Pungo River and its tributaries west of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N - 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N - 76° 35.1594' W on Durants Point; and west of a line beginning at a point 35° 22.3622' N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76° 28.9530' W on Pamlico Point;
 - (5) Neuse River and its tributaries northwest of the Highway 17 highrise bridge;
 - (6) Trent River and its tributaries; and
 - (7) Within 200 yards of any shoreline in Neuse River and its tributaries east of the Highway 17 highrise bridge and south and west of a line beginning on Maw Point at a point 35° 09.0407' N - 76° 32.2348' W; running southeasterly near the Maw Point Shoal Marker "2" to a point 35° 08.1250' N - 76° 30.8532' W; running southeasterly near the Neuse River Entrance Marker "NR" to a point 35° 06.6212' N - 76° 28.5383' W; running southerly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River. In Core and Clubfoot creeks, the Highway 101 Bridge constitutes the attendance boundary.
- (b) The attended gill net areas referenced in 15A NCAC 03J .0103 (h) are delineated in the following coastal and joint waters of the state south of a line beginning on Roanoke Marshes Point at a point 35° 48.3693' N - 75° 43.7232' W; running southeasterly to a point 35° 44.1710' N - 75° 31.0520' W on Eagles Nest Bay to the South Carolina State line:
- (1) All primary nursery areas described in 15A NCAC 03R .0103, all permanent secondary nursery areas described in 15A NCAC 03R .0104, and no trawl areas described in 15A NCAC 03R .0106 (2), (4), (5), and (6);
 - (2) In the area along the Outer Banks, beginning at a point 35° 44.1710' N - 75° 31.0520' W on Eagles Nest Bay; running northwesterly to a point 35° 45.1833' N - 75° 34.1000' W west of Pea Island; running southerly to a point 35° 40.0000' N - 75° 32.8666' W west of Beach Slough; running southeasterly and passing near Beacon "2" in Chicamicomico Channel to a point 35° 35.0000' N - 75° 29.8833' W west of the Rodanthe Pier; running southwesterly to a point 35° 28.4500' N - 75° 31.3500' W on Gull Island; running southerly to a point 35° 22.3000' N - 75° 33.2000' W near Beacon "2" in Avon Channel ; running southwesterly to a point 35° 19.0333' N - 75° 36.3166' W near Beacon "2" in Cape Channel; running southwesterly to a point 35° 15.5000' N - 75° 43.4000' W near Beacon "36" in Rollinson Channel; running southeasterly to a point 35° 14.9386' N - 75° 42.9968' W near Beacon "35" in Rollinson Channel; running southwesterly to a point 35° 14.0377' N - 75° 45.9644' W near a "Danger" Beacon northwest of Austin Reef; running southwesterly to a point 35° 11.4833' N - 75° 51.0833' W on Legged Lump; running southeasterly to a point 35° 10.9666' N - 75° 49.7166' W south of Legged Lump; running southwesterly to a point 35° 09.3000' N - 75° 54.8166' W near the west end

of Clarks Reef; running westerly to a point 35° 08.4333' N - 76° 02.5000' W near Nine Foot Shoal Channel; running southerly to a point 35° 06.4000' N - 76° 04.3333' W near North Rock; running southwesterly to a point 35° 01.5833' N - 76° 11.4500' W near Beacon "HL"; running southerly to a point 35° 00.2666' N - 76° 12.2000' W; running southerly to a point 34° 59.4664' N - 76° 12.4859' W on Wainwright Island; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northerly along the shoreline and across the inlets following the Colregs Demarcation line to the point of beginning;

- (3) In Core and Back sounds, beginning at a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northwesterly to a point 34° 59.4664' N - 76° 12.4859' W on Wainwright Island; running southerly to a point 34° 58.8000' N - 76° 12.5166' W; running southeasterly to a point 34° 58.1833' N - 76° 12.3000' W; running southwesterly to a point 34° 56.4833' N - 76° 13.2833' W; running westerly to a point 34° 56.5500' N - 76° 13.6166' W; running southwesterly to a point 34° 53.5500' N - 76° 16.4166' W; running northwesterly to a point 34° 53.9166' N - 76° 17.1166' W; running southerly to a point 34° 53.4166' N - 76° 17.3500' W; running southwesterly to a point 34° 51.0617' N - 76° 21.0449' W; running southwesterly to a point 34° 48.3137' N - 76° 24.3717' W; running southwesterly to a point 34° 46.3739' N - 76° 26.1526' W; running southwesterly to a point 34° 44.5795' N - 76° 27.5136' W; running southwesterly to a point 34° 43.4895' N - 76° 28.9411' W near Beacon "37A"; running southwesterly to a point 34° 40.4500' N - 76° 30.6833' W; running westerly to a point 34° 40.7061' N - 76° 31.5893' W near Beacon "35" in Back Sound; running westerly to a point 34° 41.3178' N - 76° 33.8092' W near Buoy "3"; running southwesterly to a point 34° 39.6601' N - 76° 34.4078' W on Shackleford Banks; running easterly and northeasterly along the shoreline and across the inlets following the COLREGS Demarcation lines to the point of beginning;
- (4) Within 200 yards of any shoreline in the area upstream of the 76° 28.0000' W longitude line beginning at a point 35° 22.3752' N - 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River; and
- (5) Within 50 yards of any shoreline east of the 76° 28.0000' W longitude line beginning at a point 35° 22.3752' N - 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River, except from October 1 through November 30, south and east of Highway 12 in Carteret County and south of a line from a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point at 34° 58.7853' N - 76° 09.8922' W on Core Banks; to the South Carolina State Line.

History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52;
Eff. August 1, 2004;
Amended Eff. April 1, 2009.

15A NCAC 03R .0113 POUND NET SET PROHIBITED AREAS

The pound net set prohibited areas referenced in 15A NCAC 03J .0502 are delineated in the following coastal water areas of Core Sound:

- (1) The area described by a line beginning at a point 34° 58.9130' N - 76° 15.0878' W on the shoreline north of Great Ditch; running southwesterly to a point 34° 58.6399' N - 76° 15.3694' W on the south shore of Great Ditch; following the shoreline to a point 34° 58.4957' N - 76° 15.8093' W on Hog Island Point; running southwesterly to a point 34° 58.2318' N - 76° 16.0913' W near Marker "3"; running southeasterly to a point 34° 58.0773' N - 76° 15.6134' W near Beacon "2"; running southeasterly to a point 34° 57.3120' N - 76° 13.7113' W near Beacon "13"; running northeasterly to a point 34° 58.5157' N - 76° 13.2389' W near Beacon "11"; running northwesterly to the point of beginning;
- (2) The area described by a line beginning in Cedar Island Bay at a point 34° 58.2318' N - 76° 16.0913' W near Marker "3"; running southwesterly to a point 34° 57.4914' N - 76° 16.5861' W on Cedar Island Point; running southeasterly to a point 34° 56.3436' N - 76° 15.6069' W near Beacon "18"; running northerly to a point 34° 58.0773' N - 76° 15.6134' W near Beacon "2"; running northwesterly to the point of beginning; and
- (3) The area described by a line beginning on the north shore of Lewis Creek at a point 34° 56.9654' N - 76° 16.7395' W; running easterly to a point 34° 56.3436' N - 76° 15.6069' W near Beacon "18"; running southwesterly to a point 34° 54.9904' N - 76° 16.5888' W near Beacon "19"; running southwesterly following the six foot contour to a point 34° 53.7599' N - 76° 18.1613' W; running southwesterly to a point 34° 50.6266' N - 76° 22.0449' W near Beacon "27"; running westerly to a point 34° 50.5496' N - 76° 22.9284' W near Beacon "28"; running southwesterly to a point 34° 49.1889' N - 76° 24.2010' W near Beacon "29"; running westerly to a point 34° 48.9514' N - 76° 24.8780' W near Beacon "31"; running southwesterly to a point 34° 45.0942' N - 76° 27.9533' W near

Beacon "35"; running southwesterly to a point 34° 43.4896' N - 76° 28.9411' W near Beacon "37A"; running westerly to a point 34° 43.7782' N - 76° 30.0187' W on Bells Point; running northerly along the shoreline of Bells Island to a point 34° 44.2190' N - 76° 30.1336' W; running northerly to a point 34° 44.2568' N - 76° 30.1419' W; running northerly along the shoreline to a point 34° 44.6759' N - 76° 30.1712' W; running northeasterly to a point 34° 45.2824' N - 76° 29.1636' W on Davis Island; running northeasterly to a point 34° 45.8196' N - 76° 28.7530' W on the north side of Spit Bay; running northeasterly along the shoreline to a point 34° 48.7982' N - 76° 26.9741' W on the south shore of Oyster Creek; running northeasterly to a point 34° 48.9701' N - 76° 26.6299' W on the north shore of Oyster Creek; running northeasterly along the shoreline to a point 34° 50.4311' N - 76° 24.9934' W on the south shore of Fulcher Creek; running northeasterly to point 34° 50.4911' N - 76° 24.9540' W on the north shore of Fulcher Creek; running northeasterly along the shoreline to a point 34° 50.9934' N - 76° 24.7727' W on the south shore of Willis Creek; running northeasterly to a point 34° 51.1866' N - 76° 24.5416' W on the south shore of Nelson Bay; running easterly to a point 34° 51.4437' N - 76° 23.6151' W on Drum Point; running easterly along the shoreline to a point 34° 51.4462' N - 76° 22.9669' W at Mill Point; running northeasterly to a point 34° 52.4143' N - 76° 20.8557' W on Steep Point; running northeasterly along the shoreline to a point 34° 54.3782' N - 76° 18.8575' W on Hall Point; running northeasterly to a point 34° 55.4257' N - 76° 17.8541' W on Lookout Point; running northeasterly along the shoreline to a point 34° 55.7679' N - 76° 17.7021' W on the south shore of Rumley Bay; running northeasterly to a point 34° 56.2513' N - 76° 17.1858' W on the north shore of Rumley Bay; running northeasterly along the shoreline to the point of beginning.

History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.52;
Eff. August 1, 2004;
Amended Eff. April 1, 2009.

15A NCAC 03R .0114 SHRIMP TRAWL PROHIBITED AREAS

The shrimp trawl prohibited areas referenced in 15A NCAC 03L .0103(d) are delineated in the following coastal water areas:

- (1) Pungo River- all waters upstream of a line from a point 35° 23.3166'N – 76° 34.4833'W at Wades Point; running westerly to a point 35° 23.6463'N – 76° 31.0003'W on the north shore of the entrance to Abels Bay.
- (2) Pamlico River- all waters upstream of a line from a point 35° 20.5108'N – 76° 37.7218'W on the western shore of the entrance to Goose Creek; running northeasterly to a point 35° 23.3166'N – 76° 34.4833'W at Wades Point.
- (3) Neuse River- all waters upstream of a line from a point 34° 56.3658'N – 76° 48.7110'W at Cherry Point; running northerly to a point 34° 57.9116'N – 76° 48.2240'W at Wilkerson Point.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. July 1, 2006.

15A NCAC 03R .0115 ANADROMOUS FISH SPAWNING AREAS

The anadromous fish spawning areas as defined in 15A NCAC 03I .0101 and referenced in 15A NCAC 03N .0106 are delineated in the following coastal waters:

- (1) Currituck Sound Area:
 - (a) Northwest River- all waters of the Northwest River and its tributaries east of a line beginning on the north shore at a point 36° 30.8374' N – 76° 04.8770' W; running southerly to the south shore to a point 36° 30.7061' N – 76° 04.8916' W.
 - (b) Tull Bay/Tull Creek- all waters of Tull Bay and its tributaries northeast of a line beginning on the north shore at a point 36° 30.0991' N – 76° 04.8587' W; running southeasterly to the south shore to a point 36° 29.9599' N – 76° 04.7126' W; and south of a line beginning on the west shore at a point 36° 30.9867' N – 76° 02.5868' W; running easterly to the east shore to a point 36° 31.0045' N – 76° 02.3780' W; and west of a line beginning on the north shore at a point 36° 30.8291' N – 76° 02.1329' W; running southwesterly to the south shore to a point 36° 30.1512' N – 76° 02.4982' W.
- (2) Albemarle Sound Area:
 - (a) Big Flatty Creek- all waters of Big Flatty Creek and its tributaries east of a line beginning on the north shore at a point 36° 09.3267'N – 76° 08.2562'W; running southerly to the south shore to a point 36° 08.9730'N – 76° 08.3175'W and north of a line beginning on the west

- shore at a point $36^{\circ} 07.9621' N - 76^{\circ} 07.1818' W$; running easterly to the east shore to a point $36^{\circ} 08.2706' N - 76^{\circ} 06.2525' W$.
- (b) Batchelor Bay- west of a line beginning on the north shore at a point $35^{\circ} 58.2070' N - 76^{\circ} 42.7267' W$; running southeasterly to the south shore to a point $35^{\circ} 56.5622' N - 76^{\circ} 41.5506' W$.
- (c) Bull Bay- southwest of a line beginning on the northwest shore at a point $35^{\circ} 58.9002' N - 76^{\circ} 23.9965' W$; running southeasterly to the southeast shore at a point $35^{\circ} 56.7198' N - 76^{\circ} 18.8964' W$.
- (3) North River- all waters of the North River and its tributaries east of a line beginning on the north shore at a point $36^{\circ} 18.7703' N - 75^{\circ} 58.7384' W$; running southerly to the south shore to a point $36^{\circ} 18.4130' N - 75^{\circ} 58.7228' W$; and north of a line beginning on the west shore at a point $36^{\circ} 16.9952' N - 75^{\circ} 57.0758' W$; running easterly to the east shore to a point $36^{\circ} 16.9801' N - 75^{\circ} 56.6820' W$.
- (4) Pasquotank River- all waters of the Pasquotank River and its tributaries south of a line beginning on the west shore at a point $36^{\circ} 18.0768' N - 76^{\circ} 13.0979' W$; running easterly to the east shore along the south side of the Highway 158 Bridge to a point $36^{\circ} 18.0594' N - 76^{\circ} 12.9620' W$; and northwest of a line beginning on the northeast shore at a point $36^{\circ} 14.3294' N - 76^{\circ} 04.7866' W$; running southwesterly to the southwest shore to a point $36^{\circ} 12.8147' N - 76^{\circ} 07.0465' W$.
- (5) Pasquotank River Area:
- (a) Charles Creek- north of a line beginning on the west shore at a point $36^{\circ} 17.8090' N - 76^{\circ} 13.0732' W$; running easterly to the east shore to a point $36^{\circ} 17.8024' N - 76^{\circ} 13.0407' W$.
- (b) New Begun Creek- east of a line beginning on the north shore at a point $36^{\circ} 13.3298' N - 76^{\circ} 08.2878' W$; running southerly to the south shore to a point $36^{\circ} 13.0286' N - 76^{\circ} 08.1820' W$.
- (6) Little River- all waters of the Little River and its tributaries southeast of a line beginning on the west shore at a point $36^{\circ} 12.5237' N - 76^{\circ} 16.9418' W$; running southeasterly to the east shore to a point $36^{\circ} 12.2950' N - 76^{\circ} 17.1405' W$; and north of a line beginning on the west shore at a point $36^{\circ} 09.6537' N - 76^{\circ} 15.0689' W$; running northeast to the east shore to a point $36^{\circ} 10.2112' N - 76^{\circ} 14.0287' W$.
- (7) Perquimans River- all waters of the Perquimans River and its tributaries northeast of a line beginning on the west shore at a point $36^{\circ} 11.6569' N - 76^{\circ} 28.0055' W$; running southeasterly to the east shore to a point $36^{\circ} 11.6123' N - 76^{\circ} 27.9382' W$; and northwest of a line beginning on the southwest shore at a point $36^{\circ} 11.1512' N - 76^{\circ} 27.4424' W$; running northeasterly to the northeast shore to a point $36^{\circ} 11.5124' N - 76^{\circ} 26.7298' W$.
- (8) Perquimans River Area:
- (a) Walter's Creek- northeast of a line beginning on the north shore at a point $36^{\circ} 11.1305' N - 76^{\circ} 27.9185' W$; running southeasterly to the south shore to a point $36^{\circ} 11.0224' N - 76^{\circ} 27.6626' W$.
- (b) Mill Creek- south of a line beginning on the west shore at a point $36^{\circ} 11.9766' N - 76^{\circ} 27.2511' W$; running easterly to the east shore to a point $36^{\circ} 11.9757' N - 76^{\circ} 27.5752' W$.
- (9) Yeopim River- all waters of the Yeopim River and its tributaries east of a line beginning on the north shore at a point $36^{\circ} 05.4526' N - 76^{\circ} 27.7651' W$; running southerly to the south shore to a point on Norcum Point $36^{\circ} 05.1029' N - 76^{\circ} 27.7120' W$; and west of a line beginning on the north shore at a point $36^{\circ} 04.7426' N - 76^{\circ} 24.2537' W$; running southwesterly to the south shore to a point $36^{\circ} 04.1137' N - 76^{\circ} 24.5366' W$.
- (10) Yeopim River Area, Yeopim Creek- south of a line beginning on the west shore at a point $36^{\circ} 04.7206' N - 76^{\circ} 24.8396' W$; running easterly to the east shore to a point $36^{\circ} 04.7426' N - 76^{\circ} 24.2536' W$.
- (11) Edenton Bay- all waters of Edenton Bay and its tributaries west of a line beginning on the north shore at a point $36^{\circ} 03.3757' N - 76^{\circ} 36.3629' W$; running southerly to the south shore to a point $36^{\circ} 03.3551' N - 76^{\circ} 36.3574' W$; and north of a line beginning on the west shore at a point $36^{\circ} 02.1767' N - 76^{\circ} 38.4058' W$; running easterly to the east shore to a point $36^{\circ} 02.0299' N - 76^{\circ} 36.0445' W$; and east of a line beginning on the west shore at a point $36^{\circ} 03.2819' N - 76^{\circ} 37.0138' W$; running northeasterly to the east shore to a point $36^{\circ} 03.4185' N - 76^{\circ} 36.6783' W$.
- (12) Chowan River- all waters of the Chowan River and tributaries northwest of a line beginning on the west shore at a point $36^{\circ} 02.3162' N - 76^{\circ} 42.4896' W$; running northeasterly to the east shore to a point $36^{\circ} 03.1013' N - 76^{\circ} 40.8732' W$; and south of a line beginning on the west shore at a point $36^{\circ} 32.6293' N - 76^{\circ} 55.3564' W$; and running to the east shore to a point $36^{\circ} 32.6284' N - 76^{\circ} 55.1757' W$.
- (13) Chowan River Area, Meherrin River- all waters of the Meherrin River and tributaries west of a line beginning on the north shore at a point $36^{\circ} 25.9937' N - 76^{\circ} 56.8884' W$; running southerly to the south shore to a point $36^{\circ} 25.7926' N - 76^{\circ} 56.8966' W$; and south of a line beginning on the west shore at a point $36^{\circ} 32.7867' N - 77^{\circ} 09.8885' W$; running easterly to the east shore to a point $36^{\circ} 32.7807' N - 77^{\circ} 09.8565' W$.

- (14) Cashie River- all waters of the Cashie River and tributaries east of a line beginning on the north shore at a point 35° 54.7865' N – 76° 49.0521' W; running southerly to the south shore at a point 35° 54.6691' N – 76° 49.0553' W; west of a line beginning on the north shore at a point 35° 56.4598' N – 76° 43.8093' W; running southerly to the north shore to a point on the north shore of an island in the mouth of the river 35° 56.2250' N – 76° 43.9265' W; west of a line beginning on the south shore at a point of an island in the mouth of the river 35° 56.1254' N – 76° 43.9846' W; running southerly to the south shore to a point 35° 56.0650' N – 76° 43.9599' W.
- (15) Middle River- all waters of the Middle River southwest of a line beginning on the west shore at a point 35° 55.4000' N – 76° 43.8259' W; running southeasterly to the east shore to a point 35° 55.3977' N – 76° 43.6797' W.
- (16) Eastmost River- all waters of the Eastmost River and its tributaries south of a line beginning on the west shore at a point 35° 56.5024' N – 76° 42.4877' W; running westerly to the east shore to a point 35° 56.4070' N – 76° 42.7647' W.
- (17) Roanoke River - all waters of the Roanoke River and tributaries south of a line beginning on the west shore at a point 35° 56.5068' N – 76° 41.8858' W; running easterly to the east shore to a point 35° 56.5324' N – 76° 41.5896' W; and southeast of a line beginning on the west shore at a point 36° 12.5264' N – 77° 23.0223' W; running northeasterly to the east shore along the south side of the Highway 258 Bridge to a point 36° 12.5674' N – 77° 22.9724' W.
- (18) Roanoke River Area:
- (a) Warren Neck Creek- all waters of Warren Neck Creek and its tributaries west of a line beginning on the northwest shore at a point 35° 52.1820' N – 76° 47.4855' W; running southerly to the southeast shore to a point 35° 52.1448' N – 76° 47.4237' W.
 - (b) Thoroughfare- all waters of the Thoroughfare south of a line beginning on the west shore at a point 35° 54.0510' N – 76° 48.1206' W; running easterly to the east shore to a point 35° 54.0684' N – 76° 48.0613' W; and north of a line beginning on the west shore at a point 35° 53.2842' N – 76° 48.8650' W; running easterly to the east shore to a point 35° 55.2800' N – 76° 48.8077' W.
 - (c) Devils Gut- all waters of Devils Gut and its tributaries northwest of a line beginning on the west shore at a point 35° 49.5300' N – 76° 54.2209' W; running easterly to the east shore to a point 35° 49.5486' N – 76° 54.1703' W.
 - (d) Conine Creek- all waters of Conine Creek and its tributaries west of a line beginning on the north shore at a point 35° 52.9752' N – 76° 58.0474' W; running southwesterly to the south shore to a point 35° 52.9776' N – 76° 57.9958' W.
- (19) Scuppernong River- all waters of the Scuppernong River and tributaries southeast of a line beginning on the northeast shore at a point 35° 56.7196' N – 76° 18.8964' W; running southwesterly to the southwest shore to a point 35° 56.3351' N – 76° 19.6609' W; and north of a line beginning on the west shore at a point 35° 54.0158' N – 76° 15.4605' W; running easterly to the east shore to a point 35° 54.0406' N – 76° 15.3007' W.
- (20) Alligator River- all waters of the Alligator River and tributaries east of a line beginning on the north shore at Cherry Ridge Landing at a point 35° 42.2172' N – 76° 08.4686' W; running southerly to the south shore to a point 35° 42.1327' N – 76° 08.5002' W; and south of a line beginning on the west shore at a point 35° 57.4252' N – 76° 00.8704' W; running easterly to the east shore to a point 35° 57.5494' N – 75° 56.8268' W.
- (21) Alligator River Area, the Frying Pan- all waters of the Frying Pan and its tributaries west of a line beginning on the north shore at a point 35° 46.0777' N – 76° 03.3439' W; running southerly to the south shore to a point 35° 45.6011' N – 76° 03.3692' W.
- (22) Neuse River- all waters of the Neuse River and its tributaries northwest of a line beginning on the west shore at a point 35° 08.8723' N - 77° 04.6700' W; running northeasterly to the east shore to a point 35° 09.1032' N - 77° 04.3355' W and southeast of a line at Pitch Kettle Creek beginning on the north shore at a point 35° 16.9793' N - 77° 15.5529' W; running south to the south shore to a point 35° 16.9237' N - 77° 15.5461' W.
- (23) Neuse River Area:
- (a) Smith Creek- north of a line beginning on the west shore at a point 35° 02.2439' N - 76° 42.3035' W; running easterly to the east shore to a point 35° 02.2392' N - 76° 42.1910' W.
 - (b) Kershaw Creek- north of a line beginning on the west shore at a point 35° 02.4197' N - 76° 43.7886' W; running easterly to the east shore to a point 35° 02.4218' N - 76° 43.7367' W.
- (24) White Oak River- all waters north of a line beginning at a point on the west shore 34° 46.0728' N - 77° 08.9657' W; running easterly to a point on the east shore 34° 46.1431' N - 77° 08.8907' W; running north to the Coastal – Inland waters boundary line beginning at a point on the west shore 34° 48.1466'

- N - 77° 11.4711' W; running northeasterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W.
- (25) Cape Fear River- all waters north of a line beginning at a point on the west shore 34° 07.7034' N - 77° 57.3431' W; running easterly to a point on the east shore 34° 08.0518' N - 77° 55.7626' W; running north to the Joint - Inland waters boundary on the following rivers:
- (a) Cape Fear River- at a line beginning at a point on the west shore 34° 24.2628' N - 78° 17.6390' W; running northeasterly along the Lock and Dam # 1 to a point on the east shore 34° 24.2958' N - 78° 17.5634' W.
 - (b) Black River- at a line beginning at a point on the north shore 34° 22.0783' N - 78° 04.4123' W; running southeasterly to a point on the south shore 34° 21.9950' N - 78° 04.2864' W.
 - (c) Northeast Cape Fear River- at a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of the NC 210 Bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. December 1, 2007.

15A NCAC 03R .0116 DESIGNATED SEED OYSTER MANAGEMENT AREAS

The Seed Oyster Management Areas referenced in 15A NCAC 03K .0208 are delineated in the following coastal water areas:

- (1) Croatan Sound and tributaries: Cedar Bush Bay Seed Oyster Management Area, within the area described by a line beginning at a point 35° 50.0383' N - 75° 40.0712' W; running easterly to a point 35° 50.2328' N - 75° 39.4930' W; running southeasterly to a point 35° 49.3831' N - 75° 39.1521' W; running southwesterly to a point 35° 48.8000' N - 75° 39.5000' W; running westerly to a point 35° 48.6333' N - 75° 40.7000' W; running northerly to a point 35° 49.7000' N - 75° 40.6333' W; running northeasterly back to the point of beginning;
- (2) Croatan and Roanoke sounds and tributaries: Wanchese Marshes Seed Oyster Management Area, within an area described by a line beginning at a point 35° 49.0000' N - 75° 38.3000' W; running northerly to a point 35° 49.2243' N - 75° 38.3000' W; running easterly to a point 35° 49.0806' N - 75° 37.5293' W; running easterly to a point 35° 49.2893' N - 75° 37.0335' W; running northeasterly to point 35° 49.5541' N - 75° 36.9715' W; running southerly to a point 35° 49.0000' N - 75° 36.5500' W; running southwesterly to a point 35° 48.1500' N - 75° 36.9500' W; running westerly to a point 35° 48.1000' N - 75° 37.6333' W; running northwesterly to the point of beginning;
- (3) Pamlico Sound and tributaries: Bay River Seed Oyster Management Area, within an area described by a line beginning at a point 35° 10.7670' N - 76° 36.7000' W off Spencer Point; running southeasterly to a point 35° 10.5330' N - 76° 36.4670' W; running westerly to a point 35° 10.4670' N - 76° 36.6500' W; running northwesterly to a point 35° 10.8000' N - 76° 36.9170' W, running easterly to the point of beginning;
- (4) White Oak River: White Oak River Seed Oyster Management Area, within an area described by a line beginning at a point 34° 43.0774' N - 77° 06.8610' W on the White Oak River/Stevens Creek polluted area line; running northeasterly to a point 34° 43.4006' N - 77° 06.1293' W on the east shore; running southerly along the shoreline to a point 34° 43.0755' N - 77° 06.1187' W; running southwesterly to a point 34° 42.8800' N - 77° 06.7975' W on the White Oak River/Stevens Creek polluted area line; running northerly to the point of beginning;
- (5) Topsail Sound and tributaries:
 - (a) Virginia Creek Seed Oyster Management Area, within an area described by a line beginning at a point 34° 25.4620' N - 77° 36.0074' W on the north shore; running southerly to a point 34° 25.1346' N - 77° 36.0640' W on the south shore; running easterly and southerly along the shoreline to a point 34° 24.9438' N - 77° 35.5325' W on Sloop Point; running northeasterly to a point 34° 25.0988' N - 77° 35.2920' W on the north shore; running northwesterly along the shoreline to the point of beginning;
 - (b) Topsail Sound Seed Oyster Management Area, within an area described by a line beginning at a point 34° 24.6555' N - 77° 35.6012' W across the IWW from Sloop Point; running southeasterly to a point 34° 24.3677' N - 77° 35.2015' W; running northeasterly to a point 34° 24.5260' N - 77° 35.1070' W; running northwesterly to a point 34° 24.8690' N - 77° 35.2872' W; running southwesterly to the point of beginning.

History Note: Authority G.S. 113-134; 113-182; 113-201; 113-204; 143B-289.52;
Eff. October 1, 2008.

15A NCAC 03R .0117 OYSTER SANCTUARIES

The Oyster Sanctuaries referenced in 15A NCAC 03K .0209 are delineated in the following coastal water areas:

- (1) Croatan Sound area: within the area described by a line beginning at a point 35° 48.2842' N - 75° 38.4575' W; running westerly to a point 35° 48.2842' N - 75° 38.3360' W; running southerly to a point 35° 48.1918' N - 75° 38.3360' W; running easterly to a point 35° 48.1918' N - 75° 38.4575' W; running northerly to the point of beginning.
- (2) Pamlico Sound area:
 - (a) Crab Hole: within the area described by a line beginning at a point 35° 43.6833' N - 75° 40.7500' W; running westerly to a point 35° 43.6833' N - 75° 40.5083' W; running southerly to a point 35° 43.5000' N - 75° 40.5083' W; running easterly to a point 35° 43.5000' N - 75° 40.7500' W; running northerly to the point of beginning.
 - (b) Deep Bay: within the area described by a line beginning at a point 35° 22.9126' N - 75° 22.1612' W; running westerly to a point 35° 22.9126' N - 75° 22.3377' W; running southerly to a point 35° 22.7717' N - 75° 22.1612' W; running easterly to a point 35° 22.7717' N - 75° 22.3377' W; running northerly to the point of beginning.
 - (c) Bluff Point: within the area described by a line beginning at a point 35° 18.3000' N - 76° 10.2760' W; running westerly to a point 35° 18.3000' N - 76° 10.0890' W; running southerly to a point 35° 18.1460' N - 76° 10.0890' W; running easterly to a point 35° 18.1460' N - 76° 10.2760' W; running northerly to the point of beginning.
 - (d) Clam Shoal: within the area described by a line beginning at a point 35° 17.4784' N - 75° 37.4173' W; running westerly to a point 35° 17.4800' N - 75° 37.1800' W; running southerly to a point 35° 17.1873' N - 75° 37.1826' W; running easterly to a point 35° 17.1873' N - 75° 37.4173' W; running northerly to the point of beginning.
 - (e) Middle Bay: within the area described by a line beginning at a point 35° 14.1580' N - 76° 30.3320' W; running westerly to a point 35° 14.1580' N - 76° 30.1780' W; running southerly to a point 35° 14.1150' N - 76° 30.1780' W; running easterly to a point 35° 14.1150' N - 76° 30.3320' W; running northerly to the point of beginning.
 - (f) Ocracoke area: within the area described by a line beginning at a point 35° 10.8150' N - 75° 59.8530' W; running westerly to a point 35° 10.8150' N - 75° 59.6320' W; running southerly to a point 35° 10.6320' N - 75° 59.6320' W; running easterly to a point 35° 10.6320' N - 75° 59.8530' W; running northerly to the point of beginning.
 - (g) West Bay: within the area described by a line beginning at a point 34° 58.8517' N - 76° 21.4735' W; running westerly to a point 34° 58.8517' N - 76° 21.3632' W; running southerly to a point 34° 58.7661' N - 76° 21.3632' W; running easterly to a point 34° 58.7661' N - 76° 21.4735' W; running northerly to the point of beginning.
- (3) Neuse River: within the area described by a line beginning at a point 35° 00.4742' N - 76° 32.0550' W; running westerly to a point 35° 00.4742' N - 76° 31.9550' W; running southerly to a point 35° 00.3920' N - 76° 31.9550' W; running easterly to a point 35° 00.3920' N - 76° 32.0550' W; running northerly to the point of beginning.

History Note: Authority G.S. 113-134; 113-182; 113-201; 113-204; 143B-289.52; Eff. October 1, 2008.

SECTION .0200 - FISHERY MANAGEMENT AREAS**15A NCAC 03R .0201 STRIPED BASS MANAGEMENT AREAS**

- (a) The Albemarle Sound Management Area is designated as Albemarle Sound and all its joint and inland water tributaries, (except for the Roanoke, Middle, Eastmost and Cashie rivers), Currituck, Roanoke and Croatan sounds and all their joint and inland water tributaries, including Oregon Inlet, north of a line beginning at a point 35° 48 .3693'N - 75° 43 .7232'W on Roanoke Marshes Point, running southeasterly to a point 35° 44 .1710'N - 75° 31 .0520'W on the north point of Eagle Nest Bay.
- (b) The Roanoke River Management Area is designated as Roanoke River and its joint and inland tributaries, including Middle, Eastmost and Cashie rivers, up to the Roanoke Rapids dam.
- (c) The Central/Southern Management Area is designated as all internal coastal, and joint and contiguous inland waters south of a line beginning at a point 35° 48 .3693'N - 75° 43 .7232'W on Roanoke Marshes Point, running southeasterly to a point 35° 44 .1710'N - 75° 31 .0520'W on the north point of Eagle Nest Bay, to the South Carolina line.

History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;
Eff. October 1, 2004.

SUBCHAPTER 03S - ECONOMIC ASSISTANCE TO THE FISHING INDUSTRY

SECTION .0100 - ECONOMIC ASSISTANCE PROGRAMS

15A NCAC 03S .0101 GENERAL

This Subchapter establishes the process for determining eligibility and distributing federal or state funds for economic assistance to the fishing industry.

History Note: Authority G.S. 113-226, 143B - 289.52 (d);
Temporary Adoption Eff. July 1, 2003;
Temporary Rule Expired Eff. March 27, 2004;
Eff. October 1, 2004.

15A NCAC 03S .0102 GRANTS TO COMMERCIAL SHRIMPING INDUSTRY FOR ECONOMIC LOSSES DUE TO FOREIGN IMPORTED SHRIMP

(a) Eligibility

- (1) Only commercial fishing vessel owners whose vessels landed Penaeid shrimp (white, pink, or brown) in North Carolina during calendar year 2002 and who held a valid, current Commercial Fishing Vessel Registration (CFVR) during that year are eligible for compensation to offset economic losses due to the importation of foreign shrimp. For the purposes of this section, vessel owner is defined as a person holding a valid, current North Carolina CFVR for a specific vessel reporting shrimp landings in North Carolina.
- (2) The Division of Marine Fisheries shall determine which commercial fishing vessels are eligible for economic assistance based upon verified shrimp landings in the state in 2002 as reported on North Carolina Trip Tickets. For the purposes of this Section, verified landings are those legally made in North Carolina as recorded by North Carolina Trip Tickets which correspond to a specific vessel and reported landing dates.
- (3) Where ownership of a vessel was transferred in 2002, each CFVR holder shall be credited with landings based upon registration of the transferred vessel at the start of the day in which the landings were reported.

(b) Process

- (1) Each vessel owner determined by the Division of Marine Fisheries to be eligible for economic assistance shall be notified by certified mail, return receipt requested, of his eligibility and of the total verified shrimp landings credited to him for the purpose of this program.
- (2) Any vessel owner claiming shrimp landings who does not receive an eligibility notification letter shall contact the Morehead City office of the Division of Marine Fisheries within 30 days after the published legal notice authorizing the economic assistance award.
- (3) Each eligible vessel owner shall have 14 calendar days from the date of receipt of the certified letter indicated in Subparagraph (b)(1) of this Rule to return the form that is attached to the eligibility notification letter to the Division of Marine Fisheries completed and signed, indicating a decision whether or not to participate in the program.
- (4) Failure to return a completed and signed response form to the Division of Marine Fisheries within 14 calendar days of receipt shall be considered a decision by the eligible vessel owner to forego participation in the economic assistance program.
- (5) If a vessel owner claims additional shrimp landings, beyond those identified by the Division of Marine Fisheries, upon which to base his level of economic assistance, he must provide copies of North Carolina trip tickets with the signed response form to document his claim. The Division of Marine Fisheries shall evaluate such claims, and the vessel owner's landings will be adjusted accordingly if the claims are deemed valid.
- (6) The amount of the economic assistance each commercial fishing vessel owner is eligible for shall be calculated by the Division of Marine Fisheries based upon each vessel owner's proportional contribution, in percentage, to the total weight of landed shrimp reported in 2002 on North Carolina Trip Tickets.
- (7) No funds shall be disbursed until all landings disputes submitted in this program are resolved by the Division of Marine Fisheries, in order to ensure that all funds available for economic assistance are disbursed to eligible program participants. The total amount of funds designated for individual

economic assistance shall be divided proportionally among eligible commercial fishing vessel owners who elect to participate in the program in a manner that will exhaust all funds for this purpose.

- (8) The Grants to Commercial Shrimping Industry for Economic Losses Due to Foreign Imported Shrimp Program shall terminate upon depletion of funds appropriated by the United States Congress to North Carolina for this purpose.
- (9) Twelve percent of the total funds shall be set aside for use by the Division of Marine Fisheries in settling appeals of the final decision on economic assistance awards. Any unused funds appropriated for this program which may be held in reserve by the Division of Marine Fisheries for appeals resolution or administrative purposes shall, at the conclusion of the economic assistance portion of the program, be transferred to the North Carolina Department of Agriculture for use, in addition to any other funds transferred for this purpose, for marketing of domestically harvested shrimp.

*History Note: Authority G.S. 113-226; 143B-289.52(d);
Temporary Adoption Eff. July 1, 2003;
Temporary Rule Expired March 27, 2004;
Eff. November 1, 2004.*

15A NCAC 03S .0103 GRANTS TO COMMERCIAL BLUE CRABBING INDUSTRY

- (a) Economic assistance from grants to the commercial blue crabbing industry is available for the following:
 - (1) Fishermen: Fishermen who landed blue crab (*Callinectes spp.*) using crab pots, peeler pots, crab trawls, crab dredges, and trotlines, as defined by the North Carolina Division of Marine Fisheries Trip Ticket Program, in North Carolina during calendar years 2000, 2001 or 2002 and who held a valid Standard (SCFL) or Retired Standard Commercial Fishing License (RSCFL) at the time of landing for at least one of those years.
 - (2) Fish Dealers: Fish dealers who reported blue crab (*Callinectes spp.*) landings from crab pots, peeler pots, crab trawls, crab dredges, and trotlines, as defined by the North Carolina Division of Marine Fisheries Trip Ticket Program, during calendar years 2000, 2001 or 2002 and who held a valid North Carolina Fish Dealer License at the time of transaction for at least one of those three years.
 - (3) Crab Processors: Blue crab processors who held a valid certification as a Department of Environment and Natural Resources, Division of Environmental Health certified crustacean meat processor, and employed persons who processed domestic blue crab meat during calendar years 2000, 2001 or 2002. For the purposes of this Section, processing means any of the following operations when carried out in conjunction with the cooking of crustacea or crustacea meat: receiving, refrigerating, air-cooling, picking, packing, repacking, thermal processing, or pasteurizing.
- (b) The Division of Marine Fisheries shall identify which fishermen and fish dealers are eligible for economic assistance under this program based upon blue crabs landed in North Carolina and reported on North Carolina trip tickets at the time of landing or transaction and submitted in accordance with 15A NCAC 03I .0114. Where assignment of a license occurred, the SCFL holder who assigned the SCFL shall be credited with landings under this program. Where a SCFL or RSCFL was transferred during 2000, 2001 or 2002, each SCFL or RSCFL holder shall be credited with landings under this program based upon issuance of the transferred license at the start of the day in which the landings were reported.
- (c) The Division shall identify eligible crab processors by using Division of Environment Health certification and inspection records to verify processing activities. Eligible crab processors shall be determined by the name listed on the Permit and Certificate of Compliance document or permit application provided by the Division of Environmental Health. Where ownership of a crab processor was transferred during 2000, 2001 or 2002, each owner's eligibility for his period of ownership shall be determined by the criteria in Subparagraph (a)(3) of this Rule.
- (d) Funds from the grant to the commercial blue crabbing industry shall be utilized as follows:
 - (1) Five percent of the total funds shall be used for administration of the program.
 - (2) Twelve percent of the total funds shall be set aside for use by the Division of Marine Fisheries to resolve economic assistance disputes, with the remainder of the funds being provided to the N.C. Department of Agriculture for a North Carolina blue crab marketing program.
 - (3) The remaining funds shall be divided equally among blue crab fishermen, fish dealers and crab processors as follows:
 - (A) One third of the remaining funds shall be awarded to eligible fishermen based upon each fisherman's proportional contribution, in percentage, to the total weight of landed blue crabs reported on North Carolina Trip Tickets for the calendar years 2000, 2001 and 2002 except that fishermen with recorded cumulative landings less than 10,000 pounds shall receive economic assistance in the amount of fifty dollars (\$50.00).
 - (B) One third of the remaining funds shall be awarded to eligible fish dealer's based upon each fish dealer's proportional contribution, in percentage, to the total weight of landed blue crabs

reported on North Carolina trip tickets for the calendar years 2000, 2001 and 2002 except that fish dealer's with recorded cumulative landings less than 10,000 pounds shall receive economic assistance in the amount of fifty dollars (\$50.00).

- (C) One third of the remaining funds shall be awarded to eligible crab processors based upon each processors proportional contribution, in percentage, to the highest annual employment of employees processing blue crabs, as reported by the Division of Environmental Health during the calendar years of 2000, 2001, or 2002.

(e) Notification and distribution of assistance:

- (1) Each fisherman, fish dealer and crab processor determined by the Division of Marine Fisheries to be eligible for economic assistance under this program shall be notified by certified mail, return receipt requested of their eligibility. Notification of eligibility shall include the total verified blue crab landings for fishermen or fish dealers, the reported employment levels for crab processors, credited to each person for the purpose of this program.
- (2) Any fisherman, fish dealer or processor claiming blue crab landings who does not receive an eligibility notification letter shall contact the Morehead City Office of the Division of Marine Fisheries within 30 days after the published legal notice authorizing the economic assistance determination period.
- (3) Each eligible fisherman, fish dealer or processor shall have 14 calendar days from the date of receipt of the certified letter indicated in Subparagraph (e)(1) of this Rule to return the form that is attached to the eligibility notification letter to the Division of Marine Fisheries completed and signed, indicating a decision whether or not to participate in the program.
- (4) Failure to return a completed and signed response form to the Division of Marine Fisheries within 14 calendar days of receipt shall be considered a decision by the eligible person to forego participation in the economic assistance program.
- (5) If a fisherman or dealer claims additional blue crab landings, beyond those identified by the Division of Marine Fisheries upon which to base the level of economic assistance, that person must provide copies of North Carolina trip tickets that were completed at the time of landing with the signed response form to document the claim within 20 days of receipt of the notification letter and economic assistance check. The Division of Marine Fisheries shall evaluate such claims, and the fisherman or dealer landings shall be adjusted accordingly if the claims are deemed valid. If a crab processor disputes the number of employees involved in blue crab processing, as reported to the Division of Environmental Health, that person must provide the Division of Marine Fisheries with documentation that substantiates blue crab processing employment, and blue crab production reports for the years 2000, 2001 and 2002 to document the claim.
- (6) No funds shall be disbursed until all landings disputes submitted in this program are resolved by the Division of Marine Fisheries, in order to ensure that all funds available for economic assistance are disbursed to eligible program participants. The total amount of funds designated for individual economic assistance shall be divided proportionally among eligible fishermen who elect to participate in the program in a manner that shall exhaust all funds for this purpose.
- (7) The Grants to Commercial Blue Crabbing Industry for Economic Losses Program shall terminate upon depletion of funds appropriated by the United States Congress to North Carolina for this purpose.

*History Note: Authority G.S. 113-226; 143B-289.52(d);
Emergency Adoption Eff. October 14, 2003;
Emergency Adoption Expired January 2, 2004;
Eff. November 1, 2004.*

SELECTED NORTH CAROLINA GENERAL STATUTES AND SESSION LAWS

G.S. 14-384. Injuring notices and advertisements.

If any person shall wantonly or maliciously mutilate, deface, pull or tear down, destroy or otherwise damage any notice, sign or advertisement, unless immoral or obscene, whether put up by an officer of the law in performance of the duties of his office or by some other person for a lawful purpose, before the object for which such notice, sign or advertisement was posted shall have been accomplished, he shall be guilty of a Class 3 misdemeanor. Nothing herein contained shall apply to any person mutilating, defacing, pulling or tearing down, destroying or otherwise damaging notices, signs or advertisements put upon his own land or lands of which he may have charge or control, unless consent of such person to put up such notice, sign or advertisement shall have first been obtained, except those put up by an officer of the law in the performance of the duties of his office.

(1885, c. 302; Rev., s. 3709; C.S., s. 4503; 1993, c. 539, s. 256; 1994, Ex. Sess., c. 24, s. 14(c).)

G.S. 14-399. Littering.

- (a) No person, including but not limited to, any firm, organization, private corporation, or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by him within this State or in the waters of this State including, but not limited to, any public highway, public park, lake, river, ocean, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley except:
- (1) When such property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and the person is authorized to use the property for this purpose; or
 - (2) Into a litter receptacle in a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or waters.
- (a1) No person, including any firm, organization, private corporation, or governing body, agents, or employees of any municipal corporation shall scatter, spill, or place or cause to be blown, scattered, spilled, or placed or otherwise dispose of any litter upon any public property or private property not owned by the person within this State or in the waters of this State including any public highway, public park, lake, river, ocean, beach, campground, forestland, recreational area, trailer park, highway, road, street, or alley except:
- (1) When the property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and the person is authorized to use the property for this purpose; or
 - (2) Into a litter receptacle in a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or waters.
- (a2) Subsection (a1) of this section does not apply to the accidental blowing, scattering, or spilling of an insignificant amount of municipal solid waste, as defined in G.S. 130A -290(18a), during the automated loading of a vehicle designed and constructed to transport municipal solid waste if the vehicle is operated in a reasonable manner and according to manufacturer specifications.
- (b) When litter is blown, scattered, spilled, thrown or placed from a vehicle or watercraft, the operator thereof shall be presumed to have committed such offense. This presumption, however, does not apply to a vehicle transporting nontoxic and biodegradable agricultural or garden products or supplies, including mulch, tree bark, wood chips, and raw logs.
- (c) Any person who violates subsection (a) of this section in an amount not exceeding 15 pounds and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000) for the first offense. In addition, the court may require the violator to perform community service of not less than eight hours nor more than 24 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. Any second or subsequent violation of subsection (a) of this section in an amount not exceeding 15 pounds and not for commercial purposes within three years after the date of a prior violation is a Class 3 misdemeanor punishable by a fine of not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000). In addition, the court may require the violator to perform community service of not less than 16 hours nor more than 50 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed.
- (c1) Any person who violates subsection (a1) of this section in an amount not exceeding 15 pounds is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100.00). In addition, the court may require the violator to perform community service of not less than four hours nor more than 12 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. Any second or subsequent violation of subsection (a1) of this section in an amount not exceeding 15 pounds within three years after the date of a prior violation is an infraction punishable by a fine of not more than two hundred dollars (\$200.00). In addition, the court may require the violator to perform community service of not less than eight hours nor more than 24 hours. The

- community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. For purposes of this subsection, the term "litter" shall not include nontoxic and biodegradable agricultural or garden products or supplies, including mulch, tree bark, and wood chips.
- (d) Any person who violates subsection (a) of this section in an amount exceeding 15 pounds but not exceeding 500 pounds and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a fine of not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000). In addition, the court shall require the violator to perform community service of not less than 24 hours nor more than 100 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other community service commensurate with the offense committed.
- (d1) Any person who violates subsection (a1) of this section in an amount exceeding 15 pounds but not exceeding 500 pounds is guilty of an infraction punishable by a fine of not more than two hundred dollars (\$200.00). In addition, the court may require the violator to perform community service of not less than eight hours nor more than 24 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed.
- (e) Any person who violates subsection (a) of this section in an amount exceeding 500 pounds or in any quantity for commercial purposes, or who discards litter that is a hazardous waste as defined in G.S. 130A-290 is guilty of a Class I felony.
- (e1) Any person who violates subsection (a1) of this section in an amount exceeding 500 pounds is guilty of an infraction punishable by a fine of not more than three hundred dollars (\$300.00). In addition, the court may require the violator to perform community service of not less than 16 hours nor more than 50 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed.
- (e2) If any person violates subsection (a) or (a1) of this section in an amount exceeding 15 pounds or in any quantity for commercial purposes, or discards litter that is a hazardous waste as defined in G.S. 130A -290, the court shall order the violator to:
- (1) Remove, or render harmless, the litter that he discarded in violation of this section;
 - (2) Repair or restore property damaged by, or pay damages for any damage arising out of, his discarding litter in violation of this section; or
 - (3) Perform community public service relating to the removal of litter discarded in violation of this section or to the restoration of an area polluted by litter discarded in violation of this section.
- (f) A court may enjoin a violation of this section.
- (f1) If a violation of subsection (a) of this section involves the operation of a motor vehicle, upon a finding of guilt, the court shall forward a record of the finding to the Department of Transportation, Division of Motor Vehicles, which shall record a penalty of one point on the violator's drivers license pursuant to the point system established by G.S. 20-16. There shall be no insurance premium surcharge or assessment of points under the classification plan adopted under G.S. 58-36-65 for a finding of guilt under this section.
- (g) A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved in the disposal of more than 500 pounds of litter in violation of subsection (a) of this section is declared contraband and is subject to seizure and summary forfeiture to the State.
- (h) If a person sustains damages arising out of a violation of subsection (a) of this section that is punishable as a felony, a court, in a civil action for the damages, shall order the person to pay the injured party threefold the actual damages or two hundred dollars (\$200.00), whichever amount is greater. In addition, the court shall order the person to pay the injured party's court costs and attorney's fees.
- (i) For the purpose of the section, unless the context requires otherwise:
- (1) "Aircraft" means a motor vehicle or other vehicle that is used or designed to fly, but does not include a parachute or any other device used primarily as safety equipment.
 - (2) Repealed by Session Laws 1999-454, s. 1.
 - (2a) "Commercial purposes" means litter discarded by a business, corporation, association, partnership, sole proprietorship, or any other entity conducting business for economic gain, or by an employee or agent of the entity.
 - (3) "Law enforcement officer" means any law enforcement officer sworn and certified pursuant to Chapter 17C or 17E of the General Statutes, except company police officers as defined in G.S. 74E -6(b)(3). In addition, and solely for the purposes of this section, "law enforcement officer" means any employee of a county or municipality designated by the county or municipality as a litter enforcement officer.
 - (4) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial,

mining, agricultural, or governmental operations. While being used for or distributed in accordance with their intended uses, "litter" does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina.

(5) "Vehicle" has the same meaning as in G.S. 20-4.01(49).

(6) "Watercraft" means any boat or vessel used for transportation across the water.

(j) It shall be the duty of all law enforcement officers to enforce the provisions of this section.

(k) This section does not limit the authority of any State or local agency to enforce other laws, rules or ordinances relating to litter or solid waste management.

(1935, c. 457; 1937, c. 446; 1943, c. 543; 1951, c. 975, s. 1; 1953, cc. 387,1011; 1955, c. 437; 1957, cc. 73, 175; 1959, c. 1173; 1971, c. 165; 1973, c. 877; 1977, c. 887, s. 1; 1979, c. 1065, s. 1; 1983, c. 890; 1987, cc. 208, 757; 1989, c. 784, ss. 7.1, 8; 1991, c. 609, s. 1; c. 720, s. 49; c. 725, s. 1; 1993, c. 539, ss. 266, 267, 1241; 1994, Ex. Sess., c. 24, s. 14(c); 1997-518, s. 1; 1998-217, s. 2; 1999-294, s. 4; 1999-454, s. 1; 2001 -512, s. 1.)

G.S. 76-40. Navigable waters; certain practices regulated.

(a) It shall be unlawful for any person, firm or corporation to place, deposit, leave or cause to be placed, deposited or left, either temporarily or permanently, any trash, refuse, rubbish, garbage, debris, rubble, scrapped vehicle or equipment or other similar waste material in or upon any body of navigable water in this State; "waste material" shall not include spoil materials lawfully dug or dredged from navigable waters and deposited in spoil areas designated by the Department of Environment and Natural Resources; violation of this section shall constitute a Class 2 misdemeanor.

(a1) It shall be unlawful for any person, firm or corporation to place, deposit, leave or cause to be placed, deposited, or left, either temporarily or permanently, any medical waste as defined in G.S. 130A-290 in the open waters of the Atlantic Ocean over which the State has jurisdiction or the navigable waters of this State.

(1) A person who willfully violates this subsection is guilty of a Class 1 misdemeanor.

(2) A person who willfully violates this subsection and in so doing releases medical waste that creates a substantial risk of physical injury to any person who is not a participant in the offense is guilty of a Class F felony which may include a fine not to exceed fifty thousand dollars (\$50,000) per day of violation.

(b) No person, firm or corporation shall erect upon the floor of, or in or upon, any body of navigable water in this State, any sign or other structure, without having first secured a permit to do so from the appropriate federal agencies (which would include a permit from the State of North Carolina) or from the Department of Administration, or from the agency designated by the Department to issue such permit. Provided, however, this subsection shall not apply to commercial fishing nets, fish offal, ramps, boathouses, piers or duck blinds placed in navigable waters. Any person, firm or corporation erecting such sign or other structure without a proper permit or not in accordance with the specification of such permit shall be guilty of a Class 2 misdemeanor. The State may immediately proceed to remove or cause to be removed such unlawful sign or structure after five days' notice to the owner or erector thereof and the cost of such removal by the State shall be payable by the person, firm or corporation who erected or owns the unlawful sign or other structure and the State may bring suit to recover the costs of the removal thereof.

(c) Whenever any structure lawfully erected upon the floor of, or in or upon, any body of navigable water in this State, is abandoned, such structure shall be removed by the owner thereof and the area cleaned up within 30 days of such abandonment; failure to comply with this section shall constitute a Class 2 misdemeanor. The State may, after 10 days' notice to the owner or erector thereof, remove the abandoned structure and have the area cleaned up and the cost of such removal and cleaning up by the State shall be payable by the owner or erector of the abandoned structure and the State may bring suit to recover the costs thereof.

(d) For purposes of this section, the term "navigable waters" shall not include any waters within the boundaries of any reservoir, pond or impoundment used in connection with the generation of electricity, or of any reservoir project owned or operated by the United States.

(e) The provisions of this section, in the coastal waters of this State, shall be enforced by the Department of Environment and Natural Resources. In the inland waters of the State, the provisions of this section shall be enforced by the Wildlife Resources Commission. The Department of Environment and Natural Resources and the Wildlife Resources Commission shall cooperate in the enforcement of this section.

(1784, c. 206, s. 11; 1811, c. 839; 1833, c. 146; R.S., c. 88, ss. 23, 24, 45; 1842, c. 65, s. 4; 1846, c. 60, s. 3; R.C., c. 85, ss. 40, 41; Code, ss. 3537, 3538; Rev., s. 3560; C.S., s. 6891; 1969, c. 792; 1973, c. 1262, s. 86; 1977, c. 771, s. 4; 1989, c. 727, ss. 13, 218(18); c. 742, s. 3; 1993, c. 539, ss. 570, 1287; 1994, Ex. Sess., c. 24, s. 14(c); 1997-443, s. 11A.119(a).)

G.S. 77-20. Seaward boundary of coastal lands.

- (a) The seaward boundary of all property within the State of North Carolina, not owned by the State, which adjoins the ocean, is the mean high water mark. Provided, that this section shall not apply where title below the mean high water mark is or has been specifically granted by the State.
- (b) Notwithstanding any other provision of law, no agency shall issue any rule or regulation which adopts as the seaward boundary of privately owned property any line other than the mean high water mark. The mean high water mark also shall be used as the seaward boundary for determining the area of any property when such determination is necessary to the application of any rule or regulation issued by any agency.
- (c) For purposes of this Article, "agency" means any part, branch, division, or instrumentality of the State; any county, municipality, or special district; or any commission, committee, council, or board established by the State, or by any county or municipality.
- (d) The public having made frequent, uninterrupted, and unobstructed use of the full width and breadth of the ocean beaches of this State from time immemorial, this section shall not be construed to impair the right of the people to the customary free use and enjoyment of the ocean beaches, which rights remain reserved to the people of this State under the common law and are a part of the common heritage of the State recognized by Article XIV, Section 5 of the Constitution of North Carolina. These public trust rights in the ocean beaches are established in the common law as interpreted and applied by the courts of this State.
- (e) As used in this section, "ocean beaches" means the area adjacent to the ocean and ocean inlets that is subject to public trust rights. This area is in constant flux due to the action of wind, waves, tides, and storms and includes the wet sand area of the beach that is subject to regular flooding by tides and the dry sand area of the beach that is subject to occasional flooding by tides, including wind tides other than those resulting from a hurricane or tropical storm. The landward extent of the ocean beaches is established by the common law as interpreted and applied by the courts of this State. Natural indicators of the landward extent of the ocean beaches include, but are not limited to, the first line of stable, natural vegetation; the toe of the frontal dune; and the storm trash line. (1979, c. 618, s. 2; 1998-225, s. 5.1.)

G. S. 113-129. Definitions relating to resources.

The following definitions and their cognates apply in the description of the various marine and estuarine and wildlife resources:

- (1) Repealed by Session Laws 1979, c. 830, s. 1.
- (1a) Animals. -- Wild animals, except when the context clearly indicates contrary interpretation.
- (1b) Big Game. -- Bear, wild boar, wild turkey, and white-tailed deer.
- (1c) Birds. -- Wild birds, except when the context clearly indicates a contrary interpretation.
- (1d) Boating and Fishing Access Area. -- An area of land providing access to public waters and which is owned, leased, controlled, or managed by the Wildlife Resources Commission.
- (1e) Bushel. -- A dry measure containing 2,150.42 cubic inches.
- (1f) Cervid or Cervidae. -- All animals in the Family Cervidae (elk and deer).
- (2) Coastal Fisheries. -- Any and every aspect of cultivating, taking, possessing, transporting, processing, selling, utilizing, and disposing of fish taken in coastal fishing waters, whatever the manner or purpose of taking, except for the regulation of inland game fish in coastal fishing waters which is vested in the Wildlife Resources Commission; and all such dealings with fish, wherever taken or found, by a person primarily concerned with fish taken in coastal fishing waters so as to be placed under the administrative supervision of the Department. Provided, that the Department is given no authority over the taking of fish in inland fishing waters. Except as provisions in this Subchapter or in regulations of the Marine Fisheries Commission authorized under this Subchapter may make such reference inapplicable, all references in statutes, regulations, contracts, and other legal or official documents to commercial fisheries apply to coastal fisheries.
- (3) Coastal Fishing. -- All fishing in coastal fishing waters. Except as provisions in this Subchapter or in regulations of the Marine Fisheries Commission authorized under this Subchapter may make such references inapplicable, all references in statutes, regulations, contracts, and other legal or official documents to commercial fishing apply to coastal fishing.
- (4) Coastal Fishing Waters. -- The Atlantic Ocean; the various coastal sounds; and estuarine waters up to the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. Except as provisions in this Subchapter or changes in the agreement between the Marine Fisheries Commission and the Wildlife Resources Commission may make such reference inapplicable, all references in statutes, regulations, contracts, and other legal or official documents to commercial fishing waters apply to coastal fishing waters.
- (5) Crustaceans. -- Crustacea, specifically including crabs, lobster, and shrimp.
- (5a) Deer. -- White -tailed deer (*Odocoileus virginianus*), except when otherwise specified in this Chapter.

- (5b) Farmed Cervid. -- Any member of the Cervidae family, other than white -tailed deer, elk, mule deer, or black -tailed deer, that is bought and sold for commercial purposes.
- (6) Fisheries Resources. -- Marine and estuarine resources and such wildlife resources as relate to fish.
- (7) Fish; Fishes. -- All marine mammals; all shellfish; all crustaceans; and all other fishes.
- (7a) Fur-bearing Animals. -- Beaver, mink, muskrat, nutria, otter, skunk, and weasel; bobcat, opossum, and raccoon when lawfully taken with traps.
- (7b) Game. -- Game animals and game birds.
- (7c) Game Animals. -- Bear, fox, rabbit, squirrel, wild boar, white -tailed deer, and, except when trapped in accordance with provisions relating to fur -bearing animals, bobcat, opossum, and raccoon.
- (7d) Game Birds. -- Migratory game birds and upland game birds.
- (8) Game Fish. -- Inland game fish and such other game fish in coastal fishing waters as may be regulated by the Department.
- (8a) Game Lands. -- Lands owned, leased, controlled, or cooperatively managed by the Wildlife Resources Commission for public hunting, trapping, or fishing.
- (9) Inland Fishing Waters. -- All inland waters except private ponds; and all waters connecting with or tributary to coastal sounds or the ocean extending inland or upstream from:
 - a. The dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission; or
 - b. North Carolina's boundary with another state.
- (10) Inland Game Fish. -- Those species of freshwater fish, wherever found, and migratory saltwater fish, when found in inland fishing waters, as to which there is an important element of sport in taking and which are denominated as game fish in the regulations of the Wildlife Resources Commission. No species of fish of commercial importance not classified as a game fish in commercial fishing waters as of January 1, 1965, may be classified as an inland game fish in coastal fishing waters without the concurrence of the Marine Fisheries Commission.
- (10a) Joint Fishing Waters. -- Those coastal fishing waters in which are found a significant number of freshwater fish, as agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission in accordance with G.S. 113-132(e).
- (11) Marine and Estuarine Resources. -- All fish, except inland game fish, found in the Atlantic Ocean and in coastal fishing waters; all fisheries based upon such fish; all uncultivated or undomesticated plant and animal life, other than wildlife resources, inhabiting or dependent upon coastal fishing waters; and the entire ecology supporting such fish, fisheries, and plant and animal life.
- (11a) Migratory Birds. -- All birds, whether or not raised in captivity, included in the terms of conventions between the United States and any foreign country for the protection of migratory birds and the Migratory Bird Treaty Act, as defined and listed in Part 10 of Title 50 of the Code of Federal Regulations.
- (11b) Migratory Game Birds. -- Those migratory birds for which open seasons are prescribed by the United States Department of the Interior and belonging to the following families:
 - a. Anatidae (wild ducks, geese, brant, and swans);
 - b. Columbidae (wild doves and pigeons);
 - c. Gruidae (little brown cranes);
 - d. Rallidae (rails, coots, and gallinules); and
 - e. Scolopacidae (woodcock and snipe).

The Wildlife Resources Commission is authorized to modify this definition from time to time by regulations only as necessary to keep it in conformity with governing federal laws and regulations pertaining to migratory game birds.
- (11c) Migratory Waterfowl; Waterfowl. -- Those migratory birds for which open seasons are prescribed by the United States Department of the Interior and belonging to the Family Anatidae (wild ducks, geese, brant, and swans).
- (11d) Nongame Animals. -- All wild animals except game and fur-bearing animals.
- (11e) Nongame Birds. -- All wild birds except game birds.
- (12) Nongame Fish. -- All fish found in inland fishing waters other than inland game fish.
- (12a) Repealed by Session Laws 2004 -160, s. 1, effective August 2, 2004.
- (12b) Repealed by Session Laws 2004 -160, s. 1, effective August 2, 2004.
- (12c) Overfished. -- The condition of a fishery that occurs when the spawning stock biomass of the fishery is below the level that is adequate for the recruitment class of a fishery to replace the spawning class of the fishery.
- (12d) Overfishing. -- Fishing that causes a level of mortality that prevents a fishery from producing a sustainable harvest.

- (13) Private Pond. -- A body of water arising within and lying wholly upon a single tract of privately owned land, from which fish cannot escape and into which fish cannot enter from public fishing waters at any time, except that all publicly owned ponds and lakes are classified as public fishing waters. In addition, the private owners of abutting tracts of land on which a pond not exceeding 10 acres is or has been established may by written agreement cooperate to maintain that pond as a private pond if it otherwise meets the requirements of this definition. If a copy of the agreement has been filed with the Wildlife Resources Commission and the pond in fact meets the requirements of this definition, it attains the status of private pond either 60 days after the agreement has been filed or upon the Commission's approving it as private, whichever occurs first.
- (13a) Public Fishing Waters; Public Waters. --Coastal fishing waters, inland fishing waters, or both.
- (13b) Public Hunting Grounds. -- Privately owned lands open to the public for hunting under the terms of a cooperative agreement between the owner and the Wildlife Resources Commission.
- (13c) Raptor. -- A migratory bird of prey authorized under federal law and regulations for the taking of quarry by falconry.
- (14) Shellfish. -- Mollusca, specifically including oysters, clams, mussels, and scallops.
- (14a) Sustainable harvest. -- The amount of fish that can be taken from a fishery on a continuing basis without reducing the stock biomass of the fishery or causing the fishery to become overfished.
- (14b) Upland Game Birds. -- Grouse, pheasant, quail, and wild turkey.
- (15) Wild Animals. -- Game animals; fur-bearing animals; and all other wild mammals except marine mammals found in coastal fishing waters. In addition, this definition includes members of the following groups which are on the federal list of endangered or threatened species: wild amphibians, wild reptiles except sea turtles inhabiting and depending upon coastal fishing waters, and wild invertebrates except invertebrates declared to be pests under the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971. Nothing in this definition is intended to abrogate G.S. 113-132(c), confer jurisdiction upon the Wildlife Resources Commission as to any subject exclusively regulated by any other agency, or to authorize the Wildlife Resources Commission by its regulations to supersede valid provision of law or regulation administered by any other agency.
- (15a) Wild Birds. -- Migratory game birds; upland game birds; and all undomesticated feathered vertebrates. The Wildlife Resources Commission may by regulation list specific birds or classes of birds excluded from the definition of wild birds based upon the need for protection or regulation in the interests of conservation of wildlife resources.
- (16) Wildlife. -- Wild animals; wild birds; all fish found in inland fishing waters; and inland game fish. Unless the context clearly requires otherwise, the definitions of wildlife, wildlife resources, wild animals, wild birds, fish, and the like are deemed to include species normally wild, or indistinguishable from wild species, which are raised or kept in captivity. Nothing in this definition is intended to abrogate the exclusive authority given the Department of Agriculture and Consumer Services to regulate the production and sale of pen-raised quail for food purposes.
- (16a) Wildlife Refuge. -- An area of land or waters owned, leased, controlled, or cooperatively managed by the Wildlife Resources Commission which is closed to the taking of some or all species of wildlife.
- (17) Wildlife Resources. -- All wild birds; all wild mammals other than marine mammals found in coastal fishing waters; all fish found in inland fishing waters, including migratory saltwater fish; all inland game fish; all uncultivated or undomesticated plant and animal life inhabiting or depending upon inland fishing waters; waterfowl food plants wherever found, except that to the extent such plants in coastal fishing waters affect the conservation of marine and estuarine resources the Department is given concurrent jurisdiction as to such plants; all undomesticated terrestrial creatures; and the entire ecology supporting such birds, mammals, fish, plant and animal life, and creatures.
- (1965, c. 957, s. 2; 1973, c. 1262, ss. 18, 28; 1977, c. 771, s. 4; 1979, c. 830, s. 1; 1979, 2nd Sess., c. 1285; 1987, c. 641, ss. 5, 6; 1991, c. 317, ss. 2, 3; c. 761, ss. 38, 39; 1993, c. 515, s. 6; 1997-142, ss. 2, 3; 1997-261, s. 80; 1997-400, s. 3.5; 1999-339, ss. 1-3; 2003-344, ss. 1-4; 2004-160, ss. 1, 2.)

G.S. 113-130. Definitions relating to activities of public.

The following definitions and their cognates apply to activities of the public in regard to marine and estuarine and wildlife resources:

- (1) Repealed by Session Laws 1979, c. 830, s. 1.
- (1a) Falconry. -- The sport of taking quarry by means of a trained raptor.
- (1b) Individual. -- A human being.
- (1c) Landholder. -- Any individual, resident or nonresident, owning land in this State or, when he is the one principally engaged in cultivating the land, leasing land in this State for agricultural purposes.
- (2) Owner; Ownership. -- As for personal property, refers to persons having beneficial ownership and not to those holding legal title for security; as for real property, refers to persons having the present right of

control, possession, and enjoyment, whether as life tenant, fee holder, beneficiary of a trust, or otherwise. Provided, that this definition does not include lessees of property except where the lease arrangement is a security device to facilitate what is in substance a sale of the property to the lessee.

- (3) Person. -- Any individual; or any partnership, firm, association, corporation, or other group of individuals capable of suing or being sued as an entity.
- (4) Resident. -- In the case of:
 - a. Individuals. -- One who at the time in question has resided in North Carolina for the preceding six months or has been domiciled in North Carolina for the preceding 60 days. When domicile in the State for a period of 60 days up to six months is the basis for establishing residence, the individual must sign a certificate on a form supplied by the Department or the Wildlife Resources Commission, as the case may be, stating the necessary facts and the intent to establish domicile here.
 - b. Corporations. -- A corporation which is chartered under the laws of North Carolina and has its principal office within the State.
 - c. Partnerships. -- A partnership in which all partners are residents of North Carolina and which has its principal office in the State.
 - d. Other Associations and Groups Fitting the Definition of Person. -- An association or group principally composed of individual residents of North Carolina, with its principal office, if any, in the State, and organized for a purpose that contemplates more involvement or contact with this State than any other state.
 - e. Military Personnel and Their Dependents. -- A member of the armed forces of the United States stationed at a military facility in North Carolina, his spouse, and any dependent under 18 years of age residing with him are deemed residents of the State, of the county in which they live, and also, if different, of any county in which the military facility is located.
- (4a) To Buy; Purchase. -- Includes a purchase or exchange of property, or an offer or attempt to purchase or exchange, for money or any other valuable consideration.
- (5) To Fish. -- To take fish.
- (5a) To Hunt. -- To take wild animals or wild birds.
- (6) To Sell; Sale. -- Includes a sale or exchange of property, or an offer or attempt to sell or exchange -- for money or any other valuable consideration.
- (7) To Take. -- All operations during, immediately preparatory, and immediately subsequent to an attempt, whether successful or not, to capture, kill, pursue, hunt, or otherwise harm or reduce to possession any fisheries resources or wildlife resources.
- (7a) To Trap. -- To take wild animals or wild birds by trapping.
- (8) Vessel. -- Every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(1965, c. 957, s. 2; 1971, c. 705, s. 3; 1973, c. 1262, s. 18; 1979, c. 830, s. 1.)

G.S. 113-132. Jurisdiction of fisheries agencies.

- (a) The Marine Fisheries Commission has jurisdiction over the conservation of marine and estuarine resources. Except as may be otherwise provided by law, it has jurisdiction over all activities connected with the conservation and regulation of marine and estuarine resources, including the regulation of aquaculture facilities as defined in G.S. 106-758 which cultivate or rear marine and estuarine resources.
- (b) The Wildlife Resources Commission has jurisdiction over the conservation of wildlife resources. Except as may be otherwise provided by law, it has jurisdiction over all activities connected with the conservation and regulation of wildlife resources.
- (c) Notwithstanding the provisions of this Article, this Subchapter does not give the Marine Fisheries Commission or the Wildlife Resources Commission jurisdiction over matters clearly within the jurisdiction vested in the Department of Agriculture and Consumer Services, the North Carolina Pesticide Board, the Commission for Public Health, the Environmental Management Commission, or other division of the Department regulating air or water pollution.
- (d) To the extent that the grant of jurisdiction to the Marine Fisheries Commission and the Wildlife Resources Commission may overlap, the Marine Fisheries Commission and the Wildlife Resources Commission are granted concurrent jurisdiction. In cases of conflict between actions taken or regulations promulgated by either agency, as respects the activities of the other, pursuant to the dominant purpose of such jurisdiction, the Marine Fisheries Commission and the Wildlife Resources Commission are empowered to make agreements concerning the harmonious settlement of such conflict in the best interests of the conservation of the marine and estuarine and wildlife resources of the State. In the event the Marine Fisheries Commission and the Wildlife Resources Commission cannot agree, the Governor is empowered to resolve the differences.

- (e) Those coastal fishing waters in which are found a significant number of freshwater fish, as agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission, may be denominated joint fishing waters. These waters are deemed coastal fishing waters from the standpoint of laws and regulations administered by the Department and are deemed inland fishing waters from the standpoint of laws and regulations administered by the Wildlife Resources Commission. The Marine Fisheries Commission and the Wildlife Resources Commission may make joint regulations governing the responsibilities of each agency and modifying the applicability of licensing and other regulatory provisions as may be necessary for rational and compatible management of the marine and estuarine and wildlife resources in joint fishing waters.
 - (f) The granting of jurisdiction in this section pertains to the power of agencies to enact regulations and ordinances. Nothing in this section or in G.S. 113-138 is designed to prohibit law-enforcement officers who would otherwise have jurisdiction from making arrests or in any manner enforcing the provisions of this Subchapter.
- (1965, c. 957, s. 2; 1973, c. 476, s. 128; c. 1262, ss. 18, 28, 38; 1977, c. 771, s. 4; 1979, c. 830, s. 1; 1987, c. 641, s.5; 1989, c. 281, s. 3; 1997-261, s. 109; 2007-182, s. 2.)

G.S. 113-134. Rules.

The Marine Fisheries Commission and the Wildlife Resources Commission may, within their jurisdictional limitations imposed by this Article, adopt rules implementing this Subchapter.

(1915,c. 84, s. 21; 1917, c. 290, s. 7; C.S., 1878; 1925, c. 168, s. 2; 1935, c. 35; 1945, c. 776; 1953, cc. 774, 1251; 1963, c. 1097, s. 1; 1965, c. 957, s. 2; 1973, c. 1262, s. 28; 1987, c. 827, s. 97.)

G.S. 113-134.1. Jurisdiction over marine fisheries resources in Atlantic Ocean.

The Marine Fisheries Commission is directed to exercise all regulatory authority over the conservation of marine fisheries resources in the Atlantic Ocean to the seaward extent of the State jurisdiction over the resources as now or hereafter defined. Marine fisheries inspectors may enforce these regulations and all other provisions of law applicable under the authority granted in this section in the same manner and with the same powers elsewhere granted them as enforcement officers.

(1973, c. 1315; 1977, c. 771, s. 4; 1979, c. 830, s. 1; 1987, c.641, ss. 5, 8.)

G.S.113-135. General penalties for violating Subchapter or rules; increased penalty for prior convictions; interpretive provisions.

- (a) Any person who violates any provision of this Subchapter or any rule adopted by the Marine Fisheries Commission or the Wildlife Resources Commission, as appropriate, pursuant to the authority of this Subchapter, is guilty of a misdemeanor except that punishment for violation of the rules of the Wildlife Resources Commission is limited as set forth in G.S. 113-135.1. Unless a different level of punishment is elsewhere set out, anyone convicted of a misdemeanor under this section is punishable as follows:
 - (1) For a first conviction, as a Class 3 misdemeanor.
 - (2) For a second or subsequent conviction within three years, as a Class 2 misdemeanor.
- (b) In interpreting this section, provisions elsewhere in this Subchapter making an offense a misdemeanor "punishable in the discretion of the court" must be considered to set a different level of punishment, to be interpreted in the light of G.S. 14-3 or any equivalent or successor statute. Noncriminal sanctions, however, such as license revocation or suspension, and exercise of powers auxiliary to criminal prosecution, such as seizure of property involved in the commission of an offense, do not constitute different levels of punishment so as to oust criminal liability. Any previous conviction of an offense under this Subchapter, or under rules authorized by it, serves to increase the punishment under subsection (a) even though for a different offense than the second or subsequent one.
- (c) For the purposes of this Subchapter, violations of laws or rules administered by the Wildlife Resources Commission under any former general or local law replaced by the present provisions of this Subchapter are deemed to be violations of laws or rules under this Subchapter.

(1965, c. 957, s. 2; 1973, c. 1262, s. 28; 1979, c. 830, s. 1; 1987, c. 827, s. 98; 1991, c. 176, s. 1; c. 761, s. 50.5; 1993, c. 539, s. 836; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 209, s. 3.)

G.S. 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow inspection by inspectors and protectors.

- (a) Inspectors and protectors are granted the powers of peace officers anywhere in this State, and beyond its boundaries to the extent provided by law, in enforcing all matters within their respective subject-matter jurisdiction as set out in this section.
- (b) The jurisdiction of inspectors extends to all matters within the jurisdiction of the Department set out in this Subchapter, Part 5D of Article 7 of Chapter 143B of the General Statutes, Article 5 of Chapter 76 of the General Statutes, and Article 2 of Chapter 77 of the General Statutes, and to all other matters within the jurisdiction of the Department which it directs inspectors to enforce. In addition, inspectors have jurisdiction over all offenses

involving property of or leased to or managed by the Department in connection with the conservation of marine and estuarine resources.

- (c) The jurisdiction of protectors extends to all matters within the jurisdiction of the Wildlife Resources Commission, whether set out in this Chapter, Chapter 75A, Chapter 143, Chapter 143B, or elsewhere. The Wildlife Resources Commission is specifically granted jurisdiction over all aspects of:
- (1) Boating and water safety;
 - (2) Hunting and trapping;
 - (3) Fishing, exclusive of fishing under the jurisdiction of the Marine Fisheries Commission; and
 - (4) Activities in woodlands and on inland waters governed by G.S. 113-60.1 to G.S. 113-60.3.

In addition, protectors have jurisdiction over all offenses involving property of or leased by the Wildlife Resources Commission or occurring on wildlife refuges, game lands, or boating and fishing access areas managed by the Wildlife Resources Commission. The authority of protectors over offenses on public hunting grounds is governed by the jurisdiction granted the Commission in G.S. 113-264(c).

- (d) Inspectors and protectors are additionally authorized to arrest without warrant under the terms of G.S. 15A-401(b) for felonies, for breaches of the peace, for assaults upon them or in their presence, and for other offenses evincing a flouting of their authority as enforcement officers or constituting a threat to public peace and order which would tend to subvert the authority of the State if ignored. In particular, they are authorized, subject to the direction of the administrative superiors, to arrest for violations of G.S. 14-223, 14-225, 14-269, and 14-277.
- (d1) In addition to law enforcement authority granted elsewhere, a protector has the authority to enforce criminal laws under the following circumstances:
- (1) When the protector has probable cause to believe that a person committed a criminal offense in his presence and at the time of the violation the protector is engaged in the enforcement of laws otherwise within his jurisdiction; or
 - (2) When the protector is asked to provide temporary assistance by the head of a State or local law enforcement agency or his designee and the request is within the scope of the agency's subject matter jurisdiction.

While acting pursuant to this subsection, a protector shall have the same powers invested in law enforcement officers by statute or common law. When acting pursuant to (2) of this subsection a protector shall not be considered an officer, employee, or agent for the state or local law enforcement agency or designee asking for temporary assistance. Nothing in this subsection shall be construed to expand the authority of protectors to initiate or conduct an independent investigation into violations of criminal laws outside the scope of their subject matter or territorial jurisdiction.

- (e) Inspectors and protectors may serve arrest warrants, search warrants, orders for arrest, criminal summonses, subpoenas, and all other process connected with any cases within their subject-matter jurisdiction. In the exercise of their law enforcement powers, inspectors are subject to provisions relating to police officers in general set out in Chapter 15, Chapter 15A, and elsewhere.
- (f) Inspectors and protectors are authorized to stop temporarily any persons they reasonably believe to be engaging in activity regulated by their respective agencies to determine whether such activity is being conducted within the requirements of the law, including license requirements. If the person stopped is in a motor vehicle being driven at the time and the inspector or protector in question is also in a motor vehicle, the inspector or protector is required to sound a siren or activate a special light, bell, horn, or exhaust whistle approved for law-enforcement vehicles under the provisions of G.S. 20-125(b) or 20-125(c).
- (g) Protectors may not temporarily stop or inspect vehicles proceeding along primary highways of the State without clear evidence that someone within the vehicle is or has recently been engaged in an activity regulated by the Wildlife Resources Commission. Inspectors may temporarily stop vehicles, boats, airplanes, and other conveyances upon reasonable grounds to believe that they are transporting seafood products; they are authorized to inspect any seafood products being transported to determine whether they were taken in accordance with law and to require exhibition of any applicable license, receipts, permits, bills of lading, or other identification required to accompany such seafood products.
- (h),(i) Repealed by Session Laws 1979, c. 830, s. 1.
- (j) The refusal of any person to stop in obedience to the directions of an inspector or protector acting under the authority of this section is unlawful. A violation of this subsection is a Class 3 misdemeanor and may include a fine of not less than fifty dollars (\$50.00).
- (k) It is unlawful to refuse to exhibit upon request by any inspector, protector, or other law enforcement officer any item required to be carried by any law or rule as to which inspectors or protectors have enforcement jurisdiction. The items that must be exhibited include boating safety or other equipment or any license, permit, tax receipt, certificate, or identification. It is unlawful to refuse to allow inspectors, protectors, or other law enforcement officers to inspect weapons, equipment, fish, or wildlife that the officer reasonably believes to be possessed incident to an activity regulated by any law or rule as to which inspectors and protectors have enforcement jurisdiction.

- (l) Nothing in this section authorizes searches within the curtilage of a dwelling or of the living quarters of a vessel in contravention of constitutional prohibitions against unreasonable searches and seizures. (1915, c. 84, s. 6; 1917, c. 290, s. 2; C.S., s. 1885; 1935, c. 118; 1957, c. 1423, s. 2; 1965, c. 957, s. 2; 1973, c. 1262, ss. 18, 28, 86; c. 1286, s. 17; c. 1297; 1977, c. 771, s. 4; 1979, c. 830, s. 1; 1987, c. 641, ss. 20, 22; c. 827, s. 98; 1991, c. 730, s. 1; 1997-80, s. 5; 1998-225, ss. 3.1, 3.2.)

G.S. 113-137. Search on arrest; seizure and confiscation of property; disposition of confiscated property.

- (a) Every inspector or protector who arrests a person for an offense as to which he has enforcement jurisdiction is authorized to search the person arrested and the surrounding area for weapons and for fruits, instrumentalities, and evidence of any crime for which the person arrested is or might have been arrested.
- (b) Every inspector or protector who issues a citation instead of arresting a person, in cases in which the inspector or protector is authorized to arrest, may seize all lawfully discovered evidence, fruits, and instrumentalities of any crime as to which he has arrest jurisdiction and probable cause. When live fish are returned to public fishing bottoms or public waters, the inspector or protector shall state on the citation the quantity returned.
- (c) Every inspector or protector who in the lawful pursuit of his duties has probable cause for believing he has discovered a violation of the law over which he has jurisdiction may seize in connection therewith any fish, wildlife, weapons, equipment, vessels, or other evidence, fruits, or instrumentalities of the crime, notwithstanding the absence of any person in the immediate area subject to arrest or the failure or inability of the inspector or protector to capture or otherwise take custody of the person guilty of the violation in question. Where the owner of such property satisfies the Secretary or the Executive Director, as the case may be, of his ownership and that he had no knowledge or culpability in regard to the offense involving the use of his property, such property must be returned to the owner. If after due diligence on the part of employees of the Department or the Wildlife Resources Commission, as the case may be, the identity or whereabouts of the violator or of the owner of the property seized cannot be determined, such property may be sold by the Department or the Wildlife Resources Commission in accordance with the provisions of this section.
- (d) The Marine Fisheries Commission and the Wildlife Resources Commission may provide by rule for summary disposition of live or perishable fish or wildlife seized by an inspector or protector. If the property seized consists of live fish which may again be placed to the benefit of the public on public fishing bottoms or in public waters, the inspector or protector may require the person in possession of the seized live fish to transport it the distance necessary to effect placement on appropriate bottoms or waters. In the event of refusal by the person in question to transport the fish, the inspector or protector must take appropriate steps to effect the transportation. The steps may include seizure of any conveyance or vessel of the person refusing to transport the fish if the conveyance or vessel was one on which the fish were located or was used to take or transport the fish. When a conveyance or vessel is seized, it is to be safeguarded by the inspector or protector seizing it pending trial and it becomes subject to the orders of the court. Transportation costs borne by the Department or by the Wildlife Resources Commission, as the case may be, may be collected by the agency from the proceeds of the sale of any other property of the defendant seized and sold in accordance with the provisions of this section.
- Except as provided in subsection (g), when the seizure consists of edible fish or wildlife which is not alive, may not live, or may not otherwise benefit conservation objectives if again placed on open lands, on public fishing bottoms, or in public fishing waters, the inspector or protector must dispose of the property in a charitable or noncommercial manner in accordance with the directions of his administrative superiors.
- (e) Except as otherwise specifically provided in this section, all property seized must be safeguarded pending trial by the inspector or protector initiating the prosecution. Upon a conviction the property seized in connection with the offense in question is subject to the disposition ordered by the court. Upon an acquittal, property seized must be returned to the defendant or established owner, except:
- (1) Where the property was summarily disposed of in accordance with subsection (d);
 - (2) Where possession of the property by the person to whom it otherwise would be returned would constitute a crime; and
 - (3) Where the property seized has been sold in accordance with subsection (g). In this event the net proceeds of the sale must be returned to the defendant or established owner, as the case may be.

Where property seized summarily under subsection (d) is not available for return, an acquitted defendant or established owner is entitled to no compensation where there was probable cause for the action taken. Within 20 days of the final court adjudication of a citation, the Department or the Wildlife Resources Commission shall notify any acquitted defendant or established owner of its duly established procedures whereby reimbursement may be sought for live fish seized summarily under subsection (d) that is not available for return. Any action or proceeding to recover compensation must be begun within 30 days after receipt of the notice of applicable procedures. After the expiration of this period of limitation, no right or action or claim for compensation shall be asserted.

In safeguarding property seized pending trial, an inspector or protector is authorized in his discretion, subject to orders of his administrative superiors, to make his own provisions for storage or safekeeping or to deposit the property with the sheriff of the county in which the trial is to be held for custody pending trial. In the event the mode of safekeeping reasonably selected by the inspector or protector entails a storage or handling charge, such charge is to be paid as follows:

- (1) By the defendant if he is convicted but the court nevertheless orders the return of the property to the defendant;
 - (2) From the proceeds of the sale of the property if the property is sold under court order or in accordance with the provisions of this section; or
 - (3) By the Department or by the Wildlife Resources Commission, as the case may be, if no other provision for payment exists.
- (f) Subject to orders of his administrative superiors, an inspector or protector in his discretion may leave property which he is authorized to seize in the possession of the defendant with the understanding that such property will be subject to the orders of the court upon disposition of the case. Willful failure or inexcusable neglect of the defendant to keep such property subject to the orders of the court is a Class 1 misdemeanor. In exercising his discretion, the inspector or protector should not permit property to be retained by the defendant if there is any substantial risk of its being used by the defendant in further unlawful activity.
- (g) Where a prosecution involving seized saleable fish is pending and such fish are perishable or seasonal, the inspector or protector may apply to the court in which the trial is pending for an order permitting sale prior to trial. As used in this subsection, seasonal fish are those which command a higher price at one season than at another so that economic loss may occur if there is a delay in the time of sale. When ordered by the court, such sale prior to trial must be conducted in accordance with the order of the court or in accordance with the provisions of this section. The net proceeds of such sale are to be deposited with the court and are subject to the same disposition as would have been applicable to other types of property seized. Where sale is not lawful for public health reasons or otherwise not practicable or where prosecution is not pending, disposal of the fish is in accordance with subsection (d).
- (h) Pending trial, the defendant or the established owner of any nonperishable and nonconsumable property seized may apply to the court designated to try the offense for return of the property. The property must be returned pending trial if:
- (1) The court is satisfied that return of the property will not facilitate further violations of the law; and
 - (2) The claimant posts a bond for return of the property at trial in an amount double the value of the property as assessed by the court.
- (i) Upon conviction of any defendant for a violation of the laws or rules administered by the Department or the Wildlife Resources Commission under the authority of this Subchapter, the court in its discretion may order the confiscation of all weapons, equipment, vessels, conveyances, fish, wildlife, and other evidence, fruits, and instrumentalities of the offense in question, whether or not seized or made subject to the orders of the court pending trial. If the confiscated property is lawfully saleable, it must be sold; otherwise it must be disposed of in a manner authorized in this section. Unless otherwise specified in the order of the court, sales are to be held by the Department or the Wildlife Resources Commission, as the case may be.
- The Department and the Wildlife Resources Commission may administratively provide for an orderly public sale procedure of property which it may sell under this section. The procedure may include turning the property to be sold over to some other agency for sale, provided that the provisions of subsection (j) are complied with and there is proper accounting for the net proceeds of the sale. In the case of property that cannot lawfully be sold or is unlikely to sell for a sufficient amount to offset the costs of sale, the Department and the Wildlife Resources Commission may provide either for destruction of the property or legitimate utilization of the property by some public agency.
- (j) Except as provided in subsection (d), if property is seized under subsection (c) or it appears that a person not a defendant has an interest in any property to be sold, destroyed, or otherwise disposed of, the Department and the Wildlife Resources Commission must provide for public notice of the description of the property and the circumstances of its seizure for a sufficient period prior to the time set for sale or other disposition to allow innocent owners or lienholders to assert their claims. The validity of claims are to be determined by the trial court in the event there is or has been a prosecution in connection with the seizure of the property. If there has been no prosecution and none is pending, the validity of claims must be determined by the Secretary or by the Executive Director, as the case may be. When there has been a sale under subsection (g), the provisions of this subsection apply to the net proceeds of the sale.
- (k) Except as provided in subsection (j) and in subdivision (3) of the first paragraph of subsection (e), the net proceeds of all sales made pursuant to this section must be deposited in the school fund of the county in which the property was seized.

98; 1993, c. 539, s. 837; 1994, Ex. Sess., c. 24, s. 14(c).)

G.S. 113-138. Enforcement jurisdiction of special conservation officers.

- (a) The Wildlife Resources Commission by rule may confer law-enforcement powers over matters within its jurisdiction with respect to wildlife resources conservation laws and rules within its jurisdiction upon the employees of the United States Fish and Wildlife Service, and the Marine Fisheries Commission may confer law-enforcement powers over matters within its jurisdiction with respect to marine and estuarine resources conservation laws and rules upon the employees of the National Marine Fisheries Service, who:
- (1) Possess special law-enforcement jurisdiction that would not otherwise extend to the subject matter of this Subchapter;
 - (2) Are assigned during the duration of such appointment to duty stations within North Carolina; and
 - (3) Take the oath required of public officers before an officer authorized to administer oaths.
- These conferred powers do not constitute an appointment of any officer to an additional office.
- (b) The Marine Fisheries Commission and Wildlife Resources Commission shall limit the exercise of this authority to situations when:
- (1) The best interests of the conservation of marine and estuarine and wildlife resources managed by the respective State and federal agencies are being adversely affected by restrictions upon jurisdictional subject matter that limit law-enforcement authority; and
 - (2) The best interests of the conservation of marine and estuarine and wildlife resources managed by the adopting Commission will benefit by conferring law-enforcement authority on the employees of the United States Fish and Wildlife Service or the National Marine Fisheries Service.
- (c) The enabling rule shall specify the particular officers or class of officers upon whom the law-enforcement powers are conferred and the geographic areas within which the special enforcement officers can exercise the law-enforcement powers over matters within the jurisdiction of the adopting Commission. The conferred powers may be used only during the scope of employment of the special conservation officers.
- (d) Unless otherwise provided by the enabling rule, such special enforcement officers shall have the same jurisdiction and powers with respect to resource conservation and the same rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the State officers in addition to those the federal officer normally possesses.

(1965, c. 957, s. 2; 1973, c. 1262, ss. 18, 28; 1977, c. 771, s. 4; 1983, c. 484; 1987, c. 827, s. 98; 1991 (Reg. Sess., 1992), c. 890, s. 5.)

G.S. 113-140. Warning tickets.

- (a) In enforcing the laws and rules within their subject matter jurisdiction, wildlife protectors and marine fisheries inspectors may, in accordance with the criteria of this section, issue warning tickets to offenders instead of initiating criminal prosecutions.
- (b) To secure uniformity of enforcement, the Executive Director and the Director of the Division of Marine Fisheries may administratively promulgate standards consistent with subsection (c) providing that warning tickets may or may not be issued with respect to particular offenses, classes of offenses, or ways of committing offenses.
- (c) A protector or inspector may issue a warning ticket only if all of the following conditions are met:
- (1) The protector or inspector is convinced that the offense was not intentional.
 - (2) The offense is not of a kind or committed in a manner as to which warning tickets have been prohibited by the Executive Director or the Director of the Division of Marine Fisheries.
 - (3) The conduct of the offender was not calculated to result in any significant destruction of wildlife or fisheries resources.
 - (4) The conduct of the offender did not constitute a hazard to the public.
- A warning ticket may not be issued if the offender has previously been charged with or issued a warning ticket for a similar offense.
- (d) If any law-enforcement officer with jurisdiction over the offense or if any employee of the Wildlife Resources Commission or the Department learns that under the criteria of this section a warning ticket was inappropriately issued to an offender, he must take action to secure initiation of prosecution for the appropriate charge or charges unless barred by the statute of limitations or unless prosecution is not otherwise feasible because of unavailability of evidence or necessary witnesses.
- (e) Before any warning tickets are issued, the Executive Director or the Director of the Division of Marine Fisheries must institute a procedure to ensure an accurate accounting for and recording of all warning tickets issued. This procedure may include use of prenumbered tickets and immediate notation of issuance of the warning ticket on each appropriate license or permit issued by the Wildlife Resources Commission or Department held by the offender. The Executive Director or the Director of the Division of Marine Fisheries

may also provide for issuance of new, replacement, or renewal licenses and permits bearing the notation. The licenses covered by this subsection include certificates of number for motorboats.

- (f) This section does not entitle any person who has committed an offense with the right to be issued a warning ticket. That issuance of a warning ticket may be appropriate under the criteria of this section does not restrict in any manner the powers of a wildlife protector or marine fisheries inspector or any other law-enforcement officer under G.S. 113-136, 113-137, and other provisions of law in dealing with hunters, fishermen, operators of vessels, and other offenders and suspected offenders.
 - (g) Issuance of a warning ticket does not constitute evidence of the commission of an offense, but may be used to prevent issuance of a subsequent warning ticket to the same person for a similar offense.
- (1981, c. 252, s. 1; 1987, c. 827, s. 98; 1989, c. 308.)

G.S. 113-168. Definitions.

As used in this Article:

- (1) "Commercial fishing operation" means any activity preparatory to, during, or subsequent to the taking of any fish, the taking of which is subject to regulation by the Commission, either with the use of commercial fishing equipment or gear, or by any means if the purpose of the taking is to obtain fish for sale. Commercial fishing operation does not include
 - (i) the taking of fish as part of a recreational fishing tournament, unless commercial fishing equipment or gear is used,
 - (ii) the taking of fish under a RCGL, or
 - (iii) the taking of fish as provided in G.S. 113 -261.
 - (2) "Commission" means the Marine Fisheries Commission.
 - (3) "Division" means the Division of Marine Fisheries in the Department of Environment and Natural Resources.
 - (3a) "Immediate family" means the mother, father, brothers, sisters, spouse, children, stepparents, stepbrothers, stepsisters, and stepchildren of a person.
 - (4) "License year" means the period beginning 1 July of a year and ending on 30 June of the following year.
 - (5) "North Carolina resident" means a person who is a resident within the meaning of G.S. 113-130(4).
 - (6) "RCGL" means Recreational Commercial Gear License.
 - (7) "RSCFL" means Retired Standard Commercial Fishing License.
 - (8) "SCFL" means Standard Commercial Fishing License.
- (1997-400, s. 5.1; 1997-443, s. 11A.119(b); 1998-225, s. 4.9; 2001-213, s. 2; 2004-187, s. 6.)

G.S. 113-168.1. General provisions governing licenses and endorsements.

- (a) Duration, Fees. -- Except as provided in G.S. 113-173(f), all licenses and endorsements issued under this Article expire on the last day of the license year. An applicant for any license or endorsement shall pay the full annual fee at the time the applicant applies for the license or endorsement regardless of when application is made.
- (b) Licenses Required to Engage in Commercial Fishing. -- It is unlawful for any person to engage in a commercial fishing operation without holding a license and any endorsements required by this Article. It is unlawful for anyone to command a vessel engaged in a commercial fishing operation without complying with the provisions of this Article and rules adopted by the Commission under this Article.
- (c) Licenses, Assignments, and Endorsements Available for Inspection. -- It is unlawful for any person to engage in a commercial fishing operation in the State without having ready at hand for inspection all valid licenses, assignments, and endorsements required under this Article. To comply with this subsection, a person must have any required endorsements and either a currently valid (i) license issued in the person's true name and bearing the person's current address or (ii) SCFL and an assignment of the SCFL authorized under this Article. It is unlawful for a person to refuse to exhibit any license, assignment, or endorsement required by this Article upon the request of an inspector or other law enforcement officer authorized to enforce federal or State laws, regulations, or rules relating to marine fisheries.
- (d) No Dual Residency. -- It is unlawful for any person to hold any currently valid license issued under this Article to the person as a North Carolina resident if that person holds any currently valid commercial or recreational fishing license issued by another state to the person as a resident of that state.
- (e) License Format. -- Licenses issued under this Article shall be issued in the name of the applicant. Each license shall show the type of license and any endorsements; the name, mailing address, physical or residence address, and date of birth of the licensee; the date on which the license is issued; the date on which the license expires; and any other information that the Commission or the Division determines to be necessary to accomplish the purposes of this Subchapter.
- (f) License Issuance and Renewal. -- Except as provided in G.S. 113-173(d), the Division shall issue licenses and endorsements under this Article to eligible applicants at any office of the Division or by mail from the Morehead City office of the Division. A license or endorsement may be renewed in person at any office of the

- Division or by mail to the Morehead City office of the Division. Eligibility to renew an expired SCFL shall end one year after the date of expiration of the SCFL.
- (g) **Limitations on Eligibility.** -- A person is not eligible to obtain or renew a license or endorsement under this Article if, at the time the person applies for the license or endorsement, any other license or endorsement issued to the person under this Article is suspended or revoked. A person is not eligible to obtain a license or endorsement under this Article if, within the three years prior to the date of application, the person has been determined to be responsible for four or more violations of state laws, regulations, or rules governing the management of marine and estuarine resources. An applicant shall certify that the applicant has not been determined to be responsible for four or more violations of state laws, regulations, or rules governing the management of marine and estuarine resources during the previous three years. The Division may also consider violations of federal law and regulations governing the management of marine and estuarine resources in determining whether an applicant is eligible for a license.
 - (h) **Replacement Licenses and Endorsements.** -- The Division shall issue a replacement license, including any endorsements, to a licensee for a license that has not been suspended or revoked. A licensee may apply for a replacement license for a license that has been lost, stolen, or destroyed and shall apply for a replacement license within 30 days of a change in the licensee's name or address. A licensee may apply for a replacement license in person at any office of the Division or by mail to the Morehead City office of the Division. A licensee may use a copy of the application for a replacement license that has been filed with the Division as a temporary license until the licensee receives the replacement license. The Commission may establish a fee for each type of replacement license, not to exceed ten dollars (\$10.00), that compensates the Division for the administrative costs associated with issuing the replacement license.
 - (i) **Cancellation.** -- The Division may cancel a license or endorsement issued on the basis of an application that contains false information supplied by the applicant. A cancelled license or endorsement is void from the date of issuance. A person in possession of a cancelled license or endorsement shall surrender the cancelled license or endorsement to the Division. It is unlawful to refuse to surrender a cancelled license or endorsement upon demand of any authorized agent of the Division.
 - (j) **Advance Sale of Licenses, License Revenue.** -- To ensure an orderly transition from one license year to the next, the Division may issue a license or endorsement prior to 1 July of the license year for which the license or endorsement is valid. Revenue that the Division receives for the issuance of a license or endorsement prior to the beginning of a license year shall not revert at the end of the fiscal year in which the revenue is received and shall be credited and available to the Division for the license year in which the license or endorsement is valid. (1997-400, s. 5.1; 1998-225, s. 4.10; 1999-209, s. 6; 2001-213, s. 2.)

G.S. 113-168.2. Standard Commercial Fishing License.

- (a) **Requirement.** -- Except as otherwise provided in this Article, it is unlawful for any person to engage in a commercial fishing operation in the coastal fishing waters without holding a SCFL issued by the Division. A person who works as a member of the crew of a vessel engaged in a commercial fishing operation under the direction of a person who holds a valid SCFL is not required to hold a SCFL. A person who holds a SCFL is not authorized to take shellfish unless the SCFL is endorsed as provided in G.S. 113-168.5(d) or the person holds a shellfish license issued pursuant to G.S. 113-169.2.
- (a1) **Use of Vessels.** -- The holder of a SCFL is authorized to use only one vessel in a commercial fishing operation at any given time. The Commission may adopt a rule to exempt from this requirement a person in command of a vessel that is auxiliary to a vessel engaged in a pound net operation, long-haul operation, beach seine operation, or menhaden operation.
- (b) through (d) Repealed by Session Laws 1998-225, s. 4.11.
- (e) **Fees.** -- The annual SCFL fee for a resident of this State shall be two hundred dollars (\$200.00). The annual SCFL fee for a person who is not a resident of this State shall be eight hundred dollars (\$800.00) or the amount charged to a resident of this State in the nonresident's state, whichever is less. In no event, however, may the fee be less than two hundred dollars (\$200.00). For purposes of this subsection, a "resident of this state" is a person who is a resident within the meaning of:
 - (1) Sub-subdivisions a. through d. of G.S. 113-130(4) and who filed a State income tax return as a resident of North Carolina for the previous calendar or tax year, or
 - (2) G.S. 113-130(4)e.
- (f) **Assignment.** -- The holder of a SCFL may assign the SCFL to any individual who is eligible to hold a SCFL under this Article. The assignment shall be in writing on a form provided by the Division and shall include the name of the licensee, the license number, any endorsements, the assignee's name, mailing address, physical or residence address, and the duration of the assignment. If a notarized copy of an assignment is not filed with the Morehead City office of the Division within five days of the date of the assignment, the assignment shall expire. It is unlawful for the assignee of a SCFL to assign the SCFL. The assignment shall terminate:

- (1) Upon written notification by the assignor to the assignee and the Division that the assignment has been terminated.
 - (2) Upon written notification by the estate of the assignor to the assignee and the Division that the assignment has been terminated.
 - (3) If the Division determines that the assignee is operating in violation of the terms and conditions applicable to the assignment.
 - (4) If the assignee becomes ineligible to hold a license under this Article.
 - (5) Upon the death of the assignee.
 - (6) If the Division suspends or revokes the assigned SCFL.
 - (7) At the end of the license year.
- (g) Transfer. -- A SCFL may be transferred only by the Division. A SCFL may be transferred pursuant to rules adopted by the Commission or upon the request of:
- (1) A licensee, from the licensee to a member of the licensee's immediate family who is eligible to hold a SCFL under this Article.
 - (2) The administrator or executor of the estate of a deceased licensee, to the administrator or executor of the estate if a surviving member of the deceased licensee's immediate family is eligible to hold a SCFL under this Article. The administrator or executor must request a transfer under this subdivision within six months after the administrator or executor qualifies under Chapter 28A of the General Statutes. An administrator or executor who holds a SCFL under this subdivision may, for the benefit of the estate of the deceased licensee:
 - a. Engage in a commercial fishing operation under the SCFL if the administrator or executor is eligible to hold a SCFL under this Article.
 - b. Assign the SCFL as provided in subsection (f) of this section.
 - c. Renew the SCFL as provided in G.S. 113-168.1.
 - (3) An administrator or executor to whom a SCFL was transferred pursuant to subdivision (2) of this subsection, to a surviving member of the deceased licensee's immediate family who is eligible to hold a SCFL under this Article.
 - (4) The surviving member of the deceased licensee's immediate family to whom a SCFL was transferred pursuant to subdivision (3) of this subsection, to a third-party purchaser of the deceased licensee's fishing vessel.
 - (5) A licensee who is retiring from commercial fishing, to a third-party purchaser of the licensee's fishing vessel.
- (h) Identification as Commercial Fisherman. -- The receipt of a current and valid SCFL or shellfish license issued by the Division shall serve as proper identification of the licensee as a commercial fisherman.
- (i) Record-Keeping Requirements. -- The fish dealer shall record each transaction at the time and place of landing on a form provided by the Division. The transaction form shall include the information on the SCFL or shellfish license, the quantity of the fish, the identity of the fish dealer, and other information as the Division deems necessary to accomplish the purposes of this Subchapter. The person who records the transaction shall provide a completed copy of the transaction form to the Division and to the other party of the transaction. The Division's copy of each transaction form shall be transmitted to the Division by the fish dealer on or before the tenth day of the month following the transaction.

(1997-400, s. 5.1; 1998-225, s. 4.11; 2001-213, s. 2.)

G.S. 113-168.3. Retired Standard Commercial Fishing License.

- (a) SCFL Provisions Applicable. -- Except as provided in this section, the provisions set forth in this Article concerning the SCFL shall apply to the RSCFL.
- (b) Eligibility; Fees. -- Any individual who is 65 years of age or older and who is eligible for a SCFL under G.S. 113-168.2 may apply for either a SCFL or RSCFL. An applicant for a RSCFL shall provide proof of age at the time the application is made. The annual fee for a RSCFL for a resident of this State shall be one hundred dollars (\$100.00). The annual fee for a RSCFL for a person who is not a resident of this State shall be eight hundred dollars (\$800.00) or the amount charged to a resident of this State in the nonresident's state, whichever is less. In no event, however, shall the fee be less than one hundred dollars (\$100.00). For purposes of this subsection, a "resident of this State" is a person who is a resident within the meaning of:
 - (1) Sub-subdivisions a. through d. of G.S. 113-130(4) and who filed a State income tax return as a resident of North Carolina for the previous calendar or tax year, or
 - (2) G.S. 113-130(4)e.
- (c) Transfer. -- The holder of a RSCFL may transfer the RSCFL as provided in G.S. 113-168.2.
 - (1) If the transferee is less than 65 years of age, the transferee holds a SCFL. When the transferee renews the SCFL, the transferee shall pay the fee set out in G.S. 113-168.2.

- (2) If the transferee is 65 years of age or older, the transferee may elect to hold either a SCFL or RSCFL. If the transferee elects to hold a SCFL, the transferee shall pay the fee set out in G.S. 113-168.2. If the transferee elects to hold a RSCFL, the transferee shall pay the fee set out in this section.
- (d) Assignment. -- The RSCFL shall not be assignable.
(1997-400, s. 5.1; 1998-225, s. 4.12; 2001-213, s. 2.)

G.S. 113-168.4. Sale of fish.

- (a) Except as otherwise provided in this section, it is unlawful for any person who takes or lands any species of fish under the authority of the Commission from coastal fishing waters by any means whatever, including mariculture operations, to sell, offer for sale, barter or exchange these fish for anything of value without holding a license required to sell the type of fish being offered.
- (b) It is unlawful for any person licensed under this Article to sell fish taken outside the territorial waters of the State or to sell fish taken from coastal fishing waters except to:
- (1) Fish dealers licensed under G.S. 113-169.3; or
 - (2) The public, if the seller is also licensed as a fish dealer under G.S. 113-169.3.
- (c) A person who organizes a recreational fishing tournament may sell fish taken in connection with the tournament pursuant to a recreational fishing tournament license to sell fish. A person who organizes a recreational fishing tournament may obtain a recreational fishing tournament license to sell fish upon application to the Division and payment of a fee of one hundred dollars (\$100.00). It is unlawful for any person licensed under this subsection to sell fish to any person other than a fish dealer licensed under G.S. 113-169.3 unless the seller is also a licensed fish dealer. A recreational fishing tournament is an organized fishing competition occurring within a specified time period not to exceed one week and that is not a commercial fishing operation. Gross proceeds from the sale of fish may be used only for charitable, religious, educational, civic, or conservation purposes and shall not be used to pay tournament expenses.
(1997-400, s. 5.1; 1998-225, s. 4.13; 2001-213, s. 2.)

G.S. 113-168.5. License endorsements for Standard Commercial Fishing License.

- (a), (b) Repealed by Session Laws 1998-225, s. 4.14.
- (c) Menhaden Endorsements. -- Except as provided in G.S. 113-169, it is unlawful to use a vessel to take menhaden by purse seine in coastal fishing waters, to land menhaden taken by purse seine, or to sell menhaden taken by purse seine without obtaining a menhaden endorsement of a SCFL. The fee for a menhaden endorsement shall be two dollars (\$2.00) per ton, based on gross tonnage as determined by the custom house measurement for the mother ship. The menhaden endorsement shall be required for the mother ship but no separate endorsement shall be required for a purse boat carrying a purse seine. The application for a menhaden endorsement must state the name of the person in command of the vessel. Upon a change in command of a menhaden vessel, the owner must notify the Division in writing within 30 days.
- (d) Shellfish Endorsement for North Carolina Residents. --The Division shall issue a shellfish endorsement of a SCFL to a North Carolina resident at no charge. The holder of a SCFL with a shellfish endorsement is authorized to take and sell shellfish.
(1997-400, s. 5.1; 1998-225, s. 4.14; 2001-213, s. 2.)

G.S. 113-168.6. Commercial fishing vessel registration.

- (a) As used in this subsection, a North Carolina vessel is a vessel that has its primary situs in the State. A vessel has its primary situs in the State if:
- (1) A certificate of number has been issued for the vessel under Article 1 of Chapter 75A of the General Statutes;
 - (2) A certificate of title has been issued for the vessel under Article 4 of Chapter 75A of the General Statutes; or
 - (3) A certification of documentation has been issued for the vessel that lists a home port in the State under 46 U.S.C. § 12101, et seq., as amended.
- (b) The owner of a vessel used in a commercial fishing operation in the coastal fishing waters of the State or a North Carolina vessel used to land or sell fish in the State shall register the vessel with the Division. It is unlawful to use a vessel that is not registered with the Division in a commercial fishing operation in the coastal fishing waters of the State. It is unlawful to use a North Carolina vessel that is not registered with the Division to land or sell fish in the State. No registration is required for a vessel of any length that does not have a motor if the vessel is used only in connection with another vessel that is properly registered.
- (c) The annual fee for a commercial fishing vessel registration shall be determined by the length of the vessel and shall be in addition to the fee for other licenses issued under this Article. The length of a vessel shall be determined by measuring the distance between the ends of the vessel along the deck and through the cabin, excluding the sheer. The annual fee for a commercial fishing vessel registration is:

- (1) One dollar (\$1.00) per foot for a vessel not over 18 feet in length.
 - (2) One dollar and fifty cents (\$1.50) per foot for a vessel over 18 feet but not over 38 feet in length.
 - (3) Three dollars (\$3.00) per foot for a vessel over 38 feet but not over 50 feet in length.
 - (4) Six dollars (\$6.00) per foot for a vessel over 50 feet in length.
- (d) A vessel may be registered at any office of the Division. A commercial fishing vessel registration expires on the last day of the license year.
- (e) Within 30 days of the date on which the owner of a registered vessel transfers ownership of the vessel, the new owner of the vessel shall notify the Division of the change in ownership and apply for a replacement commercial fishing vessel registration. An application for a replacement commercial fishing vessel registration shall be accompanied by proof of the transfer of the vessel. The provisions of G.S. 113-168.1(h) apply to a replacement commercial fishing vessel registration.
- (1998-225, s.4.15; 2001-213, s. 3.)

G.S. 113-169. Menhaden license for nonresidents not eligible for a SCFL.

A person who is not a North Carolina resident, who is not eligible for a SCFL under this Article, and who only seeks to engage in a commercial fishing operation for the harvest and sale of menhaden is eligible to obtain a menhaden license for nonresidents. The fee for the menhaden license for nonresidents shall be two dollars (\$2.00) per ton, gross tonnage, customhouse measurements for the mother ship. The menhaden license for nonresidents shall be required for the mother ship to take, land, or sell menhaden in North Carolina taken by purse seine. No separate endorsement shall be required for a purse boat carrying a purse seine. The application for a menhaden license for nonresidents must state the name of the person in command of the vessel. Upon change in command of a menhaden vessel, the owner must notify the Division within 30 days. A person who works as a member of the crew of a vessel engaged in a commercial fishing operation for the harvest and sale of menhaden under the direction of a person who holds a valid menhaden license for nonresidents is not required to hold a menhaden license for nonresidents or a SCFL.

(1997-400, s. 5.1; 1998-225, s. 4.16; 2001-213, s. 2.)

G.S. 113-169.1. Permits for gear, equipment, and other specialized activities authorized.

- (a) The Commission may adopt rules to establish permits for gear, equipment, and specialized activities, including commercial fishing operations that do not involve the use of a vessel and transplanting oysters or clams.
- (b) The Commission may adopt rules to establish gear specific permits to take striped bass from the Atlantic Ocean and to limit the number and type of these permits that may be issued to a person. The Commission may establish a fee for each permit established pursuant to this subsection in an amount that compensates the Division for the administrative costs associated with the permit but that does not exceed ten dollars (\$10.00) per permit.
- (1997-400, s. 5.1; 2000-172, s. 6.1; 2001-213, s. 2; 2006-254, s. 1.)

G.S. 113-169.2. Shellfish license for North Carolina residents without a SCFL.

- (a) License or Endorsement Necessary to Take or Sell Shellfish. -- It is unlawful for an individual to take shellfish from the public or private grounds of the State by mechanical means or in quantities greater than the personal use limits set forth in subsection (i) of this section by any means without holding either a shellfish license or a shellfish endorsement of a SCFL. A North Carolina resident who seeks only to take and sell shellfish shall be eligible to obtain a shellfish license without holding a SCFL. The shellfish license authorizes the licensee to sell shellfish.
- (b) Repealed by Session Laws 1998-225, s. 4.17, effective July 1, 1999.
- (c) Fees. -- Shellfish licenses shall be issued annually upon payment of a fee of twenty-five dollars (\$25.00) upon proof that the license applicant is a North Carolina resident.
- (d) License Available for Inspection. -- It is unlawful for any individual to take shellfish in quantities greater than the personal use limits set forth in subsection (i) of this section from the public or private grounds of the State without having ready at hand for inspection a current and valid shellfish license issued to the licensee personally and bearing the licensee's correct name and address. It is unlawful for any individual taking or possessing freshly taken shellfish to refuse to exhibit the individual's license upon the request of an officer authorized to enforce the fishing laws.
- (e) Repealed by Session Laws 1998-225, s. 4.17, effective July 1, 1999.
- (f) Name or Address Change. -- In the event of a change in name or address or upon receipt of an erroneous shellfish license, the licensee shall, within 30 days, apply for a replacement shellfish license bearing the correct name and address. Upon a showing by the individual that the name or address change occurred within the past 30 days, the trial court or prosecutor shall dismiss any charges brought pursuant to this subsection.
- (g) Transfer Prohibited. -- It is unlawful for an individual issued a shellfish license to transfer or offer to transfer the license, either temporarily or permanently, to another. It is unlawful for an individual to secure or attempt to secure a shellfish license from a source not authorized by the Commission.

- (h) Exemption. -- Persons under 16 years of age are exempt from the license requirements of this section if accompanied by a parent, grandparent, or guardian who is in compliance with the requirements of this section or if in possession of a parent's, grandparent's or guardian's shellfish license.
- (i) Taking Shellfish Without a License for Personal Use. --
- (1) A person may take shellfish for personal use without obtaining a license under this section in quantities up to:
 - a. One bushel of oysters per day.
 - b. One-half bushel of scallops per day.
 - c. One hundred clams per day.
 - d. Ten conchs per day.
 - e. One hundred mussels per day.
 - (2) Two or more persons who are using a vessel to take shellfish may take shellfish for personal use without obtaining a license under this section in quantities up to:
 - a. Two bushels of oysters per day.
 - b. One bushel of scallops per day.
 - c. Two hundred clams per day.
 - d. Twenty conchs per day.
 - e. Two hundred mussels per day.

(1997-400, s.5.1; 1998-225, s. 4.17; 2001-213, s. 2; 2004-187, s. 3; 2005-455, s. 1.18)

G.S. 113-169.3. Licenses for fish dealers.

- (a) Eligibility. -- A fish dealer license shall be issued to a North Carolina resident upon receipt of a proper application at any office of the Division together with all license fees including the total number of dealer categories set forth in this section. The license shall be issued in the name of the applicant and shall include all dealer categories on the license.
- (b) Application for License. -- Applications shall not be accepted from persons ineligible to hold a license issued by the Division, including any applicant whose license is suspended or revoked on the date of the application. The applicant shall be provided with a copy of the application marked received. The copy shall serve as the fish dealer's license until the license issued by the Division is received, or the Division determines that the applicant is ineligible to hold a license. Where an applicant does not have an established location for transacting the fisheries business within the State, the license application shall be denied unless the applicant satisfies the Secretary that his residence, or some other office or address within the State, is a suitable substitute for an established location and that records kept in connection with licensing, sale, and purchase requirements will be available for inspection when necessary.
Fish dealers' licenses are issued on a fiscal year basis upon payment of a fee as set forth herein upon proof, satisfactory to the Secretary, that the license applicant is a North Carolina resident.
- (c) License Requirement. -- Any person subject to the licensing requirements of this section is a fish dealer. Any person subject to the licensing requirements of this section shall obtain a separate license for each physical location conducting activities required to be licensed under this section.
Except as otherwise provided in this section, it is unlawful for any person not licensed pursuant to this Article:
- (1) To buy fish for resale from any person involved in a commercial fishing operation that takes any species of fish from coastal fishing waters. For purposes of this subdivision, a retailer who purchases fish from a fish dealer shall not be liable if the fish dealer has not complied with the licensing requirements of this section;
 - (2) To sell fish to the public; or
 - (3) To sell to the public any species of fish under the authority of the Commission taken from coastal fishing waters.
- (d) Exceptions to License Requirements. -- The Commission may adopt rules to implement this subsection including rules to clarify the status of the listed classes of exempted persons, require submission of statistical data, and require that records be kept in order to establish compliance with this section. Any person not licensed pursuant to this section is exempt from the licensing requirements of this section if all fish handled within any particular licensing category meet one or more of the following requirements:
- (1) The fish are sold by persons whose dealings in fish are primarily educational, scientific, or official, and who have been issued a permit by the Division that authorizes the educational, scientific, or official agency to sell fish taken or processed in connection with research or demonstration projects;
 - (2) The fish are sold by individual employees of fish dealers when transacting the business of their duly licensed employer;
 - (3) The fish are shipped to a person by a dealer from without the State;
 - (4) The fish are of a kind the sale of which is regulated exclusively by the Wildlife Resources Commission; or

- (5) The fish are purchased from a licensed dealer.
- (e) Application Fee for New Fish Dealers. -- An applicant for a new fish dealer license shall pay a nonrefundable application fee of fifty dollars (\$50.00) in addition to the license category fees set forth in this section.
- (f) License Category Fees. -- Every fish dealer subject to licensing requirements shall secure an annual license at each established location for each of the following activities transacted there, upon payment of the fee set out:
- (1) Dealing in oysters: \$50.00;
 - (2) Dealing in scallops: \$50.00;
 - (3) Dealing in clams: \$50.00;
 - (4) Dealing in hard or soft crabs: \$50.00;
 - (5) Dealing in shrimp, including bait: \$50.00;
 - (6) Dealing in finfish, including bait: \$50.00;
 - (7) Operating menhaden or other fish-dehydrating or oil-extracting processing plants: \$50.00; or
 - (8) Consolidated license (all categories): \$300.00.
- (f1) Other License Categories. -- Any person subject to fish dealer licensing requirements who deals in fish not included in the categories listed in subsection (f) of this section shall secure a finfish dealer license. The Commission may adopt rules implementing and clarifying the dealer categories of this section. Bait operations shall be licensed under either the finfish or shrimp dealer license categories.
- (g) Repealed by Session Laws 1998-225, s. 4.18.
- (h) Replacement License. -- If the licensee fails to comply with the requirements of G.S. 113-168.1(h), the license is revoked.
- (i) Unlawful Purchase and Sale of Fish. -- It is unlawful for a fish dealer to purchase, possess, or sell fish taken from coastal fishing waters in violation of this Subchapter or the rules adopted by the Commission implementing this Subchapter. It is unlawful for a fish dealer to buy or accept fish unless, at the time of the transaction:
- (1) The seller or donor presents a current and valid license to sell the type of fish being offered;
 - (2) The seller or donor presents the commercial fishing vessel registration of the vessel that was used to take the fish being offered; and
 - (3) The dealer records the transaction consistent with the record-keeping requirements of G.S. 113-168.2(i).
- (j) Transfer Prohibited. -- Any fish dealer license issued under this section is nontransferable. It is unlawful to use a fish dealer license issued to another person in the sale or attempted sale of fish or for a licensee to lend or transfer a fish dealer license for the purpose of circumventing the requirements of this section.
- (1997-400, s. 5.1; 1998-225, s.4.18; 2001-213, s. 2.)

G.S. 113-169.4. Licensing of ocean fishing piers; fees.

- (a) The owner or operator of an ocean fishing pier within the coastal fishing waters who charges the public a fee to fish in any manner from the pier shall secure a current and valid pier license from the Division. An application for a pier license shall disclose the names of all parties involved in the pier operations, including the owner of the property, owner of the pier if different, and all leasehold or other corporate arrangements, and all persons with a substantial financial interest in the pier.
- (b) Within 30 days following a change of ownership of a pier, or a change as to the manager, the manager or new manager shall secure a replacement pier license as provided in G.S. 113-168.1(h).
- (c) Pier licenses are issued upon payment of fifty cents (50¢) per linear foot, to the nearest foot, that the pier extends into coastal fishing waters beyond the mean high waterline. The length of the pier shall be measured to include all extensions of the pier.
- (d) The manager who secures the pier license shall be the individual with the duty of executive-level supervision of pier operations.
- (1997-400, s. 5.1; 1998-225, s. 4.19; 2001-213, s. 2.)

G.S. 113-169.5. Land or sell license; vessels fishing beyond territorial waters.

- (a) Persons aboard vessels not having their primary situs in the State that are carrying a cargo of fish taken outside the waters of the State may land or sell their catch in the State by purchasing a land or sell license as set forth in this section with respect to the vessel in question. The Commission may by rule modify the land or sell licensing procedure in order to devise an efficient and convenient procedure for licensing out-of-state vessels to only land, or after landing to permit sale of cargo.
- (b) The fee for a land or sell license for a vessel not having its primary situs in North Carolina is two hundred dollars (\$200.00), or an amount equal to the nonresident fee charged by the nonresident's state, whichever is greater. Persons aboard vessels having a primary situs in a jurisdiction that would allow North Carolina vessels without restriction to land or sell their catch, taken outside the jurisdiction, may land or sell their catch in the

State without complying with this section if the persons are in possession of a valid license from their state of residence.
(1997-400, s. 5.1; 2001-213, s. 2.)

G.S. 113-170. Exportation and importation of fish and equipment.

The Commission may adopt rules governing the importation and exportation of fish, and equipment that may be used in taking or processing fish, as necessary to enhance the conservation of marine and estuarine resources of the State. These rules may regulate, license, prohibit, or restrict importation into the State and exportation from the State of any and all species of fish that are native to coastal fishing waters or may thrive if introduced into these waters.
(1997-400, s. 5.1; 2001-213, s. 2.)

G.S. 113-170.1. Nonresidents reciprocal agreements.

Persons who are not North Carolina residents are not eligible to obtain licenses under the provisions of this Article except as provided in this section. Residents of jurisdictions that sell commercial fishing licenses to North Carolina residents are eligible to hold North Carolina commercial fishing licenses under the provisions of G.S. 113-168.2. Licenses may be restricted in terms of area, gear, and fishery by the Commission so that the nonresidents are licensed to engage in North Carolina fisheries on the same or similar terms that North Carolina residents can be licensed to engage in the fisheries of other jurisdictions. The Secretary may enter into reciprocal agreements with other jurisdictions as necessary to allow nonresidents to obtain commercial fishing licenses in the State subject to the foregoing provisions.
(1997-400, s. 5.1; 1998-225, s. 4.20; 2001-213, s. 2.)

G.S. 113-170.2. Fraud or deception as to licenses, permits, or records.

- (a) It is unlawful for any person to give any false information or willfully to omit giving required information to the Division or any license agent when the information is material to the securing of any license or permit under this Article. It is unlawful to falsify, fraudulently alter, or counterfeit any license, permit, identification, or record to which this Article applies or otherwise practice any fraud or deception designed to evade the provisions of this Article or reasonable administrative directives made under the authority of this Article.
- (b) A violation of this section is punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).
(1997-400, s. 5.1; 2001-213, s. 2.)

G.S. 113-170.3. Record-keeping requirements.

- (a) The Commission may require all licensees under this Article to keep and to exhibit upon the request of an authorized agent of the Department records and accounts as may be necessary to the equitable and efficient administration and enforcement of this Article. In addition, licensees may be required to keep additional information of a statistical nature or relating to location of catch as may be needed to determine conservation policy. Records and accounts required to be kept must be preserved for inspection for not less than three years.
- (b) It is unlawful for any licensee to refuse or to neglect without justifiable excuse to keep records and accounts as may be reasonably required. The Department may distribute forms to licensees to aid in securing compliance with its requirements, or it may inform licensees of requirements in other effective ways such as distributing memoranda and sending agents of the Department to consult with licensees who have been remiss. Detailed forms or descriptions of records, accounts, collection and inspection procedures, and the like that reasonably implement the objectives of this Article need not be embodied in rules of the Commission in order to be validly required.
- (c) The following records collected and compiled by the Department shall not be considered public records within the meaning of Chapter 132 of the General Statutes, but shall be confidential and shall be used only for the equitable and efficient administration and enforcement of this Article or for determining conservation policy, and shall not be disclosed except when required by the order of a court of competent jurisdiction: all records, accounts, and reports that licensees are required by the Commission to make, keep, and exhibit pursuant to the provisions of this section, and all records, accounts, and memoranda compiled by the Department from records, accounts, and reports of licensees and from investigations and inspections, containing data and information concerning the business and operations of licensees reflecting their assets, liabilities, inventories, revenues, and profits; the number, capacity, capability, and type of fishing vessels owned and operated; the type and quantity of fishing gear used; the catch of fish or other seafood by species in numbers, size, weight, quality, and value; the areas in which fishing was engaged in; the location of catch; the time of fishing, number of hauls, and the disposition of the fish and other seafood. The Department may compile statistical information in any aggregate or summary form that does not directly or indirectly disclose the identity of any licensee who is a source of the information, and any compilation of statistical information by the Department shall be a public record open to inspection and examination by any person, and may be disseminated to the public by the Department.

(1997-400, s.5.1; 2001-213, s. 2.)

G.S. 113-170.4. Rules as to possession, transportation, and disposition of fisheries resources.

The Commission may adopt rules governing possession, transportation, and disposition of fisheries resources by all persons, including those not subject to fish dealer licensing requirements, in order that inspectors may adequately distinguish regulated coastal fisheries resources from those not so regulated and enforce the provisions of this Article equitably and efficiently. These rules may include requirements as to giving notice, filing declarations, securing permits, marking packages, and the like.

(1997-400, s. 5.1; 2001-213, s. 2.)

G.S. 113-170.5. Violations with respect to coastal fisheries resources.

It is unlawful to take, possess, transport, process, sell, buy, or in any way deal in coastal fisheries resources without conforming with the provisions of this Article or of rules adopted under the authority of this Article.

(1997-400, s. 5.1; 2001-213, s. 2.)

G.S. 113-171. Suspension, revocation, and reissuance of licenses.

- (a) Upon receipt of reliable notice that a person licensed under this Article has had imposed against the person a conviction of a criminal offense within the jurisdiction of the Department under the provisions of this Subchapter or of rules of the Commission adopted under the authority of this Subchapter, the Secretary must suspend or revoke all licenses held by the person in accordance with the terms of this section. Reliable notice includes information furnished the Secretary in prosecution or other reports from inspectors. As used in this section, a conviction includes a plea of guilty or nolo contendere, any other termination of a criminal prosecution unfavorably to the defendant after jeopardy has attached, or any substitute for criminal prosecution whereby the defendant expressly or impliedly confesses the defendant's guilt. In particular, procedures whereby bond forfeitures are accepted in lieu of proceeding to trial and cases indefinitely continued upon arrest of judgment or prayer for judgment continued are deemed convictions. The Secretary may act to suspend or revoke licenses upon the basis of any conviction in which:
- (1) No notice of appeal has been given;
 - (2) The time for appeal has expired without an appeal having been perfected; or
 - (3) The conviction is sustained on appeal. Where there is a new trial, finality of any subsequent conviction will be determined in the manner set out above.
- (b) The Secretary must initiate an administrative procedure designed to give the Secretary systematic notice of all convictions of criminal offenses by licensees covered by subsection (a) of this section above and keep a file of all convictions reported. Upon receipt of notice of conviction, the Secretary must determine whether it is a first, a second, a third, or a fourth or subsequent conviction of some offense covered by subsection (a). In the case of second convictions, the Secretary must suspend all licenses issued to the licensee for a period of 10 days. In the case of third convictions, the Secretary must suspend all licenses issued to the licensee for a period of 30 days. In the case of fourth or subsequent convictions, the Secretary must revoke all licenses issued to the licensee. Where several convictions result from a single transaction or occurrence, they are to be treated as a single conviction so far as suspension or revocation of the licenses of any licensee is concerned. Anyone convicted of taking or of knowingly possessing, transporting, buying, selling, or offering to buy or sell oysters or clams from areas closed because of suspected pollution will be deemed by the Secretary to have been convicted of two separate offenses on different occasions for license suspension or revocation purposes.
- (c) Where a license has been suspended or revoked, the former licensee is not eligible to apply for reissuance of license or for any additional license authorized in this Article during the suspension or revocation period. Licenses must be returned to the licensee by the Secretary or the Secretary's agents at the end of a period of suspension. Where there has been a revocation, application for reissuance of license or for an additional license may not be made until six months following the date of revocation. In such case of revocation, the eligible former licensee must satisfy the Secretary that the licensee will strive in the future to conduct the operations for which the license is sought in accord with all applicable laws and rules. Upon the application of an eligible former licensee after revocation, the Secretary, in the Secretary's discretion, may issue one license sought but not another, as deemed necessary to prevent the hazard of recurring violations of the law.
- (d) Upon receiving reliable information of a licensee's conviction of a second or subsequent criminal offense covered by subsection (a) of this section, the Secretary shall promptly cause the licensee to be personally served with written notice of suspension or revocation, as the case may be. The written notice may be served upon any responsible individual affiliated with the corporation, partnership, or association where the licensee is not an individual. The notice of suspension or revocation may be served by an inspector or other agent of the Department, must state the ground upon which it is based, and takes effect immediately upon personal service. The agent of the Secretary making service shall then or subsequently, as may be feasible under the circumstances, collect all license certificates and plates and other forms or records relating to the license as

- directed by the Secretary. It is unlawful for any licensee willfully to evade the personal service prescribed in this subsection.
- (e) A licensee served with a notice of suspension or revocation may obtain an administrative review of the suspension or revocation by filing a petition for a contested case under G.S. 150B-23 within 20 days after receiving the notice. The only issue in the hearing shall be whether the licensee was convicted of a criminal offense for which a license must be suspended or revoked. A license remains suspended or revoked pending the final decision by the Secretary.
 - (f) If the Secretary refuses to reissue the license of or issue an additional license to an applicant whose license was revoked, the applicant may contest the decision by filing a petition for a contested case under G.S. 150B-23 within 20 days after the Secretary makes the decision. The Commission shall make the final agency decision in a contested case under this subsection. An applicant whose license is denied under this subsection may not reapply for the same license for at least six months.
 - (g) The Commission may adopt rules to provide for the disclosure of the identity of any individual or individuals in responsible positions of control respecting operations of any licensee that is not an individual. For the purposes of this section, individuals in responsible positions of control are deemed to be individual licensees and subject to suspension and revocation requirements in regard to any applications for license they may make -- either as individuals or as persons in responsible positions of control in any corporation, partnership, or association. In the case of individual licensees, the individual applying for a license or licensed under this Article must be the real party in interest.
 - (h) In determining whether a conviction is a second or subsequent offense under the provisions of this section, the Secretary may not consider convictions for:
 - (1) Offenses that occurred three years prior to the effective date of this Article; or
 - (2) Offenses that occurred more than three years prior to the time of the latest offense the conviction for which is in issue as a subsequent conviction.
- (1997-400, s. 5.1; 2001-213, s. 2.)

G.S. 113-171.1. Use of spotter planes in commercial fishing operations regulated.

- (a) Spotter Plane Defined. -- A "spotter plane" is an aircraft used for aerial identification of the location of fish in coastal fishing waters so that a vessel may be directed to the fish.
 - (b) License. -- Before an aircraft is used as a spotter plane in a commercial fishing operation, the owner or operator of the aircraft must obtain a license for the aircraft from the Division. The fee for a license for a spotter plane is one hundred dollars (\$100.00). An applicant for a license for a spotter plane shall include in the application the identity, either by boat or by company, of the specific commercial fishing operations in which the spotter plane will be used during the license year. If, during the course of the license year, the aircraft is used as a spotter plane in a commercial fishing operation that is not identified in the original license application, the owner or operator of the aircraft shall amend the license application to add the identity of the additional commercial fishing operation.
 - (c) Unlawful Activity. -- It shall be unlawful to:
 - (1) Use a spotter plane directed at food fish, except in connection with a purse seine operation authorized by a rule of the Commission.
 - (2) Use or permit the use of an unlicensed spotter plane or a licensed spotter plane whose license application does not identify the specific commercial fishing operation involved.
 - (3) Participate knowingly in a commercial fishing operation that uses an unlicensed spotter plane or a licensed spotter plane whose license application does not identify the specific commercial fishing operation involved.
 - (d) Violation a Misdemeanor. -- A violation of subsection (c) of this section is a Class 1 misdemeanor.
- (1997-400, s. 5.1; 2001-213, s. 2.)

G.S. 113-172. License agents.

- (a) The Secretary shall designate license agents for the Department. At least one license agent shall be designated for each county that contains or borders on coastal fishing waters. The Secretary may designate additional license agents in any county if the Secretary determines that additional agents are needed to provide efficient service to the public. The Division and license agents designated by the Secretary under this section shall issue licenses authorized under this Article in accordance with this Article and the rules of the Commission. The Secretary may require license agents to enter into a contract that provides for their duties and compensation, post a bond, and submit to reasonable inspections and audits. If a license agent violates any provision of this Article, the rules of the Commission, or the terms of the contract, the Secretary may initiate proceedings for the forfeiture of the license agent's bond and may summarily suspend, revoke, or refuse to renew a designation as a license agent and may impound or require the return of all licenses, moneys, record books, reports, license forms and other documents, ledgers, and materials pertinent or apparently pertinent to the license agency. The

Secretary shall report evidence or misuse of State property, including license fees, by a license agent to the State Bureau of Investigation as provided by G.S. 114-15.1.

- (b) License agents shall be compensated by adding a surcharge of one dollar (\$1.00) to each license sold and retaining the surcharge. If more than one license is listed on a consolidated license form, the license agent shall be compensated as if a single license were sold. It is unlawful for a license agent to add more than the surcharge authorized by this section to the fee for each license sold.
(1997-400, s. 5.1; 1999-209, s. 3; 2001-213, s. 2.)

G.S. 113-173. Recreational Commercial Gear License.

- (a) License Required. -- Except as provided in subsection (j) of this section, it is unlawful for any person to take or attempt to take fish for recreational purposes by means of commercial fishing equipment or gear in coastal fishing waters without holding a RCGL. As used in this section, fish are taken for recreational purposes if the fish are not taken for the purpose of sale. The RCGL entitles the licensee to use authorized commercial gear to take fish for personal use subject to recreational possession limits. It is unlawful for any person licensed under this section or fishing under a RCGL to possess fish in excess of recreational possession limits.
- (b) Sale of Fish Prohibited. -- It is unlawful for the holder of a RCGL or for a person who is exempt under subsection (j) of this section to sell fish taken under the RCGL or pursuant to the exemption.
- (c) Authorized Commercial Gear. --
 - (1) The Commission shall adopt rules authorizing the use of a limited amount of commercial fishing equipment or gear for recreational fishing under a RCGL. The Commission may authorize the limited use of commercial gear on a uniform basis in all coastal fishing waters or may vary the limited use of commercial gear within specified areas of the coastal fishing waters. The Commission shall periodically evaluate and revise the authorized use of commercial gear for recreational fishing. Authorized commercial gear shall be identified by visible colored tags or other means specified by the Commission in order to distinguish between commercial gear used in a commercial operation and commercial gear used for recreational purposes.
 - (2) A person who holds a RCGL may use up to 100 yards of gill net to take fish for recreational purposes. Two persons who each hold a RCGL and who are fishing from a single vessel may use up to a combined 200 yards of gill net to take fish for recreational purposes. No more than 200 yards of gill net may be used to take fish for recreational purposes from a single vessel regardless of the number of persons aboard the vessel who hold a RCGL.
- (d) Purchase; Renewal. -- A RCGL may be purchased at designated offices of the Division and from a license agent authorized under G.S. 113-172. A RCGL may be renewed by mail.
- (e) Replacement RCGL. -- The provisions of G.S. 113-168.1(h) apply to this section.
- (f) Duration; Fees. -- The RCGL shall be valid for a one-year period from the date of purchase. The fee for a RCGL for a North Carolina resident shall be thirty-five dollars (\$35.00). The fee for a RCGL for an individual who is not a North Carolina resident shall be two hundred fifty dollars (\$250.00).
- (g) RCGL Available for Inspection. -- It is unlawful for any person to engage in recreational fishing by means of restricted commercial gear in the State without having ready at hand for inspection a valid RCGL. A holder of a RCGL shall not refuse to exhibit the RCGL upon the request of an inspector or any other law enforcement officer authorized to enforce federal or State laws, regulations, or rules relating to marine fisheries.
- (h) Assignment and Transfer Prohibited. -- A RCGL is not transferable. Except as provided in subsection (j) of this section, it is unlawful to buy, sell, lend, borrow, assign, or otherwise transfer a RCGL, or to attempt to buy, sell, lend, borrow, assign, or otherwise transfer a RCGL.
- (i) Reporting Requirements. -- The holder of a RCGL shall comply with the biological data sampling and survey programs of the Commission and the Division.
- (j) Exemptions. --
 - (1) A person who is under 16 years of age may take fish for recreational purposes by means of authorized commercial gear without holding a RCGL if the person is accompanied by a parent, grandparent, or guardian who holds a valid RCGL or if the person has in the person's possession a valid RCGL issued to the person's parent, grandparent, or guardian.
 - (2) A person may take crabs for recreational purposes by means of one or more crab pots attached to the shore along privately owned land or to a privately owned pier without holding a RCGL provided that the crab pots are attached with the permission of the owner of the land or pier.
 - (3) A person who is on a vessel may take fish for recreational purposes by means of authorized commercial gear without holding a RCGL if there is another person on the vessel who holds a valid RCGL. This exemption does not authorize the use of commercial gear in excess of that authorized for use by the person who holds the valid RCGL or, if more than one person on the vessel holds a RCGL, in excess of that authorized for use by those persons.

- (4) A person using nonmechanical means may take shellfish for personal use within the limits specified in G.S. 113-169.2(i) without holding a RCGL.
- (5) A person may take fish for recreational purposes by means of a gig without holding a RCGL. (1997-400, s.5.1; 1997-456, s. 55.7; 1998-225, s. 4.21; 1999-209, s. 9; 2000-139, s.1; 2001-213, s. 2; 2003-340, s. 1.2; 2004-187, s. 4; 2005-455, s. 1.18.)

G.S. 113-174. Definitions.

As used in this Article:

- (1) Repealed by Session Laws 2005-455, s. 1.2, effective January 1, 2007.
- (1a) "CRFL" means Coastal Recreational Fishing License.
- (2) "Division" means the Division of Marine Fisheries in the Department of Environment and Natural Resources.
- (2a) "For Hire Boat" means a charter boat, head boat, dive boat, or other boat hired to allow individuals to engage in recreational fishing.
- (3) "North Carolina resident" means an individual who is a resident within the meaning of G.S. 113-130(4).
- (4) "Recreational fishing" means any activity preparatory to, during, or subsequent to the taking of any finfish, the taking of which is subject to regulation by the Marine Fisheries Commission, by any means if the purpose of the taking is to obtain finfish that are not to be sold. "Recreational fishing" does not include the taking of finfish:
 - a. By a commercial fishing operation as defined in G.S. 113-168.
 - b. For scientific purposes pursuant to G.S. 113-261.
 - c. Under a RCGL issued pursuant to G.S. 113-173.
- (5) Repealed by Session Laws 2005-455, s. 1.2, effective January 1, 2007. (2004-187, s. 2; 2005-455, ss. 1.2, 1.19.)

G.S. 113-174.1. License required; general provisions governing licenses.

- (a) License Required to Engage in Recreational Fishing. – It is unlawful for any individual to engage in recreational fishing in:
 - (1) Coastal fishing waters that are not joint fishing waters without holding a current license issued under this Article or under Article 25A of this Chapter that authorizes the individual to engage in recreational fishing in coastal fishing waters.
 - (2) Joint fishing waters without holding a current license issued under this Article or under Article 21 or Article 25A of this Chapter that authorizes the individual to engage in recreational fishing in joint fishing waters.
- (a1) Compliance With Applicable Laws. – It is unlawful for any individual to engage in recreational fishing without complying with applicable requirements of this Article and Articles 21 and 25A of this Chapter and with applicable rules adopted by the Marine Fisheries Commission and the Wildlife Resources Commission.
- (a2) Fourth of July Free Fishing Day. – The fourth day of July of each year is declared a free fishing day to promote the sport of fishing, and no license issued under this Article or Article 25A of this Chapter is required to fish in any of the public waters of the State on that day. All other laws and rules pertaining to recreational fishing apply.
- (b) Sale of Fish Prohibited. – A license issued under this Article or Article 25A of this Chapter does not authorize an individual who takes or lands any species of fish under the authority of the Marine Fisheries Commission to sell, offer for sale, barter, or exchange the fish for anything of value. Except as provided in G.S. 113-168.4, it is unlawful for any individual who takes or lands any species of fish under the authority of the Marine Fisheries Commission by any means to sell, offer for sale, barter, or exchange these fish for anything of value.
- (c) Assignment and Transfer Prohibited. – It is unlawful to buy, sell, lend, borrow, assign, or otherwise transfer a license issued under this Article or Article 25A of this Chapter or to attempt to buy, sell, lend, borrow, assign, or otherwise transfer a license issued under this Article or Article 25A of this Chapter.
- (d),(e) Repealed by Session Laws 2005-455, s. 1.3, effective January 1, 2007.
- (f) Cancellation of Fraudulent License; Penalties. – The Wildlife Resources Commission may cancel a license issued by the Commission under this Article or Article 25A of this Chapter if the license was issued on the basis of false information supplied by the license applicant. The Division may cancel a For Hire Blanket CRFL issued under G.S. 113-174.3 or an Ocean Fishing Pier Blanket CRFL issued under G.S. 113-174.4 if the license was issued on the basis of false information supplied by the license applicant. A cancelled license is void from the date of issuance. It is a Class 1 misdemeanor for an individual to knowingly do any of the following:
 - (1) Engage in any activity regulated under this Article with an improper, false, or altered license.
 - (2) Make any false, fraudulent, or misleading statement in applying for a license issued under this Article or Article 25A of this Chapter.

- (3) Counterfeit, alter, or falsify any application or license issued under this Article or Article 25A of this Chapter.
 - (g) Reporting Requirements. – A person licensed under this Article or Article 25A of this Chapter shall comply with the biological data sampling and survey programs of the Marine Fisheries Commission and the Division.
 - (h) Replacement Licenses. – Upon receipt of a proper application together with a fee of five dollars (\$5.00), the Wildlife Resources Commission or the Division may issue a new license to replace one issued by the respective agency that has been lost or destroyed before its expiration. The application must be on a form of the Wildlife Resources Commission or the Division setting forth information in sufficient detail to allow ready identification of the lost or destroyed license and ascertainment of the applicant's continued entitlement to it.
- (2004-187, s. 2; 2005-455, ss. 1.3, 1.19.)

G.S. 113-174.2. Coastal Recreational Fishing License.

- (a) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
- (a1) Authorization to Fish in Coastal and Joint Fishing Waters. – A CRFL issued under this section authorizes the licensee to engage in recreational fishing in coastal fishing waters, including joint fishing waters. A CRFL issued under this section does not authorize the licensee to fish in inland fishing waters.
- (b) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
- (c) Types of CRFLs; Fees; Duration. – The Wildlife Resources Commission shall issue the following CRFLs:
 - (1) Annual Resident CRFL. – \$15.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is a resident of the State.
 - (1a) Annual Nonresident CRFL. – \$30.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is not a resident of the State.
 - (2) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
 - (3) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
 - (4) Ten-Day Resident CRFL. – \$5.00. This license is valid for a period of 10 consecutive days, as indicated on the license. This license shall be issued only to an individual who is a resident of the State.
 - (4a) Ten-Day Nonresident CRFL. – \$10.00. This license is valid for a period of 10 consecutive days, as indicated on the license. This license shall be issued only to an individual who is not a resident of the State.
 - (5) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
 - (6) Lifetime CRFLs. – Except as provided in sub-subdivision j. of this subdivision, CRFLs issued under this subdivision are valid for the lifetime of the licensee.
 - a. - d. Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
 - e. Infant Lifetime CRFL. – \$100.00. This license shall be issued only to an individual younger than one year of age.
 - f. Youth Lifetime CRFL. – \$150.00. This license shall be issued only to an individual who is one year of age or older but younger than 12 years of age.
 - g. Resident Adult Lifetime CRFL. – \$250.00. This license shall be issued only to an individual who is 12 years of age or older but younger than 65 years of age and who is a resident of the State.
 - h. Nonresident Adult Lifetime CRFL. – \$500.00. This license shall be issued only to an individual who is 12 years of age or older and who is not a resident of the State.
 - i. Resident Age 65 Lifetime CRFL. – \$15.00. This license shall be issued only to an individual who is 65 years of age or older and who is a resident of the State.
 - j. Resident Disabled Veteran CRFL. – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
 - k. Resident Totally Disabled CRFL. – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration.
- (d) Exemptions. – An individual is exempt from the license requirements of G.S. 113-174.1(a) if the individual either:
 - (1) Is under 16 years of age.
 - (2) Holds any of the following licenses that were purchased prior to January 1, 2006:
 - a. Infant Lifetime Sportsman License issued under G.S. 113-270.1D(b)(1).
 - b. Youth Lifetime Sportsman License issued under G.S. 113-270.1D(b)(2).
 - c. Adult Resident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(3).

- d. Nonresident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(4).
 - e. Age 70 Resident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(5).
 - f. Lifetime Resident Comprehensive Fishing License issued under G.S. 113-271(d)(3).
 - g. Lifetime Combination Hunting and Fishing License for Disabled Residents issued under G.S. 113-270.1C(b)(4).
 - h. Disabled Resident Sportsman License issued under G.S. 113-270.1D(b)(6).
- (3) Holds any of the following licenses:
- a. Lifetime Fishing License for the Legally Blind issued under G.S. 113-271(d)(7).
 - b. Adult Care Home Resident Fishing License issued under G.S. 113-271(d)(8).

(2004-187, s. 2; 2005-455, ss. 1.4, 1.19; 2006-79, s. 1.)

G.S. 113-174.3. For Hire Blanket CRFL.

- (a) License. – A person who operates a for hire boat may purchase a For Hire Blanket CRFL issued by the Division for the for hire boat. A For Hire Blanket CRFL authorizes all individuals on the for hire boat who do not hold a license issued under this Article or Article 25A of this Chapter to engage in recreational fishing in coastal fishing waters that are not joint fishing waters. A For Hire Blanket CRFL does not authorize individuals to engage in recreational fishing in joint fishing waters or inland fishing waters. A For Hire Blanket CRFL is valid for a period of one year from the date of issuance. The fee for a For Hire Blanket CRFL is:
- (1) Two hundred fifty dollars (\$250.00) for a vessel that will carry six or fewer passengers.
 - (2) Three hundred fifty dollars (\$350.00) for a vessel that will carry greater than six passengers.
- (b) Implementation. – Except as provided in this section and G.S. 113-174.2(d), each individual on board a for hire boat engaged in recreational fishing, other than crew members who do not engage in recreational fishing, must hold a license issued under this Article or Article 25A of this Chapter. An owner, operator, or crew member of a for hire boat is not responsible for the licensure of a customer fishing from the boat.

(2005-455, s. 1.5; 2006-255, s. 7; 2006-259, s. 20.5.)

G.S. 113-174.4. Ocean Fishing Pier Blanket CRFL.

Ocean Fishing Pier Blanket CRFL. – A person who owns or operates an ocean fishing pier and who charges a fee to allow a person to engage in recreational fishing from the pier may purchase an Ocean Fishing Pier Blanket CRFL issued by the Division. An Ocean Fishing Pier Blanket CRFL authorizes all individuals who do not hold a license issued under this Article or Article 25A of this Chapter to engage in recreational fishing in coastal fishing waters while on the pier. This license is valid for a period of one year from the date of issuance. The fee for an Ocean Fishing Pier Blanket CRFL is four dollars (\$4.00) per linear foot, to the nearest foot, that the pier extends into coastal fishing waters beyond the mean high waterline. The length of the pier shall be measured to include all extensions of the pier.

(2005-455, s. 1.5.)

G.S. 113-174.5. Blocks of 10 Ten-Day Coastal Recreational Fishing Licenses.

- (a) The owner of a vessel that is 23 feet or more in length and that is either documented with the United States Coast Guard or registered with the Wildlife Resources Commission pursuant to G.S. 75A-4 may purchase a block of 10 Ten-Day CRFLs issued by the Division. A vessel owner who wishes to obtain a block of 10 Ten-Day CRFLs shall provide the Division with all information required by the Division, including information identifying the vessel on which the Ten-Day CRFLs will be used. Each individual Ten-Day CRFL shall identify the vessel for which the block of 10 Ten-Day CRFLs is issued. An individual Ten-Day CRFL issued as part of a block of 10 Ten-Day CRFLs may only be used on the vessel for which it was issued. An individual Ten-Day CRFL issued as part of a block of 10 Ten-Day CRFLs may not be used on a for hire boat. A block of 10 Ten-Day CRFLs shall expire two years from the date of purchase.
- (b) The fee for a block of 10 Ten-Day CRFLs is one hundred fifty dollars (\$150.00). An individual Ten-Day CRFL issued as part of a block of 10 Ten-Day CRFLs is valid for a period of 10 consecutive days beginning on the date that the license information is recorded as provided by subsection (c) of this section.
- (c) Prior to any recreational fishing occurring under the authority of an individual Ten-Day CRFL issued as part of a block of 10 Ten-Day CRFLs, the vessel owner who purchased the block of 10 Ten-Day CRFLs shall record the date fishing activity will begin and the name, address, telephone number, and date of birth of the individual who will be fishing under the authority of the individual Ten-Day CRFL.
- (d) A vessel owner who purchases a block of 10 Ten-Day CRFLs shall comply with all data and information reporting requirements of the Division.
- (e) A vessel owner who fails to comply with any of the requirements governing the issuance, use, recording, or reporting of blocks of 10 Ten-Day CRFLs will be ineligible to purchase any additional blocks of 10 Ten-Day CRFLs for a period of two years from the date of noncompliance.

(2008-141, s. 1.)

G.S. 113-175.1. North Carolina Marine Resources Fund.

- (a) There is hereby established the North Carolina Marine Resources Fund as a nonreverting special revenue fund in the office of the State Treasurer. The purpose of the Marine Resources Fund is to enhance the marine resources of the State. The principal of the Marine Resources Fund shall consist of:
- (1) Marine resources license revenues.
 - (2) Proceeds of any gifts, grants, and contributions to the State that are specifically designated for inclusion in the Marine Resources Fund.
 - (3) Funds realized from the sale, lease, rental, or other grant of rights to real or personal property acquired or produced from funds disbursed from the Marine Resources Fund.
 - (4) Federal aid project reimbursements to the extent that funds disbursed from the Marine Resources Fund originally funded the project for which the reimbursement is made.
- (b) The State Treasurer shall hold the Marine Resources Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer shall invest the assets of the Marine Resources Fund in accordance with the provisions of G.S. 147-69.2 and G.S. 147-69.3, and all marine resources investment income shall be deposited to the credit of the Marine Resources Fund. The State Treasurer shall disburse the principal of the Marine Resources Fund and marine resources investment income only upon the written direction of both the Marine Fisheries Commission and the Wildlife Resources Commission.
- (c) The Marine Fisheries Commission and the Wildlife Resources Commission may authorize the disbursement of the principal of the Marine Resources Fund and marine resources investment income only to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The Marine Fisheries Commission and the Wildlife Resources Commission may not authorize the disbursement of the principal of the Marine Resources Fund and marine resources investment income to establish positions without specific authorization from the General Assembly. All proposals to the Marine Fisheries Commission and the Wildlife Resources Commission for the disbursement of funds from the Marine Resources Fund shall be made by and through the Fisheries Director. Expenditure of the assets of the Marine Resources Fund shall be made through the State budget accounts of the Division of Marine Fisheries in accordance with the provisions of the Executive Budget Act. The Marine Resources Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

(2004-187, s. 1; 2005-455, s. 2.3.)

G.S. 113-175.5. North Carolina Marine Resources Endowment Fund.

- (a) There is hereby established the North Carolina Marine Resources Endowment Fund as a nonreverting special revenue fund in the office of the State Treasurer. The purpose of the Endowment Fund is to provide the citizens and residents of the State with the opportunity to invest in the future of the marine resources of the State. The principal of the Endowment Fund shall consist of:
- (1) Endowment license revenues.
 - (2) Proceeds of any gifts, grants, or contributions to the State that are specifically designated for inclusion in the Endowment Fund.
 - (3) Proceeds of any gifts, grants, or contributions to the Marine Fisheries Commission or the Division of Marine Fisheries that are not specifically designated for another purpose.
 - (4) Funds realized from the sale, lease, rental, or other grant of rights to real or personal property acquired or produced from endowment investment income.
 - (5) Federal aid project reimbursements to the extent that endowment investment income originally funded the project for which the reimbursement is made.
 - (6) Transfers to the Endowment Fund.
 - (7) Any endowment investment income or marine resources license revenue that is credited to the Endowment Fund for the purpose of increasing the principal of the Endowment Fund.
- (b) The State Treasurer shall hold the Endowment Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer shall invest the assets of the Endowment Fund in accordance with the provisions of G.S. 147-69.2 and G.S. 147-69.3. The State Treasurer shall disburse the endowment investment income only upon the written direction of both the Marine Fisheries Commission and the Wildlife Resources Commission.
- (c) Subject to the limitations set out in subsection (d) of this section, the Marine Fisheries Commission and the Wildlife Resources Commission may authorize the disbursement of endowment investment income only to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The Marine Fisheries Commission and the Wildlife Resources Commission may not authorize the disbursement of endowment investment income to establish positions without specific authorization from the General Assembly. All proposals to the Marine Fisheries Commission and the Wildlife Resources Commission for the disbursement of funds from the Endowment Fund shall be made by and through the Fisheries Director.
- (d) The Endowment Fund is declared to constitute a special trust derived from a contractual relationship between the State and the members of the public whose investments contribute to the Endowment Fund. In recognition

of this special trust, all of the following limitations are placed on disbursement of funds held in the Endowment Fund:

- (1) Any restrictions specified by the donors on the uses of income derived from gifts, grants, and voluntary contributions shall be respected but shall not be binding.
 - (2) No disbursements of the endowment investment income derived from the endowment license revenues generated by the sale of Infant Lifetime CRFLs under G.S. 113-174.2(c)(6)e., Youth Lifetime CRFLs under G.S. 113-174.2(c)(6)f., Infant Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses under G.S. 113-351(c)(3)a., or Youth Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses under G.S. 113-351(c)(3)b. shall be made for any purpose until the respective licensees attain the age of 16 years. The State Treasurer shall periodically make an actuarial determination as to the amount of endowment investment income within the Endowment Fund that remains encumbered by the restriction of this subdivision and the amount that is free of the restriction. The Executive Director of the Wildlife Resources Commission shall provide the State Treasurer with the information necessary to make this determination.
 - (3) No disbursement shall be made from the principal of the Endowment Fund except as otherwise provided by law.
- (e) Expenditure of the endowment investment income shall be made through the State budget accounts of the Division of Marine Fisheries in accordance with the provisions of the Executive Budget Act. The Endowment Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.
- (2005-455, s. 2.7.)

G.S. 113-182. Regulation of fishing and fisheries.

- (a) The Marine Fisheries Commission is authorized to authorize, license, regulate, prohibit, prescribe, or restrict all forms of marine and estuarine resources in coastal fishing waters with respect to:
 - (1) Time, place, character, or dimensions of any methods or equipment that may be employed in taking fish;
 - (2) Seasons for taking fish;
 - (3) Size limits on and maximum quantities of fish that may be taken, possessed, bailed to another, transported, bought, sold, or given away.
- (b) The Marine Fisheries Commission is authorized to authorize, regulate, prohibit, prescribe, or restrict and the Department is authorized to license:
 - (1) The opening and closing of coastal fishing waters, except as to inland game fish, whether entirely or only as to the taking of particular classes of fish, use of particular equipment, or as to other activities within the jurisdiction of the Department; and
 - (2) The possession, cultivation, transportation, importation, exportation, sale, purchase, acquisition, and disposition of all marine and estuarine resources and all related equipment, implements, vessels, and conveyances as necessary to implement the work of the Department in carrying out its duties.
 - (3) The possession, transportation, importation, exportation, sale, purchase, acquisition, and disposition of all fish taken in the Atlantic Ocean out to a distance of 200 miles from the State's mean low watermark, consistent with the Magnuson Fishery Conservation and Management Act, 16 U.S.C. § 1801, et seq., as amended.

(1915, c. 84, s. 21; 1917, c. 290, s. 7; C.S., s. 1878; 1925, c. 168, s. 2; 1935, c. 35; 1945, c. 776; 1953, cc.774, 1251; 1961, c. 1189, s. 1; 1963, c. 1097, s. 1; 1965, c.957, s. 2; 1973, c. 1262, s. 28; 1995, c. 507, s. 26.5(c); 1997-400, s. 6.6.)

G.S. 113-182.1. Fishery Management Plans.

- (a) The Department shall prepare proposed Fishery Management Plans for adoption by the Marine Fisheries Commission for all commercially or recreationally significant species or fisheries that comprise State marine or estuarine resources. Proposed Fishery Management Plans shall be developed in accordance with the Priority List, Schedule, and guidance criteria established by the Marine Fisheries Commission under G.S. 143B-289.52.
- (b) The goal of the plans shall be to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries. Each plan shall be designed to reflect fishing practices so that one plan may apply to a specific fishery, while other plans may be based on gear or geographic areas. Each plan shall:
 - (1) Contain necessary information pertaining to the fishery or fisheries, including management goals and objectives, status of relevant fish stocks, stock assessments for multiyear species, fishery habitat and water quality considerations consistent with Coastal Habitat Protection Plans adopted pursuant to G.S. 143B-279.8, social and economic impact of the fishery to the State, and user conflicts.
 - (2) Recommend management actions pertaining to the fishery or fisheries.

- (3) Include conservation and management measures that will provide the greatest overall benefit to the State, particularly with respect to food production, recreational opportunities, and the protection of marine ecosystems, and that will produce a sustainable harvest.
- (4) Specify a time period, not to exceed 10 years from the date of the adoption of the plan, for ending overfishing and achieving a sustainable harvest. This subdivision shall only apply to a plan for a fishery that is overfished. This subdivision shall not apply to a plan for a fishery where the biology of the fish or environmental conditions make ending overfishing and achieving a sustainable harvest within 10 years impracticable.
- (c) To assist in the development of each Fishery Management Plan, the Chair of the Marine Fisheries Commission shall appoint a fishery management plan advisory committee. Each fishery management plan advisory committee shall be composed of commercial fishermen, recreational fishermen, and scientists, all with expertise in the fishery for which the Fishery Management Plan is being developed.
- (c1) The Department shall consult with the regional advisory committees established pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan. Before submission of a plan for review by the Joint Legislative Commission on Seafood and Aquaculture or the Environmental Review Commission, the Department shall review any comment or recommendation regarding the plan that a regional advisory committee submits to the Department within the time limits established in the Schedule for the development and adoption of Fishery Management Plans established by G.S. 143B-289.52. The Commission shall consult with the regional advisory committees regarding the development of any temporary management measure that the Commission determines to be necessary to ensure the viability of the species or fishery while the plan is being developed and regarding the development of any management measure to implement the plan. Before the Commission adopts a temporary management measure or a management measure to implement a plan, the Commission shall review any comment or recommendation regarding the management measure that a regional advisory committee submits to the Commission.
- (d) Each Fishery Management Plan shall be reviewed at least once every five years. The Marine Fisheries Commission may revise the Priority List and guidance criteria whenever it determines that a revision of the Priority List or guidance criteria will facilitate or improve the development of Fishery Management Plans or is necessary to restore, conserve, or protect the marine and estuarine resources of the State. The Marine Fisheries Commission may not revise the Schedule for the development of a Fishery Management Plan, once adopted, without the approval of the Secretary of Environment and Natural Resources.
- (e) The Secretary of Environment and Natural Resources shall monitor progress in the development and adoption of Fishery Management Plans in relation to the Schedule for development and adoption of the plans established by the Marine Fisheries Commission. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture on progress in developing and implementing the Fishery Management Plans on or before 1 September of each year. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture within 30 days of the completion or substantial revision of each proposed Fishery Management Plan. The Joint Legislative Commission on Seafood and Aquaculture shall concurrently review each proposed Fishery Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary. The Joint Legislative Commission on Seafood and Aquaculture may submit comments and recommendations on the proposed Plan to the Secretary within 30 days of the date the proposed Plan is submitted by the Secretary.
- (f) The Marine Fisheries Commission shall adopt rules to implement Fishery Management Plans in accordance with Chapter 150B of the General Statutes.
- (g) To achieve sustainable harvest under a Fishery Management Plan, the Marine Fisheries Commission may include in the Plan a recommendation that the General Assembly limit the number of fishermen authorized to participate in the fishery. The Commission may recommend that the General Assembly limit participation in a fishery only if the Commission determines that sustainable harvest cannot otherwise be achieved. In determining whether to recommend that the General Assembly limit participation in a fishery, the Commission shall consider all of the following factors:
 - (1) Current participation in and dependence on the fishery.
 - (2) Past fishing practices in the fishery.
 - (3) Economics of the fishery.
 - (4) Capability of fishing vessels used in the fishery to engage in other fisheries.
 - (5) Cultural and social factors relevant to the fishery and any affected fishing communities.
 - (6) Capacity of the fishery to support biological parameters.
 - (7) Equitable resolution of competing social and economic interests.
 - (8) Any other relevant considerations.

G.S. 113-183. Unlawful possession, transportation and sale of fish.

- (a) It is unlawful to possess, transport, offer to transport, sell, offer to sell, receive, buy, or attempt to buy any fish regulated by the Department with knowledge or reason to believe that such fish are illicit.
 - (b) Fish are illicit when taken, possessed, or dealt with unlawfully, or when there has occurred at any time with respect to such fish a substantial failure of compliance with the applicable provisions of this Subchapter or of rules made under the authority of this Subchapter.
- (1961, c. 1189, s. 2; 1965, c. 957, s. 2; 1987, c. 827, s. 98.)

G.S. 113-184. Possession and transportation of prohibited oyster equipment.

- (a) It is unlawful to carry aboard any vessel subject to licensing requirements under Article 14A under way or at anchor in coastal fishing waters during the regular closed oyster season any scoops, scrapes, dredges, or winders such as are usually or can be used for taking oysters. Provided that when such vessels are engaged in lawfully permitted oyster harvesting operations on any privately held shellfish bottom lease under G.S. 113-202 or G.S. 113-205, the vessel shall be exempt from this requirement.
 - (b) If any vessel has recently been under way or at anchor in coastal fishing waters engaged in activity similar in manner to that in which oysters are taken with scoops, scrapes, or dredges and at a time or place in which the taking of oysters is prohibited, the presence on board of the vessel of wet oysters or scoops, scrapes, dredges, lines, or deck wet, indicating the taking of oysters, constitutes prima facie evidence that the vessel was engaged in taking oysters unlawfully with scoops, scrapes, or dredges at the time or place prohibited.
 - (c) Repealed by Session Laws 1991, c. 86, s. 1.
- (1903, c.516, ss. 13-15, 28; Rev., ss. 2385, 2397; C.S., s. 1926; 1963, c. 452; 1965, c. 957, s. 2; 1991, c. 86, s. 1; 1991 (Reg. Sess., 1992), c. 788, s. 1; 1998-225, s. 3.3.)

G.S. 113-185. Fishing near ocean piers; trash or scrap fishing.

- (a) It is unlawful to fish in the ocean from vessels or with a net within 750 feet of an ocean pier licensed in accordance with G.S. 113-169.4. The prohibition shall be effective when:
 - (1) Buoys or beach markers, placed at the owner's expense in accordance with the rules adopted by the Marine Fisheries Commission, indicate clearly to fishermen in vessels and on the beach the requisite distance of 750 feet from the pier, and
 - (2) The public is allowed to fish from the pier for a reasonable fee. The prohibition shall not apply to littoral proprietors whose property is within 750 feet of a duly licensed ocean pier.
- (b) It is unlawful to engage in any fishing operations known as trash fishing or scrap fishing. "Trash fishing" or "scrap fishing" consists of taking the young of edible fish before they are of sufficient size to be of value as individual food fish:
 - (1) For commercial disposition as bait; or
 - (2) For sale to any dehydrating or nonfood processing plant; or
 - (3) For sale or commercial disposition in any manner.

The Marine Fisheries Commission may by rule authorize the disposition of the young of edible fish taken in connection with the legitimate commercial fishing operations, provided that the quantity of such fish that may be disposed of is sufficiently limited, or the taking and disposition is otherwise so regulated, as to discourage any practice of trash or scrap fishing for its own sake.

(1965, c. 957, s. 2; 1973, c. 1262, ss. 28, 86; 1985, c. 452, ss. 1-4; 1987, c. 641, s. 5; c. 827, s. 98; 1991, c. 86,s. 2; 1998-225, s. 3.4.)

G.S. 113-187. Penalties for violations of Subchapter and rules.

- (a) Any person who participates in a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in an operation in connection with which any vessel is used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.
- (b) Any owner of a vessel who knowingly permits it to be used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.
- (c) Any person in charge of a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in charge of any vessel used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.
- (d) Any person in charge of a commercial fishing operation conducted in violation of the following provisions of this Subchapter or the following rules of the Marine Fisheries Commission; and any person in charge of any vessel used in violation of the following provisions of the Subchapter or the following rules, shall be guilty of a Class A1 misdemeanor. The violations of the statute or the rules for which the penalty is mandatory are:
 - (1) Taking or attempting to take, possess, sell, or offer for sale any oysters, mussels, or clams taken from areas closed by statute, rule, or proclamation because of suspected pollution.

- (2) Taking or attempting to take or have in possession aboard a vessel, shrimp taken by the use of a trawl net, in areas not opened to shrimping, pulled by a vessel not showing lights required by G.S. 75A-6 after sunset and before sunrise.
- (3) Using a trawl net in any coastal fishing waters closed by proclamation or rule to trawl nets.
- (4) Violating the provisions of a special permit or gear license issued by the Department.
- (5) Using or attempting to use any trawl net, long haul seine, swipe net, mechanical methods for oyster or clam harvest or dredge in designated primary nursery areas.

(1965, c. 957, s. 2; 1973, c. 1102; c. 1262, ss. 28, 86; 1977, c. 771, s. 4; 1979, c. 388, s. 5; 1987, c. 641, s. 6; c. 827, s. 98; 1989, c. 275, s. 2; 1993, c. 539, s. 839; 1994, Ex. Sess., c. 24, s. 14(c); 1997-400, s. 4.1.)

G.S. 113-189. Protection of sea turtles and porpoises.

- (a) It is unlawful to willfully take, disturb or destroy any sea turtles including green, hawksbill, loggerhead, Kemp's ridley and leatherback turtles, or their nests or eggs.
- (b) It shall be unlawful willfully to harm or destroy porpoises.

(1967, cc. 198, 1225; 1981, c. 873; 1991, c. 86, s. 3.)

G.S. 113-191. Unlawful sale or purchase of fish; criminal and civil penalties.

- (a) Any person who sells fish in violation of G.S. 113-168.4 or a rule of the Marine Fisheries Commission to implement that section is guilty of a Class A1 misdemeanor.
- (b) Any person who purchases fish in violation of G.S. 113-169.3 or a rule of the Marine Fisheries Commission to implement that section is guilty of a Class A1 misdemeanor.
- (c) A civil penalty of not more than ten thousand dollars (\$10,000) may be assessed by the Secretary against any person who sells fish in violation of G.S. 113-168.4 or purchases fish in violation of G.S. 113-169.3.
- (d) In determining the amount of the penalty, the Secretary shall consider the factors set out in G.S. 143B-289.53(b). The procedures set out in G.S. 143B-289.53 shall apply to civil penalty assessments that are presented to the Commission for final agency decision.
- (e) The Secretary shall notify any person assessed a civil penalty of the assessment and the specific reasons therefor by registered or certified mail or by any means authorized by G.S. 1A-1, Rule 4. Contested case petitions shall be filed pursuant to G.S. 150B-23 within 30 days of receipt of the notice of assessment.
- (f) Requests for remission of civil penalties shall be filed with the Secretary. Remission requests shall not be considered unless filed within 30 days of receipt of the notice of assessment. Remission requests must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on which the assessment was based. Consistent with the limitations in G.S. 143B-289.53(c), remission requests may be resolved by the Secretary and the violator. If the Secretary and the violator are unable to resolve the request, the Secretary shall deliver remission requests and his recommended action to the Committee on Civil Penalty Remissions of the Marine Fisheries Commission appointed pursuant to G.S. 143B-289.53(c).
- (g) If any civil penalty has not been paid within 30 days after notice of assessment has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment, unless the violator contests the assessment as provided in subsection (e) of this section, or requests remission of the assessment in whole or in part as provided in subsection (f) of this section. If any civil penalty has not been paid within 30 days after the final agency decision or court order has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment. Civil actions must be filed within three years of the date the final agency decision or court order was served on the violator.

(1997-400, ss. 4.2, 4.5; 1998-225, ss. 3.5, 3.6.)

G.S. 113-201. Legislative findings and declaration of policy; authority of Marine Fisheries Commission.

- (a) The General Assembly finds that shellfish cultivation provides increased seafood production and long-term economic and employment opportunities. The General Assembly also finds that shellfish cultivation provides increased ecological benefits to the estuarine environment by promoting natural water filtration and increased fishery habitats. The General Assembly declares that it is the policy of the State to encourage the development of private, commercial shellfish cultivation in ways that are compatible with other public uses of marine and estuarine resources such as navigation, fishing, and recreation.
- (b) The Marine Fisheries Commission is empowered to make rules and take all steps necessary to develop and improve the cultivation, harvesting, and marketing of shellfish in North Carolina both from public grounds and private beds.

- (c) The Marine Fisheries Commission shall adopt rules to establish training requirements for persons applying for new shellfish cultivation leases. These training requirements shall be designed to encourage the productive use of shellfish cultivation leases. Training requirements established pursuant to this subsection shall not apply to an applicant who applies for a new shellfish cultivation lease if, at the time of the application, the applicant holds one or more shellfish cultivation leases and all of the leases meet the shellfish production requirements established by the Marine Fisheries Commission.

(1921, c. 132, s. 1; C.S., s. 1959(a); 1965, c. 957, s. 2; 1973, c. 1262, s. 28; 1983, c. 621, s. 2; 1987, c. 827, s. 98; 2004-150, s. 1.)

G.S. 113-201.1. Definitions.

As used in this Article:

- (1) "Natural shellfish bed" means an area of public bottom where oysters, clams, scallops, mussels or other shellfish are found to be growing in sufficient quantities to be valuable to the public.
- (2) "Riparian owner" means the holder(s) of the fee title to land that is bordered by waters of an arm of the sea or any other navigable body of water.
- (3) "Shellfish" means oysters, clams, scallops, mussels or any other species of mollusks that the Marine Fisheries Commission determines suitable for cultivation, harvesting, and marketing from public grounds and private beds.
- (4) "Single family unit" means the husband and wife and any unemancipated children in the household.
- (5) "Water column" means the vertical extent of water, including the surface thereof, above a designated area of submerged bottom land.

(1983, c. 621, s. 3; 1987, c. 641, s. 15.)

G.S. 113-202. New and renewal leases for shellfish cultivation; termination of leases issued prior to January 1, 1966.

- (a) To increase the use of suitable areas underlying coastal fishing waters for the production of shellfish, the Secretary may grant shellfish cultivation leases to persons who reside in North Carolina under the terms of this section when the Secretary determines, in accordance with his duty to conserve the marine and estuarine resources of the State, that the public interest will benefit from issuance of the lease. Suitable areas for the production of shellfish shall meet the following minimum standards:
 - (1) The area leased must be suitable for the cultivation and harvesting of shellfish in commercial quantities.
 - (2) The area leased must not contain a natural shellfish bed.
 - (3) Cultivation of shellfish in the leased area will be compatible with lawful utilization by the public of other marine and estuarine resources. Other public uses which may be considered include, but are not limited to, navigation, fishing and recreation.
 - (4) Cultivation of shellfish in the leased area will not impinge upon the rights of riparian owners.
 - (5) The area leased must not include an area designated for inclusion in the Department's Shellfish Management Program.
 - (6) The area leased must not include an area which the State Health Director has recommended be closed to shellfish harvest by reason of pollution.
- (b) The Secretary may delete any part of an area proposed for lease or may condition a lease to protect the public interest with respect to the factors enumerated in subsection (a) of this section. The Secretary may not grant a new lease in an area heavily used for recreational purposes.
- (c) No person, including a corporate entity, or single family unit may acquire and hold by lease, lease renewal, or purchase more than 50 acres of public bottoms under shellfish cultivation leases.
- (d) Any person desiring to apply for a lease must make written application to the Secretary on forms prepared by the Department containing such information as deemed necessary to determine the desirability of granting or not granting the lease requested. Except in the case of renewal leases, the application must be accompanied by a map or diagram made at the expense of the applicant, showing the area proposed to be leased.
- (d1) The map or diagram must conform to standards prescribed by the Secretary concerning accuracy of map or diagram and the amount of detail that must be shown. If on the basis of the application information and map or diagram the Secretary deems that granting the lease would benefit the shellfish culture of North Carolina, the Secretary, in the case of initial lease applications, must order an investigation of the bottom proposed to be leased. The investigation is to be made by the Secretary or his authorized agent to determine whether the area proposed to be leased is consistent with the standards in subsection (a) of this section and any other applicable standards under this Article and the rules of the Marine Fisheries Commission. In the event the Secretary finds the application inconsistent with the applicable standards, the Secretary shall deny the application or propose that a conditional lease be issued that is consistent with the applicable standards. In the event the Secretary authorizes amendment of the application, the applicant must furnish a new map or diagram meeting requisite

standards showing the area proposed to be leased under the amended application. At the time of making application for an initial lease, the applicant must pay a filing fee of two hundred dollars (\$200.00).

- (e) The area of bottom applied for in the case of an initial lease or amended initial lease must be as compact as possible, taking into consideration the shape of the body of water, the consistency of the bottom, and the desirability of separating the boundaries of a leasehold by a sufficient distance from any known natural shellfish bed to prevent the likelihood of disputes arising between the leaseholder and members of the public taking shellfish from the natural bed.
- (f) Within a reasonable time after receipt of an application that complies with subsection (d), the Secretary shall notify the applicant of the intended action on the lease application. If the intended action is approval of the application as submitted or approval with a modification to which the applicant agrees, the Secretary shall conduct a public hearing in the county where the proposed leasehold lies. The Secretary must publish at least two notices of the intention to lease in a newspaper of general circulation in the county in which the proposed leasehold lies. The first publication must precede the public hearing by more than 20 days; the second publication must follow the first by seven to 11 days. The notice of intention to lease must contain a sufficient description of the area of the proposed leasehold that its boundaries may be established with reasonable ease and certainty and must also contain the date, hour and place of the hearing.
- (g) After consideration of the public comment received and any additional investigations the Secretary orders to evaluate the comments, the Secretary shall notify the applicant in person or by certified or registered mail of the decision on the lease application. The Secretary shall also notify persons who submitted comments at the public hearing and requested notice of the lease decision. An applicant who is dissatisfied with the Secretary's decision or another person aggrieved by the decision may commence a contested case by filing a petition under G.S. 150B-23 within 20 days after receiving notice of the Secretary's decision. In the event the Secretary's decision is a modification to which the applicant agrees, the lease applicant must furnish an amended map or diagram before the lease can be issued by the Secretary. The Secretary shall make the final agency decision in a contested case.
- (h) Repealed by Session Laws 1993, c. 466, s. 1.
- (i) After a lease application is approved by the Secretary, the applicant shall submit to the Secretary a survey of the area approved for leasing and define the bounds of the area approved for leasing with markers in accordance with the rules of the Commission. The survey shall conform to standards prescribed by the Secretary concerning accuracy of survey and the amount of detail to be shown. When an acceptable survey is submitted, the boundaries are marked and all fees and rents due in advance are paid, the Secretary shall execute the lease on forms approved by the Attorney General. The Secretary is authorized, with the approval of the lessee, to amend an existing lease by reducing the area under lease or by combining contiguous leases without increasing the total area leased.
- (j) Initial leases begin upon the issuance of the lease by the Secretary and expire at noon on the first day of July following the tenth anniversary of the granting of the lease. Renewal leases are issued for a period of 10 years from the time of expiration of the previous lease. At the time of making application for renewal of a lease, the applicant must pay a filing fee of one hundred dollars (\$100.00). The rental for initial leases is one dollar (\$1.00) per acre for all leases entered into before July 1, 1965, and for all other leases until noon on the first day of July following the first anniversary of the lease. Thereafter, for initial leases entered into after July 1, 1965, and from the beginning for renewals of leases entered into after that date, the rental is ten dollars (\$10.00) per acre per year. Rental must be paid annually in advance prior to the first day of April each year. Upon initial granting of a lease, the pro rata amount for the portion of the year left until the first day of July must be paid in advance at the rate of one dollar (\$1.00) per acre per year; then, on or before the first day of April next, the lessee must pay the rental for the next full year.
- (k) Except as restricted by this Subchapter, leaseholds granted under this section are to be treated as if they were real property and are subject to all laws relating to taxation, sale, devise, inheritance, gift, seizure and sale under execution or other legal process, and the like. Leases properly acknowledged and probated are eligible for recordation in the same manner as instruments conveying an estate in real property. Within 30 days after transfer of beneficial ownership of all or any portion of or interest in a leasehold to another, the new owner must notify the Secretary of such fact. Such transfer is not valid until notice is furnished the Secretary. In the event such transferee is a nonresident, the Secretary must initiate proceedings to terminate the lease.
- (l) Upon receipt of notice by the Secretary of any of the following occurrences, he must commence action to terminate the leasehold:
 - (1) Failure to pay the annual rent in advance.
 - (2) Failure to file information required by the Secretary upon annual remittance of rental or filing false information on the form required to accompany the annual remittance of rental.
 - (3) Failure by new owner to report a transfer of beneficial ownership of all or any portion of or interest in the leasehold.

- (4) Failure to mark the boundaries in the leasehold and to keep them marked as required in the rules of the Marine Fisheries Commission.
 - (5) Failure to utilize the leasehold on a continuing basis for the commercial production of shellfish.
 - (6) Transfer of all or part of the beneficial ownership of a leasehold to a nonresident.
 - (7) Substantial breach of compliance with the provisions of this Article or of rules of the Marine Fisheries Commission governing use of the leasehold.
 - (8) Failure to comply with the training requirements established by the Marine Fisheries Commission pursuant to G.S. 113-201(c).
- (11) The Marine Fisheries Commission is authorized to make rules defining commercial production of shellfish, based upon the productive potential of particular areas climatic or biological conditions at particular areas or particular times, availability of seed shellfish, availability for purchase by lessees of shells or other material to which oyster spat may attach, and the like. Commercial production may be defined in terms of planting effort made as well as in terms of quantities of shellfish harvested. Provided, however, that if a lessee has made a diligent effort to effectively and efficiently manage his lease according to accepted standards and practices in such management, and because of reasons beyond his control, such as acts of God, such lessee has not and cannot meet the requirements set out by the Marine Fisheries Commission under the provisions of this subsection, his leasehold shall not be terminated under subdivision (5) of subsection (l) of this subsection.
- (m) In the event the leaseholder takes steps within 30 days to remedy the situation upon which the notice of intention to terminate was based and the Secretary is satisfied that continuation of the lease is in the best interests of the shellfish culture of the State, the Secretary may discontinue termination procedures. Where there is no discontinuance of termination procedures, the leaseholder may initiate a contested case by filing a petition under G.S. 150B-23 within 30 days of receipt of notice of intention to terminate. The Secretary shall make the final agency decision of all lease terminations. Where the leaseholder does not initiate a contested case, or the Secretary's final decision upholds termination, the Secretary must send a final letter of termination to the leaseholder. The final letter of termination may not be mailed sooner than 30 days after receipt by the leaseholder of the Secretary's notice of intention to terminate, or of the Secretary's final agency decision, as appropriate. The lease is terminated effective at midnight on the day the final notice of termination is served on the leaseholder. The final notice of termination may not be issued pending hearing of a contested case initiated by the leaseholder. Service of any notice required in this subsection may be accomplished by certified mail, return receipt requested; personal service by any law-enforcement officer; or upon the failure of these two methods, publication. Service by publication shall be accomplished by publishing such notices in a newspaper of general circulation within the county where the lease is located for at least once a week for three successive weeks. The format for notice by publication shall be approved by the Attorney General.
- (n) Upon final termination of any leasehold, the bottom in question is thrown open to the public for use in accordance with laws and rules governing use of public grounds generally. Within 30 days of final termination of the leasehold, the former leaseholder shall remove all abandoned markers denominating the area of the leasehold as a private bottom. The State may, after 10 days' notice to the owner of the abandoned markers thereof, remove the abandoned structure and have the area cleaned up. The cost of such removal and cleanup shall be payable by the owner of the abandoned markers and the State may bring suit to recover the costs thereof.
- (o) Every year between January 1 and February 15 the Secretary must mail to all leaseholders a notice of the annual rental due and include forms designed by him for determining the amount of shellfish or shells planted on the leasehold during the preceding calendar year, and the amount of harvest gathered. Such forms may contain other pertinent questions relating to the utilization of the leasehold in the best interests of the shellfish culture of the State, and must be executed and returned by the leaseholder with the payment of his rental. Any leaseholder or his agent executing such forms for him who knowingly makes a false statement on such forms is guilty of a Class 1 misdemeanor.
- (p) All leases and renewal leases granted after the effective date of this Article are made subject to this Article and to reasonable amendment of governing statutes, rules of the Marine Fisheries Commission, and requirements imposed by the Secretary or his agents in regulating the use of the leasehold or in processing applications of rentals. This includes such statutory increase in rentals as may be necessitated by changing conditions and refusal to renew lease after expiration, in the discretion of the Secretary. No increase in rentals, however, may be given retroactive effect.

The General Assembly declares it to be contrary to public policy to the oyster and clam bottoms which were leased prior to January 1, 1966, and which are not being used to produce oysters and clams in commercial quantities to continue to be held by private individuals, thus depriving the public of a resource which belongs to all the people of the State. Therefore, when the Secretary determines, after due notice to the lessee, and after opportunity for the lessee to be heard, that oysters or clams are not being produced in commercial quantities, due to the lessee's failure to make diligent effort to produce oysters and clams in commercial quantities, the Secretary may decline to renew, at the end of the current term, any oyster or clam bottom lease which was

executed prior to January 1, 1966. The lessee may appeal the denial of the Secretary to renew the lease by initiating a contested case pursuant to G.S. 150B-23. In such contested cases, the burden of proof, by the greater weight of the evidence, shall be on the lessee.

- (q) Repealed by Session Laws 1983, c. 621, s. 16.
(1893, c. 287, s. 1; Rev., s. 2371; 1909, c. 871, ss. 1-9; 1919, c. 333, s.6; C.S., ss. 1902-1911; Ex. Sess. 1921, c. 46, s. 1; 1933, c. 346; 1953, cc. 842, 1139; 1963, c. 1260, ss. 1-3; 1965, c. 957, s. 2; 1967, c. 24, s. 16; c. 88; c. 876, s. 1; 1971, c. 447; 1973, c. 476, s. 128; c. 1262, ss. 28, 86; 1983, c. 601, ss. 1-3, c. 621, ss. 4-16; 1985, c. 275, ss. 1-3; 1987, c. 641, s. 16, c. 773, s. 11, c. 827, s. 98; 1989, c. 423, s. 2, c. 727, s. 99; 1991 (Reg. Sess., 1992), c. 788, s. 2; 1993, c. 466, s. 1, c. 539, s. 840; 1994, Ex. Sess., c. 24, s. 14(c); 2004-150, ss. 2, 3, 4.)

G.S. 113-202.1. Water column leases for aquaculture.

- (a) To increase the productivity of leases for shellfish culture issued under G.S. 113-202, the Secretary may amend shellfish cultivation leases to authorize use of the water column superjacent to the leased bottom under the terms of this section when he determines the public interest will benefit from amendment of the leases. Leases with water column amendments must produce shellfish in commercial quantities at four times the minimum production rate of leases issued under G.S. 113-202, or any higher quantity required by the Marine Fisheries Commission through duly adopted rules.
- (b) Suitable areas for the authorization of water column use shall meet the following minimum standards:
- (1) Aquaculture use of the leased area must not significantly impair navigation;
 - (2) The leased area must not be within a navigation channel marked or maintained by a state or federal agency;
 - (3) The leased area must not be within an area traditionally used and available for fishing or hunting activities incompatible with the activities proposed by the leaseholder, such as trawling or seining;
 - (4) Aquaculture use of the leased area must not significantly interfere with the exercise of riparian rights by adjacent property owners including access to navigation channels from piers or other means of access; and
 - (5) Any additional standards, established by the Commission in duly adopted rules, to protect the public interest in coastal fishing waters.
- (c) The Secretary shall not amend shellfish cultivation leases to authorize use of the water column unless:
- (1) The leaseholder submits an application, accompanied by a nonrefundable application fee of one hundred dollars (\$100.00), which conforms to the standards for lease applications in G.S. 113-202(d) and the duly adopted rules of the Commission;
 - (2) The proposed amendment has been noticed consistent with G.S. 113-202(f);
 - (3) Public hearings have been conducted consistent with G.S. 113-202(g);
 - (4) The aspects of the proposals which require use and dedication of the water column have been documented and are recognized by the Secretary as commercially feasible forms of aquaculture which will enhance shellfish production on the leased area;
 - (5) It is not feasible to undertake the aquaculture activity outside of coastal fishing waters; and
 - (6) The authorized water column use has the least disruptive effect on other public trust uses of the waters of any available technology to produce the shellfish identified in the proposal.
- (d) Amendments of shellfish cultivation leases to authorize use of the water column are issued for a period of five years or the remainder of the term of the lease, whichever is shorter. The annual rental for a new or renewal water column amendment is one hundred dollars (\$100.00) an acre. If a water column amendment is issued for less than a 12-month period, the rental shall be prorated based on the number of months remaining in the year. The annual rental for an amendment is payable at the beginning of the year. The rental is in addition to that required in G.S. 113-202.
- (e) Amendments of shellfish cultivation leases to authorize use of the water column are subject to termination in accordance with the procedures established in G.S. 113-202 for the termination of shellfish cultivation leases. Additionally, such amendments may be terminated for unauthorized or unlawful interference with the exercise of public trust rights by the leaseholder, agents and employees of the leaseholder.
- (f) Amendments of shellfish cultivation leases to authorize use of the water column are not transferable except when the Secretary approves the transfer after public notice and hearing consistent with subsection (c) of this section.
- (g) After public notice and hearing consistent with subsection (c) of this section, the Secretary may renew an amendment, in whole or in part, when the leaseholder has produced commercial quantities of shellfish and has otherwise complied with the rules of the Commission. Renewals may be denied or reduced in scope when the public interest so requires. Appeal of renewal decisions shall be conducted in accordance with G.S. 113-202(p). Renewals are subject to the lease terms and rates established in subsection (d) of this section.

- (h) The procedures and requirements of G.S. 113-202 shall apply to proposed amendments or amendments of shellfish cultivation leases considered under this section except more specific provisions of this section control conflicts between the two sections.
 - (i) To the extent required by demonstration or research aquaculture development projects, the Secretary may amend existing leases and issue leases that authorize use of the bottom and the water column. Demonstration or research aquaculture development projects may be authorized for two years with no more than one renewal and when the project is proposed or formally sponsored by an educational institution which conducts research or demonstration of aquaculture. Production of shellfish with a sales value in excess of one thousand dollars (\$1,000) per acre per year shall constitute commercial production. Demonstration or research aquaculture development projects shall be exempt for the rental rate in subsection (d) of this section unless commercial production occurs as a result of the project.
- (1989,c. 423, s. 1; 1989 (Reg. Sess., 1990), c. 1004, s. 4, c. 1024, s. 22; 1993, c. 322, s. 1, c. 466, s. 2; 2004-150, s. 5.)

G.S. 113-202.2. Water column leases for aquaculture for perpetual franchises.

- (a) To increase the productivity of shellfish grants and perpetual franchises for shellfish culture recognized under G.S. 113-206, the Secretary may lease the water column superjacent to such grants or perpetual franchises (hereinafter "perpetual franchises") under the terms of this section when it determines the public interest will benefit from the lease. Perpetual franchises with water column leases must produce shellfish in commercial quantities at four times the minimum production rate of leases issued under G.S. 113-202, or any higher quantity required by the Marine Fisheries Commission by rule.
- (b) Suitable areas for the authorization of water column use shall meet the following minimum standards:
 - (1) Aquaculture use of the leased water column area must not significantly impair navigation;
 - (2) The leased water column area must not be within a navigation channel marked or maintained by a State or federal agency;
 - (3) The leased water column area must not be within an area traditionally used and available for fishing or hunting activities incompatible with the activities proposed by the perpetual franchise holder, such as trawling or seining;
 - (4) Aquaculture use of the leased water column area must not significantly interfere with the exercise of riparian rights by adjacent property owners including access to navigation channels from piers or other means of access;
 - (5) The leased water column area may not exceed 10 acres for grants or perpetual franchises recognized pursuant to G.S. 113-206;
 - (6) The leased water column area must not extend more than one-third of the distance across any body of water or into the channel third of any body of water for grants or perpetual franchises recognized pursuant to G.S. 113-206; and
 - (7) Any additional rules to protect the public interest in coastal fishing waters adopted by the Commission.
- (c) The Secretary shall not lease the water column superjacent to oyster or other shellfish grants or perpetual franchises unless:
 - (1) The perpetual franchise holder submits an application, accompanied by a nonrefundable application fee of one hundred dollars (\$100.00), which conforms to the standards for lease applications in G.S. 113-202(d) and rules adopted by the Commission;
 - (2) Notice of the proposed lease has been given consistent with G.S. 113-202(f);
 - (3) Public hearings have been conducted consistent with G.S. 113-202(g);
 - (4) The aspects of the proposals which require use and dedication of the water column have been documented and are recognized by the Secretary as commercially feasible forms of aquaculture which will enhance shellfish production;
 - (5) It is not feasible to undertake the aquaculture activity outside of coastal fishing waters; and
 - (6) The authorized water column use has the least disruptive effect on other public trust uses of the waters of any available technology to produce the shellfish identified in the proposal.
- (d) Water column leases to perpetual franchises shall be issued for a period of five years and may be renewed pursuant to subsection (g) of this section. The rental for an initial water column lease issued under this section is the same as the rental set in G.S. 113-202.1 for an initial water column amendment issued under that section, and the rental for a renewed water column lease issued under this section is the same as the rental set in G.S. 113-202.1 for a renewed water column amendment issued under that section.
- (e) Water column leases to perpetual franchises may be terminated for unauthorized or unlawful interference with the exercise of public trust rights by the leaseholder or his agents or employees.
- (f) Water column leases to perpetual franchises are not transferable except when the Secretary approves the transfer after public notice and hearing consistent with G.S. 113-202(f) and (g).

- (g) After public notice and hearing consistent with G.S. 113-202(f) and (g), the Secretary may renew a water column lease, in whole or in part, if the leaseholder has produced commercial quantities of shellfish and has otherwise complied with this section and the rules of the Commission. Renewals may be denied or reduced in scope when the public interest so requires. Appeal of renewal decisions shall be conducted in accordance with G.S. 113-202(p). Renewals are subject to the lease terms and rates set out in subsection (d) of this section.
- (h) The procedures and requirements of G.S. 113-202 shall apply to proposed water column leases or water column leases to perpetual franchises considered under this section except that more specific provisions of this section control conflicts between the two sections.
- (i) Demonstration or research aquaculture development projects may be authorized for two years with no more than one renewal and when the project is proposed or formally sponsored by an educational institution which conducts aquaculture research or demonstration projects. Production of shellfish with a sales value in excess of one thousand dollars (\$1,000) per acre per year shall constitute commercial production. Demonstration or research aquaculture development projects shall be exempt from the rental rate in subsection (d) of this section unless commercial production occurs as a result of the project.

(1989 (Reg. Sess., 1990), c. 958, s. 1; 1993, c. 322, s. 2, c. 466, s. 3.)

G.S. 113-203. Transplanting of oysters and clams.

- (a) It is unlawful to transplant oysters taken from public grounds to private beds except:
 - (1) When lawfully taken during open season and transported directly to a private bed in accordance with rules of the Marine Fisheries Commission;
 - (2) When the transplanting is done by a dealer in accordance with the provisions of G.S. 113-169.1(2) and implementing rules; or
 - (3) When the transplanting is done in accordance with the provisions of this section and implementing rules.
- (b) It is lawful to transplant to private beds oysters or clams taken from polluted waters with a permit from the Secretary setting out the waters from which the oysters or clams may be taken, the quantities which may be taken, the times during which the taking is permissible, and other reasonable restrictions imposed by the Secretary to aid him in his duty of regulating such transplanting operations. Any transplanting operation which does not substantially comply with the restrictions of the permit issued is unlawful.
- (c) It is lawful to transplant to private beds oysters taken from public beds managed by the State for the production of seed oysters in accordance with the implementing rules of the Marine Fisheries Commission. Persons taking such seed oysters may, in the discretion of the Marine Fisheries Commission, be required to pay to the Department for oysters taken an amount to reimburse the Department in full or in part for the costs of seed-oyster management operations.
- (d) It is lawful to transplant to private beds in North Carolina oysters taken from public beds designated by the Marine Fisheries Commission as natural seed oyster areas. Such areas shall be designated as natural seed oyster areas in the following manner:
 - (1) A petition shall be filed with the Secretary by the board of county commissioners of the county in which such area is located requesting the designation of and describing the area proposed as a natural seed oyster area. Upon the receipt of the petition, the Secretary shall, within six weeks of the receipt by him of such petition, cause an investigation of the area proposed to be designated as a natural seed oyster area. Such investigation shall be made by qualified biologists of the Department. The Secretary shall then make a recommendation to the Marine Fisheries Commission as to whether the area described in the petition should be designated as a natural seed oyster area and such area shall be so designated by the Marine Fisheries Commission only after the Secretary so recommends as being in the best interests of the State.
 - (2) The Secretary shall issue permits to all qualified individuals who are residents of North Carolina without regard to county of residence to transplant seed oysters from said designated natural seed oyster areas, setting out the quantity which may be taken, the times which the taking is permissible and other reasonable restrictions imposed to aid him in his duty of regulating such transplanting operations. Any transplanting operation which does not substantially comply with the restrictions of the permit issued is unlawful.
- (e) The Marine Fisheries Commission may implement the provisions of this section by rules governing sale, possession, transportation, storage, handling, planting, and harvesting of oysters and clams and setting out any system of marking oysters and clams or of permits or receipts relating to them generally, from both public and private beds, as necessary to regulate the lawful transplanting of seed oysters and oysters or clams taken from or placed on public or private beds.

(1921, c. 132, s. 2; C.S., s. 1959(b); 1961, c. 1189, s. 1; 1965, c. 957, s. 2; 1967, c. 878; 1973, c. 1262, s. 28; 1977, c. 771, s. 4; 1987, c. 641, s. 6; c. 827, s. 98; 1989, c. 727, s. 100; 1997-400, s. 5.7.)

G.S. 113-207. Taking shellfish from certain areas forbidden; penalty.

- (a) To the extent that funds are available, the Department shall post oyster rocks or appropriate landing sites to forbid the taking of clams upon such rocks by use of rakes or tongs or any other device which will disturb or damage the oysters thereon. As used in this section, "oyster rocks" mean those rocks in the coastal fishing waters upon which oysters grow.
- (b) It is unlawful for any person to take clams on oyster rocks posted by the Department by use of rakes, tongs, or any other device which will disturb or damage the oysters growing thereon. This section will not apply to the taking of clams by signing.
- (c) It is unlawful for any person to take shellfish within 150 feet of any part of a publicly owned pier beneath which the Division of Marine Fisheries has deposited clutch material.
- (d) A person who violates this section is guilty of a Class 3 misdemeanor.
(1977, c. 515, s. 1; c. 771, s. 4; 1989, c. 727, s. 103; 1993, c. 539, s. 841; 1994, Ex. Sess., c. 24, s. 14(c); 1999-143, s. 1.)

G.S. 113-208. Protection of private shellfish rights.

- (a) It is unlawful for any person, other than the holder of private shellfish rights, to take or attempt to take shellfish from any privately leased, franchised, or deeded shellfish bottom area without written authorization of the holder and with actual knowledge it is a private shellfish bottom area. Actual knowledge will be presumed when the shellfish are taken or attempted to be taken:
 - (1) From within the confines of posted boundaries of the area as identified by signs, whether the whole or any part of the area is posted, or
 - (2) When the area has been regularly posted and identified and the person knew the area to be the subject of private shellfish rights. A violation of this section shall constitute a Class A1 misdemeanor, which may include a fine of not more than five thousand dollars (\$5,000). The written authorization shall include the lease number or deed reference, name and address of authorized person, date of issuance, and date of expiration, and it must be signed by the holder of the private shellfish right. Identification signs shall include the lease number or deed reference and the name of the holder.
- (b) The prosecutor shall dismiss any case brought for a violation of this section if the defendant produces a notarized written authorization in conformance with subsection (a) which states that the defendant had permission to take oysters or clams from the leased area at the time of the alleged violation; except the prosecutor may refuse to dismiss the case if he has reason to believe that the written authorization is fraudulent.
(1979, c. 537; 1987, c. 463; 1989, c. 281, s. 2; 1993, c. 539, s. 842; 1994, Ex. Sess., c. 24, s. 14(c); 1998-225, s. 3.7.)

G.S. 113-209. Taking polluted shellfish at night or with prior conviction forbidden; penalty.

- (a) It is unlawful for any person between sunset and sunrise to willfully take or attempt to take shellfish from areas closed to harvest by statute, rule, or proclamation because of suspected pollution.
- (b) It is unlawful for any person to willfully possess, sell or offer for sale shellfish taken between sunset and sunrise from areas closed to harvest by statute, rule, or proclamation because of suspected pollution.
- (c) It is unlawful for any person who has been convicted of an offense under this Chapter within the preceding two years involving shellfish taken from areas closed because of suspected pollution to willfully take, attempt to take, possess, sell or offer for sale shellfish from areas closed to harvest by statute, rule, or proclamation because of suspected pollution.
- (d) Any person violating any provisions of this section shall be guilty of a Class I felony which may include a fine no less than two thousand five hundred dollars (\$2,500). Upon conviction of any person for a violation of this section, the court shall order the confiscation of all weapons, equipment, vessels, vehicles, conveyances, fish, and other evidence, fruit, and instrumentalities of the offense. The confiscated property shall be disposed of in accordance with G.S. 113-137.
(1989, c. 275, s. 1; 1993, c. 539, s. 1301; 1994, Ex. Sess., c. 24, s.14(c).)

G.S. 113-210. Under Dock Oyster Culture.

- (a) Under Dock Oyster Culture Permit. – An Under Dock Oyster Culture Permit authorizes the holder of the permit to attach up to 90 square feet of oyster cultivation containers to a dock or pier owned by the permit holder.
- (b) Application. – The owner of a dock or pier who wishes to obtain an Under Dock Oyster Culture Permit shall apply to the Director of the Division of Marine Fisheries.
- (c) Issuance. – The Director of the Division of Marine Fisheries shall issue an Under Dock Oyster Culture Permit only if the Director determines all of the following:
 - (1) That the dock or pier is not located in an area that the State Health Director has recommended be closed to shellfish harvest due to pollution or that has been closed to harvest by statute, rule, or proclamation due to suspected pollution.
 - (2) That the owner of the dock or pier has satisfied the training requirements established by the Marine Fisheries Commission pursuant to subsection (j) of this section.

- (3) That the attachment of the oyster cultivation containers to the dock or pier will be compatible with all lawful uses by the public of other marine and estuarine resources. Other lawful public uses include, but are not limited to, navigation, fishing, and recreation.
- (d) Duration. – An Under Dock Oyster Culture Permit is valid for a one-year period from the date of issuance.
- (e) Renewal. – The Director of the Division of Marine Fisheries shall renew an Under Dock Oyster Culture Permit only if the Director determines the requirements of subsection (c) of this section continue to be satisfied and the holder of the permit is attempting to utilize the permit to cultivate oysters on a continuing basis.
- (f) Reporting Requirements. – The holder of an Under Dock Oyster Culture Permit shall comply with the biological data sampling and survey programs of the Marine Fisheries Commission and the Division of Marine Fisheries.
- (g) Posting of Signs. – The holder of an Under Dock Oyster Culture Permit shall post signs that indicate the presence of the oyster cultivation containers and that the oyster cultivation containers and their contents are private property.
- (h) Sale of Oysters Prohibited. – It is unlawful for the holder of an Under Dock Oyster Culture Permit to sell oysters cultivated pursuant to the permit.
- (i) Assignment and Transfer Prohibited. – An Under Dock Oyster Culture Permit is not assignable or transferable.
- (j) Oyster Cultivation Training Requirements. – The Marine Fisheries Commission, in consultation with the Sea Grant College Program at The University of North Carolina, shall develop and adopt rules for the training of individuals who cultivate oysters pursuant to this section.
- (k) Revocation of Permit. – If the Director of the Division of Marine Fisheries determines that the holder of an Under Dock Oyster Culture Permit has failed to comply with any provision of this section, the Director shall revoke the Permit. The owner of the dock or pier shall remove the oyster cultivation containers that were authorized by the revoked permit within 15 days of revocation.

(2004-124, s. 12.7B.)

G.S. 113-221. Rules.

- (a) Chapter 150B of the General Statutes governs the adoption of rules under this Article.
- (b) Upon purchasing a license, each licensee shall be given a copy of the rules concerning the activities authorized by the license.
- (c) The Fisheries Director shall notify licensees of a new rule or change to a rule by sending each licensee either a newsletter containing the text of the rule or change or an updated codification of the rules of the Marine Fisheries Commission that contains the new rule or change.
- (d) Unless there are overriding policy considerations involved, any rule of the Marine Fisheries Commission that will result in severe curtailment of the usefulness or value of equipment in which fishermen have any substantial investment shall be given a future effective date so as to minimize undue potential economic loss to fishermen. Whether or not any rule will result in severe curtailment of the usefulness or value of equipment in which fishermen have any substantial investment and whether or not a future effective date should be set is a matter within the sole discretion of the Marine Fisheries Commission. This subsection does not require the Marine Fisheries Commission to establish an effective date that is more than two years later than the date on which the rule is adopted.
- (e) Repealed by Session Laws 2003 -154, s. 1, effective July 1, 2003.
- (e1) Repealed by Session Laws 2003 -154, s. 1, effective July 1, 2003.
- (f) All persons who may be affected by rules adopted by the Marine Fisheries Commission are under a duty to keep themselves informed of the current rules. It is no defense in any criminal prosecution for the defendant to show that the defendant in fact received no notice of a particular rule. In any prosecution for violation of a rule, or in which proof of matter contained in a rule is involved, the Department is deemed to have complied with publication procedures and the burden is on the defendant to show by the greater weight of the evidence substantial failure of compliance by the Department with the required publication procedures.
- (g) Every court shall take judicial notice of any codification of rules issued by the Fisheries Director within two years preceding the date of the offense charged or transaction in issue. In the absence of any indication to the contrary, the codifications are to be deemed accurate and current statements of the text of the rules in question and it is incumbent upon any person asserting that a relevant portion of the codified text is inaccurate, or has been amended or deleted, to satisfy the court as to the text of the rules that is in fact properly applicable.
- (h) Repealed by Session Laws 1983, c. 221, s. 1.
(1915, c. 84, s. 21; 1917, c. 290, s. 7; C.S., s. 1878; 1925, c. 168, s. 2; 1935, c. 35; 1945, c. 776; 1953, cc. 774, 1134, 1251; 1963, c. 1097, s. 1; 1965, c. 957, s. 2; 1973, c. 1262, ss. 28, 86; c. 1331, s. 3; 1975, 2nd Sess., c. 983, s. 70; 1979, c. 388, s. 6; 1983, cc. 221, 619, 620; 1987, c. 641, ss. 7, 19; c. 827, s. 7; 1997-400, s. 4.3; 1998-225, s. 3.8 ; 2000-189, s. 9; 2003-154, s. 1.)

G.S. 113-221.1. Proclamations; emergency review.

- (a) Chapter 150B of the General Statutes does not apply to proclamations issued under this Article.
- (b) The Marine Fisheries Commission may delegate to the Fisheries Director the authority to issue proclamations suspending or implementing, in whole or in part, particular rules of the Commission that may be affected by variable conditions. These proclamations shall be issued by the Fisheries Director or by a person designated by the Fisheries Director. Except as provided in this subsection, all proclamations shall state the hour and date upon which they become effective and shall be issued at least 48 hours in advance of the effective date and time. A proclamation that prohibits the taking of certain fisheries resources for reasons of public health or that governs a quota -managed fishery may be made effective immediately upon issuance. A proclamation to reopen the taking of certain fisheries resources closed for reasons of public health shall be issued at least 12 hours in advance of the effective date and time of the reopening. A person who violates a proclamation that is made effective immediately upon issuance shall not be charged with a criminal offense for the violation if the violation occurred between the time of issuance and 48 hours after the issuance and the person did not have actual notice of the issuance of the proclamation. Fisheries resources taken or possessed by any person in violation of any proclamation may be seized regardless of whether the person had actual notice of the proclamation. A permanent file of the text of all proclamations shall be maintained in the office of the Fisheries Director. Certified copies of proclamations are entitled to judicial notice in any civil or criminal proceeding. The Fisheries Director shall make every reasonable effort to give actual notice of the terms of any proclamation to persons who may be affected by the proclamation. Reasonable effort includes a press release to communications media, posting of a notice at docks and other places where persons affected may gather, personal communication by inspectors and other agents of the Fisheries Director, and other measures designed to reach the persons who may be affected. It is a defense to an enforcement action for a violation of a proclamation that a person was prevented from receiving notice of the proclamation due to a natural disaster or other act of God occasioned exclusively by violence of nature without interference of any human agency and that could not have been prevented or avoided by the exercise of due care or foresight.
- (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. It is no defense in any criminal prosecution for the defendant to show that the defendant in fact received no notice of a particular proclamation. In any prosecution for violation of a proclamation, or in which proof of matter contained in a proclamation is involved, the Department is deemed to have complied with publication procedures; and the burden is on the defendant to show, by the greater weight of the evidence, substantial failure of compliance by the Department with the required publication procedures.
- (d) Pursuant to the request of five or more members of the Marine Fisheries Commission, the Chair of the Marine Fisheries Commission may call an emergency meeting of the Commission to review an issuance or proposed issuance of proclamations under the authority delegated to the Fisheries Director pursuant to subsection (b) of this section or to review the desirability of directing the Fisheries Director to issue a proclamation to prohibit or allow the taking of certain fisheries resources. At least 48 hours prior to any emergency meeting called pursuant to this subsection, a public announcement of the meeting shall be issued that describes the action requested by the members of the Marine Fisheries Commission. The Department shall make every reasonable effort to give actual notice of the meeting to persons who may be affected. After its review is complete, the Marine Fisheries Commission, consistent with its duty to protect, preserve, and enhance the commercial and sports fisheries resources of the State, may approve, cancel, or modify the previously issued or proposed proclamation under review or may direct the Fisheries Director to issue a proclamation that prohibits or allows the taking of certain fisheries resources. An emergency meeting called pursuant to this subsection and any resulting orders issued by the Marine Fisheries Commission are exempt from the provisions of Article 2A of Chapter 150B of the General Statutes. The decisions of the Marine Fisheries Commission shall be the final decision of the State and shall not be set aside on judicial review unless found to be arbitrary and capricious.

(1915, c. 84, s. 21; 1917, c. 290, s. 7; C.S., s. 1878; 1925, c. 168, s. 2; 1935, c. 35; 1945, c. 776; 1953, cc. 774, 1134, 1251; 1963, c. 1097, s. 1; 1965, c. 957, s. 2; 1973, c. 1262, ss. 28, 86; c. 1331, s. 3; 1975, 2nd Sess., c. 983, s. 70; 1979, c. 388, s. 6; 1983, cc. 221, 619, 620; 1987, c. 641, ss. 7, 19; c. 827, s. 7; 1997-400, s. 4.3; 1998-225, s. 3.8; 2000-189, s. 9; 2003-154, s. 2.)

G.S. 113-228. Adoption of federal regulations.

To the extent that the Department is granted authority in this Subchapter over subject matter as to which there is concurrent federal jurisdiction, the Marine Fisheries Commission in its discretion may by reference in its rules adopt relevant provisions of federal laws and regulations as State rules. To prevent confusion or conflict of jurisdiction in enforcement, the Marine Fisheries Commission is exempt from any conflicting limitations in G.S. 150B-21.6 so that it may provide for automatic incorporation by reference into its rules of future changes within any particular set of federal laws or regulations relating to some subject clearly within the jurisdiction of the Department.

(1965, c. 957, s. 2; 1973, c. 1262, s. 28; 1987, c. 641, s. 11; c. 827, s. 104; 1991 (Reg. Sess., 1992), c. 890, s. 7.)

G.S. 113-262. Taking fish or wildlife by poisons, drugs, explosives or electricity prohibited; exceptions; possession of illegally killed fish or wildlife prohibited.

- (a) Except as otherwise provided in this Subchapter, or in rules permitting use of electricity to take certain fish, it is a Class 2 misdemeanor to take any fish or wildlife through the use of poisons, drugs, explosives, or electricity. This subsection does not apply to any person lawfully using any poison or pesticide under the Structural Pest Control Act of North Carolina of 1955, as amended, or the North Carolina Pesticide Law of 1971, as amended.
- (b) Except under a valid permit it is unlawful to possess any fish or wildlife:
 - (1) Bearing evidence of having been taken in violation of subsection (a); or
 - (2) With knowledge or reason to believe that the fish or wildlife was taken in violation of subsection (a).

(1883, c. 290; Code, s. 1094; Rev., s. 3417; C.S., ss. 1968, 2124; 1927, c. 107; 1935, c. 486, ss. 18-20; 1939, c. 235, s. 1; 1949, c. 1205, ss. 2, 3; 1953, c. 1134; 1955, c. 104; c. 1053, ss. 1, 3, 4; 1957, c. 1056; 1959, c. 207; c. 500; 1961, c. 1182; 1963, c. 381; c. 697, ss. 1, 3 1/2; 1965, c. 904, s. 1; c. 957, s. 2; 1967, c. 728, s. 1; c. 858, s. 1; c. 1149, s. 1.5; 1969, c. 75; c. 140; 1971, c. 439, ss. 1-3; c. 449, s. 1; c. 461; c. 648, s. 1; c. 899, s. 1; 1973, c. 1096; c. 1210, ss. 1-3, 5; c. 1262, s. 18; 1975, c. 669; c. 728; 1977, c. 493; c. 794, s. 4; 1979, c. 830, s. 1; 1987, c. 827, s. 98; 1993, c. 539, s. 846; 1994, Ex. Sess., c. 24, s. 14(c).)

G.S. 113-264. Regulatory power over property of agency; public hunting grounds; scheduling of managed big game hunts.

- (a) The Department and the Wildlife Resources Commission are granted the power by rule to license, regulate, prohibit, or restrict the public as to use and enjoyment of, or harm to, any property of the Department or the Wildlife Resources Commission, and may charge the public reasonable fees for access to or use of such property. "Property" as the word is used in this section is intended to be broadly interpreted and includes lands, buildings, vessels, vehicles, equipment, markers, stakes, buoys, posted signs and other notices, trees and shrubs and artificial constructions in boating and fishing access areas, game lands, wildlife refuges, public waters, public mountain trout waters, and all other real and personal property owned, leased, controlled, or cooperatively managed by either the Department or the Wildlife Resources Commission.
 - (a1) Every wildlife protector and every law enforcement officer of this State and its subdivisions shall have the authority within his or her established jurisdiction to enforce the rules promulgated pursuant to the power granted by this section regarding the willful removal of, damage to, or destruction of any property of the Department or the Wildlife Resources Commission.
 - (a2) To the extent that subsection (a1) of this section conflicts with any provision of any local act, subsection (a1) of this section prevails.
- (b) Unless a different level of punishment is elsewhere set out, willful removal of, damage to, or destruction of any property of the Department or the Wildlife Resources Commission is a Class 1 misdemeanor.
- (c) The Wildlife Resources Commission may cooperate with private landowners in the establishment of public hunting grounds. It may provide for the posting of these areas and of restricted zones within them, require that authorized hunters obtain written permission from the owner to hunt, enforce general laws concerning trespass by hunters and concerning damage or injurious activities by hunters and by others carrying weapons on or discharging weapons across public hunting grounds or restricted zones.
- (d) The Wildlife Resources Commission may schedule managed hunts for any species of wildlife to be held on game lands. Participants in such hunts shall be selected at random by computer from properly licensed applicants. A nonrefundable fee of five dollars (\$5.00) will be required of each applicant to defray the cost of processing the applications.

(1965, c. 957, s. 2; 1973, c. 1262, ss. 18, 28; 1977, c. 771, s. 4; 1979, c. 830, s. 1; 1983, c. 403; 1985 (Reg. Sess., 1986), c. 996, s. 2; 1987, c. 827, s. 98; 1989, c. 221, ss. 1, 2, c. 642, s. 1; 1993, c. 539, s. 847; 1994, Ex. Sess., c. 24, s. 14(c).)

G.S. 113-265. Obstructing or polluting flow of water into hatchery; throwing fish offal into waters.

- (a) No person may obstruct, pollute, or diminish the natural flow of water into or through any fish hatchery in violation of the requirements of the Environmental Management Commission.
- (b) It is unlawful for any person to throw or cause to be thrown into the channel of any navigable waters fish offal in any quantity likely to hinder or prevent the passage of fish along such channel. The Marine Fisheries Commission and the Wildlife Resources Commission may by rule impose further restrictions upon the throwing of fish offal in any coastal fishing waters or inland fishing waters respectively.
- (c) to (e) Repealed by Session Laws 1987, c. 636, s. 2.

(1883, c. 137, s. 5; Code, ss. 3385, 3386, 3389, 3407, 3418; Rev., ss. 2444, 2465, 2478; C.S., ss. 1969, 1971, 1972; 1959, c. 405; 1965, c. 957, s. 2; 1971, c. 690, s. 4; 1973, c. 1262, ss. 18, 28; 1985 (Reg. Sess., 1986), c. 996, s. 3; 1987, c. 636, s. 2, c. 827, s. 98.)

G.S. 113-266. Interference with artificial reef marking devices.

It shall be a Class 1 misdemeanor for any person to destroy, injure, relocate, or remove any navigational aids, buoys, markers, or other devices lawfully set out by the Division of Marine Fisheries in connection with the marking of any artificial reef in the coastal waters of the State and in the Atlantic Ocean to the seaward extent of the State's jurisdiction as now or hereafter defined.

(1985 (Reg. Sess., 1986), c. 996, s. 1; 1993, c. 539, s. 848; 1994, Ex. Sess., c. 24, s. 14(c).)

G.S. 113-267. Replacement costs of marine, estuarine, and wildlife resources; rules authorized; prima facie evidence.

To provide information to the courts and other officials taking action under G.S. 15A-1343(b1)(5), under G.S. 143-215.3(a)(7), or under any other pertinent authority of law, the Marine Fisheries Commission and the Wildlife Resources Commission are authorized to adopt rules setting forth the factors that should be considered in determining the replacement costs of fish and wildlife and other marine, estuarine, and wildlife resources that have been taken, injured, removed, harmfully altered, damaged, or destroyed. The Marine Fisheries Commission and the Wildlife Resources Commission may make similar rules respecting costs of investigations required by G.S. 143-215.3(a)(7) or which are made pursuant to a court order. For common offenses resulting in the destruction of marine, estuarine, and wildlife resources the Marine Fisheries Commission and the Wildlife Resources Commission may adopt schedules of costs which reasonably state the likely replacement costs and necessary investigative costs when appropriate. Rules of the Marine Fisheries Commission and the Wildlife Resources Commission stating scheduled costs or cost factors must be treated as prima facie evidence of the actual costs, but do not prevent a court or jury from examining the reasonableness of the rules or from assessing the special factors in a case which may make the true costs either higher or lower than the amount stated in the rules. The term "replacement costs" must be broadly construed to include indirect costs of replacement through habitat improvement or restoration, establishment of sanctuaries, and other recognized conservation techniques when direct stocking or replacement is not feasible.

(1979, c. 830, s. 1; 1985, c. 509, s. 7; 1987, c. 827, s. 98.)

G.S. 113-268. Injuring, destroying, stealing, or stealing from nets, seines, buoys, pots, etc.

- (a) It is unlawful for any person without the authority of the owner of the equipment to take fish from nets, traps, pots, and other devices to catch fish which have been lawfully placed in the open waters of the State.
- (b) It is unlawful for any master or other person having the management or control of a vessel in the navigable waters of the State to willfully, wantonly, and unnecessarily do injury to any seine, net or pot which may lawfully be hauled, set, or fixed in such waters for the purpose of taking fish except that a net set across a channel may be temporarily moved to accommodate persons engaged in drift netting, provided that no fish are removed and no damage is done to the net moved.
- (c) It is unlawful for any person to willfully steal, destroy, or injure any buoys, markers, stakes, nets, pots, or other devices on property lawfully set out in the open waters of the State in connection with any fishing or fishery.
- (d) Violation of subsections (a), (b), or (c) is a Class A1 misdemeanor.
- (e) The Department may, either before or after the institution of any other action or proceeding authorized by this section, institute a civil action for injunctive relief to restrain a violation or threatened violation of subsections (a), (b), or (c) of this section pursuant to G.S. 113-131. The action shall be brought in the superior court of the county in which the violation or threatened violation is occurring or about to occur and shall be in the name of the State upon the relation of the Secretary. The court, in issuing any final order in any action brought pursuant to this subsection may, in its discretion, award costs of litigation including reasonable attorney and expert-witness fees to any party.

(1987, c. 636, s. 1; 1989, c. 727, s. 112; 1993, c. 539, s. 849; 1994, Ex. Sess., c. 24, s. 14(c); 1998-225, s. 3.9.)

G.S. 113-269. Robbing or injuring hatcheries and other aquaculture operations.

- (a) The definitions established in G.S. 106-758 are incorporated by reference into this section. For the purposes of this section, a shellfish lease issued pursuant to G.S. 113-202 is defined as an aquaculture facility only when it has been amended pursuant to G.S. 113-202.1 to authorize use of the water column and when it is or has been regularly posted and identified in accordance with the rules of the Marine Fisheries Commission.
- (b) It is unlawful for any person without the authority of the owner of an aquaculture facility to take fish or aquatic species being cultivated or reared by the owner from an aquaculture facility.
- (c) It is unlawful for any person to receive or possess fish or aquatic species stolen from an aquaculture facility while knowing or having reasonable grounds to believe that the fish or aquatic species are stolen.
- (d) It is unlawful for any person to willfully destroy or injure an aquaculture facility or aquatic species being reared in an aquaculture facility.
- (e) Violation of subsections (b) or (c) for fish or aquatic species valued at more than four hundred dollars (\$400.00) is punishable under G.S. 14-72. Violation of subsections (b) or (c) for fish or aquatic species valued at four hundred dollars (\$400.00) or less is a Class 1 misdemeanor.
- (f) Violation of subsection (d) is a Class 1 misdemeanor.

- (g) In deciding to impose any sentence other than an active prison sentence, the sentencing judge shall consider and may require, in accordance with G.S. 15A-1343, restitution to the victim for the amount of damage to the aquaculture facility or aquatic species or for the value of the stolen fish or aquatic species.
- (h) The district attorney shall dismiss any case brought pursuant to subsections (b) and (c) if defendant produces a notarized written authorization for taking fish or aquatic species from the aquaculture facility or if the fish or aquatic species taken from a shellfish lease aquaculture facility was not a shellfish authorized for cultivation on the lease.

(1989, c. 281, s. 1; 1993, c. 539, ss. 850, 851; 1994, Ex. Sess., c. 24, s. 14(c).)

G.S. 143B-279.8. Coastal Habitat Protection Plans.

- (a) The Department shall coordinate the preparation of draft Coastal Habitat Protection Plans for critical fisheries habitats. The goal of the Plans shall be the long-term enhancement of coastal fisheries associated with each coastal habitat identified in subdivision (1) of this subsection. The Department shall use the staff of those divisions within the Department that have jurisdiction over marine fisheries, water quality, and coastal area management in the preparation of the Coastal Habitat Protection Plans and shall request assistance from other federal and State agencies as necessary. The plans shall:
 - (1) Describe and classify biological systems in the habitats, including wetlands, fish spawning grounds, estuarine or aquatic endangered or threatened species, primary or secondary nursery areas, shellfish beds, submerged aquatic vegetation (SAV) beds, and habitats in outstanding resource waters.
 - (2) Evaluate the function, value to coastal fisheries, status, and trends of the habitats.
 - (3) Identify existing and potential threats to the habitats and the impact on coastal fishing.
 - (4) Recommend actions to protect and restore the habitats.
- (b) Once a draft Coastal Habitat Protection Plan has been prepared, the chairs of the Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission shall each appoint two members of the commission he or she chairs to a six-member review committee. The six-member review committee, in consultation with the Department, shall review the draft Plan and may revise the draft Plan on a consensus basis. The draft Plan, as revised by the six-member review committee, shall then be submitted to the Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission, each of which shall independently consider the Plan for adoption. If any of the three commissions is unable to agree to any aspect of a Plan, the chair of each commission shall refer that aspect of the Plan to a six-member conference committee to facilitate the resolution of any differences. The six-member conference committee shall be appointed in the same manner as a six-member review committee and may include members of the six-member review committee that reviewed the Plan. Each final Coastal Habitat Protection Plan shall consist of those provisions adopted by all three commissions. The three commissions shall review and revise each Coastal Habitat Protection Plan at least once every five years.
- (c) In carrying out their powers and duties, the Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission shall ensure, to the maximum extent practicable, that their actions are consistent with the Coastal Habitat Protection Plans as adopted by the three commissions. The obligation to act in a manner consistent with a Coastal Habitat Protection Plan is prospective only and does not oblige any commission to modify any rule adopted, permit decision made, or other action taken prior to the adoption or revision of the Coastal Habitat Protection Plan by the three commissions. The Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission shall adopt rules to implement Coastal Habitat Protection Plans in accordance with Chapter 150B of the General Statutes.
- (d) If any of the three commissions concludes that another commission has taken an action that is inconsistent with a Coastal Habitat Protection Plan, that commission may request a written explanation of the action from the other commission. A commission shall provide a written explanation: (i) upon the written request of one of the other two commissions, or (ii) upon its own motion if the commission determines that it must take an action that is inconsistent with a Coastal Habitat Protection Plan.
- (e) The Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission shall report to the Joint Legislative Commission on Seafood and Aquaculture and the Environmental Review Commission on progress in developing and implementing the Coastal Habitat Protection Plans, including the extent to which the actions of the three commissions are consistent with the Plans, on or before 1 September of each year.
- (f) The Secretary of Environment and Natural Resources shall report to the Environmental Review Commission and the Joint Legislative Commission on Seafood and Aquaculture within 30 days of the completion or substantial revision of each draft Coastal Habitat Protection Plan. The Environmental Review Commission and the Joint Legislative Commission on Seafood and Aquaculture shall concurrently review each draft Coastal Habitat Protection Plan within 30 days of the date the draft Plan is submitted by the Secretary. The Environmental Review Commission and the Joint Legislative Commission on Seafood and Aquaculture may

submit comments and recommendations on the draft Plan to the Secretary within 30 days of the date the draft Plan is submitted by the Secretary.
(1997-400, s. 3.1; 1997-443, s. 11A.119(b).)

G.S. 143B-289.50. Definitions.

- (a) As used in this part:
- (1) "Commission" means the Marine Fisheries Commission.
 - (2) "Department" means the Department of Environment and Natural Resources.
 - (3) "Fisheries Director" means the Director of the Division of Marine Fisheries of the Department of Environment and Natural Resources.
 - (4) "Secretary" means the Secretary of Environment and Natural Resources.
- (b) The definitions set out in G.S. 113-129 and G.S. 113-130 shall apply throughout this Part.
(1997-400, s. 2.1; 1997-443, s.11A.123.)

G.S. 143B-289.51. Marine Fisheries Commission --creation; purposes.

- (a) There is hereby created the Marine Fisheries Commission in the Department of Environment and Natural Resources.
- (b) The functions, purposes, and duties of the Marine Fisheries Commission are to:
- (1) Manage, restore, develop, cultivate, conserve, protect, and regulate the marine and estuarine resources within its jurisdiction, as described in G.S. 113-132.
 - (2) Implement the laws relating to coastal fisheries, coastal fishing, shellfish, crustaceans, and other marine and estuarine resources enacted by the General Assembly by the adoption of rules and policies, to provide a sound, constructive, comprehensive, continuing, and economical coastal fisheries program directed by citizens who are knowledgeable in the protection, restoration, proper use, and management of marine and estuarine resources.
 - (3) Implement management measures regarding ocean and marine fisheries in the Atlantic Ocean consistent with the authority conferred on the State by the United States.
 - (4) Advise the State regarding ocean and marine fisheries within the jurisdiction of the Atlantic States Marine Fisheries Compact, the South Atlantic Fishery Management Council, the Mid-Atlantic Fishery Management Council, and other similar organizations established to manage or regulate fishing in the Atlantic Ocean.
- (1997-400, s. 2.1; 1997-443, s. 11A.119(b).)

G.S. 143B-289.52. Marine Fisheries Commission -- powers and duties.

- (a) The Marine Fisheries Commission shall adopt rules to be followed in the management, protection, preservation, and enhancement of the marine and estuarine resources within its jurisdiction, as described in G.S. 113-132, including commercial and sports fisheries resources. The Marine Fisheries Commission shall have the power and duty:
- (1) To authorize, license, regulate, prohibit, prescribe, or restrict all forms of marine and estuarine resources in coastal fishing waters with respect to:
 - a. Time, place, character, or dimensions of any methods or equipment that may be employed in taking fish.
 - b. Seasons for taking fish.
 - c. Size limits on and maximum quantities of fish that may be taken, possessed, bailed to another, transported, bought, sold, or given away.
 - (2) To provide fair regulation of commercial and recreational fishing groups in the interest of the public.
 - (3) To adopt rules and take all steps necessary to develop and improve mariculture, including the cultivation, harvesting, and marketing of shellfish and other marine resources in the State, involving the use of public grounds and private beds as provided in G.S. 113-201.
 - (4) To close areas of public bottoms under coastal fishing waters for such time as may be necessary in any program of propagation of shellfish as provided in G.S. 113-204.
 - (5) In the interest of conservation of the marine and estuarine resources of the State, to institute an action in the superior court to contest the claim of title or claimed right of fishery in any navigable waters of the State registered with the Department as provided in G.S. 113-206(d).
 - (6) To make reciprocal agreements with other jurisdictions respecting any of the matters governed in this Subchapter as provided by G.S. 113-223.
 - (7) To adopt relevant provisions of federal laws and regulations as State rules pursuant to G.S. 113-228.
 - (8) To delegate to the Fisheries Director the authority by proclamation to suspend or implement, in whole or in part, a particular rule of the Commission that may be affected by variable conditions as provided in G.S. 113-221.1.

- (9) To comment on and otherwise participate in the determination of permit applications received by State agencies that may have an effect on the marine and estuarine resources of the State.
- (10) To adopt Fishery Management Plans as provided in G.S. 113-182.1, to establish a Priority List to determine the order in which Fishery Management Plans are developed, to establish a Schedule for the development and adoption of each Fishery Management Plan, and to establish guidance criteria as to the contents of Fishery Management Plans.
- (11) To approve Coastal Habitat Protection Plans as provided in G.S. 143B-279.8.
- (12) Except as may otherwise be provided, to make the final agency decision in all contested cases involving matters within the jurisdiction of the Commission.
- (13) To adopt rules to define fishing gear as either recreational gear or commercial gear.
- (b) The Marine Fisheries Commission shall have the power and duty to establish standards and adopt rules:
 - (1) To implement the provisions of Subchapter IV of Chapter 113 as provided in G.S. 113-134.
 - (2) To manage the disposition of confiscated property as set forth in G.S. 113-137.
 - (3) To govern all license requirements prescribed in Article 14A of Chapter 113 of the General Statutes.
 - (4) To regulate the importation and exportation of fish, and equipment that may be used in taking or processing fish, as necessary to enhance the conservation of marine and estuarine resources of the State as provided in G.S. 113-170.
 - (5) To regulate the possession, transportation, and disposition of seafood, as provided in G.S. 113-170.4.
 - (6) To regulate the disposition of the young of edible fish, as provided by G.S. 113-185.
 - (7) To manage the leasing of public grounds for mariculture, including oysters and clam production, as provided in G.S. 113-202.
 - (8) To govern the utilization of private fisheries, as provided in G.S. 113-205.
 - (9) To impose further restrictions upon the throwing of fish offal in any coastal fishing waters, as provided in G.S. 113-265.
 - (10) To regulate the location and utilization of artificial reefs in coastal waters.
 - (11) To regulate the placement of nets and other sports or commercial fishing apparatus in coastal fishing waters with regard to navigational or recreational safety as well as from a conservation standpoint.
- (c) The Commission is authorized to authorize, license, prohibit, prescribe, or restrict:
 - (1) The opening and closing of coastal fishing waters, except as to inland game fish, whether entirely or only as to the taking of particular classes of fish, use of particular equipment, or as to other activities.
 - (2) The possession, cultivation, transportation, importation, exportation, sale, purchase, acquisition, and disposition of all marine and estuarine resources and all related equipment, implements, vessels, and conveyances as necessary to carry out its duties.
- (d) The Commission may adopt rules required by the federal government for grants-in-aid for coastal resource purposes that may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from federal grants-in-aid.
- (d1) The Commission may regulate participation in a fishery that is subject to a federal fishery management plan if that plan imposes a quota on the State for the harvest or landing of fish in the fishery. If the Commission regulates participation in a fishery under this subsection, the Division may issue a license to participate in the fishery to a person who:
 - (1) Held a valid license issued by the Division to harvest, land, or sell fish during at least two of the three license years immediately preceding the date adopted by the Commission to determine participation in the fishery; and
 - (2) Participated in the fishery during at least two of those license years by landing in the State at least the minimum number of pounds of fish adopted by the Commission to determine participation in the fishery.
- (e) The Commission may adopt rules to implement or comply with a fishery management plan adopted by the Atlantic States Marine Fisheries Commission or adopted by the United States Secretary of Commerce pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801, et seq. Notwithstanding G.S. 150B-21.1(a), the Commission may adopt temporary rules under this subsection at any time within six months of the adoption or amendment of a fishery management plan or the notification of a change in management measures needed to remain in compliance with a fishery management plan.
- (f) The Commission shall adopt rules as provided in this Chapter. All rules adopted by the Commission shall be enforced by the Department of Environment and Natural Resources.
- (g) As a quasi-judicial agency, the Commission, in accordance with Article IV, Section 3 of the Constitution of North Carolina, has those judicial powers reasonably necessary to accomplish the purposes for which it was created.
- (h) Social security numbers and identifying information obtained by the Commission or the Division of Marine Fisheries shall be treated as provided in G.S. 132-1.10. For purposes of this subsection, "identifying information" also includes a person's mailing address, residence address, date of birth, and telephone number.

- (i) The Commission may adopt rules to exempt individuals who participate in organized fishing events held in coastal or joint fishing waters from recreational fishing license requirements for the specified time and place of the event when the purpose of the event is consistent with the conservation objectives of the Commission. (1997-400, ss. 2.1, 2.2; 1997-443, s. 11A.123; 1998-217, s. 18(a); 1998-225, ss. 1.3, 1.4, 1.5; 2001-474, s. 32; 2003-154, s. 3; 2004-187, ss. 7, 8; 2006-255, ss. 11.2, 12.)

G.S. 143B-289.53. Marine Fisheries Commission --quasi-judicial powers; procedures.

- (a) With respect to those matters within its jurisdiction, the Marine Fisheries Commission shall exercise quasi-judicial powers in accordance with the provisions of Chapter 150B of the General Statutes. This section and any rules adopted by the Marine Fisheries Commission shall govern the following proceedings:
- (1) Exceptions to recommended decisions in contested cases shall be filed with the Secretary within 30 days of the receipt by the Secretary of the official record from the Office of Administrative Hearings, unless additional time is allowed by the Chair of the Commission.
 - (2) Oral arguments by the parties may be allowed by the Chair of the Commission upon request of the parties.
 - (3) Deliberations of the Commission shall be conducted in its public meeting unless the Commission determines that consultation with its counsel should be held in a closed session pursuant to G.S. 143-318.11.
- (b) The final agency decision in contested cases that arise from civil penalty assessments shall be made by the Commission. In the evaluation of each violation, the Commission shall recognize that harm to the marine and estuarine resources within its jurisdiction, as described in G.S. 113-132, arising from the violation of a statute or rule enacted or adopted to protect those resources may be immediately observed through damaged resources or may be incremental or cumulative with no damage that can be immediately observed or documented. Penalties up to the maximum authorized may be based on any one or combination of the following factors:
- (1) The degree and extent of harm to the marine and estuarine resources within the jurisdiction of the Commission, as described in G.S. 113-132; to the public health; or to private property resulting from the violation.
 - (2) The frequency and gravity of the violation.
 - (3) The cost of rectifying the damage.
 - (4) Whether the violation was committed willfully or intentionally.
 - (5) The prior record of the violator in complying or failing to comply with programs over which the Marine Fisheries Commission has regulatory authority.
 - (6) The cost to the State of the enforcement procedures.
- (c) The Chair shall appoint a Committee on Civil Penalty Remissions from the members of the Commission. No member of the Committee on Civil Penalty Remissions may hear or vote on any matter in which the member has an economic interest. The Committee on Civil Penalty Remissions shall make the final agency decision on remission requests. In determining whether a remission request will be approved, the Committee shall consider the recommendation of the Secretary and the following factors:
- (1) Whether one or more of the civil penalty assessment factors in subsection (b) of this section were wrongly applied to the detriment of the petitioner.
 - (2) Whether the violator promptly abated continuing environmental damage resulting from the violation.
 - (3) Whether the violation was inadvertent.
 - (4) Whether the violator had been assessed civil penalties for any previous violations.
 - (5) Whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions.
- (d) The Committee on Civil Penalty Remissions may remit the entire amount of the penalty only when the violator has not been assessed civil penalties for previous violations and when payment of the civil penalty will prevent payment for the remaining necessary remedial actions.
- (e) If any civil penalty has not been paid within 30 days after the final agency decision or court order has been served on the violator, the Secretary of Environment and Natural Resources shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment.
- (f) The Secretary may delegate his powers and duties under this section to the Fisheries Director. (1997-400, s. 2.1; 1997-443, s. 11A.119(a).)

G.S. 143B-289.54. Marine Fisheries Commission -- members; appointment; term; oath; ethical standards; removal; compensation; staff.

- (a) Members, Selection. -- The Marine Fisheries Commission shall consist of nine members appointed by the Governor as follows:

- (1) One person actively engaged in, or recently retired from, commercial fishing as demonstrated by currently or recently deriving at least fifty percent (50%) of annual earned income from taking and selling fishery resources in coastal fishing waters of the State. The spouse of a commercial fisherman who meets the criteria of this subdivision may be appointed under this subdivision.
 - (2) One person actively engaged in, or recently retired from, commercial fishing as demonstrated by currently or recently deriving at least fifty percent (50%) of annual earned income from taking and selling fishery resources in coastal fishing waters of the State. The spouse of a commercial fisherman who meets the criteria of this subdivision may be appointed under this subdivision.
 - (3) One person actively connected with, and experienced as, a licensed fish dealer or in seafood processing or distribution as demonstrated by deriving at least fifty percent (50%) of annual earned income from activities involving the buying, selling, processing, or distribution of seafood landed in this State. The spouse of a person qualified under this subdivision may be appointed provided that the spouse is actively involved in the qualifying business.
 - (4) One person actively engaged in recreational sports fishing in coastal waters in this State. An appointee under this subdivision may not derive more than ten percent (10%) of annual earned income from sports fishing activities.
 - (5) One person actively engaged in recreational sports fishing in coastal waters in this State. An appointee under this subdivision may not derive more than ten percent (10%) of annual earned income from sports fishing activities.
 - (6) One person actively engaged in the sports fishing industry as demonstrated by deriving at least fifty percent (50%) of annual earned income from selling goods or services in this State. The spouse of a person qualified under this subdivision may be appointed provided that the spouse is actively involved in the qualifying business.
 - (7) One person having general knowledge of and experience related to subjects and persons regulated by the Commission.
 - (8) One person having general knowledge of and experience related to subjects and persons regulated by the Commission.
 - (9) One person who is a fisheries scientist having special training and expertise in marine and estuarine fisheries biology, ecology, population dynamics, water quality, habitat protection, or similar knowledge. A person appointed under this subdivision may not receive more than ten percent (10%) of annual earned income from either the commercial or sports fishing industries, including the processing and distribution of seafood.
- (b) Residential Qualifications. -- For purposes of providing regional representation on the Commission, the following three coastal regions of the State are designated: (i) Northeast Coastal Region comprised of Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties; (ii) Central Coastal Region comprised of Beaufort, Carteret, Craven, Hyde, Jones, and Pamlico Counties; and (iii) Southeast Coastal Region comprised of Bladen, Brunswick, Columbus, New Hanover, Onslow, and Pender Counties. Persons appointed under subdivisions (1), (2), (3), (4), and (8) of subsection (a) of this section shall be residents of one of the coastal regions of the State. The membership of the Commission shall include at least one person who is a resident of each of the three coastal regions of the State.
- (c) Additional Considerations. -- In making appointments to the Commission, the Governor shall provide for appropriate representation of women and minorities on the Commission. The Governor shall make appointments to the Commission consistent with the restrictions of G.S. 113-200(g).
- (d) Terms. -- The term of office of members of the Commission is three years. A member may be reappointed to any number of successive three -year terms. Upon the expiration of a three-year term, a member shall continue to serve until a successor is appointed and duly qualified as provided by G.S. 128 -7. The term of members appointed under subdivisions (1), (4), and (7) of subsection (a) of this section shall expire on 30 June of years evenly divisible by three. The term of members appointed under subdivisions (2), (5), and (8) of subsection (a) of this section shall expire on 30 June of years that precede by one year those years that are evenly divisible by three. The term of members appointed under subdivisions (3), (6), and (9) of subsection (a) of this section shall expire on 30 June of years that follow by one year those years that are evenly divisible by three.
- (e) Vacancies. -- An appointment to fill a vacancy shall be for the unexpired balance of the term.
- (f) Oath of Office. -- Each member of the Commission, before assuming the duties of office, shall take an oath of office as provided in Chapter 11 of the General Statutes.
- (g) Ethical Standards. --
- (1) Disclosure statements. -- Any person under consideration for appointment to the Commission shall provide both a financial disclosure statement and a potential bias disclosure statement to the Governor. A financial disclosure statement shall include statements of the nominee's financial interests in and related to State fishery resources use, licenses issued by the Division of Marine Fisheries held by the nominee or any business in which the nominee has a financial interest, and uses made by the nominee

or by any business in which the nominee has a financial interest of the regulated resources. A potential bias disclosure statement shall include a statement of the nominee's membership or other affiliation with, including offices held, in societies, organizations, or advocacy groups pertaining to the management and use of the State's coastal fishery resources. Disclosure statements shall be treated as public records under Chapter 132 of the General Statutes and shall be updated on an annual basis.

- (2) Voting/conflict of interest. -- A member of the Commission shall not vote on any issue before the Commission that would have a "significant and predictable effect" on the member's financial interest. For purposes of this subdivision, "significant and predictable effect" means there is or may be a close causal link between the decision of the Commission and an expected disproportionate financial benefit to the member that is shared only by a minority of persons within the same industry sector or gear group. A member of the Commission shall also abstain from voting on any petition submitted by an advocacy group of which the member is an officer or sits as a member of the advocacy group's board of directors. A member of the Commission shall not use the member's official position as a member of the Commission to secure any special privilege or exemption of substantial value for any person. No member of the Commission shall, by the member's conduct, create an appearance that any person could improperly influence the member in the performance of the member's official duties.
 - (3) Regular attendance. -- It shall be the duty of each member of the Commission to regularly attend meetings of the Commission.
 - (h) Removal. -- The Governor may remove, as provided in G.S. 143B-13, any member of the Commission for misfeasance, malfeasance, or nonfeasance.
 - (i) Office May Be Held Concurrently With Others. -- The office of member of the Marine Fisheries Commission may be held concurrently with any other elected or appointed office, as authorized by Article VI, Section 9, of the Constitution of North Carolina.
 - (j) Compensation. -- Members of the Commission who are State officers or employees shall receive no per diem compensation for serving on the Commission, but shall be reimbursed for their expenses in accordance with G.S. 138-6. Members of the Commission who are full-time salaried public officers or employees other than State officers or employees shall receive no per diem compensation for serving on the Commission, but shall be reimbursed for their expenses in accordance with G.S. 138-6 in the same manner as State officers or employees. All other Commission members shall receive per diem compensation and reimbursement in accordance with the compensation rate established in G.S. 93B-5.
 - (k) Staff. -- All clerical and other services required by the Commission shall be supplied by the Fisheries Director and the Department.
 - (l) Legal Services. -- The Attorney General shall: (i) act as attorney for the Commission; (ii) at the request of the Commission, initiate actions in the name of the Commission; and (iii) represent the Commission in any appeal or other review of any order of the Commission.
- (1997-400, s. 2.1; 1998-225, ss.1.6, 1.7; 2001 -213, s. 5.)

G.S. 143B-289.55. Marine Fisheries Commission --officers; organization; seal.

- (a) The Governor shall appoint a member of the Commission to serve as Chair. The Chair shall serve at the pleasure of the Governor. The Commission shall elect one of its members to serve as Vice-Chair. The Vice-Chair shall serve a one-year term beginning 1 July and ending 30 June of the following year. The Vice-Chair may serve any number of consecutive terms.
- (b) The Chair shall guide and coordinate the activities of the Commission in fulfilling its duties as set out in this Article. The Chair shall report to and advise the Governor and the Secretary on the activities of the Commission, on marine and estuarine conservation matters, and on all marine fisheries matters.
- (c) The Commission shall determine its organization and procedure in accordance with the provisions of this Article. The provisions of the most recent edition of Robert's Rules of Order shall govern any procedural matter for which no other provision has been made.
- (d) The Commission may adopt a common seal and may alter it as necessary.

(1997-400, s. 2.1.)

G.S. 143B-289.56. Marine Fisheries Commission -- meetings; quorum.

- (a) The Commission shall meet at least once each calendar quarter and may hold additional meetings at any time and place within the State at the call of the Chair or upon the written request of at least four members. At least three of the four quarterly meetings of the Commission shall be held in one of the coastal regions designated in G.S. 143B-289.54.
- (b) (1) Six members of the Commission shall constitute a quorum for the transaction of business.

- (2) A quorum of the Commission may transact business only if one member, other than the Chair, appointed pursuant to subdivision (1), (2), or (3) of G.S. 143B-289.54(a) and one member, other than the Chair, appointed pursuant to subdivision (4), (5), or (6) of G.S. 143B-289.54(a) are present.
 - (c) If the Commission is unable to transact business because the requirements of subdivision (2) of subsection (b) of this section are not met, the Chair shall call another meeting of the Commission within 30 days and shall place on the agenda for that meeting every matter with respect to which the Commission was unable to transact business. Five members of the Commission shall constitute a quorum for the transaction of business at a meeting called under this subsection. The requirements of subdivision (2) of subsection (b) of this section shall not apply to a meeting called under this subsection.
- (1997-400, s. 2.1; 1998-225, s. 1.8.)

G.S. 143B-289.57. Marine Fisheries Commission Advisory Committees established; members; selection; duties.

- (a) The Commission shall be assisted in the performance of its duties by four standing advisory committees and four regional advisory committees. Each standing and regional advisory committee shall consist of no more than 11 members. The Chair of the Commission shall designate one member of each advisory committee to serve as Chair of the committee. Members shall serve staggered three-year terms as determined by the Commission. The Commission shall establish other policies and procedures for standing and regional advisory committees that are consistent with those governing the Commission as set out in this Part.
 - (b) The Chair of the Commission shall appoint the following standing advisory committees:
 - (1) The Finfish Committee, which shall consider matters concerning finfish.
 - (2) The Crustacean Committee, which shall consider matters concerning shrimp and crabs.
 - (3) The Shellfish Committee, which shall consider matters concerning oysters, clams, scallops, and other molluscan shellfish.
 - (4) The Habitat and Water Quality Committee, which shall consider matters concerning habitat and water quality that may affect coastal fisheries resources.
 - (c) Each standing advisory committee shall be composed of commercial and recreational fishermen, scientists, and other persons who have expertise in the matters to be considered by the advisory committee to which they are appointed. In making appointments to advisory committees, the Chair of the Commission shall ensure that both commercial and recreational fishing interests are fairly represented and shall consider for appointment persons who are recommended by groups representing commercial fishing interests, recreational fishing interests, environmental protection and conservation interests, and other groups interested in coastal fisheries management.
 - (d) Each standing advisory committee shall review all matters referred to the committee by the Commission and shall make findings and recommendations on these matters. A standing advisory committee may, on its own motion, make findings and recommendations as to any matter related to its subject area. The Commission, in the performance of its duties, shall consider all findings and recommendations submitted by standing advisory committees.
 - (e) The Chair of the Commission shall appoint a regional advisory committee for each of the three coastal regions designated in G.S. 143B-289.54(b) and shall appoint a regional advisory committee for that part of the State that is not included in the three coastal regions. In making appointments to regional advisory committees, the Chair of the Commission shall ensure that both commercial and recreational fishing interests are fairly represented.
- (1997-400, s. 2.1.)

G.S. 143B-289.58. Marine Fisheries Endowment Fund.

- (a) Recognizing the inestimable importance to the State and its people of conserving the marine and estuarine resources of the State, and for the purpose of providing the opportunity for citizens and residents of the State to invest in the future of its marine and estuarine resources, there is created the North Carolina Marine Fisheries Endowment Fund, the income and principal of which shall be used only for the purpose of supporting marine and estuarine resource conservation programs of the State in accordance with this section.
- (b) There is created the Board of Trustees of the Marine Fisheries Endowment Fund of the Marine Fisheries Commission, with full authority over the administration of the Marine Fisheries Endowment Fund, whose ex officio Chair, Vice-Chair, and members shall be the Chair, Vice-Chair, and members of the Marine Fisheries Commission. The State Treasurer shall be the custodian of the Marine Fisheries Endowment Fund and shall invest its assets in accordance with the provisions of G.S. 147-69.2 and G.S. 147-69.3.
- (c) The assets of the Marine Fisheries Endowment Fund shall be derived from the following:
 - (1) The proceeds of any gifts, grants, and contributions to the State that are specifically designated for inclusion in the Fund.
 - (2) Any other sources specified by law.
- (d) The Marine Fisheries Endowment Fund is declared to constitute a special trust derived from a contractual relationship between the State and the members of the public whose investments contribute to the Fund. In

recognition of this special trust, the following limitations and restrictions are placed on expenditures from the Fund:

- (1) Any limitations or restrictions specified by the donors on the uses of the income derived from the gifts, grants, and voluntary contributions shall be respected but shall not be binding.
 - (2) No expenditure or disbursement shall be made from the principal of the Marine Fisheries Endowment Fund except as otherwise provided by law.
 - (3) The income received and accruing from the investments of the Marine Fisheries Endowment Fund must be spent only to further the conservation of marine and estuarine resources.
- (e) The Board of Trustees of the Marine Fisheries Endowment Fund may accumulate the investment income of the Fund until the income, in the sole judgment of the trustees, can provide a significant supplement to the budget for the conservation and management of marine and estuarine resources. After that time the trustees, in their sole discretion and authority, may direct expenditures from the income of the Fund for the purposes set out in subdivision (3) of subsection (d) above.
- (f) Expenditure of the income derived from the Marine Fisheries Endowment Fund shall be made through the State budget accounts of the Marine Fisheries Commission in accordance with the provisions of the Executive Budget Act. The Marine Fisheries Endowment Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.
- (g) The Marine Fisheries Endowment Fund and the income therefrom shall not take the place of State appropriations, but any portion of the income of the Marine Fisheries Endowment Fund available for the purpose set out in subdivision (3) of subsection (d) above shall be used to supplement other income of and appropriations for the conservation and management of marine and estuarine resources to the end that the Commission may improve and increase its services and become more useful to a greater number of people.

(1997-400, s. 2.1.)

G.S. 143B-289.59. Conservation Fund; Commission may accept gifts.

- (a) The Marine Fisheries Commission may accept gifts, donations, or contributions from any sources. These funds shall be held in a separate account and used solely for the purposes of marine and estuarine conservation and management. These funds shall be administered by the Marine Fisheries Commission and shall be used for marine and estuarine resources management, including education about the importance of conservation, in a manner consistent with marine and estuarine conservation management principles.
- (b) The Marine Fisheries Commission is hereby authorized to issue and sell appropriate emblems by which to identify recipients thereof as contributors to a special marine and estuarine resources Conservation Fund that shall be made available to the Marine Fisheries Commission for conservation, protection, enhancement, preservation, and perpetuation of marine and estuarine species that may be endangered or threatened with extinction and for education about these issues. The special Conservation Fund is subject to oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes. Emblems of different sizes, shapes, types, or designs may be used to recognize contributions in different amounts, but no emblem shall be issued for a contribution amounting in value to less than five dollars (\$5.00).

(1997-400, s. 2.1.)

G.S. 146-64. Definitions.

As used in this Chapter:

- (1) "Acquired lands" means all State lands, title to which has been acquired by the State or by any State agency by purchase, devise, gift, condemnation, or adverse possession.
- (2) "Escheated lands" means all State lands, title to which has been acquired by escheat.
- (3) "Land" means real property, buildings, space in buildings, timber rights, mineral rights, rights-of-way, easements, options, and all other rights, estates, and interests in real property.
- (4) "Navigable waters" means all waters which are navigable in fact.
- (5) "State agency" includes every agency, institution, board, commission, bureau, council, department, division, officer, and employee of the State, but does not include counties, municipal corporations, political subdivisions of the State, county or city boards of education, or other local public bodies. The term "State agency" does not include any private corporation created by act of the General Assembly. In case of doubt as to whether a particular agency, corporation, or institution is a State agency for the purposes of this Chapter, the Attorney General, upon request of the Governor and Council of State, shall make a determination of the issue. Upon a finding by the Attorney General that an agency, corporation, or institution is not a State agency for the purpose of this Chapter, the Governor and Council of State may execute a deed or other appropriate instrument releasing and quitclaiming all title and interest of the State in the lands of that agency, corporation, or institution.
- (6) "State lands" means all land and interests therein, title to which is vested in the State of North Carolina, or in any State agency, or in the State to the use of any agency, and specifically includes all vacant and

unappropriated lands, swamplands, submerged lands, lands acquired by the State by virtue of being sold for taxes, escheated lands, and acquired lands.

- (7) "Submerged lands" means State lands which lie beneath
 - a. Any navigable waters within the boundaries of this State, or
 - b. The Atlantic Ocean to a distance of three geographical miles seaward from the coastline of this State.
- (8) "Swamplands" means lands too wet for cultivation except by drainage, and includes
 - a. All State lands which have been or are known as "swamp" or "marsh" lands, "pocosin bay," "briary bay" or "savanna," and which are a part of one swamp exceeding 2,000 acres in area, or which are a part of one swamp 2,000 acres or less in area which has been surveyed by the State; and
 - b. All State lands which are covered by the waters of any state-owned lake or pond.
- (9) "Vacant and unappropriated lands" means all State lands title to which is vested in the State as sovereign, and land acquired by the State by virtue of being sold for taxes, except swamplands as hereinafter defined.
- (10) For purposes of this Subchapter, "deep water" means the depth reasonably necessary to provide and allow reasonable access for all vessels traditionally used in the main watercourse area as of the time of the initial easement application.

(1854-5, c. 21; R.C., c. 42, s. 1; Code, s. 2751; 1891, c. 302; Rev., ss. 1693, 1695; C.S., ss. 7540, 7542; G.S., ss. 146-1, 146-4; 1959, c. 683, s. 1; 1969, c. 1164; 1995, c. 529, s. 4.)

G.S. 150B-20. Petitioning an agency to adopt a rule.

- (a) **Petition.** — A person may petition an agency to adopt a rule by submitting to the agency a written rule -making petition requesting the adoption. A person may submit written comments with a rule -making petition. If a rule -making petition requests the agency to create or amend a rule, the person must submit the proposed text of the requested rule change and a statement of the effect of the requested rule change. Each agency must establish by rule the procedure for submitting a rule -making petition to it and the procedure the agency follows in considering a rule -making petition.
- (b) **Time.** — An agency must grant or deny a rule -making petition submitted to it within 30 days after the date the rule -making petition is submitted, unless the agency is a board or commission. If the agency is a board or commission, it must grant or deny a rule -making petition within 120 days after the date the rule -making petition is submitted.
- (c) **Action.** — If an agency denies a rule -making petition, it must send the person who submitted the petition a written statement of the reasons for denying the petition. If an agency grants a rule -making petition, it must inform the person who submitted the rule -making petition of its decision and must initiate rule -making proceedings. When an agency grants a rule -making petition, the notice of text it publishes in the North Carolina Register may state that the agency is initiating rule making as the result of a rule -making petition and state the name of the person who submitted the rule -making petition. If the rule -making petition requested the creation or amendment of a rule, the notice of text the agency publishes may set out the text of the requested rule change submitted with the rule -making petition and state whether the agency endorses the proposed text.
- (d) **Review.** — Denial of a rule -making petition is a final agency decision and is subject to judicial review under Article 4 of this Chapter. Failure of an agency to grant or deny a rule -making petition within the time limits set in subsection (b) is a denial of the rule -making petition.
- (e) **Repealed by Session Laws 1996, Second Extra Session, c. 18, s. 7.10(b).**

(1973, c. 1331, s. 1; 1985, c. 746, s. 1; 1991, c. 418, s. 1; c. 477, s. 2; 1996, 2nd Ex. Sess., c. 18, s. 7.10(b); 1997 -34, s. 2; 2003 -229, s. 1.)

G.S. 150B-21.22. Effect of inclusion in Code.

Official or judicial notice can be taken of a rule in the North Carolina Administrative Code and shall be taken when appropriate.

(1973, c. 1331, s. 1; 1985, c. 746, s. 1; 1991, c. 418, s. 1; 1997-34, s. 8.)

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1967**

**SESSION LAW 1967-CHAPTER 876
HOUSE BILL 1137**

[Section 2 only]

AN ACT PROVIDING FOR THE LEASE OF STATE-OWNED BOTTOMS FOR OYSTER AND CLAM CULTIVATION.

The General Assembly of North Carolina enacts:

SECTION 2. This Act shall not apply to Brunswick County.

In the General Assembly read three times and ratified this the 21st day of June, 1967.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1998**

**SESSION LAW 1998-225
HOUSE BILL 1448
[Sections 4.24 and 5.6 only]**

AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS AND TO RECOGNIZE THE COMMON LAW RIGHT OF THE PUBLIC TO THE CUSTOMARY FREE USE AND ENJOYMENT OF THE OCEAN BEACHES.

The General Assembly of North Carolina enacts:

PART IV. FISHING LICENSES; TRANSITIONAL PROVISIONS

Section 4.24. Section 5.2 of S.L. 1997-400 reads as rewritten:

"Section 5.2. (a) Definitions; Citations. The definitions set out in G.S. 113-168 apply to this section. A citation to a provision of the General Statutes in this section means that provision of the General Statutes as enacted by this act.

(b) Transitional Provisions. In order to effect an orderly implementation of this Part and the transition from the moratorium imposed by subsection (a) of Section 3 of Chapter 576 of the 1993 Session Laws, Regular Session 1994, as amended by Section 3 of Chapter 675 of the 1993 Session Laws, Regular Session 1994; subsection (a) of Section 26.5 of Chapter 507 of the 1995 Session Laws; Section 7 of S.L. 1997-256; Section 3 of S.L. 1997-347; and Section 6.1 of this act, to the licensing provision of Article 14A of Chapter 113 of the General Statutes, the provisions of this section shall apply to the issuance of licenses under Article 14A of Chapter 113 of the General Statutes until all Fishery Management Plans have been adopted as required by G.S. 113-182.1 and G.S. 143B-289.22.

(c) Temporary Cap. There is hereby imposed a temporary cap on the total number of SCFLs that the Division may issue. The temporary cap equals the total number of endorsements to sell fish that establish eligibility for a SCFL under subsection (g) of this section plus 500 additional SCFLs, authorized by subsection (d) of this section.

(d) 1999-2000 License Year. For the 1999-2000 license year, the Commission is authorized to issue SCFLs as provided in subsection (g) of this section plus an additional 500 SCFLs using the procedure set out in subsection (h) of this section.

(e) Subsequent License Years. For license years beginning with the 2000-01 license year, the Commission is authorized to issue SCFLs from the pool of available SCFLs as provided in subsection (f) of this section using the procedure set out in subsection (h) of this section.

(f) Adjustment of Number of SCFLs. The number of SCFLs in the pool of available SCFLs in license years beginning with the 2000-01 license year is the temporary cap less the number of SCFLs that were issued and renewed during the previous license year. The Commission may increase or decrease the number of SCFLs that are issued from the pool of available SCFLs. The Commission may increase the number of SCFLs that are issued from the pool of available SCFLs up to the temporary cap. The Commission may decrease the number of SCFLs that are issued from the pool of available SCFLs but may not refuse to renew a SCFL that is issued during the previous license year and that has not been suspended or revoked. The Commission shall increase or decrease the number of SCFLs that are issued to reflect its determination as to the effort that the fishery can support, based on the best available scientific evidence.

(g) Eligibility for SCFL. Any person who holds a valid endorsement to sell fish of a vessel license on 30 June 1999 is eligible to receive a SCFL. Any person who holds a valid nonvessel endorsement to sell fish, other than a

nonvessel endorsement to sell fish issued for an aquaculture operation or a fishing tournament, on 30 June 1999 is eligible to receive a SCFL. The Division shall issue a SCFL to any person who is eligible under this subsection upon receipt of an application and required fees. If the person held more than one endorsement to sell fish, the person is eligible to receive a SCFL for each endorsement to sell previously held. Eligibility to receive a SCFL under this subsection shall expire 30 June 2000.

(h) Procedure for Issuing Additional SCFLs. The Commission shall determine a procedure for issuing the 500 additional SCFLs authorized by subsection (d) of this section for the 1999-2000 license year and for issuing SCFLs from the pool of available SCFLs authorized by subsection (e) of this section. The procedure shall set a date on which the Division will begin receiving applications and a date on which the determination by lot of which applicants will receive a SCFL will be made. The Commission shall develop criteria to be used by the SCFL Eligibility Board in determining eligibility for a SCFL under this subsection. Criteria shall include the past involvement of the applicant and the applicant's family in commercial fishing; the extent to which the applicant has relied on commercial fishing for the applicant's livelihood; the extent to which the applicant has complied with federal and State laws, regulations, and rules relating to coastal fishing and protection of the environment; and any other factors the Commission determines to be relevant. The SCFL Eligibility Board shall review each application for a SCFL that the Division receives during the application period to determine whether the applicant is eligible for a SCFL under the eligibility criteria established by the Commission. The Division shall issue SCFLs under this subsection by lot. All applicants who are determined to be eligible shall have an equal chance of being issued a SCFL.

(i) SCFL Eligibility Board. There is established a SCFL Eligibility Board. The Board shall apply the eligibility criteria adopted by the Commission to determine whether an applicant for a SCFL is eligible for a SCFL under subsection (h) of this section. The Board shall consist of the Secretary of Environment and Natural Resources or the Secretary's designee, the Fisheries Director or the Director's designee, and the Chair of the Commission or the Chair's designee. The Secretary shall designate one member of the Board to serve as Chair of the Board. The Commission shall adopt rules to govern the operation of the Board. The Board is exempt from the provisions of Article 3 of Chapter 150B of the General Statutes. Decisions of the Board shall be subject to judicial review under the provisions of Article 4 of Chapter 150B of the General Statutes."

PART V. MISCELLANEOUS PROVISIONS; EFFECTIVE DATES

Section 5.6. Sections 1.3, 1.5, 1.8, 2.1, 3.2, 3.8, 4.4, 4.5, 4.23, 5.1, 5.2, 5.3, 5.4, 5.5, and 5.6 of this act are effective when this act becomes law. Sections 3.7 and 3.9 of this act become effective December 1, 1998, and apply to offenses committed on or after that date. Sections 1.4, 3.3, 3.4, 3.10, 4.1, 4.2, 4.3, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, and 4.24 become effective July 1, 1999. Section 4.6 is effective retroactively to August 14, 1997. Sections 1.1, 1.2, 1.6, 1.7, 3.1, 3.5, 3.6, 4.7, and 4.8 are effective retroactively to September 1, 1997. Section 4.15 expires September 1, 2003.

In the General Assembly read three times and ratified this the 27th day of October, 1998.

s/ Frank W. Ballance, Jr.
Deputy President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 4:28 p.m. this 5th day of November, 1998

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-64
SENATE BILL 765**

AN ACT TO LIMIT THE AREA OF WESTERN CORE SOUND THAT MAY BE LEASED FOR THE CULTIVATION OF SHELLFISH AND TO DIRECT THE DIVISION OF MARINE FISHERIES TO REPORT TO THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE ON THE IMPLEMENTATION OF THIS ACT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) For purposes of this section:

- (1) "Western Core Sound" is that part of Core Sound bounded by a line beginning at a point on Cedar Island at 35°00'39"N - 76°17'48"W, thence 109°(M) to a point in Core Sound 35°00'00"N - 76°12'42"W, thence 229°(M) to Marker No. 37 located 0.9 miles off Bells Point at 34°43'30"N - 76°29'00"W, thence 207°(M) to the Cape Lookout Lighthouse at 34°37'24"N - 76°31'30"W, thence 12°(M) to a point at Marshallberg at 34°43'07"N - 76°31'12"W, thence following the shoreline in a northerly direction to the point of beginning except that the highway bridges at Salters Creek, Thorofare Bay, and the Rumley Bay ditch shall be considered shoreline.
- (2) "Lease" means a shellfish cultivation lease granted pursuant to G.S. 113-202.

SECTION 1.(b) It is the intent of the General Assembly to permanently limit the area within Western Core Sound that may be leased for the cultivation of shellfish to the area that is subject to a lease on June 30, 2003.

SECTION 1.(c) Notwithstanding G.S. 113-202, the Secretary of Environment and Natural Resources may grant a new lease or renew an existing lease in an area of Western Core Sound only if the area is subject to a lease on June 30, 2003.

SECTION 1.(d) This section shall not prohibit the transfer of a lease as provided in G.S. 113-202(k).

SECTION 2. The Division of Marine Fisheries in the Department of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture on or before January 1, 2004, on the implementation of this act.

SECTION 3. Section 1 of this act becomes effective June 30, 2003. Sections 2 and 3 of this act are effective when this act becomes law.

In the General Assembly read three times and ratified this the 15th day of May, 2003.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 5:47 p.m. this 20th day of May, 2003

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-320
HOUSE BILL 1017**

AN ACT TO MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET WITHIN THREE NAUTICAL MILES OF THE SHORELINE OF BRUNSWICK COUNTY FROM MAY 1 THROUGH OCTOBER 31 OF EACH YEAR.

The General Assembly of North Carolina enacts:

SECTION 1.(a) It is unlawful to take menhaden or Atlantic thread herring by the use of a purse seine from May 1 through October 31 of each year within three nautical miles of the Atlantic Ocean shoreline in that area east of a line beginning at a point onshore at the border between North Carolina and South Carolina at 33° 51.0667'N – 78° 32.5833'W; running southeasterly three nautical miles to a point offshore at 33° 48.8342'N – 78° 29.8494'W; and south of a line beginning at a point onshore at the border between Brunswick County and New Hanover County at 33°

55.8833'N – 77° 56.2000'W; then running southeasterly three nautical miles to a point offshore at 33° 54.5735'N – 77° 52.7184'W.

SECTION 1.(b) Violation of subsection (a) of this section is a Class A1 misdemeanor.

SECTION 2. This act is effective 30 days after it becomes law and applies to offenses committed on or after the date it becomes effective.

In the General Assembly read three times and ratified this the 30th day of July, 2007.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

INDEX

A “♦” symbol is used in the index of the rulebook as a visual sign to alert readers there may be a public notice, or proclamation, for a subject. The Marine Fisheries Commission has the authority to delegate to the fisheries director the ability to issue proclamations, suspending or implementing particular commission rules that may be affected by variable conditions. For example, the index entry “**species, bluefish♦**” indicates there may be a proclamation outlining harvest restrictions or other information for that species. Proclamations are not included in this book because they change frequently.

Go to <http://www.ncfisheries.net/procs/index.html> to view proclamations and learn about the restrictions. If you do not have Internet access, please call 252-726-7021 or 800-682-2632 to find out how to receive proclamation information. It is imperative that persons affected by proclamations keep themselves informed.

Please note: entries for fishing gear and equipment are listed alphabetically under the heading “**gear.**” **Other major headings** in the index include “**lease,**” “**license,**” “**permit,**” and “**species.**” For example, to look up information about flounder, see “species, flounder.”

A

Albemarle Sound Herring Management Area, definition 21
 Albemarle Sound Management Area 80, 81, 150
 anadromous fish nursery area, definition 4
 anadromous fish spawning area, definition 4
 anadromous fish spawning areas 52, 146–49
 aquaculture operation
 clam, exemptions 36
 definition 2
 oyster, exemptions 35
 stealing or destroying, penalty 195
 Aquatic Weed Control Act of 1991 5
 arrest, authority 161–63
 artificial reef
 commission authority 198
 marking devices, penalty 195
 restrictions♦ 9
 Atlantic Ocean
 commission authority 79, 161, 197
 State boundary 204
 Atlantic States Marine Fisheries Commission, fishery
 management plans, compliance 50
 attended, definition 2

B

bait, exemptions 43
 bait, restrictions 7, 43
 Boating and Fishing Access Area, definition, Wildlife
 Resources Commission 157
 boundaries
 anadromous fish spawning areas 52, 146–49
 Atlantic Ocean 204
 attended gill net areas 144–45
 coastal fishing waters 81–106
 designated pot areas 131–39
 dredge, crab 142

fishery management areas

 bass, striped 150
 herring, river 21, 22
 inland fishing waters 81–106
 joint fishing waters 81–106
 mechanical methods prohibited, oysters 139–42
 military danger zones and restricted areas 106–9
 nursery areas 51
 primary 109–26
 secondary 126–28
 special secondary 128–30
 pound net set prohibited areas 145–46
 purse seines prohibited 143, 207
 sanctuaries
 crab spawning 142–43
 oyster 150
 sea turtle 106
 seaward 157
 seed oyster management areas 149
 shoreline (gill net) 16
 State lands 204
 trawl nets prohibited 130–31, *See also* gear, trawl
 bushel, definition 157
 business agent *See* responsible party
 buy, definition 160
 bycatch reduction device (BRD)♦ 17

C

captain *See* license, vessel master
 Central Southern Management Area 150
 certificate
 death 29, 57
 domicile 54
 map 61
 shellfish 53, 55
 U.S. Coast Guard 50, 59, 70
 charter boat *See* for hire
 Chowan River Herring Management Area, definition. 22

civil penalties	<i>See</i> enforcement, penalties, civil	
closed areas, public health	14	
coastal fisheries, definition	157	
coastal fishing waters		
boundaries	81–106	
classification	81	
definition	79, 157	
coastal fishing, definition	157	
Coastal Habitat Protection Plans	181–82, 196	
fish habitat areas	4–5	
coastal waters, internal, definition	2	
commercial fisherman, identification	168	
commercial fishing operation	166	
definition	166	
penalties	183	
commercial quota, definition	2	
Commission, definition	166, 197	
confidential information	173, 198	
confiscation, fish, disposition	6, 163	
Conservation Fund	203	
contested case	75, 198	
coral, definition	4	
crustaceans, definition	157	
D		
declaratory ruling	76, 77	
Department, definition	197	
deputation	<i>See also</i> permit, deputation	
definition	2	
designee, definition	5	
destruction of property	194	
dive boat	<i>See</i> for hire	
Division Office, definition	6	
Division, definition	166, 177	
duty to stay informed, proclamation	193, <i>See also</i>	
<i>rulebook Introduction</i>		
duty to stay informed, rule	192, <i>See also</i>	
<i>rulebook Introduction</i>		
E		
economic assistance programs, crab, blue	152	
economic assistance programs, shrimp	151	
eligibility, Standard Commercial Fishing License .	66, 67,	
68, 167, 205		
enforcement		
arrest	161–63	
authority	78, 161–63, 163–64, 198	
civil penalties	<i>See</i> enforcement, penalties, civil	
confiscation, fish, disposition	6, 163	
illicit fish	183	
joint fishing waters	78, 79	
officer, jurisdiction	165	
penalties		
artificial reef, marking devices	195	
civil	184, 199	
Class 2 misdemeanor (second offense)	161	
Class 3 misdemeanor	161	
Class A1 misdemeanor	183	
commercial fishing	183	
destruction of property	194	
inspection, refusal of	161	
littering	156	
navigable waters, signs	156	
polluted areas	174–75, 183	
polluted areas, at night	191	
primary nursery areas	184	
recreational fishing	161	
replacement costs	10–13, 195	
seizure of property	163–64	
shrimp	184	
signs, damaging of	154	
special permit provisions	184	
stealing or destroying, aquaculture operation or		
hatchery	195	
stealing or destroying, fish or gear	195	
trawl nets	184	
unlawful sale or purchase of fish	184	
unlawful taking, shellfish	191	
unlawful taking, shellfish lease	191	
revocation	<i>See</i> license, revocation <i>and</i> permit,	
revocation		
surrender of license	59	
suspension	<i>See</i> license, suspension <i>and</i> permit,	
suspension		
warning tickets	165	
environmental events ♦	14	
evidence disposal	13	
exotics	7	
F		
Federal Fishery Management Council, fishery		
management plans, compliance	50	
federal regulations, adopt by reference	193	
finfish		
cleaning, restrictions	43	
exporting, requirements	10	
importing, restrictions	14	
length of, definition	2	
scrap, restrictions	183	
exception	43	
size	14, 43	
transporting	10, 14	
fish		
definition	158	
disposition, commission authority	174	
exporting, commission authority	173	
game	79	
illicit, definition	183	
importing, commission authority	173	
possession, commission authority	174	
rotten	8	
scrap	183	
transporting, commission authority	174	
trash	183	

- fish habitat
- anadromous fish nursery area, definition 4
 - anadromous fish spawning area, definition 4
 - Coastal Habitat Protection Plans 181–82, 196
 - coral, definition 4
 - definition 4
 - fish habitat areas 4–5
 - intertidal oyster bed, definition 4
 - live rock, definition 4
 - nursery area, definition 5, *See also* nursery area
 - saltwater cordgrass, restrictions 36
 - scope and purpose 51
 - shellfish-producing, definition 5
 - strategic habitat area, definition 5
 - submerged aquatic vegetation 5
 - restrictions 36
 - submerged aquatic vegetation habitat, definition ... 5
- fish kills♦ 14
- fish offal, restrictions 194
- fish spill, requirements 18
- Fisheries Director, definition 197
- Fisheries Director, proclamation authority 1
- fisheries resources, definition 158
- fishery management plans
- advisory committees 181–82
 - Atlantic States Marine Fisheries Commission,
 - compliance 50
 - commission authority 197
 - Federal Fishery Management Council, compliance 50
 - process 181–82
 - requirements 181–82
- fishing guide *See for hire*
- for hire fishing, license 179
- for hire fishing, permit 59, 70, 74
- for hire vessel, definition 5, 177
- franchise *See lease*
- G**
- gear**
- abandoned 7, 28, 156
 - bait-and-line, definition, exception 3
 - commercial fishing
 - definition, exception 3
 - restrictions, areas 21
 - commercial, recreational use of 64, 65
 - destruction of 195
 - dredge
 - definition 3
 - restrictions 23
 - primary nursery areas 52, 184
 - shellfish lease 64
 - dredge, crab, restrictions 40, 142
 - dredge, oyster, restrictions, crab 40
 - electrofishing equipment
 - recreational 65
 - restrictions 24
 - gaff hook, restrictions 42, 46
- gig
- definition, exception 3
 - restrictions 41, 46
- gill net
- definition 4
 - Pamlico Sound Gill Net Restricted Area♦ 75
 - recreational 65
 - restrictions 15, 45
 - areas 15, 20, 25–26, 80, 144–45
 - attendance 15, 144–45
 - snapper-grouper complex 48
 - structures 25–26
 - yardage 15
 - restrictions♦ 15
 - shoreline, definition 16
- gill net, drift, restrictions 15
- areas 22
- gill net, purse
- definition 4
 - restrictions 45
- hardship 7
- hook-and-line 79, 80
- circle hook, definition 24
 - definition, exception 3
 - restrictions, bass, striped 43
- longline, snapper-grouper complex♦ 50
- mechanical methods for clamming
- definition 4
 - permit 34, 36, 69
 - restrictions 23, 37
 - areas♦ 36
 - crab spawning sanctuaries 41
 - exceptions 32
 - oyster sanctuaries 35
 - primary nursery areas 52, 184
 - season♦ 35
 - shellfish lease 64
- mechanical methods for oystering
- definition 4
 - permit 34, 36, 69
 - restrictions 23, 34, 37
 - crab spawning sanctuaries 41
 - exceptions 32, 34
 - oyster sanctuaries 35
 - primary nursery areas 52, 184
 - prohibited areas 139–42
 - shellfish lease 64
- mesh length, definition 4
- net
- restrictions 19, 80
 - areas 20
 - ocean fishing pier 8
 - shrimp 39
- net, bunt, definition 3
- net, butterfly, restrictions, shrimp 39
- net, cast 39
- definition, exception 3

restrictions, shrimp	39	definition	4, 27
net, channel		escape panels◆	28
definition	3	permit	<i>See</i> permit, Pound Net Set
restrictions	18	requirements	27
crab, blue	18	restrictions	27
shrimp	39	restrictions, areas	20, 145–46
restrictions◆	18	pound net, crab, blue	28
net, dip, definition, exception	3	pound net, flounder	27, 28
net, fixed		escape panels, requirements	28
definition	3	pound net, other finfish	28
restrictions	14	pound net, shrimp	28
shrimp	39	recreational	27, 65
net, float, restrictions, shrimp	39	rake, hand, definition, exception	3
net, fyke	19	rake, restrictions	30
definition	3	recreational fishing	3, 64
net, hoop, definition	4	restrictions, general	
net, landing, definition, exception	3	areas	25–26, 52, 80, 184
net, mesh length, definition	4	areas◆	24
net, stakes, restrictions	15	artificial reef◆	9
net, stop◆	15	sanctuary, research◆	9
net, swipe		sanctuary, sea turtle	8
operation, definition	3	structures	25–26
restrictions		structures◆	24
oyster sanctuaries	35	seine	
primary nursery areas	52, 184	definition	4
seed oyster management areas	35	definition, exception	3
shellfish lease	64	requirements	19
net◆	38	restrictions	19
ocean fishing pier, restrictions	183	areas	20, 21, 25–26, 80
pot		structures	25–26
attendance◆	8	restrictions◆	15
requirements	22, 23	snapper-grouper complex	48
restrictions, areas	22, 131–39	seine, beach, definition	70
restrictions, recreational	23	seine, beach◆	15
restrictions◆	22	seine, hand	
sea bass, black◆	50	recreational	64
snapper-grouper complex	48	restrictions, shrimp	39
user conflict	22	seine, long haul	
user conflict◆	22	operation, definition	2
pot, crab	41	requirements	19
collapsible, definition, exception	3	restrictions	
nonfloating line	23	areas	19, 21, 52
recreational	65	oyster sanctuaries	35
pot, eel		primary nursery areas	52, 184
recreational	65	seed oyster management areas	35
requirements	22	shellfish lease	64
pot, fish, recreational	65	seine, purse	
pot, lobster, requirements	42	fish spill, requirements	18
pot, minnow, definition, exception	3	restrictions, areas	143, 207
pot, peeler, restrictions	41	seine, purse◆	17
recreational	65	sling, Hawaiian, definition, exception	3
pot, shrimp		spear	
recreational	65	definition, exception	3
requirements	22	restrictions	41, 42, 46
restrictions	39	tong, hand	
pound net		definition, exception	3
clean up period◆	28	restrictions	36

trap.....	<i>See</i> gear, pot	inland fishing waters	
trawl		boundaries	81–106
bycatch reduction device (BRD)◆	17	classification.....	81
restrictions.....	16, 44	definition.....	79, 158
areas	20, 21, 35, 41, 52, 64, 80, 130–31, 184	license	<i>See</i> license, inland fishing waters
areas◆	16, 17, 52	inland game fish, definition	158
oyster sanctuaries.....	35	Interjurisdictional Fishery Management Plan◆.....	50
primary nursery areas	52, 184	internal waters, definition	2
seed oyster management areas	35	intertidal oyster bed, definition	4
shellfish lease	64	introduced species.....	<i>See</i> exotics
shrimp.....	39, 184	J	
trawl, clam, restrictions, exceptions.....	36	joint fishing waters	
trawl, crab		boundaries	81–106
requirements.....	16	classification.....	81
restrictions, areas	20	definition.....	79, 158, 161
restrictions◆.....	40	enforcement	78, 79
trawl, finfish, restrictions, areas	20	license	<i>See</i> license, joint fishing waters
trawl, flounder		jurisdiction of fisheries agencies.....	160
exemptions	47	L	
restrictions.....	47	land, definition.....	5
areas	20	lease	
trawl, flynet, restrictions, areas.....	20	shellfish	
trawl, peeler		application	60, 61, 185
requirements.....	40	appeal.....	186
restrictions◆.....	16	public comment	63, 186
trawl, shrimp		authority	184, 185, 187
recreational	65	definition.....	185
requirements.....	16	fee	186
restrictions		marketing, definition	3
areas	20, 39, 146	planting effort, definition.....	3
season◆.....	38	production, definition	3
snapper-grouper complex	48	property rights.....	186
turtle excluder device (TED)	39	protest.....	63
trawl, skimmer, recreational	65	protest, appeal.....	63
trotline		renewal	62, 186
recreational	65	renewal, appeal	62, 187
restrictions.....	24	requirements	59, 64, 184, 185–88
areas	20	applicant	59
snapper-grouper complex	48	areas.....	59
unattended.....	7	marking	61
user conflict◆.....	24	oysters.....	34
guide boat	<i>See</i> for hire	plant and produce.....	59
H		public use	62
habitat, fish.....	<i>See</i> fish habitat	reporting	63, 187
hardship.....	7	survey.....	61, 186
hatchery		restrictions	
clam, exemptions	36	areas.....	205, 207
oyster, exemptions.....	35	gear	36, 64
stealing or destroying, penalty.....	195	harvest.....	191
headboat	<i>See</i> for hire	oysters.....	34
hearing procedures	75, 175	relay◆	31
holder, definition.....	5	termination	63, 186, 187
I		termination, appeal	63, 187
immediate family, definition	166	transfer	63, 186
individual, definition	159	water column	

application	60, 188, 189	endorsement, cancellation	167
appeal	188	fee	<i>See each specific license</i>
public comment.....	188, 189	Fish Dealer	
authority	188, 189	application	171
demonstration projects	189, 190	categories	
fee	188, 189	bait.....	56, 172
renewal.....	188, 189	exemption	43
renewal, appeal	188, 190	clam	172
requirements	59, 188–89, 189–90	crab, hard or soft.....	172
requirements, plant and produce	60, 188, 189	finfish	172
stealing from	195	menhaden	172
termination	188, 189	oyster	172
termination, appeal.....	188	scallop.....	172
transfer	188, 189	shrimp.....	172
length of finfish, definition	2	commission authority	171
license	<i>See also permit</i>	consolidated.....	172
agents	175	exemptions	171
application	52–55	fee.....	172
assignment		new dealer, definition	6
definition.....	5	replacement	172
landings history.....	58	requirements.....	171–72
Retired Standard Commercial Fishing License,		record keeping.....	10, 168, 172
prohibited.....	169	resident	171
Standard Commercial Fishing License.....	58, 167	shellfish certification	53, 55
biological sampling, requirements.....	10	transfer.....	172
cancellation	167	transportation	10
coastal fishing waters	79	trip ticket	10
Coastal Recreational Fishing		fraud	173
10 Ten-Day	179	inland fishing waters 79, <i>See also www.ncwildlife.org</i>	
10 Ten-Day, fee	179	joint fishing waters.....	79, 177–78
blanket For Hire	53, 59, 177, 179	Land Flounder from the Atlantic Ocean	
blanket For Hire, fee	179	authority	198
blanket Ocean Fishing Pier.....	53, 56, 177, 179	requirements.....	53
blanket Ocean Fishing Pier, fee.....	179	restrictions.....	47
exemption, Fourth of July	177	transfer	56
exemption, permit	74	vessel master.....	53
exemptions	178	Land or Sell	
fee	178	commission authority	172
fraud.....	177	exemption.....	172
replacement.....	178	fee.....	172
requirements	177–78	requirements.....	47, 54, 172
requirements, reporting	178	landings history, assignment.....	58
restrictions, areas.....	179	landings history, transfer.....	57
restrictions, sale.....	177	menhaden, nonresident.....	170
types.....	178	nonresident	
commercial fishing operation	166	commission authority	173
run boat	55	fee	167, 168, 172, 176
Commercial Fishing Vessel Registration		reciprocal agreements.....	173
definition.....	169	Ocean Fishing Pier	
exemptions	55, 169	fee.....	172
fee	169	requirements.....	53, 55, 172
menhaden.....	55	transfer.....	172
requirements	52–55, 56, 169	record keeping	
transfer	56, 170	commission authority	173
Department, authority	181	confidential.....	173
display of.....	56, 59	fraud	173
eligibility.....	66, 67, 68, 167, 205	inspection of.....	59, 173

trip ticket	10	Spotter Plane	175
Recreational Commercial Gear		fee	175
allowed gear	64	requirements	53
commission authority	176	Standard Commercial Fishing	
exemptions.....	176	assignment.....	58, 167
fee.....	176	eligibility.....	66, 67, 68, 167, 205
gear, gill net.....	176	endorsement, menhaden.....	169
gear, marking.....	176	endorsement, shellfish.....	167, 169
recreational limit	65, 176	exemption.....	167
requirements	176–77	fee	167
reporting	176	identification	168
restrictions.....	64	record keeping.....	168
sale.....	176	renewal.....	166
transfer.....	176	requirements.....	167–68
snapper-grouper complex	48	transfer	57, 168
Recreational Fishing Tournament License to Sell Fish		vessels	167
.....	54, 55, 169	surrender	59
fee.....	169	suspension	
proceeds.....	169	appeal	75, 174–75
refund	58	commission authority.....	174–75
reissuance, appeal.....	174–75	surrender of license	59
renewal		tournament	<i>See</i> license, Recreational Fishing
denial, appeal	75	Tournament License to Sell Fish	
requirements.....	54	transfer	56
replacement		landings history.....	57
fee.....	56, 167	unloading fish, requirements.....	55
requirements	167	vessel master	6, 53, 54, 58
requirements, general	166–67	license year, definition	166
resident		licensee, definition.....	6
dual	166	limited entry	170, 182, 198
proof of.....	54	littering.....	154–56, 156
responsible party, definition	6	live bait, restrictions	7
Retired Standard Commercial Fishing		live rock, definition	4
assignment, prohibited.....	169		
fee.....	168	M	
requirements	168	management area	
transfer	57, 168	Albemarle Sound.....	80, 81, 150
revocation		Albemarle Sound Herring.....	21
appeal	75, 174–75	bass, striped	150
commission authority	174–75	Central Southern.....	150
surrender of license.....	59	Chowan River Herring	22
sale of seafood		Roanoke River	80, 81, 150
exemptions.....	171	seed oyster	
exporting	10	boundaries	149
requirements.....	10, 169	definition.....	2
Shellfish		designation, requirements	190
endorsement.....	170	restrictions, gear	35
exemption	171	shellfish	
fee.....	170	designation, requirements	190
identification.....	168	designation, requirements♦.....	30
record keeping	168	restrictions, exceptions♦.....	31
replacement	170	restrictions, gear	30
resident	170	marine and estuarine resources, definition.....	158
Standard Commercial Fishing License, exemption		Marine Fisheries Commission	
.....	170	Atlantic Ocean, authority	181, 197
transfer.....	170	Atlantic States Marine Fisheries Commission,	
violation, polluted.....	174–75	requirements.....	197

authority	161, 181	primary nursery areas	52, 184
chairman	201	shellfish lease	64
civil penalty, judicial power.....	199	oystering	
confidential information.....	198	crab spawning sanctuaries	41
Conservation Fund.....	203	oyster sanctuaries	35
contested case	75, 175, 198	primary nursery areas	52, 184
creation of	197	prohibited areas	139–42
declaratory ruling.....	76, 77	shellfish lease	64
definition.....	166, 197	mesh length, definition	4
donations and gifts	203	military danger zones and restricted areas.....	9, 106–9
duties.....	197–99	mutilated finfish, restrictions	43
ethical standards.....	200	exemptions, bait.....	43
federal regulations.....	193, 197	N	
fishery management plans, advisory committees..	182	navigable waters, definition	203
fishery management plans, authority	197	navigable waters, penalties.....	156
function	197	North Carolina resident, definition.....	160, 166
judicial power	198	nursery area	
jurisdiction	160	anadromous fish, definition	4
legal representation	201	boundaries.....	51
Marine Resources Endowment Fund (CRFL).....	180	definition	5
Marine Resources Fund (CRFL)	180	primary	5, 109–26
meeting quorum	201	primary, restrictions, gear	52, 184
meeting schedule.....	201	secondary	5, 126–28
members.....	199	secondary, restrictions, gear	52
Mid-Atlantic Fishery Management Council,		special secondary	128–30
requirements.....	197	special secondary, restrictions, gear♦	52
permits, authority	170	O	
petition, rulemaking....	77, 78, 204, <i>See also rulebook Introduction</i>	ocean fishing pier, gear, restrictions.....	183
powers.....	197–99	ocean fishing pier, license	<i>See license, Ocean Fishing Pier</i>
procedures, Roberts Rules of Order.....	201	ocean fishing pier, requirements	8
proclamation authority, Director.....	197	overfished, definition	158
purpose.....	197	overfishing, definition	158
Regional Advisory Committees	202	owner, definition	159
resident.....	200	P	
rules.....	<i>See rules</i>	penalties.....	<i>See enforcement, penalties</i>
sale of emblems	203	penalties, civil.....	<i>See enforcement, penalties, civil</i>
South Atlantic Fishery Management Council,		permit	<i>See also license</i>
requirements.....	197	application.....	69–70
Standard Commercial Fishing Licenses, adjustment		Aquaculture Collection.....	69, 73
of number of	205	Aquaculture Operation.....	69, 73
Standing Advisory Committees	202	clam	36
term of office	200	flounder.....	48
Marine Fisheries Endowment Fund	202	oyster.....	35
marine patrol.....	<i>See enforcement</i>	Atlantic Ocean Striped Bass Commercial Gear..	69, 73
Marine Resources Endowment Fund (CRFL).....	180	bass, striped, Atlantic Ocean.....	69, 73, 170
Marine Resources Fund (CRFL)	180	Blue Crab Shedding	72
mean high water mark, seaward boundary	157	clams or oysters, polluted, relay	31, 190
mechanical methods		Coastal Recreational Fishing License Exemption....	74
clamming	<i>See gear, mechanical methods for clamming</i>	commission authority.....	170
oystering	<i>See gear, mechanical methods for oystering</i>	conditions, general (applies to all permits).....	70
mechanical methods restricted areas		Dealer Permit for Quota Monitoring	
clamming		Black Sea Bass North of Cape Hatteras	72
crab spawning sanctuaries.....	41	Flounder	47, 72
oyster sanctuaries	35		

license, requirement.....	69	polluted areas	14, 31, 32, 37
reporting.....	71	polluted areas, closures♦.....	14, 30
River Herring.....	72	polluted areas, penalties.....	<i>See</i> enforcement, penalties, polluted areas
Spiny Dogfish♦.....	75	possess, definition	3
Striped Bass	72	possession limit.....	14
Depuration.....	32, 69	possession limit, recreational, definition.....	2
Federal Coastal Migratory Pelagic, requirements ..	45	proclamation.....	<i>See also</i> www.ncfisheries.net
Federal Commercial Dolphin/Wahoo, requirements	50	authority	1, 193, 197
Federal Commercial Snapper-Grouper,		duty to stay informed	193, <i>See also</i> rulebook
requirements♦.....	50	<i>Introduction</i>	
Federal Commercial Vessel, requirements.....	45	effective date	193
For Hire Fishing.....	59, 70, 74	grace period	193
fraud	173	notification.....	<i>See</i> rulebook <i>Introduction</i>
Harvest Rangia Clams From Prohibited (Polluted)		violation, seizure	193
Areas.....	37, 69	property, seizure.....	163–64
Horseshoe Crab Biomedical Use.....	41, 71	public fishing waters, definition.....	159
Introduce, Transfer or Hold Imported Marine and		public health and safety, closures♦.....	14
Estuarine Organisms.....	7	public records.....	<i>See</i> confidential information
Mechanical Methods for Oysters or Clams on			
Shellfish Leases or Franchises.....	34, 36, 69	Q	
oyster, seed, transplanting	31, 35, 190	quota, commercial, definition.....	2
oysters or clams, polluted, relay	31, 190	quota, recreational, definition.....	2
Pamlico Sound Gill Net Restricted Area♦	8, 75		
Pound Net Set		R	
application	28, 29, 69	recreational fishing	<i>See also</i> license, Coastal
exceptions	71	Recreational Fishing	
requirements.....	27, 28, 29, 70, 73	definition.....	177
restrictions.....	27, 28	exemptions	177
revocation.....	27	gear	3
transfer	29	penalties	161
renewal, denial, appeal	75	recreational possession limit, definition.....	2
reporting requirements.....	71	recreational purpose, definition	3
revocation.....	74	recreational quota, definition.....	2
appeal.....	75	relay, clams and oysters, restrictions.....	31, 190
authority.....	71	relay, permit.....	69, 190
surrender of permit	75	replacement costs, penalty.....	10–13, 195
Scientific or Educational Collection	73	resident, definition	160, 166
special (permit), restrictions, penalty.....	184	responsible party, definition.....	6
Special Permits for Management Purposes♦	75	Roanoke River Management Area	80, 81, 150
herring, river♦.....	75	rules	
monkfish♦.....	75	adoption	192
Pamlico Sound Gill Net Restricted Area♦	75	federal regulations.....	193
Spiny Dogfish♦.....	75	applicability, areas and resources.....	1
suspension.....	74	artificial reef.....	198
appeal.....	75	authority	198
authority.....	71	boundaries, maps and marking.....	1, 79
surrender of permit	75	duty to stay informed	192, <i>See also</i> rulebook
Transplant Oysters from Seed Oyster Management		<i>Introduction</i>	
Areas.....	35, 69, 190	enforcement of	198
Transplant Prohibited (Polluted) Shellfish	31, 69, 190	joint adoption with Wildlife Resources Commission	
Under Dock Oyster Culture	73, 191	78
Waive the Requirement to Use Turtle Excluder		limited entry	170, 198
Devices in the Atlantic Ocean.....	69, 72	official notice	204
person, definition.....	160	petition... 77, 78, 204, <i>See also</i> rulebook <i>Introduction</i>	
petition, rulemaking	77, 78, 204, <i>See also</i> rulebook	proposed, comment on.....	<i>See</i> rulebook <i>Introduction</i>
<i>Introduction</i>		suspension, authority	193

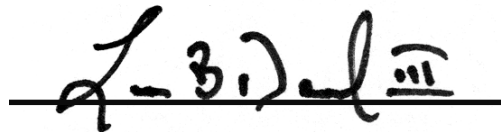
suspension♦	6	permit, Dealer Permit for Quota Monitoring	72
temporary	198	quota	80, 81
S		restrictions	43, 44, 80
sanctuaries		restrictions♦	44, 50, 81
crab spawning	142–43	tag	43, 72
oyster	35, 150	bass, striped, hybrid	
research♦	9	areas, management	80
sea turtle	106	definition	43
sea turtle♦	8	rules, exemptions	45
Secretary, definition	197	billfish	49
seed oyster management area	<i>See</i> management area,	bluefish	49
seed oyster		bluefish♦	50
sell or sale, definition	160	clam	
selling seafood	<i>See</i> license, sale of seafood	aquaculture operation, exemptions	36
shedding operation, permit	72	areas, polluted, penalty	183
shellfish		mechanical harvest .. <i>See</i> gear, mechanical methods	
definition	159	for clamming	
mechanical methods for clamming	<i>See</i> gear,	restrictions	191
mechanical methods for clamming		depuration♦	32
mechanical methods for oystering	<i>See</i> gear,	exceptions	31, 35, 36
mechanical methods for oystering		permit	36
polluted, penalty	174–75, 183, 191	prohibited areas♦	30
restrictions		recreational	31, 171
harvest♦	33	relay	31
piers	191	tag, harvest, requirements	33
polluted	191	clam, Rangia	37
polluted, closures♦	30	permit, Harvest Rangia Clams From Prohibited	
relay	31	(Polluted) Areas	37
season	33	cobia	50
tag, requirements	33	conch, restrictions, recreational	31, 171
shellfish management area	<i>See</i> management area,	coral	4, 13
shellfish		crab, blue	
shellfish marketing, lease, definition	3	management trigger♦	40
shellfish planting effort, lease, definition	3	restrictions	
shellfish production		areas	41
lease, definition	3	areas♦	40
relay, definition	3	gear	17, 18, 22, 40
transplanting, definition	3	gear♦	40
shipping seafood, record keeping	10	recreational limit	42
shoreline, definition (gill net)	16	sanctuary, spawning♦	41
signs, defacement of	79, 154	size	40
snapper-grouper complex, restrictions	48	size, exceptions	40
spawning areas, anadromous fish, boundaries	52, 146–49	shedding operation	2, 41, 72
species		shrimp trawl bycatch	17
alewife, exemption, bait	43	crab, blue, peeler	
alewife♦	50	definition	3
amberjack, greater♦	50	pink-line, definition	3
amberjack, lesser♦	50	red-line, definition	3
bass, striped		restrictions	40, 41
areas, management	44, 79, 80, 150	white-line, definition	3
Atlantic Ocean	44	crab, horseshoe	
out-of-state	43	permit, Horseshoe Crab Biomedical Use	71
permit, Atlantic Ocean Striped Bass Commercial		restrictions	41
Gear	69, 73	restrictions, season♦	41
permit, authority	170	crab, stone	41
		croaker, Atlantic♦	50
		dogfish, smooth♦	50

dogfish, spiny◆.....	50	mackerel, Spanish◆	50
Special Permits for Management Purposes◆	75	margate◆.....	50
dolphin		marlin, blue.....	49
federal permit.....	50	marlin, white.....	49
restrictions.....	50	menhaden	
drum, red.....	46	exemption, scrap	43
drum, red◆.....	46, 50	exemptions, seine, purse	17
eel, American.....	49	fish spill	18
eel, American◆.....	50	restrictions, areas.....	143, 207
endangered or threatened	8	monkfish◆	50
endangered or threatened◆.....	8	Special Permits for Management Purposes◆.....	75
flounder		mullet	
exemptions	47	exemption, bait.....	43
Pamlico Sound Gill Net Restricted Area Permit◆	75	restrictions, recreational.....	46
restrictions.....	47	mullet◆.....	46
restrictions◆.....	47	mussel	
flounder, summer, Dealer Permit for Quota		areas, polluted, penalty.....	183
Monitoring.....	72	restrictions, recreational.....	31, 171
flounder, summer◆.....	50	restrictions◆.....	30
grouper, black◆.....	50	tag, harvest, requirements.....	33
grouper, gag◆	50	non-native.....	7
grouper, goliath◆.....	50	oyster	
grouper, misty◆	50	areas, polluted, penalty.....	183
grouper, Nassau◆	50	certification, requirements	34
grouper, red◆.....	50	closed season, definition	2
grouper, snowy◆.....	50	mechanical harvest.. <i>See</i> gear, mechanical methods	
grouper, Warsaw◆	50	for oystering	
grouper, yellowedge◆.....	50	restrictions	
grouper, yellowfin◆	50	closures◆	30
grouper, yellowmouth◆.....	50	culling.....	34
grunt, white◆.....	50	deputation◆	32
herring, Atlantic thread		exceptions	31
exemption, scrap	43	exemption, aquaculture operation	35
exemptions, seine, purse.....	17	gear	16, 30, 183
restrictions, areas	143, 207	harvest◆	33
herring, blueback, exemption, bait	43	permit	34
herring, river		recreational.....	171
areas, management.....	21, 22	relay◆	31
Dealer Permit for Quota Monitoring	72	season	33
restriction	50	shellfish lease.....	34
Special Permits for Management Purposes◆	75	sanctuaries.....	150
herring, river◆.....	50	seed, management areas.....	149
hind, speckled (kitty mitchell)◆	50	seed, transplanting, restrictions	190
hogfish (hog snapper)◆.....	50	shucking, exemption.....	34
Interjurisdictional Fishery Management Plan◆	50	tag, harvest, requirements.....	33
jack, almaco◆.....	50	Pfiesteria piscicida	14
jack, bar◆.....	50	pinfish	
jack, crevalle◆.....	50	exemption, scrap	43
jack, yellow◆.....	50	exemptions, seine, purse	17
kingfish	20	porgy, jolthead◆.....	50
kingfish◆	51	porgy, knobbed◆.....	50
live rock	4, 13	porgy, longspine◆.....	50
lobster, American	42	porgy, red◆.....	50
lobster, spiny	42	porgy, whitebone◆.....	50
mackerel, king	45	porpoise.....	184
mackerel, king◆	50	rudderfish, banded◆	50
mackerel, Spanish.....	45	sailfish	49

scallop, bay	
restrictions	
exceptions	31, 38
gear	30, 38
recreational	171
restrictions◆	30, 37
scallop, calico◆	38
scallop, sea, restrictions, exemptions	38
scamp◆	50
scup◆	50
sea bass, black, Dealer Permit for Quota Monitoring	72
sea bass, black◆	50
sea turtle	8, 184
seatrout, spotted	48, 79
seatrout, spotted◆	50
shad, American	51, 80
shad, American◆	50
shad, gizzard	
exemption, scrap	43
exemptions, seine, purse	17
shad, hickory	51, 80
exemption, bait	43
shad, hickory◆	50
shark complex◆	50
sheepshead◆	50
shrimp	
restrictions	65
areas	20, 39, 146
gear	16, 22, 39
penalty	184
recreational	39
season◆	38
weekend	39
snapper, blackfin◆	50
snapper, red◆	50
snapper, silk◆	50
snapper, vermilion (beeliner)◆	50
snapper-grouper complex	48
snapper-grouper complex◆	50
spadefish◆	50
spot◆	50
sturgeon	49
tarpon	49
tautog◆	50
tilefish, blueline◆	50
tilefish, golden◆	50
tilefish, sand◆	50
triggerfish, gray◆	50
triggerfish, queen◆	50
tuna, bigeye	51
tuna, bluefin	51
tuna, yellowfin	51
wahoo	50
federal permit	50
wahoo◆	50
weakfish	79
restrictions, areas	20
weakfish◆	50
whelk	<i>See species, conch</i>
spotter plane	53, 175
stealing or destroying, fish or gear	195
strategic habitat area, definition	5
submerged aquatic vegetation	<i>See fish habitat,</i>
submerged aquatic vegetation	
submerged lands, definition	204
sustainable harvest, definition	159
T	
tag	
bass, striped	43
dealer requirements	72
shellfish	33
take, definition	160
tickets, warning	165
tournament organizer, definition	6
transaction, definition	6
transfer, definition	6
transplanting	
oyster, seed, fee	190
oyster, seed, restrictions	35, 190
shellfish, permit	31, 69
transport, definition	3
trip ticket	
definition	6
land, definition	6
record keeping	10, 168
turtle excluder device (TED)	39, 69, 72
U	
unfit for human consumption	8
use, definition	3
V	
vessel master	<i>See license, vessel master</i>
vessel, definition	160
W	
warning tickets	165
water column, definition	185
weather, hardship◆	8
website	
Division of Marine Fisheries <i>See</i> www.ncfisheries.net	
Wildlife Resources Commission	<i>See</i>
www.ncwildlife.org	
Wildlife Resources Commission	
authority	161
Boating and Fishing Access Area, definition	157
joint adoption with Marine Fisheries Commission	78
jurisdiction	160

CERTIFICATION

Pursuant to G.S. 113-221 (b) and G.S. 113-221 (g), this is to certify that the preceding “North Carolina Rules for Coastal Fishing Waters 2009” is the official codification of the rules of the Marine Fisheries Commission effective as of April 1, 2009.

A handwritten signature in black ink, appearing to read "L. B. Daniel III", is written over a horizontal line.

**Dr. Louis B. Daniel III, Director
Division of Marine Fisheries**