

# APPLICATION FOR PERMIT TO USE MECHANICAL GEAR

## For Harvesting Shellfish on Shellfish Leases and Franchises

**Individual Participant Information:**

First Name	M	Last Name	Sf	Date of Birth	Email
Address			City, State		Phone #
<b>Business Participant Information:</b> Business Name			Business Agent Name (First, MI, Last)		

Lease/Franchise#	Location	County

Vessel Registration Number(s) or Commercial Fishing Vessel Registration or USCG Documentation Number(s) (up to three)

(1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_

**Operator Information** (All operators must have a valid SCFL/RSCFL with shellfish endorsement):

Name (First, MI, Last)	Date Of Birth	Telephone	Fisheries License #

**Proposed Gear:**

<u>For Harvesting Oysters</u>	<u>For Harvesting Clams</u>
<input type="checkbox"/> Oyster Dredge <input type="checkbox"/> Patent Tongs <input type="checkbox"/> Power Rake <input type="checkbox"/> Other: _____	<input type="checkbox"/> Hydraulic Escalator <input type="checkbox"/> Kicking-With Clam Trawl <input type="checkbox"/> Other: <input type="checkbox"/> Hydraulic Pump <input type="checkbox"/> Kicking-Without Clam Trawl <input type="checkbox"/> Clam Dredge <input type="checkbox"/> Stick (Power) Rake      _____

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date



**North Carolina Department of Environmental Quality  
Division of Marine Fisheries  
PERMIT APPLICATION CERTIFICATION & GENERAL PERMIT  
CONDITIONS FORM  
(REV 2024-12)**

<b>OFFICE USE ONLY</b>	Year _____
PID # _____	
PERMIT # _____	
DMF Staff: _____	

**Certification Statement** *(This section must be completed by applicant)*

- I, \_\_\_\_\_ certify that:
- All the information provided on this application and any supporting documentation provided is true, accurate, and complete. And further, for renewals, any changes in information or supporting documents have been provided at the time of renewal. I understand that any false information or fraudulent disclosures may result in termination of appropriate licenses, permits and related documents, revocation or suspension of marine fisheries licensing and other privileges, and in possible criminal prosecution.
  - I am a resident of the State of: \_\_\_\_\_  
If claiming resident status in North Carolina, I certify further that (check one):  
 I have been a legal resident for more than six months, or  
 If domiciled in North Carolina between 60 days and six months, I have completed and submitted with this application a notarized Certificate of Eligibility for North Carolina Residency.
  - For permits, I certify that:
    - I currently have no marine fisheries licenses, permits, endorsements, or registrations under suspension or revocation and the privilege to hold such licenses, permits, endorsements, or registrations is not revoked or suspended.
    - I have not been convicted of four or more violations in any jurisdiction related to state or federal law or regulations involving or related to marine or estuarine resources during the previous three years.
    - I understand that as a condition of accepting a permit from the Division of Marine Fisheries, I agree to abide by all conditions of the permit and agree, that if conditions of the permit as identified for 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.
  - NC General Statute §113-221 requires the NC Division of Marine Fisheries to provide a current copy of the rules governing activities authorized by the license you are purchasing. You have the right to request a current rulebook in hardbound. The document is available on the Division of Marine Fisheries website on the "Rules and Regulations" webpage at <http://deq.nc.gov/dmf-rules>.
  - I have been provided a copy of the permit rules and conditions that apply. I acknowledge failure to abide by all permit rules as well as conditions may result in suspension or revocation of the permit. For violation of general or specific permit conditions, permits may be suspended or revoked for 10 days, 30 days, or up to 6 months depending on the 3-year history of violations.

**15A NCAC 03O .0502 Permit Conditions: General**

- It shall be unlawful to violate any permit condition.
- The following conditions shall apply to all permits issued by the Fisheries Director:
  - it shall be unlawful to:
    - operate under the permit except in areas, at times, and under conditions specified on the permit.
    - operate under a permit without having the permit or copy thereof in possession of the permittee or the permittee's designees at all times of operation and the permit or copy thereof shall be ready at hand for inspection, except for a Pound Net Set Permit.
    - operate under a permit without having a current picture identification in possession and ready at hand for inspection.
    - refuse to allow inspection and sampling of a permitted activity by an agent of the Division of Marine Fisheries.
    - fail to provide complete and accurate information requested by the Division in connection with the permitted activity.
    - provide false information in the application for initial issuance, renewal, or transfer of a permit.
    - hold a permit issued by the Fisheries Director if not eligible to hold any license required as a condition for that permit as stated in Rule .0501 of this Section.
    - fail to provide reports within the timeframe required by the specific permit conditions.
    - 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.
    - assign or transfer permits issued by the Fisheries Director, except for a Pound Net Set Permit as authorized by 15A NCAC 03J .0504.
  - the Fisheries Director or the Fisheries Director's agent may, by conditions of the permit, impose on a commercial fishing operation and for recreational purposes any of the following restrictions for the permitted purposes:
    - specify time;
    - specify area;
    - specify means and methods;
    - specify record keeping and reporting requirements;
    - specify season;
    - specify species;
    - specify size;
    - specify quantity;
    - specify disposition of resources;
    - specify marking requirements; and
    - specify harvest conditions.
  - unless specifically stated as a condition on the permit, all statutes, rules, and proclamations shall apply to the permittee and the permittee's designees.

I understand that any violation of permit conditions may result in suspension or revocation of the permit.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTARY**

State: \_\_\_\_\_ County: \_\_\_\_\_

Sworn to and Subscribed before me this \_\_\_\_\_ day and year of \_\_\_\_\_, \_\_\_\_\_

Notary Public: \_\_\_\_\_ My Commission expires: \_\_\_\_\_

