

**Rule Impact Analysis for Readoption of 15A NCAC 03Q .0100
Pursuant to G.S. 150B-21.3A**

Rule Amendments: 15A NCAC 03Q .0101-.0109

Name of Commission: N.C. Marine Fisheries Commission

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Impact Summary: State government: No
Local government: No
Federal government: No
Substantial impact: No

Authority:

North Carolina General Statutes

G.S. 113-132.	Jurisdiction of fisheries agencies.
G.S. 113-134.	Rules.
G.S. 113-182.	Regulation of fishing and fisheries.
G.S. 143B-289.52.	Marine Fisheries Commission - powers and duties.
G.S. 150B-21.3A	Periodic review and expiration of existing rules.

I. Necessity:

General Statute 150B-21.3A requires state agencies to review their existing rules every 10 years to determine which rules are still necessary, and to either readopt or repeal each rule as appropriate. The rules in 15A NCAC 03Q .0100 are proposed for readoption without substantive change pursuant to this requirement.

II. Summary

The nine rules in 15A NCAC 03Q .0100 have been reviewed to conform to the requirements of G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules. The proposed readoptions do not contain any changes to the rules. As these contain no changes to rule text, the proposed readoption package does not result in any fiscal impacts to the regulated community, state government, or other parties.

III. Introduction and Purpose of Rule Changes

The purpose of the Marine Fisheries Commission (MFC) is to manage, restore, develop, cultivate, conserve, protect, and regulate the marine and estuarine resources within its jurisdiction, as described in G.S. 113-132, including commercial and recreational fisheries resources (Chapter 143B, Article 7, Part 5D). Session Law 1965-957 amended Subchapter IV of Chapter 113 of the General Statutes of North Carolina to create G.S. 113-132, Jurisdiction of

fisheries agencies. This was done in part to clarify the conservation laws of the state and the authority and jurisdiction of what are now the MFC and the Wildlife Resources Commission (WRC). Paragraph (e) of this statute states that 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.”

In accordance with G.S. 113-132, the nine rules in 15A NCAC 03Q .0100, subtitled “Jurisdiction of Agencies: Classification of Waters” were originally adopted jointly by the MFC and the WRC. As a result, both agencies must approve readoption of the rules.

IV. Fiscal Impact Analysis

As these nine rules are being proposed for readoption with no changes, there will be no new impacts to the economic benefits and costs of the rules. As such, no fiscal impact will be observed from this proposed readoption package.

V. Appendix

Proposed Rules for Readoption

15A NCAC 03Q .0101 is proposed for readoption without substantive changes as follows:

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;
Readopted Eff. May 1, 2021.

15A NCAC 03Q .0102 is proposed for re adoption without substantive changes as follows:

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;
Readopted Eff. May 1, 2021.*

15A NCAC 03Q .0103 is proposed for readoption without substantive changes as follows:

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;
Readopted Eff. May 1, 2021.*

15A NCAC 03Q .0104 is proposed for readoption without substantive changes as follows:

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;
Readopted Eff. May 1, 2021.*

15A NCAC 03Q .0105 is proposed for reoption without substantive changes as follows:

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;
Readopted Eff. May 1, 2021.*

15A NCAC 03Q .0106 is proposed for readoption without substantive changes as follows:

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;
Readopted Eff. May 1, 2021.*

15A NCAC 03Q .0107 is proposed for reoption without substantive changes as follows:

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;
Readopted Eff. May 1, 2021.*

15A NCAC 03Q .0108 is proposed for reoption without substantive changes as follows:

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;
Readopted Eff. May 1, 2021.*

15A NCAC 03Q .0109 is proposed for reoption without substantive changes as follows:

**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;
Readopted Eff. May 1, 2021.*



◊ North Carolina Wildlife Resources Commission ◊

Cameron Ingram, Executive Director

November 20, 2020

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RE: Comments on Division of Marine Fisheries Joint Fishing Water Rules (15A NCAC 03Q .0100)

The Wildlife Resources Commission (WRC) respectfully submits the following comments on the Division of Marine Fisheries (DMF) Joint Fishing Water Rules, formally proposed by the Marine Fisheries Commission (MFC) on August 20, 2020 and noticed in the N.C. Register on October 1, 2020.

15A NCAC 03Q .0101 Scope and Purpose

This rule states that all rules in Section 03Q .0100 are adopted jointly by the MFC and WRC. As such, we believe that re-adoption of these rules will require a vote from both boards prior to completion of the rule-making process. While the WRC does not oppose the MFC noticing these unchanged rules, we would appreciate the chance to discuss potential updates to these 30-year old rules and the DMF's plan to ensure joint re-adoption prior to final approval.

15A NCAC 03Q .0102 Inland Fishing Waters

Per G.S. 150B-19(4), an agency may not adopt a rule that repeats the content of a law, a rule, or a federal regulation. The first sentence of this rule re-states the statutory definition of coastal fishing waters and should be revised to reference G.S. 113-129.

15A NCAC 03Q .0103 Coastal Fishing Waters

Per G.S. 150B-19(4), an agency may not adopt a rule that repeats the content of a law, a rule, or a federal regulation. The first sentence of this rule re-states the statutory definition of coastal fishing waters and should be revised to reference G.S. 113-129. Additionally, the list of inland game fish is outdated. This sentence should be revised to either list current species or reference Rule 15A NCAC 10C .0301 Inland Game Fishes Designated.

15A NCAC 03Q .0105 Posting Dividing Lines

While posting dividing lines was historically the preferred and most accurate method for differentiating the classifications on the water, this is likely no longer the most accurate means of communicating this information to the public. We believe, at a minimum, this rule should be updated to reference the

descriptive boundaries of Coastal-Joint-Inland Waters, currently in Rule 03Q .0202, and direct the public to online maps for more accurate and dependable information. However, we also believe the descriptive boundaries of Coastal-Joint-Inland Waters should be moved to this rule or another joint rule within this Section, to ensure mutual agreement on the dividing lines through joint rulemaking in the future.

15A NCAC 03Q .0106 Applicability of Regulations: Joint Waters

Subparagraph (b)(2) of this Rule is inaccurate, as it does not account for the Coastal Recreational Fishing License (CRFL). Since 2007, either an inland fishing license or CRFL has been acceptable licensure for hook-and-line fishing in joint waters. Additionally, as license requirements are specified in statute, we recommend removing them from this rule.

Subparagraph (b)(3) does not accurately describe how regulations are implemented and enforced on the water. Over time, the premise from which this rule was written has changed, as has the application. Amendments are needed to make requirements of this rule reflect expectations of implementation on the water. These amendments should be determined based on discussion and agreement between the DMF and the WRC. Prior to readoption, the WRC would welcome a discussion on amendments to this rule.

General

The names of both DMF and WRC enforcement officers are inconsistent throughout these rules. Please update all rules to use the phrase “wildlife officers” when referencing WRC enforcement.

The WRC intends to modify the joint rules in Section 10C .0100 to address the issues mentioned above and incorporate technical changes to ensure compliance with current Administrative Procedure Act requirements. We would be happy to share those proposed amendments with the DMF and would welcome the opportunity to collaborate on changes to ensure consistency between joint fishing water rules in both sections of the N.C. Administrative Code prior to readoption.

We look forward to working with you and thank you for the opportunity to comment on these proposed rules. If you have any questions, please contact me at 919-707-0011 or carrie.ruhlman@ncwildlife.org.

Regards,



Carrie Ruhlman
Rulemaking Coordinator
N.C. Wildlife Resources Commission

1 15A NCAC 03Q .0101 is readopted with changes as published in 35:07 NCR 764 as follows:

2
3 **SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS**

4
5 **SECTION .0100 - GENERAL REGULATIONS: JOINT**

6
7 **15A NCAC 03Q .0101 SCOPE AND PURPOSE**

8 The rules in this Section pertain to the classification of the waters of North Carolina as coastal fishing waters, inland
9 fishing ~~waters-waters,~~ and joint fishing ~~waters.~~ These rules are waters and shall be adopted jointly in accordance with
10 G.S. 150B-21.2 by both the Marine Fisheries Commission and the Wildlife Resources ~~Commission-Commission~~
11 when concurrent jurisdictions exist, in accordance with G.S. 113-132. These jointly adopted rules shall not affect the
12 jurisdiction of the Marine Fisheries Commission or the Wildlife Resources Commission in any matters other than
13 those specified herein. In addition to the classification of the waters of the state these joint These jointly adopted rules
14 set forth guidelines to may determine which the fishing activities in joint fishing waters that are regulated by the
15 Marine Fisheries ~~Commission~~ and which are regulated ~~Commission,~~ by the Wildlife Resources
16 ~~Commission-Commission,~~ or by both commissions. Finally, the joint These jointly adopted rules set forth special
17 fishing regulations applicable in joint waters that can shall be enforced by officers of the Division of Marine Fisheries
18 and the Wildlife Resources Commission, marine fisheries inspectors and wildlife protectors. These regulations do not
19 affect the jurisdiction of the Marine Fisheries Commission and the Wildlife Resources Commission in any matters
20 other than those specifically set out.

21
22 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*
23 *Eff. January 1, 1991;*
24 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0102 is readopted with changes as published in 35:07 NCR 764 as follows:

2
3 **15A NCAC 03Q .0102 INLAND FISHING WATERS**

4 ~~(a) Inland fishing waters are all inland waters except private ponds; and all waters connecting with or tributary to~~
5 ~~coastal sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing~~
6 ~~waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission, defined in G.S.~~
7 ~~113-129. All waters which that~~ are tributary to inland fishing waters ~~and which that~~ are not otherwise designated ~~by~~
8 ~~agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are in rule in~~
9 ~~accordance with G.S. 113-132 shall be~~ inland fishing waters.

10 ~~(b) The regulation and licensing of rules regarding licensing, in accordance with G.S. 113-174.1, and fishing in inland~~
11 ~~fishing waters is shall be~~ under the jurisdiction of the Wildlife Resources Commission.

12 ~~(c) Regulations Rules~~ and laws ~~administered by the Wildlife Resources Commission~~ regarding fishing in inland
13 ~~fishing waters administered by the Wildlife Resources Commission are shall be~~ enforced by wildlife ~~enforcement~~
14 ~~officers, protectors.~~

15
16 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*

17 *Eff. January 1, 1991;*

18 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0103 is readopted with changes as published in 35:07 NCR 764 as follows:

2
3 **15A NCAC 03Q .0103 COASTAL FISHING WATERS**

4 (a) Coastal fishing waters are the Atlantic Ocean; the various coastal sounds; and estuarine waters up to the dividing
5 line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and
6 the Wildlife Resources Commission, defined in G.S. 113-129. All waters which that are tributary to coastal fishing
7 waters and which that are not otherwise designated by agreement between the Marine Fisheries Commission and the
8 Wildlife Resources Commission are in rule in accordance with G.S. 113-132 shall be coastal fishing waters.

9 (b) The regulations and licensing of rules regarding licensing, in accordance with G.S. 113-174.1, and fishing in
10 coastal fishing waters is shall be under the jurisdiction of the Marine Fisheries Commission; Commission, except that
11 including for the following inland game fish as defined in G.S. 113-129(10) and as set forth in 15A NCAC 10C .0301
12 that are of commercial importance:(exclusive of spotted seatrout, weakfish, and striped bass) are subject to regulations
13 by the Wildlife Resources Commission in coastal fishing waters.

14 (1) American shad;

15 (2) brown bullhead;

16 (3) flounder, including Gulf flounder, southern flounder, and summer flounder;

17 (4) hickory shad;

18 (5) red drum;

19 (6) spotted seatrout;

20 (7) striped bass, including morone hybrids;

21 (8) white catfish;

22 (9) white perch;

23 (10) yellow bullhead; and

24 (11) yellow perch.

25 The Marine Fisheries Commission, pursuant to G.S. 113-129(10), concurs with inland game fish as set forth in 15A
26 NCAC 10C .0301 as of August 1, 2020, excluding the species in this Paragraph of this Rule. Rule 15A NCAC 10C
27 .0301 is hereby incorporated by reference not including subsequent amendments.

28 (c) Regulations Rules and laws administered by the Marine Fisheries Commission regarding fishing in coastal fishing
29 waters are shall be enforced by marine fisheries enforcement officers- inspectors. Regulations Rules regarding inland
30 game fish fish, excluding the species in Paragraph (b) of this Rule, in coastal fishing waters are waters, including joint
31 fishing waters, shall be enforced by wildlife enforcement officers unless otherwise agreed to by the Wildlife Resources
32 Commission-protectors.

33
34 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*

35 *Eff. January 1, 1991;*

36 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0104 is readopted with changes as published in 35:07 NCR 764 as follows:

2
3 **15A NCAC 03Q .0104 JOINT FISHING WATERS**

4 **(a)** Joint fishing waters ~~are shall be~~ those coastal fishing ~~waters, hereinafter set out, denominated by agreement of the~~
5 ~~Marine Fisheries Commission and the Wildlife Resources Commission pursuant to G.S. 113-132(e) as joint fishing~~
6 ~~waters.~~ ~~waters adopted by both the Marine Fisheries Commission and the Wildlife Resources Commission as joint~~
7 ~~fishing waters when concurrent jurisdictions exist in accordance with G.S. 113-132.~~ All waters ~~which that~~ are tributary
8 to joint fishing waters ~~and which that~~ are not otherwise designated ~~by agreement between the Marine Fisheries~~
9 ~~Commission and the Wildlife Resources Commission~~ ~~in rule in accordance with G.S. 113-132 shall be are~~ classified
10 as joint fishing waters. ~~The regulation and licensing of fishing in joint waters shall be as stated in 15A NCAC 3Q~~
11 ~~.0106.~~

12 **(b)** ~~In joint fishing waters the Marine Fisheries Commission and the Wildlife Resources Commission shall implement~~
13 ~~their respective management actions for hook and line recreational fishing pursuant to their respective rule-making~~
14 ~~authority in accordance with G.S. 113-132, except as otherwise provided in this Section. Rules in joint fishing waters~~
15 ~~shall be enforced by both marine fisheries inspectors and wildlife protectors.~~

16
17 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*

18 *Eff. January 1, 1991;*

19 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0105 is readopted with changes as published in 35:07 NCR 764-765 as follows:

2

3 **15A NCAC 03Q .0105 POSTING DIVIDING LINES**

4 (a) The dividing lines of all major bodies of water and watercourses ~~which are divided by the agreement of~~ agreed
5 upon by the Marine Fisheries Commission and the Wildlife Resources Commission so that portions of the same body
6 of water are constituted inland fishing waters, coastal fishing waters, or joint fishing waters shall be marked with signs
7 in so far insofar as may be practicable. ~~Unmarked and undesignated tributaries shall have the same classification as~~
8 ~~the designated waters to which they connect or into which they flow.~~

9 (b) ~~No unauthorized~~ Unauthorized removal or relocation of ~~any such a~~ marker shall have ~~the no~~ effect ~~of changing~~
10 on the classification of any body of water or portion thereof, nor shall any ~~such~~ unauthorized removal or relocation or
11 the absence of any a marker affect the applicability of any regulation pertaining to any such body of water or portion
12 thereof.

13

14 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*

15 *Eff. January 1, 1991;*

16 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0106 was proposed for re adoption without substantive changes as published in 35:07 NCR 765 but
2 is now repealed as follows:

3

4 **15A NCAC 03Q .0106 APPLICABILITY OF RULES: JOINT WATERS**

5 ~~(a) All coastal fishing laws and regulations administered by the Department of Environment and Natural Resources
6 and the Marine Fisheries Commission apply to joint waters except as otherwise provided, and shall be enforced by
7 fisheries enforcement officers.~~

8 ~~(b) The following inland fishing laws and regulations administered by the Wildlife Resources Commission apply to
9 joint waters and shall be enforced by wildlife enforcement officers:~~

10 ~~(1) all laws and regulations pertaining to inland game fishes,~~

11 ~~(2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,~~

12 ~~(3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.~~

13

14 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

15 *Eff. January 1, 1991;*

16 *Amended Eff. July 1, 1999;*

17 *Repealed Eff. April 1, 2022.*

1 15A NCAC 03Q .0107 is readopted with changes as published in 35:07 NCR 765 as follows:

2
3 **15A NCAC 03Q .0107 SPECIAL ~~REGULATIONS: REGULATIONS FOR JOINT FISHING~~ WATERS**

4 ~~In order to~~ To effectively manage all fisheries resources in joint fishing waters and ~~in order~~ to confer enforcement
5 powers on both marine fisheries ~~enforcement officers inspectors~~ and wildlife ~~enforcement officers protectors~~ with
6 respect to certain rules, regulations, the Marine Fisheries Commission and the Wildlife Resources Commission deem
7 it necessary to adopt special rules regulations for joint fishing waters. ~~Such rules supersede~~ This Rule supersedes any
8 inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise
9 be applicable in joint fishing waters under the ~~provisions of 15A NCAC 03Q .0106: Rules of this Section as follows:~~

10 (1) Striped ~~Bass~~ Bass:

- 11 (a) ~~It is it shall be~~ It is it shall be unlawful to possess any striped bass or striped bass hybrid that is less than
12 18 inches long (total length).
13 (b) ~~It is it shall be~~ It is it shall be unlawful to possess striped bass or striped bass hybrids between the lengths
14 of 22 and 27 inches (total length) in joint fishing waters of the Central Southern
15 Management Area as designated in 15A NCAC 03R .0201.
16 (c) ~~It is it shall be~~ It is it shall be unlawful to possess striped bass or striped bass hybrids May through
17 September in the joint fishing waters of the Central Southern Management Area and the
18 Albemarle Sound Management ~~Area~~ Area as designated in 15A NCAC 03R .0201.
19 (d) ~~It is it shall be~~ It is it shall be unlawful to possess striped bass or striped bass hybrids taken from the joint
20 fishing waters of the Cape Fear River.
21 (e) ~~It is it shall be~~ It is it shall be unlawful to possess more than one daily creel limit of striped bass or striped
22 bass hybrids, in the aggregate, per person per day, regardless of the number of management
23 areas fished.
24 (f) ~~Possession possession~~ Possession possession of fish shall be assessed for the creel and size limits of the
25 management area in which the individual is found to be fishing, regardless of the size or
26 creel limits for other management areas visited by that individual in a given day.
27 (g) ~~It is it shall be~~ It is it shall be unlawful to engage in net fishing for striped bass or striped bass hybrids in
28 joint fishing waters except as authorized by rules of the Marine Fisheries Commission.

29 (2) Lake Mattamuskeet:

- 30 (a) ~~It is it shall be~~ It is it shall be unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals
31 designated as joint fishing waters.
32 (b) ~~It is it shall be~~ It is it shall be unlawful to use or attempt to use any trawl net or seines in Lake
33 Mattamuskeet canals designated as joint fishing waters.

34 (3) Cape Fear ~~River~~ River: ~~It is~~ It shall be unlawful to use or attempt to use any net, net ~~stakes~~ stakes,
35 or electrical fishing device within 800 feet of the dam at Lock No.1 on the Cape Fear River.

36 ~~(4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per~~
37 ~~person per day taken by hook and line.~~

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History Note: Authority G.S. 113-132; 113-134; 113-182; 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;
Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

1 15A NCAC 03Q .0108 is readopted with changes as published in 35:07 NCR 765 as follows:

2

3 **15A NCAC 03Q .0108 MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN**
4 **JOINT FISHING WATERS**

5 (a) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC
6 03R .0201.

7 (b) In order to To effectively manage the recreational hook and line harvest in joint fishing waters of the Albemarle
8 Sound-Roanoke River stock of estuarine striped bass, the Marine Fisheries Commission and the Wildlife Resources
9 Commission deem it necessary to establish two management areas; areas: the Albemarle Sound Management Area
10 and the Roanoke River Management Area as designated in 15A NCAC 03R .0201. The Wildlife Resources
11 Commission shall have principal management responsibility for the stock when it is in the joint and inland fishing
12 waters of the Roanoke River Management Area. The Marine Fisheries Commission shall have principal management
13 responsibility for the stock in the coastal, joint-joint, and inland fishing waters of the Albemarle Sound Management
14 Area. The annual quota for recreational harvest of the Albemarle-Roanoke estuarine striped bass stock shall be divided
15 equally between the two management areas. Each commission shall implement management actions for recreational
16 harvest within their respective management areas that will-shall be consistent with the North Carolina Estuarine
17 Striped Bass Fishery Management Plan.

18

19 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Amended Eff. October 1, 2004; September 1, 1991;*
22 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0109 is readopted with changes as published in 35:07 NCR 766 as follows:

2
3 **15A NCAC 03Q .0109 IMPLEMENTATION OF ESTUARINE STRIPED BASS FISHERY**
4 **MANAGEMENT ~~PLANS: PLAN~~: RECREATIONAL FISHING**

5 The Marine Fisheries Commission and ~~the~~ Wildlife Resources ~~Commissions~~-Commission shall implement their
6 respective estuarine striped bass management actions for recreational fishing pursuant to their respective rule-making
7 ~~powers~~-powers and the North Carolina Estuarine Striped Bass Fishery Management Plan. To preserve jurisdictional
8 authority of each Commission, the following means are established through which equivalent management measures
9 ~~can shall~~ be implemented ~~by a single instrument~~ in each of the following management areas:

- 10 (1) ~~In in~~ the Roanoke River Management Area, the exclusive authority to open and close seasons and
11 ~~areas~~-areas and establish size and creel ~~limits~~-limits, whether inland or joint fishing ~~waters~~-waters,
12 shall be vested in the Wildlife Resources Commission. The season shall close by proclamation if
13 the quota set by the North Carolina Estuarine Striped Bass Fishery Management Plan is projected
14 to be taken. An instrument closing any management area in joint waters shall operate as and shall be
15 a jointly issued instrument opening or closing seasons or areas to harvest in the Roanoke River
16 management area.
- 17 (2) ~~In in~~ the Albemarle Sound Management Area, the exclusive authority to open and close seasons and
18 areas and establish size and creel limits, whether coastal or joint fishing ~~waters~~-waters, shall be
19 vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota set
20 by the North Carolina Estuarine Striped Bass Fishery Management Plan is about projected to be
21 exceeded. taken. In the Albemarle Sound Management Area administered by the Marine Fisheries
22 Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke
23 River Management Area, shall automatically be implemented and effective as a Wildlife Resources
24 Commission action in the inland waters and tributaries to the waters affected.

25
26 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*
27 *Eff. January 1, 1991;*
28 *Amended Eff. October 1, 2004; September 1, 1991;*
29 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0101 is readopted with changes as published in 35:07 NCR 764 as follows:

2
3 **SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS**

4
5 **SECTION .0100 - GENERAL REGULATIONS: JOINT**

6
7 **15A NCAC 03Q .0101 SCOPE AND PURPOSE**

8 The rules in this Section pertain to the classification of the waters of North Carolina as coastal fishing waters, inland
9 fishing ~~waters~~ waters, and joint fishing waters. ~~These rules are waters and shall be~~ adopted jointly in accordance with
10 G.S. 150B-21.2 by both the Marine Fisheries Commission and the Wildlife Resources ~~Commission. Commission.~~
11 ~~when concurrent jurisdictions exist, in accordance with G.S. 113-132.~~ These jointly adopted rules shall not affect the
12 jurisdiction of the Marine Fisheries Commission or the Wildlife Resources Commission in any matters other than
13 those specified herein. In addition to the classification of the waters of the state these joint ~~These jointly adopted~~ rules
14 set forth guidelines to may determine which the fishing activities in joint fishing waters that are regulated by the
15 Marine Fisheries ~~Commission and which are regulated~~ Commission. by the Wildlife Resources
16 ~~Commission. Commission.~~ or by both commissions. ~~Finally, the joint~~ These jointly adopted rules set forth special
17 fishing regulations applicable in joint waters that can shall be enforced by officers of the Division of Marine Fisheries
18 and the Wildlife Resources Commission, marine fisheries inspectors and wildlife protectors. ~~These regulations do not~~
19 affect the jurisdiction of the Marine Fisheries Commission and the Wildlife Resources Commission in any matters
20 other than those specifically set out.

21
22 *History Note:* Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
23 Eff. January 1, 1991;
24 Readopted Eff. April 1, 2022.

1 15A NCAC 03Q .0102 is readopted with changes as published in 35:07 NCR 764 as follows:

2

3 **15A NCAC 03Q .0102 INLAND FISHING WATERS**

4 (a) Inland fishing waters are ~~all inland waters except private ponds; and all waters connecting with or tributary to~~
5 ~~coastal sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing~~
6 ~~waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission, defined in G.S.~~
7 ~~113-129.~~ All waters ~~which that~~ are tributary to inland fishing waters ~~and which that~~ are not otherwise designated ~~by~~
8 ~~agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are in rule in~~
9 ~~accordance with G.S. 113-132 shall be~~ inland fishing waters.

10 (b) The regulation and licensing of ~~rules regarding licensing, in accordance with G.S. 113-174.1, and~~ fishing in inland
11 fishing waters ~~is shall be~~ under the jurisdiction of the Wildlife Resources Commission.

12 (c) ~~Regulations Rules~~ and laws ~~administered by the Wildlife Resources Commission~~ regarding fishing in inland
13 fishing waters ~~administered by the Wildlife Resources Commission are shall be~~ enforced by wildlife ~~enforcement~~
14 ~~officers, protectors.~~

15

16 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*

17 *Eff. January 1, 1991;*

18 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0103 is readopted with changes as published in 35:07 NCR 764 as follows:

2
3 **15A NCAC 03Q .0103 COASTAL FISHING WATERS**

4 (a) Coastal fishing waters are ~~the Atlantic Ocean; the various coastal sounds; and estuarine waters up to the dividing~~
5 ~~line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and~~
6 ~~the Wildlife Resources Commission, defined in G.S. 113-129. All waters which that~~ are tributary to coastal fishing
7 waters ~~and which that~~ are not otherwise designated ~~by agreement between the Marine Fisheries Commission and the~~
8 ~~Wildlife Resources Commission~~ are in rule in accordance with G.S. 113-132 shall be coastal fishing waters.

9 (b) The ~~regulations and licensing of rules regarding licensing, in accordance with G.S. 113-174.1, and~~ fishing in
10 coastal fishing waters, ~~excluding joint waters, is shall be~~ under the jurisdiction of the Marine Fisheries ~~Commission;~~
11 ~~Commission, except that including for the following~~ inland game fish ~~as defined in G.S. 113-129(10) and~~ as set forth
12 ~~in 15A NCAC 10C .0301 that are of commercial importance:(exclusive of spotted seatrout, weakfish, and striped bass)~~
13 are subject to regulations by the Wildlife Resources Commission in coastal fishing waters.

- 14 (1) American shad;
- 15 (2) brown bullhead;
- 16 (3) flounder, including Gulf flounder, southern flounder, and summer flounder;
- 17 (4) hickory shad;
- 18 (5) red drum;
- 19 (6) spotted seatrout;
- 20 (7) striped bass, including morone hybrids;
- 21 (8) white catfish;
- 22 (9) white perch;
- 23 (10) yellow bullhead; and
- 24 (11) yellow perch.

25 The Marine Fisheries Commission, pursuant to G.S. 113-129(10), concurs with inland game fish as set forth in 15A
26 NCAC 10C .0301 as of August 1, 2020, excluding the species in this Paragraph of this Rule. Rule 15A NCAC 10C
27 .0301 is hereby incorporated by reference not including subsequent amendments.

28 (c) ~~Regulations Rules~~ and laws ~~administered by the Marine Fisheries Commission~~ regarding fishing in coastal ~~fishing~~
29 waters ~~are shall be~~ enforced by ~~marine~~ fisheries ~~enforcement officers, inspectors.~~ ~~Regulations Rules~~ regarding inland
30 game ~~fish fish, excluding the species in Paragraph (b) of this Rule,~~ in coastal fishing ~~waters are waters, including joint~~
31 ~~fishing waters, shall be~~ enforced by wildlife ~~enforcement officers unless otherwise agreed to by the Wildlife~~
32 ~~Resources Commission, protectors.~~ Rules and laws regarding fishing and management of species in joint fishing
33 waters shall be enforced as specified in Rules .0104, and .0106 through .0109 of this Section.

34
35 *History Note:* Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
36 Eff. January 1, 1991;
37 Readopted Eff. April 1, 2022.

1 15A NCAC 03Q .0104 is readopted with changes as published in 35:07 NCR 764 as follows:

2

3 **15A NCAC 03Q .0104 JOINT FISHING WATERS**

4 ~~(a) Joint fishing waters are defined in 113-129(10a), and are jointly shall be those coastal fishing waters, hereinafter~~
5 ~~set out, denominated by agreement of the Marine Fisheries Commission and the Wildlife Resources Commission~~
6 ~~pursuant to G.S. 113-132(e) as joint fishing waters. waters adopted by both the Marine Fisheries Commission and the~~
7 ~~Wildlife Resources Commission, as joint fishing waters when concurrent jurisdictions exist in accordance with G.S.~~
8 ~~113-132. All waters which-that~~ are tributary to joint fishing waters ~~and which-that~~ are not otherwise designated by
9 ~~agreement between the Marine Fisheries Commission and the Wildlife Resources Commission in rule in accordance~~
10 ~~with G.S. 113-132 shall be are-classified as joint fishing waters. The regulation and licensing of fishing in joint waters~~
11 ~~shall be as stated in 15A NCAC 3Q .0106.~~

12 ~~(b) In joint fishing waters the Marine Fisheries Commission and the Wildlife Resources Commission shall implement~~
13 ~~their respective management actions for hook and line recreational fishing pursuant to their respective rule making~~
14 ~~authority in accordance with G.S. 113-132, except as otherwise provided in this Section. The regulation and licensing~~
15 ~~of fishing in joint fishing waters shall be as specified in Rules .0106 through .0109 of this Section. Rules and laws~~
16 ~~regarding fishing in joint fishing waters shall be enforced by both marine fisheries inspectors and wildlife protectors.~~

17

18 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*

19 *Eff. January 1, 1991;*

20 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0105 is readopted with changes as published in 35:07 NCR 764-765 as follows:

2

3 **15A NCAC 03Q .0105 POSTING DIVIDING LINES**

4 ~~(a)~~ The dividing lines of all major bodies of water and watercourses ~~which are divided by the agreement of agreed~~
5 ~~upon by~~ the Marine Fisheries Commission and the Wildlife Resources Commission so that portions of the same ~~body~~
6 ~~of water~~ are constituted inland fishing waters, coastal fishing waters, or joint fishing waters shall be marked with signs
7 ~~in so far insofar~~ as may be practicable. ~~Unmarked and undesignated tributaries shall have the same classification as~~
8 ~~the designated waters to which they connect or into which they flow.~~

9 ~~(b) No unauthorized-Unauthorized~~ removal or relocation of ~~any such a~~ marker shall have ~~the no~~ effect of ~~changing~~
10 ~~on~~ the classification of any body of water or portion thereof, nor shall any ~~such~~ unauthorized removal or relocation or
11 the absence of ~~any a~~ marker affect the applicability of any regulation pertaining to any ~~such~~ body of water or portion
12 thereof.

13

14 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*

15 *Eff. January 1, 1991;*

16 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0106 was proposed for readoption without substantive changes as published in 35:07 NCR 765 but
2 is now repealed as follows:

3

4 **15A NCAC 03Q .0106 APPLICABILITY OF RULES: JOINT WATERS**

5 (a) All coastal fishing laws and ~~rules regulations~~ administered by the Department of Environmental Quality
6 ~~Environment and Natural Resources~~ and the Marine Fisheries Commission shall apply to joint waters except as
7 otherwise provided, and shall be enforced by marine fisheries inspectors. ~~enforcement officers.~~

8 (b) ~~The following~~ All inland fishing laws and rules ~~regulations~~ administered by the Wildlife Resources Commission
9 apply to joint waters and shall be enforced by wildlife protectors. ~~enforcement officers.~~

- 10 (1) all laws and regulations pertaining to inland game fishes,
11 (2) ~~all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,~~
12 (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.

13

14 *History Note:* Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
15 Eff. January 1, 1991;
16 Amended Eff. July 1, 1999;
17 ~~Repealed-Readopted~~ Eff. April 1, 2022.

1 15A NCAC 03Q .0107 is readopted with changes as published in 35:07 NCR 765 as follows:

2
3 **15A NCAC 03Q .0107 SPECIAL REGULATIONS: REGULATIONS FOR JOINT FISHING WATERS**

4 ~~In order to~~ To effectively manage all fisheries resources in joint fishing waters and ~~in order~~ to confer enforcement
5 powers on both marine fisheries ~~enforcement officers-inspectors~~ and wildlife ~~enforcement officers-protectors~~ with
6 respect to certain rules, regulations, the Marine Fisheries Commission and the Wildlife Resources Commission deem
7 it necessary to adopt special rules-regulations for joint fishing waters. ~~Such rules supersede~~ This Rule supersedes any
8 inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise
9 be applicable in joint fishing waters under the ~~provisions of 15A NCAC 03Q .0106:Rules of this Section as follows:~~

10 (1) Striped ~~Bass-Bass:~~

- 11 (a) ~~It is it shall be~~ unlawful to possess any striped bass or striped bass hybrid that is less than
12 18 inches long (total length).
- 13 (b) ~~It is it shall be~~ unlawful to possess striped bass or striped bass hybrids between the lengths
14 of 22 and 27 inches (total length) in joint fishing waters of the Central Southern
15 Management Area as designated in 15A NCAC 03R .0201.
- 16 (c) ~~It is-it shall be~~ unlawful to possess striped bass or striped bass hybrids May through
17 September in the joint fishing waters of the Central Southern Management Area and the
18 Albemarle Sound Management ~~Area-Area~~ as designated in 15A NCAC 03R .0201.
- 19 (d) ~~It is-it shall be~~ unlawful to possess striped bass or striped bass hybrids taken from the joint
20 fishing waters of the Cape Fear River.
- 21 (e) ~~It is-it shall be~~ unlawful to possess more than one daily creel limit of striped bass or striped
22 bass hybrids, in the aggregate, per person per day, regardless of the number of management
23 areas fished.
- 24 (f) ~~Possession-possession~~ of fish shall be assessed for the creel and size limits of the
25 management area in which the individual is found to be fishing, regardless of the size or
26 creel limits for other management areas visited by that individual in a given day.
- 27 (g) ~~It is-it shall be~~ unlawful to engage in net fishing for striped bass or striped bass hybrids in
28 joint fishing waters except as authorized by rules of the Marine Fisheries Commission.

29 (2) Lake Mattamuskeet:

- 30 (a) ~~It is it shall be~~ unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals
31 designated as joint fishing waters.
- 32 (b) ~~It is-it shall be~~ unlawful to use or attempt to use any trawl net or seines in Lake
33 Mattamuskeet canals designated as joint fishing waters.

34 (3) Cape Fear ~~River. It is-River: it shall be~~ unlawful to use or attempt to use any net, net ~~stakes-stakes,~~
35 or electrical fishing device within 800 feet of the dam at Lock No.1 on the Cape Fear River.

36 (4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per
37 person per day taken by hook-and-line.

1

2 *History Note:* Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
3 *Eff. January 1, 1991;*
4 *Amended Eff. July 1, 1993; November 1, 1991;*
5 *Temporary Amendment Eff. May 1, 2000;*
6 *Amended Eff. July 1, 2008; September 1, 2005; April 1, 2001; August 1, 2000;*
7 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03Q .0108 is readopted with changes as published in 35:07 NCR 765 as follows:

2
3 **15A NCAC 03Q .0108 MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN**
4 **JOINT FISHING WATERS**

5 (a) ~~The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC~~
6 ~~03R-0201.~~

7 ~~(b) In order to To~~ effectively manage the recreational hook and line harvest in joint fishing waters of the Albemarle
8 Sound-Roanoke River stock of estuarine striped bass, the Marine Fisheries Commission and the Wildlife Resources
9 Commission deem it necessary to establish two management ~~areas; areas:~~ the Albemarle Sound Management Area
10 and the Roanoke River Management Area, ~~as designated in 15A NCAC 03R-0201.~~

11 ~~(1) The Albemarle Sound Management Area is designated as Albemarle Sound and all its joint and~~
12 ~~inland water tributaries, (except for the Roanoke, Middle, Eastmost and Cashie rivers), Currituck,~~
13 ~~Roanoke and Croatan sounds and all their joint and inland water tributaries, including Oregon Inlet,~~
14 ~~north of a line beginning at a point 35° 48.5015' N - 75° 44.1228' W on Roanoke Marshes Point,~~
15 ~~running southeasterly to a point 35° 44 .1710' N - 75° 31 .0520' W on the north point of Eagle Nest~~
16 ~~Bay.~~

17 ~~(2) The Roanoke River Management Area is designated as Roanoke River and its joint and inland~~
18 ~~tributaries, including Middle, Eastmost and Cashie rivers, up to the Roanoke Rapids dam.~~

19 (b) The Wildlife Resources Commission shall have principal management responsibility for the stock when it is in the
20 joint and inland fishing waters of the Roanoke River Management Area. The Marine Fisheries Commission shall have
21 principal management responsibility for the stock in the coastal, joint joint, and inland fishing waters of the Albemarle
22 Sound Management Area.

23 (c) The annual quota for recreational harvest of the Albemarle-Roanoke estuarine striped bass stock shall be divided
24 equally between the two management areas. Each commission shall implement management actions for recreational
25 harvest within their respective management areas that will shall be consistent with the North Carolina Estuarine
26 Striped Bass Fishery Management Plan.

27
28 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*
29 *Eff. January 1, 1991;*
30 *Amended Eff. October 1, 2004; September 1, 1991;*
31 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0109 is readopted with changes as published in 35:07 NCR 766 as follows:

2
3 **15A NCAC 03Q .0109 IMPLEMENTATION OF ESTUARINE STRIPED BASS FISHERY**
4 **MANAGEMENT ~~PLANS:~~ PLAN: RECREATIONAL FISHING**

5 The Marine Fisheries Commission and the Wildlife Resources ~~Commissions~~ Commission shall implement their
6 respective estuarine striped bass management actions for recreational fishing pursuant to their respective rule-making
7 ~~powers, powers and the North Carolina Estuarine Striped Bass Fishery Management Plan.~~ To preserve jurisdictional
8 authority of each Commission, the following means are established through which equivalent management measures
9 ~~can shall~~ be implemented by a single instrument in each of the following management areas:

- 10 (1) ~~In in~~ the Roanoke River Management Area, the exclusive authority to open and close seasons and
11 ~~areas, areas~~ and establish size and creel ~~limits limits,~~ whether inland or joint fishing ~~waters waters,~~
12 shall be vested in the Wildlife Resources Commission. ~~The season shall close by proclamation if~~
13 ~~the quota set by the North Carolina Estuarine Striped Bass Fishery Management Plan is projected~~
14 ~~to be taken.~~ ~~An instrument closing any management area in joint waters shall operate as and shall be~~
15 ~~a jointly issued instrument opening or closing seasons or areas to harvest in the Roanoke River~~
16 ~~management area.~~
17 (2) ~~In in~~ the Albemarle Sound Management Area, the exclusive authority to open and close seasons and
18 areas and establish size and creel limits, whether coastal or joint fishing ~~waters waters,~~ shall be
19 vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota ~~set~~
20 ~~by the North Carolina Estuarine Striped Bass Fishery Management Plan is about projected~~ to be
21 ~~exceeded. taken.~~ ~~In the Albemarle Sound Management Area administered by the Marine Fisheries~~
22 ~~Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke~~
23 ~~River Management Area, shall automatically be implemented and effective as a Wildlife Resources~~
24 ~~Commission action in the inland waters and tributaries to the waters affected.~~

25
26 *History Note:* Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
27 Eff. January 1, 1991;
28 Amended Eff. October 1, 2004; September 1, 1991;
29 Readopted Eff. April 1, 2022.

1 15A NCAC 03Q .0101 is readopted with changes as published in 35:07 NCR 764 as follows:

2

3

SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS

4

5

SECTION .0100 - GENERAL REGULATIONS: JOINT

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15A NCAC 03Q .0101 SCOPE AND PURPOSE

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The rules in this Section pertain to the classification of the waters of North Carolina as coastal fishing waters, inland fishing ~~waters-waters,~~ and joint fishing ~~waters.~~ ~~These rules are waters and shall be adopted jointly~~ in accordance with G.S. 150B-21.2 by both the Marine Fisheries Commission and the Wildlife Resources ~~Commission-Commission due~~ to the existence of concurrent jurisdiction, in accordance with G.S. 113-132. These jointly adopted rules shall not affect the jurisdiction of the Marine Fisheries Commission or the Wildlife Resources Commission in any matters other than those specified in this Section. ~~In addition to the classification of the waters of the state these joint~~ These jointly adopted rules set forth guidelines to may determine which the fishing activities in joint fishing waters that are regulated by the Marine Fisheries ~~Commission and which are regulated-Commission,~~ Commission, by the Wildlife Resources ~~Commission-Commission,~~ or by both commissions. ~~Finally, the joint~~ These jointly adopted rules set forth special fishing regulations applicable in joint waters that can ~~shall~~ shall be enforced by officers of the Division of Marine Fisheries and the Wildlife Resources Commission-both marine fisheries inspectors and wildlife protectors. ~~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; 113-182; 113-292; 143B-289.52;
Eff. January 1, 1991;
Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0102 is readopted with changes as published in 35:07 NCR 764 as follows:

2

3 **15A NCAC 03Q .0102 INLAND FISHING WATERS**

4 (a) Inland fishing waters are all inland waters except private ponds; and all waters connecting with or tributary to
5 coastal sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing
6 waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission, defined in G.S.
7 113-129. All waters which that are tributary to inland fishing waters and which that are not otherwise designated by
8 agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are in rule in
9 accordance with G.S. 113-132 shall be inland fishing waters.

10 (b) The regulation and licensing of fishing in inland fishing waters is shall be under the jurisdiction of the Wildlife
11 Resources Commission.

12 (c) Regulations Rules and laws administered by the Wildlife Resources Commission regarding fishing in inland
13 fishing waters administered by the Wildlife Resources Commission are shall be enforced by wildlife enforcement
14 officers, protectors.

15

16 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*

17 *Eff. January 1, 1991;*

18 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0103 is readopted with changes as published in 35:07 NCR 764 as follows:

2

3 **15A NCAC 03Q .0103 COASTAL FISHING WATERS**

4 (a) Coastal fishing waters are the Atlantic Ocean; the various coastal sounds; and estuarine waters up to the dividing
5 line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and
6 the Wildlife Resources Commission, defined in G.S. 113-129. All waters which that are tributary to coastal fishing
7 waters and which that are not otherwise designated by agreement between the Marine Fisheries Commission and the
8 Wildlife Resources Commission are in rule in accordance with G.S. 113-132 shall be coastal fishing waters.

9 (b) The regulations and licensing of regulation of fishing in coastal fishing waters and licensing of fishing in coastal
10 fishing waters is waters, in accordance with G.S. 113-174.1, shall be under the jurisdiction of the Marine Fisheries
11 Commission; Commission, except that including for the following inland game fish as defined in G.S. 113-129(10)
12 and as set forth in 15A NCAC 10C .0301 that are of commercial importance;(exclusive of spotted seatrout, weakfish,
13 and striped bass) are subject to regulations by the Wildlife Resources Commission in coastal fishing waters.

- 14 (1) American shad;
- 15 (2) brown bullhead;
- 16 (3) flounder, including Gulf flounder, southern flounder, and summer flounder;
- 17 (4) hickory shad;
- 18 (5) red drum;
- 19 (6) spotted seatrout;
- 20 (7) striped bass, including morone hybrids;
- 21 (8) white catfish;
- 22 (9) white perch;
- 23 (10) yellow bullhead; and
- 24 (11) yellow perch.

25 The Marine Fisheries Commission, pursuant to G.S. 113-129(10), concurs with inland game fish as set forth in 15A
26 NCAC 10C .0301 as of August 1, 2020, excluding the species in this Paragraph of this Rule. Rule 15A NCAC 10C
27 .0301 is hereby incorporated by reference not including subsequent amendments.

28 (c) Regulations Rules and laws administered by the Marine Fisheries Commission regarding fishing in coastal fishing
29 waters are shall be enforced by marine fisheries enforcement officers. inspectors. Regulations Rules and laws
30 regarding inland game fish fish, excluding the species in Paragraph (b) of this Rule, in coastal fishing waters are
31 waters, including joint fishing waters, shall be enforced by wildlife enforcement officers unless otherwise agreed to
32 by the Wildlife Resources Commission protectors.

33

34 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*
35 *Eff. January 1, 1991;*
36 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0104 is readopted with changes as published in 35:07 NCR 764 as follows:

2

3 **15A NCAC 03Q .0104 JOINT FISHING WATERS**

4 (a) Joint fishing waters are those coastal fishing waters, hereinafter set out, denominated by agreement of defined in
5 G.S. 113-129 and are waters adopted by both the Marine Fisheries Commission and the Wildlife Resources
6 Commission pursuant to G.S. 113-132(e) as joint fishing waters. waters when concurrent jurisdiction exists in
7 accordance with G.S. 113-132. All waters which that are tributary to joint fishing waters and which that are not
8 otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources
9 Commission in rule in accordance with G.S. 113-132 shall be are classified as joint fishing waters. The regulation and
10 licensing of fishing in joint waters shall be as stated in 15A NCAC 3Q .0106.

11 (b) In joint fishing waters the Marine Fisheries Commission and the Wildlife Resources Commission shall implement
12 their respective management actions for hook and line recreational fishing pursuant to their respective rule-making
13 authority in accordance with G.S. 113-132, except as otherwise provided in this Section. Rules and laws regarding
14 fishing in joint fishing waters shall be enforced by both marine fisheries inspectors and wildlife protectors.

15

16 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*

17 *Eff. January 1, 1991;*

18 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0105 is readopted with changes as published in 35:07 NCR 764-765 as follows:

2

3 **15A NCAC 03Q .0105 POSTING DIVIDING LINES**

4 (a) The dividing lines of all major bodies of water and watercourses ~~which are divided by the agreement of~~ agreed
5 upon by the Marine Fisheries Commission and the Wildlife Resources Commission so that portions of the same body
6 of water are constituted inland fishing waters, coastal fishing waters, or joint fishing waters shall be marked with signs
7 in so far insofar as may be practicable. ~~Unmarked and undesignated tributaries shall have the same classification as~~
8 ~~the designated waters to which they connect or into which they flow.~~

9 (b) ~~No unauthorized~~ Unauthorized removal or relocation of ~~any such a~~ marker shall have ~~the no~~ effect ~~of changing~~
10 on the classification of any body of water or portion thereof, nor shall any ~~such~~ unauthorized removal or relocation or
11 the absence of ~~any a~~ marker affect the applicability of any regulation pertaining to any ~~such~~ body of water or portion
12 thereof.

13

14 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*

15 *Eff. January 1, 1991;*

16 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0106 was proposed for re adoption without substantive changes as published in 35:07 NCR 765 but
2 is now repealed as follows:

3

4 **15A NCAC 03Q .0106 APPLICABILITY OF RULES: JOINT WATERS**

5 ~~(a) All coastal fishing laws and regulations administered by the Department of Environment and Natural Resources~~
6 ~~and the Marine Fisheries Commission apply to joint waters except as otherwise provided, and shall be enforced by~~
7 ~~fisheries enforcement officers.~~

8 ~~(b) The following inland fishing laws and regulations administered by the Wildlife Resources Commission apply to~~
9 ~~joint waters and shall be enforced by wildlife enforcement officers:~~

10 (1) ~~all laws and regulations pertaining to inland game fishes,~~

11 (2) ~~all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,~~

12 (3) ~~all laws and regulations pertaining to hook and line fishing except as hereinafter provided.~~

13

14 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

15 *Eff. January 1, 1991;*

16 *Amended Eff. July 1, 1999;*

17 *Repealed Eff. April 1, 2022.*

1 15A NCAC 03Q .0107 is readopted with changes as published in 35:07 NCR 765 as follows:

2
3 **15A NCAC 03Q .0107 SPECIAL ~~REGULATIONS: REGULATIONS FOR JOINT FISHING~~ WATERS**

4 ~~In order to~~ To effectively manage all fisheries resources in joint fishing waters and ~~in order~~ to confer enforcement
5 powers on both marine fisheries ~~enforcement officers inspectors~~ and wildlife ~~enforcement officers protectors~~ with
6 respect to certain rules, regulations, the Marine Fisheries Commission and the Wildlife Resources Commission deem
7 it necessary to adopt special rules regulations for joint fishing waters. ~~Such rules supersede~~ This Rule supersedes any
8 inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise
9 be applicable in joint fishing waters under the ~~provisions of 15A NCAC 03Q .0106: Rules of this Section as follows:~~

10 (1) Striped ~~Bass~~ Bass:

- 11 (a) ~~It is it shall be~~ unlawful to possess any striped bass or striped bass hybrid that is less than
12 18 inches long (total length).
13 (b) ~~It is it shall be~~ unlawful to possess striped bass or striped bass hybrids between the lengths
14 of 22 and 27 inches (total length) in joint fishing waters of the Central Southern
15 Management Area as designated in 15A NCAC 03R .0201.
16 (c) ~~It is it shall be~~ unlawful to possess striped bass or striped bass hybrids May through
17 September in the joint fishing waters of the Central Southern Management Area and the
18 Albemarle Sound Management ~~Area~~ Area as designated in 15A NCAC 03R .0201.
19 (d) ~~It is it shall be~~ unlawful to possess striped bass or striped bass hybrids taken from the joint
20 fishing waters of the Cape Fear River.
21 (e) ~~It is it shall be~~ unlawful to possess more than one daily creel limit of striped bass or striped
22 bass hybrids, in the aggregate, per person per day, regardless of the number of management
23 areas fished.
24 (f) ~~Possession possession~~ of fish shall be assessed for the creel and size limits of the
25 management area in which the individual is found to be fishing, regardless of the size or
26 creel limits for other management areas visited by that individual in a given day.
27 (g) ~~It is it shall be~~ unlawful to engage in net fishing for striped bass or striped bass hybrids in
28 joint fishing waters except as authorized by rules of the Marine Fisheries Commission.

29 (2) Lake Mattamuskeet:

- 30 (a) ~~It is it shall be~~ unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals
31 designated as joint fishing waters.
32 (b) ~~It is it shall be~~ unlawful to use or attempt to use any trawl net or seines in Lake
33 Mattamuskeet canals designated as joint fishing waters.

34 (3) Cape Fear ~~River~~ River: ~~It is~~ it shall be unlawful to use or attempt to use any net, net ~~stakes~~ stakes,
35 or electrical fishing device within 800 feet of the dam at Lock No.1 on the Cape Fear River.

36 ~~(4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per~~
37 ~~person per day taken by hook and line.~~

1

2 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*

3 *Eff. January 1, 1991;*

4 *Amended Eff. July 1, 1993; November 1, 1991;*

5 *Temporary Amendment Eff. May 1, 2000;*

6 *Amended Eff. July 1, 2008; September 1, 2005; April 1, 2001; August 1, 2000;*

7 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03Q .0108 is readopted with changes as published in 35:07 NCR 765 as follows:

2

3 **15A NCAC 03Q .0108 MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN**
4 **JOINT FISHING WATERS**

5 (a) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC
6 03R .0201.

7 (b) ~~In order to~~ To effectively manage the recreational hook and line harvest in joint fishing waters of the Albemarle
8 Sound-Roanoke River stock of estuarine striped bass, the Marine Fisheries Commission and the Wildlife Resources
9 Commission deem it necessary to establish two management ~~areas;~~ areas: the Albemarle Sound Management Area
10 and the Roanoke River Management Area as designated in 15A NCAC 03R .0201. The Wildlife Resources
11 Commission shall have principal management responsibility for the stock when it is in the joint and inland fishing
12 waters of the Roanoke River Management Area. The Marine Fisheries Commission shall have principal management
13 responsibility for the stock in the coastal, ~~joint-joint,~~ and inland fishing waters of the Albemarle Sound Management
14 Area. The annual quota for recreational harvest of the Albemarle-Roanoke estuarine striped bass stock shall be divided
15 equally between the two management areas. Each commission shall implement management actions for recreational
16 harvest within their respective management areas that ~~will~~ shall be consistent with the North Carolina Estuarine
17 Striped Bass Fishery Management Plan.

18

19 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Amended Eff. October 1, 2004; September 1, 1991;*
22 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0109 is readopted with changes as published in 35:07 NCR 766 as follows:

2
3 **15A NCAC 03Q .0109 IMPLEMENTATION OF ESTUARINE STRIPED BASS FISHERY**
4 **MANAGEMENT ~~PLANS: PLAN~~; RECREATIONAL FISHING**

5 The Marine Fisheries Commission and ~~the~~ Wildlife Resources ~~Commissions~~ Commission shall implement their
6 respective estuarine striped bass management actions for recreational fishing pursuant to their respective rule-making
7 ~~powers~~ powers and the North Carolina Estuarine Striped Bass Fishery Management Plan. To preserve jurisdictional
8 authority of each Commission, the following means are established through which management measures ~~can~~ shall
9 be implemented ~~by a single instrument~~ in each of the following management areas:

- 10 (1) ~~In in~~ the Roanoke River Management Area, the exclusive authority to open and close seasons and
11 ~~areas~~ areas and establish size and creel ~~limits~~ limits, whether inland or joint fishing ~~waters~~ waters,
12 shall be vested in the Wildlife Resources Commission. ~~An instrument closing any management area~~
13 ~~in joint waters shall operate as and shall be a jointly issued instrument opening or closing seasons~~
14 ~~or areas to harvest in the Roanoke River management area.~~
15 (2) ~~In in~~ the Albemarle Sound Management Area, the exclusive authority to open and close seasons and
16 areas and establish size and creel limits, whether coastal or joint fishing ~~waters~~ waters, shall be
17 vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota ~~set~~
18 ~~by the North Carolina Estuarine Striped Bass Fishery Management Plan~~ is about projected to be
19 ~~exceeded~~ taken. ~~In the Albemarle Sound Management Area administered by the Marine Fisheries~~
20 ~~Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke~~
21 ~~River Management Area, shall automatically be implemented and effective as a Wildlife Resources~~
22 ~~Commission action in the inland waters and tributaries to the waters affected.~~

23
24 *History Note:* Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
25 Eff. January 1, 1991;
26 Amended Eff. October 1, 2004; September 1, 1991;
27 Readopted Eff. April 1, 2022.