

# Issues/Reports







ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

STEPHEN W. MURPHEY  
*Director*

Nov. 1, 2018

## MEMORANDUM

**TO:** N.C. Marine Fisheries Commission

**FROM:** Catherine Blum, Fishery Management Plan and Rulemaking Coordinator  
Fisheries Management Section

**SUBJECT:** Rulemaking Update

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### Issue

At its May 16-17, 2018 meeting, the Marine Fisheries Commission approved Notice of Text for Rulemaking to begin the readoption process for 41 rules per G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules. These rules will be presented to the commission at its November meeting for final approval.

### Findings

- The proposed rules were published in the Aug. 1, 2018 *N.C. Register*. A public comment period was held through Oct. 1, 2018.
- A public hearing was held Aug. 22 in Morehead City, N.C. No one from the public attended.
- One written public comment was submitted; however, it proposed additional changes outside the scope of the proposed technical and conforming changes that were originally approved to move forward by the Office of State Budget and Management and the Marine Fisheries Commission.
- After publication of the proposed rules, division staff identified clarifying changes within the scope of what was originally proposed that are needed for a small number of the rules. These updated versions will be presented to the commission for final approval.

### Action Needed

The commission needs to vote on final approval of the 41 rules in its 2018-2019 package, as presented in the briefing materials.

### Overview

This memo describes the materials about the rulemaking update for the November 2018 commission meeting. In accordance with requirements of G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, the commission is scheduled to vote on final approval of readoption of 41 rules in 15A NCAC 03. Background information is provided here, including

recent actions that have occurred, followed by a summary of the action items scheduled for this meeting.

Supporting handouts are provided in the briefing materials. These include a figure showing the steps in the commission’s 2018-2019 annual rulemaking cycle, the Aug. 1 news release about the proposed rules, the corresponding excerpt of proposed rules from the *N.C. Register*, a summary of the Aug. 22 public hearing, a public comment received, and an updated version of a small number of the rules for which division staff identified clarifying changes that are needed.

**Background on the Periodic Review and Expiration of Existing Rules**

Session Law 2013-413, the Regulatory Reform Act of 2013, implemented requirements known as the “Periodic Review and Expiration of Existing Rules.” These requirements are codified in a new section of Article 2A of Chapter 150B of the General Statutes in G.S. 150B-21.3A. Under the requirements, each agency is responsible for conducting a review of all its rules at least once every 10 years in accordance with a prescribed process.

The review has two parts. The first is a report phase, followed by the readoption of rules. An evaluation of the rules under the authority of the Marine Fisheries Commission is being undertaken in two lots (see Figure 1.) A report on the rules in Title 15A, Environmental Quality, Chapter 03, Marine Fisheries was due to the Rules Review Commission December 2017. A report on the rules in Chapter 18, Environmental Health, for portions of Subchapter A that govern shellfish sanitation and recreational water quality is due January 2019. The Marine Fisheries Commission has 211 rules in Chapter 03 and 164 rules in Chapter 18A. The Marine Fisheries Commission is the body with the authority for the approval steps prescribed in the process for these rules.

Rules	2017	2018	2019	2020	2021	2022
Chapter 03 (211 rules)	Report	Rule Readoption				
Chapter 18A (164 rules)		Report	Rule Readoption			

Figure 1. Marine Fisheries Commission schedule to comply with G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules.

The process began for the Marine Fisheries Commission at its February 2017 meeting with approval of the draft report on the rules in Title 15A, Environmental Quality, Chapter 03, Marine Fisheries. This report contained 211 rules.

Nine of these 211 rules are jointly adopted by the Marine Fisheries Commission and the Wildlife Resources Commission. The rules are subtitled “Jurisdiction of Agencies: Classification of Waters” and are found in 15A NCAC 03Q .0100. Similarly, the Wildlife Resources Commission

has 11 rules that are jointly adopted and have the same subtitle; they are found in 15A NCAC 10C .0100. For the required steps in the periodic review process, both agencies must approve both sets of rules, since the rules were all jointly adopted. The approvals for the draft report on these rules occurred at the Marine Fisheries Commission’s February and May 2017 meetings and the Wildlife Resources Commission’s April 2017 meeting.

For the reports, the first step is for each agency to make a determination as to whether each rule is necessary with substantive public interest, necessary without substantive public interest, or unnecessary. After the draft reports are approved, they are posted on the Division of Marine Fisheries website for public comment for a minimum of 60 days. It is important to note, for the purposes of these requirements, “public comment” means written comments from the public objecting to the rule. The agency must review the public comments and prepare a brief response addressing the merits of each comment. This information becomes the final report.

The final report for rules in 15A NCAC 03Q .0100 and the final report for all other rules in 15A NCAC 03 were reviewed and approved by the Marine Fisheries Commission at its August 2017 meeting and the Rules Review Commission at its December 2017 meeting. The reports were forwarded to the Joint Legislative Administrative Procedure Oversight Committee for final determination. The committee met Jan. 9, 2018 and the review process was complete.

At its February 2018 meeting, the Marine Fisheries Commission gave approval to begin the report process for the 164 rules in 15A NCAC 18A .0100, .0300-.0900, and .3400, regarding shellfish sanitation and recreational water quality requirements. The process followed the same timing that occurred in 2017 for the previous rule reports. The final report was approved by the Marine Fisheries Commission at its August 2018 meeting and will be reviewed by the Rules Review Commission in January 2019.

The second part of the periodic review process is the readoption of rules. The final report determines the process for readoption. Rules determined to be necessary and without substantive public interest and for which no public comment was received remain in effect without further action. Rules determined to be unnecessary and for which no public comment was received expire on the first day of the month following the date the report becomes effective. Rules determined to be necessary with substantive public interest must be readopted as though the rules were new rules. The Rules Review Commission works with each agency to consider the agency’s rulemaking priorities in establishing a deadline for the readoption of rules.

The final determinations for the rules in 15A NCAC 03Q .0100 and all other rules in 15A NCAC 03 were unchanged from how they were submitted. As a result, three rules were determined to be unnecessary and expired, 36 rules were determined to be necessary without substantive public interest and remained in effect without further action, and 172 rules were determined to be necessary with substantive public interest and must be readopted as though they were new rules. The next step in the process is to set a readoption schedule.

At its February 2018 meeting, the commission approved the schedule for readoption of these rules to be completed by June 30, 2022. Due to the nature of the jointly-adopted rules of the

Marine Fisheries Commission and the Wildlife Resources Commission, the Wildlife Resources Commission also approved the readoption schedule at its April 2018 meeting. The proposed readoption schedule, as approved by the Marine Fisheries Commission and the Wildlife Resources Commission, was approved by the Rules Review Commission at its June 2018 meeting.

To achieve readoption of the 15A NCAC 03 rules within the deadline, staff will prepare approximately 40 to 45 rules for readoption in each of four years. For the 2018-2019 rule package, the Marine Fisheries Commission approved Notice of Text for Rulemaking at its May 2018 meeting, which began the rulemaking process. The proposed rules in this package have been recently amended and/or need only technical changes. The rules have no anticipated costs associated with them and will benefit stakeholders with increased clarity and consistency across rules. The rules are intended to become effective April 1, 2019. A handout is provided showing the steps in the Marine Fisheries Commission's 2018-2019 annual rulemaking cycle. Additional handouts include the Aug. 1 news release about the proposed rules and the excerpt of proposed rules from the *N.C. Register*.

Staff is already preparing the next package of 40 to 45 rules in 15A NCAC 03 for readoption, which will occur in the second of four years. For the 2019-2020 rule package, rules proposed for readoption will include 15A NCAC 03M .0509, Tarpon. At its February 2018 meeting, the Marine Fisheries Commission voted to have the division begin the process of drafting a rule to make tarpon a no spear, no gaff and no possession fish. The rules in the 2019-2020 package will be provided to the Marine Fisheries Commission at its May 2019 meeting to begin the rulemaking process. These rules are intended to become effective April 1, 2020.

### **Summary of Action Items**

The 41 rules in the Marine Fisheries Commission's 2018-2019 package were published in the Aug. 1, 2018 *N.C. Register*. A public comment period was held through Oct. 1, 2018. A public hearing was held Aug. 22 in Morehead City, N.C. A summary is included in the supporting handouts, although no one from the public attended. One written public comment was submitted and is also included in the supporting handouts. The commenter proposed additional changes outside the scope of the proposed technical and conforming changes that were originally approved to move forward by the Office of State Budget and Management and the Marine Fisheries Commission. There was no further public input on the package of proposed rules.

After the Aug. 1 publication of the proposed rules, division staff identified clarifying changes within the scope of what was originally proposed that are needed for a small number of the rules. These updated versions are included in the supporting handouts and will be presented to the commission for final approval. At its November meeting, the commission needs to vote on final approval of the 41 rules in the 2018-2019 package, as presented in the briefing materials. Staff recommends the commission give final approval for readoption of the following rules per G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules:

- Conforming Changes to For-Hire License Requirements, 15A NCAC 03O .0112; and
- Readoption of a Portion of Rules in 15A NCAC 03I, 03J, 03K, 03L, 03M, 03O, and 03R.

## N.C. Marine Fisheries Commission 2018-2019 Annual Rulemaking Cycle

November 2018

Time of Year	Action
January 2018	Last opportunity for a new issue to be presented to DMF Rules Advisory Team
February 2018	Second review by DMF Rules Advisory Team
February-April 2018	Fiscal analysis of rules prepared by DMF staff and approved by Office of State Budget and Management
May 2018	MFC approved Notice of Text for Rulemaking
Aug. 1, 2018	Publication of proposed rules in the North Carolina Register
Aug. 1-Oct. 1, 2018	Public comment period
Aug. 22, 2018	Public hearing held: 6 p.m., Division of Marine Fisheries, 5285 Highway 70 West, Morehead City, NC 28557
November 2018	MFC considers approval of permanent rules
January 2019	Rules reviewed by Office of Administrative Hearings Rules Review Commission
(January)	(Last opportunity for a new issue to be presented to DMF Rules Advisory Team)
(February)	(Second review by DMF Rules Advisory Team)
Feb. 1, 2019	Earliest possible effective date of rules
February/March 2019	Rulebook prepared
April 1, 2019	Actual effective date of new rules
April 1, 2019	Rulebook available online
April 15, 2019	Commercial license sales begin





Roy Cooper  
Governor

Michael S. Regan  
Secretary



Steve Murphey  
Director

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Release: Immediate  
Date: Aug. 1, 2018

Contact: Patricia Smith  
Phone: 252-726-7021

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**MEDIA ADVISORY: Fisheries division accepting comments on 41 existing rules**

**MOREHEAD CITY** – The N.C. Division of Marine Fisheries is accepting public comment on 41 existing rules that are up for re-adoption under a state-mandated periodic review schedule.

A public hearing will be held at 6 p.m. Aug. 22 at the Division of Marine Fisheries' Central District Office, 5285 Highway 70 West, Morehead City. The public may also comment in writing to division Rules Coordinator Catherine Blum at [Catherine.Blum@ncdenr.gov](mailto:Catherine.Blum@ncdenr.gov) or P.O. Box 769, Morehead City, N.C. 28557. The deadline for written comments is Oct. 1.

Up for re-adoption are a portion of existing fisheries rules in 15A NCAC 03I, 03J, 03K, 03L, 03M, 03O, and 03R. The primary proposed changes are to:

- Bring the rule language pertaining to the For-Hire Coastal Recreational Fishing Licenses in 15A NCAC 03O .0112 into conformity with current state law.
- Alphabetize the permits and delete two obsolete permits in 15A NCAC 03O .0501 and .0503. The permits to be deleted are the Albemarle Sound Management Area for River Herring Dealer Permit; and the Permit to Waive the Requirement to use Turtle Excluder Devices in the Atlantic Ocean.

Other proposed changes are technical in nature. For specific wording of the rule changes, go to the N.C. Marine Fisheries Commission's [Proposed Rules Page](#).

State law requires state agencies to review its existing rules at least once every 10 years. This is the first of four division rule packages in 15A NCAC 03 that will be up for re-adoption over a four-year period.

For more information, contact Blum at 252-808-8014.

**WHO:** N.C. Division of Marine Fisheries  
**WHAT:** Public hearing on re-adoption of rules 15A NCAC 03I, 03J, 03K, 03L, 03M, 03O, and 03R  
**WHEN:** Aug. 22 at 6 p.m.  
**WHERE:** Division of Marine Fisheries'  
Central District Office  
5285 Highway 70 West  
Morehead City

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## **Contact List for Rulemaking Questions or Concerns**

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

### **Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**

Office of Administrative Hearings

Rules Division

1711 New Hope Church Road

(919) 431-3000

Raleigh, North Carolina 27609

(919) 431-3104 FAX

contact: Molly Masich, Codifier of Rules	molly.masich@oah.nc.gov	(919) 431-3071
Dana McGhee, Publications Coordinator	dana.mcgee@oah.nc.gov	(919) 431-3075
Lindsay Woy, Editorial Assistant	lindsay.woy@oah.nc.gov	(919) 431-3078
Cathy Matthews-Thayer, Editorial Assistant	cathy.thayer@oah.nc.gov	(919) 431-3006

### **Rule Review and Legal Issues**

Rules Review Commission

1711 New Hope Church Road

(919) 431-3000

Raleigh, North Carolina 27609

(919) 431-3104 FAX

contact: Amber Cronk May, Commission Counsel	amber.may@oah.nc.gov	(919) 431-3074
Amanda Reeder, Commission Counsel	amanda.reeder@oah.nc.gov	(919) 431-3079
Jason Thomas, Commission Counsel	jason.thomas@oah.nc.gov	(919) 431-3081
Alexander Burgos, Paralegal	alexander.burgos@oah.nc.gov	(919) 431-3080
Julie Brincefield, Administrative Assistant	julie.brincefield@oah.nc.gov	(919) 431-3073

### **Fiscal Notes & Economic Analysis and Governor's Review**

Office of State Budget and Management

116 West Jones Street

(919) 807-4700

Raleigh, North Carolina 27603-8005

(919) 733-0640 FAX

Contact: Anca Grozav, Economic Analyst

osbmruleanalysis@osbm.nc.gov (919) 807-4740

Carrie Hollis, Economic Analyst

osbmruleanalysis@osbm.nc.gov (919) 807-4757

NC Association of County Commissioners

215 North Dawson Street

(919) 715-2893

Raleigh, North Carolina 27603

contact: Amy Bason

amy.bason@ncacc.org

NC League of Municipalities

(919) 715-4000

150 Fayetteville Street, Suite 300

Raleigh, North Carolina 27601

contact: Sarah Collins

scollins@nclm.org

### **Legislative Process Concerning Rule-making**

545 Legislative Office Building

300 North Salisbury Street

(919) 733-2578

Raleigh, North Carolina 27611

(919) 715-5460 FAX

Karen Cochrane-Brown, Director/Legislative Analysis Division

karen.cochrane-brown@ncleg.net

Jeff Hudson, Staff Attorney

Jeffrey.hudson@ncleg.net

**NORTH CAROLINA REGISTER**  
 Publication Schedule for January 2018 – December 2018

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 <sup>th</sup> day from publication in the Register
32:13	01/02/18	12/06/17	01/17/18	03/05/18	03/20/18	04/19/18	05/01/18	09/29/18
32:14	01/16/18	12/19/17	01/31/18	03/19/18	03/20/18	04/19/18	05/01/18	10/13/18
32:15	02/01/18	01/10/18	02/16/18	04/02/18	04/20/18	05/17/18	06/01/18	10/29/18
32:16	02/15/18	01/25/18	03/02/18	04/16/18	04/20/18	05/17/18	06/01/18	11/12/18
32:17	03/01/18	02/08/18	03/16/18	04/30/18	05/21/18	06/21/18	07/01/18	11/26/18
32:18	03/15/18	02/22/18	03/30/18	05/14/18	05/21/18	06/21/18	07/01/18	12/10/18
32:19	04/02/18	03/09/18	04/17/18	06/01/18	06/20/18	07/19/18	08/01/18	12/28/18
32:20	04/16/18	03/23/18	05/01/18	06/15/18	06/20/18	07/19/18	08/01/18	01/11/19
32:21	05/01/18	04/10/18	05/16/18	07/02/18	07/20/18	08/16/18	09/01/18	01/26/19
32:22	05/15/18	04/24/18	05/30/18	07/16/18	07/20/18	08/16/18	09/01/18	02/09/19
32:23	06/01/18	05/10/18	06/16/18	07/31/18	08/20/18	09/20/18	10/01/18	02/26/19
32:24	06/15/18	05/24/18	06/30/18	08/14/18	08/20/18	09/20/18	10/01/18	03/12/19
33:01	07/02/18	06/11/18	07/17/18	08/31/18	09/20/18	10/18/18	11/01/18	03/29/19
33:02	07/16/18	06/22/18	07/31/18	09/14/18	09/20/18	10/18/18	11/01/18	04/12/19
33:03	08/01/18	07/11/18	08/16/18	10/01/18	10/22/18	11/15/18	12/01/18	04/28/19
33:04	08/15/18	07/25/18	08/30/18	10/15/18	10/22/18	11/15/18	12/01/18	05/12/19
33:05	09/04/18	08/13/18	09/19/18	11/05/18	11/20/18	12/13/18	01/01/19	06/01/19
33:06	09/17/18	08/24/18	10/02/18	11/16/18	11/20/18	12/13/18	01/01/19	06/14/19
33:07	10/01/18	09/10/18	10/16/18	11/30/18	12/20/18	01/17/19	02/01/19	06/28/19
33:08	10/15/18	09/24/18	10/30/18	12/14/18	12/20/18	01/17/19	02/01/19	07/12/19
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## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

### GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

**COMPUTING TIME:** In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

### FILING DEADLINES

**ISSUE DATE:** The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

**LAST DAY FOR FILING:** The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

### NOTICE OF TEXT

**EARLIEST DATE FOR PUBLIC HEARING:** The hearing date shall be at least 15 days after the date a notice of the hearing is published.

**END OF REQUIRED COMMENT PERIOD**  
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

**DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:** The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

limitations, and requirements of Items (2), (4), and (5) of this Rule.

Authority G.S. 18B-100; 18B-207; 18B-303; 18B-502; 18B-1002; 18B-1002.1.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Marine Fisheries Commission intends to readopt with substantive changes the rules cited as 15A NCAC 03I .0120, 03J .0102, .0108, .0203, .0204, .0206, .0207, .0303, .0304, .0306; 03K .0402-.0405, .0501, .0502, .0504, .0507, .0508; 03L .0208; 03M .0101-.0103, .0501, .0502, .0506, .0507, .0510, .0513, .0515, .0517, .0518, .0520; 03O .0106, .0112, .0501, .0503; 03R .0112 and readopt without substantive changes the rules cited as 15A NCAC 03J .0209; 03K .0503; 03M .0521.

Link to agency website pursuant to G.S. 150B-19.1(c): http://portal.ncdenr.org/web/mf/mfc-proposed-rules-links

Proposed Effective Date: April 1, 2019

Public Hearing:

Date: Wednesday, August 22, 2018

Time: 6:00 p.m.

Location: Division of Marine Fisheries, 5285 Highway 70 West, Morehead City, NC 28557

Reason for Proposed Action:

The agency proposes 41 rules for re Adoption in accordance with G.S. 150B-21.3A for the Periodic Review and Expiration of Existing Rules. This is the first of four packages of rules in 15A NCAC 03 for re Adoption over a four-year period. Proposed text shows conforming and minor technical changes to the rules. Additional changes are proposed to 15A NCAC 03O .0501 and .0503 to alphabetize permits and delete two obsolete permits (Albemarle Sound Management Area for River Herring Dealer Permit; Permit to Waive the Requirement to use Turtle Excluder Devices in the Atlantic Ocean). Also, additional changes are proposed to 15A NCAC 03O .0112 to comply with G.S. 113-174.3 as amended by Session Law 2013-360. Conforming changes include eliminating references to the previously-repealed For-Hire Permit and a prior blanket license and replacing them with references to the current Blanket For-Hire Captain's Coastal Recreational Fishing License (CRFL), Blanket For-Hire Vessel CRFL, and Non-Blanket For-Hire Vessel License, as provided in statute. The proposed amendments also clarify requirements for for-hire licenses. No changes are proposed to 15A NCAC 03J .0209, 03K .0503, or 03M .0521; however, the agency opted to publish the text of all rules proposed for re Adoption to minimize confusion and increase transparency for regulated stakeholders.

Comments may be submitted to: Catherine Blum, P.O. Box 769, Morehead City, NC 28557; phone (252)808-8014; email Catherine.blum@ncdenr.gov

Comment period ends: October 1, 2018

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
Local funds affected
Substantial economic impact (≥\$1,000,000)
Approved by OSBM
No fiscal note required by G.S. 150B-21.4
No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 03 - MARINE FISHERIES

SUBCHAPTER 03I – GENERAL RULES

SECTION .0100 – GENERAL RULES

15A NCAC 03I .0120 POSSESSION OR TRANSPORTATION LIMITS

(a) It is unlawful to possess any species of fish which that is subject to size season, size, or harvest restrictions, while actively engaged in a fishing operation, unless all fish taken are in compliance with the restrictions for the waterbody and area being fished. If State season, size, or harvest restrictions that implement or comply with a fishery management plan adopted by the Atlantic States Marine Fisheries Commission, in accordance with G.S. 113-252, 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. as amended, differ from regulations adopted by these entities, or if there are no federal regulations, the State restrictions shall apply. Nothing provided here is intended to supersede or interrupt the process to address State restrictions that do not implement or comply with a fishery management plan as described in this Paragraph. This process is found in the N.C. Fishery Management Plan for Interjurisdictional Fisheries available at http://portal.ncdenr.org/web/mf/nc-fisheries-management.

(b) It is unlawful to import into the state State species of fish native to North Carolina for sale in North Carolina that do not meet established size limits, limits established by rule or

proclamation, except as provided in 15A NCAC 03K ~~.0202(e)~~, ~~.0202~~, ~~03K .0207~~, ~~03K~~ and .0305, and 03M .0503.

*Authority G.S. 113-134; 113-170; 113-170.4; 113-170.5; 113-182; 113-182.1; 113-252; 143B-289.52.*

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

**SECTION .0100 - NET RULES, GENERAL**

**15A NCAC 03J .0102 NETS OR NET STAKES**

It is unlawful to use nets or net stakes:

- (1) ~~Within~~ within 150 yards of any 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~~; River.
- (2) ~~Within~~ within 300 yards of any highway bridge crossing Albemarle Sound, Chowan River, Croatan Sound, Currituck ~~Sound~~ Sound, and Roanoke ~~Sound~~; Sound.
- (3) ~~If~~ if such net stakes are of metallic material.

*Authority G.S. 113-134; 113-182; 143B-289.52.*

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

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

*Authority G.S. 113-134; 113-182; 143B-289.52.*

**SECTION .0200 - NET RULES, SPECIFIC AREAS**

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

(a) In the Chowan River and its ~~tributaries~~; tributaries, it is unlawful to:

- (1) ~~It is unlawful to~~ anchor the lead line of any net closer than 50 feet from ~~shore~~ 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)~~(2) ~~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)~~(3) ~~It is unlawful to~~ set a trotline within 100 yards of a pound net from February 1 through May 31.

(b) It is unlawful to set a pound net in any tributary of the Chowan River or within 150 yards of the mouth of any tributary of the Chowan River.

(c) It is unlawful to use a seine within 1,000 yards of the mouth of any tributary of the Chowan River.

*Authority G.S. 113-134; 113-182; 143B-289.52.*

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

In Currituck Sound and its ~~tributaries~~; tributaries, it is unlawful to use a seine:

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

*Authority G.S. 113-134; 113-182; 143B-289.52.*

**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~~ 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~~; 33° 54.9656' N – 78° 01.3797' W.

*Authority G.S. 113-134; 113-182; 143B-289.52.*

**15A NCAC 03J .0207 ~~DUKE ENERGY PROGRESS BRUNSWICK NUCLEAR PLANT INTAKE CANAL~~**

It is unlawful to use any commercial fishing equipment in the ~~Duke Energy Progress Brunswick Nuclear Plant Intake Canal~~ a nuclear plant intake canal between the fish diversion screen and the ~~Duke Energy Progress Brunswick Nuclear Plant~~; nuclear plant.

*Authority G.S. 113-134; 113-182; 143B-289.52.*

**15A NCAC 03J .0209 ALBEMARLE SOUND/CHOWAN SOUND AND CHOWAN RIVER RIVER HERRING MANAGEMENT AREAS (NECESSARY WITHOUT SUBSTANTIVE PUBLIC INTEREST)**

It is unlawful to use drift gill nets with a mesh length less than three inches from January 1 through May 15 in the Albemarle Sound and Chowan River river herring management areas defined in 15A NCAC 03R .0202.

*Authority G.S. 113-134; 113-182; 143B-289.52.*

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

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

- (a) It is unlawful to use any dredge weighing more than 100 ~~pounds~~ 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.

*Authority G.S. 113-134; 113-182; 143B-289.52.*



**15A NCAC 03J .0304 ELECTRICAL FISHING DEVICE IN CAPE FEAR RIVER**

It is unlawful to take catfish by the use of a hand-operated device generating pulsating electrical current in the Cape Fear River ~~except~~ except:

- (1) from 800 feet downstream of Lock and Dam No. 1 in Bladen County to where the Black River joins the Cape Fear ~~River~~ River; and
- (2) from July 1 through ~~the last day of February~~ March 1.

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

**15A NCAC 03J .0306 ~~HOOK AND LINE~~ 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~~ Internal Coastal 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~~ a "circle hook", defined for the purpose of this Rule as a hook with the point of the hook directed perpendicularly back toward the ~~shank~~, 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.

Authority G.S. 113-134; 113-182; ~~113-182.1~~; 143B-289.52.

**SUBCHAPTER 03K - OYSTERS, CLAMS, SCALLOPS, AND MUSSELS**

**SECTION .0400 - RANGIA CLAMS**

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

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

Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.52.

**15A NCAC 03K .0403 DISPOSITION OF MEATS**

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

Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-298.52.

**15A NCAC 03K .0404 ~~DREDGES/MECHANICAL DREDGES AND MECHANICAL METHODS~~ DREDGES AND 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~~ Shellfish on Shellfish Leases and Franchises.
- (4) in areas designated in ~~15A NCAC 03K .0204(3) and 03R .0103~~; Rule .0204 of this Subchapter and 15A NCAC 03R .0103 and
- (5) except in areas and at times specified by proclamation as authorized by ~~15A NCAC 03K .0201 and 03K .0302~~. Rules .0201 and .0302 of this Subchapter.

Authority G.S. 113-134; 113-182; 113-201; 143B-289.52.

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

~~While taking Rangia clams or their shells from a prohibited (polluted) area it is unlawful to possess any other shellfish, oysters, hard clams, or mussels while taking Rangia clams or their shells from a prohibited (polluted) area.~~

Authority G.S. 113-134; 113-182; 113-201; 143B-289.52.

**SECTION .0500 - SCALLOPS**

**15A NCAC 03K .0501 BAY SCALLOP HARVEST MANAGEMENT**

The Fisheries Director may, by proclamation, impose any or all of the following restrictions ~~for commercial or recreational~~ on the taking of bay scallop harvest scallops from public bottom:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify open seasons for the taking of bay scallops during the period beginning the last Monday in January and ending the last Friday in May;
- (5) specify size; and
- (6) specify quantity, but shall not exceed possession of more than 15 standard U.S. bushels per person per day or a total of 30 standard U.S. bushels in any combined commercial fishing operation per day.

Authority G.S. 113-134; 113-182; 113-201; 113-221.1; 143B-289.52.

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

(a) It is unlawful to take bay scallops between sunset and sunrise, or on Saturdays or Sundays, except as provided in ~~15A NCAC 03K .0105~~ Rule .0105 of this Subchapter.  
(b) Bay scallops taken on Saturdays or Sundays from shellfish leases or franchises in accordance with G.S. 113-208 are exempt from this Rule.

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

**15A NCAC 03K .0503 ~~PROHIBITED~~ BAY SCALLOP DREDGE PROHIBITED (NECESSARY WITHOUT SUBSTANTIVE PUBLIC INTEREST)**

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.

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

**15A NCAC 03K .0504 CALICO SCALLOP SEASON HARVEST MANAGEMENT**

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

(b) The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of calico scallops:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- (5) specify size; and
- (6) specify quantity.

Authority G.S. 113-134; 113-182; ~~113-221;~~ 113-221.1; 143B-289.52.

**15A NCAC 03K .0507 MARKETING SCALLOPS TAKEN FROM SHELLFISH LEASES OR FRANCHISES**

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

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

Authority G.S. 113-134; 113-182; 113-201; 143B-289.52.

**15A NCAC 03K .0508 SCALLOP SEASON AND AQUACULTURE HARVEST LIMIT EXEMPTIONS**

The following exemptions and restrictions shall apply to the possession, sale, purchase, or transport of scallops produced in an aquaculture operation:

- (1) Possession and sale of scallops by a scallop aquaculture operation shall be exempt from restrictions set forth in ~~15A NCAC 03K Rules .0501, .0504, and .0505.~~ .0505 of this Section.
- (2) Purchase and possession of scallops from a scallop aquaculture operation shall be exempt from restrictions set forth in ~~15A NCAC 03K Rules .0501, .0504, and .0505.~~ .0505 of this Section.
- (3) It is unlawful for a person to possess, sell, purchase, or transport scallops described in Sub-Items (1) and (2) of this Rule unless in compliance with all conditions of the Aquaculture Operation ~~Permit, as set forth in 15A NCAC 03O .0501 and .0503.~~ Permit set forth in 15A NCAC 03O .0500.

Authority G.S. 113-134; 113-182; 113-201; 143B-289.52.

**SUBCHAPTER 03L – SHRIMPS, CRAB, AND LOBSTER**

**SECTION .0200 – CRABS**

**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.~~

(a) It is unlawful to possess stone crab bodies or fail to immediately return stone crab bodies to the waters from which taken.

(b) It is unlawful to remove, take, or possess any stone crab claw(s) from June 15 through August 15.

(c) It is unlawful to remove, take, or possess any claw(s) from egg-bearing stone crabs.

(d) It is unlawful to 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.

(e) It is unlawful to remove, take, or possess stone crab claw(s) that have a propodus (forearm) less than 2 and 3/4 inches in length, measured by a straight line from the elbow to the tip of the lower

immovable finger. For the purpose of this Rule, "propodus" 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.

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

**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 any species of finfish that is subject to a size or harvest restriction without having head and tail attached, except:

- (1) mullet when used for bait;
- (2) hickory shad when used for ~~bait~~ bait, provided that not more than two hickory shad per vessel or fishing operation may be cut for bait at any one time; and
- (3) tuna possessed in a commercial fishing operation as provided in ~~15A NCAC 03M .0520~~ Rule .0520 of this Subchapter.

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

**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)(a)~~ (a) It is unlawful to land finfish finfish, taken in connection with a commercial fishing operations which operation, that 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 ~~(7)~~, or (8).

~~(e)(b)~~ (b) Menhaden, Atlantic menhaden, Atlantic thread herring, gizzard shad, and pinfish are exempt from this Rule.

Authority G.S. 113-134; 113-182; 113-185; 143B-289.52.

**15A NCAC 03M .0103 MINIMUM SIZE LIMITS**

It is unlawful to possess, sell, or purchase finfish under four inches in length except:

- (1) 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) bait in the finfish fishery with the following provisions:
  - (a) ~~It~~ it is unlawful to possess more than 200 pounds of live finfish or 100 pounds of dead finfish; and
  - (b) ~~Such~~ such finfish bait may not be transported outside ~~the State~~ of North Carolina;

- (3) live finfish in aquaria, provided the finfish are not subject to other minimum size limits under the authority of Marine Fisheries Commission ~~Rule; rules;~~ and
- (4) ~~menhaden, herring,~~ Atlantic menhaden, Atlantic thread herring, gizzard shad, and pinfish.

Bait dealers who possess a valid finfish dealer license from the Division of Marine Fisheries are exempt from Sub-Items (2)(a) and (b) of this Rule. Tolerance of not more than five percent by number of species shall be allowed.

Authority G.S. 113-134; 113-182; 113-185; 143B-289.52.

**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~~ hook and line or for recreational purposes.

~~(e) The annual~~ Annual commercial harvest limit ~~(September 1 through August 31)~~ for red drum 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.~~

- (1) The annual commercial harvest limit for red drum is 250,000 pounds.
- (2) The annual commercial harvest limit for red drum is calculated from September 1 through August 31 and is allotted in two periods:
  - (A) September 1 through April 30 at 150,000 pounds; and
  - (B) May 1 through August 31 at 100,000 pounds plus any remainder from the first period allotment.
- (3) 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.
- (4) Any commercial harvest limit that is exceeded one year shall result in the poundage overage being deducted from the subsequent year's commercial harvest limit and the Fisheries Director shall, by proclamation, adjust the

period allotments as described in this Paragraph.

*Authority G.S. 113-134; 113-182; ~~113-221~~; 113-221.1; 143B-289.52.*

**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)(a) It is unlawful to possess more than 200 mullet per person per day for recreational purposes.~~

~~(b) The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of mullet:~~

- ~~(1) specify time;~~
- ~~(2) specify area;~~
- ~~(3) specify means and methods;~~
- ~~(4) specify season;~~
- ~~(5) specify size; and~~
- ~~(6) specify quantity, except as provided in Paragraph (a) of this Rule.~~

*Authority G.S. 113-134; 113-182; ~~113-221~~; 113-221.1; 143B-289.52.*

**15A NCAC 03M .0506 ~~SNAPPER-GROUPER~~ 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, ~~trawls~~ trawls, or gill nets to take any species of the ~~Snapper-Grouper~~ snapper grouper complex.

(b) The species of the ~~snapper-grouper~~ snapper grouper complex listed in the South Atlantic Fishery Management Council Fishery Management Plan for the ~~Snapper-Grouper~~ Snapper Grouper Fishery of the South Atlantic Region are hereby incorporated by ~~reference and copies~~ reference. Copies of the plan are available ~~via the Federal Register posted on the Internet at~~ www.safmc.net and at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, North Carolina ~~28557~~ 28557, at no cost.

*Authority G.S. 113-134; 113-182; ~~113-221~~; 143B-289.52.*

**15A NCAC 03M .0507 BILLFISH**

(a) It is unlawful to take blue marlin, white marlin, roundscale spearfish, or sailfish, except by hook and line or for recreational purposes.

~~(a)(b) Marlin: Taken for recreational purposes or by hook and line: For blue marlin, white marlin, and roundscale spearfish, it is unlawful to:~~

- ~~(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 or roundscale spearfish 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 marlin, or white marlin, marlin, or roundscale spearfish in the aggregate per vessel per trip.~~

~~(4) It is unlawful to sell or offer for sale blue marlin, or white marlin, marlin, or roundscale spearfish.~~

~~(b)(c) Sailfish: Taken for recreational purposes or by hook and line: For sailfish, it is unlawful to:~~

~~(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.~~

*Authority G.S. 113-134; 113-182; 143B-289.52.*

**15A NCAC 03M .0510 AMERICAN EEL**

~~It is unlawful to:~~

~~(1) Possess, sell or take American eels less than nine inches in length;~~

~~(2) Possess more than 25 American eels per person per day for recreational purposes, except the master and each mate of for hire vessels that hold a valid for hire license may possess 50 eels each per day; and~~

~~(3) Possess American eels from September 1 through December 31 except when taken by baited pots.~~

(a) It is unlawful to possess, sell, or take American eels less than nine inches in length.

(b) It is unlawful to possess more than 25 American eels per person per day for recreational purposes, except the master and each mate of for-hire vessels that hold a valid for-hire license may possess 50 eels each per day.

(c) It is unlawful to possess American eels from September 1 through December 31, except when taken by baited pots.

*Authority G.S. 113-134; 113-182; 143B-289.52.*

**15A NCAC 03M .0513 RIVER HERRING**

It is unlawful to take or possess river herring from North Carolina Coastal Fishing Waters. Possession of river herring from sources other than North Carolina Coastal Fishing Waters shall be limited to fish less than or equal to six inches total length when aboard a vessel or while engaged in fishing.

*Authority G.S. 113-134; 113-182; ~~113-221~~; 143B-289.52.*

**15A NCAC 03M .0515 DOLPHIN**

(a) It is unlawful to possess for recreational purposes:

(1) more than 10 dolphin per person per day taken by hook and line for recreational purposes. line.

(2) more than 60 dolphin per vessel per day regardless of the number of individuals on board, except headboat vessels with a valid U.S.

Coast Guard Certificate of Inspection may possess 10 dolphin per paying customer.

~~(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)(b) It is unlawful to take or possess in a commercial fishing operation without a valid federal Atlantic Dolphin/Wahoo Commercial vessel permit:~~

- ~~(1) to take or possess more than 10 dolphin per person per day, or day.~~
- ~~(2) to sell dolphin, ~~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.~~

*Authority G.S. 113-134; 113-182; 143B-289.52.*

**15A NCAC 03M .0517 WAHOO**

(a) It is unlawful to possess for recreational purposes more than two wahoo per person per day taken by hook and ~~line for recreational purposes. line.~~

(b) It is unlawful in a commercial fishing operation:

- (1) without a valid federal Atlantic Dolphin/Wahoo Commercial vessel permit:
  - (A) to take or possess more than two wahoo per person per day, ~~or day.~~
  - (B) to sell wahoo, ~~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.
- (2) to possess aboard a vessel or land more than 500 pounds of wahoo per trip.

~~(c) It is unlawful to possess aboard or land more than 500 pounds of wahoo per trip in a commercial fishing operation.~~

*Authority G.S. 113-134; 113-182; 143B-289.52.*

**15A NCAC 03M .0518 KINGFISH KINGFISHES (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.~~
- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- (5) specify size; and
- (6) specify quantity.

*Authority G.S. 113-134; 113-182; 113-221; 143B-289.4 113-221.1; 143B-289.52.*

**15A NCAC 03M .0520 TUNA**

(a) 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.

~~(a)(b) It is unlawful to possess in a commercial fishing operation:~~

- (1) ~~Yellowfin yellowfin~~ yellowfin tuna less than 27 inches curved fork length or 27 inches from the fork of the tail to the forward edge of the cut of beheaded tuna.
- (2) ~~Bigeye bigeye~~ bigeye tuna less than 27 inches curved fork length or 27 inches from the fork of the tail to the forward edge of the cut of beheaded tuna.
- (3) ~~Bluefin Atlantic bluefin~~ Atlantic bluefin tuna less than 73 inches curved fork length or 54 inches pectoral fin curved fork length.

~~(b)(4) It is unlawful to possess in a commercial fishing operation tunas tuna~~ tuna subject to a size or harvest restriction without having tails the tail attached.

~~(c) 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.~~

*Authority G.S. 113-134; 113-182; 143B-289.52.*

**15A NCAC 03M .0521 SHEEPSHEAD (NECESSARY WITHOUT SUBSTANTIVE PUBLIC INTEREST)**

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

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- (5) specify size; and
- (6) specify quantity.

*Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52.*

**SUBCHAPTER 030 - LICENSES, LEASES, FRANCHISES FRANCHISES, AND PERMITS**

**SECTION .0100 - LICENSES**

**15A NCAC 030 .0106 DISPLAY OF LICENSES AND REGISTRATIONS**

(a) It is unlawful:

- (1) ~~For~~ 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~~ Commercial Fishing Vessel registration

Registration decal mounted on an exterior surface so as to be plainly visible when viewed from the port side; and

- (2) ~~To~~ to display any ~~commercial fishing vessel registration~~ 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~~ Fish Dealer License required by G.S. ~~113-169.3, 113-169.3~~ or ~~ocean fishing pier license~~ Ocean Fishing Pier License required by G.S. 113-169.4 in prominent public view in each location subject to licensing.

(c) It is unlawful ~~for any person licensed under G.S. 113-174.3~~ to fail to display a current ~~For Hire License~~ for-hire vessel decal on the exterior surface of the vessel so as to be visible when viewed from the port side while engaged in for-hire recreational fishing.

*Authority G.S. 113-134; 113-168.6; 113-169.3; 113-169.4; 113-174.1; 113-182; 143B-289.52.*

**15A NCAC 030 .0112 FOR HIRE COASTAL RECREATIONAL FISHING FOR-HIRE LICENSE REQUIREMENTS**

~~(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).~~

(a) The license requirements for the operator of a vessel engaged in a for-hire operation are set forth in G.S. 113-174.3. Either the vessel owner or the for-hire vessel operator may seek to obtain the applicable for-hire vessel license. Only the vessel owner can seek to obtain the applicable registration and endorsement as set forth in G.S. 113-168.6. For the purposes of this rule, "for-hire vessel operator" includes the holder of a Blanket For-Hire Captain's Coastal Recreational Fishing License, Blanket For-Hire Vessel Coastal Recreational Fishing License, or Non-Blanket For-Hire Vessel License, as set forth in G.S. 113-174.3.

(b) It is unlawful for a ~~For Hire Vessel~~ for-hire vessel operator to operate ~~under the For Hire Blanket CRFL~~ without:

- (1) ~~Holding~~ holding the USCG United States Coast Guard certification required in ~~15A NCAC 030 .0101(a)(13); Rule .0101(a) of this Section;~~
- (2) ~~Having the For Hire Blanket CRFL for the vessel or copy thereof~~ having a copy of the for-hire license in possession and ready at hand for inspection; and
- (3) ~~Having~~ 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~~ a for-hire vessel operator to fail to participate in and provide accurate information as requested by the Division of Marine Fisheries for biological sampling in accordance with 15A NCAC 03I.0113 and for survey programs; ~~programs administered by the Division of Marine Fisheries.~~

(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. Requirements for display of licenses and

registrations for a vessel engaged in for-hire recreational fishing are set forth in Rule .0106 of this Section.

*Authority G.S. 113-134; 113-168.6; 113-174.1; 113-174.3; 143B-289.52.*

**SECTION .0500 - PERMITS**

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

(a) To obtain any Division of Marine Fisheries permit, an applicant, responsible party, or person holding a power of attorney shall provide the following information:

- (1) the full name, physical address, mailing address, date of birth, and signature of the applicant on the application and, if the applicant is not appearing before a license agent or the designated Division of Marine Fisheries contact, the applicant's signature on the application shall be notarized;
- (2) a current picture identification of applicant, responsible party, or person holding a power of attorney. ~~Acceptable~~ acceptable forms of which include ~~picture identification~~ are driver's license, 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) for permits that require a list of designees, the full names and dates of birth of designees of the applicant who will be acting under the requested permit;
- (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:
  - (A) the business name;
  - (B) the type of business entity: corporation, "educational institution" as defined in 15A NCAC 03I .0101, limited liability company (LLC), partnership, or sole proprietorship;
  - (C) the 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 applying for a permit in a corporate name, the current articles of incorporation and a current list of corporate officers;
  - (E) for a partnership that is established by a written partnership agreement, a current copy of such agreement shall be provided when applying for a permit; and

- (F) for business entities other than corporations, copies of current assumed name statements if filed with the Register of Deeds office for the corresponding county and copies of current business privilege tax certificates, if applicable; and
- (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;~~
- ~~(3) Atlantic Ocean Striped Bass Commercial Gear Permit; or~~
- ~~(4) Permit for Weekend Trawling for Live Shrimp.~~
  - ~~(A) An individual who is assigned a Standard Commercial Fishing License is the individual required to hold a Permit for Weekend Trawling for Live Shrimp.~~
  - ~~(B) The master designated on the single vessel corporation Standard Commercial Fishing License is the individual required to hold the Permit for Weekend Trawling for Live Shrimp.~~

~~(b) A permittee shall hold a valid:~~

- ~~(1) Standard or Retired Standard Commercial Fishing License in order to hold:~~
  - ~~(A) an Atlantic Ocean Striped Bass Commercial Gear Permit;~~
  - ~~(B) a Permit for Weekend Trawling for Live Shrimp; or~~
  - ~~(C) a Pound Net Set Permit.~~
- ~~The master designated on the single vessel corporation Standard Commercial Fishing License is the individual required to hold the Permit for Weekend Trawling for Live Shrimp.~~
- ~~(2) Fish Dealer License in the proper category in order to hold dealer permits for monitoring fisheries under a quota or allocation for that category.~~

~~(c) An individual who is assigned a valid Standard Commercial Fishing License with applicable endorsements is eligible to hold any permit that requires a Standard Commercial Fishing License except a Pound Net Set Permit.~~

~~(d) If mechanical methods to take shellfish are used, a permittee and his designees shall hold a valid Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement in order for a permittee to hold a:~~

- ~~(1) Permit to Transplant Prohibited (Polluted) Shellfish;~~
- ~~(2) Permit to Transplant Oysters from Seed Oyster Management Areas;~~
- ~~(3) Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises, except as provided in G.S. 113-169.2;~~

- ~~(4) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas; or~~
- ~~(5) Depuration Permit.~~
- ~~(1) Depuration Permit;~~
- ~~(2) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas;~~
- ~~(3) Permit to Transplant Oysters from Seed Oyster Management Areas;~~
- ~~(4) Permit to Transplant Prohibited (Polluted) Shellfish; or~~
- ~~(5) Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises, except as provided in G.S. 113-169.2.~~

~~(d)(e) If mechanical methods to take shellfish are not used, 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 for a permittee to hold a:~~

- ~~(1) Permit to Transplant Prohibited (Polluted) Shellfish;~~
- ~~(2) Permit to Transplant Oysters from Seed Oyster Management Areas;~~
- ~~(3) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas; or~~
- ~~(4) Depuration Permit.~~
- ~~(1) Depuration Permit;~~
- ~~(2) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas;~~
- ~~(3) Permit to Transplant Oysters from Seed Oyster Management Areas; or~~
- ~~(4) Permit to Transplant Prohibited (Polluted) Shellfish.~~

~~(e) 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.~~

~~(f) Aquaculture Operations/Collection Permits: Aquaculture Operation Permit and Aquaculture Collection Permit:~~

- ~~(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.~~

~~(g) Atlantic Ocean Striped Bass Commercial Gear Permit:~~

- ~~(1) An applicant for an Atlantic Ocean Striped Bass Commercial Gear Permit shall declare one of the following types of gear for an initial permit and at intervals of three consecutive license years thereafter:~~

- (A) a gill net;
- (B) a trawl net; or
- (C) a 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 shall be 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.

(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 the deficiency in the application 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, .0505, 03K .0103, .0104, .0107, .0111, .0401, ~~03O~~ and Rules .0502, .0502 and .0503, .0503 of this Section, as applicable to the requested permit.

(j) In determining whether to issue, modify, or renew a permit, the Fisheries Director or his agent shall evaluate factors such as the following:

- (1) potential threats to public health or marine and estuarine resources regulated by the Marine Fisheries Commission;
- (2) the applicant's demonstration of a valid justification for the permit and a showing of responsibility; and
- (3) the applicant's history of fisheries violations evidenced by eight or more violations in 10 years.

(k) The Division of Marine Fisheries shall notify the applicant 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) For permit renewals, the permittee's signature on the application shall certify all information as true and accurate. Notarized signatures on renewal applications shall not be required.

(n) 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, in accordance with G.S. 113-169.2.

(o) 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.

(p) Permit applications are available at all Division of Marine Fisheries offices. ~~Offices.~~

Authority G.S. 113-134; 113-169.1; 113-169.2; 113-169.3; 113-182; 113-210; 143B-289.52.

**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 an annual 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, harvest method, number or percent of males and females, and disposition of bled crabs prior to release.~~

~~(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 Interstate Fishery Management Plan for Horseshoe Crab. The Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab is incorporated by reference including subsequent amendments and editions. Copies of this plan are available via the Internet from the Atlantic States Marine Fisheries Commission at <http://www.asmf.org/fisheries-management/program-overview> and at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557 at no cost.~~

~~(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 the 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.~~
- (B) ~~submit the required form set forth in Subitem (b)(1)(A) of this Rule to the Division upon request or no later than five days after the close of the season for the fishery permitted;~~
- (C) ~~maintain faxes and other related documentation in accordance with 15A NCAC 03I .0114;~~
- (D) ~~contact the dealer contact designated on the permit daily regardless of whether or not a transaction for the fishery for which a dealer is permitted occurred; and~~
- (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 Albemarle Sound Management Area for River Herring as defined in 15A NCAC 03R .0202 without first obtaining an Albemarle Sound Management Area for River Herring Dealer Permit.~~
- (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.~~
- (6) **Spiny Dogfish Dealer Permit:** ~~It is unlawful for a fish dealer to purchase or possess more than 100 pounds of spiny dogfish per day per commercial fishing operation unless the dealer has a Spiny Dogfish Dealer Permit.~~
- (a) Aquaculture Operation Permit and Aquaculture Collection Permit:
- (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; or
- (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 of Marine Fisheries the amount and disposition of marine and estuarine resources collected under authority of an Aquaculture Collection Permit.
- (3) Lawfully permitted shellfish relaying activities authorized by 15A NCAC 03K .0103 and .0104 are exempt from requirements to have an Aquaculture Operation Permit or Aquaculture Collection Permit issued by the Fisheries Director.
- (4) Aquaculture Operation Permits and Aquaculture Collection Permits shall be issued or renewed on a calendar year basis.
- (5) It is unlawful to fail to provide the Division with a listing of all designees acting under an Aquaculture Collection Permit at the time of application.

(b) 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 obtain more than one Atlantic Ocean Striped Bass Commercial Gear Permit during a license year, regardless of the number of Standard Commercial Fishing licenses, Retired Standard Commercial Fishing licenses, or assignments.

(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) 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 Joint or Coastal 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;
- (C) individuals receiving instruction on recreational fishing techniques and conservation practices from employees of state or federal marine or estuarine resource management agencies, or instructors affiliated with educational institutions; and
- (D) disadvantaged youths as set forth in 42 U.S.C. 12511.  
For purposes of this Paragraph, educational institutions include high schools and other secondary educational institutions.

(3) The Coastal Recreational Fishing License Exemption Permit is valid for the date, time, and physical location of the organized fishing event for which the exemption is granted and the duration of the permit 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 Rule .0501 of this Section, is submitted to the Fisheries Director, in writing, at least 30 days prior to the event:

- (A) the name, date, 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.

(e) Dealer permits for monitoring fisheries under a quota or allocation:

(1) During the commercial season opened by proclamation or rule for the fishery for which a dealer permit for monitoring fisheries under a quota or allocation is issued, it is unlawful for a fish dealer issued such permit to fail to:

- (A) fax or send via electronic mail by noon daily, on forms provided by the Division of Marine Fisheries, the previous day's landings for the permitted fishery to the Division; contact information for the Division is provided on the forms; landings for Fridays or Saturdays shall be submitted on the following Monday; if the dealer is unable to fax or electronically mail the required information, the permittee shall call in

- the previous day's landings to the Division;
- (B) submit the required form set forth in Part (e)(1)(A) of this Rule 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 Division daily regardless of whether or not a transaction for the fishery for which a dealer is permitted occurred; and
- (E) record the permanent dealer identification number on the bill of lading or receipt for each transaction or shipment from the permitted fishery.
- (2) 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.
- (3) 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.
- (4) Spiny Dogfish Dealer Permit: It is unlawful for a fish dealer to purchase or possess more than 100 pounds of spiny dogfish per day per commercial fishing operation unless the dealer has a Spiny Dogfish Dealer Permit.
- (5) 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; or
    - (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 valid Division of Marine Fisheries-issued 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. Division striped bass tags shall not be bought, sold, offered for sale, or transferred. Tags shall be obtained at the Division offices. The Division 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.
- (f) 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 an annual 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, harvest method, number or percent of males and females, and disposition of bled crabs prior to release.
  - (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 Interstate Fishery Management Plan for Horseshoe Crab. The Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab is incorporated by reference including subsequent amendments and editions. Copies of this plan are available via the Internet from the Atlantic States Marine Fisheries Commission at <http://www.asmfcr.org/fisheries->

management/program-overview and at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557, at no cost.

(g) Permit for Weekend Trawling for Live Shrimp:

- (1) It is unlawful to take shrimp with trawls from 9:00 p.m. on Friday through 12:00 p.m. (noon) on Saturday without first obtaining a Permit for Weekend Trawling for Live Shrimp.
- (2) It is unlawful for a holder of a Permit for Weekend Trawling for Live Shrimp to use trawls from 12:01 p.m. on Saturday through 4:59 p.m. on Sunday.
- (3) It is unlawful for a permit holder during the timeframe specified in Subparagraph (k)(1) of this Rule to:
  - (A) use trawl nets to take live shrimp except from areas open to the harvest of shrimp with trawls;
  - (B) take shrimp with trawls that have a combined headrope length of greater than 40 feet in Internal Coastal Waters;
  - (C) possess more than one gallon of dead shrimp (heads on) per trip;
  - (D) fail to have a functioning live bait tank or a combination of multiple functioning live bait tanks with aerator(s) and/or circulating water, with a minimum combined tank capacity of 50 gallons; or
  - (E) fail to call the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-726-7021 prior to each weekend use of the permit, specifying activities and location.

(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 as set forth in 15A NCAC 03I .0107 from April 1 through November 30.
- (2) It is unlawful to tow a shrimp trawl net for more than 55 minutes from April 1 through October 31 and 75 minutes from November 1 through November 30 in the area described in Subparagraph (d)(1) of this Rule 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 Oceanic and Atmospheric Administration Fisheries.~~

~~(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 Code of Federal Regulations (CFR) 223.206. 50 CFR 223.206 is hereby incorporated by reference, including subsequent amendments and editions. A copy of the reference materials can be found at [http://www.ecfr.gov/cgi-bin/text-idx?SID=9088932317e242b91d6a87a47b6bda54&mc=true&tpl=/ecfrbrowse/Title50/50tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=9088932317e242b91d6a87a47b6bda54&mc=true&tpl=/ecfrbrowse/Title50/50tab_02.tpl), free of charge.~~

~~(e)(h) Pound Net Set Permit: The holder of a Pound Net Set Permit shall follow the Pound Net Set Permit conditions as set forth in Rule 15A NCAC 03J .0505. .0505 sets forth the specific conditions for pound net set permits.~~

~~(f) Aquaculture Operation Permit and Aquaculture Collection Permit:~~

~~(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; and~~

~~(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 an Aquaculture Collection Permit.~~

~~(3) Lawfully permitted shellfish relaying activities authorized by 15A NCAC 03K .0103 and .0104 are exempt from requirements to have an Aquaculture Operation Permit or Aquaculture Collection Permit issued by the Fisheries Director.~~

~~(4) Aquaculture Operation Permits and Aquaculture 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~~

~~acting under an Aquaculture Collection Permit at the time of application.~~

~~(g)~~(i) Scientific or Educational Activity Permit:

- (1) It is unlawful for institutions or agencies seeking exemptions from license, rule, proclamation, or statutory requirements to collect, hold, culture, or exhibit for scientific or educational purposes any marine or estuarine species without first obtaining a Scientific or Educational Activity Permit.
- (2) The Scientific or Educational Activity Permit shall only be issued for collection methods and possession allowances approved by the Division of Marine Fisheries.
- (3) The Scientific or Educational Activity Permit shall only be issued for approved activities conducted by or under the direction of Scientific or Educational institutions as defined in Rule 15A NCAC 03I .0101.
- (4) It is unlawful for the responsible party issued a Scientific or Educational Activity Permit to fail to submit an annual report on collections and, if authorized, sales 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 Activity permits shall be issued on a calendar year basis.
- (5) It is unlawful to sell marine or estuarine species taken under a Scientific or Educational Activity Permit without:
  - (A) the required license for such sale;
  - (B) an authorization stated on the permit for such sale; and
  - (C) providing the information required in Rule 15A NCAC 03I .0114 if the sale is to a licensed fish dealer.
- (6) It is unlawful to fail to provide the Division of Marine Fisheries a listing of all designees acting under a Scientific or Educational Activity Permit at the time of application.
- (7) The permittee or designees utilizing the permit shall call the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-726-7021 not later than 24 hours prior to use of the permit, specifying activities and location.

~~(h)~~(j) 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 Joint or Coastal 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;~~
  - ~~(C) individuals receiving instruction on recreational fishing techniques and conservation practices from employees of state or federal marine or estuarine resource management agencies, or instructors affiliated with educational institutions; and~~
  - ~~(D) disadvantaged youths as set forth in U.S. Code 42 § 12511.~~~~

For purposes of this Paragraph, educational institutions include high schools and other secondary educational institutions.

- ~~(3) The Coastal Recreational Fishing License Exemption Permit is valid for the date, time,~~

and physical location of the organized fishing event for which the exemption is granted and the duration of the permit 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, at least 30 days prior to the event:~~
- ~~(A) the name, date, 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) Permit for Weekend Trawling for Live Shrimp:~~

- ~~(1) It is unlawful to take shrimp with trawls from 9:00 p.m. on Friday through 12:00 p.m. (noon) on Saturday without first obtaining a Permit for Weekend Trawling for Live Shrimp.~~
- ~~(2) It is unlawful for a holder of a Permit for Weekend Trawling for Live Shrimp to use trawls from 12:01 p.m. on Saturday through 4:59 p.m. on Sunday.~~
- ~~(3) It is unlawful for a permit holder during the timeframe specified in Subparagraph (k)(1) of this Rule to:~~
  - ~~(A) use trawl nets to take live shrimp except from areas open to the harvest of shrimp with trawls;~~
  - ~~(B) take shrimp with trawls that have a combined headrope length of greater than 40 feet in Internal Coastal Waters;~~
  - ~~(C) possess more than one gallon of dead shrimp (heads on) per trip;~~
  - ~~(D) fail to have a functioning live bait tank or a combination of multiple functioning live bait tanks with aerator(s) and/or circulating water, with a minimum combined tank capacity of 50 gallons; and~~
  - ~~(E) fail to call the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-726-7021 prior to each weekend use of the permit, specifying activities and location.~~

*Authority G.S. 113-134; 113-169.1; 113-169.2; 113-169.3; 113-182; 113-210; 143B-289.52.*

**SUBCHAPTER 03R - DESCRIPTIVE BOUNDARIES**

**SECTION .0100 - DESCRIPTIVE BOUNDARIES**

**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~~ within 200 yards of any shoreline in Pamlico River and its tributaries east 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; 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~~ 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~~ 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 Internal Coastal Waters and Joint Fishing 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~~ 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), (8), (10), (11), and (12);
- (2) ~~In~~ 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~~ 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~~ 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~~ 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.

*Authority G.S. 113-134; 113-173; 113-182; ~~113-221~~; 143B-289.52.*

**TITLE 21 – OCCUPATIONAL LICENSING BOARDS  
AND COMMISSIONS**





**MARINE FISHERIES COMMISSION  
SUMMARY OF PUBLIC HEARING FOR PROPOSED RULES  
DIVISION OF MARINE FISHERIES  
MOREHEAD CITY CENTRAL DISTRICT OFFICE  
MOREHEAD CITY, NORTH CAROLINA  
AUG. 22, 2018, 6 PM**

**Marine Fisheries Commission:** None

**Division of Marine Fisheries Staff:** Catherine Blum, Nancy Fish, Steve Anthony

**Public:** None

**Media:** None

Marine Fisheries Commission Liaison Nancy Fish, serving as the hearing officer, opened the public hearing for Marine Fisheries Commission proposed rules at 6 p.m. No one from the public or media was in attendance. Seeing no one to provide comments on the proposed rules, Mrs. Fish closed the hearing at 6:15 p.m.

/cb



## Blum, Catherine

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**From:** Blum, Catherine  
**Sent:** Thursday, August 02, 2018 3:51 PM  
**To:** 'Capt Dave Stewart'  
**Subject:** RE: [External] 15A NCAC 03J .0306

Dear Capt. Stewart,

Thank you for your comments on the proposed rule changes. As a point of clarification on the proposed rule changes to 15A NCAC 03J .0306, only minor technical changes to the rule are proposed. These proposed changes are allowed outside of the N.C. Red Drum Fishery Management Plan (FMP) process because they do not change the intent or impact of this particular rule. Your comments, as suggested, would constitute a substantive change to the management strategy for red drum and would require consideration during a formal review of the N.C. Red Drum FMP.

I have forwarded your comments to the lead biologist for red drum, Lee Paramore, and the comments will also be provided to the Marine Fisheries Commission. While the plan is not currently under review at this time, your comments and insight will be appreciated when the commission re-visits this plan. Thank you again for taking time to comment.

Catherine

**Catherine Blum**  
Fishery Management Plan and Rulemaking Coordinator  
Division of Marine Fisheries  
N.C. Department of Environmental Quality

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Morehead City, NC 28557-0769



*Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.*

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**From:** Capt Dave Stewart [mailto:specfever@hotmail.com]  
**Sent:** Thursday, August 02, 2018 11:18 AM  
**To:** Blum, Catherine <catherine.blum@ncdenr.gov>  
**Subject:** [External] 15A NCAC 03J .0306

**CAUTION:** External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to Report Spam.

This needs to be deleted or changed to reflect circle hook usage 24 hours a day. Has been non effective as proposed for years as more people are fishing big reds during day light hours instead of at night - make 24 hours and save the day time J hooking.

40 years on the Neuse

Capt Dave Stewart

1 15A NCAC 03I .0120 is amended with changes as published in 33:03 NCR 142-143 as follows:

2

3 **15A NCAC 03I .0120 POSSESSION OR TRANSPORTATION LIMITS THROUGH STATE WATERS;**  
 4 **SALE OF NATIVE SPECIES**

5 (a) It is unlawful to possess or transport through State Coastal Fishing Waters any species of fish ~~which that~~ is subject  
 6 to State size-season, size, or harvest restrictions, regardless of whether the species was taken in State or Federal waters,  
 7 while actively engaged in a fishing operation, unless all fish taken are in compliance with the restrictions for the  
 8 waterbody and area waters being fished. [If] fished, except when State season, size, or harvest restrictions [that  
 9 implement or comply with] differ from comparable restrictions under a fishery management plan adopted by the  
 10 Atlantic States Marine Fisheries [Commission, in accordance with G.S. 113-252, or adopted by the United States  
 11 Secretary of Commerce pursuant to] Commission or under the Magnuson-Stevens Fishery Conservation and  
 12 Management Act, [16 U.S.C. 1801, et seq. as amended, differ from regulations adopted by these entities, ]or if there  
 13 are no corresponding federal regulations, the State restrictions shall apply during such periods of possession or  
 14 transportation. [apply. Nothing provided here is intended to supersede or interrupt the process to address State  
 15 restrictions that do not implement or comply with a fishery management plan as described in this Paragraph. This  
 16 process is found in the N.C. Fishery Management Plan for Interjurisdictional Fisheries available at  
 17 [http://portal.ncdenr.org/web/mf/nc-fisheries-management.](http://portal.ncdenr.org/web/mf/nc-fisheries-management)]

18 (b) It is unlawful to import native into the state-[State] species of fish native to North Carolina for sale in North  
 19 Carolina-the State that do not meet established-size limits, [limits established by rule or proclamation, ]except as  
 20 provided in 15A NCAC 03K ~~.0202(e), .0202,~~ 03K-.0207, 03K-~~[and]~~.0305, and 03M ~~.0503-.0503.~~

21

22 *History Note: Authority G.S. 113-134; 113-170; 113-170.4; 113-170.5; 113-182; 113-182.1; 113-252; 143B-*  
 23 *289.52;*

24 *Temporary Adoption Eff. July 1, 1999;*

25 *Eff. August 1, 2000;*

26 *Temporary Amendment Eff. October 1, 2001;*

27 *Amended Eff. April 1, 2019; September 1, 2005; April 1, 2003.*

1 15A NCAC 03J .0102 is amended with changes as published in 33:03 NCR 143 as follows:

2

3 **15A NCAC 03J .0102 NETS OR NET STAKES**

4 It is unlawful to use nets or net ~~stakes;~~ stakes in Internal Coastal Waters:

5 (1) ~~Within~~ within 150 yards of any railroad or highway bridge crossing the Northeast Cape Fear River,  
6 New River, White Oak River, Trent River, Neuse River, Pamlico River, Roanoke River, and  
7 Alligator ~~River;~~ River.

8 (2) ~~Within~~ within 300 yards of any highway bridge crossing Albemarle Sound, Chowan River, Croatan  
9 Sound, Currituck ~~Sound~~ Sound, and Roanoke ~~Sound;~~ Sound.

10 (3) ~~If~~ if such net stakes are of metallic material.

11

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

13 *Eff. January 1, 1991;*

14 *Amended Eff. April 1, 2019.*

1 15A NCAC 03J .0203 is amended with changes as published in 33:03 NCR 143 as follows:

2

3 **15A NCAC 03J .0203 CHOWAN RIVER AND ~~ITS TRIBUTARIES~~MEHERRIN RIVER**

4 **(a) In the Chowan River and the Meherrin River, it is unlawful to:**

5 (1) set a pound net within 150 yards of the mouth of any tributary.

6 (2) set a trotline within 100 yards of a pound net from February 1 through May 31.

7 ~~(a)~~(b) In the Chowan ~~River and its tributaries;~~tributaries, River, it is unlawful to:

8 (1) ~~It is unlawful to anchor the lead line of any net closer than 50 feet from shore-~~shore, ~~except in the~~  
9 ~~Meherrin River shore.~~

10 (2) ~~It is unlawful to use pound nets in any tributary creek or within 150 yards of the mouth of any such~~  
11 ~~tributary creek of the Chowan River.~~

12 ~~(3)~~(2) ~~It is unlawful to set a pound net within 200 yards parallel to any other pound net in the Chowan~~  
13 ~~River.~~River, in accordance with Rule .0502 of this Subchapter.

14 ~~(4)~~(3) ~~It is unlawful to use a seine within 1,000 yards of the mouth of any creek tributary to the Chowan~~  
15 ~~River.~~tributary.

16 ~~(5)~~(3) ~~It is unlawful to set a trotline within 100 yards of a pound net from February 1 through May 31.~~

17 ~~(b) It is unlawful to set a pound net in any tributary of the Chowan River or within 150 yards of the mouth of any~~  
18 ~~tributary of the Chowan River.~~

19 ~~(c) It is unlawful to use a seine within 1,000 yards of the mouth of any tributary of the Chowan River.~~

20

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

22 *Eff. January 1, 1991;*

23 *Amended Eff. April 1, 2019; September 1, 1991.*

1 15A NCAC 03J .0204 is amended with changes as published in 33:03 NCR 143 as follows:

2

3 **15A NCAC 03J .0204 CURRITUCK SOUND AND ITS TRIBUTARIES**

4 In the Internal Coastal Waters of Currituck Sound and its ~~tributaries~~:tributaries, it is unlawful ~~to use a seine;~~ to:

5 (1) ~~It is unlawful to use any net or seine with more than one power boat.~~ in conduct long haul  
6 ~~[operations.]~~operations, as defined in 15A NCAC 03I .0101.

7 (2) ~~It is unlawful to use any seine or haul net which~~ use a seine ~~that~~ is more than 900 yards in length or  
8 ~~which~~ that has a mesh length of less than three inches.

9

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

11 *Eff. January 1, 1991;*

12 *Amended Eff. April 1, 2019; September 1, 1991.*



1 15A NCAC 03J .0304 is amended with changes as published in 33:03 NCR 144 as follows:

2

3 **15A NCAC 03J .0304 ELECTRICAL FISHING DEVICE IN CAPE FEAR RIVER**

4 It is unlawful to take catfish by the use of a hand-operated device generating pulsating electrical current in the Internal

5 Coastal Fishing Waters of the Cape Fear River ~~except~~ except:

6 (1) \_\_\_\_\_ from 800 feet downstream of Lock and Dam No. 1 in Bladen County to where the Black River joins

7 the Cape Fear ~~River~~ River; and

8 (2) \_\_\_\_\_ from July 1 through ~~the last day of February~~ March 1.

9

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

11 *Eff. January 1, 1991;*

12 *Amended Eff. April 1, 2019; July 1, 2008.*

1 15A NCAC 03J .0306 is amended with changes as published in 33:03 NCR 144 as follows:

2

3 **15A NCAC 03J .0306 ~~HOOK AND LINE~~ HOOK AND LINE**

4 It is unlawful to use any hook larger than 4/0 from July 1 through September 30 in the ~~internal coastal fishing waters~~  
 5 Internal Coastal Waters of Pamlico Sound and its tributaries south of the Albemarle Sound Management Area as  
 6 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  
 7 Point; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks while using natural bait from 7:00  
 8 p.m. to 7:00 a.m. unless the terminal tackle consists of:

9 (1) ~~A circle hook~~ a "circle hook", defined for the purpose of this Rule as a hook with the point of the  
 10 hook directed perpendicularly back toward the ~~shank,~~ shank and with the barb either compressed  
 11 or removed; and

12 (2) ~~A~~ a fixed sinker not less than two ounces in weight, secured not more than six inches from the fixed  
 13 weight to the circle hook.

14

15 *History Note:* Authority G.S. 113-132; 113-134; 113-182; ~~113-182.1; 143B-289.52;~~

16 *Eff. April 1, 2009;*

17 *Amended Eff. April 1, 2019.*

1 15A NCAC 03K .0504 is amended with changes as published in 33:03 NCR 145 as follows:

2

3 **15A NCAC 03K .0504 CALICO SCALLOP SEASON ~~HARVEST~~ MANAGEMENT**

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

6 (b) The Fisheries Director may, ~~be~~ by proclamation, impose any or all of the following restrictions on the taking of  
7 calico scallops:

8 (1) specify time;

9 (2) specify area;

10 (3) specify means and methods;

11 (4) specify season;

12 (5) specify size; and

13 (6) specify quantity.

14

15 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*

16 *Eff. January 1, 1991;*

17 *Amended Eff. April 1, 2019.*





ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

STEPHEN W. MURPHEY  
*Director*

Nov. 1, 2018

## MEMORANDUM

**TO:** N.C. Marine Fisheries Commission

**FROM:** Catherine Blum, Fishery Management Plan and Rulemaking Coordinator  
Fisheries Management Section

**SUBJECT:** Fishery Management Plan Update

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### Issue

Update the Marine Fisheries Commission on the status of ongoing North Carolina fishery management plans.

### Action Needed

For informational purposes only; **no action is needed at this time.**

### Overview

This memo provides an overview on the status of the North Carolina fishery management plans for the November 2018 commission meeting.

The review process for the **Blue Crab Fishery Management Plan** is underway. The advisory committee is continuing to assist the division with development of Amendment 3 to the plan. The next advisory committee meeting will be held in early December. Agenda items will include additional draft sections and issue papers for the plan. Lead staff will provide a summary on the progress of the amendment at the November Marine Fisheries Commission meeting.

The review process for the **Southern Flounder Fishery Management Plan** is also underway. The advisory committee is continuing to assist the division with development of Amendment 2 to the plan. The next advisory committee meeting will be held in late November. Agenda items will include a presentation on the updated stock assessment of southern flounder in the South Atlantic, including data through 2017 and updated Marine Recreational Information Program estimates. The coastwide assessment was conducted by a group of representatives from North Carolina, South Carolina, Georgia and Florida. Lead staff will provide a summary on the progress of the amendment at the November Marine Fisheries Commission meeting, as well as the presentation on the updated stock assessment.

At the February 2018 commission meeting, the division gave a presentation summarizing the results of the coastwide stock assessment, peer review evaluation, and recommendations for steps to move forward. The review panel accepted the stock assessment for management contingent on updating the model with data through 2017 (not just 2015 as it was reviewed) to provide the best, most up-to-date estimate of stock status for management. The panel also requested including updated Marine Recreational Information Program estimates.

For the review of the **Estuarine Striped Bass Fishery Management Plan**, stock assessments for the Central Southern Management Area stocks and the Albemarle Sound Management Area and Roanoke River Management Area stock that began in 2017 are continuing. The plan development team held the stock assessment methods workshop. Multiple assessment techniques were chosen, given the number of systems to assess and the variety of data sources for each system. This is a joint plan with the Wildlife Resources Commission, so all updates and reviews are joint efforts by both agencies.



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*Director*

Nov. 1, 2018

## MEMORANDUM

**TO:** N.C. Marine Fisheries Commission

**FROM:** Michael S. Loeffler and Anne Markwith, Southern Flounder Fishery Management Plan Co-Leads

**SUBJECT:** Southern Flounder Stock Assessment Update

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### Issue

This memo provides results from the update to the January 2018 Southern Flounder Stock Assessment that incorporated data through 2017 and revised recreational numbers (harvest and discard) from the Marine Recreational Information Program (MRIP) estimates based on the latest effort estimates.

### Findings

- The revised uncalibrated MRIP estimates increased, on average, 2.1 times for recreational hook and line harvest (pounds) and 1.8 time for recreational releases by number coastwide. North Carolina's MRIP estimates increased 1.2 times for recreational harvest (pounds) and 1.4 times for recreational releases (numbers). On average, over the last 10 years in North Carolina, commercial harvest accounts for 69 percent of the total commercial and recreational hook and line state landings (pounds), while recreational hook and line harvest accounts for 31 percent – please note this does not include the recreational gig fishery. When numbers of fish harvested by gig are converted to estimated weights using a proxy, the recreational fishery percentage approaches 40 percent. Prior to the MRIP revision, over the same period, commercial harvest accounted for 83 percent of the landings and recreational hook and line harvest accounted for 17 percent.
- Stock is overfished\* and overfishing\* is occurring.
- Fishing mortality\* ( $F$ ) in 2017 was 0.91 (age 2-4).
- The  $F$  threshold\* value is 0.53 and the target\* value is 0.35.
- Spawning stock biomass\* (SSB) in 2017 was 1,031 metric tons.
- The SSB threshold\* value is 3,900 metric tons and the target\* value is 5,452 metric tons.

### Action Needed

- For informational purposes only, **no commission action is needed at this time.**
- Division to complete the written updated stock assessment report by end of December 2018.
- The Southern Flounder Plan Development Team continues to work with the Southern Flounder Advisory Committee to develop Amendment 2 to the Southern Flounder Fishery Management Plan.



## Overview

Since early 2016, the North Carolina Division of Marine Fisheries along with state fisheries biologists from South Carolina, Georgia and Florida, and university scientists have been working together to review each state's southern flounder data and develop a coast-wide stock assessment. The regional effort was prompted by an external peer review of the previous North Carolina stock assessment which indicated that limiting the unit stock\* to North Carolina was inappropriate given current tagging and genetic data. The coastwide stock assessment had a time series of 1989 through 2015 and was based on the time series of available data sets. The data used included commercial landings and discards (including commercial shrimp trawl bycatch estimates), recreational harvest and discards, survey indices of abundance, biological data (e.g., length, weight, sex) and age data. One juvenile and one adult abundance index were chosen to represent the stock in each state (geographical range), except Georgia, which does not have a juvenile survey. In addition, the Southeast Area Monitoring and Assessment Program (SEAMAP), a survey that samples near-ocean waters throughout the southeast, was selected for inclusion.

In December 2017, the division held a three-day in person stock assessment peer review workshop in New Bern, NC where members of the Stock Assessment Subcommittee (SASC), comprised of multi-state representatives and university scientists, reviewed the model inputs and results with a panel of four experts on southern flounder biology and/or stock assessment modeling. The review workshop allowed discussion between the members of the SASC and reviewers, which enabled the reviewers to ask for and receive timely updates to the models as they evaluated the sensitivity of the results to different model assumptions.

At the end of the peer review workshop, the reviewers stated:

- “The Southern Flounder Review Panel accepts the pooled-sex run of the ASAP model presented at the Review Workshop as a valid basis of management for at least the next five years, with the expectation that the model will be updated with data through 2017 to provide the best, most up to date estimate of stock status for management.”
- The reviewers also noted that management advice based on the 2015 terminal year\* would be out of date by the time it could be implemented and that expected changes to recreational catch estimates (MRIP) should be incorporated into the stock assessment model to better inform management responses.

Since the December 2017 peer review workshop, the division has coordinated with the other states to update the approved ASAP pooled-sex model using data through 2017, as well as revised MRIP recreational harvest and discard estimates per peer review recommendations.

Results from this update indicate:

- The stock is overfished\* and overfishing\* is occurring.
- Fishing mortality\* ( $F$ ) in 2017 was 0.91 (Figure 1).
- The threshold\* value is 0.53 and the target\* value is 0.35.
- Spawning stock biomass\* (SSB) in 2017 was 1,031 metric tons (Figure 2).
- The threshold value is 3,900 metric tons and the target value is 5,452 metric tons.

North Carolina is continuing development of Amendment 2 to the Southern Flounder Fishery Management Plan that will recommend actions to reduce harvest to achieve a self-sustaining population that provides sustainable harvest\* using science-based decision-making processes.





### **\*Definitions**

**Stock** – A group of fish of the same species in a given area. Unlike a fish population, a stock is defined as much by management concerns (jurisdictional boundaries or harvesting locations) as by biology.

**Terminal Year** – The final year of estimates being used in an analysis.

**Target**- The level of fishing mortality or of the biomass, which permit a long-term sustainable exploitation of the stock, with the best possible catch.

**Threshold**- The maximum values of fishing mortality or minimum values of the biomass, which must not be exceeded. Otherwise, it is considered that it might endanger the capacity of self-renewal of the stock.

**Overfished** – State of a fish stock that occurs when a stock size falls below a specific threshold.

**Overfishing** – Occurs when the rate that fish that are harvested or killed exceeds a specific threshold.

**Spawning Stock Biomass** – Total weight of mature females in the stock.

**Sustainable harvest**- The amount of fish (in weight) that can be taken from a stock at a given fishing intensity and the stock biomass doesn't change year to year.

**Fishing Mortality** – Rate at which southern flounder are removed from the population.

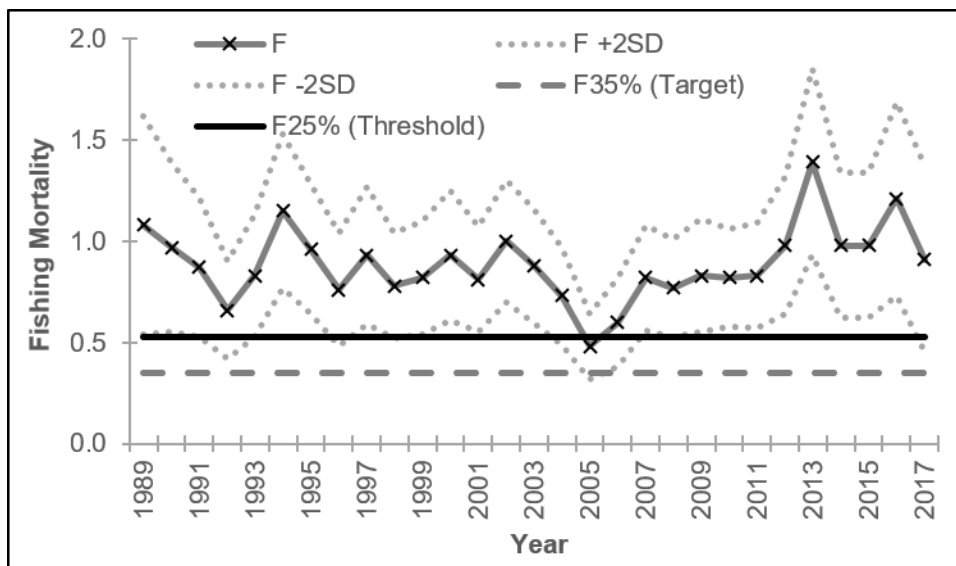


Figure 1. Estimated fishing mortality rates (ages 2-4) compared to established reference points. 1989-2017.



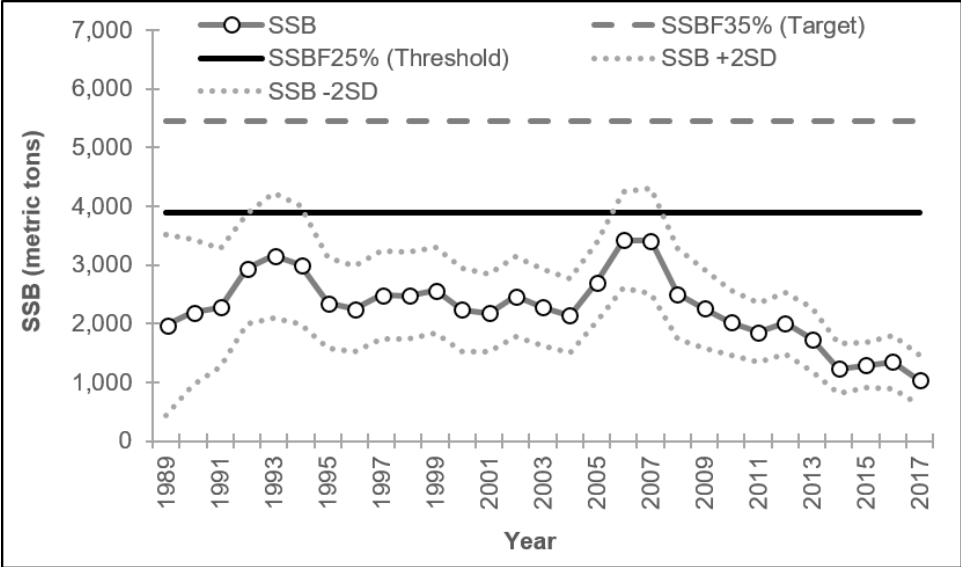


Figure 2. Spawning stock biomass (SSB) compared to established reference points, 1989-2017.





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*Director*

Nov. 1, 2018

## MEMORANDUM

**TO:** N.C. Marine Fisheries Commission

**FROM:** Tracey Bauer, Spotted Seatrout Lead  
Fisheries Management Section

**SUBJECT:** Update on the January 2018 Spotted Seatrout Cold Stun Report

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### Issue

At its February 2018 business meeting, the Marine Fisheries Commission was briefed on the cold stun event that occurred in coastal North Carolina in January 2018 and informed that a more comprehensive report on the cold stun impacts to the spotted seatrout stock would be provided when complete. The commission requested an update at its Nov. 2018 meeting. This update provides information compiled to date about the spotted seatrout cold stun event.

### Findings

- Natural mortality\* of spotted seatrout can be estimated before, during, and after the January 2018 cold stun event allowing the division to gauge the effect the cold stun event may have had on the North Carolina spotted seatrout stock\*.
- However, the report is not complete; more time is needed for additional tag returns to be reported to the division after the January 2018 cold stun event to reduce uncertainty and increase the accuracy of the natural mortality\* estimate.
- A final report will be provided to the commission when available.

### Action Needed

For informational purposes only, **no action is needed at this time.**

### Overview

A significant cold stun event occurred in January 2018 due to prolonged cold temperatures and two winter storms. Based on early confirmed reports of cold stunned spotted seatrout and water temperature data, this cold stun event met the conditions established in the division's Guidelines for Adaptive Management for Cold Stun Closures, indicating a need for a closure. The director issued a proclamation on Jan. 3, 2018 closing the spotted seatrout fishery effective 3 p.m. Jan. 5 until June 15. This action was taken in accordance with the management strategy adopted in the 2012 Spotted Seatrout Fishery Management Plan.



At its February 2018 business meeting, the Marine Fisheries Commission was briefed on the cold stun event and informed that a more comprehensive report would be provided when complete. This memo serves as an update on the status of the report. The report will include estimates of spotted seatrout natural mortality\* before, during, and after the cold stun, relative abundance\* of juvenile spotted seatrout after the cold stun, and temperature data collected by temperature loggers near areas of affected by the cold stun. Thus, this report will allow us to quantitatively examine the impact the January 2018 cold stun event had on the North Carolina spotted seatrout stock.

Tag return information will be used to estimate the impact of the cold stun event on the spotted seatrout stock. More time is needed for additional tag returns to be reported to the division, which should increase the accuracy of the natural mortality estimate from the tagging model. In addition to the tagging model, data from the division's Estuarine Juvenile Trawl Survey will be used to update the spotted seatrout juvenile abundance index through 2018. The purpose of the closure of the fishery was to allow mature fish that survived the January 2018 cold stun event to spawn before harvest was opened. Analyzing juvenile spotted seatrout relative abundance will provide an early look at recruitment<sup>4</sup> success post-cold stun.

Lastly, water temperature data downloaded from temperature loggers are being analyzed to estimate the geographical extent of the cold stun event in North Carolina using the cold stun triggers (5°C for 8 days or 3°C for 24 hours) established in the Guidelines for Adaptive Management for Cold Stun Closures.

The division will provide the comprehensive report to the commission when complete.

#### **\*Definitions**

**Natural Mortality** – A measurement of the rate of removal of fish from a population from natural causes.

**Stock** – A group of fish of the same species in a given area. Unlike a fish population, a stock is defined as much by management concerns (jurisdictional boundaries or harvesting locations) as by biology.

**Relative Abundance** – An index of fish population abundance used to compare fish populations from year to year. This does not measure the actual number of fish, but shows changes in population over time.

**Recruitment** – The number of spotted seatrout that survive to the juvenile stage.





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November 1, 2018

## MEMORANDUM

**TO:** Marine Fisheries Commission  
**FROM:** Kathy Rawls, Fisheries Management Section Chief  
**SUBJECT:** Temporary Rule Suspension

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### Issue

In accordance with the North Carolina Division of Marine Fisheries Resource Management Policy Number 2014-2, Temporary Rule Suspension, the North Carolina Marine Fisheries Commission will vote on any new rule suspensions that have occurred since the last meeting of the commission.

### Findings

No new rule suspensions have occurred since the August 2018 meeting.

### Action Needed

For informational purposes only, **no action is needed at this time.**

### Overview

In accordance with policy, the division will report current rule suspensions previously approved by the commission as non-action, items. The current rule suspensions previously approved by the commission are as follows:

- Continued suspension of North Carolina Marine Fisheries Commission Rule 15A NCAC 03M .0516 Cobia, for an indefinite period of time. This continued suspension allows the division to manage the commercial and recreational cobia fisheries in accordance with management actions taken by the commission and in accordance with Framework Amendment 4 to the federal Coastal Migratory Pelagics Fishery Management Plan. This suspension was continued in Proclamation FF-10-2018.
- Continued suspension of portions of North Carolina Marine Fisheries Commission Rule 15A NCAC 03J .0301 Pots, for an indefinite period of time. This continued suspension allows the division to implement the crab pot escape ring requirements adopted by the commission in the May 2016 Revision to Amendment 2 of the North Carolina Blue Crab

Fishery Management Plan. This suspension was effective January 15, 2017, implemented in Proclamation M-11-2016.

- Continued suspension of portions of North Carolina Marine Fisheries Commission Rule 15A NCAC 03L .0201 Crab Harvest Restrictions, and portions of 03L .203 Crab Dredging, for an indefinite period of time. This continued suspension allows the division to implement the blue crab harvest restrictions adopted by the commission in the May 2016 Revision to Amendment 2 of the North Carolina Blue Crab Fishery Management Plan. These suspensions were implemented in Proclamation M-11-2016.
- Continued suspension of portions of North Carolina Marine Fisheries Commission Rule 15A NCAC 03J .0501 Definitions and Standards for Pound Nets and Pound Net Sets, for an indefinite period of time. Continued suspension of portions of this rule allows the division to increase the minimum mesh size of escape panels for flounder pound nets in accordance with Supplement A to Amendment 1 of the North Carolina Southern Flounder Fishery Management Plan. This suspension was implemented in Proclamation M-34-2015.
- Continued suspension of portions of North Carolina Marine Fisheries Commission Rule 15A NCAC 03M .0519 Shad and 03Q .0107 Special Regulations: Joint Waters, for an indefinite period of time. Continued suspension of portions of these rules allows the division to change the season and creel limit for American shad under the management framework of the North Carolina American Shad Sustainable Fishery Plan. These suspensions were continued in Proclamation FF-15-2018.