

Conditions for Mechanical Harvest of Shellfish from Shellfish Leases and Franchises

GENERAL INFORMATION:

- Granting of this permit does not constitute or imply recognition by the State of North Carolina of the ownership of the bottom described on the reverse side. This permit is valid only to the extent of the validity of the grant, deed, or contract by the permittee and does not authorize work in any area other than the area described on the permit.
- The entire area of the deeded bottom, franchise, or lease shall be marked in compliance with 15A NCAC 03O .0204. Failure to maintain proper marking will result in cancellation of the permit.
- Mechanical gear shall not be used in areas designated as Primary Nursery Areas by 15A NCAC 3R .0103.
- It is unlawful for lease or franchise holders or their designees to take or possess oysters from public bottom while possessing aboard a vessel shellfish taken from shellfish leases or franchises, 15A NCAC 03K .0205.
- It is unlawful to take oysters or clams between the hours of sunset and sunrise on any day, 15A NCAC 03K .0106.

SPECIFIC PERMIT CONDITIONS:

- Mechanical gear shall not be used in any bed of aquatic vegetation nor within one hundred (100) feet of any bed of submerged aquatic vegetation.
- Mechanical gear shall not be used in areas where mechanical harvest will cause siltation of critical habitats such as grass beds or natural oyster rocks or in areas where suspension of sediments in the water column may release bacteria, heavy metals, or other substances harmful to the environment or human health.
- It is unlawful for a permittee or designee to fail to notify NC Marine Patrol Communications Center by phone at 800-682-2632 prior to the lease holder or designees harvesting oysters or clams under this permit.

PERMIT CONDITIONS – GENERAL:

- It is unlawful to operate under the permit except in areas, at times, and under conditions specified on the permit;
- It is unlawful to operate under a permit without having the permit or copy thereof in possession of the permittee or his or her designees at all times of operation and shall be ready at hand for inspection, except for Pound Net Permits;
- It is unlawful to operate under a permit without having a current picture identification in possession and ready at hand for inspection.
- It is unlawful to refuse to allow inspection and sampling of a permitted activity by an agent of the Division;
- It is unlawful to fail to provide complete and accurate information requested by the Division in connection with the permitted activity;
- It is unlawful to hold a permit issued by the Fisheries Director when not eligible to hold any license required as a condition for that permit as stated in 15A NCAC 3O.0501;
- It is unlawful to fail to provide reports within the timeframe required by the specific permit conditions;
- It is unlawful to fail to keep such records and accounts as required by the Rules in this Chapter for determination of conservation policy, equitable and efficient administration and enforcement, or promotion of commercial or recreational fisheries;
- It is unlawful to assign or transfer permits issued by the Fisheries Director, except for Pound Net Permits as authorized by **15A NCAC 03J .0502(e)(5)**.
- The Fisheries Director, or his agent, may, by conditions of the permit, specify any or all of the following for the permitted purposes:

Species	Time period	Means and methods	Disposition of resources
Quantity or size	Location	Harvest conditions	Marking requirements
- Unless specifically stated as a condition on the permit, all statutes, rules and proclamations shall apply to the permittee and his or her designees.

NOTE: Applicant is responsible for obtaining any and all other necessary or required federal, state, and local permits. Violation of any rule condition or items on the permit may result in suspension or revocation of the permit.