

**APPLICATION FOR PERMIT:
PLANTING SHELLFISH FROM POLLUTED AREAS
ONTO PRIVATE SHELLFISH LEASES AND FRANCHISES**

Individual Participant Information – Must have valid picture ID on file with the Division of Marine Fisheries

First Name	MI	Last Name	Suffix
Email Address	Mailing Address		
Date of Birth	City	State	Phone
Business Participant Information: Business Name		Business Agent Name: First, MI, Last	

Lease/Franchise#	Location	County	Type Shellfish to be relayed
			<input type="checkbox"/> Oysters <input type="checkbox"/> Clams <input type="checkbox"/> Both
			<input type="checkbox"/> Oysters <input type="checkbox"/> Clams <input type="checkbox"/> Both
			<input type="checkbox"/> Oysters <input type="checkbox"/> Clams <input type="checkbox"/> Both
			<input type="checkbox"/> Oysters <input type="checkbox"/> Clams <input type="checkbox"/> Both

Vessel Registration Number(s) or Commercial Fishing Vessel Registration or USCG Documentation Number(s)

(1) _____ (2) _____ (3) _____

Transplanter Information (All transplanters must have a valid shellfish license or SCFL/RSCFL with shellfish endorsement, and valid picture ID on file with the Division of Marine Fisheries):

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

CERTIFICATION STATEMENT (Must be completed and signed by the Permittee)

I, _____ certify that:
(Please type or print full name)

All the information provided and any supporting documentation provided is true, accurate, and complete.

I, and all listed designees, currently have no marine fisheries licenses, permits, endorsements, or registrations under suspension or revocation, and the privilege to hold such licenses, permits, endorsements, or registrations is not revoked or suspended.

I, and all listed designees, have not been convicted of four or more violations in any jurisdiction related to state or federal law or regulations involving or related to marine or estuarine resources.

I have been provided a copy of permit rules and conditions that apply to this permit and I acknowledge failure to abide by all permit rules as well as conditions on this permit may result in termination of the permit.

I understand that as a condition of accepting and use of this permit from the Division of Marine Fisheries, I agree to abide by all conditions of this permit and agree, that if specific conditions of this permit as identified on this permit are violated, or if false information was provided in the application for initial issuance, renewal or transfer, this permit may be suspended or revoked by the Fisheries Director.

I understand that any false information or fraudulent disclosures may result in termination of this permit and related documents and possible criminal prosecution.

Signature of Permittee

Date

Steve Murphey, Director
N.C. Division of Marine Fisheries

GENERAL INFORMATION:

- The permittee and his or her designees must hold a valid Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order to hold a Permit for Planting Shellfish from Prohibited (polluted) Areas. **15A NCAC 03O .0501(c)(1)**
- It is unlawful to take, attempt to take, or possess any shellfish from the transplanted area designated by this permit until the area is reopened by proclamation. **15A NCAC 03K .0101(a)**
- **Your lease/franchise will be closed to harvest by proclamation and will not be reopened for harvesting shellfish until the Shellfish Sanitation Section has insured that cleansing of transplanted shellfish has taken place. Leases/franchises will be reopened by proclamation no earlier than 21 days from the last day of the relay season.**
- It is unlawful to take oysters or clams from prohibited (polluted) public waters for planting on leases and franchises except as authorized by G.S. 113-203. Lease and franchise holders shall first obtain a permit from the Fisheries Director setting forth the time, area, and method by which such shellfish may be taken. The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500. **15A NCAC 03K .0104(a)**.
- The season for relaying clams shall be between April 1 and May 15 and the season for relaying oysters shall be for a specified six week period between the date of the statewide closure of oyster season and June 30, as determined by the Fisheries Director based on the status of oyster resources available for harvest from public bottom and market factors affecting sale of oysters from public bottom which will assist in determining the statewide closure date and manpower available to monitor the relaying activity. **15A NCAC 03K .0104(b)** For areas designated by the Fisheries Director as sites where shellfish would otherwise be destroyed in maintenance dredging operations, the season as set out in Paragraph (b) of this Rule shall not apply. **15A NCAC 03K .0104(c)**
- It is unlawful for the lease/franchise holder to fail to keep the lease/franchise marked continuously, including the polluted signs provided by the Division. If cited for violation, the permit shall be revoked. **15A NCAC 03O .0502(10)(g) and 15A NCAC 03O .0502(12)**

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

SPECIFIC PERMIT CONDITIONS:

- It is unlawful for a permittee to use more than three vessels and/or six designees per transplanting operation or to transplant with an individual not listed as a transplanter on the permit.
- In relaying both clams and oysters, the restrictions on clams takes priority and harvesting must stop by 2:00pm.
- It is unlawful to relay clams from designated relay areas except from 7:30am to 2:00pm Monday through Wednesday with this permit only under direct supervision of authorized personnel of the Division of Marine Fisheries per **15A NCAC 03K .0104**. Individuals must sign in with DMF representative assigned to the clam relay area before beginning relaying, and you must sign with the DMF representative when transplanting is completed. Clams must be spread thinly over the lease or franchise area. Clams shall not be planted in containers or over material that will allow rapid removal by unauthorized persons. Call the Division of Marine Fisheries for relay locations open on the day you wish to relay (252-726-7021 or 1-800-682-2632). Transport of clams from harvest site to the lease site shall be as follows: A.) The permittee or his or her designee shall be with the clams at all times until the clams are placed on the lease. B.) Permittee(s) or their designees shall not be in possession of clams upon departure from lease or franchise site or not later than 4:00pm.
- It is unlawful to relay clams from designated relay areas with mechanical gear except within the designated area for mechanical gear by the relaying maps of the applicable permit year. The absence or relocation of any signs marking the mechanical gear areas will not serve to open any area not designated on such maps. If there is a conflict between signs and maps, maps shall prevail.

15A NCAC 03O .0502 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 .0504;
- 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.

As a condition of acceptance/use of this permit, the permittee agrees to abide by all conditions of the permit, and agrees that if specific conditions of the permit as identified are violated, or if false information was provided in the application for initial issuance or renewal, the permit may be suspended or revoked by the Fisheries Director.