

## APPENDIX 3. NORTH CAROLINA FISHERY MANAGEMENT

The N.C. General Assembly enacts fisheries statutes, or laws, and provides the N.C. Marine Fisheries Commission authority to adopt rules to implement those statutes in coastal and joint fishing waters. These rules are found in Chapters 03 and 18 of Title 15A of the N.C.

Administrative Code (NCAC). The following list, while not exhaustive, includes the primary rules used to manage the southern flounder fishery. In inland fishing waters, the N.C. Wildlife Resources Commission rule 15A NCAC 10C .0307 establishes the same recreational seasons, size limits, and bag limits for flounder as those established by Marine Fisheries Commission rules and proclamations issued by the Fisheries Director in adjacent joint and coastal fishing waters. Please refer to the NCAC for the full text of the rules at <http://www.oah.nc.gov/>.

In addition to adopting rules, the Marine Fisheries Commission has the authority to delegate to the fisheries director the ability to issue public notices, called proclamations, suspending or implementing particular commission rules that may be affected by variable conditions. The proclamation authority granted to the fisheries director in commission rules includes the ability to open and close seasons and fishing areas, set harvest and gear limits, and establish conditions governing various fishing activities. Rules that contain proclamation authority are marked by a diamond symbol (“♦”). Proclamations are not included in this document because they change frequently, they are found at <http://portal.ncdenr.org/web/mf/proclamations>.

- 15A NCAC 03I. 0120 Possession or Transportation Limits Through State Waters; Sale of Native Species  
*Sets requirements for possession and transportation of species subject to state season, size, or harvest restrictions. Applies to management across species of flounder (i.e., southern, summer, and Gulf flounder).*
- 15A NCAC 03J .0101 Fixed or Stationary Nets  
*Establishes where it is unlawful to set fixed or stationary nets.*
- 15A NCAC 03J .0102 Nets or Net Stakes  
*Establishes where it is unlawful to use nets or net stakes.*
- ♦ 15A NCAC 03J .0103 Gill Nets, Seines, Identification, Restrictions  
*Establishes requirements for the use of gill nets and seines, including proclamation authority for time, area, means and methods, and seasons.*
- ♦ 15A NCAC 03J .0500 Pound Nets  
*Establishes requirements for pound net sets, including flounder pound net sets. Limited proclamation authority may be implemented only for escape panel requirements.*
- ♦ 15A NCAC 03M .0503 Flounder  
*Contains proclamation authority that allows the Fisheries Director, within the bounds of the current Southern Flounder Fishery Management Plan (FMP), to*

*specify size, season, area, quantity, and means and methods, and the proclamation authority to require submission of statistical and biological data. This rule is the primary management tool to implement management measures, subject to variable conditions, and to implement adaptive management for the southern flounder fisheries **within the bounds of the current FMP.***

- ♦ 15A NCAC 03O .0500, Permits  
*Establishes procedures and requirements for permits, including eligibility and standard permit conditions such as reporting. Rule 15A NCAC 03O .0506, Special Permit Required for Specific Management Purposes, provides authority to require a new permit for quota monitoring in the southern flounder fishery.*
- 15A NCAC 10C .0307, Flounder, Sea Trout, and Red Drum  
*Wildlife Resources Commission rule, as described above*