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

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

Name of Commission: N.C. Marine Fisheries Commission

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

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

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

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

III. Introduction and Purpose of Rule Changes
The purpose of the Marine Fisheries Commission (MFC) is to manage, restore, develop,
cultivate, conserve, protect, and regulate the marine and estuarine resources within its
jurisdiction, as described in G.S. 113-132, including commercial and recreational fisheries
resources (Chapter 143B, Article 7, Part 5D). Session Law 1965-957 amended Subchapter IV of
Chapter 113 of the General Statutes of North Carolina to create G.S. 113-132, Jurisdiction of
fisheries agencies. This was done in part to clarify the conservation laws of the state and the authority and jurisdiction of what are now the MFC and the Wildlife Resources Commission (WRC). Paragraph (e) of this statute states that the “Marine Fisheries Commission and the Wildlife Resources Commission may make joint regulations governing the responsibilities of each agency and modifying the applicability of licensing and other regulatory provisions as may be necessary for rational and compatible management of the marine and estuarine and wildlife resources in joint fishing waters.”

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

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

Proposed Rules for Readoption

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

SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS

SECTION .0100 - GENERAL REGULATIONS: JOINT

15A NCAC 03Q .0101  SCOPE AND PURPOSE
The rules in this Section pertain to the classification of the waters of North Carolina as coastal fishing waters, inland fishing waters and joint fishing waters. These rules are adopted jointly by the Marine Fisheries Commission and the Wildlife Resources Commission. In addition to the classification of the waters of the state these joint rules set forth guidelines to determine which fishing activities in joint waters are regulated by the Marine Fisheries Commission and which are regulated by the Wildlife Resources Commission. Finally, the joint rules set forth special fishing regulations applicable in joint waters that can be enforced by officers of the Division of Marine Fisheries and the Wildlife Resources Commission. These regulations do not affect the jurisdiction of the Marine Fisheries Commission and the Wildlife Resources Commission in any matters other than those specifically set out.

History Note:  Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991;
15A NCAC 03Q .0102 is proposed for readoption without substantive changes as follows:

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

Inland fishing waters are all inland waters except private ponds; and all waters connecting with or tributary to coastal sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters which are tributary to inland fishing waters and which are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are inland fishing waters. The regulation and licensing of fishing in inland fishing waters is under the jurisdiction of the Wildlife Resources Commission. Regulations and laws administered by the Wildlife Resources Commission regarding fishing in inland fishing waters are enforced by wildlife enforcement officers.

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

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

Coastal fishing waters are the Atlantic Ocean; the various coastal sounds; and estuarine waters up to the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters which are tributary to coastal fishing waters and which are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are coastal fishing waters. The regulations and licensing of fishing in coastal fishing waters is under the jurisdiction of the Marine Fisheries Commission; except that inland game fish (exclusive of spotted seatrout, weakfish, and striped bass) are subject to regulations by the Wildlife Resources Commission in coastal fishing waters. Regulations and laws administered by the Marine Fisheries Commission regarding fishing in coastal waters are enforced by fisheries enforcement officers. Regulations regarding inland game fish in coastal fishing waters are enforced by wildlife enforcement officers unless otherwise agreed to by the Wildlife Resources Commission.

*History Note:  Authority G.S. 113-132; 113-134; 143B-289.52; Eff. January 1, 1991; Readopted Eff. May 1, 2021.*
15A NCAC 03Q .0104 is proposed for readoption without substantive changes as follows:

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

Joint fishing waters are those coastal fishing waters, hereinafter set out, denominated by agreement of the Marine Fisheries Commission and the Wildlife Resources Commission pursuant to G.S. 113-132(e) as joint fishing waters. All waters which are tributary to joint fishing waters and which are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are classified as joint fishing waters. The regulation and licensing of fishing in joint waters shall be as stated in 15A NCAC 3Q .0106.

*History Note:* Authority G.S. 113-132; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
15A NCAC 03Q .0105 is proposed for readoption without substantive changes as follows:

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

The dividing lines of all major bodies of water and watercourses which are divided by the agreement of the Marine Fisheries Commission and the Wildlife Resources Commission so that portions of the same are constituted inland fishing waters, coastal fishing waters, or joint fishing waters shall be marked with signs in so far as may be practicable. Unmarked and undesignated tributaries shall have the same classification as the designated waters to which they connect or into which they flow. No unauthorized removal or relocation of any such marker shall have the effect of changing the classification of any body of water or portion thereof, nor shall any such unauthorized removal or relocation or the absence of any marker affect the applicability of any regulation pertaining to any such body of water or portion thereof.

*History Note:  Authority G.S. 113-132; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. May 1, 2021.*
15A NCAC 03Q .0106 is proposed for readoption without substantive changes as follows:

15A NCAC 03Q .0106 APPLICABILITY OF RULES: JOINT WATERS
(a) All coastal fishing laws and regulations administered by the Department of Environment and Natural Resources and the Marine Fisheries Commission apply to joint waters except as otherwise provided, and shall be enforced by fisheries enforcement officers.
(b) The following inland fishing laws and regulations administered by the Wildlife Resources Commission apply to joint waters and shall be enforced by wildlife enforcement officers:
   (1) all laws and regulations pertaining to inland game fishes,
   (2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,
   (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
            Eff. January 1, 1991;
            Amended Eff. July 1, 1999;
15A NCAC 03Q .0107 is proposed for readoption without substantive changes as follows:

**15A NCAC 03Q .0107  SPECIAL REGULATIONS: JOINT WATERS**

In order to effectively manage all fisheries resources in joint waters and in order to confer enforcement powers on both fisheries enforcement officers and wildlife enforcement officers with respect to certain rules, the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to adopt special rules for joint waters. Such rules supersede any inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise be applicable in joint waters under the provisions of 15A NCAC 03Q .0106:

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

2. **Lake Mattamuskeet:**
   - (a) It is unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint waters.
   - (b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint waters.

3. **Cape Fear River:** It is unlawful to use or attempt to use any net, net stakes or electrical fishing device within 800 feet of the dam at Lock No.1 on the Cape Fear River.

4. **Shad:** It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook-and-line.
History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1993; November 1, 1991;
Temporary Amendment Eff. May 1, 2000;
Amended Eff. July 1, 2008; September 1, 2005; April 1, 2001; August 1, 2000;
15A NCAC 03Q .0108 is proposed for readoption without substantive changes as follows:

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

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

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

History Note: Authority G.S. 113-132; 113-134; 143B-289.52; Eff. January 1, 1991;
Amended Eff. October 1, 2004; September 1, 1991;
15A NCAC 03Q .0109 is proposed for readoption without substantive changes as follows:

**15A NCAC 03Q .0109 IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS: RECREATIONAL FISHING**

The Marine Fisheries and Wildlife Resources Commissions shall implement their respective striped bass management actions for recreational fishing pursuant to their respective rule-making powers. To preserve jurisdictional authority of each Commission, the following means are established through which management measures can be implemented by a single instrument in the following management areas:

1. In the Roanoke River Management Area, the exclusive authority to open and close seasons and areas, and establish size and creel limits whether inland or joint fishing waters shall be vested in the Wildlife Resources Commission. An instrument closing any management area in joint waters shall operate as and shall be a jointly issued instrument opening or closing seasons or areas to harvest in the Roanoke River management area.

2. In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether coastal or joint fishing waters shall be vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota is about to be exceeded. In the Albemarle Sound Management Area administered by the Marine Fisheries Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke River Management Area, shall automatically be implemented and effective as a Wildlife Resources Commission action in the inland waters and tributaries to the waters affected.

**History Note:**

Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2004; September 1, 1991;
November 20, 2020

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

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

15A NCAC 03Q .0101 Scope and Purpose
This rule states that all rules in Section 03Q .0100 are adopted jointly by the MFC and WRC. As such, we believe that readoption of these rules will require a vote from both boards prior to completion of the rule-making process. While the WRC does not oppose the MFC noticing these unchanged rules, we would appreciate the chance to discuss potential updates to these 30-year old rules and the DMF’s plan to ensure joint readoption prior to final approval.

15A NCAC 03Q .0102 Inland Fishing Waters
Per G.S. 150B-19(4), an agency may not adopt a rule that repeats the content of a law, a rule, or a federal regulation. The first sentence of this rule re-states the statutory definition of coastal fishing waters and should be revised to reference G.S. 113-129.

15A NCAC 03Q .0103 Coastal Fishing Waters
Per G.S. 150B-19(4), an agency may not adopt a rule that repeats the content of a law, a rule, or a federal regulation. The first sentence of this rule re-states the statutory definition of coastal fishing waters and should be revised to reference G.S. 113-129. Additionally, the list of inland game fish is outdated. This sentence should be revised to either list current species or reference Rule 15A NCAC 10C .0301 Inland Game Fishes Designated.

15A NCAC 03Q .0105 Posting Dividing Lines
While posting dividing lines was historically the preferred and most accurate method for differentiating the classifications on the water, this is likely no longer the most accurate means of communicating this information to the public. We believe, at a minimum, this rule should be updated to reference the
descriptive boundaries of Coastal-Joint-Inland Waters, currently in Rule 03Q.0202, and direct the public to online maps for more accurate and dependable information. However, we also believe the descriptive boundaries of Coastal-Joint-Inland Waters should be moved to this rule or another joint rule within this Section, to ensure mutual agreement on the dividing lines through joint rulemaking in the future.

15A NCAC 03Q.0106 Applicability of Regulations: Joint Waters
Subparagraph (b)(2) of this Rule is inaccurate, as it does not account for the Coastal Recreational Fishing License (CRFL). Since 2007, either an inland fishing license or CRFL has been acceptable licensure for hook-and-line fishing in joint waters. Additionally, as license requirements are specified in statute, we recommend removing them from this rule.

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

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

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

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

Regards,

Carrie Ruhlman
Rulemaking Coordinator
N.C. Wildlife Resources Commission
15A NCAC 03Q .0101 is readopted with changes as published in 35:07 NCR 764 as follows:

SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS

SECTION .0100 - GENERAL REGULATIONS: JOINT

15A NCAC 03Q .0101 SCOPE AND PURPOSE

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

History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Readopted Eff. April 1, 2022.
15A NCAC 03Q .0102 is readopted with changes as published in 35:07 NCR 764 as follows:

15A NCAC 03Q .0102 INLAND FISHING WATERS

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

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

(c) Regulations, rules, and laws administered by the Wildlife Resources Commission regarding fishing in inland fishing waters administered by the Wildlife Resources Commission are enforced by wildlife enforcement officers, protectors.

History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52; Eff. January 1, 1991; Readopted Eff. April 1, 2022.
15A NCAC 03Q .0103 is readopted with changes as published in 35:07 NCR 764 as follows:

**COASTAL FISHING WATERS**

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

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

   (1) American shad;
   (2) brown bullhead;
   (3) flounder, including Gulf flounder, southern flounder, and summer flounder;
   (4) hickory shad;
   (5) red drum;
   (6) spotted seatrout;
   (7) striped bass, including morone hybrids;
   (8) white catfish;
   (9) white perch;
   (10) yellow bullhead; and
   (11) yellow perch.

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

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

History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52; Eff. January 1, 1991; Readopted Eff. April 1, 2022.
15A NCAC 03Q .0104 is readopted with changes as published in 35:07 NCR 764 as follows:

15A NCAC 03Q .0104 JOINT FISHING WATERS

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

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

History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Readopted Eff. April 1, 2022.
15A NCAC 03Q .0105 is readopted with changes as published in 35:07 NCR 764-765 as follows:

15A NCAC 03Q .0105  POSTING DIVIDING LINES

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

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

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

Eff. January 1, 1991;

Readopted Eff. April 1, 2022.
15A NCAC 03Q .0106 was proposed for readoption without substantive changes as published in 35:07 NCR 765 but is now repealed as follows:

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

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

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

1. All laws and regulations pertaining to inland game fishes,
2. All laws and regulations pertaining to inland fishing license requirements for hook and line fishing,
3. All laws and regulations pertaining to hook and line fishing except as hereinafter provided.

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

Eff. January 1, 1991;

Amended Eff. July 1, 1999;

Repealed Eff. April 1, 2022.
15A NCAC 03Q .0107 SPECIAL REGULATIONS: REGULATIONS FOR JOINT FISHING WATERS

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

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

2. Lake Mattamuskeet:
   (a) It shall be unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint fishing waters.
   (b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint fishing waters.

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

4. Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook and line.
History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;

Eff. January 1, 1991;

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

Temporary Amendment Eff. May 1, 2000;

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

Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).
15A NCAC 03Q .0108 is readopted with changes as published in 35:07 NCR 765 as follows:

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

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

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

History Note:  Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2004; September 1, 1991;
Readopted Eff. April 1, 2022.
15A NCAC 03Q .0109 IMPLEMENTATION OF ESTUARINE STRIPED BASS FISHERY MANAGEMENT PLANS: PLAN: RECREATIONAL FISHING

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

(1) In the Roanoke River Management Area, the exclusive authority to open and close seasons and areas, and establish size and creel limits, whether inland or joint fishing, shall be vested in the Wildlife Resources Commission. The season shall close by proclamation if the quota set by the North Carolina Estuarine Striped Bass Fishery Management Plan is projected to be taken. An instrument closing any management area in joint waters shall operate as and shall be a jointly issued instrument opening or closing seasons or areas to harvest in the Roanoke River management area.

(2) In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether coastal or joint fishing, shall be vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota set by the North Carolina Estuarine Striped Bass Fishery Management Plan is projected to be exceeded. A proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke River Management Area, shall automatically be implemented and effective as a Wildlife Resources Commission action in the inland waters and tributaries to the waters affected.

History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2004; September 1, 1991;
Readopted Eff. April 1, 2022.
15A NCAC 03Q .0101 is readopted with changes as published in 35:07 NCR 764 as follows:

SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS

SECTION .0100 - GENERAL REGULATIONS: JOINT

15A NCAC 03Q .0101  SCOPE AND PURPOSE

The rules in this Section pertain to the classification of the waters of North Carolina as coastal fishing waters, inland fishing waters, and joint fishing waters. These rules are waters and shall be adopted jointly in accordance with G.S. 150B-21.2 by both the Marine Fisheries Commission and the Wildlife Resources Commission. When concurrent jurisdictions exist, in accordance with G.S. 113-132, these jointly adopted rules shall not affect the jurisdiction of the Marine Fisheries Commission or the Wildlife Resources Commission in any matters other than those specified herein. In addition to the classification of the waters of the state these jointly adopted rules set forth guidelines to determine which fishing activities in joint fishing waters are regulated by the Marine Fisheries Commission and which are regulated by the Wildlife Resources Commission, or by both commissions. Finally, the joint regulations shall be enforced by officers of the Division of Marine Fisheries and the Wildlife Resources Commission, marine fisheries inspectors and wildlife protectors. These regulations do not affect the jurisdiction of the Marine Fisheries Commission and the Wildlife Resources Commission in any matters other than those specifically set out.

History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52; Eff. January 1, 1991; Readopted Eff. April 1, 2022.
15A NCAC 03Q .0102 is readopted with changes as published in 35:07 NCR 764 as follows:

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

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

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

(c) Regulations, rules, and laws administered by the Wildlife Resources Commission regarding fishing in inland fishing waters administered by the Wildlife Resources Commission are enforced by wildlife enforcement officers, protectors.

**History Note:** Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52; Eff. January 1, 1991; Readopted Eff. April 1, 2022.
15A NCAC 03Q .0103 is readopted with changes as published in 35:07 NCR 764 as follows:

15A NCAC 03Q .0103  COASTAL FISHING WATERS

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

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

(1) American shad;
(2) brown bullhead;
(3) flounder, including Gulf flounder, southern flounder, and summer flounder;
(4) hickory shad;
(5) red drum;
(6) spotted seatrout;
(7) striped bass, including morone hybrids;
(8) white catfish;
(9) white perch;
(10) yellow bullhead; and
(11) yellow perch.

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

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

History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
Eff. January 1, 1991;
Readopted Eff. April 1, 2022.
Joint fishing waters are defined in 113-129(10a), and arejointly shall be those coastal fishing waters, hereinafter
set out, denominated by agreement of the Marine Fisheries Commission and the Wildlife Resources Commission
pursuant to G.S. 113-132(e) as joint fishing waters, waters adopted by both the Marine Fisheries Commission and the
Wildlife Resources Commission as joint fishing waters when concurrent jurisdictions exist in accordance with G.S.
113-132. All waters which are tributary to joint fishing waters and which are not otherwise designated by
agreement between the Marine Fisheries Commission and the Wildlife Resources Commission in rule in accordance
with G.S. 113-132 shall be classified as joint fishing waters. The regulation and licensing of fishing in joint waters
shall be as stated in 15A NCAC 3Q .0106.

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

History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
Eff. January 1, 1991;
Readopted Eff. April 1, 2022.
15A NCAC 03Q .0105 is readopted with changes as published in 35:07 NCR 764-765 as follows:

15A NCAC 03Q .0105  POSTING DIVIDING LINES

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

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

History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52; Eff. January 1, 1991; Readopted Eff. April 1, 2022.
15A NCAC 03Q .0106 was proposed for readoption without substantive changes as published in 35:07 NCR 765 but is now repealed as follows:

15A NCAC 03Q .0106  APPLICABILITY OF RULES: JOINT WATERS
(a) All coastal fishing laws and regulations administered by the Department of Environmental Quality, Environment and Natural Resources and the Marine Fisheries Commission shall apply to joint waters except as otherwise provided, and shall be enforced by marine fisheries inspectors. 
(b) The following All inland fishing laws and regulations administered by the Wildlife Resources Commission apply to joint waters and shall be enforced by wildlife protectors:
   (1) all laws and regulations pertaining to inland game fishes,
   (2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,
   (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.

History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1999;
15A NCAC 03Q .0107 is readopted with changes as published in 35:07 NCR 765 as follows:

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

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

(1) Striped Bass:

(a) It is unlawful to possess any striped bass or striped bass hybrid that is less than 18 inches long (total length).

(b) It is unlawful to possess striped bass or striped bass hybrids between the lengths of 22 and 27 inches (total length) in joint fishing waters of the Central Southern Management Area as designated in 15A NCAC 03R .0201.

(c) It is unlawful to possess striped bass or striped bass hybrids May through September in the joint fishing waters of the Central Southern Management Area and the Albemarle Sound Management Area as designated in 15A NCAC 03R .0201.

(d) It is unlawful to possess striped bass or striped bass hybrids taken from the joint fishing waters of the Cape Fear River.

(e) It is unlawful to possess more than one daily creel limit of striped bass or striped bass hybrids, in the aggregate, per person per day, regardless of the number of management areas fished.

(f) Possession of fish shall be assessed for the creel and size limits of the management area in which the individual is found to be fishing, regardless of the size or creel limits for other management areas visited by that individual in a given day.

(g) It is unlawful to engage in net fishing for striped bass or striped bass hybrids in joint fishing waters except as authorized by rules of the Marine Fisheries Commission.

(2) Lake Mattamuskeet:

(a) It is unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint fishing waters.

(b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint fishing waters.

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

(4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook-and-line.
History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1993; November 1, 1991;
Temporary Amendment Eff. May 1, 2000;
Amended Eff. July 1, 2008; September 1, 2005; April 1, 2001; August 1, 2000;
Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).
1A NCAC 03Q .0108 is readopted with changes as published in 35:07 NCR 765 as follows:

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

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

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

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

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

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

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

**History Note:** Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52; Eff. January 1, 1991; Amended Eff. October 1, 2004; September 1, 1991; Readopted Eff. April 1, 2022.
15A NCAC 03Q .0109 is readopted with changes as published in 35:07 NCR 766 as follows:

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

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

1. In the Roanoke River Management Area, the exclusive authority to open and close seasons and areas, and establish size and creel limits, whether inland or joint fishing waters, shall be vested in the Wildlife Resources Commission. The season shall close by proclamation if the quota set by the North Carolina Estuarine Striped Bass Fishery Management Plan is projected to be taken. An instrument closing any management area in joint waters shall operate as and shall be a jointly-issued instrument opening or closing seasons or areas to harvest in the Roanoke River management area.

2. In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether coastal or joint fishing waters, shall be vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota set by the North Carolina Estuarine Striped Bass Fishery Management Plan is projected to be exceeded. In the Albemarle Sound Management Area administered by the Marine Fisheries Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke River Management Area, shall automatically be implemented and effective as a Wildlife Resources Commission action in the inland waters and tributaries to the waters affected.

**History Note:**

Authority G.S. 113-132; 113-134; 113-182; [113-292](113-292); 143B-289.52;

Eff. January 1, 1991;

Amended Eff. October 1, 2004; September 1, 1991;

Readopted Eff. April 1, 2022.
15A NCAC 03Q .0101 is readopted with changes as published in 35:07 NCR 764 as follows:

SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS

SECTION .0100 - GENERAL REGULATIONS: JOINT

15A NCAC 03Q .0101 SCOPE AND PURPOSE

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

History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
Eff. January 1, 1991;
Readopted Eff. April 1, 2022.
15A NCAC 03Q .0102 is readopted with changes as published in 35:07 NCR 764 as follows:

**INLAND FISHING WATERS**

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

(b) The regulation and licensing of fishing in inland fishing waters are under the jurisdiction of the Wildlife Resources Commission.

(c) Regulations, rules, and laws administered by the Wildlife Resources Commission regarding fishing in inland fishing waters are enforced by wildlife enforcement officers, protectors.

**History Note:** Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
Eff. January 1, 1991;
Readopted Eff. April 1, 2022.
15A NCAC 03Q .0103 is readopted with changes as published in 35:07 NCR 764 as follows:

15A NCAC 03Q .0103  COASTAL FISHING WATERS

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

(b) The regulations and licensing of fishing in coastal fishing waters shall be enforced by marine fisheries enforcement officers. Regulations and laws regarding inland game fish, excluding the species in Paragraph (b) of this Rule, in coastal fishing waters shall be enforced by wildlife enforcement officers unless otherwise agreed to by the Wildlife Resources Commission-protectors.

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

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

History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
Eff. January 1, 1991;
Readopted Eff. April 1, 2022.
15A NCAC 03Q .0104 is readopted with changes as published in 35:07 NCR 764 as follows:

15A NCAC 03Q .0104  JOINT FISHING WATERS

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

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

History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52; Eff. January 1, 1991; Readopted Eff. April 1, 2022.
15A NCAC 03Q .0105 POSTING DIVIDING LINES

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

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

History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Readopted Eff. April 1, 2022.
15A NCAC 03Q .0106 was proposed for readoption without substantive changes as published in 35:07 NCR 765 but is now repealed as follows:

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

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

(b) The following inland fishing laws and regulations administered by the Wildlife Resources Commission apply to joint waters and shall be enforced by wildlife enforcement officers:
   (1) all laws and regulations pertaining to inland game fishes,
   (2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,
   (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1999;
Repealed Eff. April 1, 2022.
15A NCAC 03Q .0107 is readopted with changes as published in 35:07 NCR 765 as follows:

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

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

(1) Striped Bass:

(a) It is unlawful to possess any striped bass or striped bass hybrid that is less than 18 inches long (total length).

(b) It is unlawful to possess striped bass or striped bass hybrids between the lengths of 22 and 27 inches (total length) in joint fishing waters of the Central Southern Management Area as designated in 15A NCAC 03R .0201.

(c) It is unlawful to possess striped bass or striped bass hybrids May through September in the joint fishing waters of the Central Southern Management Area and the Albemarle Sound Management Area as designated in 15A NCAC 03R .0201.

(d) It is unlawful to possess striped bass or striped bass hybrids taken from the joint fishing waters of the Cape Fear River.

(e) It is unlawful to possess more than one daily creel limit of striped bass or striped bass hybrids, in the aggregate, per person per day, regardless of the number of management areas fished.

(f) Possession of fish shall be assessed for the creel and size limits of the management area in which the individual is found to be fishing, regardless of the size or creel limits for other management areas visited by that individual in a given day.

(g) It is unlawful to engage in net fishing for striped bass or striped bass hybrids in joint fishing waters except as authorized by rules of the Marine Fisheries Commission.

(2) Lake Mattamuskeet:

(a) It is unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint fishing waters.

(b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint fishing waters.

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

(4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook and line.
15A NCAC 03Q .0108 is readopted with changes as published in 35:07 NCR 765 as follows:

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

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

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

History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52; Eff. January 1, 1991; Amended Eff. October 1, 2004; September 1, 1991; Readopted Eff. April 1, 2022.
15A NCAC 03Q .0109 is readopted with changes as published in 35:07 NCR 766 as follows:

15A NCAC 03Q .0109 IMPLEMENTATION OF ESTUARINE STRIPED BASS FISHERY MANAGEMENT PLANS: PLAN: RECREATIONAL FISHING

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

1. In the Roanoke River Management Area, the exclusive authority to open and close seasons and areas, establish size and creel limits, whether inland or joint fishing waters, shall be vested in the Wildlife Resources Commission. An instrument closing any management area in joint waters shall operate as and shall be a jointly issued instrument opening or closing seasons or areas to harvest in the Roanoke River management area.

2. In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether coastal or joint fishing waters shall be vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota set by the North Carolina Estuarine Striped Bass Fishery Management Plan is about projected to be exceeded. In the Albemarle Sound Management Area administered by the Marine Fisheries Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke River Management Area, shall automatically be implemented and effective as a Wildlife Resources Commission action in the inland waters and tributaries to the waters affected.

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