

1 15A NCAC 03I .0113 is proposed for amendment as follows:

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3 **15A NCAC 03I .0113 BIOLOGICAL SAMPLING DATA COLLECTION**

4 (a) For the purpose of this Rule, "responsible person" shall mean any licensee or person engaged in regulated activity  
5 under Chapter 113, Subchapter IV, of the General Statutes.

6 (b) It shall be unlawful for any licensee under Chapter 113, Subchapter IV, of the General Statutes responsible person  
7 to refuse to allow the Fisheries Director or the Fisheries Director's agents to obtain biological data, harvest information,  
8 or other statistical data necessary or useful to the conservation and management of marine and estuarine resources  
9 from for the taking of fish in the licensee's possession by the responsible person. Such data shall include, but is not  
10 limited to, may include:

- 11 (1) species identification, identification;
- 12 (2) species length, length;
- 13 (3) species weight, weight;
- 14 (4) species age, age;
- 15 (5) species sex, sex;
- 16 (6) number, number of species;
- 17 (7) quantity of catch;
- 18 (8) area of catch, catch;
- 19 (9) harvest method, and of quantity catch, method;
- 20 (10) gear and gear specifications;
- 21 (11) target species;
- 22 (12) number of hours and days the responsible person spent fishing;
- 23 (13) state, county, and zip code of responsible person;
- 24 (14) number of individuals fishing with responsible person; and
- 25 (15) social and economic data, including fishing expenditures.

26 (c) It shall be unlawful for any responsible person to refuse to allow the Fisheries Director or the Fisheries Director's  
27 agents to obtain data for the protection of public health related to the public health programs that fall under the  
28 authority of the Marine Fisheries Commission.

29 (d) It shall be unlawful for any responsible person to harass the Fisheries Director or the Fisheries Director's agents  
30 in any way related to the requirements of Paragraphs (b) and (c) of this Rule, including verbal or physical harassment  
31 or sexual harassment. For the purpose of this Rule, "harassment" shall be defined consistent with 50 CFR 600.725(o),

32 (t), and (u), including to:

- 33 (1) harass;
- 34 (2) sexually harass, including making sexual connotations;
- 35 (3) oppose;
- 36 (4) impede;
- 37 (5) intimidate;

- 1           (6)     interfere;
- 2           (7)     prohibit or bar by command, impediment, threat, coercion, interference, or refusal of reasonable
- 3                     assistance, the Fisheries Director or the Fisheries Director's agents from conducting his or her duties;
- 4                     or
- 5           (8)     tamper with or destroy samples or equipment;

6 50 CFR 600.725(o), (t), and (u), is incorporated by reference except as provided in Paragraph (e) of this Rule, including  
7 subsequent amendments and editions. A copy of the reference material can be found at  
8 <https://www.ecfr.gov/current/title-50/chapter-VI/part-600/subpart-H/section-600.725>, at no cost.

9 (e) Exceptions to 50 CFR 600.725(t) include "assault".

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11 *History Note: Authority G.S. 113-134; 113-170.3; 113-174.1; 113-181; 113-182; 113-221.2; 143B-289.52;*  
12 *Eff. October 1, 1992;*  
13 *Recodified from 15A NCAC 3I .0013 Eff. December 17, 1996;*  
14 *Readopted Eff. March 15, ~~2023~~, 2023;*  
15 *Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0101 is proposed for amendment as follows:  
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3 **SUBCHAPTER 03O - LICENSES, LEASES, FRANCHISES, AND PERMITS**  
4

5 **SECTION .0100 - LICENSES**  
6

7 **15A NCAC 03O .0101 PROCEDURES AND REQUIREMENTS TO OBTAIN LICENSES,**  
8 **ENDORSEMENTS, AND COMMERCIAL FISHING VESSEL REGISTRATIONS**

9 (a) Division of Marine Fisheries licenses are available at offices of the Division or by mail from the Morehead City  
10 Office of the Division, unless otherwise specified. In addition, Recreational Commercial Gear Licenses are available  
11 at license agents of the Wildlife Resources Commission in accordance with G.S. 113-270.1.

12 (b) For the purpose of this Rule, the procedures and requirements for the licensee shall also apply to the responsible  
13 party, the person holding power of attorney, the tournament organizer, and the vessel master.

14 (c) To obtain Division of Marine Fisheries licenses, endorsements, and Commercial Fishing Vessel Registrations, a  
15 licensee shall provide a completed application to an office of the Division by mail or in person. Applications submitted  
16 without complete and required information shall not be processed until all required information has been submitted.  
17 Incomplete applications shall be returned to the applicant with deficiency in the application so noted. The following  
18 shall be required for the application:

- 19 (1) full name, physical address, mailing address, date of birth, and signature of the licensee. If the  
20 licensee is not appearing before a license agent or a representative of the Division, the licensee's  
21 signature shall be notarized.
- 22 (2) a statement from the licensee that the information and supporting documentation submitted with the  
23 application is true and correct.
- 24 (3) current and valid picture identification of the licensee. Acceptable forms of picture identification  
25 are state driver's license, state identification card issued by the Division of Motor Vehicles, military  
26 identification card, resident alien card (green card), or passport; or if purchased by mail, a copy  
27 thereof.
- 28 (4) certification that the applicant does not have four or more marine or estuarine resource convictions  
29 during the previous three years.
- 30 (5) current articles of incorporation and a current list of corporate officers when purchasing a license or  
31 Commercial Fishing Vessel Registration in a corporate name. In the case of incorporation of an  
32 individual fishing vessel, the name of the vessel master shall also be specified. The licensee shall  
33 notify the Morehead City Office of the Division within five days of changing the vessel master.
- 34 (6) a current copy of a written partnership agreement shall be provided when purchasing a license,  
35 endorsement, or Commercial Fishing Vessel Registration in a partnership name, if a partnership is  
36 established.

1 (7) valid documentation papers or current motor boat registration, or copy thereof when purchasing a  
2 Commercial Fishing Vessel Registration. If an application for transfer of documentation is pending,  
3 a copy of the pending application and a notarized bill of sale may be submitted.

4 (8) affirmation of liability insurance and that the operator is knowledgeable of United States Coast  
5 Guard (USCG) safety requirements for the vessels used in the operation in accordance with G.S.  
6 113-168.6 when purchasing a Commercial Fishing Vessel Registration with a for-hire endorsement.

7 (d) In addition to the requirements of Paragraph (c) of this Rule, proof of residency for non-residents shall be  
8 documented by the licensee with certification of the state of residency. Proof of residency for residents of North  
9 Carolina shall be documented by the licensee as follows:

10 (1) Standard or Retired Standard Commercial Fishing Licenses: A notarized certification from the  
11 applicant that the applicant is a resident of the State of North Carolina as defined by G.S. 113-130(4)  
12 and:

13 (A) a notarized certification from the applicant that a North Carolina State Income Tax Return  
14 was filed for the previous calendar or tax year as a North Carolina resident;

15 (B) a notarized certification that the applicant was not required to file a North Carolina State  
16 Income Tax Return for the previous calendar or tax year; or

17 (C) military identification or military dependent identification, and permanent change of  
18 station orders or assignment orders substantiating the military individual's active duty  
19 assignment at a military facility in North Carolina.

20 (2) All other types of licenses:

21 (A) North Carolina voter registration card;

22 (B) current North Carolina Driver's License;

23 (C) current North Carolina Certificate of Domicile;

24 (D) current North Carolina Identification Card issued by the North Carolina Division of Motor  
25 Vehicles; or

26 (E) military identification or military dependent identification, and permanent change of  
27 station orders or assignment orders substantiating the military individual's active duty  
28 assignment at a military facility in North Carolina.

29 (e) In addition to the requirements in Paragraphs (c) and (d) of this Rule, the following shall be required:

30 (1) Blanket For-Hire Captain's CRFL: a valid certification from the USCG that allows carrying six or  
31 fewer passengers or a certification from the USCG that allows carrying more than six passengers.

32 (2) Blanket For-Hire Vessel CRFL or Non-Blanket For-Hire Vessel License:

33 (A) valid documentation papers or current motor boat registration, or copies thereof for the  
34 vessel engaged as for-hire; or

35 (B) a copy of the pending application and a notarized bill of sale if an application for transfer  
36 of documentation is pending.

37 (3) Fish Dealer License:

- 1 (A) the physical address of the established location where business is conducted and, if
- 2 different, the address where records are kept; and
- 3 (B) a valid Permit and Certificate of Compliance from the Division of Marine Fisheries
- 4 Shellfish Sanitation and Recreational Water Quality Section, if purchasing a Fish Dealer
- 5 License with clam or oyster categories or a consolidated license.
- 6 (4) Land or Sell License:
- 7 (A) valid documentation papers or current motor boat registration, or copy thereof; or
- 8 (B) a copy of the pending application and a notarized bill of sale if an application for transfer
- 9 of documentation is pending.

10 The fees for a Land or Sell License shall be based on the vessel's homeport as it appears on the USCG documentation  
11 papers or the state in which the vessel is registered, in accordance with G.S. 113-169.5.

- 12 (5) Ocean Fishing Pier License:
- 13 (A) the information required in G.S. 113-169.4; and
- 14 (B) linear length of the pier. A Marine Fisheries inspector's signature is required to verify the
- 15 linear length of the pier before the license can be issued.
- 16 (6) Recreational Fishing Tournament License to Sell Fish: name and date or dates of the tournament.
- 17 (7) Spotter Plane License:
- 18 (A) the information required in G.S. 113-171.1;
- 19 (B) the current aircraft registration; and
- 20 (C) a list of operators.

21 (f) For a License to Land Flounder from the Atlantic Ocean, in addition to the requirements in Paragraphs (c) and (d)  
22 of this Rule, the following shall be applicable:

- 23 (1) for the purpose of this Paragraph, "license year" means the period beginning July 1 of a year through
- 24 June 30 of the following year.
- 25 (2) to qualify for a License to Land Flounder from the Atlantic Ocean, the applicant shall:
- 26 (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each
- 27 year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license
- 28 years for which the person had a vessel that was licensed to land in North Carolina;
- 29 (B) have been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-
- 30 94, or 1994-95 license years; and
- 31 (C) hold a valid Standard or Retired Standard Commercial Fishing License or valid Land or
- 32 Sell License.
- 33 (3) it shall be unlawful for a person to hold more Licenses to Land Flounder from the Atlantic Ocean
- 34 than the number of vessels that the person owns that individually met the eligibility requirements of
- 35 Parts (f)(2)(A) and (f)(2)(B) of this Rule.
- 36 (4) the License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel
- 37 specified at the time of license issuance.

1 (5) at the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean shall  
2 specify the name of the vessel master for each License to Land Flounder from the Atlantic Ocean  
3 issued.

4 (6) the holder of the License to Land Flounder from the Atlantic Ocean shall notify the Morehead City  
5 Office of the Division of Marine Fisheries within five days of change as to the vessel master  
6 identified on the license.

7 (7) Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year.

8 (g) For a Recreational Fishing Tournament License to Sell Fish, in addition to the requirements in Paragraphs (c) and  
9 (d) of this Rule, the following shall be applicable:

10 (1) it shall be unlawful for anyone other than the holder of the Recreational Fishing Tournament License  
11 to Sell Fish to sell fish taken during a recreational fishing tournament.

12 (2) fish to be sold under the Recreational Fishing Tournament License to Sell Fish shall be sold only to  
13 licensed fish dealers and shall comply with all applicable rules of the Marine Fisheries Commission  
14 or provisions of proclamations issued by the Fisheries Director as authorized by the Marine Fisheries  
15 Commission.

16 (3) it shall be unlawful for a licensed recreational fishing tournament organizer to fail to accurately and  
17 legibly complete a North Carolina Recreational Fishing Tournament Disposition of Proceeds from  
18 the Sale of Fish Form provided by the Division of Marine Fisheries and submit the form to the  
19 Division within 30 days after the last day of the tournament.

20 (h) It shall be unlawful for a license, endorsement, or Commercial Fishing Vessel Registration holder to fail to notify  
21 the Division of Marine Fisheries within 30 days of a change of name or address, in accordance with G.S. 113-169.2.

22 (i) If requested by the Division, it shall be unlawful for a licensee to fail to participate in and provide accurate  
23 information for data collection in accordance with 15A NCAC 03I .0113 and for survey programs administered by  
24 the Division.

25  
26 *History Note: Authority G.S. 113-134; 113-168; 113-168.1-6; 113-169.2-5; 113-171.1; 113-174.3; 113-182;*  
27 *143B-289.52;*

28 *Eff. January 1, 1991;*

29 *Amended Eff. July 1, 1997; March 1, 1994;*

30 *Temporary Amendment Eff. July 1, 1999;*

31 *Amended Eff. August 1, 2000;*

32 *Temporary Amendment Eff. April 1, 2001;*

33 *Amended Eff. May 1, 2015; July 1, 2008; December 1, 2006; August 1, 2004; August 1, 2002;*

34 *Readopted Eff. March 15, ~~2023~~2023;*

35 *Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0109 is proposed for amendment as follows:

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3 **15A NCAC 03O .0109 ASSIGNMENT OF STANDARD COMMERCIAL FISHING LICENSE**

4 (a) For the purpose of this Rule, "licensee" shall mean the person issued a Standard Commercial Fishing License and  
5 "assignee" shall mean the individual to whom the licensee assigns a Standard Commercial Fishing License in  
6 accordance with the requirements of this Rule.

7 (b) If requested by the Division of Marine Fisheries, it shall be unlawful for a licensee or assignee to fail to participate  
8 in and provide accurate information for data collection in accordance with 15A NCAC 03I .0113 and for survey  
9 programs administered by the Division.

10 ~~(b)(c)~~ The Division of Marine Fisheries shall provide assignment forms to the licensee upon request. Only Division  
11 assignment forms shall be used to obtain an assignment. On the assignment form, the licensee shall designate what, if  
12 any, endorsements are included in the assignment. Endorsements shall not be assigned independent of the Standard  
13 Commercial Fishing License. It shall be unlawful for the licensee or the assignee to fail to submit within five days the  
14 completed assignment form to any office of the Division in person or by mail to the Morehead City Office. The  
15 Morehead City Office is located at 3441 Arendell Street, Morehead City, North Carolina, 28557. If the completed  
16 assignment form is not received by the Division within five days from the date it was signed, the assignment shall be  
17 null and void. Incomplete forms shall be returned to the licensee with deficiency in the form so noted. An assignment  
18 is in effect from the date specified on the assignment form and when:

- 19 (1) the assignment form is complete with all required information;  
20 (2) signatures of the current license holder and the assignee are notarized; and  
21 (3) the assignee has in the assignee's possession the current licensee's original actual Standard  
22 Commercial Fishing License, including applicable endorsements in accordance with G.S. 113-  
23 169.2.

24 ~~(e)(d)~~ For an extension of time for assignments, a new assignment form shall be completed in accordance with  
25 Subparagraphs (b)(1) through (b)(3) of this Rule.

26 ~~(d)(c)~~ Assignments shall terminate:

- 27 (1) when the date specified on the assignment form is reached;  
28 (2) if the licensee or assignee are determined ineligible for a license or assignment;  
29 (3) if the Division receives a notarized statement from the current license holder stating a revised date  
30 for an earlier assignment termination;  
31 (4) upon the licensee or assignee's death; or  
32 (5) when the Standard Commercial Fishing License expires.

33 ~~(e)(f)~~ It shall be unlawful for an individual assigned a Standard Commercial Fishing License when involved in a  
34 commercial fishing operation to fail to have the original actual Standard Commercial Fishing License, any assigned  
35 endorsements, and a copy of the assignment form in the individual's possession ready at hand for inspection in  
36 accordance with G.S. 113-168.1.

37 ~~(f)(g)~~ All landings occurring during the time of the assignment shall be credited to the licensee, not the assignee.

1 ~~(e)~~(h) It shall be unlawful to be assigned more than a single Standard Commercial Fishing License at any one time.  
2 It shall be unlawful to assign a Standard Commercial Fishing License to more than one individual at any one time.  
3 Assignments shall only be made by the licensee and shall not be further assigned by assignees. Masters identified on  
4 the Standard Commercial Fishing Licenses of corporations consisting of an individual fishing vessel shall not assign  
5 such licenses.

6 ~~(h)~~(i) It shall be unlawful for a person to accept assignment of a Standard Commercial Fishing License for which they  
7 are ineligible.

8 ~~(i)~~(j) It shall be unlawful for any assignee of a Standard Commercial Fishing License not to return the assignment and  
9 the Standard Commercial Fishing License with any assigned endorsements to the licensee within five days of notice  
10 that the assignment has been terminated or a demand by the licensee to return the license.

11  
12 *History Note: Authority G.S. 113-134; 113-135; 113-168.1; 113-168.2; 113-168.5; 113-169.2; 113-182; 113-187;*  
13 *143B-289.52;*  
14 *Eff. January 1, 1991;*  
15 *Temporary Amendment Eff. October 2, 1999; July 1, 1999;*  
16 *Amended Eff. August 1, 2000;*  
17 *Readopted Eff. March 15, ~~2023~~, 2023;*  
18 *Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).*



1 15A NCAC 03O .0112 is proposed for amendment as follows:

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3 **15A NCAC 03O .0112 FOR-HIRE LICENSE REQUIREMENTS**

4 (a) The license requirements for an operator of a vessel engaged in a for-hire operation are set forth in G.S. 113-174.3.  
5 Either the vessel owner or the for-hire vessel operator may seek to obtain the applicable for-hire vessel license. Only  
6 the vessel owner shall seek to obtain the applicable registration and endorsement required by G.S. 113-168.6. For the  
7 purpose of this Rule, "for-hire vessel operator" shall include the holder of a Blanket For-Hire Captain's Coastal  
8 Recreational Fishing License, Blanket For-Hire Vessel Coastal Recreational Fishing License, or Non-Blanket For-  
9 Hire Vessel License, as set forth in G.S. 113-174.3.

10 (b) It shall be unlawful for a for-hire vessel operator to operate without:

- 11 (1) holding the United States Coast Guard certification required in Rule .0101(a) of this Section;  
12 (2) having a copy of the for-hire license in possession and ready at hand for inspection; and  
13 (3) having current picture identification in possession and ready at hand for inspection.

14 (c) If requested by the Division of Marine Fisheries, it shall be unlawful for a for-hire vessel operator or responsible  
15 person to fail to participate in and provide accurate information for ~~biological sampling data collection~~ in accordance  
16 with 15A NCAC 03I .0113 and for survey programs administered by the Division. For the purpose of this Rule,  
17 "responsible person" shall mean any licensee or person engaged in regulated activity under Chapter 113, Subchapter  
18 IV. of the General Statutes, including regulated activity related to for-hire fishing.

19 (d) Requirements for display of licenses and registrations for a vessel engaged in for-hire recreational fishing are set  
20 forth in Rule .0106 of this Section.

21  
22 *History Note:* Authority G.S. 113-134; 113-168.6; 113-174.1; 113-174.3; 113-181; 143B-289.52;  
23 Eff. July 1, 2008;  
24 Readopted Eff. April 1, 2019-2019;  
25 Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).

1 15A NCAC 03O .0301 is proposed for amendment as follows:  
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3 **SECTION .0300 – RECREATIONAL COMMERCIAL GEAR LICENSES**  
4

5 **15A NCAC 03O .0301 ELIGIBILITY AND REQUIREMENTS FOR RECREATIONAL COMMERCIAL**  
6 **GEAR LICENSES**

7 (a) Recreational Commercial Gear Licenses shall only be issued to individuals.

8 (b) If requested by the Division of Marine Fisheries, it shall be unlawful for a Recreational Commercial Gear License  
9 holder to fail to participate in and provide accurate information for data collection in accordance with 15A NCAC 03I  
10 .0113 and for survey programs administered by the Division.

11  
12 *History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;*  
13 *Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule*  
14 *becomes effective, whichever is sooner;*  
15 *Eff. February 1, 1995;*  
16 *Temporary Amendment Eff. July 1, 1999;*  
17 *Amended Eff. August 1, 2000;*  
18 *Readopted Eff. March 15, ~~2023~~, 2023;*  
19 *Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).*