

1 15A NCAC 03I .0113 is proposed for reoption with substantive changes as follows:

2

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

4 It ~~is shall be~~ unlawful for any licensee under Chapter 113, Subchapter IV, of the General Statutes to refuse to allow
5 the Fisheries Director or ~~his~~ the Fisheries Director's agents to obtain biological data, harvest information, or other
6 statistical data necessary or useful to the conservation and management of marine and estuarine resources from fish
7 in the licensee's possession. Such data shall include, but is not limited to, species identification, length, weight, age,
8 sex, number, area of catch, harvest method, and quantity of catch.

9

10 *History Note: Authority G.S. 113-134; 113-170.3; ~~113-170.4~~; 113-174.1; 113-182; 143B-289.52;*

11 *Eff. October 1, 1992;*

12 *Recodified from 15A NCAC 3I .0013 Eff. December 17, 1996;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03I .0118 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03I .0118 DISPOSAL OF EVIDENCE**

4 It ~~is shall~~ be unlawful for any person to dispose of ~~fish or fish,~~ parts ~~thereof,~~ of fish, fishing equipment or gear, or
5 other matter ~~in any manner,~~ preparatory to, during, or subsequent to the taking of fish after any communication or
6 signal from an inspector, or after the approach of an inspector or an enforcement vessel.

7

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

9 *Eff. March 1, 1996;*

10 *Recodified from 15A NCAC 3I .0018 Eff. December 17, 1996;*

11 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03J .0101 is proposed for readoption with substantive changes as follows:

2
3 **SUBCHAPTER ~~3J~~ 03J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES**

4
5 **SECTION .0100 - NET RULES, GENERAL**

6
7 **15A NCAC 03J .0101 FIXED OR STATIONARY NETS**

8 It ~~is~~ shall be unlawful to use or set fixed or stationary ~~nets;~~ nets for any of the following:

- 9 (1) ~~In in~~ the channel of the Intracoastal ~~Waterway or in any other location where it may constitute a~~
10 ~~hazard to navigation;~~ Waterway;
- 11 (2) ~~So as~~ to block more than two-thirds of ~~any a~~ natural or manmade waterway, sound, river, bay, creek,
12 ~~inlet-inlet,~~ or any other body of water;
- 13 (3) ~~In in~~ the middle third of ~~any marked a~~ navigation ~~channel;~~ channel marked by State or federal
14 agencies; or
- 15 (4) ~~In the channel third of the following rivers: Roanoke, Cashie, Middle, Eastmost, Chowan, Little,~~
16 ~~Perquimans, Pasquotank, North, Alligator, Pungo, Pamlico, and Yeopim.~~
- 17 (4) in a location where it may interfere with navigation.

18
19 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

20 *Eff. January 1, 1991;*

21 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03J .0110 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03J .0110 SEINES**

4 It ~~is shall be~~ unlawful to use seines 30 feet or over in length for recreational purposes unless the net is marked by
5 attaching to the corkline ~~one a~~ floating buoy, any shade of hot pink in ~~color, which color.~~ Buoys shall be of solid foam
6 or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The ~~owner~~
7 gear owner's last name and initials shall ~~always~~ be identified on the attached buoy using an engraved ~~buoys buoy or~~
8 by attaching engraved metal or plastic tags to the buoy. ~~Such~~ If a vessel is used, the identification shall also include
9 ~~owner's last name and initials and if a vessel is used,~~ one of the following:

10 (1) ~~Gear gear~~ owner's current motor boat registration number; or

11 (2) ~~Owner's owner's~~ U.S. vessel documentation name.

12

13 *History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;*

14 *Temporary Adoption Eff. July 1, 1999;*

15 *Eff. August 1, 2000;*

16 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03J .0302 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03J .0302 RECREATIONAL USE OF POTS**

4 (a) It ~~is shall be~~ unlawful for a Recreational Commercial Gear License holder to use pots authorized by 15A NCAC
5 03O .0302 unless each pot is marked by attaching ~~one a~~ floating buoy, any shade of hot pink in ~~color, which color.~~
6 Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five
7 inches in length. The ~~owner gear owner's last name and initials~~ shall ~~always~~ be identified on the attached buoy using
8 an engraved buoys-buoy or by attaching engraved metal or plastic tags to the buoy. ~~Such~~ If a vessel is used, the
9 identification shall also include ~~the owner's last name and initials and if a vessel is used,~~ one of the following:

10 (1) ~~Gear-gear~~ owner's current motor boat registration ~~number, number;~~ or

11 (2) ~~Owner's owner's~~ U.S. vessel documentation name.

12 (b) It ~~is shall be~~ unlawful for a person to use more than one crab pot attached to the shore along privately owned land
13 or to a privately owned pier without possessing a valid Recreational Commercial Gear License.

14

15 *History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;*

16 *Eff. January 1, 1991;*

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

18 *Amended Eff. April 1, 2011; August 1, 2000;*

19 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0101 is proposed for readoption with substantive changes as follows:

2
3 **SUBCHAPTER 03K - OYSTERS, CLAMS, ~~SCALLOPS~~ SCALLOPS, AND MUSSELS**

4
5 **SECTION .0100 – SHELLFISH, GENERAL**

6
7 **15A NCAC 03K .0101 PROHIBITED ACTIVITIES IN POLLUTED SHELLFISH**
8 **AREAS/ACTIVITIESAREAS**

9 (a) It ~~is shall be~~ unlawful to possess, sell, or take oysters, ~~clams-clams,~~ or mussels from areas ~~which-that~~ have been
10 designated as ~~prohibited (polluted)-polluted~~ by proclamation by the Fisheries Director except as provided in ~~15A~~
11 ~~NCAC 03K-Rules .0103, .0104, .0107, and .0401-.0401~~ of this Subchapter. The Fisheries Director shall issue such
12 ~~shellfish polluted area~~ proclamations ~~upon notice by the Division of Environmental Health that duly adopted~~ if criteria
13 for approved shellfish harvest areas in accordance with 15A NCAC 18A .0900 have not been met. The Fisheries
14 Director may reopen any such closed area ~~upon notification from the Division of Environmental Health that duly~~
15 ~~adopted by proclamation if~~ criteria for approved shellfish harvest areas in accordance with 15A NCAC 18A .0900
16 have been met. Copies of these proclamations and maps of these areas are available upon request at the Division of
17 Marine Fisheries, 3441 Arendell ~~St., Street, P.O. Box 769, Morehead City, NC 28557; 800-682-2632 or 252-(252)~~
18 726-7021.

19 (b) The Fisheries Director may, by proclamation, close areas to the taking of oysters, clams, ~~scallops-scallops,~~ and
20 mussels ~~in order~~ to protect the shellfish populations for management purposes or for public health purposes not
21 specified in Paragraph (a) of this Rule.

22 (c) It ~~is shall be~~ unlawful to possess or sell oysters, clams, or mussels taken from polluted waters outside North
23 ~~Carolina-Carolina,~~ except as provided in 15A NCAC 03I .0104.

24
25 *History Note: Authority G.S. 113-134; 113-168.5; 113-169.2; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*
26 *Eff. January 1, 1991;*
27 *Amended Eff. July 1, 1993;*
28 *Temporary Amendment Eff. July 1, 1999;*
29 *Amended Eff. August 1, 2000;*
30 *Temporary Amendment Eff. October 1, 2001;*
31 *Amended Eff. October 1, 2008; April 1, 2003;*
32 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0102 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03K .0102 ~~RAKES PROHIBITED RAKES~~**

4 It ~~is shall be~~ unlawful to use a rake more than 12 inches wide or weighing more than six pounds to take:

5 (1) oysters or scallops; or

6 (2) clams in any live oyster bed, or in any established bed of submerged aquatic vegetation as ~~described~~

7 defined in 15A NCAC 03I .0101, .0101 or ~~in any established bed of salt water cordgrass (Spartina~~

8 ~~alterniflora)-alterniflora) that may exist together or separately.~~

9

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

11 *Eff. January 1, 1991;*

12 *Amended Eff. October 1, 2008; February 1, 2008;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0105 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03K .0105 RECREATIONAL HARVEST OF SHELLFISH**

4 (a) It ~~is shall be~~ unlawful to take oysters or clams from public ~~bottoms-bottom~~ on Sundays, and scallops from public
5 ~~bottoms-bottom~~ on Saturdays and Sundays except:

6 (1) during open ~~seasons, seasons;~~ and

7 (2) for recreational purposes.

8 (b) It ~~is shall be~~ unlawful to possess, for recreational purposes, more than:

9 (1) 10 conchs or whelks per person per day, not to exceed 20 conchs or whelks per vessel per ~~day,~~
10 ~~and day;~~

11 (2) 100 mussels per person per day, not to exceed 200 mussels per vessel per ~~day, day;~~ and

12 (3) 100 clams per person per day, not to exceed 200 clams per vessel per day.

13

14 *History Note: Authority G.S. 113-134; 113-169.2; 113-182; 143B-289.52;*

15 *Eff. January 1, 1991;*

16 *Amended Eff. March 1, 1994; February 1, 1992; September 1, 1991;*

17 *Temporary Amendment Eff. October 9, 1995 for a period of 180 days or until the permanent rule*
18 *becomes effective, whichever is sooner;*

19 *Amended Eff. May 1, 1997; March 1, 1996;*

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

21 *Amended Eff. October 1, 2008; August 1, 2000;*

22 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03K .0106 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03K .0106 TAKING OR UNLOADING OYSTERS AND CLAMS ON SUNDAY OR AT NIGHT**

4 (a) It ~~is shall be~~ unlawful to take oysters or clams between the hours of sunset and sunrise on any day.

5 (b) It ~~is shall be~~ unlawful to unload oysters or clams from any vessel or remove any vessel containing oysters or clams
6 from the water on ~~Sunday-Sundays~~ or between sunset and sunrise on any day except that in New Hanover, ~~Pender~~
7 Pender, and Brunswick ~~Counties, counties~~, oysters and clams may be unloaded until two hours after sunset.

8 (c) Oysters and clams taken on ~~Sunday-Sundays~~ from public bottom under the provisions of ~~15A NCAC 03K-Rule~~
9 .0105 of this Section or from shellfish leases and franchises pursuant to G.S. 113-208 ~~are shall be~~ exempt from
10 Paragraph (b) of this Rule.

11

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

13 *Eff. January 1, 1991;*

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

15 *Amended Eff. October 1, 2008; August 1, 2000;*

16 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03K .0108 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03K .0108 ~~DREDGES/MECHANICAL~~ DREDGES AND MECHANICAL METHODS**
4 **PROHIBITED**

5 (a) It shall be unlawful to use mechanical methods, except ~~mechanical methods for oystering and clamming~~
6 mechanical methods for clamming and mechanical methods for oystering as defined in 15A NCAC 03I .0101, to take
7 shellfish.

8 (b) It ~~is~~ shall be unlawful to use mechanical methods for oystering or clamming to take shellfish not subject to the
9 restrictions in ~~15A NCAC 03K Rules .0201, .0204, .0302, 0304, .0304, .0404, .0501, and .0503~~ .0503 of this
10 Subchapter:

- 11 (1) within any established bed of submerged aquatic vegetation as defined in 15A NCAC 03I .0101 or
12 salt water cordgrass (~~Spartina alterniflora~~; alterniflora) that may exist together or separately;
- 13 (2) in areas designated in 15A NCAC 03R .0108, except on shellfish leases and franchises with a Permit
14 to Use Mechanical Methods for ~~Oysters and Clams~~ Shellfish on Shellfish Leases and Franchises;
- 15 (3) in areas designated in ~~15A NCAC 03K Rule .0204~~ of this Subchapter and 15A NCAC 03R .0103;
16 and
- 17 (4) except following restrictions for the use of mechanical methods specified pursuant to 15A NCAC
18 03J .0303 and ~~03K Rules .0201, .0302, .0404, .0501, and .0503~~ .0503 of this Subchapter.

19
20 *History Note:* Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;

21 Eff. October 1, 2008;

22 Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

1 15A NCAC 03K .0201 is proposed for reoption with substantive changes as follows:
2

3 **SECTION .0200 – OYSTERS**
4

5 **15A NCAC 03K .0201 OYSTER HARVEST MANAGEMENT**

6 (a) It ~~is~~ shall be unlawful to take or possess oysters from public bottom except from October 15 through March 31.

7 (b) The Fisheries Director may, by proclamation, impose any of the following restrictions on the taking of oysters:

- 8 (1) specify time;
9 (2) specify area;
10 (3) specify means and methods;
11 (4) specify season within the period set forth in Paragraph (a) of this Rule;
12 (5) specify size, but the minimum size limit specified shall not be less than three inches, except the
13 minimum size limit specified shall not be less than two and one-half inches to prevent loss of oysters
14 due to predators, pests, or infectious oyster diseases; and
15 (6) specify quantity, but the quantity shall not exceed possession of more than 20 standard U.S. bushels
16 in a commercial fishing operation per day.
17

18 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-221.1; 143B-289.52;*

19 *Eff. January 1, 1991;*

20 *Amended Eff. May 1, 2017; October 1, 2008; March 1, 1996; September 1, 1991;*

21 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03K .0202 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03K .0202 CULLING REQUIREMENTS FOR OYSTERS**

4 (a) It ~~is~~ shall be unlawful to possess oysters ~~which that~~ have accumulated dead shell, accumulated oyster cultch
5 material, a shell length less than that specified by proclamation issued under the authority of Rule .0201 of this Section,
6 or any combination thereof that exceeds a five-percent tolerance limit by volume. Oysters shall be culled where
7 harvested and all oysters of less than legal size, accumulated dead shell, and cultch material shall be immediately
8 returned to the bottom from which it was taken. In determining whether the tolerance limit ~~is~~ has been exceeded, ~~the~~
9 ~~Fisheries Director or his agents may~~ Marine Fisheries Inspectors shall be authorized and empowered to grade all, or
10 any portion, or any combination of portions of the entire quantity being ~~graded and,~~ graded, and in cases of violations,
11 may seize and return to public bottom or otherwise dispose of the oysters as authorized by ~~law.~~ law the entire quantity
12 being graded or any portion thereof.

13 ~~(b) All oysters shall be culled where harvested and all oysters of less than legal size, accumulated dead shell, and~~
14 ~~cultch material shall be immediately returned to the bottom from which it was taken.~~

15 ~~(e)~~ (b) This Rule shall not apply to oysters imported from out-of-state solely for shucking by shucking and packing
16 plants permitted by the Division of Marine Fisheries.

17
18 *History Note: Authority G.S. 113-134; 113-136; 113-137; 113-182; 143B-289.52;*

19 *Eff. January 1, 1991;*

20 *Amended Eff. March 1, 1996; September 1, 1991;*

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

22 *Amended Eff. May 1, 2017; August 1, 2000;*

23 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0204 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03K .0204 ~~DREDGES / MECHANICAL~~ MECHANICAL METHODS FOR OYSTERING**
4 **PROHIBITED**

5 It ~~is~~ shall be unlawful to use any ~~dredge or other mechanical method~~ mechanical methods for oystering as defined in
6 15A NCAC 03I .0101 to take oysters:

7 (1) in the Mechanical Methods Prohibited areas designated in 15A NCAC 03R .0108, except on
8 shellfish leases and franchises by ~~permit~~ a Permit to Use Mechanical Methods for Shellfish on
9 Shellfish Leases or Franchises; and

10 (2) on any posted ~~bottoms~~ bottom upon which oysters or shells have been planted by the state, unless
11 such ~~bottoms have~~ bottom has been opened to the public and ~~dredging permitted~~ mechanical
12 methods for oystering are allowed.

13

14 *History Note: Authority G.S. 113-134; 113-182; 113-204; 143B-289.52;*

15 *Eff. January 1, 1991;*

16 *Amended Eff. August 1, 2004; May 1, 1997;*

17 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0207 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03K .0207 OYSTER SIZE AND HARVEST LIMIT ~~EXEMPTION~~EXEMPTIONS**

4 Possession and sale of oysters by a hatchery or ~~oyster~~ aquaculture operation and purchase and possession of oysters
5 from a hatchery or ~~oyster~~ aquaculture operation shall be exempt from bag and size limit restrictions ~~set under authority~~
6 ~~of 15A NCAC 03K .0201 and 03K .0202~~ as set forth in Rules .0201 and .0202 of this Section. It ~~is~~ shall be unlawful
7 to possess, sell, purchase, or transport such oysters unless they are in compliance with all conditions of the Aquaculture
8 ~~Operations Permit~~ Operation Permit as set forth in 15A NCAC 03O .0503.

9

10 *History Note: Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;*

11 *Temporary Adoption Eff. October 1, 2001;*

12 *Eff. April 1, 2003;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0301 is proposed for readoption with substantive changes as follows:

2
3 **SECTION .0300 - HARD CLAMS (MERCENARIA)**

4
5 **15A NCAC 03K .0301 SIZE AND HARVEST ~~LIMIT~~LIMITS OF CLAMS**

6 (a) It ~~is~~shall be unlawful to take, land, or possess aboard a vessel more than 6,250 hard clams per commercial fishing
7 operation from public bottom in internal waters. It ~~is~~shall be unlawful to take, possess, sell, or purchase any clams
8 (except Rangia or freshwater clams) less than one inch thick except in accordance with ~~15A NCAC 3K .0305(b)~~Rule
9 .0305 of this Section. Clams shall be culled where harvested and all clams of less than legal size with their shell, shall
10 be immediately returned to the bottom from which it was taken. ~~Agents of the Fisheries Director are~~In determining
11 whether the size and harvest limits have been exceeded, Marine Fisheries Inspectors shall be authorized and
12 empowered to grade all, or any portion, or any combination of portions of the entire quantity ~~of clams being~~ graded
13 graded, and in cases of violations, may seize and return to public bottom or ~~other disposition~~otherwise dispose of the
14 clams as authorized by law ~~of~~ the entire quantity being graded or any portion thereof.

15 (b) Size and harvest limits established in Paragraph (a) of this Rule and the season and area limitations established in
16 ~~15A NCAC 3K .0302~~Rule .0302 of this Section may or may not apply apply for:

- 17 (1) ~~For harvest limits for temporary openings made upon the recommendation of Division of~~
18 Environmental Health, consistent with the requirements of 15A NCAC 18A .0900 and the North
19 Carolina Hard Clam Fishery Management Plan;
20 (2) ~~For maintenance dredging operations, when clams would otherwise be destroyed, upon approval by~~
21 the Division of Marine Fisheries and consistent with the North Carolina Hard Clam Fishery
22 Management Plan; or
23 (3) ~~For relaying of polluted clams from polluted waters to private shellfish bottoms~~bottom as permitted
24 by ~~15A NCAC 3K .0104~~Rule .0104 of this Subchapter.

25
26 *History Note:* Authority G.S. 113-134; 113-136; 113-137; 113-182; 113-221; 143B-289.52;
27 Eff. January 1, 1991;
28 Amended Eff. March 1, 1994;
29 Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

1 15A NCAC 03K .0302 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03K .0302 MECHANICAL HARVEST OF CLAMS FROM PUBLIC BOTTOM**

4 (a) It ~~is shall be~~ unlawful to take, buy, sell, or possess any clams taken by ~~mechanical methods~~ mechanical methods
5 for clamming as defined in 15A NCAC 03I ~~.0101, "mechanical methods for clamming,"~~ .0101 from public bottom
6 unless the season is open.

7 (b) The Fisheries Director may, by proclamation, open and close the season for the taking of clams by mechanical
8 methods from public bottom at any time in the Atlantic Ocean and only from December 1 through March 31 in Internal
9 ~~Coastal~~ Waters.

10 (c) The Fisheries Director may, by proclamation, open to the taking of clams by mechanical methods from public
11 bottom during open seasons only areas that were opened at any time from January 1979 through September 1988 in:

- 12 (1) Newport, North, White Oak, and New rivers;
13 (2) Core and Bogue sounds;
14 (3) the Intracoastal Waterway north of "BC" Marker at Topsail Beach; and
15 (4) the Atlantic Ocean.

16 Other areas opened for purposes as set out in ~~15A NCAC 03K Rule .0301(b)~~ of this Section shall open only for those
17 purposes. A list of areas as described in this Paragraph is available upon request at the Division of Marine Fisheries,
18 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557.

19 (d) The Fisheries Director may, by proclamation, impose any of the following additional restrictions for the taking of
20 clams by mechanical methods from public bottom during open seasons:

- 21 (1) specify time;
22 (2) specify means and methods;
23 (3) specify size; and
24 (4) specify quantity.

25
26 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*
27 *Eff. January 1, 1991;*
28 *Temporary Amendment Eff. October 1, 2001;*
29 *Amended Eff. May 1, 2017; April 1, 2003;*
30 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03K .0304 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03K .0304 PROHIBITED TAKING OF CLAMS**

4 (a) It ~~is shall be~~ unlawful to take clams by ~~any method, other than by hand tongs, hand rakes, or by hand,~~ mechanical
5 methods for clamming as defined in 15A NCAC 03I .0101, except as provided in ~~15A NCAC 03K Rule .0302 and~~
6 ~~.0303 of this Section.~~ Regardless of the areas ~~which that~~ may be opened, it ~~is shall be~~ unlawful to take clams by hand
7 tongs in any established bed of submerged aquatic vegetation as ~~described~~ defined in 15A NCAC 03I .0101 or salt
8 water cordgrass (~~Spartina alterniflora~~) alterniflora that may exist together or separately.

9 (b) It ~~is shall be~~ unlawful to possess clam trawls or cages aboard a vessel at any time, or have ~~kick/deflector~~ kick or
10 deflector plates ~~normally otherwise~~ used in the mechanical harvest of clams affixed to a vessel at any time, except
11 during the time period specified for a mechanical clam harvest season in internal waters in accordance with ~~15A~~
12 ~~NCAC 03K .0302(a).~~ Rule .0302(a) of this Section. A period of 14 days before and after the season as specified by
13 proclamation ~~will shall~~ be allowed for the installation and removal of ~~kick/deflector~~ kick or deflector plates and clam
14 trawls or cages. Vessels with permits for activities provided for in ~~15A NCAC 03K Rules .0104, .0107, .0303(a), and~~
15 .0401 of this Subchapter shall be exempt from this Rule during the times such activities are permitted.

16
17 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 143B-289.52;*

18 *Eff. January 1, 1991;*

19 *Amended Eff. October 1, 2008; February 1, 2008; May 1, 1997; July 1, 1993;*

20 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0305 is proposed for reoption with substantive changes as follows:

2

3 **15A NCAC 03K .0305 CLAM SIZE AND HARVEST LIMIT ~~EXEMPTION~~EXEMPTIONS**

4 Possession and sale of clams by a hatchery or ~~clam~~-aquaculture operation and purchase and possession of clams from
5 a hatchery or ~~clam~~-aquaculture operation shall be exempt from bag and size limit restrictions ~~in 15A NCAC 3K~~
6 ~~.0301(a)~~ as set forth in Rule .0301 of this Section. It ~~is~~ shall be unlawful to possess, sell, purchase, or transport such
7 clams unless they are in compliance with all conditions of the Aquaculture Operation ~~Permit~~ Permit as set forth in
8 15A NCAC 03O .0503.

9

10 *History Note: Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;*

11 *Eff. January 1, 1991;*

12 *Amended Eff. September 1, 1991;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0401 is proposed for re adoption with substantive changes as follows:

2
3 **SECTION .0400 - RANGIA CLAMS**

4
5 **15A NCAC 03K .0401 ~~PROHIBITED~~ ~~(POLLUTED)~~ POLLUTED AREA PERMIT**
6 **REQUIREMENTS**

7 It ~~is shall be~~ unlawful to take Rangia clams or their shells by any method from ~~prohibited (polluted)~~ polluted waters
8 without first ~~securing~~ obtaining a Permit to Harvest Rangia Clams from ~~Prohibited (Polluted)~~ Polluted Areas from the
9 Fisheries Director. The permit application shall include a list of all designees operating under the permit. ~~Such~~ The
10 permit shall designate the area, means and methods, and ~~time(s)~~ times in which Rangia clams may be taken. The
11 permit applicant shall designate the licensed fish dealer where the Rangia clams are to be landed and the method for
12 disposing of Rangia clam meats. The procedures and requirements for obtaining permits are found in 15A NCAC 03O
13 .0500.

14
15 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.52;*
16 *Eff. January 1, 1991;*
17 *Amended Eff. August 1, 2004;*
18 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0505 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03K .0505 SEA SCALLOPS SIZE LIMIT AND TOLERANCE**

4 It ~~is~~ shall be unlawful to land or possess sea scallops with a shell height (length) of less than three and one-half inches.

5 A tolerance of not more than ~~ten~~ 10 percent by number for undersized sea scallop shell height shall be allowed. In

6 determining whether the ~~proportion of undersized sea scallops exceeds the ten percent tolerance limit, the Fisheries~~

7 ~~Director and his agents are~~ limit has been exceeded, Marine Fisheries Inspectors shall be authorized and empowered

8 to grade all, or any portion, or any combination of portions of the entire quantity being graded, and in cases of

9 violations, may ~~require seizure or other disposition~~ seize and return to public bottom or otherwise dispose of the sea

10 scallops as authorized by law-law the entire quantity being graded or any portion thereof.

11

12 *History Note: Authority G.S. 113-134; 113-136; 113-137; 113-182; 143B-289.52;*

13 *Eff. January 1, 1991;*

14 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03L .0101 is proposed for readoption with substantive changes as follows:

2
3 **SUBCHAPTER 03L – ~~SHRIMPS, SHRIMP, CRAB, AND LOBSTER~~**

4
5 **SECTION .0100 - SHRIMP**

6
7 **15A NCAC 03L .0101 SHRIMP HARVEST RESTRICTIONS**

8 (a) It ~~is~~ shall be unlawful to take shrimp until the Fisheries Director, by proclamation, opens the season.

9 (b) The Fisheries Director may, by proclamation, impose any ~~or all~~ of the following restrictions on the taking of
10 shrimp:

- 11 (1) specify time;
12 (2) specify area;
13 (3) specify means and methods;
14 (4) specify season;
15 (5) specify size; and
16 (6) specify quantity.

17
18 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*
19 *Eff. January 1, 1991;*
20 *Amended Eff. May 1, 2015;*
21 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03L .0102 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03L .0102 WEEKEND SHRIMPING PROHIBITED**

4 It ~~is~~ shall be unlawful to take shrimp by any method from 9:00 p.m. on Friday through 5:00 p.m. on Sunday, except:

5 (1) in the Atlantic Ocean;

6 (2) with the use of fixed ~~and~~ nets, channel nets, hand seines, shrimp pots, or cast nets; or

7 (3) for a holder of a Permit for Weekend Trawling for Live Shrimp in accordance with 15A NCAC 03O
8 .0503.

9

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

11 *Eff. January 1, 1991;*

12 *Amended Eff. May 1, 2017; August 1, 2004; March 1, 1994;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03L .0103 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03L .0103 PROHIBITED NETS, MESH ~~LENGTHS~~ LENGTHS, AND AREAS**

4 (a) It ~~is shall be~~ unlawful to take shrimp with nets with mesh lengths less than the following:

- 5 (1) ~~Trawl net~~ trawl nets: one and one-half inches;
- 6 (2) ~~Fixed-fixed~~ nets, channel nets, float nets, butterfly nets, and hand ~~seines~~ seines: one and one-fourth
- 7 inches; and
- 8 (3) ~~Cast net~~ cast nets: no restriction.

9 (b) It ~~is shall be~~ unlawful to take shrimp with a net constructed in such a manner as to contain an inner or outer liner

10 of any mesh length. Net material used as chafing gear shall be no less than four inches mesh length, except that chafing

11 gear with smaller mesh may be used only on the bottom one-half of the tailbag. Such chafing gear shall not be tied in

12 a manner that forms an additional tailbag.

13 (c) It ~~is shall be~~ unlawful to take shrimp with trawls that have a combined headrope of greater than 90 feet in Internal

14 ~~Coastal~~ Waters in the following areas:

- 15 (1) ~~North-north~~ of the 35° 46.3000' N latitude line;
- 16 (2) Core Sound south of a line beginning at a point 34° 59.7942' N - 76° 14.6514' W on Camp Point;
- 17 running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; to the South Carolina
- 18 State Line;
- 19 (3) Pamlico River upstream of a line from a point 35° 18.5882' N - 76° 28.9625' W at Pamlico Point;
- 20 running northerly to a point 35° 22.3741' N - 76° 28.6905' W at Willow Point; and
- 21 (4) Neuse River southwest of a line from a point 34° 58.2000' N - 76° 40.5167' W at Winthrop Point
- 22 on the eastern shore of the entrance to Adams Creek; running northerly to a point 35° 01.0744' N -
- 23 76° 42.1550' W at Windmill Point at the entrance of Greens Creek at Oriental.

24 (d) ~~Effective January 1, 2017 it is~~ It shall be unlawful to take shrimp with trawls that have a combined headrope of

25 greater than 220 feet in Internal ~~Coastal~~ Waters in the following areas:

- 26 (1) Pamlico Sound south of the 35° 46.3000' N latitude line and north of a line beginning at a point 34°
- 27 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point 34° 58.7853' N - 76°
- 28 09.8922' W on Core Banks;
- 29 (2) Pamlico River downstream of a line from a point 35° 18.5882' N - 76° 28.9625' W at Pamlico Point;
- 30 running northerly to a point 35° 22.3741' N - 76° 28.6905' W at Willow Point; and
- 31 (3) Neuse River northeast of a line from a point 34° 58.2000' N - 76° 40.5167' W at Winthrop Point on
- 32 the eastern shore of the entrance to Adams Creek; running northerly to a point 35° 01.0744' N - 76°
- 33 42.1550' W at Windmill Point at the entrance of Greens Creek at Oriental.

34 (e) It ~~is shall be~~ unlawful to use a shrimp trawl in the areas described in 15A NCAC 03R .0114.

35 (f) It ~~is shall be~~ unlawful to use channel nets except as provided in 15A NCAC 03J .0106.

36 (g) It ~~is shall be~~ unlawful to use shrimp pots except as provided in 15A NCAC 03J .0301.

1 (h) It ~~is~~ shall be unlawful to use a shrimp trawl that does not conform with the federal rule requirements for Turtle
2 Excluder Devices (TED) as specified in 50 CFR Part 222.102 Definitions, 50 CFR Part 223.205 (a) and Part 223.206
3 (d) Gear Requirements for Trawlers, and 50 CFR Part 223.207 Approved TEDs. These federal rules are incorporated
4 by reference including subsequent amendments and editions. Copies of these rules are available via the Code of
5 Federal Regulations posted on the Internet at ~~<http://www.gpoaccess.gov/efr/index.html>~~ [https://www.ecfr.gov/cgi-](https://www.ecfr.gov/cgi-bin/ECFR)
6 [bin/ECFR](https://www.ecfr.gov/cgi-bin/ECFR) and at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, North Carolina
7 NC 28557 at no cost.

8

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

10 *Eff. January 1, 1991;*

11 *Amended Eff. May 1, 2015; April 1, 2009; July 1, 2006;*

12 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03L .0105 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03L .0105 RECREATIONAL SHRIMP LIMITS**

4 It ~~is~~ shall be unlawful to:

5 (1) ~~Possess~~ possess from areas open to the harvest of shrimp more than 48 quarts, heads on or 30 quarts,
6 heads off, of shrimp per person per day or if a vessel is used, per vessel per day for recreational
7 purposes except as provided in 15A NCAC 03O .0303(e) and (f).

8 (2) ~~Take~~ take or possess more than four quarts, heads on or two and one-half quarts, heads off, of shrimp
9 per person per day with a cast net from areas closed to the taking of shrimp.

10

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

12 *Eff. April 1, 2009;*

13 *Amended Eff. May 1, 2015; June 1, 2013;*

14 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03M .0201 is proposed for readoption with substantive changes as follows:

2
3 **SECTION .0200 - STRIPED BASS**
4

5 **15A NCAC 03M .0201 STRIPED BASS REQUIREMENTS; GENERAL**

6 (a) ~~Striped bass is defined as striped bass~~ For the purpose of this Section, "striped bass" shall mean striped bass
7 (Morone saxatilis) and its hybrids taken in ~~coastal and joint fishing waters~~ Coastal and Joint Fishing Waters.

8 (b) It ~~is shall be~~ unlawful to possess striped bass ~~imported from other states that are~~ less than 18 inches long (total
9 length)-length) imported from other states.

10 (c) It ~~is shall be~~ unlawful to import, buy, sell, transport, offer to buy or sell, or possess striped bass except during any:

11 (1) open striped bass season established for ~~internal coastal waters~~ Internal Waters;

12 (2) open striped bass season established for the Atlantic Ocean; or

13 (3) open striped bass season of another state without possession of the following:

14 (A) ~~A~~ a bill of lading as described in 15A NCAC 03I .0114; and

15 (B) ~~A~~ a numbered, state-issued tag from the ~~State~~ state of origin affixed through the mouth and
16 gill cover. This tag must remain affixed until processed for consumption by the consumer.

17 (d) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC
18 03R .0201.

19
20 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

21 *Eff. January 1, 1991;*

22 *Amended Eff. March 1, 1994; September 1, 1991;*

23 *Temporary Amendment Eff. May 1, 2000;*

24 *Amended Eff. June 1, 2013; October 1, 2008; October 1, 2004; April 1, 2001;*

25 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03M .0202 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03M .0202 STRIPED BASS SEASON, ~~SIZE-SIZE,~~ AND HARVEST LIMIT: INTERNAL**
4 **COASTAL-WATERS**

5 (a) It ~~is~~ shall be unlawful to possess striped bass from the ~~coastal fishing waters~~ Coastal Fishing Waters of the Cape
6 Fear River and its tributaries.

7 (b) It ~~is~~ shall be unlawful to possess striped bass from the Roanoke River Management ~~Area~~ Area, as designated in
8 15A NCAC 03R .0201, in a commercial fishing operation.

9 (c) The Fisheries Director may, by ~~proclamation~~ proclamation, impose any ~~or all of~~ the following restrictions on the
10 taking of striped bass in a commercial fishing operation or for recreational purposes in ~~internal coastal waters~~ Internal
11 Waters during the period from October 1 through April 30:

12 (1) ~~Specify~~ specify fishing days and times;

13 (2) ~~Specify areas;~~ specify area;

14 (3) specify means and methods;

15 (4) specify size, but the minimum size specified shall not be less than 18 inches total length; and

16 (5) ~~Specify~~ specify quantity, except possession for recreational purposes shall not exceed:

17 (A) more than three fish in any one day in the Albemarle Sound Management ~~Area~~ Area, as
18 designated in ~~Rule~~ 15A NCAC 03R .0201; and

19 (B) more than two fish in any one day in the ~~joint and coastal fishing waters~~ Joint and Coastal
20 Fishing Waters of the Central Southern Management ~~Area~~ Area, as designated in ~~Rule~~ 15A
21 NCAC 03R .0201; .0201.

22 (4) ~~Specify means and methods; and~~

23 (5) ~~Specify size, but the minimum size specified shall not be less than 18 inches total length.~~

24 Fish that do not meet the minimum size limit specified by proclamation shall immediately be returned to the waters
25 from which taken regardless of condition.

26
27 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*

28 *Eff. January 1, 1991;*

29 *Amended Eff. March 1, 1996; November 1, 1991;*

30 *Temporary Amendment Eff. September 1, 1996;*

31 *Amended Eff. April 1, 1997;*

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

33 *Amended Eff. June 1, 2013; July 1, 2008; August 1, 2000;*

34 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03M .0204 is proposed for reoption with substantive changes as follows:

2

3 **15A NCAC 03M .0204 STRIPED BASS SEASON, SIZE-~~SIZE~~, AND HARVEST LIMIT: ATLANTIC**
4 **OCEAN**

5 It ~~is~~ shall be unlawful to possess striped bass taken from the Atlantic Ocean ~~less~~ other than the size limit as ~~determined~~
6 established by the Atlantic States Marine Fisheries Commission ~~in their~~ Interstate ~~Fisheries~~ Fishery Management Plan
7 for ~~striped bass~~ Atlantic Striped Bass. The Fisheries Director shall issue proclamations necessary to bring North
8 Carolina's size limit in compliance with the Interstate ~~Fisheries~~ Fishery Management Plan.

9

10 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*

11 *Eff. January 1, 1991;*

12 *Amended Eff. March 1, 1996;*

13 *Temporary Amendment Eff. October 1, 1996;*

14 *Amended Eff. October 1, 2008; July 1, 1998;*

15 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03M .0205 is proposed for re adoption with substantive changes as follows:

2

3 **15A NCAC 03M .0205 STRIPED BASS; PROHIBITED TRAWLING**

4 (a) It ~~is shall be~~ unlawful to possess striped bass on a vessel with a trawl net on that vessel in ~~internal coastal waters~~
5 Internal Waters except during transit from ocean fishing grounds to port during any open striped bass trawl season in
6 the Atlantic Ocean established by proclamation. Striped bass so possessed ~~must shall~~ meet the minimum size limit set
7 by proclamation.

8 (b) It ~~is shall be~~ unlawful to possess striped bass on a vessel in the Atlantic Ocean with a trawl net on that vessel
9 except during any open striped bass trawl season in the Atlantic Ocean established by proclamation.

10

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

12 *Eff. January 1, 1991;*

13 *Amended Eff. December 1, 2007;*

14 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03M .0503 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03M .0503 FLOUNDER**

4 (a) It ~~is~~ shall be unlawful to possess flounder less than 14 inches total length taken from the Atlantic Ocean in a
5 commercial fishing operation.

6 (b) From October 1 through April 30, it shall be unlawful to use a trawl in the Atlantic Ocean within three miles of
7 the ocean beach from the North Carolina/Virginia state line (36° 33.000'N) to Cape Lookout (34° 36.000'N) unless
8 each trawl has a mesh length of ~~5-1/2~~ five and one-half inches or larger diamond mesh (stretched) or ~~6~~ six inches or
9 larger square mesh (stretched) applied throughout the body, ~~extension(s)~~ extensions, and the cod end (tailbag) of the
10 net except as provided in Paragraphs (g) and (h) of this Rule.

11 (c) License to Land Flounder from the Atlantic Ocean:

12 (1) ~~It is it shall be~~ unlawful to land more than 100 pounds per trip of flounder taken from the Atlantic
13 Ocean unless the owner of the ~~vessel~~ vessel, or in the case of Land or Sell Licenses, the responsible
14 party, has been issued a License to Land Flounder from the Atlantic Ocean and the vessel in use is
15 the vessel specified on the License to Land Flounder from the Atlantic Ocean.

16 (2) ~~It is it shall be~~ unlawful for a fish dealer to purchase or offload more than 100 pounds of flounder
17 taken from the Atlantic Ocean by a vessel whose owner, or in the case of Land or Sell Licenses, the
18 responsible party, has not first procured a valid North Carolina License to Land Flounder from the
19 Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from
20 the Atlantic Ocean.

21 (3) ~~It is it shall be~~ unlawful for any person to land flounder from the Atlantic Ocean under a License to
22 Land Flounder from the Atlantic Ocean unless that person is the holder of the license or the master
23 designated on the license.

24 (4) ~~It is it shall be~~ unlawful for any individual to land flounder from the Atlantic Ocean without having
25 ready at hand for inspection a valid License to Land Flounder from the Atlantic Ocean, except as
26 specified in Subparagraph ~~(e)(1) of this Rule~~ (1) of this Paragraph.

27 (d) All fish dealer transactions in flounder landed from the Atlantic Ocean ~~must~~ shall be conducted in accordance
28 with the Atlantic Ocean Flounder Dealer Permits in 15A NCAC 03O .0503 and related ~~rules~~ requirements in 15A
29 NCAC 03O .0500.

30 (e) It ~~is~~ shall be unlawful to transfer flounder taken from the Atlantic Ocean from one vessel to another.

31 (f) Tailbag liners of any mesh size, the multiple use of two or more cod ends, or other netting material that in any way
32 could restrict the legal size mesh shall not be used or possessed on the deck of a vessel in the Atlantic Ocean from
33 October 1 through April 30 from the North Carolina/Virginia state line (36° 33.000' N) to Cape Lookout (34°
34 36.0000'N).

35 (g) Trawls with a cod end mesh size smaller than described in Paragraph (b) of this Rule may be used or possessed
36 on the deck of a vessel provided not more than 100 pounds of flounder per trip from May 1 through October 31 or
37 more than 200 pounds from November 1 through April 30 is possessed aboard or landed from that vessel.

1 (h) Flynets are exempt from the flounder trawl mesh requirements if they meet the following ~~definition~~requirements:

- 2 (1) ~~The the~~ net has large mesh in the wings that measure ~~8-eight~~ inches to 64 inches;
3 (2) ~~The the~~ first body section (belly) of the net has 35 or more meshes that are at least ~~8-eight~~ inches;
4 and
5 (3) ~~The the~~ mesh decreases in size throughout the body of the net to as small as ~~2-two~~ inches or smaller
6 towards the terminus of the net.

7 (i) Commercial ~~Season~~Season:

- 8 (1) ~~The the~~ North Carolina season for landing ocean-caught flounder shall open January 1 each year. If
9 80 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery
10 Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for
11 Summer Flounder is projected to be taken, the Fisheries Director shall, by proclamation, close North
12 Carolina ports to landing of flounder taken from the ocean.
13 (2) ~~The the~~ season for landing flounder taken in the Atlantic Ocean shall reopen November 1 if any of
14 the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management
15 Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer
16 Flounder remains. If after reopening, 100 percent of the quota allocated to North Carolina in
17 accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine
18 Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken prior
19 to the end of the calendar year, the Fisheries Director shall, by proclamation, close North Carolina
20 ports to landing of flounder taken from the ocean.
21 (3) ~~During~~during any closed season prior to November 1, vessels may land up to 100 pounds of
22 flounder per trip taken from the Atlantic Ocean.

23 (j) The Fisheries Director may, by proclamation, establish trip limits for the taking of flounder from the Atlantic
24 Ocean to assure that the individual state quota allocated to North Carolina in the joint Mid-Atlantic Fishery
25 Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder
26 is not exceeded.

27 (k) The Fisheries Director may, by proclamation, based on variability in environmental and local stock conditions,
28 take any ~~or all~~ of the following actions in the flounder fishery:

- 29 (1) specify time;
30 (2) specify area;
31 (3) specify means and methods;
32 (4) specify season;
33 ~~(1)(5)~~ Specify~~specify~~ size;
34 ~~(2)~~ Specify~~specify~~ season;
35 ~~(3)~~ Specify~~specify~~ area;
36 ~~(4)(6)~~ Specify~~specify~~ quantity; and
37 ~~(5)~~ Specify~~specify~~ means/methods; and

1 ~~(6)~~(7) ~~Require~~ require submission of statistical and biological data.

2 (l) Possession and sale of flounder by a hatchery or flounder aquaculture operation and purchase and possession of
3 flounder from a hatchery or flounder aquaculture operation shall be exempt from season and size limit restrictions set
4 under Paragraph (k) of this Rule. It ~~is~~ shall be unlawful to possess, sell, purchase, or transport such flounder unless
5 they are in compliance with all conditions of the Aquaculture ~~Operations~~ Operation Permit.

6
7 *History Note: Authority G.S. 113-134; 113-169.5; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*

8 *Eff. January 1, 1991;*

9 *Amended Eff. March 1, 1996; February 1, 1992;*

10 *Temporary Amendment Eff. November 1, 1995 for a period of 180 days or until the permanent rule*
11 *becomes effective, whichever is sooner;*

12 *Temporary Amendment Eff. December 23, 1996;*

13 *Amended Eff. April 1, 1997;*

14 *Temporary Amendment Eff. June 1, 1998; August 18, 1997;*

15 *Amended Eff. April 1, 1999;*

16 *Temporary Amendment Eff. May 1, 2000; July 1, 1999;*

17 *Amended Eff. April 1, 2001; August 1, 2000;*

18 *Temporary Amendment Eff. September 1, 2004;*

19 *Temporary Amendment Expired June 12, 2005;*

20 *Amended Eff. September 1, 2005;*

21 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03N .0104 is proposed for reoption with substantive changes as follows:

2

3 **15A NCAC 03N .0104 PROHIBITED GEAR, PRIMARY NURSERY AREAS**

4 It ~~is shall be~~ unlawful to use any trawl net, long haul seine, swipe net, dredge, ~~or mechanical method for clams or~~
5 ~~oysters~~ mechanical methods for clamming, or mechanical methods for oystering for the purpose of taking any marine
6 fishes in any of the primary nursery areas described in 15A NCAC ~~3R-03R~~ .0103.

7

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

9 *Eff. January 1, 1991;*

10 *Amended Eff. September 1, 1991;*

11 *Recodified from 15A NCAC 3N .0004 Eff. May 1, 1997;*

12 *Amended Eff. May 1, 1997;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03N .0105 is proposed for re adoption with substantive changes as follows:

2

3 **15A NCAC 03N .0105 PROHIBITED GEAR, SECONDARY NURSERY AREAS**

4 (a) It ~~is~~ shall be unlawful to use trawl nets for any purpose in any of the permanent secondary nursery areas designated
5 in 15A NCAC 03R .0104.

6 (b) It ~~is~~ shall be unlawful to use trawl nets for any purpose in any of the special secondary nursery areas designated
7 in 15A NCAC 03R .0105, except that the Fisheries Director, may, by proclamation, open any ~~or all~~ of the special
8 secondary nursery areas, or any portion thereof, ~~listed~~ designated in 15A NCAC 03R .0105 to shrimp or crab trawling
9 from August 16 through May 14 subject to the provisions of 15A NCAC 03L .0100 and .0200.

10

11 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*

12 *Eff. January 1, 1991;*

13 *Amended Eff. September 1, 1991;*

14 *Recodified from 15A NCAC 03N .0005 Eff. May 1, 1997;*

15 *Amended Eff. August 1, 2004; May 1, 1997;*

16 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0301 is proposed for re adoption with substantive changes as follows:

2

3

SECTION .0300 – RECREATIONAL COMMERCIAL GEAR LICENSES

4

15A NCAC 03O .0301 ELIGIBILITY FOR RECREATIONAL COMMERCIAL GEAR LICENSES

6 (a) It ~~is~~ shall be unlawful for any individual to hold more than one Recreational Commercial Gear License.

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

8

9 *History Note: Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent*
10 *rule becomes effective, whichever is sooner;*

11 *Authority G.S. 113-134; ~~113-170.4~~; 113-173; 113-182; ~~113-221~~; 143B-289.52;*

12 *Eff. February 1, 1995;*

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

14 *Amended Eff. August 1, 2000;*

15 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0302 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03O .0302 AUTHORIZED GEAR FOR RECREATIONAL COMMERCIAL GEAR**
4 **LICENSES**

5 (a) The following are the only commercial fishing gear authorized (including restrictions) for use under a valid
6 Recreational Commercial Gear License:

- 7 (1) ~~One one~~ seine 30 feet or over in length but not greater than 100 feet with a mesh length less than ~~2~~
8 ~~1/2~~ two and one-half inches when deployed or retrieved without the use of a vessel or any other
9 mechanical methods. A vessel may be used only to transport the seine;
- 10 (2) ~~One one~~ shrimp trawl with a headrope not exceeding 26 feet in length per ~~vessel.vessel~~;
- 11 (3) ~~With with~~ or without a vessel, five eel, fish, shrimp, or crab pots in any combination, except only
12 two pots of the five may be eel pots. Peeler pots are not authorized for recreational purposes;
- 13 (4) ~~One one~~ multiple hook or multiple bait trotline up to 100 feet in length;
- 14 (5) ~~Gill Nets~~; gill nets:
- 15 (A) ~~Not not~~ more than 100 yards of gill nets with a mesh length equal to or greater than ~~2 1/2~~
16 two and one-half inches except as provided in Part (C) of this Subparagraph. Attendance
17 ~~is shall~~ be required at all times;
- 18 (B) ~~Not not~~ more than 100 yards of gill nets with a mesh length equal to or greater than ~~5 1/2~~
19 five and one-half inches except as provided in Part (C) of this Subparagraph. Attendance
20 ~~is shall~~ be required when used from one hour after sunrise through one hour before sunset
21 in ~~internal coastal fishing waters~~ Internal Waters east and north of the Highway 58 Bridge
22 at Emerald Isle and in the Atlantic Ocean east and north of 77° 04.0000' W. Attendance ~~is~~
23 shall be required at all times in ~~internal coastal fishing waters~~ Internal Waters west and
24 south of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean west and south
25 of 77° 04.0000' W; ~~and~~
- 26 (C) ~~Not not~~ more than 100 yards of gill net may be used at any one time, except that when two
27 or more Recreational Commercial Gear License holders are on ~~board~~, board a vessel, a
28 maximum of 200 yards may be used from a vessel; ~~and~~
- 29 (D) ~~It is it shall be~~ unlawful to possess ~~aboard on board~~ a vessel more than 100 yards of gill
30 nets with a mesh length less than ~~5 1/2~~ five and one-half inches and more than 100 yards
31 of gill nets with a mesh length equal to or greater than ~~5 1/2~~ five and one-half inches
32 identified as recreational commercial fishing equipment when only one Recreational
33 Commercial Gear License holder is on ~~board~~, board a vessel. It ~~is shall be~~ unlawful to
34 possess ~~aboard on board~~ a vessel more than 200 yards of gill nets with a mesh length less
35 than ~~5 1/2~~ five and one-half inches and more than 200 yards of gill nets with a mesh length
36 equal to or greater than ~~5 1/2~~ five and one-half inches identified as recreational commercial

1 fishing equipment when two or more Recreational Commercial Gear License holders are
2 on ~~board~~board a vessel;

3 (6) ~~A one~~ hand-operated device generating pulsating electrical current for the taking of catfish in the
4 area described in 15A NCAC 03J .0304;

5 (7) ~~Skimmer-skimmer~~ trawls not exceeding 26 feet in total combined ~~width~~width; and

6 (8) ~~One one~~ pound net used to take shrimp with each lead 10 feet or less in length and with a minimum
7 lead net mesh of ~~1 1/2~~one and one-half inches, and enclosures constructed of net mesh of ~~1 1/4~~one
8 and one-fourth inches or greater and with all dimensions being 36 inches or less. Attendance ~~is shall~~
9 be required at all times and all gear ~~must shall~~ be removed from the water when not being fished.
10 Gear is to be marked and set as specified in 15A NCAC 03J .0501.

11 (b) It ~~is shall be~~ unlawful to use more than the quantity of authorized gear specified in ~~Subparagraphs (a)(1) through~~
12 ~~(a)(8) of Paragraph (a) of this Rule~~, regardless of the number of individuals ~~aboard~~on board a vessel possessing a valid
13 Recreational Commercial Gear License.

14 (c) It ~~is shall be~~ unlawful for ~~a person~~an individual to violate the restrictions of or use gear other than that authorized
15 by Paragraph (a) of this Rule.

16 (d) Unless otherwise provided, this Rule does not exempt Recreational Commercial Gear License holders from the
17 provisions of other applicable rules of the Marine Fisheries Commission or provisions of proclamations issued by the
18 Fisheries Director as authorized by the Marine Fisheries Commission.

19
20 *History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;*

21 *Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule*
22 *becomes effective, whichever is sooner;*

23 *Eff. February 1, 1995;*

24 *Temporary Amendment Eff. August 1, 1999; July 1, 1999;*

25 *Amended Eff. August 1, 2000;*

26 *Temporary Amendment Eff. August 1, 2000;*

27 *Amended Eff. April 1, 2009; July 1, 2006; November 1, 2005; August 1, 2002;*

28 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0303 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03O .0303 POSSESSION LIMITS FOR RECREATIONAL COMMERCIAL GEAR LICENSE**
4 **POSSESSION LIMITS LICENSES**

5 (a) It ~~is~~ shall be unlawful to possess more than a single recreational possession limit when only one ~~person aboard~~
6 individual on board a vessel possesses a valid Recreational Commercial Gear License and recreational commercial
7 fishing equipment as ~~defined~~ described in 15A NCAC 03O Rule .0302(a) of this Section is used, regardless of the
8 number of ~~persons~~ individuals on board a vessel.

9 (b) It ~~is~~ shall be unlawful to possess individual recreational possession limits in excess of the number of individuals
10 ~~aboard~~ on board a vessel holding a valid Recreational Commercial Gear ~~Licenses~~ License except as provided in
11 Paragraph (f) of this Rule.

12 (c) It ~~is~~ shall be unlawful for any ~~person~~ individual who holds both a Recreational Commercial Gear License and a
13 Standard or Retired Standard Commercial Fishing License and who is in possession of identified recreational
14 commercial fishing equipment as ~~defined~~ described in 15A NCAC 03O .0302(a), Rule .0302(a) of this Section to
15 exceed the single recreational possession limit.

16 (d) It ~~is~~ shall be unlawful for ~~persons aboard~~ individuals on board a vessel collectively holding only one Recreational
17 Commercial Gear License and any Standard Commercial Fishing License or Retired Standard Commercial Fishing
18 License and who are in possession of any identified recreational commercial fishing equipment as ~~defined~~ described
19 in 15A NCAC 03O .0302(a), Rule .0302(a) of this Section to exceed ~~one~~ the single recreational possession limit.

20 (e) It ~~is~~ shall be unlawful to possess more than 48 quarts, heads on, or 30 quarts, heads off, of shrimp when only one
21 ~~person aboard~~ individual on board a vessel possesses a valid Recreational Commercial Gear License and recreational
22 commercial fishing equipment as ~~defined~~ described in 15A NCAC 03O Rule .0302(a) of this Section is used.

23 (f) It ~~is~~ shall be unlawful to possess more than 96 quarts, heads ~~on on~~, or 60 quarts, heads off, of shrimp if more than
24 one ~~person aboard~~ individual on board a vessel possesses a valid Recreational Commercial Gear License and
25 recreational commercial fishing equipment as ~~defined~~ described in 15A NCAC 03O Rule .0302(a) of this Section is
26 used.

27
28 *History Note: Authority G.S. 113-134; 113-170.4; 113-173; 113-182; 143B-289.52;*
29 *Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule*
30 *becomes effective, whichever is sooner;*
31 *Eff. February 1, 1995;*
32 *Temporary Amendment Eff. June 7, 1998;*
33 *Amended Eff. April 1, 1999;*
34 *Temporary Amendment Eff. July 1, 1999;*
35 *Amended Eff. July 1, 2006; August 1, 2000;*
36 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0401 is proposed for re adoption with substantive changes as follows:

2
3 **SECTION .0400 – STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY**

4
5 **15A NCAC 03O .0401 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY BOARD**

6 (a) The ~~Chairman~~ Chair of the Marine Fisheries Commission, the Secretary of the Department of ~~Environment and~~
7 ~~Natural Resources~~, Environmental Quality, and the Fisheries Director ~~of the Division of Marine Fisheries~~ may each
8 name a designee and an alternate designee to serve on the Standard Commercial Fishing License Eligibility Board as
9 their representative in their absence.

10 (b) The Standard Commercial Fishing License Eligibility Board shall not review an application for eligibility without
11 a quorum of the Eligibility Board members or designees being present. Two or more members of the Standard
12 Commercial Fishing License Eligibility Board or their designees constitute a quorum.

13
14 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;*
15 *Temporary Adoption Eff. April 1, 1999;*
16 *Eff. August 1, 2000;*
17 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03O .0402 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03O .0402 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY APPLICATION**
4 **PROCESS**

5 (a) Application forms for determination of eligibility for the Standard Commercial Fishing ~~Licenses~~ License
6 Eligibility Pool shall be are available at all offices of the Division of Marine Fisheries and online at
7 <https://deq.nc.gov/about/divisions/marine-fisheries/licenses-permits-and-leases/commercial-fishing->
8 [licenses/eligibility-pool](https://deq.nc.gov/about/divisions/marine-fisheries/licenses-permits-and-leases/commercial-fishing-) and ~~must~~ shall be submitted to the Morehead City Office of the ~~Division of Marine Fisheries~~
9 Division, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557 for processing.

10 (b) Only one application per individual for determination of eligibility for the Standard Commercial Fishing ~~Licenses~~
11 License Eligibility Pool shall be accepted or may be pending at any one time. An applicant may have only one entry
12 in the ~~eligibility pool~~ Standard Commercial Fishing License Eligibility Pool at any one time.

13 (c) Individuals who currently hold or are eligible to purchase a Standard or Retired Standard Commercial Fishing
14 License shall not be eligible to apply for additional Standard Commercial Fishing Licenses through the Standard
15 Commercial Fishing ~~Licenses~~ License Eligibility Pool.

16 (d) If an applicant has died or becomes ineligible and is subsequently selected from the ~~eligibility pool~~, Standard
17 Commercial Fishing License Eligibility Pool, that license eligibility shall automatically revert to the ~~eligibility~~
18 ~~pool~~ Eligibility Pool.

19 (e) Persons claiming retirement from commercial fishing or transferring their Standard Commercial Fishing License
20 ~~may not apply for pool eligibility~~ shall not be eligible to apply for a Standard Commercial Fishing License through
21 the Standard Commercial Fishing License Eligibility Pool for two years from the date of the last ~~transfer~~ transfer,
22 except as provided in ~~15A NCAC 03O .0404(3)~~ Rule .0404(3) of this Section.

23 (f) Applicants shall notify the ~~Division of Marine Fisheries~~ within 30 days of a change of address.

24
25 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4:24;*
26 *Temporary Adoption Eff. April 1, 1999;*
27 *Eff. August 1, 2000;*
28 *Amended Eff. October 1, 2008; February 1, 2008;*
29 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03O .0403 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 03O .0403 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY BOARD**
4 **REVIEW**

5 (a) After determination of eligibility by the Standard Commercial Fishing License Eligibility Board, applicants will
6 be notified in writing as to the ~~applicant's~~ applicant meeting or not meeting required eligibility criteria for the Standard
7 Commercial Fishing License Eligibility Pool.

8 (b) The Marine Fisheries Commission shall determine the number of licenses available from the ~~pool~~ Standard
9 Commercial Fishing License Eligibility Pool at ~~their~~ its first regularly scheduled meeting following July 1 of each
10 year.

11 (c) The Standard Commercial Fishing License Eligibility Board shall meet to review applications as often as deemed
12 necessary by the ~~Chairman~~ Chair of the Eligibility Board.

13

14 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4:24;*

15 *Temporary Adoption Eff. April 1, 1999;*

16 *Eff. August 1, 2000;*

17 *Amended Eff. February 1, 2008;*

18 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03O .0404 is proposed for reoption with substantive changes as follows:

2
3 **15A NCAC 03O .0404 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY CRITERIA**

4 In determining eligibility of an ~~application-applicant~~ for the Standard Commercial Fishing License Eligibility Pool,
5 the Standard Commercial Fishing License Eligibility Board shall apply the following criteria:

6 (1) ~~Involvement in Commercial Fishing:~~involvement in commercial fishing:

- 7 (a) ~~Significant~~significant involvement in the commercial fishing industry for three of the last
8 five years;~~or~~
- 9 (b) ~~Significant~~significant involvement in commercial fishing or in the commercial fishing
10 industry prior to the last five years;~~or~~
- 11 (c) ~~In~~in the case of an applicant who is under 16 years of age, significant involvement in
12 commercial fishing for two out of the last five years with a parent, legal guardian,
13 ~~grandparent~~grandparent, or other adult; or
- 14 (d) ~~Significant~~significant involvement of the applicant's family in commercial fishing. For the
15 purpose of this ~~Sub item, Sub-Item,~~ family shall include mother, father, ~~brother, sister,~~
16 brothers, sisters, spouse, children, ~~grandparents~~grandparents, or legal guardian.

17 For the purposes of this Rule, ~~significant involvement means~~ "significant involvement" shall mean
18 persons or corporations who are engaged in the actual taking of fish for sale, from the waters of the
19 State, or other states, jurisdictions, or federal waters, or any licensed dealer or the dealer's employees
20 who ~~purchases~~purchase fish at the point of landing. Significant involvement does not include
21 activities such as those who transport fish from the point of ~~landing,~~landing, those who sell or make
22 commercial or recreational fishing ~~gear,~~gear, those who operate bait and tackle shops unless they
23 are engaged in the actual taking of bait for ~~sale,~~sale, or those who work in fish markets or crab
24 picking ~~operations~~operations;

25 (2) ~~Compliance with Applicable Laws and Regulations:~~compliance with applicable laws, regulations,
26 and rules:

- 27 (a) ~~The~~the applicant shall not have any licenses, ~~endorsements or commercial fishing vessel~~
28 ~~registrations~~endorsements, or Commercial Fishing Vessel Registrations issued by the
29 Division of Marine Fisheries or the right to hold such under suspension or revocation at
30 the time of application or during the eligibility review;~~or~~
- 31 (b) ~~If~~if selected for the Standard Commercial Fishing License Eligibility Pool, the applicant
32 shall become ineligible for the Standard Commercial Fishing License Eligibility Pool if
33 any licenses, ~~endorsements or registrations~~endorsements, or Commercial Fishing Vessel
34 Registrations or the right to hold such issued by the Division of ~~Marine Fisheries~~Marine Fisheries are
35 suspended or revoked;~~or~~
- 36 (c) ~~Four~~four convictions within the last three years or the number of convictions ~~which~~that
37 would cause suspension or revocation of ~~license, endorsement, or registration~~licenses,

1 endorsements, or Commercial Fishing Vessel Registrations within the last three years shall
2 result in the application being ~~denied; or denied~~. An applicant for the Standard Commercial
3 Fishing License Eligibility Pool shall provide certification that the applicant does not have
4 four or more marine or estuarine resource convictions during the previous three years; and

- 5 (d) ~~A~~a record of habitual violations evidenced by eight or more convictions in the last 10 years
6 shall result in the application being denied.

7 For purposes of eligibility for the Standard Commercial Fishing License Eligibility Pool, the term
8 convictions shall include ~~but not be limited to~~ any conviction for violation of any provision of
9 Chapter 113 of the North Carolina General Statutes and any rule implementing or authorized by
10 such ~~statutes; statutes,~~ any conviction for violation of G.S. 76-40 and any rule implementing or
11 authorized by such ~~statute; statute,~~ any conviction of Chapter 75A of the North Carolina General
12 Statutes and any rule implementing or authorized by such ~~statutes; statutes,~~ any conviction for
13 violation of any provision of Article 7 of Chapter 143B of the North Carolina General Statutes and
14 any rule implementing or authorized by such ~~statutes; statutes,~~ any conviction of resist, obstruct, or
15 delay involving a ~~Marine Patrol Officer or Wildlife Officer~~ Marine Fisheries Inspector or Wildlife
16 Protector under G.S. ~~14-223; 14-223,~~ and any conviction involving assaultive behavior toward a
17 ~~Marine Patrol Officer~~ Marine Fisheries Inspector or other governmental official of the Department
18 of ~~Environment and Natural Resources~~ Environmental Quality or the Wildlife Resources
19 Commission.~~Commission;~~

20 ~~Applicants for the Standard Commercial Fishing License Eligibility Pool must provide certification~~
21 ~~that the applicant does not have four or more marine or estuarine resource violations during the~~
22 ~~previous three years.~~

- 23 (3) ~~The~~the responsible party shall not have transferred a Standard Commercial Fishing License granted
24 by the Standard Commercial Fishing License Eligibility Board.~~Board;~~ and

- 25 (4) ~~All applicants~~an applicant for the Standard Commercial Fishing License Eligibility Pool ~~must~~shall
26 meet all other statutory eligibility requirements for ~~the~~a Standard Commercial Fishing License.

27
28 *History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;*
29 *Temporary Adoption Eff. April 1, 1999;*
30 *Eff. August 1, 2000;*
31 *Amended Eff. October 1, 2008; February 1, 2008;*
32 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03O .0405 is proposed for reoption with substantive changes as follows:

2
3 **15A NCAC 03O .0405 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL**
4 **APPLICATION DOCUMENTATION**

5 (a) Documentation for applications: applications for determination of eligibility for the Standard Commercial Fishing
6 License Eligibility Pool shall include:

- 7 (1) ~~Statements~~ statements from individuals verifying the ~~applicant's involvement must~~ applicant's
8 involvement in commercial fishing or the commercial fishing industry, which shall contain the
9 ~~individual's individual's~~ individual's name, ~~address~~ address, and telephone ~~number~~ number, and ~~must be~~
10 ~~notarized~~ the individual's signature shall be notarized;
- 11 (2) ~~Proof~~ proof of income derived from commercial fishing or the commercial fishing industry. Proof
12 of this income shall be tax ~~records~~ records; and
- 13 (3) ~~The~~ the extent to which the applicant has complied with federal and state laws, regulations, and
14 rules relating to coastal fishing and protection of the environment. Federal compliance will be
15 verified by a notarized statement from the applicant that ~~he~~ the applicant has complied with federal
16 laws.

17 ~~(4)(b)~~ All documents required by this Rule ~~must~~ shall be notarized.

18 ~~(5)(c)~~ Applications shall be legible and complete or they will be returned.

19 ~~(6)(d)~~ It ~~is~~ shall be unlawful to submit false statements on applications or supporting documents. If eligibility is based
20 on false information provided by the applicant, this eligibility ~~is~~ shall be automatically revoked.

21
22 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;*
23 *Temporary Adoption Eff. April 1, 1999;*
24 *Eff. August 1, 2000;*
25 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0406 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03O .0406 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL**
4 **CERTIFICATION**

5 Annual certification to maintain an eligible application in the Standard Commercial Fishing License Eligibility Pool
6 shall be as follows:

- 7 (1) ~~The~~ the applicant shall certify that the information on ~~his~~ the applicant's original application is
8 correct and that ~~he~~ the applicant desires to remain in the Standard Commercial Fishing License
9 Eligibility Pool. A certification form shall be provided and mailed to the applicant at the last known
10 address by the Division of Marine Fisheries;
- 11 (2) ~~A certification form shall be provided and mailed to the applicant at the last known address by the~~
12 ~~Division.~~
- 13 (3)(2) ~~This certification,~~ the certification form with any ~~changes~~ changes, such as address, phone number,
14 or updated fisheries involvement information since the last application or ~~certification~~ must
15 certification, shall be notarized and submitted to the Division within 12 months of the initial
16 application and annually thereafter; and
- 17 (4)(3) ~~Failure~~ failure to return certification that an application is correct or with changes within 30 days
18 from when the Division mailed the form to the applicant shall result in the application being ~~deleted~~
19 removed from the Standard Commercial Fishing License Eligibility Pool. An applicant that has been
20 removed from the Standard Commercial Fishing License Eligibility Pool shall receive a notice from
21 the Division.
- 22 (5) ~~An applicant that has been deleted from the Standard Commercial Fishing License Eligibility Pool~~
23 ~~shall receive a notice from the Division.~~

24
25 *History Note:* Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;
26 *Temporary Adoption Eff. April 1, 1999;*
27 *Eff. August 1, 2000;*
28 *Readopted Eff. May 1, 2022.*