

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

2
3 **SUBCHAPTER 03I – GENERAL RULES**

4
5 **SECTION .0100 – GENERAL RULES**

6
7 **15A NCAC 03I .0101 DEFINITIONS**

8 All definitions set out in G.S. 113, Subchapter IV and the following additional terms shall apply to this Chapter:

9 (1) ~~Enforcement~~ enforcement and management terms:

10 (a) ~~Commercial Quota.~~ Total "Commercial quota" means total quantity of fish allocated for
11 harvest by commercial fishing operations.

12 (b) ~~Educational Institution.~~ A "Educational institution" means a college, university, or
13 community college accredited by an accrediting agency recognized by the U.S. Department
14 of Education; an Environmental Education Center certified by the N.C. Department of
15 Environment and Natural Resources–Environmental Quality Office of Environmental
16 Education and Public Affairs; or a zoo or aquarium certified by the Association of Zoos
17 and Aquariums.

18 (c) ~~Internal Coastal Waters or Internal Waters.~~ All "Internal Coastal Waters" or "Internal
19 Waters" means all Coastal Fishing Waters except the Atlantic Ocean.

20 (d) ~~Length of finfish.~~ length of finfish:

21 (i) ~~Curved fork length.~~ A "Curved fork length" means a length determined by
22 measuring along a line tracing the contour of the body from the tip of the upper
23 jaw to the middle of the fork in the caudal (tail) fin.

24 (ii) ~~Fork length.~~ A "Fork length" means a length determined by measuring along a
25 straight line the distance from the tip of the snout with the mouth closed to the
26 middle of the fork in the caudal (tail) fin, except that fork length for billfish is
27 measured from the tip of the lower jaw to the middle of the fork of the caudal
28 (tail) fin.

29 (iii) ~~Pectoral fin curved fork length.~~ A "Pectoral fin curved fork length" means a
30 length of a beheaded fish from the dorsal insertion of the pectoral fin to the fork
31 of the tail measured along the contour of the body in a line that runs along the top
32 of the pectoral fin and the top of the caudal keel.

33 (iv) ~~Total length.~~ A "Total length" means a length determined by measuring along a
34 straight line the distance from the tip of the snout with the mouth closed to the tip
35 of the compressed caudal (tail) fin.

36 (e) "Nongovernmental conservation organization" means an organization whose primary
37 mission is the conservation of natural resources.

- (f) "Polluted" means any shellfish growing waters:
 - (i) that are contaminated with fecal material, pathogenic microorganisms, poisonous or deleterious substances, or marine biotoxins that render the consumption of shellfish from those growing waters hazardous;
 - (ii) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be adjacent to a sewage treatment plant outfall or other point source outfall with public health significance;
 - (iii) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be in or adjacent to a marina;
 - (iv) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be impacted by other potential sources of pollution that render the consumption of shellfish from those growing waters hazardous; or
 - (v) where the Division of Marine Fisheries is unable to complete the monitoring necessary to determine the presence of contamination or potential pollution sources.

~~(e)(g) Recreational Possession Limit. Restrictions~~ "Recreational possession limit" means restrictions on size, quantity, season, time period, area, means, and methods where take or possession is for a recreational purpose.

~~(f)(h) Recreational Quota. Total~~ "Recreational quota" means total quantity of fish allocated for harvest for a recreational purpose.

~~(g)(i) Regular Closed Oyster Season.~~ "Regular closed oyster season" means March 31 through October 15, unless amended by the Fisheries Director through proclamation authority.

~~(h)(j) Scientific Institution. One~~ "Scientific institution" means one of the following entities:

- (i) ~~An~~ an ~~an~~ educational institution as defined in this Item;
- (ii) ~~A~~ a state or federal agency charged with the management of marine or estuarine resources; or
- (iii) ~~A~~ a professional organization or secondary school working under the direction of, or in compliance with mandates from, the entities listed in ~~Subitems (h)(i) Sub-~~ items (j)(i) and (ii) of this Item.

~~(i) Seed Oyster Management Area. An open harvest area that, by reason of poor growth characteristics, predation rates, overcrowding or other factors, experiences poor utilization of oyster populations for direct harvest and sale to licensed dealers and is designated by the Marine Fisheries Commission as a source of seed for public and private oyster culture.~~

(2) ~~Fishing Activities:~~ fishing activities:

(a) ~~Aquaculture operation. An~~ "Aquaculture operation" means an operation that produces artificially propagated stocks of marine or estuarine ~~resources~~ resources, or other non-native species that may thrive if introduced into Coastal Fishing Waters, or obtains such

1 stocks from permitted sources for the purpose of rearing on private bottom (with or without
2 the superadjacent water column) or in a controlled environment. A controlled environment
3 provides and maintains throughout the rearing process one or more of the following:

- 4 (i) food;
- 5 (ii) predator protection;
- 6 (iii) salinity;
- 7 (iv) temperature controls; or
- 8 ~~(v) water circulation,~~

9 ~~utilizing technology not found in the natural environment.~~

10 (v) water circulation, utilizing technology not found in the natural environment.

11 (b) ~~Attended. Being "Attended" means being~~ in a vessel, in the water or on the shore, and
12 immediately available to work the gear and be within 100 yards of any gear in use by that
13 person at all times. Attended does not include being in a building or structure.

14 (c) ~~Blue Crab Shedding. The "Blue crab shedding" means the process whereby a blue crab~~
15 emerges soft from its former hard exoskeleton. A shedding operation is any operation that
16 holds peeler crabs in a controlled environment. A controlled environment provides and
17 maintains throughout the shedding process one or more of the following:

- 18 (i) food;
- 19 (ii) predator protection;
- 20 (iii) salinity;
- 21 (iv) temperature controls; or
- 22 (v) water circulation, utilizing technology not found in the natural environment. A

23 shedding operation does not include transporting pink or red-line peeler crabs to
24 a permitted shedding operation.

25 (d) ~~Depuration. Purification.~~ "Depuration" means mechanical purification or the removal of
26 adulteration from live oysters, clams, or mussels by any ~~natural or~~ artificially controlled
27 means.

28 (e) ~~Long Haul Operations. Fishing.~~ "Long haul operation" means fishing a seine towed
29 between two vessels.

30 (f) ~~Peeler Crab.~~ A "Peeler crab" means a blue crab that has a soft shell developing under a
31 hard shell and having a white, pink, or red-line or rim on the outer edge of the back fin or
32 flipper.

33 (g) ~~Possess. Any.~~ "Possess" means any actual or constructive holding whether under claim of
34 ownership or not.

35 (h) ~~Recreational Purpose.~~ A "Recreational purpose" means a fishing activity that is not a
36 commercial fishing operation as defined in G.S. 113-168.

- 1 (i) ~~Shellfish marketing from leases and franchises.~~ The "Shellfish marketing from leases and
2 franchises" means the harvest of oysters, clams, scallops, or mussels from privately held
3 shellfish bottoms and lawful sale of those shellfish to the public at large or to a licensed
4 shellfish dealer.
- 5 (j) ~~Shellfish planting effort on leases and franchises.~~ The "Shellfish planting effort on leases
6 and franchises" means the process of obtaining authorized cultch materials, seed shellfish,
7 and ~~polluted~~ shellfish stocks from polluted waters and the placement of those materials on
8 privately held shellfish bottoms for increased shellfish production.
- 9 (k) ~~Shellfish production on leases and franchises.~~ "Shellfish production on leases and
10 franchises" means:
- 11 (i) ~~The~~ the culture of oysters, clams, scallops, or mussels on shellfish leases and
12 franchises from a sublegal harvest size to a marketable size.
- 13 (ii) ~~The~~ the transplanting (relay) of oysters, clams, scallops, or mussels from areas
14 closed due to pollution to shellfish leases and franchises in open waters and the
15 natural cleansing of those shellfish.
- 16 (l) ~~Swipe Net Operations. Fishing.~~ "Swipe net operations" means fishing a seine towed by one
17 vessel.
- 18 (m) ~~Transport. Ship.~~ "Transport" means to ship, carry, or cause to be carried or moved by
19 public or private carrier by land, sea, or air.
- 20 (n) ~~Use. Employ.~~ "Use" means to employ, set, operate, or permit to be operated or employed.
- 21 (3) ~~Gear.~~ gear:
- 22 (a) ~~Bunt Net.~~ The "Bunt net" means the last encircling net of a long haul or swipe net operation
23 constructed of small mesh webbing. The bunt net is used to form a pen or pound from
24 which the catch is dipped or bailed.
- 25 (b) ~~Channel Net.~~ A "Channel net" means a net used to take shrimp that is anchored or attached
26 to the bottom at both ends or with one end anchored or attached to the bottom and the other
27 end attached to a vessel.
- 28 (c) ~~Commercial Fishing Equipment or Gear.~~ All "Commercial fishing equipment or gear"
29 means all fishing equipment used in Coastal Fishing Waters except:
- 30 (i) ~~Cast~~ cast nets;
- 31 (ii) ~~Collapsible~~ collapsible crab traps, a trap used for taking crabs with the largest
32 open dimension no larger than 18 inches and that by design is collapsed at all
33 times when in the water, except when it is being retrieved from or lowered to the
34 bottom;
- 35 (iii) ~~Dip~~ dip nets or scoops having a handle not more than eight feet in length and a
36 hoop or frame to which the net is attached not exceeding 60 inches along the
37 perimeter;

- 1 (iv) ~~Gigs-gigs~~ or other pointed implements that are propelled by hand, whether or not
2 the implement remains in the hand;
- 3 (v) ~~Hand-hand~~ operated rakes no more than 12 inches wide and weighing no more
4 than six pounds and hand operated tongs;
- 5 (vi) ~~Hook and line and bait and line~~ hook and line, and bait and line equipment other
6 than multiple-hook or multiple-bait trotline;
- 7 (vii) ~~Landing-landing~~ nets used to assist in taking fish when the initial and primary
8 method of taking is by the use of hook and line;
- 9 (viii) ~~Minnow-minnow~~ traps when no more than two are in use;
- 10 (ix) ~~Seines-seines~~ less than 30 feet in length;
- 11 (x) ~~Spears-spears~~, Hawaiian slings, or similar devices that propel pointed implements
12 by mechanical means, including elastic tubing or bands, pressurized gas, or
13 similar means.
- 14 (d) ~~Corkline.~~ The "Corkline" means the support structure a net is attached to that is nearest to
15 the water surface when in use. Corkline length is measured from the outer most mesh knot
16 at one end of the corkline following along the line to the outer most mesh knot at the
17 opposite end of the corkline.
- 18 (e) ~~Dredge.~~ A "Dredge" means a device towed by engine power consisting of a frame, tooth
19 bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or
20 conchs.
- 21 (f) ~~Fixed or stationary net.~~ A "Fixed or stationary net" means a net anchored or staked to the
22 bottom, or some structure attached to the bottom, at both ends of the net.
- 23 (g) ~~Fyke Net.~~ An "Fyke net" means an entrapment net supported by a series of internal or
24 external hoops or frames, with one or more lead or leaders that guide fish to the net mouth.
25 The net has one or more internal funnel-shaped openings with tapered ends directed inward
26 from the mouth, through which fish enter the enclosure. The portion of the net designed to
27 hold or trap fish is completely enclosed in mesh or webbing, except for the openings for
28 fish passage into or out of the net (funnel area).
- 29 (h) ~~Gill Net.~~ A "Gill net" means a net set vertically in the water to capture fish by entanglement
30 of the gills in its mesh as a result of net design, construction, mesh length, webbing
31 diameter, or method in which it is used.
- 32 (i) ~~Headrope.~~ The "Headrope" means the support structure for the mesh or webbing of a trawl
33 that is nearest to the water surface when in use. Headrope length is measured from the outer
34 most mesh knot at one end of the headrope following along the line to the outer most mesh
35 knot at the opposite end of the headrope.
- 36 (j) ~~Hoop Net.~~ An "Hoop net" means an entrapment net supported by a series of internal or
37 external hoops or frames. The net has one or more internal funnel-shaped openings with

1 tapered ends directed inward from the mouth, through which fish enter the enclosure. The
2 portion of the net designed to hold or trap the fish is completely enclosed in mesh or
3 webbing, except for the openings for fish passage into or out of the net (funnel area).

4 (k) ~~Lead.~~ A "Lead" means a mesh or webbing structure consisting of nylon, monofilament,
5 plastic, wire, or similar material set vertically in the water and held in place by stakes or
6 anchors to guide fish into an enclosure. Lead length is measured from the outer most end
7 of the lead along the top or bottom line, whichever is longer, to the opposite end of the
8 lead.

9 (l) ~~Mechanical methods for clamming. Dredges.~~ "Mechanical methods for clamming" means
10 dredges, hydraulic clam dredges, stick rakes, and other rakes when towed by engine power,
11 patent tongs, kicking with propellers or deflector plates with or without trawls, and any
12 other method that utilizes mechanical means to harvest clams.

13 (m) ~~Mechanical methods for oystering. Dredges.~~ "Mechanical methods for oystering" means
14 dredges, patent tongs, stick rakes, and other rakes when towed by engine power, and any
15 other method that utilizes mechanical means to harvest oysters.

16 (n) ~~Mesh Length.~~ The "Mesh length" means the distance from the inside of one knot to the
17 outside of the opposite knot, when the net is stretched hand-tight in a manner that closes
18 the mesh opening.

19 (o) ~~Pound Net Set.~~ A "Pound net set" means a fish trap consisting of a holding pen, one or
20 more enclosures, lead or leaders, and stakes or anchors used to support the trap. The holding
21 pen, enclosures, and lead(s) are not conical, nor are they supported by hoops or frames.

22 (p) ~~Purse Gill Nets.~~ Any "Purse gill net" means any gill net used to encircle fish when the net
23 is closed by the use of a purse line through rings located along the top or bottom line or
24 elsewhere on such net.

25 (q) ~~Seine.~~ A "Seine" means a net set vertically in the water and pulled by hand or power to
26 capture fish by encirclement and confining fish within itself or against another net, the
27 shore or bank as a result of net design, construction, mesh length, webbing diameter, or
28 method in which it is used.

29 (4) ~~Fish habitat areas.~~ The "Fish habitat areas" means the estuarine and marine areas that support
30 juvenile and adult populations of fish species, as well as forage species utilized in the food chain.
31 Fish habitats as used in this definition, are vital for portions of the entire life cycle, including the
32 early growth and development of fish species. Fish habitats in all Coastal Fishing Waters, as
33 determined through marine and estuarine survey sampling, include:

34 (a) ~~Anadromous fish nursery areas.~~ Those "Anadromous fish nursery areas" means those areas
35 in the riverine and estuarine systems utilized by post-larval and later juvenile anadromous
36 fish.

- 1 (b) ~~Anadromous fish spawning areas.~~ Those "Anadromous fish spawning areas" means those
2 areas where evidence of spawning of anadromous fish has been documented in Division
3 sampling records through direct observation of spawning, capture of running ripe females,
4 or capture of eggs or early larvae.
- 5 (c) ~~Coral:~~ "Coral" means:
6 (i) ~~Fire~~ fire corals and hydrocorals (Class Hydrozoa);
7 (ii) ~~Stony~~ stony corals and black corals (Class Anthozoa, Subclass Scleractinia); or
8 (iii) Octocorals; Gorgonian corals (Class Anthozoa, Subclass Octocorallia), which
9 include sea fans (Gorgonia sp.), sea whips (Leptogorgia sp. and Lophogorgia sp.),
10 and sea pansies (Renilla sp.).
- 11 (d) ~~Intertidal Oyster Bed.~~ A "Intertidal oyster bed" means a formation, regardless of size or
12 shape, formed of shell and live oysters of varying density.
- 13 (e) ~~Live rock.~~ Living "Live rock" means living marine organisms or an assemblage thereof
14 attached to a hard substrate, excluding mollusk shells, but including dead coral or rock.
15 Living marine organisms associated with hard bottoms, banks, reefs, and live rock include:
16 (i) Coralline algae (Division Rhodophyta);
17 (ii) Acetabularia sp., mermaid's fan and cups (Udotea sp.), watercress (Halimeda sp.),
18 green feather, green grape algae (Caulerpa sp.) (Division Chlorophyta);
19 (iii) Sargassum sp., Dictyopteris sp., Zonaria sp. (Division Phaeophyta);
20 (iv) ~~Sponges~~ sponges (Phylum Porifera);
21 (v) ~~Hard~~ hard and soft corals, sea anemones (Phylum Cnidaria), including fire corals
22 (Class Hydrozoa), and Gorgonians, whip corals, sea pansies, anemones,
23 Solengastrea (Class Anthozoa);
24 (vi) Bryozoans (Phylum Bryozoa);
25 (vii) ~~Tube~~ tube worms (Phylum Annelida), fan worms (Sabellidae), feather duster and
26 Christmas treeworms (Serpulidae), and sand castle worms (Sabellaridae);
27 (viii) ~~Mussel~~ mussel banks (Phylum Mollusca: Gastropoda); and
28 (ix) ~~Acorn~~ acorn barnacles (Arthropoda: Crustacea: Semibalanus sp.).
- 29 (f) ~~Nursery areas.~~ Areas "Nursery areas" means areas that for reasons such as food, cover,
30 bottom type, salinity, temperature, and other factors, young finfish and crustaceans spend
31 the major portion of their initial growing season. Primary nursery areas are those areas in
32 the estuarine system where initial post-larval development takes place. These are areas
33 where populations are uniformly early juveniles. Secondary nursery areas are those areas
34 in the estuarine system where later juvenile development takes place. Populations are
35 composed of developing sub-adults of similar size that have migrated from an upstream
36 primary nursery area to the secondary nursery area located in the middle portion of the
37 estuarine system.

1 (g) ~~Shellfish producing habitats. Historic~~ "Shellfish producing habitats" means historic or
2 existing areas that shellfish, such as clams, oysters, scallops, mussels, and whelks use to
3 reproduce and survive because of such favorable conditions as bottom type, salinity,
4 currents, cover, and cultch. Included are those shellfish producing areas closed to shellfish
5 harvest due to pollution.

6 (h) ~~Strategic Habitat Areas. Locations~~ "Strategic Habitat Areas" means locations of individual
7 fish habitats or systems of habitats that provide exceptional habitat functions or that are
8 particularly at risk due to imminent threats, vulnerability, or rarity.

9 (i) ~~Submerged aquatic vegetation (SAV) habitat. Submerged~~ "Submerged aquatic vegetation
10 (SAV) habitat" means submerged lands that:

11 (i) are vegetated with one or more species of submerged aquatic vegetation including
12 bushy pondweed or southern naiad (*Najas guadalupensis*), coontail
13 (*Ceratophyllum demersum*), eelgrass (*Zostera marina*), horned pondweed
14 (*Zannichellia palustris*), naiads (*Najas* spp.), redhead grass (*Potamogeton*
15 *perfoliatus*), sago pondweed (*Stuckenia pectinata*, formerly *Potamogeton*
16 *pectinatus*), shoalgrass (*Halodule wrightii*), slender pondweed (*Potamogeton*
17 *pusillus*), water stargrass (*Heteranthera dubia*), water starwort (*Callitriche*
18 *heterophylla*), waterweeds (*Elodea* spp.), widgeongrass (*Ruppia maritima*), and
19 wild celery (*Vallisneria americana*). These areas may be identified by the presence
20 of above-ground leaves, below-ground rhizomes, or reproductive structures
21 associated with one or more SAV species and include the sediment within these
22 areas; or

23 (ii) have been vegetated by one or more of the species identified in Sub-item (4)(i)(i)
24 of this Rule within the past 10 annual growing seasons and that meet the average
25 physical requirements of water depth (six feet or less), average light availability
26 (secchi depth of one foot or more), and limited wave exposure that characterize
27 the environment suitable for growth of SAV. The past presence of SAV may be
28 demonstrated by aerial photography, SAV survey, map, or other documentation.
29 An extension of the past 10 annual growing seasons criteria may be considered
30 when average environmental conditions are altered by drought, rainfall, or storm
31 force winds.

32 This habitat occurs in both subtidal and intertidal zones and may occur in isolated patches
33 or cover extensive areas. In defining SAV habitat, the Marine Fisheries Commission
34 recognizes the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et. seq.) and does not
35 intend the submerged aquatic vegetation definition, or this Rule or ~~Rules 03K .0304-15A~~
36 NCAC 03K .0304 and .0404, to apply to or conflict with the non-development control
37 activities authorized by that Act.

- 1 (5) ~~Licenses, licenses, permits, leases and franchises, and record keeping:~~
- 2 (a) ~~Assignment. Temporary-~~"Assignment" means temporary transferal to another person of
- 3 privileges under a license for which assignment is permitted. The person assigning the
- 4 license delegates the privileges permitted under the license to be exercised by the assignee,
- 5 but retains the power to revoke the assignment at any time, and is still the responsible party
- 6 for the license.
- 7 (b) ~~Designee. Any-~~"Designee" means any person who is under the direct control of the
- 8 permittee or who is employed by or under contract to the permittee for the purposes
- 9 authorized by the permit.
- 10 (c) ~~For Hire Vessel. As-~~"For hire vessel", as defined by G.S. 113-174, means when the vessel
- 11 is fishing in ~~state~~-State waters or when the vessel originates from or returns to a North
- 12 Carolina port.
- 13 (d) ~~"Franchise"~~ means a franchise recognized pursuant to G.S. 113-206.
- 14 ~~(d)(c)~~ Holder. A "Holder" means a person who has been lawfully issued in ~~his or her~~ the person's
- 15 name a license, permit, franchise, lease, or assignment.
- 16 ~~(e)(f)~~ Land-"Land" means:
- 17 (i) ~~For~~for commercial fishing operations, when fish reach the shore or a structure
- 18 connected to the shore.
- 19 (ii) ~~For~~for purposes of trip tickets, when fish reach a licensed seafood dealer, or
- 20 where the fisherman is the dealer, when fish reach the shore or a structure
- 21 connected to the shore.
- 22 (iii) ~~For~~for recreational fishing operations, when fish are retained in possession by the
- 23 fisherman.
- 24 ~~(f)(g)~~ Licensee. Any-"Licensee" means any person holding a valid license from the Department
- 25 to take or deal in marine fisheries resources.
- 26 ~~(g)(h)~~ Logbook. Paper-"Logbook" means paper forms provided by the Division and electronic
- 27 data files generated from software provided by the Division for the reporting of fisheries
- 28 statistics by persons engaged in commercial or recreational fishing or for-hire operators.
- 29 ~~(h)(i)~~ Master. Captain-"Master" means captain or operator of a vessel or one who commands and
- 30 has control, authority, or power over a vessel.
- 31 ~~(i)(j)~~ New fish dealer. Any-"New fish dealer" means any fish dealer making application for a
- 32 fish dealer license who did not possess a valid dealer license for the previous license year
- 33 in that name. For purposes of license issuance, adding new categories to an existing fish
- 34 dealers license does not constitute a new dealer.
- 35 ~~(j)(k)~~ Office of the Division. Physical-"Office of the Division" means physical locations of the
- 36 Division conducting license and permit transactions in Wilmington, Washington,
- 37 Morehead City, Roanoke Island, and Elizabeth City, North Carolina. Other businesses or

1 entities designated by the Secretary to issue Recreational Commercial Gear Licenses or
2 Coastal Recreational Fishing Licenses are not considered Offices of the Division.

3 ~~(k)(l)~~ ~~Responsible party. Person~~ "Responsible party" means the person who coordinates,
4 supervises, or otherwise directs operations of a business entity, such as a corporate officer
5 or executive level supervisor of business operations, and the person responsible for use of
6 the issued license in compliance with applicable statutes and rules.

7 ~~(l)(m)~~ ~~Tournament Organizer. The~~ "Tournament organizer" means the person who coordinates,
8 supervises, or otherwise directs a recreational fishing tournament and is the holder of the
9 Recreational Fishing Tournament License.

10 ~~(m)(n)~~ ~~Transaction. Act~~ "Transaction" means an act of doing business such that fish are sold,
11 offered for sale, exchanged, bartered, distributed, or landed.

12 ~~(n)(o)~~ ~~Transfer. Permanent~~ "Transfer" means permanent transferal to another person of privileges
13 under a license for which transfer is permitted. The person transferring the license retains
14 no rights or interest under the license transferred.

15 ~~(o)(p)~~ ~~Trip Ticket. Paper~~ "Trip ticket" means paper forms provided by the Division and electronic
16 data files generated from software provided by the Division for the reporting of fisheries
17 statistics by licensed fish dealers.

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19 *History Note: Authority G.S. 113-134; 113-174; 113-182; 143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Amended Eff. March 1, 1995; March 1, 1994; October 1, 1993; July 1, 1993;*
22 *Recodified from 15A NCAC 03I .0001 Eff. December 17, 1996;*
23 *Amended Eff. April 1, 1999; August 1, 1998; April 1, 1997;*
24 *Temporary Amendment Eff. May 1, 2000; August 1, 1999; July 1, 1999;*
25 *Amended Eff. August 1, 2000;*
26 *Temporary Amendment Eff. August 1, 2000;*
27 *Amended Eff. May 1, 2015; April 1, 2014; April 1, 2011; April 1, 2009; October 1, 2008; December*
28 *1, 2007; December 1, 2006; September 1, 2005; April 1, 2003; April 1, 2001;*
29 *Readopted Eff. May 1, 2022.*

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

2
3 **15A NCAC 03I .0104 INTRODUCE, ~~TRANSFER-TRANSFER,~~ OR HOLD IMPORTED MARINE AND**
4 **ESTUARINE ORGANISMS**

5 (a) ~~In order to~~ To protect the marine and estuarine resources of North Carolina from unacceptable risks from predators,
6 pests, parasites, and disease, it ~~is~~ shall be unlawful, except for American eels imported from Maryland, Virginia, or
7 South Carolina for use in an aquaculture operation, without first obtaining a ~~permit~~ Permit to Introduce, Transfer, or
8 Hold Imported Marine and Estuarine Organisms from the Fisheries Director or without obtaining live marine ~~and or~~
9 estuarine organisms from a ~~permit holder~~ permittee to:

- 10 (1) ~~To~~ place into the coastal fishing waters of the ~~state~~ State live marine ~~and or~~ estuarine organisms ~~not~~
11 ~~native non-native~~ to the ~~state~~ State. For the purpose of this Rule, this action is an introduction.
- 12 (2) ~~To~~ place into the coastal fishing waters of the ~~state~~ State live marine ~~and or~~ estuarine organisms
13 ~~which that~~ are native but ~~which that~~ originated outside the State's boundaries. For the purpose of
14 this Rule, this action is a transfer.
- 15 (3) ~~To~~ hold or maintain any live marine or estuarine ~~organism~~ organisms, including non-native species
16 that may thrive if introduced into Coastal Fishing Waters, imported into the ~~state~~ State in a
17 quarantine or isolation system for live bait or use in an aquaculture operation as defined in ~~15A~~
18 ~~NCAC 03I .0101~~ Rule .0101 of this Section.
- 19 (4) ~~To~~ sell for bait any live marine or estuarine ~~organism~~ organisms, including non-native species that
20 may thrive if introduced into Coastal Fishing Waters, imported into the ~~state~~ State.

21 (b) Any person desiring to obtain a Permit to Introduce, ~~Transfer-Transfer,~~ or Hold Imported Marine and Estuarine
22 Organisms ~~must make written~~ shall submit a complete application to the Division of Marine Fisheries, 3441 Arendell
23 Street, P.O. Box 769, Morehead City, NC 28557-0769, 28557. The procedures and requirements for obtaining permits
24 are found in 15A NCAC 03O .0500. In order for ~~For~~ the Fisheries Director to determine the level of risk to any native
25 marine or estuarine resource or the environment, the applicant shall ~~provide~~ also provide a certification from a:

- 26 (1) ~~A certification from a~~ pathologist that a sample of 60 organisms from proposed shipments are
27 disease free or a certification from a governmental veterinary service that the organisms to be
28 shipped were produced in an area or facility free of diseases posing a risk to North Carolina's marine
29 or estuarine resources, or their environment, as determined by the Fisheries Director; and
- 30 (2) ~~A certification from a~~ biologist or veterinarian that macroscopic and microscopic examination
31 indicates the shipment contains only those ~~species~~ species, sizes, and quantities identified on the
32 permit application.

33 (c) The Fisheries Director shall require disinfection, quarantine or destruction of organisms and transfer materials as
34 a condition of the permit, upon finding the importation poses a risk to North Carolina's marine or estuarine resources,
35 or their environment.

36 (d) The Fisheries Director may hold public meetings prior to granting permits for activities specified in Paragraph (a)
37 of this Rule to gather information concerning risks to native marine or estuarine resources or the environment.

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*History Note: Authority G.S. 113-134; 113-170; 113-182; 143B-289.52; S.L. 2017-190; S.L. 2018-114;
Eff. January 1, 1991;
Amended Eff. November 1, 1991;
Recodified from 15A NCAC 31.0004 Eff. December 17, 1996;
Amended Eff. April 1, 2009;
Readopted Eff. (Pending legislative review pursuant to S.L. 2017-190 and S.L. 2019-198).*

1 15A NCAC 03I .0114 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03I .0114 RECORDKEEPING REQUIREMENTS**

4 (a) It ~~is~~ shall be unlawful for a licensed fish dealer:

- 5 (1) ~~To~~ fail to complete accurately and legibly all mandatory items on the North Carolina trip ticket
6 for each transaction and submit the trip ticket in accordance with G.S. 113-168.2;
- 7 (2) ~~To~~ fail to provide to the Division of Marine Fisheries a Trip Ticket Submittal/Transaction form
8 indicating the number of transactions that occurred during the previous month;
- 9 (3) ~~To~~ fail to make paper copies or electronic copies of trip tickets available at the dealer location for
10 inspection by Marine ~~Patrol~~ Fisheries inspectors;
- 11 (4) ~~To~~ fail to submit trip tickets to the Division via electronic file transfer if that dealer reported an
12 annual average of greater than 50,000 pounds of finfish for the previous three calendar years.
13 Dealers subject to the electronic reporting requirement shall be notified by the Division via certified
14 mail and within 120 days of receipt shall:
- 15 (A) ~~Initiate~~ initiate electronic file transfer of trip tickets; and
16 (B) ~~Continue~~ continue to report by electronic file transfer until the dealer no longer holds a fish
17 dealer license with finfish or consolidated categories;
- 18 (5) ~~To~~ fail to use software or web-based utilities authorized by the Division when reporting
19 electronically. Electronic submittals shall meet all other recordkeeping requirements in accordance
20 with G.S. 113-168.2; and
- 21 (6) ~~To~~ fail to keep all trip tickets and all supporting documentation for each transaction including
22 receipts, checks, bills of lading, records, electronic ~~files~~ files, and accounts for a period of not less
23 than three years.

24 (b) It ~~is~~ shall be unlawful for a seller licensed under G.S. 113, Article 14A or donor to fail to provide to the fish dealer,
25 at the time of transaction, the following:

- 26 (1) ~~A~~ a current and valid license or permit to sell the type of fish being offered and if a vessel is used,
27 the ~~commercial fishing vessel registration~~; Commercial Fishing Vessel Registration; and
- 28 (2) ~~Complete~~ complete and accurate information on harvest method and area of catch and other
29 information required by the Division, in accordance with G.S. 113-168.2 and G.S. 113-169.3.

30 (c) It ~~is~~ shall be unlawful to transport fish without having ready at hand for inspection a bill of consignment, bill of
31 lading, or other shipping documentation provided by the shipping dealer showing ~~thereon the name of the consignee,~~
32 name of the shipper, the date of the shipment, and the quantity of each species of fish shipped. the following items:

- 33 (1) name of the consignee;
- 34 (2) name of the shipper;
- 35 (3) date of the shipment;
- 36 (4) name of fish being shipped; and
- 37 (5) quantity of each fish being shipped.

1 In the event the fisherman taking the fish is also a licensed fish dealer and ships from the point of landing, all shipping
2 records shall be recorded at the point of landing. Fishermen who transport their fish directly to licensed fish dealers
3 are exempt from this ~~Paragraph of this Rule.~~Paragraph.

4 (d) It ~~is shall be~~ unlawful to export fish landed in the State in a commercial fishing operation without a North Carolina
5 licensed fish dealer completing all the ~~record keeping~~ recordkeeping requirements in G.S. 113-168.2(i).

6 (e) It ~~is shall be~~ unlawful to offer for sale fish purchased from a licensed fish dealer without having ready at hand for
7 inspection by Marine ~~Patrol~~ Fisheries inspectors or other ~~agent~~ agents of the Fisheries Director written documentation
8 of purchase showing ~~thereon the name of the licensed dealer, name of the purchaser, date of the purchase, and the~~
9 ~~quantity of each species purchased.~~ the following items:

10 (1) name of the licensed fish dealer;

11 (2) name of the purchaser;

12 (3) date of the purchase;

13 (4) name of fish purchased; and

14 (5) quantity of each fish purchased.

15 (f) It ~~is shall be~~ unlawful for a holder of a Fish ~~Dealer's~~ Dealer License to have fish in possession at a licensed location
16 without written documentation from a licensed fish dealer or a completed North Carolina ~~Marine Fisheries Trip Ticket~~
17 trip ticket to show the quantity and origin of all fish.

18
19 *History Note: Authority G.S. 113-134; 113-168.2; 113-168.3; 113-169.3; 113-170; 113-170.3; 113-170.4; 113-*
20 *182; 143B-289.52;*
21 *Eff. March 1, 1994;*
22 *Recodified from 15A NCAC 3I .0014 Eff. December 17, 1996;*
23 *Temporary Amendment Eff. July 1, 1999;*
24 *Amended Eff. June 1, 2013; August 1, 2000;*
25 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

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

2
3 **15A NCAC 03J .0105 PURSE SEINES**

4 (a) It ~~is shall be~~ unlawful to use purse seines except for the taking of menhaden, Atlantic thread herring, gizzard ~~shad~~
5 ~~shad, or pinfish, as further restricted by Paragraphs (b) and (c) of this Rule.~~ pinfish.

6 (b) It ~~is shall be~~ unlawful to ~~take menhaden, Atlantic thread herring, gizzard shad or pinfish with~~ use a purse seine in
7 ~~violation of any of the following limitations:~~ accordance with the following:

8 (1) ~~In in~~ the Atlantic Ocean ~~during the periods and within an area as~~ described:

9 (A) ~~by~~ by Session Law 2012-190; and

10 ~~(A)(B) In in~~ 15A NCAC 03R 0111, .0111.

11 ~~(B) By~~ Session Law 2007-320.

12 (2) ~~Except except~~ as provided in ~~Subparagraph (5) of this Paragraph, Paragraph (c) of this Rule,~~ between
13 January 16 and May 14 in:

14 (A) ~~Internal waters,~~ internal waters; and

15 (B) ~~the~~ the Atlantic Ocean within one mile of shore.

16 (3) ~~Between between~~ January 16 and March 31 in Core Sound.

17 (4) ~~In internal waters except in:~~

18 (A) ~~— Pamlico Sound,~~

19 (B) ~~— Pamlico River east of a line from Wades Point to Intracoastal Waterway Marker No. 1 at~~
20 ~~the mouth of Goose Creek,~~

21 (C) ~~— Neuse River east of a line from Wilkinson Point to Cherry Point,~~

22 (D) ~~— Adams Creek,~~

23 (E) ~~— Core Sound and its tributaries,~~

24 (F) ~~— Back Sound, the Straits, and North river,~~

25 (G) ~~— Newport River,~~

26 (H) ~~— North River, and~~

27 (I) ~~— Bogue Sound.~~

28 (4) ~~from beyond one mile of shore in the Atlantic Ocean and transported to port between sunset on any~~
29 ~~Friday and sunrise of the following Monday from the Friday of the Memorial Day weekend through~~
30 ~~sunset on Labor Day.~~ sunset on Labor Day.

31 (5) ~~from beyond one mile of shore in the Atlantic Ocean and transported to port between the hours of~~
32 ~~sunrise and sunset on the following holidays:~~ sunrise and sunset on the following holidays:

33 (A) ~~— Memorial Day;~~ Memorial Day;

34 (B) ~~— Fourth of July, when the Fourth of July falls on any calendar day Friday through Monday;~~

35 ~~and~~ and

36 (C) ~~— Labor Day.~~ Labor Day.

1 ~~(5)(c)~~ The Fisheries Director may, by proclamation, open the Atlantic Ocean within one mile of shore and the internal
2 waters specified in ~~Subparagraph (4) of this Paragraph~~ (d) of this Rule between April 1 and May 14, and may impose
3 any ~~or all~~ of the following restrictions:

4 (1) specify time;

5 (2) specify area;

6 ~~(A)(3) Specify specify means and methods by area which may be employed in the taking; methods;~~

7 (4) specify record keeping requirements;

8 (5) specify season; and

9 ~~(B)(6) Limit the quantity; and specify quantity.~~

10 ~~(C) Require submission of statistical and biological data.~~

11 (d) The internal waters specified in Paragraph (c) of this Rule are as follows:

12 (1) Pamlico Sound;

13 (2) Pamlico River east of a line from Wades Point to Intracoastal Waterway Marker No. 1 at the mouth
14 of Goose Creek;

15 (3) Neuse River east of a line from Wilkinson Point to Cherry Point;

16 (4) Adams Creek;

17 (5) Core Sound and its tributaries;

18 (6) Back Sound, the Straits, and North River;

19 (7) Newport River;

20 (8) North River; and

21 (9) Bogue Sound.

22 ~~(e)(e)~~ Menhaden, Atlantic thread herring, gizzard ~~shad~~ shad, or pinfish may be taken at any time with a purse seine
23 from beyond one mile of shore in the Atlantic Ocean and transported to port except as specified by Session Law 2007-
24 320-2012-190 and Subparagraphs (b)(5) and (b)(6) of this Rule, and except as prohibited below:

25 (1) ~~It is unlawful to take menhaden, Atlantic thread herring, gizzard shad shad, or pinfish by use of a~~
26 ~~purse seine between sunset on any Friday and sunrise of the following Monday from the Friday of~~
27 ~~the Memorial Day weekend through sunset on Labor Day each year.~~

28 (2) ~~It is unlawful to take menhaden, Atlantic thread herring, gizzard shad shad, or pinfish by use of a~~
29 ~~purse seine between the hours of sunrise and sunset on the following holidays:~~

30 (A) ~~Memorial Day;~~

31 (B) ~~Fourth of July, when the Fourth of July falls on any calendar day Friday through Monday;~~
32 ~~and~~

33 (C) ~~Labor Day.~~

34 ~~(d)(f)~~ It ~~is~~ shall be unlawful for the responsible party to fail to carry out the following requirements when a fish spill
35 from a purse seine occurs:

- 1 (1) ~~Immediately~~ within two hours of the spill, notify the ~~office of the Fisheries Director of the North~~
2 ~~Carolina~~ Division of Marine Fisheries Communications Center of such spill; ~~the spill by phone at~~
3 800-682-2632 or 252-726-7021; and
4 (2) ~~Report~~ report to the Fisheries Director of the North Carolina Division of Marine Fisheries in writing
5 within 30 days of the completion of spill clean-up on the circumstances associated with each spill
6 and costs of its clean-up.

7

8 *History Note: Authority G.S. 113-134; 113-182; 113-187; 113-221.1; 143B-289.52;*

9 *Eff. January 1, 1991;*

10 *Amended Eff. October 1, 2008;*

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

1 15A NCAC 03J .0109 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03J .0109 LONG HAUL FISHING OPERATIONS, IDENTIFICATION LONG HAUL AND**
4 **SWIPE NET REQUIREMENTS**

5 It ~~is shall be~~ unlawful to ~~tow or pull~~ use a net in a ~~long haul~~ long haul or swipe net fishing ~~excluding operations with~~
6 ~~nets made entirely of monofilament and having a mesh length of three inches or greater~~ operation:

- 7 (1) ~~Without~~ without a floating buoy that shall be international orange, no less than five inches in
8 diameter, and no less than 11 inches in length attached a minimum of every 100 yards along the
9 cork line. ~~The buoy shall be international orange and shall be no less than five inches in diameter~~
10 ~~and no less than 11 inches in length; and~~line;
- 11 (2) ~~Without~~ without a flag, flag that shall be square in shape, international orange in color, and at least
12 24 inches by 24 inches in size, size flying in the rigging so as to be visible when approaching the
13 vessel from any ~~direction~~ direction; and
- 14 (3) ~~In in the internal coastal waters~~ Internal Coastal Waters south and west of a line beginning on the
15 west shore of Pamlico Sound at Bluff Point at a point 35° 19.5333' N – 76° 09.3333' W; running
16 southeasterly to Ocracoke Island to a point 35° 08.0000' N – 75° 55.0000' ~~W, W~~; without escape
17 panels as follows:
- 18 (a) ~~For for~~ long haul operations, two panels four feet deep and six feet long ~~shall be~~ installed
19 with the entire panel within 10 feet of the staff on the end of the bunt net from which the
20 fish are being ~~bailed~~. ~~The bailed, with panels shall be~~ in the water while fish are
21 ~~harvested~~ harvested;
- 22 (b) ~~For for~~ swipe net operations, two panels three feet deep and five feet long ~~shall be~~ installed
23 with the entire panel within 10 feet of the staff on the end of the bunt net from which the
24 fish are being ~~bailed~~. ~~The bailed, with panels shall be~~ in the water while fish are
25 ~~harvested~~ harvested;
- 26 (c) ~~The the~~ upper edge of one panel ~~shall be~~ installed within 12 to 24 inches of the float line
27 and the lower edge of the other panel ~~shall be~~ installed within 12 to 24 inches of the lead
28 ~~line~~ line; and
- 29 (d) ~~The panels shall be~~ constructed of unobstructed trawl rings with ~~an a~~ minimum inside
30 diameter ~~no less than of~~ one and nine-sixteenth inches (1 9/16"). ~~The inches, with the rings~~
31 ~~shall be~~ fastened together at a maximum of four points per ring.

32
33 *History Note: Authority G.S. 113-134; 113-182; ~~143B-289.4; 143B-289.52;~~*
34 *Eff. January 1991;*
35 *Amended Eff. August 1, 2004; April 1, 1999;*
36 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

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

2

3 **15A NCAC 03J .0305 TROTLINES (MULTIPLE HOOK OR MULTIPLE BAIT)**

4 (a) It is shall be unlawful to use multiple hook or multiple bait trotlines for recreational purposes unless such trotlines
5 are each multiple hook or multiple bait trotline is marked by attaching to them at each end ~~one~~ a floating buoy, any
6 shade of hot pink in ~~color, which~~ color. Buoys shall be of solid foam or other solid buoyant material no less than five
7 inches in diameter and no less than five inches in length. The ~~owner~~ gear owner's last name and initials shall always
8 be identified on the attached buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the
9 buoy. ~~Such~~ If a vessel is used, the identification shall also include ~~owner's last name and initials~~ and if a vessel is used,
10 one of the following:

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

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

13 (b) It shall be unlawful to use multiple hook or multiple bait trotlines in a commercial fishing operation unless each
14 multiple hook or multiple bait trotline is marked by attaching to them at each end a floating buoy of any color except
15 any shade of yellow or any shade of hot pink, or any combination of colors that include any shade of yellow or any
16 shade of hot pink. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter
17 and no less than five inches in length. The gear owner's last name and initials shall be identified on the attached buoy
18 by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. If a vessel is used, the
19 identification shall also include one of the following:

20 (1) gear owner's current motor boat registration number; or

21 (2) gear owner's U.S. vessel documentation name.

22

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

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

25 *Eff. August 1, 2000;*

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

1 15A NCAC 03K .0205 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03K .0205 MARKETING OYSTERS TAKEN FROM A PRIVATE SHELLFISH BOTTOMS**
4 **LEASE OR FRANCHISE**

5 (a) It ~~is~~ shall be unlawful to take, possess, buy, or sell oysters from a shellfish leases-lease or franchises-franchise
6 during the open season unless such oysters have been culled in accordance with Rule ~~15A NCAC 03K .0202.~~ .0202 of
7 this Section.

8 ~~(b) It is unlawful to sell, purchase or possess oysters during the regular closed season without the lease or franchise~~
9 ~~holder delivering to the purchaser or other recipient a certification, on a form provided by the Division, that the oysters~~
10 ~~were taken from a valid shellfish lease or franchise. Certification forms shall be furnished by the Division to lease and~~
11 ~~franchise holders upon request.~~

12 (b) All commercial oyster harvesting operations shall operate in accordance with any proclamations issued under the
13 authority of Rule .0110 of this Subchapter.

14 ~~(c) It is~~ shall be unlawful for a shellfish lease or franchise holders-holder or their-the holder's designees to take or
15 possess oysters from public bottom while possessing aboard a vessel oysters taken from a shellfish leases-lease or
16 franchises-franchise.

17 (d) It shall be unlawful for a shellfish lease or franchise holder or the holder's designees to fail to obtain an Aquaculture
18 Operation Permit if the lease or franchise has material extending more than 18 inches above the leased bottom or uses
19 equipment including cages, bags, or predator nets to cultivate shellfish.

20
21 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.52;*

22 *Eff. January 1, 1991;*

23 *Amended Eff. September 1, 1991;*

24 *Temporary Amendment Eff October 1, 2001;*

25 *Amended Eff. April 1, 2003;*

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

1 15A NCAC 03K .0507 is proposed for amendment as follows:

2

3 **15A NCAC 03K .0507 MARKETING SCALLOPS TAKEN FROM A SHELLFISH LEASES-LEASE OR**
4 **FRANCHISES-FRANCHISE**

5 ~~(a) It shall be unlawful to sell, purchase, or possess scallops during the closed season without the lease or franchise~~
6 ~~holder delivering to the purchaser or other recipient a certification, on a form provided by the Division of Marine~~
7 ~~Fisheries, that the scallops were taken from a valid shellfish lease or franchise. Certification forms shall be furnished~~
8 ~~by the Division to lease and franchise holders upon request.~~

9 (a) All commercial scallop harvesting operations shall operate in accordance with any proclamations issued under the
10 authority of Rule .0110 of this Subchapter.

11 (b) It shall be unlawful for a shellfish lease or franchise ~~holders holder~~ or ~~their~~ the holder's designees to take or possess
12 scallops from public bottom while possessing aboard a vessel scallops taken from a shellfish leases-lease or
13 franchises-franchise.

14 (c) It shall be unlawful for a shellfish lease or franchise holder or the holder's designees to fail to obtain an Aquaculture
15 Operation Permit if the lease or franchise has material extending more than 18 inches above the leased bottom or uses
16 equipment including cages, bags, or predator nets to cultivate shellfish.

17

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

19 *Eff. May 1, 2015;*

20 *Readopted Eff. April 1, 2019;*

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

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

2
3 **SUBCHAPTER 03O - LICENSES, LEASES, ~~FRANCHISES~~ FRANCHISES, AND PERMITS**

4
5 **SECTION .0100 - LICENSES**

6
7 **15A NCAC 03O .0101 PROCEDURES AND REQUIREMENTS TO OBTAIN LICENSES,**
8 **~~ENDORSEMENTS~~ ENDORSEMENTS, AND COMMERCIAL FISHING VESSEL**
9 **REGISTRATIONS**

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

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

15 ~~(a)(c)~~ To obtain any Division of Marine Fisheries licenses, endorsements, ~~commercial fishing vessel registrations,~~
16 and Commercial Fishing Vessel Registrations, a licensee shall provide a completed application to an office of the
17 Division by mail or in person. Applications submitted without complete and required information shall not be
18 processed until all required information has been submitted. Incomplete applications shall be returned to the applicant
19 with deficiency in the application so noted. The following shall be required for the application: ~~except Recreational~~
20 Fishing Tournament Licenses to Sell Fish and Land or Sell Licenses, the following information is required for the
21 application by the licensee, a responsible party, or person holding a power of attorney:

22 (1) ~~Full~~ full name, physical address, mailing address, date of birth, and signature of the licensee ~~on the~~
23 ~~application.~~ licensee. If the licensee is not appearing before a license agent or a representative of the
24 Division, the licensee's signature ~~on the application~~ shall be ~~notarized;~~ notarized.

25 (2) a statement from the licensee that the information and supporting documentation submitted with the
26 application is true and correct.

27 ~~(2)(3)~~ Current ~~current and valid~~ picture identification of ~~licensee or responsible party;~~ the licensee.
28 Acceptable forms of picture identification are state driver's license, state identification ~~card,~~ card
29 issued by the Division of Motor Vehicles, military identification card, resident alien card (green
30 card), or passport; or if purchased by mail, a copy ~~thereof;~~ thereof.

31 ~~(3)(4)~~ Certification ~~certification~~ that the applicant does not have four or more marine or estuarine resource
32 ~~violations~~ convictions during the previous three ~~years;~~ years.

33 (4) ~~Valid documentation papers or current motor boat registration, or copy thereof when purchasing a~~
34 ~~commercial fishing vessel registration. If an application for transfer of documentation is pending, a~~
35 ~~copy of the pending application and a notarized bill of sale may be submitted;~~

36 (5) ~~Current~~ current articles of incorporation and a current list of corporate officers when purchasing a
37 license or ~~commercial fishing vessel registration~~ Commercial Fishing Vessel Registration in a

1 corporate name. In the case of incorporation of an individual fishing vessel, the name of the vessel
2 master ~~of that vessel~~ shall also be specified. The ~~responsible party~~ licensee shall notify the Morehead
3 City Office of the Division of Marine Fisheries within five days of ~~change of the master specified~~
4 ~~for that vessel;~~ changing the vessel master.

5 (6) a current copy of a written partnership agreement shall be provided when purchasing a license,
6 endorsement, or Commercial Fishing Vessel Registration in a partnership name, if a partnership is
7 established.

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

11 ~~(6)(8)~~ An affirmation of liability insurance and that the operator is knowledgeable of United States Coast
12 Guard (USCG) safety requirements for the ~~vessel(s)~~ vessels used in the operation in accordance
13 with G.S. 113-168.6 when purchasing a ~~commercial fishing vessel registration~~ Commercial Fishing
14 Vessel Registration with a for-hire endorsement.

15 (7) ~~If a partnership is established by a written partnership agreement, a current copy of such agreement~~
16 ~~shall be provided when purchasing a license, endorsement, or commercial fishing vessel registration~~
17 ~~in a partnership name;~~

18 (8) ~~For nonresidents, certification of the state of residency;~~

19 (9) ~~In addition to the information required in G.S. 113-169.4, linear length of pier when purchasing an~~
20 ~~Ocean Fishing Pier License;~~

21 (10) ~~In addition to the information required in G.S. 113-171.1, current aircraft registration and list of~~
22 ~~operator(s) when purchasing a Spotter Plane License;~~

23 (11) ~~In addition, for fish dealers licenses, the physical address of the established location where business~~
24 ~~is conducted and, if different, the address where records are kept;~~

25 (12) ~~When purchasing a Fish Dealer License with clam or oyster categories or a consolidated license, the~~
26 ~~applicant shall provide valid certification as a North Carolina certified shellfish dealer;~~

27 (13) ~~In addition, for the Blanket For Hire Captain's Coastal Recreational Fishing License (CRFL), the~~
28 ~~applicant shall provide a valid certification from the USCG that allows carrying six or fewer~~
29 ~~passengers or a certification from the USCG that allows carrying more than six passengers; and~~

30 (14) ~~In addition, for the Blanket For Hire Vessel CRFL or the Non Blanket For Hire Vessel License,~~
31 ~~valid documentation papers or current motor boat registration or copies thereof for the vessel~~
32 ~~engaged as for hire. If an application for transfer of documentation is pending, a copy of the pending~~
33 ~~application and a notarized bill of sale may be submitted.~~

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

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

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

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

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

11 (2) All other types of licenses:

12 (A) North Carolina voter registration card;

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

14 (C) current North Carolina Certificate of Domicile;

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

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

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

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

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

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

28 (3) Fish Dealer License:

29 (A) the physical address of the established location where business is conducted and, if
30 different, the address where records are kept; and

31 (B) a valid Permit and Certificate of Compliance from the Division of Marine Fisheries
32 Shellfish Sanitation and Recreational Water Quality Section, if purchasing a Fish Dealer
33 License with clam or oyster categories or a consolidated license.

34 (4) Land or Sell License:

35 (A) valid documentation papers or current motor boat registration, or copy thereof; or

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

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

3 (5) Ocean Fishing Pier License:

4 (A) the information required in G.S. 113-169.4; and

5 (B) linear length of the pier. A Marine Fisheries inspector's signature is required to verify the
6 linear length of the pier before the license can be issued.

7 (6) Recreational Fishing Tournament License to Sell Fish: name and date or dates of the tournament.

8 (7) Spotter Plane License:

9 (A) the information required in G.S. 113-171.1;

10 (B) the current aircraft registration; and

11 (C) a list of operators.

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

14 (1) for the purpose of this Paragraph, "license year" means the period beginning July 1 of a year through
15 June 30 of the following year.

16 ~~(1)(2)~~ To to qualify for a License to Land Flounder from the Atlantic Ocean, the applicant shall:

17 (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each
18 year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license
19 years for which the person had a vessel that was licensed to land in North Carolina; and

20 (B) have been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-
21 94, or 1994-95 license years; and

22 (C) hold a valid Standard or Retired Standard Commercial Fishing License or valid Land or
23 Sell License.

24 ~~(2)(3)~~ It is lawful it shall be unlawful for a person to hold more Licenses to Land Flounder from the Atlantic
25 Ocean equal to than the number of vessels that he owns the person owns that individually met the
26 eligibility requirements of Parts ~~(b)(1)(A)-(f)(2)(A)~~ and ~~(b)(1)(B)-(f)(2)(B)~~ of this Rule.

27 ~~(3)(4)~~ The the License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel
28 specified at the time of license issuance.

29 ~~(4)(5)~~ At at the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean
30 shall specify the name of the vessel master of the vessel for each License to Land Flounder from the
31 Atlantic Ocean issued.

32 ~~(5)(6)~~ The the holder of the License to Land Flounder from the Atlantic Ocean shall notify the Morehead
33 City Office of the Division of Marine Fisheries within five days of change as to the vessel master
34 identified on the license.

35 ~~(6)(7)~~ Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year and expire
36 on June 30 year.

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

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

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

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

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

15 ~~(e) To obtain a Recreational Fishing Tournament License to Sell Fish, the tournament organizer shall apply with the~~
16 ~~Division of Marine Fisheries at least 30 days prior to the starting date of the tournament with the following required~~
17 ~~information:~~

18 ~~(1) Full name, physical address, mailing address, date of birth, signature of the tournament organizer,~~
19 ~~name of tournament, and dates of tournament on the license application. If the licensee is not~~
20 ~~appearing before a representative of the Division, the licensee's signature shall be notarized on the~~
21 ~~application.~~

22 ~~(2) Current picture identification of tournament organizer. Acceptable forms of picture identification~~
23 ~~are driver's license, state identification card, military identification card, resident alien card (green~~
24 ~~card), or passport; or if purchased by mail, a copy thereof.~~

25 ~~(d) To obtain a Land or Sell License, the following information is required for a proper application:~~

26 ~~(1) Full name, physical address, mailing address, date of birth, and signature of the responsible party or~~
27 ~~master for the vessel on the license application. If the licensee is not appearing before a~~
28 ~~representative of the Division, the licensee's signature on the application shall be notarized on the~~
29 ~~application;~~

30 ~~(2) Current picture identification of responsible party or master. Acceptable forms of picture~~
31 ~~identification are driver's license, state identification card, military identification card, resident alien~~
32 ~~card (green card), or passport; or if applying by mail, a copy thereof;~~

33 ~~(3) Valid documentation papers or current motor boat registration or copy thereof when purchasing a~~
34 ~~commercial fishing vessel registration. If an application for transfer of documentation is pending,~~
35 ~~a copy of the pending application and a notarized bill of sale may be submitted.~~

36 ~~Fees shall be based on the vessel's homeport as it appears on the U.S. Coast Guard documentation papers or the State~~
37 ~~in which the vessel is registered, in accordance with G.S. 113-169.5.~~

1 ~~(e) Proof of residency in North Carolina for:~~

2 ~~(1) Standard Commercial Fishing License or Retired Standard Commercial Fishing License shall~~
3 ~~require a notarized certification from the applicant that the applicant is a resident of the State of~~
4 ~~North Carolina as defined by G.S. 113-130(4); and~~

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

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

9 ~~(C) military identification, military dependent identification and permanent change of station~~
10 ~~orders or assignment orders substantiating individual's active duty assignment at a military~~
11 ~~facility in North Carolina.~~

12 ~~(2) All other types of licenses:~~

13 ~~(A) North Carolina voter registration card; or~~

14 ~~(B) Current North Carolina Driver's License; or~~

15 ~~(C) Current North Carolina Certificate of Domicile; or~~

16 ~~(D) Current North Carolina Identification Card issued by the North Carolina Division of Motor~~
17 ~~Vehicles; or~~

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

21 ~~(f) Applications submitted without complete and required information shall not be processed until all required~~
22 ~~information has been submitted. Incomplete applications shall be returned to the applicant with deficiency in the~~
23 ~~application so noted.~~

24 ~~(g) It is unlawful for a license or registration holder to fail to notify the Division of Marine Fisheries within 30 days~~
25 ~~of a change of name or address, in accordance with G.S. 113-169.2.~~

26 ~~(h) Licenses are available at Offices of the Division or by mail from the Morehead City Office, unless otherwise~~
27 ~~specified. In addition, Recreational Commercial Gear Licenses are available at Wildlife Service Agents who have~~
28 ~~been designated as agents of the Department.~~

29 ~~(i) To renew any Marine Fisheries licenses, endorsements, and commercial fishing vessel registration, except~~
30 ~~Recreational Commercial Gear Licenses, the following is required for the renewal application by the licensee, a~~
31 ~~responsible party, or person holding a power of attorney;~~

32 ~~(1) The information required in Subparagraphs (a)(4), (a)(5), and (a)(6) of this Rule are only required~~
33 ~~if a change has occurred since the last issuance of license, endorsement, or commercial fishing vessel~~
34 ~~registration.~~

35 ~~(2) Certification that articles of incorporation and list of corporate officers, if incorporated, written~~
36 ~~partnership agreement, if written partnership, or documentation papers or motor boat registration~~
37 ~~previously provided for initial license purchase are still valid and current for renewal.~~

- 1 (3) ~~Current and valid state driver's license or state identification picture identification numbers and~~
2 ~~expiration dates shall be verified on mail license renewal applications or any other electronic license~~
3 ~~renewal process, otherwise the licensee shall provide a photocopy for renewal by mail or visit a~~
4 ~~Division License Office and present a current and valid picture identification pursuant to~~
5 ~~Subparagraph (a)(2) of this Rule.~~
- 6 (4) ~~The licensee's or responsible party's signature on the application shall certify all information as true~~
7 ~~and accurate. Notarization of signature on renewal applications shall not be required.~~
- 8 (5) ~~The Division of Marine Fisheries may require current copies of documentation for licenses,~~
9 ~~endorsements, or commercial fishing vessel registration on renewal when necessary to verify~~
10 ~~inconsistent information or the information cannot be verified by independent sources.~~
- 11 (6) ~~If the linear length of the pier has not changed for the Ocean Fishing Pier License renewal, the~~
12 ~~responsible party shall certify that the length is accurate; otherwise, a Marine Patrol Officer's~~
13 ~~signature is required to certify the linear length before the license can be renewed.~~
- 14 (7) ~~Certification that shellfish dealer certification by North Carolina previously provided for issuance~~
15 ~~of Fish Dealer License with clam or oyster categories or consolidated license is still valid and current~~
16 ~~for renewal.~~

17

18 History Note: ~~Authority G.S. 113-134; 113-168; 113-168.1-6; 113-169; 113-169.2-5; 113-171.1; 113-174.3; 113-~~
19 ~~182; 143B-289.52;~~
20 ~~Eff. January 1, 1991;~~
21 ~~Amended Eff. July 1, 1997; March 1, 1994;~~
22 ~~Temporary Amendment Eff. July 1, 1999;~~
23 ~~Amended Eff. August 1, 2000;~~
24 ~~Temporary Amendment Eff. April 1, 2001;~~
25 ~~Amended Eff. May 1, 2015; July 1, 2008; December 1, 2006; August 1, 2004; August 1, 2002;~~
26 ~~Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).~~

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

2
3 **15A NCAC 03O .0102 ~~RECREATIONAL FISHING TOURNAMENT LICENSE TO SELL FISH~~**
4 **PROCEDURES AND REQUIREMENTS TO RENEW LICENSES,**
5 **ENDORSEMENTS, AND COMMERCIAL FISHING VESSEL REGISTRATIONS**

6 ~~(a) It is unlawful for anyone other than the holder of the Recreational Fishing Tournament License to Sell Fish to sell~~
7 ~~fish taken during a recreational fishing tournament.~~

8 ~~(b) Fish to be sold under the Recreational Fishing Tournament License to Sell Fish must be sold only to licensed fish~~
9 ~~dealers and shall comply with all applicable rules of the Marine Fisheries Commission (MFC) or provisions of~~
10 ~~proclamations issued by the Fisheries Director as authorized by the MFC.~~

11 ~~(c) It is unlawful for a licensed recreational fishing tournament organizer to fail to accurately and legibly complete~~
12 ~~and file within 30 days after the last day of the tournament a North Carolina Recreational Fishing Tournament~~
13 ~~Disposition of Proceeds from the Sale of Fish Form provided by the Division.~~

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

16 (b) To renew Division of Marine Fisheries licenses, endorsements, and Commercial Fishing Vessel Registrations,
17 except Recreational Commercial Gear Licenses, a renewal application shall be submitted by the licensee. Applications
18 submitted without complete and required information shall not be processed until all required information has been
19 submitted. Incomplete applications shall be returned to the licensee with deficiency in the application so noted. The
20 following is required for the renewal application:

21 (1) full name, physical address, mailing address, date of birth, and signature of the licensee.

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) the information required in Rule .0101(c)(4) through (c)(8) of this Section, if changed since last
29 issuance of the license, endorsement, or Commercial Fishing Vessel Registration.

30 (5) the information required in Rule .0101(e)(1) of this Section, if the linear length of the Ocean Fishing
31 Pier has changed.

32 (6) a valid Permit and Certificate of Compliance from the Division's Shellfish Sanitation and
33 Recreational Water Quality Section, if renewing a Fish Dealer License with clam or oyster
34 categories or a consolidated license.

35 (7) certification that all information on the application is true and accurate. Notarization of the signature
36 on renewal applications shall not be required.

1 The Division may require current copies of documentation for licenses, endorsements, and Commercial Fishing Vessel
2 Registrations upon renewal when necessary to verify inconsistent information or the information cannot be verified
3 by independent sources.
4

5 *History Note: Authority G.S. 113-134; 113-168; ~~113-168.4~~; 113-168.1-6; 113-169.2-5; 113-171.1; 113-174.3;*
6 *113-182; 143B-289.52;*
7 *Eff. January 1, 1991;*
8 *Amended Eff. March 1, 1994;*
9 *Temporary Amendment Eff. July 1, 1999;*
10 *Amended Eff. April 1, 2020; December 1, 2006; August 1, 2000;*
11 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

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

2
3 **15A NCAC 03O .0103 AUXILIARY VESSELS**

4 (a) ~~Buy boats, run boats, purse boats or any other vessels used in conjunction with commercial fishing operations,~~
5 ~~except vessels without motors used in connection with other vessels with commercial fishing vessel registrations, shall~~
6 ~~have a commercial fishing vessel registration.~~ It shall be unlawful to fail to comply with Commercial Fishing Vessel
7 Registration requirements set forth in G.S. 113-168.6 to operate a buy vessel, run vessel, purse vessel, or any other
8 vessel used in conjunction with a commercial fishing operation, except as specified.

9 (b) ~~A person~~ An individual in command of a vessel that is auxiliary to a vessel with a ~~commercial fishing vessel~~
10 ~~registration~~ Commercial Fishing Vessel Registration with a ~~person~~ an individual aboard who holds a Standard
11 Commercial Fishing License or a Retired Standard Commercial Fishing License engaged in a commercial fishing
12 operation using a pound net, ~~long haul,~~ long haul, or beach seine ~~or purse seine~~ is exempt from the provisions of G.S.
13 113-168.2 (a1).

14
15 *History Note:* Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.5; 113-168.6; ~~113-169;~~ 113-182; 143B-
16 289.52;
17 *Eff. January 1, 1991;*
18 *Temporary Amendment Eff. July 1, 1999;*
19 *Amended Eff. April 1, 2020; August 1, 2000;*
20 *Readopted Eff. May 1, 2021.*

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

2

3 **15A NCAC 03O .0104 COMMERCIAL UNLOADING OF FISH**

4 It ~~is~~ shall be unlawful to unload fish from a vessel in North Carolina ~~which~~ that has been engaged in a commercial
5 fishing operation outside ~~state~~ State waters without possessing a valid:

6 (1) Standard or Retired Standard Commercial Fishing ~~Licenses; or~~ License with applicable
7 endorsement;

8 ~~(2) Menhaden License for Nonresidents Without a Standard Commercial Fishing License; or~~

9 ~~(3)(2)~~ (2) Shellfish License for North Carolina Residents without a Standard Commercial Fishing
10 Licenses; License; or

11 ~~(4)(3)~~ (3) Land or Sell License.

12

13 *History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.4; ~~113-169; 113-169.5; 113-182; 143B-~~*
14 *289.52;*

15 *Eff. January 1, 1991;*

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

17 *Amended Eff. August 1, 2000;*

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

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

2
3 **15A NCAC 03O .0105 REQUIREMENTS FOR BAIT AND MUSSEL DEALERS**

4 ~~(a) Persons dealing in minnows, live shrimp, or both minnows and live shrimp for bait purposes, who are subject to~~
5 ~~licensing requirements under G.S. 113-169.3 are required to purchase only the license applicable to finfish dealers. A~~
6 ~~bona fide dealer in shrimp, licensed under the provisions of G.S. 113-169.3, may, however, deal in minnows as well~~
7 ~~as live shrimp for bait purposes, as an incident of his operations under his shrimp dealer's license.~~

8 ~~(b) Persons dealing in mussels who are subject to licensing requirements under the provisions of G.S. 113-169.3 are~~
9 ~~shall be~~ required to purchase only the license applicable to clam dealers and ~~meet the shellfish dealer certification~~
10 ~~requirements in 15A NCAC 03O .0101(a)(11).~~ shall be required to hold a valid Permit and Certificate of Compliance
11 from the Division of Marine Fisheries Shellfish Sanitation and Recreational Water Quality Section, as described in
12 Rule .0101 of this Section.

13
14 *History Note: Authority G.S. 113-134; 113-169.3; 113-182; 143B-289.52;*
15 *Eff. January 1, 1991;*
16 *Temporary Amendment Eff. July 1, 1999;*
17 *Amended Eff. August 1, 2004; August 1, 2000;*
18 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03O .0107 is proposed for reoption with substantive changes as follows:

2

3 **15A NCAC 03O .0107 ~~LOST-LICENSE REPLACEMENT~~ AND FEES**

4 ~~(a) Lost licenses except Blanket Coastal Recreational Fishing Licenses, endorsements, and commercial fishing vessel~~
5 ~~registration decals may be replaced upon payment of a fee of ten dollars (\$10.00) or a fee equal to the initial cost of~~
6 ~~the license, endorsement, or commercial fishing vessel registration, whichever is less.~~A licensee shall receive a
7 replacement for a commercial license, endorsement, Commercial Fishing Vessel Registration decal, or Recreational
8 Commercial Gear License upon payment to the Division of Marine Fisheries a fee of ten dollars (\$10.00) or a fee
9 equal to the initial cost of the license, endorsement, or Commercial Fishing Vessel Registration, whichever is less.

10 ~~(b) The replacement fee for the Blanket Coastal Recreational Fishing Licenses is five dollars (\$5.00).~~A licensee shall
11 receive a replacement Coastal Recreational Fishing License or a for-hire license as defined in G.S. 113-174.3 upon
12 payment to the Division of Marine Fisheries a fee of five dollars (\$5.00).

13

14 *History Note: Authority G.S. 113-134; 113-168.1; 113-168.6; 113-169.4; 113-173; 113-174.1; 113-174.2; 113-*
15 *174.3; 113-182; 143B-289.52;*
16 *Eff. January 1, 1991;*
17 *Temporary Amendment Eff. July 1, 1999;*
18 *Amended Eff. December 1, 2006; August 1, 2000;*
19 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03O .0109 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 03O .0109 ASSIGNMENT OF ~~SCFL~~ 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 ~~(a)~~(b) The Division of Marine Fisheries shall provide assignment forms to the licensee upon issuance of the Standard
8 Commercial Fishing License. ~~request. Assignment must be made on the Only~~ Division assignment forms. ~~forms shall~~
9 be used to obtain an assignment. On the assignment form, the ~~Standard Commercial Fishing License holder must~~
10 licensee shall designate what, if any, endorsements are included in the assignment. Endorsements ~~may~~ shall not be
11 assigned independent of the Standard Commercial Fishing License. It ~~is~~ shall be unlawful for the ~~Standard Commercial~~
12 Fishing License holder licensee or the assignee to fail to submit within five days the completed assignment form to
13 any office of the Division in person or by mail to the Morehead City ~~Division~~ Office. The Morehead City Office is
14 located at 3441 Arendell Street, Morehead City, North Carolina, 28557. If the completed assignment form is not
15 received by the Division within five days from the date it was signed, the assignment shall be null and void. Incomplete
16 forms shall be returned to the licensee with deficiency in the form so noted. An assignment is in effect from the date
17 specified on the assignment form and when:

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

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

25 ~~(b)~~(d) Assignments ~~terminate when;~~ shall terminate:

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

32 ~~If the properly completely assignment form is not received by the Division within five days from the date it was~~
33 ~~signed, the assignment is null and void. For an extension of time for assignments, a new assignment form must be~~
34 ~~completed in accordance with Subparagraphs (a)(1) – (3) of this Rule.~~

35 ~~(e)~~(e) It ~~is~~ shall be unlawful for an individual assigned a Standard Commercial Fishing License ~~to fail to have available~~
36 ~~ready at hand for inspection all required documents as stated under G.S. 113-168.1. The assignee when involved in a~~
37 ~~commercial fishing operation must~~ to fail to have the original actual Standard Commercial Fishing License ~~and~~

1 ~~License, any assigned endorsements~~ endorsements, and a copy of the assignment form in ~~their~~ the individual's
2 possession ready at hand for ~~inspection~~ inspection in accordance with G.S. 113-168.1.

3 ~~(d)(f)~~ All landings occurring during the time of the assignment shall be credited to the ~~Standard Commercial Fishing~~
4 ~~License holder, licensee,~~ licensee, not the assignee.

5 ~~(e)(g)~~ It ~~is~~ shall be unlawful to be assigned more than a single Standard Commercial Fishing License at any one time.
6 It ~~is~~ shall be unlawful to assign a Standard Commercial Fishing License to more than one individual at any one time.
7 Assignments ~~may~~ shall only be made by the ~~person issued the Standard Commercial Fishing License licensee~~ licensee and
8 ~~may~~ shall not be further assigned by assignees. Masters identified on the Standard Commercial Fishing Licenses of
9 corporations consisting of an individual fishing vessel ~~may~~ shall not assign such licenses.

10 ~~(f)(h)~~ It ~~is~~ shall be unlawful for a person to accept assignment of a Standard Commercial Fishing License for which
11 they are ineligible.

12 ~~(g)~~ ~~Assignments submitted without complete and required information shall be deemed not in effect and shall not be~~
13 ~~considered further until resubmitted with all required information.~~

14 ~~(h)(i)~~ It ~~is~~ shall be unlawful for any assignee of a Standard Commercial Fishing License not to return the assignment
15 and the Standard Commercial Fishing License with any assigned endorsements to the ~~assignor of that license licensee~~ licensee
16 within five days of notice that the assignment has been terminated or a demand by the ~~assignor licensee~~ licensee to return the
17 license.

18
19 *History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.5; 113-169.2; 113-182; 143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Temporary Amendment Eff. October 2, 1999; July 1, 1999;*
22 *Amended Eff. August 1, 2000;*
23 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

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

2

3 **15A NCAC 03O .0110 LICENSE REFUNDS**

4 All license fees are non-refundable except ~~when~~if licenses are issued by the Division of Marine Fisheries in error.

5

6 *History Note: Authority G.S. 113-134; ~~113-168.1; 113-173; 113-182;~~ 143B-289.52; 147-84; ~~1993 (Regular~~
7 ~~Session 1994), c. 576, s. 3;~~*

8 *Eff. March 1, 1995;*

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

10 *Amended Eff. August 1, 2000;*

11 *Readopted Eff. May 1, 2022.*

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

2

3 **15A NCAC 03O .0113 OCEAN FISHING PIER REPORTING REQUIREMENTS**

4 It ~~is shall be~~ unlawful for the responsible party of the Ocean Fishing Pier License to fail to provide to the Division of
5 Marine Fisheries by the 10th of each month a daily count of anglers fishing from the licensed pier from the previous
6 month, including a daily count of zero for days when anglers did not fish. The information shall be submitted on a
7 paper form provided by the Division or via electronic mail to the electronic mail address provided at the time of license
8 ~~application-issuance.~~

9

10 *History Note: Authority G.S. 113-134; 113-169.4; 113-174.1; 113-182; 143B-289.52;*

11 *Eff. April 1, 2011;*

12 *Amended Eff. May 1, 2015;*

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

1 15A NCAC 03R .0111 is proposed for amendment as follows:

2
3 **15A NCAC 03R .0111 PURSE SEINES PROHIBITED**

4 The areas referenced in 15A NCAC 03J .0105(b)(1) are delineated in the following coastal fishing waters of the
5 Atlantic Ocean:

6 ~~(a)(1) It is unlawful to take menhaden or Atlantic thread herring by the use of a purse seine from in the~~
7 Atlantic Ocean within an area bounded by a line extending from a point near the Bald Head
8 Lighthouse ~~(33° 52.3500' N - 78° 00.3000' W)~~ 33° 52.3500' N - 78° 00.3000' W; running
9 southwesterly to a point near the Cape Fear River ship channel buoy "9" ~~(33° 51.5500' N - 78°~~
10 ~~01.5500' W), then~~ 33° 51.5500' N - 78° 01.5500' W; running northwesterly to a point near the foot
11 of the Yaupon Beach Fishing Pier on Oak Island ~~(33° 54.2000' N - 78° 04.9333' W), then~~ 33°
12 54.2000' N - 78° 04.9333' W; following the shoreline easterly to a point near Fort Caswell ~~(33°~~
13 ~~53.2166' N - 78° 01.1833' W), then~~ 33° 53.2166' N - 78° 01.1833' W; running southeasterly ~~back~~
14 to the point of ~~origin~~ beginning;

15 ~~(b)(2) It is unlawful to take menhaden or Atlantic thread herring by the use of a purse seine from in the~~
16 Atlantic Ocean from May 1 through September 30:

17 ~~(1)(a) In that in the~~ area bounded by a line beginning at a point onshore at the northern boundary
18 of Dare County 36° 13.8536' N - 75° 46.3914'W; running easterly 1.5 nautical miles to a
19 point offshore 36° 13.8536'N - 75° 44.3814' W; running southerly parallel to and 1.5
20 nautical miles from the ocean beach to a point 1.5 nautical miles offshore at the northern
21 town limits of Southern Shores 36° 09.0673' N - 75° 44.2225' W; running westerly to a
22 point onshore at the northern town limits of Southern Shores 36° 09.0673' N - 75° 42.2416'
23 W; and

24 ~~(2)(b) In that in the~~ area bounded by a line beginning at a point at the southern limits of Kitty
25 Hawk 36° 03.3187' N - 75° 40.9503' W; running easterly 1.5 nautical miles to a point
26 offshore 36° 03.3187' N - 75° 38.8029' W; running southerly parallel to and 1.5 nautical
27 miles from the ocean beach to a point 1.5 nautical miles offshore of the rock jetty south of
28 Oregon Inlet 35° 46.4052' N - 75° 29.2379' W; running westerly to a point onshore at the
29 rock jetty south of Oregon Inlet 35° 46.4052' N - 75° 31.5369' ~~W;W~~; and

30 ~~(e)(3) It is unlawful to take menhaden or Atlantic thread herring by the use of a purse seine from the in the~~
31 Atlantic Ocean from October 1 through December 31:

32 ~~(1)(a) In that in the~~ area bounded by a line beginning at a point onshore at the northern boundary
33 of Dare County 36° 13.8536' N - 75° 46.3914' W; running easterly 0.5 nautical miles to a
34 point offshore 36° 13.8536' N - 75° 45.6977' W; running southerly parallel to and 0.5
35 nautical miles off the ocean beach to a point 0.5 nautical miles offshore at the northern
36 town limits of Southern Shores 36° 09.0673' N - 75° 43.5514' W; running westerly 0.5

1 nautical miles to a point onshore at the northern town limits of Southern Shores 36°
2 09.0673' N - 75° 44.2416' W; and

3 ~~(2)(b) In that in~~ the area bounded by a line beginning at a point at the southern limits of Kitty
4 Hawk 36° 03.3187' N - 75° 40.9503' W; running easterly 0.5 nautical miles to a point
5 offshore 36° 03.3187' N - 75° 40.2033' W; running southerly parallel to and 0.5 nautical
6 ~~mile-miles~~ off the ocean beach to a point offshore at the rock jetty south of Oregon Inlet
7 35° 46.4052' N - 75° 30.6134' W; running westerly to a point onshore at the rock jetty south
8 of Oregon Inlet 35° 46.4052' N - 75° 31.5369' W.

9
10 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*
11 *Eff. January 1, 1991;*
12 *Amended Eff. October 1, 1993;*
13 *Recodified from 15A NCAC 03R .0011 Eff. December 17, 1996;*
14 *Amended Eff. August 1, 2004;*
15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
16 *2018;*
17 *Amended Eff. (Pending legislative review of 15A NCAC 03J .0105).*