

1 15A NCAC 03I .0108 is proposed for readoption without substantive changes as follows:

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3 **15A NCAC 03I .0108 OCEAN FISHING PIERS**

4 (a) It is unlawful to fish with nets of any kind or from boats within the zone adjacent to any ocean fishing pier meeting
5 the requirements of G.S. 113-185(a), if such zone is marked by one of the following methods or a combination of
6 methods:

7 (1) Yellow range poles at least three inches in diameter and extending not less than six feet above the
8 surface of the ground, and which are parallel to the pier and identified by signs with the name of the
9 pier printed in letters at least three inches high; or

10 (2) Buoys, which shall be yellow in color and not less than nine inches in diameter and extend no less
11 than three feet above the surface of the water.

12 (b) It is unlawful to define a zone that extends more than 750 feet from the pier. When a marking system defines a
13 smaller area than authorized, the limitations on fishing activities shall apply within the marked zone. When the
14 marking system does not include buoys placed seaward of the pier's offshore end, the zone protected under G.S.
15 113-185 shall be limited to the areas parallel to the sides of the pier and shall include no area seaward of the offshore
16 end of the pier.

17 (c) Owners of qualifying ocean piers shall be responsible for complying with all applicable local, state and federal
18 regulations for marking systems.

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20 *History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.52;*

21 *Eff. January 1, 1991;*

22 *Recodified from 15A NCAC 3I .0008 Eff. December 17, 1996;*

23 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03I .0115 is proposed for reoption without substantive changes as follows:

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3 **15A NCAC 03I .0115 REPLACEMENT COSTS OF MARINE AND ESTUARINE RESOURCES - FISH**

4 (a) Fish, as used throughout this Rule, is defined in G.S. 113-129(7).

5 (b) Replacement Costs Distinguished. As it applies to fishes the term "replacement costs" must be distinguished from
6 the "value" of the fish concerned. Except in cases where fish may lawfully be sold on the open market, as with
7 commercially reared species, the monetary value of the specimens cannot be determined easily. The degree of special
8 interest or concern in a particular species by the public, including not only anglers, but conservationists and those to
9 whom the value of fishes is primarily aesthetic, cannot be measured in dollar amounts. The average cost of fish legally
10 taken by anglers including travel and lodging, fishing equipment and bait, excise taxes on equipment, licenses and
11 other fees, may fairly be estimated. This too, however, is a reflection on the value of existing fishery resources rather
12 than a measure of the cost of their replacement. Thus, the relative value of fish species shall be considered only as
13 they may bear on the necessity or desirability of actual replacement.

14 (c) Determining replacement costs. The replacement costs of species of fishes that have been taken, injured, removed,
15 harmfully altered, damaged, or destroyed shall be determined as follows. The weight of each undersized fish shall be
16 adjusted to the average weight of a fish on the minimum legal size established by the Marine Fisheries Commission
17 for that species. The replacement cost shall be calculated based on the greater of either:

- 18 (1) the cost of propagating and rearing the species in a hatchery and the cost of transporting them to
19 areas of suitable habitat; or
20 (2) the average annual ex-vessel value of fish species per pound.

21 (d) The cost of propagating, rearing and transporting the fish and the average annual ex-vessel value of fish species
22 per pound shall be taken from the Division of Marine Fisheries annual statistical report for the calendar year next
23 preceding the year in which the offense was committed. When the cost of propagating, rearing or transporting a
24 particular species is not available, replacement costs shall be calculated based upon the average annual ex-vessel value
25 of the species. When neither the cost of propagating, rearing or transporting a particular species, nor the average
26 annual ex-vessel value of the species is available, replacement costs shall be determined according to the following
27 factors:

- 28 (1) whether the species is classified as endangered or threatened;
29 (2) the relative frequency of occurrence of the species in the state;
30 (3) the extent of existing habitat suitable for the species within the state;
31 (4) the dependency of the species on unique habitat requirements;
32 (5) the cost of improving and maintaining suitable habitat for the species;
33 (6) the cost of capturing the species in areas of adequate populations and transplanting them to areas of
34 suitable habitat with low populations;
35 (7) the availability of the species and the cost of acquisition for restocking purposes;
36 (8) the cost of those species which, when released, have a probability of survival in the wild;

1 (9) the ratio between the natural life expectancy of the species and the period of its probable survival
2 when, having been reared in a hatchery, it is released to the wild.

3 (e) Replacement costs will be assessed for the following fish:

- 4 (1) Alewife (River Herring);
- 5 (2) Amberjacks;
- 6 (3) Anglerfish (Goosefish);
- 7 (4) Bluefish;
- 8 (5) Bonito;
- 9 (6) Butterfish;
- 10 (7) Carp;
- 11 (8) Catfishes;
- 12 (9) Cobia;
- 13 (10) Croaker, Atlantic;
- 14 (11) Cutlassfish, Atlantic;
- 15 (12) Dolphinfish;
- 16 (13) Drum, Black;
- 17 (14) Drum, Red (Channel Bass);
- 18 (15) Eels;
- 19 (16) Flounders;
- 20 (17) Flounders, Fluke;
- 21 (18) Garfish;
- 22 (19) Gizzard Shad;
- 23 (20) Groupers;
- 24 (21) Grunts;
- 25 (22) Hakes;
- 26 (23) Harvestfish;
- 27 (24) Herring, Thread;
- 28 (25) Hickory Shad;
- 29 (26) Hogfish;
- 30 (27) Jacks;
- 31 (28) Kingfishes (Sea Mullet);
- 32 (29) Mackerel, Atlantic;
- 33 (30) Mackerel, King;
- 34 (31) Mackerel, Spanish;
- 35 (32) Menhaden, Atlantic;
- 36 (33) Mulletts;
- 37 (34) Perch, White;

- 1 (35) Perch, Yellow;
- 2 (36) Pigfish;
- 3 (37) Pompano;
- 4 (38) Porgies;
- 5 (39) Scup;
- 6 (40) Sea Basses;
- 7 (41) Seatrout, Spotted;
- 8 (42) Shad (American);
- 9 (43) Sharks;
- 10 (44) Sharks, Dogfish;
- 11 (45) Sheepshead;
- 12 (46) Skippers;
- 13 (47) Snappers;
- 14 (48) Spadefish, Atlantic;
- 15 (49) Spot;
- 16 (50) Striped Bass;
- 17 (51) Swellfishes (Puffers);
- 18 (52) Swordfish;
- 19 (53) Tilefish;
- 20 (54) Triggerfish;
- 21 (55) Tuna;
- 22 (56) Wahoo;
- 23 (57) Weakfish (Grey Trout);
- 24 (58) Whiting;
- 25 (59) Wreckfish;
- 26 (60) Unclassified Fish;
- 27 (61) Brown Shrimp;
- 28 (62) Pink Shrimp;
- 29 (63) Rock Shrimp;
- 30 (64) White Shrimp;
- 31 (65) Unclassified Shrimp;
- 32 (66) Clam, Hard;
- 33 (67) Conchs;
- 34 (68) Crabs, Blue, Hard;
- 35 (69) Crabs, Blue, Soft;
- 36 (70) Octopus;
- 37 (71) Oyster;

- 1 (72) Scallop, Bay;
- 2 (73) Scallop, Calico;
- 3 (74) Scallop, Sea;
- 4 (75) Squid;
- 5 (76) Unclassified Shellfish.

6 (f) Cost of Investigations:

- 7 (1) Factors to be Considered. Upon any investigation required as provided by G.S. 143-215.3(a)(7) or
8 by court order for the purpose of determining the cost of replacement of marine and estuarine
9 resources which have been killed, taken, injured, removed, harmfully altered, damaged, or
10 destroyed, the factors to be considered in determining the cost of the investigation are as follows:
 - 11 (A) the time expended by the employee or employees making the investigation, including travel
12 time between the place of usual employment and the site of the investigation, and the time
13 required in formulating and rendering the report;
 - 14 (B) the cost of service to the state of each employee concerned, including annual salary,
15 hospitalization insurance, and the state's contribution to social security taxes and to the
16 applicable retirement system;
 - 17 (C) subsistence of the investigating personnel, including meals, reasonable gratuities, and
18 lodging away from home, when required;
 - 19 (D) the cost of all necessary transportation;
 - 20 (E) the use or rental of boats and motors, when required;
 - 21 (F) the cost of cleaning or repairing any uniform or clothing that may be damaged, soiled or
22 contaminated by reason of completing the investigation;
 - 23 (G) the cost of necessary telephonic communications;
 - 24 (H) any other expense directly related to and necessitated by the investigation.
- 25 (2) Computation of Costs. In assessing the cost of time expended in completing the investigation, the
26 time expended by each person required to take part in the investigation shall be recorded in hours,
27 the value of which shall be computed according to the ratio between the annual cost of service of
28 the employee and his total annual working hours (2087 hours reduced by holidays, annual leave
29 entitlement, and earned sick leave). Other costs shall be assessed as follows:
 - 30 (A) subsistence: the per diem amount for meals, reasonable gratuities, and lodging away from
31 home, not to exceed the then current maximum per diem for state employees;
 - 32 (B) transportation: total mileage by motor vehicle multiplied by:
 - 33 (i) the then current rate per mile for travel by state-owned vehicle; or
 - 34 (ii) the then current rate per mile for travel by privately owned vehicle, as applicable;
 - 35 (C) boat and motor: ten dollars (\$10.00) per hour;
 - 36 (D) uniform and clothing cleaning and repair: actual cost;
 - 37 (E) telephonic communications: actual cost;

1 (F) other expenses: actual cost.

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3 *History Note: Authority G.S. 113-134; 113-267; 143B-289.52;*

4 *Eff. March 1, 1995;*

5 *Recodified from 15A NCAC 31.0015 Eff. December 17, 1996;*

6 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03I .0122 is proposed for readoption without substantive changes as follows:
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3 **15A NCAC 03I .0122 USER CONFLICT RESOLUTION**

4 (a) In order to address user conflicts, the Fisheries Director may, by proclamation, impose any or all of the following
5 restrictions:

- 6 (1) specify time;
- 7 (2) specify area;
- 8 (3) specify means and methods;
- 9 (4) specify seasons; and
- 10 (5) specify quantity.

11 This authority may be used based on the Fisheries Director's own findings or on the basis of a valid request in
12 accordance with Paragraph (b) of this Rule. The Fisheries Director shall hold a public meeting in the area of the user
13 conflict prior to issuance of a proclamation based on his or her own findings.

14 (b) Request for user conflict resolution:

- 15 (1) Any person(s) desiring user conflict resolution may make such request in writing addressed to the
16 Director of the Division of Marine Fisheries, P.O. Box 769, 3441 Arendell St., Morehead City, NC
17 28557-0769. A request shall contain the following information:
 - 18 (A) a map of the affected area including an inset vicinity map showing the location of the area
19 with detail sufficient to permit on-site identification and location;
 - 20 (B) identification of the user conflict causing a need for user conflict resolution;
 - 21 (C) recommended solution for resolving user conflict; and
 - 22 (D) name and address of the person(s) requesting user conflict resolution.
- 23 (2) Within 90 days of the receipt of the information required in Subparagraph (b)(1) of this Rule, the
24 Fisheries Director shall review the information and determine if user conflict resolution is necessary.
25 If user conflict resolution is not necessary, the Fisheries Director shall deny the request. If user
26 conflict resolution is necessary, the Fisheries Director or designee shall hold a public meeting in the
27 area of the user conflict. The requestor shall present his or her request at the public meeting.
- 28 (3) Following the public meeting as described in Subparagraph (b)(2) of this Rule, the Fisheries Director
29 shall refer the users in the conflict for mediation or deny the request. If the user conflict cannot be
30 resolved through mediation, the Fisheries Director shall submit for approval a proclamation to the
31 Marine Fisheries Commission that addresses the conflict.
- 32 (4) Proclamations issued under this Rule shall suspend appropriate rules or portions of rules under the
33 authority of the Marine Fisheries Commission as specified in the proclamation. The provisions of
34 Rule .0102 of this Section terminating suspension of a rule pending the next Marine Fisheries
35 Commission meeting and requiring review by the Marine Fisheries Commission at the next meeting
36 shall not apply to proclamations issued under this Rule.

1 *History Note: Authority G.S. 113-134; 113-181; 113-182; 113-221.1; 143B-289.52;*
2 *Eff. May 1, 2015;*
3 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03J .0103 is proposed for readoption without substantive changes as follows:

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3 **15A NCAC 03J .0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS**

4 (a) It is unlawful to use gill nets:

- 5 (1) with a mesh length less than two and one-half inches; and
- 6 (2) in Internal Coastal Waters from April 15 through December 15, with a mesh length five inches or
7 greater and less than five and one-half inches.

8 (b) The Fisheries Director may, by proclamation, limit or prohibit the use of gill nets or seines in Coastal Fishing
9 Waters, or any portion thereof, or impose any or all of the following restrictions on gill net or seine fishing operations:

- 10 (1) specify time;
- 11 (2) specify area;
- 12 (3) specify means and methods, including:
 - 13 (A) gill net mesh length, but the maximum length specified shall not exceed six and one-half
14 inches in Internal Coastal Waters; and
 - 15 (B) net number and length, but for gill nets with a mesh length four inches or greater, the
16 maximum length specified shall not exceed 2,000 yards per vessel in Internal Coastal
17 Waters regardless of the number of individuals involved; and
- 18 (4) specify season.

19 (c) It is unlawful to use fixed or stationary gill nets in the Atlantic Ocean, drift gill nets in the Atlantic Ocean for
20 recreational purposes, or any gill nets in Internal Coastal Waters unless nets are marked by attaching to them at each
21 end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less than five inches in
22 diameter and no less than five inches in length. Gill nets that are not connected together at the top line are considered
23 as individual nets, requiring two buoys at each end of each individual net. Gill nets connected together at the top line
24 are considered as a continuous net requiring two buoys at each end of the continuous net. Any other marking buoys
25 on gill nets used for recreational purposes shall be yellow except one additional buoy, any shade of hot pink in color,
26 constructed as specified in this Paragraph, shall be added at each end of each individual net. Any other marking buoys
27 on gill nets used in commercial fishing operations shall be yellow except that one additional identification buoy of
28 any color or any combination of colors, except any shade of hot pink, may be used at either or both ends. The owner
29 shall be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic
30 tags to the buoys. Such identification shall include owner's last name and initials and if a vessel is used, one of the
31 following:

- 32 (1) owner's N.C. motor boat registration number; or
- 33 (2) owner's U.S. vessel documentation name.

34 (d) It is unlawful to use gill nets:

- 35 (1) within 200 yards of any flounder or other finfish pound net set with lead and either pound or heart
36 in use, except from August 15 through December 31 in all Coastal Fishing Waters of the Albemarle
37 Sound, including its tributaries to the boundaries between Coastal and Joint Fishing Waters, west of

1 a line beginning at a point 36° 04.5184' N - 75° 47.9095' W on Powell Point; running southerly to a
2 point 35° 57.2681' N - 75° 48.3999' W on Caroon Point, it is unlawful to use gill nets within 500
3 yards of any pound net set with lead and either pound or heart in use; and

4 (2) from March 1 through October 31 in the Intracoastal Waterway within 150 yards of any railroad or
5 highway bridge.

6 (e) It is unlawful to use gill nets within 100 feet either side of the center line of the Intracoastal Waterway Channel
7 south of the entrance to the Alligator-Pungo River Canal near Beacon "54" in Alligator River to the South Carolina
8 line, unless such net is used in accordance with the following conditions:

9 (1) no more than two gill nets per vessel may be used at any one time;

10 (2) any net used must be attended by the fisherman from a vessel who shall at no time be more than 100
11 yards from either net; and

12 (3) any individual setting such nets shall remove them, when necessary, in sufficient time to permit
13 unrestricted vessel navigation.

14 (f) It is unlawful to use runaround, drift, or other non-stationary gill nets, except as provided in Paragraph (e) of this
15 Rule:

16 (1) to block more than two-thirds of any natural or manmade waterway, sound, bay, creek, inlet, or any
17 other body of water; or

18 (2) in a location where it will interfere with navigation.

19 (g) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation
20 in the gill net attended areas designated in 15A NCAC 03R .0112(a).

21 (h) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation
22 from May 1 through November 30 in the Internal Coastal Waters and Joint Fishing Waters of the state designated in
23 15A NCAC 03R .0112(b).

24 (i) It is unlawful for any portion of a gill net with a mesh length five inches or greater to be within 10 feet of any point
25 on the shoreline while set or deployed, unless the net is attended from June through October in Internal Coastal Waters.

26 (j) For the purpose of this Rule and 15A NCAC 03R .0112, "shoreline" is defined as the mean high water line or
27 marsh line, whichever is more seaward.

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29 *History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221.1; 143B-289.52;*

30 *Eff. January 1, 1991;*

31 *Amended Eff. August 1, 1998; March 1, 1996; March 1, 1994; July 1, 1993; September 1, 1991;*

32 *Temporary Amendment Eff. October 2, 1999; July 1, 1999; October 22, 1998;*

33 *Amended Eff. April 1, 2001;*

34 *Temporary Amendment Eff. May 1, 2001;*

35 *Amended Eff. April 1, 2016; April 1, 2009; December 1, 2007; September 1, 2005; August 1, 2004;*

36 *August 1, 2002;*

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

1 15A NCAC 03J .0104 is proposed for readoption without substantive changes as follows:

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3 **15A NCAC 03J .0104 TRAWL NETS**

4 (a) It is unlawful to possess aboard a vessel while using a trawl net in Internal Coastal Waters more than 500 pounds
5 of finfish from December 1 through March 1, and 1,000 pounds of finfish from March 2 through November 30.

6 (b) It is unlawful to use trawl nets:

7 (1) in Internal Coastal Waters from 9:00 p.m. on Friday through 5:00 p.m. on Sunday, except:

8 (A) from December 1 through March 1 from one hour after sunset on Friday to one hour before
9 sunrise on Monday in the areas listed in Subparagraph (b)(5) of this Rule; or

10 (B) for a holder of a Permit for Weekend Trawling for Live Shrimp in accordance with 15A
11 NCAC 03O .0503;

12 (2) for the taking of oysters;

13 (3) in Albemarle Sound, Currituck Sound, and their tributaries, west of a line beginning on the south
14 shore of Long Point at a point 36° 02.4910' N – 75° 44.2140' W; running southerly to the north shore
15 on Roanoke Island to a point 35° 56.3302' N – 75° 43.1409' W; running northwesterly to Caroon
16 Point to a point 35° 57.2255' N – 75° 48.3324' W;

17 (4) in the areas described in 15A NCAC 03R .0106, except that the Fisheries Director may, by
18 proclamation, open the area designated in Item (1) of 15A NCAC 03R .0106 to peeler crab trawling;

19 (5) from December 1 through March 1 from one hour after sunset to one hour before sunrise in the
20 following areas:

21 (A) in Pungo River, north of a line beginning on Currituck Point at a point 35° 24.5833' N –
22 76° 32.3166' W; running southwesterly to Wades Point to a point 35° 23.3062' N – 76°
23 34.5135' W;

24 (B) in Pamlico River, west of a line beginning on Wades Point at a point 35° 23.3062' N – 76°
25 34.5135' W; running southwesterly to Fulford Point to a point 35° 19.8667' N – 76°
26 35.9333' W;

27 (C) in Bay River, west of a line beginning on Bay Point at a point 35° 11.0858' N – 76° 31.6155'
28 W; running southerly to Maw Point to a point 35° 09.0214' N – 76° 32.2593' W;

29 (D) in Neuse River, west of a line beginning on the Minnesott side of the Neuse River Ferry at
30 a point 34° 57.9116' N – 76° 48.2240' W; running southerly to the Cherry Branch side of
31 the Neuse River Ferry to a point 34° 56.3658' N – 76° 48.7110' W; and

32 (E) in New River, all waters upstream of the N.C. Highway 172 Bridge when opened by
33 proclamation; and

34 (6) in designated pot areas opened to the use of pots by 15A NCAC 03J .0301(a)(2) and described in
35 15A NCAC 03R .0107(a)(5), (a)(6), (a)(7), (a)(8), and (a)(9) within an area bound by the shoreline
36 to the depth of six feet.

37 (c) Mesh sizes for shrimp and crab trawl nets shall meet the requirements of 15A NCAC 03L .0103 and .0202.

1 (d) The Fisheries Director may, with prior consent of the Marine Fisheries Commission, by proclamation, require
2 bycatch reduction devices or codend modifications in trawl nets to reduce the catch of finfish that do not meet size
3 limits or are unmarketable as individual foodfish by reason of size.

4 (e) It is unlawful to use shrimp trawl nets for recreational purposes unless the trawl net is marked by attaching to the
5 codend (tailbag) one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant
6 material no less than five inches in diameter and no less than five inches in length. The owner shall be identified on
7 the buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. Such identification
8 shall include owner's last name and initials and, if a vessel is used, one of the following:

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

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

11 (f) It is unlawful to use shrimp trawl nets for the taking of blue crabs in Internal Coastal Waters, except that it shall
12 be permissible to take or possess blue crabs incidental to shrimp trawling in accordance with the following limitations:

13 (1) for individuals using shrimp trawl nets authorized by a Recreational Commercial Gear License, 50
14 blue crabs per day, not to exceed 100 blue crabs if two or more Recreational Commercial Gear
15 License holders are on board the same vessel; and

16 (2) for commercial operations, crabs may be taken incidental to lawful shrimp trawl net operations
17 provided that the weight of the crabs shall not exceed the greater of:

18 (A) 50 percent of the total weight of the combined crab and shrimp catch; or

19 (B) 300 pounds.

20 (g) The Fisheries Director may, by proclamation, close any area to trawling for specific time periods in order to secure
21 compliance with this Rule.

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23 *History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221.1; 143B-289.52;*

24 *Eff. February 1, 1991;*

25 *Amended Eff. August 1, 1998; May 1, 1997; March 1, 1994; February 1, 1992;*

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

27 *Amended Eff. May 1, 2017; April 1, 2014; April 1, 2009; September 1, 2005; August 1, 2004; August*
28 *1, 2000;*

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

1 15A NCAC 03J .0106 is proposed for readoption without substantive changes as follows:

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3 **15A NCAC 03J .0106 CHANNEL NETS**

4 (a) It is unlawful to use a channel net:

- 5 (1) Until the Fisheries Director specifies by proclamation, time periods and areas for the use of channel
6 nets and other fixed nets for shrimping.
7 (2) Without yellow light reflective tape on the top portion of each staff or stake and on any buoys located
8 at either end of the net.
9 (3) With any portion of the set including boats, anchors, cables, ropes or nets within 50 feet of the center
10 line of the Intracoastal Waterway Channel.
11 (4) In the middle third of any navigation channel marked by Corps of Engineers or U.S. Coast Guard.
12 (5) Unless attended by the fisherman who shall be no more than 50 yards from the net at all times.

13 (b) It is unlawful to use or possess aboard a vessel any channel net with a corkline exceeding 40 yards.

14 (c) It is unlawful to leave any channel net, channel net buoy, or channel net stakes in coastal fishing waters from
15 December 1 through March 1.

16 (d) It is unlawful to use floats or buoys of metallic material for marking a channel net set.

17 (e) From March 2 through November 30, cables used in a channel net operation shall, when not attached to the net,
18 be connected together and any attached buoy shall be connected by non-metal line.

19 (f) It is unlawful to leave channel net buoys in coastal fishing waters without yellow light reflective tape on each buoy
20 and without the owner's identification being legibly printed on each buoy. Such identification must include one of the
21 following:

- 22 (1) Owner's N.C. motorboat registration number; or
23 (2) Owner's U.S. vessel documentation name; or
24 (3) Owner's last name and initials.

25 (g) It is unlawful to use any channel nets, anchors, lines, or buoys in such a manner as to constitute a hazard to
26 navigation.

27 (h) It is unlawful to use channel nets for the taking of blue crabs in internal waters, except that it shall be permissible
28 to take or possess blue crabs incidental to channel net operations in accordance with the following limitations:

- 29 (1) Crabs may be taken incidental to lawful channel net operations provided that the weight of the crabs
30 shall not exceed:
31 (A) 50 percent of the total weight of the combined crab and shrimp catch; or
32 (B) 300 pounds, whichever is greater.
33 (2) The Fisheries Director may, by proclamation, close any area to channel net use for specific time
34 periods in order to secure compliance with this Paragraph.

35
36 *History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;
37 Eff. January 1, 1991;

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Amended Eff. September 1, 2005;

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

1 15A NCAC 03J .0111 is proposed for reoption without substantive changes as follows:
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3 **15A NCAC 03J .0111 FYKE OR HOOP NETS**

4 (a) It is unlawful to use fyke or hoop nets in coastal fishing waters without:

5 (1) the owner's identification being clearly printed on a sign no less than six inches square, securely
6 attached on an outside corner stake of each such net; or

7 (2) each net being marked by attaching a floating buoy to a single net and a buoy on each end of the
8 line connecting multiple (two or more) nets, when stakes are not used. Buoys shall be of solid foam
9 or other solid buoyant material and no less than five inches in diameter and no less than five inches
10 in length. Buoys shall be of any color except yellow or hot pink. The owner shall always be
11 identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags
12 attached to the buoy. Such identification shall include the gear owner's current motorboat
13 registration number and the gear owner's last name and initials.

14 (b) It is unlawful to use a fyke or hoop net within 200 yards of any operational pound net set.

15 (c) It is unlawful to use a fyke or hoop net within 150 yards of any railroad or highway bridge.
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17 *History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;*

18 *Temporary Adoption Eff. August 1, 2000;*

19 *Amended Eff. April 1, 2003; April 1, 2001;*

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

1 15A NCAC 03J .0202 is proposed for readoption without substantive changes as follows:

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3 **15A NCAC 03J .0202 ATLANTIC OCEAN**

4 In the Atlantic Ocean:

- 5 (1) It is unlawful to use nets from June 15 through August 15 in the waters of Masonboro Inlet or in the
6 ocean within 300 yards of the beach between Masonboro Inlet and a line running southeasterly
7 through the water tank 34° 13.1500'N - 77° 47.300' W on the northern end of Wrightsville Beach, a
8 distance of 4400 yards parallel with the beach.
- 9 (2) It is unlawful to use trawls within one-half mile of the beach between the Virginia line and Oregon
10 Inlet.
- 11 (3) It is unlawful to use a trawl with a mesh length less than four inches in the main body, three inches
12 in the extension, and one and three-fourths inches in the cod end or tail bag inshore of a line
13 beginning on the western side of Beaufort Inlet Channel at a point 34° 41.3000' N - 76° 40.1333' W;
14 running westerly parallel to and one-half miles from the shore off Salter Path to a point 34° 40.5333'
15 N - 76° 53.7500' W.
- 16 (4) It is unlawful to use trawl nets, including flynets, southwest of the 9960-Y chain 40250 LORAN C
17 line (running offshore in a southeasterly direction) from Cape Hatteras to the North Carolina/South
18 Carolina line except:
- 19 (A) Shrimp trawls as defined in 15A NCAC 03L .0103;
20 (B) Crab trawls as defined in 15A NCAC 03L .0202; or
21 (C) Flounder trawls as defined in 15A NCAC 03M .0503.
- 22 (5) It is unlawful to possess finfish (including pursuant to 15A NCAC 03M .0102) incidental to shrimp
23 or crab trawl operations from December 1 through March 31 unless the weight of the combined
24 catch of shrimp and crabs exceeds the weight of finfish, except an additional 300 pounds of kingfish
25 (*Menticirrhus*, spp.) may be taken south of Bogue Inlet.
- 26 (6) It is unlawful to use unattended gill nets or block or stop nets in the Atlantic Ocean within 300 yards
27 of the beach from Beaufort Inlet to the South Carolina line from sunset Friday to sunrise Monday
28 from Memorial Day through Labor Day.
- 29 (7) It is unlawful to use gill nets in the Atlantic Ocean with a mesh length greater than seven inches
30 from April 15 through December 15.
- 31 (8) It is unlawful to use shrimp trawls in all waters west of a line beginning at the southeastern tip of
32 Baldhead Island at a point 33° 50.4833' N - 77° 57.4667' W; running southerly in the Atlantic Ocean
33 to a point 33° 46.2667' N - 77° 56.4000' W; from 9:00 P.M. through 5:00 A.M.

34
35 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*
36 *Eff. January 1, 1991;*
37 *Amended Eff. March 1, 1996; September 1, 1991;*

1 *Temporary Amendment Eff. December 1, 1997;*
2 *Amended Eff. October 1, 2008; August 1, 2004; August 1, 1998;*
3 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03J .0208 is proposed for reoption without substantive changes as follows:

2

3 **15A NCAC 03J .0208 NEW RIVER**

4 (a) It is unlawful to use trawl nets except skimmer trawls upstream of the Highway 172 Bridge over New River.

5 (b) It is unlawful to use skimmer trawls upstream of the Highway 172 Bridge over New River from 9:00 P.M. through
6 5:00 A.M. from August 16 through November 30.

7

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

9 *Eff. August 1, 1998;*

10 *Amended Eff. May 1, 2015; August 1, 2004;*

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

1 15A NCAC 03J .0401 is proposed for readoption without substantive changes as follows:
2

3 **SECTION .0400 - FISHING GEAR**
4

5 **15A NCAC 03J .0401 FISHING GEAR**

6 (a) The Fisheries Director in order to address issues involving user conflicts may, by proclamation, close the areas
7 described in Paragraph (b) of this Rule to the use of specific fishing gear.

8 (b) It is unlawful to use fishing gear as specified by proclamation at the time and dates specified in the proclamation
9 between the Friday before Easter through December 31 in the following areas when such areas have been closed by
10 proclamation:

- 11 (1) All or part of the Atlantic Ocean, up to one-half mile from the beach;
12 (2) Up to one-half mile in all directions of Oregon Inlet;
13 (3) Up to one-half mile in all directions of Hatteras Inlet;
14 (4) Up to one-half mile in all directions of Ocracoke Inlet;
15 (5) Up to one-half mile of the Cape Lookout Rock Jetty;
16 (6) Up to one-half mile in all directions of fishing piers open to the public;
17 (7) Up to one-half mile in all directions of State Parks;
18 (8) Up to one-half mile of marinas as defined by the Coastal Resources Commission.

19 (c) The Fisheries Director shall specify in the proclamation the boundaries of the closure through the use of maps,
20 legal descriptions, prominent landmarks or other permanent type markers.

21 (d) The Fisheries Director shall hold a public meeting in the affected area before issuance of proclamations authorized
22 by this Rule.

23
24 *History Note: Authority G.S. 113-133; 113-134; 113-182; 113-221; 143B-289.52;*
25 *Eff. July 1, 1993;*
26 *Amended Eff. June 1, 1996; March 1, 1995; October 1, 1993;*
27 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03J .0402 is proposed for readoption without substantive changes as follows:

2
3 **15A NCAC 03J .0402 FISHING GEAR RESTRICTIONS**

4 (a) It is unlawful to use commercial fishing gear in the following areas during dates and times specified for the
5 identified areas:

6 (1) Atlantic Ocean - Dare County:

7 (A) Nags Head:

8 (i) Seines and gill nets may not be used from the North Town Limit of Nags Head at
9 Eight Street southward to Gulf Street:

10 (I) From Wednesday through Saturday of the week of the Nags Head Surf
11 Fishing Tournament held during October of each year the week prior to
12 Columbus Day.

13 (II) From November 1 through December 15.

14 (ii) Commercial fishing gear may not be used within 750 feet of licensed fishing piers
15 when open to the public.

16 (B) Oregon Inlet. Seines and gill nets may not be used from the Friday before Easter through
17 December 31:

18 (i) Within one-quarter mile of the beach from the National Park Service Ramp #4
19 (35° 48.2500' N - 75° 32.7000' W) on Bodie Island to the northern terminus of the
20 Bonner Bridge (35° 46.5000' N - 75° 32.3666' W) on Hwy. 12 over Oregon Inlet.

21 (ii) Within the area known locally as "The Pond", a body of water generally located
22 to the northeast of the northern terminus of the Bonner Bridge.

23 (C) Cape Hatteras (Cape Point). Seines and gill nets may not be used within one-half mile of
24 Cape Point from the Friday before Easter through December 31. The closed area is defined
25 by a circle with a one-half mile radius having the center near Cape Point at a point 35°
26 12.9000' N - 75° 31.7166' W.

27 (2) Atlantic Ocean - Onslow and Pender Counties. Commercial fishing gear may not be used during
28 the time specified for the following areas:

29 (A) Topsail Beach. From January 1 through December 31, that area around Jolly Roger Fishing
30 Pier bordered on the offshore side by a line 750 feet from the end of the pier and on the
31 northeast and southwest by a line beginning at a point on the beach one-quarter mile from
32 the pier extending seaward to intersect the offshore boundary.

33 (B) Surf City:

34 (i) From January 1 to June 30, that area around the Surf City Fishing Pier bordered
35 on the offshore side by a line 750 feet from the end of the pier, on the southwest
36 by a line beginning at a point on the beach one-quarter mile from the pier and on

1 the northeast by a line beginning at a point on the beach 750 feet from the pier
2 extending seaward to intersect the offshore boundaries.

3 (ii) From July 1 to December 31, those areas around the pier bordered on the offshore
4 side by a line 750 feet from the end of the pier, on the southwest by a line
5 beginning at a point on the beach 750 feet from the pier and on the northeast by a
6 line beginning at a point on the beach one-quarter mile from the pier extending
7 seaward to intersect the offshore boundaries.

8 (3) Atlantic Ocean - New Hanover County. Carolina Beach Inlet through Kure Beach. Commercial
9 fishing gear may not be used during the times specified for the following areas:

10 (A) From the Friday before Easter to November 30, within the zones adjacent to the Carolina
11 Beach and Kure Beach Fishing Piers bordered on the offshore side by a line 750 feet from
12 the ends of the piers and on the north and south by a line beginning at a point on the beach
13 one-quarter mile from the pier extending seaward to intersect the offshore boundary, except
14 the southern boundary for Kure Beach Pier is a line beginning on the beach one mile south
15 of the pier to the offshore boundary for the pier.

16 (B) From May 1 to November 30, within 900 feet of the beach, from Carolina Beach Inlet to
17 the southern end of Kure Beach with the following exceptions:

18 (i) From one-quarter mile north of Carolina Beach Fishing pier to Carolina Beach
19 Inlet from October 1 to November 30:

20 (I) Strike nets may be used within 900 feet of the beach;

21 (II) Attended nets may be used between 900 feet and one-quarter mile of the
22 beach.

23 (ii) Strike nets and attended gill nets may be used within 900 feet of the beach from
24 October 1 to November 30 in other areas except those described in Part (a)(3)(A)
25 and Subpart (a)(3)(B)(i) of this Rule.

26 (iii) It is unlawful to use commercial fishing gear within 900 feet of the beach from
27 Carolina Beach Inlet to a point on the beach 33°55.0026' N – 77°56.6630' W near
28 the former location of New Inlet during the October surf fishing tournament in
29 Carolina Beach.

30 (4) Pamlico River – Beaufort County. Goose Creek State Park. Commercial fishing gear may not be
31 used from the Friday before Easter through December 31 for the following areas:

32 (A) Within 150 feet of the shoreline within park boundaries;

33 (B) Within the marked channel from Dinah Landing to the mouth of Upper Goose Creek.

34 (b) It is unlawful to use gill nets or seines in the following areas during dates and times specified for the identified
35 areas:

36 (1) Neuse River and South River, Carteret County. No more than 1,200 feet of gill net(s) having a
37 stretched mesh of five inches or larger may be used:

- 1 (A) Within one-half mile of the shore from Winthrop Point at Adams Creek to Channel Marker
2 "2" at the mouth of Turnagain Bay.
- 3 (B) Within South River.
- 4 (2) Cape Lookout, Carteret County:
- 5 (A) Gill nets or seines may not be used in the Atlantic Ocean within 300 feet of the Rock Jetty
6 (at Cape Lookout between Power Squadron Spit and Cape Point).
- 7 (B) Seines may not be used within one-half mile of the shore from Power Squadron Spit south
8 to Cape Point and northward to Cape Lookout Lighthouse including the area inside the
9 "hook" south of a line from the COLREGS Demarcation Line across Bardens Inlet to the
10 eastern end of Shackleford Banks and then to the northern tip of Power Squadron Spit from
11 12:01 a.m. Saturdays until 12:01 a.m. Mondays from May 1 through November 30.
- 12 (3) State Parks/Recreation Areas:
- 13 (A) Gill nets or seines may not be used in the Atlantic Ocean within one-quarter mile of the
14 shore at Fort Macon State Park, Carteret County.
- 15 (B) Gill nets or seines may not be used in the Atlantic Ocean within one-quarter mile of the
16 shore at Hammocks Beach State Park, Onslow County, from May 1 through October 1,
17 except strike nets and attended gill nets may be used beginning August 15.
- 18 (C) Gill nets or seines may not be used within the boat basin and marked entrance channel at
19 Carolina Beach State Park, New Hanover County.
- 20 (4) Mooring Facilities/Marinas. Gill nets or seines may not be used from May 1 through November 30
21 within:
- 22 (A) One-quarter mile of the shore from the east boundary fence to the west boundary fence at
23 U.S. Coast Guard Base Fort Macon at Beaufort Inlet, Carteret County;
- 24 (B) Canals within Pine Knoll Shores, Carteret County;
- 25 (C) Spooners Creek entrance channel and marina on Bogue Sound, Carteret County; Harbor
26 Village Marina on Topsail Sound, Pender County; and Marina and entrance canal within
27 Carolina Marlin Club property adjacent to Newport River, Carteret County.
- 28 (5) Masonboro Inlet. Gill nets and seines may not be used:
- 29 (A) Within 300 feet of either rock jetty; and
- 30 (B) Within the area beginning 300 feet from the offshore end of the jetties to the Intracoastal
31 Waterway including all the waters of the inlet proper and all the waters of Shinn Creek.
- 32 (6) Atlantic Ocean Fishing Piers. At a minimum, gill nets and seines may not be used within 300 feet
33 of ocean fishing piers when open to the public. If a larger closed area has been delineated by the
34 placement of buoys or beach markers as authorized by G.S. 113-185(a), it is unlawful to fish from
35 vessels or with nets within the larger marked zone.
- 36 (7) Topsail Beach, Pender County. It is unlawful to use gill nets and seines from 4:00 p.m. Friday until
37 6:00 a.m. the following Monday in the three finger canals on the south end of Topsail Beach.

1 (8) Mad Inlet to Tubbs Inlet - Atlantic Ocean, Brunswick County. It is unlawful to use gill nets and
2 seines from September 1 through November 15, except that a maximum of four commercial gill
3 nets per vessel not to exceed 200 yards in length individually or 800 yards in combination may be
4 used.

5 (9) Spooners Creek, Carteret County. It is unlawful to use gill nets and seines between sunset and
6 sunrise in Spooners Creek entrance channel in Bogue Sound, all of Spooners Creek proper and the
7 adjoining tributary canals and channels.

8
9 *History Note:* *Authority G.S. 113-133; 113-134; 113-182; 113-221; 143B-289.52;*
10 *Eff. March 1, 1996;*
11 *Amended Eff. October 1, 2004; August 1, 2004; April 1, 2001;*
12 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*