

1 15A NCAC 03O .0101 is readopted as published in 36:07 NCR 482-485 as follows:

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

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5 **SECTION .0100 - LICENSES**

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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)~~ (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)~~ (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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Ocean Fishing Pier License:

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

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

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

(7) Spotter Plane License:

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

(B) the current aircraft registration; and

(C) a list of operators.

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

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

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

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

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

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

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

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

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

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

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

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

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; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1997; March 1, 1994;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2000;
Temporary Amendment Eff. April 1, 2001;
Amended Eff. May 1, 2015; July 1, 2008; December 1, 2006; August 1, 2004; August 1, 2002;
Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

1 15A NCAC 03O .0209 is readopted with changes as published in 36:07 NCR 491-492 as follows:

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3 **15A NCAC 03O .0209 ~~TRANSFER OF INTEREST~~ ASSIGNMENT OF SHELLFISH LEASES AND**
4 **FRANCHISES**

5 (a) For the purpose of effecting assignments of shellfish leases or franchises in accordance with this Rule:

6 (1) "transfer" shall be defined as any permanent assignment of a shellfish lease or franchise, in whole
7 or in part.

8 (2) "sublease" shall be defined as any temporary assignment of a shellfish lease or franchise, in whole
9 or in part.

10 ~~(a) Within 30 days after transfer of ownership of all or any portion of interest in a shellfish lease or franchise, the new~~
11 ~~owner shall notify the Division, and provide the number of the lease or franchise and the county in which it is located.~~
12 ~~Such notification shall be accompanied by a management plan prepared by the new owner in accordance with 15A~~
13 ~~NCAC 03O .0202(b).~~

14 (b) No transfer or sublease of a shellfish lease or franchise, in whole or in part, shall be valid until notice is provided
15 to the Division of Marine Fisheries as provided in Article 16 of Chapter 113 of the North Carolina General Statutes
16 and the Division provides written consent in order to ensure that a transferee or sub-lessee meets the requirements of
17 the North Carolina General Statutes and Marine Fisheries Commission Rules. A transfer may only be made by the use
18 of a form provided and approved by the Division.

19 (c) Notice to transfer or sublease a shellfish lease or franchise shall include the shellfish lease or franchise number,
20 county in which the lease or franchise is located, and the name of the transferee or sub-lessee. include:

21 (1) shellfish lease or franchise number;

22 (2) date of transfer or sublease;

23 (3) name and city of shellfish lease or franchise holder;

24 (4) name and address of transferee or sub-lessee;

25 (5) waterbody and county of shellfish lease or franchise being transferred or subleased;

26 (6) area description and total acres of shellfish lease or franchise or portion of shellfish lease or franchise
27 being transferred or subleased; and

28 (7) end date for a sublease.

29 The transferee or sub-lessee of a shellfish lease shall provide to the Division the required Shellfish Lease Management
30 Plan and proof of completion of training requirements in accordance with Rule .0202 of this Section.

31 ~~(b)(d) If the new owner obtains a~~ The smallest portion of an existing shellfish bottom lease or franchise, it shall not
32 ~~contain less than franchise to be transferred or subleased shall be one-half acre-acre, and the required notification to~~
33 ~~the Division shall be accompanied by a survey prepared in accordance with the standards in 15A NCAC 03O .0203(d).~~

34 ~~(e) Within six months after transfer of ownership, the new owner shall complete shellfish cultivation lease training~~
35 ~~as specified in 15A NCAC 03O .0202(d).~~

36 (e) A shellfish lease or franchise shall not be transferred or subleased to a nonresident of North Carolina in accordance
37 with G.S. 113-202, G.S. 113-202.1, G.S. 113-202.2, and G.S. 113-206.

1 ~~(d)(f) Water column leases are not transferrable except when the Secretary approves such transfer~~ A shellfish water
2 column lease shall only be transferred in accordance with G.S. 113-202.1(f) and G.S. 113-202.2(f).

3 ~~(e) In the event the transferee involved in a lease is a nonresident, the Secretary must initiate termination proceedings.~~

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5 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-205; 113-206;*
6 *143B-289.52;*
7 *Eff. January 1, 1991;*
8 *Amended Eff. April 1, 2011; March 1, 1994; September 1, 1991;*
9 *Readopted Eff. May 1, 2022.*