

1 15A NCAC 03Q .0101 is readopted with changes as published in 36:20 NCR 1623 as follows:

2
3 **SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS**

4
5 **SECTION .0100 - GENERAL REGULATIONS: JOINT**

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7 **15A NCAC 03Q .0101 SCOPE AND PURPOSE**

8 The rules in this Section pertain to the classification of the waters of North Carolina as coastal fishing waters, inland
9 fishing ~~waters-waters~~, and joint fishing waters. These rules are adopted jointly by the Marine Fisheries Commission
10 and the Wildlife Resources Commission. In addition to the classification of the waters of the ~~state-State~~, these joint
11 rules set forth guidelines to determine which fishing activities in joint ~~fishing~~ waters are regulated by the Marine
12 Fisheries Commission and which are regulated by the Wildlife Resources Commission. Finally, the joint rules set
13 forth special fishing regulations applicable in joint ~~fishing~~ waters that can be enforced by officers of the Division of
14 Marine Fisheries and the Wildlife Resources Commission. These regulations do not affect the jurisdiction of the
15 Marine Fisheries Commission and the Wildlife Resources Commission in any matters other than those specifically set
16 out.

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18 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*
19 *Eff. January 1, 1991;*
20 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0102 is readopted with changes as published in 36:20 NCR 1623 as follows:

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3 **15A NCAC 03Q .0102 INLAND FISHING WATERS**

4 Inland fishing waters are all inland waters except private ~~ponds;~~ ponds and all waters connecting with or tributary to
5 coastal sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing
6 waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters ~~which~~
7 that are tributary to inland fishing waters and ~~which are~~ not otherwise designated by agreement between the Marine
8 Fisheries Commission and the Wildlife Resources Commission are inland fishing waters. The regulation and licensing
9 of fishing in inland fishing waters is under the jurisdiction of the Wildlife Resources Commission. Regulations and
10 laws administered by the Wildlife Resources Commission regarding fishing in inland fishing waters are enforced by
11 wildlife ~~enforcement~~ officers.

12

13 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

14 *Eff. January 1, 1991;*

15 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0103 is readopted with changes as published in 36:20 NCR 1623-1624 as follows:

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3 **15A NCAC 03Q .0103 COASTAL FISHING WATERS**

4 Coastal fishing waters are the Atlantic ~~Ocean; Ocean,~~ the various coastal ~~sounds; sounds,~~ and estuarine waters up to
5 the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries
6 Commission and the Wildlife Resources Commission. All waters ~~which that~~ are tributary to coastal fishing waters and
7 ~~which are~~ not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife
8 Resources Commission are coastal fishing waters. The ~~regulations regulation~~ and licensing of fishing in coastal fishing
9 waters is under the jurisdiction of the Marine Fisheries Commission; except that inland game fish ~~(exclusive exclusive~~
10 of spotted seatrout, ~~red drum, flounder, white perch, yellow perch,~~ weakfish, and striped ~~bass)-bass~~ are subject to
11 regulations by the Wildlife Resources Commission in coastal fishing waters. Regulations and laws administered by
12 the Marine Fisheries Commission regarding fishing in coastal ~~fishing~~ waters are enforced by ~~fisheries enforcement~~
13 ~~officers, marine fisheries inspectors.~~ Regulations regarding inland game fish in coastal fishing waters are enforced by
14 wildlife ~~enforcement~~ officers unless otherwise agreed to by the Wildlife Resources Commission.

15

16 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

17 *Eff. January 1, 1991;*

18 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0104 is readopted with changes as published in 36:20 NCR 1624 as follows:

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3 **15A NCAC 03Q .0104 JOINT FISHING WATERS**

4 Joint fishing waters are those coastal fishing ~~waters, hereinafter set out, waters~~ denominated by agreement of the
5 Marine Fisheries Commission and the Wildlife Resources Commission pursuant to G.S. 113-132(e) as joint fishing
6 waters. All waters ~~which that~~ are tributary to joint fishing waters and ~~which are~~ not otherwise designated by agreement
7 between the Marine Fisheries Commission and the Wildlife Resources Commission are classified as joint fishing
8 waters. ~~The regulation and licensing of fishing in joint waters shall be as stated in 15A NCAC 3Q .0106.~~

9

10 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

11 *Eff. January 1, 1991;*

12 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0105 is readopted with changes as published in 36:20 NCR 1624 as follows:

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3 **15A NCAC 03Q .0105 POSTING DIVIDING LINES**

4 The dividing lines of all major bodies of water and watercourses which are divided by the agreement of the Marine
5 Fisheries Commission and the Wildlife Resources Commission so that portions of the same are constituted inland
6 fishing waters, coastal fishing waters, or joint fishing waters shall be marked with signs ~~in so far~~ insofar as may be
7 practicable. Unmarked and undesignated tributaries shall have the same classification as the designated waters to
8 which they connect or into which they flow. No unauthorized removal or relocation of any such marker shall have the
9 effect of changing the classification of any body of water or portion thereof, nor shall any such unauthorized removal
10 or relocation or the absence of any marker affect the applicability of any ~~regulation-regulations~~ pertaining to any such
11 body of water or portion thereof.

12

13 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

14 *Eff. January 1, 1991;*

15 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0106 is readopted with changes as published in 36:20 NCR 1624 as follows:

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3 **15A NCAC 03Q .0106 APPLICABILITY OF RULES: JOINT FISHING WATERS**

4 (a) All coastal fishing laws and regulations administered by the Department of Environment and Natural Resources
5 Environmental Quality and the Marine Fisheries Commission apply to joint fishing waters except as otherwise
6 ~~provided, provided in this Section~~ and shall be enforced by ~~fisheries enforcement officers, marine fisheries inspectors,~~

7 (b) The following inland fishing laws and regulations administered by the Wildlife Resources Commission apply to
8 joint fishing waters and shall be enforced by wildlife enforcement officers:

- 9 (1) all laws and regulations pertaining to inland game ~~fishes, fishes;~~
10 (2) all laws and regulations pertaining to inland fishing license requirements for hook and line
11 fishing, fishing; and
12 (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.

13

14 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

15 *Eff. January 1, 1991;*

16 *Amended Eff. July 1, 1999;*

17 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0107 is readopted with changes as published in 36:20 NCR 1624-1625 as follows:

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3 **15A NCAC 03Q .0107 SPECIAL REGULATIONS: JOINT FISHING WATERS**

4 ~~In order to effectively manage all fisheries resources in joint waters and in order to confer enforcement powers on~~
5 ~~both fisheries enforcement officers and wildlife enforcement officers with respect to certain rules, the Marine Fisheries~~
6 ~~Commission and the Wildlife Resources Commission deem it necessary to adopt special rules for joint waters. Such~~
7 ~~rules. The following shall~~ supersede any inconsistent rules of the Marine Fisheries Commission or the Wildlife
8 Resources Commission that would otherwise be applicable in joint fishing waters under the provisions of 15A NCAC
9 03Q .0106:

10 (1) Striped Bass

- 11 (a) It is unlawful to possess any striped bass or striped bass hybrid that is less than 18 inches
12 ~~long (total length),total length.~~
- 13 (b) It is unlawful to possess striped bass or striped bass hybrids between ~~the lengths of~~22 and
14 27 inches ~~(total length) total length~~ in joint fishing waters of the Central Southern
15 Management Area as designated in 15A NCAC 03R .0201.
- 16 (c) It is unlawful to possess striped bass or striped bass hybrids May through September in the
17 joint fishing waters of the Central Southern Management Area and the Albemarle Sound
18 Management Area.
- 19 (d) It is unlawful to possess striped bass or striped bass hybrids taken from the joint fishing
20 waters of the Cape Fear River.
- 21 (e) It is unlawful to possess more than one daily creel limit of striped bass or striped bass
22 hybrids, in the aggregate, per person per day, regardless of the number of management
23 areas fished.
- 24 (f) Possession of fish shall be assessed for the creel and size limits of the management area in
25 which the individual is found to be fishing, regardless of the size or creel limits for other
26 management areas visited by that individual in a given day.
- 27 (g) It is unlawful to engage in net fishing for striped bass or striped bass hybrids in joint fishing
28 waters except as authorized by rules of the Marine Fisheries ~~Commission.Commission as~~
29 set forth in 15A NCAC 03M .0201, .0202, .0204, .0205, and .0512.

30 (2) Lake Mattamuskeet:

- 31 (a) It is unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated
32 as joint fishing waters.
- 33 (b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals
34 designated as joint fishing waters.

35 (3) Cape Fear River. It is unlawful to use or attempt to use any net, net ~~stakes-stakes,~~ or electrical
36 fishing device within 800 feet of the dam at Lock No.1 on the Cape Fear River.

1 (4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per
2 person per day taken by hook-and-line.

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4 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*
5 *Eff. January 1, 1991;*
6 *Amended Eff. July 1, 1993; November 1, 1991;*
7 *Temporary Amendment Eff. May 1, 2000;*
8 *Amended Eff. July 1, 2008; September 1, 2005; April 1, 2001; August 1, 2000;*
9 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03Q .0108 is readopted with changes as published in 36:20 NCR 1625 as follows:

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3 **15A NCAC 03Q .0108 MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN**
4 **JOINT FISHING WATERS**

5 (a) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC
6 03R .0201.

7 (b) In order to effectively manage the recreational hook and line harvest in joint fishing waters of the Albemarle
8 Sound-Roanoke River stock of striped bass, the Marine Fisheries Commission and the Wildlife Resources
9 Commission deem it necessary to establish two management ~~areas; areas:~~ the Albemarle Sound Management Area
10 and the Roanoke River Management Area as designated in 15A NCAC 03R .0201. The Wildlife Resources
11 Commission shall have principal management responsibility for the stock when it is in the joint and inland fishing
12 waters of the Roanoke River Management Area. The Marine Fisheries Commission shall have principal management
13 responsibility for the stock in the coastal, joint-joint, and inland fishing waters of the Albemarle Sound Management
14 Area. The annual quota for recreational harvest of the ~~Albemarle Roanoke-Albemarle Sound-Roanoke River~~ striped
15 bass stock shall be divided equally between the two management areas. Each commission shall implement
16 management actions for recreational harvest within their respective management areas that will be consistent with the
17 North Carolina Estuarine Striped Bass Fishery Management Plan.

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19 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Amended Eff. October 1, 2004; September 1, 1991;*
22 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0109 is readopted with changes as published in 36:20 NCR 1625 as follows:

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3 **15A NCAC 03Q .0109 IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS:**
4 **RECREATIONAL FISHING**

5 The Marine Fisheries and Wildlife Resources Commissions shall implement their respective striped bass management
6 ~~actions-plans~~ for recreational fishing pursuant to their respective rule-making powers. To preserve jurisdictional
7 authority of each Commission, the following means are established through which management measures can be
8 implemented by a single instrument in the following management areas:

9 (1) In the Roanoke River Management Area, the exclusive authority to open and close seasons and
10 ~~areas, areas~~ and establish size and creel ~~limits-limits~~, whether inland or joint fishing ~~waters-waters~~,
11 shall be vested in the Wildlife Resources Commission. An instrument closing any management area
12 in joint ~~fishing~~ waters shall operate as and shall be a ~~jointly-issued-jointly-issued~~ instrument opening
13 or closing seasons or areas to harvest in the Roanoke River ~~management area~~. Management Area.

14 (2) In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and
15 areas and establish size and creel limits, whether coastal or joint fishing ~~waters-waters~~, shall be
16 vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota is
17 about to be exceeded. In the Albemarle Sound Management Area administered by the Marine
18 Fisheries Commission, a proclamation affecting the harvest in joint and coastal ~~fishing~~ waters,
19 excluding the Roanoke River Management Area, shall automatically be implemented and effective
20 as a Wildlife Resources Commission action in the inland ~~fishing~~ waters and tributaries to the waters
21 affected.

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23 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*
24 *Eff. January 1, 1991;*
25 *Amended Eff. October 1, 2004; September 1, 1991;*
26 *Readopted Eff. September 1, 2022.*