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# *The* **NORTH CAROLINA REGISTER**

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**PROPOSED RULES**

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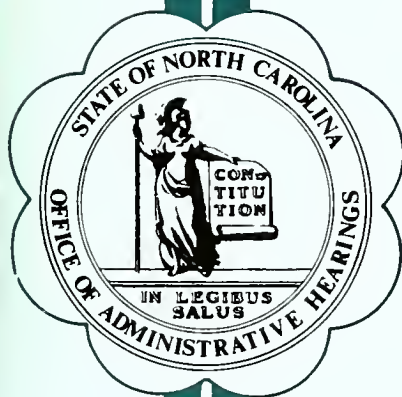
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**ISSUE DATE: APRIL 3, 1989**

**Volume 4 • Issue 1 • Pages 1-151**



# INFORMATION ABOUT THE NORTH CAROLINA REGISTER AND ADMINISTRATIVE CODE

## NORTH CAROLINA REGISTER

The *North Carolina Register* is published bi-monthly and contains information relating to agency, executive, legislative and judicial actions required by or affecting Chapter 150B of the General Statutes. All proposed, administrative rules and amendments filed under Chapter 150B must be published in the Register. The Register will typically comprise approximately fifty pages per issue of legal text.

State law requires that a copy of each issue be provided free of charge to each county in the state and to various state officials and institutions. The *North Carolina Register* is available by yearly subscription at a cost of one hundred and five dollars (\$105.00) for 24 issues.

Requests for subscriptions to the *North Carolina Register* should be directed to the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, N. C. 27604, Attn: *Subscriptions*.

## ADOPTION, AMENDMENT, AND REPEAL OF RULES

An agency intending to adopt, amend, or repeal a rule must first publish notice of the proposed action in the *North Carolina Register*. The notice must include the time and place of the public hearing; a statement of how public comments may be submitted to the agency either at the hearing or otherwise; the text of the proposed rule or amendment; a reference to the Statutory Authority for the action and the proposed effective date.

The Director of the Office of Administrative Hearings has authority to publish a summary, rather than the full text, of any **amendment** which is considered to be too lengthy. In such case, the full text of the rule containing the proposed amendment will be available for public inspection at the Rules Division of the Office of Administrative Hearings and at the office of the promulgating agency.

Unless a specific statute provides otherwise, at least 30 days must elapse following publication of the proposal in the *North Carolina Register* before the agency may conduct the required public hearing and take action on the proposed adoption, amendment or repeal.

When final action is taken, the promulgating agency must file any adopted or amended rule for approval by the Administrative Rules Review Commission. Upon approval of ARRC, the adopted or amended rule must be filed with the Office of Administrative Hearings. If it differs substantially from the proposed form published as part of the public notice, upon request by the agency, the adopted version will again be published in the *North Carolina Register*.

A rule, or amended rule cannot become effective earlier than the first day of the second calendar month after the adoption is filed with the Office of Administrative Hearings for publication in the NCAC.

Proposed action on rules may be withdrawn by the promulgating agency at any time before final action is taken by the agency.

## TEMPORARY RULES

Under certain conditions of an emergency nature, some agencies may issue temporary rules. A temporary rule becomes effective when adopted and remains in

effect for the period specified in the rule or 180 days whichever is less. An agency adopting a temporary rule must begin normal rule-making procedures on the permanent rule at the same time the temporary rule is adopted.

## NORTH CAROLINA ADMINISTRATIVE CODE

The North Carolina Administrative Code (NCAC) is a compilation and index of the administrative rules of 25 state agencies and 38 occupational licensing boards. The NCAC comprises approximately 15,000 letter size single spaced pages of material of which approximately 35% is changed annually. Compilation and publication of the NCAC is mandated by G.S. 150B-63(b).

The Code is divided into Titles and Chapters. Each state agency is assigned a separate title which is further broken down by chapters. Title 21 is designated for occupational licensing boards.

The NCAC is available in two formats.

- (1) Single pages may be obtained at a minimum cost of two dollars and 50 cents (\$2.50) for 1 page or less, plus fifteen cents (\$0.15) per each additional page.
- (2) The full publication consists of 52 volumes totaling in excess of 15,000 pages. It is supplemented monthly with replacement pages. A one year subscription to the full publication including supplements can be purchased for seven hundred and fifty dollars (\$750.00). Individual volumes may also be purchased with supplement service. Renewal subscriptions for supplements to the initial publication available.

Requests for pages of rules or volumes of the NCAC should be directed to the Office of Administrative Hearings.

## NOTE

The foregoing is a generalized statement of the procedures to be followed. For specific statutory language it is suggested that Articles 2 and 5 of Chapter 150B of the General Statutes be examined carefully.

## CITATION TO THE NORTH CAROLINA REGISTER

The *North Carolina Register* is cited by volume, issue number and date. **1:1 NCR 101-201, April 1, 1986** refers to Volume 1, Issue 1, pages 101 through 201 of the *North Carolina Register* issued on April 1, 1986.

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**North Carolina Administrative Code.** Published in looseleaf notebooks with supplement service by the Office of Administrative Hearings, P.O. Drawer 11666, Raleigh, North Carolina 27604, pursuant to Chapter 150B of the General Statutes. Subscriptions seven hundred and fifty dollars (\$750.00). Individual volumes available.

# NORTH CAROLINA REGISTER



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**NORTH CAROLINA REGISTER**  
*Publication Deadlines and Schedules*  
 (January 1989 - May 1990)

Issue Date	Last Day for Filing	Last Day for Electronic Filing	Earliest Date for Public Hearing & Adoption by Agency	* Earliest Effective Date
*****	*****	*****	*****	*****
01/02/89	12/08/88	12/15/88	02/01/89	05/01/89
01/16/89	12/27/88	01/03/89	02/15/89	05/01/89
02/01/89	01/10/89	01/17/89	03/03/89	06/01/89
02/15/89	01/26/89	02/02/89	03/17/89	06/01/89
03/01/89	02/08/89	02/15/89	03/31/89	07/01/89
03/15/89	02/21/89	03/02/89	04/14/89	07/01/89
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08/01/89	07/11/89	07/18/89	08/31/89	12/01/89
08/15/89	07/25/89	08/01/89	09/14/89	12/01/89
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11/15/89	10/24/89	10/31/89	12/15/89	03/01/90
12/01/89	11/07/89	11/15/89	12/31/89	04/01/90
12/15/89	11/22/89	12/01/89	01/14/90	04/01/90
01/02/90	12/07/89	12/14/89	02/01/90	05/01/90
01/16/90	12/20/89	12/29/89	02/15/90	05/01/90
02/01/90	01/10/90	01/18/90	03/03/90	06/01/90
02/15/90	01/25/90	02/01/90	03/17/90	06/01/90
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03/15/90	02/22/90	03/01/90	04/14/90	07/01/90
04/02/90	03/12/90	03/19/90	05/02/90	08/01/90
04/16/90	03/23/90	03/30/90	05/16/90	08/01/90
05/01/90	04/09/90	04/17/90	05/31/90	09/01/90
05/15/90	04/24/90	05/01/90	06/14/90	09/01/90

\* The "Earliest Effective Date" is computed assuming that the public hearing and adoption occur in the calendar month immediately following the "Issue Date", that the agency files the rule with The Administrative Rules Review Commission by the 20th of the same calendar month and that ARRC approves the rule at the next calendar month meeting.



EXECUTIVE ORDER NUMBER 85

AMENDING EXECUTIVE ORDER NUMBER 53  
GOVERNOR'S INTER-AGENCY ADVISORY  
TEAM ON ALCOHOL AND OTHER DRUG  
ABUSE

By the authority vested in me as Governor by the Constitution and laws of North Carolina, it is ORDERED:

Section 1: Executive Order Number 53 is amended to read as follows:

"It has been made to appear to me as follows:

1. The dual dangers of alcohol and other drug abuse pose a growing threat to the continued progress and prosperity of North Carolina. The catastrophic effects of these hazards touch all segments of our population.
2. Several state agencies maintain alcohol and drug abuse programs, and to combat alcohol and drug abuse most effectively, it is essential for such state agencies to coordinate the development of these programs and delivery of these services.

Therefore, by the authority vested in me as Governor by the Constitution and laws of North Carolina, it is ORDERED:

Section 1. ESTABLISHMENT

The Governor's Interagency Advisory Team on Alcohol and Drug Abuse, hereinafter called the "Advisory Team," is hereby established. The Advisory Team shall consist of not less than eleven members and shall include the following:

- Deputy Secretary of the Department of Correction, or his designee;
- Executive Director of the Governor's Crime Commission, or his designee;
- Director of the Division of Mental Health, Mental Retardation and Substance Abuse Services in the Department of Human Resources or his designee;
- Director of Division of Youth Services in the Department of Human Resources, or his designee;
- Assistant Director of State Bureau of Investigation, or his designee;
- Director of Alcohol and Drug Defense in the Department of Public Instruction, or his designee;
- Director of Youth Advocacy and Involvement Office, or his designee;
- Director of the Governor's Highway Safety Program, or his designee;

The Secretary of the Department of Commerce or his designee; and

The Lieutenant Governor or his designee.

The Chairman of the Governor's Council on Alcohol and Drug Abuse Among Children and Youth shall be the Chairman of the Advisory Team and the members shall serve at the pleasure of the Governor.

Section 2. FUNCTIONS

(a) The Advisory Team shall meet on at least a quarterly basis and may hold special meetings at any time at the call of the Governor, the chairperson, or three of its members.

(b) The Advisory Team shall have the following duties:

1. Coordinate existing state alcohol/drug programs and services in order to eliminate duplication and maximize the efficient use of resources;
2. Provide guidance and direction in the expansion, development, and implementation of new alcohol and other drug abuse programs;
3. Review the General Statutes of North Carolina applicable to alcohol and other drug abuse and report to the Governor on proposed legislation that may be needed;
4. Coordinate and cooperate with the North Carolina Drug Cabinet to the end that the work of both agencies shall be the most effective.
5. Perform such other duties as assigned by the Governor.

Section 3. ADMINISTRATION

(a) The Department of Administration shall provide administrative support and staff as may be required by the Advisory Team.

(b) Each agency shall defray any costs incurred by the appointee in carrying out the functions of this appointment.

(c) It shall be the responsibility of each Cabinet Department to make every reasonable effort to cooperate with the Advisory Team in carrying out the provisions of this order.

(d) The Division of Mental Health, Mental Retardation and Substance Abuse Services shall provide funding for the travel and subsistence costs incurred by the Chairman of the Advisory Team.

Section 4. EFFECTIVE DATE AND EXPIRATION

This Executive Order shall become effective immediately and will expire in accordance with North Carolina law two years from the date it is signed. It is subject to reissuance at expiration."

Section 2: This Executive Order shall become effective immediately.

Done in the Capital City of Raleigh, this the 1st day of March, 1989.

EXECUTIVE ORDER NUMBER 86

MINIMIZATION OF SOLID, HAZARDOUS,  
AND INFECTIOUS WASTE AND THE  
CONTROL OF TOXIC AIR POLLUTANTS

The waste disposal problem in North Carolina is enormous. All types of disposal practices -- from incineration to wastewater discharge to landfilling -- are adversely impacted by the sheer volumes of waste which are becoming greater per person each year.

Clearly, North Carolina must have adequate waste treatment and disposal capacity. Such facilities must be properly located and designed, well operated, and extensively monitored to ensure that public health and the environment are protected, including limitations on toxic air pollutant emissions. But along with additional waste treatment and disposal capacity comes an equal if not greater need to reduce the amount of wastes generated in the first place.

First and foremost in any long-term solution to the waste problem is an emphasis on waste stream reduction. No law, regulation, or program aimed at the environmentally safe disposal of wastes of any sort will ultimately be successful if it does not include as its fundamental basis a vigorous and sustained conservation effort, including incentives, education, market development, and source reduction techniques such as recycling, recovery, and reuse. Simply disposing of wastes is no longer appropriate. Instead, wastes must be managed with emphasis on conservation. Conservation must be the first thought and continuing basis of all environmental and public health protection programs.

ACCORDINGLY,

WHEREAS, the quality of the environment in North Carolina is a key element in the continued growth and progress of the State; and

WHEREAS, the State of North Carolina produces more waste than it has capacity to treat or destroy; and

WHEREAS, as economic and population growth continue, the environment is relied upon more heavily each year to accept wastes which accompany such growth; and

WHEREAS, it is essential that the State have adequate waste treatment and disposal facilities; and

WHEREAS, incineration may play an integral role in an environmentally sound waste management system; and

WHEREAS, effective control of toxic air pollutants is an essential and key element to ensure adequate protection for human health and the environment; and

WHEREAS, as the most desirable waste management strategy to be undertaken, North Carolina has stated its commitment to prevention, minimization, and recycling of wastes before they impact the State's environment and is committed to reduce its dependence on landfills as a means of solid waste disposal by the year 2006;

NOW THEREFORE, By the authority vested in me by the Constitution and laws of North Carolina, and consistent with statutory authorizations and powers it is ORDERED:

That the State shall expand its commitment to preventing, minimizing, and recycling of wastes by incorporating waste reduction in all decisions by pollution control authorities in the following manner:

SECTION 1.

- (a) As a condition for the issuance thereof, applicants for permits, permit modifications and permit renewals for the discharge of wastewater or incinerator emissions attendant to the treatment and disposal of solid and hazardous wastes, shall demonstrate to the satisfaction of the Secretary of the Department of National Resources and Community Development, or his designee, that, to the extent reasonably technologically and economically achievable, (i) the applicant has undertaken source reduction and recycling techniques and methods to reduce the volume, pollutant level and/or toxicity of the same and (ii) the wastewater discharge and incinerator emission levels sought in the applications are the lowest achievable after waste reduction; and
- (b) The State shall exercise its authority to obtain, review and certify information from each facility that generates, treats, stores, recycles or disposes of hazardous waste to ensure that it has a Waste Minimization Program in effect as required under Sections 3002(b) and 3005 (H) of the Hazardous and Solid Waste Amendments of 1984; and

SECTION 2.

Consistent with its statutory authorities and powers, the Environmental Management Com-

## *EXECUTIVE ORDERS*

---

mission shall expedite the development and promulgation of rules sufficient to control the emissions of toxic air pollutants from waste incinerators and utilize its existing statutory authority to ensure that any such permits issued after the effective date of this Order provide adequate control of toxic air emissions.

### SECTION 3.

Further, consistent with its statutory authorities and powers, the Environmental Management

Commission shall expedite the development and promulgation of ambient air standards for toxic pollutants.

### SECTION 4.

All Executive Orders or portions of Executive Orders inconsistent herewith are hereby rescinded.

Done in Raleigh, North Carolina this 1st day of March, 1989.

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS

Rules II and III of the Rules of Continuing Judicial Education adopted by Order of the Supreme Court on October 24, 1988, are hereby adopted by reference and made applicable to administrative law judges appointed under Article 60, Chapter 7A of the General Statutes, with the following modifications:

Rule II A. The first sentence will be interpreted to read:

"Every administrative law judge shall, within the first year after appointment, attend the Administrative Law - Fair Hearing, or comparable course, by whatever name, provided by the National Judicial College."

Rule II B. The words "administrative law judge" are substituted for the words "judge and justice of the trial and appellate division."

Rule II C. The last two sentences are deleted.

Rule III E. The words "Chief Administrative Law Judge" are substituted for the words "Chief Justice."

Reporting and recording of continuing judicial education activities shall be carried out by the Administrative Services Manager under the procedures previously established and presently in effect.

Expenses for continuing judicial education activities will be provided in accordance with education and travel policies of the Office of State Budget and this Office in effect at the time the specific instruction is commenced.

This the 21st day of March, 1989.

s/Robert A. Melott  
\_\_\_\_\_  
Chief Administrative Law Judge



**VOTING RIGHTS ACT FINAL DECISION LETTERS**

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*[G.S. 120-30.911, effective July 16, 1986, requires that all letters and other documents issued by the Attorney General of the United States in which a final decision is made concerning a "change affecting voting" under Section 5 of the Voting Rights Act of 1965 be published in the North Carolina Register.]*

U.S. Department of Justice  
Civil Rights Division

JPT:JKT:RA:jmc  
DJ 166-012-3  
Y1491-1496  
Y3046

Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128

March 3, 1989

DeWitt F. McCarley  
City Attorney  
P. O. Box 72007  
Greenville, North Carolina 27835-7207

Dear Mr. McCarley:

This refers to the six annexations [Ordinance Nos. 1888, 1914, 1915, 1922, 1923, 1927 (1988)] and the designation of the annexed areas to single-member districts for the City of Greenville in Pitt County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on January 12, 1989.

The Attorney General does not interpose any objections to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

James P. Turner  
Acting Assistant Attorney General  
Civil Rights Division

By:

Barry H. Weinberg  
Acting Chief, Voting Section

U.S. Department of Justice  
Civil Rights Division

JPT:JKT:RA:gmh  
DJ 166-012-3  
Y1551; Y3392  
Y2787; Y3393

Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128

March 13, 1989

Jesse L. Warren, Esq.  
City Attorney  
Drawer W-2  
Greensboro, North Carolina 27402

Dear Mr. Warren:

This refers to two annexations (Ordinance Nos. §9-1 and §9-14) and the designation of the annexed areas to single-member districts for the City of Greensboro in Guilford County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submissions on January 18 and February 17, 1989.

The Attorney General does not interpose any objections to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. In addition, as authorized by Section 5, the Attorney General reserves the right to reexamine this submission if additional information that would otherwise require an objection comes to his attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Sincerely,

James P. Turner  
Acting Assistant Attorney General  
Civil Rights Division

By:

Barry H. Weinberg  
Acting Chief, Voting Section

**TITLE 10 - DEPARTMENT OF HUMAN  
RESOURCES**

*Notice is hereby given in accordance with G.S. 150B-12 that the Division of Vocational Rehabilitation Services intends to amend rules cited as 15 NCAC 20B .0201 - .0217; adopt rules cited as 15 NCAC 20B .0218 - .0228.*

*The proposed effective date of this action is August 1, 1989.*

*The public hearing will be conducted at 2:00 p.m. on May 5, 1989 at Conference Room, Division of Vocational Rehabilitation Services, Haywood Building, 805 Ruggles Drive, Dorothea Dix Campus, Raleigh, NC.*

*Comment Procedures: Any interested person may present his/her comments at the hearing for a maximum of ten minutes or by submitting a written statement. Any person wishing to make a presentation at the hearing should contact: Jackie Stalnaker, Division of Vocational Rehabilitation Services, P.O. Box 26053, Raleigh, NC 27611, (919) 733-3364 by May 4, 1989. The hearing record will remain open for written comments from April 5, 1989 through May 4, 1989. Written comments must be sent to the address above and must state the proposed rule or rules to which the comments are addressed. Fiscal information is also available upon request from the same address.*

**CHAPTER 20 - VOCATIONAL  
REHABILITATION**

**SUBCHAPTER 20B - PROCEDURE**

**SECTION .0200 - CONTESTED CASES:  
ADMINISTRATIVE REVIEWS:  
APPEALS HEARINGS**

**.0201 APPLICABILITY OF RULES**

(a) An administrative hearing will be held prior to final action on a matter by the division of vocational rehabilitation services if the action will affect a right, privilege, or benefit already enjoyed by a specific party unless the action is taken in an emergency situation.

(b) Whenever the division of vocational rehabilitation services takes an action which affects a right, privilege, or benefit of a specific party, it will notify the party in writing of that party's right to an administrative hearing on the matter.

Except for administrative reviews and appeals to be conducted according to the provisions of Rules .0202 through .0228 of this Section, ap-

peals concerning the administration of the rules in this Chapter shall be filed and conducted in accordance with G.S. 150B and 10 NCAC 1B .0200. The provisions of 10 NCAC 1B .0200 are adopted by reference under G.S. 150B-14(c).

*Authority G.S. 143-546; 143B-10(j); 150B-11; 150B-14(c); 34 C.F.R. 361.48.*

**.0202 WRITTEN INFORMATION FOR  
APPLICANTS AND CLIENTS**

(a) Before a hearing request may be made, a person must first make reasonable efforts to resolve the problem with the division of vocational rehabilitation services informally or through the proper appeals channel or grievance procedure. Inquiries or complaints should be directed to the person in charge of the program, institution, facility, office or agency with which the complaint is dealing.

(b) Following such informal contact and review with agency personnel, should dissatisfaction continue to exist, the individual may request a hearing by following the courses of action for the specific areas of dissatisfaction noted:

- (1) In cases involving an applicant or recipient of vocational rehabilitation services under the state plan for vocational rehabilitation services where there is continued dissatisfaction with any action of the agency with regard to the furnishing or denial of such services, the individual may file a request for a hearing with the:

Director  
Division of Vocational Rehabilitation Services  
620 North West Street  
Post Office Box 26053  
Raleigh, North Carolina 27611

- (2) Should the dissatisfaction be in the realm of a policy, rule, or procedure of the division, the individual may file a request for a hearing with the:

Deputy Director  
Division of Vocational Rehabilitation Services  
620 North West Street  
Post Office Box 26053  
Raleigh, North Carolina 27611

(c) Such a request must contain the following information:

- (1) name and address of petitioner;
  - (2) a concise statement of the agency action being challenged;
  - (3) a concise statement of the way in which the petitioner has been aggrieved; and
  - (4) a clear and specific demand for hearing.
- (d) Such requests will be promptly acknowledged and a hearing scheduled promptly, if deemed appropriate.

(a) All applicants for and clients receiving vocational rehabilitation services shall be informed of the opportunities for an administrative review and an appeal available under 34 C.F.R. 361.48 and Rules .0202 through .0228 of this Section.

(b) Written information shall be provided to all applicants and clients informing them:

- (1) of their right to an appeals hearing when they are dissatisfied with any determinations made by the division concerning the furnishing or denial of services;
- (2) that they have the option of seeking resolution of the issue through an administrative review prior to an appeals hearing;
- (3) that the rehabilitation counselor, rehabilitation coordinator or other designated staff of the division will assist them in preparation of the written request for an administrative review and or appeal and will inform them of the name and address of the appropriate regional director to whom the request shall be submitted; and
- (4) that they may receive assistance with the resolution of their problems through the Client Assistance Program.

(c) At the time of initial application, all applicants shall be informed verbally of the name and address of the regional director to whom requests for administrative reviews and or appeals shall be submitted. At the time an applicant or client wishes to submit a request for an administrative review and or appeals hearing, the same information shall be furnished in writing to the individual.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0203 REQUEST FOR ADMINISTRATIVE REVIEW AND APPEALS HEARING

(a) The director or the deputy director as appropriate, to whom request is made, will decide, subject to director's approval, whether or not to grant a hearing.

(b) A decision on a request for a hearing will be issued promptly and in no case later than 30 days after submission of the request. Any denial shall contain a statement of the reasons leading to the decision to deny the request. Approval of a request will be made by the issuance of a notice of hearing to a party under these rules.

(a) When any applicant for or client receiving vocational rehabilitation services wishes to request an administrative review and or an appeals hearing, the individual shall submit a written request to the appropriate regional director of the division.

(b) The request shall indicate if the individual is requesting:

- (1) an administrative review and an appeals hearing to be scheduled concurrently; or
- (2) only an appeals hearing.

(c) The request shall contain the following information:

- (1) the name, address and telephone number of the applicant or client; and
- (2) a concise statement of the determination(s) made by the rehabilitation staff for which an administrative review and or appeal are being requested and the manner in which the person's rights, duties or privileges have been affected by the determination(s).

(d) If a client is requesting an administrative review and the issue to be reviewed concerns the denial of services already underway under the client's individualized written rehabilitation program (IWRP) and the client wishes the disputed services to continue during the administrative review, the client shall indicate the desire to have the services continued in the request for an administrative review and submit the request prior to the effective date of the change in the IWRP. The division shall provide for the continuation of the disputed service set forth in the client's IWRP during the administrative review for a period not to exceed 30 calendar days from the proposed effective date of the change in the IWRP unless the disputed service is contraindicated on the basis of medical psychological information contained in the individual's case record, in which case the service shall not be continued.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0204 DIVISION ACTIONS IN RESPONSE TO REQUEST

Failure of a party to notify the designated officer of his desire to appear and make a presentation at a hearing within ten days after receiving notification of a right to a hearing shall result in a waiver of the opportunity for a hearing.

(a) Upon receipt of a request for an appeals hearing, the regional director shall immediately forward the original request to the division's deputy director for appointment of a hearing officer to conduct the appeals hearing.

(b) If the individual has requested an administrative review in addition to an appeals hearing, the regional director shall:

- (1) make a decision to conduct the administrative review or appoint a designee to conduct the administrative review who:



- (A) has had no previous involvement in the issues currently in controversy;
- (B) can conduct the administrative review in an unbiased way; and
- (C) has a broad working knowledge of the division's policies and procedures and the State Plan for Vocational Rehabilitation Services (state plan); and
- (2) proceed with, or direct the designee to proceed with, an administrative review according to the provisions of Rules .0205, .0208, and .0209 of this Section.
- (c) The regional director shall send the applicant or client written acknowledgment of receipt of the request and inform the individual that additional information will be sent regarding the administrative review and/or appeals hearing.
- (d) The regional director shall provide the Client Assistance Program with a copy of the request and the response to the request.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0205 SCHEDULING AND NOTICE OF ADMINISTRATIVE REVIEW

- (a) Notice of a hearing shall be given reasonably in advance of the hearing so as to allow the party affected time to prepare for the hearing and will not be less than ten days except as authorized for emergencies.
- (b) In determining the period between notice and hearing all pertinent factors will be considered which may include:
  - (1) the complexity of the issues involved;
  - (2) the number of parties;
  - (3) the probable length of the presentation at the hearing;
  - (4) the probable success of notifying all parties without resort to publication;
  - (5) the probability of prehearing motions and subpoenas; and
  - (6) the relationship between the rulemaking and fulfilling responsibilities under federal law.
- (c) In addition to the requirements specified in North Carolina General Statute 150A-23, the notice:
  - (1) shall give the name, title, address, and phone number of the hearing officer or of a person in the division of vocational rehabilitation services to contact for further information or discussion; and
  - (2) shall include a statement that failure to appear at the hearing may result in the decision on the case being made in the party's absence; and

- (3) may give notice of the date and place for the prehearing conference, if any.
- (a) If an administrative review is to be conducted, the regional director or designee shall:
  - (1) set a date, time and place for the administrative review;
  - (2) send written notification by certified mail to the applicant or client and the individual's parent, guardian or representative, as appropriate, of the date, time and place for the administrative review at least five days prior to the administrative review;
  - (3) advise the applicant or client in the written notice that a hearing officer will be appointed by the deputy director to conduct a hearing if the matter is not resolved in the administrative review and that the applicant or client will also receive a written notice from the hearing officer regarding the formal appeals hearing which will be held after the administrative review; and
  - (4) notify the Director of the Client Assistance Program (CAP) and other individuals to be involved in the administrative review of the request and the date, time and place for the administrative review. This notification may be by phone or in writing.
- (b) Prior to the administrative review, the regional director or designee shall review all previous decisions and casework related to the applicant or client and seek whatever consultation, explanation, documentation, or other information that is deemed necessary, utilizing the division's CAP Director as appropriate.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0206 APPOINTMENT OF HEARING OFFICER

- (a) A petition to intervene of right, as provided in North Carolina General Statute 1A-1, Rule 24, will be granted, if timely, and the petitioner meets the criteria of that rule. A petition will be considered timely if a grant would not cause substantial prejudice to the rights of the parties, substantial added expense, or serious inconvenience to the parties, including the division of vocational rehabilitation services.
- (b) A petition to intervene permissively, as provided in North Carolina General Statute 1A-1, Rule 24, will be granted, if timely under (a) of this Rule, when the petitioner meets the criteria of that rule and the division of vocational rehabilitation services determines that:
  - (1) There is sufficient legal or factual similarity between the petitioner's asserted rights, privileges, or duties and those of the parties to the hearing; and

- (2) Permitting participation by the petitioner would not unduly burden the hearing.
- (c) Discretionary intervention will be allowed upon timely petition, which in no case will be after termination of the hearing itself, when deemed advisable to do so by the division of vocational rehabilitation services. Intervention will be deemed advisable when:
  - (1) The information the petitioner desires to present is relevant and not repetitious or merely cumulative; and
  - (2) Permitting intervention by the petitioner as a party would aid the disposition of the matter.
- (d) A person desiring to intervene in a contested case must file a written petition with:
  - (1) the Director, Division of Vocational Rehabilitation Services, when intervention is being sought in behalf of an applicant's or recipient of vocational rehabilitation services contested cases surrounding the furnishing or denial of rehabilitation services; or
  - (2) the deputy director when intervention is sought on other contested items.
- (e) The petition filed must include the following information:
  - (1) a citation of any statutory or non-statutory grounds for intervention; if none, the petition should so indicate;
  - (2) a statement of the claim or defense in respect of which intervention is sought;
  - (3) full identification of the hearing in which petitioner is seeking to intervene; and
  - (4) a summary of the arguments or evidence petitioner seeks to present.
- (f) If the division of vocational rehabilitation services determines to allow intervention, notification of that decision will be issued promptly to all parties and to the petitioner by the appropriate officer. In cases of discretionary intervention, notification will include a statement of the limitations, if any, of time, subject matter, evidence or whatever else is deemed necessary which are imposed on the intervenor.
- (g) If the division of vocational rehabilitation services' decision is to deny intervention, the petitioner will be notified promptly. Such notice will state all reasons for the decision and will be issued to all parties as well as to the petitioner.

Upon receipt of the applicant's or client's request for an appeals hearing from the regional director, the deputy director shall appoint an impartial hearing officer who meets the criteria of 34 C.F.R. 361.1(c)(2) to conduct a hearing.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.1(c)(2); 34 C.F.R. 361.48.

#### .0207 SCHEDULING AND NOTICE OF FORMAL APPEALS HEARING

(a) Any party may move for a change of venue by filing a motion with the appropriate officer at least five days before the hearing. The motion must contain:

- (1) the party's name and address;
- (2) identification of the contested case and the scheduled hearing;
- (3) the county in which the party requests that the hearing be held; and
- (4) a concise statement of the reasons for a change in venue.

(b) The hearing officer appointed by the director will consider the motion and promptly notify the movant of the decision, including the reasons for the decision. If the motion is approved, the hearing officer will issue notice of change of venue to all other parties.

(a) The hearing officer shall schedule the formal appeals hearing, to be held within 45 days of the original request by the applicant or client as described in Rule .0203 of this Section.

(b) The hearing officer shall provide the applicant or client and the division written notice of the date, time and place of the hearing and the issue(s) to be considered at least ten days prior to the hearing. A copy of the notice shall be sent to the Client Assistance Program.

(c) The notice shall inform the applicant or client and the division:

- (1) of the procedures to be followed in the hearing;
- (2) of the particular sections of the statutes, federal regulations, state rules, and state plan involved;
- (3) of the rights of the applicant or client as specified in 34 C.F.R. 361.48(c)(2);
- (4) that the hearing officer may extend the time for the hearing by 20 days if the parties jointly agree to a delay and submit a written statement to that effect to the hearing officer; and
- (5) that the hearing may be cancelled if the matter is resolved in an administrative review.

(d) Notice shall be given personally or by certified mail. If given by certified mail, it shall be deemed to have been given on the delivery date appearing on the return receipt.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0208 ADMINISTRATIVE REVIEW

(a) If for any reason the hearing officer or member of the body conducting the hearing de-



termines that personal bias or other factors would prevent him from conducting the hearing and performing all duties in an impartial manner, he shall submit, in writing, to the director his disqualifications and the reasons therefor.

(b) If for any reason any party in a contested case believes that the hearing officer or a member of the body conducting the hearing is personally biased or otherwise unable to conduct the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the director which states all facts the party deems relevant to the disqualifications of the allegedly biased person.

(c) An affidavit of disqualification will be considered timely if filed before commencement of the hearing. Any other affidavit will be deemed timely, provided it is filed at the first opportunity after the party becomes aware of facts which give rise to a reasonable belief the person may be disqualified under this Rule.

**(d) Investigation**

(1) The director shall decide whether to disqualify the person(s);

(2) The person(s) whose disqualification is to be determined, will not participate in the decision but may be called on to furnish information to the director;

(3) The director shall appoint a member of the division of vocational rehabilitation services to investigate the allegations of the affidavit;

(4) The investigator will report the findings and recommendations to the director who will then decide whether to disqualify the challenged individual.

(e) When by reason of personal bias or like causes the hearing officer or hearing body is disqualified after the hearing has begun, a new hearing will be initiated if requested by the party who filed the affidavit of personal bias or any other party. Otherwise, a new hearing officer will be designated and the hearing will continue.

(f) When for reasons other than personal interest and like causes, a hearing officer is disqualified or otherwise is unable to continue the hearing, another hearing officer will replace him, and the hearing will be resumed except:

(1) When oral testimony has already been given, and it is determined by the successor hearing officer that the viewing of the witness is an important element of the case, in which case that portion of the testimony and evidence will be repeated; and

(2) When continuation of the hearing would result in substantial prejudice to the rights of the parties.

(g) The determination of whether resuming and continuing the case will result in substantial prejudice is to be made by the new hearing officer or the remaining members of the hearing body with final determination of such being with the director.

(h) Determinations of decision of disqualifications, continuation of the hearing, rehearing of a portion or all of a contested case, or dismissal of a case without prejudice, together with a statement of reasons will be part of the record of the case and will be communicated to all parties promptly.

(a) Within 15 days of the original request for an administrative review by the applicant or client, the regional director or designee shall hold the administrative review with the applicant or client; the individual's parent, guardian or representative, as appropriate; the CAP Director, as appropriate; and other individuals deemed necessary by the regional director or designee.

(b) Within five working days of the administrative review, the regional director or designee shall make a decision and notify the applicant or client and others using the following procedures:

(1) compile a written report of the administrative review outlining the purposes of the administrative review, the participants, the decision that was reached, and the rationale for the decision;

(2) send the written report containing the decision to the applicant or client by certified mail with return receipt requested, with a copy being placed in the individual's official case record, and copies being forwarded to the deputy director and the CAP director; and

(3) provide instructions to the applicant or client of steps that may be taken in response to the decision and the deadline for the responses. A form indicating agreement with the decision and requesting that the hearing be cancelled shall be included for the applicant's or client's signature if the individual agrees with the decision.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.*

**.0209 RESPONSE TO ADMINISTRATIVE REVIEW DECISION**

(a) If a party served with notice fails to appear without having notified the person designated in the notice and not continuance, adjournment, or like disposition is ordered, the hearing officer may proceed with the hearing in the party's absence, or adjourn the hearing and set it for another date that will be determined by the director.

(b) If a party fails to appear, the division of vocational rehabilitation services shall wait ten days before issuing a decision, in order to give the party(s) a chance to petition for reopening.

(c) If a hearing is conducted in the absence of a party, he may petition the division of vocational rehabilitation services for a reopening of the case within ten days after the date of the hearing. Petitions will not be granted except when a petitioner can show that the reasons for the failure to appear were justifiable and that fairness requires reopening of the case.

(d) The decision whether to reopen the case will be in writing and a copy will be sent to the petitioner and a copy made a part of the record.

(a) If the applicant or client is satisfied with the decision resulting from the administrative review, the individual shall sign the form described in Rule .0208(b)(3) of this Section and submit it to the regional director within five days of receipt of the decision. The regional director shall inform the deputy director of the request to cancel the hearing immediately and forward the form to the deputy director who shall submit it to the hearing officer.

(b) If the hearing officer does not receive a written request from the applicant or client that the hearing be cancelled, the hearing shall be conducted as scheduled unless negotiations produce a settlement that is satisfactory to both parties prior to the hearing.

(c) If the hearing is cancelled, the hearing officer shall send the applicant or client and the division written notice of the cancellation in the same manner as required for notice of the hearing in Rule .0207(d) of this Section. A copy of the notice of cancellation shall be sent to the Client Assistance Program.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0210 ADMINISTRATIVE REVIEW BY DEPUTY DIRECTOR

Continuances, adjournments, and like dispositions will be granted to a party only in compelling circumstances, especially when one such disposition has been previously requested by and granted to the party.

In situations where the issue currently in controversy involves action taken by the central office of the division, the deputy director or a designee of the deputy director shall be responsible for the duties prescribed for the regional director in these rules.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0211 PROCEDURES GOVERNING HEARING

Any person receiving notice of a contested case hearing may file a written answer within ten days of receiving it, but at least prior to commencement of the hearing by delivering or mailing the answer to the person designated in the notice.

The appeals hearing shall be conducted according to the provisions of 34 C.F.R. 361.48(c)(2)(i) and (ii) and (d) and according to Rules .0212 through .0222 and Rule .0225 of this Section.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0212 VENUE

(a) The conference will be informal in nature.

(b) The conference will be noted in the notice of hearing or in a subsequent notice, if a conference is later determined to be necessary by the appointed hearing officer.

(c) The purposes of this conference will be to discuss:

- (1) the possibility of simplification of issues;
- (2) stipulation of facts or findings;
- (3) identification of areas where evidence will be needed;
- (4) indication of discovery of subpoenas needed;
- (5) the need for consolidation of cases or joint hearings; and
- (6) any other matters which will reduce costs or save time or otherwise aid expeditious disposition of the contested case.

(a) The appeals hearing shall be held in the county of residence in this State of the applicant or client.

(b) Any party desiring a change of venue shall file a written motion for a change of venue with the hearing officer and serve copies of that motion on all other parties at least seven days prior to the date for which the hearing is set.

(c) The motion shall include the following information:

- (1) the name, address, and telephone number of the movant;
- (2) identification by the case name and docket number of the proceeding for which the change is sought;
- (3) the time, date, and place for which the hearing is scheduled;
- (4) the county in which the party requests that the hearing be held;
- (5) a statement of the requested change, including the names and addresses of any witnesses whose convenience represents the basis for the request; and



(6) any other factors that should be considered in ruling on the request.

(d) Any party may object to a motion for a change of venue by filing a written notice of objection with the hearing officer within three days after receipt of the motion and serving copies of the notice of objection on all other parties. The notice of objection shall state clearly the grounds for the objection.

(e) The hearing officer shall determine whether a change of venue is appropriate and shall issue an order granting or denying the motion. The order shall state the reasons for the decision. Copies of the order shall be served on all parties.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0213 DISCOVERY

Except as may be prohibited by a statute, the parties to a contested case, specifically including the division of vocational rehabilitation services may agree in advance to simplifying the hearing by:

- (1) eliminating issues to be contested at the hearing;
- (2) accepting the validity of certain proposed evidence;
- (3) accepting the findings in some other case with relevance to the case at hand; or
- (4) agreeing to such other matters as may expedite the hearing.

(a) Parties in appeals hearings shall exchange information voluntarily, seek access to public documents as provided by law, and exhaust other informal means of obtaining discoverable material.

(b) Within 15 days after receipt of a request for discovery or within such other time limit as the hearing officer may set, the party from whom discovery is requested shall either:

- (1) provide the requested material or access to that material to the discovering party;
- (2) provide a schedule for compliance with the request for discovery; or
- (3) file a written motion with the hearing officer for relief from the request for discovery.

(c) Any dispute regarding discovery shall be referred to the hearing officer for resolution. The hearing officer shall issue an order resolving the dispute and containing the reasons for the ruling. Copies of the order shall be served on all parties.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0214 PRE-HEARING CONFERENCE

(a) Subpoenas requiring the attendance of witnesses, or those to produce documents, evidence, or things, will be issued promptly by the hearing officer with the assistance of the hearing office after receipt of a request from a party to the case for such a subpoena, except as stated in this Rule.

(b) A request for a subpoena shall include:

- (1) the name and address of the person requesting the subpoena;
- (2) full identification of the hearing to which the witness or evidence is to be subpoenaed;
- (3) name and address of the person(s) whose appearance is sought;
- (4) specific identification, including a detailed description, and specific designation of present location, including name and address of person(s) with possession of any documents, evidence, or things sought; and
- (5) the reasons the person or things should be compelled to attend the hearings including a statement of the relevance and significance of the person or thing to the case and the effect the failure to issue a subpoena would have on the party's case.

(c) The individual issuing the subpoena will have the discretion to refuse a request for the issuance of a subpoena if clearly on its fact value the request is objectionable or unreasonable.

(d) Except as may be otherwise stated in a particular subpoena, any person receiving a subpoena from the division of vocational rehabilitation services may object promptly thereto by filing a written objection to the subpoena with:

Director

Division of Vocational Rehabilitation Services  
620 North West Street  
Post Office Box 26053  
Raleigh, North Carolina 27611

Such a request must include a concise, but complete statement of reasons why the subpoena should be revoked or modified.

(e) Any such objection shall be served on the party who requested the subpoena at the same time it is filed with the division of vocational rehabilitation services.

(f) The party requesting the subpoena, in such time as may be granted by the hearing officer, may file a written response to the objection. The response shall be served in like manner as the objection.

(g) After receipt of the objection and any response, the hearing officer shall issue a notice to the person requesting and the person challenging the subpoena and may notify all other parties of

an open hearing to be scheduled as soon as practicable at which evidence and testimony may be presented limited to the questions raised by the objection and any response.

(h) Promptly after the close of such hearing, the hearing officer will rule on the challenge and issue a written decision. A copy of the decision will be issued to all parties and made a part of the record.

(a) Upon notice to all parties, the hearing officer may instruct the parties to participate in a pre-hearing conference.

(b) The conference shall be informal in nature.

(c) The conference shall be noted in the notice of hearing or in a subsequent notice if a conference is later determined to be necessary by the hearing officer.

(d) The purpose of the conference will be to discuss:

- (1) the possibility of simplification of issues,
- (2) stipulation of facts or findings,
- (3) identification of areas where evidence will be needed,
- (4) indication of discovery or subpoenas needed, and
- (5) any other matters which will reduce costs or save time or otherwise aid expeditious disposition of the case.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0215 SIMPLIFICATION OF ISSUES

A party who wants a transcript of a hearing or part of a hearing should contact:

Deputy Director  
Division of Vocational Rehabilitation Services  
620 North West Street  
Post Office Box 26053  
Raleigh, North Carolina 27611

The parties to the hearing may agree in advance to simplification of issues by:

- (1) eliminating issues to be contested at the hearing,
- (2) accepting the validity of certain proposed evidence,
- (3) accepting the findings in some other case with relevance to the case at hand, or
- (4) agreeing to such other matters as may expedite the hearing.

Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.

#### .0216 SUBPOENAS

(a) Exceptions to a proposal for decision and alternative proposed findings of fact must be filed with the division of vocational rehabilitation ser-

vices within ten days of the receipt of the hearing officer's proposal for decision. Any exceptions to the agency procedure during the hearing, the handling of the hearing by the hearing officer, rulings on evidence, or any other matters must be written and refer specifically to pages of the record or otherwise precisely identify the occurrence being objected to.

(b) Upon receipt of exceptions and proposals of fact, the division of vocational rehabilitation services will determine whether the action excepted to resulted in substantial prejudice to the party and issue any orders for corrective action deemed necessary in light of the exceptions.

(c) Any party may present oral arguments to the division of vocational rehabilitation services upon request. Such requests must be filed within ten days after receipt of the proposal for decision.

(d) Upon receipt of request for oral argument, notice will be issued promptly to all parties and to the hearing officer designating the time and place for such oral argument.

(e) In presenting oral and written arguments, a party may not introduce any new evidence or witnesses.

(f) The division of vocational rehabilitation services may set reasonable time limits for the presentation of oral arguments.

(g) The division of vocational rehabilitation services shall make its decision and issue it in writing within 15 days after receipt of the exceptions or within 15 days after the oral hearing.

(a) Subpoenas requiring the attendance of witnesses or the production of documents or other evidence shall be issued promptly by the hearing officer after receipt of a request from a party to the case for such a subpoena, except as stated in this Rule.

(b) Requests for subpoenas shall be made to the hearing officer in writing. The requests shall be filed within a reasonable time after the need for the subpoena becomes evident to the requesting party.

(c) A request for a subpoena shall contain the following information:

- (1) the full name, the home and business addresses, and the home and business telephone numbers of persons or specific identification of the documents or category of documents to be subpoenaed;
- (2) identification by case name and docket number of the proceeding for which the subpoena(s) is sought;
- (3) a brief statement of the potential relevance of the testimony or the documents sought;
- (4) the time, date, and place for responding to the subpoena.



(d) Subpoenas shall be served as directed by the hearing officer and as appropriate to the circumstances of the case. Methods of service may include service by an employee of the agency or any method set out in G.S. 1A-1, Rule 45. The cost of service, any fees, and expenses of subpoenaed witnesses shall be paid by the party requesting the subpoena.

(e) Any person receiving a subpoena may object to the issuance of the subpoena by filing a written notice of objection with the hearing officer within ten days after receipt of the subpoena and serving a copy of the objection on the party that requested the subpoena. The notice of objection shall state the reasons why the subpoena should be revoked or modified.

(f) The hearing officer shall determine the appropriateness of the subpoena and shall issue an order upholding, modifying, or revoking the subpoena. The order shall contain the reasons for the decision. Copies of the order shall be served on the party that requested the subpoena and the person that objected to the subpoena.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.*

#### **.0217 EVIDENCE**

A record of all administrative hearings will be maintained for three years. The record will be maintained in a file at the Division of Vocational Rehabilitation Services, 620 North West Street, Raleigh, North Carolina, 27611, and will be available for public inspection during regular office hours.

(a) Evidence to be admitted in the hearing shall be as specified in G.S. 150B-29, G.S. 150B-30, and G.S. 150B-31.

(b) This adoption by reference is made under G.S. 150B-14(c).

*Authority G.S. 143-546; 143B-10(j); 150B-11; 150B-14(c); 150B-29; 150B-30; 150B-31; 34 C.F.R. 361.48.*

#### **.0218 DISQUALIFICATION OF HEARING OFFICER**

(a) If at any time the hearing officer believes he or she cannot conduct the hearing in a fair and impartial manner, the hearing officer shall submit to the deputy director a written statement indicating why he or she should be disqualified from the case. Submission of the statement shall disqualify the hearing officer. The deputy director shall inform all parties of the disqualification and the reasons therefor.

(b) If a party to the case believes that the hearing officer of record cannot conduct the

hearing in a fair and impartial manner, the party shall submit an affidavit to the hearing officer for consideration. The hearing officer shall determine the matter as part of the record in the case, and this determination shall be subject to judicial review at the conclusion of the proceeding.

(c) When a hearing officer is disqualified or it is impracticable for the hearing officer to proceed with the hearing, another hearing officer shall be assigned by the deputy director to proceed with the case. However, if it is shown to the deputy director or the newly assigned hearing officer that substantial prejudice to any party will result from continuation of the case then either:

- (1) the case shall be dismissed without prejudice; or
- (2) all or part of the case shall be repeated as necessary to substantially prevent or substantially remove the prejudice. The deputy director shall promptly inform all parties of the decision to assign a new hearing officer, that the case has been dismissed without prejudice, or that all or part of the case is to be repeated. Such notification shall include a statement of the reasons for the decision.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.*

#### **.0219 EX PARTE COMMUNICATIONS**

(a) Ex parte communications in the appeals hearing shall be governed by G.S. 150B-35.

(b) This adoption by reference is made under G.S. 150B-14(c).

*Authority G.S. 143-546; 143B-10(j); 150B-11; 150B-14(c); 150B-35; 34 C.F.R. 361.48.*

#### **.0220 OATH**

No person may testify or present arguments, views, or data orally at the hearing before being put under oath or affirmation.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.*

#### **.0221 CONDUCT OF HEARING**

(a) The hearing officer shall have complete control over the hearing, including:

- (1) the responsibility of having a record made of the hearing,
- (2) the administration of oaths and affirmations,
- (3) recognition of speakers,
- (4) prevention of repetitious presentations, and
- (5) general management of the hearing.

(b) The hearing officer shall conduct the hearing in a manner that will provide the applicant or client the rights required by 34 C.F.R. 361.48(c)(2)(ii).

(c) The hearing shall not be open to the public.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.*

#### **.0222 FAILURE TO APPEAR**

(a) If the applicant or client fails to appear at the hearing and does not have a representative present, the hearing officer shall cancel the hearing.

(b) The applicant or client may submit a written request for rescheduling of the hearing to the deputy director. The request shall provide an explanation of the individual's failure to appear at the hearing or to have a representative present. The deputy director may instruct the hearing officer to reschedule the hearing upon a showing of good cause by the applicant or client.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.*

#### **.0223 HEARING OFFICER'S DECISION**

Following the hearing, the hearing officer shall make and issue a decision as specified in 34 C.F.R. 361.48(c)(2)(iii). The decision shall be given to the applicant or client personally or by certified mail. If given by certified mail, it shall be deemed to have been given on the delivery date appearing on the return receipt.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.*

#### **.0224 DIVISION DIRECTOR'S REVIEW AND FINAL DECISION**

(a) The division director may review the hearing officer's decision and render the final decision.

(b) The division director's decision to review the hearing officer's decision shall be based on the following standards of review:

- (1) Is the hearing officer's decision arbitrary, capricious, an abuse of discretion, or otherwise unreasonable;
- (2) Is the hearing officer's decision supported by substantial evidence, i.e., consistent with facts and applicable federal and state policy;
- (3) In reaching the decision, has the hearing officer given appropriate and adequate interpretation to such factors as:
  - (A) the federal statute and regulations as they apply to specific issue(s) in question;

(B) the state plan as it applies to the specific issue(s) in question;

(C) division procedures as they apply to the specific issue(s) in question;

(D) key portions of conflicting testimony;

(E) division options in the delivery of services where such options are permissible under the federal statute;

(F) restrictions in the federal statute with regard to such supportive services as maintenance and transportation; and

(G) approved federal or division policy as it relates to the issue(s) in question.

(c) If the division director decides to review the hearing officer's decision, the director shall send the written notification and allow the submission of additional evidence as required by 34 C.F.R. 361.48(c)(2)(iv) and (vii). The written notification shall be given to the applicant or client personally or by certified mail. If given by certified mail, it shall be deemed to have been given on the delivery date appearing on the return receipt.

(d) Upon a determination to review the hearing officer's decision, the division director shall make the final decision and provide the written report thereof as required by 34 C.F.R. 361.48(c)(2)(viii) and (ix). The final decision shall be given to the applicant or client personally or by certified mail. If given by certified mail, it shall be deemed to have been given on the delivery date appearing on the return receipt.

(e) The hearing officer's decision shall be the final decision under the conditions specified in 34 C.F.R. 361.48 (c)(2)(v).

(f) The division director shall forward a copy of the final decision, whether issued under (d) or (e) of this Rule, to the deputy director, the CAP director, the regional director, and the applicant's or client's representative, as appropriate. A copy shall also be included in the individual's official case record.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.*

#### **.0225 EXTENSIONS OF TIME**

(a) Reasonable time extensions may be granted for the procedures in these rules for good cause shown at the request of a party or at the request of both parties except for:

- (1) the time for continuation of services during an administrative review as specified in Rule .0203(d) of this Section;
- (2) the time for conducting the appeals hearing as specified in Rule .0207(a) of this Section which may be extended only as specified in Rule .0207(c)(4) of this Section;



- (3) the time for issuance of the written notice of the formal appeals hearing as specified in Rule .0207(b) of this Section;
  - (4) the time for the director's notice of review as specified in Rule .0224(c) of this Section; and
  - (5) the time for the division director's issuance of a final decision as specified in Rule .0224(d) of this Section which may be extended only if the applicant or client requests an extension for good cause.
- (b) When an extension of time is being granted by the person conducting the administrative review or by the hearing officer, consideration shall be given to the effect of the extension on deadlines for other steps in the administrative review and appeals process.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.*

#### .0226 RECORD

- (a) The official records of appeals hearings shall be maintained in the central office of the division.
- (b) Any person wishing to examine a hearing record shall submit a written request to the deputy director in sufficient time to allow the record to be prepared for inspection, including the removal of any confidential material.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.*

#### .0227 TRANSCRIPTS

Any person desiring a transcript of all or part of an appeals hearing shall contact the office of the deputy director. A fee to cover the cost of preparing the transcript shall be charged, and the party may be required to pay the fee in advance of receipt of the transcript. The transcript may be edited to remove confidential material.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48.*

#### .0228 JUDICIAL REVIEW

Judicial review of decisions issued pursuant to Rules .0202 through .0225 of this Section shall be as specified in G.S. 150B, Article 4 with the exception of G.S. 150B-51(a) which shall not apply.

*Authority G.S. 143-546; 143B-10(j); 150B-11; 150B, Article 4; 150B-51(a); 34 C.F.R. 361.48.*

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-12 that the Commission for Mental Health, Mental Retardation and Substance Abuse Services intends to amend rule cited as 10 NCAC 45H .0203.*

*The proposed effective date of this action is August 1, 1989.*

*The public hearing will be conducted at 1:00 p.m. on May 10, 1989 at Holiday Inn State Capitol, 320 Hillsborough Street, Raleigh, N.C. 27603.*

*Comment Procedures: Any interested person may present his/her comments by oral presentation or by submitting a written statement. Persons wishing to make oral presentations should contact John Deluca, Division of Mental Health, Mental Retardation and Substance Abuse Services, 325 N. Salisbury Street, Raleigh, N.C. 27611, (919) 733-4772 by May 10, 1989. The hearing record will remain open for written comments from April 10, 1989 through May 10, 1989. Written comments must be sent to the above address and must state the rule(s) to which the comments are addressed. Fiscal information on these rules is also available from the same address.*

## CHAPTER 45 - NORTH CAROLINA DRUG COMMISSION

### SUBCHAPTER 4511 - DRUG TREATMENT FACILITIES

#### SECTION .0200 - SCHEDULES OF CONTROLLED SUBSTANCES

##### .0203 SCHEDULE II

(d) Stimulants. Unless specifically excepted or unless listed in another schedule any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers - 1100
- (2) Methamphetamine, its salts, isomers and salts of its isomers - 1105
- (3) Phenmetrazine and its salts - 1631
- (4) Methylphenidate - 1724
- (5) ~~Nabilone~~

~~[Another name for nabilone:~~

~~(9e)trans 3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]- 7379~~

- (6) (5) Phenylacetone

Some trade or other names:  
Phenyl-2-propanone; P2P;  
benzyl methyl Ketone;  
methyl benzyl Ketone; - 8501

(7) (6) Phencyclidine - 7471

(A) 1-Phenylcyclohexylamine - 7460

(B) 1-Piperidinocyclohexane- carbonitrile  
(PCC) - 8603

(f) Hallucinogenic Substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product - 7369

[Some other names for dronabinol:  
[(6aR-trans)-6a,7,8,10a-tetrahydro-6,  
6,9-trimethyl-3-pentyl-6H-dibenzo  
[b,d]pyran-1-yl], or (-)-delta-9-(trans)-  
tetrahydrocannabinol]

(2) Nabilone

[Another name for nabilone: - 7379  
(+)-trans-3-(1,1-dimethylheptyl)-6,  
6a,7,8,10,10a-hexahydro-1-hydroxy-  
6,6-dimethyl-9H-dibenzo[b,d]pyran-  
9-one].

Statutory Authority G.S. 90-88; 143B-147.

## TITLE 15 - NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

Notice is hereby given in accordance with G.S. 150B-12 that the Division of Environmental Management (Environmental Management Commission) intends to amend rules cited as 15 NCAC 2B .0101, .0103 - .0104, .0106, .0108, .0201 - .0206, .0208, .0211 - .0212, .0215 - .0216, .0301; adopt rules cited as 15 NCAC 2B .0109, .0218; repeal rule cited as 15 NCAC 2B .0213.

The proposed effective date of this action is October 1, 1989.

The public hearings will be conducted at the following locations, dates and times:

ASHEVILLE

May 8, 1989

7:00 p.m.

Lecture Room

Simpson Administration Bldg.  
Asheville-Buncombe Tech. Inst.

Asheville, NC

RALEIGH

May 10, 1989

7:00 p.m.

Ground Floor Hearing Room  
Archdale Building

512 N. Salisbury Street  
Raleigh, NC

PINE KNOLL SHORES

May 11, 1989

7:00 p.m.

North Carolina Aquarium

(formerly the Marine Resources Center)

Roosevelt Drive (off of Hwy NC 58)

Pine Knoll Shores, NC

**Comment Procedures:** All persons interested in this matter are invited to attend. Comments, data, statements and other information may be submitted in writing prior to, during or within thirty (30) days after the hearing or may be presented orally at the hearing. So that all persons desiring to speak may do so, statements may be limited at the discretion of the hearing officer(s). All persons making oral presentations are requested to submit a written copy to the hearing officer(s). For more information contact Gregory Thorpe, Div. of Environmental Management, P.O. Box 27687, Raleigh, N.C. (919) 733-5083.

## CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

### SUBCHAPTER 2B - SURFACE WATER STANDARDS: MONITORING

#### SECTION .0100 - PROCEDURES FOR ASSIGNMENT OF WATER QUALITY STANDARDS

##### .0101 GENERAL PROCEDURES

(d) (a) The rules contained in Sections 2B .0100, 2B .0200 and 2B .0300 of this Subchapter which pertain to the series of classifications and water quality standards shall be known as the "Classifications and Water Quality Standards Applicable to the Surface Waters of North Carolina."

(e) (b) The Environmental Management Commission, prior to classifying and assigning standards of water quality to any waters of the state, will proceed as follows:

(1) The commission, or its designee, will identify determine waters to be studied for the propose of classification and assignment of water quality standards on the basis of user requests, petitions, or the identification of existing or attainable water uses, as defined by 15 NCAC 2B .0202(15), not presently included in the water classification, and needs identified by the Division of Environmental Management.

(2) The commission will request the division to study After appropriate studies of the identified waters to obtain the data and

information required for determining the proper classification of the waters or segments of water are completed, the under consideration.

- (4) The commission, or its designee, will designate a hearing examiner or examiners to conduct a public hearing on the matter of classifying and assigning water quality standards to the waters under consideration and will specify the date, time, and place for holding each public hearing. commission, or its designee, will make a decision on whether to initiate proceedings to modify the classifications and water quality standards of identified waters and will inform the commission of the decision prior to scheduling a public hearing.
- (3) In the case of a petition for classification and assignment of water quality standards according to the requirements of General Statute 150B-16, The commission will request the division to the director will make a preliminary recommendation on the appropriate classifications and water quality standards of the identified waters on the basis of the study findings and/or information included in the petition supporting the classification and standards changes.
- (4) The commission will make a decision on whether to grant or deny a petition in accordance with the provisions of General Statute 150B-16 based on the information included in the petition and the recommendation of the director. The commission may deny the petition and request that the division study the appropriate classifications and water quality standards for the petitioned waters in accordance with (b)(2) of this Rule.
- (5) The commission director will give due notice of such hearing or hearings in accordance with the requirements of General Statute 143-214.1 and G.S. 150B, and will appoint a hearing officer(s) in consultation with the chairman of the commission.
- (6) The hearing examiner or examiners officer(s) will, as soon as practicable after the completion of the hearing, submit a complete report of the proceedings of the hearing to the commission. The hearing examiner officer(s) shall include in the report a transcript and /or summary of testimony presented at such public hearing, relevant exhibits, a summary of relevant information from the stream studies con-

ducted by the technical staff of the commission, and final recommendations as to classification of the designated waters and the standards of water quality and best management practices which should be applied to each the classifications recommended.

- (7) The commission, after due consideration of the hearing records and the final recommendations of the hearing ~~examiner or examiners~~, officer(s), will adopt its final action with respect to the assignment of classifications, and any applicable standards or best management practices applicable to the waters under consideration. The commission will publish such action, together with the effective date for the application of the provisions of General Statute 143-215.1 and 143-215.2, as amended, as a part of the commission's official ~~regulations~~, rules in accordance with General Statute 150B-59.
  - (8) The final action of the commission with respect to the assignment of classification with its accompanying standards and best management practices shall contain the commission's conclusions relative to the various factors given in General Statute 143-214.f(d), and shall specifically include the class or classes to which such specifically designated waters in the watershed or watersheds shall be assigned on the basis of best usage in the interest of the public.
- (c) ~~(A)~~ Freshwater Classifications.
- (1) ~~(i)~~ Class C; ~~suitable~~ suitable ~~freshwaters~~ freshwaters protected for secondary recreation and aquatic life including fish propagation and fish survival; all freshwaters are classified to protect these uses at a minimum;
  - (2) ~~(iv)~~ Class B; ~~suitable for swimming~~, freshwaters protected for primary recreation which includes swimming on a frequent and/or organized basis and all Class C uses;
  - (3) ~~(i)~~ Class WS-I; waters protected as water supplies which are in natural and uninhabited or predominantly undeveloped (not urbanized) watersheds; no point source discharges of wastewater are permitted, except those categories of discharges or specific discharges qualifying for a General Permit according to the requirements of 15 NCAC 2H Section .0100 specifically approved by the commission at the time of classification; and local land management programs to control non-



point source pollution are required; suitable for all Class C uses;

- (4) ~~(iii)~~ Class WS-II; waters protected as water supplies which are in low to moderately developed (urbanized) watersheds; discharges are restricted to ~~primarily~~ domestic wastewater (sewage) or industrial non-process waters specifically approved by the commission; local land management programs to control nonpoint source pollution are required; suitable for all Class C uses;
- (5) ~~(iii)~~ Class WS-III; water supply segment with no categorical restrictions on watershed development or discharges; suitable for all Class C uses;
- (d) ~~(B)~~ Tidal Salt Water Classifications.
  - (1) ~~(iii)~~ Class SC; suitable saltwaters protected for secondary recreation and aquatic life including fish propagation and fish survival; all saltwaters are classified to protect these uses at a minimum;
  - (2) ~~(ii)~~ Class SB; suitable for swimming and saltwaters protected for primary recreation which includes swimming on a frequent and/or organized basis and all Class SC uses;
  - (3) ~~(i)~~ Class SA; suitable for commercial shellfishing and all other tidal saltwater uses;
- (e) ~~(C)~~ Supplemental Classifications.
  - (1) ~~(i)~~ Trout waters (TR); suitable freshwaters protected for natural trout propagation and maintenance survival of stocked trout;
  - (2) ~~(ii)~~ Swamp waters (SW); waters which have low velocities and other natural characteristics which are different from adjacent streams;
  - (3) ~~(iii)~~ Nutrient sensitive waters (NSW); waters subject to excessive growths of microscopic or macroscopic vegetation requiring limitations on nutrient inputs;
  - (4) ~~(iv)~~ Outstanding Resource Waters (ORW); unique and special waters of exceptional state or national recreational or ecological significance which require special protection to maintain existing uses.
  - (5) High Quality Waters (HQW); all streams which are rated as excellent based on biological and physical chemical characteristics through division monitoring or special studies, all native and special native trout waters (and their tributaries) designated by the Wildlife Resources Commission, all primary nursery areas (PNA) designated by the Marine Fisheries Commission and other functional nursery areas recognized by the Wildlife Resources

Commission or other appropriate agencies, all water supply watersheds which are either classified as WS-I or WS-II or those for which a formal petition for reclassification as WS-I or WS-II has been received from the appropriate local government and accepted by the Division of Environmental Management and all Class SA waters.

~~(b)~~ (f) In determining the best usage of waters and assigning classifications of such waters, the commission ~~shall~~ will consider the criteria specified in General Statute 143-214.1(d) and all existing uses as defined by 15 NCAC 2B .0202(15). In determining whether to revise a designated best usage for waters through a revision to the classifications, the commission will follow the requirements of 40 CFR 131.10(b)(c)(d) and (g) which are adopted by reference in accordance with General Statute 150B-14(c).

~~(c)~~ (g) When revising the classification of waters, the division ~~shall~~ will collect water quality data within the watershed for those substances which require more stringent control than required by the existing classification. However, such sampling may be limited to only those parameters which are suspected to be present in significant quantities. If the revision to classifications involves the removal of a designated use, the division will conduct a use attainability study as required by the provisions of 40 CFR 131.10(j) which are adopted by reference in accordance with General Statute 150B-14(c).

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

#### .0103 ANALYTICAL PROCEDURES

(a) Chemical/Physical Procedures. Tests or analytical procedures to determine conformity or non-conformity with standards will, insofar as practicable and applicable, conform to the guidelines by the Environmental Protection Agency codified as 40 CFR, Part 136, which are adopted by reference ~~as amended through June 1, 1984,~~ in accordance with General Statute 150B-14(c) other analytical procedures shall conform to those found in the fourteenth edition of "Standard Methods for the Examination of Water and Wastewater," 1975 (published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation), or "Methods for Chemical Analysis of Water and Wastes," (prepared by the U.S. Environmental Protection Agency and available from the Superintendent of Documents, U.S. Government Printing Office) which are adopted by reference



or such other methods as may be approved by the director. ~~Environmental Management Commission.~~

(b) Biological Procedures. Biological tests to determine conformity or non-conformity with standards will be based on methods published by the U.S. Environmental Protection Agency as outlined in "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms" (Report No. EPA/600/4-85/013) or subsequent versions, "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms" (Report No. EPA/600/4-85/014) or subsequent versions, and "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms" (Report No. EPA/600/4-87/028) or subsequent versions, or such other methods as approved by the director.

*Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).*

**.0104 CONSIDERATIONS IN ASSIGNING WATER SUPPLY CLASSIFICATIONS**

(a) In determining the suitability of waters for use as a source of water supply for drinking, culinary or food processing purposes after approved treatment, the commission will be guided by the physical, chemical, and bacteriological maximum contaminant levels specified by Environmental Protection Agency regulations adopted pursuant to the Public Health Service Act, 42 U.S.C. 201 et seq., as amended by the Safe Drinking Water Act, 42 U.S.C. 300(f) et seq. In addition, the commission will be guided by the requirements for unfiltered and filtered water supplies and the maximum contaminant levels specified in the North Carolina Rules Governing Public Water Supplies, 10 NCAC 10D .1200, .1300 and .1600 and comments provided by the Division of Health Services.

(b) In considering the reclassification of waters as Class WS-I, classification, the commission will evaluate local land use management programs to protect the quality of these waters from nonpoint sources of pollution. Local land use management programs and modifications to these programs must be approved by the commission and will be kept on file by the Division of Environmental Management and Division of Health Services. Waters formerly classified as A-I will be considered to be protected as required for unfiltered water supplies by the Commission of Health Services (10 NCAC 10D .1200) until alternative plans are submitted for approval.

(c) In considering the reclassification of waters as Class WS-II, classification, the commission will evaluate local land use management programs to protect the quality of these waters from existing and future nonpoint sources of pollution. Local management programs and modifications to these programs must be approved by the commission and will be kept on file by the Division of Environmental Management and Division of Health Services.

(d) In considering the reclassification of waters as Class WS-III, classification, the commission will take into consideration the relative proximity, quantity, composition, natural dilution and diminution of potential sources of pollution to determine that risks posed by all significant pollutants are adequately considered.

*Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).*

**.0106 CONSIDERATIONS IN ASSIGNING CLASSIFICATIONS FOR PRIMARY RECREATION**

In assigning the B or SB classification to waters intended for primary recreation, the commission will take into consideration the relative proximity of sources of water pollution and will recognize the potential hazards involved in locating swimming areas close to sources of water pollution and will not assign this classification to waters in which such water pollution could result in a hazard to public health. Discharges to waters classified as B or SB ~~shall~~ will meet the reliability requirements specified in 15 NCAC 2H .0124. Discharges to waters where a primary recreational use is determined by the director to be attainable will be required to meet water quality standards and reliability requirements to protect this use concurrently with reclassification efforts.

*Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).*

**.0108 CONSIDERATIONS IN ASSIGNING THE SHELLFISHING AREA CLASSIFICATION**

In determining the safety ~~of or~~ or suitability of Class SA waters to be used for shellfishing for market purposes, the commission will be guided ~~not only by the physical, chemical, and bacteriological maximum contaminant levels in the water but will also consider the proximity of waste discharges that could adversely affect the shellfish. Waters will not be classified SA without the written concurrence of the Division of Health Services, North Carolina Department of Human Resources, by the existing water quality of the area in relation to the standards to protect~~

shellfishing uses, the potential contamination of the area from both point and nonpoint sources of pollution, and the presence of harvestable quantities of shellfish or the potential for the area to have harvestable quantities through management efforts of the Division of Marine Fisheries.

*Statutory Authority G.S. 143-214.1.*

**.0109 WATERS AFFECTED BY DREDGE AND FILL ACTIVITIES**

Projects that alter the reach and extent of a freshwater wetland will not be considered as removing existing uses of the wetland in violation of the Antidegradation Policy [pursuant to 15 NCAC 2B .0201(b)] if the alteration protects all existing and designated uses of all other waters of the state and if the director determines that the project complies with the requirements of 40 CFR Part 230, Subparts A through F, which are adopted by reference in accordance with General Statute 150B-14(b).

*Statutory Authority G.S. 143-214.1.*

**SECTION .0200 - CLASSIFICATIONS AND WATER QUALITY STANDARDS APPLICABLE TO SURFACE WATERS OF NORTH CAROLINA**

**.0201 ANTIDEGRADATION POLICY**

(a) It is the policy of the Environmental Management Commission to maintain, protect, and enhance water quality within the State of North Carolina. Pursuant to this policy, the Environmental Management Commission will not approve any project or development which would result in the significant degradation of waters whose existing quality is better than the assigned water quality standards, unless such degradation is found by the commission to be justifiable to provide necessary economic and social development. In such cases, those pollution control measures necessary to maintain high water quality will be required where physically and economically feasible. Prior to approval of any project or development which will result in the significant degradation of water quality, the commission will solicit, through public notice or public hearing or both, comments from the public and intergovernmental agencies relative to the project or development and anticipated water quality degradation. In cases where the project or development requires a NPDES permit, the Environmental Management Commission shall publish in conjunction with the public notices required by 15 NCAC 2H .0100(a) (regarding application for a NPDES permit) and 15 NCAC 2H .0100(b) (regarding a public hearing on a NPDES permit application) a statement that

such project or development is anticipated to result in significant degradation. Furthermore, the commission shall consider the present and anticipated usage of said high quality waters, including any uses not specified by the assigned classification (such as outstanding national resource waters or waters of exceptional water quality) and will not allow degradation of the high quality waters below the water quality necessary to maintain existing and anticipated uses. In implementing this policy, the commission will keep the United States Environmental Protection Agency informed and will provide it with such information as it will need in discharging its responsibility under the Clean Water Act, 33 U.S.C. 466 et seq. the requirements of 40 CFR 131.12 are adopted by reference in accordance with General Statute 150B-14(b). These requirements will be implemented in North Carolina as follows:

(b) Existing uses, as defined by Rule 2B .0202(16), and the water quality to protect such uses shall be protected by properly classifying surface waters and having standards sufficient to protect these uses. In cases where the director determines that an existing use is not included in the classification of waters, a project which will affect these waters will not be permitted unless the existing uses will be protected.

(c) Significant degradation of waters with quality higher than the standards will not be allowed unless the commission determines that such degradation is necessary to accommodate important social and economic development. Waters with quality higher than the standards are defined by Rule 2B .0202(39). The following procedures will be implemented in order to meet these requirements:

- (1) Each applicant for an NPDES permit or NPDES permit renewal to discharge treated waste will document an effort to reduce waste generation through source reduction and/or recycling techniques.
- (2) Public Notices for NPDES permits will list parameters that would be water quality limited and state whether or not the discharge will use the entire available load capacity of the receiving waters and may cause more stringent water quality based effluent limitations to be established for dischargers downstream.
- (3) The division may require supplemental documentation from the affected local government that a proposed project or parts of the project are necessary for important economic and social development.
- (4) The commission and division will work with local governments on a voluntary



basis to identify and develop appropriate management strategies and/or classifications for waters with unused pollutant loading capacity to accommodate future economic growth.

Waters with quality higher than the standards will be identified by the division on a case-by-case basis through the NPDES permitting and waste load allocation processes (pursuant to the provisions of 15 NCAC 2H .0100). Dischargers affected by the requirements of parts (c)(1) through (c)(4) of this Rule and the public at large will be notified according to the provisions described herein, and all other appropriate provisions pursuant to 15 NCAC 2H .0109. If an applicant objects to the requirements to protect waters with quality higher than the standards and believes degradation is necessary to accommodate important social and economic development, the applicant can contest these requirements according to the provisions of General Statute 143-215.1(c) and 150B-23.

(d) Significant degradation of High Quality Waters (HQW) will not be allowed unless the commission determines that such degradation is necessary to accommodate important social and economic development. High Quality Waters are a subset of waters with quality higher than the standards and are as described by 15 NCAC 2B .0101(c)(5). The following procedures will be implemented in order to meet the requirements of this part:

(1) New or expanded wastewater discharges in High Quality Waters will comply with the following:

(A) Discharges from new single family residences will be discouraged. Those that must discharge will install a septic tank, dual or recirculating sand filters, disinfection and step aeration.

(B) All new NPDES wastewater discharges (except single family residences) will be required to provide the treatment described below:

(i) Oxygen Consuming Wastes: Effluent limitations will be as follows: BOD<sub>5</sub> = 5 mg/l, NH<sub>3</sub>-N = 2 mg/l and DO = 6 mg/l. More stringent limitations will be set, if necessary, to ensure that the cumulative pollutant discharge of oxygen-consuming wastes will not cause the DO of the receiving water to drop more than 0.5 mg/l below background levels, and in no case below the standard. Where background information is not readily available, evaluations will assume a percent saturation deter-

mined by staff to be generally applicable to that hydroenvironment.

(ii) Total Suspended Solids: Discharges of total suspended solids (TSS) will be limited to effluent concentrations of 10 mg/l for trout waters and PNA's, and to 20 mg/l for all other High Quality Waters.

(iii) Disinfection: Alternative methods to chlorination will be required for discharges to trout streams, except that single family residences may use chlorination if other options are not economically feasible. Domestic discharges are prohibited to SA waters.

(iv) Emergency Requirements: Failsafe treatment designs will be employed, including stand-by power capability for entire treatment works, dual train design for all treatment components, or equivalent failsafe treatment designs.

(v) Volume: The total volume of treated wastewater for all discharges combined will not exceed 50 percent of the total instream flow under 7Q10 conditions.

(vi) Nutrients: Where nutrient over-enrichment is projected to be a concern, appropriate effluent limitations will be set for phosphorus or nitrogen, or both.

(vii) Toxic substances: In general, only the discharge of domestic or non-process wastewater will be permitted into High Quality Waters. In cases where complex discharges (those containing or potentially containing toxicants) may be currently present in the discharge, a safety factor will be applied to any chemical or whole effluent toxicity allocation. The limit for a specific chemical constituent will be allocated at one-half of the normal standard at design conditions. Whole effluent toxicity will be allocated to protect for chronic toxicity at an effluent concentration equal to twice that which is acceptable under design conditions. In all instances there may be no acute toxicity in an effluent concentration of 90 percent as measured by the North Carolina "Pass/Fail Methodology for Determining Acute Toxicity in a Single Effluent Concentration". Ammonia toxicity will be evaluated according to EPA guidelines promulgated in the Ammonia Criteria Development Document (1986); EPA document number 440/5-85-001; NTIS



number PB85-227114; July 29, 1985 (50 FR 30784).

(C) All expanded NPDES wastewater discharges in High Quality Waters will be required to provide the treatment described in part (1)(B) of this Rule, except for those existing discharges which expand with no increase in permitted pollutant loading.

(2) Development activities in High Quality Water watersheds which require a Sedimentation Erosion Control Plan in accordance with rules (15 NCAC 04) established by the NC Sedimentation Control Commission will be required to control runoff from the one inch design storm as follows:

(A) Low Density Option: Developments which limit single family developments to one acre lots and other type developments to 12 percent impervious cover will be deemed to comply with this requirement. More stringent requirements may be required on a case-by-case basis in very sensitive areas.

(B) High Density Option: Higher density developments will be allowed if stormwater control systems are installed, operated and maintained which control the runoff from all impervious surfaces generated from one inch of rainfall. The size of the control system must take into account the runoff from any pervious surfaces draining to the system. More stringent requirements may be required on a case-by-case basis in very sensitive areas.

(C) All waters classified WS-I or WS-II and all waters located in the 20 coastal counties as defined in Rule 15 NCAC 2H .1002(9) are excluded from this requirement since they already have requirements for nonpoint source controls.

If an applicant objects to the requirements to protect high quality waters and believes degradation is necessary to accommodate important social and economic development, the applicant can contest these requirements according to the provisions of General Statute 143-215.1(e) and 150B-23.

(e) Outstanding Resource Waters (ORW) are a special subset of High Quality Waters with unique and special characteristics as described in Rule .0216 of this Section. The water quality of waters classified as ORW shall be maintained and protected such that no permanent degradation is allowed.

*Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).*

#### .0202 DEFINITIONS

The definition of any word or phrase used in these ~~regulations~~ rules shall be the same as given in Article 21, Chapter 143 of the General Statutes of North Carolina, as amended. The following words and phrases, which are not defined in this article, ~~shall~~ will be interpreted as follows: ~~con-~~strued to have the following meanings:

(1) Acute toxicity to aquatic life means lethality or other harmful effects sustained by either resident aquatic populations or indicator species used as test organisms in a controlled toxicity test due to a short-term exposure (relative to the life cycle of the organism) to a specific chemical or mixture of chemicals (as in an effluent). Short-term exposure for acute tests is generally 96 hours or less. Acute toxicity will be determined using the most appropriate of the following procedures:

(a) for specific chemical constituents or compounds, acceptable levels will be equivalent to a concentration of one-half or less of the Final Acute Value (FAV) as determined according to "Guidelines for Deriving Numerical Water Quality Criteria for the Protection of Aquatic Life and its Uses" published by the Environmental Protection Agency and referenced in the Federal Register (50 FR 30784, July 29, 1985).

(b) for specific chemical constituents or compounds, acceptable levels will be equivalent to a concentration of one-third or less of the lowest available LC50 value.

(c) for effluents, acceptable levels are defined as no statistically measurable lethality (99 percent confidence level using Students t test) during a specified exposure period. Concentrations of exposure will be determined on a case-by-case basis.

(d) in instances where detailed dose response data indicate that acceptable levels are significantly different from those defined in this rule, the director may determine on a case-by-case basis an alternate acceptable level through statistical analyses of the dose response curve.

(2) Acute to chronic ratio (ACR) means the ratio of acute toxicity expressed as an LC50 for a specific toxicant or an effluent to the chronic value for the same toxicant or effluent.

- (3) ~~(1)~~ Agricultural ~~shall~~ uses include the use of waters for stock watering, irrigation, and other farm purposes.
- (4) ~~(2)~~ Approved treatment, as applied to water supplies, means treatment accepted as satisfactory by the authorities responsible for exercising supervision over the ~~sanitary~~ quality of water supplies.
- (5) ~~(3)~~ Average (except bacterial) means arithmetical average and includes the analytical results of all samples taken during the specified period; all sampling shall be done as to obtain the most representative sample under prevailing conditions:
  - (a) Daily Average for dissolved oxygen, shall be of at least four samples;
  - (b) Weekly Average means the average of all daily composite samples obtained during the calendar week; if only one grab sample is taken each day, the weekly average is the average of all daily grab samples; at least one representative sample shall be taken each day in which there is a discharge; a minimum of three daily grab samples is needed to calculate a weekly average;
  - (c) Monthly Average means the average of all daily composites (or grab samples if only one per day) obtained during the calendar month.

The definitions in this Paragraph do not change affect the monitoring requirements for NPDES permits but rather are to be used by the division along with other methodologies in determining violations of water quality standards. Arithmetical averages as defined by this Rule, and not confidence limits nor other statistical descriptions, will be used in all calculations of limitations which require the use of averages pursuant to this Rule and 40 CFR 122.41(l)(4)(iii).
- (6) Best Management Practice (BMP) means a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
- (7) ~~(4)~~ Best usage of waters as specified for each class means those uses as determined by the Environmental Management Commission in accordance with the provisions of Article 21, Chapter 143 -214.1, General Statutes of North Carolina.
- (8) ~~(5)~~ Bioaccumulative means substances which are taken up, concentrated, and retained by an organism from its environment.
- (9) Chronic toxicity to aquatic life means any harmful effect sustained by either resident aquatic populations or indicator species used as test organisms in a controlled toxicity test due to long-term exposure (relative to the life cycle of the organism) or exposure during a substantial portion of the duration of a sensitive period of the life cycle to a specific chemical substance or mixture of chemicals (as in an effluent). In absence of extended periods of exposure, early life stage toxicity tests may be used to define chronic impacts.
- (10) Chronic value for aquatic life means the geometric mean of two concentrations identified in a controlled toxicity test as the No Observable Effect Concentration (NOEC) and the Lowest Observable Effect Concentration (LOEC).
- (11) Concentrations are the mass of a substance per volume of water and for the purposes of this Section will be expressed as milligrams per liter (mg/l), micrograms per liter (ug/l), or nanograms per liter (ng/l).
- (12) Designated Nonpoint Source Agency means those agencies specified in the North Carolina Nonpoint Source Management Program, as approved by the Environmental Protection Agency.
- (13) ~~(6)~~ Discharge is the addition of any man-induced waste effluent either directly or indirectly to state surface waters.
- (14) ~~(7)~~ Division means the Division of Environmental Management or its successors.
- (15) ~~(8)~~ Effluent channel means a discernable confined and discrete conveyance which is used for transporting treated wastewater to a receiving stream or other body of water as provided that such channels shall: in Rule .0215 of this Section.
  - (a) be contained entirely on property owned (or otherwise controlled) by the discharger (to be demonstrated by the discharger);
  - (b) not contain natural waters except when such waters occur in direct response to rainfall events by overland runoff;
  - (c) be so constructed or modified to minimize the migration of fish into said channel;
  - (d) be identified and designated on a case-by-case basis prior to permit issuance.
- (9) Estuarine waters means those tidal salt waters assigned S classifications.
- (16) Existing uses mean uses actually attained in the water body, in a significant and not incidental manner, on or after November 28, 1975, whether or not they are included in the water quality standards, which either have been actually available to the public or are



- uses deemed attainable by the Environmental Management Commission. At a minimum, uses shall be deemed attainable if they can be achieved by the imposition of effluent limits and cost-effective and reasonable best management practices (BMPs) for nonpoint source control.
- (17) ~~(10)~~ Fishing means the taking of fish by sport or commercial methods as well as the consumption of fish or shellfish or the propagation of fish and such other aquatic life as is necessary to provide a suitable environment for fish.
- (18) ~~(11)~~ Freshwater means all waters that under natural conditions would have a chloride ion content of 500 mg/l or less.
- (19) ~~(20)~~ 96-hour LC50 shall means that concentration of a toxic substance which is lethal (or immobilizing, if appropriate) to 50 percent of the organisms tested under the test conditions in a during a specified exposure period. of 96 hours. The 96-hour LC50 concentration for toxic materials shall be determined for appropriate sensitive species under aquatic conditions characteristic of the receiving waters. or, if deemed necessary, by the director by bioassays conducted by or in cooperation with the division.
- (20) ~~(12)~~ Lower piedmont and coastal plain waters shall mean those waters of the Catawba River Basin below Lookout Shoals Dam; the Yadkin River Basin below the junction of the Forsyth, Yadkin, and Davie County lines and all of the waters of Cape Fear; Lumber; Roanoke; Neuse; Tar-Pamlico; Chowan; Pasquotank; and White Oak River Basins, except tidal salt waters which are assigned S classifications.
- (21) ~~(13)~~ MF is an abbreviation for the membrane filter procedure for bacteriological analysis.
- (22) ~~(14)~~ Mixing zone shall means a region of the receiving water in the vicinity of a discharge within which dispersion and dilution of constituents in the discharge occurs and (i.e. where adequate mixing of the discharge and receiving water takes place); and within which water quality standards shall not apply, except that such zones shall be subject to conditions established in accordance with 15 NCAC 2B .0204(b).
- (23) ~~(15)~~ Mountain and upper piedmont waters shall mean all of the waters of the Hiwassee; Little Tennessee, including the Savannah River drainage area; French Broad; Broad; New; and Watauga River Basins and those portions of the Catawba River Basin above Lookout Shoals Dam and the Yadkin River Basin above the junction of the Forsyth, Yadkin, and Davie County lines.
- (24) ~~(16)~~ Nonpoint source pollution means pollution which enters waters mainly as a result of precipitation and subsequent runoff from lands which have been disturbed by man's activities and includes all sources of water pollution which are not designated as point sources by the state, required to have a permit in accordance with General Statute 143-215.1(c).
- (25) ~~(17)~~ Nutrient sensitive waters shall mean those waters which are so designated in the classification schedule in order to limit the discharge of nutrients (usually nitrogen and phosphorus). They are designated by "NSW" following the water classification.
- (26) ~~(18)~~ Offensive condition means any condition or conditions resulting from the presence of sewage, industrial wastes or other wastes within the waters of the state or along the shorelines thereof which shall either directly or indirectly cause foul or noxious odors, unsightly conditions, or breeding of abnormally large quantities of mosquitoes or other insect pests, or shall damage private or public water supplies or other structures, result in the development of gases which destroy or damage surrounding property, herbage or grasses, or which shall may affect the health of any person residing or working in the area.
- (27) ~~(19)~~ Parts per million and parts per billion as used herein shall be construed to mean milligrams per liter (mg/l), and micrograms per liter (ug/l), respectively, as defined in the fourteenth edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation which is adopted by reference.
- (27) Primary Nursery Areas (PNAs) are tidal saltwaters which provide essential habitat for the early development of commercially important fish and shellfish and are so designated by the Marine Fisheries Commission.
- (28) ~~(20)~~ Primary recreation shall include swimming, skin diving, skiing, and similar uses involving human body contact with water where such activities take place in an organized or on a frequent basis.
- (29) ~~(21)~~ Secondary recreation shall include wading, boating, other uses not involving human body contact with water, and activities involving human body contact with



water where such activities take place on an infrequent, unorganized, or incidental basis.

- (30) Sensitive species for aquatic toxicity testing is any species utilized in procedures accepted by the director in accordance with Rules .0211(B)(3)(L) or .0212(B)(3)(L) of this Section or the following genera:

- (a) Daphnia;
- (b) Ceriodaphnia;
- (c) Salmo;
- (d) Pimephales;
- (e) Mysidopsis;
- (f) Champia;
- (g) Cyprinodon;
- (h) Arbacia;
- (i) Penaeus;
- (j) Menidia;
- (k) Notropis;
- (l) Salvelinus;

Other genera may be accepted by the director on a case-by-case basis.

- (31) ~~(22)~~ Shellfish culture shall include the use of waters for the propagation, storage and gathering of oysters, clams, and other shellfish for market purposes.

- (32) ~~(23)~~ Source of water supply for drinking, culinary or food-processing purposes shall mean any source, either public or private, the waters from which are used for human consumption, or used in connection with the processing of milk, beverages, food, or other purpose which requires water meeting the maximum contaminant levels (~~mcls~~) (MCLs) in the North Carolina Rules Governing Public Water Supplies, 10 NCAC 10D .1600 as well as mcls promulgated by the Environmental Protection Agency pursuant to the Public Health Service Act, 42 U.S.C. 201 et seq., as amended by the Safe Drinking Act, 42 U.S.C. 300(f) (g)-1 et seq.

- (33) ~~(24)~~ Swamp waters shall mean those waters which are ~~so designated~~ classified by the Environmental Management Commission and which are topographically located so as to generally have very low velocities and certain other characteristics which are different from adjacent streams draining steeper topography. They are designated by "Sw" following the water classification.

- (34) ~~(25)~~ Tidal salt waters shall mean all tidal waters which are ~~so designated~~ classified by the Environmental Management Commission and which generally have a natural chloride ion content in excess of 500 parts per million and include all waters assigned S classifications.

- (35) ~~(26)~~ Toxic substance or toxicant means any substance or combination of substances (in-

cluding disease-causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction) or physical deformities in such organisms or their offspring or other adverse health effects.

- (36) ~~(27)~~ Trout waters are those waters which have been ~~so designated by the Environmental Management Commission, with the advice of the Wildlife Resources Commission. Their natural conditions which~~ will sustain and allow for trout propagation and ~~maintenance~~ survival of stocked trout on a year-round basis. These waters are classified by the Commission after considering the requirements of Rule .0101(b) and (c) of this Subchapter and include all waters ~~They are~~ designated by "Tr" following in the water classification.

- (37) ~~(28)~~ Waste disposal shall include the use of waters for disposal of sewage, industrial waste or other waste after approved treatment.

- (38) Water quality based effluent limits and best management practices are limitations or best management practices developed by the division for the purpose of protecting water quality standards and best usage of surface waters consistent with the requirements of General Statute 143-214.1 and the Federal Water Pollution Control Act as amended.

- (39) Waters with quality higher than the standards means all waters for which the determination of waste load allocations indicates that water quality is sufficiently greater than that defined by the standards (pursuant to 15 NCAC 2B .0206) such that significant pollutant loading capacity still exists in those waters.

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

#### .0203 PROTECTION OF WATERS DOWNSTREAM OF RECEIVING WATERS

In cases where treated sewage, industrial wastes or other wastes including those from nonpoint sources are directly or indirectly allowed to enter into waters which are assigned a different classification than the waters into which such receiving

waters flow; the standard applicable to the waters which receive such wastes shall be supplemented by the following: "The quality of any waters receiving sewage, industrial waste or other waste shall be such that no impairment of the best usage of waters in any other class shall occur by reason of such waste."

Water quality based effluent limitations or management practices for direct or indirect discharges of waste or for other sources of water pollution will be developed by the division such that the water quality standards and best usage of receiving waters and all downstream waters will not be impaired.

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

#### .0204 LOCATION OF SAMPLING SITES AND MIXING ZONES

(a) Location of Sampling Sites. In making conducting tests or making analytical determinations of classified waters to determine conformity or nonconformity with the established standards, samples shall be collected outside the limits of prescribed mixing zones. However, where appropriate, samples shall be collected within the mixing zone in order to ensure compliance with in-zone water quality requirements as outlined in (b) of this Rule.

(b) Mixing Zones. A mixing zone may be established in the area of a discharge in order to provide reasonable opportunity for the mixture of the wastewater with the receiving waters. Water quality standards will not apply within regions defined as mixing zones, except that such zones will be subject to the conditions established in accordance with this Rule. The limits of such mixing zones will be defined by the division on a case-by-case basis after consideration of the magnitude and character of the waste discharge and the size and character of the receiving waters. Such Mixing zones shall will be determined such that discharges will not:

- (1) prevent free passage of fish around or cause fish mortality within the mixing zone, result in acute toxicity to aquatic life [as defined by Rule .0202(1) of this Section] or prevent free passage of aquatic organisms around the mixing zone;
  - (2) result in offensive conditions,
  - (3) produce undesirable aquatic life or result in a dominance of nuisance species outside of the assigned mixing zone,
  - (4) endanger the public health or welfare.
- (c) Zones of Initial Dilution. The director may establish on a case-by-case basis a zone of initial dilution (ZID) within a mixing zone at specific

points of effluent discharge that is significantly smaller than the associated mixing zone. The conditions established for mixing zones in Paragraph (b)(1) of this Rule will not apply within regions defined as zones of initial dilution. The limits of such zones of initial dilution will be defined by the division on a case-by-case basis after consideration of the magnitude and character of the waste discharge and the size and character of the receiving waters. The commission will approve all NPDES permits containing provisions for a ZID. Public notice that an NPDES permit contains provisions for a ZID will be mandatory for all such permits. In addition, a mixing zone shall will not be assigned for point source discharges of fecal coliform organisms in waters classified "WS-II," "WS-III," "B," "SB," or "SA." For the discharge of heated wastewater, compliance with federal rules and regulations pursuant to Section 316(a) of the Federal Water Pollution Control Act, as amended, shall constitute compliance with this Subsection Subparagraph (b) of this Rule.

Statutory Authority G.S. 143-214.1.

#### .0205 NATURAL CHARACTERISTICS OUTSIDE STANDARDS LIMITS

Natural waters may on occasion, or temporarily, have characteristics outside of the limits normal range established by the standards. The adopted water quality standards relate to the condition of waters as affected by the discharge of sewage, industrial wastes or other wastes including those from nonpoint sources and other sources of water pollution. The specified Water quality standards will not be considered violated when values outside the established limits normal range are caused by natural conditions. Where wastes are discharged to such waters, the discharger shall will not be considered a contributor to substandard conditions provided maximum treatment in compliance with permit requirements is maintained and, therefore, meeting the established limits is beyond the discharger's control.

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

#### .0206 FLOW DESIGN CRITERIA FOR EFFLUENT LIMITATIONS

- (a) There are several flow design criteria for the protection of water quality standards as follows:
- (1) The governing flow criterion for water quality standards except toxic substances, generally shall be the minimum average flow for a period of seven consecutive



days that has an average recurrence of once in 10 years (7Q10).

- (2) Other governing flow strategies such as varying discharges with the receiving waters ability to assimilate wastes may be designated for water quality standards except for toxic substances on a case-by-case basis if the discharger or permit applicant provide evidence which establishes to the satisfaction of the commission that the alternative governing flow strategies will give better protection for the water quality standards. Better protection for the water quality standards means that values outside the limits of the standards would be expected less frequently than provided by using the 7Q10 flow as listed in (a)(1) of this Rule.

- (3) The flow criterion for the determination of waste load allocations for toxic substance water quality standards using steady-state modelling techniques shall be the minimum average flow for a period of 7 consecutive days that has an average recurrence of once in 10 years (7Q10); other established modelling techniques and corresponding flow criteria for the determination of waste load allocations for toxic substances may be approved if it can be shown to the satisfaction of the director that such action provides appropriate protection of aquatic life and wildlife and/or human health and welfare;
- (4) In cases where the stream flow is regulated, the governing flow for all water quality standards shall be the instantaneous minimum flow, or if deemed appropriate by the commission, an alternative flow on a case-by-case basis as given in (a)(2) of this Rule.

(b) These governing criteria are established specifically for setting effluent limitations and for the design of wastewater treatment facilities. In addition, the governing flow also establishes a value below which deviations from water quality standards can be anticipated.

(a) Water quality based effluent limitations are developed to allow appropriate frequency and duration of deviations from water quality standards so that the designated uses of receiving waters are protected. There are water quality standards for a number of categories of pollutants and to protect a range of water uses. For this reason, the appropriate frequency and duration of deviations from water quality standards is not the same for all categories of standards. A flow design criterion is used in the development of water quality based effluent limitations as a sim-

plified means of estimating the acceptable frequency and duration of deviations. More complex modelling techniques can also be used to set effluent limitations directly based on frequency and duration criteria published by the U.S. Environmental Protection Agency pursuant to Section 304(a) of the Federal Clean Water Act as amended. Use of more complex modelling techniques to set water quality based effluent limitations will be approved by the Director on a case-by-case basis. Flow design criteria to calculate water quality based effluent limitations for categories of water quality standards are listed as follows:

- (1) All standards except toxic substances and aesthetics will be protected using the minimum average flow for a period of seven consecutive days that has an average recurrence of once in ten years (7Q10 flow). Other governing flow strategies such as varying discharges with the receiving waters ability to assimilate wastes may be designated by the director on a case-by-case basis if the discharger or permit applicant provide evidence which establishes to the satisfaction of the director that the alternative flow strategies will give equal or better protection for the water quality standards. Better protection for the standards means that deviations from the standard would be expected less frequently than provided by using the 7Q10 flow.

- (2) Toxic substance standards to protect aquatic life from chronic toxicity will be protected using the 7Q10 flow.
- (3) Toxic substance standards to protect human health will be:

(A) The 7Q10 flow for standards to protect water supply uses from noncarcinogens;

(B) The mean annual flow to protect human health from carcinogens through the consumption of water and fish (and/or shellfish) unless site specific fish contamination concerns necessitate the use of an alternative design flow;

- (4) Aesthetic quality will be protected using the minimum average flow for a period of 30 consecutive days that has an average recurrence of once in two years (30Q2 flow).

(b) In cases where the stream flow is regulated, a minimum daily low flow may be used as a substitute for the 7Q10 flow except in cases where there are acute toxicity concerns for aquatic life. In the cases where there are acute toxicity concerns, an alternative low flow such



as the instantaneous minimum release may be used on a case-by-case basis.

(c) Flow design criteria are used to develop water quality based effluent limitations and for the design of wastewater treatment facilities. Deviations from a specific water quality standard resulting from discharges which are affirmatively demonstrated to be in compliance with water quality based effluent limitations for that standard will not be a violation pursuant to General Statute 143-215.6 when the actual flow is significantly less than the design flow.

(d) In cases where the 7Q10 flow of the receiving stream is estimated to be zero, water quality based effluent limitations will be assigned as follows:

- (1) Where the 30Q2 flow is estimated to be greater than zero, effluent limitations for new or expanded (additional) discharges of oxygen consuming waste will be set at  $BOD_5 = 5 \text{ mg/l}$ ,  $NH_3 - N = 2 \text{ mg/l}$  and  $DO = 6 \text{ mg/l}$ , unless it is determined that these limitations will not protect water quality standards. Requirements for existing discharges will be determined on a case-by-case basis by the director. More stringent limits will be applied in cases where violations of water quality standards are predicted to occur for a new or expanded discharge with the limits set pursuant to this Rule, or where existing limits are determined to be inadequate to protect water quality standards.
- (2) If the 30Q2 and 7Q10 flows are both estimated to be zero, no new or expanded (additional) discharge of oxygen consuming waste will be allowed. Requirements for existing discharges to streams where the 30Q2 and 7Q10 flows are both estimated to be zero will be determined on a case-by-case basis.
- (3) Other water quality standards will be protected by requiring the discharge to meet the standards unless the alternative limitations are determined by the director to protect the classified water uses.

(e) Receiving water flow statistics will be estimated through consultation with the U.S. Geological Survey. Estimates for any given location may be based on actual flow data, modeling analyses, or other methods determined to be appropriate by the director.

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

.0208 STANDARDS FOR TOXIC SUBSTANCES AND TEMPERATURE

(a) Toxic Substances. The concentration of toxic substances, either alone or in combination with other wastes, in the receiving surface waters will not render waters injurious to aquatic life or wildlife, recreational activities, public health, or impair the waters for any designated uses. Specific standards for toxic substances to protect freshwater and tidal saltwater uses are listed in Rules .0211 and .0212 of this Section, respectively. Procedures for interpreting the narrative standard for toxic substances and numerical standards applicable to all waters are as follows:

- (1) Aquatic life standards. The concentration of toxic substances will not result in chronic toxicity. Any levels in excess of the chronic value will be considered to result in chronic toxicity. In the absence of direct measurements of chronic toxicity, the concentration of toxic substances will (either alone or in combination, when affirmatively demonstrated to be non bioaccumulative) when not specified elsewhere in this Section, shall not exceed the concentration specified by the fraction of the 96 hour lowest LC50 value which predicts a no effect chronic level (as determined by the use of established acceptable acute chronic ratios). If an acceptable acute chronic ratio is not available, then that toxic substance shall will not exceed one-one hundredth (0.01) of the 96 hour lowest LC50 or if it is affirmatively demonstrated that a toxic substance has a half-life of less than 96 hours or is not bioaccumulative, the maximum concentration shall will not exceed one-twentieth (0.05) of the 96 hour lowest LC50. If it is affirmatively demonstrated that the standard for a particular toxic substance as specified in Rule .0211 or .0212 of this Section is inappropriate for a specific stream segment, the commission may revise the applicable standard on a case-by-case basis in accordance with the provisions of Section 143-214.1 of the General Statutes of North Carolina.

- (2) Human health standards. The concentration of toxic substances will not exceed the level necessary to protect human health through exposure routes of fish (or shellfish) tissue consumption, water consumption, or other route identified as appropriate for the water body.

- (A) For non-carcinogens, these concentrations will be determined using a Reference Dose (RfD) as published by the U.S. Environmental Protection Agency pursu-

ant to Section 304(a) of the Federal Water Pollution Control Act as amended or a RfD issued by the U.S. Environmental Protection Agency as listed in the Integrated Risk Information System (IRIS) file or a RfD approved by the director after consultation with the State Health director. Water quality standards or criteria used to calculate water quality based effluent limitations to protect human health through the different exposure routes are determined as follows:

(i) Fish tissue consumption:

$$WQS = (RfD-DT) / (F-CR \times BCF)$$

where:

WQS = water quality standard or criteria;  
RfD = reference dose;  
DT = estimated non-fish dietary intake (when available);  
FCR = fish consumption rate (assumed to be 6.5 gm/person-day);  
BCF = bioconcentration factor.

BCF values are based on U.S. Environmental Protection Agency publications pursuant to Section 304(a) of the Federal Water Pollution Control Act as amended, literature values, or site specific bioconcentration data approved by the director; F-CR values are average consumption rates for a 70 Kg adult for the lifetime of the population; Alternative FCR values may be used when it is considered necessary to protect localized populations which may be consuming fish at a higher rate;

(ii) Water consumption (including a correction for fish consumption):

$$WQS = (RfD-DT) / [WCR + (FCR \times BCF)]$$

where:

WQS = water quality standard or criteria;  
RfD = reference dose;  
DT = estimated non-fish dietary intake (when available);  
FCR = fish consumption rate (assumed to be 6.5 gm/person-day);  
BCF = bioconcentration factor;  
WCR = water consumption

rate (assumed to be 2 liters per day for adults).

To protect sensitive groups, exposure may be based on a 10 Kg child drinking one liter of water per day. Standards may also be based on drinking water standards based on the requirements of the Federal Safe Drinking Water Act [42 U.S.C. 300(f)(g)-1]. For non-carcinogens, specific numerical water quality standards have not been included in this Rule because water quality standards to protect aquatic life for all toxic substances for which standards have been considered are more stringent than numerical standards to protect human health from non-carcinogens through consumption of fish; Standards to protect human health from non-carcinogens through water consumption are listed under the water supply classification standards in Rule .0211; The equations listed in this Subparagraph will be used to develop water quality based effluent limitations on a case-by-case basis for toxic substances which are not presently included in the water quality standards. Alternative FCR values may be used when it is considered necessary to protect localized populations which may be consuming fish at a higher rate;

(B) For carcinogens, the concentrations of toxic substances will not result in unacceptable health risks and will be based on a Carcinogenic Potency Factor (CPF). An unacceptable health risk for cancer will be considered to be more than one case of cancer per one million people exposed ( $10^{-6}$  risk level). The CPF is a measure of the cancer-causing potency of a substance estimated by the upper 95 percent confidence limit of the slope of a straight line calculated by the Linearized Multistage Model or other appropriate model according to U.S. Environmental Protection Agency Guidelines (FR 51: 185; 33992-34003, and FR 45: 231 Part V; 79318-79379). Water quality standards or criteria for water quality based effluent limitations are calculated using the procedures given in Subparagraphs (A) and (B) of this Rule. Standards to protect human health from carcinogens through water consumption are listed under the water



supply classification standards in Rule .0211: Standards to protect human health from carcinogens through the consumption of fish (and shellfish) only are applicable to all waters as follows:

- (i) Beryllium: 117 ng/l;
- (ii) Benzene: 40 ug/l;
- (iii) Carbon tetrachloride: 6.94 ug/l;
- (iv) Dioxin: 0.000014 ng/l;
- (v) Hexachlorobutadiene: 50 ug/l;
- (vi) Polychlorinated biphenyls: 0.079 ng/l;
- (vii) Polynuclear aromatic hydrocarbons: 31.1 ng/l;
- (viii) Tetrachloroethane (1,1,2,2): 10.7 ug/l;
- (ix) Trichloroethylene: 80.7 ug/l;
- (x) Vinyl chloride: 5.25 ug/l;
- (xi) Aldrin: 0.079 ng/l;
- (xii) Chlordane: 0.48 ng/l;
- (xiii) DDT: 0.024 ng/l;
- (xiv) Dieldrin: 0.076 ng/l;
- (xv) Heptachlor: 0.29 ng/l;
- (xvi) Toxaphene: 0.73 ng/l.

The values listed in (i) through (xvi) in Subparagraph (B) of this Rule may be adjusted by the director on a case-by-case basis to account for site-specific or chemical-specific information pertaining to the assumed BCF, FCR or CPF values or other appropriate data.

(b) Chemical Substances Requiring Special Attention. The following is a partial list of chemicals that are either on the Environmental Protection Agency's priority pollutant list or are known to be present in industrial or domestic compounds that could find their way into the state's waters. They are suspected of being toxic, carcinogenic, teratogenic, mutagenic, or neurotoxic but sufficient data are not presently available to adopt statewide numerical concentrations limits for each one. In implementing the standard that toxic substances shall not make the waters injurious to public health or to aquatic life or wildlife, a careful evaluation may be necessary to determine any possible harmful effects upon the receiving waters of a proposed discharge that is likely to contain any of these substances. The evaluation may include bioassay studies, consultation with public health authorities, and other means of obtaining relevant information. Appropriate limitations shall be set based on the evaluations and/or criteria specified in Paragraph (a) of this Rule.

Inorganic Substance	Organic Substance
Antimony (total)	2-Chloronaphthalene

Asbestos (fibrous)	2-Chlorophenol
Boron and compounds	4-Chlorophenylphenyl ether
Hydrofluoric acid and empds.	Chrysene
Lithium and compounds	4,4'-DDD
Thallium (total)	4,4'-DDE
	4,4'-DDT
Organic Substance	Diazinone
	dibenzo (a,h) anthracene
Acenaphthene	Dibromochloromethane
Acenaphthylene	1,2-dichlorobenzene
Acetone	1,3-dichlorobenzene
Acrolein	1,4-dichlorobenzene
Acrylonitrile	3,3'-dichlorobenzidine
Aniline	1,1-dichloroethane
Anthracene	1,2-dichloroethane
Benzene	1,1-dichloroethene
Dichlorobenzene	trans-1,2-dichloroethene
Hexachlorobenzene	1,2-dichloropropane
Monochlorobenzene	1,3-dichloropropene
Nitrobenzene	diethyl phthalate
Pentachloronitrobenzene	dimethylamine
1,2,4-Trichlorobenzene	4-dimethylaminoazobenzene
Ben-zidine & ben. dyes	2,4-dimethylphenol
Benzo (a)anthracene	dimethyl phthalate
Benzo (a)pyrene	di-n-butyl phthalate
Benzo (b)fluoranthene	4,6-dinitro-2-methylphenol
Benzo (g,h.)perylene	2,4-dinitrophenol
Benzo (k)fluoranthene	2,4-dinitrotoluene
a-BHC (alpha)	2,6-dinitrotoluene
b-BHC (beta)	1,1-Dioxane
d-BHC (delta)	1,2-diphenylhydrazine
g-BHC (gamma)	epichlorohydrin
Biphenyl	ethane-ethylene family
Bis (2-Chloroethyl) ether	1,2-Dichloroethane
Bis (2-Chloroethoxy) methane	Ethylene dichloride
Bis (2-Chloroisopropyl) ether	Ethyleneimine
Bis (Chloromethyl) ether	Ethylene Oxide
Bis (2-ethylhexyl) phthalate	Ethylene thiourea
Bromedichloromethane	Hexachloroethane
Bromoform	Tetrachloroethane
Bromomethane	Trichloroethane



# PROPOSED RULES

4-Bromophenylphenyl ether	Trichloroethene
Butylbenzyl phthalate	Trichloroethylene
Carbon disulfide	1,1,2-Trichloro-1,2,2-
Carbon tetrachloride	Trifluoroethane
4-Chloro-3-methylphenol	Ethylbenzene
Chlorobenzene	Ethylene diamine
Chloroethane	Ethylmethanesulfonate
2-Chloroethylvinyl ether	Fluoranthene
Chloroform	Fluorene
Chloromethane	Formaldehyde
Hexachlorobenzene	Organotin Compounds
Hexachlorobutadiene	Phenanthrene
Hexachlorocyclopentadiene	Phthalates
Hexachloroethane	P-nitrosodiphenylamine
Hexamethylene diamine	Polyoxyethylene-oxyterephthaloyl
Hydrazine & Dimethyl hyd.	Propylene Oxide
Indene	Pyrene
Indeno (1,2,3-cd) pyrene	Pyrethrin
Isophorone	Semicarbazide
Maleic Anhydride	2,3,7,8-tetrachlorodibenzo-p-dioxin
Methanol	Tetraazotrichlorodecane
Methylene Chloride	1,1,2,2-tetrachloroethane
Methylenebis (2-Chloroaniline)	Tetrachloroethene
Methyl ethyl ketone	Tetrachloroethylene
Naphthalene	Thiourea
1-Naphthylamine	Toluene
N-hexane	Toluene-2,4-Diisocyanate
Nitrobenzene	1,2,4-trichlorobenzene
2-nitrophenol	1,1,1-trichloroethane
4-nitrophenol	1,1,2-trichloroethane
1-Nitropropane	Trichloroethene
N-nitrosodimethylamine	2,4,6-trichlorophenol
N-nitrosodipropylamine	Trichlorophenol
N-nitrosodiphenylamine	Vinyl acetate
N-nitroso-N-methylurea	
N-nitroso-N-methylurethane	

lurethane  
N-nitrosomethylvinylamine  
N-nitrosomorpholine

(c) Temperature. The commission may establish a water quality standard for temperature for specific water bodies other than the standards specified in Rules .0211 and .0212 of this Section, upon a case-by-case determination that thermal discharges to these waters, of the state which serve or may serve as a source and/or receptor of industrial cooling water provide for the maintenance of the designated best use throughout a reasonable portion of the water body. the otherwise applicable temperature standards as given in Rules .0211 and .0212 of this Section may not apply, in which case the commission shall establish a separate water quality standard for temperature for the affected portions of waters of the state. Such revisions of the temperature standard must be consistent with the provisions of Section 316(a) of the Federal Water Pollution Control Act as amended and will be noted in Rule .0218 of this Section. shall be indicated in the schedules of classifications with the revised standard and shall provide for the designated best use classification applicable to the stream segment in question.

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

## .0211 FRESH SURFACE WATER CLASSIFICATIONS AND STANDARDS

(a) General. The water quality standards for all fresh surface waters are the basic standards applicable to Class C waters. Additional and more stringent standards applicable to other specific freshwater classifications are specified in (c) through (f) of this Rule.

(b) All fresh surface waters (Class C).

- (1) Best Usage of Waters. Aquatic life propagation and maintenance (including fishing, and fish), wildlife, secondary recreation, agriculture and any other usage except for primary recreation or as a source of water supply for drinking, culinary or food processing purposes;
- (2) Conditions Related to Best Usage. The waters will be suitable for fishing and fish and wildlife aquatic life propagation and maintenance, wildlife, secondary recreation, and agriculture; Sources of water pollution which impair these uses will be considered to be violating a water quality standard;
- (3) Quality standards applicable to all fresh surface waters:

- (A) Chlorophyll a (corrected): not greater than 40 ug/l for lakes, reservoirs, and other slow-moving waters not designated as trout waters, and not greater than 15 ug/l for lakes, reservoirs, and other slow-moving waters designated as trout waters (not applicable during the months of December through March; nor applicable to lakes and reservoirs less than ten acres in surface area); the director may prohibit or limit any discharge of waste into surface waters if, in the opinion of the director, the surface waters experience or the discharge would result in growths of microscopic or macroscopic vegetation such that the standards established pursuant to this Rule would be violated or the intended best usage of the waters would be impaired.
- (B) Dissolved oxygen: not less than 6.0 mg/l for trout waters; for non-trout waters, not less than a daily average of 5.0 mg/l with a minimum instantaneous value of not less than 4.0 mg/l; swamp waters, lake coves or backwaters, and lake bottom waters may have lower values if caused by natural conditions; for the purpose of implementing this Rule, dissolved oxygen in stratified waters will be measured in the photic zone as defined by a depth equivalent to twice the Secchi depth.
- (C) Floating solids; settleable solids; sludge deposits: only such amounts attributable to sewage, industrial wastes or other wastes as will not make the water unsafe or unsuitable for fish aquatic life and wildlife or impair the waters for any designated uses;
- (D) Gases, total dissolved: not greater than 110 percent of saturation;
- (E) Organisms of the coliform group: fecal coliforms not to exceed a geometric mean of 1000/100ml (MF count) based upon at least five consecutive samples examined during any 30 day period; nor exceed 2000/100ml in more than 20 percent of the samples examined during such period; standards are not applicable during or immediately following periods of rainfall; in certain stream segments where uncontrollable nonpoint source pollution prevents the attainment of the established fecal coliform standard, exceptions to the fecal coliform standard shall be established on a case by case basis in accordance with Section 1-13-211.1 of the General Statutes of North Carolina; such exceptions shall be indicated in the schedules of classifica-
- tions and such waters shall not be considered satisfactory for secondary recreation usage; all coliform concentrations are to be analyzed using the membrane filter technique unless high turbidity or other adverse conditions necessitate the tube dilution method; in case of controversy over results, the MPN 5-tube dilution technique will be used as the reference method;
- (F) Oils; deleterious substances; colored or other wastes: only such amounts as will not render the waters injurious to public health, secondary recreation or to aquatic life and wildlife or adversely affect the palatability of fish, aesthetic quality or impair the waters for any designated uses; for the purpose of implementing this Rule, oils, deleterious substances, colored or other wastes will include but not be limited to substances that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines pursuant to 40 CFR 110.4(a)-(b).
- (G) pH: shall be normal for the waters in the area, which generally shall range between 6.0 and 9.0 except that swamp waters may have a pH as low ~~as~~ 4.3 if it is the result of natural conditions;
- (H) Phenolic compounds: only such levels as will not result in fish-flesh tainting or impairment of other best usage;
- (I) Radioactive substances:
- (i) Combined radium-226 and radium-228: the maximum average annual activity level (based on at least four samples collected quarterly) for combined radium-226 and radium-228 shall not exceed five picocuries per liter;
  - (ii) Alpha Emitters: the average annual gross alpha particle activity (including radium-226, but excluding radon and uranium) shall not exceed 15 picocuries per liter;
  - (iii) Beta Emitters: the maximum average annual activity level (based on at least four samples, collected quarterly) for strontium-90 shall not exceed eight picocuries per liter; nor shall the average annual gross beta particle activity (excluding potassium-40 and other naturally occurring radio-nuclides) exceed 50 picocuries per liter; nor shall the maximum average annual activity level for tritium exceed 20,000 picocuries per liter;
- (J) Temperature: not to exceed 2.8 degrees C (5.04 degrees F) above the natural water



temperature, and in no case to exceed 29 degrees C (84.2 degrees F) for mountain and upper piedmont waters and 32 degrees C (89.6 degrees F) for lower piedmont and coastal plain waters. The temperature for trout waters shall not be increased by more than 0.5 degrees C (0.9 degrees F) due to the discharge of heated liquids, but in no case to exceed 20 degrees C (68 degrees F);

(K) Turbidity: the turbidity in the receiving water ~~due to a discharge shall will~~ not exceed 50 Nephelometric turbidity units (NTU) in streams not designated as trout waters and 10 NTU in streams, lakes or reservoirs designated as trout waters; for lakes and reservoirs not designated as trout waters, the turbidity ~~shall will~~ not exceed 25 NTU; ~~due to discharge;~~ if turbidity exceeds these levels due to natural background conditions, the existing turbidity level cannot be increased. ~~discharge level cannot cause any increase in turbidity in the receiving water.~~ Compliance with this turbidity standard can be met when land management activities employ Best Management Practices (BMPs) recommended by the Designated Nonpoint Source Agency [as defined by Rule .0202(12) of this Section] and approved by the director. BMPs must be in full compliance with all specifications governing the proper design, installation, operation and maintenance of such BMPs;

(L) Toxic substances: only such amounts, whether alone or in combination with other substances or wastes as will not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife (either through chronic or acute exposure or through bioaccumulation); or impair the waters for any designated uses; any toxic substance or complex waste will be considered acutely toxic at instream waste concentrations greater than one third of the 96-hour LC50 value; acceptable levels of chronic exposure may be determined by test procedures deemed appropriate by the director; in addition to the substances listed in this Paragraph, for which numerical standards have been adopted for the protection of aquatic life, Rule .0211 (b)(4) includes action levels for toxic substances which may be toxic under certain environmental conditions and Rule .0208(b) contains a list of chemicals which

are suspected of being toxic, carcinogenic, teratogenic, mutagenic, or neurotoxic; requirements for dischargers with any of these substances will be determined on a case-by-case basis and are further described in these Rules; toxic substances with numerical water quality standards (maximum permissible levels) to protect aquatic life applicable to ~~for~~ all fresh surface waters:

- (i) Arsenic: ~~not greater than~~ 50 ug/l;
- (ii) Beryllium: ~~not greater than~~ ~~44~~ 6.5 ug/l;
- (iii) Cadmium: ~~not greater than~~ 0.4 ug/l for trout waters and ~~not greater than~~ 2.0 ug/l for non-trout waters;
- (iv) Chlorine, total residual: ~~not greater than~~ 2.0 17 ug/l for trout waters (TR); (Action Level of 17 ug/l for all waters not classified as trout waters (TR); see part (b)(4) of this Rule);
- (v) Chromium, total: ~~not to exceed~~ 50 ug/l;
- (vi) Cobalt: ~~not greater than~~ 1.0 mg/l;
- (vii) (vi) Cyanide: ~~not greater than~~ 5.0 ug/l;
- (viii) (vii) Fluorides: ~~not greater than~~ 1.8 mg/l;
- (ix) (viii) Lead: ~~not greater than~~ 25 ug/l; or if more stringent, one one-hundredth (0.01) the 96-hour LC50; collection of data on sources, transport and fate of lead will be required as part of the toxicity reduction evaluation for dischargers that are out of compliance with whole effluent toxicity testing requirements and the concentration of lead in the effluent is concomitantly determined to exceed an instream level of 3.1 ug/l from the discharge;
- (x) (ix) MBAS: ~~not greater than~~ 0.5 mg/l;
- (xi) (x) Mercury: ~~not greater than~~ 0.2 0.012 ug/l;
- (xii) (xi) Nickel: ~~not greater than~~ 50 88 ug/l; or if more stringent, one one-hundredth (0.01) of the 96-hour LC50;
- (xiii) (xii) Pesticides: maximum concentrations:
  - (I) Aldrin: 0.002 ug/l;
  - (II) Chlordane: 0.004 ug/l;
  - (III) DDT: 0.001 ug/l;
  - (IV) Demeton: 0.1 ug/l;
  - (V) Dieldrin: 0.002 ug/l;
  - (VI) Endosulfan: 0.05 ug/l;
  - (VII) Endrin: 0.002 ug/l;
  - (VIII) Guthion: 0.01 ug/l;
  - (IX) Heptachlor: 0.004 ug/l;
  - (X) Lindane: 0.01 ug/l;



- (XI) Methoxychlor: 0.03 ug/l;  
 (XII) Mirex: 0.001 ug/l;  
 (XIII) Parathion: 0.04 ug/l;  
 (XIV) Toxaphene: 0.013 ug/l;  
 (xiv) (xiii) Polychlorinated biphenyls: ~~not greater than 0.001 ug/l;~~  
 (xv) (xiv) Selenium: ~~not greater than 10 ug/l or, if more stringent, one one-hundredth (0.01) of the 96-hour LC50 in streams and rivers; not greater than 5 ug/l in ponds, lakes and reservoirs;~~  
 (xv) Toluene: 11 ug/l or 0.36 ug/l in trout waters;  
 (xvi) Trialkyltin compounds: 0.008 ug/l expressed as tributyltin;
- (4) Action Levels for Toxic Substances: if the levels of Action Levels for any of the substances listed in this Paragraph Subparagraph (which are generally not bioaccumulative and have variable toxicity to aquatic life because of chemical form, solubility, stream characteristics and or associated waste characteristics) are determined by the waste load allocation to be exceeded in a receiving water by a discharge under the specified low flow criterion for toxic substances (Rule .0206 in this Section ), the discharger will be required to monitor the chemical and or biological effects of the discharge; ~~as part of the NPDES permit; efforts shall be made by all dischargers to reduce or eliminate these substances from their effluents. after receiving such monitoring data for a discharge, the substance will be limited to the level listed in this Paragraph or an appropriate toxicity limit will be set as determined using the requirements of Rule .0208(a); Those substances for which~~ Action Levels are listed in this Subparagraph may be limited as appropriate in the NPDES permit if sufficient information exists to indicate that any of those substances may be a significant causative factor resulting in toxicity of the effluent.
- (A) Copper: ~~in excess of 15~~ 7 ug/l;  
 (B) Iron: ~~in excess of 1.0~~ 1.0 mg/l;  
 (C) Silver: ~~in excess of 10~~ 0.06 ug/l;  
 (D) Zinc: ~~in excess of 50~~ 50 ug/l;  
 (E) Chloride: 230 mg/l;  
 (F) Chlorine, total residual: 17 ug/l in all waters except trout waters (1R); [a standard of 17 ug/l exists for waters classified as trout waters and is applicable as such to all dischargers to trout waters; see part (b)(3)(1)(iv) of this Section].
- (c) Class WS-1 Waters.
- (1) Best Usage of Waters. Source of water supply for drinking, culinary, or food-processing purposes for those users desiring maximum protection of their water supplies, and any best usage specified for Class C waters;
- (2) Conditions Related to the Best Usage. Waters of this class are protected water supplies within natural and uninhabited or predominantly undeveloped (not urbanized) watersheds with no permitted point source dischargers except those categories of discharges or specific discharges qualifying for a General Permit according to the requirements of 15 NCAC 211 Section .0100 specifically approved by the commission at the time of classification; waters within this class must be relatively unimpacted by nonpoint sources of pollution; local land use management programs are required to protect waters from nonpoint source pollution; watersheds must be protected and the waters, following treatment as required by the Division of Health Services, according to water treatment provided and water after treatment will meet the maximum contaminant levels considered safe for drinking, culinary, and food-processing purposes which are specified in the national drinking water regulations and in the North Carolina Rules Governing Public Water Supplies, 10 NCAC 10D .1600;
- (3) Quality Standards Applicable to Class WS-1 Waters:
- (A) Nonpoint Source Pollution: only that pollution which will not adversely impact the waters for use as a water supply or any other designated use.
- (B) Organisms of coliform group: total coliforms not to exceed 50/100 ml (MF count) as a monthly geometric mean value in watersheds serving as unfiltered water supplies;
- (C) Phenolic compounds: not greater than 1.0 ug/l (phenols) to protect water supplies from taste and odor problems from chlorinated phenols;
- (D) Sewage, industrial wastes: none except those specified in Subparagraph (2) of this Paragraph;
- (E) Solids, total dissolved: not greater than 500 mg/l;
- (F) Total hardness: not greater than 100 mg/l as calcium carbonate;
- (G) Toxic and other deleterious substances: numerical limits for Class WS-1 waters;

(i) Water quality standards (maximum permissible levels) to protect human health through water consumption and fish tissue consumption for non carcinogens in Class WS-I waters:

(I) ~~(i)~~ Barium: ~~not greater than~~ 1.0 mg/l;

(II) ~~(ii)~~ Chloride: ~~not greater than~~ 250 mg/l;

(III) ~~(iii)~~ Manganese: ~~not greater than~~ 50 ug/l;

(IV) ~~(iv)~~ Nickel: ~~not greater than~~ 25 ug/l;

(V) ~~(v)~~ Nitrate nitrogen: ~~not greater than~~ 10.0 mg/l;

~~(vi) Pesticides, maximum concentrations:~~

(VI) ~~(i)~~ 2,4-D: ~~not greater than~~ 100 ug/l;

(VII) ~~(ii)~~ 2,4,5-TP (Silvex): ~~not greater than~~ 1.0 ug/l;

(VIII) Sulfates: 250 mg/l.

(ii) Water quality standards (maximum permissible levels) to protect human health through water consumption and fish tissue consumption for carcinogens in Class WS-I waters:

(I) Beryllium: 6.8 ng/l;

(II) Benzene: 0.66 ug/l;

(III) Carbon tetrachloride: 0.4 ug/l;

(IV) Chlorinated benzenes: 488 ug/l;

(V) Dioxin: 0.000013 ng/l;

(VI) Hexachlorobutadiene: 0.45 ug/l;

(VII) Polynuclear aromatic hydrocarbons: 2.8 ng/l;

(VIII) Tetrachloroethane (1,1,2,2): 0.17 ug/l;

(IX) Tetrachloroethylene: 0.8 ug/l;

(X) Trichloroethylene: 2.7 ug/l;

(XI) Vinyl Chloride: 2 ug/l;

(XII) Aldrin: 0.074 ng/l;

(XIII) Chlordane: 0.46 ng/l;

(XIV) DDT: 0.024 ng/l;

(XV) Dieldrin: 0.071 ng/l;

(XVI) Heptachlor: 0.28 ng/l;

(XVII) Toxaphene: 0.71 ng/l.

(d) Class WS-II Waters.

(1) Best Usage of Waters. Source of water supply for drinking, culinary, or food-processing purposes for those users desiring maximum protection for their water supplies where a WS-I classification is not attainable and any best usage specified for Class C waters; this classification may also be used to protect critical portions of the watershed of Class WS-III waters;

(2) Conditions Related to Best Usage. Waters of this class are protected as water supplies

which are in low to moderately developed (urbanized) watersheds; only domestic wastewater discharges (excluding municipal dischargers required to have a pre-treatment program according to 15 NCAC 2H .0904) and industrial non-process discharges specifically approved by the EMC are permitted in these watersheds; local governments must have land use management programs to protect these watersheds from pollution due to land development and other nonpoint sources; the waters, following treatment required by the Division of Health Services, will meet the maximum contaminant levels considered safe for drinking, culinary, and food-processing purposes which are specified in the national drinking water regulations and in the North Carolina Rules Governing Public Water Supplies, 10 NCAC 10D .1600;

(3) Quality Standards Applicable to Class WS-II Waters:

(A) Industrial Wastes: none except for non-process industrial discharges specifically approved by the commission;

(B) Nonpoint Source Pollution: only that pollution which will not adversely impact the waters for use as a water supply or any other designated use;

(C) Odor producing substances contained in sewage or other wastes: only such amounts, whether alone or in combination with other substances or wastes, as will not cause taste and odor difficulties in water supplies which cannot be corrected by treatment, impair the palatability of fish, or have a deleterious effect upon any best usage established for waters of this class;

(D) Phenolic compounds: not greater than 1.0 ug/l (phenols) to protect water supplies from taste and odor problems from chlorinated phenols;

(E) Sewage: none which will have an adverse effect on human health or is not effectively treated to the satisfaction of the commission and in accordance with the requirements of the Division of Health Services, North Carolina Department of Human Resources;

(F) Total hardness: not greater than 100 mg/l as calcium carbonate;

(G) Total dissolved solids: not greater than 500 mg/l;

(H) Toxic and other deleterious substances: ~~numerical limits for Class WS-II waters:~~

- (i) Water quality standards (maximum permissible levels) to protect human health through water consumption and fish tissue consumption for non carcinogens in Class WS-II waters:
  - (I) ~~(i)~~ Barium: ~~not greater than~~ 1.0 mg/l;
  - (II) ~~(ii)~~ Chloride: ~~not greater than~~ 250 mg/l;
  - (III) ~~(iii)~~ Manganese: ~~not greater than~~ 200 ug/l;
  - (IV) ~~(iv)~~ Nickel: ~~not greater than~~ 25 ug/l; ~~or if more stringent, one one-hundredth (0.01) the 96-hour LC50;~~
  - (V) ~~(v)~~ Nitrate nitrogen: ~~not greater than~~ 10.0 mg/l;
  - ~~(vi) Pesticides, maximum concentrations:~~
    - (VI) ~~(i)~~ 2,4-D: 100 ug/l;
    - (VII) ~~(ii)~~ 2,4,5-TP: 10 ug/l;
    - (VIII) ~~(iii)~~ Sulfates: not greater than 250.0 mg/l.
- (ii) Water quality standards (maximum permissible levels) to protect human health through water consumption and fish tissue consumption for carcinogens in Class WS-II waters:
  - (I) Beryllium: 6.8 ng/l;
  - (II) Benzene: 0.66 ug/l;
  - (III) Carbon tetrachloride: 0.4 ug/l;
  - (IV) Chlorinated benzenes: 488 ug/l;
  - (V) Dioxin: 0.000013 ng/l;
  - (VI) Hexachlorobutadiene: 0.45 ug/l;
  - (VII) Polynuclear aromatic hydrocarbons: 2.8 ng/l;
  - (VIII) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
  - (IX) Tetrachloroethylene: 0.8 ug/l;
  - (X) Trichloroethylene: 2.7 ug/l;
  - (XI) Vinyl Chloride: 2 ug/l;
  - (XII) Aldrin: 0.074 ng/l;
  - (XIII) Chlordane: 0.46 ng/l;
  - (XIV) DDT: 0.024 ng/l;
  - (XV) Dieldrin: 0.071 ng/l;
  - (XVI) Heptachlor: 0.28 ng/l;
  - (XVII) Toxaphene: 0.71 ng/l.
- (e) Class WS-III Waters.
  - (1) Best Usage of Waters. Source of water supply for drinking, culinary, or food-processing purposes for those users where more protected sources are not feasible and any other best usage specified for Class C waters;
  - (2) Conditions Related to Best Usage. The waters, after treatment required by the Division of Health Services, will meet the maximum contaminant levels considered safe for drinking, culinary, or food-processing purposes which are specified in the national drinking water regulations and in the North Carolina Rules Governing Public Water Supplies, 10 NCAC 10D .1600;
- (3) Quality Standards Applicable to Class WS-III Waters:
  - (A) Odor producing substances contained in sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances or wastes, as will not cause taste and odor difficulties in water supplies which cannot be corrected by treatment, impair the palatability of fish, or have a deleterious effect upon any best usage established for waters of this class;
  - (B) Phenolic compounds: not greater than 1.0 ug/l (phenols) to protect water supplies from taste and odor problems from chlorinated phenols; specific phenolic compounds may be given a different limit if it is demonstrated not to cause taste and odor problems and not to be detrimental to other best usage;
  - (C) Sewage, industrial wastes, or other wastes: none which will have an adverse effect on human health or which are not effectively treated to the satisfaction of the commission and in accordance with the requirements of the Division of Health Services, North Carolina Department of Human Resources; any discharger or industrial users subject to pretreatment standards may be required upon request by the commission to disclose all chemical constituents present or potentially present in their wastes and chemicals which could be spilled or be present in runoff from their facility which may have an adverse impact on downstream water supplies classified WS-III; these facilities may be required to have spill and treatment failure control plans as well as perform special monitoring for toxic substances;
  - (D) Total hardness: not greater than 100 mg/l as calcium carbonate;
  - (E) Total dissolved solids: not greater than 500 mg/l;
  - (F) Toxic and other deleterious substances: numerical limits for Class WS-II waters:
    - (i) Water quality standards (maximum permissible levels) to protect human health through water consumption and fish tissue consumption for non carcinogens in Class WS-III waters:
      - (I) ~~(i)~~ Barium: ~~not greater than~~ 1.0 mg/l;



(II) ~~(ii)~~ Chloride: ~~not greater than~~ 250 mg/l;

(III) ~~(iii)~~ Manganese: ~~not greater than~~ 200 ug/l;

(IV) ~~(iv)~~ Nickel: ~~not greater than~~ 25 ug/l; ~~or if more stringent, one one-hundredth (0.01) the 96 hour LC50;~~

(V) ~~(v)~~ Nitrate nitrogen: ~~not greater than~~ 10.0 mg/l;

(vi) ~~Pesticides, maximum concentrations:~~

(VI) ~~(H)~~ 2,4-D: 100 ug/l;

(VII) ~~(H)~~ 2,4,5-TP (Silvex): 10 ug/l;

(VIII) ~~(vii)~~ Sulfates: not greater than 250.0 mg/l.

(ii) Water quality standards (maximum permissible levels) to protect human health through water consumption and fish tissue consumption for carcinogens in Class WS-III waters:

(I) Beryllium: 6.8 ng/l;

(II) Benzene: 0.66 ug/l;

(III) Carbon tetrachloride: 0.4 ug/l;

(IV) Chlorinated benzenes: 488 ug/l;

(V) Dioxin: 0.000013 ng/l;

(VI) Hexachlorobutadiene: 0.45 ug/l;

(VII) Polynuclear aromatic hydrocarbons: 2.8 ng/l;

(VIII) Tetrachloroethane (1,1,2,2): 0.17 ug/l;

(IX) Tetrachloroethylene: 0.8 ug/l;

(X) Trichloroethylene: 2.7 ug/l;

(XI) Vinyl Chloride: 2 ug/l;

(XII) Aldrin: 0.074 ng/l;

(XIII) Chlordane: 0.46 ng/l;

(XIV) DDT: 0.024 ng/l;

(XV) Dieldrin: 0.071 ng/l;

(XVI) Heptachlor: 0.28 ng/l;

(XVII) Toxaphene: 0.71 ng/l.

(f) Class B Waters.

(1) Best Usage of Waters. Primary recreation and any other best usage specified by the "C" classification;

(2) Conditions Related to Best Usage. The waters will meet accepted standards of water quality for outdoor bathing places and will be of sufficient size and depth for primary recreation purposes. ~~Also, suitable for other uses requiring waters of lower quality;~~

(3) Quality standards applicable to Class B waters:

(A) Sewage, industrial wastes, or other wastes: none which are not effectively treated to the satisfaction of the commission; in determining the degree of treatment required for such waste when discharged into waters to be used for

bathing, the commission will consider the quality and quantity of the sewage and wastes involved and the proximity of such discharges to waters in this class; discharges in the immediate vicinity of bathing areas may not be allowed if the director determines that the waste can not be reliably treated to ensure the protection of primary recreation;

(B) Organisms of coliform group: (applicable only during the months of May through September; during other months the coliform organism standard for Class "C" waters shall apply) fecal coliforms not to exceed geometric mean of 200/100 ml (MF count) based on at least five consecutive samples examined during any 30-day period and not to exceed 400/100 ml in more than 20 percent of the samples examined during such period.

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

## .0212 TIDAL SALT WATER

### CLASSIFICATIONS AND STANDARDS

(a) General. The water quality standards for all tidal salt waters are the basic standards applicable to Class SC waters. Additional and more stringent standards applicable to other specific tidal salt water classifications are specified in (c) and (d) of this Rule.

(b) All tidal salt waters (Class SC).

(1) Best Usage of Waters. Aquatic life propagation and maintenance (including fishing, fish and functioning PNAs), wildlife, secondary recreation, and any other usage except primary recreation or shellfishing for market purposes;

(2) Conditions Related to Best Usage. The waters will be suitable for ~~fishing, fish and wildlife~~ aquatic life propagation and maintenance, wildlife, secondary recreation, and other uses requiring waters of lower quality; Any source of water pollution which impairs these uses including their functioning as PNAs will be considered to be violating a water quality standard;

(3) Quality standards applicable to all tidal salt waters:

(A) Chlorophyll a (corrected): not greater than 40 ug/l in sounds, estuaries, and other slow-moving waters (not applicable during the months of December through March); the director may prohibit or limit any discharge of waste into surface waters if, in the opinion of the director, the sur-

- face waters experience or the discharge would result in growths of microscopic or macroscopic vegetation such that the standards established pursuant to this Rule would be violated or the intended best usage of the waters would be impaired.
- (B) Dissolved oxygen: not less than 5.0 mg l, except that swamp waters, poorly flushed tidally influenced streams or embayments, or estuarine bottom waters may have lower values if caused by natural conditions; for the purpose of implementing this Rule, dissolved oxygen in stratified waters will be measured in the photic zone, as defined by a depth equivalent to twice the Secchi depth;
- (C) Floating solids; settleable solids; sludge deposits: only such amounts attributable to sewage, industrial wastes or other wastes, as will not make the waters unsafe or unsuitable for fish aquatic life and wildlife, or impair the waters for any designated uses;
- (D) Gases, total dissolved: not greater than 110 percent of saturation;
- (E) Organisms of coliform group: fecal coliforms not to exceed geometric mean of 1,000 100 ml (MF count) based upon at least five consecutive samples examined during any 30 day period; not exceed 2,000 100 ml in more than 20 percent of the samples examined during such period; standards are not applicable during or immediately following periods of rainfall; all coliform concentrations are to be analyzed using the MF technique unless high turbidity or other adverse conditions necessitate the tube dilution method; in case of controversy over results the MPN 5-tube dilution method will be used as the referee method;
- (F) Oils; deleterious substances; colored or other wastes: only such amounts as will not render the waters injurious to public health, secondary recreation or to aquatic life and wildlife or adversely affect the palatability of fish, aesthetic quality or impair the waters for any designated uses; for the purpose of implementing this Rule, oils, deleterious substances, colored or other wastes will include but not be limited to substances that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines pursuant to 40 CFR 110.4(a)-(b).
- (G) pH: ~~shall~~ will be normal for the waters in the area, which generally ~~shall~~ will range between 6.8 and 8.5 except that swamp waters may have a pH as low ~~as~~ as 4.3;
- (H) Phenolic compounds: only such levels as will not result in fish-flesh tainting or impairment of other best usage;
- (I) Radioactive substances:
- (i) Combined radium-226 and radium-228: The maximum average annual activity level (based on at least four samples, collected quarterly) for combined radium-226, and radium-228 ~~shall~~ will not exceed five picocuries per liter;
  - (ii) Alpha Emitters. The average annual gross alpha particle activity (including radium-226, but excluding radon and uranium) ~~shall~~ will not exceed 15 picocuries per liter;
  - (iii) Beta Emitters. The maximum average annual activity level (based on at least four samples, collected quarterly) for strontium-90 ~~shall~~ will not exceed eight picocuries per liter; nor shall the average annual gross beta particle activity (excluding potassium-40 and other naturally occurring radionuclides) exceed 50 picocuries per liter; nor ~~shall~~ will the maximum average annual activity level for tritium exceed 20,000 picocuries per liter;
- (J) Salinity: will not be appreciably modified as a result of hydrological modifications in areas draining to PNAs; Projects which are determined by the director to result in the appreciable modification of salinity within a PNA will be required to employ appropriate water management practices;
- (K) ~~(J)~~ Temperature: ~~shall~~ will not be increased above the natural water temperature by more than 0.8 degrees C (1.44 degrees F) during the months of June, July, and August nor more than 2.2 degrees C (3.96 degrees F) during other months and in no cases to exceed 32 degrees C (89.6 degrees F) due to the discharge of heated liquids;
- (L) ~~(K)~~ Turbidity: the turbidity in the receiving water ~~due to a discharge shall~~ will not exceed 25 NTU; if turbidity exceeds this level due to natural background conditions, the existing turbidity level cannot be increased. discharge level cannot cause any increase in turbidity in the receiving water; Compliance with this turbidity standard can be met when land management activities employ Best Management Practices (BMPs) recommended by the



Designated Nonpoint Source Agency [as defined by Rule .0202(12) of this Section] and approved by the director. BMPs must be in full compliance with all specifications governing the proper design, installation, operation and maintenance of such BMPs;

(M) ~~(L)~~ Toxic substances: ~~only such amounts, whether alone or in combination with other substances or wastes as will not render the waters injurious to aquatic life and wildlife, or impair the waters for any designated uses; in addition to the substances for which numerical standards have been adopted, which are listed in this Paragraph for protection of aquatic life, Rule .0212(b)(4) includes action levels for toxic substances which may be toxic under certain environmental conditions and Rule .0208(b) contains a list of chemicals which are suspected to be toxic, carcinogenic, teratogenic, mutagenic, or neurotoxic; requirements for discharges with any of these substances will be determined on a case-by-case basis and are further described in these Rules; toxic substances with numerical limits water quality standards (maximum permissible levels) to protect aquatic life applicable to in all tidal saltwaters:~~

- (i) Arsenic: ~~not greater than 50~~ ug/l;
- (ii) Cadmium: ~~not greater than 5.0~~ ug/l;
- (iii) Chromium, total: ~~not greater than 20~~ ug/l;
- (iv) Cyanide: ~~not greater than 5.0~~ 1.0 ug/l;
- (v) Mercury: ~~not greater than 0.10~~ 0.025 ug/l;
- (vi) Lead: ~~not greater than 25~~ ug/l; collection of data on sources, transport and fate of lead will be required as part of the toxicity reduction evaluation for dischargers that are out of compliance with whole effluent toxicity testing requirements and the concentration of lead in the effluent is concomitantly determined to exceed an instream level of 3.1 ug/l from the discharge;
- (vii) Nickel: ~~not greater than 50~~ 8.3 ug/l; or if more stringent, one one-hundredth (0.01) the 96-hour LC50;
- (viii) Pesticides: ~~maximum concentrations:~~
  - (I) Aldrin: 0.003 ug/l;
  - (II) Chlordane: 0.004 ug/l;
  - (III) DDT: 0.001 ug/l;
  - (IV) Demeton: 0.1 ug/l;
  - (V) Dieldrin: 0.002 ug/l;

- (VI) Endosulfan: 0.009 ug/l;
- (VII) Endrin: 0.002 ug/l;
- (VIII) Guthion: 0.01 ug/l;
- (IX) Heptachlor: 0.004 ug/l;
- (X) Lindane: 0.004 ug/l;
- (XI) Methoxychlor: 0.03 ug/l;
- (XII) Mirex: 0.001 ug/l;
- (XIII) Parathion: 0.04 ug/l;
- (XIV) Toxaphene: 0.07 ug/l;

(ix) Polychlorinated biphenyls: ~~not greater than 0.001~~ ug/l;

(x) Selenium: ~~not greater than 10.0~~ 71 ug/l; or if more stringent, one one-hundredth (0.01) the 96-hour LC50;

(xi) Trialkyltin compounds: 0.002 ug/l expressed as tributyltin.

(4) Action Levels for Toxic Substances: if the levels of Action Levels for any of the substances listed in this Paragraph Subparagraph (which are generally not bioaccumulative and have variable toxicity to aquatic life because of chemical form, solubility, stream characteristics and/or associated waste characteristics) are determined by the waste load allocation to be exceeded in a receiving water by a discharge under the specified low flow criterion for toxic substances (Rule .0206 in this Section), the discharger will be required to monitor the chemical and/or biological effects of the discharge; ~~as part of the NPDES permit; efforts shall be made by all dischargers to reduce or eliminate these substances from their effluents. after receiving such monitoring data for a discharge, the substance will be limited to the level listed in this Paragraph or an appropriate toxicity limit will be set as determined using the requirements of Rule .0208(a); Those substances for which Action Levels are listed in this Subparagraph may be limited as appropriate in the NPDES permit if sufficient information exists to indicate that any of those substances may be a significant causative factor resulting in toxicity of the effluent.~~

(A) Copper: ~~in excess of 10~~ 3 ug/l;

(B) Silver: ~~in excess of 10~~ 0.1 ug/l;

(C) Zinc: ~~in excess of 50~~ 86 ug/l.

(c) Class SA Waters.

- (1) Best Usage of Waters. Shellfishing for market purposes and any other usage specified by the "SB" or "SC" classification;
- (2) Conditions Related to Best Usage. Waters will meet the current sanitary and bacteriological standards as adopted by



the Commission for Health Services and will be suitable for shellfish culture;

(3) Quality Standards applicable to Class SA Waters:

(A) Floating solids; settleable solids; sludge deposits: none attributable to sewage, industrial wastes or other wastes;

(B) Sewage: none;

(C) Industrial wastes, or other wastes: none which are not effectively treated to the satisfaction of the commission in accordance with the requirements of the Division of Health Services;

~~(D) Toxic substances: numerical limits for Class SA waters:~~

~~(i) Fluoride: not greater than 1.8 mg/l;~~

~~(ii) Manganese: not greater than 0.1 mg/l;~~

~~(E) (D)~~ Organisms of coliform group: fecal coliform group not to exceed a median MF of 14/100 ml and not more than 10 percent of the samples shall exceed an MF count of 43/100 ml in those areas most probably exposed to fecal contamination during the most unfavorable hydrographic and pollution conditions.

(d) Class SB Waters.

(1) Best Usage of Waters. Primary recreation and any other usage specified by the "SC" classification;

(2) Conditions Related to Best Usage. The waters will meet accepted sanitary standards of water quality for outdoor bathing places and will be of sufficient size and depth for primary recreation purposes;

(3) Quality Standards applicable to Class SB waters:

(A) Floating solids; settleable solids; sludge deposits: none attributable to sewage, industrial wastes or other wastes;

(B) Sewage; industrial wastes; or other wastes: none which are not effectively treated to the satisfaction of the commission; in determining the degree of treatment required for such waters discharged into waters which are to be used for bathing, the commission will take into consideration quantity and quality of the sewage and other wastes involved and the proximity of such discharges to the waters in this class; discharges in the immediate vicinity of bathing areas may not be allowed if the director determines that the waste can not be treated to ensure the protection of primary recreation;

(C) Organisms of coliform group: (applicable only during the months of May through September; during other months

the coliform organism standard for Class "SC" waters shall apply) fecal coliforms not to exceed a geometric mean of 200/100 ml (MF count) based on at least five consecutive samples examined during any 30 day period and not to exceed 400/100 ml in more than 20 percent of the samples examined during such period; standards are not applicable during or immediately following periods of rainfall.

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

**.0213 REVISIONS TO DISSOLVED OXYGEN STANDARDS (REPEALED)**

Statutory Authority G.S. 143-214.1.

**.0215 EFFLUENT CHANNELS**

The standards of water quality contained in this Section shall not apply to waters within effluent channels, as defined in Rule .0202(15) of this Section, except that said waters shall be maintained at a quality which will prevent the occurrence of offensive conditions, protect public health, and allow maintenance of the standards applicable to all downstream waters. Effluent channels will be designated by the director, such that the channels will:

(1) be contained entirely on property owned (or otherwise controlled) by the discharger (to be demonstrated by the discharger);

(2) not contain natural waters except when such waters occur in direct response to rainfall events by overland runoff;

(3) be so constructed or modified as to minimize the migration of fish into said channel;

(4) be identified and designated on a case-by-case basis prior to permit issuance.

Statutory Authority G.S. 143-214.1.

**.0216 OUTSTANDING RESOURCE WATERS**

(a) General. In addition to the existing classifications, the commission may classify certain unique and special surface waters of the state as outstanding resource waters (ORW) upon finding that such waters are of exceptional state or national recreational or ecological significance and that the waters have exceptional water quality while meeting the following conditions:

(1) there are no significant impacts from pollution with the water quality rated as excellent based on physical, chemical and/or biological information;

(2) the characteristics which make these waters unique and special may not be pro-

tested by the assigned narrative and numerical water quality standards.

(b) Outstanding Resource Values. In order to be classified as ORW, a water body must exhibit one or more of the following values or uses to demonstrate it is of exceptional state or national recreational or ecological significance:

- (1) there are outstanding fish (or commercially important aquatic species) habitat and fisheries;
- (2) there is an unusually high level of water-based recreation or the potential for such recreation;
- (3) the waters have already received some special designation such as a North Carolina or National Wild and Scenic River, Native or Special Native Trout Waters, National Wildlife Refuge, etc., which do not provide any water quality protection;
- (4) the waters represent an important component of a state or national park or forest; or
- (5) the waters are of special ecological or scientific significance such as habitat for rare or endangered species or as areas for research and education.

(c) Quality Standards for waters classified as ORW.

(1) Freshwater: Water quality conditions shall clearly maintain and protect the outstanding resource values of waters classified ORW. No permanent degradation of water quality will be allowed. Temporary and short-term changes in water quality may be permitted provided that interim water quality will maintain existing uses. A public hearing is mandatory for any proposed permits to discharge to waters classified as ORW. Management strategies to protect resource values will be developed on a site specific basis during the proceedings to classify waters as ORW. At a minimum, no new discharges or expansions of existing discharges will be permitted, and stormwater controls for all development activities requiring a Sediment/Erosion Control Plan will be required as follows:

(A) Low Density Option: Developments which limit single family developments to one acre lots and other type developments to 12 percent built-upon area will be deemed to comply with this requirement.

(B) High Density Development: Higher density developments will be allowed if stormwater control systems utilizing wet detention ponds are installed, operated

and maintained which control the runoff from all built-upon areas generated from one inch of rainfall. The size of the control system must take into account the runoff from any pervious surfaces draining to the system.

More stringent requirements may be required by the Environmental Management Commission on a site specific basis.

(2) Saltwater: Water quality conditions shall clearly maintain and protect the outstanding resource values of waters classified ORW. No permanent degradation of water quality will be allowed. Temporary and short-term changes in water quality may be permitted provided that interim water quality will maintain existing uses.

Additional actions to protect resource values will be considered on a site specific basis during the proceedings to classify waters as ORW and will be specified in Paragraph (c) of this Rule. These actions may include anything within the powers of the commission. The commission will also consider local actions which have been taken to protect a water body in determining the appropriate state protection options.

(d) Petition Process. Any person may petition the commission to classify a surface water of the state as an ORW. The petition shall identify the exceptional resource value to be protected, address how the water body meets the general criteria in Paragraph (a) of this Rule, and the suggested actions to protect the resource values. The commission may request additional supporting information from the petitioner. The commission or its designee will initiate public proceedings to classify waters as ORW or will inform the petitioner that the waters do not meet the criteria for ORW with an explanation of the basis for this decision. The petition should be sent to:

Director  
Division of Environmental Management  
P.O. Box 27687  
Raleigh, North Carolina 27611-7687

The envelope containing the petition should clearly bear the notation: **RULE-MAKING PETITION FOR ORW CLASSIFICATION.**

(e) Listing of Waters Classified ORW with Specific Actions. Waters classified as ORW with specific actions to protect exceptional resource values are listed as follows:

(1) Specific actions to protect the outstanding resource values of the listed waterbodies include no new discharges, no flow expansions of existing discharges, and stormwater controls for all development



activities requiring a Sediment/Erosion Control Plan as follows:

**Low Density Option:** Developments which limit single family developments to one acre lots and other type developments to 42 percent built-upon area will be deemed to comply with this requirement. More stringent requirements may be required by the Environmental Management Commission in very sensitive areas.

**High Density Option:** Higher density developments will be allowed if stormwater control systems (preferably wet detention ponds) are installed, operated and maintained which control the runoff from all built-upon areas generated from one inch of rainfall. The size of the control system must take into account the runoff from any pervious surfaces draining to the system. More stringent requirements may be required by the Environmental Management Commission in very sensitive areas.

- (A) Cataloochee Creek (French Broad River Basin, Index No. 5-41) from source to Waterville Lake, including all tributary waters above the lake.
- (B) South Fork Mills River (French Broad River Basin, Index No. 6-51-3) from source to confluence with Queen Creek including all tributary waters above Queen Creek.
- (C) Fires Creek (Hiwassee River Basin, Index No. 4-27) including all tributary waters.
- (D) Gipp Creek (Hiwassee River Basin, Index No. 4-52-23) including all tributary waters.
- (E) Nantahala River (Little Tennessee River Basin and Savannah River Drainage Area, Index No. 2-57) from source to Roaring Fork including all tributary waters.
- (F) Wilson Creek (Catawba River Basin, Index No. 11-38-34) including all tributary waters.
- (G) Elk Creek (Yadkin-Pee Dee River Basin, Index Nos. 12-24(1) and 12-24(2)) including all tributary waters.
- (2) Specific actions to protect the outstanding resource values of the listed waterbodies include no new discharges, no expansions of pollutant loadings from existing discharges, and stormwater control for all development activities requiring a Sediment/Erosion Control Plan as follows:

**Low Density Option:** Developments which limit single family developments to one acre lots and other type developments to 42 percent built-upon area will be deemed to comply with this requirement. More stringent requirements may be required by the Environmental Management Commission in very sensitive areas.

**High Density Option:** Higher density developments will be allowed if stormwater control systems (preferably wet detention ponds) are installed, operated and maintained which control the runoff from all built-upon areas generated from one inch of rainfall. The size of the control system must take into account the runoff from any pervious surfaces draining to the system. More stringent requirements may be required by the Environmental Management Commission in very sensitive areas.

- (A) Chattooga River (Little Tennessee River Basin and Savannah River Drainage Area, Index No. 3) from source to North Carolina-Georgia state line including Overflow Creek and tributary waters, Big Creek and tributary waters, and Scottsman Creek.
- (3) Specific actions to protect the outstanding resource values of the following waters are as follows:
  - (A) South Toe River (French Broad River Basin, Index No. 7-2-52(1)) from source to U.S. Hwy 19E including all tributary waters will have no discharges of waste except those existing swimming pools and existing trout farms qualifying for a general permit in accordance with 15 NCAC 2H Section .0100.
  - (B) Roosevelt Natural Area (White Oak River Basin, Index Nos. 20-36-9.5(1) and 20-36-9.5(2)) including all fresh and saline waters within the property boundaries of the natural area will have only new development which complies with the low density option in the stormwater rules as specified in 15 NCAC 2H .1003(a)(2) within 575 feet of the Roosevelt Natural Area (if the development site naturally drains to the Roosevelt Natural Area).
  - (1) Roosevelt Natural Area (White Oak River Basin, Index Nos. 20-36-9.5(1) and 20-36-9.5(2)) including all fresh and saline waters within the property boundaries of the natural area will have only new development which complies with the low density option in the stormwater rules as specified in 15 NCAC 2H .1003(a)(2)



within 575 feet of the Roosevelt Natural Area (if the development site naturally drains to the Roosevelt Natural Area).

- (2) The following undesignated waterbodies that are tributary to ORW designated segments shall comply with 15 NCAC 2B .0216(c) in order to protect the designated waters as per 15 NCAC 2B .0203. However, expansions of existing discharges to these segments will be allowed if there is no increase in pollutant loading.

- (A) Chattooga River (Little Tennessee River Basin and Savannah River Drainage Area),
- (B) North and South Fowler Creeks,
- (C) Green and Norton Mill Creeks,
- (D) Cane Creek,
- (E) Ammons Branch,
- (F) Glade Creek, and associated tributaries.

*Statutory Authority G.S. 143-214.1.*

#### **.0218 EXEMPTIONS FROM SURFACE WATER QUALITY STANDARDS**

Variances from applicable standards, revisions to water quality standards or site-specific water quality standards may be granted by the commission on a case-by-case basis pursuant to General Statutes 143-215.3(e), 143-214.3 or 143-214.1. A listing of existing variances will be maintained and made available to the public by the division. Exemptions established pursuant to this Rule will be reviewed as part of the Triennial Review of Water Quality Standards conducted pursuant to 40 CFR 131.10(g).

*Statutory Authority G.S. 143-214.1; 143-214.3; 143-215.3(e).*

#### **SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS**

##### **.0301 CLASSIFICATIONS: GENERAL**

(a) Schedule of Classifications. The classifications assigned to the waters of the State of North Carolina are set forth in the schedules of classifications and water quality standards assigned to the waters of the river basins of North Carolina, 15 NCAC 2B .0302 to .0317 which are on file in the Office of the Attorney General of North Carolina. These classifications are based upon the existing or contemplated best usage of the various streams and segments of streams in the basin, as determined through studies and evaluations and the holding of public hearings for consideration of the classifications proposed.

(b) Stream Names. The names of the streams listed in the schedules of assigned classifications

were taken as far as possible from United States Geological Survey topographic maps. Where topographic maps were unavailable, U.S. Corps of Engineers maps, U.S. Department of Agriculture soil maps, and North Carolina highway maps were used for the selection of stream names.

(c) Classifications. The classifications assigned to the waters of North Carolina are denoted by the letters WS-I, WS-II, WS-III, B, C, SA, SB, and SC in the column headed "class." A brief explanation of the "best usage" for which the waters in each class must be protected is given as follows:

##### **Fresh Waters**

- Class WS-I: waters protected as water supplies which are in natural and uninhabited or predominantly undeveloped (not urbanized) watersheds; no point source discharges are permitted and local land management programs to control nonpoint source pollution are required; suitable for all Class C uses;
- Class WS-II: waters protected as water supplies which are in low to moderately developed (urbanized) watersheds; discharges are restricted to primarily domestic wastewaters or industrial non-process waters specifically approved by the commission; local land management programs to control nonpoint source pollution are required; suitable for all Class C uses;
- Class WS-III: water supply segment with no categorical restrictions on watershed development or discharges; suitable for all Class C uses;
- Class B: primary recreation and any other usage specified by the "C" classification;
- Class C: fish and wildlife propagation, secondary recreation, agriculture, and

other uses requiring waters of lower quality.

**Tidal Salt Waters**

- Class SA: shellfishing for market purposes and any other usage specified by the "SB" and "SC" classification;
- Class SB: primary recreation and any other usage specified by the "SC" classification;
- Class SC: fish and wildlife propagation, secondary recreation, and other uses requiring waters of lower quality.

**Supplemental Classifications**

- Trout Waters: Suitable for natural trout propagation and maintenance of stocked trout;
- Swamp Waters: Waters which have low velocities and other natural characteristics which are different from adjacent streams;
- NSW: Nutrient sensitive waters which require limitations on nutrient inputs;
- HQW: High Quality Waters which are streams that are rated as excellent based on biological and physical/chemical characteristics through division monitoring or special studies, all native and special native trout waters (and their tributaries) designated by the Wildlife Resources Commission, all primary nursery areas (PNA) designated by the Marine Fisheries Commission and other functional nursery areas recognized by the Wildlife Resources Commission or other appropriate agencies, all water supply watersheds which are either classified as WS-I or WS-II or those for which a formal petition for reclassification as WS-I

or WS-II has been received from the appropriate local government and accepted by the Division of Environmental Management and all Class SA waters.

ORW: outstanding resource waters which are unique and special waters of exceptional state or national recreational or ecological significance which require special protection to maintain existing uses.

(d) Water Quality Standards. The water quality standards applicable to each classification assigned are those established in 15 NCAC 2B .0200, Classifications and Water Quality Standards Applicable to the Surface Waters of North Carolina, as adopted by the North Carolina Environmental Management Commission.

(e) Index Number.

(1) Reading the Index Number. The index number appearing in the column so designated is an identification number assigned to each stream or segment of a stream, indicating the specific tributary progression between the main stem stream and the tributary stream.

(2) Cross-Referencing the Index Number. The inclusion of the index number in the schedule is to provide an adequate cross reference between the classification schedules and an alphabetic list of streams.

(f) Classification Date. The classification date indicates the date on which enforcement of the provisions of Section 143-215.1 of the General Statutes of North Carolina became effective with reference to the classification assigned to the various streams in North Carolina.

(g) Reference. Copies of the schedules of classifications adopted and assigned to the waters of the various river basins may be obtained at no charge by writing to:

Director  
Division of Environmental Management  
Department of Natural Resources  
and Community Development  
Post Office Box 27687  
Raleigh, North Carolina 27611

(h) Places where the schedules may be inspected:

Division of State Library  
Archives -- State Library Building  
109 E. Jones Street  
Raleigh, North Carolina.

(i) Unnamed Streams.

## PROPOSED RULES

- (1) Any stream which is not named in the schedule of stream classifications carries the same classification as that assigned to the stream segment to which it is tributary except:

- (A) unnamed streams specifically described in the schedule of classifications; or  
(B) unnamed freshwaters tributary to tidal saltwaters will be classified "C"; or  
(C) after November 1, 1986, any newly created areas of tidal saltwater which are connected to Class SA waters by approved dredging projects will be classified "SC" unless case-by-case reclassification proceedings are conducted.

- (2) The following river basins have different policies for unnamed streams entering other states or for specific areas of the basin: Hiwassee River Basin (Rule .0302); Little Tennessee River Basin and Savannah River Drainage Area (Rule .0303); French Broad River Basin (Rule .0304); Watauga River Basin (Rule .0305); Broad River Basin (Rule .0306); New River Basin (Rule .0307); Catawba River Basin (Rule .0308); Yadkin-Pee Dee River Basin (Rule .0309); Lumber River Basin (Rule .0310); Roanoke River Basin (Rule .0313); Tar-Pamlico River Basin (Rule .0316); Pasquotank River Basin (Rule .0317).

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

\* \* \* \* \*

Notice is hereby given in accordance with G.S. 150B-12 that the N.C. Marine Fisheries Commission intends to adopt rule(s) cited as 15 NCAC 3B .0907, .1005 .1507; 3C .0212 - .0213, .0314; 3G .0001 - .0011; amend rule(s) cited as 15 NCAC 3A .0001 - .0002; 3B .0102, .0105, .0108 - .0109, .0111, .0114, .0116 - .0117, .0201 - .0203, .0206 - .0207, .0301 - .0302, .0304 - .0310, .0401 - .0404, .0408 - .0410, .0413, .0501 - .0505, .0602, .0701 - .0702, .0801 - .0802, .0901 - .0906, .1001 - .1004, .1101 - .1103, .1105 - .1109; 3B .1111, .1201 - .1204, .1404 - .1408, .1501 - .1506, .1601 - .1602, .1605; 3C .0203, .0206, .0209, .0304 - .0305, .0310 - .0312.

The proposed effective date of this action is September 1, 1989.

The public hearing will be conducted at the times and places outlined below:

May 8, 1989

2:00 p.m.

New Hanover County Library  
Wilmington

7:30 p.m.

Onslow County Courthouse  
Jacksonville

May 9, 1989

2:00 p.m.

Joslyn Hall  
Carteret Community College  
Morehead

May 10, 1989

2:00 p.m.

Beaufort Community College  
Washington

May 11, 1989

1:00 p.m.

Civic Center  
Hatteras

7:30 p.m.

Chowan County Courthouse  
Edenton

May 12, 1989

7:00 p.m.

Ground Floor Hearing Room  
Archdale Building  
Raleigh

Business Session will be June 1, and 2 at the Sheraton, New Bern, N.C.

**Comment Procedures:** Comments and statements, both written and oral, may be presented at the hearings. Written comments are encouraged and may be submitted to the Marine Fisheries Commission, P.O. Box 769, Morehead City, NC 28557. These written and oral comments must be received no later than May 24, 1989.

### CHAPTER 3 - MARINE FISHERIES

#### SUBCHAPTER 3A - DIVISION RULES

##### .0001 IDENTIFICATION INFORMATION

(a) The division of marine fisheries Marine Fisheries Division of the Department of Natural Resources and Community Development main-



tains its office headquarters in Morehead City at the Marine Fisheries Building, 3411 Arendell Street, Post Office Box 769, Morehead City, North Carolina 28557. Telephone (919) 726-7021, or 1-800-682-2632, toll free in North Carolina. The mailing address is Division of Marine Fisheries, Post Office Box 769, Morehead City, North Carolina 28557. Field offices are located at 408 South Water St., Elizabeth City, NC 27000 Telephone (919) 338-8351; Post Office Box 1507, Washington, NC 27889 Telephone (919) 946-6481; and 7225 Wrightsville Ave., Wilmington, NC 28403 Telephone (919) 256-4541.

(b) The coastal area is divided into four management enforcement districts, each with a District Manager and a District Operations Office. The District Offices are:

- (1) Northern District, Rt. 6, Box 203, Elizabeth City, NC 27909. Telephone (919) 264-3911, or 1-800-338-7805, toll free in North Carolina.
- (2) Pamlico District, Post Office Box 1507, Washington, NC 27889. Telephone (919) 946-6481, or 1-800-338-7804, toll free in North Carolina.
- (3) Central District, Post Office Box 769, Morehead City, NC 28557. Telephone (919) 726-7021, or 1-800-682-2632, toll free in North Carolina.
- (4) Southern District, 7225 Wrightsville Avenue, Wilmington, NC 28403. Telephone (919) 256-4541, or 1-800-248-4536, toll free in North Carolina.

*Statutory Authority G.S. 113-134; 150B-11.*

#### .0002 BASIC PURPOSE AND FUNCTION OF THE DIVISION

(a) The division in its capacity as an agency within the Department of Natural Resources and Community Development Division of Marine Fisheries is charged with the stewardship of the marine and estuarine resources of the State of North Carolina. As such, it and is responsible for the maintenance, preservation, protection, and development management of all marine and estuarine fisheries resources. More specifically, the division is required to administer and enforce all licence requirements and taxes as set out in Article 14 of Chapter 113 of the North Carolina General Statutes to promulgate rules and regulations governing coastal fisheries and enforce them, to develop and improve the cultivation, harvesting, and marketing of oysters and clams in North Carolina. This responsibility includes the administration and enforcement of all statutes and rules governing commercial and recreational

fishing in coastal waters, the development and improvement of the cultivation and harvesting of shellfish, and submerged land claims in North Carolina.

(b) In its constant effort to meet its obligations, the division Division of Marine Fisheries administers programs in commercial and recreational fisheries management and enforcement, applied research and monitoring, fisheries statistics, shellfish rehabilitation, bottom leasing, submerged land claims, and information and education, and sport fishing.

*Statutory Authority G.S. 113-134; 150B-11.*

### SUBCHAPTER 3B - FISHERIES REGULATIONS FOR COASTAL WATERS

#### SECTION .0100 - GENERAL REGULATIONS

##### .0102 DEFINITIONS

(a) Except as otherwise provided in these regulations, all definitions set out in Subchapter IV of Chapter 113 of the General Statutes apply in these regulations.

(b) The following additional terms are hereby defined:

- (1) Commercial Fishing Equipment. All fishing equipment used in coastal fishing waters except:
  - (A) seines less than 12 feet in length,
  - (B) spears,
  - (C) a dip net having a handle not more than eight feet in length and a hoop or frame to which the net is attached not exceeding 60 inches along the outer perimeter,
  - (D) hook-and-line and bait-and-line equipment other than multiple-hook or multiple-bait trotline,
  - (E) a landing net used to assist in taking fish when the initial and primary method of taking is by the use of hook and lines;
  - (F) Cast Nets.
- (2) Fixed or stationary net is a net anchored or staked to the bottom, or some structure attached to the bottom, at both ends of the net;
- (3) Mesh Length. The diagonal distance from the inside of one knot to the outside of the other knot, when the net is stretched hand-tight;
- (4) Possess. Any actual or constructive holding whether under claim of ownership or not;
- (5) Transport. Ship, carry, or cause to be carried or moved by public or private carrier by land, sea, or air;
- (6) Use. Employ, set, operate, or permit to be operated or employed;

- (7) Anchor Gill Net - A net anchored to the bottom, while its cork line is submerged and not visible on the surface; also referred to as a "sink" net;
- (8)(7) Purse Gill Net - Any gill net used to encircle fish when the net is closed by the use of a purse line through rings located along the top or bottom line or elsewhere on such net;
- (9)(8) Internal Coastal Waters or Internal Waters - All coastal fishing waters except the Atlantic Ocean.
- (10)(9) Channel Net - a net used to take shrimp which is anchored or attached to the bottom at both ends or with one end anchored or attached to the bottom and the other end attached to a boat.
- (11)(10) Toothed Dredge - a device towed by engine power consisting of a frame, tooth bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or conchs. ~~oyster, clam or crab fisheries.~~
- (12)(11) Mechanical methods for clamming - includes, but not limited to, toothed dredges, hydraulic clam dredges, stick rakes and other rakes when towed by engine power, patent tongs, kicking with propellers and/or deflector plates with or without trawls, and any other method that utilizes mechanical or hydraulic power to harvest clams.
- (12) Mechanical methods for oystering - includes, but not limited to, dredges, patent tongs, stick rakes and other rakes when towed by engine power and any other method that utilizes mechanical means to harvest oysters.
- (13) Depuration - purification or the removal of adulteration from live oysters, clams, and mussels by any natural or artificially controlled means.
- (14) Peeler Crab - a blue crab that has a soft shell developing under a hard shell and having a definite pink, white, or red line or rim on the outer edge of the back fin or flipper.

Statutory Authority G.S. 113-134; 143B-289.4.

#### .0105 LEGAL SIZES AND CREEL LIMITS

- (a) Legal sizes and creel limits for striped bass are found in 15 NCAC 3B .1500. Crab minimum size and tolerance limits are presented in 15 NCAC 3B .0800.
- (b) Clam minimum size and creel limits are presented in 15 NCAC 3B .0900.

- (c) Sea scallop minimum size and tolerance limits are presented in 15 NCAC 3B .1005.
- (d) Oyster minimum size, creel, and tolerance limits are presented in 15 NCAC 3B .1100.
- (e) The lobster minimum size limit is presented in 15 NCAC 3B .1200.
- (f) Striped bass legal sizes and creel limits are presented in 15 NCAC 3B .1500 and 3F .0100.
- (g) ~~(b)~~ Channel Bass Red Drum
- (1) ~~No person shall take, attempt to take, harm, possess, or retain in possession~~ It is unlawful to take or possess more than two channel bass red drum exceeding 32 inches in length in any one day.
  - (2) ~~It shall be is unlawful to take, attempt to take, harm, possess or retain in possession~~ red drum less than 14 inches in length.
  - (3) ~~No person shall~~ It is unlawful to remove channel bass red drum from any type of net with the aid of any boat hook, gaff, spear, gig, or similar device.
  - (4) ~~The Fisheries Director, based upon reasonable and prudent management of marine and estuarine resources,~~ may by proclamation impose any or all of the following additional restrictions on the taking of red drum: in addition to those specified in (b) (1), (2), and (3) of this Rule:
    - (A) Specify areas.
    - (B) Specify seasons.
    - (C) Specify quantity.
    - (D) Specify means/method.
    - (E) Specify size.
- (e) ~~(h)~~ It shall be is unlawful for any person to land or possess aboard a vessel any striped bass, channel bass, red drum, spotted scatroun or flounder mutilated to the extent that accurate length measurements cannot be made.
- (d) ~~(i)~~ It is unlawful for No individual individuals claiming exemption from the oyster, scallop and clam license required by G.S. 113-154(a) by reason of non-commercial taking of oysters, scallops, and clams, may to take from coastal fishing waters or possess more than the quantities specified in G.S. 113-152(f).
- (1) ~~one bushel of oysters per person per day, not to exceed two bushels per vessel per day;~~
  - (2) ~~one half bushel of scallops per person per day, not to exceed one bushel per vessel per day;~~
  - (3) ~~one hundred clams per person per day, not to exceed two hundred clams per vessel per day.~~
- (e) ~~(j)~~ It shall be is unlawful to possess flounder less than 13 inches in length.



(k) It is unlawful to possess spotted seatrout (speckled trout) less than 12 inches in length.

(4) ~~(l)~~ It shall be is unlawful to possess aboard or land from a vessel, or combination of vessels that form a single operation, more than 3,500 pounds of Spanish or King Mackerel, in the aggregate, in any one day. The Fisheries Director, may by proclamation, impose any or all of the following restrictions on the taking of Spanish and/or King Mackerel:

- (1) Specify areas.
- (2) Specify seasons.
- (3) Specify quantity.
- (4) Specify means/method.
- (5) Specify size.

Any proclamation prepared under this authority must be approved by the Marine Fisheries Commission prior to issuance.

(m) Inland game fish, except spotted sea trout, taken incidental to any licensed commercial fishing operation may be retained to the extent permitted by regulations of the Wildlife Resources Commission.

*Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.*

#### .0108 INTRODUCTION OF EXOTICS

~~No person shall~~ It is unlawful to introduce into the waters of the state, any live aquatic animal or live aquatic plant, not native to the immediate water area concerned, without first obtaining a permit from the Fisheries Director. This prohibition shall include but not be limited to piranha and walking catfish (Clarias batrachus).

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0109 OCEAN FISHING PIERS

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

- (1) ~~Yellow range poles or other beach markers,~~ at least three inches in diameter and extending not less than six feet above the surface of the ground, and which are parallel to the pier and identified by signs with the name of the pier printed in letters at least three inches high; or
- (2) Buoys, which shall be yellow in color and not less than nine inches in diameter and extend no less than three feet above the surface of the water.

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

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

*Statutory Authority G.S. 113-134; 113-181; 113-182; 143B-289.4.*

#### .0111 ARTIFICIAL REEFS AND RESEARCH SANCTUARIES

(a) ~~The Fisheries Director may close or restrict by proclamation any coastal fishing waters with respect to taking or attempting to take any or all kinds of marine or estuarine resources and with respect to using any kind of equipment. Such closing or restriction shall be in the discretion of the Fisheries Director and shall be based on overall public interest and prudent fisheries management and research. may, by proclamation, prohibit or restrict the taking of fish and the use of any equipment in and around any artificial reef or research sanctuary. Any closure or restriction is subject to the following conditions:~~

~~(b) Any closing or restriction proclaimed by the Fisheries Director under Subsection (a) of this Rule is subject to the following conditions:~~

- (1) ~~Artificial reefs in the Atlantic Ocean shall not be closed or restricted under this Regulation beyond 1000 yards and artificial reefs in the inside coastal fishing waters shall not be closed or restricted under this Regulation beyond 500 yards. shall not be closed or restricted beyond 500 yards in the Atlantic Ocean or 250 yards in internal coastal waters. Artificial reefs shall be marked as near center as feasible by one readily identifiable official buoy by the department and any distances called for in this Regulation for closures or restrictions shall be measured from such buoy.~~
- (2) ~~Any closure or restriction shall be for no more than one year, subject to renewal in the discretion of the commission.~~ Fisheries Director.
- (3) ~~The economic effect of the closure or restriction on fishing interests with respect~~



to the size and location of the area and the nature of the equipment affected shall be considered before such closure is made and findings shall be made in writing which findings shall be available for public inspection at the office of division of marine fisheries in Morehead City.

- (4) The proclamation must be approved by the Marine Fisheries Commission at their next official meeting or else it is automatically void.

(c) (b) It shall be unlawful to engage in any fishing activity, or to use any equipment, or to conduct any other operation which has been prohibited by any proclamation issued under the this authority. of this Regulation.

Statutory Authority G.S. 113-134; 113-181; 113-182; 143B-289.4.

#### .0114 SEA TURTLE SANCTUARY

In an area of Onslow County enclosed by a line, beginning at the easternmost end of Hammocks Beach (Bear Island) at 34° 38.4' N - 77° 07' W, and running southeastward 1,000 feet offshore toward the Bogue Inlet Bell Buoy (BW "BI"); thence continuing southwest 1,000 feet offshore parallel with the ocean shoreline of Bear Island to a point 34° 37.1' N - 77° 10.1' W where said line intersects the northeastern edge of that restricted zone between Bear and Browns Inlets, designated as part of the Camp Lejeune restricted area; thence seaward along the boundary of this restricted zone to a point 34° 36.7' N - 77° 09.8' W, said point being about 3/4 mile 157° M from the western end of Bear Island; thence from said point southwest across the restricted zone to a point 34° 35.1' N - 77° 13.2' W where said line intersects the southwestern boundary of the restricted zone; thence shoreward with the southwestern boundary of the restricted zone to a point off the mouth of Brown's Inlet 34° 35.6' N - 77° 13.6' W, said point being about 1,000 feet offshore of the western shore of Brown's Inlet; thence southwest parallel with the ocean shoreline 1,000 feet offshore to a point 34° 34.7' N - 77° 15.1' W, said point being about 1,200 feet 151° M from the northernmost observation tower on Onslow Beach; thence running southeast 151° M to a point 34° 34.3' N - 77° 14.7' W, said point being about 3/4 mile offshore; thence running southwest to the New River Inlet Bell Buoy (BW "NR"); thence from said buoy to the southernmost tip of Onslow Beach 34° 31.9' N - 77° 20.3' W; no person shall use any commercial fishing equipment from June 1 through August 31, except that the Fisheries Director, may by proclamation modify the sea

turtle sanctuary within the described area of this Rule and vary implementation between these dates for the protection of the sea turtle population.

It is unlawful to use any commercial fishing equipment in the sea turtle sanctuary located in the Atlantic Ocean adjacent to Onslow County as described in 15 NCAC 3G .0001 from June 1 through August 31, except that the Fisheries Director may, by proclamation, modify the sanctuary within the described area and vary implementation between specified dates for the protection of the sea turtle population.

Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

#### .0116 SHIPPING AND TRANSPORTING SEAFOOD

(a) Dealer shall furnish, with each shipment of seafood, a bill of consignment (bill of lading) showing thereon the name of the consignee, name of the shipper, the date of shipment and the quantity of each product shipped. In the event the fisherman taking the seafood is also a fish dealer all records of bills of consignment are to be recorded at the point of landing. It is unlawful to ship seafood without having ready at hand a bill of consignment (bill of lading) provided by the shipping dealer showing thereon the name of the consignee, name of the shipper, the date of the shipment, and the quantity of each product shipped. In the event the fisherman taking the seafood is also a dealer and ships from the point of landing, all records of bills of consignment shall be recorded at the point of landing.

(b) Fishermen who transport their catch to licensed dealers are not required to abide by this Regulation. Rule.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

#### .0117 MILITARY RESTRICTED AREAS

(a) Pursuant to Title 31 United States Code Section 3, the United States Corps of Engineers has adopted regulations which restrict access to and activities within certain areas of coastal and inland fishing waters. The designated areas are used for military training which may include bombing with live ordnance. Fishermen who enter and fish within the areas should follow Federal Regulations to avoid exposure to undetonated ordnance, fragments from exploding ordnance and other dangerous activities. Federal law provides substantial penalties for violations of the federal regulations.

(b) The designated areas are shown on navigational charts and specifically described in the Coastal Pilot and the Code of Federal Regulations (CFR). The following descriptions in 15 NCAC 3G .0002(a) show the general location of each such area, the Federal Regulation specifically describing the areas, the Federal Regulations stating the limitations on access to and use of each such area, and the designated military authority to contact for information about permits and/or for access to each such area.

- (1) Currituck Sound:
  - (A) North Landing River; and
  - (B) Northern part of Currituck Sound (See 33 CFR 334.110 (a) (1) and (a) (2); Contact Commander Fleet Air Norfolk);
- (2) Albemarle Sound:
  - (A) Along north shore at the easternmost tip of Harvey Point; and
  - (B) Along south shore of Albemarle Sound (See 33 CFR 334.110 (b) (1) and (b) (2); Contact Commander Fleet Air Norfolk);
- (3) Pamlico Sound:
  - (A) In the vicinity of Long Shoal (See 33 CFR 334.110 (c); Contact Commander Fleet Air Norfolk);
  - (B) In the vicinity of Brant Island (See 33 CFR 334.120 (a) (1); Contact Commander Marine Corp Air Bases, East, Cherry Point); and
  - (C) In the vicinity of Piney Island including waters of Rattan Bay, Cedar Bay and Turnagain Bay (See 33 CFR 334.120 (b); Contact Commander Marine Corps Air Bases, East, Cherry Point);
- (4) Neuse River and tributaries; that portion of Neuse River within 500 feet of the shore along the reservation of the Marine Corps Air Station, Cherry Point, North Carolina, extending from the mouth of Hancock Creek to a point approximately 6,000 feet west of the mouth of Slocum Creek; and all waters of Hancock and Slocum Creeks and their tributaries within the boundaries of the reservations (See 33 CFR 334.130 (a); contact Commanding General, United States Marine Corps Air Station, Cherry Point);
- (5) Atlantic Ocean:
  - (A) In the vicinity of Bear Inlet; and
  - (B) East of New River Inlet (See 33 CFR 334.140 (a) and (d); Contact Commanding General, Marine Corps Base, Camp Lejeune);
- (6) Brown's Inlet area between Bear Creek, Onslow Beach Bridge and the Atlantic Ocean (See 33 CFR 334.140 (e); Contact

Commanding General, Marine Corps Base, Camp Lejeune);

- (7) New River within eight sections;

- (A) Trap Bay Sector;
- (B) Courthouse Bay Sector;
- (C) Stone Bay Sector;
- (D) Stone Creek Sector;
- (E) Grey Point Sector;
- (F) Farnell Bay Sector;
- (G) Morgan Bay Sector; and
- (H) Jacksonville Sector

(See 33 CFR 334.140 (b); Contact Commanding General, Marine Corps Base, Camp Lejeune);

- (8) Cape Fear River due west of the main ship channel extending from U.S. Coast Guard Buoy No. 31A at the north approach channel to Sunny Point Terminal to U.S. Coast Guard Buoy No. 23A at the south approach channel to Sunny Point Army Terminal and all waters of its tributaries therein (See 33 CFR 334.150 (a); Contact Commander, Sunny Point Area Terminal, Southport);

(c) The Brant Island Range in Pamlico Sound has been used for live bomb delivery training for more than thirty years since World War II and continues to be used for such training. Military safety studies confirm that the area adjacent to the target has many undetonated ordnances on the bottom. Because of the accompanying hazards, fishermen are strongly advised to restrict fishing activities within the Brant Island range, as follows:

- (1) Fishermen are advised against all fishing activities and navigation within a circular area with a radius of 1,000 yards having its center on the southern side of Brant Island at latitude 35° 12' 30" N - longitude 76° 26' 30" W.
- (2) Since the use of trawl nets, long haul seines, dredges and other similar fishing apparatus can disturb or raise undetonated ordnances, fishermen are advised not to utilize such fishing apparatus within a radius of 1,500 yards having its center on the southern side of Brant Island at latitude 35° 12' 30" N - longitude 76° 26' 30" W.

(d) Because of the types of military training at the Piney Island range in Pamlico Sound, fishermen are strongly advised not to use fixed gear including, but not limited to, pots, pound nets, and gill nets in the area described in 15 NCAC 3G .0002(b). Rattan Bay southeast of a line beginning at a point 35° 02' 41" N - 76° 29' 00" W; running 027° M to a point 35° 03' 28" N - 76° 28' 42" W.



Statutory Authority G.S. 113-134; 113-181; 113-182; 143B-289.4.

## SECTION .0200 - LICENSES

### .0201 LICENSE AGENTS

(d) ~~No person who has been appointed a division~~ It is unlawful for a Division appointed license agent or any other person who is acting in such agent's behalf ~~shall~~ to:

- (1) withhold or misappropriate funds from the sale of licenses;
- (2) falsify records of licenses sold;
- (3) willfully and knowingly assist or allow a person to obtain a license for which he is ineligible;
- (4) willfully issue a backdated license;
- (5) willfully on records or licenses to include false information or omit material information as to:
  - (A) a person's entitlement to a particular license; or
  - (B) the applicability or term of a particular license;
- (6) refuse to return all consigned licenses, or to remit the net value of consigned licenses sold or unaccounted for upon demand from an authorized employee of the division.

Statutory Authority G.S. 113-134; 113-151; 113-151.1; 143B-289.4.

### .0202 DEALER'S AND OCEAN PIER LICENSE DISPLAY

(a) Any dealer's license required by G.S. 113-156 shall be displayed in a prominent place in each location subject to license.

(b) Any ocean pier license required by G.S. 113-156.1 shall be displayed in a prominent place in each location subject to license.

It is unlawful to fail to display any dealer's licenses required by G.S. 113-156 and ocean pier license required by G.S. 113-156.1 in prominent public view in each location subject to licensing.

Statutory Authority G.S. 113-134; 113-151; 143B-289.4.

### .0203 VESSEL LICENSE

(a) Any vessel required to be licensed under the provisions of G.S. 113-152 shall carry a current license decal mounted on an exterior surface or in the rigging so as to be plainly visible at all times when anyone is approaching the vessel from its port side. ~~and as close to amidships as may be feasible. The person in charge of such vessel must be able to produce a vessel license~~

~~receipt or other evidence of purchase of such license for the then current year, for the vessel concerned. The display of any license decal other than the one current decal issued for the vessel displaying it is prohibited.~~

(b) The person in charge of a vessel must have ready at hand for inspection the current license receipt for the vessel concerned.

(b) (c) Lost license decals may be replaced by the secretary upon evidence that a current license for the vessel in question had been purchased and payment of a fee of fifty cents (\$0.50) and submission of evidence to the Division of Marine Fisheries that a current license for the vessel in question has been purchased.

Statutory Authority G.S. 113-134; 113-151; 113-152; 143B-289.4.

### .0206 SURRENDER OF LICENSES

~~After personal service of notice of suspension or revocation of license upon any licensee in accordance with G.S. 113-166(d), no licensee so served shall~~ It is unlawful for any licensee to refuse to surrender to an agent of the secretary ~~when directed to do so~~ all license certificates, license receipts, license decals, and other forms and records relating to the license following personal service of notice of suspension or revocation of licenses in accordance with G.S. 113-166(d). ~~In addition, any certificates, receipts, decals, forms, or records required to be surrendered which are in the custody or possession of someone other than the licensee shall also be subject to surrender upon demand. No person, who is in possession or custody~~ It is unlawful for any person in custody or possession of any such certificate, receipt, decal, form, or record required to be surrendered shall to refuse to surrender the same to the an agent of the secretary making such demand.

Statutory Authority G.S. 113-134; 113-151; 113-166; 143B-289.4.

### .0207 SALE OF FISH

~~It shall be~~ is unlawful for any person to offer for sale fish purchased from a licensed dealer without having ready at hand a receipt or bill of purchase to verify the purchase of said fish.

Statutory Authority G.S. 113-134; 113-151; 113-156; 143B-289.4.

## SECTION .0300 - NET REGULATIONS: GENERAL

### .0301 FIXED OR STATIONARY NETS



~~No~~ It is unlawful to use or set fixed or stationary nets: ~~may be used or set:~~

- (1) In the channel of the Intracoastal Waterway or in any other location where it may constitute a hazard to navigation;
- (2) So as to block more than two-thirds of any natural or man-made waterway, sound, bay, creek, inlet or any other body of water;
- (3) In the middle third of any marked navigation channel;
- (4) In the channel third of the following rivers: Roanoke, Cashie, Middle, Eastmost, Chowan, Little, Perquimans, Pasquotank, North, Alligator, Pungo, Pamlico, and Yeopim.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

#### .0302 NETS OR NET STAKES

It ~~shall be~~ is unlawful to use nets or net stakes:

- (1) Within 150 yards of railroad or highway bridge crossing the Northeast Cape Fear River, New River, White Oak River, Trent River, Neuse River, Pamlico River, Roanoke River, and Alligator River;
- (2) Within 300 yards of any ~~railroad or~~ highway bridge crossing Albemarle Sound, Chowan River, Croatan Sound, Currituck Sound, and Roanoke Sound;
- (3) If such net stakes are of metal material.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

#### .0304 GILL NETS

It ~~shall be~~ is unlawful to use gill nets:

- (1) Within a distance of 200 yards of any pound net which is in use except in Chowan River as set out in Rule 15 NCAC 3B .0403(6).
- (2) With a mesh length less than two and one-half inches in any of the coastal fishing waters except:
  - (a) The Atlantic Ocean;
  - (b) Drift gill nets used in Roanoke River as set out in Rule .0409.
- (3) Within 100 feet either side of center line of the Intracoastal Waterway Channel south of the ~~Highway 33 Bridge at Hobucken;~~ Quick Flasher No. 54 in Alligator River at the southern entrance to the Intracoastal Waterway to the South Carolina line, unless such net is used in accordance with the following conditions:
  - (a) No more than two gill nets per boat may be used at any one time; and
  - (b) Any net used must be attended by the fisherman from a boat who shall at no

time be more than 100 yards from either net; and

- (c) Any individual setting such nets shall remove them, when necessary, in sufficient time to permit unrestricted boat navigation.
- (4) March 1 through October 31 in the Intracoastal Waterway within 150 yards of any railroad or highway bridge.
- (5) In internal coastal fishing waters, unless such net is marked by attaching to it at each end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. Gill nets which are not connected together at the top line shall be considered as individual nets, requiring two buoys at the end of each individual net. Gill nets connected together at the top line shall be considered as a continuous net requiring two buoys at each end of the continuous net. Any other marking buoys on gill nets shall be yellow except for one additional identification buoy of any color or any combination of colors may be used at either or both ends. The owner shall always be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include one of the following:
  - (a) owner's N.C. motor boat registration number, or
  - (b) owner's U.S. vessel documentation name, or
  - (c) owner's last name and initials.

Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

#### .0305 TRAWL NETS

It ~~shall be~~ is unlawful to use trawl nets:

- (1) For the taking of finfish in ~~any of the~~ internal coastal fishing waters, ~~of the state;~~ provided that it shall be permissible to take or possess finfish incidental to crab or shrimp trawling in accordance with the following limitations:
  - (a) ~~No person shall have in possession~~ It is unlawful to possess aboard a vessel while using a trawl in internal waters more than 1,000 pounds of finfish except ~~as herein allowed or provided.~~
  - ~~(b) Flounder~~ flounder of legal size may be taken and possessed without limit in quantity in internal waters while engaged in crab trawling.

- (b) Minimum mesh sizes for shrimp and crab trawls are presented in 15 NCAC 3B .0701 and .0801.
- (c) The Fisheries Director may, by proclamation, close any area to trawling for a specific time period periods in order to secure compliance of this Rule.
- (2) For the taking of oysters;
- (3) In any tributaries of Albemarle Sound and its tributaries;
- (4) in Albemarle Sound;
- (5) (4) In that area south of Shackleford Banks which is east of a line which begins at the navigation aid (buoy or beacon) at the westward end of the Cape Lookout westernmost jetty and running thence N 06° 45' E degrees (M) to the Markers' Island water tower; The excluded area includes all of Cape Lookout Bight; that area west of the Bight but east of the line above that portion of Bardsen Inlet which lies southwestward of a line which begins at the Cape Lookout Lighthouse and runs N 28° 15' W degrees (M) to the southern end of Shackleford Banks; as described in 15 NCAC 3G .0003(a).
- (6) in Pamlico Sound, beginning at a point 35° 04' 57" N - 76° 20' 52" W at the elevation of mean high water on Cedar Island Beach; thence on a bearing of 00° (M) 1,750 yards through marker QK F4 G 24 feet to a point 35° 02' 48" N - 76° 20' 59" W in Pamlico Sound; thence on a bearing of 120° (M); 12,300 yards to a point 35° 00' 18" N - 76° 14' 05" W in Pamlico Sound; thence on a bearing of 258° (M) 1,400 yards to a point 35° 00' 05" N - 76° 14' 53" W at the elevation of mean high water on Cedar Island Beach; thence westwardly along the elevation of mean high water and across the mouth of any intervening guts, inlets, and creeks which may be encountered to the point of beginning.

whether the portion of foodfish exceeds one percent of the total fish on board, the Fisheries Director or his agents are authorized and empowered to grade any portion of the total catch on board. In selecting the size of the portion for the determination of the amount of foodfish present, the portion shall be no less than an amount required to fill a standard five-gallon container for each 100,000 fish on board.

(b) It shall be unlawful to take or attempt to take menhaden or Atlantic thread herring by use of a purse seine or to possess menhaden or Atlantic thread herring taken by use of a purse seine except during the open fishing season which shall be from May 15 through January 15 except that the season in Core Sound will be open from April 1 through January 15. Menhaden and Atlantic thread herring may be taken at any time by use of a purse seine from beyond one mile of shore in the Atlantic Ocean and menhaden and Atlantic thread herring taken in that area may be transported to port for processing except as provide in (c) and (d) of this Rule. It is unlawful to possess menhaden or Atlantic thread herring taken with a purse seine except during the open season from May 15 through January 15, except that the open season in Core Sound is from April 1 through January 15. Menhaden and Atlantic thread herring may be taken at any time with a purse seine from beyond one mile of shore in the Atlantic Ocean and transported to port except as provided in Paragraphs (c) and (d) of this Rule.

(c) It shall be is unlawful to take menhaden or Atlantic thread herring by use of a purse seine between sunset on any Friday and sunrise of the following Monday from the Friday of the Memorial Day weekend through sunset on Labor Day each year.

(d) It shall be is unlawful to take menhaden or Atlantic thread herring by use of a purse seine between the hours of sunrise and sunset on the following official holidays:

- (1) Memorial Day;
- (2) Fourth of July, when the Fourth of July falls on any calendar day between sunrise Friday and sunset Monday;
- (3) Labor Day.

(e) It shall be is unlawful to use a purse seine to take menhaden or Atlantic thread herring in the internal coastal waters, of North Carolina, except in the following waters: Pamlico Sound, Pamlico River east of a line from Wades Point to Intracoastal Waterway Marker No. 1 at the mouth of Goose Creek, Neuse River east of a line from Wilkinson Point to Cherry Point, Adams Creek, Core Sound and its tributaries, Back Sound, the Straits, North River, Newport River, and Bogue Sound.

Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

#### .0306 PURSE SEINES AND PURSE GILL NETS

(a) Purse Seines. No It is unlawful to use purse seines may be used except for the taking of menhaden or Atlantic thread herring. provided that no person shall It is unlawful to land from a vessel licensed for menhaden fishing any foodfish in excess of one percent of the total amount of fish on board, nor shall any person or to land foodfish from any vessel taking fish with the aid of a purse seine. In determining



(f) ~~It shall be~~ is unlawful to take menhaden or Atlantic thread herring ~~by use of with~~ a purse seine from the Atlantic Ocean within an area described in 15 NCAC 3G .0004, ~~bounded by a line extending from Bald Head Lighthouse bearing 242° M to Cape Fear River ship channel buoy "7", then bearing 320° M to the foot of the Yaupon Beach Fishing Pier on Oak Island, then following the shoreline eastward to a point near Fort Caswell (23° 53' 13" N - 78° 01' 11" W), then running 138° M to the Bald Head Lighthouse.~~

(g) When a fish spill occurs, the responsible menhaden fishing company shall:

- (1) Immediately notify the office of the Fisheries Director of the North Carolina Division of Marine Fisheries of such spill, and
- (2) Report to the Fisheries Director of the North Carolina Division of Marine Fisheries in writing on the circumstances associated with each spill and costs of its clean-up.

(h) ~~Purse Gill Nets. No person shall~~ It is unlawful to have a purse gill net on board a vessel when taking or landing Spanish or King Mackerel.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0307 CHANNEL NETS

(a) ~~It shall be~~ is unlawful to use a channel net:

- (1) ~~In coastal fishing waters with~~ With a corkline exceeding 40 yards in length.
- (2) Without yellow light reflective tape on the top portion of each staff or stake and on any buoys located at either end of the net.
- (3) With any portion of the set including boats, anchors, cables, ropes or nets within 50 feet of the center line of the Intracoastal Waterway Channel.
- (4) In the middle third of any navigation channel marked by Corps of Engineers and or U.S. Coast Guard.
- (5) ~~In any coastal fishing waters unless~~ Unless attended by the fisherman who shall be no more than 50 yards from the net at all times.

(b) ~~It shall be~~ is unlawful to leave any channel net, channel net buoy, or channel net stakes in coastal fishing waters from December 1 through March 1.

(c) ~~It shall be~~ is unlawful to use floats or buoys of metal material for marking a channel net set.

(d) From March 2 through November 30, cables used in a channel net operation shall, when not attached to the net, be connected together

and any attached buoy shall be connected by non-metal line.

(e) ~~It shall be~~ is unlawful to leave channel net buoys in coastal fishing waters without yellow light reflective tape on each buoy and without the owner's identification being clearly printed on each buoy. Such identification must include one of the following:

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

(f) ~~It shall be~~ is unlawful to use any channel net, anchors, lines, or buoys in such a manner as to constitute a hazard to navigation.

(g) It is unlawful to possess aboard a vessel any channel net with a corkline exceeding 40 yards.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0308 POUND NETS

~~Pound nets:~~

~~(1) (a)~~ It shall be is unlawful to use pound or fyke nets in internal coastal fishing waters without the owner's identification being clearly printed on a sign no less than six inches square, securely attached on an outside corner stake of each such net. Such identification must include one of the following:

- ~~(a)~~ (1) For pound nets, the pound net registration number and the owner's last name and initials.
- ~~(b)~~ (2) For fyke nets, the owner's N.C. motorboat registration number, the owner's U.S. vessel documentation name, or the owner's last name and initials.

Any pound or fyke net or any part thereof found set in internal coastal fishing waters without proper identification will be in violation and may be removed and disposed of in accordance with law.

~~(2) (b)~~ It shall be is unlawful ~~for any person or persons~~ to use a pound net without registering such net with the North Carolina Division of Marine Fisheries prior to installation which includes setting stakes. Stakes will be considered as part of a set. Such registration will expire 365 days after registration. Failure to re-register each set or the abandonment thereof without removing all stakes shall constitute a violation and be grounds for refusal of other registrations or re-registrations. Failure to use a registered set within sixty days of registration shall constitute a violation and be grounds for refusal of other registrations or re-registrations and for revocation of other registrations.



(3) (c) It is unlawful to use a ~~No~~ pound net ~~shall be used~~ without leaving a marked navigational opening of at least 25 feet at the end of every third pound. Such openings shall be marked with international orange signs at least six inches square.

(4) (d) It ~~shall be~~ is unlawful to set a pound net, pound net stakes, or other related equipment in internal coastal fishing waters without light reflective tape or light reflective paint on each pound. The tape or paint must cover an area not less than twelve inches vertically, and visible from all directions.

(5) (e) In Core Sound, the Fisheries Director shall by proclamation designate areas for the use of pound and fyke nets.

(f) In Pamlico Sound, it is unlawful to set a pound net, pound net stakes, or any other related equipment without radar reflective tape or metallic material which covers an area not less than 12 inches vertically, and visible from all directions on each end.

*Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.*

#### **.0309 NETS PULLED BY MORE THAN ONE BOAT**

No net shall be pulled or towed by It is unlawful to pull or tow a net with more than one boat except in long-haul fishing operations.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### **.0310 SEINES PULLED BY ONE OR MORE BOATS**

It shall be is unlawful to tow or pull a net in a long-haul or swipe net fishing operation:

- (1) Without a floating buoy attached a minimum of every 100 yards along the cork line. The buoy shall be international orange and shall be no less than five inches in diameter and no less than eleven inches in length; and
- (2) Without a flag, square in shape, international orange in color, at least 24 inches by 24 inches in size, flying in the rigging so as to be visible when approaching the vessel from any direction.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

### **SECTION .0400 - NET REGULATIONS: SPECIFIC**

#### **.0401 ALBEMARLE SOUND AND**

#### **TRIBUTARIES**

In Albemarle Sound and tributaries: (including Chowan River, excluding Currituck Sound and its tributaries):

- (1) From ~~January 1~~ December 1 through May 31, it is unlawful to use no gill net shall be used nets with which has a mesh length less than three inches in Albemarle Sound and tributaries, between the mouth of Roanoke, Middle, Eastmost and Cashie Rivers and the U.S. 64-264 bridges across Roanoke and Croatan Sounds.
- (2) From June 1 through September 30, it is unlawful to use no gill net shall be used nets with a mesh length less than five inches in the Albemarle Sound and tributaries between the mouth of Roanoke, Middle, Eastmost, and Cashie Rivers and the U.S. 64-264 bridges across Roanoke and Croatan Sounds. The Fisheries Director may by proclamation allow the use of gill nets with a mesh length of three inches or less and may require the nets be attended by the fisherman at all times. It is unlawful for any fisherman to No fisherman shall use more than 400 yards of nets with a mesh length of three inches or less.
- (3) From October 1 through ~~December 31~~ November 30, it is unlawful to use gill net shall be used which has nets with a mesh length less than three and one-half inches in Albemarle Sound and tributaries between the mouth of Roanoke, Middle, Eastmost, and Cashie Rivers and the U.S. 64-264 bridges across Roanoke and Croatan Sounds except attended gill nets as described in (2) of this Rule may be used. Gill nets which have a mesh length three and one-half inches and greater and less than four and one-quarter inches must be sunk to the bottom, set in no less than eight feet of water in the tributaries, ten feet of water in the Sound, and be no more than 35 meshes deep.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### **.0402 ATLANTIC OCEAN**

In the Atlantic Ocean:

- (1) No net may be used It is unlawful to use nets from June 15 through August 15 in the waters of Masonboro Inlet or in the ocean within 300 yards of the beach between Masonboro Inlet and a line running 138° through the water tank on the northern end of Wrightsville Beach, a distance parallel with the beach of 4,400 yards.

- (2) ~~No~~ It is unlawful to use trawls may be used within one-half mile of the beach between the Virginia line and Oregon Inlet.
- (3) ~~No trawls with a mesh length less than four inches in the main body, three inches in the extension, and one and three-fourths inches in the cod end or tail bag may be used in-shore of a line beginning at a point 34° 41' 15" N - 76° 40' 05" W on the western side of Beaufort Inlet Channel (the present location of buoy "11" QK F1); thence westward parallel to and one-half nautical mile from the ocean beach to a point 34° 40' 32" N - 76° 53' 45" W off Salter Path.~~
- (4) (3) From October 1 through April 30, in order to protect small flounder which may be taken in the Atlantic Ocean, the The Fisheries Director based on reasonable and prudent management of marine and estuarine resources may, be by proclamation, establish fishing gear specifications for trawls used within three nautical miles of the beach from October 1 through April 30 in order to protect small flounder.
- (5) (4) ~~No~~ It is unlawful to use gill nets with a stretched mesh size length greater than six inches can be used from February 1 through June 30 from Carolina Beach Inlet to the South Carolina line.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

#### .0403 CHOWAN RIVER AND ITS TRIBUTARIES

In the Chowan River and its tributaries:

- (1) It is unlawful to anchor the ~~No~~ lead line of any net ~~shall be anchored~~ closer than 50 feet from shore except in the Meherrin River.
- (2) It is unlawful to use ~~No~~ pound net nets or gill net ~~may be used for the taking of fish nets~~ in any tributary creek ~~to the Chowan River~~ or within 150 yards of the mouth of any such tributary creek of Chowan River.
- (3) It is unlawful to use ~~From January 1 through May 31,~~ gill nets with a mesh length ~~not less than two and one-half inches may be used in the Meherrin River from January 1 through May 31.~~
- (4) It is unlawful to set a ~~In the Chowan River~~ no pound net ~~may be set~~ within 200 yards parallel to any other pound net and ~~no seine may be used within 1,000 yards of the mouth of any tributary creek in Chowan River.~~
- (5) It is unlawful to use a seine within 1,000 yards of the mouth of any creek tributary to Chowan River.

- (5) (6) It is unlawful to set a ~~No~~ trotline or any ~~portion of a trotline may be set~~ within 100 yards of a pound net from February 1 through May 31.
- (6) (7) In the Chowan River from the mouth of Wiccacon River to the North Carolina/Virginia border, gill nets may be set perpendicular to the channel a distance of at least 50 feet from the outer portion of a pound net while in use.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

#### .0404 CURRITUCK SOUND AND ITS TRIBUTARIES

In Currituck Sound and its tributaries:

- (1) It is unlawful to use any ~~No~~ net or drag seine ~~may be hauled or pulled by the use of with~~ more than one power boat.
- (2) It is unlawful to use any ~~No~~ seine or haul net ~~may be used~~ which is more than 900 yards in length or which has a mesh length of less than three inches.
- (3) It is unlawful to use ~~From January 1 through May 31, no gill net nets with shall be used which~~ has a mesh length less than three inches from January 1 through May 31.
- (4) From June 1 through September 30, it is unlawful to use ~~no gill net nets shall be used~~ with a mesh length of five inches or less except gill nets with a mesh length of three and one-fourth inches or less which are attended by the fisherman at all times. It is unlawful to ~~No fisherman shall~~ use more than 400 yards of nets with a mesh length of three and one-fourth inches or less.
- (5) From October 1 through December 31, it is unlawful to use ~~no gill net nets with shall be used which~~ has a mesh length less than three and one-half inches ~~not or to~~ set within 300 yards of the shoreline, except gill nets with a mesh length five inches and greater and attended gill nets as described in Paragraph (4) of this Rule.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

#### .0408 PAMLICO SOUND

It shall be unlawful to set a pound net, pound net stakes, or any other related equipment in Pamlico Sound without radar reflective tape or metallic material which covers an area not less than twelve inches vertically, and visible from all directions on each end. Light reflective tape or light reflective paint which covers an area not less

than twelve inches vertically and is visible from all directions is required on each pound.

Pound nets in Pamlico Sound are required to be marked as specified in 15 NCAC 3B .0308(f).

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

**.0409 ROANOKE, CASHIE, MIDDLE AND EASTMOST RIVERS**

In the Roanoke, Cashie, Middle and Eastmost Rivers:

- (1) It is unlawful to use ~~No~~ more than one drift gill net per boat ~~shall be used at any one time and this such net shall must~~ be attended at all times.
- (2) It is unlawful to use ~~No~~ drift gill ~~net~~ nets with a ~~stretched~~ mesh length of less than two and one-fourth inches or greater than three inches and ~~no~~ fixed or stationary gill ~~net~~ nets with a ~~stretched~~ mesh greater than three inches, ~~shall be used from April 1 through May 31 from the mouth of Roanoke, Cashie, Middle and Eastmost Rivers to the Highway 258 bridge during the period April 1 through May 31.~~
- (3) It is unlawful to use ~~From June 1 through September 30, no gill net shall be used. nets from June 1 through September 30.~~

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

**.0410 SOUTHPORT BOAT HARBOR**

It is unlawful to use ~~No person shall use~~ any commercial fishing gear in the Southport Boat Harbor, Brunswick County, north of an east-west line across the mouth of the said harbor; said line running 34° 55' 00" N and which intersects beacon number 6 at the entrance to the said harbor.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

**.0413 CAROLINA POWER AND LIGHT INTAKE CANAL**

It is unlawful to ~~No person shall use~~ any commercial fishing equipment in the Carolina Power and Light Intake Canal between the fish diversion screen and the Carolina Power and Light Brunswick nuclear power plant.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

**SECTION .0500 - OTHER FISHING DEVICES**

**.0501 DREDGES AND MECHANICAL**

**METHODS**

(a) It shall be is unlawful to use or have aboard a vessel any ~~toothed~~ dredge or mechanical gear weighing more than 100 pounds ~~except hydraulic dredges, or between the hours of sunset and sunrise in any of the coastal fishing waters of the state.~~

(b) It is unlawful to use hydraulic dredges, patent tongs or the mechanical method of kicking with propellers and/or deflector plates with or without trawls or cages for any purpose except as provided in 15 NCAC 3B .0900.

(b) (c) It shall be is unlawful to use more than one ~~toothed~~ dredge per vessel to take oysters or crabs or to use any dredges or mechanical methods between sunset and sunrise except as provided in 15 NCAC 3B .0801(b)(6).

(e) (d) It shall be is unlawful to use a ~~toothed~~ any dredge or any other dredge mechanical method to take oysters:

- (1) ~~In Pamlico Sound, within the area bounded by a line beginning at a point on the north side of Swash Inlet 34° 58' 50" N - 76° 09' 13" W; thence running 272° (M) 5,420 yards to a point in Wainwright Channel 34° 59' 30" N - 76° 12' 22" W immediately east of the northern tip of Wainwright Island; thence 019° (M) 2,000 yards to red 4 second interval flashing beacon "2CS" 35° 00' 16" N - 76° 12' 12" W; thence 033° (M) 2,000 yards to 4 second interval flashing beacon "H1" 35° 01' 35" N - 76° 11' 27" W; thence 043° (M) 14,450 yards to a point in Pamlico Sound 35° 07' 06" N - 76° 06' 54" W; from which point green 4 second interval flashing beacon "3" on Royal Shoal bears 005° (M) 6,000 yards; green 6 second interval flashing beacon "5" on Royal Shoal bears 325° (M) 6,220 yards; and a yellow 6 second interval flashing beacon on Royal Shoal bears 257° (M) 3,000 yards; thence 078° (M) 7,800 yards to green 2.5 second interval flashing beacon "9" 35° 08' 26" N - 76° 02' 30" W in Nine Foot Shoal Channel; thence 067° (M) 3,640 yards to red 4 second interval flashing beacon "14BF" 35° 09' 21" N - 76° 00' 39" W in Big Foot Slough Channel; thence 078° (M) 26,260 yards to a quick flashing beacon 35° 14' 00" N - 75° 45' 50" W, southwest of Oliver Reef; thence 033° (M) 6,100 yards to 2.5 second interval flashing beacon "1" 35° 16' 46" N - 75° 44' 16" W in Rollinson Channel; thence 079° (M) 13,920 yards to red 4 second interval flashing beacon "2" 35° 19' 02" N - 75° 36' 19" W in Cape Channel; thence 139°~~



(M) 8,240 yards to a point on the shoreline of Hatteras Island near Buxton  $35^{\circ} 16' 18''$  N -  $75^{\circ} 32' 20''$  W; thence southwest with the shoreline of Hatteras Island to a point  $35^{\circ} 41' 30''$  N -  $75^{\circ} 44' 48''$  W on the southwest end of Hatteras Island; thence  $260^{\circ}$  (M) 2,380 yards across Hatteras Inlet to a point  $35^{\circ} 41' 18''$  N -  $75^{\circ} 46' 15''$  W on the northeast end of Ocracoke Island; thence southwest with the shoreline of Ocracoke Island to a point  $35^{\circ} 03' 54''$  N -  $76^{\circ} 00' 54''$  W on the southwest end of Ocracoke Island; thence  $268^{\circ}$  (M) 2,220 yards across Ocracoke Inlet to a point  $35^{\circ} 03' 42''$  N -  $76^{\circ} 02' 15''$  W on the northeast end of Portsmouth Island; thence running southwest with the shoreline of Portsmouth Island and Core Banks to a point on the north side of Swash Inlet  $34^{\circ} 58' 50''$  N -  $76^{\circ} 09' 43''$  W; to the point of the beginning. In Pamlico Sound within the area described in 15 NCAC 3G .0005(a).

- (2) In Core Sound and its tributaries southwest of a line beginning at a point on the north side of Swash Inlet  $34^{\circ} 58' 50''$  N -  $76^{\circ} 09' 43''$  W; and running  $292^{\circ}$  (M) to a point off Hog Island Reef  $35^{\circ} 00' 06''$  N -  $76^{\circ} 14' 52''$  W; within the area described in 15 NCAC 3G .0005(b).
- (3) On any posted bottoms upon which oysters or shells have been planted by the state, unless such bottoms have been opened to the public and dredging permitted.
- (4) In Currituck County;
- (5) (4) In any of the following areas and their tributaries designated in 15 NCAC 3G .0005(c). Back Bay at Hog Island; North Bay; the Straits; Back Sound; North River; Newport River; Bogue Sound; White Oak River; New River; Lockwoods Folly River; Shallotte River; and Saucepan Creek (Brunswick County); except on private bottom by permit.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

#### .0502 MISCELLANEOUS FISHING DEVICES

(a) It shall be lawful to take catfish by the use of a hand-operated device generating a pulsating electrical current in the Cape Fear River between Lock and Dam No. 1 in Bladen County downstream to where the Black River joins the Cape Fear River.

(b) Inland game fish, taken incidental to any licensed commercial fishing operation, may be

retained to the extent permitted by regulations of the Wildlife Resources Commission.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

#### .0503 LEAVING DEVICES UNATTENDED

It shall be unlawful for anyone to leave stakes, anchors, nets, pots, buoys, or floating devices in any coastal fishing waters when such devices are not being employed in fishing operations, and none of the above devices may be left in any waters during a time when they could not be legally fished in those waters. Devices used in conjunction with fyke and channel net operations which have not been used in fishing operations for 12 consecutive months shall be deemed abandoned and shall be removed by the person or persons responsible for their placement. Any fishing equipment found set in coastal fishing waters in violation of this Section or which contains edible species of fish, unfit for human consumption, may be removed and disposed of at the discretion of the Fisheries Director.

Statutory Authority G.S. 113-134; 113-137; 113-182; 143B-289.4.

#### .0504 EEL; CRAB; FISH; SHRIMP POTS

(a) It is unlawful to use pots except Pots may be used during the following time periods and in the following areas specified herein:

- (1) From November 1 through April 30 in all internal coastal fishing waters except that all pots shall be removed from the internal waters before from January 24 and no pots may be used from January 24 through February 7.
- (2) From May 1 through October 31 it shall be unlawful to use any pots in internal coastal fishing waters of North Carolina except pots may be used north and east of the Highway 58 Bridge at Emerald Isle in areas described below: in 15 NCAC 3G .0006.

(A) in Albemarle Sound and tributaries;

(B) in Roanoke Sound and tributaries;

(C) in Croatan Sound and tributaries;

(D) in Pamlico Sound and tributaries, except the following areas and areas further described in (E), (F), and (G) of this Subparagraph:

(i) In Wysocking Bay:

(H) bound by a line beginning at a point on the south shore of Lone Tree Creek  $35^{\circ} 25' 05''$  N -  $76^{\circ} 02' 05''$  W running  $230^{\circ}$  M 1000 yards to a point  $35^{\circ} 24' 46''$  N -  $76^{\circ} 02' 32''$

W; thence 336° M 2200 yards to a point 35° 25' 42" N - 76° 03' 16" W; thence 062° M 750 yards to a point on shore 35° 25' 54" N - 76° 02' 54" W; thence following the shoreline and the Lone Tree Creek primary nursery area line to the beginning point;

(H) bound by a line beginning at a point on the south shore of Mt. Pleasant Bay 35° 23' 07" N - 76° 04' 12" W running 083° M 1200 yards to a point 35° 23' 17" N - 76° 03' 32" W; thence 023° M 2400 yards to a point 35° 24' 27" N - 76° 03' 12" W; thence 200° M 1100 yards to a point on shore 35° 24' 38" N - 76° 04' 48" W; thence following the shoreline and the Browns Island and Mt. Pleasant Bay primary nursery area line to the beginning point; except pots may be set no more than 50 yards from the shoreline.

(ii) In Juniper Bay bound by a line beginning at a point on Juniper Bay Point 35° 20' 18" N - 76° 13' 22" W running 275° M 2300 yards to a point 35° 20' 15" N - 76° 14' 45" W; thence 007° M 2100 yards to Daymarker No. 3; thence 040° M 1100 yards to a point on shore 35° 21' 45" N - 76° 14' 24" W; thence following the shoreline and the Buck Creek primary nursery area line to the beginning point.

(iii) In Swanquarter Bay; bound by a line beginning at a point on the north shore of Cattle Bay 35° 21' 57" N - 76° 17' 44" W; running 191° M 800 yards to a point on the south shore 35° 21' 35" N - 76° 17' 45" W; thence following the shoreline to a point on shore 35° 21' 37" N - 76° 18' 22" W; thence running 247° M 1300 yards to a point 35° 21' 17" N - 76° 19' 03" W; thence 340° M 1350 yards to a point 35° 21' 51" N - 76° 19' 27" W; thence 081° M 1150 yards to a point on the north shore 35° 22' 02" N - 76° 18' 48" W; thence following the shoreline and the primary nursery area line to the beginning point.

(iv) In Deep Cove east of a line beginning at a point on the south shore 35° 20' 33" N - 76° 22' 57" W; running 021° M 1800 yards to a point on the north shore 35° 21' 55" N - 76° 22' 43" W and west of a line beginning at a point on the south shore 35° 20' 44" N - 76° 22' 05" W running 003° M 1400 yards to a

point on the north shore 35° 21' 26" N - 76° 22' 11" W.

(v) In that area bound by a line beginning at Beacon No. 1 at the mouth of Deep Cove running 314° M 1400 yards to a point on shore 35° 20' 12" N - 76° 24' 18" W; thence 206° M 3250 yards to a point 35° 18' 40" N - 76° 24' 54" W; thence 128° M 2000 yards to a point 35° 18' 11" N - 76° 23' 51" W; thence 015° M through the "Dope Boat" beacon 3250 yards to the beginning point.

(vi) Off Striking Bay bound by a line beginning at a point on the west shore of Striking Bay 35° 23' 20" N - 76° 26' 59" W running 190° M 1900 yards to a point 35° 22' 23" N - 76° 27' 00" W; thence 097° M 900 yards to Beacon No. 2; thence 127° M 1600 yards to a point 35° 21' 55" N - 76° 25' 43" W; thence following the shoreline to a point 35° 22' 30" N - 76° 25' 14" W; thence 322° M 2200 yards to a point 35° 23' 17" N - 76° 26' 10" W; thence following the shoreline to a point 35° 23' 19" N - 76° 26' 24" W; thence 335° M 900 yards to a point 35° 23' 40" N - 76° 26' 43" W; thence 059° M 500 yards to a point 35° 23' 30" N - 76° 26' 58" W; thence following the shoreline to the beginning point.

(vii) In Rose Bay bound by a line beginning at a point southwest of Swan Point 35° 23' 56" N - 76° 23' 39" W running 288° M 1500 yards to a point on shore 35° 24' 03" N - 76° 24' 33" W; thence 162° M 1650 yards to a point 35° 23' 19" N - 76° 24' 04" W; thence 084° M 1350 yards to a point on shore 35° 23' 29" N - 76° 23' 17" W; thence following the shoreline to the beginning point.

(viii) In Spencer Bay bound by a line beginning at a point on shore at Willow Point 35° 22' 26" N - 76° 28' 00" W running 059° M 1700 yards to a point 35° 22' 57" N - 76° 27' 13" W; thence 317° M 1500 yards to a point 35° 23' 25" N - 76° 27' 57" W; thence 243° M 1300 yards to a point on shore 35° 23' 02" N - 76° 28' 35" W; thence following the shoreline to the beginning point.

(ix) In Big Porpoise Bay bound by a line beginning at a point on shore 35° 15' 58" N - 76° 29' 10" W running 182° M 750 yards to Sage Point 35° 15' 36" N - 76° 29' 06" W; thence 116° M 850 yards to a point 35° 15' 28" N - 76° 28'



- 26" W; thence 023° M 700 yards to a point on shore 35° 15' 48" N - 76° 28' 30" W; thence following the shoreline to the beginning point.
- (x) In that area north of the target ship beginning at a point 35° 14' 25" N - 76° 27' 05" W; running 071° M 2000 yards to a point 35° 14' 52" N - 76° 26' 00" W; thence 168° M 1800 yards to a point 35° 14' 03" N - 76° 25' 39" W; thence 273° M 2000 yards to a point 35° 13' 57" N - 76° 26' 55" W; thence 350° M 1000 yards to the beginning point.
- (xi) In Middle Bay-Jones Bay area bound by a line beginning at Middle Bay Point 35° 14' 10" N - 76° 28' 41" W running 131° M 3550 yards to a point 35° 13' 51" N - 76° 26' 53" W; thence 214° M 2600 yards to a point 35° 12' 43" N - 76° 27' 34" W; thence 291° M 2700 yards to Sow Island; thence 181° M 2350 yards to a point 35° 11' 51" N - 76° 28' 57" W; thence 254° M 2000 yards to Red Daymarker No. 4; thence 024° M 3600 yards through Green Flasher No. 5 to Sow Island Point 35° 13' 00" N - 76° 29' 28" W; thence following the shoreline of Middle Bay to Big Fishing Point 35° 14' 02" N - 76° 29' 52" W; thence 008° M 1100 yards to a point on the north shore 35° 14' 33" N - 76° 29' 52" W; thence following the shoreline to a point 35° 14' 46" N - 76° 29' 14" W; thence no more than 75 yards from the shoreline to the beginning point.
- (xii) In Jones Bay bound by a line beginning at a point on Sow Island Point 35° 13' 00" N - 76° 29' 28" W running 204° M 2600 yards to Green Flasher No. 5; thence 322° M 2150 yards to a point 35° 12' 48" N - 76° 30' 58" W; thence 217° M 1200 yards to a point shore 35° 12' 20" N - 76° 31' 16" W; thence following the shoreline to a point 35° 12' 52" N - 76° 31' 45" W; thence 231° M 600 yards to a point 35° 12' 52" N - 76° 31' 45" W; thence parallel with the shoreline no more than 600 yards from shore to a point 35° 13' 11" N - 76° 32' 07" W; thence 038° M to a point 600 yards from the north shore 35° 13' 30" N - 76° 31' 54" W; thence parallel with the shoreline no more than 600 yards from shore to a point 35° 13' 00" N - 76° 30' 48" W; thence 000° M 600 yards to a point on shore 35° 13' 26" N - 76° 30' 47" W; thence following the shoreline to the beginning point.
- (xiii) In an area bound by a line beginning at Boar Point 35° 12' 07" N - 76° 31' 04" W running 106° M 2000 yards to Green Flasher No. 5; thence 200° M 2200 yards to a point 35° 10' 56" N - 76° 30' 10" W; thence 282° M 2350 yards to Bay Point 35° 11' 02" N - 76° 31' 35" W; thence following the shoreline to the beginning point.
- (xiv) In an area at the mouth of Bay River bound by a line beginning at a point on Maw Point 35° 08' 55" N - 76° 32' 10" W running 020° M 1600 yards to Daymarker No. 1; thence 134° M 3800 yards to Neuse River Junction Quick Flasher; thence 236° M 1700 yards to Red Day Marker No. 2 PA; thence 314° M 2750 yards to the beginning point.
- (xv) The waters within a circular area with a radius of 1,000 yards having its center on the southern side of Brant Island at latitude 35° 12' 30" N - longitude 76° 26' 30" W.
- (F) In Pamlico River west of a line from a point on Pamlico Point 35° 18' 42" N - 76° 28' 58" W running 000° M through Daymarker No. 4 and Willow Point Shoal beacon to a point on Willow Point 35° 22' 23" N - 76° 28' 48" W pots may be used in the following areas:
- (i) in that area bound by a line beginning at a point on the line from Pamlico Point to Willow Point 35° 19' 24" N - 76° 28' 56" W running westerly parallel to the shoreline at a distance of no more than 1000 yards to a point 35° 19' 24" N - 76° 29' 00" W; thence running 218° M 900 yards to a point 35° 19' 02" N - 76° 29' 24" W 100 yards from shore; thence westerly parallel to the shoreline at a distance of 100 yards to a point 35° 19' 02" N - 76° 29' 59" W; thence 006° M 950 yards to a point 35° 19' 30" N - 76° 30' 00" W; thence westerly parallel to the shoreline at a distance of 1000 yards to a point 35° 20' 06" N - 76° 32' 54" W; thence 108° M 550 yards to a point 400 yards from shore 35° 19' 49" N - 76° 32' 59" W; thence parallel to the shoreline at a distance of 400 yards to a point 35° 19' 50" N - 76° 33' 27" W; thence 008° M to a point 1000 yards from shore 35° 20' 00" N - 76° 33' 27" W; thence westerly parallel to the shoreline at a distance of 1000 yards to



a point  $35^{\circ} 20' 12''$  N -  $76^{\circ} 33' 55''$  W; thence  $191^{\circ}$  M to a point 400 yards from shore  $35^{\circ} 19' 55''$  N -  $76^{\circ} 33' 56''$  W; thence westerly parallel to the shoreline at a distance of 400 yards to a point  $35^{\circ} 20' 00''$  N -  $76^{\circ} 34' 34''$  W; thence  $004^{\circ}$  M 600 yards to a point 1000 yards from shore  $35^{\circ} 20' 19''$  N -  $76^{\circ} 34' 35''$  W; thence westerly parallel to the shoreline at a distance of 1000 yards to Green Flasher No. 1; thence  $248^{\circ}$  M parallel to the ICWW to a point off Fulford Point  $35^{\circ} 19' 59''$  N -  $76^{\circ} 36' 41''$  W; thence  $171^{\circ}$  M to a point on Fulford Point  $35^{\circ} 19' 41''$  N -  $76^{\circ} 36' 34''$  W.

(ii) all coastal waters and tributaries of Oyster Creek, James Creek, Middle Prong and Clark Creek.

(iii) all coastal waters of Goose Creek:

(I) In that area bound by a line beginning at a point on Reed Hammock  $35^{\circ} 20' 24''$  N -  $76^{\circ} 36' 51''$  W running  $171^{\circ}$  M 300 yards to a point  $35^{\circ} 20' 16''$  N -  $76^{\circ} 36' 48''$  W; thence parallel with the shoreline no more than 300 yards from shore to a point  $35^{\circ} 20' 09''$  N -  $76^{\circ} 37' 10''$  W; thence  $302^{\circ}$  M 300 yards to a point on shore  $35^{\circ} 20' 13''$  N -  $76^{\circ} 37' 19''$  W.

(II) In that area bound by a line beginning at a point on shore  $35^{\circ} 19' 58''$  N -  $76^{\circ} 37' 33''$  W; running  $291^{\circ}$  M 300 yards to a point  $35^{\circ} 19' 57''$  N -  $76^{\circ} 37' 21''$  W; thence parallel to the shoreline no more than 300 yards from shore to a point  $35^{\circ} 18' 16''$  N -  $76^{\circ} 37' 16''$  W; thence  $292^{\circ}$  M to a point on the north shore of Snode Creek  $35^{\circ} 18' 15''$  N -  $76^{\circ} 37' 27''$  W.

(III) In that area bound by a line beginning at a point at the mouth of Goose Creek  $35^{\circ} 19' 59''$  N -  $76^{\circ} 36' 41''$  W; running  $348^{\circ}$  M to Green Daymarker No. 5; thence south parallel to the shoreline no more than 300 yards from shore to a point  $35^{\circ} 18' 12''$  N -  $76^{\circ} 37' 07''$  W; thence  $112^{\circ}$  M to Store Point  $35^{\circ} 18' 09''$  N -  $76^{\circ} 36' 57''$  W.

(IV) Between the line from Store Point to Snode Creek and a line beginning at a point on Long Neck Point running  $264^{\circ}$  M through Beacon No. 15 to Huskie Point from the shoreline to no more than 150 yards from shore.

(V) All coastal waters southeast of the line from Long Neck Point through Beacon No. 15 to Huskie Point.

(VI) Campbell Creek - west of a line from a point on Huskie Point  $35^{\circ} 17' 00''$  N -  $76^{\circ} 37' 06''$  W running  $004^{\circ}$  M to Pasture Point  $35^{\circ} 17' 20''$  N -  $76^{\circ} 37' 08''$  W; to the Inland-Commercial line.

(iv) All coastal waters bound by a line beginning on Reed Hammock  $35^{\circ} 20' 24''$  N -  $76^{\circ} 36' 51''$  W running  $171^{\circ}$  M to a point  $35^{\circ} 20' 16''$  N -  $76^{\circ} 36' 47''$  W; thence  $100^{\circ}$  M 800 yards to Red Daymarker No. 4; thence  $322^{\circ}$  M 1200 yards to a point  $35^{\circ} 20' 40''$  N -  $76^{\circ} 36' 48''$  W; thence westerly parallel to the shoreline at a distance of 300 yards to a point in Bond Creek  $35^{\circ} 20' 40''$  N -  $76^{\circ} 41' 37''$  W; thence  $199^{\circ}$  M to a point on the south shore of Muddy Creek  $35^{\circ} 20' 18''$  N -  $76^{\circ} 41' 34''$  W; including all waters of Muddy Creek up to the Inland-Coastal boundary line.

(v) Along the west shore of Bond Creek from Fork Point to the Coastal-Inland boundary line from the shoreline to no more than 50 yards from shore.

(vi) All coastal waters of South Creek upstream of a line beginning at a point on Fork Point  $35^{\circ} 20' 45''$  N -  $76^{\circ} 41' 47''$  W running  $017^{\circ}$  M to a point on Hickory Point  $35^{\circ} 21' 44''$  N -  $76^{\circ} 41' 36''$  W.

(vii) In that area bound by a line beginning at a point at the six foot depth contour south of Hickory Point  $35^{\circ} 21' 33''$  N -  $76^{\circ} 41' 39''$  W; thence easterly following the six foot depth contour to a point off the east of Indian Island  $35^{\circ} 21' 42''$  N -  $76^{\circ} 38' 04''$  W; thence  $270^{\circ}$  M to a point on the east end of Indian Island  $35^{\circ} 21' 38''$  N -  $76^{\circ} 38' 36''$  W; thence following the shoreline of Indian Island to a point on the west end  $35^{\circ} 32' 37''$  N -  $76^{\circ} 39' 40''$  W; thence  $293^{\circ}$  M toward Daymarker No. 1 to a point at the six foot depth contour  $35^{\circ} 21' 46''$  N -  $76^{\circ} 40' 16''$  W; thence following the six foot depth contour in a westerly direction to a point off Long Point  $35^{\circ} 22' 42''$  N -  $76^{\circ} 42' 44''$  W; thence  $233^{\circ}$  M to a point on shore  $35^{\circ} 22' 24''$  N -  $76^{\circ} 43' 05''$  W.

(viii) Beginning at a point on shore near Long Point  $35^{\circ} 22' 29''$  N -  $76^{\circ} 43' 25''$  W; running  $004^{\circ}$  M to a point 300 yards offshore  $35^{\circ} 22' 39''$  N -  $76^{\circ} 43' 26''$  W;

- thence westerly parallel to the shoreline at a distance of 300 yards to a point  $35^{\circ} 22' 30''$  N -  $76^{\circ} 43' 50''$  W; thence 200' M to a point on shore  $35^{\circ} 22' 30''$  N -  $76^{\circ} 44' 03''$  W.
- (ix) Beginning at a point on shore  $35^{\circ} 22' 30''$  N -  $76^{\circ} 44' 27''$  W; running 355' M to a point offshore  $35^{\circ} 22' 40''$  N -  $76^{\circ} 44' 34''$  W; thence westerly parallel to the shoreline at a distance of 300 yards to a point  $35^{\circ} 22' 53''$  N -  $76^{\circ} 45' 00''$  W; thence running 254' M to a point on shore  $35^{\circ} 22' 46''$  N -  $76^{\circ} 45' 14''$  W.
- (x) Beginning at a point on shore  $35^{\circ} 22' 54''$  N -  $76^{\circ} 45' 43''$  W; running 003' M to a point offshore  $35^{\circ} 23' 03''$  N -  $76^{\circ} 45' 43''$  W; thence westerly parallel to the shoreline at a distance of 300 yards to the intersection of a line beginning on the north shore at Gum Point  $35^{\circ} 25' 00''$  N -  $76^{\circ} 45' 33''$  W; running 210' M to a point on the south shore  $35^{\circ} 23' 28''$  N -  $76^{\circ} 46' 26''$  W.
- (xi) All coastal waters west of a line beginning on the north shore at Gum Point  $35^{\circ} 25' 00''$  N -  $76^{\circ} 45' 33''$  W running 210' M to a point on the south shore  $35^{\circ} 23' 28''$  N -  $76^{\circ} 46' 26''$  W.
- (xii) On the north side of Pamlico River bound by a line beginning at the intersection of the line from Gum Point to the south shore 500 yards from shore  $35^{\circ} 24' 55''$  N -  $76^{\circ} 45' 30''$  W running easterly parallel to the shoreline at a distance of 500 yards to a point at the six foot contour near Adams Point  $35^{\circ} 23' 08''$  N -  $76^{\circ} 35' 50''$  W.
- (xiii) All waters and tributaries of North Creek except the marked navigation channel.
- (xiv) In that area bound by a line beginning at a point at the six foot contour near Adams Point  $35^{\circ} 23' 08''$  N -  $76^{\circ} 35' 50''$  W running westerly following the six foot depth contour to a point off Wades Point  $35^{\circ} 23' 28''$  N -  $76^{\circ} 34' 09''$  W.
- (xv) In Pungo River:
- (I) Bound by a line beginning at Wades Point  $35^{\circ} 23' 16''$  N -  $76^{\circ} 34' 30''$  W running 050' M to a point at the six foot depth contour,  $35^{\circ} 23' 28''$  N -  $76^{\circ} 34' 09''$  W; thence northerly following the six foot depth contour to a point near Beacon No. 3  $35^{\circ} 25' 44''$  N -  $76^{\circ} 34' 46''$  W; thence 272' M 950 yards to a point on shore  $35^{\circ} 25' 41''$  N -  $76^{\circ} 35' 22''$  W.
- (II) Bound by a line beginning at a point on shore  $35^{\circ} 25' 50''$  N -  $76^{\circ} 35' 37''$  W running 050' M 1150 yards to a point at  $35^{\circ} 26' 17''$  N -  $76^{\circ} 35' 10''$  W; thence northerly following the six foot depth contour to a point  $35^{\circ} 26' 54''$  N -  $76^{\circ} 36' 09''$  W; thence 314' M 350 yards to a point on shore  $35^{\circ} 27' 00''$  N -  $76^{\circ} 36' 20''$  W.
- (III) Bound by a line beginning at a point on shore  $35^{\circ} 27' 14''$  N -  $76^{\circ} 36' 26''$  W running 077' M 800 yards to a point  $35^{\circ} 27' 23''$  N -  $76^{\circ} 36' 02''$  W; thence northerly following the six foot depth contour to a point off Windmill Point  $35^{\circ} 30' 50''$  N -  $76^{\circ} 38' 09''$  W; thence 076' M to a point 200 yards west of Daymarker No. 3  $35^{\circ} 31' 21''$  N -  $76^{\circ} 36' 37''$  W; thence 312' M to a point at the "Breakwater"  $35^{\circ} 31' 36''$  N -  $76^{\circ} 37' 05''$  W.
- (IV) All coastal waters bound by a line beginning at a point at the "Breakwater" 200 yards northeast of Beacon No. 6  $35^{\circ} 31' 47''$  N -  $76^{\circ} 36' 51''$  W running 132' M to a point 200 yards from Daymarker No. 4  $35^{\circ} 31' 31''$  N -  $76^{\circ} 36' 21''$  W; thence running 102' M to a point  $35^{\circ} 31' 28''$  N -  $76^{\circ} 35' 59''$  W; thence running 040' M to Beacon No. 1; thence running 045' M 700 yards to a point on shore  $35^{\circ} 32' 22''$  N -  $76^{\circ} 35' 42''$  W.
- (V) All coastal waters north and east of a line beginning at a point on shore west of Lower Dowry Creek  $35^{\circ} 37' 24''$  N -  $76^{\circ} 35' 23''$  W running 177' M 1050 yards to a point 200 yards north of Daymarker No. 11  $35^{\circ} 36' 27''$  N -  $76^{\circ} 35' 10''$  W; thence easterly parallel to the marked navigation channel at a distance of 200 yards to a point on the shore north-west of Willkerson Creek  $35^{\circ} 33' 13''$  N -  $76^{\circ} 27' 36''$  W.
- (VI) All coastal waters south of a line beginning on shore south of Willkerson Creek  $35^{\circ} 33' 02''$  N -  $76^{\circ} 27' 20''$  W running westerly parallel to the marked navigation channel at a distance of 200 yards to a point southeast of Daymarker No. 14  $35^{\circ} 34' 05''$  N -  $76^{\circ} 32' 34''$  W; thence

running 208° M to a point on shore 35° 30' 56" N - 76° 32' 58" W.

(VII) All coastal waters bound by a line beginning on shore east of Durants Point 35° 30' 29" N - 76° 33' 25" W running 347° M to a point southwest of Daymarker No. 12 35° 31' 08" N - 76° 33' 53" W; thence westerly parallel to the marked navigation channel at a distance of 200 yards to a point south of Beacon No. 10 35° 31' 08" N - 76° 35' 35" W; thence running 185° M to a point at the six foot depth contour between Beacon No. 8 and the eastern shore of Pungo River 35° 30' 08" N - 76° 35' 28" W; thence following the six foot depth contour to a point 35° 28' 09" N - 76° 33' 43" W; thence 127° M to a point on shore 35° 28' 00" N - 76° 33' 25" W; thence 150° M to a point at the six foot depth contour 35° 27' 40" N - 76° 33' 12" W including the waters of Slades Creek and its tributaries; thence 200° M to a point on shore 35° 27' 22" N - 76° 33' 21" W; thence 272° M to a point at the six foot depth contour 35° 27' 18" N - 76° 33' 53" W; thence southerly following the six foot depth contour to a point south of Sandy Point 35° 26' 35" N - 76° 33' 50" W; thence 087° M to a point on shore 35° 26' 38" N - 76° 33' 34" W.

(VIII) In that area bound by a line beginning at a point on shore 35° 26' 20" N - 76° 33' 48" W running 176° M to a point at the six foot depth contour 35° 26' 05" N - 76° 33' 13" W; thence southerly following the six foot depth contour throughout Fortescue Creek to a point off Fortescue Creek 35° 25' 44" N - 76° 32' 09" W; thence 145° M to a point on shore 35° 25' 36" N - 76° 32' 01" W.

(IX) In that area bound by a line beginning at a point on shore 35° 25' 20" N - 76° 32' 01" W running 258° M to a point at the six foot depth contour 35° 25' 17" N - 76° 32' 18" W; thence following the six foot depth contour to a point 500 yards west of Currituck Point 35° 24' 30" N - 76° 32' 12" W; thence southeasterly parallel to the shoreline and including Abel Bay at a distance of 500 yards to a point at the inter-

section of the line from Pamlico Point to Willow Point 35° 22' 09" N - 76° 28' 48" W.

(F) In Bay River west of a line beginning at a point on Maw Point 35° 09' 02" N - 76° 32' 09" W running 022° M to a point on Bay Point 35° 11' 02" N - 76° 31' 34" W; pots may be used in the following areas:

(i) In that area beginning at a point on Maw Point 35° 09' 02" N - 76° 32' 09" W; running 018° M to Green Daymarker No. 1; thence 223° M to a point on shore in Fisherman Bay 35° 09' 10" N - 76° 32' 38" W.

(ii) In Fisherman Bay bound by a line beginning at a point on the shore west of Maw Point 35° 09' 18" N - 76° 33' 02" W; thence 351° M 3200 yards to lighted Beacon No. 3 in Bay River; thence 230° M 1200 yards to a point on the shore 35° 10' 24" N - 76° 34' 00" W.

(iii) In that area bound by a line beginning at a point on the east shore at the mouth of Bonners Bay 35° 10' 05" N - 76° 35' 18" W; thence 306° M 300 yards to a point in Bay River; 35° 10' 10" N - 76° 35' 30" W; thence parallel to the shoreline no more than 300 yards from shore to a point in Bay River 35° 10' 40" N - 76° 34' 42" W; thence 188° M to a point on shore 35° 10' 27" N - 76° 34' 42" W.

(iv) In Bonner Bay bound by a line beginning at a point on the east shore 35° 10' 05" N - 76° 35' 18" W running 306° M 200 yards to a point 35° 10' 09" N - 76° 35' 25" W; thence parallel to the shoreline no more than 200 yards off shore to a point 35° 09' 16" N - 76° 34' 38" W; thence 097° M 200 yards to a point on shore 35° 09' 16" N - 76° 35' 13" W.

(v) In Bonner Bay, Spring Creek and Long Creek south of a line beginning at a point on the east shore 35° 09' 16" N - 76° 35' 13" W running 274° M to a point on the west shore 35° 09' 14" N - 76° 35' 43" W.

(vi) In Bonner Bay bound by a line beginning at a point on the west shore 35° 09' 14" N - 76° 35' 14" W running 094° M 100 yards to a point 35° 09' 13" N - 76° 35' 39" W; thence parallel to the shoreline no more than 100 yards off shore to a point in Riggs Creek 35° 09' 15" N - 76° 36' 08" W; thence 142° M



- to a point on shore  $35^{\circ} 00' 13''$  N -  $76^{\circ} 36' 08''$  W.
- (vii) In that area bound by a line beginning on the south shore of Bay River west of Bell Point  $35^{\circ} 00' 40''$  N -  $76^{\circ} 40' 00''$  W running  $341^{\circ}$  M to a point 200 yards offshore  $35^{\circ} 00' 43''$  N -  $76^{\circ} 40' 06''$  W; thence no more than 200 yards from the shoreline to a point  $35^{\circ} 00' 52''$  N -  $76^{\circ} 36' 45''$  W; thence  $102^{\circ}$  M to a point  $35^{\circ} 00' 50''$  N -  $76^{\circ} 35' 54''$  W; thence  $181^{\circ}$  M to a point  $35^{\circ} 00' 36''$  N -  $76^{\circ} 35' 51''$  W; thence  $237^{\circ}$  M to a point in Riggs Creek  $35^{\circ} 00' 18''$  N -  $76^{\circ} 36' 12''$  W; thence  $322^{\circ}$  M to a point on shore at the mouth of Riggs Creek  $35^{\circ} 00' 21''$  N -  $76^{\circ} 36' 18''$  W.
- (viii) In that area on the south side of Bay River bound by a line beginning at a point on shore at the confluence of Bay River and Trent Creek  $35^{\circ} 08' 27''$  N -  $76^{\circ} 43' 12''$  W running  $016^{\circ}$  M 150 yards to a point  $35^{\circ} 08' 31''$  N -  $76^{\circ} 43' 11''$  W; thence no more than 150 yards from shore to a point  $34^{\circ} 08' 50''$  N -  $76^{\circ} 40' 10''$  W; thence  $116^{\circ}$  M to a point on shore at Moores Creek  $34^{\circ} 08' 57''$  N -  $76^{\circ} 40' 11''$  W.
- (ix) In Bay River and Trent Creek west of a line beginning at a point on the south shore  $35^{\circ} 08' 27''$  N -  $76^{\circ} 43' 12''$  W running  $016^{\circ}$  M to a point on the north shore  $35^{\circ} 08' 30''$  N -  $76^{\circ} 43' 00''$  W.
- (x) In that area on the north shore of Bay River bound by a line beginning at a point west of Vandemere Creek  $35^{\circ} 10' 53''$  N -  $76^{\circ} 30' 42''$  W running  $135^{\circ}$  M 150 yards to a point  $35^{\circ} 10' 52''$  N -  $76^{\circ} 30' 39''$  W; thence no more than 150 yards from shore to a point at the confluence of Bay River and Trent Creek  $35^{\circ} 08' 37''$  N -  $76^{\circ} 43' 40''$  W; thence to a point on the north shore  $35^{\circ} 08' 30''$  N -  $76^{\circ} 43' 00''$  W.
- (xi) In Vandemere Creek northeast of a line beginning at a point on the east shore  $35^{\circ} 11' 04''$  N -  $76^{\circ} 30' 22''$  W running  $345^{\circ}$  M to a point on the west shore  $35^{\circ} 11' 12''$  N -  $76^{\circ} 30' 36''$  W.
- (xii) In that area bound by a line beginning at a point at the mouth of Vandemere Creek  $35^{\circ} 11' 04''$  N -  $76^{\circ} 30' 22''$  W; running  $246^{\circ}$  M 200 yards to a point in Bay River  $35^{\circ} 10' 58''$  N -  $76^{\circ} 30' 25''$  W; thence parallel to the shoreline no more than 200 yards from shore to a point in Bay River northwest of Beacon No. 4  $35^{\circ} 10' 40''$  N -  $76^{\circ} 36' 38''$  W; thence  $341^{\circ}$  M 200 yards to a point on shore  $35^{\circ} 10' 45''$  N -  $76^{\circ} 36' 42''$  W.
- (xiii) In that area bound by a line beginning at a point on Sanders Point  $35^{\circ} 11' 19''$  N -  $76^{\circ} 35' 54''$  W; running  $067^{\circ}$  M 200 yards to a point  $35^{\circ} 11' 23''$  N -  $76^{\circ} 35' 47''$  W; thence following the shoreline no more than 200 yards from shore to a point in Bay River northwest of Beacon No. 4  $35^{\circ} 10' 40''$  N -  $76^{\circ} 36' 38''$  W; thence  $341^{\circ}$  M 200 yards to a point on the shore  $35^{\circ} 10' 45''$  N -  $76^{\circ} 36' 42''$  W.
- (xiv) In that area beginning at a point on shore  $35^{\circ} 12' 02''$  N -  $76^{\circ} 35' 58''$  W; running  $162^{\circ}$  M 500 yards to a point  $35^{\circ} 11' 38''$  N -  $76^{\circ} 35' 50''$  W; thence parallel to the shoreline no more than 500 yards from shore to a point  $35^{\circ} 11' 56''$  N -  $76^{\circ} 35' 01''$  W; thence  $330^{\circ}$  M 500 yards to a point on shore at the mouth of Gales Creek  $35^{\circ} 12' 00''$  N -  $76^{\circ} 35' 12''$  W.
- (xv) In that area bound by a line beginning at a point on shore at the mouth of Gale Creek  $35^{\circ} 12' 08''$  N -  $76^{\circ} 34' 52''$  W; running  $278^{\circ}$  M 200 yards to a point in Bay River  $35^{\circ} 12' 08''$  N -  $76^{\circ} 35' 02''$  W; thence running parallel to the shoreline at a distance of 200 yards to a point in Bay River  $35^{\circ} 11' 32''$  N -  $76^{\circ} 33' 24''$  W; thence running  $352^{\circ}$  M 200 yards to a point on shore at Dump Creek  $35^{\circ} 11' 39''$  N -  $76^{\circ} 33' 25''$  W.
- (xvi) In Gale Creek except the Intra-coastal Waterway north of a line beginning at a point on the west shore  $35^{\circ} 12' 08''$  N -  $76^{\circ} 35' 12''$  W running  $008^{\circ}$  M to a point on the west shore  $35^{\circ} 12' 08''$  N -  $76^{\circ} 34' 52''$  W.
- (xvii) In an area bound by a line beginning at a point on the eastern shore at the mouth of Rockhole Bay  $35^{\circ} 11' 06''$  N -  $76^{\circ} 32' 11''$  W; thence  $180^{\circ}$  M 600 yards to a point in Bay River  $35^{\circ} 10' 40''$  N -  $76^{\circ} 32' 00''$  W; thence east with the five foot curve 1100 yards to a point  $35^{\circ} 10' 36''$  N -  $76^{\circ} 31' 30''$  W; thence  $000^{\circ}$  M 850 yards to a point on Bay Point  $35^{\circ} 11' 02''$  N -  $76^{\circ} 31' 34''$  W.
- (G) In the Neuse River and West Bay Area south and west of a line beginning at a point on Maw Point  $35^{\circ} 00' 02''$  N -  $76^{\circ} 32' 00''$  W; running  $137^{\circ}$  M through the Maw Point Shoal Day Marker No. 2 and through the Neuse River Entrance Light

to a point at the mouth of West Bay  $35^{\circ} 02' 09''$  N -  $76^{\circ} 21' 53''$  W; pots may be set in the following areas:

(i) All coastal fishing waters northwest of a line beginning at a point at the mouth of Sloeum Creek  $34^{\circ} 57' 02''$  N -  $76^{\circ} 53' 42''$  W; running  $029^{\circ}$  M to a point at the mouth of Beards Creek  $35^{\circ} 00' 08''$  N -  $76^{\circ} 52' 13''$  W. Pots may also be set in coastal fishing waters of Goose Bay and Upper Broad Creek.

(ii) In that area bound by a line beginning at a point on the north shore at Mill Creek  $34^{\circ} 59' 34''$  N -  $76^{\circ} 51' 06''$  W; thence running  $223^{\circ}$  M approximately 300 yards into the river to a point  $34^{\circ} 59' 25''$  N -  $76^{\circ} 51' 14''$  W; thence along the six foot depth curve southeast to a point at the rock jetty  $34^{\circ} 58' 06''$  N -  $76^{\circ} 49' 14''$  W; thence  $016^{\circ}$  M approximately 300 yards to a point on the shore  $34^{\circ} 58' 17''$  N -  $76^{\circ} 49' 12''$  W.

(iii) In that area bound by a line beginning at a point on the north shore approximately 500 yards west of Pierson Point  $34^{\circ} 58' 32''$  N -  $76^{\circ} 46' 38''$  W; thence running  $171^{\circ}$  M approximately 300 yards into the river to a point  $34^{\circ} 58' 24''$  N -  $76^{\circ} 46' 31''$  W; thence east and northeast along the six foot curve to a point in the river  $34^{\circ} 58' 47''$  N -  $76^{\circ} 45' 39''$  W; thence  $330^{\circ}$  M approximately 700 yards to a point on the shore 50 yards west of an existing pier  $34^{\circ} 59' 04''$  N -  $76^{\circ} 45' 54''$  W.

(iv) In that area bound by a line beginning at a point on the north shore east of Dawson Creek Bridge  $34^{\circ} 59' 34''$  N -  $76^{\circ} 45' 12''$  W; thence running  $244^{\circ}$  M approximately 500 yards to Day Marker No. 4 (entrance to Dawson Creek Channel); thence running east  $117^{\circ}$  M to a point  $34^{\circ} 59' 22''$  N -  $76^{\circ} 45' 19''$  W; thence east and northeast along the six foot curve to a point 50 yards west of Day Marker No. 3 (channel to Oriental)  $35^{\circ} 01' 02''$  N -  $76^{\circ} 41' 51''$  W; thence  $303^{\circ}$  M approximately 600 yards to a point on the eastern tip of Windmill Point  $35^{\circ} 01' 10''$  N -  $76^{\circ} 42' 08''$  W.

(v) In Greens Creek (Oriental) west of a line at the confluence of Greens and Kershaw Creeks beginning at a point on the south shore  $35^{\circ} 01' 28''$  N -  $76^{\circ} 42' 55''$  W running  $005^{\circ}$  M to a point on the north shore  $35^{\circ} 01' 38''$  N -  $76^{\circ} 42' 54''$  W; no more than 75 yards from

the shoreline east of this line to the Highway 55 bridge.

(vi) In that area bound by a line beginning at a point on Whittaker Point  $35^{\circ} 01' 37''$  N -  $76^{\circ} 40' 56''$  W; thence running  $192^{\circ}$  M approximately 500 yards to a point in the river  $35^{\circ} 01' 23''$  N -  $76^{\circ} 40' 57''$  W; thence along the six foot depth curve northeast to a point in the river off Orchard Creek  $35^{\circ} 03' 18''$  N -  $76^{\circ} 37' 53''$  W; thence  $280^{\circ}$  M approximately 900 yards to a point on the eastern tip of Cockle Point  $35^{\circ} 03' 20''$  N -  $76^{\circ} 38' 27''$  W.

(vii) In that area bound by a line beginning at a point on the north shore near the mouth of Orchard Creek  $35^{\circ} 03' 38''$  N -  $76^{\circ} 37' 54''$  W running  $177^{\circ}$  M approximately 400 yards to a point  $35^{\circ} 03' 27''$  N -  $76^{\circ} 37' 54''$  W; thence along the six foot curve to a point eastward; thence  $174^{\circ}$  M 600 yards to a point on the north shore  $35^{\circ} 03' 56''$  N -  $76^{\circ} 36' 42''$  W.

(viii) In that area bound by a line beginning at a point on the north shore approximately 400 yards south of Gum Thicket Creek  $35^{\circ} 04' 12''$  N -  $76^{\circ} 36' 11''$  W; thence running  $132^{\circ}$  M approximately 600 yards to a point  $35^{\circ} 03' 55''$  N -  $76^{\circ} 35' 48''$  W; thence along the six foot depth curve eastward to a point  $35^{\circ} 04' 10''$  N -  $76^{\circ} 34' 37''$  W; thence  $304^{\circ}$  M to a point on the shore 400 yards north of Gum Thicket Creek  $35^{\circ} 04' 38''$  N -  $76^{\circ} 35' 42''$  W.

(ix) In Lower Broad Creek east of a line running  $188^{\circ}$  M through Red Day Marker No. 4. No more than 150 yards from shore between a line running  $188^{\circ}$  M through Red Day Marker No. 4 and a line running  $228^{\circ}$  M through Green Marker No. 3. Pots may not be set in Burton Creek.

(x) Piney Point Shoal Area; in that area bound by a line beginning at a point on the north side of a creek (locally known as Wadin or Persimmon Creek)  $35^{\circ} 07' 17''$  N -  $76^{\circ} 33' 26''$  W running  $115^{\circ}$  M approximately 300 yards to a point near the six foot depth curve  $35^{\circ} 07' 15''$  N -  $76^{\circ} 33' 16''$  W; thence south and southeast along the six foot depth curve to a point east of the old lighthouse  $35^{\circ} 05' 17''$  N -  $76^{\circ} 32' 42''$  W; thence  $288^{\circ}$  M through the old lighthouse to a point on shore north of Red Day Marker No.



- 2 at the mouth of Broad Creek  $35^{\circ} 05' 42''$  N -  $76^{\circ} 35' 18''$  W.
- (xi) In that area bound by a line beginning at a point on the south shore of Maw Bay  $35^{\circ} 08' 32''$  N -  $76^{\circ} 32' 38''$  W; thence running  $114^{\circ}$  M to Maw Point Shoal Day Marker No. 2; thence  $317^{\circ}$  M to Maw Point  $35^{\circ} 08' 53''$  N -  $76^{\circ} 32' 11''$  W.
- (xii) In that area east of Slocum Creek bound by a line beginning at a point  $34^{\circ} 57' 02''$  N -  $76^{\circ} 53' 42''$  W; thence running  $029^{\circ}$  M approximately 1100 yards to a point  $34^{\circ} 57' 32''$  N -  $76^{\circ} 53' 28''$  W; thence along the six foot curve to a point  $34^{\circ} 56' 21''$  N -  $76^{\circ} 49' 38''$  W; thence  $176^{\circ}$  M approximately 300 yards to a point  $34^{\circ} 56' 26''$  N -  $76^{\circ} 49' 35''$  W.
- (xiii) In that area bound by a line beginning at a point  $34^{\circ} 56' 22''$  N -  $76^{\circ} 49' 05''$  W; running  $057^{\circ}$  M approximately 1100 yards to Day Marker "2" off Cherry Point; thence  $097^{\circ}$  M approximately 200 yards to a point  $34^{\circ} 56' 42''$  N -  $76^{\circ} 48' 27''$  W; thence along the six foot curve to a point  $34^{\circ} 55' 10''$  N -  $76^{\circ} 45' 40''$  W; thence  $187^{\circ}$  M approximately 400 yards to a point on Temple Point  $34^{\circ} 54' 58''$  N -  $76^{\circ} 45' 40''$  W.
- (xiv) In that area southeast of a line beginning at a point at the mouth of Clubfoot Creek  $34^{\circ} 55' 20''$  N -  $76^{\circ} 45' 00''$  W running  $076^{\circ}$  M to a point on shore  $34^{\circ} 55' 37''$  N -  $76^{\circ} 44' 23''$  W.
- (xv) In Clubfoot Creek south of a line beginning at a point on the east shore  $34^{\circ} 54' 30''$  N -  $76^{\circ} 45' 26''$  W; running  $284^{\circ}$  M to a point on the west shore  $34^{\circ} 54' 33''$  N -  $76^{\circ} 45' 43''$  W. Pots may be set 50 yards from shore north of this line.
- (xvi) In that area bound by a line beginning at the western tip of Great Island  $34^{\circ} 55' 47''$  N -  $76^{\circ} 44' 50''$  W; thence running  $275^{\circ}$  M approximately 500 yards to a point  $34^{\circ} 55' 46''$  N -  $76^{\circ} 45' 07''$  W; thence  $020^{\circ}$  M approximately 1400 yards to a point  $34^{\circ} 56' 24''$  N -  $76^{\circ} 44' 18''$  W; thence  $120^{\circ}$  M to a point  $34^{\circ} 56' 06''$  N -  $76^{\circ} 43' 50''$  W; thence  $232^{\circ}$  M to a point on Great Island  $34^{\circ} 55' 50''$  N -  $76^{\circ} 44' 17''$  W.
- (xvii) In that area bound by a line beginning at a point west of Long Creek  $34^{\circ} 55' 38''$  N -  $76^{\circ} 44' 18''$  W running  $064^{\circ}$  M to a point  $34^{\circ} 55' 57''$  N -  $76^{\circ} 43' 43''$  W; thence  $138^{\circ}$  M to a point on shore at the mouth of Great Neck Creek  $34^{\circ} 55' 50''$  N -  $76^{\circ} 43' 25''$  W.
- (xviii) In that area bound by a line beginning at a point at the mouth of Great Neck Creek  $34^{\circ} 55' 50''$  N -  $76^{\circ} 43' 25''$  W; running  $318^{\circ}$  M 750 yards to a point  $34^{\circ} 56' 04''$  N -  $76^{\circ} 43' 47''$  W; following the shoreline no more than 750 yards from shore to a point  $34^{\circ} 56' 50''$  N -  $76^{\circ} 43' 11''$  W; thence  $116^{\circ}$  M 750 yards to a point on shore at Courts Creek  $34^{\circ} 56' 42''$  N -  $76^{\circ} 42' 46''$  W.
- (xix) In that area bound by a line beginning at a point on Courts Creek  $34^{\circ} 56' 42''$  N -  $76^{\circ} 42' 46''$  W; running  $296^{\circ}$  M 1000 yards to a point  $34^{\circ} 56' 52''$  N -  $76^{\circ} 43' 20''$  W; thence parallel with the shoreline no more than 1000 yards to a point  $34^{\circ} 57' 53''$  N -  $76^{\circ} 41' 59''$  W; thence  $190^{\circ}$  M 1000 yards to a point on shore  $34^{\circ} 57' 21''$  N -  $76^{\circ} 42' 00''$  W.
- (xx) In that area bound by a line beginning at a point on shore,  $34^{\circ} 57' 21''$  N -  $76^{\circ} 42' 00''$  W; running  $010^{\circ}$  M to 500 yards to a point  $34^{\circ} 57' 38''$  N -  $76^{\circ} 42' 00''$  W; thence running parallel to the shoreline no more than 500 yards from shore to a point  $34^{\circ} 57' 33''$  N -  $76^{\circ} 41' 00''$  W; thence  $179^{\circ}$  M to a point  $34^{\circ} 57' 23''$  N -  $76^{\circ} 40' 58''$  W; thence  $260^{\circ}$  M to a point on shore at the mouth of Adams Creek  $34^{\circ} 57' 22''$  N -  $76^{\circ} 41' 10''$  W.
- (xxi) In that area bound by a line beginning at a point on the northeast side of Adams Creek  $34^{\circ} 57' 30''$  N -  $76^{\circ} 40' 26''$  W; thence  $278^{\circ}$  M 225 yards off shore to a point  $34^{\circ} 57' 30''$  N -  $76^{\circ} 40' 45''$  W; thence  $350^{\circ}$  M to a point off Winthrop Point  $34^{\circ} 58' 26''$  N -  $76^{\circ} 40' 56''$  W; thence running  $056^{\circ}$  M to a point off Cedar Point  $34^{\circ} 59' 07''$  N -  $76^{\circ} 40' 01''$  W; thence  $140^{\circ}$  M to the shoreline on Cedar Point  $34^{\circ} 58' 50''$  N -  $76^{\circ} 39' 41''$  W.
- (xxii) In that area bound by a line beginning at a point on Cedar Point  $34^{\circ} 58' 50''$  N -  $76^{\circ} 39' 41''$  W; running  $320^{\circ}$  M 750 yards to a point  $34^{\circ} 59' 05''$  N -  $76^{\circ} 40' 01''$  W; thence parallel to the shoreline no more than 750 yards from shore to a point  $34^{\circ} 59' 16''$  N -  $76^{\circ} 39' 21''$  W; thence  $167^{\circ}$  M to a point on the shore  $34^{\circ} 58' 56''$  N -  $76^{\circ} 39' 21''$  W.
- (xxiii) In that area bound by a line beginning at a point on the shore  $34^{\circ} 58' 56''$  N -  $76^{\circ} 39' 21''$  W running  $347^{\circ}$  M



to a point  $34^{\circ} 59' 03''$  N -  $76^{\circ} 39' 24''$  W; thence parallel to the shoreline no more than 200 yards from shore to a point  $34^{\circ} 59' 08''$  N -  $76^{\circ} 38' 47''$  W; thence  $184^{\circ}$  M to a point on shore  $34^{\circ} 59' 01''$  N -  $76^{\circ} 35' 25''$  W.

(xxiv) In that area bound by a line beginning at a point west of Garbacon Creek  $34^{\circ} 59' 01''$  N -  $76^{\circ} 38' 43''$  W, running  $004^{\circ}$  M 750 yards to a point  $34^{\circ} 59' 23''$  N -  $76^{\circ} 38' 46''$  W; thence parallel with the shoreline no more than 750 yards from shore to a point off Browns Creek  $35^{\circ} 00' 20''$  N -  $76^{\circ} 33' 45''$  W; thence  $172^{\circ}$  M to the shoreline on the west side of Browns Creek  $34^{\circ} 59' 57''$  N -  $76^{\circ} 33' 35''$  W.

(xxv) In that area bound by a line beginning at a point on shore at the mouth of Browns Creek  $34^{\circ} 59' 55''$  N -  $76^{\circ} 33' 29''$  W, running  $352^{\circ}$  M 750 yards to a point on  $35^{\circ} 00' 22''$  N -  $76^{\circ} 33' 34''$  W; thence parallel to the shoreline no more than 750 yards from shore to a point  $35^{\circ} 03' 56''$  N -  $76^{\circ} 28' 56''$  W; thence  $136^{\circ}$  M 750 yards to a point on shore north of Rattan Bay  $35^{\circ} 03' 45''$  N -  $76^{\circ} 28' 32''$  W.

(xxvi) In that area bound by a line beginning on the north side of Rattan Bay at a point on the shoreline  $35^{\circ} 03' 45''$  N -  $76^{\circ} 28' 32''$  W; thence running  $316^{\circ}$  M 600 yards offshore to a point  $35^{\circ} 03' 54''$  N -  $76^{\circ} 28' 52''$  W; thence running parallel with the shoreline 600 yards offshore to a point  $35^{\circ} 04' 09''$  N -  $76^{\circ} 26' 44''$  W; thence  $239^{\circ}$  M 600 yards to a point on shore  $35^{\circ} 04' 57''$  N -  $76^{\circ} 27' 00''$  W.

(xxvii) In Adams Creek:

(I) between a line running  $080^{\circ}$  M through Red Flasher No. 4 at the mouth of Adams Creek and a line beginning at a point on the south shore of Cedar Creek  $34^{\circ} 55' 52''$  N -  $76^{\circ} 38' 49''$  W, running  $297^{\circ}$  M to a point on the west shore of Adams Creek  $34^{\circ} 56' 03''$  N -  $76^{\circ} 39' 27''$  W, no more than 200 yards from shore.

(II) between a line beginning at a point at the mouth of Cedar Creek  $34^{\circ} 55' 52''$  N -  $76^{\circ} 38' 49''$  W, running  $297^{\circ}$  M to a point on the west shore of Adams Creek  $34^{\circ} 56' 03''$  N -  $76^{\circ} 39' 27''$  W, and a line beginning at a point on the east shore  $34^{\circ} 54' 55''$  N -  $76^{\circ} 39' 36''$  W, running  $280^{\circ}$  M to a point

on the west shore  $34^{\circ} 54' 55''$  N -  $76^{\circ} 40' 01''$  W; no more than 300 yards from the west shore and 200 yards from the east shore.

(III) south of a line beginning at a point on the east shore  $34^{\circ} 54' 55''$  N -  $76^{\circ} 39' 36''$  W, running  $280^{\circ}$  M to a point on the west shore  $34^{\circ} 54' 55''$  N -  $76^{\circ} 40' 01''$  W, except in the marked navigation channel.

(xxviii) In South River:

(I) southeast of a line beginning at a point on the southwest shore  $34^{\circ} 58' 35''$  N -  $76^{\circ} 35' 25''$  W, running  $049^{\circ}$  M through Red Flasher No. 2 to a point on the northeast shore  $34^{\circ} 59' 07''$  N -  $76^{\circ} 34' 52''$  W, no more than 200 yards from the shoreline.

(II) that area bound by a line beginning at a point on the southwest shore  $34^{\circ} 58' 35''$  N -  $76^{\circ} 35' 25''$  W, running  $049^{\circ}$  M to Red Flasher No. 2; thence running  $207^{\circ}$  M to a point north of Hardy Creek  $34^{\circ} 58' 13''$  N -  $76^{\circ} 35' 22''$  W; thence following the shoreline to the point of beginning.

(xxix) In Turnagain Bay:

(I) between a line running  $077^{\circ}$  M through Green Flasher No. 1 and a line beginning at a point on the east shore  $34^{\circ} 59' 04''$  N -  $76^{\circ} 29' 01''$  W, running  $276^{\circ}$  M to a point on the west shore  $34^{\circ} 59' 03''$  N -  $76^{\circ} 29' 28''$  W, no more than 300 yards on the east shore and 100 yards on the west shore.

(II) between a line beginning at a point on the east shore  $34^{\circ} 59' 04''$  N -  $76^{\circ} 29' 01''$  W, running  $276^{\circ}$  M to a point on the west shore  $34^{\circ} 59' 03''$  N -  $76^{\circ} 29' 28''$  W, and a line beginning at a point on the east shore  $34^{\circ} 57' 56''$  N -  $76^{\circ} 29' 25''$  W, running  $275^{\circ}$  M to a point on the west shore  $34^{\circ} 57' 58''$  N -  $76^{\circ} 29' 44''$  W, no more than 150 yards from shore.

(xxx) In Cedar Bay east of a line beginning at a point  $35^{\circ} 00' 51''$  N -  $76^{\circ} 29' 42''$  W, running  $023^{\circ}$  M to a point  $35^{\circ} 01' 00''$  N -  $76^{\circ} 29' 37''$  W, not more than 200 yards from the shoreline.

(xxxi) In West Bay - North Bay area:

(I) in that area bound by a line beginning at a point  $35^{\circ} 02' 32''$  N -  $76^{\circ} 22' 27''$  W; thence southwest  $220^{\circ}$  M to Marker No. 5 WB; thence southeast  $161^{\circ}$  M to a point in West Bay  $35^{\circ} 00' 34''$  N -  $76^{\circ} 21' 50''$  W; thence

southwest  $181^{\circ}$  M to Deep Bend Point  $34^{\circ} 58' 36''$  N -  $76^{\circ} 21' 48''$  W; thence following the shoreline of West Bay and North Bay to a point  $35^{\circ} 02' 09''$  N -  $76^{\circ} 21' 53''$  W; thence  $317^{\circ}$  M to the beginning point.

(II) in West Bay bound by a line beginning at a point on shore  $35^{\circ} 03' 31''$  N -  $76^{\circ} 26' 21''$  W; running  $033^{\circ}$  M 100 yards to a point  $35^{\circ} 03' 38''$  N -  $76^{\circ} 26' 23''$  W; thence parallel to the shoreline no more than 100 yards from shore to a point  $35^{\circ} 00' 06''$  N -  $76^{\circ} 25' 21''$  W; running  $278^{\circ}$  M to a point on shore  $35^{\circ} 00' 06''$  N -  $76^{\circ} 25' 28''$  W.

(III) in West Bay bound by a line beginning at a point  $35^{\circ} 00' 06''$  N -  $76^{\circ} 25' 28''$  W; running  $098^{\circ}$  M 500 yards to a point  $35^{\circ} 00' 06''$  N -  $76^{\circ} 25' 12''$  W; thence  $171^{\circ}$  M 2800 yards to a point  $34^{\circ} 58' 45''$  N -  $76^{\circ} 24' 12''$  W; thence  $270^{\circ}$  M 1100 yards to a point on shore  $34^{\circ} 58' 39''$  N -  $76^{\circ} 25' 22''$  W.

(xxxii) In West Thorofare Bay and Merkle Bay south and southeast of a line beginning at a point in West Bay at Tump Point  $34^{\circ} 58' 42''$  N -  $76^{\circ} 22' 40''$  W; thence southwest  $258^{\circ}$  M to Marker F4 R45 ft. 3M & WB; thence southwest  $203^{\circ}$  M to Long Bay Point  $34^{\circ} 57' 52''$  N -  $76^{\circ} 24' 12''$  W.

(xxxiii) In Long Bay:

(I) in that area bound by a line beginning at a point on the south side of Stump Bay in Long Bay  $34^{\circ} 57' 13''$  N -  $76^{\circ} 27' 12''$  W; running northeast  $077^{\circ}$  M across Stump Bay to a point  $34^{\circ} 57' 30''$  N -  $76^{\circ} 25' 51''$  W; thence  $032^{\circ}$  M to a point  $34^{\circ} 58' 30''$  N -  $76^{\circ} 25' 22''$  W; following the shoreline to the beginning point.

(II) southwest of a line beginning on the west shore  $34^{\circ} 57' 13''$  N -  $76^{\circ} 27' 12''$  W; running  $134^{\circ}$  M to a point on the east shore at Swimming Point  $34^{\circ} 56' 46''$  N -  $76^{\circ} 26' 26''$  W.

(III) in the area bound by a line beginning at a point on shore at Swimming Point  $34^{\circ} 56' 46''$  N -  $76^{\circ} 26' 26''$  W; running  $314^{\circ}$  M 300 yards to a point  $34^{\circ} 56' 52''$  N -  $76^{\circ} 26' 23''$  W; thence parallel to the shoreline no more than 300 yards from shore to a point  $34^{\circ} 58' 01''$  N -  $76^{\circ} 24' 10''$  W; thence  $203^{\circ}$  M to Long Bay Point  $34^{\circ} 57' 52''$  N -  $76^{\circ} 24' 12''$  W.

(xxxiv) Raccoon Island; on the northeast shore between a point on the northwest shore  $35^{\circ} 04' 27''$  N -  $76^{\circ} 26' 16''$  W and a point on the southwest shore  $35^{\circ} 04' 00''$  N -  $76^{\circ} 25' 33''$  W from the shoreline no more than 150 yards from shore; on the south and west shores, no more than 50 yards from the shoreline.

(II) Core Sound, Back Sound and the Straits and their tributaries:

(I) North River:

(i) In that area bound by a line beginning at a point on the shore on the east side of North River south of Goose Bay  $34^{\circ} 43' 35''$  N -  $76^{\circ} 34' 55''$  W; thence running  $252^{\circ}$  M to a point in the river  $34^{\circ} 42' 28''$  N -  $76^{\circ} 35' 11''$  W; thence running  $355^{\circ}$  M to a point in the river  $34^{\circ} 45' 20''$  N -  $76^{\circ} 35' 45''$  W; thence running  $060^{\circ}$  M to a point in the river  $34^{\circ} 45' 45''$  N -  $76^{\circ} 35' 04''$  W; thence running  $165^{\circ}$  M to a point on the shore at the mouth of South Leopard Creek  $34^{\circ} 45' 36''$  N -  $76^{\circ} 34' 50''$  W; thence with the shoreline to the point of beginning.

(ii) In that area bound by a line beginning at a point on the west side of North River near Steep Point  $34^{\circ} 43' 40''$  N -  $76^{\circ} 37' 20''$  W; thence running  $040^{\circ}$  M to a point  $34^{\circ} 44' 35''$  N -  $76^{\circ} 36' 36''$  W; thence running  $291^{\circ}$  M 300 yards to a point  $34^{\circ} 44' 37''$  N -  $76^{\circ} 36' 45''$  W; thence running  $219^{\circ}$  M to a point  $34^{\circ} 44' 12''$  N -  $76^{\circ} 37' 05''$  W; thence running  $307^{\circ}$  M to a point  $34^{\circ} 44' 16''$  N -  $76^{\circ} 37' 12''$  W; thence running  $018^{\circ}$  M to a point  $34^{\circ} 45' 20''$  N -  $76^{\circ} 36' 56''$  W following the shoreline to the beginning point.

(iii) In that area of the North River marshes bound by a line beginning at Red Flasher No. 6 running  $038^{\circ}$  M along the southeast side of Steep Point Channel through Red Day Marker No. "8" to a point  $34^{\circ} 44' 08''$  N -  $76^{\circ} 36' 52''$  W; thence  $125^{\circ}$  M to a point  $34^{\circ} 43' 48''$  N -  $76^{\circ} 36' 08''$  W; thence  $141^{\circ}$  M to a point  $34^{\circ} 43' 30''$  N -  $76^{\circ} 35' 47''$  W; thence  $188^{\circ}$  M to a point  $34^{\circ} 42' 23''$  N -  $76^{\circ} 35' 47''$  W; thence  $221^{\circ}$  M to Red Flasher No. "56"; thence  $278^{\circ}$  M to a point  $34^{\circ} 42' 14''$  N -  $76^{\circ} 36' 43''$  W; thence  $246^{\circ}$  M to a point  $34^{\circ} 42' 45''$  N -  $76^{\circ} 36' 58''$  W; thence  $008^{\circ}$  M to a point  $34^{\circ} 43' 11''$  N -  $76^{\circ} 36' 58''$  W; thence  $348^{\circ}$  M to the beginning point.



- (iv) In that area between Lennoxville marshes and Goose Bay bound by a line beginning at a point  $34^{\circ} 43' 40''$  N -  $76^{\circ} 35' 42''$  W; thence running  $326^{\circ}$  M 1000 yards to a point  $34^{\circ} 44' 04''$  N -  $76^{\circ} 36' 07''$  W; thence running  $005^{\circ}$  M 1680 yards to a point  $34^{\circ} 44' 08''$  N -  $76^{\circ} 36' 08''$  W; thence running  $098^{\circ}$  M 200 yards to a point  $34^{\circ} 44' 08''$  N -  $76^{\circ} 36' 00''$  W; thence running  $160^{\circ}$  M 2025 yards to a point  $34^{\circ} 44' 00''$  N -  $76^{\circ} 35' 26''$  W; thence running  $223^{\circ}$  M 800 yards to the beginning point.
- (J) **Newport River:**
- (i) In that area bound by a line beginning at a point on the south shore  $34^{\circ} 45' 36''$  N -  $76^{\circ} 43' 10''$  W; thence running  $026^{\circ}$  M to a point on the north shore of Newport River  $34^{\circ} 46' 33''$  N -  $76^{\circ} 42' 46''$  W; thence with the shoreline to Beacon No. 24 in Core Creek; thence south with the Intracoastal Waterway to a point near Newport Marshes  $34^{\circ} 44' 56''$  N -  $76^{\circ} 45' 38''$  W; thence  $274^{\circ}$  M to Crab Point  $34^{\circ} 44' 54''$  N -  $76^{\circ} 42' 12''$  W; thence with the shoreline to the beginning point.
- (ii) In that area bound by a line beginning at a point on the shore on the south side of Russell's Creek  $34^{\circ} 45' 28''$  N -  $76^{\circ} 39' 46''$  W running  $278^{\circ}$  M 1000 yards to Quick Flasher Beacon No. 20 in the Intracoastal Waterway; thence running  $173^{\circ}$  M 1700 yards with the shoal to a point  $34^{\circ} 44' 37''$  N -  $76^{\circ} 40' 06''$  W; thence  $195^{\circ}$  M 1050 yards to a point on Gallant Point  $34^{\circ} 44' 06''$  N -  $76^{\circ} 40' 44''$  W; thence east and north with the shoreline to the beginning point.
- (iii) In the mouth of Harlowe Creek north of a line beginning at a point near White Rock  $34^{\circ} 46' 28''$  N -  $76^{\circ} 43' 28''$  W; running  $080^{\circ}$  M to a point  $34^{\circ} 46' 33''$  N -  $76^{\circ} 42' 46''$  W.
- (K) **Bogue Sound:**
- (i) In that area bound by a line beginning at a point  $34^{\circ} 42' 16''$  N -  $76^{\circ} 49' 24''$  W on the south shore of Bogue Sound (locally known as McGinnis Point) running  $008^{\circ}$  M to a point in Bogue Sound  $34^{\circ} 43' 12''$  N -  $76^{\circ} 49' 24''$  W; thence running  $099^{\circ}$  M to Atlantic Beach Bridge  $34^{\circ} 43' 08''$  N -  $76^{\circ} 44' 12''$  W; thence  $110^{\circ}$  M to a point on the shore at Tar Landing Bay  $34^{\circ} 42' 30''$  N -  $76^{\circ} 42' 12''$  W; thence  $191^{\circ}$  M to a point on Bogue Banks  $34^{\circ} 42' 00''$  N -  $76^{\circ} 42' 15''$  W; thence with the shoreline to the beginning point.
- (ii) In that area north of the Intracoastal Waterway beginning at the Atlantic Beach Bridge and running parallel with the Intracoastal Waterway to Channel Marker (Beacon) No. 39 at Bogue (Guthrie Point).
- (iii) In that area on the north side of the Intracoastal Waterway from the Old Ferry Channel to the Highway 58 bridge.
- (L) **Designated nursery areas in all coastal fishing waters which are listed in Regulation 15 NCAC 3B .1405, except Burton Creek off Lower Broad Creek in Pamlico County.**
- (3) From May 1 through October 31 in the Atlantic Ocean and west West and south of the Highway 58 Bridge at Emerald Isle from May 1 through October 31 in areas and during such times as time periods designated by the Fisheries Director shall designate by proclamation.
- (b) It shall be is unlawful to use pots in any marked navigational navigation channel maintained and marked by State or Federal agencies.
- (c) It shall be is unlawful to use pots in internal coastal fishing waters unless each pot is marked by attaching to it a floating buoy which shall be of solid foam or other solid buoyant material and no less than five inches in diameter and no less than five inches in length. Buoys may be of any color except yellow. The owner shall always be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy. Such identification shall include one of the following:
- (1) owner's N.C. motorboat registration number; or
  - (2) owner's U.S. vessel documentation name; or
  - (3) owner's last name and initials.
- (d) Pots attached to shore or a pier shall be exempt from (a) (2), (a) (3), and (c) of this Rule.
- (e) It shall be is unlawful to use shrimp pots in internal fishing waters unless the with mesh length is lengths smaller than one and one-fourth inches stretch or five-eighths inch bar.
- (f) Effective February 1, 1989, it shall be It is unlawful to use crab pots in coastal waters unless each pot contains no less than two escape rings that are at least 2 5/16 inches inside diameter and located in the opposite outside panels of the upper chamber of the pot. Peeler pots with a mesh size less than 1 1/2 inches shall be exempt from the cull ring requirement.



(g) ~~It shall be~~ is unlawful to use more than one hundred fifty pots per ~~licensed~~ vessel in Newport River.

(h) Any pots found in violation of this Rule may be removed by marine fisheries enforcement officers and disposed of in accordance with law.

*Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.*

#### .0505 RAKES

It is unlawful to ~~No person shall~~ use a rake more than 12 inches wide or weighing more than six pounds to take oysters or scallops.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

### SECTION .0600 - USE OF FINFISH FOR OTHER THAN HUMAN CONSUMPTION

#### .0602 UNMARKETABLE FOOD OR SCRAP FISH

(a) It shall be is unlawful to land or dispose of finfish as trash or scrap fish taken in connection with legitimate commercial fishing operation which are unmarketable as individual food fish by reason of size, except that a quantity not exceeding 10,000 pounds (100 boxes) or 50 percent of the total catch by weight or volume, whichever is greater, per vessel or fishing operation per day may be:

- (1) Landed and sold to a licensed finfish dealer, a licensed fish dehydrating plant or licensed finfish processing plant, and
- (2) Purchased or accepted by a licensed finfish dealer, a licensed fish dehydrating plant or licensed finfish processor.

(b) It is unlawful to land or dispose of finfish as trash or scrap fish in any amount that violate minimum size or possession limits established or referenced in 15 NCAC 3B .0105.

*Statutory Authority G.S. 113-134; 113-185; 143B-289.4.*

### SECTION .0700 - SHRIMP AND SHRIMPING

#### .0701 USE OF NETS IN TAKING SHRIMP

(a) ~~It shall be is unlawful for any person to take or attempt to take shrimp by any method other than as set out in Paragraph (c) of this Rule from the coastal fishing waters of North Carolina, between one hour after sunset on any Saturday and one hour before sunset on the following Sunday, except in the Atlantic Ocean and as provided in Paragraph (c) of this Rule.~~

(b) It is unlawful ~~No person shall take or attempt to take shrimp with a net of a nets with mesh length lengths less than the following:~~

- (1) Trawl net - one and one-half inches;
- (2) Fixed and channel nets - one and one-fourth inches;
- (3) Float net - one and one-fourth inches;
- (4) Butterfly net - one and one-fourth inches;
- (5) Hand seine - one and one-fourth inches; and
- (6) Cast net - no restriction.

(c) ~~It shall be is unlawful for any person to take or attempt to take shrimp with a net constructed in such a manner as to contain an inner or outer liner of any mesh size. Net material used as chafing gear shall be no less than four inches mesh length except that chafing gear with small mesh may be used only on the bottom one-half of the tailbag. Such chafing gear shall not be tied in a manner that forms an additional tailbag.~~

(d) It is unlawful to take more than 100 shrimp per day ~~No person shall use a cast net in a closed shrimping area to take more than 100 shrimp per day for any purpose, with a cast net.~~

(e) Fixed nets, channel nets, hand seines, and cast nets may be used to catch shrimp in open shrimping areas at any time.

(f) It is unlawful to use shrimp pots except as provided in 15 NCAC 3B .0504.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0702 SHRIMPING SEASON

(a) It is unlawful to take shrimp with nets until the ~~The Fisheries Director, by proclamation, opens may open or close the season for taking shrimp through the use of nets in the various waters. by proclamation, based on reasonable and prudent management of marine and estuarine resources. Any opening or closing may be during any hours of day or night or both and shall be specified at the time of the announcement of such opening or closing. If sampling indicates in any of the coastal fishing waters samples become composed primarily of under-sized shrimp or juveniles of any other species of major economic importance, the Fisheries Director may close such waters to shrimping and prohibit the use of any nets for any purpose except other than cast nets as set out provided in 15 NCAC 3B .0701(d). for any purpose for as long as he deems advisable for the protection of such populations. In all possible cases prominent~~ Prominent landmarks or other permanent-type markers shall be considered when establishing closure lines even if such lines extend beyond the area of concern.

(b) It is unlawful to take shrimp in violation of conditions specified by proclamation.

Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

## SECTION .0800 - CRABS

### .0801 TAKING OF CRABS

(a) ~~It shall be is unlawful for any person or persons to take attempt to take, or have in possession or possess~~ aboard a vessel crabs taken by trawl in internal coastal fishing waters except during such times as the Fisheries Director may open areas ~~to the taking of crabs by trawl and/or peeler trawling~~ by proclamation. ~~based on reasonable and prudent management of marine and estuarine resources.~~

(b) It is unlawful to: The following acts are prohibited:

- (1) ~~taking, buying, selling, or possessing any~~ Possess hard crabs ~~measuring less smaller~~ than five inches from tip of spike to tip of spike except mature female crabs, females and "peelers". ~~which may be floated in regular crab floats.~~ Crabs shall be culled where taken and all crabs less than legal size shall be immediately returned to the coastal fishing waters. "Peelers" shall be separated from the entire catch before reaching shore or dock. Tolerance of not more than ~~40~~ 15 percent by number of any portion examined shall be allowed. In determining whether the proportion of undersize crabs exceeds the 10 percent tolerance limit, the Fisheries Director and his agents are authorized and empowered to grade all, or any portion, or any combination of portions of the entire quantity of crabs being graded, and may require seizure and return to the waters, or other disposition as authorized by law, of the entire quantity being graded, or of any portion thereof, if undersized crabs in excess of the tolerance limit are found;
- (2) ~~Use using, for the purpose of taking hard crabs, any crab trawl having with a mesh length of less than three inches for taking hard crabs;~~
- (3) ~~Use using, for the purpose of taking soft crabs or "peeler" crabs, any trawl trawls with a mesh length less than two inches or with a in which the corkline exceeds exceeding 25 feet in length or any trawl which has a mesh length of less than two inches; for taking soft or "peeler" crabs.~~ The provisions concerning minimum

~~corkline length of corkline shall not apply to Currituck and in Dare Counties; County;~~

- (4) ~~Take taking crabs by the use of with~~ dredges except as follows:
  - (A) From January 1 through March 1 in the area of Pamlico Sound described in 15 NCAC 3G .0007. In Pamlico Sound within the area bounded by a line beginning at a point on Sandy Point 35° 37' 35" N - 75° 43' 46" W running 008° 40.1 nautical miles to a point on shore 35° 47' 45" N - 75° 43' 56" W; thence 051° M 1.75 nautical miles to a white daybeacon 35° 49' 03" N - 75° 42' 28" W; thence 098° 7 nautical miles to the Bodie Island Lighthouse; thence 157° M 3.6 nautical miles to the Oregon Inlet Coast Guard Station flasher; thence 182° M 9.7 nautical miles to Flasher No. 3 at Chicamacomico Channel 35° 36' 21" N - 75° 30' 00" W; thence 285° M 11.3 nautical miles to the point of beginning.
  - (B) Crabs may be taken incidental to lawful oyster dredging operations provided the weight of the crabs shall not exceed:
    - (i) 50 percent of the total weight of the combined oyster and crab catch; or
    - (ii) 500 pounds, whichever is less;
- (5) ~~Take taking crabs by the use of trawl nets with trawls~~ between one hour after sunset on any Saturday and one hour before sunset on the following Sunday, except in the Atlantic Ocean.
- (6) ~~Take taking crabs by the use of with~~ dredges between sunset on any Saturday and sunrise on the following Monday, except in the Atlantic Ocean.
- (7) Take crabs with pots except as provided in 15 NCAC 3B .0504.

Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

### .0802 CRAB SPAWNING SANCTUARIES

The Fisheries Director may, by proclamation, close the following ~~described~~ crab spawning sanctuaries described in 15 NCAC 3G .0008, or any portion thereof, to the use of trawl nets, and prohibit the taking of crabs with the use of commercial fishing equipment at any time from April 1 through August 31.

- (4) In the Oregon Inlet Area. Beginning at a point 35° 47' 42" N - 75° 32' 21" W at the elevation of mean high water on the ocean beach one mile north of North Point on Bodie Island; thence seaward 66° (M) 880 yards to a point in the Atlantic Ocean 35°



47° 50' N — 75° 31' 51" W; thence 159° (M); 4,000 yards to a point 35° 46' 21" N — 75° 30' 40" W; thence 248° (M); 880 yards to a point on the high water line of the Atlantic Ocean 35° 46' 06" N — 75° 31' 08" W; said point being one mile south of South Point; thence running with the high water line of the Atlantic Ocean on Pea Island northward to South Point; thence around South Point with the high water line of Pamlico Sound approximately 7,000 yards to a point 35° 43' 42" N — 75° 30' 51" W on the high water line of the south point of Eagle Nest Bay; thence 273° (M); 2,200 yards to a point in Pamlico Sound 35° 43' 42" N — 75° 32' 12" W; thence 344° (M); 8,100 yards to a point 35° 42' 16" N — 75° 32' 08" W (present location of channel marker "2"); thence 17° (M); 2,800 yards to a point on the high water line of Bodie Island 35° 48' 45" N — 75° 33' 54" W; said point being near the eastern edge of Off Island; thence southward with the high water line of Pamlico Sound approximately 6,880 yards to North Point on Bodie Island; thence northward along the high water line of the Atlantic Ocean on Bodie Island approximately one mile to the point and place of the beginning;

- (2) In the Hatteras Inlet Area. Beginning at a point 35° 40' 46" N — 75° 47' 50" W on the high water line of Pamlico Sound on Ocracoke Island (approximately 3,000 yards southwest of the western shore of Hatteras Inlet); thence 320° (M); 4,850 yards to a point in Pamlico Sound 35° 42' 22" N — 75° 40' 58" W (said point being 900 yards north northwest of Legged Lump; and the described line passing through the northeast edge of Outer Green Island); thence 72° (M); 9,650 yards to a point in Pamlico Sound 35° 44' 24" N — 75° 44' 44" W (said point being approximately 2,000 yards northeast of Ira Peele's Fishing Pier; and the described line passing through the present location of Ira Peele's Fishing Pier); thence 162° (M); 5,250 yards to a point 36° 12' 05" N — 75° 43' 20" W on the high water line of Pamlico Sound on Hatteras Island (said point being approximately 3,000 yards northeast of Hatteras Inlet and the described line passing through the present location of channel marker "15"); thence with the high water line of Pamlico Sound southwest approximately 3,000 yards to the eastern edge of Hatteras Inlet; thence with the high water line of said inlet southward and eastward to the high water line of the Atlantic Ocean; thence northeastward with the high water

line of the Atlantic Ocean on Hatteras Island approximately 2,100 yards to a point 35° 41' 36" N — 75° 43' 38" W; thence seaward 163° (M); 880 yards to a point in the Atlantic Ocean 35° 41' 13" N — 75° 43' 25" W; thence 264° (M); 6,200 yards to a point in the Atlantic Ocean 35° 40' 46" N — 75° 46' 55" W; thence 344° (M); 880 yards to a point on the high water line of the Atlantic Ocean on Ocracoke Island 35° 40' 41" N — 75° 47' 40" W; thence northeasterly with the high water line of the Atlantic Ocean approximately 2,000 yards to a point on the high water line at the western shore of Hatteras Inlet; thence northward and westward along the high water line of said inlet to the high water line of Pamlico Sound; thence southwestward along the high water line of Pamlico Sound to the point and place of the beginning;

- (3) In the Ocracoke Inlet Area. Beginning at a point 35° 02' 43" N — 76° 04' 50" W on the high water line of Portsmouth Island (said point being 252° (M); 2,100 yards from the spire of Portsmouth Methodist Church); thence northeasterly and easterly along the high water line of Pamlico Sound on Portsmouth Island approximately 3,800 yards to the high water line at the western shore of Ocracoke Inlet; thence with the high water line southeastward approximately 2,000 yards to the high water line of the Atlantic Ocean on Portsmouth Island; thence southwesterly approximately 1,600 yards along the high water line of the Atlantic Ocean to a point 35° 03' 03" N — 76° 03' 05" W; thence seaward 154° (M); 880 yards to a point in the Atlantic Ocean 35° 02' 38" N — 76° 02' 43" W; thence 64° (M); 1,280 yards to a point 35° 02' 58" N — 76° 02' 05" W; thence 83° (M); 3,500 yards to a point 35° 03' 23" N — 76° 00' 03" W; thence 55° (M); 1,725 yards to a point 35° 03' 58" N — 75° 50' 18" W; thence 324° (M); 880 yards to a point 35° 04' 20" N — 75° 50' 43" W on the high water line of the Atlantic Ocean on Ocracoke Island; thence southwesterly along the high water line of the Atlantic Ocean approximately 2,100 yards to the high water line of Ocracoke Inlet; thence northwesterly with the high water line of Ocracoke Inlet approximately 600 yards to the high water line of Pamlico Sound; thence northeasterly with the high water line of Pamlico Sound; approximately 5,000 yards to a point 35° 06' 12" N — 75° 50' 22" W (said point being just south of the western tip of Springers Point); thence 272°



(M) (through the present location of channel marker "25," the north edge of Beacon Island and Shell Castle Island); 8,400 yards to a point in Pamlico Sound  $35^{\circ} 05' 51''$  N -  $76^{\circ} 04' 25''$  W (said point being at or near the western extremity of Shell Castle Island); thence  $197^{\circ}$  (M); 4,380 yards to the point and place of the beginning;

(4) In the Drum Inlet Area. Beginning at a point on the high water line of Core Sound on Core Banks  $34^{\circ} 50' 09''$  N -  $76^{\circ} 20' 25''$  W; thence  $326^{\circ}$  (M); 2,000 yards to a point in Core Sound  $34^{\circ} 50' 50''$  N -  $76^{\circ} 21' 15''$  W; thence  $50^{\circ}$  (M); 8,000 yards to a point in Core Sound  $34^{\circ} 53' 41''$  N -  $76^{\circ} 18' 03''$  W; thence  $151^{\circ}$  (M); 2,390 yards to a point on the high water line of Core Sound on Core Banks  $34^{\circ} 52' 48''$  N -  $76^{\circ} 17' 12''$  W; thence with said high water line southwesterly approximately 4,400 yards to Drum Inlet; thence with the high water line around Drum Inlet and northward approximately 4,400 yards to a point on the high water line of the Atlantic Ocean  $34^{\circ} 52' 36''$  N -  $76^{\circ} 17' 03''$  W; thence seaward  $151^{\circ}$  (M); 880 yards to a point in the Atlantic Ocean  $34^{\circ} 52' 13''$  N -  $76^{\circ} 16' 45''$  W; thence  $231^{\circ}$  (M); 7,500 yards to a point in the Atlantic Ocean  $34^{\circ} 49' 30''$  N -  $76^{\circ} 19' 51''$  W; thence  $326^{\circ}$  (M); 880 yards to a point on the high water line of the Atlantic Ocean on Core Banks  $34^{\circ} 49' 51''$  N -  $76^{\circ} 20' 16''$  W; thence northwardly along the high water line of the Atlantic Ocean to the south side of Drum Inlet; thence around the high water line of Drum Inlet and southward along the high water line of Core Sound on Core Banks to the point and place of the beginning;

(5) In the Bardens Inlet Area. Beginning at a point  $34^{\circ} 43' 30''$  N -  $76^{\circ} 28' 57''$  W in the west end of Core Sound (the present location of channel marker "37"); thence  $228^{\circ}$  (M); 1,280 yards to a point  $34^{\circ} 43' 02''$  N -  $76^{\circ} 29' 29''$  W (the present location of channel marker "39"); thence  $224^{\circ}$  (M); 5,900 yards to a point at the edge of Lighthouse Channel  $34^{\circ} 40' 42''$  N -  $76^{\circ} 34' 36''$  W (the present location of channel marker "35"); thence  $241^{\circ}$  (M); 3,500 yards to a point on the high water line of Shackleford Banks  $34^{\circ} 39' 06''$  N -  $76^{\circ} 32' 27''$  W (this line running through Beargrass Island; and the point being at the tip of a prominent point of marsh immediately shoreward of Beargrass Island); thence along the high water line of Back Sound on Shackleford Banks eastward approximately

2,500 yards to Bardens Inlet; thence southward with the high water line of the western shoreline of Bardens Inlet approximately 1,700 yards to the high water line of the Atlantic Ocean; thence westward along the high water line of the Atlantic Ocean on Shackleford Banks approximately 2,000 yards to a point  $34^{\circ} 38' 30''$  N -  $76^{\circ} 32' 38''$  W on the high water line of the Atlantic Ocean; thence  $218^{\circ}$  (M) through the present location of buoy R "4," 3,375 yards to a point  $34^{\circ} 37' 05''$  N -  $76^{\circ} 33' 43''$  W (the present location of buoy R "2"); thence  $131^{\circ}$  (M); 1,075 yards to a point  $34^{\circ} 36' 47''$  N -  $76^{\circ} 33' 11''$  W (this point being at the base of Cape Lookout jetty at the high water line); thence northward with the high water line of the Atlantic Ocean approximately 1,800 yards to the northern tip of Power Squadron Spit; thence southward, eastward, and northward along the high water line around the shoreline of Cape Lookout Bight approximately 5,000 yards to the high water line on the eastern shoreline of Bardens Inlet; thence northeasterly with the high water line of Core Banks approximately 12,000 yards to a point on the high water line of Core Banks  $34^{\circ} 42' 00''$  N -  $76^{\circ} 28' 41''$  W (said point being about 1,200 yards south, southeast of Cowpen Island); thence  $343^{\circ}$  (M) through the southwest tip of Cowpen Island 3,350 yards to the point and place of the beginning.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

## SECTION .0900 - CLAMS

### .0901 SIZE AND HARVEST LIMIT; PERMIT; METHOD OF TAKING CLAMS

(a) It shall be is unlawful to take, land, or possess aboard a vessel more than 6,250 clams per fishing operation from public bottom. For openings as described in (c) (3) of this Rule, this limit may not apply. It shall be is unlawful to take, possess, sell or purchase any clams (except *Rangia* or freshwater clams) less than one inch thick. Clams will shall be culled by the catcher where taken and all clams of less than legal size with their shell, shall be immediately returned to the bottom where taken. The Fisheries Director and his agents are authorized and empowered to grade all, or any portion, or any combination of portions of the entire quantity of clams being graded and may require seizure and return to public bottom or other disposition as authorized by law of the entire quantity being graded or any

portion thereof. Possession and sale of clams by a clam hatchery and purchase and possession of clams from a clam hatchery shall be exempt from this Rule. A clam hatchery is defined as any operation which obtains clams through the process of artificial spawning and culture methods.

(b) ~~It shall be is unlawful for any person to take or attempt to take clams by any method, other than by hand tongs, hand rakes, or by hand, from the coastal fishing waters except as provided in Paragraph (c) of this Rule. Regardless of the areas which may be opened, by the Fisheries Director, it shall be is unlawful: for any person~~

(1) to take clams by any method other than hand tongs, hand rakes in accordance with 15 NCAC 3B .0505, no more than twelve inches wide or weighing no more than six pounds, or by hand in any natural or live oyster bed.

(2) To take clams by any method other than hand rakes in accordance with 15 NCAC 3B .0505, or by hand or in any established bed of aquatic vegetation which is defined as those marine and estuarine areas of North Carolina where eelgrass (*Zostera marina*), shoalgrass (*Halodule wrightii*), widgeon grass (*Ruppia maritima*), and smooth or salt water cordgrass (*Spartina alterniflora*) that may exist together or separately. These vegetation beds occur in both subtidal and intertidal zones, and may occur in isolated patches or cover extensive areas. In either case, the bed is defined by the presence of and consists of entire plants (which during some seasons may be mostly underground) including the above ground leaves and the below ground rhizomes, together with the sediment in which the plant grows.

(c) Permit requirements and the season for taking clams with mechanical methods are as follows:

(1) It is unlawful to take clams. Clams shall not be taken by the use of mechanical methods except by special permit. Such permits may impose conditions and requirements reasonably necessary for the enforcement of fisheries regulations and for the prudent management and enforcement purposes, of fisheries resources.

(2) It shall be is unlawful to take, buy, sell, or possess any clams taken by mechanical methods from public bottom until except that the Fisheries Director, based on reasonable and prudent management of marine and estuarine resources, may, by

proclamation, open and close the season at any time between December 1 through March 31. The Fisheries Director is further empowered to impose any or all of the following restrictions:

(A) specify number of days, and

(B) specify areas,

(C) specify time period, and

(D) specify quantity and or size, and

(E) specify means methods. Any proclamation specifying means and or methods must be approved by the Marine Fisheries Commission prior to issuance.

(3) For temporary openings made upon the recommendation of Shellfish Sanitation, for maintenance dredging operations, for the taking of Rangia clams, or for relaying of polluted clams to private leases, deeds, or grants as permitted by 15 NCAC 3B .0906, season and harvest limits as set by 15 NCAC 3B .0901 may not apply.

(d) ~~It shall be is unlawful for any person to take clams from any shellfish management area which has been closed and posted by the state, except that the Fisheries Director, may open specific areas to allow the taking of clams and may designate time, place, character, or dimensions of any method or equipment that may be employed.~~

(c) ~~The Fishers~~ Fisheries Director may, by proclamation, open only areas in Core and Bogue Sounds, Newport, North, White Oak and New Rivers and the Intracoastal Waterway north of "BC" Marker at Topsail Beach which have been opened at any time from January, 1977, through September, 1988, and the Atlantic Ocean to the harvest of clams by mechanical methods. Other areas opened for purposes as set out in Rule .0901 (c) (3) will open only for those purposes.

(f) It is unlawful to possess clam trawls aboard a vessel at any time, or have kick deflector plates normally used in the mechanical harvest of clams affixed to a vessel at any time, except during the open mechanical clam harvest season. A period of 14 days before and after the mechanical clam harvest season will be allowed for the installation and removal of kick deflector plates and clam trawls or cages. Vessels with permits for activities provided for in 15 NCAC 3B Rules .0903, .0906, Section .1600, and 3C .0203, shall be exempt from this Rule during the times such activities are permitted.

Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

.0902 PROHIBITED CLAMMING AREAS



(a) ~~It is unlawful to take, possess, transport, buy, or sell clams. Clams shall not be taken from any of those areas in which the taking of oysters is prohibited by Regulation 15 NCAC 3B .1111. nor shall such clams be possessed, transported, bought, or sold.~~

(b) The Fisheries Director is empowered to close specified areas for the taking of clams, oysters, scallops, and mussels for as long as he deems advisable in order to protect the populations of shellfish or public health.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0903 RANGIA CLAMS

~~It shall be~~ is unlawful to take Rangia ~~Clams~~ clams by mechanical methods from all waters, or by any method from polluted waters, ~~except by~~ without first securing a permit from the Fisheries Director. ~~of the Division of Marine Fisheries.~~ The permit shall be issued to the ~~boat captain owner/operator, list all crew members involved in the operation,~~ and must accompany the vessel at all times. Such permit shall designate the area and time(s) from which Rangia clams may be taken. All meats from clams taken from polluted waters shall be disposed of in a manner (other than for human consumption) acceptable to the North Carolina Division of Marine Fisheries and the North Carolina Division of Health Services.

*Statutory Authority G.S. 113-134; 113-201; 113-202; 143B-289.4.*

#### .0904 POSSESSION OF UNAPPROVED CLAMS

~~It is unlawful to~~ No person shall possess or sell ~~or offer for sale in North Carolina any~~ clams taken from ~~any~~ polluted waters outside the state.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0905 TAKING OR UNLOADING CLAMS ON SUNDAY OR AT NIGHT

(a) ~~It shall be~~ is unlawful to take clams from coastal fishing waters on Sunday or between the hours of sunset and sunrise on any day except that 100 clams per person, not to exceed 200 clams per vessel per day, may be taken by hand tongs, hand rakes or by hand on Sunday during the regular clam season.

(b) ~~It shall be~~ is unlawful to unload clams from any vessel or remove any vessel containing clams from the water on Sunday or between sunset and sunrise on any day except that in New

Hanover, Pender and Brunswick Counties, clams may be unloaded until two hours after sunset. Clams taken on Sunday under the provisions of 3B .0905(a) are exempt from the Sunday unloading prohibition in this Subsection.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0906 PERMITS FOR TAKING CLAMS FOR PLANTING

(a) ~~It is unlawful to~~ No person shall take clams from ~~the public~~ polluted public waters of the State for the purpose of planting on private beds except during the period ~~from~~ April 1 through May 15 as authorized by G.S. 113-203, provided that such person shall first obtain a by permit from the Fisheries Director setting forth the time, area and method ~~from~~ by which clams may be taken.

(b) The Fisheries Director, acting upon ~~the re-~~ recommendations of the North Carolina Division of Health Services, shall close and reopen by proclamation any ~~leased, granted, or decided bottom~~ private beds for which the owner has ~~received~~ obtained a permit to relay clams from public polluted public waters.

*Statutory Authority G.S. 113-134; 113-201; 113-202; 113-203; 113-221; 143B-289.4.*

#### .0907 CLAM HATCHERIES

(a) A clam hatchery is defined as any operation which obtains clams through the process of artificial spawning and/or culture methods. A clam hatchery permit is required in accordance with 15 NCAC 3C .0213.

(b) It is unlawful to possess undersized clams from a hatchery unless such clams are identified in a manner that will permit immediate determination of the point of origin and the ultimate destination.

(c) Possession and sale of clams by a hatchery and purchase and possession of clams from a hatchery shall be exempt from bag and size limit restrictions in 15 NCAC 3B .0901(a), except that it is unlawful to possess, sell, or transport undersize clams for purposes other than grow-out to legal size for market.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

### SECTION .1000 - SCALLOPS

#### .1001 SOAKED OR SWELLED SCALLOPS PROHIBITED

It is unlawful to ~~No person shall~~ possess, sell, or take part in the production of ~~offer for sale,~~



~~or produce or aid in producing any~~ soaked or swelled scallops ~~which that~~ have been shucked. It is unlawful to ~~No person shall~~ permit scallops to be placed in still or standing water.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .1002 BAY SCALLOP SEASON AND HARVEST LIMITS

(a) ~~It shall be is~~ unlawful to take ~~or attempt to~~ take bay scallops ~~from coastal fishing waters until except that the Fisheries Director based on reasonable and prudent management, may, by proclamation, open the season for harvest, sale, possession and transport of bay scallops for up to four days in December and between the second Monday of in January and the last Friday of in May. The Fisheries Director based on reasonable and prudent management, may, by proclamation, provide for an open the bay scallop season during the period from August 1 through September 15 to hand harvest only (by hand, dip nets, scoops, hand tongs and hand rakes). The Fisheries Director is further empowered to impose any or all of the following restrictions:~~

- (1) specify number of days;
- (2) specify areas;
- (3) specify means and methods which may be employed in the taking;
- (4) specify time period; and
- (5) limit the quantity.

(b) For any season provided from ~~From~~ December through May, ~~it shall be is~~ unlawful to take ~~or attempt to take~~ more than 20 standard U.S. bushels per person in any one day or to exceed a total of 40 standard U.S. bushels in any combined fishing operation per day except as specified in (d) of this Rule.

(c) For any season provided from ~~From~~ August 1 through September 15, ~~it shall be is~~ unlawful to take ~~or attempt to take~~ more than 10 standard U.S. bushels per person in any one day or exceed a total of 20 standard U.S. bushels in any combined fishing operation per day except as specified in (d) of this Rule.

(d) ~~It shall be is~~ unlawful to take ~~or attempt to~~ take bay scallops ~~from the coastal fishing waters between sunset and sunrise, or on Saturdays or Sundays, except that one-half bushel per person, not to exceed one bushel per vessel may be taken by hand rakes, hand tongs, dip nets, and by hand for personal consumption on Saturday and Sunday during the regular open season.~~

*Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.*

#### .1003 PROHIBITED DREDGES

It is unlawful to take ~~In taking~~ bay scallops ~~the use of with~~ dredges weighing more than 50 pounds or equipped with teeth. ~~is prohibited.~~ Any other instrument or device designed to drag the bottom to aid in the taking of bay scallops is also prohibited.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .1004 CALICO SCALLOP SEASON

~~It shall be is~~ unlawful to land or ~~have in possession~~ possess aboard a ~~fishing~~ vessel calico scallops except at such times as designated by the Fisheries Director by proclamation.

*Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.*

#### .1005 SEA SCALLOPS

It is unlawful to land or possess sea scallops with a shell height (length) less than three and one-half inches. A tolerance of not more than ten percent by number for undersized sea scallop shell height shall be allowed. In determining whether the proportion of undersized sea scallops exceeds the ten percent tolerance limit, the Fisheries Director and his agents are authorized and empowered to grade all, or any portion, or any combination of portions of the entire quantity being graded, and in cases of violations, may require seizure or other disposition as authorized by law.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

### SECTION .1100 - OYSTERS

#### .1101 OYSTER SEASON

(a) ~~It shall be is~~ unlawful to take, ~~attempt to take,~~ buy, sell, or possess any oysters ~~taken from public coastal fishing waters bottoms~~ except during the open season which ~~shall be begins~~ begins October 15 for hand harvest, ~~and~~ November 1 for ~~toothed~~ dredges and extends through March 31. During the open season, the Fisheries Director may, by proclamation, close and open any of the various waters to the taking of oysters and may impose any or all of the following restrictions:

- (1) Specify number of days;
- (2) Specify areas;
- (3) Specify means and methods which may be employed in the taking;
- (4) Specify time period;
- (5) Limit the quantity.

(b) ~~It shall be~~ is unlawful to take, land, or possess aboard a vessel more than 50 bushels of oysters at any one time.

*Statutory Authority G.S. 113-134; 113-182; 113-201; 113-221; 143B-289.4.*

#### .1102 SHELLFISH MANAGEMENT AREAS

It is unlawful to ~~No person shall~~ take oysters from any ~~shellfish management area~~ Shellfish Management Area which has been closed and posted ~~by the State~~, except that the Fisheries Director may, by proclamation, open specific areas to allow the taking of oysters and may designate time, place, character, or dimension of any method of equipment that may be employed.

*Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.*

#### .1103 SIZE LIMIT AND CULLING TOLERANCE

(a) It is unlawful to ~~No person shall~~ possess ~~sell, or purchase~~ any oysters which have

- (1) ~~accumulated dead shell, or~~
- (2) ~~accumulated oyster cultch material, or~~
- (3) a shell length of less than three inches, or any combination thereof that exceeds a ten percent tolerance limit by volume. In determining whether the tolerance limit is exceeded, the Fisheries Director and his agents are authorized and empowered to grade all, or any portion, or any combination of portions of the entire quantity being graded, and in cases of violations, may require seizure and return to public bottom or other disposition as authorized by law.

(b) All oysters shall be culled by the catcher where taken and all oysters of less than legal size, accumulated dead shell and cultch material, shall be immediately returned to the bottom where taken.

(c) In determining whether the proportion of undersize oysters, accumulated dead shell or cultch material exceeds the 10 percent tolerance limit, the Fisheries Director and his agents are authorized and empowered to grade all, or any portion, or any combination of portions of the entire quantity being graded, and in cases of violations, may require seizure and return to public bottom or other disposition as authorized by law.

(d) ~~(c)~~ This Regulation shall not apply to oysters imported from out-of-state solely for shucking at shucking houses which are currently certified for shucking and packing by the Department of Human Resources and which hold

a valid shucker-packer license. ~~from the Marine Fisheries Commission.~~

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .1105 POSSESSION OF UNAPPROVED OYSTERS

It is unlawful to ~~No person shall~~ possess or sell or offer for sale in North Carolina any oysters taken from ~~any~~ polluted waters outside the state.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .1106 MARKETING OYSTERS TAKEN FROM PRIVATE BEDS

(a) It is unlawful to ~~No person shall~~ take, ~~attempt to take, possess, or sell~~ attempt to sell, purchase or possess any oysters taken from private beds during the open season unless such oysters have been culled in accordance with Regulation 15 NCAC 3B .1103.

(b) It is unlawful to ~~No person shall~~ take, ~~attempt to take, possess, or sell~~ attempt to sell, or possess any oysters from private beds during the regular closed season unless such person shall have first secured without first securing from the Fisheries Director ~~or his authorized agent~~ a permit showing the name of such the person or persons taking the oysters, the location of such beds, the private bed, and the method of harvest, the estimated number of bushels of oysters each applicant anticipates taking during the closed season for which the permit is issued. With each sale or other disposition of oysters during the regular closed season, ~~by the permittee~~, the permittee shall complete and deliver to the purchaser or other recipient of said oysters a certification that the oysters were taken pursuant to a valid permit. Certification forms shall be furnished by the department to each permittee upon issuance of a permit. ~~It shall be~~ is unlawful to possess ~~any~~ oysters during the closed season except as provided herein. ~~in this Section.~~

*Statutory Authority G.S. 113-134; 113-182; 113-201; 143B-289.4.*

#### .1107 PERMITS FOR TAKING OYSTERS FOR PLANTING

(a) It is unlawful to ~~No person shall~~ take oysters from the ~~public~~ polluted public waters of the state for the purpose of planting on private beds except as authorized by G.S. 113-203, provided that such person shall first obtain a permit from the Fisheries Director setting forth the time and area from which oysters may be taken. Relaying of oysters from polluted waters shall begin the

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day following the statewide closure of oyster season and shall continue for a period not to exceed six weeks.

(b) The Fisheries Director, acting upon the recommendation of the North Carolina Division of Health Services shall close and reopen by proclamation any leased, granted, or deeded bottom for which the owner has received a permit to relay oysters from public polluted waters.

*Statutory Authority G.S. 113-134; 113-201; 113-202; 113-203; 113-221; 143B-289.4.*

### .1108 TRAWLING ACROSS OYSTER MANAGEMENT BEDS

It is unlawful to tow or pull ~~No person shall drag~~ a trawl net for any purpose across any oyster bed which has been planted and posted by the state.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

### .1109 TAKING OR UNLOADING OYSTERS ON SUNDAY OR AT NIGHT

(a) ~~It shall be~~ is unlawful to take oysters ~~from coastal fishing waters~~ on Sunday or between the hours of sunset and sunrise on any day except that one bushel of oysters per person, not to exceed two bushels per vessel per day, may be taken by hand tongs, hand rakes or by hand on Sunday during the regular oyster season.

(b) ~~It shall be~~ is unlawful to unload oysters from any vessel or remove any vessel containing oysters from the water on Sunday or between sunset and sunrise on any day except that in New Hanover, Pender, and Brunswick Counties, oysters may be unloaded until two hours after sunset. Oysters taken on Sunday under the provisions of 3B .1109(a) are exempt from the Sunday unloading prohibition in this Subsection.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

### .1111 TAKING OYSTERS; CLAMS AND MUSSELS FROM POLLUTED WATERS

~~It shall be~~ is unlawful ~~for any person to take, attempt to take, possess, sell, or offer for sale, any take~~ oysters, clams or mussels ~~taken~~ from areas which have been designated as prohibited (polluted) by proclamation by the Fisheries Director except as provided in 15 NCAC 3B .0903, .0906, .1107 and .1600. The Fisheries Director shall issue such ~~proclamation~~ proclamations upon notice by the Division of Health Services of the Department of Human Resources that duly adopted criteria for approved shellfish harvest areas have not been met. The Fisheries Director

may reopen any such closed area upon notification from the Division of Health Services that duly adopted criteria for approved shellfish harvest areas have been met.

Copies of these proclamations and maps of these areas are available at the Division of Marine Fisheries, 3411 Arendell St., Morehead City, NC 28557; (919) 726-7021.

*Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.*

## SECTION .1200 - LOBSTER

### .1201 MINIMUM SIZE LIMIT

It is unlawful to possess northern ~~No person shall possess any~~ lobster with a carapace length of less than ~~three and three sixteenths inches~~ the minimum specified by proclamation. The Fisheries Director may, by proclamation, specify the minimum carapace length for northern lobster recommended by the Atlantic States Marine Fisheries Commission as the result of a duly adopted Interstate Fisheries Management Plan, or adopted as a federal rule by the National Marine Fisheries Service as the result of a duly adopted Regional Fishery Management Plan prepared by the Fishery Management Councils.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

### .1202 EGG BEARING AND SCRUBBED LOBSTERS

It is unlawful to ~~No person shall~~ possess egg-bearing or scrubbed lobster.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

### .1203 SHUCKED LOBSTER MEAT

It is unlawful to ~~No person shall~~ land or possess aboard a vessel shucked northern lobster meat.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

### .1204 DETACHED LOBSTER PARTS

It is unlawful to ~~No person shall~~ land or possess aboard a vessel ~~the detached lobster~~ tails, claws, or other northern lobster parts unless accompanied by head sections for the purpose of determining legal size.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

## SECTION .1400 - NURSERY AREAS



**.1404 VIOLATION TO USE SPECIFIC  
NETS AND DREDGES**

It shall be is unlawful to use or attempt to use any trawl net, long haul seine, swipe net, dredge or mechanical methods for clams or oysters, for the purpose of taking any marine fishes in any of the primary nursery areas described in 45 NCAC 3B 1405, 15 NCAC 3G .0009.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

**.1405 DESCRIPTIVE BOUNDARIES:  
PRIMARY NURSERY AREAS**

Descriptive boundaries for primary nursery areas are presented in 15 NCAC 3G .0009.

**(a) In the Roanoke Sound Area**

**(1) Shallowbag Bay:**

(A) Dough Creek, northwest of a line beginning at a point on the east shore  $35^{\circ} 54' 28''$  N -  $75^{\circ} 40' 00''$  W; running  $242^{\circ}$  (M) to a point on the west shore  $35^{\circ} 54' 10''$  N -  $75^{\circ} 40' 09''$  W;

(B) Scarborough Creek, all waters south of a line beginning at a point on the east shore  $35^{\circ} 54' 00''$  N -  $75^{\circ} 39' 33''$  W; running  $246^{\circ}$  (M) to a point on the west shore  $35^{\circ} 53' 50''$  N -  $75^{\circ} 39' 36''$  W;

(2) Broad Creek, north of a line beginning at a point on the east shore  $35^{\circ} 52' 24''$  N -  $75^{\circ} 38' 26''$  W; running  $306^{\circ}$  (M) to a point on the west shore  $35^{\circ} 52' 22''$  N -  $75^{\circ} 38' 30''$  W;

**(b) In the Northern Pamlico Sound Area**

**(1) Long Shoal River:**

(A) Long Shoal River, west of a line beginning at a point on the north shore  $35^{\circ} 38' 00''$  N -  $75^{\circ} 52' 57''$  W; running  $208^{\circ}$  (M) to a point on the south shore  $35^{\circ} 37' 47''$  N -  $75^{\circ} 53' 03''$  W;

(B) Deep Creek, east of a line beginning at a point on the north shore  $35^{\circ} 37' 50''$  N -  $75^{\circ} 52' 14''$  W; running  $204^{\circ}$  (M) to a point on the south shore  $35^{\circ} 37' 38''$  N -  $75^{\circ} 52' 18''$  W;

(C) Broad Creek, west of a line beginning at a point on the north shore  $35^{\circ} 35' 57''$  N -  $75^{\circ} 53' 42''$  W; running  $200^{\circ}$  (M) to a point on the south shore  $35^{\circ} 35' 46''$  N -  $75^{\circ} 53' 40''$  W;

(D) Muddy Creek, east of a line beginning at a point on the north shore  $35^{\circ} 36' 24''$  N -  $75^{\circ} 52' 08''$  W; running  $181^{\circ}$  (M) to a point on the south shore  $35^{\circ} 36' 15''$  N -  $75^{\circ} 52' 10''$  W;

(E) Pains Bay, north of a line beginning at a point on the west shore  $35^{\circ} 35' 26''$  N -  $75^{\circ} 40' 12''$  W; running  $007^{\circ}$  (M) to a

point on the east shore  $35^{\circ} 35' 26''$  N -  $75^{\circ} 48' 50''$  W;

(F) Otter Creek, southwest of a line beginning at a point on the east shore  $35^{\circ} 33' 07''$  N -  $75^{\circ} 55' 00''$  W; running  $277^{\circ}$  (M) to a point on the west shore  $35^{\circ} 33' 07''$  N -  $75^{\circ} 55' 15''$  W;

(G) Clark Creek, northeast of a line beginning at a point on the north shore  $33^{\circ} 35' 45''$  N -  $75^{\circ} 54' 30''$  W; running  $158^{\circ}$  (M) to a point on the south shore  $35^{\circ} 35' 46''$  N -  $75^{\circ} 54' 28''$  W;

(2) Far Creek, east of a line beginning at a point on Gibbs Point  $35^{\circ} 30' 06''$  N -  $75^{\circ} 57' 46''$  W; running  $007^{\circ}$  (M) to a point on the east shore  $35^{\circ} 30' 53''$  N -  $75^{\circ} 57' 46''$  W;

(3) Middletown Creek, west of a line beginning at a point on the north shore  $35^{\circ} 28' 26''$  N -  $75^{\circ} 50' 55''$  W; running  $097^{\circ}$  (M) to a point on the south shore  $35^{\circ} 28' 06''$  N -  $75^{\circ} 50' 55''$  W;

**(1) Wysocking Bay:**

(A) Lone Tree Creek, east of a line beginning at a point on the south shore  $35^{\circ} 25' 06''$  N -  $76^{\circ} 02' 06''$  W; running  $342^{\circ}$  (M) to a point on the north shore  $35^{\circ} 25' 33''$  N -  $76^{\circ} 02' 18''$  W;

(B) Wysocking Bay, north of a line beginning at a point on the east shore  $35^{\circ} 25' 55''$  N -  $76^{\circ} 02' 58''$  W; running  $265^{\circ}$  (M) to a point on the west shore  $35^{\circ} 25' 41''$  N -  $76^{\circ} 03' 33''$  W;

(C) Douglas Bay, northwest of a line beginning at a point on Mackey Point  $35^{\circ} 25' 11''$  N -  $76^{\circ} 03' 14''$  W; running  $220^{\circ}$  (M) to a point on the south shore  $35^{\circ} 24' 50''$  N -  $76^{\circ} 03' 42''$  W;

(D) Tributaries west of Brown Island, west of a line beginning at a point on the north shore of Brown Island  $35^{\circ} 24' 10''$  N -  $76^{\circ} 04' 24''$  W; running  $007^{\circ}$  (M) to a point  $35^{\circ} 24' 24''$  N -  $76^{\circ} 04' 24''$  W; and north of a line beginning at a point on the most southern point of Brown Island  $35^{\circ} 23' 51''$  N -  $76^{\circ} 04' 32''$  W; running  $277^{\circ}$  (M) to a point on the west shore  $35^{\circ} 23' 51''$  N -  $76^{\circ} 04' 48''$  W;

(5) Fast Bluff Bay, Harbor Creek east of a line beginning at a point on the south shore  $35^{\circ} 21' 25''$  N -  $76^{\circ} 07' 48''$  W; running  $323^{\circ}$  (M) to a point on the north shore  $35^{\circ} 21' 31''$  N -  $76^{\circ} 07' 56''$  W;

(6) Cunning Harbor tributaries, north of a line beginning at a point on the east shore  $35^{\circ} 20' 40''$  N -  $76^{\circ} 12' 15''$  W; running  $280^{\circ}$  (M) to a point on the west shore  $35^{\circ} 20' 42''$  N -  $76^{\circ} 12' 37''$  W;

(7) **Juniper Bay:**

(A) Upper Juniper Bay, north of a line beginning at a point on the east shore  $35^{\circ} 23' 00''$  N -  $76^{\circ} 15' 00''$  W; running  $277^{\circ}$

(M) to a point on the west shore  $35^{\circ} 23' 09''$  N -  $76^{\circ} 15' 12''$  W;

(B) Rattlesnake Creek, west of a line beginning at a point on the north shore  $35^{\circ} 22' 55''$  N -  $76^{\circ} 15' 10''$  W; running  $211^{\circ}$

(M) to a point on the south shore  $35^{\circ} 22' 50''$  N -  $76^{\circ} 15' 21''$  W;

(C) Buck Creek, east of a line beginning at a point on the south shore  $35^{\circ} 21' 22''$  N -  $76^{\circ} 13' 46''$  W; running  $328^{\circ}$  (M) to a point on the north shore  $35^{\circ} 21' 29''$  N -  $76^{\circ} 13' 51''$  W;

(D) Laurel Creek, east of a line beginning at a point on the north shore  $35^{\circ} 20' 38''$  N -  $76^{\circ} 13' 21''$  W; running  $170^{\circ}$  (M) to a point on the south shore  $35^{\circ} 20' 36''$  N -  $76^{\circ} 13' 22''$  W;

(8) **Swanquarter Bay:**

(A) Oyster Creek, east of a line beginning at a point on the north shore  $35^{\circ} 23' 06''$  N -  $76^{\circ} 18' 58''$  W; running  $187^{\circ}$  (M) to a point on the south shore  $35^{\circ} 22' 00''$  N -  $76^{\circ} 18' 58''$  W;

(B) Upper Swanquarter Bay, north of a line beginning on the east shore and running  $270^{\circ}$  (M) through Day Marker No. 7 to the west shore;

(C) **Coffee Bay:**

(i) Upper Coffee Bay (Haulover), east of a line beginning at a point on the south shore  $35^{\circ} 21' 43''$  N -  $76^{\circ} 17' 25''$  W; running  $320^{\circ}$  (M) to a point on the north shore  $35^{\circ} 21' 52''$  N -  $76^{\circ} 17' 26''$  W and west of a line at Juniper Bay beginning on the south shore  $35^{\circ} 21' 58''$  N -  $76^{\circ} 15' 36''$  W; running  $008^{\circ}$  (M) to a point on the north shore  $35^{\circ} 22' 05''$  N -  $76^{\circ} 15' 35''$  W;

(ii) Unnamed tributary, north of a line beginning at a point on the east shore  $35^{\circ} 22' 05''$  N -  $76^{\circ} 18' 12''$  W; running  $288^{\circ}$  (M) to a point on the west shore  $35^{\circ} 22' 00''$  N -  $76^{\circ} 18' 28''$  W;

(9) **Rose Bay:**

(A) Rose Bay, north of a line beginning at a point on Watch Point  $35^{\circ} 26' 52''$  N -  $76^{\circ} 25' 02''$  W; running  $272^{\circ}$  (M) to Channel Marker No. 6; thence  $218^{\circ}$  (M) to a point on the west shore  $35^{\circ} 26' 40''$  N -  $76^{\circ} 25' 30''$  W;

(B) Island Point Creek, west of a line beginning at a point on the north shore  $35^{\circ} 25' 50''$  N -  $76^{\circ} 25' 06''$  W; running  $151^{\circ}$

(M) to a point on the south shore  $35^{\circ} 25' 51''$  N -  $76^{\circ} 25' 00''$  W;

(C) Tooley Creek, west of a line beginning on the north shore  $35^{\circ} 25' 26''$  N -  $76^{\circ} 25' 30''$  W; running  $187^{\circ}$  (M) to a point on the south shore  $35^{\circ} 25' 09''$  N -  $76^{\circ} 25' 30''$  W;

(D) Broad Creek, east of a line beginning at a point on the south shore  $35^{\circ} 23' 51''$  N -  $76^{\circ} 23' 31''$  W; running  $023^{\circ}$  (M) to a point  $35^{\circ} 24' 15''$  N -  $76^{\circ} 26' 10''$  W; thence  $080^{\circ}$  to a point  $35^{\circ} 24' 18''$  N -  $76^{\circ} 25' 57''$  W;

(E) Lightwood Snag Bay, west and north of a line beginning at a point on the south shore  $35^{\circ} 23' 51''$  N -  $76^{\circ} 26' 18''$  W; running  $023^{\circ}$  (M) to a point  $35^{\circ} 24' 15''$  N -  $76^{\circ} 26' 10''$  W; thence  $080^{\circ}$  (M) to a point  $35^{\circ} 24' 18''$  N -  $76^{\circ} 25' 57''$  W;

(F) **Deep Bay:**

(i) Old Haulover, north of a line beginning at a point on the west shore  $35^{\circ} 23' 00''$  N -  $76^{\circ} 22' 52''$  W; running  $101^{\circ}$  (M) to a point on the east shore  $35^{\circ} 23' 09''$  N -  $76^{\circ} 22' 46''$  W;

(ii) Drum Cove (Stinking Creek), south of a line beginning at a point on the west shore  $35^{\circ} 22' 32''$  N -  $76^{\circ} 24' 11''$  W; running  $122^{\circ}$  (M) to a point on the east shore  $35^{\circ} 22' 26''$  N -  $76^{\circ} 24' 28''$  W;

(G) Eastern tributaries (Cedar Hammock and Long Creek), east of a line beginning at a point on the north shore  $35^{\circ} 24' 53''$  N -  $76^{\circ} 23' 12''$  W; running  $206^{\circ}$  (M) to a point on the south shore  $35^{\circ} 24' 39''$  N -  $76^{\circ} 23' 18''$  W;

(10) **Spencer Bay:**

(A) Germantown Bay and its tributaries, northeast of a line beginning at a point on the northwest shore  $35^{\circ} 24' 50''$  N -  $76^{\circ} 27' 16''$  W; running  $158^{\circ}$  (M) to a point on the southeast shore  $35^{\circ} 24' 30''$  N -  $76^{\circ} 27' 11''$  W; Swan Creek, southeast of a line beginning at a point on the north shore  $35^{\circ} 24' 30''$  N -  $76^{\circ} 27' 11''$  W; running  $231^{\circ}$  (M) to a point on the south shore  $35^{\circ} 24' 24''$  N -  $76^{\circ} 27' 17''$  W;

(B) Jenette Creek, west of a line beginning at a point on the north shore  $35^{\circ} 24' 30''$  N -  $76^{\circ} 27' 10''$  W; running  $204^{\circ}$  (M) to a point on the south shore  $35^{\circ} 24' 25''$  N -  $76^{\circ} 27' 10''$  W;

(C) Ditch Creek, west of a line beginning at a point on the north shore  $35^{\circ} 24' 11''$  N -  $76^{\circ} 27' 51''$  W; running  $224^{\circ}$  (M) to a point on the south shore  $35^{\circ} 24' 05''$  N -  $76^{\circ} 27' 50''$  W;

- (D) Upper Spencer Bay, northwest of a line beginning at a point on the south shore  $35^{\circ} 24' 00''$  N -  $76^{\circ} 28' 48''$  W; running  $028^{\circ}$  (M) to a point on the north shore  $35^{\circ} 24' 23''$  N -  $76^{\circ} 28' 36''$  W;
- (E) Swan Creek, east of a line beginning at a point on the south  $35^{\circ} 23' 51''$  N -  $76^{\circ} 27' 26''$  W; running  $018^{\circ}$  (M) to a point on the north shore  $35^{\circ} 24' 02''$  N -  $76^{\circ} 27' 25''$  W;
- (F) Unnamed tributary, west of a line beginning at a point on the south shore  $35^{\circ} 23' 21''$  N -  $76^{\circ} 28' 37''$  W; running  $306^{\circ}$  (M) to a point on the north shore  $35^{\circ} 23' 25''$  N -  $76^{\circ} 28' 46''$  W;
- (G) Unnamed tributary, west of a line beginning on the south shore  $35^{\circ} 23' 04''$  N -  $76^{\circ} 28' 36''$  W; running  $016^{\circ}$  (M) to a point on the north shore  $35^{\circ} 23' 08''$  N -  $76^{\circ} 28' 35''$  W;
- (H) Unnamed tributaries, northwest of a line beginning at a point on the north shore  $35^{\circ} 23' 45''$  N -  $76^{\circ} 28' 38''$  W; running  $234^{\circ}$  (M) to a point on the south shore  $35^{\circ} 23' 30''$  N -  $76^{\circ} 28' 48''$  W;
- (I) Long Creek, north of a line beginning at a point on the west shore  $35^{\circ} 22' 26''$  N -  $76^{\circ} 20' 00''$  W; running  $110^{\circ}$  (M) to a point on the east shore  $35^{\circ} 22' 21''$  N -  $76^{\circ} 28' 40''$  W;
- (J) Willow Creek, east of a line beginning at a point on the north shore  $35^{\circ} 23' 06''$  N -  $76^{\circ} 28' 54''$  W; running  $137^{\circ}$  (M) to a point on the south shore  $35^{\circ} 23' 01''$  N -  $76^{\circ} 28' 45''$  W;
- (K) Abels Bay, above a line beginning at a point on the west shore  $35^{\circ} 24' 04''$  N -  $76^{\circ} 30' 24''$  W; running  $132^{\circ}$  (M) to a point on the east shore  $35^{\circ} 23' 57''$  N -  $76^{\circ} 30' 00''$  W; thence  $204^{\circ}$  (M) to a point on the south shore  $35^{\circ} 23' 40''$  N -  $76^{\circ} 30' 14''$  W;
- (L) Crooked Creek, north of a line beginning at a point on the east shore  $35^{\circ} 24' 24''$  N -  $76^{\circ} 32' 04''$  W; running  $282^{\circ}$  (M) to a point on the west shore  $35^{\circ} 24' 27''$  N -  $76^{\circ} 32' 14''$  W.
- (c) In the Pungo River Area
- (1) Fortescue Creek:
- (A) Headwaters of Fortescue Creek, south-east of a line beginning at a point on the southwest shore  $35^{\circ} 25' 26''$  N -  $76^{\circ} 30' 42''$  W; running  $060^{\circ}$  (M) to a point on the northeast shore  $35^{\circ} 25' 30''$  N -  $76^{\circ} 30' 33''$  W;
- (B) Warner Creek, north of a line from a point on the east shore  $35^{\circ} 26' 18''$  N -  $76^{\circ} 31' 30''$  W; running  $262^{\circ}$  (M) to a point on the west shore  $35^{\circ} 26' 16''$  N -  $76^{\circ} 31' 36''$  W;
- (C) Island Creek, north of a line beginning at a point on the west shore  $35^{\circ} 26' 04''$  N -  $76^{\circ} 32' 22''$  W; running  $093^{\circ}$  (M) to a point on the east shore  $35^{\circ} 26' 06''$  N -  $76^{\circ} 32' 18''$  W;
- (D) Dixon Creek, south of a line beginning at a point above Lupton Point  $35^{\circ} 25' 34''$  N -  $76^{\circ} 31' 54''$  W; running  $270^{\circ}$  (M) to a point on the west shore  $35^{\circ} 25' 35''$  N -  $76^{\circ} 31' 44''$  W;
- (E) Pasture Creek, north of a line beginning at a point on the east shore  $35^{\circ} 26' 00''$  N -  $76^{\circ} 31' 54''$  W; running  $277^{\circ}$  (M) to a point above Pasture Point  $35^{\circ} 26' 00''$  N -  $76^{\circ} 31' 57''$  W;
- (F) All tributaries on the northeast shore of lower Fortescue Creek, northeast of a line beginning at a point  $35^{\circ} 26' 05''$  N -  $76^{\circ} 31' 12''$  W; running  $135^{\circ}$  (M) to a point  $35^{\circ} 25' 36''$  N -  $76^{\circ} 30' 36''$  N;
- (2) Slade Creek:
- (A) Slade Creek, south of a line beginning at a point above Jones Creek  $35^{\circ} 27' 56''$  N -  $76^{\circ} 30' 41''$  W; running  $102^{\circ}$  (M) to a point on the north shore  $35^{\circ} 27' 54''$  N -  $76^{\circ} 30' 33''$  W;
- (B) Jarvis Creek, northeast of a line beginning at a point on the southeastern shore  $35^{\circ} 28' 11''$  N -  $76^{\circ} 30' 51''$  W; running  $325^{\circ}$  (M) to a point  $35^{\circ} 28' 15''$  N -  $76^{\circ} 30' 56''$  W;
- (C) Jones Creek, south of a line beginning at a point on the east shore  $35^{\circ} 27' 56''$  N -  $76^{\circ} 30' 53''$  W; running  $334^{\circ}$  (M) to a point on the west shore  $35^{\circ} 28' 00''$  N -  $76^{\circ} 30' 57''$  W;
- (D) Becky Creek, north of a line beginning at a point on the east shore  $35^{\circ} 28' 42''$  N -  $76^{\circ} 31' 37''$  W; running  $277^{\circ}$  (M) to a point on the west shore  $35^{\circ} 28' 42''$  N -  $76^{\circ} 31' 40''$  W;
- (E) Neal Creek, north of a line beginning at a point on the east shore  $35^{\circ} 28' 40''$  N -  $76^{\circ} 31' 40''$  W; running  $275^{\circ}$  (M) to a point on the west shore  $35^{\circ} 28' 48''$  N -  $76^{\circ} 31' 54''$  W;
- (F) Wood Creek, north of a line beginning at a point on the east shore  $35^{\circ} 28' 38''$  N -  $76^{\circ} 32' 22''$  W; running  $277^{\circ}$  (M) to a point on the west shore  $35^{\circ} 28' 38''$  N -  $76^{\circ} 32' 30''$  W;
- (G) Spellman Creek, north of a line beginning at a point on the east shore  $35^{\circ} 28' 44''$  N -  $76^{\circ} 32' 42''$  W; running  $215^{\circ}$  (M) to a point on the west shore  $35^{\circ} 28' 43''$  N -  $76^{\circ} 32' 44''$  W;



- (H) Speer Creek, east of a line beginning at a point on the north shore  $35^{\circ} 27' 58''$  N -  $76^{\circ} 32' 21''$  W; running  $207^{\circ}$  (M) to a point on the south shore  $35^{\circ} 27' 55''$  N -  $76^{\circ} 32' 21''$  W;
- (I) Church Creek and Speer Gut, east of a line beginning at a point on the northeast shore  $35^{\circ} 27' 35''$  N -  $76^{\circ} 32' 46''$  W; running  $228^{\circ}$  (M) to a point on the southwest shore  $35^{\circ} 27' 33''$  N -  $76^{\circ} 32' 52''$  W;
- (J) Allison and Foeman Creek, south of a line beginning at a point on Pamlico Point  $35^{\circ} 27' 15''$  N -  $76^{\circ} 33' 07''$  W; running  $286^{\circ}$  (M) to a point on the southwest shore  $35^{\circ} 27' 18''$  N -  $76^{\circ} 33' 12''$  W;
- (K) Pungo Creek, Vales Creek, north of a line beginning at a point on the southwest shore  $35^{\circ} 30' 52''$  N -  $76^{\circ} 38' 51''$  W; running  $051^{\circ}$  (M) to a point on the northeast shore  $35^{\circ} 31' 01''$  N -  $76^{\circ} 38' 52''$  W;
- (L) Battalina and Tooleys Creeks, northwest of a line beginning at a point on the north shore  $35^{\circ} 32' 21''$  N -  $76^{\circ} 36' 12''$  W; running  $226^{\circ}$  (M) to a point on the south shore  $35^{\circ} 32' 02''$  N -  $76^{\circ} 36' 24''$  W;
- (M) In the Pamlico River Area
- (1) North Creek:
- (A) North Creek, north of a line beginning at a point on the west shore  $35^{\circ} 25' 35''$  N -  $76^{\circ} 40' 06''$  W; running  $018^{\circ}$  (M) to a point on the east shore  $35^{\circ} 25' 40''$  N -  $76^{\circ} 40' 01''$  W;
- (B) East Fork, northeast of a line beginning at a point on the northwest shore  $35^{\circ} 25' 18''$  N -  $76^{\circ} 30' 01''$  W; running  $111^{\circ}$  (M) to a point on the southeast shore  $35^{\circ} 25' 13''$  N -  $76^{\circ} 30' 00''$  W;
- (C) Frying Pan Creek, east of a line beginning at a point on Chambers Point  $35^{\circ} 24' 51''$  N -  $76^{\circ} 30' 48''$  W; running  $051^{\circ}$  (M) to a point on the north shore  $35^{\circ} 25' 00''$  N -  $76^{\circ} 30' 33''$  W;
- (D) Little East Creek, west of a line beginning at a point on Cousin Point  $35^{\circ} 25' 00''$  N -  $76^{\circ} 40' 26''$  W; running  $028^{\circ}$  (M) to a point on the north shore  $35^{\circ} 25' 08''$  N -  $76^{\circ} 40' 22''$  W;
- (2) Goose Creek:
- (A) Creek north of Bostie Point, west of a line beginning at a point on the north shore  $35^{\circ} 10' 57''$  N -  $76^{\circ} 37' 37''$  W; running  $170^{\circ}$  (M) to a point on the south shore  $35^{\circ} 10' 51''$  N -  $76^{\circ} 37' 31''$  W;
- (B) Upper Spring Creek, east of a line beginning at a point on the north shore  $35^{\circ} 16' 20''$  N -  $76^{\circ} 35' 56''$  W; running  $130^{\circ}$  (M) to a point on the south shore  $35^{\circ} 16' 14''$  N -  $76^{\circ} 35' 48''$  W;
- (C) Fartham Creek:
- (i) Slade Landing Creek, south of a line beginning at a point on the west shore  $35^{\circ} 17' 32''$  N -  $76^{\circ} 35' 50''$  W; running  $130^{\circ}$  (M) to a point on the east shore  $35^{\circ} 17' 29''$  N -  $76^{\circ} 35' 51''$  W;
- (ii) Mallard Creek, north of a line beginning at a point on the west shore  $35^{\circ} 17' 40''$  N -  $76^{\circ} 36' 00''$  W; running  $122^{\circ}$  (M) to a point on the east shore  $35^{\circ} 17' 47''$  N -  $76^{\circ} 36' 01''$  W;
- (D) Dixon Creek, east of a line beginning at a point on the north shore  $35^{\circ} 18' 53''$  N -  $76^{\circ} 36' 37''$  W; running  $205^{\circ}$  (M) to a point on the south shore  $35^{\circ} 18' 37''$  N -  $76^{\circ} 36' 42''$  W;
- (3) Oyster Creek, Middle Prong:
- (A) Oyster Creek, west of a line beginning at a point on the north shore  $35^{\circ} 10' 29''$  N -  $76^{\circ} 34' 02''$  W; running  $166^{\circ}$  (M) to a point on the south shore  $35^{\circ} 10' 25''$  N -  $76^{\circ} 34' 00''$  W;
- (B) Duck Creek, south of a line beginning at a point on the west shore  $35^{\circ} 10' 06''$  N -  $76^{\circ} 33' 18''$  W; running  $055^{\circ}$  (M) to a point on the east shore  $35^{\circ} 10' 10''$  N -  $76^{\circ} 33' 12''$  W;
- (C) James Creek, southwest of a line beginning at a point on the north shore  $35^{\circ} 18' 36''$  N -  $76^{\circ} 32' 20''$  W; running  $136^{\circ}$  (M) to a point on the southeast shore  $35^{\circ} 18' 28''$  N -  $76^{\circ} 32' 05''$  W;
- (D) Middle Prong, south of a line beginning at a point on the west shore  $35^{\circ} 17' 50''$  N -  $76^{\circ} 32' 06''$  W; running  $111^{\circ}$  (M) to a point on the east shore  $35^{\circ} 17' 43''$  N -  $76^{\circ} 31' 57''$  W;
- (E) Clark Creek, southeast of a line beginning at a point on the southwest shore  $35^{\circ} 18' 06''$  N -  $76^{\circ} 31' 12''$  W; running  $056^{\circ}$  (M) to a point on the northeast shore  $35^{\circ} 18' 12''$  N -  $76^{\circ} 31' 06''$  W;
- (e) In the Western Pamlico Sound Area
- (1) Mouse Harbor:
- (A) Long Creek, north of a line beginning at a point on the west shore  $35^{\circ} 18' 26''$  N -  $76^{\circ} 20' 48''$  W; running  $070^{\circ}$  (M) to a point on the east shore  $35^{\circ} 18' 30''$  N -  $76^{\circ} 20' 37''$  W;
- (B) Small tributary east of Long Creek, northeast of a line beginning at a point on the west shore  $35^{\circ} 18' 31''$  N -  $76^{\circ} 20' 13''$  W; running  $137^{\circ}$  (M) to a point on the east shore  $35^{\circ} 18' 28''$  N -  $76^{\circ} 20' 10''$  W;

- (C) Cedar Creek and adjacent tributary, south of a line beginning at a point on the west shore  $35^{\circ} 16' 51''$  N -  $76^{\circ} 29' 53''$  W; running  $136^{\circ}$  (M) to a point on the east shore  $35^{\circ} 16' 39''$  N -  $76^{\circ} 29' 31''$  W;
- (2) Big Porpoise Bay, west of a line beginning at a point on the north shore  $35^{\circ} 15' 44''$  N -  $76^{\circ} 29' 29''$  W; running  $154^{\circ}$  (M) to a point on the south shore  $35^{\circ} 15' 38''$  N -  $76^{\circ} 29' 22''$  W;
- (3) Middle Bay, west of a line beginning at a point on the south shore  $35^{\circ} 14' 22''$  N -  $76^{\circ} 31' 14''$  W; running  $055^{\circ}$  (M) to a point on the north shore  $35^{\circ} 14' 36''$  N -  $76^{\circ} 30' 50''$  W;
- Little Oyster Creek, north of a line beginning at a point on the west shore  $35^{\circ} 14' 28''$  N -  $76^{\circ} 30' 11''$  W; running  $071^{\circ}$  (M) to a point on the east shore  $35^{\circ} 14' 35''$  N -  $76^{\circ} 29' 59''$  W;
- (4) Jones Bay, west of the IWW:
- (A) Lambert Creek, west of a line beginning at a point on the south shore  $35^{\circ} 13' 49''$  N -  $76^{\circ} 34' 20''$  W; running  $016^{\circ}$  (M) to a point on the north shore  $35^{\circ} 13' 50''$  N -  $76^{\circ} 34' 19''$  W;
- (B) Ditch Creek, south of a line beginning at a point on the west shore  $35^{\circ} 13' 21''$  N -  $76^{\circ} 33' 40''$  W; running  $115^{\circ}$  (M) to a point on the east shore  $35^{\circ} 13' 14''$  N -  $76^{\circ} 33' 14''$  W;
- (C) Drum Creek, north of a line beginning at a point on the west shore  $35^{\circ} 14' 10''$  N -  $76^{\circ} 33' 17''$  W; running  $116^{\circ}$  (M) to a point on the east shore  $35^{\circ} 14' 08''$  N -  $76^{\circ} 33' 05''$  W;
- (D) Two small tributaries on the south shore at the mouth of Jones Bay, south of a line beginning at a point on the west shore  $35^{\circ} 12' 26''$  N -  $76^{\circ} 31' 46''$  W; running  $104^{\circ}$  (M) to a point on the east shore  $35^{\circ} 12' 20''$  N -  $76^{\circ} 31' 16''$  W;
- (f) In the Bay River Area:
- (1) Mason Creek, southeast of a line beginning at a point on the southwest shore  $35^{\circ} 08' 10''$  N -  $76^{\circ} 41' 30''$  W; running  $041^{\circ}$  (M) to a point on the east shore  $35^{\circ} 08' 15''$  N -  $76^{\circ} 41' 34''$  W;
- (2) Moore Creek, southeast of a line beginning at a point on the southwest shore  $35^{\circ} 08' 52''$  N -  $76^{\circ} 40' 48''$  W; running  $022^{\circ}$  (M) to a point on the north shore  $35^{\circ} 08' 58''$  N -  $76^{\circ} 40' 15''$  W;
- (3) Small tributaries from Bell Point to Ball Creek, southwest of a line beginning at a point on the northwest shore  $35^{\circ} 09' 57''$  N -  $76^{\circ} 39' 26''$  W; running  $128^{\circ}$  (M) to a point on the southeast shore  $35^{\circ} 09' 45''$  N -  $76^{\circ} 38' 54''$  W;
- (4) Ball Creek-Cabin Creek, south of a line beginning at a point on the west shore  $35^{\circ} 09' 39''$  N -  $76^{\circ} 38' 01''$  W; running  $116^{\circ}$  (M) to a point on the east shore  $35^{\circ} 09' 34''$  N -  $76^{\circ} 37' 38''$  W;
- (5) Bonner Bay:
- (A) Riggs Creek, west of a line beginning at a point on the north shore  $35^{\circ} 09' 24''$  N -  $76^{\circ} 36' 15''$  W; running  $156^{\circ}$  (M) to a point on the south shore  $35^{\circ} 09' 13''$  N -  $76^{\circ} 36' 07''$  W;
- (B) Spring Creek, west of a line beginning at a point on the north shore  $35^{\circ} 08' 29''$  N -  $76^{\circ} 36' 13''$  W; running  $165^{\circ}$  (M) to a point on the south shore  $35^{\circ} 08' 20''$  N -  $76^{\circ} 36' 07''$  W;
- (C) Bryan Creek, south of a line beginning at a point on the west shore  $35^{\circ} 08' 22''$  N -  $76^{\circ} 35' 53''$  W; running  $069^{\circ}$  (M) to a point on the east shore  $35^{\circ} 08' 25''$  N -  $76^{\circ} 35' 43''$  W;
- (D) Dipping Vat Creek, east of a line beginning at a point on the north shore  $35^{\circ} 09' 17''$  N -  $76^{\circ} 34' 21''$  W; running  $164^{\circ}$  (M) to a point on the south shore  $35^{\circ} 09' 09''$  N -  $76^{\circ} 34' 18''$  W;
- (E) Long Creek, south of a line beginning at a point on the west shore  $35^{\circ} 08' 12''$  N -  $76^{\circ} 34' 38''$  W; running  $098^{\circ}$  (M) to a point on the east shore  $35^{\circ} 08' 12''$  N -  $76^{\circ} 34' 30''$  W;
- (F) Small tributary off Long Creek, west of a line beginning at a point on the north shore  $35^{\circ} 08' 30''$  N -  $76^{\circ} 34' 42''$  W; running  $164^{\circ}$  (M) to a point on the south shore  $35^{\circ} 08' 24''$  N -  $76^{\circ} 34' 38''$  W;
- (6) Rock Hole Bay, northeast of a line beginning at a point on the west shore  $35^{\circ} 11' 39''$  N -  $76^{\circ} 32' 36''$  W; running  $150^{\circ}$  (M) to a point on the east shore  $35^{\circ} 11' 16''$  N -  $76^{\circ} 32' 15''$  W;
- (7) Dump Creek, north of a line beginning at a point on the west shore  $35^{\circ} 11' 42''$  N -  $76^{\circ} 33' 27''$  W; running  $057^{\circ}$  (M) to a point on the east shore  $35^{\circ} 11' 48''$  N -  $76^{\circ} 33' 20''$  W;
- (8) Tributaries east of IWW at Gales Creek, east of a line beginning at a point on the north shore of the northern tributary  $35^{\circ} 12' 54''$  N -  $76^{\circ} 35' 29''$  W; running  $158^{\circ}$  (M) to a point on the south shore of the southern tributary  $35^{\circ} 12' 22''$  N -  $76^{\circ} 35' 06''$  W;
- (9) Gales Creek and adjacent tributary, west of a line beginning at a point on the north shore of Gales Creek  $35^{\circ} 12' 55''$  N -  $76^{\circ}$



- 35° 46' W; running 160° (M) to a point on the south shore of adjacent creek 35° 12' 27" N - 76° 35' 25" W;
- (10) Chadwick Creek and No Jacket Creek, north of a line beginning at a point on the west shore 35° 11' 58" N - 76° 35' 56" W; running 070° (M) to a point on the east shore 35° 12' 01" N - 76° 35' 33" W;
- (11) Bear Creek, north of a line beginning at a point on the west shore 35° 11' 35" N - 76° 36' 22" W; running 037° (M) to a point on the east shore 35° 11' 41" N - 76° 36' 15" W;
- (12) Little Bear Creek, north of a line beginning at a point on the west shore 35° 11' 06" N - 76° 36' 20" W; running 015° (M) to a point on the east shore 35° 11' 16" N - 76° 36' 07" W;
- (13) All small tributaries to Bay River from Petty Point to Sanders Point, closed at mouth;
- (14) In Vandemere Creek:
- (A) Cedar Creek, north of a line beginning at a point on the west shore 35° 11' 13" N - 76° 30' 36" W; running 078° (M) to a point on the east shore 35° 11' 14" N - 76° 30' 32" W;
- (B) Long Creek, east of a line beginning at a point on the north shore 35° 11' 27" N - 76° 38' 40" W; running 177° (M) to a point on the south shore 35° 11' 23" N - 76° 38' 48" W;
- (C) Little Vandemere Creek, north of a line beginning at a point on the west shore 35° 12' 07" N - 76° 30' 17" W; running 120° (M) to a point on the east shore 35° 12' 06" W - 76° 30' 14" W;
- (15) Smith Creek, north of a line beginning at a point on the west shore 35° 10' 22" N - 76° 40' 15" W; running 054° (M) to a point on the east shore 35° 10' 27" N - 76° 40' 13" W;
- (16) Harper Creek, west of a line beginning at a point on the south shore 35° 00' 00" N - 76° 41' 54" W; running 024° (M) to a point on the north shore 35° 00' 15" N - 76° 41' 54" W;
- (17) Chapel Creek, north of a line beginning at a point on the west shore 35° 08' 56" N - 76° 42' 52" W; running 076° (M) to a point on the east shore 35° 08' 58" N - 76° 42' 48" W;
- (18) Swindell Bay, south of a line beginning at a point on the west shore 35° 08' 16" N - 76° 42' 37" W; running 135° (M) to a point on the east shore 35° 08' 13" N - 76° 42' 50" W;
- (19) In the Neuse River Area North Shore
- (1) Swan Creek, west of a line beginning at a point on the north shore 35° 06' 46" N - 76° 33' 41" W; running 042° (M) to a point on the south shore 35° 06' 18" N - 76° 34' 02" W;
- (2) Broad Creek:
- (A) Greens Creek, east of a line beginning at a point on the north shore 35° 06' 05" N - 76° 35' 28" W; running 154° (M) to a point on the south shore 35° 06' 00" N - 76° 35' 24" W;
- (B) Pittman Creek, north of a line beginning at a point on the west shore 35° 05' 48" N - 76° 36' 10" W; running 068° (M) to a point on the east shore 35° 05' 54" N - 76° 36' 02" W;
- (C) Burton Creek, west of a line beginning at a point on the south shore 35° 05' 37" N - 76° 36' 32" W; running 034° (M) to a point on the north shore 35° 05' 43" N - 76° 36' 30" W;
- (D) All small tributaries on the north shore of Broad Creek, north of a line beginning at a point on the west shore of the western most tributary 35° 05' 38" N - 76° 37' 40" W; running 100° (M) to a point on the east shore of the eastern most tributary 35° 05' 27" N - 76° 36' 17" W;
- (E) Brown Creek, northwest of a line beginning at a point on the southwest shore 35° 05' 30" N - 76° 37' 54" W; running 032° (M) to a point on the northeast shore 35° 05' 37" N - 76° 37' 48" W;
- (F) Broad Creek including Gideon Creek, west of a line beginning at a point on the south shore 35° 05' 18" N - 76° 37' 40" W; running 043° (M) to a point on the north shore 35° 05' 30" N - 76° 37' 54" W;
- (G) Tar Creek, south of a line beginning at a point on the west shore 35° 05' 15" N - 76° 37' 36" W; running 007° (M) to a point on the east shore 35° 05' 15" N - 76° 37' 30" W;
- (H) Small tributaries east of Tar Creek, south of a line beginning at a point on the west shore of the western tributary 35° 05' 18" N - 76° 37' 03" W; running 106° (M) to a point on the east shore of the eastern tributary 35° 05' 14" N - 76° 36' 27" W;
- (I) Mill Creek and Cedar Creek, south of a line beginning at a point on the west shore of Mill Creek 35° 05' 26" N - 76° 36' 02" W; running 100° (M) to a point on the east shore of the eastern tributary 35° 05' 22" N - 76° 35' 36" W;
- (J) Orchard Creek north of a line beginning at a point on the west shore 35° 03' 24" N - 76° 38' 40" W; running 177° (M) to a point on the south shore 35° 03' 23" N - 76° 38' 48" W;



- N - 76° 38' 26" W; running 061° (M) to a point on the east shore 35° 03' 37" N - 76° 37' 58" W;
- (4) Pierce Creek, north of a line beginning at a point on the west shore 35° 02' 29" N - 76° 40' 07" W; running 083° (M) to a point on the east shore 35° 02' 31" N - 76° 40' 01" W;
- (5) Whittaker Creek, north of a line beginning at a point on the west shore 35° 01' 37" N - 76° 41' 12" W; running 095° (M) to a point on the east shore 35° 01' 37" N - 76° 40' 58" W;
- (6) Oriental:
- (A) Smith and Morris Creek, north of a line beginning at a point on the west shore 35° 02' 15" N - 76° 42' 10" W; running 006° (M) to a point on the east shore 35° 02' 16" N - 76° 42' 12" W;
- (B) Tributary off Smith Creek west, west of a line beginning at a point on the north shore 35° 02' 10" N - 76° 42' 10" W; running 186° (M) to a point on the south shore 35° 02' 08" N - 76° 42' 10" W;
- (C) Tributary off Smith Creek, east, east of a line beginning at a point on the south shore 35° 02' 06" N - 76° 42' 12" W; running 026° (M) to a point on the north shore 35° 02' 08" N - 76° 42' 11" W;
- (D) Creek west of Dewey Point, north of a line beginning at a point on the west shore 35° 01' 34" N - 76° 42' 35" W; running 010° (M) to a point on the west shore 35° 01' 36" N - 76° 42' 32" W;
- (E) Two tributaries on the south shore of Greens Creek, south of a line beginning at a point on the west shore of the western creek 35° 01' 24" N - 76° 42' 40" W; running 110° (M) to a point on the east shore of the eastern creek 35° 01' 10" N - 76° 42' 27" W;
- (F) Greens Creek, west of a line beginning at a point on the north shore 35° 01' 34" N - 76° 43' 02" W; running 151° (M) to a point on the south shore 35° 01' 28" N - 76° 42' 57" W;
- (G) Kershaw Creek, north of a line beginning at a point on the west shore 35° 01' 34" N - 76° 43' 02" W; running 070° (M) to a point on the east shore 35° 01' 38" N - 76° 42' 53" W;
- (H) Windmill Point, southwest of a line beginning at a point on the northwest shore 35° 01' 11" N - 76° 42' 18" W; running 130° (M) to a point on the southeast shore 35° 01' 00" N - 76° 42' 14" W;
- (h) In the Neuse River Area South Shore
- (1) Clubfoot Creek, south of a line beginning at a point on the west shore 34° 52' 15" N - 76° 45' 48" W; running 005° (M) to a point on the east shore 34° 52' 15" N - 76° 45' 36" W;
- (A) Mitchell Creek, west of a line beginning at a point on the south shore 34° 54' 15" N - 76° 45' 51" W; running 021° (M) to a point on the north shore 34° 54' 25" N - 76° 45' 48" W;
- (B) Gulden Creek, east of a line beginning at a point on the south shore 34° 54' 01" N - 76° 45' 34" W; running 032° (M) to a point on the north shore 34° 54' 12" N - 76° 45' 29" W;
- (2) Adams Creek:
- (A) Godfrey Creek, southwest of a line beginning at a point on the northwest shore 34° 57' 18" N - 76° 41' 08" W; running 151° (M) to a point on the south shore 34° 57' 16" N - 76° 41' 05" W;
- (B) Delamar Creek, southwest of a line beginning at a point on the northwest shore 34° 57' 02" N - 76° 40' 45" W; running 138° (M) to a point on the south shore 34° 57' 00" N - 76° 40' 43" W;
- (C) Kellum Creek, west of a line beginning at a point on the north shore 34° 55' 28" N - 76° 30' 50" W; running 160° (M) to a point on the south shore 34° 55' 25" N - 76° 30' 50" W;
- (D) Kearney Creek and unnamed tributary north, west of a line beginning at a point on the north shore of the north creek 34° 55' 00" N - 76° 40' 00" W; running 191° (M) to a point on the south shore of Kearney Creek 34° 54' 58" N - 76° 40' 01" W;
- (E) Isaac Creek, southeast of a line beginning at a point on the west shore 34° 54' 16" N - 76° 40' 07" W; running 102° (M) to a point on the east shore 34° 54' 15" N - 76° 40' 02" W;
- (F) Back Creek, south of a line beginning at a point on the west shore 34° 54' 33" N - 76° 30' 43" W; running 050° (M) to a point on the east shore 34° 54' 38" N - 76° 30' 33" W;
- (G) Cedar Creek, south of a line beginning at a point on the west shore 34° 55' 45" N - 76° 38' 38" W; running 095° (M) to a point on the east shore 34° 55' 45" N - 76° 38' 32" W;
- (H) Jonaquitt Creek, north of a line beginning at a point on the west shore 34° 56' 06" N - 76° 38' 32" W; running 095° (M) to a point on the east shore 34° 56' 06" N - 76° 38' 30" W;

- (4) Dumping Creek, east of a line beginning at a point on the north shore  $31^{\circ} 56' 54''$  N -  $76^{\circ} 30' 33''$  W; running  $142^{\circ}$  (M) to a point on the south shore  $31^{\circ} 56' 52''$  N -  $76^{\circ} 30' 31''$  W;
- (5) Sandy Hurs Creek, north of a line beginning at a point on the west shore  $31^{\circ} 57' 11''$  N -  $76^{\circ} 30' 50''$  W; running  $116^{\circ}$  (M) to a point on the east shore  $31^{\circ} 57' 10''$  N -  $76^{\circ} 30' 43''$  W;
- (3) Guibacon Creek, south of a line beginning at a point on the west shore  $31^{\circ} 50' 00''$  N -  $76^{\circ} 38' 31''$  W; running  $007^{\circ}$  (M) to a point on the east shore  $31^{\circ} 50' 00''$  N -  $76^{\circ} 38' 30''$  W;
- (4) South River:
  - (A) Big Creek, southwest of a line beginning at a point on the northwest shore  $31^{\circ} 56' 55''$  N -  $76^{\circ} 35' 22''$  W; running  $160^{\circ}$  (M) to a point on the southeast shore  $35^{\circ} 56' 40''$  N -  $76^{\circ} 35' 16''$  W;
  - (B) Horton Bay, north of a line beginning at a point on the west shore  $31^{\circ} 50' 08''$  N -  $76^{\circ} 34' 41''$  W; running  $088^{\circ}$  (M) to a point on the west shore  $31^{\circ} 50' 41''$  N -  $76^{\circ} 34' 30''$  W;
- (5) Brown Creek, south of a line beginning at a point on the west shore  $31^{\circ} 50' 51''$  N -  $76^{\circ} 33' 31''$  W; running  $007^{\circ}$  (M) to a point on the east shore  $31^{\circ} 50' 51''$  N -  $76^{\circ} 33' 30''$  W;
- (6) Turnagain Bay:
  - (A) Abraham Bay, west of a line beginning at a point on the north shore  $35^{\circ} 00' 00''$  N -  $76^{\circ} 30' 48''$  W; running  $187^{\circ}$  (M) to a point on the south shore  $31^{\circ} 50' 50''$  N -  $76^{\circ} 30' 41''$  W;
  - (B) Broad Creek and adjacent tributary, west of a line from a point on the north shore  $31^{\circ} 50' 11''$  N -  $76^{\circ} 30' 26''$  W; running  $151^{\circ}$  (M) to a point on the south shore  $31^{\circ} 58' 57''$  N -  $76^{\circ} 30' 08''$  W;
  - (C) Mulberry Point Creek, Tump Creek and adjacent tributary, east of a line beginning at a point on the north shore  $35^{\circ} 00' 28''$  N -  $76^{\circ} 29' 47''$  W; running  $166^{\circ}$  (M) to a point on the south shore  $31^{\circ} 50' 40''$  N -  $76^{\circ} 29' 23''$  W;
  - (D) Deep Gut, east of a line beginning at a point on the north shore  $31^{\circ} 50' 35''$  N -  $76^{\circ} 29' 03''$  W; running  $156^{\circ}$  (M) to a point on the south shore  $31^{\circ} 50' 28''$  N -  $76^{\circ} 28' 58''$  W;
  - (E) Big Gut, southeast of a line beginning at a point on the north shore  $31^{\circ} 50' 04''$  N -  $76^{\circ} 28' 41''$  W; running  $210^{\circ}$  (M) to a point on the south shore  $31^{\circ} 58' 55''$  N -  $76^{\circ} 28' 41''$  W;

(i) West Bay; Long Bay Area

- (1) Fur Creek and Henrys Creek, west of a line beginning at a point on the north shore  $31^{\circ} 56' 33''$  N -  $76^{\circ} 27' 42''$  W; running  $156^{\circ}$  (M) to a point on the south shore  $31^{\circ} 56' 23''$  N -  $76^{\circ} 27' 28''$  W;
- (2) Cadduggen Creek, west of a line beginning at a point on the north shore  $31^{\circ} 56' 26''$  N -  $76^{\circ} 23' 50''$  W; running  $143^{\circ}$  (M) to a point on the south shore  $31^{\circ} 56' 47''$  N -  $76^{\circ} 23' 41''$  W;

(j) Core Sound Area

- (1) Cedar Island Bay, northwest of a line beginning at a point on the southwest shore  $31^{\circ} 50' 00''$  N -  $76^{\circ} 17' 58''$  W; running  $038^{\circ}$  (M) through Beacon No. 6 to a point on the northeast shore  $31^{\circ} 50' 45''$  N -  $76^{\circ} 17' 25''$  W;
- (2) Lewis Creek, north of a line beginning at a point on the west shore  $31^{\circ} 56' 56''$  N -  $76^{\circ} 16' 54''$  W; running  $007^{\circ}$  (M) to a point on the east shore  $31^{\circ} 56' 56''$  N -  $76^{\circ} 16' 51''$  W;
- (3) Thorofare Bay:
  - (A) Tributary off upper Thorofare Bay, southwest of a line beginning at a point on the northwest shore  $31^{\circ} 55' 27''$  N -  $76^{\circ} 21' 28''$  W; running  $132^{\circ}$  (M) to a point on the southeast shore  $31^{\circ} 55' 22''$  N -  $76^{\circ} 21' 16''$  W;
  - (B) Barry's Bay, west of a line beginning at a point on the north shore  $31^{\circ} 54' 30''$  N -  $76^{\circ} 20' 48''$  W; running  $155^{\circ}$  (M) to a point on the south shore  $31^{\circ} 54' 24''$  N -  $76^{\circ} 20' 35''$  W;
- (4) Nelson Bay:
  - (A) Willis Creek and Fulchers Creek, west of a line beginning at a point on the north shore of Willis Creek  $31^{\circ} 51' 06''$  N -  $76^{\circ} 24' 36''$  W; running  $104^{\circ}$  (M) to a point on the south shore of Fulchers Creek  $31^{\circ} 50' 11''$  N -  $76^{\circ} 24' 54''$  W;
  - (B) Lewis Creek, west of a line beginning at a point on the south shore  $31^{\circ} 51' 44''$  N -  $76^{\circ} 24' 40''$  W; running  $014^{\circ}$  (M) to a point on the north shore  $31^{\circ} 51' 54''$  N -  $76^{\circ} 24' 30''$  W;
- (5) Cedar Creek between Sea Level and Atlantic, west of a line beginning at a point on the south shore  $31^{\circ} 52' 00''$  N -  $76^{\circ} 22' 44''$  W; running  $007^{\circ}$  (M) to a point on the north shore  $31^{\circ} 52' 03''$  N -  $76^{\circ} 22' 44''$  W;
- (6) Oyster Creek, northwest of the Highway 70 bridge;
- (7) Jurett's Bay Area:
  - (A) Smyrna Creek, northwest of the Highway 70 bridge;

- (B) Ditch Cove and adjacent tributary; east of a line beginning at a point on the north shore  $34^{\circ} 48' 00''$  N -  $76^{\circ} 28' 26''$  W; running  $017^{\circ}$  (M) to a point on the south shore  $34^{\circ} 47' 35''$  N -  $76^{\circ} 28' 30''$  W;
- (C) Broad Creek; north of a line beginning at a point on the west shore  $34^{\circ} 47' 53''$  N -  $76^{\circ} 29' 18''$  W; running  $081^{\circ}$  (M) to a point on the east shore  $34^{\circ} 47' 58''$  N -  $76^{\circ} 28' 50''$  W;
- (D) Howland Creek; northwest of a line beginning at a point on the southwest shore  $34^{\circ} 47' 21''$  N -  $76^{\circ} 29' 53''$  W; running  $050^{\circ}$  (M) to a point on the northeast shore  $34^{\circ} 47' 26''$  N -  $76^{\circ} 29' 47''$  W;
- (E) Great Creek; southeast of a line beginning at a point on the southwest shore  $34^{\circ} 47' 08''$  N -  $76^{\circ} 29' 12''$  W; running  $053^{\circ}$  (M) to a point on the northeast shore  $34^{\circ} 47' 17''$  N -  $76^{\circ} 29' 02''$  W;
- (F) Williston Creek; northwest of the Highway 70 bridge;
- (G) Wade Creek; northwest of a line beginning at a point on the south shore  $34^{\circ} 46' 40''$  N -  $76^{\circ} 30' 22''$  W; running  $042^{\circ}$  (M) to a point on the north shore  $34^{\circ} 46' 17''$  N -  $76^{\circ} 30' 17''$  W;
- (H) Jump Run; north of a line beginning at a point on the west shore  $34^{\circ} 45' 31''$  N -  $76^{\circ} 30' 26''$  W; running  $007^{\circ}$  (M) to a point on the west shore  $34^{\circ} 45' 31''$  N -  $76^{\circ} 30' 21''$  W;
- (I) Middens Creek; west of a line beginning at a point on the south shore  $34^{\circ} 45' 23''$  N -  $76^{\circ} 30' 50''$  W; running  $007^{\circ}$  (M) to a point on the north shore  $34^{\circ} 45' 29''$  N -  $76^{\circ} 30' 50''$  W;
- (J) Tusk Creek; northwest of a line beginning at a point on the southwest shore  $34^{\circ} 44' 37''$  N -  $76^{\circ} 30' 47''$  W; running  $033^{\circ}$  (M) to a point on the north shore  $34^{\circ} 44' 48''$  N -  $76^{\circ} 30' 38''$  W;
- (K) Creek west of Bells Island; west of a line beginning at a point on the north shore  $34^{\circ} 43' 56''$  N -  $76^{\circ} 30' 26''$  W; running  $161^{\circ}$  (M) to a point on the south shore  $34^{\circ} 43' 46''$  N -  $76^{\circ} 30' 23''$  W;
- (L) Straits; North River, Newport River Area
- (1) Straits:
- (A) Sleepy Creek; north of a line beginning at a point on the west shore  $34^{\circ} 43' 21''$  N -  $76^{\circ} 31' 32''$  W; running  $006^{\circ}$  (M) to a point on the east shore  $34^{\circ} 43' 21''$  N -  $76^{\circ} 31' 20''$  W;
- (B) Whitehurst Creek; north of a line from a point on the west shore  $34^{\circ} 43' 28''$  N -  $76^{\circ} 33' 22''$  W; running  $072^{\circ}$  (M) to a point on the east shore  $34^{\circ} 43' 33''$  N -  $76^{\circ} 33' 13''$  W;
- (2) North River, north of Highway 70 bridge:
- (A) Ward Creek; north of Highway 70 bridge:
- (i) North Leopard Creek; southeast of a line beginning at a point on the southwest shore  $34^{\circ} 45' 57''$  N -  $76^{\circ} 34' 27''$  W; running  $055^{\circ}$  (M) to a point on the northeast shore  $34^{\circ} 46' 01''$  N -  $76^{\circ} 34' 10''$  W;
- (ii) South Leopard Creek; southeast of a line beginning at a point on the southwest shore  $34^{\circ} 45' 29''$  N -  $76^{\circ} 34' 47''$  W; running  $057^{\circ}$  (M) to a point on the northeast shore  $34^{\circ} 45' 33''$  N -  $76^{\circ} 34' 40''$  W;
- (B) Turner Creek (Gibbs Creek); west of a line beginning at a point on the south shore  $34^{\circ} 43' 23''$  N -  $76^{\circ} 37' 43''$  W; running  $012^{\circ}$  (M) to a point on the north shore  $34^{\circ} 43' 30''$  N -  $76^{\circ} 37' 40''$  W;
- (3) Newport River; west of a line beginning at a point at Lawton Point  $34^{\circ} 45' 41''$  N -  $76^{\circ} 44' 03''$  W; running  $356^{\circ}$  (M) to a point on the north shore  $34^{\circ} 46' 34''$  N -  $76^{\circ} 44' 18''$  W;
- (A) Russel Creek; north of a line beginning at a point on the west shore  $34^{\circ} 45' 36''$  N -  $76^{\circ} 30' 47''$  W; running  $007^{\circ}$  (M) to a point on the east shore  $34^{\circ} 45' 35''$  N -  $76^{\circ} 30' 46''$  W;
- (B) Ware Creek; northeast of a line beginning at a point on the northwest shore  $34^{\circ} 46' 28''$  N -  $76^{\circ} 40' 30''$  W; running  $153^{\circ}$  (M) to a point on the southeast shore  $34^{\circ} 46' 23''$  N -  $76^{\circ} 40' 27''$  W;
- (C) Bell Creek; northeast of a line beginning at a point on the northwest shore  $34^{\circ} 47' 10''$  N -  $76^{\circ} 40' 58''$  W; running  $166^{\circ}$  (M) to a point on the southeast shore  $34^{\circ} 47' 02''$  N -  $76^{\circ} 40' 56''$  W;
- (D) Eastman Creek; east of a line beginning at a point on the north shore  $34^{\circ} 47' 57''$  N -  $76^{\circ} 41' 04''$  W; running  $184^{\circ}$  (M) to a point on the south shore  $34^{\circ} 47' 47''$  N -  $76^{\circ} 41' 04''$  W;
- (E) Oyster Creek; north of a line beginning at a point on the west shore  $34^{\circ} 46' 32''$  N -  $76^{\circ} 42' 32''$  W; running  $080^{\circ}$  (M) to a point on the east shore  $34^{\circ} 46' 37''$  N -  $76^{\circ} 42' 14''$  W;
- (F) Harlow Creek; north of a line beginning at a point on the west shore  $34^{\circ} 46' 41''$  N -  $76^{\circ} 43' 28''$  W; running  $060^{\circ}$  (M) to a point on the northeast shore  $34^{\circ} 46' 50''$  N -  $76^{\circ} 43' 15''$  W;



- (G) Calico Creek, west of a line beginning at a point on the north shore  $31^{\circ} 43' 42''$  N -  $76^{\circ} 43' 11''$  W; running  $208^{\circ}$  (M) to a point on the south shore  $31^{\circ} 43' 37''$  N -  $76^{\circ} 43' 12''$  W;
- (H) Crab Point Bay, northwest of a line beginning at a point on the southwest shore  $31^{\circ} 41' 03''$  N -  $76^{\circ} 43' 00''$  W; running  $047^{\circ}$  (M) to a point on the northeast shore  $31^{\circ} 41' 08''$  N -  $76^{\circ} 43' 05''$  W;
- (4) Bogue Sound; Bogue Inlet Area
- (1) Gale Creek; above the Highway 24 bridge;
- (2) Broad Creek; above the Highway 24 bridge;
- (3) Goose Creek; north of a line beginning at a point on the west shore  $31^{\circ} 41' 46''$  N -  $77^{\circ} 00' 45''$  W; running  $070^{\circ}$  (M) to a point on the east shore  $31^{\circ} 41' 51''$  N -  $77^{\circ} 00' 32''$  W;
- (4) Archer Creek; west of a line beginning at a point on the north shore  $31^{\circ} 40' 27''$  N -  $77^{\circ} 00' 47''$  W; running  $186^{\circ}$  (M) to a point on the south shore  $31^{\circ} 40' 22''$  N -  $77^{\circ} 00' 47''$  W;
- (5) White Oak River; north of a line beginning at a point on the west shore  $31^{\circ} 45' 27''$  N -  $77^{\circ} 07' 30''$  W; running  $005^{\circ}$  (M) to a point on the east shore  $31^{\circ} 45' 27''$  N -  $77^{\circ} 07' 07''$  W;
- (A) Pettiford Creek; east of a line beginning at a point on the north shore  $31^{\circ} 42' 51''$  N -  $77^{\circ} 05' 24''$  W; running  $175^{\circ}$  (M) to a point on the south shore  $31^{\circ} 42' 37''$  N -  $77^{\circ} 05' 20''$  W;
- (B) Holland Mill Creek; west of a line beginning at a point on the north shore  $31^{\circ} 43' 40''$  N -  $77^{\circ} 11' 58''$  W; running  $184^{\circ}$  (M) to a point on the south shore  $31^{\circ} 43' 38''$  N -  $77^{\circ} 11' 58''$  W;
- (6) Queen's Creek; north of country road number 1500 bridge;
- (A) Dick's Creek; west of a line beginning at a point on the south shore  $31^{\circ} 30' 55''$  N -  $77^{\circ} 00' 21''$  W; running  $338^{\circ}$  (M) to a point on the north shore  $31^{\circ} 30' 58''$  N -  $77^{\circ} 00' 21''$  W;
- (B) Parrot Swamp; west of a line beginning at a point on the south shore  $31^{\circ} 40' 22''$  N -  $77^{\circ} 00' 30''$  W; running  $333^{\circ}$  (M) to a point on the north shore  $31^{\circ} 40' 36''$  N -  $77^{\circ} 00' 48''$  W;
- (C) Hall's Creek; east of a line beginning at a point on the south shore  $31^{\circ} 41' 00''$  N -  $77^{\circ} 00' 42''$  W; running  $337^{\circ}$  (M) to a point on the north shore  $31^{\circ} 41' 06''$  N -  $77^{\circ} 00' 41''$  W;
- (7) Bear Creek; west of Willis Landing.
- (m) New River Area
- (1) Salliers Bay area; all waters north and northwest of the IWW beginning at a point on Cedar Point  $31^{\circ} 32' 48''$  N -  $77^{\circ} 10' 14''$  W to Beacon No. 58  $31^{\circ} 37' 56''$  N -  $77^{\circ} 12' 20''$  W including Howard Bay, Mile Hammock Bay, Salliers Bay, and Freeman Creek;
- (2) New River Inlet area (including Hellgate Creek and Ward's Channel); all waters south of the IWW from Beacon No. 65  $31^{\circ} 32' 41''$  N -  $77^{\circ} 18' 57''$  W to Beacon No. 15  $31^{\circ} 34' 03''$  N -  $77^{\circ} 22' 18''$  W, excluding the marked New River Inlet Channel;
- (3) New River:
- (A) Trap's Bay; northeast of a line beginning at a point on the east shore  $31^{\circ} 33' 47''$  N -  $77^{\circ} 20' 25''$  W running  $317^{\circ}$  (M) to a point on the west shore  $31^{\circ} 34' 07''$  N -  $77^{\circ} 20' 50''$  W;
- (B) Courthouse Bay:
- (i) Tributary of Courthouse Bay; southeast of a line beginning at a point on Harvey's Point  $31^{\circ} 34' 50''$  N -  $77^{\circ} 22' 25''$  W; running  $066^{\circ}$  (M) to a point on the east shore  $31^{\circ} 35' 05''$  N -  $77^{\circ} 22' 11''$  W;
- (ii) Tributary of Courthouse Bay; northwest of a line beginning at a point on the west shore  $31^{\circ} 35' 02''$  N -  $77^{\circ} 22' 40''$  W; running  $057^{\circ}$  (M) to a point on the east shore  $31^{\circ} 35' 10''$  N -  $77^{\circ} 22' 31''$  W;
- (iii) Rufus Creek; east of a line beginning at a point on Wilken's Bluff  $31^{\circ} 34' 10''$  N -  $77^{\circ} 21' 41''$  W; running  $002^{\circ}$  (M) to a point on the north shore  $31^{\circ} 34' 27''$  N -  $77^{\circ} 21' 41''$  W;
- (C) Wheeler Creek; south of a line beginning at a point on Poverty Point  $31^{\circ} 34' 04''$  N -  $77^{\circ} 23' 15''$  W; running  $267^{\circ}$  (M) to a point on the west shore  $31^{\circ} 34' 03''$  N -  $77^{\circ} 23' 26''$  W;
- (D) Fannie Creek; west of a line beginning at a point on the south shore  $31^{\circ} 34' 07''$  N -  $77^{\circ} 23' 35''$  W; running  $333^{\circ}$  (M) to a point on the north shore  $31^{\circ} 34' 08''$  N -  $77^{\circ} 23' 40''$  W;
- (E) Sneed's Creek; northwest of a line beginning at a point on the east shore  $31^{\circ} 35' 10''$  N -  $77^{\circ} 23' 31''$  W; running  $210^{\circ}$  (M) to a point on the west shore  $31^{\circ} 35' 17''$  N -  $77^{\circ} 23' 31''$  W;
- (F) Everette Creek; south of a line beginning at a point on the east shore  $31^{\circ} 34' 13''$  N -  $77^{\circ} 24' 41''$  W; running  $273^{\circ}$  (M)

- to a point on the west shore  $34^{\circ} 34' 12''$  N -  $77^{\circ} 24' 49''$  W;
- (G) Stone's Creek, southwest of a line beginning at a point on the southeast shore  $34^{\circ} 36' 34''$  N -  $77^{\circ} 26' 51''$  W; running  $301^{\circ}$  (M) to a point on the northwest shore  $34^{\circ} 36' 37''$  N -  $77^{\circ} 26' 52''$  W;
- (H) Muddy Creek, north of a line beginning at a point on the west shore  $34^{\circ} 36' 52''$  N -  $77^{\circ} 26' 38''$  W; running  $087^{\circ}$  (M) to a point on the east shore  $34^{\circ} 36' 52''$  N -  $77^{\circ} 26' 37''$  W;
- (I) Mill Creek, north of a line beginning at a point on the west shore  $34^{\circ} 37' 11''$  N -  $77^{\circ} 25' 47''$  W; running  $109^{\circ}$  (M) to a point on the east shore  $34^{\circ} 37' 11''$  N -  $77^{\circ} 25' 37''$  W;
- (J) Whitehurst Creek, west and south of a line beginning at a point on the south shore  $34^{\circ} 38' 04''$  N -  $77^{\circ} 22' 37''$  W; running  $280^{\circ}$  (M) to a point on the north shore  $34^{\circ} 38' 04''$  N -  $77^{\circ} 22' 38''$  W;
- (K) Town Creek, west of a line beginning at a point on the south shore  $34^{\circ} 39' 34''$  N -  $77^{\circ} 23' 06''$  W; running  $007^{\circ}$  (M) to a point on the north shore  $34^{\circ} 39' 37''$  N -  $77^{\circ} 23' 06''$  W;
- (L) Lewis Creek, southwest of a line beginning at a point on the southeast shore  $34^{\circ} 40' 56''$  N -  $77^{\circ} 24' 56''$  W; running  $301^{\circ}$  (M) to a point on the northwest shore  $34^{\circ} 40' 55''$  N -  $77^{\circ} 24' 58''$  W;
- (M) Northeast Creek, east of a line beginning at a point on the south shore  $34^{\circ} 43' 23''$  N -  $77^{\circ} 23' 35''$  W; running  $346^{\circ}$  (M) to a point at the mouth of Seale's Creek  $34^{\circ} 43' 46''$  N -  $77^{\circ} 24' 06''$  W;
- (N) Southwest Creek, southwest of a line beginning at a point on the east shore  $34^{\circ} 44' 30''$  N -  $77^{\circ} 25' 20''$  W; running  $328^{\circ}$  (M) to a point on the north shore  $34^{\circ} 44' 50''$  N -  $77^{\circ} 25' 40''$  W;
- (O) Upper New River, north of a line beginning at a point on Mumford Point  $34^{\circ} 43' 15''$  N -  $77^{\circ} 25' 00''$  W; running  $274^{\circ}$  (M) through Beacon No. 53 to a point on the west shore  $34^{\circ} 43' 11''$  N -  $77^{\circ} 25' 49''$  W;
- (P) Chadwick Bay, all waters between a line beginning at a point on Roses Point  $34^{\circ} 32' 12''$  N -  $77^{\circ} 22' 49''$  W; running  $075^{\circ}$  (M) to Marker No. 6 and the IWW;
- (A) Fullard Creek (including Charles Creek), northwest of a line beginning at a point on the south shore  $34^{\circ} 32' 03''$  N -  $77^{\circ} 22' 41''$  W; running  $326^{\circ}$  (M) to a point on the north shore  $34^{\circ} 32' 12''$  N -  $77^{\circ} 22' 50''$  W;
- (B) Bump's Creek, north of a line beginning at a point on the west shore  $34^{\circ} 32' 19''$  N -  $77^{\circ} 22' 29''$  W; running  $035^{\circ}$  (M) to a point on the east shore  $34^{\circ} 32' 28''$  N -  $77^{\circ} 22' 23''$  W;
- (n) Stump Sound Area  
Stump Sound, all waters north and south of IWW from Beacon No. 15  $34^{\circ} 34' 03''$  N -  $77^{\circ} 22' 17''$  W; to Marker No. 78  $34^{\circ} 25' 23''$  N -  $77^{\circ} 34' 12''$  W; except 100 feet of either side of the IWW from Beacon No. 49 at Morris Landing to Marker No. 78 at the mouth of Beekys Creek and except the dredged canals at Old Settler's Beach and the dredged channel from the IWW north of Marker No. 57 to the Old Settler's Beach Canals;
- (o) Topsail Sound Area  
(1) Virginia Creek, all waters northwest of a line beginning on the southwest shore at a point near the mouth  $34^{\circ} 24' 48''$  N -  $77^{\circ} 35' 38''$  W; running  $056^{\circ}$  (M) 700 yards to a point  $34^{\circ} 25' 02''$  N -  $77^{\circ} 35' 19''$  W; thence running  $074^{\circ}$  (M) 1900 yards and intersecting the nursery area line at Beeky's Creek at a point  $34^{\circ} 25' 24''$  N -  $77^{\circ} 34' 16''$  W; with the exception of the natural channel as marked by the North Carolina Division of Marine Fisheries;
- (2) Old Topsail Creek, all waters northwest of a line beginning at a point on the southwest shore  $34^{\circ} 24' 33''$  N -  $77^{\circ} 40' 37''$  W running  $065^{\circ}$  (M) to a point on the northeast shore  $34^{\circ} 24' 42''$  N -  $77^{\circ} 40' 14''$  W; with the exception of the dredged channel as marked by the North Carolina Division of Marine Fisheries;
- (3) Topsail Sound, all waters enclosed within a line starting at beacon "BC"  $34^{\circ} 24' 35''$  N -  $77^{\circ} 35' 43''$  W; running  $174^{\circ}$  (M) to a point  $34^{\circ} 23' 58''$  N -  $77^{\circ} 35' 33''$  W; running  $235^{\circ}$  (M) to a point  $34^{\circ} 24' 14''$  N -  $77^{\circ} 39' 18''$  W; running  $300^{\circ}$  (M) to Marker No. 16  $34^{\circ} 24' 32''$  N -  $77^{\circ} 40' 15''$  W; running  $056^{\circ}$  (M) back to point of origin;
- (4) Mallard Bay Area, all waters northwest of the IWW from Beacon No. 93  $34^{\circ} 23' 54''$  N -  $77^{\circ} 36' 41''$  W; to Beacon No. 96  $34^{\circ} 22' 34''$  N -  $77^{\circ} 38' 48''$  W;
- (p) Middle Sound Area  
(1) Howard Channel and Long Point Channel area, all waters southeast of the IWW from Beacon No. 98  $34^{\circ} 24' 33''$  N -  $77^{\circ} 40' 32''$  W to a point on the north side of the Figure 8 Island Marina Channel  $34^{\circ} 46' 28''$  N -  $77^{\circ} 45' 35''$  W [with the exception of Howard Channel from the

IWW to New Topsail Inlet, Green Channel from Marker No. 105 to Rich's Inlet, Butler's Creek (Litley's Channel) from the IWW, north of Marker No. 112, to Nixon's Channel, and Nixon's Channel from IWW to Rich's Inlet; Tributaries to above named channels will remain closed.†

- (2) Futch Creek, northwest of a line beginning at a point on the north shore of Porter's Neck  $34^{\circ} 18' 00''$  N -  $77^{\circ} 41' 32''$  W; running 064° (M) to a point on Baldeagle Point  $34^{\circ} 18' 00''$  N -  $77^{\circ} 41' 22''$  W;
- (3) Pughs Creek, northwest of a line beginning at a point on the north shore  $34^{\circ} 16' 46''$  N -  $77^{\circ} 46' 42''$  W; running 220° (M) to a point on the south shore  $34^{\circ} 16' 38''$  N -  $77^{\circ} 46' 51''$  W;
- (4) All waters bound on the north by the Figure Eight Island Causeway, on the east by Mason's Channel, on the south by Mason's Inlet Channel and on the west by the Intracoastal Waterway, with the exception of Mason's Channel.
- (†) Greenville Sound Area
  - (1) Shell Island area, all waters east of the IWW from Marker No. 123  $34^{\circ} 11' 52''$  N -  $77^{\circ} 47' 00''$  W to a point on the north shore of Old Moore Inlet Channel  $34^{\circ} 13' 56''$  N -  $77^{\circ} 47' 48''$  W;
  - (2) Howe Creek (Moore's Creek), northwest of a line beginning at a point on the south shore  $34^{\circ} 11' 42''$  N -  $77^{\circ} 47' 26''$  W; running 030° (M) to a point on the north shore  $34^{\circ} 11' 53''$  N -  $77^{\circ} 47' 13''$  W;
  - (3) Bradley Creek, west of Highway 17, 74 and 76 bridge;
  - (4) Wrightsville Beach area, all waters in an area enclosed by a line beginning at a point across the IWW from the mouth of Bradley Creek  $34^{\circ} 12' 21''$  N -  $77^{\circ} 40' 08''$  W; running 001° (M) to a point (near the Borrow Pit)  $34^{\circ} 12' 22''$  N -  $77^{\circ} 48' 32''$  W; running 111° (M) to a point  $34^{\circ} 11' 56''$  N -  $77^{\circ} 48' 10''$  W; running 224° (M) to a point  $34^{\circ} 11' 20''$  N -  $77^{\circ} 40' 05''$  W; running 306° (M) to a point  $34^{\circ} 11' 30''$  N -  $77^{\circ} 40' 31''$  W; running 021° (M) back to point of origin.
- (†) Masonboro Sound Area
  - (1) Masonboro-Myrtle Grove Sound area (west side) all waters west northwest of the IWW beginning at a point at the mouth of Bradley Creek  $34^{\circ} 12' 23''$  N -  $77^{\circ} 40' 11''$  W; to Beacon No. 161  $34^{\circ} 03' 32''$  N -  $77^{\circ} 53' 22''$  W;

- (2) Masonboro-Myrtle Grove Sound area (east side) - all waters south and southeast of a line beginning at a point on the north end of Masonboro Island  $34^{\circ} 11' 06''$  N -  $77^{\circ} 48' 51''$  W; running 301° (M) to a point near IWW Marker No. 129  $34^{\circ} 11' 22''$  N -  $77^{\circ} 40' 36''$  W; thence running along the east side of the IWW to Marker No. 161  $34^{\circ} 03' 32''$  N -  $77^{\circ} 53' 22''$  W; (with the exception of Old Masonboro Channel and Carolina Beach Inlet Channel).

(5) Cape Fear River Area

- (1) Cape Fear River, all waters north of a line beginning at a point on the east shore  $34^{\circ} 10' 25''$  N -  $77^{\circ} 57' 03''$  W; running 275° (M) through Beacon No. 53 to a point on the west shore  $34^{\circ} 10' 25''$  N -  $77^{\circ} 57' 46''$  W; and all waters north of a line beginning at a point on the east shore  $34^{\circ} 01' 38''$  N -  $77^{\circ} 55' 28''$  W; running 275° (M) through Beacon No. 37 to a point on the west shore  $34^{\circ} 01' 38''$  N -  $77^{\circ} 56' 31''$  W; with the exception of 300 yards east and west of the main shipping channel up to Beacon No. 53 (mouth of Brunswick River);
- (2) The Basin (Lt. Fisher area), east of a line beginning at a point on the north shore  $33^{\circ} 57' 17''$  N -  $77^{\circ} 56' 08''$  W; running 156° (M) to a point on the south shore  $33^{\circ} 57' 01''$  N -  $77^{\circ} 56' 07''$  W;
- (3) Walden Creek, northwest of county road No. 1528 bridge;
- (†) Baldhead Island Creeks:
  - (A) Baldhead Creek, southeast of a line beginning at a point on the south shore  $33^{\circ} 51' 42''$  N -  $77^{\circ} 50' 40''$  W; running 070° (M) to a point on the north shore  $33^{\circ} 52' 07''$  N -  $77^{\circ} 50' 06''$  W;
  - (B) Cape Creek, southeast of a line beginning at a point on the south shore  $33^{\circ} 51' 30''$  N -  $77^{\circ} 58' 28''$  W; running 026° (M) to a point on the north shore  $33^{\circ} 52' 05''$  N -  $77^{\circ} 58' 23''$  W;
  - (C) Bluff Island Creek (East Beach Creek), south of a line beginning at a point on the west shore  $33^{\circ} 52' 30''$  N -  $77^{\circ} 58' 11''$  W; running 092° (M) to a point on the east shore  $33^{\circ} 52' 40''$  N -  $77^{\circ} 58' 07''$  W;
  - (D) Deep Creek, south of a line from a point on the southwest shore  $33^{\circ} 52' 42''$  N -  $77^{\circ} 58' 05''$  W; running 046° (M) to a point on the northeast shore  $33^{\circ} 52' 46''$  N -  $77^{\circ} 58' 01''$  W;
- (5) Dutchman Creek, north of a line beginning at a point on the east shore  $33^{\circ} 55' 07''$  N -  $78^{\circ} 02' 30''$  W; running 204° (M)



- to a point on the west shore  $33^{\circ} 55' 08''$  N —  $78^{\circ} 02' 44''$  W;
- (6) Denis Creek, west of a line beginning at a point on the south shore  $33^{\circ} 55' 00''$  N —  $78^{\circ} 03' 32''$  W; running  $006^{\circ}$  (M) to a point on the north shore  $33^{\circ} 55' 02''$  N —  $78^{\circ} 03' 32''$  W;
- (7) Piney Point Creek, west of a line beginning at a point on the south shore  $33^{\circ} 54' 32''$  N —  $78^{\circ} 03' 32''$  W; running  $007^{\circ}$  (M) to a point on the north shore  $33^{\circ} 54' 37''$  N —  $78^{\circ} 03' 31''$  W;
- (8) Molasses, Coward and Smokehouse Creeks; all waters bound by the IWW and the Elizabeth River on the north and east; the Oak Island Coast Guard canal on the east; Oak Island on the south and the CP and L Discharge canal on the west;
- (9) Oak Island area; all waters north and south of the IWW from Marker No. 9  $33^{\circ} 55' 12''$  N —  $78^{\circ} 03' 40''$  W; to Beacon No. 18  $33^{\circ} 55' 45''$  N —  $78^{\circ} 10' 17''$  W;
- (4) Lockwoods Folly Inlet Area
- (1) Davis Creek and Davis Canal; east of a line beginning at a point on the north shore  $33^{\circ} 55' 13''$  N —  $78^{\circ} 10' 43''$  W; running  $108^{\circ}$  (M) to a point on the south shore  $33^{\circ} 54' 50''$  N —  $78^{\circ} 10' 43''$  W;
- (2) Lockwoods Folly River; north of a line beginning at a point on the east shore  $33^{\circ} 56' 35''$  N —  $78^{\circ} 12' 47''$  W; running  $268^{\circ}$  (M) to a point on the west shore  $33^{\circ} 56' 34''$  N —  $78^{\circ} 13' 24''$  W;
- Spring Creek (Galloway Flats area); all waters northwest of a line beginning at a point on the south shore  $33^{\circ} 55' 31''$  N —  $78^{\circ} 13' 48''$  W; running  $040^{\circ}$  (M) to a point on the north shore  $33^{\circ} 55' 41''$  N —  $78^{\circ} 13' 42''$  W;
- (u) Shallotte Inlet Area
- (1) Shallotte River; north of a line beginning at a point on Bill Holden's Landing  $33^{\circ} 55' 52''$  N —  $78^{\circ} 22' 07''$  W; running  $024^{\circ}$  (M) to a point on Gibbins Point  $33^{\circ} 56' 20''$  N —  $78^{\circ} 21' 54''$  W;
- (2) Shallotte Creek (Little Shallotte River) east of a line beginning at a point on Shell Landing  $33^{\circ} 55' 44''$  N —  $78^{\circ} 21' 40''$  W; running  $150^{\circ}$  (M) to a point on Boone's Neck Point  $33^{\circ} 55' 35''$  N —  $78^{\circ} 21' 34''$  W;
- (3) Saucepan Creek; northwest of a line beginning at a point on the east shore (mouth of Old Mill Creek)  $33^{\circ} 54' 56''$  N —  $78^{\circ} 23' 28''$  W; running  $182^{\circ}$  (M) to a point on the west shore  $33^{\circ} 54' 41''$  N —  $78^{\circ} 23' 28''$  W;
- (4) Old Channel area; all waters south of the IWW from Beacon No. 83  $33^{\circ} 54' 16''$  N —  $78^{\circ} 23' 17''$  W; to Ocean Isle Beach bridge  $33^{\circ} 53' 44''$  N —  $78^{\circ} 26' 22''$  W; except the dredged finger canals at Ocean Isle Beach located on the south side of the IWW between the Ocean Isle Beach Bridge and IWW Marker No. 90;
- (v) Little River Inlet Area
- (1) Gause Landing area; all waters north of the IWW from Beacon No. 90  $33^{\circ} 53' 53''$  N —  $78^{\circ} 25' 37''$  W to the South Carolina line;
- (2) Eastern Channel Area:
- (A) Needhamhole Creek; north of a line beginning at a point on the east shore  $33^{\circ} 53' 19''$  N —  $78^{\circ} 26' 48''$  W; running  $274^{\circ}$  (M) to a point on the west shore  $33^{\circ} 53' 19''$  N —  $78^{\circ} 26' 51''$  W;
- (B) Springbranch Creek; north of a line beginning at a point on the east shore  $33^{\circ} 53' 14''$  N —  $78^{\circ} 27' 17''$  W; running  $250^{\circ}$  (M) to a point on the west shore  $33^{\circ} 53' 13''$  N —  $78^{\circ} 27' 21''$  W;
- (C) Goldmine Creek; north of a line beginning at a point on the east shore  $33^{\circ} 53' 13''$  N —  $78^{\circ} 27' 33''$  W; running  $260^{\circ}$  (M) to a point on the west shore  $33^{\circ} 53' 13''$  N —  $78^{\circ} 27' 36''$  W;
- (D) Clam Creek; north of a line beginning at a point on the east shore  $33^{\circ} 53' 12''$  N —  $78^{\circ} 27' 55''$  W; running  $210^{\circ}$  (M) to a point on the west shore  $33^{\circ} 53' 10''$  N —  $78^{\circ} 27' 55''$  W;
- (E) Sol's Creek; all waters north of a line beginning at a point on the east shore  $33^{\circ} 53' 02''$  N —  $78^{\circ} 28' 08''$  W; running  $224^{\circ}$  (M) to a point on the west shore  $33^{\circ} 53' 00''$  N —  $78^{\circ} 28' 12''$  W; and all waters south of a line beginning at a point on the east shore of Sol's Creek  $33^{\circ} 53' 22''$  N —  $78^{\circ} 28' 10''$  W; running  $252^{\circ}$  (M) to a point on the west shore  $33^{\circ} 53' 21''$  N —  $78^{\circ} 28' 14''$  W;
- (F) Horsford Creek; north of a line beginning at a point on the east shore  $33^{\circ} 52' 53''$  N —  $78^{\circ} 28' 24''$  W; running  $270^{\circ}$  (M) to a point on the west shore  $33^{\circ} 52' 53''$  N —  $78^{\circ} 28' 20''$  W;
- (G) Still Creek; all waters north of a line beginning at a point on the east shore  $33^{\circ} 52' 53''$  N —  $78^{\circ} 28' 44''$  W; running  $254^{\circ}$  (M) to a point on the west shore  $33^{\circ} 52' 51''$  N —  $78^{\circ} 28' 48''$  W; and all waters south of a line beginning at a point on the east shore of Still Creek  $33^{\circ} 53' 15''$  N —  $78^{\circ} 29' 02''$  W; running  $270^{\circ}$  (M) to a

point on the west shore  $33^{\circ} 53' 15''$  N -  $78^{\circ} 20' 05''$  W;

- (11) Cooter Creek, north of a line beginning at a point on the east shore  $33^{\circ} 52' 52''$  N -  $78^{\circ} 20' 46''$  W; running  $288^{\circ}$  (M) to a point on the west shore  $33^{\circ} 52' 53''$  N -  $78^{\circ} 20' 40''$  W;

(3) The Big Narrows Area:

- (A) Big Tackle Creek, west of a line beginning at a point on the south shore  $33^{\circ} 52' 46''$  N -  $78^{\circ} 20' 50''$  W; running  $313^{\circ}$  (M) to a point on the north shore  $33^{\circ} 52' 47''$  N -  $78^{\circ} 30' 01''$  W;

- (B) Little Tackle Creek, west of a line beginning at a point on the south shore  $33^{\circ} 52' 54''$  N -  $78^{\circ} 30' 00''$  W; running  $306^{\circ}$  (M) to a point on the north shore  $33^{\circ} 52' 54''$  N -  $78^{\circ} 30' 10''$  W;

- (C) Big Norge Creek, south of a line beginning at a point on the west shore  $33^{\circ} 52' 50''$  N -  $78^{\circ} 30' 30''$  W; running  $076^{\circ}$  (M) to a point on the east shore  $33^{\circ} 52' 51''$  N -  $78^{\circ} 30' 36''$  W;

- (4) Mad Inlet area, all waters south of the 1WW from the Sunset Beach bridge  $33^{\circ} 52' 52''$  N -  $78^{\circ} 30' 42''$  W to the South Carolina line with the exception of Bonaparte Creek;

- (5) Calabash River, east of state road No. 1164 bridge.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

.1406 VIOLATION TO USE SPECIFIC EQUIPMENT

(a) It shall be is unlawful to use or attempt to use any trawl net nets for the any purpose of taking any marine fishes in any of the secondary nursery areas described in 15 NCAC 3B .1407, 15 NCAC 3G .0010.

(b) It shall be is unlawful to use or attempt to use any trawl net nets for the any purpose of taking any marine fishes in any of the secondary nursery areas described in 15 NCAC 3B .1408, 15 NCAC 3G .0011 from May 15 through August 31. The Fisheries Director, may, by proclamation, open any or all of the areas, or any portion thereof, listed in 15 NCAC 3B .1408, 15 NCAC 3G .0011 to shrimp or crab trawling from September 1 through May 14 based on reasonable and prudent management of marine and estuarine resources, and subject to the provisions of Regulation Rules 15 NCAC 3B .0702 and 15 NCAC 3B .0801 (a).

(c) Areas described in Regulations 15 NCAC 3B .1407 and .1408 will Rules 15 NCAC 3G

.0010 and .0011 generally pertain to those areas located between the described line and the primary nursery area line lines or Inland-Coastal boundary line lines where applicable.

Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

.1407 DESCRIPTIVE BOUNDARIES-  
PERMANENT SECONDARY NURSERY  
AREAS

Descriptive boundaries for permanent secondary nursery areas are presented in 15 NCAC 3G .0010.

(a) In the Pamlico Sound Area:

- (1) Long Shoal River - north of a line beginning at a point on Pains Point  $35^{\circ} 35' 07''$  N -  $75^{\circ} 54' 25''$  W; running  $282^{\circ}$  (M) to a point on the west shore at the 5th Avenue Canal  $35^{\circ} 35' 12''$  N -  $75^{\circ} 53' 16''$  W;

- (2) Pains Bay - east of a line beginning at a point on the south shore  $35^{\circ} 34' 28''$  N -  $75^{\circ} 50' 58''$  W; running  $350^{\circ}$  (M) to a point on the north shore  $35^{\circ} 35' 04''$  N -  $75^{\circ} 54' 12''$  W;

- (3) Wysocking Bay - north and west of a line beginning at Benson Point  $35^{\circ} 22' 58''$  N -  $76^{\circ} 03' 30''$  W; running  $058^{\circ}$  (M) to Long Point  $35^{\circ} 24' 37''$  N -  $76^{\circ} 04' 10''$  W;

- (4) Juniper Bay-Cunning Harbor - north of a line beginning at a point on the west shore of Juniper Bay  $35^{\circ} 20' 34''$  N -  $76^{\circ} 15' 28''$  W; running  $105^{\circ}$  (M) through Juniper Bay Point to a point on the east shore of Cunning Harbor  $35^{\circ} 20' 15''$  N -  $76^{\circ} 12' 23''$  W;

- (5) Swanquarter Bay - north of a line beginning at a point at The Narrows  $35^{\circ} 20' 54''$  N -  $76^{\circ} 20' 38''$  W; running  $080^{\circ}$  (M) to a point on the east shore  $35^{\circ} 21' 34''$  N -  $76^{\circ} 18' 22''$  W;

- (6) Deep Cove-The Narrows - north and east of a line beginning at a point on the west shore  $35^{\circ} 20' 54''$  N -  $76^{\circ} 23' 52''$  W; running  $122^{\circ}$  (M) to a point on the east shore  $35^{\circ} 20' 34''$  N -  $76^{\circ} 22' 57''$  W; and west of a line at The Narrows beginning at a point on the north shore  $35^{\circ} 20' 54''$  N -  $76^{\circ} 20' 38''$  W; running  $175^{\circ}$  (M) to a point on the south shore  $35^{\circ} 20' 41''$  N -  $76^{\circ} 20' 35''$ ;

- (7) Rose Bay - north of a line beginning at a point on the west shore  $35^{\circ} 23' 17''$  N -  $76^{\circ} 26' 10''$  W; running  $141^{\circ}$  (M) to a point on Judith Island  $35^{\circ} 22' 20''$  N -  $76^{\circ} 25' 15''$  W;

- (8) Spencer Bay - west and north of a line beginning at a point on Willow Point  $35^{\circ} 22' 22''$  N -  $76^{\circ} 27' 52''$  W, running  $065^{\circ}$  (M) to a point  $35^{\circ} 23' 17''$  N -  $76^{\circ} 26' 10''$  W;
- (9) Able Bay - north and east of a line beginning at a point on the west shore  $35^{\circ} 23' 36''$  N -  $76^{\circ} 31' 00''$  W, running  $130^{\circ}$  (M) to a point on the east shore  $35^{\circ} 23' 00''$  N -  $76^{\circ} 29' 47''$  W;
- (10) Mouse Harbor - west of a line beginning at a point on the south shore  $35^{\circ} 17' 13''$  N -  $76^{\circ} 28' 54''$  W, running  $352^{\circ}$  (M) to a point on the north shore  $35^{\circ} 18' 19''$  N -  $76^{\circ} 29' 06''$  W;
- (11) Big Porpoise Bay - west of a line beginning at a point on the south shore  $35^{\circ} 14' 57''$  N -  $76^{\circ} 28' 50''$  W, running  $012^{\circ}$  (M) to a point on the north shore  $35^{\circ} 15' 41''$  N -  $76^{\circ} 28' 12''$  W;
- (12) Middle Bay - west of a line beginning at a point on the south shore  $35^{\circ} 13' 33''$  N -  $76^{\circ} 29' 36''$  W, running  $022^{\circ}$  (M) to a point on the north shore  $35^{\circ} 14' 45''$  N -  $76^{\circ} 29' 44''$  W;
- (13) Jones Bay - west of a line beginning at a point on Bear Point  $35^{\circ} 12' 22''$  N -  $76^{\circ} 31' 16''$  W, running  $011^{\circ}$  (M) to a point on Mink Trap Point  $35^{\circ} 13' 27''$  N -  $76^{\circ} 31' 08''$  W;
- (14) In the Bay River Area:
  - (A) Bonner Bay - south of a line beginning at a point on the west shore  $35^{\circ} 09' 36''$  N -  $76^{\circ} 36' 11''$  W, running  $071^{\circ}$  (M) to a point on the east shore  $35^{\circ} 09' 57''$  N -  $76^{\circ} 35' 11''$  W;
  - (B) Gales Creek-Bear Creek (tributaries of Bay River) - north and west of a line beginning at a point on Sanders Point  $35^{\circ} 11' 17''$  N -  $76^{\circ} 35' 54''$  W, running  $067^{\circ}$  (M) through Beacon No. 27 to a point on the east shore  $35^{\circ} 11' 54''$  N -  $76^{\circ} 34' 17''$  W;
- (b) In the Pamlico River Area:
  - (1) (In the Pungo River Area) Fortescue Creek - east of a line beginning at a point on the north shore  $35^{\circ} 25' 55''$  N -  $76^{\circ} 31' 58''$  W, running  $105^{\circ}$  (M) to a point on the south shore  $35^{\circ} 25' 36''$  N -  $76^{\circ} 32' 01''$  W;
  - (2) North Creek - north of a line beginning at a point on the west shore  $35^{\circ} 25' 24''$  N -  $76^{\circ} 40' 01''$  W, running  $120^{\circ}$  (M) through Marker No. 4 to a point on the east shore  $35^{\circ} 25' 16''$  N -  $76^{\circ} 40' 18''$  W;
  - (3) In the Goose Creek area:
    - (A) Campbell Creek - west of a line beginning at a point on the south shore  $35^{\circ} 17' 00''$  N -  $76^{\circ} 37' 06''$  W, running  $349^{\circ}$  (M) to a point on the west shore  $35^{\circ} 17' 19''$  N -  $76^{\circ} 37' 08''$  W;
    - (B) Eastham Creek - east of a line beginning at a point on the south shore  $35^{\circ} 17' 36''$  N -  $76^{\circ} 36' 24''$  W, running  $327^{\circ}$  (M) to a point on the north shore  $35^{\circ} 17' 44''$  N -  $76^{\circ} 36' 30''$  W;
    - (4) Oyster Creek-Middle Prong - southwest of a line beginning at a point on Cedar Island  $35^{\circ} 19' 28''$  N -  $76^{\circ} 32' 14''$  W, running  $135^{\circ}$  (M) to a point on Beard Island Point  $35^{\circ} 19' 10''$  N -  $76^{\circ} 31' 44''$  W;
  - (c) In the Neuse River Area:
    - (1) Lower Broad Creek - northwest of a line beginning at a point on the northeast shore  $35^{\circ} 05' 47''$  N -  $76^{\circ} 35' 25''$  W, running  $228^{\circ}$  (M) to a point on the southwest shore  $35^{\circ} 05' 34''$  N -  $76^{\circ} 35' 43''$  W;
    - (2) Greens Creek - above Highway 1308 Bridge;
    - (3) Dawson Creek - above Highway 1302 Bridge;
    - (4) Clubfoot Creek - south of a line beginning at a point on the east shore  $34^{\circ} 54' 29''$  N -  $76^{\circ} 45' 26''$  W, running  $284^{\circ}$  (M) to a point on the west shore  $34^{\circ} 54' 33''$  N -  $76^{\circ} 45' 43''$  W;
    - (5) (In the Adams Creek Area) Cedar Creek - east of a line beginning at a point on the south shore  $34^{\circ} 55' 52''$  N -  $76^{\circ} 38' 49''$  W, running  $001^{\circ}$  (M) to a point on the north shore  $34^{\circ} 56' 05''$  N -  $76^{\circ} 38' 48''$  W;
    - (d) Virginia Creek - all waters of the natural channel northwest of the primary nursery area line;
    - (e) Old Topsail Creek - all waters of the dredged channel northwest of the primary nursery area line;
    - (f) Mill Creek - all waters west of a line beginning at a point on the south shore  $34^{\circ} 24' 17''$  N -  $77^{\circ} 42' 15''$  W, running  $028^{\circ}$  (M) to a point on the north shore  $34^{\circ} 20' 36''$  N -  $77^{\circ} 42' 06''$  W;
    - (g) Pages Creek - all waters west of a line beginning at a point on the south shore  $34^{\circ} 15' 52''$  N -  $77^{\circ} 46' 18''$  W, running  $044^{\circ}$  (M) to a point on the north shore  $34^{\circ} 16' 09''$  N -  $77^{\circ} 46' 01''$  W;
    - (h) Bradley Creek - all waters west of a line beginning on the south shore  $34^{\circ} 12' 23''$  N -  $77^{\circ} 49' 14''$  W, running  $021^{\circ}$  (M) to a point on the north shore  $34^{\circ} 12' 38''$  N -  $77^{\circ} 49' 09''$  W;

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.



.1408 DESCRIPTIVE BOUNDARIES-SPECIAL SECONDARY NURSERY AREAS

Descriptive boundaries for special secondary nursery areas are presented in 15 NCAC 3G .0011.

(a) In the West Bay Area:

- (1) West Thoro fare Bay - south of a line beginning at a point on the west shore  $34^{\circ} 57' 22''$  N -  $76^{\circ} 24' 03''$  W, running  $000^{\circ}$  (M) through F.L. R. "10WB" to a point on the east shore  $34^{\circ} 57' 28''$  N -  $76^{\circ} 24' 06''$  W.
- (2) Long Bay-Ditch Bay - west of a line beginning at a point  $34^{\circ} 57' 52''$  N -  $76^{\circ} 26' 37''$  W, running southwest  $226^{\circ}$  (M) to a point  $34^{\circ} 57' 13''$  N -  $76^{\circ} 27' 13''$  W, thence south of a line running southeast  $131^{\circ}$  (M) to a point  $34^{\circ} 56' 46''$  N -  $76^{\circ} 26' 26''$  W.

(b) In the Core Sound Area:

- (1) Cedar Island Bay - northwest of a line beginning at a point near the telephone tower  $34^{\circ} 57' 49''$  N -  $76^{\circ} 16' 58''$  W, running  $040^{\circ}$  (M) to a point at the gun club or "clubhouse" dock  $34^{\circ} 58' 43''$  N -  $76^{\circ} 16' 00''$  W.
- (2) Thoro fare Bay-Barry Bay - northwest of a line beginning at a point on Hall Point  $34^{\circ} 54' 25''$  N -  $76^{\circ} 10' 00''$  W, running  $046^{\circ}$  (M) to a point at Rumley Hammock  $34^{\circ} 55' 27''$  N -  $76^{\circ} 18' 13''$  W.
- (3) Nelson Bay - northwest of a line beginning at a point on the west shore of Nelson Bay  $34^{\circ} 54' 08''$  N -  $76^{\circ} 24' 36''$  W, and running  $062^{\circ}$  (M) through Beacon No. 4 in Nelson Bay to a point on Drum Point  $34^{\circ} 54' 36''$  N -  $76^{\circ} 23' 48''$  W.
- (4) Brett Bay - all waters north of a line beginning at Piney Point  $34^{\circ} 40' 42''$  N -  $76^{\circ} 25' 06''$  W, running  $258^{\circ}$  (M) to a point on the west shore  $34^{\circ} 40' 23''$  N -  $76^{\circ} 26' 02''$  W.
- (5) Jarrett Bay - north of a line beginning at a point east of Davis Island  $34^{\circ} 45' 46''$  N -  $76^{\circ} 28' 45''$  W, and running  $266^{\circ}$  (M) to a point on the west shore (site of Old Chimney)  $34^{\circ} 45' 31''$  N -  $76^{\circ} 30' 04''$  W.

(c) In the North River area:

- (1) North River - north of a line beginning at a point on the west shore at the oyster house  $34^{\circ} 46' 28''$  N -  $76^{\circ} 37' 07''$  W, running  $006^{\circ}$  (M) to a point on the east shore  $34^{\circ} 46' 30''$  N -  $76^{\circ} 35' 47''$  W.
- (2) Ward Creek - east of a line beginning on the north shore  $34^{\circ} 46' 13''$  N -  $76^{\circ} 34' 58''$  W, running  $182^{\circ}$  (M) to a point on the south shore  $35^{\circ} 45' 34''$  N -  $76^{\circ} 35' 00''$  W.

(d) Cape Fear River - beginning at a point on the south side of the spoil island at the intersection of the ICWW and the Cape Fear River ship channel  $34^{\circ} 04' 37''$  N -  $77^{\circ} 56' 05''$  W, running  $106^{\circ}$  (M) to a point on the east shore of the Cape Fear River  $34^{\circ} 04' 32''$  N -  $77^{\circ} 55' 00''$  W, running south and bounded by the shoreline to a point near the Ferry Slip at Federal Point  $33^{\circ} 57' 52''$  N -  $77^{\circ} 56' 28''$  W, running  $353^{\circ}$  (M) north to a point on Bird Island  $33^{\circ} 58' 24''$  N -  $77^{\circ} 56' 36''$  W, running  $013^{\circ}$  (M) back to point of origin.

(e) Lockwood Folly River - beginning at a point on Howells Point  $33^{\circ} 55' 21''$  N -  $78^{\circ} 42' 47''$  W and running in a westerly direction along the ICWW to a point near ICWW Marker No. 46  $33^{\circ} 55' 18''$  N -  $78^{\circ} 43' 54''$  W.

(f) Saucepan Creek - all waters north of a line beginning at a point on the west shore  $33^{\circ} 54' 36''$  N -  $78^{\circ} 22' 54''$  W, running  $062^{\circ}$  (M) to a point on the east shore  $33^{\circ} 54' 38''$  N -  $78^{\circ} 22' 40''$  W.

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

SECTION .1500 - STRIPED BASS

.1501 STRIPED BASS: GENERAL

(a) In internal coastal waters, it shall be unlawful to take striped bass using commercial fishing equipment except during the open season which shall be from November 1 through March 31. The Fisheries Director, based on reasonable and prudent management may, by proclamation, open and close the season during the months of October and April. The Fisheries Director is further empowered to impose, during October and April, any or all of the following restrictions:

- (1) specify number of days;
- (2) specify areas;
- (3) specify means and methods which may be employed in taking;
- (4) limit the quantity and size;
- (5) require submission of statistical and biological data.

(b) It shall be unlawful for any person to take, attempt to take, buy, sell, offer to sell, transport or possess any striped bass, except during the commercial striped bass season established pursuant to Paragraph (a) of this Rule or as provided in 15 NCAC 3B .1502 of this Section.

(c) Striped bass taken with commercial fishing equipment when they cannot legally be taken by such equipment shall immediately be returned to the water where taken regardless of the condition of the fish.

(d) Hook-and-line fishing equipment is not commercial fishing equipment in the striped bass fishery. Fishermen using this equipment shall comply with 15 NCAC 3B .1502.

(e) Striped bass is defined as striped bass (*Morone saxatilis*) and its hybrids taken in coastal and joint waters.

(a) Striped bass is defined as striped bass (*Morone saxatilis*) and its hybrids taken in coastal and joint waters.

(b) Hook-and-line fishing equipment is not commercial fishing equipment in the striped bass fishery. It is unlawful to sell or purchase striped bass taken by hook-and-line. Striped bass taken legally with hook-and-line may be possessed and transported.

(c) It is unlawful to possess striped bass imported from other states less than 14 inches long (total length).

(d) It is unlawful to buy, sell, transport, or possess striped bass taken with commercial fishing equipment except:

- (1) During the open season in internal coastal waters established in 15 NCAC 3B .1502, or
- (2) During any open season established for the Atlantic Ocean in 15 NCAC 3B .1504.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### **.1502 STRIPED BASS: SEASON: INTERNAL COASTAL WATERS**

(a) It shall be unlawful for any person to possess more than three striped bass taken by hook-and-line in any one day from coastal waters.

(b) Striped bass taken by hook-and-line fishing operations may not be sold.

(c) Striped bass taken in compliance with this Section may be possessed and transported at any time.

The Fisheries Director may, by proclamation, impose any or all the following restrictions in addition to restrictions in 15 NCAC 3B .1503, on the taking of striped bass in internal coastal waters:

- (1) Specify season or seasons:
  - (a) for hook-and-line,
  - (b) for commercial fishing equipment between October 1 and April 30.
- (2) Specify areas,
- (3) Specify quantity,
- (4) Specify means methods,
- (5) Specify size,
- (6) Require submission of statistical and biological data.

This Rule will be effective until September 1, 1992.

*Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.*

#### **.1503 STRIPED BASS: SIZE AND CREEL LIMIT: INTERNAL COASTAL WATERS**

(a) It shall be unlawful to possess striped bass on a vessel with a trawl net on that vessel in internal coastal fishing waters except during transit from ocean fishing grounds to port during any open season in the Atlantic Ocean established by proclamation.

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

(a) It is unlawful to possess striped bass harvested from internal coastal waters less than 14 inches long (total length). Fish that do not meet the minimum size limit shall immediately be returned to the waters where taken regardless of condition.

(b) It is unlawful for any person to possess more than three striped bass in any one day taken by hook-and-line from internal coastal waters.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### **.1504 STRIPED BASS: SEASON AND SIZE LIMIT: ATLANTIC OCEAN**

(a) It shall be is unlawful for any person to possess striped bass taken in the Atlantic Ocean less than the size limit as determined by the Atlantic States Marine Fisheries Commission in their Interstate Fisheries Management Plan for striped bass. The Fisheries Director shall issue proclamations necessary to bring North Carolina's size limit in compliance with the Interstate Fisheries Management Plan.

(b) It shall be is unlawful to take, attempt to take, buy, sell, offer to sell, transport, or possess any striped bass harvested from the Atlantic Ocean taken by any means except that the Fisheries Director may establish an during the open season at any time, and established pursuant to 15 NCAC 3B .1501 (a) and until the Fisheries Director opens the season in the Atlantic Ocean by proclamation, based on reasonable and prudent management of marine and estuarine resources. The Fisheries Director is further empowered at his discretion, to impose any or all of the following restrictions:

- (1) Specify number of days,
- (2) Specify areas,
- (3) Specify means and methods which may be employed in the taking,
- (4) Specify time period,

- (5) Limit the quantity, both commercially and recreationally, and
- (6) Provide for biological sampling of fish harvested.

*Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.*

#### .1505 STRIPED BASS: TRAWL NETS

(a) ~~It shall be unlawful to possess striped bass harvested from the internal coastal waters of North Carolina less than 14 inches long (total length). Such fish which do not meet the minimum size limit shall immediately be returned to the waters where taken regardless of condition of the fish.~~

(b) ~~It shall be unlawful to possess striped bass imported from other states less than 14 inches long (total length).~~

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

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

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .1506 HYBRID STRIPED BASS CULTURE

Culture and sale of hybrid striped bass conducted in accordance with ~~Regulation~~ 15 NCAC 101I Section .0700 of the North Carolina Wildlife Resources Commission shall be exempt from regulations of the North Carolina Marine Fisheries Commission concerning striped bass.

*Statutory Authority G.S. 113-132; 113-134; 143B-289.4.*

#### .1507 MULLET

The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of mullet:

- (1) Specify season.
- (2) Specify areas.
- (3) Specify quantity.
- (4) Specify means methods.
- (5) Specify size.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

### SECTION .1600 - DEPURATION OF SHELLFISH

#### .1601 HARVEST SEASON

~~It shall be is unlawful for any person~~ to take clams, oysters or mussels from the public or private prohibited (polluted) waters of the state for the purpose of depuration in an approved depuration operation except when the harvest will utilize shellfish that would otherwise be destroyed in maintenance dredging operations. All harvest and transport activities within the State of North Carolina related to depuration shall be under the direct supervision of the Division of Marine Fisheries and or the Division of Health Services of the North Carolina Department of Human Resources.

*Statutory Authority G.S. 113-134; 113-182; 113-201; 143B-289.4.*

#### .1602 HARVEST AREAS: TIMES AND METHODS

The Fisheries Director, ~~based upon reasonable and prudent management of marine and estuarine resources,~~ may, by proclamation, impose any or all of the following restrictions on the harvest of shellfish for depuration:

- (1) Specify species.
- (2) Specify areas except harvest will not be allowed from designated buffer zones adjacent to sewage outfall facilities,
- (3) Specify harvest days,
- (4) Specify time period,
- (5) Specify quantity and or size,
- (6) Specify harvest methods,
- (7) Specify record keeping requirements.

*Statutory Authority G.S. 113-134; 113-182; 113-201; 113-221; 143B-289.4.*

#### .1605 MECHANICAL DEPURATION FACILITIES

It is unlawful to ship shellfish ~~Shellfish~~ harvested for depuration ~~shall not be shipped~~ to depuration facilities located in a state other than North Carolina unless the facility is in compliance with the applicable rules ~~regulations~~ and laws of the shellfish control agency of that state.

*Statutory Authority G.S. 113-134; 113-182; 113-201; 143B-289.4.*

### SUBCHAPTER 3C - LICENSES, PERMITS, AND LEASES

#### SECTION .0200 - PERMITS

#### .0203 PERMIT FOR MECHANICAL HARVEST OF CLAMS



(a) ~~It shall be~~ is unlawful for any person to harvest hard clams by the use of mechanical methods from public or private bottom without first obtaining a permit from the Fisheries Director as provided in Regulation 15 NCAC 3B .0901. The permit is Permits are valid only in such areas, and at such times, and under conditions specified by as the Fisheries Director shall designate based on prudent management of concerns for other fisheries resources in the vicinity of the areas within which such activity is permitted.

(b) ~~It shall be unlawful for any person to harvest hard clams by the use of mechanical methods from leases, deeds, or grants without first obtaining a permit from the Fisheries Director as provided in Regulation 15 NCAC 3B .0901. The permit is valid only at such times and under such conditions as the Fisheries Director shall designate based on prudent management of fisheries resources in the vicinity of the leased, deeded, or granted bottom.~~

(c) ~~(b) Revocation or Suspension.~~ The permit will be revoked or suspended under the following conditions:

- (1) If any permit holder refuses to provide clam harvest information upon contact by division staff, either by telephone or in person, his permit shall be suspended. Permits may be reinstated ten days after requested information is provided.
- (2) Upon conviction of violation of any marine fisheries law, regulation, or proclamation involving the use of mechanical methods, the owner's permit will be suspended for no less than the following time periods: first conviction -- 10 days; second conviction within three years -- 30 days; third conviction within three years -- 60 days; and upon the fourth conviction within a three-year period, the permit will be permanently revoked.
- (3) Upon conviction of violation of ~~Regulation 15 NCAC 3B .1111~~ or conviction of taking clams with the use of mechanical methods from coastal waters that are closed by proclamation because of pollution, the owner's permit will be suspended for 30 days for the first conviction, and after the second conviction within a three-year period the permit will be permanently revoked.
- (4) In the event the person makes application for a new permit during the period of suspension, no new permit will be issued during the time specified in this Rule. In cases of permanent revocation the minimum waiting period before application for

a new permit will be considered will be six months; then only after a hearing before the Fisheries Director or his agent and a finding that issuance of the permit will be in the best interest of fisheries management may a new permit be issued.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0206 PERMITS: SEED MANAGEMENT AREAS

It is unlawful to ~~No person shall~~ take oysters from the seed management areas of the state for the purpose of planting the same on private beds bottoms unless such person shall have first secured a permit from the Fisheries Director to relay shellfish from seed management areas is first obtained from the Fisheries Director.

*Statutory Authority G.S. 113-134; 113-182; 113-201; 113-203; 143B-289.4.*

#### .0209 SCIENTIFIC COLLECTING PERMIT

It is unlawful to ~~No person shall~~ take any marine or estuarine species for scientific purposes which is out of season or otherwise protected ~~unless he without first secures~~ securing a scientific collecting permit from the secretary. If the secretary determines that the request is for a valid scientific purpose and will not result in a significant adverse effect on fisheries management, the permit may be issued. Such permit will be subject to any restrictions concerning areas, times, and sampling methods as the secretary deems appropriate.

*Statutory Authority G.S. 113-134; 113-182; 113-261; 143B-289.4.*

#### .0212 PERMITS FOR AQUACULTURE OPERATIONS

(a) It is unlawful to conduct aquaculture operations without first obtaining a permit from the Fisheries Director. Such permit will be issued on a calendar year basis. All aquaculture operations not required to be permitted by the Wildlife Resources Commission must be permitted by the Fisheries Director.

(b) It is unlawful to take fisheries resources from coastal waters for aquaculture purposes during closed seasons without first obtaining a permit from the Fisheries Director. The Fisheries Director may impose any or all of the following restrictions on the taking of fisheries resources for aquaculture purposes:

- (1) Specify species,
- (2) Specify quantity and/or size,
- (3) Specify time period,

- (4) Specify location,
- (5) Specify gear and/or vendors,
- (6) Specify other conditions as appropriate.

(c) It is unlawful to sell, or use for any purpose not related to North Carolina aquacultural operations, fisheries resources taken under a permit issued for such purpose.

(d) It is unlawful to fail to submit to the Fisheries Director an annual report specifying the amount and disposition of fisheries resources collected under authority of this permit.

(e) Lawfully permitted shellfish relaying activities authorized by 15 NCAC 3B .0905, .1107, and 3C .0206 are exempt from requirements of this Rule.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### **.0213 PERMIT TO OPERATE A CLAM HATCHERY**

It is unlawful to operate a clam hatchery without first obtaining a permit from the Fisheries Director. Such permit will be issued on a calendar year basis.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

### **SECTION .0300 - LEASES**

#### **.0304 SHELLFISH LEASE APPLICATION PROCESSING**

(a) Upon the receipt of a completed application, the proposed lease area will be inspected within a reasonable time by agents of the division. If the agents of the division determine that the area proposed to be leased is inconsistent with the standards in G.S. 113-202 (a) and 15 NCAC 03C .0302, the division shall notify the applicant who may then amend the application to exclude the inconsistencies. If the boundaries of the proposed leasehold are modified, the stakes shall be moved accordingly by the applicant.

(b) If the initial or amended lease application is deemed consistent with all applicable requirements, the secretary or his designee shall notify the applicant via first class mail and shall publish at least two notices of intention to lease in a newspaper of general circulation in the county or counties in which the proposed leasehold lies. The first publication must precede by more than 20 days the meeting of the Marine Fisheries Commission at which the granting of the lease or renewal of the lease is to be considered; the second publication must follow the first by 7 to 11 days. The notice of intention will include:

- (1) a description of the area,
- (2) the date and location of the commission meeting at which the lease will be considered, and
- (3) a statement of the division's determination regarding consistency with the applicable requirements.

(c) When an applicant has been notified under (a) of this Rule that the division considers the application inconsistent with applicable standards and the applicant does not amend the application to make it consistent, the division shall recommend to the commission that the application be denied or that a conditional lease be issued which is consistent with the applicable standards. After receipt of an applicant's response to a notice of inconsistency, stating that no amendment of the application will be made, the division shall publish at least two notices of the request for a lease in accordance with (b) of this Rule.

(d) The Marine Fisheries Commission shall consider the lease application, the division's determination, and any public comments and may in its discretion lease or decline to lease the area of public bottom, or any part of the area, in accordance with its duty to conserve the marine and estuarine resources of the state. The commission may impose special conditions on leases so that leases may be issued which would otherwise be denied. Should an applicant decide not to accept any special condition imposed on the lease by the commission, the application shall be considered denied. The applicant will be notified of any action within a reasonable time.

(e) Upon approval of the lease by the ~~commission~~ Commission, the applicant shall submit to the ~~division~~ Division a survey of the area approved for leasing within 90 days and define the bounds of the area approved for leasing with markers in accordance with 15 NCAC 3C .0303 (c). The survey will be made at the applicant's expense and must meet the following standards:

- (1) The map shall meet all the requirements of G.S. 47-30, ~~plats~~ Plats and ~~subdivisions; mapping requirements; Subdivisions; Mapping Requirements;~~ except those in Paragraphs (g) to (k) of this Rule through (l).
- (2) The map shall bear the certificate:  
 "I \_\_\_\_\_ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision); that the error of closure as calculated by latitudes and departures is 1:\_\_\_\_\_."

Witness my hand and seal  
this \_\_\_\_\_ day  
of \_\_\_\_\_ AD \_\_\_\_\_."

\_\_\_\_\_  
Surveyor or Engineer

(3) Error of closure may be no greater than 1:3500.

(4) The phrase "~~pertinent and permanent recognizable landmark or identifiable point~~" "other appropriate monuments or landmarks" in ~~Subparagraph (4) (9) of this Rule~~ G.S. 47-30 (f)(9) shall include bridges, roads and highways; publicly maintained aids to navigations; houses and other permanent buildings radio, telephone, TV, and water towers; and docks; piers, and bulkheads; but does not include stakes marking the boundaries of adjoining leases, points of marsh, junctions of streams, or other landmarks which are particularly subject to change through natural processes, storms, or the effect of man.

(f) After the division has deemed a survey acceptable, the applicant shall mark the boundaries of the leasehold in accordance with 15 NCAC 3C .0305 and pay all fees and rents due in advance. The secretary shall then execute the lease on forms approved by the Attorney General.

(g) If the applicant and the division are unable to agree that the area approved for lease is that shown in the survey, the division shall report the matter with reasonable dispatch to the Marine Fisheries Commission for resolution.

(h) Until a lease has been executed by the secretary, the area proposed for leasing remains public bottom and any member of the public may harvest the shellfish found growing within the area in a manner consistent with all other regulations that are applicable to the harvest of shellfish.

*Statutory Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.4;*

#### .0305 MARKING SHELLFISH LEASES AND FRANCHISES

(a) All shellfish leases ~~lease areas~~ and franchises shall be marked by:

(1) Stakes at least three inches in diameter at the water level and extending at least four feet above the high water mark. The stakes shall be firmly jettied or driven into the bottom at each corner. ~~of the leased area;~~

(2) Signs printed in letters at least three inches high, giving the name of the lessee and the lease number, displaying the number of

the lease or franchise and the name of the owner printed in letters at least three inches high must be firmly attached to each corner stake.

(3) Supplementary stakes, not farther apart than 50 yards or closer together than 50 feet and extending at least four feet above the high water mark, must be placed along each boundary, ~~of the lease~~, except when such would interfere with the use of traditional navigation channels.

(4) Stakes marking areas of management within leases, as approved in the management plan, or franchises must conform to Paragraph (a)(3) of this Rule and may not exceed one for each 1,200 square feet. Marking at concentrations of stakes greater than one for each 1,200 square feet constitutes use of the water column and a water column use amendment or permit is required.

(b) All areas claimed ~~by person~~ in filings made pursuant to G.S. 113-205 as deeded bottoms through oyster grants issued by the county clerk of court or as private bottoms through perpetual franchises issued by the Shellfish Commission shall be marked in accordance with (a) of this Rule, except the sign shall include the number of the grant or deed rather than the number of the lease. However, claimed areas not being managed and cultivated shall not be marked.

(c) ~~Persons who claim deeded bottoms or perpetual franchises shall not mark an area of bottom unless the area is being managed and cultivated by the claimant. It is unlawful to fail to remove all stakes, signs, and markers within 30 days of receipt of notice from the Secretary pursuant to Departmental Rule 15 NCAC 111 .0207 that the G.S. 113-205 claim to the marked area has been denied.~~

(d) ~~The division~~ Division has no duty to protect any shellfish ~~leasehold that is lease or franchise~~ not marked in accordance with Paragraph (a) of this Rule.

*Statutory Authority G.S. 76-40; 113-134; 113-182; 113-201; 113-202; 113-205; 143B-289.4.*

#### .0310 PRODUCTION REPORTS

(a) Each lessee must file with the division a report showing the amount of material planted on the lease site and the amount harvested.

(b) Reporting forms will be sent to each lessee by the division in conjunction with the annual notice of rent due.

(c) Failure to furnish this report, correct and in sufficient detail, constitutes grounds for termination of the lease. Filing a report containing



false information also constitutes grounds for termination of the lease.

(a) The owner of each shellfish lease or franchise must file with the Division an annual production report showing the amounts of material planted and harvested in connection with management for commercial production. Reporting forms will be provided to owners of leases and franchises by the Division during the period annual notices of rent due are provided to lessees in accordance with G.S. 113-202(j).

(b) Failure to furnish the required production report, correct and in detail requested, or filing a report containing false information, can constitute grounds for termination.

*Statutory Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.4.*

#### .0311 CANCELLATION

(a) In addition to the grounds established by G.S. 113-202, the secretary will begin action to terminate the lease leases for failure to produce and market at least 25 bushels of oysters and/or clams per lease acre per year, averaged over the most recent three-year period after January 1 following the second anniversary of an initial lease and throughout the term of a renewal lease.

(b) Action to terminate a shellfish franchise shall begin when there is reason to believe that the patentee, or those claiming under him, have done or omitted an act in violation of the terms and conditions on which the letters patent were granted, or have by any other means forfeited the interest acquired under the same. The Division shall investigate all such rights issued in perpetuity to determine whether the Secretary should request that the Attorney General initiate an action pursuant to G.S. 146-63 to vacate or annul the letters patent granted by the state.

(c) In the event action to terminate the a lease or franchise is begun, the lessee will owner shall be notified by registered mail and given a period of 30 days in which to correct the situation. Petitions to review the secretary's decision must be filed with the Office of Administrative Hearings consistent with the provisions of 26 NCAC Chapter 3. The lessee owner may appeal the secretary's decision to terminate to the Marine Fisheries Commission as set out in G.S. 113-202(p).

*Statutory Authority G.S. 113-134; 113-201; 113-202; 143B-289.4.*

#### .0312 TRANSFER OF INTEREST

(a) Within 20 days after transfer of beneficial ownership of all or any portion of interest in a

shellfish lease or franchise, leasehold to another, the new owner shall notify the Division, at the address given in 15 NCAC 3C .0303 (a), of such fact, and provide the number of the lease or franchise and the county in which it is located. Such notification shall be accompanied by a management plan prepared by the new owner in accordance with the standards in 15 NCAC 3C .0303(d).

(b) The notification shall include the name of the new owner, the number of the lease, and the county where the lease is located.

(c) The notification shall be accompanied by a management plan prepared in accordance with the standards in 15 NCAC 3C .0303 (d).

(d) (b) If the new owner takes obtains a portion of a an existing lease or franchise which has been divided from the lease, it shall not contain less than one acre and the required When the new owner takes a portion of a lease which has been divided from the lease, the notification to the Division shall be accompanied by a survey prepared in accordance with the standards in 15 NCAC 3C .0304 (e).

(e) (c) In the event the transferee is a nonresident, the Secretary must initiate proceedings to terminate the lease. termination proceedings.

*Statutory Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-205; 143B-289.4.*

#### .0314 SHELLFISH FRANCHISES

(a) A survey prepared in accordance with the standards in 15 NCAC 3C .0304(e) shall be provided to the Division within 90 days of notification to the owner that a claim filed under G.S. 113-205 has been recognized as a valid shellfish franchise.

(b) A management plan prepared in accordance with the standards in 15 NCAC 3C .0303(d) shall be provided upon submission of the survey required in Paragraph (a) of this Rule and at ten-year intervals thereafter.

(c) The survey and management plan requirements in Paragraphs (a) and (b) of this Rule, and all other requirements and conditions of this Section affecting management of franchises, shall apply to all valid shellfish franchises recognized prior to September 1, 1989.

(d) Commercial production requirements for franchises shall be identical to that required for leases in 15 NCAC 3C .0302(a)(1) averaged over the most recent three-year period after January 1 following the second anniversary of the dates of recognition of claims as valid shellfish franchises and continuing throughout the term of management plans required in Paragraph (b) of this Rule. Annual reporting of commercial pro-

duction shall be submitted upon receipt of forms provided by the Division for that purpose.

*Statutory Authority G.S. 113-134; 113-201; 113-202; 113-205; 143B-289.4.*

### SUBCHAPTER 3G - DESCRIPTIVE BOUNDARIES

#### .0001 SEA TURTLE SANCTUARY

The sea turtle sanctuary referenced in 15 NCAC 3B .0114 is in the Atlantic Ocean adjacent to Onslow County enclosed by a line, beginning at the easternmost end of Hammocks Beach (Bear Island) at 34° 38.4' N - 77° 07' W, and running southeastward 1,000 feet offshore toward the Bogue Inlet Bell Buoy (BW "BI"); thence continuing southwest 1,000 feet offshore parallel with the ocean shoreline of Bear Island to a point 34° 37.1' N - 77° 10.1' W where said line intersects the northeastern edge of that restricted zone between Bear and Browns Inlets, designated as part of the Camp Lejeune restricted area; thence seaward along the boundary of this restricted zone to a point 34° 36.7' N - 77° 09.8' W, said point being about 3/4 mile 157° M from the western end of Bear Island; thence from said point southwest across the restricted zone to a point 34° 35.1' N - 77° 13.2' W where said line intersects the southwestern boundary of the restricted zone, thence shoreward with the southwestern boundary of the restricted zone to a point off the mouth of Brown's Inlet 34° 35.6' N - 77° 13.6' W, said point being about 1,000 feet offshore of the western shore of Brown's Inlet; thence southwest parallel with the ocean shoreline 1,000 feet offshore to a point 34° 34.7' N - 77° 15.1' W, said point being about 1,200 feet 151° M from the northernmost observation tower on Onslow Beach; thence running southeast 151° M to a point 34° 34.3' N - 77° 14.7' W, said point being about 3/4 mile offshore; thence running southwest to the New River Inlet Bell Buoy (BW "NR"); thence from said buoy to the southernmost tip of Onslow Beach 34° 31.9' N - 77° 20.3' W.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0002 MILITARY RESTRICTED AREAS

(a) Designated military restricted areas referenced in 15 NCAC 3B .0117(b) and used for military training purposes are located as follows:

- (1) Currituck Sound:
  - (A) North Landing River; and

- (B) Northern part of Currituck Sound (See 33 CFR 334.410 (a) (1) and (a) (2); Contact Commander Fleet Air Norfolk);
- (2) Albemarle Sound:
  - (A) Along north shore at the easternmost tip of Harvey Point; and
  - (B) Along south shore of Albemarle Sound (See 33 CFR 334.410 (b) (1) and (b) (2); Contact Commander Fleet Air Norfolk);
- (3) Pamlico Sound:
  - (A) In the vicinity of Long Shoal (See 33 CFR 334.410 (c); Contact Commander Fleet Air Norfolk);
  - (B) In the vicinity of Brant Island (See 33 CFR 334.420 (a) (1); Contact Commander Marine Corp Air Bases, East, Cherry Point); and
  - (C) In the vicinity of Piney Island including waters of Rattan Bay, Cedar Bay and Turnagain Bay (See 33 CFR 334.420 (b); Contact Commander Marine Corps Air Bases, East, Cherry Point);
- (4) Neuse River and tributaries, that portion of Neuse River within 500 feet of the shore along the reservation of the Marine Corps Air Station, Cherry Point, North Carolina, extending from the mouth of Hancock Creek to a point approximately 6,000 feet west of the mouth of Slocum Creek, and all waters of Hancock and Slocum Creeks and their tributaries within the boundaries of the reservations (See 33 CFR 334.430 (a); contact Commanding General, United States Marine Corps Air Station, Cherry Point);
- (5) Atlantic Ocean:
  - (A) In the vicinity of Bear Inlet; and
  - (B) East of New River Inlet (See 33 CFR 334.440 (a) and (d); Contact Commanding General, Marine Corps Base, Camp Lejeune);
- (6) Brown's Inlet area between Bear Creek, Onslow Beach Bridge and the Atlantic Ocean (See 33 CFR 334.440 (c); Contact Commanding General, Marine Corps Base, Camp Lejeune);
- (7) New River within eight sections:
  - (A) Trap Bay Sector,
  - (B) Courthouse Bay Sector,
  - (C) Stone Bay Sector,
  - (D) Stone Creek Sector,
  - (E) Grey Point Sector,
  - (F) Farnell Bay Sector,
  - (G) Morgan Bay Sector, and
  - (H) Jacksonville Sector (See 33 CFR 334.440 (b); Contact Commanding General, Marine Corps Base, Camp Lejeune);

(8) Cape Fear River due west of the main ship channel extending from U.S. Coast Guard Buoy No. 31A at the north approach channel to Sunny Point Terminal to U.S. Coast Guard Buoy No. 23A at the south approach channel to Sunny Point Army Terminal and all waters of its tributaries therein (See 33 CFR 334.450 (a); Contact Commander, Sunny Point Area Terminal, Southport).

(b) The areas included in the advisory against the use of fixed fishing gear at the Piney Island range, as referenced in 15 NCAC 3B .0117(d) is Rattan Bay southeast of a line beginning at a point 35° 02' 41" N - 76° 29' 00" W, running 027° (M) to a point 35° 03' 28" N - 76° 28' 42" W, and include all of Rattan Bay which is within the Piney Island military range in southern Pamlico Sound.

*Statutory Authority G.S. 113-134; 113-181; 113-182; 143B-289.4.*

#### .0003 TRAWL NETS PROHIBITED

It is unlawful to use trawl nets in that area south of Shackleford Banks which is east of a line which begins at the navigation aid (buoy or beacon) at the westward end of the Cape Lookout westernmost jetty and running thence N 06° 45' E degrees (M) to the Markers' Island water tower; The excluded area includes all of Cape Lookout Bight, that area west of the Bight but east of the line above that portion of Bardens Inlet which lies southwestward of a line which begins at the Cape Lookout Lighthouse and runs N 28° 15' W degrees (M) to the southern end of Shackleford Banks.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0004 PURSE SEINES PROHIBITED

It is unlawful to take menhaden or Atlantic thread herring by use of a purse seine from the Atlantic Ocean within an area bounded by a line extending from Bald Head Lighthouse bearing 242° (M) to Cape Fear River ship channel buoy "7", then bearing 320° (M) to the foot of the Yaupon Beach Fishing Pier on Oak Island, then following the shoreline eastward to a point near Fort Caswell (33° 53' 13" N - 78° 01' 11" W), then running 138° (M) to the Bald Head Lighthouse.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0005 MECHANICAL METHODS PROHIBITED

(a) It is unlawful to use mechanical methods to take oysters in Pamlico Sound, within the area bounded by a line beginning at a point on the north side of Swash Inlet 34° 58' 50" N - 76° 09' 13" W; thence running 272° (M) 5,420 yards to a point in Wainwright Channel 34° 59' 30" N - 76° 12' 22" W immediately east of the northern tip of Wainwright Island; thence 019° (M) 2,000 yards to red 4 second interval flashing beacon "2CS" 35° 00' 16" N - 76° 12' 12" W; thence 033° (M) 2,900 yards to 4 second interval flashing beacon "III" 35° 01' 35" N - 76° 11' 27" W; thence 043° (M) 14,450 yards to a point in Pamlico Sound 35° 07' 06" N - 76° 06' 54" W; from which point green 4 second interval flashing beacon "3" on Royal Shoal bears 005° (M) 6,000 yards; green 6 second interval flashing beacon "5" on Royal Shoal bears 325° (M) 6,220 yards; and a yellow 6 second interval flashing beacon on Royal Shoal bears 257° (M) 3,000 yards; thence 078° (M) 7,800 yards to green 2.5 second interval flashing beacon "9" 35° 08' 26" N - 76° 02' 30" W in Nine Foot Shoal Channel; thence 067° (M) 3,640 yards to red 4 second interval flashing beacon "14BI" 35° 09' 21" N - 76° 00' 39" W in Big Foot Slough Channel; thence 078° (M) 26,260 yards to a quick-flashing beacon 35° 14' 00" N - 75° 45' 50" W; southwest of Oliver Reef; thence 033° (M) 6,100 yards to 2.5 second interval flashing beacon "1" 35° 16' 46" N - 75° 44' 16" W in Rollinson Channel; thence 079° (M) 13,920 yards to red 4 second interval flashing beacon "2" 35° 19' 02" N - 75° 36' 19" W in Cape Channel; thence 139° (M) 8,340 yards to a point on the shoreline of Hatteras Island near Buxton 35° 16' 18" N - 75° 32' 20" W; thence southwest with the shoreline of Hatteras Island to a point 35° 11' 30" N - 75° 44' 48" W on the southwest end of Hatteras Island; thence 269° (M) 2,380 yards across Hatteras Inlet to a point 35° 11' 18" N - 75° 46' 15" W on the northeast end of Ocracoke Island; thence southwest with the shoreline of Ocracoke Island to a point 35° 03' 54" N - 76° 00' 54" W on the southwest end of Ocracoke Island; thence 268° (M) 2,220 yards across Ocracoke Inlet to a point 35° 03' 42" N - 76° 02' 15" W on the northeast end of Portsmouth Island; thence running southwest with the shoreline of Portsmouth Island and Core Banks to a point on the north side of Swash Inlet 34° 58' 50" N - 76° 09' 13" W, to the point of the beginning.

(b) It is unlawful to use mechanical methods to take oysters in Core Sound and its tributaries southwest of a line beginning at a point on the north side of Swash Inlet 34° 58' 50" N - 76° 09' 13" W, and running 292° (M) to a point off Hog Island Reef 35° 00' 06" N - 76° 14' 52" W.



(c) It is unlawful to use mechanical methods to take oysters in any of the following areas: Back Bay at Hog Island, North Bay, the Straits, Back Sound, North River, Newport River, Bogue Sound, White Oak River, New River, Lockwoods Folly River, Shallotte River, and Saucepan Creek (Brunswick County), except on private bottom by permit.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0006 DESIGNATED POT AREAS

As referenced in 15 NCAC 3B .0504(a)(2), it is unlawful to use pots north and east of the Highway 58 Bridge at Emerald Isle from May 1 through October 31, except in areas described below:

- (1) In Albemarle Sound and tributaries;
- (2) In Roanoke Sound and tributaries;
- (3) In Croatan Sound and tributaries;
- (4) In Pamlico Sound and tributaries, except the following areas and areas further described in Paragraphs (5), (6), and (7) of this Rule:

(a) In Wysocking Bay:

- (i) Bound by a line beginning at a point on the south shore of Lone Tree Creek 35° 25' 05" N - 76° 02' 05" W running 239° (M) 1000 yards to a point 35° 24' 46" N - 76° 02' 32" W; thence 336° (M) 2200 yards to a point 35° 25' 42" N - 76° 03' 16" W; thence 062° (M) 750 yards to a point on shore 35° 25' 54" N - 76° 02' 54" W; thence following the shoreline and the Lone Tree Creek primary nursery area line to the beginning point;

- (ii) Bound by a line beginning at a point on the south shore of Mt. Pleasant Bay 35° 23' 07" N - 76° 04' 12" W running 083° (M) 1200 yards to a point 35° 23' 17" N - 76° 03' 32" W; thence 023° (M) 2400 yards to a point 35° 24' 27" N - 76° 03' 12" W; thence 299° (M) 1100 yards to a point on shore 35° 24' 38" N - 76° 04' 48" W; thence following the shoreline and the Browns Island and Mt. Pleasant Bay primary nursery area line to the beginning point; except pots may be set no more than 50 yards from the shoreline.

- (b) In Juniper Bay bound by a line beginning at a point on Juniper Bay Point 35° 20' 18" N - 76° 13' 22" W running 275° (M) 2300 yards to a point 35° 20' 15" N - 76° 14' 45" W; thence 007° (M) 2100 yards to Daymarker No. 3; thence 040° (M) 1100 yards to a point on shore 35° 21' 45" N - 76° 14' 24" W; thence following the

shoreline and the Buck Creek primary nursery area line to the beginning point.

- (c) In Swanquarter Bay, bound by a line beginning at a point on the north shore of Caffee Bay 35° 21' 57" N - 76° 17' 44" W; running 191° (M) 800 yards to a point on the south shore 35° 21' 35" N - 76° 17' 45" W; thence following the shoreline to a point on shore 35° 21' 37" N - 76° 18' 22" W; thence running 247° (M) 1300 yards to a point 35° 21' 17" N - 76° 19' 03" W; thence 340° (M) 1350 yards to a point 35° 21' 51" N - 76° 19' 27" W; thence 081° (M) 1150 yards to a point on the north shore 35° 22' 02" N - 76° 18' 48" W; thence following the shoreline and the primary nursery area line to the beginning point.

- (d) In Deep Cove east of a line beginning at a point on the south shore 35° 20' 33" N - 76° 22' 57" W, running 021° (M) 1800 yards to a point on the north shore 35° 21' 55" N - 76° 22' 43" W and west of a line beginning at a point on the south shore 35° 20' 44" N - 76° 22' 05" W running 003° (M) 1400 yards to a point on the north shore 35° 21' 26" N - 76° 22' 11" W.

- (c) In that area bound by a line beginning at Beacon No. 1 at the mouth of Deep Cove running 314° (M) 1400 yards to a point on shore 35° 20' 12" N - 76° 24' 18" W; thence 206° (M) 3250 yards to a point 35° 18' 40" N - 76° 24' 54" W; thence 128° (M) 2000 yards to a point 35° 18' 11" N - 76° 23' 51" W; thence 015° (M) through the "Dope Boat" Beacon 3250 yards to the beginning point.

- (f) Off Striking Bay bound by a line beginning at a point on the west shore of Striking Bay 35° 23' 20" N - 76° 26' 59" W running 190° (M) 1900 yards to a point 35° 22' 23" N - 76° 27' 00" W; thence 097° (M) 900 yards to Beacon No. 2; thence 127° (M) 1600 yards to a point 35° 21' 55" N - 76° 25' 43" W; thence following the shoreline to a point 35° 22' 30" N - 76° 25' 14" W; thence 322° (M) 2200 yards to a point 35° 23' 17" N - 76° 26' 10" W; thence following the shoreline to a point 35° 23' 19" N - 76° 26' 24" W; thence 335° (M) 900 yards to a point 35° 23' 40" N - 76° 26' 43" W; thence 059° (M) 500 yards to a point 35° 23' 30" N - 76° 26' 58" W; thence following the shoreline to the beginning point.

- (g) In Rose Bay bound by a line beginning at a point southwest of Swan Point 35°

- 23' 56" N - 76° 23' 39" W running 288° (M) 1500 yards to a point on shore 35° 24' 03" N - 76° 24' 33" W; thence 162° (M) 1650 yards to a point 35° 23' 19" N - 76° 24' 04" W; thence 084° (M) 1350 yards to a point on shore 35° 23' 29" N - 76° 23' 17" W; thence following the shoreline to the beginning point.
- (h) In Spencer Bay bound by a line beginning at a point on shore at Willow Point 35° 22' 26" N - 76° 28' 00" W running 059° (M) 1700 yards to a point 35° 22' 57" N - 76° 27' 13" W; thence 317° (M) 1500 yards to a point 35° 23' 25" N - 76° 27' 57" W; thence 243° (M) 1300 yards to a point on shore 35° 23' 02" N - 76° 28' 35" W; thence following the shoreline to the beginning point.
- (i) In Big Porpoise Bay bound by a line beginning at a point on shore 35° 15' 58" N - 76° 29' 10" W running 182° (M) 750 yards to Sage Point 35° 15' 36" N - 76° 29' 06" W; thence 116° (M) 850 yards to a point 35° 15' 28" N - 76° 28' 36" W; thence 023° (M) 700 yards to a point on shore 35° 15' 48" N - 76° 28' 30" W; thence following the shoreline to the beginning point.
- (j) In that area north of the target ship beginning at a point 35° 14' 25" N - 76° 27' 05" W; running 071° (M) 2000 yards to a point 35° 14' 52" N - 76° 26' 00" W; thence 168° (M) 1800 yards to a point 35° 14' 03" N - 76° 25' 39" W; thence 273° (M) 2000 yards to a point 35° 13' 57" N - 76° 26' 55" W; thence 350° (M) 1000 yards to the beginning point.
- (k) In Middle Bay-Jones Bay area bound by a line beginning at Middle Bay Point 35° 14' 49" N - 76° 28' 41" W running 131° (M) 3550 yards to a point 35° 13' 51" N - 76° 26' 53" W; thence 214° (M) 2600 yards to a point 35° 12' 43" N - 76° 27' 34" W; thence 291° (M) 2700 yards to Sow Island; thence 181° (M) 2350 yards to a point 35° 11' 51" N - 76° 28' 57" W; thence 254° (M) 2000 yards to Red Daymarker No. 4; thence 024° (M) 3600 yards through Green Flasher No. 5 to Sow Island Point 35° 13' 09" N - 76° 29' 28" W; thence following the shoreline of Middle Bay to Big Fishing Point 35° 14' 02" N - 76° 29' 52" W; thence 008° (M) 1100 yards to a point on the north shore 35° 14' 33" N - 76° 29' 52" W; thence following the shoreline to a point 35° 14' 46" N - 76° 29' 14" W; thence no more than 75 yards from the shoreline to the beginning point.
- (l) In Jones Bay bound by a line beginning at a point on Sow Island Point 35° 13' 09" N - 76° 29' 28" W running 204° (M) 2600 yards to Green Flasher No. 5; thence 322° (M) 2450 yards to a point 35° 12' 48" N - 76° 30' 58" W; thence 217° (M) 1200 yards to a point shore 35° 12' 20" N - 76° 31' 16" W; thence following the shoreline to a point 35° 12' 52" N - 76° 31' 45" W; thence 231° (M) 600 yards to a point 35° 12' 52" N - 76° 31' 45" W; thence parallel with the shoreline no more than 600 yards from shore to a point 35° 13' 11" N - 76° 32' 07" W; thence 038° (M) to a point 600 yards from the north shore 35° 13' 39" N - 76° 31' 54" W; thence parallel with the shoreline no more than 600 yards from shore to a point 35° 13' 09" N - 76° 30' 48" W; thence 009° (M) 600 yards to a point on shore 35° 13' 26" N - 76° 30' 47" W; thence following the shoreline to the beginning point.
- (m) In an area bound by a line beginning at Boar Point 35° 12' 07" N - 76° 31' 04" W running 106° (M) 2000 yards to Green Flasher No. 5; thence 200° (M) 2200 yards to a point 35° 10' 56" N - 76° 30' 10" W; thence 282° (M) 2350 yards to Bay Point 35° 11' 02" N - 76° 31' 35" W; thence following the shoreline to the beginning point.
- (n) In an area at the mouth of Bay River bound by a line beginning at a point on Maw Point 35° 08' 55" N - 76° 32' 10" W running 020° (M) 1600 yards to Daymarker No. 1; thence 134° (M) 3800 yards to Neuse River Junction Quick Flasher; thence 236° (M) 1700 yards to Red Day Marker No. 2 PA; thence 314° (M) 2750 yards to the beginning point.
- (o) The waters within a circular area with a radius of 1,000 yards having its center on the southern side of Brant Island at latitude 35° 12' 30" N - longitude 76° 26' 30" W.
- (5) In Pamlico River west of a line from a point on Pamlico Point 35° 18' 42" N - 76° 28' 58" W running 009° (M) through Daymarker No. 1 and Willow Point Shoal Beacon to a point on Willow Point 35° 22' 23" N - 76° 28' 48" W pots may be used in the following areas:
- (a) In that area bound by a line beginning at a point on the line from Pamlico Point to Willow Point 35° 19' 24" N - 76° 28' 56" W running westerly parallel to the

- shoreline at a distance of no more than 1000 yards to a point 35° 19' 24" N - 76° 29' 09" W; thence running 218° (M) 900 yards to a point 35° 19' 02" N - 76° 29' 24" W 100 yards from shore; thence westerly parallel to the shoreline at a distance of 100 yards to a point 35° 19' 02" N - 76° 29' 59" W; thence 006° (M) 950 yards to a point 35° 19' 30" N - 76° 30' 00" W; thence westerly parallel to the shoreline at a distance of 1000 yards to a point 35° 20' 06" N - 76° 32' 54" W; thence 198° (M) 550 yards to a point 400 yards from shore 35° 19' 49" N - 76° 32' 59" W; thence parallel to the shoreline at a distance of 400 yards to a point 35° 19' 50" N - 76° 33' 27" W; thence 008° (M) to a point 1000 yards from shore 35° 20' 09" N - 76° 33' 27" W; thence westerly parallel to the shoreline at a distance of 1000 yards to a point 35° 20' 12" N - 76° 33' 55" W; thence 191° (M) to a point 400 yards from shore 35° 19' 55" N - 76° 33' 56" W; thence westerly parallel to the shoreline at a distance of 400 yards to a point 35° 20' 00" N - 76° 34' 34" W; thence 004° (M) 600 yards to a point 1000 yards from shore 35° 20' 19" N - 76° 34' 35" W; thence westerly parallel to the shoreline at a distance of 1000 yards to Green Flasher No. 1; thence 248° (M) parallel to the ICWW to a point off Fulford Point 35° 19' 59" N - 76° 36' 41" W; thence 171° (M) to a point on Fulford Point 35° 19' 41" N - 76° 36' 34" W.
- (b) All coastal waters and tributaries of Oyster Creek, James Creek, Middle Prong and Clark Creek.
- (c) All coastal waters of Goose Creek:
- (i) In that area bound by a line beginning at a point on Reed Hammock 35° 20' 24" N - 76° 36' 51" W running 171° (M) 300 yards to a point 35° 20' 16" N - 76° 36' 48" W; thence parallel with the shoreline no more than 300 yards from shore to a point 35° 20' 09" N - 76° 37' 10" W; thence 302° (M) 300 yards to a point on shore 35° 20' 13" N - 76° 37' 19" W.
- (ii) In that area bound by a line beginning at a point on shore 35° 19' 58" N - 76° 37' 33" W; running 291° (M) 300 yards to a point 35° 19' 57" N - 76° 37' 21" W; thence parallel to the shoreline no more than 300 yards from shore to a point 35° 18' 16" N - 76° 37' 16" W; thence 292° (M) to a point on the north shore of Snode Creek 35° 18' 15" N - 76° 37' 27" W.
- (iii) In that area bound by a line beginning at a point at the mouth of Goose Creek 35° 19' 59" N - 76° 36' 41" W; running 348° (M) to Green Daymarker No. 5; thence south parallel to the shoreline no more than 300 yards from shore to a point 35° 18' 12" N - 76° 37' 07" W; thence 112° (M) to Store Point 35° 18' 09" N - 76° 36' 57" W.
- (iv) Between the line from Store Point to Snode Creek and a line beginning at a point on Long Neck Point running 264° (M) through Beacon No. 15 to Huskie Point from the shoreline to no more than 150 yards from shore.
- (v) All coastal waters southeast of the line from Long Neck Point through Beacon No. 15 to Huskie Point.
- (vi) Campbell Creek - west of a line from a point on Huskie Point 35° 17' 00" N - 76° 37' 06" W running 004° (M) to Pasture Point 35° 17' 20" N - 76° 37' 08" W, to the Inland-Commercial line.
- (d) All coastal waters bound by a line beginning on Reed Hammock 35° 20' 24" N - 76° 36' 51" W running 171° (M) to a point 35° 20' 16" N - 76° 36' 47" W; thence 100° (M) 800 yards to Red Daymarker No. 4; thence 322° (M) 1200 yards to a point 35° 20' 40" N - 76° 36' 48" W; thence westerly parallel to the shoreline at a distance of 300 yards to a point in Bond Creek 35° 20' 40" N - 76° 41' 37" W; thence 199° (M) to a point on the south shore of Muddy Creek 35° 20' 18" N - 76° 41' 34" W, including all waters of Muddy Creek up to the Inland-Coastal boundary line.
- (e) Along the west shore of Bond Creek from Fork Point to the Coastal-Inland boundary line from the shoreline to no more than 50 yards from shore.
- (f) All coastal waters of South Creek upstream of a line beginning at a point on Fork Point 35° 20' 45" N - 76° 41' 47" W running 017° (M) to a point on Hickory Point 35° 21' 44" N - 76° 41' 36" W.
- (g) In that area bound by a line beginning at a point at the six foot depth contour south of Hickory Point 35° 21' 33" N - 76° 41' 39" W; thence easterly following the six foot depth contour to a point off the east of Indian Island 35° 21' 42" N - 76° 38' 04" W; thence 270° (M) to a point on the east end of Indian Island 35° 21' 38" N - 76° 38' 36" W; thence following the shoreline of Indian Island to a point on the west end 35° 32' 37" N - 76° 39' 40"



- W; thence 293° (M) toward Daymarker No. 1 to a point at the six foot depth contour 35° 21' 46" N - 76° 40' 16" W; thence following the six foot depth contour in a westerly direction to a point off Long Point 35° 22' 42" N - 76° 42' 44" W; thence 233° (M) to a point on shore 35° 22' 24" N - 76° 43' 05" W.
- (h) Beginning at a point on shore near Long Point 35° 22' 29" N - 76° 43' 25" W, running 001° (M) to a point 300 yards offshore 35° 22' 39" N - 76° 43' 26" W; thence westerly parallel to the shoreline at a distance of 300 yards to a point 35° 22' 39" N - 76° 43' 59" W; thence 209° (M) to a point on shore 35° 22' 30" N - 76° 44' 03" W.
- (i) Beginning at a point on shore 35° 22' 30" N - 76° 44' 27" W, running 355° (M) to a point offshore 35° 22' 40" N - 76° 44' 31" W; thence westerly parallel to the shoreline at a distance of 300 yards to a point 35° 22' 53" N - 76° 45' 00" W; thence running 251° (M) to a point on shore 35° 22' 46" N - 76° 45' 14" W.
- (j) Beginning at a point on shore 35° 22' 54" N - 76° 45' 43" W; running 003° (M) to a point offshore 35° 23' 03" N - 76° 45' 43" W; thence westerly parallel to the shoreline at a distance of 300 yards to the intersection of a line beginning on the north shore at Gum Point 35° 25' 09" N - 76° 45' 33" W; running 210° (M) to a point on the south shore 35° 23' 28" N - 76° 46' 26" W.
- (k) All coastal waters west of a line beginning on the north shore at Gum Point 35° 25' 09" N - 76° 45' 33" W running 210° (M) to a point on the south shore 35° 23' 28" N - 76° 46' 26" W.
- (l) On the north side of Pamlico River bound by a line beginning at the intersection of the line from Gum Point to the south shore 500 yards from shore 35° 24' 55" N - 76° 45' 39" W running easterly parallel to the shoreline at a distance of 500 yards to a point at the six foot contour near Adams Point 35° 23' 08" N - 76° 35' 59" W.
- (m) All waters and tributaries of North Creek except the marked navigation channel.
- (n) In that area bound by a line beginning at a point at the six foot contour near Adams Point 35° 23' 08" N - 76° 35' 59" W running westerly following the six foot depth contour to a point off Wades Point 35° 23' 28" N - 76° 34' 09" W.
- (o) In Pungo River:
- (i) Bound by a line beginning at Wades Point 35° 23' 16" N - 76° 34' 30" W running 059° (M) to a point at the six foot depth contour, 35° 23' 28" N - 76° 34' 09" W; thence northerly following the six foot depth contour to a point near Beacon No. 3 35° 25' 44" N - 76° 34' 46" W; thence 272° (M) 950 yards to a point on shore 35° 25' 41" N - 76° 35' 22" W.
- (ii) Bound by a line beginning at a point on shore 35° 25' 50" N - 76° 35' 37" W running 050° (M) 1150 yards to a point at 35° 26' 17" N - 76° 35' 10" W; thence northerly following the six foot depth contour to a point 35° 26' 54" N - 76° 36' 09" W; thence 314° (M) 350 yards to a point on shore 35° 27' 00" N - 76° 36' 20" W.
- (iii) Bound by a line beginning at a point on shore 35° 27' 14" N - 76° 36' 26" W running 077° (M) 800 yards to a point 35° 27' 23" N - 76° 36' 02" W; thence northerly following the six foot depth contour to a point off Windmill Point 35° 30' 50" N - 76° 38' 09" W; thence 076° (M) to a point 200 yards west of Daymarker No. 3 35° 31' 21" N - 76° 36' 37" W; thence 312° (M) to a point at the "Breakwater" 35° 31' 36" N - 76° 37' 05" W.
- (iv) All coastal waters bound by a line beginning at a point at the "Breakwater" 200 yards northeast of Beacon No. 6 35° 31' 47" N - 76° 36' 51" W running 132° (M) to a point 200 yards from Daymarker No. 4 35° 31' 31" N - 76° 36' 21" W; thence running 102° (M) to a point 35° 31' 28" N - 76° 35' 59" W; thence running 010° (M) to Beacon No. 1; thence running 045° (M) 700 yards to a point on shore 35° 32' 22" N - 76° 35' 42" W.
- (v) All coastal waters north and east of a line beginning at a point on shore west of Lower Dowry Creek 35° 37' 24" N - 76° 35' 23" W running 177° (M) 1950 yards to a point 200 yards north of Daymarker No. 11 35° 36' 27" N - 76° 35' 10" W; thence easterly parallel to the marked navigation channel at a distance of 200 yards to a point on the shore northwest of Wilkerson Creek 35° 33' 13" N - 76° 27' 36" W.
- (vi) All coastal waters south of a line beginning on shore south of Wilkerson Creek 35° 33' 02" N - 76° 27' 20" W running westerly parallel to the marked navigation channel at a distance of 200 yards to a point southeast of Daymarker No.

- 14 35° 31' 05" N - 76° 32' 34" W; thence running 208° (M) to a point on shore 35° 30' 56" N - 76° 32' 58" W.
- (vii) All coastal waters bound by a line beginning on shore east of Durants Point 35° 30' 29" N - 76° 33' 25" W running 347° (M) to a point southwest of Daymarker No. 12 35° 31' 08" N - 76° 33' 53" W; thence westerly parallel to the marked navigation channel at a distance of 200 yards to a point south of Beacon No. 10 35° 31' 08" N - 76° 35' 35" W; thence running 185° (M) to a point at the six foot depth contour between Beacon No. 8 and the eastern shore of Pungo River 35° 30' 08" N - 76° 35' 28" W; thence following the six foot depth contour to a point 35° 28' 09" N - 76° 33' 43" W; thence 127° (M) to a point on shore 35° 28' 00" N - 76° 33' 25" W; thence 159° (M) to a point at the six foot depth contour 35° 27' 40" N - 76° 33' 12" W including the waters of Slades Creek and its tributaries; thence 209° (M) to a point on shore 35° 27' 22" N - 76° 33' 21" W; thence 272° (M) to a point at the six foot depth contour 35° 27' 18" N - 76° 33' 53" W; thence southerly following the six foot depth contour to a point south of Sandy Point 35° 26' 35" N - 76° 33' 50" W; thence 087° (M) to a point on shore 35° 26' 38" N - 76° 33' 34" W.
- (viii) In that area bound by a line beginning at a point on shore 35° 26' 20" N - 76° 33' 18" W running 176° (M) to a point at the six foot depth contour 35° 26' 05" N - 76° 33' 13" W; thence southerly following the six foot depth contour throughout Fortescue Creek to a point off Fortescue Creek 35° 25' 44" N - 76° 32' 09" W; thence 145° (M) to a point on shore 35° 25' 36" N - 76° 32' 01" W.
- (ix) In that area bound by a line beginning at a point on shore 35° 25' 20" N - 76° 32' 01" W running 258° (M) to a point at the six foot depth contour 35° 25' 17" N - 76° 32' 18" W; thence following the six foot depth contour to a point 500 yards west of Currituck Point 35° 24' 30" N - 76° 32' 12" W; thence southeasterly parallel to the shoreline and including Abel Bay at a distance of 500 yards to a point at the intersection of the line from Pamlico Point to Willow Point 35° 22' 09" N - 76° 28' 48" W.
- (6) In Bay River west of a line beginning at a point on Maw Point 35° 09' 02" N - 76° 32' 09" W running 022° (M) to a point on Bay Point 35° 11' 02" N - 76° 31' 34" W, pots may be used in the following areas:
- (a) In that area beginning at a point on Maw Point 35° 09' 02" N - 76° 32' 09" W; running 018° (M) to Green Daymarker No. 1; thence 223° (M) to a point on shore in Fisherman Bay 35° 09' 10" N - 76° 32' 38" W.
- (b) In Fisherman Bay bound by a line beginning at a point on the shore west of Maw Point 35° 09' 18" N - 76° 33' 02" W; thence 351° (M) 3200 yards to lighted Beacon No. 3 in Bay River; thence 230° (M) 1200 yards to a point on the shore 35° 10' 24" N - 76° 34' 00" W.
- (c) In that area bound by a line beginning at a point on the east shore at the mouth of Bonners Bay 35° 10' 05" N - 76° 35' 18" W; thence 306° (M) 300 yards to a point in Bay River, 35° 10' 10" N - 76° 35' 30" W; thence parallel to the shoreline no more than 300 yards from shore to a point in Bay River 35° 10' 40" N - 76° 34' 42" W; thence 188° (M) to a point on shore 35° 10' 27" N - 76° 34' 42" W.
- (d) In Bonner Bay bound by a line beginning at a point on the east shore 35° 10' 05" N - 76° 35' 18" W running 306° (M) 200 yards to a point 35° 10' 09" N - 76° 35' 25" W; thence parallel to the shoreline no more than 200 yards offshore to a point 35° 09' 16" N - 76° 34' 38" W; thence 097° (M) 200 yards to a point on shore 35° 09' 16" N - 76° 35' 13" W.
- (e) In Bonner Bay, Spring Creek and Long Creek south of a line beginning at a point on the east shore 35° 09' 16" N - 76° 35' 13" W running 274° (M) to a point on the west shore 35° 09' 14" N - 76° 35' 43" W.
- (f) In Bonner Bay bound by a line beginning at a point on the west shore 35° 09' 14" N - 76° 35' 14" W running 094° (M) 100 yards to a point 35° 09' 13" N - 76° 35' 39" W; thence parallel to the shoreline no more than 100 yards offshore to a point in Riggs Creek 35° 09' 15" N - 76° 36' 08" W; thence 142° (M) to a point on shore 35° 09' 13" N - 76° 36' 08" W.
- (g) In that area bound by a line beginning on the south shore of Bay River west of Bell Point 35° 09' 40" N - 76° 40' 00" W running 314° (M) to a point 200 yards offshore 35° 09' 43" N - 76° 40' 06" W; thence no more than 200 yards from the shoreline to a point 35° 09' 53" N - 76° 36' 45" W; thence 102° (M) to a point 35° 09' 50" N - 76° 35' 54" W; thence 181° (M) to a point 35° 09' 36" N - 76° 35' 51"

- W; thence 237° (M) to a point in Riggs Creek 35° 09' 18" N - 76° 36' 12" W; thence 322° (M) to a point on shore at the mouth of Riggs Creek 35° 09' 21" N - 76° 36' 18" W.
- (h) In that area on the south side of Bay River bound by a line beginning at a point on shore at the confluence of Bay River and Trent Creek 35° 08' 27" N - 76° 43' 12" W running 016° (M) 150 yards to a point 35° 08' 31" N - 76° 43' 11" W; thence no more than 150 yards from shore to a point 34° 08' 59" N - 76° 40' 19" W; thence 116° (M) to a point on shore at Moores Creek 34° 08' 57" N - 76° 40' 14" W.
- (i) In Bay River and Trent Creek west of a line beginning at a point on the south shore 35° 08' 27" N - 76° 43' 12" W running 016° (M) to a point on the north shore 35° 08' 39" N - 76° 43' 09" W.
- (j) In that area on the north shore of Bay River bound by a line beginning at a point west of Vandemere Creek 35° 10' 53" N - 76° 39' 42" W running 135° (M) 150 yards to a point 35° 10' 52" N - 76° 39' 39" W; thence no more than 150 yards from shore to a point at the confluence of Bay River and Trent Creek 35° 08' 37" N - 76° 43' 10" W; thence to a point on the north shore 35° 08' 39" N - 76° 43' 09" W.
- (k) In Vandemere Creek northeast of a line beginning at a point on the east shore 35° 11' 04" N - 76° 39' 22" W running 315° (M) to a point on the west shore 35° 11' 12" N - 76° 39' 36" W.
- (l) In that area bound by a line beginning at a point at the mouth of Vandemere Creek 35° 11' 04" N - 76° 39' 22" W, running 216° (M) 200 yards to a point in Bay River 35° 10' 58" N - 76° 39' 25" W; thence parallel to the shoreline no more than 200 yards from shore to a point in Bay River northwest of Beacon No. 4 35° 10' 40" N - 76° 36' 38" W; thence 344° (M) 200 yards to a point on shore 35° 10' 45" N - 76° 36' 42" W.
- (m) In that area bound by a line beginning at a point on Sanders Point 35° 11' 19" N - 76° 35' 54" W; running 067° (M) 200 yards to a point 35° 11' 23" N - 76° 35' 47" W; thence following the shoreline no more than 200 yards from shore to a point in Bay River northwest of Beacon No. 4 35° 10' 40" N - 76° 36' 38" W; thence 344° (M) 200 yards to a point on the shore 35° 10' 45" N - 76° 36' 42" W.
- (n) In that area beginning at a point on shore 35° 12' 02" N - 76° 35' 58" W, running 162° (M) 500 yards to a point 35° 11' 38" N - 76° 35' 50" W; thence parallel to the shoreline no more than 500 yards from shore to a point 35° 11' 56" N - 76° 35' 04" W; thence 339° (M) 500 yards to a point on shore at the mouth of Gales Creek 35° 12' 09" N - 76° 35' 12" W.
- (o) In that area bound by a line beginning at a point on shore at the mouth of Gale Creek 35° 12' 08" N - 76° 34' 52" W, running 278° (M) 200 yards to a point in Bay River 35° 12' 08" N - 76° 35' 02" W; thence running parallel to the shoreline at a distance of 200 yards to a point in Bay River 35° 11' 32" N - 76° 33' 24" W; thence running 352° (M) 200 yards to a point on shore at Dump Creek 35° 11' 39" N - 76° 33' 25" W.
- (p) In Gale Creek except the Intracoastal Waterway north of a line beginning at a point on the west shore 35° 12' 08" N - 76° 35' 12" W running 098° (M) to a point on the west shore 35° 12' 08" N - 76° 34' 52" W.
- (q) In an area bound by a line beginning at a point on the eastern shore at the mouth of Rockhole Bay 35° 11' 06" N - 76° 32' 11" W; thence 180° (M) 600 yards to a point in Bay River 35° 10' 49" N - 76° 32' 09" W; thence east with the five foot curve 1100 yards to a point 35° 10' 36" N - 76° 31' 30" W; thence 000° (M) 850 yards to a point on Bay Point 35° 11' 02" N - 76° 31' 34" W.
- (7) In the Neuse River and West Bay Area south and west of a line beginning at a point on Maw Point 35° 09' 02" N - 76° 32' 09" W, running 137° (M) through the Maw Point Shoal Day Marker No. 2 and through the Neuse River Entrance Light to a point at the mouth of West Bay 35° 02' 09" N - 76° 21' 53" W, pots may be set in the following areas:
- (a) All coastal fishing waters northwest of a line beginning at a point at the mouth of Slocum Creek 34° 57' 02" N - 76° 53' 42" W, running 029° (M) to a point at the mouth of Beards Creek 35° 00' 08" N - 76° 52' 13" W. Pots may also be set in coastal fishing waters of Goose Bay and Upper Broad Creek.
- (b) In that area bound by a line beginning at a point on the north shore at Mill Creek 34° 59' 34" N - 76° 51' 06" W; thence running 223° (M) approximately 300 yards into the river to a point 34° 59'



- 25° N - 76° 51' 14" W; thence along the six foot depth curve southeast to a point at the rock jetty 34° 58' 06" N - 76° 49' 14" W; thence 016° (M) approximately 300 yards to a point on the shore 34° 58' 17" N - 76° 49' 12" W.
- (c) In that area bound by a line beginning at a point on the north shore approximately 500 yards west of Pierson Point 34° 58' 32" N - 76° 46' 38" W; thence running 171° (M) approximately 300 yards into the river to a point 34° 58' 24" N - 76° 46' 34" W; thence east and northeast along the six foot curve to a point in the river 34° 58' 47" N - 76° 45' 39" W; thence 330° (M) approximately 700 yards to a point on the shore 50 yards west of an existing pier 34° 59' 04" N - 76° 45' 54" W.
- (d) In that area bound by a line beginning at a point on the north shore east of Dawson Creek Bridge 34° 59' 34" N - 76° 45' 12" W; thence running 244° (M) approximately 500 yards to Day Marker No. 4 (entrance to Dawson Creek Channel); thence running east 117° (M) to a point 34° 59' 22" N - 76° 45' 19" W; thence east and northeast along the six foot curve to a point 50 yards west of Day Marker No. 3 (channel to Oriental) 35° 01' 02" N - 76° 41' 51" W; thence 303° (M) approximately 600 yards to a point on the eastern tip of Windmill Point 35° 01' 10" N - 76° 42' 08" W.
- (e) In Greens Creek (Oriental) west of a line at the confluence of Greens and Kershaw Creeks beginning at a point on the south shore 35° 01' 28" N - 76° 42' 55" W running 005° (M) to a point on the north shore 35° 01' 38" N - 76° 42' 54" W, no more than 75 yards from the shoreline east of this line to the Highway 55 bridge.
- (f) In that area bound by a line beginning at a point on Whittaker Point 35° 01' 37" N - 76° 40' 56" W; thence running 192° (M) approximately 500 yards to a point in the river 35° 01' 23" N - 76° 40' 57" W; thence along the six foot depth curve northeast to a point in the river off Orchard Creek 35° 03' 18" N - 76° 37' 53" W; thence 280° (M) approximately 900 yards to a point on the eastern tip of Cockle Point 35° 03' 20" N - 76° 38' 27" W.
- (g) In that area bound by a line beginning at a point on the north shore near the mouth of Orchard Creek 35° 03' 38" N - 76° 37' 54" W running 177° (M) approximately 400 yards to a point 35° 03' 27" N - 76° 37' 54" W; thence along the six foot curve to a point eastward; thence 174° (M) 600 yards to a point on the north shore 35° 03' 56" N - 76° 36' 42" W.
- (h) In that area bound by a line beginning at a point on the north shore approximately 400 yards south of Gum Thicket Creek 35° 04' 12" N - 76° 36' 11" W; thence running 132° (M) approximately 600 yards to a point 35° 03' 55" N - 76° 35' 48" W; thence along the six foot depth curve eastward to a point 35° 04' 10" N - 76° 34' 37" W; thence 304° (M) to a point on the shore 400 yards north of Gum Thicket Creek 35° 04' 38" N - 76° 35' 42" W.
- (i) In Lower Broad Creek east of a line running 188° (M) through Red Day Marker No. 4. No more than 150 yards from shore between a line running 188° (M) through Red Day Marker No. 4 and a line running 228° (M) through Green Marker No. 3. Pots may not be set in Burton Creek.
- (j) Piney Point Shoal Area, in that area bound by a line beginning at a point on the north side of a creek (locally known as Wadin or Persimmon Creek) 35° 07' 17" N - 76° 33' 26" W running 115° (M) approximately 300 yards to a point near the six foot depth curve 35° 07' 15" N - 76° 33' 16" W; thence south and southeast along the six foot depth curve to a point east of the old lighthouse 35° 05' 17" N - 76° 32' 42" W; thence 288° (M) through the old lighthouse to a point on shore north of Red Day Marker No. 2 at the mouth of Broad Creek 35° 05' 42" N - 76° 35' 18" W.
- (k) In that area bound by a line beginning at a point on the south shore of Maw Bay 35° 08' 32" N - 76° 32' 38" W; thence running 114° (M) to Maw Point Shoal Day Marker No. 2; thence 317° (M) to Maw Point 35° 08' 55" N - 76° 32' 11" W.
- (l) In that area east of Slocum Creek bound by a line beginning at a point 34° 57' 02" N - 76° 53' 42" W; thence running 029° (M) approximately 1100 yards to a point 34° 57' 32" N - 76° 53' 28" W; thence along the six foot curve to a point 34° 56' 34" N - 76° 49' 38" W; thence 176° (M) approximately 300 yards to a point 34° 56' 26" N - 76° 49' 35" W.
- (m) In that area bound by a line beginning at a point 34° 56' 22" N - 76° 49' 05" W, running 057° (M) approximately 1100 yards to Day Marker "2" off Cherry

- Point; thence 097° (M) approximately 200 yards to a point 34° 56' 42" N - 76° 48' 27" W; thence along the six foot curve to a point 34° 55' 10" N - 76° 45' 40" W; thence 187° (M) approximately 400 yards to a point on Temple Point 34° 54' 58" N - 76° 45' 40" W.
- (n) In that area southeast of a line beginning at a point at the mouth of Clubfoot Creek 34° 55' 20" N - 76° 45' 09" W running 076° (M) to a point on shore 34° 55' 37" N - 76° 44' 23" W.
- (o) In Clubfoot Creek south of a line beginning at a point on the east shore 34° 54' 30" N - 76° 45' 26" W, running 284° (M) to a point on the west shore 34° 54' 33" N - 76° 45' 43" W. Pots may be set 50 yards from shore north of this line.
- (p) In that area bound by a line beginning at the western tip of Great Island 34° 55' 47" N - 76° 44' 50" W; thence running 275° (M) approximately 500 yards to a point 34° 55' 46" N - 76° 45' 07" W; thence 029° (M) approximately 1400 yards to a point 34° 56' 24" N - 76° 44' 48" W; thence 120° (M) to a point 34° 56' 06" N - 76° 43' 59" W; thence 232° (M) to a point on Great Island 34° 55' 50" N - 76° 44' 17" W.
- (q) In that area bound by a line beginning at a point west of Long Creek 34° 55' 38" N - 76° 44' 18" W running 064° (M) to a point 34° 55' 57" N - 76° 43' 43" W; thence 138° (M) to a point on shore at the mouth of Great Neck Creek 34° 55' 50" N - 76° 43' 25" W.
- (r) In that area bound by a line beginning at a point at the mouth of Great Neck Creek 34° 55' 50" N - 76° 43' 25" W; running 318° (M) 750 yards to a point 34° 56' 04" N - 76° 43' 47" W; following the shoreline no more than 750 yards from shore to a point 34° 56' 50" N - 76° 43' 11" W; thence 116° (M) 750 yards to a point on shore at Courts Creek 34° 56' 42" N - 76° 42' 46" W.
- (s) In that area bound by a line beginning at a point on Courts Creek 34° 56' 42" N - 76° 42' 46" W, running 296° (M) 1000 yards to a point 34° 56' 52" N - 76° 43' 20" W; thence parallel with the shoreline no more than 1000 yards to a point 34° 57' 53" N - 76° 41' 59" W; thence 190° (M) 1000 yards to a point on shore 34° 57' 24" N - 76° 42' 00" W.
- (t) In that area bound by a line beginning at a point on shore, 34° 57' 24" N - 76° 42' 00" W, running 010° (M) to 500 yards to a point 34° 57' 38" N - 76° 42' 00" W; thence running parallel to the shoreline no more than 500 yards from shore to a point 34° 57' 33" N - 76° 41' 00" W; thence 179° (M) to a point 34° 57' 23" N - 76° 40' 58" W; thence 260° (M) to a point on shore at the mouth of Adams Creek 34° 57' 22" N - 76° 41' 10" W.
- (u) In that area bound by a line beginning at a point on the northeast side of Adams Creek 34° 57' 30" N - 76° 40' 36" W; thence 278° (M) 225 yards offshore to a point 34° 57' 30" N - 76° 40' 45" W; thence 359° (M) to a point off Winthrop Point 34° 58' 26" N - 76° 40' 56" W; thence running 056° (M) to a point off Cedar Point 34° 59' 07" N - 76° 40' 04" W; thence 140° (M) to the shoreline on Cedar Point 34° 58' 50" N - 76° 39' 41" W.
- (v) In that area bound by a line beginning at a point on Cedar Point 34° 58' 50" N - 76° 39' 41" W, running 320° (M) 750 yards to a point 34° 59' 05" N - 76° 40' 01" W; thence parallel to the shoreline no more than 750 yards from shore to a point 34° 59' 16" N - 76° 39' 31" W; thence 167° (M) to a point on the shore 34° 58' 56" N - 76° 39' 21" W.
- (w) In that area bound by a line beginning at a point on the shore 34° 58' 56" N - 76° 39' 21" W running 347° (M) to a point 34° 59' 03" N - 76° 39' 24" W; thence parallel to the shoreline no more than 200 yards from shore to a point 34° 59' 08" N - 76° 38' 47" W; thence 184° (M) to a point on shore 34° 59' 01" N - 76° 35' 25" W.
- (x) In that area bound by a line beginning at a point west of Garbacon Creek 34° 59' 01" N - 76° 38' 43" W, running 004° (M) 750 yards to a point 34° 59' 23" N - 76° 38' 46" W; thence parallel with the shoreline no more than 750 yards from shore to a point off Browns Creek 35° 00' 20" N - 76° 33' 45" W; thence 172° (M) to the shoreline on the west side of Browns Creek 34° 59' 57" N - 76° 33' 35" W.
- (y) In that area bound by a line beginning at a point on shore at the mouth of Browns Creek 34° 59' 55" N - 76° 33' 29" W, running 352° (M) 750 yards to a point on 35° 00' 22" N - 76° 33' 34" W; thence parallel to the shoreline no more than 750 yards from shore to a point 35° 03' 56" N - 76° 28' 56" W; thence 136° (M) 750 yards to a point on shore north of Rattan Bay 35° 03' 45" N - 76° 28' 32" W.

- (z) In that area bound by a line beginning on the north side of Rattan Bay at a point on the shoreline 35° 03' 45" N - 76° 28' 32" W; thence running 316° (M) 600 yards offshore to a point 35° 03' 54" N - 76° 28' 52" W; thence running parallel with the shoreline 600 yards offshore to a point 35° 04' 09" N - 76° 26' 44" W; thence 239° (M) 600 yards to a point on shore 35° 04' 57" N - 76° 27' 00" W.
- (aa) In Adams Creek:
- (i) Between a line running 080° (M) through Red Flasher No. 4 at the mouth of Adams Creek and a line beginning at a point on the south shore of Cedar Creek 34° 55' 52" N - 76° 38' 49" W, running 297° (M) to a point on the west shore of Adams Creek 34° 56' 03" N - 76° 39' 27" W, no more than 200 yards from shore.
- (ii) Between a line beginning at a point at the mouth of Cedar Creek 34° 55' 52" N - 76° 38' 49" W; running 297° (M) to a point on the west shore of Adams Creek 34° 56' 03" N - 76° 39' 27" W, and a line beginning at a point on the east shore 34° 54' 55" N - 76° 39' 36" W; running 280° (M) to a point on the west shore 34° 54' 55" N - 76° 40' 01" W; no more than 300 yards from the west shore and 200 yards from the east shore.
- (iii) South of a line beginning at a point on the east shore 34° 54' 55" N - 76° 39' 36" W, running 280° (M) to a point on the west shore 34° 54' 55" N - 76° 40' 01" W, except in the marked navigation channel.
- (bb) In South River:
- (i) Southeast of a line beginning at a point on the southwest shore 34° 58' 35" N - 76° 35' 25" W, running 049° (M) through Red Flasher No. 2 to a point on the northeast shore 34° 59' 07" N - 76° 34' 52" W, no more than 200 yards from the shoreline.
- (ii) that area bound by a line beginning at a point on the southwest shore 34° 58' 35" N - 76° 35' 25" W, running 049° (M) to Red Flasher No. 2; thence running 207° (M) to a point north of Hardy Creek 34° 58' 13" N - 76° 35' 22" W; thence following the shoreline to the point of beginning.
- (cc) In Turnagain Bay:
- (i) Between a line running 077° (M) through Green Flasher No. 1 and a line beginning at a point on the east shore 34° 59' 04" N - 76° 29' 01" W; running 276° (M) to a point on the west shore 34° 59' 03" N - 76° 29' 28" W, no more than 300 yards on the east shore and 100 yards on the west shore.
- (ii) Between a line beginning at a point on the east shore 34° 59' 04" N - 76° 29' 01" W, running 276° (M) to a point on the west shore 34° 59' 03" N - 76° 29' 28" W, and a line beginning at a point on the east shore 34° 57' 56" N - 76° 29' 25" W, running 275° (M) to a point on the west shore 34° 57' 58" N - 76° 29' 44" W, no more than 150 yards from shore.
- (dd) In Cedar Bay east of a line beginning at a point 35° 00' 51" N - 76° 29' 42" W running 023° (M) to a point 35° 01' 09" N - 76° 29' 37" W, not more than 200 yards from the shoreline.
- (ee) In West Bay - North Bay area:
- (i) In that area bound by a line beginning at a point 35° 02' 32" N - 76° 22' 27" W; thence southwest 220° (M) to Marker No. 5 WB; thence southeast 161° (M) to a point in West Bay 35° 00' 34" N - 76° 21' 50" W; thence southwest 184° (M) to Deep Bend Point 34° 58' 36" N - 76° 21' 48" W; thence following the shoreline of West Bay and North Bay to a point 35° 02' 09" N - 76° 21' 53" W; thence 317° (M) to the beginning point.
- (ii) In West Bay bound by a line beginning at a point on shore 35° 03' 34" N - 76° 26' 24" W, running 033° (M) 100 yards to a point 35° 03' 38" N - 76° 26' 23" W; thence parallel to the shoreline no more than 100 yards from shore to a point 35° 00' 06" N - 76° 25' 24" W, running 278° (M) to a point on shore 35° 00' 06" N - 76° 25' 28" W.
- (iii) In West Bay bound by a line beginning at a point 35° 00' 06" N - 76° 25' 28" W, running 098° (M) 500 yards to a point 35° 00' 06" N - 76° 25' 12" W; thence 171° (M) 2800 yards to a point 34° 58' 45" N - 76° 24' 42" W; thence 270° (M) 1400 yards to a point on shore 34° 58' 39" N - 76° 25' 22" W.
- (ff) In West Thorofare Bay and Merkle Bay south and southeast of a line beginning at a point in West Bay at Tump Point 34° 58' 42" N - 76° 22' 49" W; thence southwest 258° (M) to Marker F1 R15 ft. 3M 8 WB; thence southwest 203° (M) to Long Bay Point 34° 57' 52" N - 76° 24' 12" W.
- (gg) In Long Bay:
- (i) In that area bound by a line beginning at a point on the south side of Stump Bay in Long Bay 34° 57' 13" N - 76° 27' 12"



- W; running northeast 077° (M) across Stump Bay to a point 34° 57' 39" N - 76° 25' 51" W; thence 032° (M) to a point 34° 58' 39" N - 76° 25' 22" W, following the shoreline to the beginning point.
- (ii) Southwest of a line beginning on the west shore 34° 57' 13" N - 76° 27' 12" W, running 134° (M) to a point on the east shore at Swimming Point 34° 56' 46" N - 76° 26' 26" W.
- (iii) In the area bound by a line beginning at a point on shore at Swimming Point 34° 56' 46" N - 76° 26' 26" W, running 314° (M) 300 yards to a point 34° 56' 52" N - 76° 26' 33" W; thence parallel to the shoreline no more than 300 yards from shore to a point 34° 58' 03" N - 76° 24' 10" W; thence 203° (M) to Long Bay Point 34° 57' 52" N - 76° 24' 12" W.
- (hh) Raccoon Island, on the northeast shore between a point on the northwest shore 35° 04' 27" N - 76° 26' 16" W and a point on the southwest shore 35° 04' 00" N - 76° 25' 33" W from the shoreline no more than 150 yards from shore; on the south and west shores, no more than 50 yards from the shoreline.
- (8) Core Sound, Back Sound and the Straits and their tributaries.
- (9) North River:
- (a) In that area bound by a line beginning at a point on the shore on the east side of North River south of Goose Bay 34° 43' 35" N - 76° 34' 55" W; thence running 252° (M) to a point in the river 34° 43' 28" N - 76° 35' 14" W; thence running 355° (M) to a point in the river 34° 45' 20" N - 76° 35' 45" W; thence running 060° (M) to a point in the river 34° 45' 45" N - 76° 35' 04" W; thence running 165° (M) to a point on the shore at the mouth of South Leopard Creek 34° 45' 36" N - 76° 34' 59" W; thence with the shoreline to the point of beginning.
- (b) In that area bound by a line beginning at a point on the west side of North River near Steep Point 34° 43' 40" N - 76° 37' 20" W; thence running 040° (M) to a point 34° 44' 35" N - 76° 36' 36" W; thence running 291° (M) 300 yards to a point 34° 44' 37" N - 76° 36' 45" W; thence running 219° (M) to a point 34° 44' 13" N - 76° 37' 05" W; thence running 307° (M) to a point 34° 44' 16" N - 76° 37' 12" W; thence running 018° (M) to a point 34° 45' 20" N - 76° 36' 56" W following the shoreline to the beginning point.
- (c) In that area of the North River marshes bound by a line beginning at Red Flasher No. 6 running 038° (M) along the southeast side of Steep Point Channel through Red Day Marker No. "8" to a point 34° 44' 08" N - 76° 36' 52" W; thence 125° (M) to a point 34° 43' 48" N - 76° 36' 08" W; thence 144° (M) to a point 34° 43' 30" N - 76° 35' 47" W; thence 188° (M) to a point 34° 42' 23" N - 76° 35' 47" W; thence 221° (M) to Red Flasher No. "56"; thence 278° (M) to a point 34° 42' 14" N - 76° 36' 43" W; thence 346° (M) to a point 34° 42' 45" N - 76° 36' 58" W; thence 008° (M) to a point 34° 43' 14" N - 76° 36' 58" W; thence 318° (M) to the beginning point.
- (d) In the area north of a line beginning on the east shore at 34° 46' 11" N - 76° 35' 13" W; thence running 270° (M) to a point on the west shore at 34° 46' 11" N - 76° 37' 01" W.
- (10) Newport River:
- (a) In that area bound by a line beginning at a point on the south shore 34° 45' 30" N - 76° 43' 10" W; thence running 026° (M) to a point on the north shore of Newport River 34° 46' 33" N - 76° 42' 46" W; thence with the shoreline to Beacon No. 24 in Core Creek; thence south with the Intracoastal Waterway to a point near Newport Marshes 34° 44' 56" N - 76° 45' 38" W; thence 274° (M) to Crab Point 34° 44' 54" N - 76° 42' 12" W; thence with the shoreline to the beginning point.
- (b) In that area bound by a line beginning at a point on the shore on the south side of Russell's Creek 34° 45' 28" N - 76° 39' 46" W running 278° (M) 1000 yards to Quick Flasher Beacon No. 29 in the Intracoastal Waterway; thence running 173° (M) 1700 yards with the shoal to a point 34° 44' 37" N - 76° 40' 06" W; thence 195° (M) 1050 yards to a point on Gallant Point 34° 44' 06" N - 76° 40' 11" W; thence east and north with the shoreline to the beginning point.
- (c) In the mouth of Harlowe Creek north of a line beginning at a point near White Rock 34° 46' 28" N - 76° 43' 28" W, running 089° (M) to a point 34° 46' 33" N - 76° 42' 46" W.
- (11) Bogue Sound:
- (a) In that area bound by a line beginning at a point 34° 42' 16" N - 76° 49' 24" W on the south shore of Bogue Sound (locally known as McGinnis Point) running 008° (M) to a point in Bogue Sound 34° 43'

12° N - 76° 49' 24" W; thence running 099° (M) to Atlantic Beach Bridge 34° 43' 08" N - 76° 44' 12" W; thence 119° (M) to a point on the shore at Tar Landing Bay 34° 42' 30" N - 76° 42' 12" W; thence 191° (M) to a point on Bogue Banks 34° 42' 00" N - 76° 42' 15" W; thence with the shoreline to the beginning point.

- (b) In that area north of the Intracoastal Waterway beginning at the Atlantic Beach Bridge and running parallel with the Intracoastal Waterway to Channel Marker (Beacon) No. 39 at Bogue (Guthrie Point).
- (c) In that area on the north side of the Intracoastal Waterway from the Old Ferry Channel to the Highway 58 bridge.
- (12) Designated nursery areas in all coastal fishing waters which are listed in Regulation 15 NCAC 3G .0009, except Burton Creek off Lower Broad Creek in Pamlico County.
- (13) West and south of the Highway 58 Bridge at Emerald Isle from May 1 through October 31 in areas and during such times as the Fisheries Director shall designate by proclamation.

*Statutory Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.*

#### .0007 TAKING CRABS WITH DREDGES

It is unlawful to take crabs with dredges except during the period January 1 through March 1 within the area in Pamlico Sound bounded by a line beginning at a point on Sandy Point 35° 37' 35" N - 75° 43' 46" W running 008° 10.1 nautical miles to a point on shore 35° 47' 45" N - 75° 43' 56" W; thence 051° (M) 1.75 nautical miles to a white daybeacon 35° 49' 03" N - 75° 42' 28" W; thence 098° 7 nautical miles to the Bodie Island Lighthouse; thence 157° (M) 3.6 nautical miles to the Oregon Inlet Coast Guard Station flasher; thence 182° (M) 9.7 nautical miles to Flasher No. 3 at Chicamacomico Channel 35° 36' 21" N - 75° 30' 00" W; thence 285° (M) 11.3 nautical miles to the point of beginning.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0008 CRAB SPAWNING SANCTUARIES

The crab spawning sanctuaries within which the taking of crabs may be restricted or prohibited during the period of April 1 through August 31 are described as follows:

- (1) In the Oregon Inlet Area. Beginning at a point 35° 47' 42" N -- 75° 32' 21" W at the elevation of mean high water on the ocean

beach one mile north of North Point on Bodie Island, thence seaward 66° (M) 880 yards to a point in the Atlantic Ocean 35° 47' 59" N -- 75° 31' 51" W; thence 159° (M), 4,000 yards to a point 35° 46' 21" N -- 75° 30' 40" W; thence 248° (M), 880 yards to a point on the high water line of the Atlantic Ocean 35° 46' 06" N -- 75° 31' 08" W, said point being one mile south of South Point; thence running with the high water line of the Atlantic Ocean on Pea Island northward to South Point; thence around South Point with the high water line of Pamlico Sound approximately 7,000 yards to a point 35° 43' 42" N -- 75° 30' 54" W on the high water line of the south point of Eagle Nest Bay; thence 273° (M), 2,200 yards to a point in Pamlico Sound 35° 43' 42" N -- 75° 32' 12" W; thence 344° (M), 8,100 yards to a point 35° 47' 16" N -- 75° 34' 09" W (present location of channel marker "2"); thence 17° (M), 2,800 yards to a point on the high water line of Bodie Island 35° 48' 45" N -- 75° 33' 54" W, said point being near the eastern edge of Off Island; thence southward with the high water line of Pamlico Sound approximately 6,880 yards to North Point on Bodie Island; thence northward along the high water line of the Atlantic Ocean on Bodie Island approximately one mile to the point and place of the beginning.

- (2) In the Hatteras Inlet Area. Beginning at a point 35° 10' 46" N -- 75° 47' 50" W on the high water line of Pamlico Sound on Ocracoke Island (approximately 3,000 yards southwest of the western shore of Hatteras Inlet); thence 320° (M), 4,850 yards to a point in Pamlico Sound 35° 12' 22" N -- 75° 49' 58" W (said point being 900 yards north northwest of Legged Lump, and the described line passing through the northeast edge of Outer Green Island); thence 72° (M), 9,650 yards to a point in Pamlico Sound 35° 14' 24" N -- 75° 44' 44" W (said point being approximately 2,000 yards northeast of Ira Peele's Fishing Pier, and the described line passing through the present location of Ira Peele's Fishing Pier); thence 162° (M), 5,250 yards to a point 35° 12' 05" N -- 75° 43' 20" W on the high water line of Pamlico Sound on Hatteras Island (said point being approximately 3,000 yards northeast of Hatteras Inlet and the described line passing through the present location of channel marker "15"); thence with the high water line of Pamlico Sound southwest approximately 3,000 yards to the eastern edge of Hatteras Inlet; thence with the high water

line of said inlet southward and eastward to the high water line of the Atlantic Ocean; thence northeastward with the high water line of the Atlantic Ocean on Hatteras Island approximately 2,100 yards to a point 35° 11' 36" N -- 75° 43' 38" W; thence seaward 163° (M), 880 yards to a point in the Atlantic Ocean 35° 11' 13" N -- 75° 43' 25" W; thence 261° (M), 6,200 yards to a point in the Atlantic Ocean 35° 10' 16" N -- 75° 46' 55" W; thence 341° (M), 880 yards to a point on the high water line of the Atlantic Ocean on Ocracoke Island 35° 10' 41" N -- 75° 47' 10" W; thence northeasterly with the high water line of the Atlantic Ocean approximately 2,000 yards to a point on the high water line at the western shore of Hatteras Inlet; thence northward and westward along the high water line of said inlet to the high water line of Pamlico Sound; thence southwestward along the high water line of Pamlico Sound to the point and place of the beginning.

- (3) In the Ocracoke Inlet Area. Beginning at a point 35° 03' 43" N -- 76° 04' 50" W on the high water line of Portsmouth Island [said point being 252° (M), 2,100 yards from the spire of Portsmouth Methodist Church]; thence northeasterly and easterly along the high water line of Pamlico Sound on Portsmouth Island approximately 3,800 yards to the high water line at the western shore of Ocracoke Inlet; thence with the high water line southeastward approximately 2,000 yards to the high water line of the Atlantic Ocean on Portsmouth Island; thence southwesterly approximately 1,600 yards along the high water line of the Atlantic Ocean to a point 35° 03' 03" N -- 76° 03' 05" W; thence seaward 154° (M), 880 yards to a point in the Atlantic Ocean 35° 02' 38" N -- 76° 02' 43" W; thence 64° (M), 1,280 yards to a point 35° 02' 58" N -- 76° 02' 05" W; thence 83° (M), 3,500 yards to a point 35° 03' 23" N -- 76° 00' 03" W; thence 55° (M), 1,725 yards to a point 35° 03' 58" N -- 75° 59' 18" W; thence 324° (M), 880 yards to a point 35° 04' 20" N -- 75° 59' 43" W on the high water line of the Atlantic Ocean on Ocracoke Island; thence southwesterly along the high water line of the Atlantic Ocean approximately 2,100 yards to the high water line of Ocracoke Inlet; thence northwesterly with the high water line of Ocracoke Inlet approximately 600 yards to the high water line of Pamlico Sound; thence northeasterly with the high water line of Pamlico Sound, approximately

5,900 yards to a point 35° 06' 12" N -- 75° 59' 22" W (said point being just south of the western tip of Springers Point); thence 273° (M) (through the present location of channel marker "25," the north edge of Beacon Island and Shell Castle Island), 8,400 yards to a point in Pamlico Sound 35° 05' 51" N -- 76° 04' 25" W (said point being at or near the western extremity of Shell Castle Island); thence 197° (M), 4,380 yards to the point and place of the beginning.

- (4) In the Drum Inlet Area. Beginning at a point on the high water line of Core Sound on Core Banks 34° 50' 09" N -- 76° 20' 25" W; thence 326° (M), 2,000 yards to a point in Core Sound 34° 50' 50" N -- 76° 21' 15" W; thence 50° (M), 8,000 yards to a point in Core Sound 34° 53' 44" N -- 76° 18' 03" W; thence 151° (M), 2,390 yards to a point on the high water line of Core Sound on Core Banks 34° 52' 48" N -- 76° 17' 12" W; thence with said high water line southwesterly approximately 4,400 yards to Drum Inlet; thence with the high water line around Drum Inlet and northward approximately 4,400 yards to a point on the high water line of the Atlantic Ocean 34° 52' 36" N -- 76° 17' 03" W; thence seaward 151° (M), 880 yards to a point in the Atlantic Ocean 34° 52' 13" N -- 76° 16' 45" W; thence 231° (M), 7,500 yards to a point in the Atlantic Ocean 34° 49' 30" N -- 76° 19' 51" W; thence 326° (M), 880 yards to a point on the high water line of the Atlantic Ocean on Core Banks 34° 49' 54" N -- 76° 20' 16" W; thence northwardly along the high water line of the Atlantic Ocean to the south side of Drum Inlet; thence around the high water line of Drum Inlet and southward along the high water line of Core Sound on Core Banks to the point and place of the beginning.
- (5) In the Bardens Inlet Area. Beginning at a point 34° 43' 30" N -- 76° 28' 57" W in the west end of Core Sound (the present location of channel marker "37"); thence 228° (M), 1,280 yards to a point 34° 43' 02" N -- 76° 29' 29" W (the present location of channel marker "39"); thence 224° (M), 5,900 yards to a point at the edge of Lighthouse Channel 34° 40' 42" N -- 76° 31' 36" W (the present location of channel marker "35"); thence 211° (M), 3,500 yards to a point on the high water line of Shackleford Banks 34° 39' 06" N -- 76° 32' 27" W (this line running through Beargrass Island, and the point being at the tip of a prominent point of marsh immediately



shoreward of Beargrass Island); thence along the high water line of Back Sound on Shackleford Banks eastward approximately 2,500 yards to Bardens Inlet; thence southward with the high water line of the western shoreline of Bardens Inlet approximately 1,700 yards to the high water line of the Atlantic Ocean; thence westward along the high water line of the Atlantic Ocean on Shackleford Banks approximately 2,000 yards to a point 34° 38' 30" N -- 76° 32' 38" W on the high water line of the Atlantic Ocean; thence 218° (M) through the present location of buoy R "4," 3,375 yards to a point 34° 37' 05" N -- 76° 33' 43" W (the present location of buoy R "2"); thence 131° (M), 1,075 yards to a point 34° 36' 47" N -- 76° 33' 11" W (this point being at the base of Cape Lookout jetty at the high water line); thence northward with the high water line of the Atlantic Ocean approximately 1,800 yards to the northern tip of Power Squadron Spit; thence southward, eastward, and northward along the high water line around the shoreline of Cape Lookout Bight approximately 5,000 yards to the high water line on the eastern shoreline of Bardens Inlet; thence northeasterly with the high water line of Core Banks approximately 12,000 yards to a point on the high water line of Core Banks 34° 42' 00" N -- 76° 28' 11" W (said point being about 1,200 yards south, southeast of Cowpen Island); thence 343° (M) through the southwest tip of Cowpen Island 3,350 yards to the point and place of the beginning.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

**.0009 PRIMARY NURSERY AREAS**

(a) In the Roanoke Sound Area.

(1) Shallowbag Bay:

(A) Dough Creek, northwest of a line beginning at a point on the east shore 35° 54' 28" N -- 75° 40' 00" W; running 242° (M) to a point on the west shore 35° 54' 19" N -- 75° 40' 09" W;

(B) Scarborough Creek, all waters south of a line beginning at a point on the east shore 35° 54' 00" N -- 75° 39' 33" W; running 246° (M) to a point on the west shore 35° 53' 59" N -- 75° 39' 36" W.

(2) Broad Creek, north of a line beginning at a point on the east shore 35° 52' 24" N -- 75° 38' 26" W; running 306° (M) to a point on the west shore 35° 52' 22" N -- 75° 38' 30" W.

(b) In the Northern Pamlico Sound Area.

(1) Long Shoal River:

(A) Long Shoal River, west of a line beginning at a point on the north shore 35° 38' 00" N -- 75° 52' 57" W; running 208° (M) to a point on the south shore 35° 37' 47" N -- 75° 53' 03" W;

(B) Deep Creek, east of a line beginning at a point on the north shore 35° 37' 50" N -- 75° 52' 14" W; running 204° (M) to a point on the south shore 35° 37' 38" N -- 75° 52' 18" W;

(C) Broad Creek, west of a line beginning at a point on the north shore 35° 35' 57" N -- 75° 53' 42" W; running 209° (M) to a point on the south shore 35° 35' 46" N -- 75° 53' 49" W;

(D) Muddy Creek, east of a line beginning at a point on the north shore 35° 36' 24" N -- 75° 52' 08" W; running 181° (M) to a point on the south shore 35° 36' 15" N -- 75° 52' 10" W;

(E) Pains Bay, north of a line beginning at a point on the west shore 35° 35' 26" N -- 75° 49' 12" W; running 097° (M) to a point on the east shore 35° 35' 26" N -- 75° 48' 50" W;

(F) Otter Creek, southwest of a line beginning at a point on the east shore 35° 33' 07" N -- 75° 55' 00" W; running 277° (M) to a point on the west shore 35° 33' 07" N -- 75° 55' 15" W;

(G) Clark Creek, northeast of a line beginning at a point on the north shore 33° 35' 45" N -- 75° 51' 30" W; running 158° (M) to a point on the south shore 35° 35' 46" N -- 75° 51' 28" W;

(2) Far Creek, east of a line beginning at a point on Gibbs Point 35° 30' 06" N -- 75° 57' 46" W; running 007° (M) to a point on the east shore 35° 30' 53" N -- 75° 57' 46" W;

(3) Middletown Creek, west of a line beginning at a point on the north shore 35° 28' 26" N -- 75° 59' 55" W; running 097° (M) to a point on the south shore 35° 28' 06" N -- 75° 59' 55" W;

(4) Wysocking Bay:

(A) Lone Tree Creek, east of a line beginning at a point on the south shore 35° 25' 06" N -- 76° 02' 06" W; running 342° (M) to a point on the north shore 35° 25' 33" N -- 76° 02' 18" W;

(B) Wysocking Bay, north of a line beginning at a point on the east shore 35° 25' 55" N -- 76° 02' 58" W; running 265° (M) to a point on the west shore 35° 25' 44" N -- 76° 03' 33" W;

- (C) Douglas Bay, northwest of a line beginning at a point on Mackey Point  $35^{\circ} 25' 11''$  N --  $76^{\circ} 03' 14''$  W; running  $229^{\circ}$  (M) to a point on the south shore  $35^{\circ} 24' 50''$  N --  $76^{\circ} 03' 42''$  W;
- (D) Tributaries west of Brown Island, west of a line beginning at a point on the north shore of Brown Island  $35^{\circ} 24' 10''$  N --  $76^{\circ} 04' 24''$  W; running  $007^{\circ}$  (M) to a point  $35^{\circ} 24' 24''$  N --  $76^{\circ} 04' 24''$  W; and north of a line beginning at a point on the most southern point of Brown Island  $35^{\circ} 23' 51''$  N --  $76^{\circ} 04' 32''$  W; running  $277^{\circ}$  (M) to a point on the west shore  $35^{\circ} 23' 51''$  N --  $76^{\circ} 04' 48''$  W;
- (5) East Bluff Bay, Harbor Creek east of a line beginning at a point on the south shore  $35^{\circ} 21' 25''$  N -  $76^{\circ} 07' 48''$  W; running  $323^{\circ}$  M to a point on the north shore  $35^{\circ} 21' 31''$  N -  $76^{\circ} 07' 56''$  W;
- (6) Cunning Harbor tributaries, north of a line beginning at a point on the east shore  $35^{\circ} 20' 40''$  N -  $76^{\circ} 12' 15''$  W; running  $280^{\circ}$  M to a point on the west shore  $35^{\circ} 20' 42''$  N -  $76^{\circ} 12' 37''$  W;
- (7) Juniper Bay:
- (A) Upper Juniper Bay, north of a line beginning at a point on the east shore  $35^{\circ} 23' 09''$  N -  $76^{\circ} 15' 00''$  W; running  $277^{\circ}$  (M) to a point on the west shore  $35^{\circ} 23' 09''$  N -  $76^{\circ} 15' 12''$  W;
- (B) Rattlesnake Creek, west of a line beginning at a point on the north shore  $35^{\circ} 22' 55''$  N -  $76^{\circ} 15' 19''$  W, running  $211^{\circ}$  (M) to a point on the south shore  $35^{\circ} 22' 50''$  N -  $76^{\circ} 15' 21''$  W;
- (C) Buck Creek, east of a line beginning at a point on the south shore  $35^{\circ} 21' 22''$  N -  $76^{\circ} 13' 46''$  W; running  $328^{\circ}$  M to a point on the north shore  $35^{\circ} 21' 29''$  N -  $76^{\circ} 13' 54''$  W;
- (D) Laurel Creek, east of a line beginning at a point on the north shore  $35^{\circ} 20' 38''$  N -  $76^{\circ} 13' 21''$  W; running  $170^{\circ}$  (M) to a point on the south shore  $35^{\circ} 20' 36''$  N -  $76^{\circ} 13' 22''$  W;
- (8) Swanquarter Bay:
- (A) Oyster Creek, east of a line beginning at a point on the north shore  $35^{\circ} 23' 06''$  N --  $76^{\circ} 18' 58''$  W; running  $187^{\circ}$  (M) to a point on the south shore  $35^{\circ} 22' 00''$  N --  $76^{\circ} 18' 58''$  W;
- (B) Upper Swanquarter Bay, north of a line beginning on the east shore and running  $270^{\circ}$  (M) through Day Marker No. 7 to the west shore;
- (C) Caffee Bay:
- (i) Unnamed tributary, north of a line beginning at a point on the west shore  $35^{\circ} 22' 09''$  N -  $76^{\circ} 18' 52''$  W; running  $111^{\circ}$  (M) to a point on the east shore  $35^{\circ} 22' 06''$  N -  $76^{\circ} 18' 45''$  W;
- (ii) Upper Caffee Bay (Haulover), east of a line beginning at a point on the south shore  $35^{\circ} 21' 43''$  N -  $76^{\circ} 17' 25''$  W; running  $330^{\circ}$  M to a point on the north shore  $35^{\circ} 21' 52''$  N -  $76^{\circ} 17' 26''$  W and west of a line at Juniper Bay beginning on the south shore  $35^{\circ} 21' 58''$  N -  $76^{\circ} 15' 36''$  W; running  $008^{\circ}$  M to a point on the north shore  $35^{\circ} 22' 05''$  N -  $76^{\circ} 15' 35''$  W;
- (iii) Unnamed tributary, north of a line beginning at a point on the east shore  $35^{\circ} 22' 05''$  N -  $76^{\circ} 18' 12''$  W; running  $288^{\circ}$  M to a point on the west shore  $35^{\circ} 22' 09''$  N -  $76^{\circ} 18' 28''$  W;
- (9) Rose Bay:
- (A) Rose Bay, north of a line beginning at a point on Watch Point  $35^{\circ} 26' 52''$  N --  $76^{\circ} 25' 02''$  W; running  $272^{\circ}$  (M) to Channel Marker No. 6; thence  $248^{\circ}$  (M) to a point on the west shore  $35^{\circ} 26' 40''$  N --  $76^{\circ} 25' 30''$  W;
- (B) Island Point Creek, west of a line beginning at a point on the north shore  $35^{\circ} 25' 59''$  N -  $76^{\circ} 25' 06''$  W; running  $154^{\circ}$  (M) to a point on the south shore  $35^{\circ} 25' 54''$  N -  $76^{\circ} 25' 00''$  W;
- (C) Tooley Creek, west of a line beginning on the north shore  $35^{\circ} 25' 26''$  N --  $76^{\circ} 25' 30''$  W; running  $187^{\circ}$  (M) to a point on the south shore  $35^{\circ} 25' 09''$  N --  $76^{\circ} 25' 30''$  W;
- (D) Broad Creek, east of a line beginning at a point on the south shore  $35^{\circ} 23' 54''$  N -  $76^{\circ} 23' 34''$  W; running  $023^{\circ}$  M to a point  $35^{\circ} 24' 15''$  N -  $76^{\circ} 26' 10''$  W; thence  $080^{\circ}$  to a point  $35^{\circ} 24' 18''$  N -  $76^{\circ} 25' 57''$  W;
- (E) Lightwood Snag Bay, west and north of a line beginning at a point on the south shore  $35^{\circ} 23' 54''$  N -  $76^{\circ} 26' 18''$  W running  $023^{\circ}$  (M) to a point  $35^{\circ} 24' 15''$  N -  $76^{\circ} 26' 10''$  W; thence  $080^{\circ}$  (M) to a point  $35^{\circ} 24' 18''$  N -  $76^{\circ} 25' 57''$  W;
- (F) Deep Bay
- (i) Old Haulover, north of a line beginning at a point on the west shore  $35^{\circ} 23' 09''$  N -  $76^{\circ} 22' 52''$  W; running  $101^{\circ}$  (M) to a point on the east shore  $35^{\circ} 23' 09''$  N -  $76^{\circ} 22' 46''$  W;
- (ii) Drum Cove (Stinking Creek), south of a line beginning at a point on the west shore  $35^{\circ} 22' 32''$  N -  $76^{\circ} 24' 44''$

- W; running 122° (M) to a point on the east shore 35° 22' 26" N - 76° 24' 28" W;
- (G) Eastern tributaries (Cedar Hammock and Long Creek), east of a line beginning at a point on the north shore 35° 24' 53" N - 76° 23' 12" W; running 206° (M) to a point on the south shore 35° 24' 39" N - 76° 23' 18" W;
- (10) Spencer Bay:
- (A) Germantown Bay:
- (i) Ditch Creek, west of a line beginning at a point on the north shore 35° 24' 11" N -- 76° 27' 54" W; running 224° (M) to a point on the south shore 35° 24' 05" N -- 76° 27' 59" W;
- (ii) Jenette Creek, west of a line beginning at a point on the north shore 35° 24' 30" N - 76° 27' 40" W; running 204° (M) to a point on the south shore 35° 24' 25" N - 76° 27' 40" W;
- (iii) Headwaters at northeast of a line beginning at a point on the northwest shore 35° 24' 50" N - 76° 27' 16" W; running 158° (M) to a point on the southeast shore 35° 24' 30" N - 76° 27' 11" W;
- (iv) Swan Creek, southeast of a line beginning at a point on the north shore 35° 24' 30" N - 76° 27' 11" W; running 234° (M) to a point on the south shore 35° 24' 24" N - 76° 27' 17" W;
- (B) Unnamed western tributary, west of a line beginning at a point on the south shore 35° 22' 48" N -- 76° 28' 19" W; running 356° (M) to a point on the north shore 35° 22' 59" N -- 76° 28' 21" W;
- (C) Unnamed tributary, west of a line beginning at a point on the south shore 35° 23' 04" N - 76° 28' 36" W; running 016° (M) to a point on the north shore 35° 23' 08" N - 76° 28' 35" W;
- (D) Unnamed tributary, west of a line beginning on the south shore 35° 23' 21" N - 76° 28' 37" W; running 306° (M) to a point on the north shore 35° 23' 25" N - 76° 28' 46" W;
- (E) Unnamed tributaries, northwest of a line beginning at a point on the north shore 35° 23' 45" N - 76° 28' 38" W; running 231° (M) to a point on the south shore 35° 23' 30" N - 76° 28' 48" W;
- (F) Upper Spencer Bay, northwest of a line beginning at a point on the south shore 35° 24' 00" N - 76° 28' 48" W; running 028° (M) to a point on the north shore 35° 24' 23" N - 76° 28' 36" W;
- (G) Swan Creek, east of a line beginning at a point on the south shore 35° 23' 51" N - 76° 27' 26" W; running 018° (M) to a point on the north shore 35° 24' 02" N - 76° 27' 25" W;
- (11) Long Creek, north of a line beginning at a point on the west shore 35° 22' 26" N - 76° 29' 00" W; running 119° (M) to a point on the east shore 35° 22' 21" N - 76° 28' 49" W;
- (12) Willow Creek, east of a line beginning at a point on the north shore 35° 23' 06" N - 76° 28' 54" W; running 137° (M) to a point on the south shore 35° 23' 01" N - 76° 28' 45" W;
- (13) Abels Bay, above a line beginning at a point on the west shore 35° 24' 04" N -- 76° 30' 24" W; running 132° (M) to a point on the east shore 35° 23' 57" N -- 76° 30' 09" W; thence 204° (M) to a point on the south shore 35° 23' 40" N -- 76° 30' 14" W;
- (14) Crooked Creek, north of a line beginning at a point on the east shore 35° 24' 21" N - 76° 32' 04" W; running 282° (M) to a point on the west shore 35° 24' 27" N - 76° 32' 14" W.
- (c) In the Pungo River Area:
- (1) Fortescue Creek:
- (A) Headwaters of Fortescue Creek, southeast of a line beginning at a point on the southwest shore 35° 25' 26" N -- 76° 30' 42" W; running 060° (M) to a point on the northeast shore 35° 25' 30" N -- 76° 30' 33" W;
- (B) Warner Creek, north of a line from a point on the east shore 35° 26' 18" N -- 76° 31' 30" W; running 262° (M) to a point on the west shore 35° 26' 16" N -- 76° 31' 36" W;
- (C) Island Creek, north of a line beginning at a point on the west shore 35° 26' 04" N -- 76° 32' 22" W; running 093° (M) to a point on the east shore 35° 26' 06" N -- 76° 32' 18" W;
- (D) Dixon Creek, south of a line beginning at a point above Lupton Point 35° 25' 34" N -- 76° 31' 54" W; running 279° (M) to a point on the west shore 35° 25' 35" N -- 76° 31' 44" W;
- (E) Pasture Creek, north of a line beginning at a point on the east shore 35° 26' 00" N -- 76° 31' 54" W; running 277° (M) to a point above Pasture Point 35° 26' 00" N -- 76° 31' 57" W;
- (F) All tributaries on the northeast shore of lower Fortescue Creek, northeast of a line beginning at a point 35° 26' 05" N --



- 76° 21' 12" W; running 135° (M) to a point 35° 25' 36" N -- 76° 30' 36" N;
- (2) Slade Creek:
- (A) Slade Creek, south of a line beginning at a point above Jones Creek 35° 27' 56" N -- 76° 30' 44" W; running 102° (M) to a point on the north shore 35° 27' 54" N -- 76° 30' 33" W.
- (B) Jarvis Creek, northeast of a line beginning at a point on the southeastern shore 35° 28' 14" N -- 76° 30' 51" W; running 325° (M) to a point 35° 28' 15" N -- 76° 30' 56" W;
- (C) Jones Creek, south of a line beginning at a point on the east shore 35° 27' 56" N -- 76° 30' 53" W; running 331° (M) to a point on the west shore 35° 28' 00" N -- 76° 30' 57" W;
- (D) Becky Creek, north of a line beginning at a point on the east shore 35° 28' 42" N -- 76° 31' 37" W; running 277° (M) to a point on the west shore 35° 28' 42" N -- 76° 31' 40" W;
- (E) Neal Creek, north of a line beginning at a point on the east shore 35° 28' 49" N -- 76° 31' 49" W; running 275° (M) to a point on the west shore 35° 28' 48" N -- 76° 31' 54" W;
- (F) Wood Creek, north of a line beginning at a point on the east shore 35° 28' 38" N -- 76° 32' 22" W; running 277° (M) to a point on the west shore 35° 28' 38" N -- 76° 32' 30" W;
- (G) Spellman Creek, north of a line beginning at a point on the east shore 35° 28' 14" N -- 76° 32' 42" W; running 215° (M) to a point on the west shore 35° 28' 13" N -- 76° 32' 44" W;
- (H) Speer Creek, east of a line beginning at a point on the north shore 35° 27' 58" N -- 76° 32' 24" W; running 207° (M) to a point on the south shore 35° 27' 55" N -- 76° 32' 24" W;
- (I) Church Creek and Speer Gut, east of a line beginning at a point on the northeast shore 35° 27' 35" N -- 76° 32' 46" W; running 228° (M) to a point on the southwest shore 35° 27' 33" N -- 76° 32' 52" W;
- (J) Allison and Foeman Creek, south of a line beginning at a point on Parmalee Point 35° 27' 15" N -- 76° 33' 07" W; running 286° (M) to a point on the southwest shore 35° 27' 18" N -- 76° 33' 12" W;
- (3) Flax Pond, west of a line beginning at a point on the south shore 35° 31' 52" N - 76° 33' 15" W; running 009° (M) to a point on the north shore 35° 31' 56" N - 76° 33' 15" W;
- (4) Battalina and Tooleys Creeks, northwest of a line beginning at a point on the north shore 35° 32' 21" N - 76° 36' 12" W; running 226° (M) to a point on the south shore 35° 32' 02" N - 76° 36' 24" W;
- (5) Pungo Creek. Vales Creek, north of a line beginning at a point on the southwest shore 35° 30' 52" N -- 76° 38' 54" W; running 054° (M) to a point on the northeast shore 35° 31' 01" N -- 76° 38' 52" W.
- (d) In the Pamlico River Area.
- (1) North Creek:
- (A) North Creek, north of a line beginning at a point on the west shore 35° 25' 35" N -- 76° 40' 06" W; running 048° (M) to a point on the east shore 35° 25' 40" N -- 76° 40' 01" W;
- (B) East Fork:
- (i) Northeast of a line beginning at a point on the northwest shore 35° 25' 48" N -- 76° 39' 04" W; running 144° (M) to a point on the southeast shore 35° 25' 43" N -- 76° 39' 00" W;
- (ii) Unnamed tributary of East Fork northwest of a line beginning at a point on the north shore 35° 25' 41" N - 76° 39' 28" W; running 215° (M) to a point on the south shore 35° 25' 37" N - 76° 39' 30" W;
- (C) Frying Pan Creek, east of a line beginning at a point on Chambers Point 35° 24' 51" N -- 76° 39' 48" W; running 051° (M) to a point on the north shore 35° 25' 00" N -- 76° 39' 33" W;
- (D) Little East Creek, west of a line beginning at a point on Cousin Point 35° 25' 00" N -- 76° 40' 26" W; running 028° (M) to a point on the north shore 35° 25' 08" N -- 76° 40' 22" W;
- (2) Goose Creek:
- (A) Creek north of Bostic Point, west of a line beginning at a point on the north shore 35° 19' 57" N -- 76° 37' 37" W; running 179° (M) to a point on the south shore 35° 19' 54" N -- 76° 37' 34" W;
- (B) Upper Spring Creek:
- (i) Headwaters of Upper Spring Creek, east of a line beginning at a point on the north shore 35° 16' 20" N - 76° 35' 56" W; running 139° (M) to a point on the south shore 35° 16' 14" N - 76° 35' 48" W;
- (ii) Unnamed tributary, north of a line beginning at a point on the west shore 35° 16' 50" N -- 76° 36' 27" W; running

- 099° (M) to a point on the east shore 35° 16' 50" N -- 76° 36' 24" W;
- (C) Fastham Creek:
- (i) Slade Landing Creek, south of a line beginning at a point on the west shore 35° 17' 32" N -- 76° 35' 59" W; running 139° (M) to a point on the east shore 35° 17' 29" N -- 76° 35' 54" W;
  - (ii) Mallard Creek, north of a line beginning at a point on the west shore 35° 17' 49" N -- 76° 36' 09" W; running 122° (M) to a point on the east shore 35° 17' 47" N -- 76° 36' 04" W;
- (D) Mud Gut, north and east of a line beginning at a point on the south shore 35° 17' 48" N -- 76° 36' 46" W; running 349° (M) to a point on the north shore 35° 17' 52" N -- 76° 36' 48" W;
- (E) Wilkerson Creek, east of a line beginning at a point on the south shore 35° 18' 20" N -- 76° 36' 44" W; running 025° (M) to a point on the north shore 35° 18' 23" N -- 76° 36' 45" W;
- (F) Dixon Creek, east of a line beginning at a point on the north shore 35° 18' 53" N -- 76° 36' 37" W; running 205° (M) to a point on the south shore 35° 18' 37" N -- 76° 36' 42" W;
- (3) Oyster Creek; Middle Prong:
- (A) Oyster Creek:
    - (i) West of a line beginning at a point on the north shore 35° 19' 29" N -- 76° 34' 02" W; running 166° (M) to a point on the south shore 35° 19' 25" N -- 76° 34' 00" W;
    - (ii) Duck Creek, south of a line beginning at a point on the west shore 35° 19' 06" N -- 76° 33' 18" W; running 055° (M) to a point on the east shore 35° 19' 10" N -- 76° 33' 12" W;
  - (B) James Creek, southwest of a line beginning at a point on the north shore 35° 18' 36" N -- 76° 32' 20" W; running 136° (M) to a point on the southeast shore 35° 18' 28" N -- 76° 32' 05" W;
  - (C) Middle Prong, south of a line beginning at a point on the west shore 35° 17' 50" N -- 76° 32' 06" W; running 141° (M) to a point on the east shore 35° 17' 43" N -- 76° 31' 57" W;
  - (D) Clark Creek:
    - (i) Headwaters of Clark Creek, southeast of a line beginning at a point on the southwest shore 35° 18' 06" N -- 76° 31' 12" W; running 056° (M) to a point on the northeast shore 35° 18' 12" N -- 76° 31' 06" W;
    - (ii) Boat Creek, east of a line beginning at a point on the south shore 35° 18' 24" N -- 76° 31' 16" W; running 358° (M) to a point on the north shore 35° 18' 32" N -- 76° 31' 18" W;
  - (E) Clark Creek, southeast of a line beginning at a point on the southwest shore 35° 18' 06" N -- 76° 31' 12" W; running 056° (M) to a point on the northeast shore 35° 18' 12" N -- 76° 31' 06" W.
- (c) In the Western Pamlico Sound Area.
- (1) Mouse Harbor:
    - (A) Long Creek, north of a line beginning at a point on the west shore 35° 18' 26" N -- 76° 29' 48" W; running 070° (M) to a point on the east shore 35° 18' 30" N -- 76° 29' 37" W;
    - (B) Small tributary east of Long Creek, northeast of a line beginning at a point on the west shore 35° 18' 31" N -- 76° 29' 13" W; running 137° (M) to a point on the east shore 35° 18' 28" N -- 76° 29' 10" W;
    - (C) Cedar Creek and adjacent tributary, south of a line beginning at a point on the west shore 35° 16' 54" N -- 76° 29' 53" W; running 136° (M) to a point on the east shore 35° 16' 39" N -- 76° 29' 31" W;
  - (2) Big Porpoise Bay, west of a line beginning at a point on the north shore 35° 15' 44" N -- 76° 29' 29" W; running 154° (M) to a point on the south shore 35° 15' 38" N -- 76° 29' 22" W;
  - (3) Middle Bay, west of a line beginning at a point on the south shore 35° 14' 22" N -- 76° 31' 14" W; running 055° (M) to a point on the north shore 35° 14' 36" N -- 76° 30' 50" W;
 

Little Oyster Creek, north of a line beginning at a point on the west shore 35° 14' 28" N -- 76° 30' 14" W; running 074° (M) to a point on the east shore 35° 14' 35" N -- 76° 29' 59" W;
  - (4) Jones Bay, west of the IWW:
    - (A) Little Drum Creek/Little Eve Creek, two small tributaries on the south shore at the mouth of Jones Bay, south of a line beginning at a point on the west shore 35° 12' 26" N -- 76° 31' 46" W; running 104° (M) to a point on the east shore 35° 12' 20" N -- 76° 31' 16" W;
    - (B) Ditch Creek, south of a line beginning at a point on the west shore 35° 13' 21" N -- 76° 33' 40" W; running 115° (M) to a point on the east shore 35° 13' 14" N -- 76° 33' 14" W;
    - (C) Lambert Creek, west of a line beginning at a point on the south shore 35° 13' 49"

- N - 76° 34' 20" W; running 016° (M) to a point on the north shore 35° 13' 50" N - 76° 34' 19" W;
- (D) Headwaters of Jones Bay, (west of the IWW), west of a line beginning at a point on the south shore 35° 14' 25" N -- 76° 35' 26" W; running 009° (M) to a point on the north shore at 35° 14' 28" N -- 76° 35' 26" W;
- (E) Bills Creek, north of a line beginning at a point on the west shore 35° 14' 29" N - 76° 34' 47" W; running 150° (M) to a point on the east shore 35° 14' 26" N - 76° 34' 43" W;
- (F) Doll Creek, north of a line beginning at a point on the west shore 35° 14' 20" N -- 76° 34' 14" W; running 129° (M) to a point on the east shore 35° 14' 15" N -- 76° 34' 04" W;
- (G) Drum Creek, north of a line beginning at a point on the west shore 35° 14' 10" N -- 76° 33' 17" W; running 116° (M) to a point on the east shore 35° 14' 08" N -- 76° 33' 05" W;
- (f) In the Bay River Area:
- (1) Mason Creek, southeast of a line beginning at a point on the southwest shore 35° 08' 10" N -- 76° 41' 39" W; running 041° (M) to a point on the east shore 35° 08' 15" N -- 76° 41' 34" W;
  - (2) Moore Creek, southeast of a line beginning at a point on the southwest shore 35° 08' 52" N -- 76° 40' 18" W; running 032° (M) to a point on the north shore 35° 08' 58" N -- 76° 40' 15" W;
  - (3) Small tributaries from Bell Point to Ball Creek, southwest of a line beginning at a point on the northwest shore 35° 09' 57" N -- 76° 39' 26" W; running 128° (M) to a point on the southeast shore 35° 09' 45" N -- 76° 38' 54" W;
  - (4) Ball Creek-Cabin Creek, south of a line beginning at a point on the west shore 35° 09' 39" N -- 76° 38' 01" W; running 116° (M) to a point on the east shore 35° 09' 34" N -- 76° 37' 38" W;
  - (5) Bonner Bay:
    - (A) Riggs Creek, west of a line beginning at a point on the north shore 35° 09' 24" N -- 76° 36' 15" W; running 156° (M) to a point on the south shore 35° 09' 13" N -- 76° 36' 07" W;
    - (B) Spring Creek, west of a line beginning at a point on the north shore 35° 08' 29" N -- 76° 36' 13" W; running 165° (M) to a point on the south shore 35° 08' 20" N -- 76° 36' 07" W;
    - (C) Bryan Creek, south of a line beginning at a point on the west shore 35° 08' 22" N -- 76° 35' 53" W; running 069° (M) to a point on the east shore 35° 08' 25" N -- 76° 35' 43" W;
    - (D) Dipping Vat Creek, east of a line beginning at a point on the north shore 35° 09' 17" N -- 76° 34' 21" W; running 164° (M) to a point on the south shore 35° 09' 09" N -- 76° 34' 18" W;
    - (E) Long Creek, south of a line beginning at a point on the west shore 35° 08' 12" N -- 76° 34' 38" W; running 098° (M) to a point on the east shore 35° 08' 12" N -- 76° 34' 30" W;
    - (F) Small tributary off Long Creek, west of a line beginning at a point on the north shore 35° 08' 30" N -- 76° 34' 42" W; running 164° (M) to a point on the south shore 35° 08' 24" N -- 76° 34' 38" W;
  - (6) Rock Hole Bay, northeast of a line beginning at a point on the west shore 35° 11' 39" N -- 76° 32' 36" W; running 150° (M) to a point on the east shore 35° 11' 16" N -- 76° 32' 15" W;
  - (7) Dump Creek, north of a line beginning at a point on the west shore 35° 11' 42" N -- 76° 33' 27" W; running 057° (M) to a point on the east shore 35° 11' 48" N -- 76° 33' 20" W;
  - (8) Tributaries east of IWW at Gales Creek, east of a line beginning at a point on the north shore of the northern tributary 35° 12' 54" N -- 76° 35' 29" W; running 158° (M) to a point on the south shore of the southern tributary 35° 12' 22" N -- 76° 35' 06" W;
  - (9) Gales Creek and adjacent tributary, west of a line beginning at a point on the north shore of Gales Creek 35° 12' 55" N -- 76° 35' 46" W; running 160° (M) to a point on the south shore of adjacent creek 35° 12' 27" N -- 76° 35' 25" W;
  - (10) Chadwick Creek and No Jacket Creek, north of a line beginning at a point on the west shore 35° 11' 58" N -- 76° 35' 56" W; running 079° (M) to a point on the east shore 35° 12' 04" N -- 76° 35' 33" W;
  - (11) Bear Creek, north of a line beginning at a point on the west shore 35° 11' 35" N -- 76° 36' 22" W; running 037° (M) to a point on the east shore 35° 11' 44" N -- 76° 36' 15" W;
  - (12) Little Bear Creek, north of a line beginning at a point on the west shore 35° 11' 06" N -- 76° 36' 20" W; running 045° (M) to a point on the east shore 35° 11' 16" N -- 76° 36' 07" W;



- (13) All small tributaries to Bay River from Petty Point to Sanders Point, closed at mouth;
- (14) In Vandemere Creek:
  - (A) Cedar Creek, north of a line beginning at a point on the west shore  $35^{\circ} 11' 13''$  N -  $76^{\circ} 39' 36''$  W, running  $078^{\circ}$  (M) to a point on the east shore  $35^{\circ} 11' 14''$  N -  $76^{\circ} 39' 33''$  W;
  - (B) Long Creek, east of a line beginning at a point on the north shore  $35^{\circ} 11' 27''$  N -  $76^{\circ} 38' 49''$  W, running  $177^{\circ}$  (M) to a point on the south shore  $35^{\circ} 11' 23''$  N -  $76^{\circ} 38' 48''$  W;
  - (C) Little Vandemere Creek, north of a line beginning at a point on the west shore  $35^{\circ} 12' 07''$  N -  $76^{\circ} 39' 17''$  W; running  $120^{\circ}$  (M) to a point on the east shore  $35^{\circ} 12' 06''$  W -  $76^{\circ} 39' 14''$  W;
- (15) Smith Creek, north of a line beginning at a point on the west shore  $35^{\circ} 10' 23''$  N --  $76^{\circ} 40' 15''$  W; running  $054^{\circ}$  (M) to a point on the east shore  $35^{\circ} 10' 27''$  N --  $76^{\circ} 40' 13''$  W;
- (16) Harper Creek, west of a line beginning at a point on the south shore  $35^{\circ} 09' 09''$  N --  $76^{\circ} 41' 54''$  W; running  $024^{\circ}$  (M) to a point on the north shore  $35^{\circ} 09' 15''$  N --  $76^{\circ} 41' 51''$  W;
- (17) Chapel Creek, north of a line beginning at a point on the west shore  $35^{\circ} 08' 56''$  N --  $76^{\circ} 42' 52''$  W; running  $076^{\circ}$  (M) to a point on the east shore  $35^{\circ} 08' 58''$  N --  $76^{\circ} 42' 48''$  W;
- (18) Swindell Bay, south of a line beginning at a point on the west shore  $35^{\circ} 08' 16''$  N --  $76^{\circ} 42' 57''$  W; running  $135^{\circ}$  (M) to a point on the east shore  $35^{\circ} 08' 13''$  N --  $76^{\circ} 42' 50''$  W.
- (g) In the Neuse River Area North Shore.
  - (1) Swan Creek, west of a line beginning at a point on the north shore  $35^{\circ} 06' 46''$  N --  $76^{\circ} 33' 41''$  W; running  $042^{\circ}$  (M) to a point on the south shore  $35^{\circ} 06' 18''$  N --  $76^{\circ} 34' 02''$  W;
  - (2) Broad Creek:
    - (A) Greens Creek, east of a line beginning at a point on the north shore  $35^{\circ} 06' 05''$  N --  $76^{\circ} 35' 28''$  W; running  $154^{\circ}$  (M) to a point on the south shore  $35^{\circ} 06' 00''$  N --  $76^{\circ} 35' 24''$  W;
    - (B) Pittman Creek, north of a line beginning at a point on the west shore  $35^{\circ} 05' 48''$  N --  $76^{\circ} 36' 10''$  W; running  $068^{\circ}$  (M) to a point on the east shore  $35^{\circ} 05' 54''$  N --  $76^{\circ} 36' 02''$  W;
    - (C) Burton Creek, west of a line beginning at a point on the south shore  $35^{\circ} 05' 37''$  N --  $76^{\circ} 36' 32''$  W; running  $034^{\circ}$  (M) to a point on the north shore  $35^{\circ} 05' 43''$  N --  $76^{\circ} 36' 30''$  W;
  - (D) All small tributaries on the north shore of Broad Creek, north of a line beginning at a point on the west shore of the western most tributary  $35^{\circ} 05' 38''$  N --  $76^{\circ} 37' 49''$  W; running  $109^{\circ}$  (M) to a point on the east shore of the eastern most tributary  $35^{\circ} 05' 27''$  N --  $76^{\circ} 36' 47''$  W;
  - (E) Brown Creek, northwest of a line beginning at a point on the southwest shore  $35^{\circ} 05' 30''$  N --  $76^{\circ} 37' 51''$  W; running  $032^{\circ}$  (M) to a point on the northeast shore  $35^{\circ} 05' 37''$  N --  $76^{\circ} 37' 48''$  W;
  - (F) Broad Creek including Gideon Creek, west of a line beginning at a point on the south shore  $35^{\circ} 05' 18''$  N --  $76^{\circ} 37' 49''$  W; running  $013^{\circ}$  (M) to a point on the north shore  $35^{\circ} 05' 30''$  N --  $76^{\circ} 37' 51''$  W;
  - (G) Tar Creek, south of a line beginning at a point on the west shore  $35^{\circ} 05' 15''$  N --  $76^{\circ} 37' 36''$  W; running  $097^{\circ}$  (M) to a point on the east shore  $35^{\circ} 05' 15''$  N --  $76^{\circ} 37' 30''$  W;
  - (H) Small tributaries east of Tar Creek, south of a line beginning at a point on the west shore of the western tributary  $35^{\circ} 05' 18''$  N --  $76^{\circ} 37' 03''$  W; running  $106^{\circ}$  (M) to a point on the east shore of the eastern tributary  $35^{\circ} 05' 14''$  N --  $76^{\circ} 36' 27''$  W;
  - (I) Mill Creek and Cedar Creek, south of a line beginning at a point on the west shore of Mill Creek  $35^{\circ} 05' 26''$  N --  $76^{\circ} 36' 02''$  W; running  $109^{\circ}$  (M) to a point on the east shore of the eastern tributary  $35^{\circ} 05' 22''$  N --  $76^{\circ} 35' 36''$  W;
- (3) Orchard Creek north of a line beginning at a point on the west shore  $35^{\circ} 03' 21''$  N --  $76^{\circ} 38' 26''$  W; running  $061^{\circ}$  (M) to a point on the east shore  $35^{\circ} 03' 37''$  N --  $76^{\circ} 37' 58''$  W;
- (4) Pierce Creek, north of a line beginning at a point on the west shore  $35^{\circ} 02' 29''$  N --  $76^{\circ} 40' 07''$  W; running  $083^{\circ}$  (M) to a point on the east shore  $35^{\circ} 02' 31''$  N --  $76^{\circ} 40' 01''$  W;
- (5) Whittaker Creek, north of a line beginning at a point on the west shore  $35^{\circ} 01' 37''$  N --  $76^{\circ} 41' 12''$  W; running  $095^{\circ}$  (M) to a point on the east shore  $35^{\circ} 01' 37''$  N --  $76^{\circ} 40' 58''$  W;
- (6) Oriental:
  - (A) Smith and Morris Creek, north of a line beginning at a point on the west shore  $35^{\circ} 02' 15''$  N --  $76^{\circ} 42' 19''$  W; running  $096^{\circ}$

- (M) to a point on the east shore 35° 02' 16" N -- 76° 42' 12" W;
- (B) Tributary off Smith Creek west, west of a line beginning at a point on the north shore 35° 02' 10" N -- 76° 42' 19" W; running 186° (M) to a point on the south shore 35° 02' 08" N -- 76° 42' 19" W;
- (C) Tributary off Smith Creek, east, east of a line beginning at a point on the south shore 35° 02' 06" N -- 76° 42' 12" W; running 026° (M) to a point on the north shore 35° 02' 08" N -- 76° 42' 11" W;
- (D) Creek west of Dewey Point, north of a line beginning at a point on the west shore 35° 01' 34" N -- 76° 42' 35" W; running 049° (M) to a point on the west shore 35° 01' 36" N -- 76° 42' 32" W;
- (E) Two tributaries on the south shore of Greens Creek, south of a line beginning at a point on the west shore of the western creek 35° 01' 24" N -- 76° 42' 49" W; running 110° (M) to a point on the east shore of the eastern creek 35° 01' 19" N -- 76° 42' 27" W;
- (F) Greens Creek, west of a line beginning at a point on the north shore 35° 01' 34" N -- 76° 43' 02" W; running 154° (M) to a point on the south shore 35° 01' 28" N -- 76° 42' 57" W;
- (G) Kershaw Creek, north of a line beginning at a point on the west shore 35° 01' 34" N -- 76° 43' 02" W; running 070° (M) to a point on the east shore 35° 01' 38" N -- 76° 42' 53" W;
- (H) Windmill Point, southwest of a line beginning at a point on the northwest shore 35° 01' 11" N -- 76° 42' 18" W; running 130° (M) to a point on the southeast shore 35° 01' 09" N -- 76° 42' 14" W.
- (7) Dawson Creek:
- (A) Unnamed eastern tributary of Dawson Creek, east of a line beginning at a point on the north shore 35° 00' 12" N - 76° 45' 19" W; running 155° (M) to a point on the south shore 35° 00' 07" N - 76° 45' 15" W;
- (B) Unnamed tributary of Dawson Creek (at mouth), south of a line beginning at a point on the east shore 34° 59' 39" N - 76° 45' 09" W; running 256° (M) to a point on the south shore 34° 59' 38" N - 76° 45' 14" W;
- (8) Beard Creek tributary, southeast of a line beginning at a point on the north shore 35° 00' 17" N - 76° 51' 55" W; running 214° (M) to a point on the southwest shore 35° 00' 12" N - 76° 51' 58" W;
- (h) In the Neuse River Area South Shore:
- (1) Clubfoot Creek, south of a line beginning at a point on the west shore 34° 52' 15" N -- 76° 45' 48" W; running 095° (M) to a point on the east shore 34° 52' 15" N -- 76° 45' 36" W.
- (A) Mitchell Creek, west of a line beginning at a point on the south shore 34° 54' 15" N -- 76° 45' 51" W; running 021° (M) to a point on the north shore 34° 54' 25" N -- 76° 45' 48" W;
- (B) Gulden Creek, east of a line beginning at a point on the south shore 34° 54' 04" N -- 76° 45' 31" W; running 032° (M) to a point on the north shore 34° 54' 12" N -- 76° 45' 29" W;
- (2) Adams Creek:
- (A) Godfrey Creek, southwest of a line beginning at a point on the northwest shore 34° 57' 18" N -- 76° 41' 08" W; running 151° (M) to a point on the south shore 34° 57' 16" N -- 76° 41' 05" W;
- (B) Delamar Creek, southwest of a line beginning at a point on the northwest shore 34° 57' 02" N -- 76° 40' 45" W; running 138° (M) to a point on the south shore 34° 57' 00" N -- 76° 40' 43" W;
- (C) Kellum Creek, west of a line beginning at a point on the north shore 34° 55' 28" N -- 76° 39' 50" W; running 160° (M) to a point on the south shore 34° 55' 25" N -- 76° 39' 50" W;
- (D) Kearney Creek and unnamed tributary north, west of a line beginning at a point on the north shore of the north creek 34° 55' 09" N -- 76° 40' 00" W; running 194° (M) to a point on the south shore of Kearney Creek 34° 54' 58" N -- 76° 40' 01" W;
- (E) Isaac Creek, southeast of a line beginning at a point on the west shore 34° 54' 16" N -- 76° 40' 07" W; running 102° (M) to a point on the east shore 34° 54' 15" N -- 76° 40' 02" W;
- (F) Back Creek, south of a line beginning at a point on the west shore 34° 54' 33" N -- 76° 39' 43" W; running 059° (M) to a point on the east shore 34° 54' 38" N -- 76° 39' 33" W;
- (G) Cedar Creek, south of a line beginning at a point on the west shore 34° 55' 45" N -- 76° 38' 38" W; running 095° (M) to a point on the east shore 34° 55' 45" N -- 76° 38' 32" W;
- (H) Jonaquin Creek, north of a line beginning at a point on the west shore 34° 56' 06" N -- 76° 38' 32" W; running 095° (M)

- to a point on the east shore 34° 56' 06" N -- 76° 38' 30" W;
- (I) Dimpling Creek, east of a line beginning at a point on the north shore 34° 56' 54" N -- 76° 39' 33" W; running 142° (M) to a point on the south shore 34° 56' 52" N -- 76° 39' 31" W;
- (J) Sandy Huss Creek, north of a line beginning at a point on the west shore 34° 57' 14" N -- 76° 39' 50" W; running 116° (M) to a point on the east shore 34° 57' 10" N -- 76° 39' 43" W;
- (3) Garbacon Creek, south of a line beginning at a point on the west shore 34° 59' 00" N -- 76° 38' 34" W; running 097° (M) to a point on the east shore 34° 59' 00" N -- 76° 38' 30" W;
- (4) South River:
  - (A) Big Creek, southwest of a line beginning at a point on the northwest shore 34° 56' 55" N - 76° 35' 22" W; running 160° (M) to a point on the southeast shore 35° 56' 49" N - 76° 35' 16" W;
  - (B) Horton Bay, north of a line beginning at a point on the west shore 34° 59' 08" N - 76° 34' 44" W; running 088° (M) to a point on the west shore 34° 59' 11" N - 76° 34' 30" W;
- (5) Brown Creek, south of a line beginning at a point on the west shore 34° 59' 51" N -- 76° 33' 34" W; running 097° (M) to a point on the east shore 34° 59' 51" N -- 76° 33' 30" W;
- (6) Turnagain Bay:
  - (A) Abraham Bay, west of a line beginning at a point on the north shore 35° 00' 09" N -- 76° 30' 48" W; running 187° (M) to a point on the south shore 34° 59' 50" N -- 76° 30' 44" W;
  - (B) Broad Creek and adjacent tributary, west of a line from a point on the north shore 34° 59' 11" N -- 76° 30' 26" W; running 151° (M) to a point on the south shore 34° 58' 57" N -- 76° 30' 08" W;
  - (C) Mulberry Point Creek, Tump Creek and adjacent tributary, east of a line beginning at a point on the north shore 35° 00' 28" N -- 76° 29' 47" W; running 166° (M) to a point on the south shore 34° 59' 40" N -- 76° 29' 23" W;
  - (D) Deep Gut, east of a line beginning at a point on the north shore 34° 59' 35" N -- 76° 29' 03" W; running 156° (M) to a point on the south shore 34° 59' 28" N -- 76° 28' 58" W;
  - (E) Big Gut, southeast of a line beginning at a point on the north shore 34° 59' 04" N - 76° 28' 44" W; running 219° (M) to a point on the south shore 34° 58' 55" N - 76° 28' 44" W;
- (i) West Bay; Long Bay Area:
  - (1) Fur Creek and Henrys Creek, west of a line beginning at a point on the north shore 34° 56' 33" N -- 76° 27' 42" W; running 156° (M) to a point on the south shore 34° 56' 23" N -- 76° 27' 28" W;
  - (2) Cadduggen Creek, west of a line beginning at a point on the north shore 34° 56' 26" N -- 76° 23' 59" W; running 143° (M) to a point on the south shore 34° 56' 17" N -- 76° 23' 41" W.
- (j) Core Sound Area:
  - (1) Cedar Island Bay, northwest of a line beginning at a point on the southwest shore 34° 59' 00" N -- 76° 17' 58" W; running 038° (M) through Beacon No. 6 to a point on the northeast shore 34° 59' 45" N -- 76° 17' 25" W;
  - (2) Lewis Creek, north of a line beginning at a point on the west shore 34° 56' 56" N -- 76° 16' 54" W; running 097° (M) to a point on the east shore 34° 56' 56" N -- 76° 16' 51" W;
  - (3) Thorofare Bay:
    - (A) Tributary off upper Thorofare Bay, southwest of a line beginning at a point on the northwest shore 34° 55' 27" N -- 76° 21' 28" W; running 132° (M) to a point on the southeast shore 34° 55' 22" N -- 76° 21' 16" W;
    - (B) Barry's Bay, west of a line beginning at a point on the north shore 34° 54' 30" N -- 76° 20' 48" W; running 155° (M) to a point on the south shore 34° 54' 24" N -- 76° 20' 35" W;
  - (4) Nelson Bay:
    - (A) Willis Creek and Fulchers Creek, west of a line beginning at a point on the north shore of Willis Creek 34° 51' 06" N -- 76° 24' 36" W; running 194° (M) to a point on the south shore of Fulchers Creek 34° 50' 11" N -- 76° 24' 54" W;
    - (B) Lewis Creek, west of a line beginning at a point on the south shore 34° 51' 44" N -- 76° 24' 40" W; running 011° (M) to a point on the north shore 34° 51' 54" N -- 76° 24' 39" W;
  - (5) Cedar Creek between Sea Level and Atlantic, west of a line beginning at a point on the south shore 34° 52' 00" N -- 76° 22' 44" W; running 007° (M) to a point on the north shore 34° 52' 03" N -- 76° 22' 44" W;
  - (6) Oyster Creek, northwest of the Highway 70 bridge;
  - (7) Jarretts Bay Area:



- (A) Smyrna Creek, northwest of the Highway 70 bridge;
- (B) Ditch Cove and adjacent tributary, east of a line beginning at a point on the north shore 34° 48' 00" N - 76° 28' 26" W; running 017° (M) to a point on the south shore 34° 47' 35" N - 76° 28' 30" W;
- (C) Broad Creek, north of a line beginning at a point on the west shore 34° 47' 53" N - 76° 29' 18" W; running 081° (M) to a point on the east shore 34° 47' 58" N - 76° 28' 59" W;
- (D) Howland Creek, northwest of a line beginning at a point on the southwest shore 34° 47' 21" N - 76° 29' 53" W; running 050° (M) to a point on the northeast shore 34° 47' 26" N - 76° 29' 47" W;
- (E) Great Creek, southeast of a line beginning at a point on the southwest shore 34° 47' 08" N - 76° 29' 12" W; running 053° (M) to a point on the northeast shore 34° 47' 17" N - 76° 29' 02" W;
- (F) Williston Creek, northwest of the Highway 70 bridge;
- (G) Wade Creek, northwest of a line beginning at a point on the south shore 34° 46' 10" N -- 76° 30' 22" W; running 042° (M) to a point on the north shore 34° 46' 17" N -- 76° 30' 17" W;
- (H) Jump Run, north of a line beginning at a point on the west shore 34° 45' 31" N -- 76° 30' 26" W; running 097° (M) to a point on the west shore 34° 45' 31" N -- 76° 30' 21" W;
- (I) Middens Creek, west of a line beginning at a point on the south shore 34° 45' 23" N -- 76° 30' 59" W; running 007° (M) to a point on the north shore 34° 45' 29" N -- 76° 30' 59" W;
- (J) Tussock Creek, northwest of a line beginning at a point on the southwest shore 34° 44' 37" N -- 76° 30' 47" W; running 033° (M) to a point on the north shore 34° 44' 48" N -- 76° 30' 38" W;
- (K) Creek west of Bells Island, west of a line beginning at a point on the north shore 34° 43' 56" N -- 76° 30' 26" W; running 161° (M) to a point on the south shore 34° 43' 46" N -- 76° 30' 23" W.
- (k) Straits, North River, Newport River Area.
  - (l) Straits:
    - (A) Sleepy Creek, north of a line beginning at a point on the west shore 34° 43' 21" N -- 76° 31' 32" W; running 096° (M) to a point on the east shore 34° 43' 21" N -- 76° 31' 20" W;
    - (B) Whitehurst Creek, north of a line from a point on the west shore 34° 43' 28" N -- 76° 33' 22" W; running 072° (M) to a point on the east shore 34° 43' 33" N -- 76° 33' 13" W;
  - (2) North River, north of Highway 70 bridge:
    - (A) Ward Creek, north of Highway 70 bridge:
      - (i) North Leopard Creek, southeast of a line beginning at a point on the southwest shore 34° 45' 57" N -- 76° 34' 27" W; running 055° (M) to a point on the northeast shore 34° 46' 01" N -- 76° 34' 19" W;
      - (ii) South Leopard Creek, southeast of a line beginning at a point on the southwest shore 34° 45' 29" N -- 76° 34' 47" W; running 057° (M) to a point on the northeast shore 34° 45' 33" N -- 76° 34' 40" W;
    - (B) Turner Creek (Gibbs Creek), west of a line beginning at a point on the south shore 34° 43' 23" N -- 76° 37' 43" W; running 012° (M) to a point on the north shore 34° 43' 30" N -- 76° 37' 40" W;
  - (3) Newport River, west of a line beginning at a point at Lawton Point 34° 45' 41" N - 76° 44' 03" W; running 356° (M) to a point on the north shore 34° 46' 34" N - 76° 44' 18" W;
  - (A) Russel Creek, north of a line beginning at a point on the west shore 34° 45' 36" N -- 76° 39' 47" W; running 097° (M) to a point on the east shore 34° 45' 35" N -- 76° 39' 46" W;
  - (B) Ware Creek, northeast of a line beginning at a point on the northwest shore 34° 46' 28" N -- 76° 40' 30" W; running 153° (M) to a point on the southeast shore 34° 46' 23" N -- 76° 40' 27" W;
  - (C) Bell Creek, northeast of a line beginning at a point on the northwest shore 34° 47' 19" N -- 76° 40' 58" W; running 166° (M) to a point on the southeast shore 34° 47' 02" N -- 76° 40' 56" W;
  - (D) Eastman Creek, east of a line beginning at a point on the north shore 34° 47' 57" N -- 76° 41' 04" W; running 184° (M) to a point on the south shore 34° 47' 47" N -- 76° 41' 04" W;
  - (E) Oyster Creek, north of a line beginning at a point on the west shore 34° 46' 32" N -- 76° 42' 32" W; running 080° (M) to a point on the east shore 34° 46' 37" N -- 76° 42' 14" W;
  - (F) Harlow Creek, north of a line beginning at a point on the west shore 34° 46' 41" N -- 76° 43' 28" W; running 060° (M) to a point on the northeast shore 34° 46' 50" N -- 76° 43' 15" W;

- (G) Calico Creek, west of a line beginning at a point on the north shore  $34^{\circ} 43' 42''$  N --  $76^{\circ} 43' 11''$  W; running  $208^{\circ}$  (M) to a point on the south shore  $34^{\circ} 43' 37''$  N --  $76^{\circ} 43' 13''$  W;
- (11) Crab Point Bay, northwest of a line beginning at a point on the southwest shore  $34^{\circ} 44' 03''$  N --  $76^{\circ} 43' 09''$  W; running  $047^{\circ}$  (M) to a point on the northeast shore  $34^{\circ} 44' 08''$  N --  $76^{\circ} 43' 05''$  W.
- (l) Bogue Sound; Bogue Inlet Area:
- (1) Gales Creek, above the Highway 24 bridge;
  - (2) Broad Creek, above the Highway 24 bridge;
  - (3) Goose Creek, north of a line beginning at a point on the west shore  $34^{\circ} 41' 46''$  N --  $77^{\circ} 00' 45''$  W; running  $070^{\circ}$  (M) to a point on the east shore  $34^{\circ} 41' 51''$  N --  $77^{\circ} 00' 32''$  W;
  - (4) Archer Creek, west of a line beginning at a point on the north shore  $34^{\circ} 40' 27''$  N --  $77^{\circ} 00' 47''$  W; running  $186^{\circ}$  (M) to a point on the south shore  $34^{\circ} 40' 22''$  N --  $77^{\circ} 00' 47''$  W;
  - (5) White Oak River, north of a line beginning at a point on the west shore  $34^{\circ} 45' 27''$  N --  $77^{\circ} 07' 39''$  W; running  $095^{\circ}$  (M) to a point on the east shore  $34^{\circ} 45' 27''$  N --  $77^{\circ} 07' 07''$  W;
- (A) Pettiford Creek, east of a line beginning at a point on the north shore  $34^{\circ} 42' 51''$  N --  $77^{\circ} 05' 24''$  W; running  $175^{\circ}$  (M) to a point on the south shore  $34^{\circ} 42' 37''$  N --  $77^{\circ} 05' 20''$  W.
- (B) Holland Mill Creek, west of a line beginning at a point on the north shore  $34^{\circ} 43' 49''$  N --  $77^{\circ} 11' 58''$  W; running  $184^{\circ}$  (M) to a point on the south shore  $34^{\circ} 43' 38''$  N --  $77^{\circ} 11' 58''$  W.
- (6) Hawkins Creek, north of a line beginning at a point on the west shore  $34^{\circ} 41' 06''$  N --  $77^{\circ} 07' 44''$  W; running  $085^{\circ}$  (M) to a point on the east shore  $34^{\circ} 41' 07''$  N --  $77^{\circ} 07' 35''$  W.
- (7) Queen's Creek, north of country road number 1509 bridge:
- (A) Dick's Creek, west of a line beginning at a point on the south shore  $34^{\circ} 39' 55''$  N --  $77^{\circ} 09' 21''$  W; running  $338^{\circ}$  (M) to a point on the north shore  $34^{\circ} 39' 58''$  N --  $77^{\circ} 09' 21''$  W;
  - (B) Parrot Swamp, west of a line beginning at a point on the south shore  $34^{\circ} 40' 22''$  N --  $77^{\circ} 09' 39''$  W; running  $333^{\circ}$  (M) to a point on the north shore  $34^{\circ} 40' 36''$  N --  $77^{\circ} 09' 48''$  W;
- (C) Hall's Creek, east of a line beginning at a point on the south shore  $34^{\circ} 41' 00''$  N --  $77^{\circ} 09' 42''$  W; running  $337^{\circ}$  (M) to a point on the north shore  $34^{\circ} 41' 06''$  N --  $77^{\circ} 09' 44''$  W;
- (8) Bear Creek, west of Willis Landing.
- (m) New River Area:
- (1) Salliers Bay area, all waters north and northwest of the IWW beginning at a point on Cedar Point  $34^{\circ} 32' 48''$  N --  $77^{\circ} 19' 14''$  W to Beacon No. 58  $34^{\circ} 37' 56''$  N --  $77^{\circ} 12' 20''$  W including Howard Bay, Mile Hammock Bay, Salliers Bay, and Freeman Creek;
  - (2) New River Inlet area (including Hellgate Creek and Ward's Channel), all waters south of the IWW from Beacon No. 65  $34^{\circ} 32' 41''$  N --  $77^{\circ} 18' 57''$  W to Beacon No. 15  $34^{\circ} 31' 03''$  N --  $77^{\circ} 22' 18''$  W, excluding the marked New River Inlet Channel;
  - (3) New River:
    - (A) Trap's Bay, northeast of a line beginning at a point on the east shore  $34^{\circ} 33' 47''$  N --  $77^{\circ} 20' 25''$  W running  $317^{\circ}$  (M) to a point on the west shore  $34^{\circ} 34' 07''$  N --  $77^{\circ} 20' 59''$  W;
    - (B) Courthouse Bay:
      - (i) Tributary of Courthouse Bay, southeast of a line beginning at a point on Harvey's Point  $34^{\circ} 34' 59''$  N --  $77^{\circ} 22' 25''$  W; running  $066^{\circ}$  (M) to a point on the east shore  $34^{\circ} 35' 05''$  N --  $77^{\circ} 22' 11''$  W;
      - (ii) Tributary of Courthouse Bay, northwest of a line beginning at a point on the west shore  $34^{\circ} 35' 02''$  N --  $77^{\circ} 22' 40''$  W; running  $057^{\circ}$  (M) to a point on the east shore  $34^{\circ} 35' 10''$  N --  $77^{\circ} 22' 31''$  W;
      - (iii) Rufus Creek, east of a line beginning at a point on Wilken's Bluff  $34^{\circ} 34' 19''$  N --  $77^{\circ} 21' 41''$  W; running  $002^{\circ}$  (M) to a point on the north shore  $34^{\circ} 34' 27''$  N --  $77^{\circ} 21' 41''$  W;
  - (C) Wheeler Creek, south of a line beginning at a point on Poverty Point  $34^{\circ} 34' 04''$  N --  $77^{\circ} 23' 15''$  W; running  $267^{\circ}$  (M) to a point on the west shore  $34^{\circ} 34' 03''$  N --  $77^{\circ} 23' 26''$  W;
  - (D) Fannie Creek, west of a line beginning at a point on the south shore  $34^{\circ} 34' 07''$  N --  $77^{\circ} 23' 35''$  W; running  $333^{\circ}$  (M) to a point on the north shore  $34^{\circ} 34' 08''$  N --  $77^{\circ} 23' 40''$  W;
  - (E) Sncad's Creek, northwest of a line beginning at a point on the east shore  $34^{\circ} 35' 19''$  N --  $77^{\circ} 23' 31''$  W; running  $219^{\circ}$

- (M) to a point on the west shore 34° 35' 17" N -- 77° 23' 34" W;
- (F) Fiverette Creek, south of a line beginning at a point on the east shore 34° 34' 13" N -- 77° 24' 44" W; running 273° (M) to a point on the west shore 34° 34' 12" N -- 77° 24' 49" W;
- (G) Stone's Creek, southwest of a line beginning at a point on the southeast shore 34° 36' 34" N -- 77° 26' 51" W; running 301° (M) to a point on the northwest shore 34° 36' 37" N -- 77° 26' 52" W;
- (H) Muddy Creek, north of a line beginning at a point on the west shore 34° 36' 52" N -- 77° 26' 38" W; running 087° (M) to a point on the east shore 34° 36' 52" N -- 77° 26' 37" W;
- (I) Mill Creek, north of a line beginning at a point on the west shore 34° 37' 11" N -- 77° 25' 47" W; running 109° (M) to a point on the east shore 34° 37' 11" N -- 77° 25' 37" W;
- (J) Whitehurst Creek, west and south of a line beginning at a point on the south shore 34° 38' 04" N -- 77° 22' 37" W; running 280° (M) to a point on the north shore 34° 38' 04" N -- 77° 22' 38" W;
- (K) Town Creek, west of a line beginning at a point on the south shore 34° 39' 34" N -- 77° 23' 06" W; running 007° (M) to a point on the north shore 34° 39' 37" N -- 77° 23' 06" W;
- (L) Lewis Creek, southwest of a line beginning at a point on the southeast shore 34° 40' 56" N -- 77° 24' 56" W; running 301° (M) to a point on the northwest shore 34° 40' 55" N -- 77° 24' 58" W;
- (M) Northeast Creek, east of a line beginning at a point on the south shore 34° 43' 23" N -- 77° 23' 35" W; running 316° (M) to a point at the mouth of Scale's Creek 34° 43' 46" N -- 77° 24' 06" W;
- (N) Southwest Creek, southwest of a line beginning at a point on the east shore 34° 41' 30" N -- 77° 25' 20" W; running 328° (M) to a point on the north shore 34° 41' 50" N -- 77° 25' 40" W;
- (O) Upper New River, north of a line beginning at a point on Mumford Point 34° 43' 15" N -- 77° 25' 00" W; running 271° (M) through Beacon No. 53 to a point on the west shore 34° 43' 14" N -- 77° 25' 49" W;
- (4) Chadwick Bay, all waters between a line beginning at a point on Roses Point 34° 32' 12" N -- 77° 22' 19" W; running 075° (M) to Marker No. 6 and the IWW;
- (A) Fullard Creek (including Charles Creek), northwest of a line beginning at a point on the south shore 34° 32' 03" N -- 77° 22' 41" W; running 326° (M) to a point on the north shore 34° 32' 12" N -- 77° 22' 50" W;
- (B) Bump's Creek, north of a line beginning at a point on the west shore 34° 32' 19" N -- 77° 22' 29" W; running 035° (M) to a point on the east shore 34° 32' 28" N -- 77° 22' 23" W.
- (n) Stump Sound Area.
- Stump Sound, all waters north and south of IWW from Beacon No. 15 34° 31' 03" N -- 77° 22' 17" W; to Marker No. 78 34° 25' 23" N -- 77° 34' 12" W; except 100 feet of either side of the IWW from Beacon No. 49 at Morris Landing to Marker No. 78 at the mouth of Beckys Creek and except the dredged canals at Old Settler's Beach and the dredged channel from the IWW north of Marker No. 57 to the Old Settler's Beach Canals.
- (o) Topsail Sound Area:
- (1) Virginia Creek, all waters northwest of a line beginning on the southwest shore at a point near the mouth 34° 24' 48" N - 77° 35' 38" W; running 056° (M) 700 yards to a point 34° 25' 02" N - 77° 35' 19" W; thence running 074° (M) 1900 yards and intersecting the nursery area line at Becky's Creek at a point 34° 25' 24" N - 77° 34' 16" W, with the exception of the natural channel as marked by the North Carolina Division of Marine Fisheries;
- (2) Old Topsail Creek, all waters northwest of a line beginning at a point on the southwest shore 34° 21' 33" N - 77° 40' 37" W running 065° (M) to a point on the northeast shore 34° 21' 43" N - 77° 40' 14" W, with the exception of the dredged channel as marked by the North Carolina Division of Marine Fisheries;
- (3) Topsail Sound, all waters enclosed within a line starting at beacon "BC" 34° 24' 35" N -- 77° 35' 43" W; running 174° (M) to a point 34° 23' 58" N -- 77° 35' 33" W; running 235° (M) to a point 34° 21' 14" N -- 77° 39' 18" W; running 300° (M) to Marker No. 16 34° 21' 32" N -- 77° 40' 15" W; running 056° (M) back to point of origin;
- (4) Mallard Bay Area, all waters northwest of the IWW from Beacon No. 93 34° 23' 54" N -- 77° 36' 43" W; to Beacon No. 96 34° 22' 34" N -- 77° 38' 48" W.
- (p) Middle Sound Area:



- (1) Howard Channel and Long Point Channel area, all waters southeast of the IWW from Beacon No. 98 34° 21' 33" N -- 77° 40' 32" W to a point on the north side of the Figure 8 Island Marina Channel 34° 16' 28" N -- 77° 45' 35" W [with the exception of Howard Channel from the IWW to New Topsail Inlet, Green Channel from Marker No. 105 to Rich's Inlet, Butler's Creek (Utley's Channel) from the IWW, north of Marker No. 112, to Nixon's Channel, and Nixon's Channel from IWW to Rich's Inlet; Tributaries to above named channels will remain closed.];
  - (2) Futch Creek, northwest of a line beginning at a point on the north shore of Porter's Neck 34° 18' 00" N -- 77° 44' 33" W; running 064° (M) to a point on Baldeagle Point 34° 18' 09" N -- 77° 44' 22" W;
  - (3) Page's Creek, northwest of a line beginning at a point on the north shore 34° 16' 46" N -- 77° 46' 42" W; running 229° (M) to a point on the south shore 34° 16' 38" N -- 77° 46' 51" W;
  - (4) All waters bound on the north by the Figure Eight Island Causeway, on the east by Mason's Channel, on the south by Mason's Inlet Channel and on the west by the Intracoastal Waterway, with the exception of Mason's Channel.
- (q) Greenville Sound Area:
- (1) Shell Island area, all waters east of the IWW from Marker No. 123 34° 14' 52" N -- 77° 47' 00" W to a point on the north shore of Old Moore Inlet Channel 34° 13' 56" N -- 77° 47' 48" W;
  - (2) Howe Creek (Moore's Creek), northwest of a line beginning at a point on the south shore 34° 14' 42" N -- 77° 47' 26" W; running 030° (M) to a point on the north shore 34° 14' 53" N -- 77° 47' 13" W;
  - (3) Bradley Creek, west of Highway 17, 74 and 76 bridge;
  - (4) Wrightsville Beach area, all waters in an area enclosed by a line beginning at a point across the IWW from the mouth of Bradley Creek 34° 12' 21" N - 77° 49' 08" W, running 091° (M) to a point (near the Borrow Pit) 34° 12' 22" N - 77° 48' 32" W, running 144° (M) to a point 34° 11' 56" N - 77° 48' 19" W, running 224° (M) to a point 34° 11' 20" N - 77° 49' 05" W; running 306° (M) to a point 34° 11' 30" N - 77° 49' 31" W; running 024° (M) back to point of origin.
- (r) Masonboro Sound Area:
- (1) Masonboro--Myrtle Grove Sound area (west side)--all waters west northwest of the IWW beginning at a point at the mouth of Bradley Creek 34° 12' 23" N -- 77° 49' 14" W; to Beacon No. 161 34° 03' 32" N -- 77° 53' 22" W;
  - (2) Masonboro-Myrtle Grove Sound area (cast side) - all waters south and southeast of a line beginning at a point on the north end of Masonboro Island 34° 11' 06" N - 77° 48' 51" W; running 301° (M) to a point near IWW Marker No. 129 34° 11' 22" N - 77° 49' 36" W; thence running along the east side of the IWW to Marker No. 161 34° 03' 32" N - 77° 53' 22" W; (with the exception of Old Masonboro Channel and Carolina Beach Inlet Channel).
- (s) Cape Fear River Area:
- (1) Cape Fear River, all waters north of a line beginning at a point on the east shore 34° 10' 25" N -- 77° 57' 03" W; running 275° (M) through Beacon No. 53 to a point on the west shore 34° 10' 25" N -- 77° 57' 46" W, and all waters north of a line beginning at a point on the east shore 34° 04' 38" N -- 77° 55' 28" W; running 275° (M) through Beacon No. 37 to a point on the west shore 34° 04' 38" N -- 77° 56' 31" W, with the exception of 300 yards east and west of the main shipping channel up to Beacon No. 53 (mouth of Brunswick River);
  - (2) The Basin (Ft. Fisher area), east of a line beginning at a point on the north shore 33° 57' 17" N -- 77° 56' 08" W; running 156° (M) to a point on the south shore 33° 57' 04" N -- 77° 56' 07" W;
  - (3) Walden Creek, northwest of county road No. 1528 bridge;
  - (4) Baldhead Island Creeks:
    - (A) Baldhead Creek, southeast of a line beginning at a point on the south shore 33° 51' 42" N -- 77° 59' 10" W; running 070° (M) to a point on the north shore 33° 52' 07" N -- 77° 59' 06" W;
    - (B) Cape Creek, southeast of a line beginning at a point on the south shore 33° 51' 39" N -- 77° 58' 28" W; running 026° (M) to a point on the north shore 33° 52' 05" N -- 77° 58' 23" W;
    - (C) Bluff Island Creek (East Beach Creek), south of a line beginning at a point on the west shore 33° 52' 39" N -- 77° 58' 11" W; running 092° (M) to a point on the east shore 33° 52' 40" N -- 77° 58' 07" W;
    - (D) Deep Creek, south of a line from a point on the southwest shore 33° 52' 42"

- N -- 77° 58' 05" W; running 046° (M) to a point on the northeast shore 33° 52' 46" N -- 77° 58' 01" W;
- (5) Dutchman Creek, north of a line beginning at a point on the east shore 33° 55' 07" N -- 78° 02' 39" W; running 294° (M) to a point on the west shore 33° 55' 08" N -- 78° 02' 44" W;
  - (6) Denis Creek, west of a line beginning at a point on the south shore 33° 55' 00" N -- 78° 03' 32" W; running 006° (M) to a point on the north shore 33° 55' 02" N -- 78° 03' 32" W;
  - (7) Piney Point Creek, west of a line beginning at a point on the south shore 33° 54' 32" N -- 78° 03' 32" W; running 007° (M) to a point on the north shore 33° 54' 37" N -- 78° 03' 31" W;
  - (8) Molasses, Coward and Smokehouse Creeks, all waters bound by the IWW and the Elizabeth River on the north and east, the Oak Island Coast Guard canal on the east, Oak Island on the south and the CP and 1 Discharge canal on the west;
  - (9) Oak Island area, all waters north and south of the IWW from Marker No. 9 33° 55' 12" N -- 78° 03' 49" W; to Beacon No. 18 33° 55' 45" N -- 78° 10' 17" W.
- (t) Lockwoods Folly Inlet Area:
- (1) Davis Creek and Davis Canal, east of a line beginning at a point on the north shore 33° 55' 13" N -- 78° 10' 43" W; running 198° (M) to a point on the south shore 33° 54' 59" N -- 78° 10' 43" W;
  - (2) Lockwoods Folly River, north of a line beginning at a point on the east shore 33° 56' 35" N -- 78° 12' 47" W; running 268° (M) to a point on the west shore 33° 56' 34" N -- 78° 13' 24" W;
- Spring Creek (Galloway Flats area), all waters northwest of a line beginning at a point on the south shore 33° 55' 31" N -- 78° 13' 48" W; running 040° (M) to a point on the north shore 33° 55' 41" N -- 78° 13' 42" W.
- (u) Shallotte Inlet Area:
- (1) Shallotte River, north of a line beginning at a point on Bill Holden's Landing 33° 55' 52" N -- 78° 22' 07" W; running 024° (M) to a point on Gibbins Point 33° 56' 20" N -- 78° 21' 54" W;
  - (2) Shallotte River, excluding Gibbs Creek, north of a line beginning at Long Point 33° 54' 20" N -- 78° 21' 42" W; running 312° (M) to a point on Sage Island 33° 54' 37" N -- 78° 22' 06" W; east of a line beginning at Sage Island running 026° (M) to a point 33° 55' 06" N -- 78° 22' 09" W,
- and south of a line beginning at the previous point running 081° (M) to a point on the shore 33° 55' 18" N -- 78° 21' 35" W.
- (3) Shallotte Creek (Little Shallotte River) east of a line beginning at a point on Shell Landing 33° 55' 44" N -- 78° 21' 40" W; running 159° (M) to a point on Boone's Neck Point 33° 55' 35" N -- 78° 21' 34" W;
  - (4) Saucepan Creek, northwest of a line beginning at a point on the east shore (mouth of Old Mill Creek) 33° 54' 56" N -- 78° 23' 28" W; running 182° (M) to a point on the west shore 33° 54' 41" N -- 78° 23' 28" W;
  - (5) Old Channel area, all waters south of the IWW from Beacon No. 83 33° 54' 16" N -- 78° 23' 17" W; to Ocean Isle Beach bridge 33° 53' 44" N -- 78° 26' 22" W; except the dredged finger canals at Ocean Isle Beach located on the south side of the IWW between the Ocean Isle Beach Bridge and IWW Marker No. 90.
- (v) Little River Inlet Area:
- (1) Gause Landing area, all waters north of the IWW from Beacon No. 90 33° 53' 53" N -- 78° 25' 37" W to the South Carolina line;
  - (2) Eastern Channel Area:
    - (A) Needhamhole Creek, north of a line beginning at a point on the east shore 33° 53' 19" N -- 78° 26' 48" W; running 274° (M) to a point on the west shore 33° 53' 19" N -- 78° 26' 51" W;
    - (B) Springbranch Creek, north of a line beginning at a point on the east shore 33° 53' 14" N -- 78° 27' 17" W; running 250° (M) to a point on the west shore 33° 53' 13" N -- 78° 27' 21" W;
    - (C) Goldmine Creek, north of a line beginning at a point on the east shore 33° 53' 13" N -- 78° 27' 33" W; running 260° (M) to a point on the west shore 33° 53' 13" N -- 78° 27' 36" W;
    - (D) Clam Creek, north of a line beginning at a point on the east shore 33° 53' 12" N -- 78° 27' 55" W; running 219° (M) to a point on the west shore 33° 53' 10" N -- 78° 27' 55" W;
    - (E) Sol's Creek, all waters north of a line beginning at a point on the east shore 33° 53' 02" N -- 78° 28' 08" W; running 224° (M) to a point on the west shore 33° 53' 00" N -- 78° 28' 12" W; and all waters south of a line beginning at a point on the east shore of Sol's Creek 33° 53' 22" N -- 78° 28' 10" W; running 252° (M) to a

- point on the west shore 33° 53' 21" N -- 78° 28' 14" W;
- (F) Horsford Creek, north of a line beginning at a point on the east shore 33° 52' 53" N -- 78° 28' 24" W; running 279° (M) to a point on the west shore 33° 52' 53" N -- 78° 28' 29" W;
- (G) Still Creek, all waters north of a line beginning at a point on the east shore, 33° 52' 53" N -- 78° 28' 44" W; running 254° (M) to a point on the west shore 33° 52' 51" N -- 78° 28' 48" W; and all waters south of a line beginning at a point on the east shore of Still Creek, 33° 53' 15" N -- 78° 29' 02" W; running 270° (M) to a point on the west shore 33° 53' 15" N -- 78° 29' 05" W;
- (H) Cooter Creek, north of a line beginning at a point on the east shore 33° 52' 52" N -- 78° 29' 46" W; running 288° (M) to a point on the west shore 33° 52' 53" N -- 78° 29' 49" W;
- (3) The Big Narrows Area:
- (A) Big Teague Creek, west of a line beginning at a point on the south shore 33° 52' 46" N -- 78° 29' 59" W; running 343° (M) to a point on the north shore 33° 52' 47" N -- 78° 30' 01" W;
- (B) Little Teague Creek, west of a line beginning at a point on the south shore 33° 52' 54" N -- 78° 30' 09" W; running 306° (M) to a point on the north shore 33° 52' 54" N -- 78° 30' 10" W;
- (C) Big Norge Creek, south of a line beginning at a point on the west shore 33° 52' 50" N -- 78° 30' 39" W; running 076° (M) to a point on the east shore 33° 52' 51" N -- 78° 30' 36" W;
- (4) Mad Inlet area, all waters south of the IWW from the Sunset Beach bridge 33° 52' 52" N -- 78° 30' 42" W to the South Carolina line with the exception of Bonaparte Creek;
- (5) Calabash River, east of state road No. 1164 bridge.
- (2) Pains Bay - east of a line beginning at a point on the south shore 35° 34' 28" N - 75° 50' 58" W, running 350° (M) to a point on the north shore 35° 35' 04" N - 75° 51' 12" W;
- (3) Wysocking Bay - north and west of a line beginning at Benson Point 35° 22' 58" N - 76° 03' 39" W, running 058° (M) to Long Point 35° 24' 37" N - 76° 01' 19" W;
- (4) Juniper Bay-Cunning Harbor - north of a line beginning at a point on the west shore of Juniper Bay 35° 20' 34" N - 76° 15' 28" W, running 105° (M) through Juniper Bay Point to a point on the east shore of Cunning Harbor 35° 20' 15" N - 76° 12' 23" W;
- (5) Swanquarter Bay - north of a line beginning at a point at The Narrows 35° 20' 54" N - 76° 20' 38" W, running 080° (M) to a point on the east shore 35° 21' 31" N - 76° 18' 22" W;
- (6) Deep Cove-The Narrows - north and east of a line beginning at a point on the west shore 35° 20' 54" N - 76° 23' 52" W, running 122° (M) to a point on the east shore 35° 20' 34" N - 76° 22' 57" W, and west of a line at The Narrows beginning at a point on the north shore 35° 20' 54" N - 76° 20' 38" W, running 175° (M) to a point on the south shore 35° 20' 44" N - 76° 20' 35" W;
- (7) Rose Bay - north of a line beginning at a point on the west shore 35° 23' 17" N - 76° 26' 10" W, running 144° (M) to a point on Judith Island 35° 22' 29" N - 76° 25' 15" W;
- (8) Spencer Bay - west and north of a line beginning at a point on Willow Point 35° 22' 22" N - 76° 27' 52" W, running 065° (M) to a point 35° 23' 17" N - 76° 26' 10" W;
- (9) Able Bay - north and east of a line beginning at a point on the west shore 35° 23' 36" N - 76° 31' 00" W, running 130° (M) to a point on the east shore 35° 23' 00" N - 76° 29' 47" W;
- (10) Mouse Harbor - west of a line beginning at a point on the south shore 35° 17' 13" N - 76° 28' 54" W, running 352° (M) to a point on the north shore 35° 18' 19" N - 76° 29' 06" W;
- (11) Big Porpoise Bay - west of a line beginning at a point on the south shore 35° 14' 57" N - 76° 28' 50" W, running 042° (M) to a point on the north shore 35° 15' 41" N - 76° 28' 12" W;

Statutory Authority G.S. 113-134; 113-182; 143B-289.4.

**.0010 PERMANENT SECONDARY NURSERY AREAS**

(a) In the Pamlico Sound Area:

- (1) Long Shoal River - north of a line beginning at a point on Pains Point 35° 35' 07" N - 75° 51' 25" W, running 282° (M) to a point on the west shore at the 5th Avenue Canal 35° 35' 12" N - 75° 53' 16" W;



- (12) Middle Bay - west of a line beginning at a point on the south shore  $35^{\circ} 13' 33''$  N -  $76^{\circ} 29' 36''$  W, running  $022^{\circ}$  (M) to a point on the north shore  $35^{\circ} 14' 45''$  N -  $76^{\circ} 29' 44''$  W;
- (13) Jones Bay - west of a line beginning at a point on Boar Point  $35^{\circ} 12' 22''$  N -  $76^{\circ} 31' 16''$  W, running  $011^{\circ}$  (M) to a point on Mink Trap Point  $35^{\circ} 13' 27''$  N -  $76^{\circ} 31' 08''$  W;
- (14) In the Bay River Area:
  - (A) Bonner Bay - south of a line beginning at a point on the west shore  $35^{\circ} 09' 36''$  N -  $76^{\circ} 36' 14''$  W, running  $074^{\circ}$  (M) to a point on the east shore  $35^{\circ} 09' 57''$  N -  $76^{\circ} 35' 14''$  W;
  - (B) Gales Creek-Bear Creek (tributaries of Bay River) - north and west of a line beginning at a point on Sanders Point  $35^{\circ} 11' 17''$  N -  $76^{\circ} 35' 54''$  W, running  $067^{\circ}$  (M) through Beacon No. 27 to a point on the east shore  $35^{\circ} 11' 54''$  N -  $76^{\circ} 34' 17''$  W;
- (b) In the Pamlico River Area, Pamlico River, west of a line beginning at a point on Mauls Point  $35^{\circ} 26' 56''$  N -  $76^{\circ} 55' 33''$  W; running  $073^{\circ}$  (M) to a point on Ragged Point  $35^{\circ} 27' 33''$  N -  $76^{\circ} 54' 21''$  W;
- (1) Pungo River:
  - (A) Pungo Creek, west of a line beginning at a point on Persimmon Tree Point  $35^{\circ} 31' 06''$  N -  $76^{\circ} 37' 49''$  W; running  $241^{\circ}$  (M) to a point on Windmill Point  $35^{\circ} 30' 48''$  N -  $76^{\circ} 38' 18''$  W;
  - (B) Pungo River, North of a line beginning at a point on the east shore  $35^{\circ} 32' 05''$  N -  $76^{\circ} 28' 09''$  W; running  $277^{\circ}$  (M) through Beacon No. 21 to a point on the west shore  $35^{\circ} 32' 12''$  N -  $76^{\circ} 29' 15''$  W;
  - (C) Scranton Creek, south and east of a line beginning at a point on the west shore  $35^{\circ} 30' 37''$  N -  $76^{\circ} 28' 36''$  W; running  $085^{\circ}$  (M) to a point on the east shore  $35^{\circ} 30' 39''$  N -  $76^{\circ} 28' 12''$  W;
  - (D) Slade Creek, east of a line beginning at a point on the south shore  $35^{\circ} 27' 39''$  N -  $76^{\circ} 32' 46''$  W; running  $328^{\circ}$  (M) to a point on the north shore  $35^{\circ} 27' 52''$  N -  $76^{\circ} 33' 00''$  W;
  - (E) Fortescue Creek, east of a line beginning at a point on the north shore  $35^{\circ} 25' 55''$  N -  $76^{\circ} 31' 58''$  W; running  $195^{\circ}$  (M) to a point on the south shore  $35^{\circ} 25' 36''$  N -  $76^{\circ} 32' 01''$  W;
- (2) North Creek - north of a line beginning at a point on the west shore  $35^{\circ} 25' 24''$  N -  $76^{\circ} 40' 04''$  W, running  $120^{\circ}$  (M) through Marker No. 4 to a point on the east shore  $35^{\circ} 25' 16''$  N -  $76^{\circ} 40' 18''$  W;
- (3) South Creek, west of a line beginning at a point on Hickory Point  $35^{\circ} 21' 44''$  N -  $76^{\circ} 41' 37''$  W; running  $195^{\circ}$  (M) to a point on Fork Point  $35^{\circ} 20' 44''$  N -  $76^{\circ} 41' 48''$  W;
- (4) Bond Creek/Muddy Creek, south of a line beginning at a point on Fork Point  $35^{\circ} 20' 44''$  N -  $76^{\circ} 41' 48''$  W; running  $135^{\circ}$  (M) to a point on Gum Point  $35^{\circ} 20' 32''$  N -  $76^{\circ} 41' 30''$  W;
- (5) In the Goose Creek area:
  - (A) Campbell Creek - west of a line beginning at a point on the south shore  $35^{\circ} 17' 00''$  N -  $76^{\circ} 37' 06''$  W, running  $349^{\circ}$  (M) to a point on the west shore  $35^{\circ} 17' 19''$  N -  $76^{\circ} 37' 08''$  W;
  - (B) Eastham Creek - east of a line beginning at a point on the south shore  $35^{\circ} 17' 36''$  N -  $76^{\circ} 36' 24''$  W, running  $327^{\circ}$  (M) to a point on the north shore  $35^{\circ} 17' 44''$  N -  $76^{\circ} 36' 30''$  W;
- (6) Oyster Creek-Middle Prong - southwest of a line beginning at a point on Cedar Island  $35^{\circ} 19' 28''$  N -  $76^{\circ} 32' 14''$  W, running  $135^{\circ}$  (M) to a point on Beard Island Point  $35^{\circ} 19' 10''$  N -  $76^{\circ} 31' 44''$  W;
- (c) In the Neuse River Area:
  - (1) Lower Broad Creek - northwest of a line beginning at a point on the northeast shore  $35^{\circ} 05' 47''$  N -  $76^{\circ} 35' 25''$  W, running  $228^{\circ}$  (M) to a point on the southwest shore  $35^{\circ} 05' 34''$  N -  $76^{\circ} 35' 43''$  W;
  - (2) Greens Creek - above Highway 1308 Bridge;
  - (3) Dawson Creek - above Highway 1302 Bridge;
  - (4) Goose Creek, north and east of a line beginning at a point on the south shore  $35^{\circ} 02' 08''$  N -  $76^{\circ} 56' 02''$  W; running  $331^{\circ}$  (M) to a point on the north shore  $35^{\circ} 02' 37''$  N -  $76^{\circ} 56' 27''$  W;
  - (5) Upper Broad Creek, northeast of a line beginning at a point on the north shore  $35^{\circ} 03' 26''$  N -  $76^{\circ} 57' 14''$  W; running  $153^{\circ}$  (M) to a point on the south shore  $35^{\circ} 02' 56''$  N -  $76^{\circ} 56' 49''$  W;
  - (6) Clubfoot Creek - south of a line beginning at a point on the east shore  $34^{\circ} 54' 29''$  N -  $76^{\circ} 45' 26''$  W, running  $284^{\circ}$  (M) to a point on the west shore  $34^{\circ} 54' 33''$  N -  $76^{\circ} 45' 43''$  W;
  - (7) (In the Adams Creek Area) Cedar Creek - east of a line beginning at a point on the south shore  $34^{\circ} 55' 52''$  N -  $76^{\circ} 38' 49''$  W, running  $004^{\circ}$  (M) to a point on the

north shore 34° 56' 05" N - 76° 38' 48" W.

(d) Virginia Creek - all waters of the natural channel northwest of the primary nursery area line;

(e) Old Topsail Creek - all waters of the dredged channel northwest of the primary nursery area line;

(f) Mill Creek - all waters west of a line beginning at a point on the south shore 34° 24' 17" N - 77° 42' 15" W, running 028° (M) to a point on the north shore 34° 20' 36" N - 77° 42' 06" W;

(g) Pages Creek - all waters west of a line beginning at a point on the south shore 34° 15' 52" N - 77° 46' 18" W, running 044° (M) to a point on the north shore 34° 16' 09" N - 77° 46' 01" W;

(h) Bradley Creek - all waters west of a line beginning on the south shore 34° 12' 23" N - 77° 49' 14" W, running 021° (M) to a point on the north shore 34° 12' 38" N - 77° 49' 09" W.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

#### .0011 SPECIAL SECONDARY NURSERY AREAS

(a) In the West Bay Area:

(1) West Thorofare Bay - south of a line beginning at a point on the west shore 34° 57' 22" N - 76° 24' 03" W, running 090° (M) through FL R "10WB" to a point on the east shore 34° 57' 28" N - 76° 23' 06" W;

(2) Long Bay-Ditch Bay - west of a line beginning at a point 34° 57' 52" N - 76° 26' 37" W, running southwest 226° (M) to a point 34° 57' 13" N - 76° 27' 13" W, thence south of a line running southeast 134° (M) to a point 34° 56' 46" N - 76° 26' 26" W.

(b) In the Core Sound Area:

(1) Cedar Island Bay - northwest of a line beginning at a point near the telephone tower 34° 57' 49" N - 76° 16' 58" W, running 049° (M) to a point at the gun club or "clubhouse" dock 34° 58' 43" N - 76° 16' 00" W;

(2) Thorofare Bay-Barry Bay - northwest of a line beginning at a point on Hall Point 34° 54' 25" N - 76° 19' 09" W, running 046° (M) to a point at Rumley Hammock 34° 55' 27" N - 76° 18' 13" W;

(3) Nelson Bay - northwest of a line beginning at a point on the west shore of Nelson Bay 34° 51' 08" N - 76° 24' 36" W, and running 062° (M) through Beacon No. 1

in Nelson Bay to a point on Drum Point 34° 51' 36" N - 76° 23' 48" W;

(4) Brett Bay - all waters north of a line beginning at Piney Point 34° 49' 32" N - 76° 25' 06" W; running 258° (M) to a point on the west shore 34° 49' 23" N - 76° 26' 02" W;

(5) Jarrett Bay - north of a line beginning at a point east of Davis Island 34° 45' 46" N - 76° 28' 45" W, and running 266° (M) to a point on the west shore (site of Old Chimney) 34° 45' 31" N - 76° 30' 04" W.

(c) In the North River area:

(1) North River - north of a line beginning at a point on the west shore at the oyster house 34° 46' 28" N - 76° 37' 07" W, running 096° (M) to a point on the east shore 34° 46' 30" N - 76° 35' 47" W;

(2) Ward Creek - east of a line beginning on the north shore 34° 46' 13" N - 76° 34' 58" W, running 182° (M) to a point on the south shore 35° 45' 34" N - 76° 35' 00" W.

(d) Cape Fear River - beginning at a point on the south side of the Spoil Island at the intersection of the ICWW and the Cape Fear River ship channel 34° 01' 37" N - 77° 56' 05" W, running 106° (M) to a point on the east shore of the Cape Fear River 34° 01' 32" N - 77° 55' 00" W, running south and bounded by the shoreline to a point near the Ferry Slip at Federal Point 33° 57' 52" N - 77° 56' 28" W, running 353° (M) north to a point on Bird Island 33° 58' 24" N - 77° 56' 36" W, running 013° (M) back to point of origin.

(e) Davis Creek - all waters east of a line beginning at a point on Oak Island 33° 54' 05" N - 78° 12' 49" W, running 010° (M) to a point on Horse Island 33° 54' 57" N - 78° 12' 49" W and Davis Canal, all waters southeast of a line beginning at a point on a spoil island at the southwest intersection of the ICWW and Davis Canal 33° 55' 23" N - 78° 11' 39" W, running 060° (M) across the mouth of Davis Canal to a point on Pinner Point 33° 55' 26" N - 78° 11' 38" W.

(f) Lockwood Folly River - beginning at a point on Howells Point 33° 55' 21" N - 78° 12' 47" W and running in a westerly direction along the ICWW to a point near ICWW Marker No. 46 33° 55' 18" N - 78° 13' 54" W.

(g) Saucepan Creek - all waters north of a line beginning at a point on the west shore 33° 54' 36" N - 78° 22' 54" W, running 062° (M) to a point on the east shore 33° 54' 38" N - 78° 22' 49" W.

*Statutory Authority G.S. 113-134; 113-182; 143B-289.4.*

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Wildlife Resources Commission intends to amend rule(s) cited as 15 NCAC 10D .0004.*

*The proposed effective date of this action is August 1, 1989.*

*The public hearing will be conducted at 10:00 a.m. on May 3, 1989 at Room 386, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina.*

*Comment Procedures: Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from April 18, 1989 to May 18, 1989. Such written comments must be delivered or mailed to the N.C. Wildlife Commission, 512 N. Salisbury St., Raleigh, NC 27611.*

#### CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

##### SUBCHAPTER 10D - GAME LANDS REGULATIONS

###### .0004 FISHING ON GAME LANDS

(a) Generally. Except as otherwise indicated herein, fishing on game lands which are open to fishing shall be in accordance with the statewide regulations. All game lands are open to public fishing except restocked ponds on the New Hope Game Land when posted against fishing, Grogan Creek in Transylvania County, and in the case of private ponds where fishing may be prohibited by the owners thereof. No trotline or set-hook nor any net, trap, gig, bow and arrow or other special fishing device of a type mentioned in 15 NCAC 10C .0403 may be used in any of the impounded waters located on the Sandhills Game Land. The game lands license is not required to fish on the central and eastern game lands where there are no designated public mountain trout waters.

(b) Designated Public Mountain Trout Waters:

(2) Location. All waters located on the game lands listed below, except Cherokee Lake, Grogan Creek, and Nolichucky River and Lake Powhatan, are designated public mountain trout waters:

Green River Game Land in the Counties of Henderson and Polk

Nantahala National Forest Game Lands in the Counties of Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania

Pisgah National Forest Game Lands in the Counties of Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania and Yancey

South Mountains Game Land in Burke County

Thurmond Chatham Game Land in Wilkes County

Toxaway Game Land in Transylvania County

(4) Native Trout Waters.

(B) Native Trout Regulations. Except as otherwise provided in Part (C) of this Subparagraph, the following rules apply to fishing in native trout waters:

(i) Open Season. ~~The general trout season is applicable, except in Slick Rock Creek and in Nantahala River and its tributaries upstream from Nantahala Lake.~~ There is a year-round open ~~no~~ closed season for the licensed taking of trout.

(ii) Creel Limit. The daily creel limit is four trout.

(iii) Size Limits. The minimum size is seven inches and the maximum size is ten inches, except that one trout in the creel may exceed ten inches. In Slick Rock Creek the minimum size is seven inches for brook trout and ten inches for brown and rainbow trout with no maximum size limits.

(iv) Manner of Taking. Only artificial lures having only one single hook may be used.

*Statutory Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305.*

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*Notice is hereby given in accordance with G.S. 150B-12 that the Division of Community Assistance intends to adopt rule(s) cited as 15 NCAC 13Q .0101 - .0104, .0201 - .0202, .0301 - .0304, .0401 - .0403, .0501 - .0503, .0601 - .0605, .0701 - .0704.*

*The proposed effective date of this action is August 1, 1989.*



*The public hearing will be conducted at 3:00 p.m. on May 8, 1989 at Ground Floor Conference Room, Archdale Building, 512 N. Salisbury St., Raleigh, N.C.*

*Comment Procedures: Comments may be presented at the hearing or submitted by mail to:*

*Cheerie Baker  
Division of Community Assistance  
P.O. Box 27687  
Raleigh, NC 27611-7687*

## CHAPTER 13 - DIVISION OF COMMUNITY ASSISTANCE

### SUBCHAPTER 13Q - EMERGENCY SHELTER GRANTS PROGRAM ADMINISTRATIVE RULES

#### SECTION .0100 - GENERAL PROVISIONS

##### .0101 PURPOSE AND OBJECTIVES

The purpose of the North Carolina Emergency Shelter Grants Program (hereinafter referred to as "ESGP") is to assist families and individuals who are homeless primarily due to their economic circumstances. Consistent with this purpose, ESGP funds will assist local governments in improving the quality and availability of emergency shelters and services for the homeless in their community.

*Authority G.S. 143-323; 143B-10; 143B-276; P.L. 100-628; 24 C.F.R. 575 and 576.*

##### .0102 DEFINITIONS

The following terms shall apply to the rules of this Subchapter:

- (1) "Act" means the Stewart B. McKinney Homeless Assistance Act, P.L. 100-77, as amended.
- (2) "Applicant" means a local government which makes an application pursuant to the provisions of this Subchapter.
- (3) "ESGP" means the state-administered Emergency Shelter Grants Program.
- (4) "Local Government" means any unit of general city or county government in the state.
- (5) "NRCD" means the North Carolina Department of Natural Resources and Community Development.
- (6) "Recipient" means a local government that has been awarded an ESGP grant and has executed a Grant Agreement with NRCD.
- (7) "Secretary" means the Secretary of the Department of Natural Resources and Community Development or his designee.

- (8) "Shelter" means an individual facility with the capacity to provide overnight lodging whose purpose is to assist homeless persons through activities funded under this Subchapter. For purposes of this program, the term "shelter" excludes those facilities chartered and intended to function primarily as foster care or similar children's facilities or as substance abuse rehabilitation centers.
- (9) "State" means the State of North Carolina.
- (10) "Subrecipient" means a nonprofit service-providing agency that a recipient contracts with to carry out services and activities funded under this Subchapter.
- (11) "Rehabilitation" means labor, materials, tools and other costs of improving buildings, including:
  - (a) repair directed toward an accumulation of deferred maintenance;
  - (b) replacement of principal fixtures and components of existing buildings;
  - (c) installation of security devices; and
  - (d) improvement through alterations and additions to or enhancement of existing buildings, including improvement to increase the efficient use of energy in buildings.
- (12) "Renovation" means rehabilitation that involves costs of 75 percent or less of the value of the building before rehabilitation.
- (13) "Major rehabilitation" means rehabilitation that involves costs in excess of 75 percent of the value of the building before rehabilitation.
- (14) "Obligated" means the recipient or subrecipient has placed orders, awarded contracts, or performed similar transactions that require payment from the ESGP grant amount.
- (15) "Expended" means purchases have been made, deliveries received, or costs incurred for goods and services to be paid with ESGP funds.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.3; P.L. 100-77.*

##### .0103 WAIVERS

The Secretary may waive any requirements of this Subchapter not required by law whenever he determines that undue hardship to applicants, recipients or beneficiaries will result from applying the requirements and where application of the requirements would adversely affect the purposes of the Act.

*Authority G.S. 143-323; 143B-10; P.L. 100-77; 24 C.F.R. 576.*

**.0104 ELIGIBLE APPLICANTS**

Eligible applicants are all local governments.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.23.*

**SECTION .0200 - ELIGIBLE AND INELIGIBLE ACTIVITIES**

**.0201 ELIGIBLE ACTIVITIES**

This Subchapter, in accordance with G.S. 150B-14(c), adopts by reference as eligible activities those Operations Services and Rehabilitation activities described as such in 24 CFR 576.21(a) and in corresponding sections of the Act, as amended. Copies of these sections of federal law and regulation are available for public distribution from the Division of Community Assistance of NRCD.

*Authority G.S. 143-323; 143B-10; 150B-14; 24 C.F.R. 576.21.*

**.0202 INELIGIBLE ACTIVITIES**

This Subchapter, in accordance with G.S. 150B-14(c), adopts by reference as ineligible activities those activities described as such in the Act and in 24 CFR 576.21(c), as amended. Copies of these sections of federal law and regulation are available for public distribution from the Division of Community Assistance of NRCD.

*Authority G.S. 143-323; 143B-10; 150B-14; 24 C.F.R. 576.21.*

**SECTION .0300 - GENERAL REQUIREMENTS**

**.0301 APPLICATION REQUIREMENTS**

(a) Local governments are required to submit applications in a manner prescribed by NRCD in order to be considered for funding. Selection of applications for funding will be based primarily on information contained in the application, thus applications must provide sufficient information for NRCD to evaluate them.

(b) Applicants may apply for more than one grant and be awarded more than one grant, providing the total amount of funds awarded to a single shelter does not exceed the maximum limits described in Rule .0302 of this Section.

(c) NRCD shall designate specific dates for submission of FSGP grant applications. Grant application submission dates will be announced by NRCD a minimum of 20 days before the date applications are due.

(d) Applications must be received by NRCD administrative offices in Raleigh before 5:00 p.m.

on the submission date or, if sent by mail, must be postmarked on or before the submission date.

(e) The applicant shall certify to NRCD that it will comply with all applicable federal and state laws, regulations, rules and executive orders.

(1) Copies of these federal and state documents are available for public distribution from the Division of Community Assistance of NRCD.

(2) Notwithstanding the provisions of Paragraph (d) in this Rule, certifications of compliance may be postmarked or received by NRCD up to two weeks after the date the application is due. This provision applies only to certifications.

(f) Applicants must comply with the Act, all applicable federal and state laws, regulations, rules, executive orders and guidelines issued by NRCD.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.81.*

**.0302 SIZE OF GRANTS**

Grants are applied for and awarded in two categories: Operations Services and Rehabilitation.

(1) Operations Services. The maximum amount which may be applied for and awarded in the Operations Services category depends on the size of the shelter on whose behalf the application is made. Shelter size shall be determined by overnight lodging capacity. Maximum awards per shelter are:

(a) Twenty thousand dollars (\$20,000) for a shelter with a capacity of 10 or fewer persons per night;

(b) Thirty thousand dollars (\$30,000) for a shelter with a capacity from 11 to 20 persons per night;

(c) Forty thousand dollars (\$40,000) for a shelter with a capacity of 21 to 30 persons per night;

(d) Fifty thousand dollars (\$50,000) for a shelter with a capacity of 31 or more persons per night.

(2) Rehabilitation. The maximum grant amount per shelter which may be applied for or awarded in the Rehabilitation category is forty five thousand dollars (\$45,000).

(3) The minimum grant which may be applied for or awarded in either of the above categories is one thousand five hundred dollars (\$1,500).

(4) Notwithstanding the provisions of Paragraphs (1) and (2) in this Rule, NRCD reserves the right to award grants for less than the requested amount in the event that the total amount of funds requested exceeds the

total amount of funds available; NRCD also reserves the right to award grants exceeding the amount requested if the total amount of funds requested is less than the total amount of funds available.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.*

**.0303 DISTRIBUTION OF FUNDS**

A maximum of 25 percent of ESGP funds will be awarded to domestic violence shelters.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.*

**.0304 REALLOCATION**

Any ESGP funds recaptured by NRCD, as provided for in Rule .0604 and Rule .0505 of this Subchapter will, if practicable, be added to the amount available for the next round of funding. If this is not feasible, the recaptured funds will be reallocated in a manner to be prescribed by NRCD.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.61.*

**SECTION .0400 - OPERATIONS/SERVICES CATEGORY**

**.0401 DEFINITION**

The operations services category includes those eligible activities referenced in 24 CFR 576.21(a).

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.21(a)(2)(3).*

**.0402 ELIGIBILITY REQUIREMENTS**

Applications for ESGP funds must be complete and show that:

- (1) The application was duly authorized by the local governing body, or that such authorization is imminent.
- (2) Grant funds will be expended by a shelter as defined in Rule .0102 of this Subchapter.
- (3) Funds will be expended within 180 days of the date of the grant award.
- (4) Funds used for the provision of essential services:
  - (a) Total 20 percent or less of the entire Operations Services grant amount and;
  - (b) Are used to provide either a new service or a quantifiable increase in the level of service.
- (5) All federal requirements will be met, including:
  - (a) Matching Resources - 24 CFR 576.71;
  - (b) Nondiscrimination - 24 CFR 576.79(a).

- (6) The subrecipient must continue operation as an emergency shelter for at least one year after the date of the grant award.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.*

**.0403 AWARDS**

All eligible applications received will be funded using a pro rata formula based on the total amount requested that is eligible for funding and the total amount available for distribution, in accordance with Rules .0302(1), (3) and (4), and .0303.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.*

**SECTION .0500 - REHABILITATION CATEGORY**

**.0501 DEFINITION**

The rehabilitation category includes those eligible activities referenced in Rule 24 CFR 576.21(a).

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.21(a)(1).*

**.0502 ELIGIBILITY REQUIREMENTS**

Applications for Rehabilitation funds must show that:

- (1) The application was duly authorized by the local governing body, or that such authorization is imminent.
- (2) All funds will be obligated within 180 days of the date of the grant award and expended within 360 days of the date of the grant award.
- (3) All federal requirements will be met, including:
  - (a) Matching Resources - 24 CFR 576.71;
  - (b) Continuation of Shelter - 24 CFR 576.73;
  - (c) Nondiscrimination - 24 CFR 576.79(a).
- (4) No building to be assisted with ESGP funds is owned by a primarily religious organization, unless the requirements of 24 CFR 576.21(c)(2) are met.
- (5) The grantee will comply with all applicable state and federal laws, regulations, guidelines, and environmental reviews, pertaining to the use of federal funds in rehabilitation activities.
- (6) Priority will be given to nonenvironmentally sensitive and noncontroversial projects.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.*

**.0503 AWARDS**



All eligible applications received will be funded using a pro rata formula based on the total amount requested that is eligible for funding and the total amount available for distribution, in accordance with Rules .0302(2), (3), and (4), and .0303.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.*

#### SECTION .0600 - GRANT ADMINISTRATION

##### .0601 GRANT AGREEMENT

(a) Upon approval of the application by NRCD, a written grant agreement will be executed between the recipient and NRCD. The rules in this Subchapter, application guidelines, subsequent guidelines prepared by NRCD, the approved application, and any subsequent amendments to the approved application shall become a part of the grant agreement.

(b) A copy of the grant agreement in its original form along with any and all modifications thereto shall be kept on file in the office of the recipient in accordance with Rule .0604 of this Section.

(c) ESGP Program amendments. Recipients shall request prior NRCD approval for all amendments to the grant agreement when:

- (1) The recipient proposes to change the approved project budget amount for any of the three types of eligible activities as described in 24 CFR 576.21(a).
- (2) The recipient proposes to distribute all or part of its grant(s) to programs, shelters, or agencies other than those originally approved in the application.
- (d) NRCD reserves the right to disallow any proposed amendment to the grant agreement.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.81.*

##### .0602 METHOD OF ADMINISTRATION

(a) Recipients may delegate to nonprofit sub-recipients the responsibility of undertaking or carrying out ESGP activities pursuant to 24 CFR 576.3 and 24 CFR 576.23. This does not prohibit the designation of an administering agency, so long as no ESGP funds are used for administrative costs.

(b) NRCD shall make payments of ESGP funds to recipients on a cost-reimbursement or cost-incurred basis. Recipients shall request payment of ESGP funds in a manner prescribed by NRCD.

(c) All payments of ESGP funds to recipients must be for costs incurred during the period of the grant. Recipients will not receive payment

for costs incurred before the execution of the Grant Agreement.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.*

##### .0603 PROPERTY MANAGEMENT STANDARDS

(a) Property acquired with ESGP grant funds shall be used to provide benefits to the homeless.

(b) Recipients and subrecipients should use proceeds from the disposition of property acquired with ESGP funds in a manner which provides benefit to the homeless in their community.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.81.*

##### .0604 RECORDKEEPING

(a) NRCD, or any of NRCD's duly authorized representatives, shall have access to all books, accounts, records, reports, files, audits, and other papers or property of recipients or their subrecipients and contractors pertaining to funds provided under this Subchapter for the purpose of making surveys, audits, examinations, excerpts and transcripts.

(b) Financial records, supporting documents and all other reports and records required under this Subchapter, and all other audits and records pertinent to the ESGP Program shall be retained by the recipient for a period of at least three years from the date of the closeout of the program, except that records shall be retained until all litigations, claims, or audit findings involving the records have been resolved.

(c) All records shall be sufficient to determine compliance with the requirements and primary objectives of the ESGP Program and all other applicable laws and regulations. All accounting records shall be supported by source documentation.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.87.*

##### .0605 GRANT CLOSEOUTS

ESGP grants will be closed out by NRCD in the following circumstances:

- (1) NRCD will initiate closeout procedures after NRCD determines, in consultation with the recipient, that there are no impediments to closeout and that all ESGP funds have been expended.
- (2) Termination of grant for mutual convenience. Grant assistance provided under this Subchapter may be cancelled, in whole or in part, by NRCD or the recipient, prior to the

completion of the approved ESGP Program, when both parties agree that the continuation of the program no longer is feasible or would not produce beneficial results commensurate with the further expenditure of funds. Termination of grant shall be in writing.

- (3) Termination for cause. The secretary may terminate the recipient's entire grant, or the remaining balance thereof, in accordance with Rule .0704 of this Subchapter.

*Authority G.S. 143-323; 143B-10; 159-34; 24 C.F.R. 576.81.*

#### SECTION .0700 - COMPLIANCE AND REPORTING REQUIREMENTS

##### .0701 COMPLIANCE

Recipients shall have responsibility for ensuring that ESGP funds are expended as stated in their grant agreement and in conformance with all applicable federal and state laws, regulations, and guidelines, regardless of whether activities are carried out by the recipient or a subrecipient. NRCD may prescribe procedures for ensuring compliance with the provisions of this Rule.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.81.*

##### .0702 REPORTING

(a) NRCD may require recipients to provide interim performance reports in a form prescribed by NRCD. Recipients will be notified a minimum of 20 days before the report is due.

(b) The recipient shall submit an Annual Performance Report to NRCD as part of closeout procedures. NRCD will be notify grantees of the date the Annual Performance Report is due. The Annual Performance Report shall be in a form prescribed by NRCD.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.85.*

##### .0703 MONITORING BY NRCD

(a) The secretary may evaluate activities conducted under this Subchapter and their effectiveness in meeting the objectives of the ESGP program.

(b) The secretary may conduct such evaluations using NRCD personnel, or by contract or other arrangement with public or private agencies.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.89.*

##### .0704 REMEDIES

When the secretary determines on the basis of a review of a recipient's performance that the objectives of an ESGP program described in the grant agreement have not been met, NRCD may take one or more of the following actions as appropriate:

- (1) Issue a warning letter that further failure to comply with such requirements will result in a more serious sanction;
- (2) Condition a future grant;
- (3) Direct the recipient to stop the incurring of costs with grant amounts;
- (4) Require that some or all of the grant amounts be remitted to NRCD;
- (5) Reduce the level of funds the recipient would otherwise be entitled to receive; or
- (6) Elect not to provide future grant funds to the recipient until appropriate actions are taken to ensure compliance.

*Authority G.S. 143-323; 143B-10; 24 C.F.R. 576.89.*

*Upon request from the adopting agency, the text of rules will be published in this section.*

*When the text of any adopted rule is identical to the text of that as proposed, adoption of the rule will be noted in the "List of Rules Affected" and the text of the adopted rule will not be republished.*

*Adopted rules filed by the Departments of Correction, Revenue and Transportation are published in this section. These departments are not subject to the provisions of G.S. 150B, Article 2 requiring publication of proposed rules.*

## TITLE 19A - DEPARTMENT OF TRANSPORTATION

### CHAPTER 3 - DIVISION OF MOTOR VEHICLES

#### SUBCHAPTER 3G - TRAFFIC SAFETY EDUCATION SERVICES SECTION

#### SECTION .0200 - SCHOOL BUS DRIVER TRAINING AND CERTIFICATION

##### .0201 SCHOOL BUS DRIVER TRAINING

##### .0202 REQUIREMENTS FOR CERTIFICATION

*History Note: Statutory Authority G.S.  
20-1; 20-218;*

*Eff. July 1, 1978;*

*Amended Eff. February 1, 1982;*

*Repealed Eff. April 1, 1989.*

##### .0203 SCHOOL BUS DRIVER CERTIFICATES - SCOPE OF RULES

The officials of the North Carolina Division of Motor Vehicles recognize the authority of the local school officials of the various county and city administrative units to select, assign, and dismiss school bus drivers. School officials of the various city and county administrative units may adopt rules and regulations which are more restrictive than those developed by the Division of Motor Vehicles, but such rules and regulations shall not weaken or liberalize the Rules and Regulations of the Division. These Rules and Regulations define the eligibility requirements for certification of school bus drivers as established by the Division of Motor Vehicles and set the standards of performance and conduct necessary to retain certification.

*History Note: Statutory Authority G.S.*

*20-39(b); 20-218;*

*Eff. April 1, 1989.*

#### .0204 DEFINITIONS OF WORDS AND PHRASES

The following words and phrases when used in these Rules and Regulations shall, for the purposes of these Rules and Regulations, have the meanings respectively prescribed to them, except in those instances where the context clearly indicates a different meaning:

- (1) Conviction--A conviction upon a plea of guilty, or of nolo contendere; or the determination of guilt by a jury or by a court though no sentence has been imposed or, if imposed, has been suspended, and it includes a forfeiture of bail or collateral deposited to secure appearance in court of the defendant, unless the forfeiture has been vacated, and shall include prayer for judgment continued.
- (2) Driver Education Specialist or representative -- An employee of the Division of Motor Vehicles whose job title it is and whose primary responsibility is the training and certification of school bus drivers.
- (3) Driving Privilege--The privilege to operate a motor vehicle upon the highways of this state as evidenced by a Class A, B, or C driver license issued by the Driver License Section of the North Carolina Division of Motor Vehicles.
- (4) Moving violation--Any violation of the motor vehicle laws of this state, except:
  - (a) Those offenses for which no points may be assessed under the point system specifically set forth in General Statutes 20-16(c);
  - (b) Those equipment violations specified in Part 9 of Article 3 of Chapter 20.
- (5) Proximate Cause of an Accident--Any violation of the motor vehicle laws of this state which contributed directly to an accident. Some violations not involving actual physical driving actions shall not be considered proximate causes although they may be assessed points under the point system specifically set forth in General Statutes 20-16(c), including but not limited to:
  - (a) No driver's license;
  - (b) No liability insurance;
  - (c) Failure to report an accident;
  - (d) No motorcycle endorsement; etc.
- (6) School Bus--Any vehicle, of whatever size and passenger capacity, whose primary and designated purpose is the transportation of school students over an established route to and from school for the regularly scheduled school day and which is equipped with al-



ternately flashing red lights on the front and rear and a mechanical stop signal and which bears the words "School Bus" on the front and rear in letters not less than eight inches in height.

- (7) School Bus and Traffic Safety Section-- That section of the North Carolina Division of Motor Vehicles whose primary responsibility is the training and certification of school bus drivers.
- (8) Training Course for School Bus Drivers-- The course of study developed by the North Carolina Division of Motor Vehicles which sets forth the rules, regulations, and laws governing school bus drivers and school bus operation as prescribed by the Division of Motor Vehicles and the State Board of Education.

*History Note: Statutory Authority G.S. 20-39(b); 20-218; Eff. April 1, 1989.*

#### .0205 ISSUING OF ORIGINAL CERTIFICATE

Any applicant for certification as a school bus driver shall meet the following minimum requirements:

- (1) Legal:
  - (a) Shall possess a valid North Carolina driver license of Class A, B, or C. In the event a prospective driver shall have his place of residence in another state, he may be certified as a school bus driver if he submits a copy of his driving record from the state in which he is licensed before his initial certification and every six months thereafter.
  - (b) Shall within a period of one year (12 months) immediately preceding certification have on his driving record:
    - (i) No more than one conviction of any moving violation;
    - (ii) No conviction whatever of:
      - (A) Reckless driving,
      - (B) Speeding in excess of 15 mph above the posted limit, or
      - (C) Passing a stopped school bus;
    - (iii) No conviction of a moving violation which was the proximate cause of an accident.
  - (c) Shall within a period of two years (24 months) immediately preceding certification have on his driving record no suspension or revocation of the driving privilege other than for such status offenses as:
    - (i) Lapsed liability insurance;
    - (ii) Failure to appear in court;

- (iii) Failure to comply with out-of-state citation; or
    - (iv) A ten-day revocation not accompanied by a subsequent conviction of driving while impaired.
  - (d) Shall within a period of five years (60 months) immediately preceding certification have on his driving record:
    - (i) No more than three convictions of moving violations of any kind;
    - (ii) No more than two convictions of moving violations which were the proximate causes of accidents;
    - (iii) No conviction of driving while impaired;
    - (iv) No suspension or revocation of the driving privilege other than for:
      - (A) Those status offenses enumerated in Paragraph (c) of this Rule,
      - (B) Those offenses enumerated in G.S. 20-16, subsections (9) and (10).
  - (e) Shall have on his driving record no more than one conviction of driving while impaired.
  - (f) Shall have no "STOP" entry appearing on his driving record at the time of certification.
  - (g) Shall have no record of any conviction of a violation of the criminal code greater than a misdemeanor for a period of at least five years immediately preceding certification. Further, shall never have had in any jurisdiction a conviction of an offense against the public morals, including but not limited to rape and child molestation.
  - (h) Shall have a driving record which in its overall character arouses no serious question about the reliability, judgment, or emotional stability of the applicant.
  - (i) Shall successfully complete the training course for school bus drivers.
- (2) Physical Standards for School Bus Drivers. Shall be physically able-bodied and free of any physical handicap which might hinder the safe and reasonable operation of a loaded school bus. Shall meet the physical standards of the Interstate Commerce Commission for interstate operation of commercial vehicles, as set forth for school bus drivers by the Medical Adviser, Highway Safety Branch, Epidemiology Section, Division of Health Services, North Carolina Department of Human Resources, to wit:
  - (a) A person is not medically qualified to drive a school bus if he or she:
    - (i) Has an established medical history or clinical diagnosis of diabetes mellitus cur-

- rently requiring insulin for control (other drug regimens may also be disqualifying);
- (ii) Has a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;
- (iii) Has an established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with ability to control and drive a motor vehicle safely;
- (iv) Has a current clinical diagnosis of high blood pressure likely to interfere with ability to operate a motor vehicle safely;
- (v) Has an established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with ability to control and operate a motor vehicle safely;
- (vi) Has an established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle;
- (vii) Has a mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with ability to drive a motor vehicle safely;
- (viii) Does not have a distant visual acuity of at least 20/40 (Snellen) in each eye corrected or uncorrected, field of vision of at least 75 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;

**Note:** The presence of ophthalmic disease such as cataracts, glaucoma, retinitis pigmentosa, etc., may be disqualifying.

- (ix) First perceives a forced whispered voice in the better ear at less than five feet with or without the use of a hearing aid or, if tested by use of an audiometric device, has an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000Hz, and 2,000Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard Z24.5--1951).
- (b) A person is also not medically qualified to drive a school bus if he or she:
  - (i) Uses an amphetamine, narcotic, or any habit-forming drug;

- (ii) Has a clinical diagnosis of alcoholism; or
- (iii) Is determined to be medically unqualified to drive after a medical examination or if he/she fails or refuses to submit to an examination every two years.
- (c) A medical report (DI-78) may be required of the applicant--or if the condition becomes known after certification, of the certified driver--for a determination of competency by the staff of the School Bus and Traffic Safety Section in consultation with such medical authorities as may be designated by the Medical Adviser.
- (d) Any school bus driver aged 65 and older shall be required annually to submit a statement from his personal physician, on a form supplied by the Division of Motor Vehicles, that he is fit and able to operate a school bus safely.

*History Note: Statutory Authority G.S. 20-39(b); 20-218; Eff. April 1, 1989.*

#### **.0206 PERIOD OF CERTIFICATION**

A school bus driver certificate shall be valid for a period of four years from the date of certification. As of January 1, 1990, the period of validity shall be reduced to two years from the date of certification.

*History Note: Statutory Authority G.S. 20-39(b); 20-218; Eff. April 1, 1989.*

#### **.0207 RENEWAL OF CERTIFICATION**

After January 1, 1990, any driver whose certification expires must be re-certified every two years upon passing a written test, a road test, and an eye test. A driver may be exempted from the written test, provided he has had at least two hours of in-service training since his last certification. Any driver whose certification expires may be re-certified within the next two years following the expiration upon passing a written test, a road test, and an eye test. If more than two years have elapsed since the expiration of the most recent certification, the applicant must complete the full training course required of a beginning driver.

*History Note: Statutory Authority G.S. 20-39(b); 20-218; Eff. April 1, 1989.*

#### **.0208 TRANSFER OF CERTIFICATION**

Certification as a school bus driver may be transferred from any part of this state to any other, under the following conditions:

- (1) All records compiled by the Driver Education Specialist in the former district for which the driver drove shall be forwarded to the Driver Education Specialist in the new district.
- (2) The driver must meet all requirements of the school system in the new district and accept any training which may be required by school officials and the Driver Education Specialist working in that area.

*History Note: Statutory Authority G.S. 20-39(b); 20-218; Eff. April 1, 1989.*

**.0209 CANCELLATION OF CERTIFICATION**

The Division of Motor Vehicles shall cancel the school bus driver certificate of any driver for the following reasons:

- (1) Any determination that the certificate was issued on the basis of misinformation, false statements, or fraud.
- (2) A suspension, revocation, or cancellation of the driver license.
- (3) Conviction of a motor vehicle moving offense, to the following extent:
  - (a) Driving while impaired;
  - (b) Passing a stopped school bus;
  - (c) Hit and run;
  - (d) Reckless driving;
  - (e) Speeding more than 15 mph above the posted limit;
  - (f) Two convictions within a period of 12 months;
  - (g) A conviction of violation committed while operating a school bus.
- (4) A determination of physical or mental inadequacy under the provisions of the physical requirements noted in Rule .0205 of this Section.
- (5) A local cancellation of certification, in the discretion of the local administrative unit, for violation of local regulations, submitted formally to the Driver Education Specialist for cancellation at the state level.
- (6) Upon recommendation of the Driver Education Specialist or local school officials, the Division of Motor Vehicles may require re-examination of any certified driver whose qualifications become questionable or who exhibits evidence of improper or unsafe driving practices and driving procedures.
- (7) A driving record which in its overall character arouses serious question about the reliability, judgment, or emotional stability of the driver.

*History Note: Statutory Authority G.S. 20-39(b); 20-218; Eff. April 1, 1989.*

**.0210 APPEAL OF CANCELLATION OF CERTIFICATION**

Any driver whose certificate is cancelled under Rule .0209(3)(g) of this Section shall have the opportunity to forward an appeal to the director of the School Bus and Traffic Safety Section in Raleigh, stating the special circumstances which the driver feels should be considered in mitigation of the cancellation. The Director of the School Bus and Traffic Safety Section shall appoint such members of an appeals committee as he shall deem appropriate to consider such appeals; and his decision shall be final.

*History Note: Statutory Authority G.S. 20-39(b); 20-218; Eff. April 1, 1989.*

**.0211 SUSPENSION FOR FAILURE TO APPEAR IN COURT**

A driver who fails to appear in court as scheduled to answer charges shall be suspended pending the actual appearance in court of the driver and the disposition of the case.

*History Note: Statutory Authority G.S. 20-39(b); 20-218; Eff. April 1, 1989.*

**.0212 DATE OF CANCELLATION**

The date of cancellation is the day on which the pocket card in the possession of the driver is surrendered to the Division of Motor Vehicles or its representative, or if the certificate or pocket card be not available, then that day upon which due notification is given to the immediate superior for whom the driver drives. From this date any pocket card or certificate which may for any reason remain in the possession of the driver or any other person or institution shall be null and void.

The Driver Education Specialist shall mail a letter to any school bus driver who cannot be located, informing said driver of the cancellation of his school bus driver certificate. The date of the letter shall be deemed the date of cancellation. The use of the mailing address on the driving record sent to the Driver Education Specialist shall be deemed sufficient. A copy of this letter shall be submitted to the Director of Transportation.

*History Note: Statutory Authority G.S. 20-39(b); 20-218;*



*Eff. April 1, 1989.*

**.0213 RENEWAL OF CERTIFICATION AFTER CANCELLATION**

(a) Any driver whose school bus driver certificate has been canceled shall not be eligible to apply for re-certification for a period of six months from the date of cancellation. Any person so applying must be recommended by the superintendent or principal of the school and shall be required to complete the full training course required for a beginning driver. Such person must meet all the requirements of an original applicant.

(b) The only exceptions to this policy shall be in the case of a local cancellation, in which a written request from the school authorities will be required, and in the case of a suspension for the duration of a status offense such as lapsed liability insurance, failure to appear in court, or failure to comply with an out-of-state citation.

(c) For the purposes of this Section a ten-day revocation shall be considered a suspension for an actual driving action. The full six-month period from the date of cancellation must have elapsed and the case must have been adjudicated before the driver can be reconsidered.

*History Note: Statutory Authority G.S. 20-39(b); 20-218;  
Eff. April 1, 1989.*

**SUBCHAPTER 31 - RULES AND REGULATIONS GOVERNING THE LICENSING OF COMMERCIAL DRIVER TRAINING SCHOOLS AND INSTRUCTIONS**

**SECTION .0200 - REQUIREMENTS AND APPLICATIONS FOR COMMERCIAL DRIVER TRAINING SCHOOLS**

**.0201 REQUIREMENTS**

The Division shall not issue a commercial driver training school license to any individual, partnership, group, association or corporation unless:

- (1) The individual, partnership, group, association or corporation has at least one motor vehicle registered or leased in the name of the school, which vehicle has been inspected by a representative of the Division and vehicle insurance certified as required by these Regulations for use by the school for driver training purposes and driver instruction.
- (2) The individual, partnership, group, association, or corporation has at least one person licensed by the Division as a commercial driver training instructor for that school.
- (3) Each manager, owner-operator, or instructor of a commercial driver training school or branch shall:

- (a) be of good moral character;
- (b) have at least four years of experience as a licensed operator of a motor vehicle;
- (c) not have been convicted of a felony or convicted of a misdemeanor involving moral turpitude in the ten years immediately preceding the date of application;
- (d) not have had a revocation or suspension of his Class A, B or C license in the two years immediately preceding the date of application.

*History Note: Statutory Authority G.S. 20-322;*

*Eff. July 2, 1979;*

*Amended Eff. April 1, 1989; May 1, 1987;  
June 1, 1982.*

**.0202 ORIGINAL APPLICATION**

Each original application for a commercial driver training school license shall consist of the following:

- (1) Application for license;
- (2) Personal history statement of owner-operator or manager. This information is confidential and for use by the Division only;
- (3) Proposed plan of operation;
- (4) Proof of liability insurance;
- (5) Sample copies of contracts;
- (6) A check or money order in the amount of forty dollars (\$40.00). This fee is due for both original and renewal applications for license;
- (7) Certificate of assumed name;
- (8) Surety Bond;
- (9) A report from the appropriate government agency indicating that the location or locations meet fire safety standards;
- (10) A report from the appropriate government agency indicating that the facilities comply with building code standards;
- (11) A report from the appropriate government agency indicating that the facilities comply with the appropriate sanitation requirements;
- (12) In localities that require the three inspections noted in Paragraphs (9), (10) and (11) of this Rule, prior to issuing a Certificate of Occupancy, the Certificate of Occupancy may be accepted by the Division in lieu of the inspections;
- (13) A copy of the deed, lease, or other legal instruments authorizing the school to occupy such locations.

*History Note: Statutory Authority G.S. 20-322 through 20-324;  
Eff. July 2, 1979;*

*Amended Eff. April 1, 1989; May 1, 1987;  
June 1, 1982.*

**SECTION .0300 - SCHOOL LOCATION:  
PHYSICAL FACILITIES: AND COURSES  
OF INSTRUCTION**

**.0303 CLASSROOM FACILITY**

Classwork can only be conducted in locations approved by the Division of Motor Vehicles. The classroom facility shall meet the following minimum requirements:

- (1) a minimum overall size of not less than 120 square feet (which includes at least 70 square feet for the instructor and his equipment and at least 12 square feet for each student);
- (2) lighting, heating, and ventilation systems that are in compliance with all state and local laws and ordinances including, but not limited to, zoning, public health, safety, and sanitation;
- (3) seats and writing surfaces for all students; blackboards visible from all seats; charts, diagrams, mock-ups and pictures relating to the operation of motor vehicles, traffic laws, physical forces, and correct driving procedures; a copy of the Driver's Handbook published by the Division for each student; and other textbooks deemed necessary by the instructor; and
- (4) restroom facilities sufficient for the class size must be provided.

*History Note: Statutory Authority G.S.  
20-322 through 20-324;*

*Eff. July 2, 1979;*

*Amended Eff. April 1, 1989; June 1, 1982.*

**.0307 COURSES OF INSTRUCTION**

Commercial driver training schools are authorized to teach the following courses:

- (1) For unlicensed persons 18 years of age or older, a course as follows:
  - (a) Classroom Instruction. A minimum of six hours, including (but not limited to) rules of the road and other laws and regulations affecting the operation of motor vehicles, safe driving practices, pedestrian safety, and the general responsibilities of the driver.
  - (b) Behind-the-Wheel Instruction. A minimum of six hours, including instruction and practice in all the basic physical skills necessary for proper control of a motor vehicle in all normal driving situations, such as starting, stopping, steering and turning, controlling the vehicle in traffic, backing, and parking.
  - (c) A person holding a valid learner's permit issued by the driver license section of the

Division shall not be required to take the six hours of classroom instruction set forth in Subparagraph (a) of this Paragraph.

- (d) A person holding a valid learner's permit or driver's license issued by the Driver License Section of the Division may contract for any portion of the six-hour behind-the-wheel instruction.
- (2) For licensed persons a course for purposes of driver improvement, such as improving their knowledge and skill in the operation of a motor vehicle.
- (3) For unlicensed persons under the age of 18 years, a course which must be approved by the Commissioner and the State Superintendent of Public Instruction as follows:
  - (a) Classroom Instruction. Does not include workbook assignments or other work out of the presence of an instructor. A minimum of 30 hours, consisting of instruction in:
    - (i) highway transportation: its social and economic influences upon life in America;
    - (ii) drivers: their physical and mental characteristics and how their capabilities and limitations influence the traffic scene;
    - (iii) the automobile: its construction, maintenance, and safe operation;
    - (iv) traffic law and enforcement: laws of nature and man-made laws; and their relationship to traffic safety;
    - (v) pedestrians and bicycles: their influence upon the traffic scene; and
    - (vi) engineering: its influence upon automobiles, highways, traffic controls, and people.
    - (vii) driving while impaired; 6 hours of instruction on the effects of drinking upon driving and upon accident and death rates; and
    - (viii) rights and privileges of handicapped persons; their rights to use flags, placards, cards, license plates, and parking places.
  - (b) Behind-the-Wheel Instruction. A minimum of six hours, actually under the wheel, including:
    - (i) familiarization with the automobile; the use of its controls; and the development of skills essential to safe operation in traffic; and
    - (ii) driving in traffic with the instructor in a dual control car to develop abilities needed to follow the soundest course of action in responding to complex situations.
  - (c) Restrictions:
    - (i) Behind-the-Wheel instruction shall be offered to a student only after he has suc-

cessfully completed the classwork section. If a student has contracted for both classwork and behind-the-wheel training, behind-the-wheel training may begin after classwork starts and before classwork has been completed. At no time should a student be taken out of class to attend behind-the-wheel training.

- (ii) No student shall operate a motor vehicle upon any public street or highway unless such student shall have in his immediate possession a valid learner's permit issued by the Division.
- (iii) No more than three hours of behind-the-wheel training shall be given in any one day. A written record indicating the date and time of this training should be kept on file for each student. The record must be signed by the student and not include observation of other students.
- (d) Other requirements:
  - (i) Plans for the content of the curriculum, its organization, and presentation shall be submitted on Form SBTS-610 for the approval of the commissioner and the State Superintendent of Public Instruction. In addition, lesson plans for each of the 30 hours must be submitted. This course should meet the minimum requirements of the Driver Education Course (No. 881, see page 16) of the North Carolina Department of Public Instruction. For further information, see "Driver Education, A Manual for Instructors" (State Department of Public Instruction, Publication Number 288).
  - (ii) Textbooks for use in the classwork section are to be chosen from those approved by the State Superintendent of Public Instruction.
  - (iii) Instructors must be approved by both the Commissioner and the State Superintendent of Public Instruction.
  - (iv) All expenses incurred in offering and teaching these courses shall be paid by the persons enrolled therein or the school offering the course.
  - (v) A student may enroll for either the classroom work or behind-the-wheel instruction, or both. A school may accept certification of satisfactory completion of classroom instruction from any school authorized to offer such a course, provided the certificate (Form SBTS-611A) is signed by the principal of the public school, or the superintendent of the administrative unit of which it is a part, or the executive officer of a non-public secondary school. All SBTS-611A forms should be mailed or taken directly to the high school for completion by the commercial school owner or instructor. Under no circumstances should the form be given to the student.
  - (vi) Schools offering this course shall issue to their students upon satisfactory completion of either or both parts of the course a certificate furnished by the Division (Form SBTS-611). Schools shall be accountable to the Division for all certificates issued to them.
  - (vii) The student, upon submitting certification of satisfactory completion of both parts of the driver education course, shall be eligible for licensing as provided by law. Such certification may be from either or both a public or non-public secondary school or a commercial driver training school.
  - (viii) Schools shall submit reports to the Division, as may be required by the Division; and their books and records shall be open to inspection by Division representatives at all reasonable times.
- (e) A person satisfactorily completing the 30 and six hour course who desires additional training may contract for any portion of the six-hour behind-the-wheel instruction.
- (4) For licensed persons taking a course offered by a restricted commercial driver training school, the following courses are authorized:
  - (a) curriculum for evaluation and improvement for licensed adult drivers only, utilizing over-the-road observation in vehicles not owned by the school or equipment such as driving simulators;
  - (b) professional curricula, including one or more of the following:
    - (i) police pursuit driving;
    - (ii) auto-cross driving;
    - (iii) emergency-vehicle driving; or
    - (iv) road and track racing.
- (5) Instructor training program requirements:
  - (a) school must be licensed one full year prior to approval;
  - (b) all work must be with an instructor licensed as an Instructor Trainer;
  - (c) submit a proposed plan of operation outlining the training schedule, including:
    - (i) teaching methods,
    - (ii) writing lesson plans,
    - (iii) review of Rules and Regulations Governing the Licensing of Commercial Driver Training Schools and Instructors,
    - (iv) use of audio visual equipment and teaching aids,
    - (v) familiarization of commercial school forms, and



- (vi) names of Instructor Trainers.

*History Note: Statutory Authority G.S.*

*20-322 through 20-324;*

*Eff. July 2, 1979;*

*Amended Eff. April 1, 1989; May 1, 1987;*

*March 1, 1984; February 1, 1983.*

#### SECTION .0500 - REQUIREMENTS AND APPLICATIONS FOR DRIVER TRAINING INSTRUCTOR

##### .0501 REQUIREMENTS

(a) Each instructor of a commercial driver training school or branch shall:

- (1) be of good moral character;
- (2) have at least four years of experience as a licensed operator of a motor vehicle;
- (3) not have been convicted of a felony or convicted of a misdemeanor involving moral turpitude in the ten years immediately preceding the date of application;
- (4) not have had a revocation or suspension of his driver's license in the two years immediately preceding the date of application;
- (5) have graduated from high school or hold a high school equivalency certificate;
- (6) not have had convictions for moving violations totaling seven or more points in the two years preceding the date of application;
- (7) have completed the two-semester hour, college credit preparatory course for teachers; an equivalent course approved by the commissioner, or an Instructor Training Program conducted by an approved Commercial Driver Training School;
- (8) successfully complete the written test administered by a Driver Education Specialist; (Allowed only one retest)
- (9) successfully complete the Miller Road Test given by a Driver Education Specialist; (Allowed only one retest)
- (10) be given a three month probation period until evaluated and recommended by a Driver Education Specialist.

(b) An applicant may apply for an instructor's learner's permit which would be valid for three months. To be eligible for an instructor's learner's permit, the applicant shall meet requirements (a) (1) through (6); and shall:

- (1) submit an Instructor Application with an eight dollar (\$8.00) application fee, copy of high school diploma or high school equivalency certificate, and physical examination form;

- (2) successfully complete 30 hours of class-work as a student at an approved commercial driver training school;
  - (3) successfully complete six hours of behind-the-wheel training as a student at an approved commercial driver training school;
  - (4) successfully complete six hours of observation of behind-the-wheel instruction of a new driver by a licensed instructor;
  - (5) successfully complete the written test administered by a Driver Education Specialist; (Allowed only one retest)
  - (6) successfully complete the Miller Road Test given by a Driver Education Specialist; (Allowed only one retest)
  - (7) shall after completing (b)(1) through (6) practice teach in the presence of an instructor trainer;
  - (8) successfully complete two hours of classroom instruction while being observed by a Driver Education Specialist;
  - (9) successfully complete two hours of behind-the-wheel instruction while being observed by a Driver Education Specialist;
  - (10) be recommended by a Driver Education Specialist to receive an instructor's license.
- (c) An instructor at an approved commercial driver training school may apply for an Instructor Trainer license. The Instructor Trainer shall:
- (1) have five consecutive years as an active licensed instructor;
  - (2) submit an application for Instructor Trainer License with a fee of eight dollars (\$8.00);
  - (3) complete two hours of classroom observation by a Driver Education Specialist;
  - (4) complete two hours of behind-the-wheel observation by a Driver Education Specialist;
  - (5) successfully complete the written test administered by a Driver Education Specialist; (Allowed only one retest)
  - (6) successfully complete the Miller Road Test given by a Driver Education Specialist; (Allowed only one retest)
  - (7) be recommended by a Driver Education Specialist;
  - (8) must requalify each school year.

*History Note: Statutory Authority G.S.*

*20-322 through 20-324;*

*Eff. July 2, 1979;*

*Amended Eff. April 1, 1989; February 1, 1988;*

*May 1, 1987; June 1, 1982.*

#### SECTION .0800 - LICENSE REVOCATION OR SUSPENSION

**.0801 GROUNDS FOR REVOCATION OR  
SUSPENSION**

The license of any commercial driver training school may be suspended or revoked by the Division if the licensee violates any provision of Article 14, Chapter 20 of the North Carolina General Statutes, or if the licensee violates any rule or regulation adopted pursuant to that article. In addition, a license may be suspended or revoked for any one of the following reasons:

- (1) conviction of the owner, manager, or any agent or employee of the school of a felony or any misdemeanor involving moral turpitude;
- (2) knowingly submitting to the Division false or misleading information relating to eligibility for a license;
- (3) evidence of substance abuse by the owner, manager, any agent or employee of the school;
- (4) failure or refusal to permit an authorized representative of the Division to inspect the school, equipment, records, or motor vehicles used to teach students; or failure or refusal to furnish full information pertaining to any and all requirements set forth in these

regulations or in the application for the license;

- (5) failure to maintain adequate standards of instruction, such as but not limited to, either through lack of qualified instructors or through lack of equipment sufficient to adequately perform the course of instruction;
- (6) employment of any instructor who is not licensed by the Division;
- (7) failure of new owner to apply for and be licensed by the Division as a school under new ownership and also failure to notify the Division within the specified time of any change in management of the school;
- (8) aiding or assisting any person to obtain a driver's license by fraud (revocation in this instance shall be permanent);
- (9) unauthorized possession of application forms or examinations used by the Division to determine the qualification of an applicant for a driver's license.

*History Note: Statutory Authority G.S.  
20-325;*

*Eff. July 2, 1979;*

*Amended Eff. April 1, 1989; May 1, 1987.*

**TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE**

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1	Administration, Department of
2	Agriculture, Department of
3	Auditor, Department of State
4	Commerce, Department of
5	Corrections, Department of
6	Council of State
7	Cultural Resources, Department of
8	Elections, State Board of
9	Governor, Office of the
10	Human Resources, Department of
11	Insurance, Department of
12	Justice, Department of
13	Labor, Department of
14A	Crime Control and Public Safety, Department of
15	Natural Resources and Community Development, Department of
16	Public Education, Department of
17	Revenue, Department of
18	Secretary of State, Department of
19A	Transportation, Department of
20	Treasurer, Department of State
*21	Occupational Licensing Boards
22	Administrative Procedures
23	Community Colleges, Department of
24	Independent Agencies
25	State Personnel, Office of
26	Administrative Hearings, Office of

NOTE: Title 21 contains the chapters of the various occupational licensing boards.

<b>CHAPTER</b>	<b>LICENSING BOARDS</b>
2	Architecture, Board of
4	Auctioneers, Commission for
6	Barber Examiners, Board of
8	Certified Public Accountant Examiners, Board of
10	Chiropractic Examiners, Board of
12	General Contractors, Licensing Board for
14	Cosmetic Art Examiners, Board of
16	Dental Examiners, Board of
18	Electrical Contractors, Board of Examiners of
20	Foresters, Board of Registration for
21	Geologists, Board of
22	Hearing Aid Dealers and Fitters Board
26	Landscape Architects, Licensing Board of
28	Landscape Contractors, Registration Board of
31	Martial & Family Therapy Certification Board
32	Medical Examiners, Board of
33	Midwifery Joint Committee
34	Mortuary Science, Board of
36	Nursing, Board of
37	Nursing Home Administrators, Board of
38	Occupational Therapists, Board of
40	Opticians, Board of
42	Optometry, Board of Examiners in



44	Osteopathic Examination and Registration, Board of
46	Pharmacy, Board of
48	Physical Therapy, Examining Committee of
50	Plumbing and Heating Contractors, Board of
52	Podiatry Examiners, Board of
53	Practicing Counselors, Board of
54	Practicing Psychologists, Board of
56	Professional Engineers and Land Surveyors, Board of
58	Real Estate Commission
60	Refrigeration Examiners, Board of
62	Sanitarian Examiners, Board of
63	Social Work, Certification Board for
64	Speech and Language Pathologists and Audiologists, Board of Examiners of
66	Veterinary Medical Board

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