

# NORTH CAROLINA

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# NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

*The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.*

## TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

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9	Governor	General Contractors	12
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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2003 – December 2003

Filing Deadlines			Notice of Rule-Making Proceedings	Notice of Text							Temporary Rule
volume & issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	non-substantial economic impact			substantial economic impact			270 <sup>th</sup> day from issue date
					end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	
17:13	01/02/03	12/06/02	03/03/03	01/17/03	02/03/03	02/20/03	05/00/04	03/03/03	03/20/03	05/00/04	09/29/03
17:14	01/15/03	12/19/02	03/17/03	01/30/03	02/14/03	02/20/03	05/00/04	03/17/03	03/20/03	05/00/04	10/12/03
17:15	02/03/03	01/10/03	04/15/03	02/18/03	03/05/03	03/20/03	05/00/04	04/04/03	04/21/03	05/00/04	10/31/03
17:16	02/17/03	01/27/03	05/01/03	03/04/03	03/19/03	03/20/03	05/00/04	04/21/03	04/21/03	05/00/04	11/14/03
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17:24	06/16/03	05/23/03	08/15/03	07/01/03	07/16/03	07/21/03	05/00/04	08/15/03	08/20/03	05/00/04	03/12/04
18:01	07/01/03	06/10/03	09/02/03	07/16/03	07/31/03	08/20/03	05/00/04	09/02/03	09/22/03	05/00/04	03/27/04
18:02	07/15/03	06/23/03	09/15/03	07/30/03	08/14/03	08/20/03	05/00/04	09/15/03	09/22/03	05/00/04	04/10/04
18:03	08/01/03	07/11/03	10/01/03	08/16/03	09/02/03	09/22/03	05/00/04	09/30/03	10/20/03	05/00/04	04/27/04
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18:07	10/01/03	09/10/03	12/01/03	10/16/03	10/31/03	11/20/03	05/00/04	12/01/03	12/22/03	05/00/04	06/27/04
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18:11	12/01/03	11/05/03	02/02/04	12/16/03	12/31/03	01/20/04	05/00/04	01/30/04	02/20/04	05/00/04	08/27/04
18:12	12/15/03	11/20/03	02/16/04	12/30/03	01/14/04	01/20/04	05/00/04	02/13/04	02/20/04	05/00/04	09/10/04

## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

### GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) notices of rule-making proceedings;
- (3) text of proposed rules;
- (4) text of permanent rules approved by the Rules Review Commission;
- (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
- (6) Executive Orders of the Governor;
- (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

**COMPUTING TIME:** In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

### FILING DEADLINES

**ISSUE DATE:** The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

**LAST DAY FOR FILING:** The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

### NOTICE OF RULE-MAKING PROCEEDINGS

**END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS:** This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

**EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT:** The date of the next issue following the end of the comment period.

### NOTICE OF TEXT

**EARLIEST DATE FOR PUBLIC HEARING:** The hearing date shall be at least 15 days after the date a notice of the hearing is published.

**END OF REQUIRED COMMENT PERIOD**  
(1) **RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.  
(2) **RULE WITH SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

**DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:** The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

**FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY:** This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

<p><i>This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.</i></p>
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**SUMMARY OF NOTICE OF  
INTENT TO REDEVELOP A BROWNFIELDS PROPERTY**

Cherokee Mooresville, LLC

Pursuant to N.C.G.S. 130A-310.34, Cherokee Mooresville, LLC has filed with the North Carolina Department of Environment and Natural Resources ("DENR") a Notice of Intent to Redevelop a Brownfields Property ("Property") in Mooresville, Iredell County, North Carolina. The Property consists of 39.29 acres and is located at 476 South Main Street. Environmental contamination exists on the Property in soil and groundwater. Cherokee Mooresville, LLC has committed itself to pursue the redevelop the property for commercial, industrial, or residential uses. The Notice of Intent to Redevelop a Brownfields Property includes: (1) a proposed Brownfields Agreement between DENR and Cherokee Mooresville, LLC, which in turn includes (a) a legal description of the Property, (b) a map showing the location of the Property, (c) a description of the contaminants involved and their concentrations in the media of the Property, (d) the above-stated description of the intended future use of the Property, and (e) proposed investigation and remediation; and (2) a proposed Notice of Brownfields Property prepared in accordance with G.S. 130A-310.35. The full Notice of Intent to Redevelop a Brownfields Property may be reviewed at the Mooresville Public Library located at 304 South Main Street, Mooresville, NC 28118 by contacting John Pritchard at 704 660-3272, or at 401 Oberlin Rd., Raleigh, NC 27605 by contacting Scott Ross at that address, at scott.ross@ncmail.net, or at (919)733-2801, ext. 328. Written public comments may be submitted to DENR within 60 days after the date this Notice is published in a newspaper of general circulation serving the area in which the brownfields property is located, or in the North Carolina Register, whichever is later. Written requests for a public meeting may be submitted to DENR within 30 days after the period for written public comments begins. All such comments and requests should be addressed as follows:

Mr. Bruce Nicholson  
Head, Special Remediation Branch  
Superfund Section  
Division of Waste Management  
NC Department of Environment and Natural Resources  
401 Oberlin Road, Suite 150  
Raleigh, North Carolina 27605

**SUMMARY OF NOTICE OF  
INTENT TO REDEVELOP A BROWNFIELDS PROPERTY**

CMDC WESTOVER No. 1 2000, L.L.C.

Pursuant to N.C.G.S. 130A-310.34, CMDC WESTOVER No. 1 2000, L.L.C. has filed with the North Carolina Department of Environment and Natural Resources ("DENR") a Notice of Intent to Redevelop a Brownfields Property ("Property") in Charlotte, Mecklenburg County, North Carolina. The Property consists of 4.73 acres and is located on the northeast corner of West Boulevard and Remount Road. Environmental contamination exists on the Property in groundwater. CMDC WESTOVER No. 1 2000, L.L.C. has committed itself to redevelopment for no uses other than commercial and office space, retail businesses, entertainment venues, restaurants and parking on the Property. The Notice of Intent to Redevelop a Brownfields Property includes: (1) a proposed Brownfields Agreement between DENR and CMDC WESTOVER No. 1 2000, L.L.C., which in turn includes (a) a legal description of the Property, (b) a map showing the location of the Property, (c) a description of the contaminants involved and their concentrations in the media of the Property, (d) the above-stated description of the intended future use of the Property, and (e) proposed investigation and remediation; and (2) a proposed Notice of Brownfields Property prepared in accordance with G.S. 130A-310.35. The full Notice of Intent to Redevelop a Brownfields Property may be reviewed at the City of Charlotte, Neighborhood Development Key Business, Employment & Business Service, located at 600 East Trade Street, by contacting Carolyn Minnich at that address, at [cminnich@ci.charlotte.nc.us](mailto:cminnich@ci.charlotte.nc.us), or at (704)336-3499; or at 401 Oberlin Rd., Raleigh, NC 27605 by contacting Scott Ross at that address, at [scott.ross@ncmail.net](mailto:scott.ross@ncmail.net), or at (919)733-2801, ext. 328. Written public comments may be submitted to DENR within 60 days after the date this Notice is published in a newspaper of general circulation serving the area in which the brownfields property is located, or in the North Carolina Register, whichever is later. Written requests for a public meeting may be submitted to DENR within 30 days after the period for written public comments begins. All such comments and requests should be addressed as follows:

Mr. Bruce Nicholson  
Head, Special Remediation Branch  
Superfund Section  
Division of Waste Management  
NC Department of Environment and Natural Resources  
401 Oberlin Road, Suite 150  
Raleigh, North Carolina 27605

*A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.*

**TITLE 01 - DEPARTMENT OF ADMINISTRATION**

**CHAPTER 17 - COUNCIL ON THE STATUS OF WOMEN**

**Notice of Rule-making Proceedings** is hereby given by the Domestic Violence Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 01 NCAC 17 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 15A-1343(b1)(9a); 50B-3(a)(12); 143(B-394.16(a)(8)

**Statement of the Subject Matter:** Rule for the Approval of Abuser Treatment Programs in North Carolina

**Reason for Proposed Action:** In S.L. 2002-105, the General Assembly granted rule-making authority to the Domestic Violence Commission to adopt rules for the approval of abuser treatment programs in North Carolina. The purpose of adopting these rules is to establish a consistent level of performance from providers of abuser treatment programs and to ensure that approved programs enhance the safety of victims and hold those who perpetrated the acts of domestic violence responsible.

**Comment Procedures:** Comments from the public shall be directed to Leslie Staroneck, Executive Director, NC Council for Women/Domestic Violence Commission, 1320 Mail Service Center, Raleigh, NC 27699-1320, phone (919) 733-2455 and email leslie.staroneck@ncmail.net.

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**CHAPTER 30 - STATE CONSTRUCTION**

**Notice of Rule-making Proceedings** is hereby given by the Department of Administration in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 01 NCAC 30I .0101 and .0102 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 143-128.3(e)

**Statement of the Subject Matter:** Adoption of rule for State entities, the University, and community colleges to implement the provisions of G.S. 143-128.2.

**Reason for Proposed Action:** The Secretary of Administration is required to adopt rules for State entities, the University of North Carolina, and community colleges to implement the provisions of G.S. 143-228.2 per S.L. 2001-496, 3.6.

**Comment Procedures:** Comments from the public shall be directed to Gretchen Aycock, NC Department of Administration, 1301 Mail Service Center, Raleigh, NC 27699-1320, phone (919) 733-2425 and email gretchen.aycock@ncmail.net.

**TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**CHAPTER 07 - COASTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the Coastal Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 07H .0104, .0300 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124

**Statement of the Subject Matter:** Update of the 1998 Ocean front Erosion Rates

**Reason for Proposed Action:** Development on oceanfront lots must comply with the oceanfront erosion rates as adopted by the Coastal Resources Commission. These erosion rates are updated by the Division of Coastal Management on a five year cycle. Development must comply with current rates to the maximum extent feasible and have a minimum setback equal to the rates in effect at the time the lots were created, or, those rates in effect at the time of issuance. The Division of Coastal Management has completed an update of the erosion rates and needs to adjust the language in 15A NCAC 07H .0104 and 15A NCAC 07H .0300 – State Guidelines For Areas of Environmental Concern that reference the new rates.

**Comment Procedures:** Comments from the public shall be directed to Charles Jones, 151B Hwy 24, Hestron Plaza II,

## RULE-MAKING PROCEEDINGS

Morehead City, NC 28557, phone (252) 808-2808, fax (252) 247-3330 and email charles.s.jones@ncmail.net.

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### CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

**Notice of Rule-making Proceedings** is hereby given by the NC Wildlife Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 10A .1101 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113-140

**Statement of the Subject Matter:** Waiver provisions

**Reason for Proposed Action:** Given the economic hardships facing cervid farmers in North Carolina as a result of the chronic wasting disease, the North Carolina Wildlife Resources Commission desires to waive certain rule requirements when such waivers may bring economic relief to cervid farmers without threatening the resource that the rule were enacted to protect.

**Comment Procedures:** Comments from the public shall be directed to Joan Troy, 1701 Mail Service Center, Raleigh, NC 27699-1701, phone (919) 733-7191 and email joan.troy@ncwildlife.org.

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### CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

**Notice of Rule-making Proceedings** is hereby given by the NC Wildlife Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 10B - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113-140

**Statement of the Subject Matter:** Cervid rules

**Reason for Proposed Action:** The North Carolina Wildlife Resources Commission desires to amend certain rule requirements consistent with the goals of providing relief to cervid farming operations and protecting the native resource.

**Comment Procedures:** Comments from the public shall be directed to Joan Troy, 1701 Mail Service Center, Raleigh, NC 27699-1701, phone (919) 733-7191 and email joan.troy@ncwildlife.org.

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### CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

**Notice of Rule-making Proceedings** is hereby given by the NC Wildlife Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 10H - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113-140

**Statement of the Subject Matter:** Cervid rules

**Reason for Proposed Action:** The North Carolina Wildlife Resource Commission desires to amend certain rule requirement consistent with the goals of providing relief to cervid farming operations and protecting the native resource.

**Comment Procedures:** Comments from the public shall be directed to Joan Troy, 1701 Mail Service Center, Raleigh, NC 27699-1701, phone (919) 733-7191 and email joan.troy@ncwildlife.org.

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### CHAPTER 11 – RADIATION PROTECTION

**Notice of Rule-making Proceedings** is hereby given by the NC Radiation Protection Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 11 .0100-.0300, .0500-.0700, .1300-.1400, .1600 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 104E-2; 104E-7; 104E-9; 104E-10; 104E-11; 104E-12; 104E-14; 104E-15; 104E-18; 104E-19; 104E-20; C.F.R. c.1, Commission Notices, Policy Statements, Agreement States; 46 FR 7540

**Statement of the Subject Matter:** The Radiation Protection Commission is initiating rulemaking proceedings as a result of recommendations received from the Non-Ionizing, X-Ray Surveillance and Radioactive Materials Control Committees and their Commission members to update and improve existing regulations and make others compatible with the federal



## ***RULE-MAKING PROCEEDINGS***

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*requirements of the US Nuclear Regulatory Commission as required by North Carolina's agreement with them, authorized under G.S. 104C-5, 1963.*

**Reason for Proposed Action:** *The Radiation Protection Commission is initiating rulemaking proceedings as a result of recommendations received from the Non-Ionizing, X-Ray Surveillance and Radioactive Materials Control Committees and their Commission members to update and improve existing regulations and make others compatible with the federal requirements of the US Nuclear Regulatory Commission as*

*required by North Carolina's agreement with them, authorized under G.S. 104C-5, 1963.*

**Comment Procedures:** *Comments from the public shall be directed to Beverly O. Hall, Chief, Radiation Protection Section, DEH, DENR, 1645 Mail Service Center, Raleigh, NC 27699-1645, phone (919) 571-4141, ext. 201, fax (919) 571-4148, and email [beverly.hall@ncmail.net](mailto:beverly.hall@ncmail.net).*

*This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.*

**TITLE 02 – DEPARTMENT OF AGRICULTURE AND  
CONSUMER SERVICES**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Board of Agriculture intends to repeal the rule(s) cited as 02 NCAC 43L .0104-.0108, .0113-.0116, .0201-.0206, .0401-.0409, .0701-.0702. Notice of Rule-making Proceedings was published in the Register on March 3, 2003.*

**Proposed Effective Date:** August 1, 2004

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request no later than June 17, 2003, to David S. McLeod, Secretary, North Carolina Board of Agriculture, PO Box 27647, Raleigh, NC 27611.*

**Reason for Proposed Action:** *To repeal unnecessary rules relating to fees for space rental at farmers markets operated by the Department of Agriculture and Consumer Services.*

**Comment Procedures:** *Comments from the public shall be directed to David S. McLeod, Secretary, North Carolina Board of Agriculture, PO Box 27647, Raleigh, NC 27611, phone (919) 733-7125, fax (919) 716-0105, and email david.mcleod@ncmail.net.*

**Fiscal Impact**

- ☐ State  
☐ Local  
☐ Substantive (≥\$5,000,000)  
☒ None

**CHAPTER 43 – MARKETS**

**SUBCHAPTER 43L – MARKETS**

**SECTION .0100 - FEES: STATE FARMERS' MARKET AT  
RALEIGH**

**02 NCAC 43L .0104 GATE FEE**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0105 PERIOD FOR SHED LEASE**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0106 TEMPORARY OR SEASONAL  
RENTAL BASIS**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0107 LENGTH OF AGREEMENT**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0108 COMMERCIAL TRUCKERS**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0113 GATE FEES**

~~1 vehicle less than one ton trucks 10 wheel  
(one space)d) trucks tractor  
trailer a)  
January, February, March  
September, October,  
November) January, February,  
March ril, May, September,  
October (e) June, July, August  
(d) November,  
December 10 wheel, tractor  
trailer by month one to four  
months less than  
50 packages 51 300 packages  
less than 100 packages  
101 500 packages 501 up  
packages~~

*Authority G.S. 106-530; 106-6.1.*

**02 NCAC 43L .0114 ADJUSTMENT OF RENTALS**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0115 ASSESSMENT OF TRUCKS:  
ETC.**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0116 EXEMPTIONS**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**SECTION .0200 - FEES: CHARLOTTE FARMERS  
MARKET**

**02 NCAC 43L .0201 BASE PRICES**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0202 GATE FEES**

~~r (ii) January through  
February (b)  
Out of state sellers  
(iii) October through February -  
Saturdays (b) Out of  
state sellers (3) Retail~~

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**PROPOSED RULES**

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~~Building C~~ (4)  
~~Eighteen Wheelers~~  
~~(5) Deliveries~~  
~~s Shed)7.00~~

*Authority G.S. 106-6.1.*

**02 NCAC 43L .0203 MISCELLANEOUS FEES**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0204 SPACE AVAILABILITY**

*Authority G.S. 106-530; 106-6.1.*

**02 NCAC 43L .0205 SPACE LIMITATIONS**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0206 TRUCK RENT BASIS**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**SECTION .0400 - FEES: WESTERN NORTH CAROLINA FARMERS MARKET**

**02 NCAC 43L .0401 RETAIL BUILDINGS**

*Authority G.S. 106-530; 106-6.1.*

**02 NCAC 43L .0402 GATE FEES**  
Vehicles, 5 cartons or less

*Authority G.S. 106-530; 106-6.1.*

**02 NCAC 43L .0403 FARMERS AND TRUCKERS SHEDS**

*Authority G.S. 106-530; 106-6.1.*

**02 NCAC 43L .0404 MISCELLANEOUS FEES**

*Authority G.S. 106-22; 106-530; 106-6.1.*  
*Eff. January 1, 1985.*

**02 NCAC 43L .0405 YEARLY DELIVERY PERMIT**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0406 SPACE AVAILABILITY**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0407 SPACE LIMITATIONS**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0408 TRUCK-RENT BASIS**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0409 FEES FOR SPECIAL EVENTS**

*Authority G.S. 106-530; 106-6.1.*

**SECTION .0700 - FEES - PIEDMONT TRIAD FARMERS MARKET**

**02 NCAC 43L .0701 PAYMENT OF FEES**

*Authority G.S. 106-22; 106-530; 106-6.1.*

**02 NCAC 43L .0702 GATE FEES**

ton  
~~six wheel straight truck~~ - ~~10 wheel (one space)~~  
~~rucks tractor trailer~~ ~~anyway through~~  
~~December(b) Additional loads~~  
~~six wheel straight truck 10 wheel, tractor trailer~~  
(i) ~~one to four months~~  
(ii) ~~five months and over~~  
~~less than 50 packages~~  
~~51-300 packages~~  
~~301 or more packages~~  
~~less than 100 packages~~  
~~101-500 packages~~

*Authority G.S. 106-22; 106-530; 106-6.1.*

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**TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for MH/DD/SAS intends to amend rules cited as 10A NCAC 27G .0104, .4202. Notice of Rule-making Proceedings was published in the Register on August 9, 2002.*

**Proposed Effective Date:** *August 1, 2004*

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): A person may demand a public hearing on the proposed rules by submitting a request in writing to Cindy Kornegay, 3018 Mail Service Center, Raleigh, NC 27699-3018, by June 17, 2003.*

**Reason for Proposed Action:** *The Commission for Mental Health, Developmental Disabilities and Substance Abuse Services proposes to amend current professional requirements for staff to include qualifications of substance abuse staff providing prevention services. S.L. 2002-126 requires DHHS to ensure that substance abuse prevention services are provided by qualified professionals. Rule citation references reflect the reorganization of Title 10 and 15A of the North Carolina Administrative Code to Title 10A. Rules governing the subject matter contained in these Rules were located in 10 NCAC 14V .0104 and 10 NCAC 14V .0202.*

**Comment Procedures:** *Comments from the public shall be directed to Cindy Kornegay, 3018 Mail Service Center, Raleigh, NC 27699-3018, phone (919) 733-7011, fax (919) 733-9455, and*

*email cindy.kornegay@ncmail.net . Comments shall be received through July 2, 2003.*

**Fiscal Impact**

- ☐ **State**  
☐ **Local**  
☐ **Substantive** (>\$5,000,000)  
☒ **None**

**CHAPTER 27 - MENTAL HEALTH, COMMUNITY  
FACILITIES AND SERVICES**

**SUBCHAPTER 27G – RULE FOR MENTAL HEALTH,  
DEVELOPMENTAL DISABILITIES AND SUBSTANCE  
ABUSE FACILITIES AND SERVICES**

**SECTION .0100 – GENERAL INFORMATION**

**10A NCAC 27G .0104 STAFF DEFINITIONS**

The following credentials and qualifications apply to staff described in this Subchapter:

- (1) "Associate Professional (AP)" within the mental health, developmental disabilities and substance abuse services (mh/dd/sas) system of care means an individual who is a:
  - (a) graduate of a college or university with a Masters degree in a human service field with less than one year of full-time, post-graduate degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional with less than one year of full-time, post-graduate degree accumulated supervised experience in alcoholism and drug abuse counseling. Upon hiring, an individualized supervision plan shall be developed and supervision shall be provided by a qualified professional with the population served until the individual meets one year of experience; or
  - (b) graduate of a college or university with a bachelor's degree in a human service field with less than two years of full-time, post-bachelor's degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional with less than two years of full-time, post-bachelor's degree accumulated supervised experience in alcoholism and drug abuse counseling. Upon hiring, an individualized supervision plan shall be developed and reviewed annually. Supervision shall be provided by a qualified professional with the population served until the individual meets two years of experience; or

- (c) graduate of a college or university with a bachelor's degree in a field other than human services with less than four years of full-time, post-bachelor's degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional with less than four years of full-time, post-bachelor's degree accumulated supervised experience in alcoholism and drug abuse counseling. Upon hiring, an individualized supervision plan shall be developed and reviewed annually. Supervision shall be provided by a qualified professional with the population served until the individual meets four years of experience; or
  - (d) registered nurse who is licensed to practice in the State of North Carolina by the North Carolina Board of Nursing with less than four years of full-time accumulated experience in mh/dd/sa with the population served. Upon hiring, an individualized supervision plan shall be developed and reviewed annually. Supervision shall be provided by a qualified professional with the population served until the individual meets four years of experience.
- (2) "Certified alcoholism counselor (CAC)" means an individual who is certified as such by the North Carolina Substance Abuse Professional Certification Board.
  - (3) "Certified drug abuse counselor (CDAC)" means an individual who is certified as such by the North Carolina Substance Abuse Professional Certification Board.
  - (4) "Certified clinical supervisor (CCS)" means an individual who is certified as such by the North Carolina Substance Abuse Professional Certification Board.
  - (5) "Certified substance abuse counselor (CSAC)" means an individual who is certified as such by the North Carolina Substance Abuse Professional Certification Board.
  - (6) "Certified substance abuse prevention consultant (CSAPC)" means an individual who is certified as such by the North Carolina Substance Abuse Professional Board.
  - (7) "Clinical" means having to do with the active direct treatment/habilitation of a client.
  - (8) "Clinical staff member" means a qualified professional or associate professional who provides active direct treatment/habilitation to a client.
  - (9) "Clinical/professional supervision" means regularly scheduled assistance by a qualified professional or associate professional to a staff member who is providing direct, therapeutic

- intervention to a client or clients. The purpose of clinical supervision is to ensure that each client receives appropriate treatment or habilitation which is consistent with accepted standards of practice and the needs of the client.
- (10) "Clinical social worker" means a social worker who is licensed as such by the N.C. Social Work Certification and Licensure Board.
  - (11) "Director" means the individual who is responsible for the operation of the facility.
  - (12) "Licensed professional counselor (LPC)" means a counselor who is licensed as such by the North Carolina Board of Licensed Professional Counselors.
  - (13) "Nurse" means a person licensed to practice in the State of North Carolina either as a registered nurse or as a licensed practical nurse.
  - (14) "Paraprofessional" within the mh/dd/sas system of care means an individual who, with the exception of staff providing respite services or personal care services, has a GED or high school diploma; or no GED or high school diploma, employed prior to November 1, 2001 to provide a mh/dd/sa service. Upon hiring, an individualized supervision plan shall be developed and supervision shall be provided by a qualified professional or associate professional with the population served.
  - (15) "Psychiatrist" means an individual who is licensed to practice medicine in the State of North Carolina and who has completed an accredited training program in psychiatry.
  - (16) "Psychologist" means an individual who is licensed to practice psychology in the State of North Carolina as either a licensed psychologist or a licensed psychological associate.
  - (17) "Qualified client record manager" means an individual who is a graduate of a curriculum accredited by the Council on Medical Education and Registration of the American Health Information Management Association and who is currently registered or accredited by the American Health Information Management Association.
  - (18) "Qualified professional" means, within the mh/dd/sas system of care:
    - (a) an individual who holds a license, provisional license, certificate, registration or permit issued by the governing board regulating a human service profession, except a registered nurse who is licensed to practice in the State of North Carolina by the North Carolina Board of Nursing who also has four years of full-time accumulated experience in mh/dd/sa with the population served; or
    - (b) a graduate of a college or university with a Masters degree in a human service field and has one year of full-time, post-graduate degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional who has one year of full-time, post-graduate degree accumulated supervised experience in alcoholism and drug abuse counseling; or
    - (c) a graduate of a college or university with a bachelor's degree in a human service field and has two years of full-time, post-bachelor's degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional who has two years of full-time, post-bachelor's degree accumulated supervised experience in alcoholism and drug abuse counseling; or
    - (d) a graduate of a college or university with a bachelor's degree in a field other than human services and has four years of full-time, post-bachelor's degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional who has four years of full-time, post-bachelor's degree accumulated supervised experience in alcoholism and drug abuse counseling.
  - (19) "Qualified Substance Abuse Prevention Professional (QSAPP)" means, within the mh/dd/sas system of care:
    - (a) a graduate of a college or university with a Masters degree in a human service field and has one year of full-time, post-graduate degree accumulated supervised experience in substance abuse prevention ; or
    - (b) a graduate of a college or university with a bachelor's degree in a human service field and has two years of full-time, post-bachelor's degree accumulated supervised experience in substance abuse prevention; or
    - (c) a graduate of a college or university with a bachelor's degree in a field other than human services and has four years of full-time, post bachelor's degree accumulated supervised experience in substance abuse prevention; or
    - (d) a substance abuse prevention professional who is certified as a Certified Substance Abuse Prevention Consultant (CSAPC) by the North

**SECTION .0100 – SCOPE AND DEFINITIONS**

*Authority G.S. 122C-3; 122C-25; 122C-26; 143B-147.*

**SECTION .4200 – SUBSTANCE ABUSE PRIMARY PREVENTION SERVICES**

**10A NCAC 27G .4202 STAFF**

Each facility that provides primary prevention programs shall designate a director who shall be a Qualified Substance Abuse Prevention Professional (QSAPP).

*Authority G.S. 143B-147.*

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*Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for MH/DD/SAS intends to amend the rules cited as 10A NCAC 28A .0101; 28D .0208. Notice of Rule-making Proceedings was published in the Register on August 15, 2001.*

**Proposed Effective Date:** August 1, 2004

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): A person may demand a public hearing on the proposed rules by submitting a request in writing to Cindy Kornegay, 3018 Mail Service Center, Raleigh, NC 27699-3018 by June 17, 2003.*

**Reason for Proposed Action:** *Recommendations received from advocacy groups, and a thorough review by the Division and the Department, of rules protecting the health, safety and welfare of clients in State-operated facilities and in communities resulted in a decision that client rights rules in State-operated facilities and in communities should be consistent. Specifically, it is necessary to amend these State-operated facility rules to be consistent with corresponding rules applicable to community facilities. Rule citation references reflect the reorganization of Title 10 and portions of 15A of the North Carolina Administrative Code to Title 10A. Rules governing the subject matter contained in these Rules were located in 10 NCAC 14G .0101 and 10 NCAC 14J .0210.*

**Comment Procedures:** *Comments from the public shall be directed to Cindy Kornegay, 3018 Mail Service Center, Raleigh, NC 27699-3018, phone (919) 733-7011, fax (919) 733-9455, and email cindy.kornegay@ncmail.net. Comments shall be received through July 2, 1003.*

**Fiscal Impact**

- ☐ State  
☐ Local  
☐ Substantive (>\$5,000,000)  
☒ None

**CHAPTER 28 - MENTAL HEALTH, MR CENTERS**

**SUBCHAPTER 28A – COMMITTEES AND PROCEDURES**

**10A NCAC 28A .0101 SCOPE**

(a) The purpose of the rules in Subchapters 28A, 28B, 28C and 28D of this Chapter is to set forth regulations governing human rights for clients in state facilities. The state facilities governed by these Rules are the regional psychiatric hospitals, mental retardation centers, alcohol and drug abuse treatment centers, Wright School, the North Carolina Special Care Center at Wilson, Whitaker School and any other like state owned and operated institutions, hospitals, centers or schools that may be established under the administration of the Division. In addition to these Rules, each state facility shall follow the North Carolina General Statutes regarding client rights which are specified in Article 3 of Chapter 122C.

(b) A state facility that is certified by the Centers for Medicare and Medicaid Services (CMS) as an Intermediate Care Facility for the Mentally Retarded (ICF/MR), or a Medicare/Medicaid Hospital or a Psychiatric Residential Treatment Facility (PRTF) is deemed to be in compliance with the rules in Subchapters 28A, 28B, 28C and 28D of this Chapter, with the exceptions of 28A .0102; 28D .0203; .0206; .0207; .0208; .0209 and .0210. A state facility that is certified as specified in Paragraph (b) of this Rule shall comply with the following:

- (1) use of the definition of physical restraint as specified in Subparagraph .0102 (b)(32) of this Section;
- (2) documentation requirements as specified in Rules .0203; .0206; .0207; .0208; .0209 and .0210 of Subchapter 28D;
- (3) debriefing requirements as specified in Rule .0206 of Subchapter 28D; and
- (4) training requirements as specified in Rules .0209 and .0210 of Subchapter 28D.

*Authority G.S. 122C-51; 143B-17; 143B-147.*

**SUBCHAPTER 28D – TREATMENT OR HABILITATION RIGHTS**

**SECTION .0200 – PROTECTIONS REGARDING CERTAIN PROCEDURES**

**10A NCAC 28D .0208 INTERVENTIONS REQUIRING ADDITIONAL SAFEGUARDS**

(a) The interventions specified in this Rule present a significant risk to the client and therefore require additional safeguards. These procedures shall be followed in addition to the procedures specified in Rule .0203 of this Section.

(b) The following interventions are designed for the primary purpose of reducing the incidence of aggressive, dangerous or self-injurious behavior to a level which will allow the use of less intrusive treatment/habilitation procedures. Such interventions include the use of:

- (1) seclusion, physical restraint or isolation time-out employed as a measure of therapeutic treatment;
- (2) seclusion, physical restraint or isolation time-out used on an emergency basis more than 40 hours in a calendar month or one episode in

which the original order is renewed for up to a total of 24 hours in accordance with the limits specified in Subparagraph (l)(8) of Rule .0206 of this Section;

- (3) unpleasant tasting substances;
- (4) planned non-attention to specific undesirable behaviors when the target behavior is health threatening;
- (5) contingent deprivation of any basic necessity;
- (6) contingent application of any noxious substances which include but are not limited to noise, bad smells or splashing with water; and
- (7) any potentially physically painful procedure or stimulus which is administered to the client for the purpose of reducing the frequency or intensity of a behavior.

(c) Such interventions shall never be the sole treatment modality for the elimination of target behavior.

(d) The intervention shall always be accompanied by positive treatment or habilitation methods which shall include, but not be limited to:

- (1) the deliberate teaching and reinforcement of behaviors which are non-injurious;
- (2) the improvement of conditions associated with non-injurious behaviors such as an enriched educational and social environment; and
- (3) the alteration or elimination of environmental conditions which are reliably correlated with self-injury.

(e) Prior to the implementation of any planned use of the intervention the following written approvals and notifications shall be obtained. Documentation in the client record shall include:

- (1) approval of the plan by the treatment/habilitation team;
- (2) that each client whose treatment/habilitation plan includes interventions with reasonably foreseeable physical consequences shall receive an initial medical examination and periodic planned monitoring by a physician;
- (3) that the treatment/habilitation team shall inform the internal client advocate that the intervention has been planned for the client and the rationale for utilization of the intervention;
- (4) the treatment/habilitation team shall explain the intervention and the reason for the intervention to the client and the legally responsible person, if applicable;
- (5) the prior written consent of the client or his legally responsible person shall be obtained except for those situations specified in Rule .0206(g)(1) in this Section. If the client or legally responsible person refuses the intervention, the State Facility Director shall follow the right to refuse treatment procedures as specified in this Subchapter;
- (6) that the plan shall be reviewed and approved by a review committee, designated by the State Facility Director, which shall include that:

(A) at least one member of the review committee shall be qualified through experience and training to utilize the planned intervention; and

(B) no member of the review committee shall be a member of the client's treatment team.

(7) that the treatment/habilitation plan may be reviewed and approved by the State Facility Director; and

(8) if any of the persons or committees specified in Subparagraphs (e)(1), (2), (4), (5) or (6) of this Rule do not approve the continued use of a planned intervention, the planned intervention shall be terminated. The State Facility Director shall establish an appeal mechanism for the resolution of any disagreement over the use of the intervention.

(f) Neither the consents nor the approvals specified in Paragraph (e) of this Rule shall be considered valid for more than six months. The treatment/habilitation team shall re-evaluate the use of the intervention and obtain the client's and legally responsible person's consent for continued use of the intervention.

(g) The plan shall be reviewed at the next meeting of the Human Rights Committee within the constraints of 10A NCAC 28A .0209. The Committee, by majority vote, may recommend approval or disapproval of the plan to the State Facility Director or may abstain from making a recommendation. If the State Facility Director does not agree with the decision of the Committee, the Committee may appeal the issue to the Division in accordance with the provisions of 10A NCAC 28A .0208.

(h) The intervention shall be used only when the treatment/habilitation team has determined and documented in the client record the following:

- (1) that the client is engaging in behaviors that are likely to result in injury to self or others;
- (2) that other methods of treatment or habilitation employing less intrusive interventions are not appropriate;
- (3) the frequency, intensity and duration of the target behavior, and the behavior's probable antecedents and consequences; and
- (4) it is likely that the intervention will enable the client to stop the target behavior.

(i) The treatment/habilitation team shall designate a state facility employee to maintain written records on the application of the intervention and accompanying positive procedures. These records shall include at a minimum the following:

- (1) data which reflect the frequency, intensity and duration with which the targeted behavior occurs (scientific sampling procedures are acceptable);
- (2) data which reflect the frequency, intensity and duration of the intervention and any accompanying positive procedures; and
- (3) data which reflect the state facility employees who administered the interventions.

(j) The interventions shall be evaluated at least weekly by the treatment team or its designee and at least monthly by the State Facility Director. The designee of the State Facility Director

shall not be a member of the client's treatment/habilitation team. Reviews shall be documented in the client record.

(k) During the use of the intervention, the Human Rights Committee shall be given the opportunity to review the treatment/ habilitation plan within the constraints of 10A NCAC 28A .0209.

*Authority G.S. 122C-51; 122C-53; 122C-60; 122C-62; 131E-67; 143B-147.*

**TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the DENR – Marine Fisheries Commission intends to adopt the rules cited as 15A NCAC 03H .0104; 03K .0404-.0405; 03L .0208; 03R .0112-.0113 and amend the rules cited as 15A NCAC 03I .0110; 03J .0103-.0104, .0107, .0109, .0202, .0206, .0208, .0301, .0402; 03K .0204, .0401-.0403; 03L .0102, .0202; 03N .0103, .0105; 03O .0101, .0105, .0503; 03Q .0201-.0202; 03R .0101-.0106, .0109-.0111. Notice of Rule-making Proceedings was published in the Register on October 1, 2001, February 15, 2001, March 1, 2002, June 17, 2002, February 3, 2003 and March 3, 2003.*

**Proposed Effective Date:** August 1, 2004

**Public Hearing:**

**Date:** June 17, 2003

**Time:** 7:00 p.m.

**Location:** DENR Regional Office, 127 Cardinal Dr., Wilmington, NC

**Date:** June 19, 2003

**Time:** 7:00 p.m.

**Location:** NCSU Centennial Campus, EGRC, Rm. 3425, Campus Shore Dr., Raleigh, NC

**Date:** June 24, 2003

**Time:** 7:00 p.m.

**Location:** NC Aquariums Roanoke Island, Airport Rd., Manteo, NC

**Date:** June 26, 2003

**Time:** 7:00 p.m.

**Location:** Duke Marine Lab Auditorium, 135 Duke Marine Lab Rd., Beaufort, NC

**Reason for Proposed Action:**

**15A NCAC 03H .0104 -** Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**15A NCAC 03I .0110 -** The current Fishery Commission regulations governing military restricted areas are not consistent with the areas designated by federal rules. In addition, some rules allow fishing activity in prohibited and restricted areas even when closed by the military authority. The current rules do not clearly apply fishery rules in military restricted areas where the military authority allows fishing. Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**15A NCAC 03J .0103 -** Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**15A NCAC 03J .0104 -** The proposed rules would amend selected trawling rules by replacing sunset and sunrise references with fixed times. The Marine Fisheries Commission Crustacean Committee recommended that the trawl restricted times be amended to state specific times rather than using sunrise and sunset because sunset and sunrise do not occur at the same time across the state. They feel that set times would be more consistent, easier for fishermen to comply with, and easier for the Division of Marine Fisheries to enforce. Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**15A NCAC 03J .0107 -** Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format. Closure of areas to flounder fishing with large mesh gill nets in Pamlico Sound resulted in a marked increase in pound net set permit applications in 2001 and 2002. To ensure viability of the species and to address concerns about overfishing of the stock while the Southern Flounder Fishery Management Plan (FMP) is being developed, the proliferation of pound nets should be limited until methods are chosen for effort reduction. The



proposed rule would limit new pound nets until the Southern Flounder FMP is completed.

**15A NCAC 03J .0109** - Existing Division of Marine Fisheries rules regarding the use of long haul escape panels allow for circumvention of the requirement and avoidance of panel use. The proposed rule would be more specific with reference to escape panel use and installation requirements.

**15A NCAC 03J .0202** - The proposed rules would amend selected trawling rules by replacing sunset and sunrise references with fixed times. The Marine Fisheries Commission Crustacean Committee recommended that the trawl restricted times be amended to state specific times rather than using sunrise and sunset because sunset and sunrise do not occur at the same time across the state. They feel that set times would be more consistent, easier for fishermen to comply with, and easier for the Division of Marine Fisheries to enforce. Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**15A NCAC 03J .0206** - Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**15A NCAC 03J .0208** - The proposed rules would amend selected trawling rules by replacing sunset and sunrise references with fixed times. The Marine Fisheries Commission Crustacean Committee recommended that the trawl restricted times be amended to state specific times rather than using sunrise and sunset because sunset and sunrise do not occur at the same time across the state. They feel that set times would be more consistent, easier for fishermen to comply with, and easier for the Division of Marine Fisheries to enforce. Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**15A NCAC 03J .0301** - Fishermen have been using pots that meet the shrimp pot mesh requirement but have been attaching leads of varying length and are calling the set a shrimp pot. This gear is similar to a fyke net with a trap rather than a net attached to the leads and would require the fisherman to comply with current fyke net rules. The proposed rule options would re-enforce the policy the Division has used in the past dealing with this type of gear.

**15A NCAC 03J .0402** - A petition for rulemaking from the Carolina Marlin Club Association requested that Division of Marine Fisheries rules be amended to prohibit the use of gill nets or seines from May 1 through November 30 within the entrance channel to or the marina within the Carolina Marlin Club, Newport River. Since the Marine Fisheries Commission decided to draft language to take to public hearing on this issue, there are several other provisions in this rule that need attention. A proclamation has been in effect prohibiting the use of commercial fishing equipment in portions of Goose Creek State Park for several years. Those provisions need to be incorporated into the proposed rule. Two fishing piers – one at Surf City and one at Carolina Beach – no longer exist and a closure to the use of commercial fishing equipment around the piers continues to be present in this rule. Commercial fishing gear is also prohibited in an area off New Hanover County beaches from October 15 through October 17 each year and the dates of the Carolina Beach Fall Surf Fishing Tournament, which the rule was designed to protect, have changed. There have also been problems with enforcement of the Cape Point closure at Cape Hatteras because of the shifting nature of the point, so a change is proposed to alleviate that problem. Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**15A NCAC 03K .0204** - Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**15A NCAC 03K .0401-.0405** - The current system for issuing permits for the taking of Rangia clams has been problematic in recent years as fishermen have looked for alternate fisheries during lean times. The existing Division of Marine Fisheries (DMF) rules for taking Rangia clams are unclear and not coordinated with related DMF rules on shellfish harvest. The proposed rules would clarify existing rules and coordinate those rules with related DMF rules on shellfish harvest.

**15A NCAC 03L .0102 & .0202** - The proposed rules would amend selected trawling rules by replacing sunset and sunrise references with fixed times. The Marine Fisheries Commission Crustacean Committee recommended that the trawl restricted times be amended to state specific times rather than using sunrise and sunset because sunset and sunrise do not occur at the same time across the state. They feel that set times would be more consistent, easier for fishermen to comply with, and easier for the Division of Marine Fisheries to enforce.

Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys

and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**15A NCAC 03L .0208** - Fishermen have requested that the Marine Fisheries Commission (MFC) adopt rules governing the harvest of stone crabs. It is reported that some commercial and recreational fishermen are removing both claws and/or retaining the entire crab after harvesting. The proposed rule would afford stone crabs protection while maximizing the potential harvest of this resource.

**15A NCAC 03N .0103 & .0105** - Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**15A NCAC 03O .0101 & .0105** - The North Carolina Division of Marine Fisheries does not currently require Shellstock Dealer Certification before the purchase of a Fish Dealer License that allows dealing in oysters, clams, or mussels. However, the Division of Environmental Health Shellfish Sanitation Office requires that a fish dealer have the certification in order to sell to the public. The proposed rule change would require anyone applying for an Oyster, Clam, or Consolidated Fish Dealer License to present a copy of a valid current Shellstock Dealer Certification to the Division of Marine Fisheries before an Oyster, Clam, or Consolidate Fish Dealer License can be issued.

**15A NCAC 03O .0503; 03Q .0201 & .0202; 03R .0101 - .0106; 03R .0109 - .0113** - Descriptive boundaries and coordinates which are used in the Marine Fisheries rules have been incorrect because of physical changes such as erosion and accretion or movement of buoys and other markers, and also because of the impact of new technology using Global Positioning Satellite devices (GPS) to determine locations. In addition, many boundaries or lines were identified in fisheries rules without coordinates being identified. These proposed rules incorporate corrections to boundaries and coordinates and put all coordinates into a uniform format.

**Comment Procedures:** Comments from the public shall be directed to Belinda Loftin, 3441 Arendell St., Morehead City, NC, (252) 726-7021, fax (252) 726-0254, and email belinda.loftin@ncmail.net. Comments shall be received through July 2, 2003.

**Fiscal Impact**

- ☐ State  
☐ Local  
☐ Substantive (≥\$5,000,000)  
☒ None

**CHAPTER 03 - MARINE FISHERIES**

**SUBCHAPTER 03H - IDENTIFICATION AND**

**DELEGATION OF AUTHORITY**

**15A NCAC 03H .0104 MAPS AND MARKING**

(a) Maps or charts showing the boundaries of the areas identified in 15A NCAC 03R are available for inspection at the Morehead City Office of the Division of Marine Fisheries.

(b) The Division of Marine Fisheries shall mark the boundaries of areas identified in Subchapter 15A NCAC 03R with signs insofar as may be practical. No unauthorized removal or relocation of any such marker or sign shall have the effect of changing the classification of any body of water or portion thereof, nor shall any such unauthorized removal or relocation or the absence of any marker or sign affect the applicability of any rule pertaining to any such body of water or portion thereof. Where there is conflict between signs and 15A NCAC 03R boundaries, rule boundaries shall prevail.

Authority G.S. 113-134; 113-182; 113-221; 143B-289.52.

**SUBCHAPTER 03I - GENERAL RULES**

**SECTION .0100 - GENERAL RULES**

**15A NCAC 03I .0110 MILITARY DANGER ZONES AND RESTRICTED AREAS**

(a) Pursuant to Title 33 United States Code Section 3, the United States Army Corps of Engineers has adopted regulations which restrict access to and activities within certain areas of coastal and inland fishing waters. Federal Rules codified at 33 CFR 334.410 through 334.450 designate prohibited danger zones and restricted military areas, including locations within North Carolina coastal waters, fishing waters, and specify activities allowed in these areas. These areas are described in 15A NCAC 03R .0102. The areas described in 33 CFR 334.420 (a) (1) BT-9 Brant Island and 334.420 (b) (1) (i) BT-11 Piney Island are designated as prohibited areas and are closed to navigation by the public at all times. The N. C. Marine Fisheries Commission and Division of Marine Fisheries do not have the authority to provide for fishing access to these two areas. Therefore, these two prohibited areas will be excluded from any rule promulgated by the Marine Fisheries Commission and any proclamation issued by the Fisheries Director which provide fishing access to areas adjacent to these two areas. Access to the military prohibited and restricted areas and enforcement of the federal rules applicable therein is the sole responsibility of the respective federal military organization listed for each restricted area in the federal regulations. Only the applicable military commanders listed in the federal regulations have authority to authorize navigation or fishing access to these designated areas. All military danger zone and restricted area closures shall be enforced by the appropriate federal agency. If reasonable use of these areas by the food fishing industry is allowed or a permit process implemented by the appropriate military authorities to allow access in accordance with 33 U.S.C. Section 3 or the appropriate federal authority allows access to danger zones or restricted areas, all applicable fisheries statutes, N.C. Marine Fisheries Commission rules, and proclamations issued by the Fisheries Director, other than those allowing access, shall apply within these areas.

(b) The military danger zones and restricted designated areas are shown on navigational charts and specifically described in the

Coastal Pilot and the Code of Federal Regulations (CFR). Copies of the CFR provisions are available on the internet at [www.access.gpo.gov/nara/cfr/index.html](http://www.access.gpo.gov/nara/cfr/index.html) or at the Division of Marine Fisheries, Post Office Box 769, Morehead City, N.C. 28557. These areas are also described ~~The descriptions in 15A NCAC 03R .0102. .0102(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 or for access to each such area.~~

*Authority G.S. 113-134; 113-181; 113-182; 113-228; 143B-289.52.*

## **SUBCHAPTER 03J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES**

### **SECTION .0100 - NET RULES, GENERAL**

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

(a) It is unlawful to use a gill net with a mesh length less than 2½ inches.

(b) The Fisheries Director may, by proclamation, limit or prohibit the use of gill nets or seines in coastal waters, or any portion thereof, or impose any or all of the following restrictions on the use of gill nets or seines:

- (1) Specify area.
- (2) Specify season.
- (3) Specify gill net mesh length.
- (4) Specify means/methods.
- (5) Specify net number and length.

(c) It is unlawful to use fixed or stationary gill nets in the Atlantic Ocean, drift gill nets in the Atlantic Ocean for recreational purposes, or any gill nets in internal waters unless nets are marked by attaching to them 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 each 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 used for recreational purposes shall be yellow except one additional buoy, any shade of hot pink in color, constructed as specified in Paragraph (c) of this Rule, shall be added at each end of each individual net. Any other marking buoys on gill nets used in commercial fishing operations shall be yellow except that one additional identification buoy of any color or any combination of colors, except any shade of hot pink, 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 owner's last name and initials and if a vessel is used, one of the following:

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

(d) It is unlawful to use gill nets:

- (1) Within 200 yards of any pound net set with lead and pound or heart in use;
- (2) From March 1 through October 31 in the Intracoastal Waterway within 150 yards of any railroad or highway bridge.

(e) It is unlawful to use gill nets within 100 feet either side of the center line of the Intracoastal Waterway Channel south of ~~Quick Flasher No. 54 the entrance to the Alligator-Pungo River Canal near Beacon "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:

- (1) No more than two gill nets per boat may be used at any one time;
- (2) 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
- (3) Any individual setting such nets shall remove them, when necessary, in sufficient time to permit unrestricted boat navigation.

(f) It is unlawful to use drift gill nets in violation of 15A NCAC 003J .0101(2) and Paragraph (e) of this Rule.

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

.....(h) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation from May 1 through October 31 in the ~~following~~ internal coastal and joint waters of the state ~~described in 15A NCAC 03R .0112. south of a line beginning at a point on Roanoke Marshes Point at 35° 48.3693' N 75° 43.7232' W; to a point on Eagle Nest Bay at 35° 44.1710' N 75° 31.0520' W to the South Carolina State Line;~~

*Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52.*

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

(a) It is unlawful to use trawl nets for the taking of finfish in internal waters, except that it shall be permissible to take or possess finfish incidental to crab or shrimp trawling in accordance with the following limitations:

- (1) It is unlawful to possess aboard a vessel while using a trawl in internal waters more than 500 pounds of finfish from December 1 through February 28 and 1,000 pounds of finfish from March 1 through November 30.
- (2) The Fisheries Director may, by proclamation, close any area to trawling for specific time periods in order to secure compliance of this Paragraph.

(b) It is unlawful to use trawl nets:

- (1) In internal coastal waters, from 9:00 p.m. on ~~between one hour after sunset Friday through 5:00 p.m. and one hour before sunset on Sunday, except that in the areas listed in Subparagraph (b)(5) of this Rule, trawling is prohibited from December 1 through February 28 from one hour after sunset on Friday to one hour before sunrise on Monday.~~

- (2) For the taking of oysters;
- (3) In Albemarle Sound and its tributaries;
- (4) In the areas described in 15A NCAC 03R .0106;
- (5) From December 1 through February 28 from one hour after sunset to one hour before sunrise in the following areas, except as provided in Subparagraph (b)(1) of this Rule:
  - (A) In Pungo ~~River, River~~ north of a line beginning ~~at a point~~ on Currituck Point at a point 35° 24.5833' N-76° 32.3166' W; running southwesterly Wades Point 35° 23' 17" N - 76° 34' 30" W; running 060° (M) to a point on Wades Point to a point 35° 23.3062' N-76° 34.5135' W; Currituck Point 35° 24' 35" N - 76° 32' 19" W.
  - (B) In Pamlico ~~River, River~~ west of a line beginning ~~at a point~~ on Wades Point at a point 35° 23.3062' N - 76° 34.5135' W; running southwesterly the south shore near Fulford Point 35° 49' 52" N - 76° 35' 56" W; running 026° (M) through Flashing Red Marker "1" to Fulford Point to a point 35° 19.8667' N - 76° 35.9333' W; Wades Point 35° 23' 17" N - 76° 34' 30" W.
  - (C) In Bay ~~River, River~~ west of a line beginning ~~at a point~~ on Bay Point at a point 35° 11.0858' N - 76° 31.6155' W; running southerly Maw Point 35° 09' 02" N - 76° 32' 10" W; running 021° (M) through Flashing Green Marker "1" to a point on Maw Point to a point 35° 09.0214' N - 76° 32.2593' W; Bay Point 35° 11' 01" N - 76° 31' 35" W.
  - (D) In Neuse ~~River, River~~ west of a line beginning ~~at a point~~ on the Minnesota side of the Neuse River Ferry at a point 34° 57.9116' N - 76° 48.2240' W; running southerly off Cherry Point 34° 56' 17" N - 76° 48' 37" W; running 020° (M) through Flashing Red Marker "9" to a point on the Cherry Branch side of the Neuse River Ferry to a point 34° 56.3658' N - 76° 48.7110' W; off Wilkinson Point 34° 57' 58" N - 76° 48' 22" W.
  - (E) In New ~~River, River~~ all waters upstream of the N.C. Highway 172 Bridge. Bridge when opened by proclamation.

(c) Minimum mesh sizes for shrimp and crab trawls are presented in 15A NCAC 03L .0103 and .0202.

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

(e) It is unlawful to use shrimp trawls for recreational purposes unless the trawl is marked by attaching to the cod end (tailbag), one floating buoy, any shade of hot pink in color, 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. The owner shall always be identified on the buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Gear owner's current motor boat registration number, or
- (2) Owner's U.S. vessel documentation name.

(f) It is unlawful to use shrimp trawls for the taking of blue crabs in internal waters, except that it shall be permissible to take or possess blue crabs incidental to shrimp trawling in accordance with the following limitations:

- (1) For individuals using shrimp trawls authorized by a Recreational Commercial Gear License, 50 blue crabs, not to exceed 100 blue crabs if two or more Recreational Commercial Gear License holders are on board.
- (2) For commercial operations, crabs may be taken incidental to lawful shrimp trawl operations provided that the weight of the crabs shall not exceed:
  - (A) 50 percent of the total weight of the combined crab and shrimp catch; or
  - (B) 300 pounds, whichever is greater.
- (3) The Fisheries Director may, by proclamation, close any area to trawling for specific time periods in order to secure compliance of this Paragraph.

*Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52.*

#### **15A NCAC 03J .0107 POUND NET SETS**

(a) All initial, renewal or transfer applications for Pound Net Set Permits, and the operation of such pound net sets, shall comply with the general rules governing all permits in 15A NCAC 03O .0500. The procedures and requirements for obtaining permits are also found in 15A NCAC 03O .0500.

(b) It is unlawful to use pound net sets in coastal fishing waters without the permittee's identification being clearly printed on a sign no less than six inches square, securely attached to the outermost stake of each end of each set. For pound net sets in the Atlantic Ocean using anchors instead of stakes, the set must be identified with a yellow buoy, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than 11 inches in length. The permittee's identification shall be clearly printed on the buoy. Such identification on signs or buoys must include the pound net set permit number and the permittee's last name and initials.

(c) It is unlawful to use pound net sets, or any part thereof, except for one location identification stake or identification buoy for pound nets used in the Atlantic Ocean at each end of proposed new locations, without first obtaining a Pound Net Set Permit from the Fisheries Director. The applicant must indicate on a base map provided by the Division the proposed set including an inset vicinity map showing the location of the proposed set with detail sufficient to permit on-site identification

and location. The applicant must specify the type(s) of pound net set(s) requested and possess proper valid licenses and permits necessary to fish those type(s) of net. A pound net set shall be deemed a flounder pound net set when the catch consists of 50 percent or more flounder by weight of the entire landed catch, excluding blue crabs. The type "other finfish pound net set" is for sciaenid (Atlantic croaker, red drum, weakfish, spotted seatrout, spot, for example) and other finfish, except flounder and herring or shad, taken for human consumption. Following are the type(s) of pound net fisheries that may be specified:

- (1) Flounder pound net set;
- (2) Herring/shad pound net set;
- (3) Bait pound net set;
- (4) Shrimp pound net set;
- (5) Blue crab pound net set;
- (6) Other finfish pound net set.

(d) For proposed new locations, the Fisheries Director shall issue a public notice of intent to consider issuance of a Pound Net Set Permit allowing for public comments for 20 days, and after the comment period, may hold public meetings to take comments on the proposed pound net set. If the Director does not approve or deny the application within 90 days of receipt of a complete and verified application, the application shall be deemed denied. The applicant shall be notified of such denial in writing. For new locations, transfers and renewals, the Fisheries Director may deny the permit application if it is determined that granting the permit will be inconsistent with one or more of the following permitting criteria, as determined by the Fisheries Director:

- (1) The application must be in the name of an individual and shall not be granted to a corporation, partnership, organization or other entity;
- (2) The proposed pound net set, either alone or when considered cumulatively with other existing pound net sets in the area, will not interfere with public navigation or with existing, traditional uses of the area other than navigation, and will not violate 15A NCAC 03J.0101 and .0102;
- (3) The proposed pound net set will not interfere with the rights of any riparian or littoral landowner, including the construction or use of piers;
- (4) The proposed pound net set will not, by its proximate location, interfere with existing pound net sets in the ~~area~~ area. Except in Chowan River as referenced in 15A NCAC 03J .0203, proposed new pound net set locations are a minimum of 1,000 yards as measured in a perpendicular direction from any point on a line following the permitted location of existing pound net sets. This criteria shall not apply to pound net sets in effect prior to January 1, 2003;
- (5) The applicant has in the past complied with fisheries rules and laws and does not currently have any licenses or privileges under suspension or revocation. In addition, a history of habitual fisheries violations evidenced by

eight or more convictions in ten years shall be grounds for denial of a pound net set permit;

- (6) The proposed pound net set is in the public interest; and
- (7) The applicant has in the past complied with all permit conditions, rules and laws related to pound nets.

Approval shall be conditional based upon the applicant's continuing compliance with specific conditions contained on the Pound Net Set Permit and the conditions set out in Subparagraphs (1) through (7) ~~(8)~~ of this Paragraph. The final decision to approve or deny the Pound Net Set Permit application may be appealed by the applicant by filing a petition for a contested case hearing, in writing, within 60 days from the date of mailing notice of such final decision to the applicant, with the Office of Administrative Hearings.

(e) An application for renewal of an existing Pound Net Set Permit shall be filed not less than 30 days prior to the date of expiration of the existing permit, and shall not be processed unless filed by the permittee. The Fisheries Director shall review the renewal application under the criteria for issuance of a new Pound Net Set Permit, and may decline to renew the permit accordingly. The Fisheries Director may hold public meetings and may conduct such investigations necessary to determine if the permit should be renewed.

(f) A Pound Net Set Permit, whether a new or renewal permit, shall expire one year from the date of issuance. The expiration date shall be stated on the permit.

(g) Pound net sets, except herring/shad pound net sets in the Chowan River, shall be operational for a minimum period of 30 consecutive days during the permit period unless a season for the fishery for which the pound net set is permitted is ended earlier due to a quota being met. For purposes of this Rule, operational means with net attached to stakes or anchors for the lead and pound, including only a single pound in a multi-pound set, and a non-restricted opening leading into the pound such that the set is able to catch and hold fish. The permittee, including permittees of operational herring/shad pound net sets in the Chowan River, shall notify the Marine Patrol Communications Center by phone within 72 hours after the pound net set is operational. Notification shall include name of permittee, pound net set permit number, county where located, a specific location site, and how many pounds are in the set. It is unlawful to fail to notify the Marine Patrol Communications Center within 72 hours after the pound net set is operational or to make false notification when said pound net set is not operational. Failure to comply with this Paragraph shall be grounds for the Fisheries Director to revoke this and any other pound net set permits held by the permittee and for denial of any future pound net set permits.

(h) It is unlawful to transfer a pound net set permit without a completed application for transfer being submitted to the Division of Marine Fisheries not less than 45 days before the date of the transfer. Such application shall be made by the proposed new permittee in writing and shall be accompanied by a copy of the current permittee's permit and an application for a pound net set permit in the new permittee's name. The Fisheries Director may hold a public meeting and may conduct such investigations necessary to determine if the permit should be transferred. The transferred permit shall expire on the same date as the initial permit. Upon death of the permittee, the permit

may be transferred to the Administrator/Executor of the estate of the permittee if transferred within six months of the Administrator/Executor's qualification under G.S. 28A. The Administrator/Executor must provide a copy of the deceased permittee's death certificate, a copy of the certificate of administration and a list of eligible immediate family members as defined in G.S. 113-168 to the Morehead City Office of the Division of Marine Fisheries. Once transferred to the Administrator/Executor, the Administrator/Executor may transfer the permit(s) to eligible family members of the deceased permittee. No transfer is effective until approved and processed by the Division.

(i) Every pound net set in coastal fishing waters shall have yellow light reflective tape or yellow light reflective devices on each pound. The light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter on any outside corner of each pound, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions. In addition, every pound net set shall have a marked navigational opening of at least 25 feet in width at the end of every third pound. Such opening shall be marked with yellow light reflective tape or yellow light reflective devices on each side of the opening. The yellow light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions. If a permittee notified of a violation under this Paragraph fails or refuses to take corrective action sufficient to remedy the violation within 10 days of receiving notice of the violation, the Fisheries Director shall revoke the permit.

(j) In Core Sound, it is unlawful to use pound net sets in the following pound net sets prohibited areas described in 15A NCAC 03R .0113 except that only those pound net set permits valid within the specified area as of March 1, 1994, may be renewed or transferred subject to the requirements of this ~~Rule~~ Rule.

""""""(k) Escape Panels:

- (1) The Fisheries Director may, by proclamation, require escape panels in pound net sets and may impose any or all of the following requirements or restrictions on the use of escape panels:
  - (A) Specify size, number, and location.
  - (B) Specify mesh length, but not more than six inches.
  - (C) Specify time or season.
  - (D) Specify areas.
- (2) It is unlawful to use flounder pound net sets without four unobstructed escape panels in each pound south and east of a line beginning at a point ~~on Long Shoal Point at 35° 57.3950' N - 76° 00.8166' W on Long Shoal Point; to Green Marker No. 5 east of the Intracoastal Waterway in the Alligator River at running easterly to a point 35° 56.7316' N - 75° 59.3000' W near Marker "5" in Alligator River; thence following Route #1 of running northeasterly along the Intracoastal Waterway in Albemarle Sound to Green Marker No. 171 at a point 36° 09.3033' N - 75° 53.4916' W near Marker "171" at the mouth of North River;~~

running northwesterly to a point on Camden Point at 36° 09.9093' N - 75° ' 54.6601' W on Camden Point. The escape panels must be fastened to the bottom and corner ropes on each wall on the side and back of the pound opposite the heart. The escape panels must be a minimum mesh size of five and one-half inches, hung on the diamond, and must be at least six meshes high and eight meshes long.

- (l) Pound net sets are subject to inspection at all times.
- (m) Daily reporting may be a condition of the permit for pound net sets for fisheries under a quota.
- (n) It is unlawful to fail to remove all pound net stakes and associated gear within 30 days after expiration of the permit or notice by the Fisheries Director that an existing pound net set permit has been revoked or denied.
- (o) It is unlawful to abandon an existing pound net set without completely removing from the coastal waters all stakes and associated gear within 30 days.

*Authority G.S. 113-134; 113-182; 113-182.1; 113-221; 143B-289.52; 150B-23.*

#### **15A NCAC 03J .0109 LONG-HAUL FISHING OPERATIONS, IDENTIFICATION REQUIREMENTS**

It is unlawful to tow or pull a net in a long-haul or swipe net fishing excluding operations with nets made entirely of monofilament and having a mesh length of three inches or greater: 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 11 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.
- (3) In the internal coastal waters south South and west of a line beginning on the west shore of Pamlico Sound at Bluff Point at a point 35° 19.5333' 49° 32' N - 76° 09.3333' W 09° 20' W; thence running southeasterly 129° (M) to a point on shore on to Ocracoke Island at to a point 35° 08.0000' 08° 00' N - 75° 55.0000' 55° 00' W, without escape panels as follows:
  - (a) For long haul operations, two panels four feet deep and six feet long shall be installed with the entire panel within 10 feet of the staff on the end of the bunt net from which the fish are being bailed. The panels shall be in the water while fish are harvested.
  - (b) For swipe net operations, two panels three feet deep and five feet long shall be installed with the entire panel within 10 feet of the staff on the end of the bunt net from which the fish are being bailed. The panels shall be in the water while fish are harvested.

- (d) The upper edge of one panel shall be installed within 12 to 24 inches of the float line and the lower edge of the other panel shall be installed within 12 to 24 inches of the lead line.
- (e) The panels shall be constructed of unobstructed trawl rings with an inside diameter no less than one and nine-sixteenth inches (1 9/16"). The rings shall be fastened together at a maximum of four points per ring.

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

## **SECTION .0200 - NET RULES, SPECIFIC AREAS**

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

In the Atlantic Ocean:

- (1) 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 southeasterly 138° through the water tank 34° 13.1500'N - 77° 47.300' W on the northern end of Wrightsville Beach, a distance of 4400 yards parallel with the beach. ~~beach of 4,400 yards.~~
- (2) It is unlawful to use trawls within one-half mile of the beach between the Virginia line and Oregon Inlet.
- (3) It is unlawful to use a trawl 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 inshore of a line beginning ~~at a point on the western side of Beaufort Inlet Channel at a point 34° 41.3000' 41° 18" N - 76° 40.1333' W; 40° 08" W running westerly (the present location of buoy "11" QK F1); on the western side of Beaufort Inlet Channel; thence westward~~ parallel to and one-half mile from the shore ocean back off Salter Path to a point 34° 40.5333' 40° 32" N - 76° 53.7500' W. 53° 45" W off Salter Path.
- (4) It is unlawful to use trawl nets, including flynets, southwest of the 9960-Y chain 40250 LORAN C line (running offshore in a southeasterly direction) from Cape Hatteras to the North Carolina/South Carolina line except:
  - (a) Shrimp trawls as defined in 15A NCAC 03L .0103;
  - (b) Crab trawls as defined in 15A NCAC 03L .0202; or
  - (c) Flounder trawls as defined in 15A NCAC 03M .0503.
- (5) Finfish taken with shrimp or crab trawls:
  - (a) It is unlawful to possess finfish (including pursuant to 15A NCAC 03M .0102) incidental to shrimp or crab trawl operations from December 1 through March 31 unless the weight

of the combined catch of shrimp and crabs exceeds the weight of finfish except as provided in Sub-Item (5)(b) of this Rule;

- (b) It is ~~unlawful~~ lawful to possess more than 300 pounds of kingfish (*Menticirrhus*, sp.) taken south of Bogue Inlet regardless of the amount of shrimp, crabs or finfish taken.
- (6) It is unlawful to use unattended gill nets or block or stop nets in the Atlantic Ocean within 300 yards of the beach from Beaufort Inlet to the South Carolina line from sunset Friday to sunrise Monday from Memorial Day through Labor Day.
- (7) It is unlawful to use gill nets in the Atlantic Ocean with a mesh length greater than seven inches from April 15 through December 15.
- (8) It is unlawful to use shrimp trawls in all waters west of a line beginning at the southeastern tip of Baldhead Island at a point 33° 50.4833' N - 77° 57.4667' W; ' W running southerly in the Atlantic Ocean to a point 33° 46.2667' N - 77° 56.4000' W; ' from 9:00 P.M. through 5:00 A.M.

*Authority G.S. 113-134; 113-182; 143B-289.52.*

### **15A NCAC 03J .0206 SOUTHPORT BOAT HARBOR**

It is unlawful to use any commercial fishing gear in the Southport Boat Harbor, Brunswick County, north of 'a line beginning at a point on the west side of the mouth of the harbor 33°54.9656'N – 78°01.4477' W running easterly to a point on the east side of the mouth of the harbor 33°54.9656'N – 78°01.3797' W.

*Authority G.S. 113-134; 113-182; 143B-289.52.*

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

It is unlawful to use trawl nets upstream of the Highway 172 Bridge in New River from 9:00 P.M. through 5:00 A.M. one hour after sunset to one hour before sunrise when opened by proclamation from August ~~16~~ 15 through November 30.

*Authority G.S. 113-134; 113-182; 143B-289.52.*

## **SECTION .0300 - POTS, DREDGES, AND OTHER FISHING DEVICES**

### **15A NCAC 03J .0301 POTS**

- (a) It is unlawful to use pots except during time periods and in areas specified herein:
  - (1) From November 1 through April 30, except that all pots shall be removed from internal waters from January 24 through February 7. Fish pots upstream of U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke, Cashie, Middle and Eastmost Rivers to the Highway 258 Bridge are exempt from the January 24 through February 7 removal requirement. The

- Fisheries Director may, by proclamation, reopen various waters to the use of pots after January 28 if it is determined that such waters are free of pots.
- (2) From May 1 through October 31, north and east of the Highway 58 Bridge at Emerald Isle:
- (A) In areas described in 15A NCAC 03R .0107(a);
- (B) To allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director may, by proclamation, specify time periods for or designate the areas described in 15A NCAC 03R .0107(b); or any part thereof, for the use of pots.
- (3) From May 1 through October 31 in the Atlantic Ocean and west and south of the Highway 58 Bridge at Emerald Isle in areas and during time periods designated by the Fisheries Director by proclamation.
- (b) It is unlawful to use pots:
- (1) in any navigation channel marked by State or Federal agencies; or
- (2) in any turning basin maintained and marked by the North Carolina Ferry Division.
- (c) It is unlawful to use pots in a commercial fishing operation unless each pot is marked by attaching 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 or hot pink. 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) gear owner's current motorboat registration number; or
- (2) gear owner's U.S. vessel documentation name; or
- (3) gear owner's last name and initials.
- (d) Pots attached to shore or a pier shall be exempt from Subparagraphs (a) (2) and (a) (3) of this Rule.
- (e) It is unlawful to use shrimp pots with mesh lengths smaller than one and one-fourth inches stretch or five-eighths inch bar.
- (f) It is unlawful to use eel pots with mesh sizes smaller than one inch by one-half inch unless such pots contain an escape panel that is at least four inches square with a mesh size of 1 inch by one-half inch located in the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots, except that not more than two eel pots per fishing operation with a mesh of any size may be used to take eels for bait.
- (g) It is unlawful to use crab pots in coastal waters unless each pot contains no less than two unobstructed 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 escape ring requirement. The Fisheries Director may, by proclamation, exempt the escape ring requirement in order to allow the harvest of peeler crabs or mature female crabs and may impose any or all of the following restrictions:
- (1) Specify areas, and
- (2) Specify time.
- (h) It is unlawful to use more than 150 pots per vessel in Newport River.
- (i) It is unlawful to remove crab pots from the water or remove crabs from crab pots between one hour after sunset and one hour before sunrise.
- (j) User Conflicts:
- (1) The Fisheries Director may, with the prior consent of the Marine Fisheries Commission, by proclamation close any area to the use of pots in order to resolve user conflict. The Fisheries Director shall hold a public meeting in the affected area before issuance of such proclamation.
- (2) Any person(s) desiring to close any area to the use of pots may make such request in writing addressed to the Director of the Division of Marine Fisheries. Such requests shall contain the following information:
- (A) A map of the proposed closed area including an inset vicinity map showing the location of the proposed closed area with detail sufficient to permit on-site identification and location;
- (B) Identification of the user conflicts causing a need for closing the area to the use of pots;
- (C) Recommended method for resolving user conflicts; and
- (D) Name and address of the person(s) requesting the closed area.
- (3) Person(s) making the requests to close an area shall present their request at the public meeting.
- (4) The Fisheries Director shall deny the request or submit a proposed proclamation granting the request to the Marine Fisheries Commission for their approval.
- (5) Proclamations issued closing or opening areas to the use of pots under Paragraph (j) of this Rule shall suspend appropriate rules or portions of rules under 15A NCAC 03R .0107 as specified in the proclamation. The provisions of 15A NCAC 03I .0102 terminating suspension of a rule as of the next Marine Fisheries Commission meeting and requiring review by the Marine Fisheries Commission at the next meeting shall not apply to proclamations issued under Paragraph (j) of this Rule.
- (k) It is unlawful to use pots to take crabs unless the line connecting the pot to the buoy is non-floating.
- OPTION #1**
- (l) It is unlawful to use pots with leads or leaders. For the purposes of this Rule, leads or leaders are defined as any fixed or stationary net or device used to direct fish into any gear used to capture fish.
- OPTION #2**
- (l) It is unlawful to use pots with leads or leaders to take shrimp. For the purposes of this Rule, leads or leaders are defined as any



fixed or stationary net or device used to direct fish into any gear used to capture fish.

Authority G. S. 113-134; 113-173; 113-182; 113-221;  
143B-289.52.

## SECTION .0400 - FISHING GEAR

### 15A NCAC 03J .0402 FISHING GEAR RESTRICTIONS

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

- (1) Atlantic Ocean - Dare County:
  - (A) Nags Head:
    - (i) Seines and gill nets may not be used from the North Town Limit of Nags Head at Eight Street southward to Gulf Street:
    - (I) From Wednesday through Saturday of the week of the Nags Head Surf Fishing Tournament held during October of each year the week prior to Columbus Day.
    - (II) From November 1 through December 15.
    - (ii) Commercial fishing gear may not be used within 750 feet of licensed fishing piers when open to the public.
  - (B) Oregon Inlet. Seines and gill nets may not be used from the Friday before Easter through December 31:
    - (i) Within one-quarter mile of the beach from the National Park Service Ramp #4 (35° 48.2500' N - 75° 32.7000' W) on Bodie Island to the northern terminus of the Bonner Bridge (35° 46.5000' N - 75° 32.3666' W) on Hwy. 12 over Oregon Inlet.
    - (ii) Within the area known locally as "The Pond", a body of water generally located to the northeast of the northern terminus of the Bonner Bridge.
  - (C) Cape Hatteras (Cape Point). Seines and gill nets may not be used within one-half mile of Cape Point from the Friday before Easter through December 31. The closed area is defined by a circle with a one-half mile radius having the center at near

~~Cape Point (35° 12.9000' N - 75° 31.7166' W); at a point 35° 12.9000' N - 75° 31.7166' W. The closed area begins one-half mile north of Cape Point at a point on the beach (35° 13.4333' N - 75° 31.6500' W) and extends in a clockwise direction, one-half mile from Cape Point, to a point on the beach (35° 13.3833' N - 75° 31.9833' W) northwest of Cape Point.~~

- (2) Atlantic Ocean - Onslow and Pender Counties. Commercial fishing gear may not be used during the time specified for the following areas:
  - (A) Topsail Beach. From January 1 through December 31, that area around Jolly ~~Rodger~~ Fishing Pier bordered on the offshore side by a line 750 feet from the end of the pier and on the northeast and southwest by a line beginning at a point on the beach one-quarter mile from the pier extending seaward to intersect the offshore boundary.
  - (B) Surf City:
    - (i) From January 1 to June 30, ~~that area those areas~~ around the Surf City ~~and Barnacle Bill's~~ Fishing Pier Piers bordered on the offshore side by a line 750 feet from the ~~end ends~~ of the pier, piers, on the southwest by a line beginning at a point on the beach one-quarter mile from the pier piers and on the northeast by a line beginning at a point on the beach 750 feet from the pier piers extending seaward to intersect the offshore boundaries.
    - (ii) From July 1 to December 31, those areas around the pier piers bordered on the offshore side by a line 750 feet from the ~~end ends~~ of the pier, piers, on the southwest by a line beginning at a point on the beach 750 feet from the pier piers and on the northeast by a line beginning at a point on the beach one-quarter mile from the pier piers extending seaward to intersect the offshore boundaries.
- (3) Atlantic Ocean - New Hanover County. Carolina Beach Inlet through Kure Beach. Commercial fishing gear may not be used

during the times specified for the following areas:

- (A) From the Friday before Easter to November 30, within the zones adjacent to the Carolina ~~Beach~~ Beach, ~~Center~~ and Kure Beach Fishing Piers bordered on the offshore side by a line 750 feet from the ends of the piers and on the north and south by a line beginning at a point on the beach one-quarter mile from the pier extending seaward to intersect the offshore boundary, except the southern boundary for Kure Beach Pier is a line beginning on the beach one mile south of the pier to the offshore boundary for the pier.
- (B) From May 1 to November 30, within 900 feet of the beach, from Carolina Beach Inlet to the southern end of Kure Beach with the following exceptions:
  - (i) From one-quarter mile north of Carolina Beach Fishing pier to Carolina Beach Inlet from October 1 to November 30:
    - (I) Strike nets may be used within 900 feet of the beach;
    - (II) Attended nets may be used between 900 feet and one-quarter mile of the beach.
  - (ii) Strike nets and attended gill nets may be used within 900 feet of the beach from October 1 to November 30 in other areas except those described in Part (a)(3)(A) and Subpart (a)(3)(B)(i) of this Rule.
  - (iii) It is unlawful to use commercial fishing gear within 900 feet of the beach from Carolina Beach Inlet to a point on the beach 33°55.0026' N – 77°56.6630' W near the former location of New Inlet from October 15 through October 17, during the October surf fishing tournament in Carolina Beach.
- (4) Pamlico River – Beaufort County. Goose Creek State Park. Commercial fishing gear may not be used from the Friday before Easter through December 31 for the following areas:
  - (A) Within 150 feet of the shoreline within park boundaries;

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

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

- (1) Neuse River and South River, Carteret County. No more than 1,200 feet of gill net(s) having a stretched mesh of five inches or larger may be used:
  - (A) Within one-half mile of the shore from Winthrop Point at Adams Creek to Channel Marker "2" at the mouth of Turnagain Bay.
  - (B) Within South River.
- (2) Cape Lookout, Carteret County:
  - (A) Gill nets or seines may not be used in the Atlantic Ocean within 300 feet of the Rock Jetty (at Cape Lookout between Power Squadron Spit and Cape Point).
  - (B) Seines may not be used within one-half mile of the shore from Power Squadron Spit south to Cape Point and northward to Cape Lookout Lighthouse including the area inside the "hook" south of a line from the COLREGS Demarcation Line across Bardens Inlet to the eastern end of Shackleford Banks and then to the northern tip of Power Squadron Spit from 12:01 a.m. Saturdays until 12:01 a.m. Mondays from May 1 through November 30.
- (3) State Parks/Recreation Areas:
  - (A) Gill nets or seines may not be used in the Atlantic Ocean within one-quarter mile of the shore at Fort Macon State Park, Carteret County.
  - (B) Gill nets or seines may not be used in the Atlantic Ocean within one-quarter mile of the shore at Hammocks Beach State Park, Onslow County, from May 1 through October 1, except strike nets and attended gill nets may be used beginning August 15.
  - (C) Gill nets or seines may not be used within the boat basin and marked entrance channel at Carolina Beach State Park, New Hanover County.
- (4) Mooring Facilities/Marinas. Gill nets or seines may not be used from May 1 through November 30 within:
  - (A) One-quarter mile of the shore from the east boundary fence to the west boundary fence at U.S. Coast Guard Base Fort Macon at Beaufort Inlet, Carteret County;
  - (B) Canals within Pine Knoll Shores, Carteret County;
  - (C) Spooners Creek entrance channel and marina on Bogue Sound, Carteret

- County; ~~and Harbor Village Marina on Topsail Sound, Pender County.~~ County; and Marina and entrance canal within Carolina Marlin Club property adjacent to Newport River, Carteret County.
- (5) Masonboro Inlet. Gill nets and seines may not be used:
- (A) Within 300 feet of either rock jetty; and
- (B) Within the area beginning 300 feet from the offshore end of the jetties to the Intracoastal Waterway including all the waters of the inlet proper and all the waters of Shinn Creek.
- (6) Atlantic Ocean Fishing Piers. At a minimum, gill nets and seines may not be used within 300 feet of ocean fishing piers when open to the public. If a larger closed area has been delineated by the placement of buoys or beach markers as authorized by G.S. 113-185(a), it is unlawful to fish from vessels or with nets within the larger marked zone.
- (7) Topsail Beach, Pender County. It is unlawful to use gill nets and seines from 4:00 p.m. Friday until 6:00 a.m. the following Monday in the three finger canals on the south end of Topsail Beach.
- (8) Mad Inlet to Tubbs Inlet - Atlantic Ocean, Brunswick County. It is unlawful to use gill nets and seines from September 1 through November 15, except that a maximum of four commercial gill nets per vessel not to exceed 200 yards in length individually or 800 yards in combination may be used.

*Authority G.S. 113-133; 113-134; 113-182; 113-221; 143B-289.52.*

## **SUBCHAPTER 03K - OYSTERS, CLAMS, SCALLOPS AND MUSSELS**

### **SECTION .0200 – OYSTERS**

#### **15A NCAC 03K .0204 DREDGES / MECHANICAL METHODS PROHIBITED**

It is unlawful to use any dredge or other mechanical method to take oysters:

- (1) ~~In Pamlico Sound within the area described in 15A NCAC 03R .0108 (a).~~
- (2) ~~In Core Sound and its tributaries within the area described in 15A NCAC 03R .0108(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 any of the areas and their tributaries designated in 15A NCAC 03R .0108(c).~~
- (1) In the Mechanical Methods Prohibited areas designated in 15A NCAC 03R .0108, except

on shellfish leases and franchises by permit; and

- (2) 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.

*Authority G.S. 113-134; 113-182; 143B-289.52.*

### **SECTION .0400 - RANGIA CLAMS**

#### **15A NCAC 03K .0401 PROHIBITED (POLLUTED) AREA PERMIT REQUIREMENT**

It is unlawful to take Rangia clams or their shells by ~~mechanical methods from all waters, or by any method from polluted~~ prohibited (polluted) waters without first securing a permit Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas from the Fisheries Director. The permit application shall include a list of all designees operating under the permit. shall be issued to the boat owner/operator, shall list all crewmembers involved in the operation, and must accompany the vessel at all times. Such permit shall designate the ~~area~~ area, means and methods, and time(s) in which Rangia clams may be taken. The permit applicant shall designate the licensed fish dealer where the Rangia clams are to be landed and the method for disposing of Rangia clam meats. The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500.

*Authority G.S. 113-134; 113-201; 143B-289.52.*

#### **15A NCAC 03K .0402 SIZE AND HARVEST LIMITS**

~~Season.~~ Size and harvest limits applicable to hard clams in ~~Section 15A NCAC 03K .0300~~ .0301 do not apply to Rangia clams.

*Authority G.S. 113-134; 113-201; 143B-289.52.*

#### **15A NCAC 03K .0403 DISPOSITION OF MEATS**

It is unlawful to dispose of meats from Rangia clams taken in prohibited (polluted) waters for human consumption or by a method that will create risk of human consumption. All meats taken from polluted waters shall be disposed of in a manner (other than for human consumption) acceptable to the North Carolina Divisions of Marine Fisheries and Environmental Health.

*Authority G.S. 113-134; 113-201; 143B-298.52.*

#### **15A NCAC 03K .0404 DREDGES/MECHANICAL METHODS PROHIBITED AND OPEN SEASON**

It is unlawful to use mechanical methods for oystering or clamming to take Rangia clams or their shells:

- (1) Within 100 feet of any pier;
- (2) Within any established bed of submerged aquatic vegetation as defined in 15A NCAC 03I .0101 or salt water cordgrass (Spartina alterniflora) that may exist together or separately;
- (3) In areas described in 15A NCAC 03R .0108, except on shellfish leases and franchises with a

- Permit to Use Mechanical Methods for Oysters and Clams on Shellfish Leases and Franchises:
- (4) In areas described in 15A NCAC 03K .0204 (3) and 03R .0103; and
- (5) Except in areas and at times specified by proclamation as authorized by 15A NCAC 03K .0201 and 03K .0302.

*Authority G.S. 113-134; 113-201; 143B-289.52.*

**15A NCAC 03K .0405 OYSTERS, MUSSELS, HARD CLAMS PROHIBITED**

It is unlawful to possess any oysters, mussels, or clams (other than Rangia clams) while taking Rangia clams or their shells from a prohibited (polluted) area.

*Authority G.S. 113-134; 113-201; 143B-289.52.*

**SUBCHAPTER 03L - SHRIMP, CRABS, AND LOBSTER**

**SECTION .0100 – SHRIMP**

**15A NCAC 03L .0102 WEEKEND SHRIMPING PROHIBITED**

It is unlawful to take shrimp by any method from 9:00 P.M. between one hour after sunset on any Friday through 5:00 P.M. and one hour before sunset on the following Sunday, except:

- (1) In the Atlantic Ocean; or and
- (2) With the use of fixed and channel nets, hand seines, shrimp pots and cast nets.

*Authority G.S. 113-134; 113-182; 113-221; 143B-289.52.*

**SECTION .0200 – CRABS**

**15A NCAC 03L .0202 CRAB TRAWLING**

- (a) It is unlawful to take or possess aboard a vessel crabs taken by trawl in internal waters except in areas and during such times as the Fisheries Director may specify by proclamation.
- (b) It is unlawful to use any crab trawl with a mesh length less than three inches for taking hard crabs, except that the Fisheries Director may, by proclamation, increase the minimum mesh length to not more than four inches.
- (c) It is unlawful to use trawls with a mesh length less than two inches or with a ~~eorkline~~ combined total headrope length exceeding 25 feet in length for taking soft or "peeler" crabs.
- ~~(d) It is unlawful to take crabs with trawls between one hour after sunset on any Friday and one hour before sunset on the following Sunday, except in the Atlantic Ocean.~~

*Authority G.S. 113-134; 113-182; 113-221; 143B-289.52.*

**15A NCAC 03L .0208 STONE CRABS**

**OPTION #1**

It is unlawful to:

- (1) Possess stone crab bodies, or fail to immediately return stone crab bodies to the waters from which taken;
- (2) Remove, take or possess left claw(s) from stone crabs;

- (3) Remove, take or possess any claw from egg-bearing stone crabs;
- (4) Remove, take or possess stone crab claw(s) which have a propodus (forearm) less than two and one half inches in length, measured by a straight line from the elbow to the tip of the lower immovable finger. The propodus (forearm) is defined as the largest section of the claw assembly that has both a movable and immovable finger and is located farthest from the body of the crab; and
- (5) Use any device to take stone crabs that can puncture, crush, or injure the crab body, such as spears, grabs, hooks, or similar devices.

**OPTION #2**

It is unlawful to:

- (1) Possess stone crab bodies, or fail to immediately return stone crab bodies to the waters from which taken;
- (2) Remove, take or possess left claw(s) from stone crabs;
- (3) Remove, take or possess any claw(s) from egg-bearing stone crabs; and
- (4) Use any device to take stone crabs that can puncture, crush, or injure the crab body, such as spears, grabs, hooks, or similar devices.

*Authority G.S. 113-134; 113-182; 113-221; 143B-289.52.*

**SUBCHAPTER 03N - NURSERY AREAS**

**15A NCAC 03N .0103 NURSERY AREA BOUNDARIES**

(a) Maps or charts showing all primary and secondary nursery areas identified in 15A NCAC 03R .0103, .0104, and .0105 are available for inspection at the Division of Marine Fisheries' Office, Morehead City. Primary and secondary nursery areas are described in 15A NCAC 03R .0103, .0104, and .0105.

~~(b) The Division of Marine Fisheries shall mark the downstream boundary of each primary and secondary nursery area with signs insofar as may be practicable. No unauthorized removal or relocation of any such marker or sign shall have the effect of changing the classification of any body of water or portion thereof, nor shall any such unauthorized removal or relocation or the absence of any marker or sign affect the applicability of any rule pertaining to any such body of water or portion thereof. Where there is conflict between markers and charts, charts shall prevail.~~

(b) Unless otherwise specified by the rule, primary nursery areas described in 15A NCAC 03R .0103 encompass all waters from the described line in the direction indicated in rule up to the headwaters of the waterbody or Inland-Coastal boundary lines, whichever area is first encountered. Unless otherwise specified by the rule, permanent and special secondary nursery areas described in 15A NCAC 03R .0104 and .0105 encompass all waters from the described line in the direction indicated in rule up to the primary nursery area lines, Inland-Coastal boundary lines or the headwaters of the waterbody, whichever area is first encountered.

*Authority G.S. 113-134; 113-182; 143B-289.52.*

**15A NCAC 03N .0105 PROHIBITED GEAR,  
SECONDARY NURSERY AREAS**

(a) It is unlawful to use trawl nets for any purpose in any of the permanent secondary nursery areas described in 15A NCAC 03R .0104.

(b) It is unlawful to use trawl nets for any purpose in any of the special secondary nursery areas described in 15A NCAC 03R .0105, except that the Fisheries Director, may, by proclamation, open any or all of the special secondary nursery areas, or any portion thereof, listed in 15A NCAC 03R .0105 to shrimp or crab trawling from August 16 through May 14 subject to the provisions of 15A NCAC 03L .0100 and .0200.

~~(c) Permanent and special secondary nursery areas described in 15A NCAC 03R .0104 and .0105 generally pertain to those areas located between the described line and the primary nursery area lines or Inland Coastal boundary lines where applicable.~~

*Authority G.S. 113-134; 113-182; 113-221; 143B-289.52.*

**SUBCHAPTER 03O - LICENSES, LEASES, AND  
FRANCHISES**

**SECTION .0100 – LICENSES**

**15A NCAC 03O .0101 PROCEDURE AND  
REQUIREMENTS TO OBTAIN LICENSES,  
ENDORSEMENTS AND COMMERCIAL FISHING  
VESSEL REGISTRATIONS**

(a) To obtain any Marine Fisheries licenses, endorsements, commercial fishing vessel registrations except Recreational Fishing Tournament Licenses to Sell Fish and Land or Sell Licenses, the following information is required for a proper application by the licensee, a responsible party or person holding a power of attorney:

- (1) Full name, physical address, mailing address, date of birth, and signature of the licensee on the application. If the licensee is not appearing before a license agent or a representative of the Division, the licensee's signature on the application must be notarized;
- (2) Current picture identification of licensee or responsible party; acceptable forms of picture identification are driver's license, state identification card, military identification card, resident alien card (green card) or passport or if purchased by mail, a copy thereof;
- (3) Certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years;
- (4) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted;
- (5) Current articles of incorporation and a current list of corporate officers when purchasing a license or commercial fishing vessel registration in a corporate name. In the case of

incorporation of an individual fishing vessel, the name of the master of that vessel shall also be specified. It is unlawful to fail to notify the Morehead City Office of the Division of Marine Fisheries within five days of change of the master specified for that vessel;

- (6) If a partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when purchasing a license, endorsement or commercial fishing vessel registration in a partnership name;
- (7) For nonresidents, certification of the state of residency;
- (8) In addition to the information required in G.S. 113-169.4, linear length of pier when purchasing an Ocean Fishing Pier License;
- (9) In addition to the information required in G.S. 113-171.1, current aircraft registration and list of operator(s) when purchasing a Spotter Plane License;
- (10) In addition, for fish dealers licenses, the physical address of the established location where business is conducted and, if different, the address where records are kept; kept;
- (11) When purchasing a Fish Dealer License with clam or oyster categories or a consolidated license, the applicant must provide valid certification as a Department of Environment and Natural Resources Division of Environment Health certified shellfish dealer.

(b) To obtain a License to Land Flounder from the Atlantic Ocean:

- (1) To qualify for a License to Land Flounder from the Atlantic Ocean, the applicant shall:
  - (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license years for which the person had a vessel that was licensed to land in North Carolina; and
  - (B) have been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years; and
  - (C) hold a valid Standard or Retired Standard Commercial Fishing License or valid Land or Sell License.
- (2) It is lawful for a person to hold Licenses to Land Flounder from the Atlantic Ocean equal to the number of vessels that he owns that individually met the eligibility requirements of Parts (b) (1) (A) and (b) (1) (B) of this Rule.
- (3) The License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel specified at the time of license issuance.
- (4) At the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean shall specify the name of the master of

- the vessel for each License to Land Flounder from the Atlantic Ocean issued.
- (5) Applicants for a License to Land Flounder from the Atlantic Ocean shall complete an application form provided by the Division of Marine Fisheries and submit it to the Morehead City Office of the Division of Marine Fisheries for processing.
  - (6) It is unlawful for the holder of the License to Land Flounder from the Atlantic Ocean to fail to notify the Morehead Office of the Division of Marine Fisheries within five days of change as to the master identified on the license.
  - (7) Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year and expire on June 30.

(c) To obtain a Recreational Fishing Tournament License to Sell Fish, the following information is required for a proper application:

- (1) Full name, physical address, mailing address, date of birth, signature of the tournament organizer, name of tournament, and dates of tournament on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature must be notarized on the application.
- (2) Current picture identification of tournament organizer; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport, or if purchased by mail, a copy thereof.
- (3) The tournament organizer must apply with the Division of Marine Fisheries at least 30 days prior to the starting date of the tournament.

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

- (1) Full name, physical address, mailing address, date of birth, and signature of the responsible party or master for the vessel on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature on the application must be notarized on the application;
- (2) Current picture identification of responsible party or master; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport or if applying by mail, a copy thereof;
- (3) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.

Fees will be based on the vessel's homeport as it appears on the U.S. Coast Guard documentation papers or the State in which the vessel is registered.

(e) Proof of residency in North Carolina for:

- (1) Standard Commercial Fishing License or Retired Standard Commercial Fishing License shall be:
  - (A) a notarized certification from the applicant that the applicant is a resident of the State of North Carolina as defined by G.S. 113-130(4); and
  - (B) a notarized certification from the applicant that a North Carolina State Income Tax Return was filed for the previous calendar or tax year as a North Carolina resident; or
  - (C) a notarized certification that the applicant was not required to file a North Carolina State Income Tax Return for the previous calendar or tax year; or
  - (D) military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.
- (2) All other types of licenses:
  - (A) North Carolina voter registration card; or
  - (B) Current North Carolina Driver's License; or
  - (C) Current North Carolina Certificate of Domicile; or
  - (D) Current North Carolina Identification Card issued by the North Carolina Division of Motor Vehicles; or
  - (E) Military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.
- (f) Applications submitted without complete and required information will be deemed incomplete and will not be considered further until resubmitted with all required information.
- (g) It is unlawful for a license or registration holder to fail to notify the Division of Marine Fisheries within 30 days of a change of address.
- (h) Licenses are available at Offices of the Division or by mail from the Morehead City Office, unless otherwise specified. In addition, Recreational Commercial Gear Licenses are available at Wildlife Service Agents who have been designated as agents of the Department.
- (i) To renew any Marine Fisheries licenses, endorsements, and commercial fishing vessel registration, except Recreational Commercial Gear Licenses, the following is required for a proper renewal application by the licensee, a responsible party or person holding a power of attorney:
  - (1) The information required in Subparagraphs (a)(4), (a)(5), and (a)(6) of this Rule are only required if a change has occurred since the last

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

*Authority G.S. 113-134; 113-168; 113-168.1; 113-168.2; 113-168.3; 113-168.4; 113-168.5; 113-168.6; 113-169; 113-169.2; 113-169.3; 113-169.4; 113-169.5; 113-171.1; 143B-289.52.*

#### **15A NCAC 030 .0105 BAIT AND MUSSEL DEALERS**

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

(a) Persons dealing in minnows, live shrimp, or both minnows and live shrimp for bait purposes, who are subject to licensing requirements under G.S. 113-169.3 are required to purchase only

the license applicable to finfish dealers. A bona fide dealer in shrimp, licensed under the provisions of G.S. 113-169.3, may, however, deal in minnows as well as live shrimp for bait purposes, as an incident of his operations under his shrimp dealer's license.

(b) Persons dealing in mussels who are subject to licensing requirements under the provisions of G.S. 113-169.3 are required to purchase only the license applicable to clam dealers and meet the shellfish dealer certification requirements as required by 15A NCAC 030 .0101(a)(11).

*Authority G.S. 113-134; 113-169.3; 143B-289.52.*

### **SECTION .0500 – PERMITS**

#### **15A NCAC 030 .0503 PERMIT CONDITIONS; SPECIFIC**

(a) Horseshoe Crab Biomedical Use Permit:

- (1) It is unlawful to use horseshoe crabs for biomedical purposes without first obtaining a permit.
- (2) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to submit a report on the use of horseshoe crabs to the Division of Marine Fisheries due on February 1 of each year unless otherwise specified on the permit. Such reports shall be filed on forms provided by the Division and shall include but not be limited to a monthly account of the number of crabs harvested, statement of percent mortality up to the point of release, and a certification that harvested horseshoe crabs are solely used by the biomedical facility and not for other purposes.
- (3) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to comply with the Atlantic States Marine Fisheries Commission Horseshoe Crab Fisheries Management Plan monitoring and tagging requirements for horseshoe crabs. Copies of this plan are available from the Atlantic States Marine Fisheries Commission, 1444 Eye Street, NW, 6th Floor, Washington, DC 20005, (202) 289-6400, or the Division of Marine Fisheries' Morehead City Office.

(b) Dealers Permits for Monitoring Fisheries under a Quota/Allocation:

- (1) During the commercial season opened by proclamation or rule for the fishery for which a Dealers Permit for Monitoring Fisheries under a Quota/Allocation permit is issued, it is unlawful for fish dealers issued such permit to fail to:
  - (A) Fax or send via electronic mail by noon daily, on forms provided by the Division, the previous day's landings for the permitted fishery to the dealer contact designated on the permit. Landings for Fridays or Saturdays

- may be submitted on the following Monday. If the dealer is unable to fax or electronic mail the required information, the permittee may call in the previous day's landings to the dealer contact designated on the permit but must maintain a log furnished by the Division;
- (B) Submit the required log to the Division upon request or no later than five days after the close of the season for the fishery permitted;
  - (C) Maintain faxes and other related documentation in accordance with 15A NCAC 03I .0114;
  - (D) Contact the dealer contact daily regardless of whether or not a transaction for the fishery for which a dealer is permitted occurred;
  - (E) Record the permanent dealer identification number on the bill of lading or receipt for each transaction or shipment from the permitted fishery.
- (2) Striped Bass Dealer Permit:
- (A) It is unlawful for a fish dealer to possess, buy, sell or offer for sale striped bass taken from the following areas without first obtaining a Striped Bass Dealer Permit validated for the applicable harvest area:
    - (i) Atlantic Ocean;
    - (ii) Albemarle Sound Management Area for Striped Bass which is defined as Albemarle Sound and all its joint water tributaries including Roanoke River, up to the Hwy. 258 bridge; Eastmost and Middle Rivers, and Cashie River below Sans Souci Ferry; Currituck Sound and all its joint water tributaries; Roanoke and Croatan Sounds and all their joint water tributaries, including Oregon Inlet, east of a line from Baum Point 35° 55.1602' N – 75° 39.5736' W to Rhodoms Point 36° 00.2146' N – 75° 43.6399' W and east of a line from Eagleton Point 36° 01.3178' N – 75° 43.6585' W; to Long Point 36° 02.4971' N – 75° 44.2261' W at the mouth of Kitty Hawk Bay and north of a line from Roanoke Marshes Point 35° 48.3693' N – 75° 43.7232' W
  - (B) No permittee may possess, buy, sell or offer for sale striped bass taken from the harvest areas opened by proclamation without having a North Carolina Division of Marine Fisheries issued valid tag for the applicable area affixed through the mouth and gill cover, or, in the case of striped bass imported from other states, a similar tag that is issued for striped bass in the state of origin. North Carolina Division of Marine Fisheries striped bass tags may not be bought, sold, offered for sale, or transferred. Tags shall be obtained at the North Carolina Division of Marine Fisheries Offices. The Division of Marine Fisheries shall specify the quantity of tags to be issued based on historical striped bass landings. It is unlawful for the permittee to fail to surrender unused tags to the Division upon request.
- (3) Albemarle Sound Management Area for River Herring Dealer Permit: It is unlawful to possess, buy, sell or offer for sale river herring taken from the following area without first obtaining an Albemarle Sound Management
- (iii) Central Area which is defined as all internal coastal waters of Carteret, Craven, Beaufort, and Pamlico counties; White Oak and Pungo rivers; and Pamlico Sound south of a line from Roanoke Marshes Point 35° 48.3693' N – 75° 43.7232' W to the north point of Eagle Nest Bay 35° 44.1710' N – 75° 31.0520' W (southern boundary of the Albemarle Sound Management Area for Striped Bass) to the county boundaries;
  - (iv) Southern Area which is defined as all internal coastal waters of Pender, Onslow, New Hanover, and Brunswick counties.
- to the north point of Eagle Nest Bay 35° 44.1710' N – 75° 31.0520' W; Croatan Sound south of a line at the Highway 64/264 bridge at Manns Harbor and north of a line from Roanoke Marshes Point 35° 48.3693' N – 75° 43.7232' W across to the north point of Eagle Nest Bay 35° 44.1710' N – 75° 31.0520' W;



Area for River Herring Dealer Permit: Albemarle Sound Management Area for River Herring is defined as Albemarle Sound and all its joint water tributaries including Roanoke River, up to the Hwy. 258 bridge; Eastmost and Middle Rivers, and Cashie River below Sans Souci Ferry; Currituck Sound and all its joint water tributaries; Roanoke and Croatan Sounds and all their joint water tributaries, including Oregon Inlet, east of a line from Baum Point 35° 55.1602' N – 75° 39.5736' W to Rhodoms Point 36° 00.2146' N – 75° 43.6399' W and east of a line from Eagleton Point 36° 01.3178' N – 75° 43.6585' W to Long Point 36° 02.4971' N – 75° 44.2261' W at the mouth of Kitty Hawk Bay and north of a line from Roanoke Marshes Point 35° 48.3693' N – 75° 43.7232' W, to the north point of Eagle Nest Bay 35° 44.1710' N – 75° 31.0520' W; Croatan Sound south of a line at the Highway 64/264 bridge at Manns Harbor and north of a line from Roanoke Marshes Point 35° 48.3693' N – 75° 43.7232' W across to the north point of Eagle Nest Bay 35° 44.1710' N – 75° 31.0520' W.

(4) Atlantic Ocean Flounder Dealer Permit:

- (A) It is unlawful for a Fish Dealer to allow vessels holding a valid License to Land Flounder from the Atlantic Ocean to land more than 100 pounds of flounder from a single transaction at their licensed location during the open season without first obtaining an Atlantic Ocean Flounder Dealer Permit. The licensed location must be specified on the Atlantic Ocean Flounder Dealer Permit and only one location per permit shall be allowed.
- (B) It is unlawful for a Fish Dealer to possess, buy, sell, or offer for sale more than 100 pounds of flounder from a single transaction from the Atlantic Ocean without first obtaining an Atlantic Ocean Flounder Dealer Permit.

(5) Atlantic Ocean American Shad Dealer Permit: It is unlawful for a Fish Dealer to possess, buy, sell or offer for sale American Shad taken from the Atlantic Ocean without first obtaining an Atlantic Ocean American Shad Dealer Permit.

(c) Blue Crab Shedding Permit: It is unlawful to *possess* more than 50 blue crabs in a shedding operation without first obtaining a Blue Crab Shedding Permit from the Division of Marine Fisheries.

(d) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean:

- (1) It is unlawful to trawl for shrimp in the Atlantic Ocean without Turtle Excluder Devices installed in trawls within one nautical mile of the shore from Browns Inlet (34° 35.7'

35.7000' N latitude) to Rich's Inlet (34° 47.6' 17.6000' N latitude) without a valid Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean when allowed by proclamation from April 1 through November 30.

- (2) It is unlawful to tow for more than 55 minutes from April 1 through October 31 and 75 minutes from November 1 through November 30 in this area when working under this permit. Tow time begins when the doors enter the water and ends when the doors exit the water.

- (3) It is unlawful to fail to empty the contents of each net at the end of each tow.

- (4) It is unlawful to refuse to take observers upon request by the Division of Marine Fisheries or the National Marine Fisheries Service.

- (5) It is unlawful to fail to report any sea turtle captured. Reports must be made within 24 hours of the capture to the Marine Patrol Communications Center by phone. All turtles taken incidental to trawling must be handled and resuscitated in accordance with requirements specified in 50 CFR 223.206, copies of which are available via the Internet at [www.nmfs.gov](http://www.nmfs.gov) and at the Division of Marine Fisheries, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405.

(e) Pound Net Set Permits. Rules setting forth specific conditions for pound net sets are found in 15A NCAC 03J .0107.

(f) Aquaculture Operations/Collection Permits:

- (1) It is unlawful to conduct aquaculture operations utilizing marine and estuarine resources without first securing an Aquaculture Operation Permit from the Fisheries Director.

- (2) It is unlawful:

- (A) To take marine and estuarine resources from coastal waters for aquaculture purposes without first obtaining an Aquaculture Collection Permit from the Fisheries Director.

- (B) To sell, or use for any purpose not related to North Carolina aquaculture, marine and estuarine resources taken under an Aquaculture Collection Permit.

- (C) To fail to submit to the Fisheries Director an annual report due on December 1 of each year on the form provided by the Division the amount and disposition of marine and estuarine resources collected under authority of this permit.

- (3) Lawfully permitted shellfish relaying activities authorized by 15A NCAC 03K .0103 and .0104 are exempt from requirements to have an Aquaculture Operation or Collection Permit issued by the Fisheries Director.

(4) Aquaculture Operations/Collection Permits shall be issued or renewed on a calendar year basis.

(5) It is unlawful to fail to provide the Division of Marine Fisheries with a listing of all designees who shall be acting under an Aquaculture Collection Permit at the time of application.

(g) Scientific or Educational Collection Permit:

(1) It is unlawful for individuals or agencies seeking exemptions from license, rule, proclamation or statutory requirements to collect for scientific or educational purposes as approved by the Division of Marine Fisheries any marine and estuarine species without first securing a Scientific or Educational Collection Permit.

(2) It is unlawful for persons who have been issued a Scientific or Educational Collection Permit to fail to submit a report on collections to the Division of Marine Fisheries due on December 1 of each year unless otherwise specified on the permit. Such reports shall be filed on forms provided by the Division. Scientific or Educational Collection Permits shall be issued on a calendar year basis.

(3) It is unlawful to sell marine and estuarine species taken under a Scientific or Educational Collection Permit:

- (A) without the required license(s) for such sale;
- (B) to anyone other than a licensed North Carolina fish dealer; and
- (C) without authorization stated on the permit for such sale.

(4) It is unlawful to fail to provide the Division of Marine Fisheries a listing of all designees who shall be acting under Scientific or Educational Collection Permits at the time of application.

(5) The permittee or designees utilizing the permit must call or fax the Division of Marine Fisheries Communications Center not later than 24 hours prior to use of the permit, specifying activities and location.

(1) ~~Beaufort County:~~

~~Pamlico Tar River~~

~~All Manmade tributaries, except Atlantic Intracoastal Waterway~~

~~Pungo River~~

~~Flax Pond Bay~~

~~Upper Dowery Creek~~

~~Lower Dowery Creek~~

~~George Best Creek~~

*Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 143B-289.52.*

### **SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS**

#### **SECTION .0200 - BOUNDARY LINES: COASTAL-JOINT-INLAND FISHING WATERS**

#### **15A NCAC 03Q .0201 SPECIFIC CLASSIFICATION OF WATERS**

The boundary lines several sounds and estuarine and tributary waters all or portions of internal coastal waters which are specifically classified as inland, joint, or coastal fishing waters by agreement of the Marine Fisheries Commission and the Wildlife Resources Commission are described in 15A NCAC 03Q .0202 listed in the following regulations under the coastal counties in which such waters or portions thereof are located. Indentation indicates the watereourse waterbody named is tributary to the next preceding watereourse waterbody named and not so indented. ~~Where a watereourse is divided into more than one class, the dividing point or portions are described and the waters upstream, downstream, or between are stated as above or below. The classifications of the waters or designated portions thereof are indicated by the following symbols with descriptive boundaries listed by county in 15A NCAC 03Q .0202:~~

Inland fishing waters	I
Joint fishing waters	J
Coastal fishing waters	C

The specific classification applies to the main stem of the described waterbody. A waterbody that is not specifically classified as inland, joint, or coastal fishing waters in 15A NCAC 03Q .0202 carries the same classification as that assigned to the waterbody of which it is tributary.

*Authority G.S. 113-132; 113-134; 143B-289.52.*

#### **15A NCAC 03Q .0202 DESCRIPTIVE BOUNDARIES FOR COASTAL-JOINT-INLAND WATERS**

Descriptive boundaries for Coastal-Joint-Inland Waters referenced in 15A NCAC 03Q .0201 are as follows:

~~Inland Waters above  
Coastal Waters below  
N and S RR bridge at  
Washington~~

~~Inland Waters above  
US 264 bridge at  
Leechville, Joint  
Waters below US  
264 bridge at  
Leechville to Smith  
Creek, Coastal Waters  
below Smith Creek~~

~~J~~

~~C~~

~~I~~

~~I~~

~~C~~

**PROPOSED RULES**

Toms Creek	C
Pantego Creek	I
Pungo Creek	Inland Waters above, Coastal Waters below NC 92 bridge
Vale Creek	I
Scotts Creek	I
Smith Creek	I
Woodstock (Little) Creek	I
Jordan Creek	I
Satterwaite Creek	I
Wright Creek	I
North Creek	J
St. Clair Creek	I
Mixons Creek	I
Bath Creek	I
Duck Creek	I
Mallards Creek	I
Upper Goose Creek	I
Broad Creek	I
Herring Run (Runyan Creek)	I
Chocowinity Bay	I
Calf Tree Creek	I
Hills Creek	I
Blounts Creek	I
Nevil Creek	I
Barris Creek	I
Durham Creek	I
Lees Creek	I
Huddles Cut	I
Huddy Gut	C
South Creek	Inland Waters above, Coastal Waters below Deephole Point
Tooleys Creek	I
Drinkwater Creek	I
Jacobs Creek	I
Jacks Creek	I
Whitehurst Creek	I
Little Creek	I
Short Creek	I
Long Creek	I
Bond Creek	I
Muddy Creek	I
Davis Creek	I
Strawhorn Creek	I
Lower Goose Creek	C
Lower Spring Creek	I
Peterson Creek	I
Snode Creek	I
Campbell Creek	Inland Waters above, Coastal Waters below Smith Creek
Smith Creek	I
Hunting Creek	I
(2) — Bertie County:	
Albemarle Sound	C
All Manmade Tributaries	J
Roanoke River	Joint Waters below US 258 bridge to mouth
Quinine	I

**PROPOSED RULES**

	Wire Gut	I
	Apple Tree Creek	I
	Indian Creek	I
	Coniott Creek	I
	Conine Creek	J
	Old Mill Creek	I
	Cut Cypress Creek	I
	Broad Creek	I
	Thoroughfare	J
	Cashie River	Inland Waters above San Souci ferry Joint Waters below San Souci ferry to mouth
	Cashoke Creek	I
	Moores Creek	I
	Broad Creek	I
	Grinnel Creek	I
	Middle River	J
	Eastmost River	J
	Mud Gut	I
	Black Walnut Swamp	I
	Salmon Creek	I
	Chowan River	Joint Waters from confluence to 300 yds below US 17 bridge
	Barkers Creek	I
	Willow Branch	I
	Keel (Currituck) Creek	I
(3)	Bladen County: Cape Fear River	Inland Waters above Lock and Dam No. 1 Joint Waters below Lock and Dam No. 1 to old US 17-74-76 bridge at Wilmington
	Natmore Creek	I
(4)	Brunswick County:	
	Calabash River and Tributaries	C
	Saucepan Creek	C
	Flat Marsh	C
	Shallotte River	Inland Waters above, Coastal Waters below US 17-130
	Mill Dam Branch	C
	Squash Creek	C
	Mill Pond	C
	Charles Branch	Inland Waters above, Coastal Waters below NC 130 bridge
	Grisset Swamp	C
	Little Shallotte River and Tributaries	C
	Lockwood Folly River	Inland Waters above, Coastal Waters below NC 211 bridge at Supply
	Stanberry Creek	C
	Pompeys Creek	C
	Maple Creek	C
	Ruby's Creek	C
	Big Doe Creek	C
	Lennons Creek	C
	Merceers Mill Pond Creek	Inland Waters above, Coastal Waters below Mill
	Elizabeth River	C

**PROPOSED RULES**

Ash Creek	C
Beaverdam Creek	C
Dutchman Creek	C
Calf Gully Creek	C
Jumpin Run	C
Fiddlers Creek	C
Cape Fear River	Joint Waters below Lock and Dam No. 1 to old US 17-74-76 bridge at Wilmington Coastal Waters below old US 17-74-76 bridge at Wilmington
Carolina Power and Light Intake Canal	C
Walden Creek	C
Orton Creek	I
Lilliput Creek	I
Sandhill Creek	I
Town Creek	I
Mallory Creek	I
Brunswick River	J
Alligator Creek	I
Jackeys Creek	I
Sturgeon Creek	I
Cartwheel Creek	I
Indian Creek	I
Hood Creek	I
Northwest Creek	I
(5) Camden County:	
Albemarle Sound	C
All Manmade Tributaries	J
Pasquotank River	Inland Waters above, Joint Waters below US 158 bridge at Elizabeth City
Raymond Creek	I
Portohonk Creek	I
Arencuse Creek	I
North River	Inland Waters above, Joint Waters below a line from Long Creek to Green Island Creek
Wading Gut	I
Little Broad Creek	I
Broad Creek	I
Hunting Creek	I
Abel Creek	I
Back Landing Creek	I
Public Creek	I
Cow Creek	I
Great Creek	I
Indiantown Creek	I
(6) Carteret County:	
Neuse River	C
Adams Creek	C
Back (Black) Creek	C
Cedar Creek	C
Garbacon Creek	C
South River	Inland Waters above, Coastal Waters below the Forks

**PROPOSED RULES**

	Big Creek	C
	Southwest Creek	C
	West Fork	I
	East Fork	I
	Eastman Creek	C
	Browns Creek	C
	North River and Tributaries	C
	Panter Cat Creek	C
	Cypress Creek	C
	Newport River	Inland Waters above, Coastal Waters below the Narrows
	Core Creek	C
	Harlowe Creek	C
	Bogue Sound and Tributaries	C
	White Oak River	Inland Waters above, Coastal Waters below Grants Creek
	Pettiford Creek	Inland Waters above, Coastal Waters below NC 58 bridge
	Little Hadnotts Creek	I
	Hadnotts Creek	Inland Waters above, Coastal Waters below NC 58 bridge
	Neds Creek	C
	Hunter Creek	I
(7)	Chowan County:	
	Albemarle Sound	C
	All Manmade Tributaries	J
	Yeopim River	Inland Waters above, Joint Waters below Noreum Point
	Queen Anne Creek	I
	Pollock Swamp (Pembroke Creek)	I
	Chowan River	Joint Waters from confluence to 300 yds below US 17 bridge
	Rocky Hook Creek	I
	Dillard (Indian) Creek	I
	Stumpy Creek	I
	Catherine (Warwick) Creek	I
(8)	Columbus County:	
	Cape Fear River	J
	Livingston Creek	I
	Waymans Creek	I
(9)	Craven County:	
	Neuse River	Inland Waters above Pitch Kettle Creek Joint Waters below Pitch Kettle Creek to US 17 bridge at New Bern Coastal Waters below US 17 bridge at New Bern
	Adams Creek	C
	Back Creek	C
	Courts Creek	I
	Long Branch	I
	Clubfoot Creek	C
	Gulden Creek	C
	Mitchell Creek	C

**PROPOSED RULES**

	Morton Mill Pond	I
	Hancock Creek	I
	Slocum Creek	I
	Scott Creek	I
	Trent River	Inland Waters above, Joint Waters below Wilson's Creek
	Brice Creek	I
	Wilson Creek	I
	Jack Smith Creek	I
	Bachelor Creek	I
	Dollys Gut	I
	Greens Thoroughfare	I
	Greens Creek	I
	Turkey Quarter Creek	I
	Pitch Kettle Creek	I
	Taylors Creek	I
	Pine Tree Creek	I
	Stumpy Creek	I
	Swift Creek	I
	Reels Creek	I
	Mill Creek	I
	Duck Creek	I
	Upper Broad Creek	Inland Waters above, Coastal Waters below the Tidelands EMC power lines
(10)	Currituck County:	
	Albemarle Sound	C
	All Manmade Tributaries	J
	North River	Inland Waters above, Joint Waters below a line from Long Creek to Green Island Creek
	Duck Creek	I
	Barnett Creek	I
	Lutz Creek	I
	Goose Pond	I
	Deep Creek	I
	Narrow Ridges Creek	I
	Bump Landing Creek	I
	Taylor Bay	J
	Intracoastal Waterway from Taylor Bay to Coinjock Bay	J
	Indiantown Creek	I
	Currituck Sound	J
	All Manmade Tributaries	J
	Coinjock Bay	J
	Nelson (Nells) Creek	I
	Hog Quarter Creek	I
	Parkers Creek	I
	North Landing River	J
	Northwest River	I
	Gibbs Canal	I
	Tull Creek	I
	West Landing	I
(11)	Dare County:	
	Alligator River	Joint Waters below Cherry Ridge Landing to US 64 bridge Coastal Waters below US 64 bridge

**PROPOSED RULES**

	Whipping Creek	I
	Swan Creek	I
	Milltail Creek	I
	Laurel Bay Lake (Creek)	I
	East Lake	I
	Albemarle Sound	C
	All Manmade Tributaries	J
	Kitty Hawk Bay	J
	Peter Mashoes Creek	I
	Tom Mann Creek	I
	Croatan Sound	C
	All Manmade Tributaries	J
	Spencer Creek	I
	Calahan Creek	I
	Roanoke Sound	C
	Buzzard Bay	J
	Pamlico Sound	C
	Stumpy Point Bay	C
	All Manmade Tributaries	J
	Long Shoal River	Inland Waters above, Coastal Waters below US 264 bridge
	All Manmade Tributaries	J
	Pains Bay	C
	Pains Creek	Inland Waters above, Coastal Waters below US 264 bridge
	Deep Creek	Inland Waters above, Coastal Waters below US 264 bridge
	Currituck Sound	J
	All Manmade Tributaries	J
	Martin Point Creek	I
(12)	Gates County:	
	Chowan River	Joint Waters from confluence to 300 yds below US 17 bridge
	Catherine (Warwick) Creek	I
	Bennetts Creek	I
	Beef Creek	I
	Sarem Creek	I
	Shingle (Island) Creek	I
	Barnes Creek	I
	Spikes Creek	I
	Buckhorn Creek (Run Off Swamp)	I
	Mud Creek	I
	Somerton Creek	I
(13)	Halifax County:	
	Roanoke River	Inland Waters above US 258 bridge Joint Waters to mouth
	Kehukee Swamp	I
	Clarks Canal	I
(14)	Hertford County:	
	Chowan River	Joint Waters from confluence to 300 yds below US 17 bridge
	Keel (Currituck) Creek	I
	Snake Creek	I
	Swain Mill (Taylor Pond) Creek	I
	Goose Creek	I



**PROPOSED RULES**

Wiceacon River	I
Hodges Creek	I
Catherine Creek	I
Harris (Hares) Mill Creek	I
Meherrin River	J
Potecasi Creek	I
Sallie Gut	I
Mapleton Gut	I
Liverman Creek	I
Vaughan's Creek	I
Banks Creek	I
Toms Gut	I
Sudd Grass Creek	I
Forked Gut	I
Riddicksville Gut	I
Buckhorn Creek	I
Warrens Gut	I
(15) Hyde County:	
Pamlico Sound	C
Pungo River	Inland Waters above US 264 bridge at Leechville, Joint Waters below US 264 bridge at Leechville to Smith Creek, Coastal Waters below Smith Creek
Rutman Creek	I
Wilkerson Creek	I
Atlantic Intracoastal Waterway from Wilkerson Creek to Alligator River at Winn Bay	J
Horse Island Creek	I
Tarkiln Creek	I
Seranton Creek	Inland Waters above, Joint Waters below US 264 bridge
Smith Creek	I
Fishing Creek	I
Slades Creek	C
Fortesque Creek	C
Rose Bay	C
Neals Creek	C
Deep Creek	C
Reden Creek	C
Rose Bay Creek	C
Rose Bay Canal	Inland Waters above, Joint Waters below SR 1305 bridge
Swan Quarter Bay	C
Oyster Creek	C
Juniper Bay	C
Juniper Bay Creek	J
Juniper Bay Creek Canal	I
Lake Mattamuskeet	I
Outfall Canal	Inland Waters above, Joint Waters below US 264 bridge
Lake Landing Canal	Inland Waters above, Joint Waters below US 264 bridge
Waupopin Canal	Inland Waters above, Joint Waters below

**PROPOSED RULES**

		SR 1311 bridge	
	All other Manmade Tributaries to Lake		
	Mattamuskeet		I
	Middletown Creek		C
	Long Shoal River	Inland Waters above, Coastal Waters below US 264 bridge	
	All Manmade Tributaries		J
	Broad Creek		C
	Flag Creek		I
	Cumberland Creek		I
	Alligator River	Inland Waters above Cherry Ridge Landing, Joint Waters below Cherry Ridge Landing to US 64 bridge	
	Swan Creek and Lake		I
	Alligator Creek		I
(16)	Martin County:		
	Roanoke River		J
	Prices Gut		I
	Rainbow Gut		I
	Conoho Creek		I
	Sweetwater Creek		I
	Peter Swamp		I
	Devils Gut		J
	Upper Deadwater		J
	Lower Deadwater		J
	Gardner Creek		I
	Roses Creek		I
	Welch Creek		I
(17)	New Hanover County:		
	Cape Fear River	Joint Waters below Lock and Dam No. 1 to old US 17-74-76 bridge at Wilmington Coastal Waters below old US 17-74-76 bridge at Wilmington	
	Lords Creek		I
	Todds Creek		I
	Barnards Creek		I
	Greenfield Lake Outlet		I
	Tommer Creek		I
	Catfish Creek		I
	Northeast Cape Fear River	Inland Waters above, Joint Waters below NC 210 bridge	
	Smiths Creek		I
	Ness Creek		I
	Dock Creek		I
	Fishing Creek		I
	Prince George Creek		I
	Sturgeon Creek		I
	Island Creek		I
(18)	Northampton County:		
	Roanoke River	Inland Waters above US 258 bridge Joint Waters below US 258 bridge	
	Sandy Run (Norfleet Gut)		I

**PROPOSED RULES**

	Graveyard Gut	I
(19)	Onslow County:	
	Beasleys (Barlow) Creek	C
	Kings Creek	C
	Turkey Creek	C
	Mill Creek	C
	New River	Inland Waters above, Coastal Waters below US 17 bridge at Jacksonville
	Wheeler Creek	C
	Everett Creek	C
	Stones Creek	C
	Muddy Creek	C
	Mill Creek	C
	Lewis Creek	C
	Southwest Creek	Inland Waters above, Coastal Waters below Maple Hill (Maple) Landing
	Brinson Creek	I
	Northeast Creek	Inland Waters above, Coastal Waters below railroad bridge
	Wallace Creek	Inland Waters above, Coastal Waters below the first bridge upstream from the mouth
	Codels Creek	I
	French Creek	I
	Duck Creek	I
	Freeman (Browns) Creek	C
	Bear Creek	C
	Queens Creek	Inland Waters above, Coastal Waters below Frazier's Landing
	Parrotts Swamp	C
	White Oak River	Inland Waters above, Coastal Waters below Grants Creek
	Stevens Creek	C
	Holland Mill (Mill Pond) Creek	C
	Webbs Creek	Inland Waters above, Coastal Waters below railroad bridge
	Freemans Creek	I
	Calebs Creek	I
	Grant's Creek	I
(20)	Pamlico County:	
	Pamlico River	Inland Waters above, Coastal Waters below R and S RR bridge at Washington
	Lower Goose Creek	C
	Dixons Creek	C
	Patons Creek	C
	Wilson Creek	C
	Eastham Creek	Inland Waters above, Coastal Waters below end of SR 1236

**PROPOSED RULES**

Upper Spring Creek	C
Intracoastal Waterway from Upper Spring Creek to Gale Creek	C
Oyster Creek	C
Clark Creek	C
Middle Prong	C
James Creek	C
Pamlico Sound	C
Porpoise Creek	C
Drum Creek	C
Bay River	Inland Waters above, Coastal Waters below NC 55 bridge at Bayboro
Gale Creek	Inland Waters above, Coastal Waters below NC 304 bridge
Chadwick Creek	C
Bear Creek	C
Vandemere Creek	Inland Waters above, Coastal Waters below NC 304 bridge
Long Creek	C
Smith Creek	C
Chapel Creek	Inland Waters above, Coastal Waters below NC 304 bridge
Raccoon Creek	C
Trent Creek	Inland Waters above, Coastal Waters below NC 55 bridge
Thomas Creek	I
Masons Creek	C
Moore Creek	C
Rices Creek	C
Ball Creek	C
Cabin Creek	C
Riggs Creek	C
Spring Creek	C
Long Creek	C
Neuse River	Coastal Waters below US 17 bridge at New Bern
Swan Creek	C
Lower Broad Creek	C
Greens Creek	C
Pittman Creek	C
Burton Creek	C
Brown Creek	C
Spice Creek	C
Gideon Creek	C
Tar Creek	C
Parris Creek	C
Orchard Creek	C
Pierce Creek	C
Whitaker Creek	C
Smith Creek	J
Greens Creek	J
Kershaw Creek	J
Dawson Creek	Inland waters above, Coastal Waters below end of SR 1350

**PROPOSED RULES**

	Tarkiln Creek	I
	Gatlin Creek	I
	Little Creek	I
	Mill Creek	I
	Beard Creek	Inland Waters above, Coastal Waters below end of SR 1117
	Lower Duck Creek	I
	Goose Creek	Inland Waters above, Coastal Waters below end of SR 1110
	Upper Broad Creek	Inland Waters above, Coastal Waters below Tidelands EMC power line
(21)	Pasquotank County:	
	Albemarle Sound	C
	All Manmade Tributaries	J
	Little River	Inland Waters above, Joint Waters below a line from Manston Creek to Davis Creek
	Symonds Creek	I
	Manston Creek	I
	Big Flatty Creek	Inland Waters above, Joint Waters below a line from Long Point to Folly Creek
	Marsh Landing	I
	Folly Creek	I
	Pasquotank River	Inland Waters above, Joint Waters below US 158 bridge at Elizabeth City
	Little Flatty Creek	I
	New Begun Creek	Inland Waters above, Joint Waters below a line from the mouth of Paling Creek to the mouth of James Creek
	Paling Creek	I
	James Creek	I
	Charles Creek	I
(22)	Pender County:	
	Cape Fear River	J
	Thoroughfare	I
	Black River	Inland Waters above, Joint Waters below the point where the Thoroughfare joins the Black River
	Northeast Cape Fear River	Inland Waters above, Joint Waters below NC 210 bridge
	Cowpen Creek	I
	Long Creek	I
	Turkey Creek	I
	Old Creek	I
	Honey Creek	I
	Harrisons Creek	I
	Island Creek	I
	Topsail Sound and Tributaries	C

**PROPOSED RULES**

	Beasleys (Barlow) Creek	C
(23)	Perquimans County:	
	Albemarle Sound	C
	All Manmade Tributaries	J
	Yeopim River	Inland Waters above, Joint Waters below Noreum Point
	Yeopim Creek	I
	Perquimans River	Inland Waters above, Joint Waters below old US 17 bridge at Hertford
	Walter's Creek	I
	Mill Pond Creek	I
	Suttons Creek	I
	Jackson (Cove) Creek	I
	Muddy Creek	I
	Little River	Inland Waters above, Joint Waters below a line from Manston Creek to Davis Creek
	Deep Creek	I
	Davis Creek	I
(24)	Tyrrell County:	
	Albemarle Sound	C
	All Manmade Tributaries	J
	Scuppernong River	Inland waters above, joint Waters below First (Rider's) Creek
	First (Rider's) Creek	I
	Furlough Creek	I
	Alligator River	Inland Waters above Cherry Ridge Landing Joint Waters below Cherry Ridge Landing to US 64 bridge Coastal Waters below US 64 bridge
	Little Alligator River	I
	Second Creek	I
	Goose Creek	I
	The Frying Pan	J
	Gum Neck Landing Ditch	I
(25)	Washington County:	
	Albemarle Sound	C
	All Manmade Tributaries	J
	Roanoke River	Joint Waters below US 258 bridge to mouth
	Conaby Creek	I
	Mackeys (Kendrick) Creek	I
	Pleasant Grove Creek (Cherry Swamp)	I
	Chapel Swamp Creek	I
	Bull Creek	I
	Deep Creek	I
	Banton (Maybell) Creek	I
	Scuppernong River	I
(1)	Beaufort County	
(a)	Pamlico -Tar River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 32.2167' N - 77° 02.8701'	<u>W; running southwesterly along the east side of the railroad bridge to a point on the south shore 35° 32.0267' N - 77° 03.5179' W;</u>

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| <p>(i) <u>All Manmade tributaries - All manmade tributaries within Pamlico – Tar River in Beaufort County are designated as Joint.</u></p> <p>(b) <u>Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354' W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.</u></p> <p>(i) <u>Flax Pond Bay - All waters within this waterbody are designated as Coastal.</u></p> <p>(ii) <u>Upper Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.8946' W - 76° 32.1231' W; running northeasterly to a point on the east shore 35° 31.9656' N - 76° 32.0114' W.</u></p> <p>(iii) <u>Lower Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.4188' N - 76° 35.3924' W; running northeast to a point on the east shore 35° 32.4691' N - 76° 35.2748' W.</u></p> <p>(iv) <u>George Best Creek - All waters within this waterbody are designated as Coastal.</u></p> <p>(v) <u>Toms Creek - All waters within this waterbody are designated as Coastal.</u></p> <p>(vi) <u>Pantego Creek – Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 31.9908' N – 76° 36.6105' W; running southerly along the Breakwater to a point 35° 31.7198' N – 76° 36.9195' W; running southwesterly to a point on the south shore 35° 31.5653' N – 76° 37.3832' W.</u></p> <p>(vii) <u>Pungo Creek - Inland Waters west and Coastal Waters east of a line beginning at a point</u></p> | <p><u>on the north shore 35° 29.9986' N - 76° 40.3564' W; running southerly to a point on the south shore 35° 29.8887' N - 76° 40.3262' W.</u></p> <p>(A) <u>Vale Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.0370' W - 76° 38.9044' W; running northeasterly to a point on the east shore 35° 31.0528' N - 76° 38.8536' W.</u></p> <p>(B) <u>Scotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 30.4264' N - 76° 40.1156' W; running easterly to a point on the east shore 35° 30.4264' N - 76° 39.9430' W.</u></p> <p>(C) <u>Smith Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 30.2844' N - 76° 40.2941' W; running southerly to a point on the south shore 35° 30.1982' N - 76° 40.2621' W.</u></p> <p>(viii) <u>Woodstock (Little) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.5291' N - 76° 38.1600' W; running easterly to a point on the east shore 35° 30.4852' N - 76° 38.0278' W.</u></p> <p>(ix) <u>Jordan Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 27.7256' N - 76° 36.2159' W; running southerly to a point 35° 27.5587' N - 76° 36.2704' W.</u></p> |
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- W; following the eastern shore to a point 35° 27.4651' N - 76° 36.3294' W; running southerly to a point on the south shore 35° 27.3429' N - 76° 36.4498' W.
- (x) Satterthwaite Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 25.2994' N - 76° 35.4281' W; running southerly to a point on the south shore 35° 25.1284' N - 76° 35.4949' W.
- (xi) Wright Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the west shore 35° 24.8664' N - 76° 35.4240' W; running southeasterly to a point on the east shore 35° 24.7995' N - 76° 35.3086' W.
- (c) North Creek - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.1667' N - 76° 40.1042' W; running easterly to a point on the east shore 35° 25.0971' N - 76° 39.6340' W.
- (d) St. Clair Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7691' N - 76° 42.6406' W; running easterly to a point on the east shore 35° 25.7695' N - 76° 42.5967' W.
- (e) Mixon Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7601' N - 76° 46.5971' W; running easterly to a point 35° 25.7304' N - 76° 46.2547' W; following the southern shoreline to a point 35° 25.6878' N - 76° 46.2034' W; running southeasterly to a point 35° 25.6606' N - 76° 46.1892' W; following the southern shoreline to a point 35° 25.6267' N - 76° 46.1494' W; running southeasterly to a point on the east shore 35° 25.6166' N - 76° 46.1361' W.
- (f) Bath Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.1685' N - 76° 49.4087' W; running northeasterly to a point on the east shore 35° 27.2371' N - 76° 49.0969' W.
- (g) Duck Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 27.5395' N - 76° 52.0074' W; running southerly to a point on the east shore 35° 27.4401' N - 76° 51.9827' W.
- (h) Mallard Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.6461' N - 76° 53.6398' W; running easterly to a point on the east shore 35° 27.6425' N - 76° 53.5816' W.
- (i) Upper Goose Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 28.5346' N - 76° 56.0229' W; running southeasterly to a point on the east shore 35° 28.4014' N - 76° 55.8714' W.
- (j) Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 29.1023' N - 76° 57.3738' W; running easterly to a point on the east shore 35° 29.1059' N - 76° 57.1188' W.
- (k) Herring Run (Runyan Creek) - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.1615' N - 77° 02.3606' W; running southeasterly to a point on the east shore 35° 32.1340' N - 77° 02.3438' W.
- (l) Chocowinity Bay - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 35° 29.4751' N - 77° 01.8507' W; running northeasterly to a point on the east shore 35° 29.8780' N - 77° 01.3169' W.
- (m) Calf Tree Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the north shore 35° 29.2268' N - 77° 01.2973' W; running southeasterly to a point on the south shore 35° 29.2115' N - 77° 01.2831' W.
- (n) Hills Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 28.5227' N - 77° 00.2664' W; running easterly to a point on the east shore 35° 28.5193' N - 77° 00.2270' W.
- (o) Blounts Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north



- shore 35° 26.2010' N - 76° 58.1716' W; running southerly to a point on the south shore 35° 26.1369' N - 76° 58.1671' W.
- (p) Nevil Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 26.1117' N - 76° 54.5233' W; running southeasterly to a point on the east shore 35° 26.0966' N - 76° 54.5045' W.
- (q) Barris Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 24.8423' N - 76° 49.9928' W; running easterly to a point on the east shore 35° 24.8451' N - 76° 49.9745' W.
- (r) Durham Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 23.7824' N - 76° 49.3016' W; running easterly to a point on the east shore 35° 23.7821' N - 76° 48.8703' W.
- (s) Huddles Cut - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 22.8684' N - 76° 45.7264' W; running northeasterly to a point on the east shore 35° 22.8829' N - 76° 45.6793' W.
- (t) Huddy Gut – All waters within this waterbody are designated as Coastal.
- (u) South Creek – Inland Waters south and Coast Waters north of a line beginning at a point on the west shore 35° 18.9589' N – 76° 47.4298' W; running easterly to a point on the east shore 35° 18.9994' N – 76° 47.3007' W.
- (i) Tooleys Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.7080' N - 76° 44.8937' W; running northeasterly to a point on the east shore 35° 20.7440' N - 76° 44.8324' W.
- (ii) Drinkwater Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.1441' N - 76° 45.8262' W; running easterly to a point on the east shore 35° 20.1333' N - 76° 45.7530' W.
- (iii) Jacobs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 20.1420' N - 76° 45.8395' W; running southwesterly to a point on the south shore 35° 20.0692' N - 76° 45.8912' W.
- (iv) Jacks Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 19.5455' N - 76° 47.0155' W; running southwesterly to a point on the south shore 35° 19.4986' N - 76° 47.0741' W.
- (v) Whitehurst Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 19.2878' N - 76° 47.4778' W; running southerly to a point on the south shore 35° 19.2295' N - 76° 47.4430' W.
- (vi) Little Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 18.9873' N - 76° 45.9292' W; running easterly to a point on the east shore 35° 19.0209' N - 76° 45.8258' W.
- (vii) Short Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore 35° 20.1228' N - 76° 44.6031' W; running southwesterly to a point on the south shore 35° 20.0527' N - 76° 44.6667' W.
- (viii) Long Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.3050' N - 76° 44.3444' W; running northeasterly to a point on the east shore 35° 20.4185' N - 76° 43.8949' W.
- (ix) Bond Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.4231' N - 76° 42.0469' W; running southeasterly to a point on the east shore 35° 20.2539' N - 76 ° 41.8254' W.

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- (x) Muddy Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.1523' N - 76° 41.2074' W; running northeasterly to a point on the east shore 35° 20.2413' N - 76° 41.0572' W.
- (v) Davis Creek - Inland Waters south Coastal Waters north of a line beginning at a point on the west shore 35° 20.7032' N - 76° 40.3404' W; running easterly to a point on the east shore 35° 20.7112' N - 76° 40.1637' W.
- (w) Strawhorn Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.4091' N - 76° 39.0998' W; running northeasterly to a point on the east shore 35° 20.4750' N - 76° 38.8874' W.
- (x) Lower Goose Creek - All waters within this waterbody are designated as Coastal.
- (i) Lower Spring Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 19.7932' N - 76° 37.5347' W; running southerly to a point on the south shore 35° 19.4670' N - 76° 37.4134' W.
- (ii) Peterson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 18.7722' N - 76° 37.5059' W; running northeasterly to a point on the east shore 35° 18.8406' N - 76° 37.4111' W.
- (iii) Snode Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 18.2787' N - 76° 37.4679' W; running southwesterly to a point on the south shore 35° 18.0821' N - 76° 37.5544' W.
- (iv) Campbell Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 17.1203' N - 76° 37.9248' W; running southerly to a point on the south shore 35° 16.8807' N - 76° 37.9101' W.
- (A) Smith Creek - All waters within this waterbody are designated as Inland.
- (v) Hunting Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 16.7523' N - 76° 36.8138' W; running easterly to a point on the east shore 35° 16.6779' N - 76° 36.5885' W.
- (2) Bertie County
- (a) Albemarle Sound - All waters in this waterbody are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries within this waterbody for Bertie County are designated as Joint.
- (ii) Roanoke River - Inland Waters west and Joint Waters east of a line beginning at a point on the west shore of the Roanoke River 35° 56.5068' N - 76° 41.8858' W; running easterly to a point on the east shore 35° 56.5324' N - 76° 41.5896' W.
- (A) Quinine - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 09.6041' N - 77° 15.9091' W; running easterly to a point on the east shore 36° 09.6068' N - 77° 15.8912' W.
- (B) Wire Gut - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 00.9580' N - 77° 13.0755' W; running easterly to a point on the east shore 36° 00.9542' N - 77° 13.0320' W.
- (C) Apple Tree Creek - Inland Waters east and Joint Waters

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	<u>west of a line</u>	<u>53.5762' W;</u>
	<u>beginning at a point</u>	<u>running</u>
	<u>on the north shore</u>	<u>southeasterly to a</u>
	<u>36° 00.4174' N -</u>	<u>point on the south</u>
	<u>77° 12.3252' W;</u>	<u>shore 35° 51.9229'</u>
	<u>running</u>	<u>N - 76° 53.5556' W.</u>
	<u>southeasterly to a</u>	(I) <u>Broad Creek -</u>
	<u>point on the south</u>	<u>Inland Waters west</u>
	<u>shore 36° 00.3987'</u>	<u>and Joint Waters</u>
	<u>N - 77° 12.3088' W.</u>	<u>east of a line</u>
(D)	<u>Indian Creek -</u>	<u>beginning at a point</u>
	<u>Inland Waters east</u>	<u>on the north shore</u>
	<u>and Joint Waters</u>	<u>35° 52.5265' N -</u>
	<u>west of a line</u>	<u>76° 50.3993' W;</u>
	<u>beginning at a point</u>	<u>running southerly</u>
	<u>on the north shore</u>	<u>to a point on the</u>
	<u>35° 59.0794' N -</u>	<u>south shore 35°</u>
	<u>77° 11.4926' W;</u>	<u>52.4262' N - 76°</u>
	<u>running southerly</u>	<u>50.3791' W.</u>
	<u>to a point on the</u>	(J) <u>Thorofare - All</u>
	<u>south shore 35°</u>	<u>waters within this</u>
	<u>59.0597' N - 77°</u>	<u>waterbody are</u>
	<u>11.4967' W.</u>	<u>designated as Joint.</u>
(E)	<u>Coniott Creek -</u>	(iii) <u>Cashie River - Inland Waters</u>
	<u>Inland Waters west</u>	<u>west and Joint Waters east of</u>
	<u>and Joint Waters</u>	<u>a line beginning at a point</u>
	<u>east of a line</u>	<u>on the north shore 35° 54.7865'</u>
	<u>beginning at a point</u>	<u>N - 76° 49.0521' W; running</u>
	<u>on the north shore</u>	<u>southerly to a point on the</u>
	<u>35° 56.6562' N -</u>	<u>south shore 35° 54.6691' N -</u>
	<u>77° 04.2860' W;</u>	<u>76° 49.0553' W. Joint</u>
	<u>running</u>	<u>Waters south and Coastal</u>
	<u>southwesterly to a</u>	<u>Waters north of a line</u>
	<u>point on the south</u>	<u>beginning at a point on the</u>
	<u>shore 35° 56.6397'</u>	<u>west shore 35° 56.5573' N -</u>
	<u>N - 77° 04.3066' W.</u>	<u>76° 43.5974' W; running</u>
(F)	<u>Conine Creek - All</u>	<u>easterly to a point on the east</u>
	<u>waters in this</u>	<u>shore 35° 56.7146' N - 76°</u>
	<u>waterbody are</u>	<u>42.4301' W.</u>
	<u>designated as Joint.</u>	(A) <u>Cashoke Creek -</u>
(G)	<u>Old Mill Creek -</u>	<u>Inland Waters west</u>
	<u>Inland Waters north</u>	<u>and Joint Waters</u>
	<u>and Joint Waters</u>	<u>east of a line</u>
	<u>south of a line</u>	<u>beginning at a point</u>
	<u>beginning at a point</u>	<u>on the north shore</u>
	<u>on the west shore</u>	<u>35° 56.2934' N -</u>
	<u>35° 53.9483' N -</u>	<u>76° 44.1769' W;</u>
	<u>76° 55.3921' W;</u>	<u>running</u>
	<u>running</u>	<u>southwesterly to a</u>
	<u>southeasterly to a</u>	<u>point on the south</u>
	<u>point on the east</u>	<u>shore 35° 56.2623'</u>
	<u>shore 35° 53.9378'</u>	<u>N - 76° 44.1993' W.</u>
	<u>N - 76° 55.3710' W.</u>	(B) <u>Broad Creek -</u>
(H)	<u>Cut Cypress Creek</u>	<u>Inland Waters south</u>
	<u>- Inland Waters</u>	<u>and Joint Waters</u>
	<u>northeast and Joint</u>	<u>north of a line</u>
	<u>Waters southwest</u>	<u>beginning at a point</u>
	<u>of a line beginning</u>	<u>on the west shore</u>
	<u>at a point on the</u>	<u>35° 55.0568' N -</u>
	<u>north shore 35°</u>	<u>76° 45.2632' W;</u>
	<u>51.9465' N - 76°</u>	<u>running easterly to</u>

- a point on the east shore 35° 55.0543' N - 76° 45.1309' W.
- (C) Grinnel Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 55.3147' N - 76° 44.5010' W; running southerly to a point on the south shore 35° 55.2262' N - 76° 44.5495' W.
- (iv) Middle River – All waters within this waterbody are designated Joint.
- (v) Eastmost River – All waters within this waterbody are designated as Joint.
- (vi) Mud Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 53.2880' N - 76° 45.4463' W; running southwesterly to a point on the south shore 35° 53.2527' N - 76° 45.4678' W.
- (b) Black Walnut Swamp - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 59.4680' N - 76° 40.9556' W; running southerly to a point on the south shore 35° 59.3946' N - 76° 40.9629' W.
- (c) Salmon Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 36° 00.4648' N - 76° 42.3513' W; running southeasterly to a point on the south shore 36° 00.3373' N - 76° 42.1499' W.
- (d) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.
- (i) Barkers Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 14.0709' N - 76° 44.2451' W; running southerly to a point on the south shore 36° 14.0492' N - 76° 44.2456' W.
- (ii) Willow Branch - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 04.7206' N - 76° 43.7667' W; running southeasterly to a point on the south shore 36° 04.7138' N - 76° 43.7580' W.
- (iii) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east shore 36° 14.0899' N - 76° 43.8533' W.
- (3) Bladen County
- (a) Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2628' N - 78° 17.6390' W; running northeasterly along the Lock and Dam # 1 to a point on the east shore 34° 24.2958' N - 78° 17.5634' W.
- (i) Natmore Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2841' N - 78° 16.4405' W; running easterly to a point on the east shore 34° 24.2852' N - 78° 16.4039' W.
- (4) Brunswick County
- (a) Calabash River And Tributaries - All waters within this waterbody in Brunswick County are designated as Coastal.
- (b) Saucepan Creek - All waters within this waterbody are designated as Coastal.
- (c) Shallotte River - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the south shore 33° 58.3412' N - 78° 23.1948' W; running northeasterly to a point on the north shore 33° 58.3518' N - 78° 23.1816' W.
- (i) Mill Dam Branch - All waters within this waterbody are designated as Coastal.
- (ii) Squash Creek - All waters within this waterbody are designated as Coastal.

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- (iii) Mill Pond - All waters within this waterbody are designated as Coastal.
- (iv) Charles Branch - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 58.6276' N - 78° 21.2919' W; running easterly to a point on the east shore 33° 58.6257' N - 78° 21.2841' W.
- (v) Grisset Swamp - All waters within this waterbody are designated as Coastal.
- (vi) Little Shallotte River And Tributaries - All waters within this waterbody are designated as Coastal.
- (d) Lockwood Folly River- Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the north shore 34° 00.6550' N - 78° 15.8134' W; running southeasterly along the south side of NC Hwy 211 bridge to a point on the south shore 34° 00.6285' N - 78° 15.7928' W.
  - (i) Stanberry Creek - All waters within this waterbody are designated as Coastal.
  - (ii) Pompeys Creek - All waters within this waterbody are designated as Coastal.
  - (iii) Maple Creek - All waters within this waterbody are designated as Coastal.
  - (iv) Rubys Creek - All waters within this waterbody are designated as Coastal.
  - (v) Big Doe Creek - All waters within this waterbody are designated as Coastal.
  - (vi) Lennons Creek - All waters within this waterbody are designated as Coastal.
  - (vii) Mercer Mill Pond Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 57.7498' N - 78° 12.3532' W; running southeasterly to a point on the east shore 33° 57.7439' N - 78° 12.3440' W.
- (e) Elizabeth River - All waters within this waterbody are designated as Coastal.
  - (i) Ash Creek - All waters within this waterbody are designated as Coastal.
- (f) Beaverdam Creek - All waters within this waterbody are designated as Coastal.
- (g) Dutchman Creek - All waters within this waterbody are designated as Coastal.
  - (i) Calf Gully Creek - All waters within this waterbody are designated as Coastal.
  - (ii) Jumpin Run - All waters within this waterbody are designated as Coastal.
  - (iii) Fiddlers Creek - All waters within this waterbody are designated as Coastal.
- (h) Cape Fear River - Joint Waters north and Coastal Waters south of a line beginning at a point on the western side 34° 13.6953' N - 77° 57.2396' W; running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W.
  - (i) Carolina Power And Light Intake Canal - All waters within this waterbody are designated as Coastal.
  - (ii) Walden Creek - All waters within this waterbody are designated as Coastal.
  - (iii) Orton Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 02.8436' N - 77° 56.7498' W; running southerly to a point on the south shore 34° 02.8221' N - 77° 56.7439' W.
  - (iv) Lilliput Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 04.1924' N - 77° 56.5361' W; running southerly to a point on the south shore 34° 04.1487' N - 77° 56.5447' W.
  - (v) Sandhill Creek -Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 06.9584' N - 77° 57.0085' W; running southeasterly to a point on the south shore 34° 06.9371' N - 77° 56.9943' W.
  - (vi) Town Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34°

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- 07.7492' N - 77° 57.3445'  
W; running southerly to a  
point on the south shore 34°  
07.7034' N - 77° 57.3431'  
W.
- (vii) Mallory Creek - Inland  
Waters west and Coastal  
Waters east of a line  
beginning at a point on the  
north shore 34° 09.9868' N -  
77° 58.2023' W; running  
southerly to a point on the  
south shore 34° 09.9618' N -  
77° 58.2133' W.
- (viii) Brunswick River - Joint  
Waters northwest and  
Coastal Waters southeast of  
a line beginning at a point on  
the south shore 34° 10.7281'  
N - 77° 57.7793' W; running  
northeasterly to a point on  
the north shore 34° 10.9581'  
N - 77° 57.6452' W.
- (A) Alligator Creek -  
For the  
southernmost  
entrance into the  
Brunswick River:  
Inland Waters east  
and Joint Waters  
west of a line  
beginning at a point  
on the south shore  
34° 13.5040' N -  
77° 58.6331' N;  
running  
northwesterly to a  
point on the north  
shore 34° 13.5472'  
N - 77° 58.6628' N.
- For the  
northernmost  
entrance into the  
Brunswick River:  
Inland Waters east  
and Joint Waters  
west of a line  
beginning at a point  
on the south shore  
34° 14.4300' N -  
77° 59.2346' N;  
running northerly to  
a point on the north  
shore 34° 14.4618'  
N - 77° 59.2300' N.
- (B) Jackeys Creek -  
Inland Waters west  
and Joint Waters  
east of a line  
beginning at a point  
on the south shore  
34° 11.9400' N -  
77° 58.5859' W;  
running northerly to  
a point on the north  
shore 34° 11.9565'  
N - 77° 58.5859'  
W.
- (C) Sturgeon Creek -  
Inland Waters west  
and Joint Waters  
east of a line  
beginning at a point  
on the north shore  
34° 14.6761' N -  
77° 59.4145' W;  
running southerly  
to a point on the  
south shore 34°  
14.6404' N - 77°  
59.4058' W.
- (ix) Cartwheel Creek - Inland  
Waters west and Joint  
Waters east of a line  
beginning at a point on the  
north shore 34° 15.7781' N -  
77° 59.3852' W; running  
southerly to a point on the  
south shore 34° 15.7564' N -  
77° 59.3898' W.
- (x) Indian Creek - Inland Waters  
west and Joint Waters east of  
a line beginning at a point on  
the north shore 34° 17.0441'  
N - 78° 00.3662' W; running  
southwesterly to a point on  
the south shore 34° 17.0006'  
N - 78° 00.3977' W.
- (xi) Hood Creek - Inland Waters  
west and Joint Waters east of  
a line beginning at a point on  
the north shore 34° 20.3713'  
N - 78° 04.7492' W; running  
southwesterly to a point on  
the south shore 34° 20.3393'  
N - 78° 04.7373' W.
- (xii) Northwest Creek - All  
waters within this waterbody  
are designated as Inland.
- (5) Camden County
- (a) Albemarle Sound –All waters within  
this waterbody are designated  
Coastal.
- (i) All Manmade Tributaries –  
All waters within this  
waterbody are designated as  
Coastal.
- (ii) Pasquotank River –Inland  
Waters north and Joint  
Waters south of a line  
beginning at a point on the  
west shore 36° 18.0768' N –

76° 13.0979' W; running easterly along the south side of the Highway 158 Bridge to a point on the east shore 36° 18.0594' N - 76° 12.9620' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.

(A) Raymond Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.0746' W - 76° 03.3952' W; running easterly to a point on the east shore 36° 14.0711' N - 76° 03.3668' W.

(B) Portohonk Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 15.0519' N - 76° 05.2793' W; running southeasterly to a point on the east shore 36° 15.0391' N - 76° 05.2532' W.

(C) Areneuse Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 17.3133' N - 76° 08.1655' W; running southeasterly to a point on the east shore 36° 17.1313' N - 76° 08.1655' W.

(iii) North River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.7703' N - 75° 58.7384' W; running southerly to a point on the south shore 36° 18.4130' N - 75° 58.7228' W. Joint

Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 09.8986' N - 75° 54.6771' W; running easterly to a point on the east shore 36° 10.0108' N - 75° 52.0431' W.

(A) Wading Gut - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 10.6054' N - 75° 55.9529' W; running southeasterly to a point on the east shore 36° 10.5777' N - 75° 55.8654' W.

(B) Little Broad Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 11.6530' N - 75° 57.2035' W; running southeasterly to a point on the east shore 36° 11.5587' N - 75° 56.9160' W.

(C) Broad Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 12.2197' N - 75° 57.2685' W; running southerly to a point on the south shore 36° 11.6766' N - 75° 57.2254' W.

(D) Hunting Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 15.0480' N - 75° 57.5820' W; running southeasterly to a point on the south shore 36° 14.9308' N - 75° 57.4635' W.

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- (E) Abel Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 15.9530' N - 75° 58.0348' W; running southerly to a point on the south shore 36° 15.8553' N - 75° 58.0842' W.
- (F) Back Landing Creek - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 36° 16.4746' N - 76° 07.6377' W; running southwesterly to a point on the south shore 36° 16.2030' N - 76° 57.8897' W.
- (G) Public Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 17.2462' N - 75° 58.2774' W; running southerly to a point on the south shore 36° 17.2121' N - 75° 58.2788' W.
- (H) Cow Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 17.8667' N - 75° 58.3483' W; running southerly to a point on the marsh island 36° 17.7600' N - 75° 58.3300' W; running southerly following the eastern shoreline of the island to a point 36° 17.7122' N - 75° 58.3273' W; running southwesterly to a point on the south shore 36° 17.6522' N - 75° 58.3543' W.
- (I) Great Creek - Mouth: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.1045' N - 75° 58.4289' W; running southerly to a point on the south shore 36° 17.9882' N - 75° 58.4458' W. On north shore of Great Creek within the fourth tributary: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 18.1729' N - 75° 58.9137' W; running southeasterly to a point on the south shore 36° 18.1640' N - 75° 58.9022' W.
- (J) Indiantown Creek - All waters within this waterbody are designated as Inland.
- (6) Carteret County
- (a) Neuse River - All waters in this waterbody are designated as Coastal.
- (i) Adams Creek - All waters in this waterbody are designated as Coastal.
- (A) Back (Black) Creek - All waters in this waterbody are designated as Coastal.
- (B) Cedar Creek - All waters in this waterbody are designated as Coastal
- (ii) Garbacon Creek - All waters in this waterbody are designated as Coastal.
- (iii) South River - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 34° 53.5068' N - 76° 31.1233' W; running northeasterly to a point on the east shore 34°



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- 53.4494' N - 76° 31.3032' W.
- (A) Big Creek - All waters in this waterbody are designated as Coastal.
- (B) Southwest Creek - All waters in this waterbody are designated as Coastal.
- (C) West Fork - All waters in this waterbody are designated as Inland.
- (D) East Creek - All waters in this waterbody are designated as Inland.
- (E) Eastman Creek - All waters in this waterbody are designated as Coastal.
- (iv) Browns Creek - All waters in this waterbody are designated as Coastal.
- (b) North River And Tributaries - All waters in this waterbody are designated as Coastal.
- (i) Panter Cat Creek - All waters in this waterbody are designated as Coastal.
- (ii) Cypress Creek - All waters in this waterbody are designated as Coastal.
- (c) Newport River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 45.2478' N - 76° 46.4479' W; running southerly to a point on the south shore 34° 45.1840' N - 76° 46.4488' W.
- (i) Core Creek - All waters in this waterbody are designated as Coastal.
- (ii) Harlowe Creek - All waters in this waterbody are designated as Coastal.
- (iii) Bogue Sound And Tributaries - All waters in this waterbody are designated as Coastal.
- (d) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N -77° 11.4711' W; running easterly to a point on the
- east shore 34° 48.1620' N -77° 11.4244' W.
- (i) Pettiford Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 42.6935' N - 77° 04.0745' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 42.6569' N - 77° 04.0786' W.
- (ii) Little Hadnotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 45.0839' N - 77° 06.5931' W; running northerly to an easterly point on the east shore 34° 45.0867' N - 77° 06.5780' W.
- (iii) Hadnotts Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 45.9908' N - 77° 05.7847' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 45.9738' N - 77° 05.7810' W.
- (iv) Neds Creek - All waters in this waterbody are designated as Coastal.
- (v) Hunter Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N - 77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N -77° 09.9160' W.
- (7) Chowan County
- (a) Albemarle Sound - All waters within this waterbody in Chowan County are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries are designated as Joint.
- (ii) Yeopim River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.4526' N - 76° 27.7651' W; running southerly to a point on the south shore at Norcum Point

- 36° 05.1029' N - 76° 27.7120' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 04.7426' N - 76° 24.2536' W; running southwesterly to a point on the south shore 36° 04.1136' N - 76° 24.5365' W.
- (iii) Queen Anne Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.3757' N - 76° 36.3629' W; running southerly to a point on the south shore 36° 03.3551' N - 76° 36.3574' W.
- (iv) Pembroke Creek (Pollock Swamp) - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 36° 03.2819' N - 76° 37.0138' W; running northeasterly to a point on the east shore 36° 03.4185' N - 76° 36.6783' W.
- (v) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line 300 yards downstream of the Highway 17 Bridge beginning at a point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.
- (A) Rocky Hock Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 06.6879' N - 76° 41.3804' W; running southeasterly to a point on the south shore 36° 06.6096' N - 76° 41.3026' W.
- (B) Dillard (Indian) Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 14.2234' N - 76° 41.5901' W; running southerly to a point on the south shore 36° 14.2023' N - 76° 41.5855' W.
- (C) Stumpy Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 16.6440' N - 76° 40.4251' W; running southerly to a point on the south shore 36° 16.6255' N - 76° 40.4196' W.
- (D) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76° 41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.
- (8) Columbus County
- (a) Cape Fear River – All waters within this waterbody of Columbus County are designated as Joint.
- (i) Livingston Creek – Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 21.1518' N – 78° 12.0358' W; running easterly to a point on the east shore 34° 21.1420' N – 78° 12.0018' W.
- (ii) Waymans Creek – Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 34° 22.9861' N – 78° 14.5266' W; running southeasterly to a point on the east shore 34° 22.9838' N – 78° 14.5236' W.
- (9) Craven County
- (a) Neuse River: Inland Waters west and Joint Waters east of a line at Pitch Kettle Creek beginning at a point on

the north shore 35° 16.9793' N - 77° 15.5529' W; running south to a point on the south shore 35° 16.9237' N - 77° 15.5461' W. Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the east shore 35° 07.7096' N - 77° 01.6749' W; running southwesterly along the southern side of the Southern Railroad bridge to a point on the west shore 35° 07.1530' N - 77° 02.5570' W.

(i) Adams Creek - All waters in this waterbody are designated as Coastal.

(A) Back Creek - All waters in this waterbody are designated as Coastal.

(ii) Courts Creek - Inland Waters east Joint Waters west of a line beginning at a point on the north shore 34° 56.6958' N - 76° 42.7175' W; running southwesterly to a point on the south shore 34° 56.6606' N - 76° 42.7450' W.

(iii) Long Branch - Inland Waters south and Coastal Waters north of a line beginning on the west shore 34° 55.6189' N - 76° 43.8180' W; running easterly to a point on the east shore 34° 55.6175' N - 76° 43.7846' W.

(iv) Clubfoot Creek - All waters in this waterbody are designated as Coastal.

(A) Gulden Creek - All waters in this waterbody are designated as Coastal.

(B) Mitchell Creek - All waters in this waterbody are designated as Coastal.

(C) Morton Mill Pond - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 51.9245' N - 76° 45.7754' W; running southerly to a point on the

south shore 34° 51.7799' N - 76° 45.8184' W.

(v) Hancock Creek - Coastal Waters east and Inland Waters west of a line beginning on the north shore at 34° 56.3420' N - 76° 51.2809' W; running southerly to a point on the south shore at 34° 56.2731' N - 76° 51.3034' W.

(vi) Slocum Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore at 34° 57.1875' N - 76° 53.7648' W; running southwesterly to a point on the south shore 34° 57.1334' N - 76° 53.8069' W.

(vii) Scott Creek - Inland Waters west and Coastal Waters east of a line from a point on the north shore 35° 05.5723' N - 77° 02.0677' W; running southerly to a point on the south shore 35° 05.5316' N - 77° 02.0745' W.

(viii) Trent River - Inland Waters west and Joint Waters east of a line at Wilson Creek beginning at a point on the north shore 35° 04.05490' N - 77° 06.0987' W; running southerly to a point on the south shore 35° 04.3837' N - 77° 06.1230' W. Joint Waters east and Coastal Waters west of a line on the western side of the Highway 70 Trent River Bridge beginning at a point on the north shore 35° 06.2136' N - 77° 02.1968' W; running southerly to a point on the south shore 35° 05.9351' N - 77° 02.2645' W.

(A) Brice Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 04.5114' N - 77° 03.6433' W; running easterly to a point on the east shore 35° 04.5634' N - 77° 03.4469' W.

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| <p>(ix) <u>Jack Smith Creek - Inland Waters southwest and Joint Waters northeast of a line beginning on the west shore 35° 07.5482' N - 77° 03.1613' W; running southeasterly to a point on the east shore 35° 07.5320' N - 77° 03.1338' W.</u></p> <p>(x) <u>Bachelor Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 09.0099' N - 77° 04.5858' W; running southerly to a point on the south shore 35° 08.9085' N - 77° 04.7172' W.</u></p> <p>(xi) <u>Dollys Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 13.6303' N - 77° 09.9847' W; running southerly to a point on the south shore 35° 13.5937' N - 77° 09.9778' W.</u></p> <p>(xii) <u>Greens Thoroughfare - Easternmost entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 13.7807' N - 77° 09.9224' W; running southwesterly to a point on the south shore 35° 13.7587' N - 77° 09.9728' W. Westernmost entrance: Inland Waters south and Joint Waters north of a line beginning on the west shore 35° 14.1398' N - 77° 11.5530' W; running easterly to a point on the east shore 35° 14.1481' N - 77° 11.5036' W.</u></p> <p>(xiii) <u>Greens Creek - Inland Waters west and Joint Waters east of a line beginning on the north shore 35° 14.1883' N - 77° 11.8862' W; running southeasterly to a point on the south shore 35° 14.1389' N - 77° 11.7535' W.</u></p> <p>(xiv) <u>Turkey Quarter Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 15.6738' N - 77° 14.6823' W; running southeasterly to a point on</u></p> | <p><u>the east shore 35° 15.6534' N - 77° 14.6470' W.</u></p> <p>(xv) <u>Pitch Kettle Creek - All waters within this waterbody are designated as Inland.</u></p> <p>(xvi) <u>Taylor's Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 14.3719' N - 77° 10.8050' W; running southwesterly to a point on the south shore 35° 14.3300' N - 77° 10.8352' W.</u></p> <p>(xvii) <u>Pine Tree Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 12.6663' N - 77° 07.4285' W; running southwesterly to a point on the south shore 35° 12.7033' N - 77° 07.3594' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 12.8553' N - 77° 07.8300' W; running easterly to a point on the east shore 35° 12.8372' N - 77° 07.7934' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 13.2012' N - 77° 08.7753' W; running southeasterly to a point on the east shore 35° 13.1714' N - 77° 08.7071' W.</u></p> <p>(xviii) <u>Stumpy Creek - Southern entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 11.5752' N - 77° 06.1866' W; running southwesterly to a point on the south shore 35° 11.5550' N - 77° 06.2411' W. Northern entrance: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 11.9377' N - 77° 06.7263' W; running southeasterly to a point on the south shore 35° 11.9169' N - 77° 06.7044' W.</u></p> <p>(xix) <u>Swift Creek - Inland Waters north and Joint Waters south of a line beginning at a point</u></p> |
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- on the west shore 35°  
11.5972' N - 77° 06.0562'  
W; running easterly to a  
point on the east shore 35°  
11.5816' N - 77° 05.9861'  
W.
- (xx) Mill Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 08.5041' N - 77° 02.3400' W; running south easterly to a point on the south shore 35° 08.4711' N - 77° 02.3176' W.
- (xxi) Duck Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 05.7648' N - 77° 00.5191' W; running south easterly to a point on the south shore at 35° 05.6803' N - 77° 00.4179' W.
- (xxii) Northwest Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 03.5096' N - 76° 58.2604' W; running northeasterly to a point on the east shore at 35° 03.5948' N - 76° 58.0297' W.
- (xxiii) Upper Broad Creek – Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running easterly along the Tidelands EMC power lines to a point on the east shore at 35° 04.4705' N - 76° 56.2115' W.
- (10) Currituck County
- (a) Albemarle Sound - All waters within Albemarle Sound in Currituck County are designated as Coastal.
- (i) All Manmade Tributaries - All Manmade Tributaries to Albemarle Sound in Currituck County are designated as Joint.
- (ii) North River – Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.7703' N - 75° 58.7384' W; running southerly to a point on the south shore 36° 18.4130' N - 75° 58.7228' W. Joint
- Waters north and Coastal Waters south of a line beginning on the west shore 36° 09.8986' N - 75° 54.6771' W; running easterly to a point on the east shore 36° 10.0108' N - 75° 52.0431' W.
- (A) Duck Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 12.4056' N - 75° 54.2967' W; running southeasterly to a point on the east shore 36° 12.1865' N - 75° 54.0298' W.
- (B) Barnett Creek - Inland Waters northeast and Joint Waters southwest of line beginning at a point on the north shore 36° 14.2405' N - 75° 55.0112' W; running southeasterly to a point on the south shore 36° 14.0956' N - 75° 54.9774' W.
- (C) Lutz Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 14.7397' N - 75° 55.4914' W; running southeasterly to a point on the east shore 36° 14.4948' N - 75° 55.1989' W.
- (D) Goose Pond - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 15.5152' N - 75° 57.0936' W; running easterly to a point on the east shore 36° 15.4016' N - 75° 56.7842' W. Also south of a line

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- beginning at a point on the west shore 36° 16.0334' N - 75° 57.1018' W; running easterly to a point on the east shore 36° 16.0301' N - 75° 57.0629' W.
- (E) Deep Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 17.1576' N - 75° 56.7594' W; running southerly to a point on the south shore 36° 16.9846' N - 75° 56.6802' W.
- (F) Narrow Ridges Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 18.3249' N - 75° 57.8910' W; running southerly to a point on the south shore 36° 18.1388' N - 75° 57.9029' W.
- (G) Bump Landing Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 19.3757' N - 75° 57.9057' W; running southerly to a point on the south shore 36° 19.2496' N - 75° 57.9107' W.
- (H) Taylor Bay - All waters within Taylor Bay are designated Joint.
- (I) Intracoastal Waterway From Taylor Bay To Coinjock Bay - All waters within the IWW are designated Joint.
- (J) Indiantown Creek - All waters within this waterbody are designated Inland.
- (b) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore of Currituck Sound 36° 04.8195' N - 75° 47.4101' W; running northeasterly to a point on the east shore 36° 05.5739' N - 75° 44.5729' W.
- (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (ii) Coinjock Bay - All waters within this waterbody are designated as Joint.
- (iii) Nelson (Nells) Creek - Northern entrance: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 16.5806' N - 75° 52.1168' W; running northeasterly to a point on the east shore 36° 16.6410' N - 75° 51.9580' W. Southern entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 15.9816' N - 75° 51.7245' W; running southerly to a point on the south shore 36° 15.8640' N - 75° 51.6897' W.
- (iv) Hog Quarter Creek - Northernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 07.7400' N - 75° 48.6254' W; running southerly to a point on the south shore 36° 07.7210' N - 75° 48.6135' W. Southernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 07.4118' N - 75° 48.4986' W; running southerly to a point on the south shore 36° 07.3532' N - 75° 48.5110' W.
- (v) Parkers Creek - Inland Waters northwest and Joint Waters southeast of a line beginning on the west shore

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- 36° 22.1079' N - 75° 55.5459' W; running northeasterly to a point on the east shore 36° 22.1607' N - 75° 55.4512' W. Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 22.3928' N - 75° 55.6970' W; running northeasterly to a point on the east shore 36° 22.4011' N - 75° 55.6782' W.
- (vi) North Landing River - All waters in this waterbody are designated as Joint.
- (A) Northwest River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore of 36° 30.8374' N - 76° 04.8770' W; running southerly to a point on the south shore 36° 30.7061' N - 76° 04.8916' W.
- (I) Gibbs Canal - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 32.2322' N - 76° 01.8923' W; running southerly to a point on the south shore 36° 32.1997' N - 76° 01.8937' W.
- (II) Tull Creek - Inland Waters southwest
- and Joint Waters northeast of a line beginning at a point on the north shore 36° 30.0991' N - 76° 04.8587' W; running southeasterly to a point on the south shore 36° 29.9599' N - 76° 04.7126' W.
- (B) West Landing - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 30.9867' N - 76° 02.5868' W; running easterly to a point on the east shore 36° 31.0045' N - 76° 02.3780' W.
- (11) Dare County
- (a) Alligator River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 54.2903' N - 76° 01.6818' W; running along the south side of the US 64 bridge to a point on the east shore 35° 53.6835' N - 75° 58.8578' W.
- (i) Whipping Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 41.23930' N - 76° 00.2481' W; running southerly to a point on the south shore 35° 41.3717' N - 76° 00.2554' W.
- (ii) Swan Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 40.2674' N - 76° 00.7360' W; running southerly to a point on the south shore 35° 40.2420' N - 76° 00.7548' W.

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| <p>(iii) <u>Milltail Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 41.3717' N - 76° 00.2554' W; running southerly to a point on the south shore 35° 41.3930' N - 76° 00.2481' W.</u></p> <p>(iv) <u>Laurel Bay Lake (Creek) - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 52.4036' N - 75° 58.8560' W; running southerly to a point on the south shore 35° 52.3960' N - 75° 58.8528' W.</u></p> <p>(v) <u>East Lake - Joint Waters west and Inland Waters east of a line beginning at a point on the north shore 35° 56.1676' N - 75° 55.2603' W; running southerly to a point on the south shore 35° 55.4727' N - 75° 55.5043' W. Joint Waters north and Inland Waters south of a line beginning at a point on the west shore 35° 58.6402' N - 75° 52.1855' W; running easterly to a point on the east shore 35° 58.5887' N - 75° 51.7080' W.</u></p> <p>(b) <u>Albemarle Sound - All waters in this waterbody in Dare County are designated as Coastal.</u></p> <p>(i) <u>All Manmade Tributaries - All manmade tributaries in Dare County for this waterbody are designated as Joint.</u></p> <p>(ii) <u>Kitty Hawk Bay - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 03.1967' N - 75° 44.3087' W; running easterly to a point on the east shore 36° 03.1871' N - 75° 44.2716' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.1338' N - 75° 44.2423' W; running southerly to a point on the south shore 36° 03.0919' N - 75° 44.2533' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the</u></p> | <p><u>north shore 36° 02.9960' N - 75° 44.2840' W; running southerly to a point on the south shore 36° 02.9592' N - 75° 44.2291' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 02.4964' N - 75° 44.2089' W; running southerly to a point on the south shore 36° 01.3270' N - 75° 43.6422' W.</u></p> <p>(iii) <u>Peter Mashoes Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 57.2344' N - 75° 48.3087' W; running southerly to a point on the south shore 35° 56.7805' N - 75° 48.3563' W.</u></p> <p>(iv) <u>Tom Mann Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 58.5296' N - 75° 52.8982' W; running easterly to a point on the east shore 35° 58.5175' N - 75° 53.6851' W.</u></p> <p>(v) <u>Collington Harbor - Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 01.0828' N - 75° 43.6070' W; running southerly to a point on the south shore 36° 01.0510' N - 75° 43.6015' W.</u></p> <p>(c) <u>Croatan Sound - All waters in this waterbody in Dare County are designated as Coastal.</u></p> <p>(i) <u>All Manmade Tributaries - All waters in this waterbody are designated as Joint.</u></p> <p>(ii) <u>Spencer Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.4205' N - 75° 45.0645' W; running southerly to a point on the south shore 35° 51.3876' N - 75° 45.0640' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.5597' N - 75° 45.0141' W; running southerly to a point on the</u></p> |
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- south shore 35° 51.4624' N - 75° 45.0498' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.6783' N - 75° 44.9125' W; running southerly to a point on the south shore 35° 51.5693' N - 75° 45.0109' W.
- (iii) Calahan Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.1312' N - 75° 45.1327' W; running southwesterly to a point on the south shore 35° 51.0953' N - 75° 45.1629' W.
- (d) Roanoke Sound - All waters in this waterbody in Dare County are designated as Coastal.
- (i) Buzzard Bay - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 59.6662' N - 75° 41.8400' W; running easterly to a point on the east shore 35° 59.4376' N - 75° 40.5770' W.
- (e) Pamlico Sound - All waters in this waterbody in Dare County are designated as Coastal.
- (i) Stumpy Point Bay - All waters in this waterbody are designated as Coastal.
- (A) All Manmade Tributaries - All waters in this waterbody are designated as Joint.
- (ii) Long Shoal River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 38.7661' N - 75° 53.4429' W; running easterly to a point on the east shore 35° 38.7641' N - 75° 53.4159' W
- (A) All Manmade Tributaries - All waters in this waterbody are designated as Joint.
- (B) Pains Bay - All waters in this waterbody are designated as Coastal.
- (I) Pains Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 36.4464' N - 75° 49.0420' W; running easterly to a point on the east shore 35° 36.4439' N - 75° 49.0324' W.
- (C) Deep Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 37.8971' N - 75° 51.3125' W; running easterly to a point on the east shore 35° 37.8840' N - 75° 51.2928' W.
- (f) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 04.8195' N - 75° 47.4101' W; running easterly to a point on the east shore 36° 05.5739' N - 75° 44.5729' W.
- (i) All Manmade Tributaries - All manmade tributaries are designated as Joint.
- (ii) Martin Point Creek (Jean Guite Creek) - Inland Waters south Joint Waters north of a line beginning at a point on the west shore 36° 07.6716' N - 75° 44.9656' W; running easterly to a point on the east shore 36° 07.7568' N - 75° 44.6823' W.
- (12) Gates County

- (a) Chowan River - All waters within this waterbody for Gates County are designated as Joint.
- (i) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76° 41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.
- (ii) Bennetts Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.3499' N - 76° 42.0286' W; running northeasterly to a point on the east shore 36° 18.4057' N - 76° 41.6986' W.
- (iii) Beef Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 20.3235' N - 76° 44.6401' W; running easterly to a point on the east shore 36° 20.3070' N - 76° 44.5797' W.
- (iv) Sarem Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 21.7259' N - 76° 46.4085' W; running southerly to a point on the south shore 36° 21.6748' N - 76° 46.4392' W.
- (v) Shingle (Island) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the north shore of the westernmost entrance into Chowan River 36° 21.8449' N - 76° 48.0940' W; running southeasterly to a point on the south shore 36° 21.7831' N - 76° 48.0427' W. At the easternmost entrance to the creek: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 21.8469' N - 76° 47.2668' W; running northeasterly to a point on the east shore 36° 21.9062' N - 76° 47.1862' W.
- (vi) Barnes Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the western shore 36° 21.8820' N - 76° 48.6419' W; running easterly to a point on the east shore 36° 21.8978' N - 76° 48.5902' W.
- (vii) Spikes Creek - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 22.6515' N - 76° 50.8882' W; running northeasterly to a point on the east shore 36° 22.6684' N - 76° 50.8493' W.
- (viii) Buckhorn Creek (Run Off Swamp) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 22.9682' N - 76° 51.9172' W; running easterly to a point on the east shore 36° 22.9614' N - 76° 51.8870' W.
- (ix) Mud Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 23.5134' N - 76° 53.9131' W; running easterly to a point on the east shore 36° 23.5132' N - 76° 53.8815' W.
- (x) Somerton Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.7177' N - 76° 54.8327' W; running easterly to a point on the east shore 36° 31.7143' N - 76° 54.7810' W.
- (13) Halifax County
- (a) Roanoke River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.5264' N - 77° 23.0223' W; running northeasterly along the south side of the Highway 258 Bridge to a point on the east shore 36° 12.5674' N - 77° 22.9724' W.
- (i) Kehukee Swamp - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.1942' N - 77° 18.9596' W; running southwesterly to a point on

- the south shore 36° 05.1670' N - 77° 18.9761' W.
- (ii) Clarks Canal - Inland Waters north and Joint Waters south of a line of a line beginning at a point on the west shore 36° 04.6165' N - 77° 19.5817' W; running easterly to a point on the east shore 36° 04.6215' N - 77° 19.5643' W.
- (14) Hertford County
- (a) Chowan River – All waters within this waterbody for Hertford County are designated as Joint.
- (i) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east shore 36° 14.0899' N - 76° 43.8533' W.
- (ii) Swain Mill (Taylor Pond) Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.5808' N - 76° 43.4729' W; running southerly to a point on the south shore 36° 18.5616' N - 76° 43.4706' W.
- (iii) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 19.5838' N - 76° 44.5971' W; running southerly to a point on the south shore 36° 19.5375' N - 76° 44.5925' W.
- (iv) Wiccacon River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 20.5439' N - 76° 45.4550' W; running southeasterly to a point on the south shore 36° 20.4684' N - 76° 45.3392' W.
- (v) Hodges Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 21.2459' N - 76° 46.3421' W; running southerly to a point on the south shore 36° 21.1823' N - 76° 46.3243' W.
- (vi) Catherine Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 22.9579' N - 76° 53.1994' W; running southeasterly to a point on the east shore 36° 22.9456' N - 76° 53.1742' W.
- (vii) Harris (Hares) Mill Creek - All waters within this waterbody are designated as Inland.
- (viii) Meherrin River - All waters within this waterbody are designated as Joint.
- (A) Potecasi Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 36° 26.1234' N - 76° 57.5262' W; running southeasterly to a point on the east shore 36° 26.1005' N - 76° 57.4960' W.
- (B) Liverman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 26.7244' N - 76° 58.2797' W; running easterly to a point on the east shore 36° 26.7086' N - 76° 58.2499' W.
- (C) Vaughan's Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 28.3541' N - 77° 05.6259' W; running southerly to a point on the south shore 36° 28.3307' N - 77° 05.6369' W.
- Banks Creek - All waters in this waterbody are designated as Inland.
- (ix) Buckhorn Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.9519' N -

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| <p><u>76° 55.2580' W; running easterly to a point on the east shore 36° 31.9628' N - 76° 55.2429' W</u></p> <p>(15) <u>Hyde County</u></p> <p>(a) <u>Pamlico Sound - All waters within this waterbody in Hyde County are designated as Coastal.</u></p> <p>(i) <u>Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354' W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.</u></p> <p>(A) <u>Rutman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 33.1874' N - 76° 27.4090' W; running easterly to a point 35° 33.1759' N - 76° 27.2525' W; running northeasterly to a point on the east shore 35° 33.2455' N - 76° 26.9119' W.</u></p> <p>(B) <u>Wilkerson Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 33.1251' N - 76° 27.2328' W; running northerly to a point 35° 33.1553' N - 76° 27.2447' W; running easterly to a point on the east shore 35° 33.3286' N - 76° 26.2019' W.</u></p> <p>(C) <u>Atlantic Intracoastal Waterway From Wilkerson Creek To Alligator River</u></p> | <p><u>At Winn Bay - All waters within this part of the IWW are designated as Joint.</u></p> <p>(D) <u>Horse Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 32.1965' N - 76° 28.0462' W; running southerly to a point on the south shore 35° 32.1480' N - 76° 28.0705' W.</u></p> <p>(E) <u>Tarklin Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 31.1553' N - 76° 28.1478' W; running southeasterly to a point on the south shore 35° 31.0974' N - 76° 28.0984' W.</u></p> <p>(F) <u>Scranton Creek - Inland Waters east and Joint Waters west of line beginning at a point on the north shore 35° 30.0080' N - 76° 26.7759' W; running southerly to a point on the south shore 35° 29.9574' N - 76° 26.7750' W.</u></p> <p>(G) <u>Smith Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.2812' N - 76° 29.7546' W; running southeasterly to a point on the east shore 35° 30.1904' N - 76° 29.4657' W.</u></p> <p>(H) <u>Fishing Creek - Inland Waters east and Coastal Waters west of a line beginning at a point</u></p> |
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**PROPOSED RULES**

- on the west shore  
35° 30.2400' N -  
76° 35.0143' W;  
running  
southeasterly to a  
point on the east  
shore 35° 30.0645'  
N - 76° 34.8211' W.
- (I) Slades Creek - All  
waters within this  
waterbody are  
designated as  
Coastal.
- (J) Fortescue Creek -  
All waters within  
this waterbody are  
designated as  
Coastal.
- (ii) Rose Bay - All waters within  
this waterbody are  
designated as Coastal.
- (A) Rose Bay Creek -  
All waters within  
this waterbody are  
designated as  
Coastal.
- (B) Rose Bay Canal -  
Inland Waters east  
and Joint Waters  
west of a line  
beginning at a point  
on the north shore  
35° 28.5607' N -  
76° 19.6545' W;  
running southerly  
to a point on the  
south shore 35°  
28.5509' N - 76°  
19.6572' W. Joint  
Waters north and  
Coastal Waters  
south of a line  
beginning at a point  
on the west shore  
35° 27.8491' W -  
76° 24.2198' W;  
running easterly to  
a point on the east  
shore 35° 27.8404'  
N - 76° 24.2065' W.
- (iii) Swan Quarter Bay - All  
waters within this waterbody  
are designated as Coastal.
- (A) Oyster Creek - All  
waters within this  
waterbody are  
designated as  
Coastal.
- (iv) Juniper Bay - All waters  
within this waterbody are  
designated as Coastal.
- (A) Juniper Bay Creek -  
Joint Waters east  
and Coastal Waters  
west of a line  
beginning at a point  
on the north shore  
35° 23.2472' N -  
76° 14.8754' W;  
running  
southwesterly to a  
point on the south  
shore 35° 23.1738'  
N - 76° 14.9794' W.
- (B) Juniper Bay Creek  
Canal - Inland  
Waters north and  
Joint Waters south  
of a line beginning  
at a point on the  
west shore 35°  
23.8618' N - 76°  
13.1044' W;  
running easterly to  
a point on the east  
shore 35° 23.8677'  
N - 76° 13.0888' W.
- (v) Lake Mattamuskeet - All  
waters in this waterbody are  
designated as Inland.
- (A) Outfall Canal -  
Inland Waters north  
and Joint Waters  
south of a line  
beginning at a point  
on the west shore  
35° 26.6017' N -  
76° 10.1715' W;  
running easterly to  
a point on the east  
shore 35° 26.6093'  
N - 76° 10.1513' W.  
Joint Waters north  
and Coastal waters  
south of a line  
beginning at a point  
on the west shore  
35° 21.4945' N -  
76° 06.5336' W;  
running  
northeasterly to a  
point on the east  
shore 35° 21.5480'  
N - 76° 06.4819' W.
- (B) Lake Landing  
Canal - Inland  
Waters north and  
Joint Waters south  
of a line beginning  
at a point on the  
west shore 35°  
28.7878' N - 76°

**PROPOSED RULES**

- 04.5867' W;  
running easterly to  
a point on the east  
shore 35° 28.7910'  
N - 76° 04.5726' W.  
Joint Waters north  
and Coastal waters  
south of a line  
beginning at a point  
on the west 35°  
25.9529' N - 76°  
03.6785' W;  
running easterly to  
a point on the east  
shore 35° 25.9568'  
N - 76° 03.6566' W.  
Joint Waters north  
and Coastal Waters  
south of a line  
beginning at a point  
on the west shore  
35° 25.9666' N -  
76° 03.5856' W;  
running easterly to  
a point on the east  
shore 35° 25.9819'  
N - 76° 03.5600' W.
- (C) Waupopin Canal -  
Inland Waters west  
and Joint Waters  
east of a line  
beginning at a point  
on the north shore  
35° 31.8413' N -  
76° 01.7779' W;  
running southerly  
to a point on the  
south shore 35°  
31.8283' N - 76°  
01.7637' W. Joint  
Waters west and  
Coastal Waters east  
of a line beginning  
at a point on the  
west shore 35°  
31.5557' N - 75°  
58.8725' W;  
running easterly to  
a point on the east  
shore 35° 31.5648'  
N - 75° 58.8555' W.
- (D) Rattlesnake Canal -  
Joint Waters north  
and Coastal Waters  
south of a line  
beginning at a point  
on the west shore  
35° 26.6965' N -  
76° 00.8079' W;  
running easterly to  
a point on the east  
shore 35° 26.7116'  
N - 76° 00.7749' W.
- (E) All Other Manmade  
Tributaries To Lake  
Mattamuskeet - All  
manmade  
tributaries of this  
waterbody are  
designated as  
Inland.
- (vi) Middletown Creek - All  
waters within this waterbody  
are designated as Coastal.
- (vii) Long Shoal River - Inland  
Waters north and Coastal  
Waters south of a line  
beginning at a point on the  
west shore 35° 38.7661' N -  
75° 53.4429' W; running  
easterly to a point on the east  
shore 35° 38.7641' N - 75°  
53.4159' W.
- (A) All Manmade  
Tributaries - All  
manmade  
tributaries of this  
waterbody are  
designated as Joint.
- (B) Broad Creek - All  
waters within this  
waterbody are  
designated as  
Coastal.
- (C) Flag Creek - Inland  
Waters west and  
Coastal Waters east  
of a line beginning  
at a point on the  
west shore 35°  
37.3782' N - 75°  
53.0699' W;  
running easterly to  
a point on the east  
shore 35° 37.3894'  
N - 75° 53.0593' W.
- (D) Cumberland Creek  
-Inland Waters west  
and Coastal Waters  
east of a line  
beginning at a point  
on the north shore  
35° 38.3026' N -  
75° 53.3010' W;  
running southerly  
to a point on the  
south shore 35°  
38.2692' N - 75°  
53.3038' W.
- (b) Alligator River - Inland Waters west  
and Joint Waters east of a line  
beginning at a point on the north

- shore at Cherry Ridge Landing 35° 42.2172' N - 76° 08.4686' W; running southerly to a point on the south shore 35° 42.1327' N - 76° 08.5002' W.
- (i) Swan Creek and Lake - All waters within this waterbody are designated as Inland.
- (16) Jones County
- (a) White Oak River – Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N -77° 11.4711' W; running easterly to a point on the east shore 34° 48.1620' N -77° 11.4244' W.
- (i) Grants Creek - All waters within this waterbody are designated as Inland.
- (ii) Hunters Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N -77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N -77° 09.9160' W.
- (17) Martin County
- (a) Roanoke River – All waters within this waterbody in Martin County are designated as Joint.
- (i) Prices Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 57.3701' N - 77° 11.9815' W; running southerly to a point on the south shore 35° 57.3552' N - 77° 11.9796' W.
- (ii) Rainbow Gut - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.9334' N - 77° 11.3246' W; running easterly to a point on the east shore 35° 55.9275' N - 77° 11.3136' W.
- (iii) Conoho Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 52.5439' N - 77° 02.6673' W; running easterly to a point on the east shore 35° 52.5407' N - 77° 02.6280' W.
- (iv) Sweetwater Creek - Inland Waters east and Joint Waters west of a line beginning at a
- point on the west shore 35° 51.6464' N - 77° 00.5090' W; running southeasterly to a point on the east shore 35° 51.6252' N - 77° 00.4879' W.
- (A) Peter Swamp – All waters within this waterbody are designated as Inland.
- (v) Devils Gut - All waters in this waterbody are designated as Joint
- (A) Upper Deadwater Creek - All waters in this waterbody are designated Joint.
- (B) Lower Deadwater Creek - All waters in this waterbody are designated Joint.
- (C) Gardner Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 50.1599' N - 76° 56.0211' W; running easterly to a point on the east shore 35° 50.1633' N - 76° 55.9899' W.
- (vi) Roses Creek - Inland Waters southeast and Joint Waters northwest of a line beginning at a point on the north shore 35° 50.1683' N - 76° 50.9664' W; running southwesterly to a point on the south shore 35° 50.1363' N - 76° 56.9907' W.
- (vii) Welch Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the western shore 35° 51.8458' N - 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to a point on the east shore 35° 51.8840' N - 76° 45.6207' W.
- (18) New Hanover County
- (a) Cape Fear River - Joint Waters north and Coastal Waters south of a line beginning at a point on the western

side 34° 13.6953' N - 77° 57.2396' W; running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W.

(i) Lords Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 05.1562' N - 77° 55.3816' W; running southerly to a point on the south shore 34° 05.1303' N - 77° 55.4008' W.

(ii) Todds Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 07.4791' N - 77° 55.5175' W; running southeasterly to a point on the south shore 34° 07.4578' N - 77° 55.5116' W.

(iii) Barnards Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 09.4347' N - 77° 56.5969' W; running southerly to a point on the south shore 34° 09.3887' N - 77° 56.5791' W.

(iv) Greenfield Lake Outlet - Greenfield Lake Outlet Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 12.7210' N - 77° 57.2058' W; running southerly to a point on the south shore 34° 12.7075' N - 77° 57.2085' W.

(v) Tommer Creek - For the southernmost entrance into the Cape Fear: Inland Waters northwest and Joint Waters southwest of a line beginning at a point on the west shore 34° 15.6397' N - 77° 58.9608' W; running northeasterly to a point on the east shore 34° 15.6589' N - 77° 58.9338' W. For the northernmost entrance into the Cape Fear: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 16.6630' N - 77° 59.4699' W; running northeasterly to a point on

the east shore 34° 16.6767' N - 77° 59.4506' W.

(vi) Catfish Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.7546' N - 77° 59.3751' W; running southeasterly to a point on the south shore 34° 16.7118' N - 77° 59.3870' W.

(vii) Northeast Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of NC 210 bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.

(A) Smiths Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.0366' N - 77° 56.8405' W; running southeasterly to a point on the south shore 34° 15.9919' N - 77° 56.7961' W.

(B) Ness Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 17.1741' N - 77° 57.2460' W; running southeasterly to a point on the south shore 34° 17.1494' N - 77° 57.2044' W.

(C) Dock Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 18.1274' N - 77° 57.3847' W; running southwesterly to a point on the south shore 34° 18.1173' N - 77° 57.3678' W.



- (D) Fishing Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 19.1613' N - 77° 57.2460' W; running southwesterly to a point on the south shore 34° 19.1331' N - 77° 57.2245' W.
- (E) Prince George Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 21.8481' N - 77° 57.0066' W; running northeasterly to a point on the east shore 34° 21.8778' N - 77° 57.9755' W.
- (G) Sturgeon Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 22.6796' N - 77° 51.6018' W; running northeasterly to a point on the east shore 34° 22.6931' N - 77° 51.5776' W.
- (H) Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 23.2509' N - 77° 47.3377' W; running northeasterly to a point on the north shore 34° 23.3322' N - 77° 49.3208' W.
- (19) Northampton County
- (a) Roanoke River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.5264' N - 77° 23.0223' W; running northeasterly along the south side of the Highway 258 Bridge to a point on the east shore 36° 12.5674' N - 77° 22.9724' W.
- (i) Sandy Run (Norfleet Gut) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 10.1119' N - 77° 17.5396' W; running northeasterly to a point on the east shore 36° 10.1172' N - 77° 17.5316' W.
- (b) Meherrin River - All waters of Meherrin River up to the Virginia state line within Northampton County are designated as Joint.
- (20) Onslow County
- (a) Beasleys Creek (Barlow Creek) - All waters within this waterbody are designated as Coastal.
- (b) Kings Creek - All waters within this waterbody are designated as Coastal.
- (c) Turkey Creek - All waters within this waterbody are designated as Coastal.
- (d) Mill Creek - All waters within this waterbody are designated as Coastal.
- (e) New River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 45.1654' N - 77° 26.1222' W; running easterly along the southern side of the US Hwy 17 bridge to a point on the east shore 34° 45.2007' N - 77° 25.9790' W.
- (i) Wheeler Creek - All waters within this waterbody are designated as Coastal.
- (ii) Everett Creek - All waters within this waterbody are designated as Coastal.
- (iii) Stones Creek - All waters within this waterbody are designated as Coastal.
- (iv) Muddy Creek - All waters within this waterbody are designated as Coastal.
- (v) Mill Creek - All waters within this waterbody are designated as Coastal.
- (vi) Lewis Creek - All waters within this waterbody are designated as Coastal.
- (vii) Southwest Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 40.8723' N - 77° 26.2399' W; running northeasterly to a point on the east shore 34° 40.9112' N - 77° 26.1758' W.

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- (viii) Brinson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 44.0945' N - 77° 26.4335' W; running southerly to a point on the south shore 34° 44.0654' N - 77° 26.4239' W.
- (ix) Northeast Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 34° 44.0778' N - 77° 21.2640' W; running southeasterly along the southern side of the railroad bridge to a point on the east shore 34° 44.0446' N - 77° 21.2126' W.
- (x) Wallace Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 40.9604' N - 77° 21.5698' W; running southwesterly along the western side of the first bridge upstream from the mouth, to a point on the south shore 34° 40.8576' N - 77° 21.4787' W.
- (xi) Codels Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 38.8845' N - 77° 20.4533' W; running southerly to a point on the south shore 34° 38.8691' N - 77° 20.4515' W.
- (xii) French Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 38.4059' N - 77° 20.2619' W; running southerly to a point on the south shore 34° 38.2566' N - 77° 20.3233' W.
- (xiii) Duck Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 38.0179' N - 77° 20.5169' W; running southwesterly to a point on the south shore 34° 37.9172' N - 77° 20.6520' W.
- (f) Freeman (Browns) Creek - All waters within this waterbody are designated as Coastal.
- (g) Bear Creek - All waters within this waterbody are designated as Coastal.
- (h) Queens Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 42.1815' N - 77° 11.5690' W; running easterly to a point on the east shore 34° 42.2273' N - 77° 11.4193' W.
- (i) Parrotts Swamp - All waters within this waterbody are designated as Coastal.
- (i) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1620' N - 77° 11.4244' W; running northeasterly to a point on the east shore 34° 48.1466' N - 77° 11.4711' W.
- (i) Stevens Creek - All waters within this waterbody are designated as Coastal.
- (ii) Holland Mill (Mill Pond) Creek - All waters within this waterbody are designated as Coastal.
- (iii) Webbs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 34° 45.7559' N - 77° 10.1321' W; running southwesterly to a point on the south shore 34° 45.7404' N - 77° 10.1486' W.
- (iv) Freemans Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 46.9791' N - 77° 10.3935' W; running southerly to a point on the south shore 34° 46.9663' N - 77° 10.3999' W.
- (v) Calebs Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 47.3014' N - 77° 10.5043' W; running southwesterly to a point on the south shore 34° 47.2890' N - 77° 10.5189' W.
- (vi) Grants Creek - All waters within this waterbody are designated as Inland.
- (21) Pamlico County

**PROPOSED RULES**

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| <p>(a) <u>Pamlico River - All waters within this waterbody are designated as Coastal.</u></p> <p>(i) <u>Lower Goose Creek - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(A) <u>Dixons Creek - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(B) <u>Patons Creek - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(C) <u>Wilson Creek - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(D) <u>Eastham Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 17.8205' N - 76° 35.1828' W; running southerly to a point on the south shore 35° 17.6797' N - 76° 35.1840' W.</u></p> <p style="padding-left: 40px;">(E) <u>Upper Spring Creek - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(F) <u>Intracoastal Waterway from Upper Spring Creek To Gale Creek - All waters within this waterbody are designated as Coastal.</u></p> <p>(ii) <u>Oyster Creek - All waters within this waterbody are designated as Coastal.</u></p> <p>(iii) <u>Clark Creek - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(A) <u>Middle Prong - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(B) <u>James Creek - All waters within this waterbody are</u></p> | <p align="right"><u>designated as Coastal.</u></p> <p>(b) <u>Pamlico Sound - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(i) <u>Porpoise Creek - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(ii) <u>Drum Creek - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(iii) <u>Bay River - Inland Waters south and Coastal Waters north of a line beginning at a point on the north shore 35° 08.4601' N - 76° 45.9173' W; running southeasterly to a point on the south shore 35° 08.4436' N - 76° 45.8885' W.</u></p> <p style="padding-left: 40px;">(A) <u>Gale Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 13.3142' N - 76° 36.7089' W; running southwesterly to a point on the south shore 35° 13.2964' N - 76° 36.7222' W.</u></p> <p style="padding-left: 40px;">(B) <u>Chadwick Creek - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(C) <u>Bear Creek - All waters within this waterbody are designated as Coastal.</u></p> <p style="padding-left: 40px;">(D) <u>Vandemere Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 12.0330' N - 76° 40.7460' W; running northeasterly to a point on the east shore 35° 12.0433' N - 76° 40.7235' W.</u></p> <p style="padding-left: 40px;">(I) <u>Long Creek - All waters within this waterbody</u></p> |
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**PROPOSED RULES**

	<u>are</u>	<u>shore 35°</u>
	<u>designated</u>	<u>07.1610' N</u>
	<u>as Coastal.</u>	<u>- 76°</u>
(E)	<u>Smith Creek - All</u>	<u>43.0947'</u>
	<u>waters within this</u>	<u>W.</u>
	<u>waterbody are</u>	(iv) <u>Masons Creek - All waters</u>
	<u>designated as</u>	<u>within this waterbody are</u>
	<u>Coastal.</u>	<u>designated as Coastal.</u>
(F)	<u>Chapel Creek -</u>	(v) <u>Moore Creek - All waters</u>
	<u>Inland Waters north</u>	<u>within this waterbody are</u>
	<u>and Coastal Waters</u>	<u>designated as Coastal.</u>
	<u>south of a line</u>	(vi) <u>Rices Creek - All waters</u>
	<u>beginning at a point</u>	<u>within this waterbody are</u>
	<u>on the west shore</u>	<u>designated as Coastal.</u>
	<u>35° 10.0076' N -</u>	(vii) <u>Ball Creek - All waters</u>
	<u>76° 42.4909 ' W;</u>	<u>within this waterbody are</u>
	<u>running easterly to</u>	<u>designated as Coastal.</u>
	<u>a point on the east</u>	(viii) <u>Cabin Creek - All waters</u>
	<u>shore 35° 10.0096'</u>	<u>within this waterbody are</u>
	<u>N - 76° 42.4722' W.</u>	<u>designated as Coastal.</u>
(G)	<u>Raccoon Creek -</u>	(ix) <u>Riggs Creek - All waters</u>
	<u>All waters within</u>	<u>within this waterbody are</u>
	<u>this waterbody are</u>	<u>designated as Coastal.</u>
	<u>designated as</u>	(x) <u>Spring Creek - All waters</u>
	<u>Coastal.</u>	<u>within this waterbody are</u>
(H)	<u>Trent Creek -</u>	<u>designated as Coastal.</u>
	<u>Inland Waters south</u>	(xi) <u>Long Creek - All waters</u>
	<u>and Coastal Waters</u>	<u>within this waterbody are</u>
	<u>north of a line</u>	<u>designated as Coastal.</u>
	<u>beginning at a point</u>	(c) <u>Neuse River - All waters within this</u>
	<u>on the west shore</u>	<u>waterbody are designated as Coastal.</u>
	<u>35° 06.2738' N -</u>	(i) <u>Swan Creek - All waters</u>
	<u>76° 43.1071' W;</u>	<u>within this waterbody are</u>
	<u>running</u>	<u>designated as Coastal.</u>
	<u>southeasterly to a</u>	(ii) <u>Lower Broad Creek - All</u>
	<u>point on the east</u>	<u>waters within this waterbody</u>
	<u>shore 35° 06.2603'</u>	<u>are designated as Coastal.</u>
	<u>N - 76° 43.0741' W.</u>	(A) <u>Greens Creek - All</u>
(I)	<u>Thomas</u>	<u>waters within this</u>
	<u>Creek -</u>	<u>waterbody are</u>
	<u>Inland</u>	<u>designated as</u>
	<u>Waters</u>	<u>Coastal.</u>
	<u>east and</u>	(B) <u>Pittman Creek - All</u>
	<u>Coastal</u>	<u>waters within this</u>
	<u>Waters</u>	<u>waterbody are</u>
	<u>west of a</u>	<u>designated as</u>
	<u>line</u>	<u>Coastal.</u>
	<u>beginning</u>	(C) <u>Burton Creek - All</u>
	<u>at a point</u>	<u>waters within this</u>
	<u>on the</u>	<u>waterbody are</u>
	<u>north</u>	<u>designated as</u>
	<u>shore 35°</u>	<u>Coastal.</u>
	<u>07.2024 ' N - 76°</u>	(D) <u>Brown Creek - All</u>
	<u>43.0929'</u>	<u>waters within this</u>
	<u>W;</u>	<u>waterbody are</u>
	<u>running</u>	<u>designated as</u>
	<u>southerly</u>	<u>Coastal.</u>
	<u>to a point</u>	(I) <u>Spice</u>
	<u>on the</u>	<u>Creek - All</u>
	<u>south</u>	<u>waters</u>
		<u>within this</u>

**PROPOSED RULES**

	<u>waterbody</u>	<u>76° 45.5392' W;</u>
	<u>are</u>	<u>running easterly to</u>
	<u>designated</u>	<u>a point on the east</u>
	<u>as Coastal.</u>	<u>shore 35° 00.4289'</u>
(E)	Gideon Creek - All	<u>N - 76° 45.4472' W.</u>
	<u>waters within this</u>	(ix) Gatlin Creek - Inland Waters
	<u>waterbody are</u>	<u>north and Coastal Waters</u>
	<u>designated as</u>	<u>south of a line beginning at a</u>
	<u>Coastal.</u>	<u>point on the west shore 34°</u>
(F)	Tar Creek - All	<u>58.4165' N - 76° 47.4645'</u>
	<u>waters within this</u>	<u>W; running easterly to a</u>
	<u>waterbody are</u>	<u>point on the east shore 34°</u>
	<u>designated as</u>	<u>58.4154' N - 76° 47.4371'</u>
	<u>Coastal.</u>	<u>W.</u>
(G)	Parris Creek - All	(x) Little Creek - Inland Waters
	<u>waters within this</u>	<u>north and Coastal Waters</u>
	<u>waterbody are</u>	<u>south of a line beginning at a</u>
	<u>designated as</u>	<u>point on the west shore 34°</u>
	<u>Coastal.</u>	<u>58.5175' N - 76° 49.5822'</u>
(iii)	Orchard Creek - All waters	<u>W; running southeasterly to</u>
	<u>within this waterbody are</u>	<u>a point on the east shore 34°</u>
	<u>designated as Coastal.</u>	<u>58.5086' N - 76° 49.5680'</u>
(iv)	Pierce Creek - All waters	<u>W.</u>
	<u>within this waterbody are</u>	(xi) Mill Creek - Inland Waters
	<u>designated as Coastal.</u>	<u>north and Coastal Waters</u>
(v)	Whitaker Creek - All waters	<u>south of a line beginning at a</u>
	<u>within this waterbody are</u>	<u>point on the west shore 34°</u>
	<u>designated as Coastal.</u>	<u>59.6024' N - 76° 51.1276'</u>
(vi)	Smith Creek - Joint Waters	<u>W; running easterly to a</u>
	<u>northwest and Coastal</u>	<u>point on the east shore 34°</u>
	<u>Waters southeast of a line</u>	<u>59.5955' N - 76° 51.0864'</u>
	<u>beginning at a point on the</u>	<u>W.</u>
	<u>north shore at the Oriental</u>	(xii) Beard Creek - Inland Waters
	<u>Bridge 35° 01.5149' N - 76°</u>	<u>north and Coastal Waters</u>
	<u>41.9549' W; running</u>	<u>south of a line beginning at a</u>
	<u>southwesterly to a point on</u>	<u>point on the west shore 35°</u>
	<u>the south shore 35° 01.3391'</u>	<u>00.3293' N - 76° 52.1855' N;</u>
	<u>N - 76° 42.1774' W.</u>	<u>running easterly to a point</u>
(vii)	Greens Creek - All waters	<u>on the east shore 35°</u>
	<u>within this waterbody are</u>	<u>00.3055' N - 76° 51.9012'</u>
	<u>designated as Joint.</u>	<u>W.</u>
(A)	Kershaw Creek -	(xiii) Lower Duck Creek - Inland
	<u>All waters within</u>	<u>Waters north and Coastal</u>
	<u>this waterbody are</u>	<u>Waters south of a line</u>
	<u>designated as Joint.</u>	<u>beginning at a point on the</u>
(viii)	Dawson Creek - Inland	<u>west shore 35° 01.5781' N -</u>
	<u>Waters west and Coastal</u>	<u>76° 54.1580' W; running</u>
	<u>Waters east of a line</u>	<u>easterly to a point on the east</u>
	<u>beginning at a point on the</u>	<u>shore 35° 01.5566' N - 76°</u>
	<u>north shore 35° 00.3371' N -</u>	<u>54.0248' W.</u>
	<u>76° 45.6513' W; running</u>	(xiv) Goose Creek - Inland Waters
	<u>southerly to a point on the</u>	<u>north and Coastal Waters</u>
	<u>south shore 35° 00.1492' N -</u>	<u>south of a line beginning at a</u>
	<u>76° 45.6202' W.</u>	<u>point on the west shore 35°</u>
(A)	Tarkiln Creek -	<u>03.4414' N - 76° 55.1170'</u>
	<u>Inland Waters north</u>	<u>W; running easterly to a</u>
	<u>and Coastal Waters</u>	<u>point on the east shore 35°</u>
	<u>south of a line</u>	<u>03.3567' N - 76° 54.9728'</u>
	<u>beginning at a point</u>	<u>W.</u>
	<u>on the west shore</u>	(xv) Upper Broad Creek - Inland
	<u>35° 00.4124' N -</u>	<u>Waters north and Coastal</u>

- Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running easterly to a point on the east shore 35° 04.4705' N - 76° 56.2115' W.
- (22) Pasquotank County
- (a) Albemarle Sound - All waters within this waterbody in Pasquotank County are designated Coastal.
- (i) All Manmade Tributaries - All manmade tributaries of Pasquotank County are designated as Joint.
- (ii) Little River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 12.4168' N - 76° 17.1730' W; running northeasterly to a point on the east shore 36° 12.5051' N - 76° 16.9102' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 07.5322' N - 76° 10.6901' W; running southwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.
- (A) Symonds Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 10.2898' N - 76° 14.1801' W; running southeasterly to a point on the south shore 36° 10.2042' N - 76° 14.0368' W.
- (iii) Big Flatty Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 09.3267' N - 76° 08.2562' W; running southerly to a point on the south shore 36° 08.9730' N - 76° 08.3175' W. Joint waters west and Coastal Waters south of a line beginning at a point on the west shore 36° 07.9621' N - 76° 07.1818' W; running easterly to a point on the east shore 36° 08.2706' N - 76° 06.2525' W.
- (iv) Pasquotank River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 36° 18.0768' N - 76° 13.0979' W; running northeasterly to a point on the east shore 36° 18.0594' N - 76° 12.9620' W. Joint Waters north of a line beginning at a point on the north shore of the Pasquotank River 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.
- (A) Little Flatty Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 11.5209' N - 76° 04.6517' W; running southerly to a point on the south shore 36° 10.9973' N - 76° 04.5149' W.
- (B) New Begun Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 13.3298' N - 76° 08.2878' W; running southerly to a point on the south shore 36° 13.0286' N - 76° 08.1820' W. Possible typo with longitude.
- (I) Paling Creek - All waters in this waterbody are designated as Inland.
- (II) James Creek - All waters in this waterbody

- are  
designated  
as Inland.
- (C) Charles Creek -  
Inland Waters south  
and Joint Waters  
north of a line  
beginning at a point  
on the west shore  
36° 17.8090' N -  
76° 13.0732' W;  
running easterly to  
a point on the east  
shore 36° 17.8024'  
N - 76° 13.0407' W.
- (23) Pender County
- (a) Cape Fear River – All waters within  
this waterbody for Pender County are  
designated as Joint.
- (i) Thorofare – For the  
easternmost entrance into the  
Black River: Inland Waters  
northwest and Joint Waters  
southwest of a line  
beginning at a point on the  
west shore 34° 22.0493' N -  
78° 04.4435' W; running  
northeasterly to a point on  
the east shore 34° 22.0783'  
N - 78° 04.4123' W. For the  
westernmost entrance into  
the Cape Fear River: Inland  
Waters east and Joint Waters  
west of a line beginning at a  
point on the north shore 34°  
21.9197' N - 78° 07.0527'  
W; running southeasterly to  
a point on the south shore  
34° 21.8618' N - 78°  
06.9992' W
- (ii) Black River - Inland Waters  
northeast and Joint Waters  
southwest of a line  
beginning at a point on the  
north shore 34° 22.0783' N -  
78° 04.4123' W; running  
southeasterly to a point on  
the south shore 34° 21.9950'  
N - 78° 04.2864' W.
- (iii) Northeast Cape Fear River -  
Inland Waters north and  
Joint Waters south of a line  
beginning at a point on the  
west side 34° 26.5658' N -  
77° 50.0871' W; running  
northeasterly along the  
southern side of NC 210  
bridge to a point on the east  
side 34° 26.6065' N - 77°  
49.9955' W.
- (A) Cowpen Creek -  
Inland Waters west  
and Joint Waters  
east of a line  
beginning at a point  
on the north shore  
34° 22.1417' N -  
77° 59.3357' W;  
running southerly  
to a point on the  
south shore 34°  
22.1298' N - 77°  
59.3426' W.
- (B) Long Creek -  
Inland Waters west  
and Joint Waters  
east of a line  
beginning at a point  
on the west shore  
34° 22.7149' N -  
77° 58.2797' W;  
running  
northeasterly to a  
point on the east  
shore 34° 22.7428'  
N - 77° 58.2348' W.
- (C) Turkey Creek -  
Inland Waters west  
and Joint Waters  
east of a line  
beginning at a point  
on the north shore  
34° 22.8465' N -  
77° 57.4827' W;  
running southerly  
to a point on the  
south shore 34°  
22.7895' N - 77°  
57.4452' W.
- (D) Old Creek - Inland  
Waters north and  
Joint Waters south  
of a line beginning  
at a point on the  
west shore 34°  
22.5249' N - 77°  
52.1493' W;  
running  
northeasterly to a  
point on the east  
shore 34° 22.5327'  
N - 77° 52.1278' W.
- (E) Honey Creek -  
Inland Waters north  
and Joint Waters  
south of a line  
beginning at a point  
on the west shore  
34° 22.8627' N -  
77° 51.0887' W;  
running easterly to

- a point on the east shore 34° 22.8609' N - 77° 51.0507' W.
- (F) Harrisons Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 24.1859' N - 77° 48.6570' W; running southwesterly to a point on the south shore 34° 24.1387' N - 77° 48.6982' W.
- (G) Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 23.2509' N - 77° 47.3377' W; running northeasterly to a point on the north shore 34° 23.3322' N - 77° 49.3208' W.
- (b) Topsail Sound And Tributaries - All waters within this these waterbodies are designated as Coastal.
- (c) Beasleys (Barlow) Creek - All waters within this waterbody are designated as Coastal.
- (24) Perquimans County
- (a) Albemarle Sound – All waters within this waterbody in Perquimans County are designated as Coastal.
- (i) All Manmade Tributaries - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore of the westernmost canal at Holiday Island 36° 04.8678' N - 76° 23.6343' W; running easterly along the shoreline and across the mouths of the canals to a point on the east shore of the easternmost canal 36° 05.1551' W - 76° 22.3777' W. This includes all of the manmade canals of Holiday Island.
- (ii) Yeopim River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.4526' N - 76° 27.7651' W; running to a point on the south shore at Norcum Point 36° 05.1029' N - 76° 27.7120' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 04.7426' N - 76° 24.2536' W; running southwesterly to a point on the south shore 36° 04.1136' N - 76° 24.3651' W.
- (A) Yeopim Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore of 36° 04.7206' N - 76° 24.8396' W; running easterly to a point on the east shore 36° 04.7426' N - 76° 24.2536' W
- (iii) Perquimans River - Joint Waters west and Coastal Waters east of a line beginning at a point on the west shore 36° 05.9669' N - 76° 18.1791' W; running northeasterly to a point on the east shore 36° 06.7655' N - 76° 16.5953' W. Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 36° 11.6569' N - 76° 28.0055' W; running southeasterly to a point on the east shore 36° 11.6123' N - 76° 27.9382' W.
- (A) Walter's Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 11.0483' N - 76° 27.9684' W; running southeasterly along the eastern side of the Highway 37 Bridge to a point on the south shore 36° 11.0199' N - 76° 27.9460' W.
- (B) Mill Pond Creek - Inland Waters north and Joint Waters south of a line beginning at a point



- on the west shore  
36° 12.1735' N -  
76° 27.4607' W;  
running easterly  
along the south side  
of the Highway 37  
Bridge to a point on  
the east shore 36°  
12.1778' N - 76°  
27.4159' W.
- (C) Suttons Creek -  
Inland Waters north  
and Joint Waters  
south of a line  
beginning at a point  
on the west shore  
36° 10.0394' N -  
76° 23.7945' W;  
running  
southeasterly to a  
point on the east  
shore 36° 09.9325'  
N - 76° 23.5263' W.
- (D) Jackson (Cove)  
Creek - Inland  
Waters northeast  
and Joint Waters  
southwest of a line  
beginning at a point  
on the north shore  
36° 08.4642' N -  
76° 20.3324' W;  
running  
southeasterly to a  
point on the east  
shore 36° 08.4159'  
N - 76° 20.2890' W.
- (E) Muddy Creek -  
Inland Waters  
northeast and Joint  
Waters southwest  
of a line beginning  
at a point on the  
north shore 36°  
07.0381' N - 76°  
17.1350' W;  
running  
southeasterly to a  
point on the east  
shore 36° 07.0218'  
N - 76° 17.1226' W.
- (iv) Little River - Upper: Inland  
Waters north and Joint  
Waters south of a line  
beginning at a point on the  
west shore 36° 12.4168' N -  
76° 17.1730' W; running  
northeasterly to a point on  
the east shore 36° 12.5051'  
N - 76° 16.9102' W. Joint  
Waters west and Coastal
- Waters east of a line  
beginning at a point on the  
north shore 36° 07.5322' N -  
76° 10.6901' W; running  
southwesterly to a point on  
the south shore 36° 06.4199'  
N - 76° 11.6047' W.
- (A) Deep Creek -  
Inland Waters  
southwest and Joint  
Waters northeast of  
a line beginning at  
a point on the north  
shore 36° 11.0945'  
N - 76° 16.6717'  
W; running  
southeasterly to a  
point on the south  
shore 36° 10.7510'  
N - 76° 16.2258' W.
- (B) Davis Creek -  
Inland Waters west  
and Joint Waters  
east of a line  
beginning at a point  
on the north shore  
36° 12.2950' N -  
76° 17.1405' W;  
running southerly  
to a point on the  
south shore 36°  
12.2222' N - 76°  
17.1153' W.
- (25) Tyrrell County
- (a) Albemarle Sound – All waters within  
this waterbody in Tyrrell County are  
designated as Joint.
- (i) All Manmade Tributaries –  
All manmade tributaries  
within this waterbody are  
designated as Coastal.
- (ii) Scuppernong River –  
Coastal Waters northwest  
and Joint Waters southeast  
of a line beginning at a point  
on the northeast shore 35°  
56.7196' N - 76° 18.8964'  
W; running southwesterly to  
a point on the southwest  
shore at 35° 56.3351' N - 76°  
19.6609' W. Inland Waters  
south and Joint Waters north  
of a line beginning at a point  
on the west shore 35°  
54.0158' N - 76° 15.4605'  
W; running easterly to a  
point on the east shore 35°  
54.0406' N - 76° 15.3007'  
W.
- (A) First Creek (Rider's  
Creek) - Inland

- Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 54.0495' N - 76° 15.2842' W; running northeasterly to a point on the east shore 35° 54.0641' N - 76° 15.2554' W.
- (B) Furlough Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 55.6391' N - 76° 18.9797' W; running southwesterly to a point on the south shore 35° 55.6322' N - 76° 18.9907' W.
- (ii) Alligator River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore at Cherry Ridge Landing 35° 42.2172' N - 76° 08.4686' W; running southerly to a point on the south shore 35° 42.1327' N - 76° 08.5002' W. Coastal Waters north and Joint Waters south of a line running along the north side of the Highway 64 Bridge beginning at a point on the west shore 35° 54.2903' N - 76° 01.6818' W; running easterly to a point on the east shore 35° 53.6835' N - 75° 58.8578' W.
- (A) Little Alligator River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.7640' N - 76° 01.0299' W; running southerly to a point on the south shore 35° 55.9362' N - 76° 01.2492' W.
- (B) Second Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 51.7616' N - 76° 03.5105' W; running southerly to a point on the south shore 35° 51.1317' N - 76° 03.8003' W.
- (C) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 50.2658' N - 76° 03.9115' W; running southerly to a point on the south shore 35° 50.2123' N - 76° 03.9120' W.
- (iii) The Frying Pan - Joint Waters by connection with Alligator River.
- (iv) Gum Neck Landing Ditch - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 35° 41.6054' N - 76° 06.8215' W; running southeasterly to a point on the east shore 35° 41.5841' N - 76° 06.7991' W.
- (26) Washington County
- (a) Albemarle Sound - All waters within this waterbody in Washington County are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries of Albemarle Sound within Washington County are designated as Joint.
- (ii) Mackeys (Kendrick) Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore 35° 56.3806' N - 76° 36.4356' W; running southwesterly to a point on the south shore 35° 56.3122' N - 76° 36.4613' W.
- (iii) Pleasant Grove Creek (Cherry Swamp) - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.4791' N - 76° 34.1624' W; running

easterly to a point on the east shore 35° 56.5042' N - 76° 34.0319' W.

(iv) Chapel Swamp Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.4150' N - 76° 33.3494' W; running easterly to a point on the east shore 35° 56.4122' N - 76° 33.3091' W.

(v) Bull Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.9954' N - 76° 23.0291' W; running southerly to a point on the south shore 35° 56.9602' N - 76° 23.0282' W.

(vi) Deep Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.1291' N - 76° 23.1179' W; running southerly to a point on the south shore 35° 56.0744' N - 76° 23.1230' W.

(vii) Banton (Maybell) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.0552' N - 76° 22.0664' W; running northeasterly to a point on the east shore 35° 56.1151' N - 76° 21.8760' W.

(b) Roanoke River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore of the Roanoke River 35° 56.5068' N - 76° 41.8858' W; running easterly to a point on the east shore 35° 56.5324' N - 76° 41.5896' W.

(i) Conaby Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.3779' N - 76° 42.4401' W; running easterly to a point on the east shore 35° 55.3752' N - 76° 42.3408' W.

(c) Scuppernong River - All waters in this waterbody in Washington County are designated as Inland.

## SECTION .0100 - DESCRIPTIVE BOUNDARIES

### 15A NCAC 03R .0101 SEA TURTLE SANCTUARY

The sea turtle sanctuary referenced in 15A NCAC 03I .0107 is in the Atlantic Ocean adjacent to Onslow County. ~~County~~ It is ~~bounded enclosed~~ by a line beginning ~~at near~~ the easternmost end of Hammocks Beach (Bear Island) at a point 34° 38.3990' 38.4' N - 77° 07.2962' W; 07' W, and running southeasterly southeastward 1,000 feet offshore toward to a point near the Bogue Inlet Bell Buoy 34° 38.3063' N - 77° 07.0738' W; Buoy (BW "BI"); ~~thence continuing running southwesterly southwest~~ 1,000 feet offshore parallel with the ocean shoreline of Bear Island to a point 34° 37.1000' 37.1' N - 77° 10.1000' W; 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 running southerly to a point 34° 36.7000' 36.7' N - 77° 09.8000' 09.8' W, running southwesterly to a point 34° 35.1000' N - 77° 13.2000' 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 running northerly to a point off the mouth of Brown's Inlet 34° 35.6000' 35.6' N - 77° 13.6000' W; 13.6' W; said point being about 1,000 feet offshore of the western shore of Brown's Inlet; thence southwest running southwesterly parallel with the ocean shoreline 1,000 feet offshore to a point 34° 34.7000' 34.7' N - 77° 15.1000' W; 15.1' W, said point being about 1,200 feet 151° M from the northernmost observation tower on Onslow Beach; thence running southeasterly southeast 151°M to a point 34° 34.3000' 34.3' N - 77° 14.7000' W; 14.7' W, said point being about 3/4 mile offshore; thence running southwesterly southwest to a point near the New River Inlet Bell Buoy 34° 31.0500' N - 77° 19.8333' W; Buoy (BW "NR"); thence from said buoy to running northwesterly to a point near the southernmost tip of Onslow Beach 34° 31.9226' 31.9' N - 77° 20.3045' 20.3' W.~~

Authority G.S. 113-134; 113-182; 143B-289.52.

### 15A NCAC 03R .0102 MILITARY DANGER ZONES AND RESTRICTED AREAS

The designated military danger zones and restricted areas referenced in 15A NCAC 03I .0110(b) are delineated in the following areas: ~~Designated military prohibited and restricted areas referenced in 15A NCAC 3I .0110(b) and used for military training purposes are located as follows:~~

(1) Currituck Sound:

(a) North Landing River; and In the vicinity of North Landing River, the waters within a circular area with a radius of 1,000 yards having its center at a point 36° 31.0000' N - 76° 01.6666' W.

(b) Northern part of Currituck Sound (See 33 CFR 334.410 (a) (1) and (a) (2); Contact Commander Fleet Air Norfolk); In the vicinity of Northern

Authority G.S. 113-132; 113-134; 143B-289.52.

## SUBCHAPTER 03R - DESCRIPTIVE BOUNDARIES

- Currituck Sound, southeasterly of a line beginning at a point 36° 28.0826' N - 75° 58.3818' W; running southerly to a point 36° 26.0657' N - 75° 57.0005' W; running easterly to a point 36° 26.0831' N - 75° 55.4026' W; northerly to a point 36° 28.1984' N - 75° 54.7119' W; westerly to the point of beginning 36° 28.0826' N - 75° 58.3818' W.-
- (2) Albemarle Sound:
- (a) In the vicinity of Harvey Point, southwest of a line beginning at a point on shore at Harvey Neck 36° 05.3354' N - 76° 20.3059' W; running southeasterly to a point 36° 03.4999' N - 76° 21.7333' W; running southeasterly to a point 36° 02.2999' N - 76° 19.5000' W; running easterly to a point 36° 03.0999' N - 76° 16.7166' W; running northerly to a point 36° 04.8744' N - 76° 17.5538' W; running northerly to a point onshore at Harvey Neck 36° 05.9802' N - 76° 18.1612' W.
- (b) Along south shore of Albemarle Sound (See 33 CFR 334.410 (b) (1) and (b) (2); Contact Commander Fleet Air Norfolk); Along south shore of Albemarle Sound, southeast of a line beginning at a point 36° 00.7166' N - 76° 19.3333' W; running southerly to a point 35° 59.5833' N - 76° 19.3333' W; running easterly to a point 36° 00.1999' N - 76° 04.4333' W; running northerly to a point 36° 02.6666' N - 76° 04.4333' W; running westerly to the point of the beginning 36° 00.7166' N - 76° 19.3333' W.
- (i) Southeast of a line beginning at a point 36° 00.7166' N - 76° 19.3333' W; running southerly to a point 35° 59.5833' N - 76° 19.3333' W; running easterly to a point 35° 59.7499' N - 76° 14.5000' W; running northerly to point 36° 01.3333' N - 76° 14.5002' W; running westerly to the point of the beginning 36° 00.7166' N - 76° 19.3333' W.
- (ii) Southeast of a line beginning at a point 36° 01.3333' N - 76° 14.5002' W; running southerly to a point 35° 59.7499' N - 76° 14.5000' W; running easterly to a point 36° 00.0833' N - 76° 07.2499' W; running northerly to a point 36° 02.2999' N - 76° 07.2499' W; running westerly to the point of the beginning 36° 01.3333' N - 76° 14.5002' W.
- (iii) Southeast of a line beginning at a point 36° 02.2999' N - 76° 07.2499' W; running southerly to a point 36° 00.0833' N - 76° 07.2499' W; running easterly to a point 36° 00.1999' N - 76° 04.4333' W; running northerly to a point 36° 02.6666' N - 76° 04.4334' W; running westerly to the point of the beginning 36° 02.2999' N - 76° 07.2499' W.
- (3) Pamlico Sound:
- (a) In the vicinity of Long Shoal, the waters within a circular area with a radius of one and one-half nautical miles having its center at a point 35° 32.3000' N - 75° 40.6500' W; Shoal (See 33 CFR 334.410 (c); Contact Commander Fleet Air Norfolk);
- (b) In the vicinity of Brant Island, the waters within a circular area with a radius of 3.0 statute miles having its center at a point 35° 12.5000' N - 76° 26.5000' W; 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, the waters within a circular area with a radius of: 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);
- (i) 0.5 statute mile having its center at a point 35° 04.2000' N - 76° 28.4000' W;
- (ii) 1.8 statute mile having its center at a point 35° 02.2000' N - 76° 28.0000' W;
- (iii) 0.5 statute mile having its center at a point 35° 01.7000' N - 76° 25.8000' W;
- (iv) 0.5 statute mile having its center at a point 34°

- 58.8000' N – 76° 26.2000' W.
- (4) In the Neuse River and its tributaries, ~~that portion of Neuse River~~ within 500 feet ~~from~~ of the shore along the reservation of the Marine Corps Air Station, Cherry Point, North Carolina, ~~beginning on the reservation extending from the mouth of Hancock Creek to a point approximately 6,800 feet west of the mouth of Slocum Creek at a point 34° 57.8766' N – 76° 54.8823' W; running southeasterly, east of Hancock Creek to a point 34° 56.1855' N – 76° 50.6363' W; including all waters of Slocum and Hancock creeks and their tributaries within the boundaries of the reservation. 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 east of New River Inlet, beginning at a point on the ocean shoreline of the southwest portion of Onslow Beach 34° 32.5609' N - 77° 18.5578' W; running southwesterly to a point 34° 23.7279' N - 77° 23.5996' W; east and north of an arc of a circle to a point 34° 35.3465' N - 77° 01.2528' W; northwesterly to a point on the ocean shoreline on the southwest shore of Bear Inlet 34° 37.3793' N - 77° 10.2449' W; running southwesterly following the ocean shoreline to the point of the beginning 34° 32.5609' N - 77° 18.5578' W.
- (b) In the vicinity of Bear Inlet, southwest and southeast of a line beginning at a point 34° 37.5333' N – 77° 12.0500' W; running southwesterly to a point 34° 34.8333' N – 77° 15.1666' W; running southerly to a point 34° 28.9166' N – 77° 15.0833' W; running easterly to a point 34° 32.4500' N – 77° 06.5000' W; running northerly to a point 34° 37.7333' N – 77° 10.5833' W; running southwesterly to a point 34° 36.9666' N – 77° 11.4166' W; running to the northwesterly to the point of the beginning 34° 37.5333' N – 77° 12.0500' W.
- (6) ~~Brown's Inlet area between Bear Creek, Onslow Beach Bridge and the Atlantic Ocean (See 33 CFR 334.440 (e); Contact Commanding General, Marine Corps Base, Camp Lejeune);~~ Brown's Inlet between Bear
- Creek and the Onslow Beach Bridge and the Atlantic Ocean:
- (a) In vicinity of Bear Inlet, southwesterly and southeasterly of line beginning at a point on the north shoreline of the IWW near Bear Creek 34° 38.0450' N - 77° 12.2606' W; running southwesterly parallel to the IWW to a point near the northwest side of the Onslow Beach Bridge 34° 34.5445' N – 77° 16.3578' W; running through the Onslow Beach Bridge to a point on the ocean shoreline 34° 34.1240' N – 77° 16.2896' W running northeasterly following the ocean shoreline across Brown's Inlet to a point 34° 37.0903' N - 77° 10.7206' W; running around the shoreline of Bear Inlet to a point 34° 37.2494' N – 77° 10.7206' W; running along the northeast shoreline of Bear Creek to the south shoreline of the IWW to a point 34° 37.9597' N – 77° 12.2038' W; running across the IWW to include all inlets, streams, bays and water therein to the point of the beginning 34° 38.0450' N – 77° 12.2606' W.
- (7) New River within eight sections:
- (a) Trap Bay Sector, in New River, north of a line beginning on the west shore 34° 33.1209' N - 77° 21.7232' W; running easterly to a point 34° 33.2885' N - 77° 21.0809' W; running easterly to a point on the east shore 34° 33.2054' N - 77° 20.4736' W;
- (b) Courthouse Bay Sector, in New River, north of a line beginning on the southwest shore to a point 34° 33.6955' N - 77° 22.3780' W; running to a point on the northeast shore 34° 34.1996' N - 77° 21.6639' W;
- (c) Stone Bay Sector, in New River, north of a line beginning on the southwest shore near Hwy. 172 Bridge 34° 34.5917' N - 77° 23.9464' W; running to a point on the north shore near Hwy. 172 Bridge 34° 34.7737' N - 77° 23.9604' W;
- (d) Stone Creek Sector, in New River, southwest of a line beginning on the north shore 34° 37.1122' N - 77° 25.9628' W; running southerly to a point on the Grey Point Sector line 34° 36.3841' N - 77° 25.9488' W;
- (e) Grey Point Sector, in New River, northeast of a line beginning on the west shore 34° 36.5801' N - 77° 26.6910' W; running easterly to a

- (f) point on the east shore 34° 35.7399' N - 77° 24.0444' W;  
Farnell Bay Sector, in New River,  
north of a line on the west shore 34°  
39.1847' N - 77° 22.8821' W; running  
to a point on the east shore 34°  
38.2465' N - 77° 20.3336' W; in  
Frenchs Creek, west of a line on the  
north shore 34° 38.3585' N - 77°  
19.9695' W; running to a point on the  
south shore 34° 38.1064' N - 77°  
19.9415' W;
- (g) Morgan Bay Sector, and in New  
River, north of a line on the west  
shore 34° 40.7530' N - 77° 23.9744'  
W; running to a point on the east  
shore 34° 40.4730' N - 77° 22.7141'  
W; in Wallace Creek, west of a line  
34° 40.9070' N - 77° 21.9719' W;  
running south to a point on the south  
shore 34° 40.6970' N - 77° 21.9579'  
W;
- (i) Jacksonville Sector (~~See 33 CFR~~  
334.440(a); ~~Contact Commanding~~  
General, Marine Corps Base, Camp  
Lejeune); in New River, Southwest  
Creek; northwest of a line beginning  
at a point 34° 41.0751' N - 77°  
25.6267' W; to a point on the south  
shore 34° 40.9581' N - 77° 25.6624'  
W; north of a line beginning at a  
point on the northeast shoreline of  
Southwest Creek 34° 42.0211' N -  
77° 24.9325' W; running northwest to  
a point on the east shoreline of New  
River 34° 42.5526' N - 77° 23.6712'  
W; southeast of a line beginning at a  
point on the west shore of New River  
34° 43.7028' N - 77° 25.8448' W;  
running east to a point on the east  
shore of New River 34° 43.7108' N -  
77° 25.5275' W; southwest of a line  
beginning at a point on the north  
shore of Northeast Creek 34°  
43.7108' N - 77° 23.4412' W; running  
southerly to a point on the south  
shore of Northeast Creek 34°  
43.3696' N - 77° 23.4333' W;
- (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).
- (8) Cape Fear River:

- (a) In the vicinity of Sunny Point Army  
Terminal, beginning at a point  
onshore west of the main ship  
channel 33° 58.2950' N - 77°  
58.1533' W; running easterly to a  
point near marker #23, 33° 58.2950'  
N - 77° 56.9517' W; running  
northerly parallel with the shoreline  
to a point 33° 59.1838' N - 77°  
56.8694' W; running northerly  
parallel to the shoreline to a point 34°  
00.6158' N - 77° 56.4250' W; running  
northerly parallel to the shoreline to a  
point 34° 02.0478' N - 77° 56.4250'  
W; running westerly back to a point  
onshore 34° 02.0642' N - 77°  
56.6061' W.

*Authority G.S. 113-134; 113-181; 113-182; 143B-289.52.*

### **15A NCAC 03R .0103 PRIMARY NURSERY AREAS**

The primary nursery areas referenced in 15A NCAC 03N .0104 are delineated in the following coastal water areas:

- (1) In the Roanoke Sound Area:
- (a) Shallowbag Bay:
- (i) Dough Creek - Creek,  
northeast northwest of a line  
beginning at a point on the  
west east shore at a point 35°  
54.5396' 54' 28" N - 75°  
39.9681 40' 00" W; running  
northeasterly 242° (M) to a  
point on the east west shore  
to a point 35° 54.4615 54'  
19" N - 75° 40.1598' W; 40'  
09" W; and west of a line  
that crosses a canal from a  
northern point onshore at 35  
54.7103 N-75 40.0951 W  
and a southern point 35  
54.6847 N-75 40.0882 W;
- (ii) Scarborough Creek - Creek,  
all waters south of a line  
beginning on the west shore  
at a point on the east shore  
35° 53.9801' 54' 00" N - 75°  
39.5985' 39' 33" W; running  
northeasterly 246° (M) to a  
point on the east west shore  
to a point 35° 54.0372' 53'  
59" N - 75° 39.5558' 39'  
36" W.
- (b) Broad Creek - Creek, all waters north  
of a line beginning on the west shore  
at a point on the east shore 35°  
51.9287' 52' 24" N - 75° 38.3377' 38'  
26" W; running northeasterly 306°  
(M) to a point on the east west shore  
to a point 35° 52.0115' 52' 22" N -  
75° 38.1792' W; and west and south

- of a line beginning on the north shore at a point 35° 53.3655' N- 75° 38.0254' W; running southeasterly to the south shore to a point 35° 53.3474' N - 75° 37.9430' W. 75° 38' 30" W.
- (2) In the Northern Pamlico Sound Area:
- (a) Long Shoal River:
- (i) Long Shoal ~~River - River~~, northwest west of a line beginning on the north shore at a point on the north shore 35° 38.0175' -38' 00" N - 75° 52.9270' 52' 57" W; running southwesterly 208° (M) to the south shore to a point on the south shore 35° 37.8369' 37' 47" N - 75° 53.1060' 53' 03" W;
- (ii) Deep ~~Creek - Creek~~, southeast east of a line beginning on the north shore at a point on the north shore 35° 37.7346' 37' 50" N - 75° 52.1383' 52' 14" W; running southwesterly to the south shore 204° (M) to a point on the south shore 35° 37.6673' 37' 38" N - 75° 52.2997' 52' 48" W;
- (iii) Broad ~~Creek - Creek~~, west of a line beginning on the north shore at a point on the north shore 35° 35.9820' 35' 58" N - 75° 53.6789' 53' 42" W; running southerly 209° (M) to a point on the south shore to a point 35° 35.7093' 35' 40" N - 75° 53.7335' 53' 41" W;
- (iv) Muddy ~~Creek - Creek~~, east of a line beginning on the north shore at a point on the north shore 35° 36.4566' 36' 24" N - 75° 52.1460' 52' 08" W; running southerly 181° (M) to a point on the south shore to a point 35° 36.2828' 36' 15" N - 75° 52.1640' 52' 10" W;
- (v) Pains ~~Bay - Bay~~, north of a line beginning at a point on the west shore at a point 35° 35.4517' 35' 26" N - 75° 49.1414' 49' 12" W; running easterly 097° (M) to a point on the east shore to a point 35° 35.4261' 35' 26" N - 75° 48.8029' 48' 50" W;
- (vi) Otter ~~Creek - Creek~~, southwest of a line beginning at a point on the west east shore at a point 35° 33.2597' 33' 12" N - 75° 55.2129' 54' 57" W; running easterly 277° (M) to a point on the east west shore to a point 35° 33.1995' 33' 18" N - 75° 54.8949' 55' 16" W;
- (vii) Clark ~~Creek - Creek~~, northeast of a line beginning on the north shore at a point on the north shore 35° 35.7776' 35' 47" N - 75° 51.4652' 51' 29" W; running southeasterly 158° (M) to a point on the south shore to a point 35° 35.7128' 35' 42" N - 75° 51.4188' 51' 27" W;
- (b) Far ~~Creek - Creek~~, west east of a line beginning at a point on the north shore at a point 35° 30.9782' N - 75° 57.7611' W; running southerly to Gibbs Point to a point 35° 30.1375' 30' 06" N - 75° 57.8108' W; 57' 46" W; running 007° (M) to a point on the east shore 35° 30' 53" N - 75° 57' 46" W;
- (c) Middletown ~~Creek - Creek~~, west of a line beginning on the north shore at a point on the north shore 35° 28.4868' 28' 27" N - 75° 59.8186' 59' 49" W; running southwesterly 097° (M) to a point on the south shore to a point 35° 28.1919' 28' 06" N - 76° 00.0216' 75° 59' 48" W;
- (d) Wysocking Bay:
- (i) Lone Tree ~~Creek - Creek~~, east of a line beginning at a point on the north south shore at a point 35° 25.6048' 25' 06" N - 76° 02.3577' 02' 06" W; running southeasterly 342° (M) to a point on the south north shore to a point 35° 25.1189' 25' 36" N - 76° 02.0499' 02' 22" W;
- (ii) Wysocking ~~Bay - Bay~~, north of a line beginning at a point on the west east shore at a point 35° 25.7793' 25' 56" N - 76° 03.5773' 02' 55" W; running northeasterly -265° (M) to a point on the east west shore to a point 35° 25.9585' 25' 47" N - 76° 02.9055' 03' 42" W;
- (iii) Douglas ~~Bay - Bay~~, northwest of a line beginning at a point on Mackey Point at a point 35°

- (iv) ~~25.2627' 25° 15' N - 76° 03.1702' 03° 15' W; running southwesterly 229° (M) to a point on the south shore to a point 35° 24.8225' 24° 48' N - 76° 03.6353' 03° 39' W;~~ Tributaries west of Brown Island - ~~Island~~, west of a line beginning at a ~~point on the north shore of~~ on Brown Island at a point 35° 24.3606' 24° 12' N - 76° 04.4557' 04° 29' W; running southerly 007° (M) to the north shore of a point Brown Island to a point 35° 24.2081' 24° 23' N - 76° 04.4622' 04° 30' W; and northwest north of a line beginning on the south shore of Brown Island at a point on the 35° 23.8255' N - 76° 04.4761' W; running southwesterly to most southern point of Brown Island a point 35° 23.6543' 23° 48' N - 76° 04.8630' 04° 30' W; running 277° (M) to a point on the west shore 35° 23° 36' N - 76° 04° 54' W;
- (e) East Bluff Bay - ~~Bay~~, Harbor Creek east of a line beginning at a point on the north south shore at a point 35° 21.5762' 21° 25' N - 76° 07.8755' 07° 48' W; running southerly 323° (M) to a point on the north shore 35° 21.4640' 21° 33' N - 76° 07.8750' 07° 55' W; running easterly to the south shore to a point 35° 21.4332' N - 76° 07.7211' W;
- (f) Cunning Harbor ~~tributaries~~ - ~~tributaries~~, north of a line beginning at a point on the west east shore at a point 35° 20.7567' 20° 42' N - 76° 12.6379' 12° 14' W; running easterly 280° (M) to a point on the east west shore to a point 35° 20.7281' 20° 43' N - 76° 12.2292' 12° 38' W;
- (g) Juniper Bay:
- (i) Upper Juniper Bay - ~~Bay~~, north of a line beginning at a point on the west east shore at a point 35° 23.1687' 23° 09' N - 76° 15.1921' 15° 00' W; running easterly 277° (M) to a point on the east west shore to a point 35° 23.1640' 23° 09' N - 76° 14.9892' 15° 12' W;
- (ii) Rattlesnake Creek - ~~Creek~~, west of a line beginning at a point on the north shore at a point 35° 22.9453' 22° 55' N - 76° 15.2748' 15° 19' W, running southerly 211° (M) to a point on the south shore to a point 35° 22.8638' 22° 50' N - 76° 15.3461' 15° 21' W;
- (iii) Buck Creek - ~~Creek~~, north east of a line beginning at a point on the west south shore at a point 35° 21.5220' 21° 22' N - 76° 13.8865' 13° 46' W; running southeasterly 328° (M) to a point on the east north shore to a point 35° 21.3593' 21° 29' N - 76° 13.7039' 13° 54' W;
- (iv) Laurel Creek - ~~Creek~~, east of a line beginning at a point on the north shore at a point 35° 20.6693' 20° 38' N - 76° 13.3177' 13° 21' W; running southerly 170° (M) to a point on the south shore to a point 35° 20.6082' 20° 36' N - 76° 13.3305' 13° 22' W;
- (v) Old Haulover - ~~Haulover~~, west of a line beginning on the north south shore at a point 35° 22.0186' 21° 58' N - 76° 15.6736' 15° 34' W; running southerly 008° (M) to a point on the south north shore to a point 35° 21.9708' 22° 04' N - 76° 15.6825' 15° 35' W;
- (h) Swanquarter Bay:
- (i) Upper Swanquarter Bay - ~~Bay~~, north of a line beginning on the west shore at a point 35° 23.5651' N - 76° 20.6715' W; running easterly to on the east shore to a point 35° 23.6988' N - 76° 20.0025' W; and running 270° (M) through Day Marker No. 7 to the west shore;
- (ii) Oyster Creek - ~~Creek~~, east of a line beginning at a point on the north shore at a point 35° 23.1214' 23° 09' N - 76° 19.0026' 19° 00' W; running southeasterly 187° (M) to a point on the south shore to a point 35° 23.0117' 22° 59' N - 76° 18.9591' 18° 56' W;
- (iii) Caffee Bay:
- (A) Unnamed tributary - ~~tributary~~, north of



- a line beginning at a point on the west shore at a point 35° 22.1604' 22' 09" N - 76° 18.9140' 18' 52" W; running easterly 111° (M) to a point on the east shore to a point 35° 22.1063' 22' 06" N - 76° 18.7500' 18' 45" W;
- (B) Unnamed tributary - tributary, north of a line beginning at a point on the west east shore at a point 35° 22.1573' 22' 05" N - 76° 18.5101' 18' 12" W; running easterly 288° (M) to a point on the east west shore to a point 35° 22.1079' 22' 09" N - 76° 18.1562' 18' 28" W;
- (C) Upper Caffee Bay (Haulover) - (Haulover), east of a line beginning at a point on the north south shore at a point 35° 21.8499' 21' 42" N - 76° 17.5199' 17' 17" W; running southerly 330° (M) to a point on the south north shore to a point 35° 21.5451' 21' 55" N - 76° 17.4966' 17' 25" W.
- (i) Rose Bay:
- (i) Rose Bay - Bay, north of a line beginning at a point on the west shore at a point Watch Point 35° 26.6543' 26' 52" N - 76° 25.3992' 25' 02" W; running easterly 272° (M) to Channel Marker "6"; No. 6; running northeasterly thence 248° (M) to a point on Watch Point to a point the west shore 35° 26.8515' 26' 40" N - 76° 25.0055' 25' 30" W;
- (ii) Island Point Creek - Creek, west of a line beginning at a point on the north shore at a point 35° 26.0413' 26' 03" N - 76° 25.0452' 25' 05" W; running southeasterly 154° (M) to a point on the south shore to a point 35° 25.9295' 25' 55" N - 76° 24.9882' 25' 02" W;
- (iii) Tooley Creek - Creek, west of a line beginning on the north shore at a point 35° 25.4937' 25' 30" N - 76° 25.5324' 25' 34" W; running southerly 187° (M) to a point on the south shore to a point 35° 25.1819' 25' 41" N - 76° 25.5776' 25' 33" W;
- (iv) Broad Creek - Creek, east of a line beginning on the north south shore at a point 35° 24.4620' 24' 15" N - 76° 23.3398' 23' 36" W; running southwesterly 023° (M) to a point the south shore to a point 35° 24.2352' 24' 29" N - 76° 23.5158' 23' 24" W;
- (v) Lightwood Snag Bay - Bay, northwest west and north of a line beginning at a point on the north south shore at a point 35° 24.3340' 23' 54" N - 76° 25.9680' W; 26' 18" W running southwesterly 023° (M) to a point 35° 24.2610' 24' 15" N - 76° 26.1800' 26' 10" W; running southwesterly thence 080° (M) to a point on the shore 35° 23.9270' 24' 18" N - 76° 26.3300' 25' 57" W;
- (vi) Deep Bay:
- (A) Old Haulover - Haulover, north of a line beginning at a point on the west shore at a point 35° 23.2140' 23' 12" N - 76° 22.8560' 22' 54" W; running easterly 101° (M) to a point on the east shore to a point 35° 23.2124' 23' 10" N - 76° 22.7340' 22' 45" W;
- (B) Drum Cove (Stinking Creek) - Creek, south of a line beginning at a point on the west shore at a point 35° 22.5212' 22' 32" N - 76° 24.7321' 24'

- 44'' W; running southeasterly ~~122°~~ (M) to a point on the east shore to a point 35° 22.4282' 22' 26'' N - 76° 24.5147' 24' 28'' W;
- (vii) Eastern tributaries (Cedar Hammock and Long ~~Creek~~ - ~~Creek~~), east of a line beginning at a point on the north shore at a point 35° 24.9119' 24' 53'' N - 76° 23.1587' 23' 42'' W; running southerly 206° (M) to a point on the south shore to a point 35° 24.6700' 24' 40'' N - 76° 23.2171' 23' 18'' W;
- (j) Spencer Bay:
- (k) Germantown Bay:
- (i) Ditch ~~Creek~~ - ~~Creek~~, northwest west of a line beginning at a point on the north shore at a point 35° 24.1874' 24' 11'' N - 76° 27.8527' 27' 54'' W; running southwesterly 224° (M) to a point on the south shore to a point 35° 24.0937' 24' 05'' N - 76° 27.9348' 27' 59'' W;
- (ii) Jenette ~~Creek~~ - ~~Creek~~, northwest west of a line beginning at a point on the north shore at a point 35° 24.5054' 24' 32'' N - 76° 27.6258' 27' 35'' W; running southwesterly 204° (M) to a point on the south shore to a point 35° 24.4642' 24' 24'' N - 76° 27.6659' 27' 40'' W;
- (iii) Headwaters of Germantown Bay - north - at northeast of a line beginning at a point on the west northwest shore at a point 35° 24.8345' 24' 50'' N - 76° 27.2605' 27' 17'' W; running southeasterly 158° (M) to a point on the east southeast shore to a point 35° 24.6210' 24' 37'' N - 76° 26.9221' 26' 54'' W;
- (iv) Swan ~~Creek~~ - ~~Creek~~, southeast of a line beginning at a point on the north shore at a point 35° 24.4783' 24' 29'' N - 76° 27.1513' 27' 11'' W; running southwesterly 234° (M) to a point on the south shore to a point 35° 24.3899' 24' 23'' N - 76° 27.2809' 27' 18'' W;
- (l) Unnamed ~~western~~ tributary - tributary, west of a line beginning at a point on the north south shore at a point 35° 22.9741' 22' 48'' N - 76° 28.3469' 28' 19'' W; running southerly 356° (M) to a point on the south north shore to a point 35° 22.8158' 22' 59'' N - 76° 28.3280' 28' 21'' W;
- (m) Unnamed tributary - tributary, west of a line beginning on the north south shore at a point 35° 23.1375' 23' 02'' N - 76° 28.5681' 28' 35'' W; running southerly 016° (M) to a point on the south north shore to a point 35° 23.0209' 23' 08'' N - 76° 28.5060' 28' 34'' W;
- (n) Unnamed tributary - tributary, southwest west of a line beginning at a point on the north south shore at a point 35° 23.3775' 23' 20'' N - 76° 28.7332' 28' 36'' W; running southeasterly 306° (M) to a point on the south north shore to a point 35° 23.3297' 23' 26'' N - 76° 28.5608' 28' 46'' W;
- (o) Unnamed tributaries - tributaries, northwest of a line beginning at a point on the north shore at a point 35° 23.7207' 23' 45'' N - 76° 28.6590' 76° 28' 36'' W; running southwesterly 231° (M) to a point on the south shore to a point 35° 23.4738' 35° 23' 30'' N - 76° 28.7763' 76° 28' 48'' W;
- (p) Upper Spencer Bay - Bay, northwest of a line beginning at a point on the north south shore at a point 35° 24.3129' 24' 00'' N - 76° 28.5300' 28' 48'' W; running southwesterly 028° (M) to a point on the south north shore to a point 35° 23.9681' 24' 23'' N - 76° 28.7671' 28' 36'' W;
- (i) Spencer Swan ~~Creek~~ - ~~Creek~~, east of a line beginning at a point on the north south shore at a point 35° 23.9990' 23' 51'' N - 76° 27.3702' 76° 27' 26'' W; running southerly 018° (M) to a point on the south north shore to a point 35° 23.8598' 24' 02'' N - 76° 27.4037' 27' 25'' W;
- (q) Long ~~Creek~~ - ~~Creek~~, north of a line beginning at a point on the west shore at a point 35° 22.4678' 22' 26'' N - 76° 28.7868' 29' 00'' W; running southeasterly 119° (M) to a point on the east shore to a point 35° 22.3810' 22' 21'' N - 76° 28.7064' 28' 49'' W;

- (r) Willow ~~Creek - Creek~~, east of a line beginning ~~at a point~~ on the north shore ~~at a point~~ 35° 23.1370' 23' 08" N - 76° 29.8829' 29' 54" W; running southeasterly 137° (M) to a point ~~on~~ the south shore ~~to a point~~ 35° 22.9353' 23' 02" N - 76° 29.7215' 76° 29' 46" W;
- (s) Abels ~~Bay - Bay~~, north and east of ~~above~~ a line beginning ~~at a point~~ on the west shore ~~at a point~~ 35° 24.1072' 24' 06" N - 76° 30.3848' 30' 24" W; running southeasterly 132° (M) to a point ~~on~~ the east shore ~~to a point~~ 35° 23.9898' 24' 00" N - 76° 30.1178' 30' 09" W; thence 204° (M) running southerly to a point ~~on~~ the south shore ~~to a point~~ 35° 23.6947' 23' 42" N - 76° 30.1900' 30' 14" W;
- (t) Crooked ~~Creek - Creek~~, north of a line beginning ~~at a point~~ on the ~~west~~ east shore ~~at a point~~ 35° 24.4138' 24' 24" N - 76° 32.2124' 32' 04" W; running easterly 282° (M) to a point ~~on~~ the ~~east west~~ shore ~~to a point~~ 35° 24.3842' 24' 25" N - 76° 32.0419' 32' 14" W.
- (3) In the Pungo River Area:
- (a) Fortescue Creek:
- (i) Headwaters of Fortescue ~~Creek - Creek~~, southeast of a line beginning ~~at a point~~ on the ~~south southwest~~ shore ~~at a point~~ 35° 25.5379' 25' 26" N - 76° 30.6923' 76° 30' 42" W; running easterly 060° (M) to a point ~~on~~ the ~~north~~ northeast shore ~~to a point~~ 35° 25.5008' 25' 30" N -- 76° 30.5537' 30' 33" W;
- (ii) Warner ~~Creek - Creek~~, north of a line beginning ~~from a point~~ on the ~~west east~~ shore ~~at a point~~ 35° 26.2778' 26' 48" N - 76° 31.5463' 31' 30" W; running easterly 262° (M) to a point ~~on~~ the ~~east west~~ shore ~~to a point~~ 35° 26.3215' 26' 16" N - 76° 31.4522' 31' 36" W;
- (iii) Island ~~Creek - Creek~~, north of a line beginning ~~at a point~~ on the west shore ~~at a point~~ 35° 26.1342' 26' 04" N - 76° 32.3883' 32' 22" W; running easterly 093° (M) to a point ~~on~~ the east shore ~~to a point~~ 35° 26.1203' 26' 06" N - 76° 32.2603' 32' 18" W;
- (iv) Dixon ~~Creek - Creek~~, south of a line beginning ~~at a point~~ on the west shore above Lupton Point at a point 35° 25.5766' 25' 34" N - 76° 31.8489' 31' 54" W; running easterly 279° (M) to a point ~~on~~ the ~~east west~~ shore ~~to a point~~ 35° 25.5865' 25' 35" N - 76° 31.6960' 31' 44" W;
- (v) Pasture ~~Creek - Creek~~, north of a line beginning ~~at a point~~ on the ~~west east~~ shore ~~at a point~~ 35° 25.9437' 26' 02" N - 76° 31.8468' 31' 50" W; running southwesterly 277° (M) to a point ~~on~~ the east shore ~~above Pasture Point to a point~~ 35° 25.9918' 25' 56" N - 76° 31.7224' 31' 55" W;
- (vi) Cox, Snell, and Seer ~~Creeks - Creeks~~, northeast of a line beginning ~~at a point~~ on the ~~west north~~ shore ~~at a point~~ 35° 26.0496' 26' 05" N - 76° 31.2087' 31' 12" W; running southeasterly 134° (M) to a point ~~on~~ the ~~east south~~ shore ~~to a point~~ 35° 25.8497' 25' 51" N -- 76° 30.8828' 30' 53" W;
- (vii) Unnamed tributary on the north side of Fortescue ~~Creek - Creek~~ northeast of a line beginning ~~at a point~~ on the ~~west north~~ shore ~~at a point~~ 35° 25.7722' 24' 48" N - 76° 30.7825' 30' 49" W; running southeasterly 144° (M) to a point ~~on~~ the ~~east south~~ shore ~~to a point~~ 35° 25.7374' 25' 44" N -- 76° 30.7102' 30' 44" W;
- (viii) Runway ~~Creek - Creek~~, northeast of a line beginning ~~at point~~ on the ~~west north~~ shore ~~at a point~~ 35° 25.6547' 25' 40" N - 76° 30.6637' 30' 41" W; running easterly 148° (M) to a point ~~on~~ the ~~east south~~ shore ~~to a point~~ 35° 25.6113' 25' 35" N - 76° 30.5714' 30' 36" W;
- (b) Slade Creek:
- (i) Upper Slade ~~Creek - Creek~~, south of a line beginning ~~at a point~~ on the ~~north shore above Jones Creek at a point~~ 35° 27.9168' 27' 56" N - 76° 30.5189' 76° 30' 44" W; running westerly 102° (M) to a point ~~on~~ the ~~south north~~ shore ~~to a point~~ 35° 27.9532'

- 27° 54' N - 76° 30.7140' 30' 33" W;
- (ii) Jarvis Creek - ~~Creek~~, northeast of a line beginning ~~at a point~~ on the west ~~southeastern~~ shore at a point 35° 28.2450' 28° 14' N - 76° 30.8921' 30° 51' W; running southeasterly ~~325° (M)~~ to a point ~~the east shore to a point~~ 35° 28.2240' 28° 15' N - 76° 30.8200' 30° 56' W;
- (iii) Jones Creek - ~~Creek~~, south of a line beginning ~~at a point~~ on the west ~~east~~ shore at a point 35° 28.0077' 27° 56' N - 76° 30.9337' 30° 53' W; running southeasterly ~~331° (M)~~ to a point ~~on the east west shore to a point~~ 35° 27.9430' 28° 00' N - 76° 30.8938' 30° 57' W;
- (iv) Becky Creek - ~~Creek~~, north of a line beginning ~~at a point~~ on the west ~~east~~ shore at a point 35° 28.6081' 28° 42' N - 76° 31.6886' 31° 37' W; running northeasterly ~~277° (M)~~ to a point ~~on the east west shore to a point~~ 35° 28.6297' 28° 42' N - 76° 31.6073' 31° 40' W;
- (v) Neal Creek - ~~Creek~~, north of a line beginning ~~at a point~~ on the west ~~east~~ shore at a point 35° 28.7797' 28° 49' N - 76° 31.8657' 31° 49' W; running northeasterly ~~275° (M)~~ to a point ~~on the east west shore to a point~~ 35° 28.8084' 28° 48' N - 76° 31.7727' 31° 54' W;
- (vi) Wood Creek - ~~Creek~~, north of a line beginning ~~at a point~~ on the west ~~east~~ shore at a point 35° 28.5788' 28° 38' N - 76° 32.4163' 32° 22' W; running northeasterly ~~277° (M)~~ to a point ~~on the east west shore to a point~~ 35° 28.6464' 28° 38' N - 76° 32.3339' 32° 30' W;
- (vii) Spellman Creek - ~~Creek~~, north of a line beginning ~~at a point~~ on the east shore at a point 35° 28.2233' 28° 17' N - 76° 32.6827' 32° 41' W; running southwesterly ~~215° (M)~~ to a point ~~on the west shore to a point~~ 35° 28.2567' 28° 14' N - 76° 32.6533' 32° 43' W;
- (viii) Speer Creek - ~~Creek~~, east of a line beginning ~~at a point~~ on the north shore at a point 35° 27.9680' 27° 58' N - 76° 32.3593' 32° 24' W; running southerly ~~207° (M)~~ to a point ~~on the south shore to a point~~ 35° 27.9216' 27° 55' N - 76° 32.3862' 32° 24' W;
- (ix) Church Creek and Speer Gut - ~~Gut~~, east of a line beginning ~~at a point~~ on the north ~~northeast~~ shore at a point 35° 27.5910' 27° 35' N - 76° 32.7412' 32° 46' W; running southwesterly ~~228° (M)~~ to a point ~~on the south southwest shore to a point~~ 35° 27.5282' 27° 33' N - 76° 32.8227' 32° 52' W;
- (x) Allison and Foreman ~~Foreman~~ Creek - ~~Creek~~, south of a line beginning ~~at a point~~ on Parmalee Point at a point 35° 27.2812' 27° 15' N - 76° 33.0634' 33° 07' W; running southwesterly ~~286° (M)~~ to a point ~~on the west southwest shore to a point~~ 35° 27.2418' 27° 18' N - 76° 33.1451' 33° 12' W;
- (c) Flax Pond - ~~Pond~~, west of a line beginning ~~at a point~~ ~~on the north south shore at a point~~ 35° 32.0297' 31° 53' N - 76° 33.0389' 33° 15' W; running southwesterly ~~009° (M)~~ to a point ~~on the south north shore to a point~~ 35° 31.9212' 31° 59' N - 76° 33.2061' 33° 13' W;
- (d) Battalina and Tooleys creeks - ~~Creeks~~, northwest of a line beginning ~~at a point~~ on the north shore at a point 35° 32.3914' ~~32° 22'~~ N - 76° 36.1548' 36° 08' W; running southwesterly ~~226° (M)~~ to a point ~~on the south shore to a point~~ 35° 32.0627' ~~32° 03'~~ N - 76° 36.3769' 36° 22' W;
- (4) In the Pamlico River Area:
- (a) North Creek:
- (i) North Creek - ~~Creek~~, north of a line beginning ~~at a point~~ on the west shore at a point 35° 25.6764' ~~25° 35'~~ N - 76° 39.9970' 40° 06' W; running northeasterly ~~048° (M)~~ to a point ~~on the east shore to a point~~ 35° 25.5870' ~~35° 25'~~

- (ii) 40° N - 76° 40.0806' - 40' 04" W;  
East Fork:  
(A) Northeast of a line beginning ~~at a point~~ on the west ~~northwest~~ shore ~~at a point~~ 35° 25.8000' 25' 47" N - 76° 39.2679' 39' 18" W; running southeasterly 144° ~~(M)~~ to a ~~point on~~ the east ~~southeast~~ shore to a point 35° 25.6914' 25' 41" N - 76° 39.1374' 39' 40" W;  
(B) Unnamed tributary of East ~~Fork - Fork~~ northwest of a line beginning ~~at a point~~ on the north shore at a point 35° 25.6950' 25' 41" N - 76° 39.4337' 39' 28" W; running southwesterly 215° ~~(M)~~ to a ~~point on~~ the south shore to a point 35° 25.6445' 25' 37" N - 76° 39.4698' 39' 30" W;  
(iii) Frying Pan ~~Creek - Creek~~, east of a line beginning ~~at a point~~ on the north shore at a point Chambers Point 35° 24.9881' 24' 49" N - 76° 39.5948' 39' 44" W; running southwesterly 051° ~~(M)~~ to a ~~point on~~ Chambers Point the north shore to a point 35° 24.8508' 24' 57" N - 76° 39.6811' 39' 37" W;  
(iv) Little ~~Ease East Creek - Creek~~, west of a line beginning ~~at a point~~ on the north shore at a point Cousin Point 35° 25.1463' 25' 00" N - 76° 40.3490' 40' 26" W; running southwesterly 028° ~~(M)~~ to a ~~point on the~~ Cousin Point north shore to a point 35° 25.0075' 25' 08" N - 76° 40.4159' 40' 22" W;  
(b) Goose Creek:  
(i) ~~Hatter Creek - Creek~~ north of ~~Bostic Point~~, west of a line beginning ~~at a point~~ on the north shore at a point 35° 19.9593' 19' 57" N - 76° 37.5992' 37' 37" W; running southerly 179° ~~(M)~~ to a ~~point on the~~ south shore to a point 35° 19.9000' 19' 54" N - 76° 37.5904' 37' 34" W;  
(ii) Upper Spring Creek:  
(A) Headwaters of Upper Spring ~~Creek - Creek~~, east of a line beginning ~~at a point~~ on the north shore at a point 35° 16.3636' 16' 23" N - 76° 36.0568' 36' 03" W; running southeasterly 139° ~~(M)~~ to a ~~point on~~ the south shore to a point 35° 16.1857' 16' 12" N - 76° 36.0111' 36' 01" W;  
(B) Unnamed tributary ~~- tributary~~, north of a line beginning ~~at a point~~ on the west shore at a point 35° 16.8386' 16' 50" N - 76° 36.4447' 36' 27" W; running easterly 099° ~~(M)~~ to a ~~point on~~ the east shore to a point 35° 16.8222' 16' 50" N - 76° 36.3811' 76' 36' 24" W;  
(iii) Eastham Creek:  
(A) Slade Landing ~~Creek - Creek~~, south of a line beginning ~~at a point~~ on the west shore at a point 35° 17.5450' 17' 32" N - 76° 35.9677' 35' 59" W; running southeasterly 139° ~~(M)~~ to a ~~point on~~ the east shore to a point 35° 17.4845' 17' 29" N - 76° 35.8946' 35' 54" W;  
(B) Mallard ~~Creek - Creek~~, north of a line beginning ~~at a point~~ on the west shore at a point 35° 17.8230' 17' 49" N - 76° 36.1314' 36' 09" W; running southeasterly 122°

- (M) to a point on the east shore to a point 35° 17.7927' 17° 47' N - 76° 36.0330' 36° 04' W;
- (iv) Mud Gut - ~~Gut~~, northeast north and east of a line beginning at a point on the north south shore at a point 35° 17.8754' 17° 48' N - 76° 36.7704' 36° 46' W; running southeasterly ~~349° (M)~~ to a point on the south north shore to a point 35° 17.8166' 17° 52' N - 76° 36.7468' 36° 48' W;
- (v) Wilkerson Creek - ~~Creek~~, east of a line beginning at a point on the north south shore at a point 35° 18.4096' 18° 20' N - 76° 36.7479' 36° 44' W; running southwesterly ~~025° (M)~~ to a point on the south north shore to a point 35° 18.3542' 18° 23' N - 76° 36.7741' 36° 45' W;
- (vi) Dixon Creek - ~~Creek~~, east of a line beginning at a point on the north shore at a point 35° 18.8893' 18° 53' N - 76° 36.5973' 36° 37' W; running southerly ~~205° (M)~~ to a point on the south shore to a point 35° 18.5887' 18° 37' N - 76° 36.7142' 36° 42' W;
- (c) Oyster Creek; Middle Prong:
- (i) Oyster Creek:
- (A) West of a line, line beginning at a point on the north shore at a point 35° 19.4780' 19° 29' N - 76° 34.0131' 34° 02' W; running southerly ~~466° (M)~~ to a point on the south shore to a point 35° 19.3796' 19° 25' N - 76° 34.0021' 34° 00' W;
- (B) Duck Creek - ~~Creek~~, south of a line beginning at a point on the west shore at a point 35° 19.0959' 19° 06' N - 76° 33.2998' 33° 48' W; running northeasterly ~~055°~~
- (M) to a point on the east shore to a point 35° 19.1553' 19° 10' N - 76° 33.2027' 33° 12' W;
- (ii) James Creek - ~~Creek~~, southwest of a line beginning at a point on the north shore at a point 35° 18.6045' 18° 36' N - 76° 32.3233' 32° 20' W; running southeasterly ~~136° (M)~~ to a point on James Creek Point at a point the southeast shore 35° 18.4805' 18° 28' N - 76° 32.0240' 32° 05' W;
- (iii) Middle Prong - ~~Prong~~, south of a line beginning at a point on the west shore at a point 35° 17.8888' 17° 56' N - 76° 31.9379' 31° 58' W; running southerly ~~141° (M)~~ to a point on the east shore to a point 35° 17.7323' 17° 44' N - 76° 31.9052' 31° 55' W;
- (iv) Clark Creek:
- (A) Headwaters of Clark Creek (including Mouse Harbor Ditch) - ~~Creek~~, southeast of a line beginning at a point on the west southwest shore at a point 35° 18.1028' 18° 06' N - 76° 31.1661' 31° 12' W; running northeasterly ~~056° (M)~~ to a point on the east northeast shore to a point 35° 18.1907' 18° 12' N - 76° 31.0610' 31° 06' W;
- (B) Boat Creek - ~~Creek~~, east of a line beginning at a point on of the north south shore at a point 35° 18.5520' 18° 24' N - 76° 31.2927' 31° 16' W; running southerly ~~358° (M)~~ to a point on the south north shore to a point 35° 18.4189' 18° 32' N - 76° 31.2660' 31° 18' W;
- (5) In the Western Pamlico Sound Area:

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| <p>(a) Mouse Harbor:</p> <p>(i) Long <del>Creek - Creek</del>, north of a line beginning <del>at a point</del> on the west shore <del>at a point</del> 35° 18.4025' 48' 26" N - 76° 29.8139' 29' 48" W; running <del>northeasterly 070° (M)</del> to a <del>point on</del> the east shore <del>to a point</del> 35° 18.4907' 48' 30" N - 76° 29.5652' 29' 37" W;</p> <p>(ii) Lighthouse Creek - north <del>Small tributary east of Long Creek, northeast of a line</del> beginning <del>at a point</del> on the west shore <del>at a point</del> 35° 18.5166' 48' 31" N - 76° 29.2166' 29' 43" W; running <del>southeasterly 137° (M)</del> to a <del>point on</del> the east shore <del>to a point</del> 35° 18.4666' 48' 28" N - 76° 29.1666' 29' 10" W;</p> <p>(iii) Cedar Creek and Island <del>creeks - adjacent tributary</del>, south of a line beginning <del>at a point</del> on the west shore <del>at a point</del> 35° 16.9073' 46' 54" N - 76° 29.8667' 29' 53" W; running <del>southeasterly 136° (M)</del> to a <del>point on</del> the east shore <del>to a point</del> 35° 16.6800' 35° 16' 39" N -- 76° 29.4500' 29' 31" W;</p> <p>(b) Big Porpoise <del>Creek - Bay</del>, west of a line beginning <del>at a point</del> on the north shore <del>at a point</del> 35° 15.7263' 45' 44" N - 76° 29.4897' 29' 29" W; running <del>southeasterly 154° (M)</del> to a <del>point on</del> the south shore <del>to a point</del> 35° 15.6335' 45' 38" N - 76° 29.3346' 29' 49" W;</p> <p>(c) Middle Bay:</p> <p>(i) Middle Bay - Bay, west of a line beginning <del>at a point</del> on the <del>north south</del> shore <del>at a point</del> 35° 14.6137' 44' 22" N - 76° 30.8086' 34' 14" W; running <del>southeasterly 055° (M)</del> to a <del>point on</del> the <del>south north</del> shore <del>to a point</del> 35° 14.0631' 44' 36" N - 76° 30.5176' 30' 50" W;</p> <p>(ii) Little Oyster <del>Creek - Creek</del>, north of a line beginning <del>at a point</del> on the west shore <del>at a point</del> 35° 14.4745' 44' 28" N - 76° 30.2111' 30' 14" W; running <del>northeasterly 074° (M)</del> to a <del>point on</del> the east shore <del>to a point</del> 35° 14.5825' 44' 35" N - 76° 29.9144' 29' 59" W;</p> | <p>(d) Jones Bay, west of the IWW:</p> <p>(i) Little Drum <del>Creek and Little Creek/Little Eve Creek - Creek</del>, two <del>small tributaries on the south shore at the mouth of Jones Bay</del>, south of a line beginning <del>at a point</del> on the west shore <del>at a point</del> 35° 12.4380' 42' 26" N - 76° 31.7428' 31' 46" W; running <del>southeasterly 104° (M)</del> to a <del>point on</del> the east shore <del>to a point</del> 35° 12.3499' 35° 12' 20" N - 76° 31.2554' 34' 16" W;</p> <p>(ii) Ditch Creek - <del>Creek</del>, south of a line beginning <del>at a point</del> on the west shore <del>at a point</del> 35° 13.3609' 43' 21" N - 76° 33.6539' 33' 40" W; running <del>southeasterly 145° (M)</del> to a <del>point on</del> the east shore <del>to a point</del> 35° 13.2646' 43' 14" N - 76° 33.1996' 33' 14" W;</p> <p>(iii) Lambert <del>Creek - Creek</del>, west of a line beginning <del>at a point</del> on the <del>north south</del> shore <del>at a point</del> 35° 13.8980' 43' 48" N - 76° 34.3078' 34' 18" W; running <del>southeasterly 016° (M)</del> to a <del>point on</del> the <del>south north</del> shore <del>to a point</del> 35° 13.8354' 43' 53" N - 76° 34.2665' 34' 20" W;</p> <p>(iv) Headwaters of Jones Bay, (west of the IWW) - <del>IWW</del>, west of a line beginning <del>at a point</del> on the <del>north south</del> shore <del>at a point</del> 35° 14.4684' 44' 23" N - 76° 35.4307' 35' 27" W; running <del>southerly 009° (M)</del> to a <del>point on</del> the <del>south north</del> shore <del>to a point</del> at 35° 14.3947' 44' 29" N - 76° 35.4205' 35' 26" W;</p> <p>(v) Bills <del>Creek - Creek</del>, north of a line beginning <del>at a point</del> on the west shore <del>at a point</del> 35° 14.4162' 44' 29" N - 76° 34.8566' 34' 47" W; running <del>northerly 150° (M)</del> to a <del>point on</del> the east shore <del>to a point</del> 35° 14.4391' 44' 26" N - 76° 34.7248' 34' 43" W;</p> <p>(vi) Doll Creek - <del>Creek</del>, north of a line beginning <del>at a point</del> on the west shore <del>at a point</del> 35° 14.3320' 44' 20" N - 76° 34.2935' 34' 14" W; running <del>southeasterly 129° (M)</del> to a <del>point on</del> the east shore <del>to a</del></p> |
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- (vii) point 35° 14.2710' 14' 15" N - 76° 34.0406' 34' 04" W; Drum ~~Creek - Creek~~, north of a line beginning ~~at a point~~ on the west shore ~~at a point~~ 35° 14.1764' 14' 10" N - 76° 33.2632' 33' 17" W; running ~~easterly 116° (M)~~ to ~~a point~~ on the east shore ~~to a point~~ 35° 14.1620' 14' 08" N - 76° 33.0614' 33' 05" W.

In the Bay River Area:

- (a) Mason ~~Creek - Creek~~, southeast of a line beginning ~~at a point~~ on the ~~north southwest~~ shore ~~at a point~~ 35° 08.2531' 08' 08" N - 76° 41.4897' 41' 42" W; running ~~southwesterly -041° (M)~~ to ~~a point~~ on the ~~west-east~~ shore ~~to a point~~ 35° 08.1720' 08' 16" N - 76° 41.6340' 41' 32" W;
- (b) Moore ~~Creek - Creek~~, southeast of a line beginning ~~at a point~~ on the ~~north southwest~~ shore ~~at a point~~ 35° 08.9671' 08' 52" N - 76° 40.2017' 40' 18" W; running ~~southeasterly -032° (M)~~ to ~~a point~~ on the ~~south north~~ shore ~~to a point~~ 35° 08.8629' 08' 57" N - 76° 40.1598' 76° 40' 13" W;
- (c) Small tributaries from Bell Point to Ball Creek:
- (i) Tributary west of Bell ~~Point - Point~~ south of a line beginning ~~at a point~~ on the west shore ~~at a point~~ 35° 09.9536' 09' 57" N - 76° 39.3977' 39' 25" W; running ~~northeasterly -082° (M)~~ to ~~a point~~ on the east shore ~~to a point~~ 35° 09.9970' 40' 00" N - 76° 39.3420' 39' 21" W;
- (ii) Little Pasture ~~Creek - Creek~~, south of a line beginning ~~at a point~~ on the west shore ~~at a point~~ 35° 09.8944' 09' 52" N - 76° 39.1483' 39' 10" W; running ~~southeasterly -139° (M)~~ to ~~a point~~ on the east shore ~~to a point~~ 35° 09.8417' 09' 49" N - 76° 39.1130' 39' 06" W;
- (iii) Rice ~~Creek - Creek~~, south of a line beginning ~~at a point~~ on the west shore ~~at a point~~ 35° 09.7616' 09' 46" N - 76° 38.9686' 38' 59" W; running ~~southeasterly 122° (M)~~ to ~~a point~~ on the east shore ~~to a point~~ 35° 09.7378' 09' 43" N - 76° 38.8833' 38' 53" W;
- (d) Ball ~~and Cabin creeks - Creek~~ Cabin Creek, south of a line beginning ~~at a~~

~~point~~ on the west shore ~~at a point~~ 35° 09.6479' 09' 39" N - 76° 37.9973' 38' 01" W; running ~~southeasterly 116° (M)~~ to ~~a point~~ on the east shore ~~to a point~~ 35° 09.5589' 09' 32" N - 76° 37.5879' 37' 37" W;

(e) Bonner Bay:

- (i) Riggs ~~Creek - Creek~~, west of a line beginning ~~at a point~~ on the north shore ~~at a point~~ 35° 09.4050' 09' 24" N - 76° 36.2205' 36' 15" W; running ~~southeasterly 156° (M)~~ to ~~a point~~ on the south shore ~~to a point~~ 35° 09.2298' 09' 13" N - 76° 36.0949' 36' 07" W;
- (ii) Spring ~~Creek - Creek~~, west of a line beginning ~~at a point~~ on the north shore ~~at a point~~ 35° 08.5149' 08' 29" N - 76° 36.0799' 36' 12" W; running ~~southerly 165° (M)~~ to ~~a point~~ on the south shore ~~to a point~~ 35° 08.3575' 08' 19" N - 76° 36.0713' 36' 06" W;
- (iii) Bryan ~~and Ives creeks - Creek~~, south of a line beginning ~~at a point~~ on the west shore ~~at a point~~ 35° 08.3632' 08' 22" N - 76° 35.8653' 35' 53" W; running ~~northeasterly -069° (M)~~ to ~~a point~~ on the east shore ~~to a point~~ 35° 08.4109' 08' 25" N - 76° 35.7075' 35' 43" W;
- (iv) Dipping Vat ~~Creek - Creek~~, east of a line beginning ~~at a point~~ on the north shore ~~at a point~~ 35° 09.2734' 09' 17" N - 76° 34.3363' 34' 21" W; running ~~southerly 164° (M)~~ to ~~a point~~ on the south shore ~~to a point~~ 35° 09.1212' 35° 09' 09" N - 76° 34.3667' 34' 18" W;
- (v) Long ~~Creek - Creek~~, east south of a line beginning ~~at a point~~ on the west shore ~~at a point~~ 35° 08.1404' 08' 12" N - 76° 34.5741' 34' 38" W; running ~~northeasterly -098° (M)~~ to ~~a point~~ on the east shore ~~to a point~~ 35° 08.2078' 08' 12" N - 76° 34.4819' 34' 30" W;
- (vi) Cow Gallus ~~Creek - Small tributary off Long Creek~~, west of a line beginning ~~at a point~~ on the north shore ~~at a point~~ 35° 08.5125' 08' 30" N - 76° 34.6417' 34' 42" W;



- running southerly ~~164° (M)~~ to a point on the south shore to a point 35° 08.4083' 08' 24" N - 76° 34.6131' 34' 38" W;
- (f) Rock Hole Bay - Bay, northeast of a line beginning at a point on the west shore at a point 35° 11.6478' 41' 39" N - 76° 32.5840' 32' 36" W; running southeasterly ~~150° (M)~~ to a point on the east shore to a point 35° 11.2664' 41' 14" N - 76° 32.2160' 32' 13" W;
- (g) Dump Creek - Creek, north of a line beginning at a point on the west shore at a point 35° 11.7105' 41' 42" N - 76° 33.4228' 33' 27" W; running easterly ~~057° (M)~~ to a point on the east shore to a point 35° 11.7174' 41' 48" N - 76° 33.1807' 33' 20" W;
- (h) Tributaries east of IWW at Gales Creek:
- (i) Raccoon Creek - Creek, east of a line beginning at a point on the north shore at a point 35° 12.9169' 42' 54" N - 76° 35.4930' 35' 31" W; running southeasterly ~~158° (M)~~ to a point on the south shore to a point 35° 12.6515' 42' 39" N - 76° 35.3368' 35' 20" W;
- (ii) Ditch Creek - Creek, east of a line beginning at a point on the north shore at a point 35° 12.4460' 42' 26" N - 76° 35.0707' 35' 06" W; running southeasterly ~~164° (M)~~ to a point on the south shore to a point 35° 12.3495' 42' 20" N - 76° 34.9917' 35' 04" W;
- (iii) Jumpover Creek, west of a line beginning at a point on the north shore 35° 13' 17" N - 76° 35' 35" W; running ~~198° (M)~~ to a point on the south shore 35° 13' 07" N - 76° 35' 38" W;
- (i) Tributaries west of IWW at Gales Creek: Creek and adjacent tributary:
- (i) Jumpover Creek - west of a line beginning on the north shore at a point 35° 13.2830' N - 76° 35.5843' W; running southerly to the south shore to a point 35° 13.2035' N - 76° 35.5844' W;
- (ii)(i) Gales Creek - Creek, west of a line beginning at a point on the north shore at a point 35° 12.9653' 42' 54" N - 76° 35.6600' 35' 44" W; running southerly ~~190° (M)~~ to a point on the south shore to a point 35° 12.8032' 42' 47" N - 76° 35.6366' 35' 42" W;
- (iii)(ii) Whealton and Tar creeks - Creeks, west of a line beginning at a point on the north shore at a point 35° 12.7334' 42' 42" N - 76° 35.5430' 35' 36" W; running southeasterly ~~171° (M)~~ to a point on the south shore to a point 35° 12.4413' 42' 25" N - 76° 35.3594' 35' 25" W;
- (j) Chadwick Creek and No Jacket creeks - Creek, north of a line beginning at a point on the west shore at a point 35° 11.9511' 41' 56" N - 76° 35.8899' 35' 53" W; running northeasterly ~~079° (M)~~ to a point on the east shore to a point 35° 12.0599' 42' 03" N - 76° 35.3973' 35' 29" W;
- (k) Bear Creek - Creek, west north of a line beginning at a point on the north west shore at a point 35° 11.7526' 41' 35" N - 76° 36.2721' 36' 22" W; running southwesterly ~~037° (M)~~ to a point on the south east shore to a point 35° 11.5781' 41' 44" N - 76° 36.3366' 36' 45" W;
- (l) Little Bear Creek - Creek, north of a line beginning at a point on the west shore at a point 35° 11.1000' 41' 06" N - 76° 36.3060' 36' 20" W; running northeasterly ~~045° (M)~~ to a point on the east shore to a point 35° 11.2742' 35° 41' 46" N - 76° 35.9822' 76° 36' 07" W;
- (m) Tributaries to Bay River from Petty Point to Sanders Point:
- (i) Oyster Creek - Creek, north of a line beginning at a point on the west shore at a point 35° 10.7971' 40' 48" N - 76° 36.7399' 36' 43" W; running northeasterly ~~061° (M)~~ to a point on the east shore to a point 35° 10.9493' 40' 56" N - 76° 36.4878' 36' 31" W;
- (ii) Potter Creek - Creek, north of a line beginning at a point on the west shore at a point 35° 10.7259' 40' 43" N - 76° 37.0764' 37' 06" W; running northeasterly ~~063° (M)~~ to a point on the east shore to a point 35° 10.7778' 40' 48" N - 76° 36.7933' 37' 00" W;
- (iii) Barnes and Gascon creeks - Creeks, north of a line beginning at a point on the

- west shore at a point 35° 10.6396' 40' 36" N - 76° 37.3137' 37' 49" W; running northeasterly 066° (M) to a ~~point on~~ the east shore to a point 35° 10.6929' 40' 42" N - 76° 37.2087' 37' 13" W;
- (iv) Harris Creek - Creek, north of a line beginning ~~at a point~~ on the west shore at a point 35° 10.5922' 40' 33" N - 76° 37.5333' 37' 34" W; running northeasterly 064° (M) to a ~~point on~~ the east shore to a point 35° 10.6007' 40' 35" N - 76° 37.5103' 37' 29" W;
- (v) Mesic Creek - Creek, north of a line beginning ~~at a point~~ on the west shore at a point 35° 10.5087' 40' 29" N - 76° 37.9520' 37' 58" W; running easterly 076° (M) to a ~~point on~~ the east shore to a point 35° 10.4830' 40' 30" N - 76° 37.8477' 37' 54" W;
- (n) In Vandemere Creek:
- (i) Cedar Creek - Creek, north of a line beginning ~~at a point~~ on the west shore at a point 35° 11.2495' 41' 42" N - 76° 39.5727' 39' 36" W; running northeasterly 078° (M) to a ~~point on~~ the east shore to a point 35° 11.2657' 41' 13" N - 76° 39.5238' 39' 32" W;
- (ii) Long Creek - Creek, east of a line beginning ~~at a point~~ on the north shore at a point 35° 11.4779' 41' 29" N - 76° 38.7790' 38' 48" W; running southerly 177° (M) to a ~~point on~~ the south shore to a point 35° 11.4220' 41' 24" N - 76° 38.7521' 38' 48" W;
- (iii) Little Vandemere Creek - Creek, north of a line beginning ~~at a point~~ on the west shore at a point 35° 12.1449' 42' 09" N - 76° 39.2620' 39' 25" W; running southeasterly 120° (M) to a ~~point on~~ the east shore to a point 35° 12.1182' 42' 06" W - 76° 39.1993' 39' 12" W;
- (o) Smith Creek - Creek, north of a line beginning ~~at a point~~ on the west shore to a point 35° 10.4058' 40' 23" N - 76° 40.2565' 40' 15" W; running northeasterly 054° (M) to a ~~point on~~ the east shore to a point 35° 10.4703' 40' 27" N - 76° 40.1593' 40' 13" W;
- (p) Harper Creek - Creek, west of a line beginning ~~at a point~~ on the ~~south~~ shore at a point 35° 09.2767' 09' 09" N - 76° 41.8489' 41' 54" W; running southwesterly 024° (M) to a ~~point on~~ the ~~south~~ north shore to a point 35° 09.1449' 09' 15" N - 76° 41.9137' 41' 51" W;
- (q) Chapel Creek - Creek, north of a line beginning ~~at a point~~ on the west shore at a point 35° 08.9333' 08' 56" N - 76° 42.8382' 42' 52" W; running northeasterly 076° (M) to a ~~point on~~ the east shore to a point 35° 08.9934' 08' 58" N - 76° 42.7694' 42' 48" W;
- (r) Swindell Bay - Bay, south of a line beginning ~~at a point~~ on the west shore at a point 35° 08.2580' 08' 14" N - 76° 42.9380' 42' 58" W; running southeasterly 135° (M) to a ~~point on~~ the east shore to a point 35° 08.2083' 08' 41" N - 76° 42.8031' 42' 48" W.
- (7) In the Neuse River Area North Shore:
- (a) Swan Creek - Creek, west of a line beginning ~~at a point~~ on the south shore at a point 35° 06.5470' 06' 46" N - 76° 33.8203' 33' 41" W; running northeasterly 042° (M) to a point 35° 06.4155' N - 76° 33.9479'; running to ~~on~~ the south shore of Swan Island to a point 35° 06.3168' 06' 18" N - 76° 34.0263 34' 02" W; running northeasterly to a point 35° 06.6705' N - 76° 33.7307' W, running northeasterly to the north shore to a point 35° 06.8183' N - 76° 33.5971' W;
- (b) Broad Creek:
- (i) Greens Creek - Creek, north east of a line beginning ~~at a point~~ on the west north shore at a point 35° 06.0730' 06' 05" N - 76° 35.5110' 35' 28" W; running southeasterly 154° (M) to a ~~point on~~ the east south shore to a point 35° 05.9774' 06' 00" N - 76° 35.3704' 35' 24" W;
- (ii) Pittman Creek - Creek, north of a line beginning ~~at a point~~ on the west shore at a point 35° 05.8143' 05' 48" N - 76° 36.1475' 36' 10" W; running northeasterly 068° (M) to a ~~point on~~ the east shore to a point 35° 05.8840' 05' 54" N - 76° 36.0144' 36' 02" W;
- (iii) Burton Creek - Creek, west of a line beginning ~~at a point~~ on the ~~north~~ south shore at a

- point 35° 05.7174' 05' 37" N  
- 76° 36.4797' 36' 32" W;  
running southwesterly 034°  
(M) to a point on the south  
north shore to a point 35°  
05.6278' 05' 43" N - 76°  
36.5067' 36' 30" W;
- (iv) All tributaries on the north  
shore of Broad Creek -  
Creek, north of a line  
beginning at a point on the  
west shore of the western  
most tributary at a point 35°  
05.5350' 05' 38" N - 76°  
37.4058' 37' 49" W; running  
easterly 109° (M) to a point  
on the east shore of the  
eastern most tributary 35°  
05.4752' 05' 27" N - 76°  
36.9672' 36' 47" W; running  
to a point 35° 05.4868' N -  
76° 36.9163' W; north of a  
line beginning on the west  
shore of the eastern most  
tributary at 35° 05.4415' N -  
76° 36.7869' W, running  
northeasterly to a point 35°  
05.4664' N - 76° 36.7540' W
- (v) Brown Creek - Creek,  
northwest of a line  
beginning at a point on the  
west southwest shore at a  
point 35° 05.5310' 05' 30" N  
- 76° 37.8132' 37' 51" W;  
running northeasterly -032°  
(M) to a point on the east  
northeast shore to a point  
35° 05.5737' 05' 37" N - 76°  
37.6908' 37' 48" W;
- (vi) Broad Creek including  
Gideon Creek - Creek, west  
of a line beginning at a point  
on the north south shore at a  
point 35° 05.5310' 05' 18" N  
- 76° 37.8132' 37' 49" W;  
running southerly 013° (M)  
to a point on the south north  
shore to a point 35° 05.3212'  
05' 30" N - 76° 37.8398' 37'  
54" W;
- (vii) Tar Creek - Creek, south of a  
line beginning at a point on  
the west shore at a point 35°  
05.2604' 05' 18" N - 76°  
37.5093' 37' 38" W; running  
easterly -097° (M) to a point  
on the east shore to a point  
35° 05.2728' 05' 18" N - 76°  
37.6251' 37' 28" W;
- (viii) Tributary east of Tar Creek -  
Creek, south of a line  
beginning at a point on the  
west shore at a point 35°  
05.3047' 05' 18" N - 76°  
37.0316' 37' 03" W; running  
easterly 108° (M) to a point  
on the east shore to a point  
35° 05.2674' 05' 17" N - 76°  
36.8086' 36' 49" W;
- (ix) Tributary east of Tar Creek -  
Creek, south of a line  
beginning at a point on the  
west shore at a point 35°  
05.2674' 05' 15" N - 76°  
36.8086' 36' 46" W; running  
easterly 114° (M) to a point  
on the east shore to a point  
35° 05.2445' 05' 15" N - 76°  
36.5416' 36' 39" W;
- (x) Parris Creek - Creek, south  
of a line beginning at a point  
on the west shore at a point  
35° 05.2445' 05' 15" N - 76°  
36.5416' 36' 34" W; running  
southeasterly 123° (M) to a  
point on the east shore to a  
point 35° 05.2031' 05' 12" N  
- 76° 36.4573' 36' 27" W;
- (xi) Mill Creek - Creek and  
Cedar Creek, south of a line  
beginning at a point on the  
west shore at a point of Mill  
Creek 35° 05.4439' 05' 26"  
N - 76° 36.0260' 36' 02" W;  
running northeasterly 109°  
(M) to a point on the east  
shore of the eastern tributary  
to a point 35° 05.4721' 05'  
22" N - 76° 35.8835' 35' 36"  
W;
- (xii) Cedar Creek - south of a line  
beginning on the west shore  
at a point 35° 05.3711' N -  
76° 35.6556' W; running  
southeasterly to the east  
shore to a point 35° 05.2867'  
N - 76° 35.5348' W.
- (c) Orchard and Old House creeks -  
Creek - north of a line beginning at a  
point on the west shore at a point 35°  
03.3302' 03' 24" N - 76° 38.4478' 38'  
26" W; running northeasterly 061°  
(M) to a point on the east shore to a  
point 35° 03.6712' 03' 37" N - 76°  
37.9040' 37' 58" W;
- (d) Pierce Creek - Creek, north of a line  
beginning at a point on the west shore  
at a point 35° 02.5030' 02' 29" N -  
76° 40.0536' 40' 07" W; running  
northeasterly 083° (M) to a point on  
the east shore to a point 35° 02.5264'  
02' 31" N - 76° 39.9901' 40' 01" W;

- (e) Whittaker Creek - Creek, north of a line beginning ~~at a point~~ on the west shore at a point  $35^{\circ} 01.7186' 01' 37''$  N -  $76^{\circ} 41.1309' 41' 12''$  W; running easterly  $095^{\circ}$  (M) to a ~~point on the~~ east shore to a point  $35^{\circ} 01.6702' 01' 37''$  N -  $76^{\circ} 40.9036' 40' 58''$  W;
- (f) Oriental:
- (i) Smith and Morris creeks - Creek, north of a line beginning ~~at a point~~ on the west shore at a point  $35^{\circ} 02.1553' 02' 15''$  N -  $76^{\circ} 42.2931' 42' 19''$  W; running southeasterly  $096^{\circ}$  (M) to a ~~point on the~~ east shore to a point  $35^{\circ} 02.1097' 02' 16''$  N -  $76^{\circ} 42.1806' 42' 12''$  W;
- (ii) Unnamed tributary west of Dewey Point - north Tributary off Smith Creek west, west of a line beginning ~~at a point~~ on the west north shore at a point  $35^{\circ} 01.3704' 02' 10''$  N -  $76^{\circ} 42.4906' 42' 19''$  W; running northeasterly  $186^{\circ}$  (M) to a ~~point on the~~ east south shore to a point  $35^{\circ} 01.3530' 02' 08''$  N --  $76^{\circ} 42.4323' 42' 19''$  W;
- (iii) Unnamed tributary on the south shore of Greens Creek - Tributary off Smith Creek, east, east south of a line beginning ~~at a point~~ on the west south shore at a point  $35^{\circ} 01.4340' 02' 06''$  N -  $76^{\circ} 42.7920' 42' 12''$  W; running southeasterly  $026^{\circ}$  (M) to a ~~point on the~~ east north shore to a point  $35^{\circ} 01.4040' 02' 08''$  N -  $76^{\circ} 42.7320' 42' 11''$  W;
- (iv) Unnamed tributary on the south shore of Greens Creek - south Creek west of Dewey Point, north of a line beginning ~~at a point~~ on the west shore at a point  $35^{\circ} 01.3680' 01' 34''$  N -  $76^{\circ} 42.4920' 42' 35''$  W; running southeasterly  $049^{\circ}$  (M) to a ~~point on the~~ east west shore to a point  $35^{\circ} 01.3560' 01' 36''$  N -  $76^{\circ} 42.4320' 42' 32''$  W;
- (v) Tributary on the south shore of Greens Creek - Creek, west south of a line beginning ~~at a point~~ on the north west shore at a point  $35^{\circ} 01.5985' 01' 25''$  N -  $76^{\circ} 42.9959' 42' 49''$  W; running southeasterly  $115^{\circ}$  (M) to a ~~point on the~~ south east shore to a point  $35^{\circ} 01.4759' 01' 24''$  N -  $76^{\circ} 42.9570' 42' 43''$  W;
- (vi) Greens Creek, west of a line beginning ~~at a point on the~~ north shore  $35^{\circ} 01' 34''$  N --  $76^{\circ} 43' 02''$  W; running  $154^{\circ}$  (M) to a ~~point on the~~ south shore  $35^{\circ} 01' 28''$  N --  $76^{\circ} 42' 57''$  W;
- (vii)(vi) Kershaw Creek - Creek, north of a line beginning ~~at a point~~ on the west shore at a point  $35^{\circ} 01.5985' 01' 34''$  N -  $76^{\circ} 42.9959' 43' 02''$  W; running easterly  $070^{\circ}$  (M) to a ~~point on the~~ east shore to a point  $35^{\circ} 01.6077' 01' 38''$  N -  $76^{\circ} 42.8459' 42' 53''$  W;
- (viii)(vii) Shop Gut Creek - Windmill Point, southwest west of a line beginning ~~at a point~~ on the north northwest shore at a point  $35^{\circ} 01.2720' 01' 11''$  N -  $76^{\circ} 42.1500' 42' 18''$  W; running southerly  $130^{\circ}$  (M) to a ~~point on the~~ south southeast shore to a point  $35^{\circ} 01.1700' 01' 09''$  N -  $76^{\circ} 42.1380' 42' 14''$  W.
- (g) Dawson Creek:
- (i) Unnamed eastern tributary of Dawson Creek - Creek, east of a line beginning ~~at a point~~ on the north shore at a point  $35^{\circ} 00.2064' 00' 12''$  N -  $76^{\circ} 45.2652' 45' 19''$  W; running southeasterly  $155^{\circ}$  (M) to a ~~point on the~~ south shore to a point  $35^{\circ} 00.1790' 00' 07''$  N -  $76^{\circ} 45.2289' 45' 15''$  W;
- (ii) Unnamed tributary of Dawson Creek (at mouth) - mouth; east south of a line beginning ~~at a point~~ on the north east shore at a point  $34^{\circ} 59.6620' 59' 39''$  N -  $76^{\circ} 45.1156' 45' 09''$  W; running southerly  $256^{\circ}$  (M) to a ~~point on the~~ south shore to a point  $34^{\circ} 59.6326' 59' 38''$  N -  $76^{\circ} 45.1177' 45' 14''$  W;
- (h) Beard Creek tributary - tributary, southeast of a line beginning ~~at a point~~ on the north shore at a point  $35^{\circ}$

- 00.3176' 00°18" N - 76° 51.9098' 54' 54" W; running southwesterly 214° (M) to a ~~point on~~ the southwest shore to a point 35° 00.1884' 00°10" N - 76° 51.9850' 52°00" W.
- (8) In the Neuse River Area South Shore:
- (a) Clubfoot Creek - ~~Creek~~, south of a line beginning ~~at a point~~ on the west shore ~~at a point~~ 34° 52.4621' 52°15" N - 76° 45.9256' 45°48" W; running easterly 095° (M) to a ~~point on~~ the east shore to a point 34° 52.4661' 52°15" N - 76° 45.7567' 45°36" W:
- (i) Mitchell Creek - ~~Creek~~, west of a line beginning ~~at a point~~ on the ~~north south~~ shore at a point 34° 54.4176' 54°15" N - 76° 45.7680' 45°51" W; running southerly 021° (M) to a ~~point on~~ the ~~south north~~ shore to a point 34° 54.2610' 54°25" N - 76° 45.8277' 45°48" W;
- (ii) Gulden Creek - ~~Creek~~, east of a line beginning ~~at a point~~ on the ~~north south~~ shore at a point 34° 54.1760' 54°04" N - 76° 45.4438' 45°31" W; running southerly 032° (M) to a ~~point on~~ the ~~south north~~ shore to a point 34° 54.0719' 54°12" N - 76° 45.4888' 45°29" W;
- (b) Adams Creek:
- (i) Godfrey Creek - ~~Creek~~, south southwest of a line beginning ~~at a point~~ on the ~~west north~~ shore at a point 34° 57.3104' 57°18" N - 76° 41.1292' 41°08" W; running easterly 151° (M) to a ~~point on~~ the east ~~south~~ shore to a point 34° 57.2655' 57°16" N - 76° 41.1187' 41°05" W;
- (ii) Delamar Creek - ~~Creek~~, south southwest of a line beginning ~~at a point~~ on the ~~west north~~ shore at a point 34° 57.0475' 57°02" N - 76° 40.7230' 40°45" W; running southeasterly 138° (M) to a ~~point on~~ the east ~~south~~ shore to a point 34° 57.0313' 57°00" N - 76° 40.7015' 40°43" W;
- (iii) Kellum Creek - ~~Creek~~, west of a line beginning ~~at a point~~ on the north shore at a point 34° 55.5240' 55°28" N - 76° 39.8072' 39°52" W; running southeasterly 160° (M) to a ~~point on~~ the south shore to a point 34° 55.4356' 55°25" N - 76° 39.8201' 39°50" W;
- (iv) Kearney Creek and unnamed ~~tributary~~ ~~tributary north~~, west of a line beginning ~~at a point~~ on the north shore of the north creek at a point 34° 55.1847' 55°09" N - 76° 39.9686' 40°00" W; running southerly 194° (M) to a ~~point on~~ the south shore to a point ~~of~~ Kearney Creek 34° 54.9661' 54°58" N - 76° 40.0091' 40°01" W;
- (v) Isaac Creek - ~~Creek~~, south southeast of a line beginning ~~at a point~~ on the west shore at a point 34° 54.2457' 54°16" N - 76° 40.1010' 40°07" W; running easterly 102° (M) to a ~~point on~~ the east shore to a point 34° 54.2630' 54°15" N - 76° 40.0088' 40°02" W;
- (vi) Back Creek - ~~Creek~~, southeast south of a line beginning ~~at a point~~ on the ~~northeast west~~ shore at a point 34° 54.6598' 54°33" N - 76° 39.5257' 39°43" W; running southwesterly 059° (M) to a ~~point on~~ the ~~southwest east~~ shore to a point 34° 54.5366' 54°38" N - 76° 39.7075' 39°33" W;
- (vii) Cedar Creek - ~~Creek~~, southeast south of a line beginning ~~at a point~~ on the west shore at a point 34° 55.7759' 55°45" N - 76° 38.6070' 38°38" W; running easterly 095° (M) to a ~~point on~~ the east shore to a point 34° 55.7751' 55°45" N - 76° 38.4965' 38°32" W;
- (viii) Jonaquin Creek - ~~Creek~~, northeast north of a line beginning ~~at a point~~ on the west shore at a point 34° 56.1192' 56°06" N - 76° 38.4997' 38°32" W; running easterly 095° (M) to a ~~point on~~ the east shore to a point 34° 56.1172' 56°06" N - 76° 38.4584' 38°30" W;
- (ix) Dumpling Creek - ~~Creek~~, east of a line beginning ~~at a point~~ on the ~~northwest north~~ shore at a point 34° 56.9187'

- 56'-54" N - 76° 39.5559' 39' 33" W; running southeasterly 142° (M) to a point on the southeast south shore to a point 34° 56.8421' 56'-52" N - 76° 39.5155' 39' 34" W;
- (x) Sandy Huss Creek - ~~Creek~~, northeast ~~north~~ of a line beginning at a point on the west shore at a point 34° 57.2348' 57'-14" N - 76° 39.8457' 39'-50" W; running southeasterly 116° (M) to a point on the east shore to a point 34° 57.1638' 57'-10" N - 76° 39.7169' 39'-43" W;
- (c) Garbacon Creek - ~~Creek~~, south of a line beginning at a point on the west shore at a point 34° 59.0044' 59'-00" N - 76° 38.5758' 38'-34" W; running easterly 097° (M) to a point on the east shore to a point 34° 59.0006' 59'-00" N - 76° 38.4845' 38'-30" W;
- (d) South River:
- (i) Big Creek - ~~Creek~~, southwest of a line beginning at a point on the northwest shore at a point 34° 56.9502' 56'-55" N - 76° 35.3498' 35'-22" W; running southeasterly 160° (M) to a point on the southeast shore to a point 34° 56.8346' 56'-49" N - 76° 35.2091' 35'-16" W;
- (ii) Horton Bay - ~~Bay~~, north of a line beginning at a point on the west shore at a point 34° 59.1936' 59'-08" N - 76° 34.7657' 34'-44" W; running easterly 088° (M) to a point on the east west shore to a point 34° 59.2023' 59'-11" N - 76° 34.4586' 34'-30" W;
- (e) Brown Creek - ~~Creek~~, south of a line beginning at a point on the west shore at a point 34° 59.8887' 59'-51" N - 76° 33.5707' 33'-34" W; running easterly 097° (M) to a point on the east shore to a point 34° 59.9440' 59'-54" N - 76° 33.4180' 33'-30" W;
- (f) Turnagain Bay:
- (i) Abraham Bay - ~~Bay~~, west of a line beginning at a point on the north shore at a point 35° 00.1780' 00'-09" N - 76° 30.7564' 30'-48" W; running southerly 187° (M) to a point on the south shore to a point 34° 59.8338' 59'-50" N - 76° 30.7128' 30'-44" W;
- (ii) Broad Creek and Persons Creek - southwest adjacent tributary, west of a line beginning at from a point on the north shore 34° 59.1974' 59'-11" N - 76° 30.4118' 30'-26" W; running southeasterly 151° (M) to a point on the south shore to a point 34° 58.9738' 58'-57" N - 76° 30.1168' 30'-08" W;
- (iii) Mulberry Point Creek - ~~Creek~~, Tump Creek and adjacent tributary, east of a line beginning at a point on the north shore at a point 35° 00.4736' 00'-28" N - 76° 29.7538' 29'-47" W; running southerly 166° (M) to a point on the south shore to a point 35° 00.3942' 34°-59' 40" N - 76° 29.7082' 29'-23" W;
- (iv) Tump Creek - east of a line beginning on the north shore at a point 35° 00.2035' N - 76° 29.5947' W; running southerly to the south shore to a point 35° 00.0500' N - 76° 29.4897' W;
- (v) Tributary south of Tump Creek - east of a line beginning on the north shore at a point 34° 59.7784' N - 76° 29.3548' W; running southerly to the south shore to a point 34° 59.6830' N - 76° 29.3303' W;
- (iv)(vi) Deep Gut - ~~Gut~~, northeast east of a line beginning at a point on the north shore at a point 34° 59.6134' 59'-35" N - 76° 29.0376' 29'-03" W; running southeasterly 156° (M) to a point on the south shore to a point 34° 59.4799' 59'-28" N - 76° 28.9362' 28'-58" W;
- (v)(vii) Big Gut - ~~Gut~~, east southeast of a line beginning at a point on the north shore at a point 34° 59.0816' 59'-04" N - 76° 28.7076' 28'-44" W; running southerly 219° (M) to a point on the south shore to a point 34° 58.9300' 58'-55" N - 76° 28.7383' 28'-44" W.
- (9) West Bay; Long Bay Area:

- (a) Fur Creek and Henrys ~~Creek - Creek~~, southwest west of a line beginning at a point on the northwest north shore at a point  $34^{\circ} 56.5580' 56' 33''$  N -  $76^{\circ} 27.7065' 27' 42''$  W; running southeasterly  $156^{\circ}$  (M) to a point on the southeast south shore to a point  $34^{\circ} 56.3830' 56' 23''$  N -  $76^{\circ} 27.4563' 27' 28''$  W;
- (b) Cadduggen ~~Creek - Creek~~, south west of a line beginning at a point on the west north shore at a point  $34^{\circ} 56.5767' 56' 26''$  N -  $76^{\circ} 23.8711' 23' 59''$  W; running easterly  $143^{\circ}$  (M) to a point on the east south shore to a point  $34^{\circ} 56.2890' 56' 17''$  N -  $76^{\circ} 23.6626' 23' 41''$  W.
- (10) Core Sound Area:
- (a) Cedar Island Bay - Bay, northwest of a line beginning at a point on the northeast southwest shore at a point  $34^{\circ} 59.7770' 58' 58''$  N -  $76^{\circ} 17.3837' 17' 55''$  W; running southwesterly  $038^{\circ}$  (M) through Beacon No. 6 to a point on the southwest northeast shore to a point  $34^{\circ} 59.0100' 59' 46''$  N -  $76^{\circ} 17.9339' 17' 23''$  W;
- (b) Lewis ~~Creek - Creek~~, north of a line beginning at a point on the west shore at a point  $34^{\circ} 56.8736' 56' 56''$  N -  $76^{\circ} 16.8740' 16' 54''$  W; running easterly  $097^{\circ}$  (M) to a point on the east shore to a point  $34^{\circ} 56.9455' 56' 56''$  N -  $76^{\circ} 16.8234' 16' 51''$  W;
- (c) Thorofare Bay:
- (i) Merkle Hammock Creek - Tributary off upper Thorofare Bay, southwest of a line beginning at a point on the northwest shore at a point  $34^{\circ} 55.4796' 55' 27''$  N -  $76^{\circ} 21.4463' 21' 28''$  W; running southeasterly  $132^{\circ}$  (M) to a point on the southeast shore to a point  $34^{\circ} 55.3915' 55' 22''$  N -  $76^{\circ} 21.1682' 21' 16''$  W;
- (ii) Barry Bay - Barry's Bay, west of a line beginning at a point on the north shore at a point  $34^{\circ} 54.6450' 54' 30''$  N -  $76^{\circ} 20.6127' 20' 48''$  W; running southerly  $155^{\circ}$  (M) to a point on the south shore to a point  $34^{\circ} 54.4386' 54' 24''$  N -  $76^{\circ} 20.4912' 20' 35''$  W;
- (d) Nelson Bay:
- (i) Willis Creek and Fulchers ~~Creek - Creek~~, west of a line beginning at a point on the north shore of Willis Creek at a point  $34^{\circ} 51.1006' 51' 07''$  N -  $76^{\circ} 24.5996' 24' 36''$  W; running southerly  $194^{\circ}$  (M) to a point on the south shore of Fulchers Creek to a point  $34^{\circ} 50.2861' 50' 09''$  N -  $76^{\circ} 24.8708' 24' 51''$  W;
- (ii) Lewis ~~Creek - Creek~~, west of a line beginning at a point on the north south shore at a point  $34^{\circ} 51.9362' 51' 44''$  N -  $76^{\circ} 24.6322' 24' 40''$  W; running southerly  $011^{\circ}$  (M) to a point on the south north shore to a point  $34^{\circ} 51.7323' 51' 54''$  N -  $76^{\circ} 24.6487' 24' 39''$  W;
- (e) Cedar Creek between Sea Level and Atlantic - Atlantic, west of a line beginning at a point on the north south shore at a point  $34^{\circ} 52.0126' 52' 00''$  N -  $76^{\circ} 22.7046' 22' 44''$  W; running southerly  $007^{\circ}$  (M) to a point on the south north shore to a point  $34^{\circ} 51.9902' 52' 03''$  N -  $76^{\circ} 22.7190' 22' 44''$  W;
- (f) Oyster Creek, northwest of the Highway 70 bridge;
- (g) Jarretts Bay Area:
- (i) Smyrna ~~Creek - Creek~~, northwest of the Highway 70 bridge;
- (ii) Ditch Cove and adjacent tributary - tributary, east of a line beginning at a point on the north shore at a point  $34^{\circ} 48.0167' 48' 00''$  N -  $76^{\circ} 28.4674' 28' 26''$  W; running southerly  $017^{\circ}$  (M) to a point on the south shore to a point  $34^{\circ} 47.6143' 47' 35''$  N -  $76^{\circ} 28.6473' 28' 30''$  W;
- (iii) Broad ~~Creek - Creek~~, northwest north of a line beginning at a point on the west shore at a point  $34^{\circ} 47.7820' 47' 53''$  N -  $76^{\circ} 29.2724' 29' 18''$  W; running northeasterly  $081^{\circ}$  (M) to a point on the east shore to a point  $34^{\circ} 47.9766' 47' 58''$  N -  $76^{\circ} 28.9729' 28' 59''$  W;
- (iv) Howland ~~Creek - Creek~~, northwest of a line beginning at a point on the northeast southwest shore at a point  $34^{\circ} 47.5129' 47' 21''$  N -  $76^{\circ} 29.6217' 29' 53''$  W; running southwesterly  $050^{\circ}$  (M) to a point on the

- (v) ~~Great Creek - Creek,~~ southwest ~~northeast~~ shore to a point  $34^{\circ} 47.3372' 47' 26''$  N -  $76^{\circ} 29.8607' 29' 47''$  W;
- (vi) ~~Williston Creek - Creek,~~ southeast of a line beginning at a point on the ~~northeast~~ southwest shore at a point  $34^{\circ} 47.4279' 47' 08''$  N -  $76^{\circ} 28.9565' 29' 12''$  W; running ~~southwesterly~~  $053^{\circ}$  (M) to a point on the southwest ~~northeast~~ shore to a point  $34^{\circ} 47.1515' 47' 17''$  N -  $76^{\circ} 29.2077' 76' 29' 02''$  W;
- (vii) ~~Wade Creek - Creek,~~ northwest of a line beginning at a point on the north south shore at a point  $34^{\circ} 46.3022' 46' 10''$  N -  $76^{\circ} 30.5443' 30' 22''$  W; running ~~southerly~~  $042^{\circ}$  (M) to a point on the south north shore to a point  $34^{\circ} 46.2250' 46' 17''$  N -  $76^{\circ} 30.3864' 30' 17''$  W;
- (viii) ~~Jump Run - Run,~~ north of a line beginning at a point on the west shore at a point  $34^{\circ} 45.5385' 45' 31''$  N -  $76^{\circ} 30.3974' 30' 26''$  W; running ~~easterly~~  $097^{\circ}$  (M) to a point on the east west shore to a point  $34^{\circ} 45.5468' 45' 31''$  N -  $76^{\circ} 30.3485' 30' 21''$  W;
- (ix) ~~Middens Creek - Creek,~~ west of a line beginning at a point on the north south shore at a point  $34^{\circ} 45.5046' 45' 23''$  N -  $76^{\circ} 30.9710' 30' 59''$  W; running ~~southerly~~  $007^{\circ}$  (M) to a point on the south north shore to a point  $34^{\circ} 45.4093' 45' 29''$  N -  $76^{\circ} 30.9584' 30' 59''$  W;
- (x) ~~Tusk Creek - Creek,~~ northwest of a line beginning at a point on the northwest southwest shore at a point  $34^{\circ} 44.8049' 44' 37''$  N -  $76^{\circ} 30.6248' 30' 47''$  W; running ~~southerly~~  $033^{\circ}$  (M) to a point on the south north shore to a point  $34^{\circ} 44.6074' 44' 48''$  N -  $76^{\circ} 30.7553' 30' 38''$  W;
- (xi) ~~Creek west of Bells Island - Island,~~ west of a line beginning at a point on the north shore at a point  $34^{\circ} 43.9531' 43' 56''$  N -  $76^{\circ} 30.4144' 30' 26''$  W; running ~~southerly~~  $161^{\circ}$  (M) to a point on the south shore to a point  $34^{\circ} 43.7825' 43' 46''$  N -  $76^{\circ} 30.3543' 30' 23''$  W.
- (11) Straits, North River, Newport River Area:
- (a) Straits:
- (i) ~~Sleepy Creek - Creek,~~ north of a line beginning at a point on the west shore at a point  $34^{\circ} 43.3925' 43' 21''$  N -  $76^{\circ} 31.4912' 31' 32''$  W; running ~~easterly~~  $096^{\circ}$  (M) to a point on the east shore to a point  $34^{\circ} 43.3651' 43' 21''$  N -  $76^{\circ} 31.3250' 31' 20''$  W;
- (ii) ~~Whitehurst Creek - Creek,~~ north of a line beginning on the west shore at from a point on the west shore  $34^{\circ} 43.5118' 43' 28''$  N -  $76^{\circ} 33.3392' 33' 22''$  W; running ~~northeasterly~~  $072^{\circ}$  (M) to a point on the east shore to a point  $34^{\circ} 43.5561' 43' 33''$  N -  $76^{\circ} 33.1869' 33' 13''$  W;
- (b) North River, north of Highway 70 bridge:
- (i) ~~Ward Creek - Creek,~~ north of Highway 70 bridge:
- (A) ~~North Leopard Creek - Creek,~~ southeast of a line beginning at a point on the southwest shore at a point  $34^{\circ} 45.9573' 45' 57''$  N -  $76^{\circ} 34.4208' 34' 27''$  W; running ~~northeasterly~~  $055^{\circ}$  (M) to a point on the northeast shore to a point  $34^{\circ} 46.0511' 46' 01''$  N -  $76^{\circ} 34.3170' 34' 19''$  W;
- (B) ~~South Leopard Creek - Creek,~~ southeast of a line beginning at a point on the southwest shore at a point  $34^{\circ} 45.4930' 45' 29''$  N -  $76^{\circ} 34.7622' 34' 47''$  W; running ~~northeasterly~~  $057^{\circ}$  (M) to a point on the northeast shore to a point  $34^{\circ}$



- 45.5720' 45° 33'' N  
- 76° 34.6236' 34'  
40'' W;
- (ii) Turner Creek (Gibbs Creek - Creek); west of a line beginning ~~at a point~~ on the north south shore ~~at a point~~ 34° 43.4693' 43° 23'' N - 76° 37.6372' 37° 43'' W; running southerly 012° (M) to a ~~point on the south north~~ shore to a point 34° 43.4054' 43° 30'' N - 76° 37.6585' 37° 40'' W;
- (c) Newport River - River; west of a line beginning ~~at a point on the north shore at a point at Lawton Point~~ 34° 46.5635' 45° 41'' N - 76° 44.3998' 44° 03'' W; running southerly 356° (M) to a ~~point on Lawton Point the north shore to a point~~ 34° 45.6840' 46° 34'' N - 76° 44.0895' 44° 18'' W;
- (i) Russel Creek - Creek; northeast north of a line beginning ~~at a point~~ on the north west shore ~~at a point~~ 34° 45.5840' 45° 36'' N - 76° 39.8020' 39° 47'' W; running southeasterly 097° (M) to a ~~point on the south east shore to a point~~ 34° 45.5819' 45° 35'' N - 76° 39.7895' 39° 46'' W;
- (ii) Ware Creek - Creek; northeast of a line beginning ~~at a point~~ on the north northwest shore ~~at a point~~ 34° 46.4576' 46° 28'' N - 76° 40.5020' 40° 30'' W; running southeasterly 153° (M) to a ~~point on the south southeast shore to a point~~ 34° 46.4125' 46° 23'' N - 76° 40.4460' 40° 27'' W;
- (iii) Bell Creek - Creek; east northeast of a line beginning ~~at a point~~ on the north northwest shore ~~at a point~~ 34° 47.2805' 47° 19'' N - 76° 40.9082' 40° 58'' W; running southerly 166° (M) to a ~~point on the south southeast shore to a point~~ 34° 47.0581' 47° 02'' N - 76° 40.8854' 40° 56'' W;
- (iv) Eastman Creek - Creek; east of a line beginning ~~at a point~~ on the north shore at a point 34° 47.8640' 47° 57'' N - 76° 41.0671' 41° 04'' W; running southerly 184° (M) to a ~~point on the south shore to a point~~ 34° 47.8027' 47° 47'' N - 76° 41.0605' 41° 04'' W;
- (v) Oyster Creek - Creek; north of a line beginning ~~at a point~~ on the west shore at a point 34° 46.6610' 46° 32'' N - 76° 42.5011' 42° 32'' W; running easterly 080° (M) to a ~~point on the east shore to a point~~ 34° 46.7161' 46° 37'' N - 76° 42.3481' 42° 14'' W;
- (vi) Harlow Creek - Creek; north of a line beginning ~~at a point~~ on the west shore at a point 34° 46.7138' 46° 40'' N - 76° 43.4838' 43° 29'' W; running northeasterly 060° (M) to a ~~point on the east northeast shore to a point~~ 34° 46.8490' 46° 49'' N - 76° 43.3296' 43° 19'' W;
- (vii) Calico Creek - Creek; west of a line beginning ~~at a point~~ on the north shore at a point 34° 43.7318' 43° 42'' N - 76° 43.1268' 43° 11'' W; running southerly 208° (M) to a ~~point on the south shore to a point~~ 34° 43.6066' 43° 37'' N - 76° 43.2040' 43° 13'' W;
- (viii) Crab Point Bay - Bay; northwest of a line beginning ~~at a point~~ on the northeast southwest shore ~~at a point~~ 34° 44.0615' 43° 54'' N - 76° 42.9393' 43° 07'' W; running southwesterly 052° (M) to a ~~point on the southwest northeast shore to a point~~ 34° 43.9328' 44° 01'' N - 76° 43.0721' 43° 00'' W.
- (12) Bogue Sound; Bogue Inlet Area:
- (a) Gales Creek - Creek; north of ~~above~~ the Highway 24 bridge;
- (b) Broad Creek - Creek; north of ~~above~~ the Highway 24 bridge;
- (c) Sanders Creek - north of a line beginning at a point 34° 42.4694' N - 76° 58.3754' W on the west shore; running easterly to a point 34° 42.4903' N - 76° 58.143' W on the east shore;
- (e)(d) Goose Creek - Creek; north of a line beginning ~~at a point~~ on the west shore at a point 34° 41.8183' 41° 46'' N - 77° 00.7208' 00° 45'' W; running easterly 070° (M) to a ~~point on the east shore to a point~~ 34° 41.8600' 41° 51'' N - 77° 00.5108' 00° 32'' W;

- (d)(e) Archer ~~Creek - Creek~~, west of a line beginning ~~at a point~~ on the north shore ~~at a point~~  $34^{\circ} 40.4721' 40' 27''$  N -  $77^{\circ} 00.7577' 00' 47''$  W; running southerly  ~~$186^{\circ}$  (M)~~ to a point on the south shore to a point  $34^{\circ} 40.3521' 40' 22''$  N -  $77^{\circ} 00.8008' 00' 47''$  W;
- (e)(f) White Oak River - River, northwest north of a line beginning ~~at a point~~ on the northeast west shore ~~at a point~~  $34^{\circ} 45.6730' 45' 27''$  N -  $77^{\circ} 07.5960' 07' 39''$  W; running southwesterly  ~~$095^{\circ}$  (M)~~ to a point on the southwest east shore to a point  $34^{\circ} 45.2890' 45' 27''$  N -  $77^{\circ} 07.7500' 07' 07''$  W;
- (i) Pettiford Creek - Creek, east of a line beginning ~~at a point~~ on the north shore ~~at a point~~  $34^{\circ} 42.8670' 42' 51''$  N -  $77^{\circ} 05.3990' 05' 24''$  W; running southerly  ~~$175^{\circ}$  (M)~~ to a point on the south shore to a point  $34^{\circ} 42.6310' 42' 37''$  N -  $77^{\circ} 05.3180' 05' 20''$  W.
- (ii) Holland Mill Creek - Creek, west of a line beginning ~~at a point~~ on the north shore ~~at a point~~  $34^{\circ} 43.8390' 43' 49''$  N -  $77^{\circ} 08.0090' 08' 02''$  W; running southeasterly  ~~$184^{\circ}$  (M)~~ to a point on the south shore to a point  $34^{\circ} 43.4800' 43' 38''$  N -  $77^{\circ} 07.7650' 08' 02''$  W.
- (f)(g) Hawkins Creek - Creek, west north of a line beginning ~~at a point~~ on the north west shore ~~at a point~~  $34^{\circ} 41.1210' 41' 06''$  N -  $77^{\circ} 07.5720' 07' 44''$  W; running southerly  ~~$085^{\circ}$  (M)~~ to a point on the south east shore to a point  $34^{\circ} 41.0460' 41' 07''$  N -  $77^{\circ} 07.5930' 07' 35''$  W;
- (g)(h) Queen's Creek - Creek, north of state country road number 1509 bridge:
- (i) Dick's Creek - Creek, west of a line beginning ~~at a point~~ on the north south shore ~~at a point~~  $34^{\circ} 39.9790' 39' 55''$  N -  $77^{\circ} 09.3470' 09' 21''$  W; running southeasterly  ~~$338^{\circ}$  (M)~~ to a point on the south north shore to a point  $34^{\circ} 39.9350' 39' 58''$  N -  $77^{\circ} 09.3280' 09' 21''$  W;
- (ii) Parrot Swamp - Swamp, west of a line beginning ~~at a point~~ on the north south shore ~~at a point~~  $34^{\circ} 40.6170' 40' 22''$  N -  $77^{\circ} 09.7820' 09' 39''$  W; running southeasterly  ~~$333^{\circ}$  (M)~~ to a point on the south north shore to a point  $34^{\circ} 40.3660' 40' 36''$  N -  $77^{\circ} 09.5980' 09' 48''$  W;
- (iii) Hall's Creek - Creek, east of a line beginning ~~at a point~~ on the north south shore ~~at a point~~  $34^{\circ} 41.0740' 41' 00''$  N -  $77^{\circ} 09.8640' 09' 42''$  W; running easterly  ~~$337^{\circ}$  (M)~~ to a point on the south north shore to a point  $34^{\circ} 41.0300' 41' 06''$  N -  $77^{\circ} 09.6740' 09' 44''$  W;
- (h)(i) Bear Creek - Creek, west of a line beginning at Willis Landing at a point  $34^{\circ} 38.7090' 38' 43''$  N -  $77^{\circ} 12.6860' 12' 41''$  W; running southeasterly to the south shore to a point  $34^{\circ} 38.4740' 38' 28''$  N -  $77^{\circ} 12.3810' 12' 23''$  W. Willis Landing.
- (13) New River Area:
- (a) Salliers Bay area - area, all waters north and northwest of the IWW beginning near Beacon "58" at a point on Cedar Point  $34^{\circ} 37.9670' 37' 58''$  N -  $77^{\circ} 12.3060' 12' 18''$  W; running along the IWW to Cedar Point to a point to Beacon No. 58  $34^{\circ} 33.1860' 33' 11''$  N -  $77^{\circ} 20.4370' 20' 26''$  W; including Howard Bay, Mile Hammock Bay, Salliers Bay, and Freeman Creek;
- (b) New River Inlet area (including Hellgate Creek and Ward's Channel) - Channel, all waters south of the IWW from a point near Beacon "65" No. 65  $34^{\circ} 33.0550' 33' 03''$  N -  $77^{\circ} 18.6380' 18' 38''$  W;  ~~$18^{\circ} 57''$  W~~ running along the IWW to a point near Beacon "15" No. 15  $34^{\circ} 31.0630' 31' 03''$  N -  $77^{\circ} 22.2630' 22' 16''$  W; excluding the marked New River Inlet Channel;
- (c) New River:
- (i) Trap's Bay - Bay, northeast of a line beginning ~~at a point~~ on the west east shore ~~at a point~~  $34^{\circ} 34.0910' 34' 05''$  N -  $77^{\circ} 21.0010' 21' 00''$  W; running southeasterly  ~~$317^{\circ}$  (M)~~ to a point on the east west shore to a point  $34^{\circ} 33.8260' 33' 50''$  N -  $77^{\circ} 20.4060' 20' 25''$  W;
- (ii) Courthouse Bay:
- (A) Tributary of Courthouse Bay - Bay, southeast of a line beginning ~~at a point~~ on Harvey's Point at a point  $34^{\circ}$

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| <p>(B) Tributary of Courthouse Bay - Bay, northwest of a line beginning at a point on the west shore at a point 34° 35.0970' 35° 02' N - 77° 22.6010' 22° 40' W; running <u>northeasterly</u> 057° (M) to a point on the east shore to a point 34° 35.1630' 35° 10' N - 77° 22.5030' 77° 22' 31" W;</p> <p>(C) Rufus Creek - Creek, east of a line beginning at a point on the north shore Wilken's Bluff 34° 34.4630' 34° 19' N - 77° 21.6410' 21° 41' W; running <u>southerly</u> 002° (M) to at a point near Wilken's Bluff on the north shore 34° 34.3140' 34° 27' N - 77° 21.6620' 21° 41' W;</p> <p>(iii) Wheeler Creek - Creek, south of a line beginning at a point on the west shore Poverty Point at a point 34° 34.0570' 34° 04' N - 77° 23.3640' 23° 15' W; running <u>easterly</u> 267° (M) to a point near Poverty Point on the west shore 34° 34.1060' 34° 03' N - 77° 23.2440' 23° 26' W;</p> <p>(iv) Fannie Creek - Creek, south west of a line beginning at a point on the west south shore at a point 34° 34.1470' 34° 07' N - 77° 23.6390' 23° 35' W; running <u>easterly</u> 333° (M) to a point on the east north shore to a point 34° 34.1300' 34° 08' N - 77° 23.5600' 23° 40' W;</p> | <p>(v) Snead's Creek - Creek, northwest of a line beginning at a point on the west east shore at a point 34° 35.2850' 35° 19' N - 77° 23.5500' 23° 31' W; running <u>northerly</u> 219° (M) to the east shore to a point on the west shore 34° 35.3440' 35° 17' N - 77° 23.4860' 23° 34' W;</p> <p>(vi) Everette Creek - Creek, south of a line beginning at a point on the west east shore at a point 34° 34.2570' 34° 13' N - 77° 24.8480' 24° 44' W; running <u>easterly</u> 273° (M) to a point on the east west shore to a point 34° 34.2380' 34° 12' N - 77° 24.6970' 24° 49' W;</p> <p>(vii) Stone's Creek - Creek, southwest of a line beginning at a point on the northwest southeast shore at a point 34° 36.6170' 36° 34' N - 77° 26.8670' 26° 51' W; running <u>southeasterly</u> 301° (M) to a point on the southeast northwest shore to a point 34° 36.5670' 36° 37' N - 77° 26.8500' 26° 52' W;</p> <p>(viii) Muddy Creek - Creek, north of a line beginning at a point on the west shore 34° 36.8670' 36° 52' N - 77° 26.6340' 26° 38' W; running <u>easterly</u> 087° (M) to a point on the east shore to a point 34° 36.8670' 36° 52' N - 77° 26.6170' 26° 37' W;</p> <p>(ix) Mill Creek - Creek, north of a line beginning at a point on the west shore at a point 34° 37.2350' 37° 11' N - 77° 25.7000' 25° 47' W; running <u>easterly</u> 109° (M) to a point on the east shore to a point 34° 37.2360' 37° 11' N - 77° 25.6890' 25° 37' W;</p> <p>(x) Whitehurst Creek - Creek, west and south of a line beginning at a point on the north south shore at a point 34° 38.0780' 38° 04' N - 77° 22.6110' 22° 37' W; running <u>easterly</u> 280° (M) to a point on the south north shore to a point 34° 38.0720' 38° 04' N - 77° 22.6000' 22° 38' W;</p> |
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- (xi) Town Creek - ~~Creek~~, west of a line beginning ~~at a point~~ on the north ~~south~~ shore at a point ~~34° 39.6060' -39° 34' 23" N - 77° 23.0690' -23° 06' 06" W~~; running southerly ~~007° (M)~~ to ~~a point on the south north shore to a point~~ 34° 39.5950' 39° 37' 23" N - 77° 23.0830' 23° 06' 06" W;
- (xii) Lewis Creek - ~~Creek~~, southwest of a line beginning ~~at a point~~ on the northwest ~~southeast~~ shore at a point ~~34° 40.9330' -40° 56' 22" N - 77° 24.5290' 24° 56' 22" W~~; running southeasterly ~~301° (M)~~ to ~~a point on the southeast northwest shore to a point~~ 34° 40.9190' 40° 55' 22" N - 77° 24.5040' 24° 58' 22" W;
- (xiii) Northeast Creek - ~~Creek~~, east of a line beginning at the mouth of Scale's Creek ~~at a point on the south shore~~ 34° 43.7350' -43° 23' 23" N - 77° 24.1190' 23° 35' 22" W; running southeasterly ~~316° (M)~~ to the south shore to at a point at the mouth of Scale's Creek 34° 43.3950' 43° 46' 22" N - 77° 23.5450' 24° 06' 22" W;
- (xiv) Southwest Creek - ~~Creek~~, southwest of a line beginning ~~at a point~~ on the north ~~east~~ shore at a point ~~34° 41.8500' 41° 30' 22" N - 77° 25.6460' 25° 20' 22" W~~; running southeasterly ~~328° (M)~~ to ~~a point on the south north shore to a point~~ 34° 41.5540' -41° 50' 22" N - 77° 25.2250' -25° 40' 22" W;
- (xv) Upper New River - ~~River~~, north of a line beginning on the west shore ~~at a point on Mumford Point~~ 34° 42.9770' 43° 15' 22" N - 77° 25.9070' 25° 00' 22" W; running easterly ~~271° (M)~~ through a point near Beacon "53" No. 53 to a point on the west shore 34° 43.2600' 43° 14' 22" N - 77° 25.3800' 25° 49' 22" W; to the east shore to a point 34° 43.4260' N - 77° 25.0700' W;
- (d) Chadwick Bay - ~~Bay~~, all waters bounded by between a line beginning at a point ~~on Roses Point at a point~~ 34° 32.2240' 32° 12' 22" N - 77° 22.2880' -22° 19' 22" W; running easterly ~~075° (M)~~ to a point near Marker "6" at 34° 32.4180' N - 77° 21.6080' W; then following ~~No. 6 and the IWW to a point near Marker "14" at 34° 31.3220' N - 77° 22.1520' W~~; following the shoreline of Chadwick Bay back to the point of origin: IWW;
- (i) Fullard Creek (including Charles Creek) - ~~Creek~~; northwest of a line beginning ~~at a point~~ on the north ~~south~~ shore at a point ~~34° 32.2210' 32° 03' 22" N - 77° 22.8080' 22° 41' 22" W~~; running southeasterly ~~326° (M)~~ to ~~a point on the south north shore to a point~~ 34° 32.0340' 32° 12' 22" N - 77° 22.7160' 22° 50' 22" W;
- (ii) Bump's Creek - ~~Creek~~, north of a line beginning ~~at a point~~ on the west shore at a point ~~34° 32.3430' 32° 19' 22" N - 77° 22.4570' 22° 29' 22" W~~; running northeasterly ~~035° (M)~~ to ~~a point on the east shore to a point~~ 34° 32.4400' 32° 28' 22" N - 77° 22.3830' 22° 23' 22" W.
- (14) Stump Sound Area: Stump Sound - ~~Sound~~, all waters north and south of IWW from a point near Beacon "15" No. 15 at 34° 31.0630' 34° 03' 22" N - 77° 22.2630' 22° 17' 22" W; to a point near Marker "78" No. 78 34° 25.4050' 25° 23' 22" N - 77° 34.2120' 34° 12' 22" W; except 100 feet on ~~of~~ either side of the IWW from Beacon "49" No. 49 at Morris Landing to Marker "78" 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 "57" No. 57 to the Old Settler's Beach Canals.
- (15) Topsail Sound Area:
- (a) Virginia Creek - ~~Creek~~, all waters northwest of a line beginning on the southwest shore ~~at a point~~ near the mouth at a point ~~34° 24.8030' -24° 48' 22" N - 77° 35.5960' 35° 38' 22" W~~; running northeasterly ~~056° (M)~~ ~~700 yards~~ to a point 34° 25.0333' 25° 02' 22" N - 77° 35.3167' 35° 19' 22" W; ~~thence~~ running easterly to intersect ~~074° (M)~~ ~~1900 yards and intersecting~~ the nursery area line near at Becky's Creek at a point 34° 25.4050' 25° 24' 22" N - 77° 34.2120' 34° 16' 22" W, with the exception of the natural channel as marked by the North Carolina Division of Marine Fisheries;

- (b) Old Topsail ~~Creek - Creek~~, all waters northwest of a line beginning ~~at a point~~ on the ~~northeast southwest~~ shore at a point  $34^{\circ} 21.7740' 21' 33''$  N -  $77^{\circ} 40.3870' 40' 37''$  W; running ~~southwesterly~~  $065^{\circ}$  (M) to a point on the ~~southwest northeast~~ shore to a point  $34^{\circ} 21.4930' 21' 43''$  N -  $77^{\circ} 40.6900' 40' 14''$  W, with the exception of the dredged channel as marked by the North Carolina Division of Marine Fisheries;
- (c) Topsail ~~Sound - Sound~~, all waters enclosed within a line starting ~~near~~ ~~Beacon at beacon~~ "BC" at a point  $34^{\circ} 24.6110' 24' 35''$  N -  $77^{\circ} 35.7050' 35' 43''$  W; then bounded on the northeast and southeast by Bank's Channel, on the southwest by Marker "98" channel and on the northeast by the IWW; then ~~running~~  $174^{\circ}$  (M) to a point  $34^{\circ} 23' 58''$  N -  $77^{\circ} 35' 33''$  W; ~~running~~  $235^{\circ}$  (M) to a point  $34^{\circ} 21' 14''$  N -  $77^{\circ} 39' 18''$  W; ~~running~~  $300^{\circ}$  (M) to Marker No. 16  $34^{\circ} 21' 32''$  N -  $77^{\circ} 40' 15''$  W; ~~running~~  $056^{\circ}$  (M) back to the point of origin;
- (d) Mallard Bay ~~Area - Area~~, all waters northwest of the IWW ~~beginning at from a point near~~ Beacon "93" No. 93  $34^{\circ} 23.9090' 23' 54''$  N -  $77^{\circ} 36.7420' 36' 43''$  W; to a point near Beacon "96" No. 96  $34^{\circ} 22.5480' 22' 34''$  N -  $77^{\circ} 38.7890' 38' 48''$  W.
- (16) Middle Sound Area:
- (a) Howard Channel and Long Point Channel ~~area - area~~, all waters southeast of the IWW ~~beginning at from a point near~~ Beacon "98" No. 98  $34^{\circ} 21.5670' 21' 33''$  N -  $77^{\circ} 40.4580' 40' 32''$  W to a point on the north side of the Figure 8 Island Marina Channel to a point  $34^{\circ} 16.5120' 16' 28''$  N -  $77^{\circ} 45.4870' 45' 35''$  W; [with the exception of Howard Channel from the IWW to New Topsail Inlet, Green Channel from Marker "105" No. 105 to Rich's Inlet, Butler's Creek (Utley's Channel) from the IWW ~~IWW~~, north of Marker No. 112, to Nixon's Channel, and Nixon's Channel from IWW to Rich's ~~Inlet;~~ ~~Inlet;~~ ~~Tributaries to above named channels shall remain closed.];~~
- (b) Futch ~~Creek - Creek~~, northwest of a line beginning ~~at a point~~ on the north shore ~~at Baldeagle Point of Porter's Neck at a point~~  $34^{\circ} 17.9900' 18' 00''$  N -  $77^{\circ} 44.4930' 77' 44' 33''$  W; running ~~southerly~~  $064^{\circ}$  (M) to a point ~~on Porter's Neck Baldeagle Point to a point~~  $34^{\circ} 18.1170' 18' 09''$  N -  $77^{\circ} 44.3760' 44' 22''$  W;
- (c) Page's ~~Creek - Creek~~, northwest of a line beginning ~~at a point~~ on the north shore at a point  $34^{\circ} 16.7420' 16' 46''$  N -  $77^{\circ} 46.6940' 46' 42''$  W; running ~~southwesterly~~  $229^{\circ}$  (M) to a point on the south shore to a point  $34^{\circ} 16.6910' 16' 38''$  N -  $77^{\circ} 46.8510' 46' 51''$  W;
- (d) All waters ~~bounded 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.
- (17) Greenville Sound Area:
- (a) Shell Island area - ~~area~~, all waters bounded on the north by Mason's Inlet Channel, on the west by the IWW, on the south by Old Moores Inlet Channel and on the east by Wrightsville Beach. ~~of the IWW from Marker No. 123~~  $34^{\circ} 14' 52''$  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;
- (b) Howe Creek (Moore's Creek) - ~~Creek~~, northwest of a line beginning ~~at a point~~ on the north south shore at a point  $34^{\circ} 14.9060' 14' 42''$  N -  $77^{\circ} 47.2180' 47' 26''$  W; running ~~southwesterly~~  $030^{\circ}$  (M) to a point on the south ~~north~~ shore to a point  $34^{\circ} 14.8470' 14' 53''$  N -  $77^{\circ} 47.3810' 47' 13''$  W;
- (c) Bradley Creek - ~~Creek~~, all waters west of a line beginning on the north side of the Highway 17, 74 and 76 bridge at a point  $34^{\circ} 12.9700' 12' 58''$  N -  $77^{\circ} 50.0260' 50' 02''$  W running southerly to the south side of the Bridge at a point  $34^{\circ} 12.8620' 12' 51''$  N -  $77^{\circ} 50.0550' 50' 03''$  W;
- (d) Wrightsville Beach area - ~~area~~, all waters in an area enclosed by a line beginning ~~at a point~~ across the IWW from the mouth of Bradley Creek at a point  $34^{\circ} 12.3530' 12' 21''$  N -  $77^{\circ} 49.1250' 49' 08''$  W; ~~running~~  $091^{\circ}$  (M) to a point (near the Borrow Pit)  $34^{\circ} 12.3820' 12' 22''$  N -  $77^{\circ} 48.6610' 48' 32''$  W; ~~running~~  $144^{\circ}$  (M) then bounded by Bank's Channel on the east, Shinn Creek on the south and the IWW on the west, ~~to a point~~  $34^{\circ} 11' 56''$  N -  $77^{\circ} 48' 19''$  W; ~~running~~  $224^{\circ}$  (M) to a point  $34^{\circ} 11' 20''$  N -  $77^{\circ} 49' 05''$  W; ~~running~~  $306^{\circ}$  (M) to a point  $34^{\circ} 11' 20''$  N -  $77^{\circ} 49' 05''$  W;

- (18) Masonboro Sound Area:
- (a) Masonboro-Myrtle Grove Sound area (west side) -all waters west and northwest of the IWW beginning ~~at a point~~ at the mouth of Bradley Creek at a point 34° 12.4130' 42' 23" N - 77° 49.2110' 49' 14" W; running along the west side of the IWW to a point opposite to Beacon "161" No. 161 at 34° 03.5590' 03' 32" N - 77° 53.4550' 53' 22" W;
- (b) 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 at a point 34° 10.9130' 41' 06" N - 77° 48.9550' 48' 51" W; running northwesterly 301° (M) to a point near near the intersection of Shinn Creek and the IWW Marker No. 129 34° 11.3840' 41' 22" N - 77° 49.5240' 49' 36" W; ~~thence~~ running along the east side of the IWW to a point near ~~to~~ Marker "161" No. 161 at 34° 03.5270' 03' 32" N - 77° 53.3550' 53' 22" W; (with the exception of Old Masonboro Channel and Carolina Beach Inlet Channel).
- (19) Cape Fear River Area:
- (a) Cape Fear River - River, all waters north of a line beginning ~~at a point~~ on the west east shore at a point 34° 10.4410' 40' 25" N - 77° 57.7400' 57' 03" W; running easterly 275° (M) through Beacon "59" No. 53 to a ~~point on the east west shore to a point~~ 34° 10.4050' 40' 25" N - 77° 57.1310' W; 57' 46" W with the exception of the maintained channel, and all waters north of a line beginning ~~at a point~~ on the west east shore at a point 34° 04.6040' 04' 38" N - 77° 56.4780' 55' 28" W; running easterly 275° (M) through Beacon "41" No. 37 to a ~~point on the east west shore to a point~~ 34° 04.7920' 04' 38" N - 77° 55.4740' W; 56' 31" W, with the exception of 300 yards east and west of the main shipping channel up to Beacon "59" No. 53 (mouth of Brunswick River);
- (b) The Basin (Ft. Fisher area) - area, east of a line beginning ~~at a point~~ on the north shore at a point 33° 57.2950' 57' 17" N - 77° 56.1450' 56' 08" W; running southeasterly 156° (M) to a ~~point on the south shore to a point~~ 33° 57.1120' 57' 04" N - 77° 56.2060' 77° 56' 07" W;
- (c) Walden Creek - Creek, all waters northwest of a line beginning on the north side of county road No. 1528 bridge at a point 33° 58.2950' N - 77° 59.0280' W running southerly to the south side of the bridge at a point 33° 58.2250' N - 77° 59.0440' W ;
- (d) Baldhead Island Creeks:
- (i) Baldhead Creek - Creek, southeast of a line beginning ~~at a point~~ on the north south shore at a point 33° 51.7680' 51' 42" N - 77° 59.1700' 59' 40" W; running westerly 070° (M) to a ~~point on the south north shore to a point~~ 33° 51.7590' 52' 07" N - 77° 59.1850' 59' 06" W;
- (ii) Cape Creek - Creek, southeast of a line beginning ~~at a point~~ on the north south shore at a point 33° 51.9740' 51' 39" N - 77° 58.3090' 58' 28" W; running southwesterly 026° (M) to a ~~point on the south north shore to a point~~ 33° 51.9480' 52' 05" N - 77° 58.3480' 58' 23" W;
- (iii) Bluff Island Creek (East Beach Creek) - Creek, south of a line beginning ~~at a point~~ on the west shore at a point 33° 52.6740' 52' 39" N - 77° 58.1530' 77° 58' 11" W; running easterly 092° (M) to a ~~point on the east shore to a point~~ 33° 52.6850' 52' 40" N - 77° 58.0780' 58' 07" W;
- (iv) Deep Creek - Creek, south of a line ~~from a point~~ on the southwest shore at a point 33° 52.6850' 52' 42" N - 77° 58.0780' 58' 05" W; running northeasterly 046° (M) to a ~~point on the northeast shore to a point~~ 33° 52.7690' 52' 46" N - 77° 58.0110' 58' 01" W;
- (e) Dutchman Creek - Creek, north of a line beginning ~~at a point~~ on the west east shore at a point 33° 55.1560' 55' 07" N - 78° 02.7260' 02' 39" W; running southeasterly 294° (M) to a ~~point on the east west shore to a point~~ 33° 55.1130' 55' 08" N - 78° 02.5990' 78° 02' 44" W;
- (f) Denis Creek - Creek, west of a line beginning ~~at a point~~ on the north south shore at a point 33° 55.0410'

- 55° 00' N - 78° 03.5180' 03' 32" W; running southerly 006° (M) to a point on the south north shore to a point 33° 55.0120' 55' 02" N - 78° 03.5110' 03' 32" W;
- (g) Piney Point Creek - ~~Creek~~, west of a line beginning at a point on the north south shore at a point 33° 54.6310' 54' 32" N - 78° 03.5020' 03' 32" W; running southerly 007° (M) to a point on the south north shore to a point 33° 54.6040' 54' 37" N - 78° 03.5010' 03' 31" W;
- (h) Molasses, Coward and Smokehouse creeks - ~~Creeks~~, all waters bounded 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;
- (i) Oak Island area - ~~area~~, all waters north and south of the IWW from a point near Marker "9" - ~~No. 9~~ 33° 55.2060' 55' 12" N - 78° 03.7580' 03' 49" W; to a point near Beacon "18" - ~~No. 18~~ 33° 55.7410' 55' 45" N - 78° 10.2760' 40' 17" W.
- (20) Lockwoods Folly Inlet Area:
- (a) Davis Creek and Davis Canal - ~~Canal~~, east of a line beginning at a point on the north shore at a point 33° 55.2280' 55' 13" N - 78° 10.8610' 40' 43" W; running southerly 198° (M) to a point on the south shore to a point 33° 55.1970' 54' 59" N - 78° 10.8390' 40' 43" W;
- (b) Lockwoods Folly River - ~~River~~, north of a line beginning at a point on the west east shore at a point 33° 56.3880' 56' 35" N - 78° 13.2360' 42' 47" W; running easterly 268° (M) to a point on the east west shore to a point 33° 56.6560' 56' 34" N - 78° 12.8350' 43' 24" W;
- (c) Spring Creek (Galloway Flats area) - ~~area~~, all waters northwest of a line beginning at a point on the north south shore at a point 33° 55.7350' 55' 31" N - 78° 13.7090' 43' 48" W; running southwesterly 040° (M) to a point on the south north shore to a point 33° 55.5590' 55' 41" N - 78° 13.7960' 43' 42" W.
- (21) Shallotte Inlet Area:
- (a) Shallotte River - ~~River~~, north of a line beginning at a point on Bill Holden's Landing at a point 33° 55.8840' 55' 52" N - 78° 22.0710' 22' 07" W; running northeasterly 024° (M) to a point on Gibbins Point to a point 33° 56.3190' 56' 20" N - 78° 21.8740' 21' 54" W;
- (b) Shallotte River (Ocean Flats) - ~~River~~, excluding Gibbs Creek, the area enclosed by north of a line beginning at Long Point 33° 54.6210' 54' 20" N - 78° 21.7960' 21' 42" W; then bounded on the south by the IWW, the west by Shallotte River, the north by Gibb's Creek and the east by the shoreline of the Shallotte River back to the point of origin; 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;
- (c) Shallotte Creek (Little Shallotte River) - ~~River~~, east of a line beginning at a point on Shell Landing at a point 33° 55.7390' 55' 44" N - 78° 21.6410' 21' 40" W; running southerly 159° (M) to a point on Boone's Neck Point to a point 33° 55.5990' 55' 35" N - 78° 21.5480' 21' 34" W;
- (d) Saucepan Creek - ~~Creek~~, northwest of a line beginning at a point on the west east shore (mouth of Old Mill Creek) at a point 33° 54.7007' 54' 56" N - 78° 23.4183' 23' 28" W; running northerly 182° (M) to a point on the east west shore (mouth of Old Mill Creek) to a point 33° 54.9140' 54' 41" N - 78° 23.4370' 23' 28" W;
- (e) Old Channel area - ~~area~~, all waters south of the IWW from a point near Beacon "83" - ~~No. 83~~ 33° 54.2890' 54' 46" N - 78° 23.1930' 23' 17" W; to a point near Ocean Isle Beach bridge 33° 53.7270' 53' 44" N - 78° 26.3760' 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 "89" - ~~No. 90~~.
- (22) Little River Inlet Area:
- (a) Gause Landing area - ~~area~~, all waters north of the IWW from a point near Beacon "90" - ~~No. 90~~ 33° 53.8790' 53' 53" N - 78° 25.5950' 25' 37" W; then following the IWW to the South Carolina line;
- (b) Eastern Channel Area - all waters bounded on the east and south by Eastern Channel, on the west by Jink's Creek and on the north by the IWW; Area:

- (i) ~~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;~~
- (ii) ~~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;~~
- (iii) ~~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;~~
- (iv) ~~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;~~
- (v) ~~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;~~
- (vi) ~~Horseford 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;~~
- (vii) ~~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;~~
- (viii) ~~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;~~
- (c) The Big Narrows Area:
- (i) ~~Big Teague Creek - Creek, west of a line beginning at a point on the north south shore at a point 33° 52.8260' 52' 46" N - 78° 30.0110' 29' 59" W; running southerly 343° (M) to a point on the south north shore to a point 33° 52.8040' 52' 47" N - 78° 29.9940' 30' 01" W;~~
- (ii) ~~Little Teague Creek - Creek, west of a line beginning at a point on the north south shore at a point 33° 52.9280' 52' 54" N - 78° 30.1500' 30' 09" W; running southeasterly 306° (M) to a point on the south north shore to a point 33° 52.9130' 52' 54" N - 78° 30.1220' 30' 10" W;~~
- (iii) ~~Big Norge Creek - Creek, south of a line beginning at a point on the west shore at a point 33° 52.8550' 52' 50" N - 78° 30.6190' 30' 39" W; running easterly 076° (M) to a point on the east shore to a point 33° 52.8620' 52' 51" N - 78° 30.5900' 78° 30' 36" W;~~
- (d) ~~Mad Inlet area - area, all waters south of the IWW from a point near the Sunset Beach bridge 33° 52.8450' 52' 52" N - 78° 30.6510' 30' 42" W-W; then following the IWW to the South Carolina line with the exception of Bonaparte Creek;~~
- (e) ~~Calabash River - River, all waters east of a line beginning at a point on the north side of state road No. 1164 bridge at a point 33° 53.3850' N - 78° 32.9710' W running southerly to the south side of the bridge at a point 33° 53.3580' N - 78° 32.9750' W.~~

Authority G.S. 113-134; 113-182; 143B-289.52.

15A NCAC 03R .0104 PERMANENT SECONDARY  
NURSERY AREAS



The permanent secondary nursery areas referenced in 15A NCAC 03N .0105(a) ~~and (e)~~ are delineated in the following coastal water areas:

(1) Roanoke Sound

(a) Inner Shallowbag Bay – west of a line beginning on the northeast shore at a point 35° 54.6729' N – 75° 39.8099' W; running southerly to the southeast shore to a point 35° 54.1722' N – 75° 39.6806' W;

(2)(+) In the Pamlico Sound Area:

(a) Long Shoal River - north of a line beginning ~~at a point at the 5<sup>th</sup> Avenue Canal~~ at a point 35° 35.2120' 35' 07" N - 75° 53.2232' 75° 54' 25" W, running easterly 282° (M) to a point ~~on the east west shore on Pains Point to a point at the 5<sup>th</sup> Avenue Canal~~ 35° 35.0666' 35' 12" N - 75° 51.2000' 53' 16" W;

(b) Pains Bay - east of a line beginning ~~at a point on the south shore on Pains Point~~ at a point 35° 35.0666' 34' 28" N - 75° 51.2000' 50' 58" W, running southerly 350° (M) to a point ~~on Rawls Island the north shore to a point~~ 35° 34.4666' 35' 04" N - 75° 50.9666' 54' 12" W; running easterly to a point on the east shore to a point 35° 34.2309' N - 75° 50.2695' W;

(c) Wysocking Bay – ~~northwest north and west~~ of a line beginning at Benson Point ~~at a point~~ 35° 22.9684' 22' 58" N - 76° 03.7129' 03' 39" W, running ~~northeasterly 058° (M)~~ to Long Point ~~to a point~~ 35° 24.6895' 24' 37" N - 76° 01.3155' 01' 19" W;

(d) Juniper Bay-Cunning Harbor - north of a line beginning ~~at a point~~ on the west shore of Juniper Bay ~~at a point~~ 35° 20.6217' 20' 33" N - 76° 15.5447' 15' 28" W, running easterly 105° (M) to a point 35° 20.4372' 20' 18" N - 76° 13.2697' W; ~~13' 20" W thence running easterly to a point on the east shore of Cunning Harbor to a point~~ 35° 20.3413' 20' 15" N - 76° 12.3378' 12' 23" W;

(e) Swanquarter Bay - north of a line beginning ~~at a point~~ at The Narrows ~~at a point~~ 35° 20.9500' 20' 55" N - 76° 20.6409' 20' 39" W, running easterly 080° (M) to a point ~~on the east shore to a point~~ 35° 21.5959' 21' 36" N - 76° 18.3580' 18' 23" W;

(f) Deep Cove-The Narrows - north and east of a line beginning ~~at a point~~ on the west shore ~~at a point~~ 35° 20.9790' 20' 54" N - 76° 23.8577' W; 23' 54" W, running ~~southeasterly 122° (M)~~ to a point ~~on Swanquarter Island the east~~

~~shore to a point~~ 35° 20.5321' 20' 33" N - 76° 22.7869' 22' 55" W, and west of a line at The Narrows beginning ~~at a point~~ on the north shore ~~to a point~~ 35° 20.9500' 20' 42" N - 76° 20.6409' 20' 35" W, running southerly 175° (M) to a point ~~on Swanquarter Island the south shore to a point~~ 35° 20.7025' 20' 55" N - 76° 20.5620' 20' 39" W;

(g) Rose Bay - north of a line beginning ~~at a point~~ on Long Point ~~the west shore at a point~~ 35° 23.3404' 23' 17" N - 76° 26.2491' 26' 10" W, running southeasterly 144° (M) to a point ~~on Drum Point Judith Island to a point~~ 35° 22.4891' 22' 29" N - 76° 25.2012' 25' 15" W;

(h) Spencer Bay – ~~northwest west and north~~ of a line beginning ~~at a point~~ on Roos Willow Point ~~at a point~~ 35° 22.3866' 22' 22" N - 76° 27.9225' 27' 52" W, running ~~northeasterly 065° (M)~~ to a point Long Point ~~to a point~~ 35° 23.3404' 23' 17" N - 76° 26.2491' 26' 10" W;

(i) Abel Able Bay – ~~northeast north and east~~ of a line beginning ~~at a point~~ on the west shore ~~at a point~~ 35° 23.6463' 23' 39" N - 76° 31.0003' 31' 03" W, running ~~southeasterly 130° (M)~~ to a point ~~on the east shore to a point~~ 35° 22.9353' 23' 00" N - 76° 29.7215' 29' 44" W;

(j) Mouse Harbor - west of a line beginning ~~at a point~~ on Persimmon Tree Point ~~the south shore at a point~~ 35° 18.3915' 17' 12" N - 76° 29.0454' 28' 53" W, running ~~southerly 352° (M)~~ to a point ~~on Yaupon Hammock Point the north shore to a point~~ 35° 17.1825' 35' 18' 23" N - 76° 28.8713' 29' 03" W;

(k) Big Porpoise Bay – ~~northwest west~~ of a line beginning ~~at a point~~ on Big Porpoise Point ~~the south shore at a point~~ 35° 15.6993' 14' 57" N - 76° 28.2041' 28' 50" W, running ~~southwesterly 042° (M)~~ to a point ~~on Middle Bay Point the north shore to a point~~ 35° 14.9276' 14' 41" N - 76° 28.8658' 28' 12" W;

(l) Middle Bay - west of a line beginning ~~at a point~~ on Deep Point ~~the south shore at a point~~ 35° 14.8003' 13' 31" N - 76° 29.1923' 29' 36" W, running ~~southerly 022° (M)~~ to a point ~~on Little Fishing Point the north shore to a point~~ 35° 13.5419' 14' 48" N - 76° 29.6123' 29' 12" W;

- (m) Jones Bay - west of a line beginning ~~at a point on Mink Trap Boar Point at a point~~ 35° 13.4968' 42' 19" N - 76° 31.1040' W; 34' 16" W, running southerly ~~011° (M)~~ to a point on Boar Mink Trap Point to a point 35° 12.3253' 43' 30" N - 76° 31.2767' 34' 08" W;
- (n) In the Bay River Area:
- (i) Bonner Bay - southeast south of a line beginning ~~at a point~~ on the west shore at a point 35° 09.6281' 09' 36" N - 76° 36.2185' W; 36' 15" W, running northeasterly 074° (M) to a point on Davis Island Point the east shore to a point 35° 10.0888' 09' 57" N - 76° 35.2587' 35' 12" W;
- (ii) Gales Creek-Bear Creek (tributaries of Bay River) - north and west of a line beginning ~~at a point~~ on Sanders Point at a point 35° 11.2833' 41' 17" N - 76° 35.9000' 35' 54" W, running northeasterly 067° (M) through Beacon No. 27 to a point on the east shore to a point 35° 11.9000' 41' 54" N - 76° 35.2833' 34' 17" W;
- (3)(2) In the Pamlico and Pungo rivers ~~Pamlico River~~ Area:
- (a) Pungo River, north of a line beginning on the west shore at a point 35° 32.2000' N - 76° 29.2500' W; running east near Beacon "21" to the east shore to a point 35° 32' 0833' N - 76° 28.1500' W;
- (b)(a) ~~(In the Pungo River Area):~~ Fortescue Creek, east of a line beginning ~~at a point~~ on Pasture Point the north shore at a point 35° 25.9213' 25' 55" N - 76° 31.9135' 31' 58" W; running southerly 195° (M) to a point on the Lupton Point south shore to a point 35° 25.6012' 25' 36" N - 76° 31.9641' 32' 01" W;
- (c) Pamlico River, west of a line beginning on Ragged Point at a point 35° 27.5768' N - 76° 54.3612' W; running southwesterly to Mauls Point to a point 35° 26.9176' N - 76° 55.5253' W;
- (d)(b) North Creek - north of a line beginning ~~at a point~~ on the west shore at a point 35° 25.3988' 25' 24" N - 76° 40.0455' 40' 06" W, running southeasterly 114° (M) through Marker No. 4 to a point on the east shore to a point 35° 25.1384' 25' 18" N - 76° 39.6712' 39' 39" W;
- (e)(e) In the Goose Creek area:
- (i) Campbell Creek - west of a line beginning ~~at a point~~ on the north south shore at a point 35° 17.3600' 47' 00" N - 76° 37.1096' W; 37' 06" W, running southerly 349° (M) to a point on the south west shore to a point 35° 16.9876' 47' 19" N - 76° 37.0965' 37' 08" W;
- (ii) Eastham Creek - east of a line beginning ~~at a point~~ on the north south shore at a point 35° 17.7423' 47' 36" N - 76° 36.5164' W; 36' 24" W, running southeasterly 327° (M) to a point on the south north shore to a point 35° 17.5444' 47' 44" N - 76° 36.3963' 36' 30" W;
- (f)(d) Oyster Creek-Middle Prong - southwest of a line beginning ~~at a point~~ on Cedar Island at a point 35° 19.4921' 49' 28" N - 76° 32.2590' W; 32' 14" W, running southeasterly 135° (M) to a point on Beard Island Point to a point 35° 19.1265' 49' 10" N - 76° 31.7226' 31' 44" W; and southwest of a line beginning on the west shore at a point 35° 19.5586' N - 76° 32.8830' W running easterly to the east shore to a point 35° 19.5490' N - 76° 32.7365' W;
- (4)(3) In the Neuse River Area:
- (a) Lower Broad Creek - ~~west northwest~~ of a line beginning ~~at a point~~ on the north northeast shore at a point 35° 05.8314' 05' 47" N - 76° 35.3845' W; 35' 25" W, running southwesterly 228° (M) to a point on the south southwest shore to a point 35° 05.5505' 05' 34" N - 76° 35.7249' 35' 43" W;
- (b) Greens Creek - north of a line beginning ~~at a point~~ on the west shore of Greens Creek at a point 35° 01.3476' 01' 20" N - 76° 42.1740' 42' 10" W; running northeasterly 055° (M) to a point on the east shore to a point 35° 01.4899' 01' 30" N - 76° 41.9961' 41' 59" W;
- (c) Dawson Creek - north of a line beginning ~~at a point~~ on the west shore at a point 34° 59.5920' 59' 35" N - 76° 45.4620' 45' 28" W; running southeasterly 120° (M) to a point on the east shore to a point 34° 59.5800' 59' 34" N - 76° 45.4140' 45' 25" W;

- (d) Goose Creek - Creek, north and east of a line beginning at a point on the west shore at a point 35° 02.6642' N - 76° 56.4710' W; running southeasterly to a point on Cooper Point 35° 02.0908' N - 76° 56.0092' W;
- (e) Upper Broad Creek - Creek, northeast of a line beginning at a point on Rowland Point on the north shore at a point 35° 02.6166' N - 76° 56.4500' W; running southeasterly to the south shore to a point 35° 02.8960' N - 76° 56.7865' W;
- (f)(d) Clubfoot Creek - south of a line beginning at a point on the west east shore at a point 34° 54.5424' 54' 29" N - 76° 45.7252' 45' 26" W, running easterly 284° (M) to a point on the east west shore to a point 34° 54.4853' 54' 33" N - 76° 45.4022' 45' 43" W;
- (g)(e) (In the Adams Creek Area) Cedar Creek - east of a line beginning at a point on the north south shore at a point 34° 56.1203' 55' 52" N - 76° 38.7988' W; 38' 49" W, running southerly 004° (M) to a point on the south north shore to a point 34° 55.8745' 56' 05" N - 76° 38.8153' 38' 48" W;
- (5)(4) Virginia Creek - all waters of the natural channel northwest of the primary nursery area line;
- (6)(5) Old Topsail Creek - all waters of the dredged channel northwest of the primary nursery area line;
- (7)(6) Mill Creek - all waters west of a line beginning at a point on the north south shore at a point 34° 20.6420' 24' 17" N - 77° 42.1220' W; 42' 15" W, running southwesterly 028° (M) to a point on the south north shore to a point 34° 20.3360' 20' 36" N - 77° 42.2400' 42' 06" W;
- (8)(7) Pages Creek - all waters west of a line beginning at a point on the north south shore at a point 34° 16.1610' 15' 52" N - 77° 45.9930' W; 46' 18" W, running southwesterly 044° (M) to a point on the south north shore to a point 34° 15.9430' 16' 09" N - 77° 46.1670' 46' 01" W;
- (9)(8) Bradley Creek - all waters west of a line beginning on the north south shore at a point 34° 12.7030' 12' 23" N - 77° 49.1230' W; 49' 14" W, running southerly 021° (M) to a point near the dredged channel on the north shore to a point 34° 12.4130' 12' 38" N - 77° 49.2110' 49' 09" W;
- (10)(9) Davis Creek, all waters east of a line beginning at a point on Horse Oak Island at a point 33° 55.0160' 54' 51" N - 78° 12.7380' W;

42' 49" W, running southerly 040° (M) to a point on Oak Horse Island to a point 33° 54.9190' 54' 57" N - 78° 12.7170 W; 42' 49" W continuing upstream to the primary nursery line and Davis Canal, all waters southeast of a line beginning on Pinner Point at a point on a spoil island at the southwest intersection of the ICWW and Davis Canal 33° 55.2930' 55' 23" N - 78° 11.6390' W; 41' 39" W, running southwesterly 060° (M) across the mouth of Davis Canal to the spoil island at the southwest intersection of the IWW and Davis Canal a point on Pinner Point to a point 33° 55.2690' 55' 26" N - 78° 11.6550' W, 41' 38" W.

Authority G.S. 113-134; 113-182; 143B-289.52.

### 15A NCAC 03R .0105 SPECIAL SECONDARY NURSERY AREAS

The special secondary nursery areas referenced in 15A NCAC 03N .0105(b) and (c) are delineated in the following coastal water areas:

#### (1) Roanoke Sound:

- (a) Outer Shallowbag Bay – west of a line beginning on Baum Point at a point 35° 55.1461' N – 75° 39.5618' W; running southeasterly to Ballast Point to a point 35° 54.6250' N – 75° 38.8656' W; and downstream of a canal with a northern point at 35 54.5203 N-75 38.8499 W and a southern point at 35 54.4929 N-75 38.8518 W.
- (b) Kitty Hawk Bay/Buzzards Bay, the northern boundary of the area begins southeast of Kitty Hawk Bay from a line beginning on the west shore at 36 02.4360 N-75 42.3189 W running easterly to a point 36 02.6630 N-75 41.4102 W. The area continues to run southerly along the marshes to include waters east of lines that enclose marsh creeks from 36 02.3264 N-75 42.3889 W to 36 02.1483 N-75 42.4329 W; 36 01.6736 N-75 42.5313 W to 36 01.5704 N-75 42.5899 W; 36 00.9162 N-75 42.2035 W to 36 00.8253 N-75 42.0886 W; and 35 59.9886 N-75 41.7284 W to 35 59.9597 N-75 41.7682 W; to a southern boundary at the mouth of Buzzard Bay from a line on the west at 35 59.6480 N-75 32.9906 W running southeasterly to a point 35 59.4171 N-75 32.7361 W.

- (2) In the Pamlico Pamlico and Pungo rivers Area: Area, Pamlico River, west of a line beginning at a point on Maule's Point 35° 26' 56" N – 76° 55' 33" W; running 073° (M) to a point on Ragged Point 35° 27' 33" N – 76° 54' 21" W;

- (a) ~~Pungo River:~~
- (a)(i) ~~Pungo Creek - west of a line beginning on Persimmon Tree Point at a point 35° 30.7633' N - 76° 38.2831' W; running southwesterly to Windmill Point to a point 35° 31.1546' N - 76° 37.7590' W;~~
- (ii) ~~Pungo River, north of a line beginning at a point on the east shore 35° 32' 05" N - 76° 28' 09" W; running 277° (M) through Beacon No. 21 to a point on the west shore 35° 32' 12" N - 76° 29' 15" W;~~
- (b)(iii) ~~Scranton Creek - Creek, south and east of a line beginning at a point on the west shore at a point 35° 30.6810' 30' 43" N - 76° 28.3435' 28' 43" W; running easterly 085° (M) to a point on the east shore to a point 35° 30.7075' 30' 41" N - 76° 28.6766' 28' 23" W;~~
- (c)(iv) ~~Slade Creek - Creek, east of a line beginning at a point on the west south shore at a point 35° 27.8879' 27' 39" N - 76° 32.9906' 32' 46" W; running southeasterly 328° (M) to a point on the east north shore to a point 35° 27.6510' 27' 52" N - 76° 32.7361' 33' 00" W;~~
- (d)(b) ~~South Creek - Creek, west of a line beginning at a point on Hickory Point at a point 35° 21.7385' 21' 44" N - 76° 41.5907' 41' 37" W; running southerly 195° (M) to a point on Fork Point to a point 35° 20.7534' 20' 44" N - 76° 41.7870' 41' 48" W;~~
- (e)(e) ~~Bond Creek/Muddy Creek - Creek, south of a line beginning at a point on Fork Point 35° 20.7534' 20' 44" N - 76° 41.7870' 41' 48" W; running southeasterly 135° (M) to a point on Gum Point to a point 35° 20.5632' 20' 32" N - 76° 41.4645' 41' 30" W;~~
- (2) ~~In the Neuse River Area:~~
- (a) ~~Goose Creek, north and east of a line beginning at a point on the south shore at a point 35° 02' 08" N - 76° 56' 02" W; running 331° (M) to a point on the north shore 35° 02' 37" N - 76° 56' 27" W;~~
- (b) ~~Upper Broad Creek, northeast of a line beginning at a point on the north shore 35° 03' 26" N - 76° 57' 14" W; running 153° (M) to a point on the south shore 35° 02' 56" N - 76° 56' 49" W;~~
- (3) In the West Bay Area:
- (a) West Thorofare Bay - south of a line beginning at a point on the west shore at a point 34° 57.2199' 57' 22" N - 76° 24.0947' W; 24' 03" W; running easterly 090° (M) through FL R "10WB" to a point on the east shore to a point 34° 57.4871' 57' 28" N - 76° 23.0737' 23' 06" W;
- (b) Long Bay-Ditch Bay - west of a line beginning on the north shore of Ditch Bay at a point 34° 57.9388' 34' 57' 52" N - 76° 27.0781' W; 26' 37" W; running southwesterly 226° (M) to the south shore of Ditch Bay to a point 34° 57.2120' 57' 13" N - 76° 27.2185' W; then 27' 13" W; thence south of a line running southeasterly 134° (M) to the east shore of Long Bay to a point 34° 56.7633' 56' 46" N - 76° 26.3927' 26' 26" W;
- (c) Turnagain Bay - south of a line beginning at a point on the west shore at a point 34° 59.4065' 59' 23" N - 76° 30.1906' W; 30' 11"; thence running easterly 084° (M) to a point on the east shore at to a point 34° 59.5668' 59' 33" N - 76° 29.3557' 29' 23" W;
- (4) In the Core Sound Area:
- (a) Cedar Island Bay - northwest of a line beginning at a point near the gun club dock at a point telephone tower 34° 58.7203' 57' 49" N - 76° 15.9645' W; 16' 58" W; running northeasterly 049° (M) to a point at the gun club or "clubhouse" dock to the south shore to a point 34° 57.7690' 58' 43" N - 76° 16.8781' 16' 00" W;
- (b) Thorofare Bay-Barry Bay - northwest of a line beginning at a point on Rumley Hammock Hall Point at a point 34° 55.4853' 54' 25" N - 76° 18.2487' W; 19' 09" W; running northeasterly to Hall Point 046° (M) to a point at Rumley Hammock 34° 54.4227' 55' 27" N - 76° 19.1908' 18' 13" W;
- (c) Nelson Bay - northwest of a line beginning at a point on the west shore of Nelson Bay at a point 34° 51.1353' 51' 08" N - 76° 24.5866' W; 24' 36" W; and running northeasterly 062° (M) through Beacon No. 1 in Nelson Bay to a point on to Drum Point to a point 34° 51.6417' 51' 36" N - 76° 23.7620' 23' 48" W;
- (d) Brett Bay - all waters north of a line beginning on the west shore at Piney Point at a point 34° 49.4019' 49' 32" N - 76° 26.0227' 25' 06" W; running easterly 258° (M) to Piney Point a point on the west shore to a point 34°

- (e) 49.5799' 49° 23' N - 76° 25.0534' 26' 02" W;  
Jarrett Bay - north of a line beginning on the west shore near Old Chimney at a point east of Davis Island at a point 34° 45.5743' 45' 46" N - 76° 30.0076' W; 28' 45" W; and running easterly 266° (M) to a point east of Davis Island on the west shore (site of Old Chimney) 34° 45.8325' 45' 31" N - 76° 28.7955' 30' 04" W;
- (5) In the North River Area: area:  
(a) North River – north of a line beginning on the west shore at a point 34° 46.0383' N - 76° 37.0633' W; running easterly 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° 46.2667' 46' 30" N - 76° 35.4933' 35' 47" W;  
(b) Ward Creek – east of a line beginning on the north shore at a point 34° 46.2667' 46' 13" N - 76° 35.4933' W; 34' 58" W; running southerly 182° (M) to a point on the south shore to a point 34° 45.4517' 45' 34" N - 76° 35.1767' 35' 00" W;
- (6) Newport River – west of a line beginning near at Penn Point on the south shore at a point 34° 45.6960' 45' 44" N - 76° 43.5180' 43' 35" W; thence running northeasterly 022° (M) to a point on the north shore at to a point 34° 46.8490' 46' 47" N - 76° 43.3296' 43' 15" W;
- (7) New River – all waters upstream of a line beginning on the north side of the N.C. Highway 172 Bridge at a point 34° 34.7680' N - 77° 23.9940' W running southerly to the south side of the bridge at a point 34° 34.6000' N - 77° 23.9710' W;
- (8) Intracoastal Waterway – all waters in the IWW ~~Intracoastal Waterway~~ maintained channel from a point near Marker “17” ~~No. 17~~ north of Alligator Bay 34° 30.7930' N - 77° 23.1290' W; to a point near to Marker “49” ~~No. 49~~ at Morris Landing at a point 34° 28.0820' N - 77° 30.4710' W; and all waters in the IWW ~~Intracoastal Waterway~~ maintained channel and 100 feet on either side from Marker “49” ~~No. 49~~ to the N.C. Highway 50-210 Bridge at Surf City;
- (9) Cape Fear River – all waters bounded by a line beginning on the south side of the Spoil Island at the intersection of the IWW ~~ICWW~~ and the Cape Fear River ship channel at a point 34° 01.5780' 01' 37" N - 77° 56.0010' W; 56' 05" W; running easterly 106° (M) to a point on the east shore of the Cape Fear River to a point 34° 01.7230' 34° 01' 32" N - 77° 55.1010' W; 55' 00" W; running southerly south and bounded by the shoreline to a point near the Ferry Slip at Federal Point at a point 33° 57.8080' 57' 52" N - 77° 56.4120' W; 56' 28" W; running northerly 353° (M) north to a point on Bird Island to a point 33° 58.3870' 58' 24" N - 77° 56.5780' W; 56' 36" W; running northerly along the west shoreline of Bird Island and the Cape Fear River spoil islands 013° (M) back to point of origin;
- (10) Lockwood Folly River – all waters north of a line beginning at a point on Howells Point at a point 33° 55.3680' 55' 21" N - 78° 12.7930' 12' 47" W and running in a westerly direction along the IWW ~~ICWW~~ to a point near IWW ~~ICWW~~ Marker “46” ~~No. 46~~ to a point 33° 55.3650' 55' 18" N - 78° 13.8500' 78° 13' 54" W;
- (11) Saucepan Creek - all waters north of a line beginning at a point on the west shore at a point 33° 54.6290' 54' 36" N - 78° 22.9170' W; 22' 54" W; running northeasterly 062° (M) to a point on the east shore to a point 33° 54.6550' 54' 38" N - 78° 22.8670' W; 22' 49" W;

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#### **15A NCAC 03R .0106 TRAWL NETS PROHIBITED**

The trawl net prohibited areas referenced in 15A NCAC 3J .0104 (b) are delineated in the following coastal water areas:

- (1) In Pamlico Sound, within the area described by a line beginning at a point 35° 43.7457' N - 75° 30.7014' W on the south shore of Eagles Nest Bay on Pea Island; running westerly to a point 35° 42.9500' N - 75° 34.1500' W; running southerly to a point 35° 39.3500' N - 75° 34.4000' W; running southeasterly to a point 35° 35.8931' N - 75° 31.1514' W in Chicamacomico Channel near Beacon “ICC”; running southerly to a point 35° 28.5610' N - 75° 31.5825' W on Gull Island; running southwesterly to a point 35° 22.8671' N - 75° 33.5851' W in Avon Channel near Beacon “1”; running southwesterly to a point 35° 18.9603' N - 75° 36.0817' W in Cape Channel near Beacon “2”; running westerly to a point 35° 16.7588' N - 75° 44.2554' W in Rollinson Channel near Beacon “42RC”; running southwesterly to a point 35° 14.0337' N - 75° 45.9643' W southwest of Oliver Reef near the quick-flashing beacon; running westerly to a point 35° 09.3650' N - 76° 00.6377' W in Big Foot Slough Channel near Beacon “14BF”; running southwesterly to a point 35° 08.4523' N - 76° 02.6651' W in Nine Foot Shoal Channel near Beacon “9”; running westerly to a point 35° 07.1000' N - 76° 06.9000' W; running southwesterly to a point 35° 01.4985' N - 76° 11.4353' W near Beacon “HL”; running southwesterly to a point 35° 00.2728' N - 76° 12.1903' W near Beacon “2CS”; running southerly to a point 34° 59.5027' N -

- 76° 12.3204' W in Wainwright Channel immediately east of the northern tip of Wainwright Island; running easterly to a point 34° 58.8333' N - 76° 09.2167' W on Core Banks; running northerly along the shoreline and across the inlets following the COLREGS Demarcation lines to the point of beginning;
- (2) In Northern Pamlico Sound, Stumpy Point Bay, north of a line beginning at a point 35° 40.9719' N - 75° 44.4213' W on Drain Point; running westerly to a point 35° 40.6550' N - 75° 45.6869' W on Kazer Point;
- (3) In the Pamlico River area, lower Goose Creek, south of a line beginning at a point 35° 18.2676' N - 76° 37.4706' W on the north shore of Snode Creek; running easterly to a point 35° 18.1660' N - 76° 36.9095' W on Store Point;
- (4) In the Bay River Area:
- (a) In Dump Creek, north of a line beginning at a point 35° 11.6666' N - 76° 33.4207' W on the west shore; running southeasterly to a point 35° 11.3926' N - 76° 32.8993' W on the east shore;
- (b) In Rockhole Bay, north of a line beginning at a point 35° 11.3926' N - 76° 32.8993' W on the west shore; running southeasterly to a point 35° 11.1321' N - 76° 32.1360' W on the east shore;
- (c) In Vandemere Creek, north of a line beginning at a point 35° 11.2681' N - 76° 39.5220' W on the west shore; running southerly to a point 35° 11.0879' N - 76° 39.3200' W on the east shore;
- (d) In Cedar Creek, west of a line beginning at a point 35° 11.2681' N - 76° 39.5220' W on the north shore; running southwesterly to a point 35° 11.1033' N - 76° 39.7321' W on the south shore of an unnamed tributary;
- (e) In Chapel Creek, north of a line beginning at a point 35° 08.6768' N - 76° 42.7985' W on the west shore; running easterly to a point 35° 08.7677' N - 76° 42.3604' W on the east shore;
- (f) In Upper Bay River, west of a line beginning at a point 35° 08.6704' N - 76° 43.0836' W on the north shore; running southwesterly to a point 35° 08.4590' N - 76° 43.1930' W on the south shore;
- (5) In the Neuse River Area, Pierce Creek, west of a line beginning at a point 35° 02.4336' N - 76° 39.7653' W on the north shore; running southerly to a point 35° 02.3767' N - 76° 39.7876' W on the south shore.
- (6) In Core and Back sounds, beginning at a point 34° 50.4333' N - 76° 20.2000' W on Core Banks near Drum Inlet; running northwesterly to a point 34° 51.0617' N - 76° 21.0449' W; running southwesterly to a point 34° 48.3137' N - 76° 24.3717' W; running southwesterly to a point 34° 46.3739' N - 76° 26.1526' W; running southwesterly to a point 34° 44.5795' N - 76° 27.5136' W; running southwesterly to a point 34° 43.4895' N - 76° 28.9411' W near Beacon "37A"; running southwesterly to a point 34° 40.4500' N - 76° 30.6833' W; running westerly to a point 34° 40.7061' N - 76° 31.5893' W near Beacon "35" in Back Sound; running westerly to a point 34° 41.3178' N - 76° 33.8092' W near Buoy "3"; running southwesterly to a point 34° 39.6601' N - 76° 34.4078' W on Shackleford Banks; running easterly and northeasterly along the shoreline and across Barden Inlet following the COLREGS Demarcation line to the point of beginning;
- (7) In Cape Lookout Bight, all of Cape Lookout Bight southwest of the COLREGS Demarcation line at Barden Inlet to the northeastern most point of Power Squadron Spit; running northeasterly to a point 34° 38.6150' N - 76° 32.7434' W on Shackleford Banks.
- ~~(1) 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 Harkers' 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 Barden's 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;~~
- ~~(2) 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 "HL" 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 038° (M) 8,800 yards to green 4 second interval flashing beacon "1" at 35° 22' 48" N 75° 33' 36" W in Avon Channel; thence 027° (M) 11,900 yards to a point on Gull Island at 35° 28' 27" N 75° 31' 21" W; thence 012° (M) 15,400 to 4 second interval flashing beacon "ICC" 35° 36' 00" N 75° 31' 12" W at Chicamacomico Channel; thence 331° (M) 8,600 yards to a point in Pamlico Sound at 35° 39' 21" N 75° 34' 24" W; thence 013° (M) 7,250 yards to a point in Pamlico Sound at 35° 42' 57" N 75° 34' 09" W; thence 082° (M) 5,800 yards to a point on the shore of Hatteras Island at the south point of Eagle Nest Bay 35° 43' 42" N 75° 30' 54" W; thence running southward 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;
- (3) In Northern Pamlico Sound, Stumpy Point Bay, north of a line beginning at a point on Kazer Point 35° 40' 37" N 75° 45' 39" W; running 079° (M) to a point on Drain Point 35° 40' 57" N 75° 44' 28" W;
- (4) In the Pamlico River area:
- (a) In Pamlico River, west of a line beginning at a point on Maul Point 35° 26' 56" N 76° 55' 33" W; running 073° (M) to a point on Ragged Point 35° 27' 33" N 76° 54' 21" W;
- (b) In lower Goose Creek, south of a line beginning at a point on the south shore of Snode Creek 35° 18' 06" N 76° 37' 34" W; running 091° (M) to Store Point 35° 18' 09" N 76° 37' 56" W;
- (5) In Pungo River, north of a line beginning at a point on the east shore 35° 32' 05" N 76° 28' 09" W; running 277° (M) through Beacon No. 21 to a point on the west shore 35° 32' 12" N 76° 29' 15" W;
- (6) In the Bay River Area:
- (a) Dump Creek, north of a line beginning at a point on the west shore 35° 11' 38" N 76° 33' 25" W; running 129° (M) to a point on the east shore 35° 11' 21" N 76° 32' 53" W;
- (b) Rockhole Bay, north of a line beginning at a point on the west shore 35° 11' 21" N 76° 32' 53" W; running 123° (M) to a point on the east shore 35° 11' 06" N 76° 32' 12" W;
- (c) Vandemere Creek, north of a line beginning at a point on the west shore 35° 11' 15" N 76° 39' 28" W; running 162° (M) to a point on the east shore 35° 11' 05" N 76° 39' 22" W;
- (d) Cedar Creek, west of a line beginning at a point on the north shore of Cedar Creek 35° 11' 15" N 76° 39' 28" W; running 224° (M) to a point on the south shore of an unnamed tributary 35° 11' 04" N 76° 39' 40" W;
- (e) Chapel Creek, north of a line beginning at a point on the west shore of Chapel Creek 35° 08' 42" N 76° 42' 50" W; running 091° (M) to a point on the east shore 35° 08' 44" N 76° 42' 24" W;
- (f) Upper Bay River, west of a line beginning at a point on the north shore of Bay River 35° 08' 39" N 76° 43' 06" W; running 209° (M) to a point on the south shore 35° 08' 25" N 76° 43' 13" W;
- (7) In the Neuse River Area, Pierce Creek, west of a line beginning at a point on the southwest shore of Pierce Creek 35° 02' 18" N 76° 39' 42" W; running 022° (M) to a point on the northeast shore 35° 02' 24" N 76° 39' 43" W;
- (8) In Turnagain Bay south of a line beginning at a point on the west shore at 34° 59' 23" N 76° 30' 11"; thence running 084° (M) to a point on the east shore at 34° 59' 33" N 76° 29' 23" W;
- (9) In 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;
- (10) ~~In 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;~~
- (11) ~~In 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;~~
- (12) ~~In 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;~~
- (13) ~~In 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;~~
- (14) ~~In 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;~~
- (15) ~~In 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;~~
- (16) ~~In the North River area:~~
- (a) ~~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;~~
- (b) ~~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;~~
- (17) ~~In Newport River west of a line beginning at Penn Point at 34° 45' 44" N - 76° 43' 35" W; thence running 022° (M) to a point on the north shore at 34° 46' 47" N - 76° 43' 15" W.~~

Authority G.S. 113-134; 113-182; 143B-289.52.

## 15A NCAC 03R .0109 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. The area referenced in 15A NCAC 03L .0203 is bounded described by a line beginning at a point on Sandy Point 35° 37' 35" N - 75° 43' 46" W running 008° 10.1 nautical miles near Roanoke Marshes Light at a point 35° 48.6649' N - 75° 42.0503' W; running southwesterly to a point 35° 47.7480' N - 75° 43.9320' W; running southerly to a point 35° 40.9719' N - 75°

44.4213' W on Drain Point; running southerly to a point 35° 37.5234' N - 75° 44.0875' W on Sandy Point; running easterly to a point 35° 36.0000' N - 75° 31.2000' W near Beacon "ICC" at Chicamacomico Channel; running northwesterly to a point 35° 39.3500' N - 75° 34.4000' W in Pamlico Sound; running northerly to a point 35° 42.9500' N - 75° 34.1500' W in Pamlico Sound; running northeasterly to a point 35° 46.0638' N - 75° 31.4385' W on Pea Island; 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; running northwesterly near the Bodie Island Lighthouse to a point 35° 49.1160' N - 75° 33.8100' W; running westerly 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.

Authority G.S. 113-134; 113-182; 143B-289.52.

## 15A NCAC -3R .0110 CRAB SPAWNING SANCTUARIES

The crab spawning sanctuaries within which the taking of crabs may be restricted or prohibited are described as follows:

- (1) In the Oregon Inlet Area. Beginning at a point on the Atlantic Ocean shore of Bodie Island 35° 47.7054' 47' 42" N - 75° 32.3522' W; 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 running northeasterly to a point in the Atlantic Ocean 35° 47.9833' 47' 59" N - 75° 31.8500' 31' 51" W; running southerly thence 159° (M), 4,000 yards to a point in the ocean 35° 46.3500' 46' 21" N - 75° 30.6666' 30' 40" W; running westerly thence 248° (M), 880 yards to a point on the high water line of the Atlantic Ocean shore at 35° 46.1037' 46' 06" N - 75° 31.2785' W; 31' 08" W; said point being one mile south of South Point; thence running northerly along running with the high water line of the Atlantic shore of Ocean on Pea Island to and around northward to South Point and continuing southerly along the shore 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 on the south point of Eagle Nest Bay at Bay; thence 273° (M), 2,200 yards to a point in Pamlico Sound 35° 43.7085' 43' 42" N - 75° 30.8009' 32' 12" W; thence 344° (M), 8,100 yard running westerly to a point in Pamlico Sound at 35° 43.7100' 47' 46" N - 75° 32.2113' W; running northerly to a point — 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° 47.3992' 48' 45" N - 75° 34.1650' W in Pamlico Sound; 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 running northerly to a point on Bodie Island 35° 48.5740' N – 75° 33.8722' W; running southerly along the shore to and around North Point at Oregon Inlet and then northerly on the Atlantic shore approximately one mile to the point and place of the beginning;

- (2) In the Hatteras Inlet Area. Beginning at a point on the Pamlico Sound shoreline of Hatteras Island 35° 12.0846' N – 75° 43.3514' W; Inlet; thence running northwesterly to a point in Pamlico Sound 35° 13. 6361' N – 75° 45.4451' W; running southwesterly to a point near Outer Green Island 35° 11.0794' N – 75° 48.4440' W; running southeasterly to a point on the Pamlico Sound shore of Ocracoke Island 35° 10.7004' N – 75° 47.9094' W; running northeasterly along the shoreline to a point on the northeastern tip of Ocracoke Island 35° 11.2340' N – 75° 46.3051' W; running southeasterly to a point in the Atlantic Ocean at 35° 10.6644' N – 75° 44.5221' W; running northeasterly to a point on the ocean shoreline of Hatteras Island 35° 11.7894' N – 75° 43.5946' W; running southwesterly around the tip of Hatteras Island 40° 40' N – 75° 44' 31" W at the elevation of mean high water on the eastern side of Hatteras Inlet; thence northeasterly along the elevation of mean high water on the northwestern side of Hatteras Island to a point 35° 12' 05" N – 75° 43' 21" W on the shore of Pamlico Sound; thence on a bearing of 333° (M), 4,700 yards to a point in Pamlico Sound southeast of Ira Peele's Fishing Pier 35° 13' 38" N – 75° 45' 26" W; thence 235° (M), 7,200 yards to a point 35° 11' 04" N – 75° 48' 26" W on the eastern edge of Outer Green Island; thence on a bearing of 150° (M), 1,050 yards to a point 35° 10' 42" N – 75° 47' 54" W; at the elevation of mean high water on the northwest side of Ocracoke Island; thence northeasterly along the elevation of mean high water to a point 35° 11' 19" N – 75° 46' 15" W on the western side of Hatteras Inlet; then on a bearing of 083° (M), 2,930 yards across Hatteras Inlet to the point of beginning;

- (3) In the Ocracoke Inlet Area. Beginning at a point on Ocracoke Island 35° 06.2555' N – 75° 59.3722' W; ' running westerly through Shellcastle Island to a point in Pamlico Sound 35° 05.8599' N – 76° 04.3639' W; running southerly to a point on Portsmouth Island 35° 03.7378' N – 76° 04.7850' W; running northeasterly along the shore of Pamlico Sound around the western side of Ocracoke Inlet and southwesterly along the shore of the Atlantic Ocean to a point 35° 03.0500' N – 76° 03.0833' W; running southeasterly offshore to a point in the Atlantic Ocean 35° 02.6333' N

- 76° 02.7166' W; running northeasterly to a point in the ocean 35° 03.9666' N - 75° 59.3000' W; running northwesterly to a point on the Atlantic shore of Ocracoke Island 35° 04.7402' N – 75° 59.7124' W; running southwesterly along the shore around the eastern side of Ocracoke Inlet and northeasterly along the shore "'''''''' to the point of beginning;

- (4) In the Drum Inlet Area. Beginning at a point on the high water line of Core Sound shore of on Core Banks 34° 52.81101' 50° 09" N - 76° 17.1780' 20' 25" W; running northwesterly thence 326° (M), 2,000 yards to a point in Core Sound 34° 53.7347' 50' 50" N - 76° 18.0439' 21' 15" W; running southwesterly thence 50° (M), 8,000 yards to a point in Core Sound 34° 50.8286' 53' 44" N - 76° 21.2515' 18' 03" W; running southeasterly to a point on the Core Sound shore of Core Banks 34° 50.1496' N – 76° 20.3924' W; following the shoreline in a northeasterly direction around the western side of Drum Inlet then along the thence 151° (M), 2,390 yards to a point on the high water line of Core Sound on Atlantic Ocean shoreline to a point on Core Banks 34° 50.0049' 52' 48" N - 76° 20.3741' 17' 12" W; running southeasterly to a point in the Atlantic Ocean 34° 49.4995' N – 76° 19.8407' W; running northeasterly to a point in 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° 52.2167' 52' 36" N - 76° 16.7476' 17' 03" W; running northwesterly thence seaward 151° (M), 880 yards to a point on the ocean shore of Core Banks in the Atlantic Ocean 34° 52.6147' 52' 13" N - 76° 17.0705' 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 running southwesterly toward and around the eastern side high water line of Drum Inlet, Inlet then in a northeasterly direction and southward along the high water line of Core Sound shore of on Core Sound Banks to the point and place of the beginning;

- (5) In the Bardens Inlet Area. Beginning at a point on Core Banks near the southern side of Hogpen Bay 34° 40.7047' 40' 42" N - 76° 29.6108' W; running westerly to a point near Marker "35" at 29' 33" W on the high water mark of Core Sound; thence 278° (M) 4,350 yards to a point at the edge of Lighthouse

Channel 34° 40.7071' 40' 42" N - 76° 31.5922' W; 31' 36" W (the present location of channel marker "35"); running southwesterly to a point on thence 211° (M), 3,500 yards to a point on the high waterline of Shackleford Banks 34° 38.9974' 39' 06" N - 76° 32.4858' W; running southeasterly around the eastern end of 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 and then northwesterly along the ocean shoreline to a point on shore 34° 38.5608' N - 76° 32.6863' W; running southwesterly through Buoy "4" to Buoy "2" at the end of the 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 34° 37.1272' N - 76° 33.7381' W; running southeasterly to the base of the Cape Lookout Jetty 34° 36.7836' N - 76° 33.1569' W; running northerly to the end 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, around Spit; thence southward, eastward, and northward along the high water line around the shoreline of Cape Lookout Bight and northerly up 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 to the point of beginning. Banks.

Authority G.S. 113-134; 113-182; 143B-289.52.

#### 15A NCAC 03R .0111 PURSE SEINES PROHIBITED

(a) It is unlawful to take menhaden or Atlantic thread herring by the use of a purse seine from the Atlantic Ocean within an area bounded by a line extending from a point near the Bald Head Lighthouse (33° 52.3500' N - 78° 00.3000' W ) running southwesterly bearing 242° (M) to a point near Cape Fear River ship channel buoy "9" "7 (33° 51.5500' N - 78° 01.5500' W), then running northwesterly bearing 320° (M) to a point near the foot of the Yaupon Beach Fishing Pier on Oak Island (33° 54.2000' N - 78° 04.9333' W), then following the shoreline easterly eastward to a point near Fort Caswell (33° 53.2166' N - 78° 01.1833' W) (33° 53' 13" N - 78° 01' 11" W), then running

southeasterly 138° (M) back to the point of origin. Bald Head Lighthouse.

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

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

(2) In that area bounded by a line beginning at a point at the southern limits of Kitty Hawk 36° 03.3187' ' N - 75° 40.9503' ' W; running easterly 1.5 nautical miles to a point offshore 36° 03.3187' ' N - 75° 38.8029' ' W; running southerly parallel to and 1.5 nautical miles offshore of the rock jetty south of Oregon Inlet 35° 46.4052' ' N - 75° 29.2379' ' W; running westerly to a point onshore at the rock jetty south of Oregon Inlet 35° 46.4052' ' N - 75° 31.5369' ' W.

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

(1) In that area bounded by a line beginning at a point onshore at the northern boundary of Dare County 36° 13.8536' ' N - 75° 46.3914' ' W; running easterly 0.5 nautical miles to a point offshore 36° 13.8536' ' N - 75° 45.6977' ' W; running southerly parallel to and 0.5 nautical miles off the ocean beach to a point 0.5 nautical miles offshore the northern town limits of Southern Shores 36° 09.0673' 09' 03" N - 75° 43.5514' 43' 30" W; running westerly 0.5 100° (M) .5 nautical miles to a point onshore at the northern town limits of Southern Shores offshore 36° 09.0673' ' N - 75° 44.2416' ' W; and

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

Authority G.S. 113-134; 113-182; 143B-289.52.

**15A NCAC 03R .0112 ATTENDED GILL NET AREAS**

(a) The attended gill net areas referenced in 15A NCAC 03J .0103 (g) are delineated in the following areas:

- (1) Pamlico River, west of a line beginning at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point; running southwesterly to a point 35° 26.9176' N - 76° 55.5253' W on Mauls Point;
- (2) Within 200 yards of any shoreline in Pamlico River and its tributaries east of the line beginning at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point; running southwesterly to a point 35° 26.9176' N - 76° 55.5253' W on Mauls Point; and west of a line beginning at a point 35° 22.3622' N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76° 28.9530' W on Pamlico Point;
- (3) Pungo River, east of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N - 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N - 76° 35.1594' W on Durants Point;
- (4) Within 200 yards of any shoreline in Pungo River and its tributaries west of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N - 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N - 76° 35.1594' W on Durants Point; and west of a line beginning at a point 35° 22.3622' N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76° 28.9530' W on Pamlico Point;
- (5) Neuse River and its tributaries northwest of the Highway 17 highrise bridge;
- (6) Trent River and its tributaries;
- (7) Within 200 yards of any shoreline in Neuse River and its tributaries east of the Highway 17 highrise bridge and west of a line beginning at a point 34° 57.9116' N - 76° 48.2240' W on Wilkinson Point; running southerly to a point 34° 56.3658' N - 76° 48.7110' W on Cherry Point.

(b) The attended gill net areas referenced in 15A NCAC 03J .0103 (h) are delineated in the following coastal and joint waters of the state south of a line beginning on Roanoke Marshes Point at a point 35° 48.3693' N - 75° 43.7232' W; running southeasterly to a point 35° 44.1710' N - 75° 31.0520' W on Eagles Nest Bay to the South Carolina State line:

- (1) All primary nursery areas described in 15A NCAC 03R .0103, all permanent secondary nursery areas described in 15A NCAC 03R .0104, and no trawl areas described in 15A NCAC 03R .0106 (2),(4),(5), and (6);
- (2) In the area along the Outer Banks, beginning at a point 35° 44.1710' N - 75° 31.0520' W on

Eagles Nest Bay; running northwesterly to a point 35° 45.1833' N - 75° 34.1000' W west of Pea Island; running southerly to a point 35° 40.0000' N - 75° 32.8666' W west of Beach Slough; running southeasterly and passing near Beacon "2" in Chicamicomico Channel to a point 35° 35.0000' N - 75° 29.8833' W west of the Rodanthe Pier; running southwesterly to a point 35° 32.6000' N - 75° 31.8500' W west of Salvo; running southerly to a point 35° 28.4500' N - 75° 31.3500' W on Gull Island; running southerly to a point 35° 22.3000' N - 75° 33.2000' W near Beacon "2" in Avon Channel; running southwesterly to a point 35° 19.0333' N - 75° 36.3166' W near Beacon "2" in Cape Channel; running southwesterly to a point 35° 15.5000' N - 75° 43.4000' W near Beacon "36" in Rollinson Channel; running southwesterly to a point 35° 11.4833' N - 75° 51.0833' W on Legged Lump; running southeasterly to a point 35° 10.9666' N - 75° 49.7166' W south of Legged Lump; running southwesterly to a point 35° 09.3000' N - 75° 54.8166' W near the west end of Clarks Reef; running westerly to a point 35° 08.4333' N - 76° 02.5000' W near Nine Foot Shoal Channel; running southerly to a point 35° 06.4000' N - 76° 04.3333' W near North Rock; running southwesterly to a point 35° 01.5833' N - 76° 11.4500' W near Beacon "HL"; running southerly to a point 35° 00.2666' N - 76° 12.2000' W; running southerly to a point 34° 59.4664' N - 76° 12.4859' W on Wainwright Island; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northerly along the shoreline and across the inlets following the Colregs Demarcation line to the point of beginning.

- (3) In Core and Back sounds, beginning at a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northwesterly to a point 34° 59.4664' N - 76° 12.4859' W on Wainwright Island; running southerly to a point 34° 58.8000' N - 76° 12.5166' W; running southeasterly to a point 34° 58.1833' N - 76° 12.3000' W; running southwesterly to a point 34° 56.4833' N - 76° 13.2833' W; running westerly to a point 34° 56.5500' N - 76° 13.6166' W; running southwesterly to a point 34° 53.5500' N - 76° 16.4166' W; running northwesterly to a point 34° 53.9166' N - 76° 17.1166' W; running southerly to a point 34° 53.4166' N - 76° 17.3500' W; running southwesterly to a point 34° 51.0617' N - 76° 21.0449' W; running southwesterly to a point 34° 48.3137' N - 76° 24.3717' W; running southwesterly to a point 34° 46.3739' N - 76° 26.1526' W; running southwesterly to a point 34° 44.5795' N - 76° 27.5136' W;

running southwesterly to a point 34° 43.4895' N – 76° 28.9411' W near Beacon “37A”;  
running southwesterly to a point 34° 40.4500' N – 76° 30.6833' W; running westerly to a point 34° 40.7061' N – 76° 31.5893' W near Beacon “35” in Back Sound; running westerly to a point 34° 41.3178' N – 76° 33.8092' W near Buoy “3”; running southwesterly to a point 34° 39.6601' N – 76° 34.4078' W on Shackleford Banks; running easterly and northeasterly along the shoreline and across the inlets following the COLREGS Demarcation lines to the point of beginning;

- (4) Within 200 yards of any shoreline, except from October 1 through October 31, south and east of Highway 12 in Carteret County and south of a line from a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point at 34° 58.7853' N - 76° 09.8922' W on Core Banks; to the South Carolina State Line.

*Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52.*

#### **15A NCAC 03R .0113 POUND NET SET PROHIBITED AREAS**

The pound net set prohibited areas referenced in 15A NCAC 03J .0107 (j) are delineated in the following coastal water areas of Core Sound:

- (1) The area described by a line beginning at a point 34° 58.9130' N – 76° 15.0878' W on the shoreline north of Great Ditch; running southwesterly to a point 34° 58.6399' N - 76° 15.3694' W on the south shore of Great Ditch; following the shoreline to a point 34° 58.4957' N – 76° 15.8093' W on Hog Island Point; running southwesterly to a point 34° 58.2318' N – 76° 16.0913' W near Marker “3”; running southeasterly to a point 34° 58.0773' N - 76° 15.6134' W near Beacon “2”; running southeasterly to a point 34° 57.3120' N – 76° 13.7113' W near Beacon “13”; running northeasterly to a point 34° 58.5157' N – 76° 13.2389' W near Beacon “11”; running northwesterly to the point of beginning;
- (2) The area described by a line beginning in Cedar Island Bay at a point 34° 58.2318' N – 76° 16.0913' W near Marker “3”; running southwesterly to a point 34° 57.4914' N – 76° 16.5861' W on Cedar Island Point; running southeasterly to a point 34° 56.3436' N – 76° 15.6069' W near Beacon “18”; running northerly to a point 34° 58.0773' N – 76° 15.6134' W near Beacon “2”; running northwesterly to the point of beginning;

The area described by a line beginning on the north shore of Lewis Creek at a point 34° 56.9654' N – 76°

16.7395' W; running easterly to a point 34° 56.3436' N – 76° 15.6069' W near Beacon “18”; running southwesterly to a point 34° 54.9904' N – 76° 16.5888' W near Beacon “19”; running southwesterly following the six foot contour to a point 34° 53.7599' N – 76° 18.1613' W; running southwesterly to a point 34° 50.6266' N – 76° 22.0449' W near Beacon “27”; running westerly to a point 34° 50.5496' N – 76° 22.9284' W near Beacon “28”; running southwesterly to a point 34° 49.1889' N – 76° 24.2010' W near Beacon “29”; running westerly to a point 34° 48.9514' N – 76° 24.8780' W near Beacon “31”; running southwesterly to a point 34° 45.0942' N – 76° 27.9533' W near Beacon “35”; running southwesterly to a point 34° 43.4896' N – 76° 28.9411' W near Beacon “37A”; running westerly to a point 34° 43.7782' N – 76° 30.0187' W on Bells Point; running northerly along the shoreline of Bells Island to a point 34° 44.2190' N - 76° 30.1336' W; running northerly to a point 34° 44.2568' N – 76° 30.1419' W; running northerly along the shoreline to a point 34° 44.6759' N - 76° 30.1712' W; running northeasterly to a point 34° 45.2824' N - 76° 29.1636' W on Davis Island; running northeasterly to a point 34° 45.8196' N - 76° 28.7530' W on the north side of Spit Bay; running northeasterly along the shoreline to a point 34° 48.7982' N - 76° 26.9741' W on the south shore of Oyster Creek; running northeasterly to a point 34° 48.9701' N - 76° 26.6299' W on the north shore of Oyster Creek; running northeasterly along the shoreline to a point 34° 50.4311' N - 76° 24.9934' W on the south shore of Fulcher Creek; running northeasterly to point 34° 50.4911' N - 76° 24.9540' W on the north shore of Fulcher Creek; running northeasterly along the shoreline to a point 34° 50.9934' N - 76° 24.7727' W on the south shore of Willis Creek; running northeasterly to a point 34° 51.1866' N - 76° 24.5416' W on the south shore of Nelson Bay; running easterly to a point 34° 51.4437' N - 76° 23.6151' W on Drum Point; running easterly along the shoreline to a point 34° 51.4462' N - 76° 22.9669' W at Mill Point; running northeasterly to a point 34° 52.4143' N - 76° 20.8557' W on Steep Point; running northeasterly along the shoreline to a point 34° 54.3782' N - 76° 18.8575' W on Hall Point; running northeasterly to a point 34° 55.4257' N - 76° 17.8541' W on Lookout Point; running northeasterly along the shoreline to a point 34° 55.7679' N - 76° 17.7021' W on the south shore of Rumley Bay; running northeasterly to a point 34° 56.2513' N - 76° 17.1858' W on the north shore of Rumley Bay; running northeasterly along the shoreline to the point of beginning.

*Authority G.S. 113-134; 113-181; 113-182; 143B-289.52.*

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting April 17, 2003, pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules is published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an \* in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

*These rules, unless otherwise noted, will become effective on the 31st legislative day of the 2004 Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.*

**APPROVED RULE CITATION**

**REGISTER CITATION TO THE  
NOTICE OF TEXT**

02	NCAC	52C	.0701*	17:08 NCR
15A	NCAC	02Q	.0306*	17:03 NCR
15A	NCAC	13A	.0109*	17:13 NCR
15A	NCAC	13A	.0113*	17:13 NCR
15A	NCAC	18A	.2606*	17:13 NCR
18	NCAC	02	.0103*	not required G.S. 150B-21.5(a)(4)
18	NCAC	06	.1501*	not required G.S. 150B-21.5(a)(4)
19A	NCAC	03D	.0801*	17:12 NCR
21	NCAC	21	.0106*	not required G.S. 150B-21.5(b)(1)
21	NCAC	60	.0102*	17:14 NCR
21	NCAC	60	.0201	17:14 NCR
21	NCAC	60	.0204	17:14 NCR
21	NCAC	60	.0206-.0208*	17:14 NCR
21	NCAC	60	.0210	17:14 NCR
21	NCAC	60	.0212-.0213*	17:14 NCR
21	NCAC	60	.1102	17:14 NCR

**TITLE 2 - DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES**

**02 NCAC 52C .0701      INTRASTATE  
REQUIREMENTS: CERVIDAE**

(a) Cervidae that originate from herds containing cervidae only may be sold within North Carolina, if they test negative for tuberculosis within 60 days of change of ownership.

(b) Cervidae that are commingled with domestic livestock may be sold within North Carolina provided that domestic cattle are tested annually, and all cervidae and bovidae other than domestic cattle and bison are tested negative for tuberculosis within 60 days prior to moving intrastate.

(c) Cervidae owners shall maintain records showing:

- (1) date and source of new additions to the herd;
- (2) date of deaths of cervidae and copy of laboratory report on cause of death; and
- (3) date of sale or other disposition of any animal from a herd containing cervidae and the name and address of person who received the animal.

These records shall be maintained by the cervidae owner for a period of five years and shall be made available for inspection and copying by an employee of the Veterinary Division.

(d) All captive cervidae of any species six months of age or older that die of any cause must be tested for Chronic Wasting

Disease. The animal's head shall be submitted to a USDA-approved laboratory for testing. A copy of the laboratory report shall be sent to the State Veterinarian.

(e) Cervidae owners must comply with the "Uniform Methods & Rules: Tuberculosis Eradication in Cervidae," U.S. Department of Agriculture, which is hereby adopted by reference, including subsequent editions and amendments. A copy of this document may be obtained from the Veterinary Division at no charge.

*History Note: Authority G.S. 106-317; 106-400;*

*Eff. July 1, 1998;*

*Amended Eff. August 1, 2004; August 1, 2002.*

**TITLE 15A - DEPARTMENT OF ENVIRONMENT  
& NATURAL RESOURCES**

**15A NCAC 02Q .0306      PERMITS REQUIRING PUBLIC  
PARTICIPATION**

(a) The Director shall provide for public notice for comments with an opportunity for the public to request a public hearing on draft permits for the following:

- (1) any source that may be designated by the Director based on public interest relevant to air quality;

- (2) a source to which 15A NCAC 02D .0530 or .0531 applies;
- (3) a source whose emission limitation is based on a good engineering practice stack height that exceeds the height defined in 15A NCAC 02D .0533(a)(4)(A), (B), or (C);
- (4) a source required to have controls more stringent than the applicable emission standards in 15A NCAC 02D .0500 according to 15A NCAC 02D .0501 when necessary to comply with an ambient air quality standard under 15A NCAC 02D .0400;
- (5) alternative controls different than the applicable emission standards in 15A NCAC 02D .0900 according to 15A NCAC 02D .0952;
- (6) a limitation on the quantity of solvent-borne ink that may be used by a printing unit or printing system according to 15A NCAC 02D .0936;
- (7) an allowance of a particulate emission rate of 0.08 grains per dry standard cubic foot for an incinerator constructed before July 1, 1987, in accordance with 15A NCAC 02D .1204(c)(2)(B) and .1208 (b)(2)(B);
- (8) an alternative mix of controls under 15A NCAC 02D .0501(f);
- (9) a source that is subject to the requirements of 15A NCAC 02D .1109 or .1112; or
- (10) the owner or operator requests that the draft permit go to public notice with an opportunity to request a public hearing.

(b) On the Division's website, the Director shall post a copy of the draft permit that changes classification for a facility by placing a physical or operational limitation in it to avoid the applicability of rules in 15A NCAC 02Q .0500. Along with the draft permit, the Director shall also post a public notice for comments with an opportunity to request a public hearing on that draft permit. The public notice shall contain the information specified in 15A NCAC 02Q .0307(c) and shall allow at least 30 days for public comment.

(c) If EPA requires the State to submit a permit as part of the North Carolina State Implementation Plan for Air Quality (SIP) and if the Commission approves a permit containing any of the conditions described in Paragraph (a) of this Rule as a part of the SIP, the Director shall submit the permit to the EPA on behalf of the Commission for inclusion as part of the federally approved SIP.

*History Note: Authority G.S. 143-215.3(a)(1),(3); 143-215.108; 143-215.114A; 143-215.114B; 143-215.114C; Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. August 1, 2004; July 1, 2000; July 1, 1999; July 1, 1998.*

**15A NCAC 13A .0109 STANDARDS FOR OWNERS/OPERATORS OF HWTSD FACILITIES - PART 264**

(a) Any person who treats, stores or disposes of hazardous waste shall comply with the requirements set forth in this Section. The treatment, storage or disposal of hazardous waste is prohibited except as provided in this Section.

(b) 40 CFR 264.1 through 264.4 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions.

(c) 40 CFR 264.10 through 264.19 (Subpart B), "General Facility Standards", are incorporated by reference including subsequent amendments and editions.

(d) 40 CFR 264.30 through 264.37 (Subpart C), "Preparedness and Prevention", are incorporated by reference including subsequent amendments and editions.

(e) 40 CFR 264.50 through 264.56 (Subpart D), "Contingency Plan and Emergency Procedures", are incorporated by reference including subsequent amendments and editions.

(f) 40 CFR 264.70 through 264.77 (Subpart E), "Manifest System, Recordkeeping, and Reporting", are incorporated by reference including subsequent amendments and editions.

(g) 40 CFR 264.90 through 264.101 (Subpart F), "Releases From Solid Waste Management Units", are incorporated by reference including subsequent amendments and editions. For the purpose of this incorporation by reference, "January 26, 1983" shall be substituted for "July 26, 1982" contained in 40 CFR 264.90(a)(2).

(h) 40 CFR 264.110 through 264.120 (Subpart G), "Closure and Post-Closure", are incorporated by reference including subsequent amendments and editions.

(i) 40 CFR 264.140 through 264.151 (Subpart H), "Financial Requirements", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 264.143(a)(3), (a)(4), (a)(5), (a)(6), 40 CFR 264.145(a)(3), (a)(4), (a)(5), and 40 CFR 264.151(a)(1), Section 15 are not incorporated by reference.

- (1) The following shall be substituted for the provisions of 40 CFR 264.143(a)(3) which were not incorporated by reference:

The owner or operator shall deposit the full amount of the closure cost estimate at the time the fund is established. Within one year of February 1, 1987, an owner or operator using a closure trust fund established prior to February 1, 1987, shall deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or shall obtain other financial assurance as specified in this Section.

- (2) The following shall be substituted for the provisions of 40 CFR 264.143(a)(6) which were not incorporated by reference:

After the trust fund is established, whenever the current closure cost estimate changes, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or

- obtain other financial assurance as specified in this section to cover the difference.
- (3) The following shall be substituted for the provisions of 40 CFR 264.145(a)(3) which were not incorporated by reference:
- (A) Except as otherwise provided in Part (i)(3)(B) of this Rule, the owner or operator shall deposit the full amount of the post-closure cost estimate at the time the fund is established.
- (B) If the Department finds that the owner or operator of an inactive hazardous waste disposal unit cannot provide financial assurance for post-closure through any other option (e.g. surety bond, letter of credit, or corporate guarantee), a plan for annual payments to the trust fund over the term of the RCRA post-closure permit may be established by the Department as a permit condition.
- (4) The following additional requirement shall apply:  
The trustee shall notify the Department of payment to the trust fund, by certified mail within 10 days following said payment to the trust fund. The notice shall contain the name of the Grantor, the date of payment, the amount of payment, and the current value of the trust fund.
- (j) 40 CFR 264.170 through 264.179 (Subpart I), "Use and Management of Containers", are incorporated by reference including subsequent amendments and editions.
- (k) 40 CFR 264.190 through 264.200 (Subpart J), "Tank Systems", are incorporated by reference including subsequent amendments and editions.
- (l) The following are requirements for Surface Impoundments:
- (1) 40 CFR 264.220 through 264.232 (Subpart K), "Surface Impoundments", are incorporated by reference including subsequent amendments and editions.
- (2) The following are additional standards for surface impoundments:
- (A) The liner system shall consist of at least two liners;
- (B) Artificial liners shall be equal to or greater than 30 mils in thickness;
- (C) Clayey liners shall be equal to or greater than five feet in thickness and have a maximum permeability of  $1.0 \times 10^{-7}$  cm/sec;
- (D) Clayey liner soils shall have the same characteristics as described in Subparts (r)(4)(B)(ii), (iii), (iv), (vi) and (vii) of this Rule;
- (E) A leachate collection system shall be constructed between the upper liner and the bottom liner;
- (F) A leachate detection system shall be constructed below the bottom liner; and
- (G) Surface impoundments shall be constructed in such a manner to prevent landsliding, slippage or slumping.
- (m) 40 CFR 264.250 through 264.259 (Subpart L), "Waste Piles", are incorporated by reference including subsequent amendments and editions.
- (n) 40 CFR 264.270 through 264.283 (Subpart M), "Land Treatment", are incorporated by reference including subsequent amendments and editions.
- (o) 40 CFR 264.300 through 264.317 (Subpart N), "Landfills", are incorporated by reference including subsequent amendments and editions.
- (p) A long-term storage facility shall meet groundwater protection, closure and post-closure, and financial requirements for disposal facilities as specified in Paragraphs (g), (h), and (i) of this Rule.
- (q) 40 CFR 264.340 through 264.351 (Subpart O), "Incinerators", are incorporated by reference including subsequent amendments and editions.
- (r) The following are additional location standards for facilities:
- (1) In addition to the location standards set forth in 15A NCAC 13A .0109(c), the Department, in determining whether to issue a permit for a hazardous waste management facility, shall consider the risks posed by the proximity of the facility to water table levels, flood plains, water supplies, public water supply watersheds, mines, natural resources such as wetlands, endangered species habitats, parks, forests, wilderness areas, and historical sites, and population centers and shall consider whether provision has been made for buffer zones as required by this Rule. The Department shall also consider ground water travel time, soil pH, soil cation exchange capacity, soil composition and permeability, slope, climate, local land use, transportation factors such as proximity to waste generators, route, route safety, and method of transportation, aesthetic factors such as the visibility, appearance, and noise level of the facility; potential impact on air quality, existence of seismic activity and cavernous bedrock. The basis for issuing or denying the permit are found in 40 CFR 264 as adopted by reference in this Rule.
- (2) The following minimum separation distances shall be required of all hazardous waste management facilities except that existing facilities shall be required to meet these minimum separation distances to the maximum extent feasible:
- (A) All hazardous waste management facilities shall be located at least 0.25 miles from institutions including but not limited to schools, health care facilities and prisons, unless the

- owner or operator can demonstrate that no risks shall be posed by the proximity of the facility.
- (B) All hazardous waste treatment and storage facilities shall comply with the following separation distances: all hazardous waste shall be treated and stored a minimum of 50 feet from the property line of the facility; except that all hazardous waste with ignitable, incompatible or reactive characteristics shall be treated and stored a minimum of 200 feet from the property line of the facility if the area adjacent to the facility is zoned for any use other than industrial or is not zoned.
- (C) All hazardous waste landfills, long-term storage facilities, land treatment facilities and surface impoundments, shall comply with the following separation distances:
- (i) All hazardous waste shall be located a minimum of 200 feet from the property line of the facility;
  - (ii) Each hazardous waste landfill, long-term storage or surface impoundment facility shall be constructed so that the bottom of the facility is 10 feet or more above the historical high ground water level. The historical high ground water level shall be determined by measuring the seasonal high ground water levels and predicting the long-term maximum high ground water level from published data on similar North Carolina topographic positions, elevations, geology, and climate; and
  - (iii) All hazardous waste shall be located a minimum of 1,000 feet from the zone of influence of any existing off-site ground water well used for drinking water, and outside the zone of influence of any existing or planned on-site drinking water well.
- (D) Hazardous waste storage and treatment facilities for liquid waste that is classified as TC toxic, toxic, or acutely toxic and is stored or treated in tanks or containers shall not be located:
- (i) in the recharge area of an aquifer which is designated as an existing sole drinking water source as defined in the Safe Drinking Water Act, Section .1424(e) [42 U.S.C. 300h-3(e)] unless an adequate secondary containment system, as described in 40 CFR 264 as adopted by reference in this Rule, is constructed, and after consideration of applicable factors in Subparagraph (r)(3) of this Rule, the owner or operator can demonstrate no risk to public health;
  - (ii) within 200 feet of surface water impoundments or surface water stream with continuous flow as defined by the United States Geological Survey;
  - (iii) in an area that will allow direct surface or subsurface discharge to WS-I, WS-II or SA waters or a Class III Reservoir as defined in 15A NCAC 02B .0200 and 15A NCAC 18C .0102;
  - (iv) in an area that will allow direct surface or subsurface discharge to the watershed for a Class I or II Reservoir as defined in 15A NCAC 18C .0102;
  - (v) within 200 feet horizontally of a 100-year floodplain elevation;
  - (vi) within 200 feet of a seismically active area as defined in Paragraph (c) of this Rule; and
  - (vii) within 200 feet of a mine, cave, or cavernous bedrock.
- (3) The Department shall require any hazardous waste management facility to comply with greater separation distances or other protective measures when necessary to avoid risks posed by the proximity of the facility to water table levels, flood plains, water supplies, public water supply watersheds, mines, natural resources such as wetlands, endangered species habitats, parks, forests, wilderness areas, and historical sites, and population centers or to provide a buffer zone as required by this Rule. The Department shall also require protective measures when necessary to avoid unreasonable risks posed by the soil pH, soil cation exchange capacity, soil composition



and permeability, climate, transportation factors such as proximity to waste generators, route, route safety, and method of transportation, aesthetic factors such as the visibility, appearance, and noise level of the facility, potential impact on air quality, and the existence of seismic activity and cavernous bedrock. In determining whether to require greater separation distances or other protective measures, the Department shall consider the following factors:

- (A) All proposed hazardous waste activities and procedures to be associated with the transfer, storage, treatment or disposal of hazardous waste at the facility;
  - (B) The type of hazardous waste to be treated, stored, or disposed of at the facility;
  - (C) The volume of waste to be treated, stored, or disposed of at the facility;
  - (D) Land use issues including the number of permanent residents in proximity to the facility and their distance from the facility;
  - (E) The adequacy of facility design and plans for containment and control of sudden and non-sudden accidental events in combination with adequate off-site evacuation of potentially adversely impacted populations;
  - (F) Other land use issues including the number of institutional and commercial structures such as airports and schools in proximity to the facility, their distance from the facility, and the particular nature of the activities that take place in those structures;
  - (G) The lateral distance and slope from the facility to surface water supplies or to watersheds draining directly into surface water supplies;
  - (H) The vertical distance, and type of soils and geologic conditions separating the facility from the water table;
  - (I) The direction and rate of flow of ground water from the sites and the extent and reliability of on-site and nearby data concerning seasonal and long-term groundwater level fluctuations;
  - (J) Potential air emissions including rate, direction of movement, dispersion and exposure, whether from planned or accidental, uncontrolled releases; and
  - (K) Any other relevant factors.
- (4) The following are additional location standards for landfills, long-term storage

facilities and hazardous waste surface impoundments:

- (A) A hazardous waste landfill, long-term storage, or a surface impoundment facility shall not be located:
  - (i) In the recharge area of an aquifer which is an existing sole drinking water source;
  - (ii) Within 200 feet of a surface water stream with continuous flow as defined by the United States Geological Survey;
  - (iii) In an area that will allow direct surface or subsurface discharge to WS-I, WS-II or SA waters or a Class III Reservoir as defined in 15A NCAC 02B .0200 and 15A NCAC 18C .0102;
  - (iv) In an area that will allow direct surface or subsurface discharge to a watershed for a Class I or II Reservoir as defined in 15A NCAC 18C .0102;
  - (v) Within 200 feet horizontally of a 100-year flood hazard elevation;
  - (vi) Within 200 feet of a seismically active area as defined in Paragraph (c) of this Rule; and
  - (vii) Within 200 feet of a mine, cave or cavernous bedrock.
- (B) A hazardous waste landfill or long-term storage facility shall be located in geologic formations with the following soil characteristics:
  - (i) The depth of the unconsolidated soil materials shall be equal to or greater than 20 feet;
  - (ii) The percentage of fine-grained soil material shall be equal to or greater than 30 percent passing through a number 200 sieve;
  - (iii) Soil liquid limit shall be equal to or greater than 30;
  - (iv) Soil plasticity index shall be equal to or greater than 15;
  - (v) Soil compacted hydraulic conductivity shall be a maximum of  $1.0 \times 10^{-7}$  cm/sec;
  - (vi) Soil Cation Exchange Capacity shall be equal to or greater than 5 milliequivalents per 100 grams;

- (vii) Soil Potential Volume Change Index shall be equal to or less than 4; and
    - (viii) Soils shall be underlain by a geologic formation having a rock quality designation equal to or greater than 75 percent.
  - (C) A hazardous waste landfill or long-term storage facility shall be located in areas of low to moderate relief to the extent necessary to prevent landsliding or slippage and slumping. The site may be graded to comply with this standard.
  - (5) All new hazardous waste impoundments that close with hazardous waste residues left in place shall comply with the standards for hazardous waste landfills in Subparagraph (r)(4) of this Rule unless the applicant can demonstrate that equivalent protection of public health and environment is afforded by some other standard.
  - (6) The owners and operators of all new hazardous waste management facilities shall construct and maintain a minimum of two observation wells, one upgradient and one downgradient of the proposed facility; and shall establish background groundwater concentrations and monitor annually for all hazardous wastes that the owner or operator proposes to store, treat, or dispose at the facility.
  - (7) The owners and operators of all new hazardous waste facilities shall demonstrate that the community has had an opportunity to participate in the siting process by complying with the following:
    - (A) The owners and operators shall hold at least one public meeting in the county in which the facility is to be located to inform the community of all hazardous waste management activities including but not limited to: the hazardous properties of the waste to be managed; the type of management proposed for the wastes; the mass and volume of the wastes; and the source of the wastes; and to allow the community to identify specific health, safety and environmental concerns or problems expressed by the community related to the hazardous waste activities associated with the facility. The owners and operators shall provide a public notice of this meeting at least 30 days prior to the meeting. Public notice shall be documented in the facility permit application. The owners and operators shall submit as
- part of the permit application a complete written transcript of the meeting, all written material submitted that represents community concerns, and all other relevant written material distributed or used at the meeting. The written transcript and other written material submitted or used at the meeting shall be submitted to the local public library closest to and in the county of the proposed site with a request that the information be made available to the public.
- (B) For the purposes of this Rule, public notice shall include: notification of the boards of county commissioners of the county where the proposed site is to be located and all contiguous counties in North Carolina; a legal advertisement placed in a newspaper or newspapers serving those counties; and provision of a news release to at least one newspaper, one radio station, and one TV station serving these counties. Public notice shall include the time, place, and purpose of the meetings required by this Rule.
  - (C) No less than 30 days after the first public meeting transcript is available at the local public library, the owners and operators shall hold at least one additional public meeting in order to attempt to resolve community concerns. The owners and operators shall provide public notice of this meeting at least 30 days prior to the meeting. Public notice shall be documented in the facility permit application. The owners and operators shall submit as part of the permit application a complete written transcript of the meeting, all written material submitted that represents community concerns, and all other relevant written material distributed or used at the meeting.
  - (D) The application, written transcripts of all public meetings and any additional material submitted or used at the meetings, and any additions or corrections to the application, including any responses to notices of deficiencies shall be submitted to the local library closest to and in the county of the proposed site, with a request that the information be made available to the public until the permit decision is made.
  - (E) The Department shall consider unresolved community concerns in

the permit review process and impose final permit conditions based on sound scientific, health, safety, and environmental principles as authorized by applicable laws or rules.

(s) 40 CFR 264.550 through 264.555 (Subpart S), "Special Provisions for Cleanup", are incorporated by reference including subsequent amendments and editions.

(t) 40 CFR 264.570 through 264.575 (Subpart W), "Drip Pads", are incorporated by reference including subsequent amendments and editions.

(u) 40 CFR 264.600 through 264.603 (Subpart X), "Miscellaneous Units", are incorporated by reference including subsequent amendments and editions.

(v) 40 CFR 264.1030 through 264.1049 (Subpart AA), "Air Emission Standards for Process Vents", are incorporated by reference including subsequent amendments and editions.

(w) 40 CFR 264.1050 through 264.1079 (Subpart BB), "Air Emission Standards for Equipment Leaks", are incorporated by reference including subsequent amendments and editions.

(x) 40 CFR 264.1080 through 264.1091 (Subpart CC), "Air Emission Standards for Tanks, Surface Impoundments, and Containers", are incorporated by reference including subsequent amendments and editions.

(y) 40 CFR 264.1100 through 264.1102 (Subpart DD), "Containment Buildings", are incorporated by reference including subsequent amendments and editions.

(z) 40 CFR 264.1200 through 264.1202 (Subpart EE), "Hazardous Waste Munitions and Explosives Storage", are incorporated by reference including subsequent amendments and editions.

(aa) Appendices to 40 CFR Part 264 are incorporated by reference including subsequent amendments and editions.

*History Note: Authority G.S. 130A-294(c); 150B-21.6;*

*Eff. November 19, 1980;*

*Amended Eff. November 1, 1989; June 1, 1989; December 1, 1988; February 1, 1988;*

*Transferred and Recodified from 10 NCAC 10F .0032 Eff. April 4, 1990;*

*Amended Eff. August 1, 1990;*

*Recodified from 15A NCAC 13A .0010 Eff. August 30, 1990;*

*Amended Eff. July 1, 1995; October 1, 1993; April 1, 1993; October 1, 1992;*

*Recodified from 15A NCAC 13A .0009 Eff. December 20, 1996;*

*Amended Eff. August 1, 2004; April 1, 2001; April 1, 1999.*

## **15A NCAC 13A .0113 THE HAZARDOUS WASTE PERMIT PROGRAM - PART 270**

(a) 40 CFR 270.1 through 270.6 (Subpart A), "General Information", are incorporated by reference including subsequent amendments and editions. For the purpose of this incorporation by reference, "January 26, 1983" shall be substituted for "July 26, 1982" contained in 40 CFR 270.1(c).

(b) 40 CFR 270.10 through 270.29 (Subpart B), "Permit Application", are incorporated by reference including subsequent amendments and editions.

(c) The following are additional Part B information requirements for all hazardous waste facilities:

- (1) Description and documentation of the public meetings as required in 15A NCAC 13A .0109(r)(7);
- (2) A description of the hydrological and geological properties of the site including flood plains, depth to water table, ground water travel time, seasonal and long-term groundwater level fluctuations, proximity to public water supply watersheds, consolidated rock, soil pH, soil cation exchange capacity, soil characteristics and composition and permeability, existence of cavernous bedrock and seismic activity, slope, mines, climate, location and withdrawal rates of surface water users within the immediate drainage basin and well water users within a one mile radius of the facility; water quality information of both surface and groundwater within 1000 ft. of the facility, and a description of the local air quality;
- (3) A description of the facility's proximity to and potential impact on wetlands, endangered species habitats, parks, forests, wilderness areas, historical sites, mines, and air quality;
- (4) A description of local land use including residential, industrial, commercial, recreational, agricultural and the proximity to schools and airports;
- (5) A description of the proximity of the facility to waste generators and population centers; a description of the method of waste transportation; the comments of the local community and state transportation authority on the proposed route, and route safety. Comments shall include proposed alternative routes and restrictions necessary to protect the public health;
- (6) A description of facility aesthetic factors including visibility, appearance, and noise level; and
- (7) A description of any other objective factors that the Department determines are reasonably related and relevant to the proper siting and operation of the facility.

(d) In addition to the specific Part B information requirements for hazardous waste disposal facilities, owners and operators of hazardous waste landfills or longterm storage facilities shall provide the following information:

- (1) Design drawings and specifications of the leachate collection and removal system;
- (2) Design drawings and specifications of the artificial impervious liner;
- (3) Design drawings and specifications of the clay or clay-like liner below the artificial liner, and a description of the permeability of the clay or clay-like liner; and
- (4) A description of how hazardous wastes will be treated prior to placement in the facility.

(e) In addition to the specific Part B information requirements for surface impoundments, owners and operators of surface impoundments shall provide the following information:

- (1) Design drawings and specifications of the leachate collection and removal system;
  - (2) Design drawings and specifications of all artificial impervious liners;
  - (3) Design drawings and specifications of all clay or clay-like liners and a description of the clay or clay-like liner; and
  - (4) Design drawings and specifications that show that the facility has been constructed in a manner that will prevent landsliding, slippage, or slumping.
- (f) 40 CFR 270.30 through 270.33 (Subpart C), "Permit Conditions", are incorporated by reference including subsequent amendments and editions.
- (g) 40 CFR 270.40 through 270.43 (Subpart D), "Changes to Permit", are incorporated by reference including subsequent amendments and editions.
- (h) 40 CFR 270.50 through 270.51 (Subpart E), "Expiration and Continuation of Permits", are incorporated by reference including subsequent amendments and editions.
- (i) 40 CFR 270.60 through 270.68 (Subpart F), "Special Forms of Permits", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 270.68 is not incorporated by reference.
- (j) 40 CFR 270.70 through 270.73 (Subpart G), "Interim Status", are incorporated by reference including subsequent amendments and editions. For the purpose of this incorporation by reference, "January 1, 1986" shall be substituted for "November 8, 1985" contained in 40 CFR 270.73(c).
- (k) 40 CFR 270.235, (Subpart I), "Integration with Maximum Achievable Control Technology (MACT) Standards", is incorporated by reference including subsequent amendments and editions.
- (l) The following are additional permitting requirements for hazardous waste facilities.
- (1) An applicant applying for a permit for a hazardous waste facility shall submit a disclosure statement to the Department as a part of the application for a permit or any time thereafter specified by the Department. The disclosure statement shall be supported by an affidavit attesting to the truth and completeness of the facts asserted in the statement and shall include:
    - (A) A brief description of the form of the business (e.g. partnership, sole proprietorship, corporation, association, or other);
    - (B) The name and address of any hazardous waste facility constructed or operated after October 21, 1976 by the applicant or any parent or subsidiary corporation if the applicant is a corporation; and
    - (C) A list identifying any legal action taken against any facility identified in Part (l)(1)(B) of this Rule involving:
      - (i) any administrative ruling or order issued by any state, federal or local authority relating to revocation of any environmental or waste management permit or license, or to a violation of any state or federal statute or local ordinance relating to waste management or environmental protection;
      - (ii) any judicial determination of liability or conviction under any state or federal law or local ordinance relating to waste management or environmental protection; and
      - (iii) any pending administrative or judicial proceeding of the type described in this Part.
- (D) The identification of each action described in Part (l)(1)(C) of this Rule shall include the name and location of the facility that the action concerns, the agency or court that heard or is hearing the matter, the title, docket or case number, and the status of the proceeding.
- (2) In addition to the information set forth in Subparagraph (l)(1) of this Rule, the Department shall require from any applicant such additional information as it deems necessary to satisfy the requirements of G.S. 130A-295. Such information may include, but shall not be limited to:
- (A) The names, addresses, and titles of all officers, directors, or partners of the applicant and of any parent or subsidiary corporation if the applicant is a corporation;
  - (B) The name and address of any company in the field of hazardous waste management in which the applicant business or any of its officers, directors, or partners, hold an equity interest and the name of the officer, director, or partner holding such interest; and
  - (C) A copy of any administrative ruling or order and of any judicial determination of liability or conviction described in Part (l)(1)(C) of this Rule, and a description of any pending administrative or judicial proceeding in that item.
- (3) If the Department finds that any part or parts of the disclosure statement is not necessary to satisfy the requirements of G.S. 130A-295, such information shall not be required.
- (m) An applicant for a new, or modification to an existing, commercial facility permit, shall provide a description and justification of the need for the facility.
- (n) Requirements for Off-site Recycling Facilities.

- (1) The permit requirements of this Rule apply to owners and operators of off-site recycling facilities.
- (2) The following provisions of 40 CFR Part 264, as incorporated by reference, shall apply to owners and operators of off-site recycling facilities:
  - (A) Subpart B - General Facility Standards;
  - (B) Subpart C - Preparedness and Prevention;
  - (C) Subpart D - Contingency Plan and Emergency Procedures;
  - (D) Subpart E - Manifest System, Recordkeeping and Reporting;
  - (E) Subpart G - Closure and Post-closure;
  - (F) Subpart H - Financial Requirements;
  - (G) Subpart I - Use and Management of Containers;
  - (H) Subpart J - Tank Systems;
  - (I) 264.101 - Corrective Action for Solid Waste Management Units;
  - (J) Subpart X - Miscellaneous Units; and
  - (K) Subpart DD - Containment Buildings.
- (3) The requirements listed in Subparagraph (n)(2) of this Rule apply to the entire off-site recycling facility, including all recycling units, staging and process areas, and permanent and temporary storage areas for wastes.
- (4) The following provisions of 15A NCAC 13A .0109 shall apply to owners and operators of off-site recycling facilities:
  - (A) The substitute financial requirements of Rule .0109(i)(1), (2) and (4); and
  - (B) The additional standards of Rule .0109(r)(1), (2), (3), (6) and (7).
- (5) The owner or operator of an off-site recycling facility shall keep a written operating record at his facility.
- (6) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:
  - (A) A description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or recycling at the facility;
  - (B) The location of all hazardous waste within the facility and the quantity at each location. This information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest; and
  - (C) Documentation of the fate of all hazardous wastes received from off-site or generated on-site. This shall include records of the sale, reuse, off-site transfer, or disposal of all waste materials.

(o) Permit Fees for Commercial Hazardous Waste Facilities.

- (1) An applicant for a permit modification for a commercial hazardous waste facility shall pay an application fee as follows:
  - (A) Class 1 permit modification \$100;
  - (B) Class 2 permit modification \$1,000; or
  - (C) Class 3 permit modification \$5,000.

Note: Class 1 permit modifications which do not require prior approval of the Division Director are excluded from the fee requirement.

- (2) The application fee for a new permit, permit renewal, or permit modification must accompany the application, and is non-refundable. The application shall be considered incomplete until the fee is paid. Checks shall be made payable to: Division of Waste Management.

*History Note: Authority G.S. 130A-294(c); 130A-294.1; 130A-295(a)(1),(2), (c); 150B-21.6;*

*Eff. November 19, 1980;*

*Amended Eff. November 1, 1989; June 1, 1988; February 1, 1988; December 1, 1987;*

*Transferred and Recodified from 10 NCAC 10F .0034 April 4, 1990;*

*Amended Eff. August 1, 1990;*

*Recodified from 15A NCAC 13A .0014 Eff. August 30, 1990;*

*Amended Eff. April 1, 1993; August 1, 1991; October 1, 1990;*

*Recodified from 15A NCAC 13A .0013 Eff. December 20, 1996;*

*Amended Eff. August 1, 2004; April 1, 2001; August 1, 2000.*

#### **15A NCAC 18A .2606 GRADING**

(a) The sanitation grading of all restaurants, food stands, and drink stands, shall be based on a system of scoring wherein all establishments receiving a score of at least 90 percent shall be awarded Grade A; all establishments receiving a score of at least 80 percent and less than 90 percent shall be awarded Grade B; all establishments receiving a score of at least 70 percent and less than 80 percent shall be awarded a Grade C. Permits shall be revoked for establishments receiving a score of less than 70 percent. The Sanitation Inspection of Restaurants or other Food Handling Establishments shall be used to document points assessed for violation of the rules of this Section as follows:

- (1) Violation of Rules .2608, .2612, .2615, or .2622 of this Section related to food from approved sources, free of spoilage, adulteration or contamination shall equal 5 percent for each rule violation.
- (2) Violation of Rules .2608, .2609, .2610, .2611, .2612, .2613, .2614, .2622, or .2632 of this Section related to potentially hazardous food temperatures or time requirements for food during storage, preparation, display, service or transportation shall equal 5 percent for each rule violation.
- (3) Violation of Rules .2608, .2609, .2610, .2611, .2612, .2613, .2614, .2622, or .2632 of this Section related to food storage, thawing, and preparation, cooking, handling, display, service, or transportation in a manner to prevent contamination, adulteration, or

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|      | spoilage shall equal 5 percent for each rule violation.   |      | approved, accessible, or in good repair shall equal 4 percent for each rule violation.   |
| (4)  | Violation of Rule .2611 of this Section related to re-serving food shall equal 5 percent.   | (21) | Violation of Rules .2609, .2624, or .2625 of this Section related to lavatory facilities or toilet facilities with self-closing doors, fixtures or rooms clean, mixing faucet, soap, towels, dryer, or sign shall equal 2 percent for each rule violation. |
| (5)  | Violation of Rule .2609 of this Section related to accurate thermometer availability shall equal 3 percent.   |      |  |
| (6)  | Violation of Rule .2610 of this Section related to written notice to customers about use of clean plates for return trips to buffet shall equal 1 percent.  | (22) | Violation of Rules .2612, .2613, or .2626 of this Section related to wastewater discharged into approved, properly operating wastewater treatment and disposal system shall equal 5 percent for each rule violation.                                       |
| (7)  | Violation of Rule .2610 of this Section related to properly labeling or storage of dry food shall equal 2 percent.  | (23) | Violation of Rules .2626 of this Section related to garbage cans, containerized systems properly maintained, cleaning facilities provided or contract maintained for cleaning shall equal 2 percent.   |
| (8)  | Violation of Rule .2616 of this Section related to personnel with infections or communicable diseases restricted shall equal 5 percent.   |      |  |
| (9)  | Violation of Rule .2609 of this Section related to proper handwashing or good hygienic practices shall equal 5 percent.   | (24) | Violation of Rules .2610, or .2633 of this Section related to animal or pest presence shall equal 4 percent for each rule violation.   |
| (10) | Violation of Rule .2616 of this Section related to clean clothes or hair restraints shall equal 1 percent.  | (25) | Violation of Rules .2629 of this Section related to self-closing doors or screened windows shall equal 2 percent.  |
| (11) | Violation of Rules .2618 or .2619 of this Section related to food contact surfaces cleaned or sanitized by approved methods, sanitizing solution required shall equal 5 percent for each rule violation.                          | (26) | Violation of Rule .2633 of this Section related to pest breeding places or rodent harborages shall equal 1 percent.  |
| (12) | Violation of Rules .2618, or .2619 of this Section related to approved utensil-washing facilities of sufficient size, with accurate thermometers or test methods available or used shall equal 3 percent for each rule violation. | (27) | Violation of Rules .2613, .2624, .2627, or .2628 of this Section related to floors, walls, or ceilings properly constructed shall equal 2 percent for each rule violation.   |
| (13) | Violation of Rules .2617, .2618, or .2622, of this Section related to food contact surfaces shall equal 3 percent for each rule violation.  | (28) | Violation of Rules .2613, .2624, .2627, or .2628 of this Section related to floors, walls, or ceilings clean or in good repair shall equal 1 percent for each rule violation.  |
| (14) | Violation of Rules .2601, .2608, .2717 or .2621 of this Section related to food service equipment NSF or equal or approved utensils shall equal 2 percent for each rule violation.  | (29) | Violation of Rule .2630 of this Section related to lighting or ventilation that meets illumination or shield requirements shall equal 1 percent.   |
| (15) | Violation Rule .2618 of this Section related to air-drying clean equipment or utensils shall equal 3 percent.   | (30) | Violation of Rule .2631 of this Section related to ventilation clean or in good repair shall equal 1 percent.  |
| (16) | Violation of Rule .2620 of this Section related to the storage of single service utensils shall equal 2 percent.  | (31) | Violation of Rule .2633 of this Section related to storage or marking of toxic substances shall equal 5 percent.   |
| (17) | Violation of Rules .2617 or .2622 of this Section related to non-food contact surfaces clean or in good repair shall equal 2 percent for each rule violation.   | (32) | Violation of Rules .2620, 2632, or .2633 of this Section related to outside premise clean, storage spaces clean, or storage above the floor shall equal 1 percent for each rule violation.   |
| (18) | Violation of Rules .2618 or .2623 of this Section related to source of water supply, hot or cold water under pressure, or meets water temperature requirements shall equal 5 percent for each rule violation.                     | (33) | Violation of Rule .2633 of this Section related to storage space not used for domestic purpose shall equal 1 percent.  |
| (19) | Violation of Rule .2623 of this Section related to cross connections or other potential sources of contamination shall equal 5 percent.   | (34) | Violation of Rule .2633 of this Section related to linen properly handled or stored shall equal 1 percent.   |
| (20) | Violation of Rules .2624, or .2625 of this Section related to lavatory or toilet facilities   |      | One half of the percent value may be assessed for any rule violation in this Section based on the severity or recurring nature of the violation.   |
|      |   |      | (b) The grading of restaurants, food stands, and drink stands, shall be based on the standards of operation and construction as set forth in Rules .2607 through .2644 of this Section. An   |

establishment shall receive a credit of two points on its score for each inspection if a manager or other employee responsible for operation of that establishment and who is employed full time in that particular establishment has successfully completed in the past three years a food service sanitation program approved by the Department. An approved food service sanitation program shall be equivalent to the ServSafe Manager Certification course of the National Restaurant Association. The course shall include a minimum of 12 contact hours. Evidence that a person has completed such a program shall be maintained at the establishment and provided to the Environmental Health Specialist upon request. An establishment shall score at least 70 percent on an inspection in order to be eligible for this credit.

(c) The posted numerical grade shall not be changed as a result of a food sampling inspection.

(d) The posted grade card shall be black on a white background. All graphics, letters, and numbers for the grade card shall be approved by the State. The alphabetical and numerical sanitation score shall be 1.5 inches in height. No other public displays representing sanitation level of the establishment may be posted by the local health department, except for sanitation awards issued by the local health department. Sanitation awards shall be in a different color and size from the grade card and must be clearly labeled as an award.

(e) Nothing herein shall effect the right of a permit holder to a reinspection pursuant to Rule .2604 of this Section.

(f) Nothing herein shall prohibit the Department from immediately suspending or revoking a permit pursuant to G.S. 130A-23(d).

*History Note:* Authority G.S. 130A-248;

*Eff. May 5, 1980;*

*Amended Eff. August 1, 2004; August 1, 1998; July 1, 1993;*

*March 1, 1988.*

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## TITLE 18 - SECRETARY OF STATE

### **18 NCAC 02 .0103 DEPUTY SECRETARY OF STATE**

*History Note:* Authority G.S. 80-3; 160A-9.4; 160A-29;

*160A-39; 160A-51;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1988;*

*Repealed Eff. May 1, 2003.*

### **18 NCAC 06 .1501 RESCISSION OFFERS**

(a) All rescission offers under G.S. 78A-56(g) shall be typed or printed and shall be captioned in bold print or type "Rescission Offer." Offers must set forth in bold type the name of the security with respect to which the offer is made and the date of the transaction involved. Offers must be signed by the offeror or its authorized officer.

(b) Every rescission offer to a purchaser under G.S. 78A-56(g)(1) shall set forth with particularity the facts out of which liability under G.S. 78A-56 may have arisen and, in the event of a violation of G.S. 78A-56(a)(2), the correct, true, or omitted facts. It shall advise the purchaser of his potential rights under G.S. 78A-56 if a violation of that section were found and state the effect on those rights of the purchaser's failure to accept

the offer within 30 days from its receipt. The offer shall include a form for the purchaser's written acceptance of the offer addressed to the offeror or the depository to which it is to be sent. The offer must expire by its own terms at midnight of the 30<sup>th</sup> day following its receipt by the purchaser and must provide, by its terms, that acceptance is effective if the purchaser either delivers his written acceptance to the address specified in the offer or mails that acceptance, postage prepaid, with a postmark not later than midnight of the thirtieth day following his receipt of the offer. The offer shall not require that the purchaser return the security with his acceptance; the offer may, however, require that the purchaser deliver any security he still holds and/or a verified statement of the transactions in which he disposed of any security to the offeror or to a depository specified in the offer within a period of not less than 45 days from the receipt of the offer in order to receive payment thereunder. The offer may provide that any offeree who delivers a timely written acceptance but fails to deliver any security held by him and/or the statement of the transactions in which he disposed of any security within the time specified in the offer shall be deemed to have failed to accept such an offer in writing within a specified period as required by G.S. 78A-56(g)(1).

(c) Every rescission offer to a seller pursuant to G.S. 78A-56(g)(2) shall set forth with particularity the facts out of which liability under G.S. 78A-56 may have arisen and, in the event of a violation of G.S. 78A-56(a)(2), the correct, true, or omitted facts. It shall advise the seller of his rights under G.S. 78A-56 if a violation of that section is found and state the effect on those rights of the seller's failure to accept the offer within 30 days from the receipt. The offer shall include a form for the seller's written acceptance of the offer addressed to the offeror or the depository to which it is to be sent. The offer must expire by its own terms at midnight of the 30<sup>th</sup> day following its receipt by the seller and must provide, by its terms, that acceptance is effective if the seller either delivers his written acceptance to the address specified in the offer or mails that acceptance, postage prepaid, with a postmark not later than midnight of the thirtieth day following his receipt of the offer. The offeror is not required to return the security with the offer:

- (1) If the offeror has not disposed of the security, the offer may require that the seller deliver the sum necessary to rescind to the offeror or to a depository specified in the offer within a period of not less than 45 days from the receipt of the offer in order to receive the security. The offer may provide that any offeree who delivers a timely written acceptance but fails to deliver the sum necessary to rescind the transaction within the time specified in the offer shall be deemed to have failed to accept such an offer in writing within a specified period as required by G.S. 78A-56(g)(2).
- (2) If the offeror has disposed of the security, the offer shall specify the period of time by which the offeror shall submit any damages as required by G.S. 78A-56(g)(2) to the seller, if the seller accepts and delivers a timely written acceptance.

(d) The person making the rescission offer shall file a copy of the rescission offer with the Administrator at least 10 days before delivering the offer to the offeree. The copy filed with

the Administrator shall be addressed to: Rescission Offers, North Carolina Securities Division, P.O. Box 29622, Raleigh, North Carolina 27626-0622.

(e) A seller who makes a rescission offer pursuant to G.S. 78A-56(l) shall include in that rescission offer an undertaking by the seller to refund all the purchaser's money, without deductions, within seven business days after the date of receipt by the seller of the purchaser's notice of rescission or cancellation. The rescission offer shall be transmitted by the seller to the purchaser by certified mail, return receipt requested.

*History Note: Authority G.S. 78A-56;  
Eff. April 1, 1981.*

*Temporary Amendment Eff. April 1, 2002; January 14, 2002;  
Amended Eff. May 1, 2003.*

## **TITLE 19A- DEPARTMENT OF TRANSPORTATION**

### **SECTION .0800 - SAFETY RULES AND REGULATIONS**

#### **19A NCAC 03D .0801 SAFETY OF OPERATION AND EQUIPMENT**

(a) The rules and regulations adopted by the U.S. Department of Transportation relating to safety of operation and equipment (49 CFR Parts 390-397 and amendments thereto) shall apply to all for-hire motor carriers and all for-hire motor carrier vehicles, and all private motor carriers and all private motor carrier vehicles engaged in interstate commerce over the highways of the State of North Carolina if such vehicles are commercial motor vehicles as defined in 49 CFR Part 390.5.

(b) The rules and regulations adopted by the U.S. Department of Transportation relating to safety of operation and equipment (49 CFR Parts 390-397 and amendments thereto) shall apply to all for-hire motor carriers and all for-hire motor carrier vehicles, and all private motor carriers and all private motor carrier vehicles engaged in intrastate commerce over the highways of the State of North Carolina if such vehicles have a GVWR of greater than 26,000 pounds; or are designed to transport 16 or more passengers, including the driver; or transport hazardous materials required to be placarded pursuant to 49 CFR 170-185. Provided, the following exceptions shall also apply to all intrastate motor carriers:

- (1) An intrastate motor carrier driver shall not drive more than 12 hours following eight consecutive hours off duty; or for any period after having been on duty 16 hours following eight consecutive hours off duty; or after having been on duty 70 hours in seven consecutive days; or more than 80 hours in eight consecutive days. An intrastate driver shall be determined by his previous seven days of operation.
- (2) Persons who otherwise qualify medically to operate a commercial motor vehicle within the State of North Carolina shall be exempt from the provisions of Part 391.11(b)(1) and may be exempt from provisions of Part 391.41(b)(1) through (11) where applicable and therefore shall be authorized for intrastate operation if approved by an Exemption Review Officer

appointed by the Commissioner of Motor Vehicles. These drivers shall continue to be exempt upon completion of a medical examination indicating the condition has not worsened or no new disqualifying conditions have been diagnosed and upon continued approval of an Exemption Review Officer. After a medical review by the Exemption Review Officer, a driver may be granted a waiver not to exceed a period of two years based on the type and severity of the condition. The Exemption Review Officer shall follow the guidelines established for variances from the Federal Motor Carrier Safety Regulations for intrastate commerce found in 49 CFR, Part 350.341.

(c) The rules and regulations adopted by the U. S. Department of Transportation relating to inspection, repair and maintenance of motor vehicles (49 CFR Part 396.17 through 396.23 and including Appendix G, and amendments thereto) shall apply to all for-hire motor carrier vehicles, and all private motor carrier vehicles engaged in intrastate commerce over the highways of the State of North Carolina if such vehicles have a GVWR of greater than 10,000 pounds. Provided, any farm vehicle shall be exempt from the requirements of this Paragraph if:

- (1) It is being operated by a farmer (or a person under the direct control of the farmer) as a private motor carrier of property;
- (2) It is being used to transport either:
  - (A) agricultural products, or
  - (B) farm machinery, farm supplies, or both, to and from a farm;
- (3) It is being operated solely within this State and within 150 air-miles of the farmer's farm;
- (4) It is not being used in the operation of a for-hire motor carrier; and
- (5) It is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with 49 CFR 177.823.

(d) Every motor vehicle registered or required to be registered in North Carolina and subject to the inspection requirements of the Federal Motor Carrier Safety Regulations (49 CFR Part 396) which does not display a current approved State inspection certificate as provided in N.C. Gen. Stat. 20-183.2 must display a current approved federal inspection certificate when operated on the streets and highways of this State. On self-propelled vehicles the federal inspection certificate shall be displayed on the outside of the vehicle in a readily visible location on, or in the immediate vicinity of, the driver's door exclusive of the window or rear view mirror. On trailers and semitrailers, the federal inspection certificate shall be located on the left side as near as possible to the outside lower front of the vehicle. The inspection certificate shall contain at least the following legible information:

- (1) The date of inspection;
- (2) Name and address of the motor carrier or other entity where the inspection report required by 49CFR 396.21(a) is maintained;
- (3) Information uniquely identifying the vehicle-inspected; and



(4) A certification that the vehicle has passed an inspection in accordance with 49 CFR 396.17.

(e) The Commissioner may fine violators for out-of-service criteria as allowed by G.S. 20-17.7. The commercial motor vehicle out-of-service maximum civil fine schedule shall be maintained in the Office of the Commissioner of the Division of Motor Vehicles, be available for public inspection, and be updated annually by the Commissioner on the first day of April. The out-of-service maximum civil fine schedule shall not apply to educational contacts or North American Standard Level-V inspections approved by the Commissioner of Motor Vehicles. An educational contact for the purpose of this code shall mean a pre-planned, public safety inspection activity, focusing on commercial motor vehicle safety awareness and compliance.

(f) Any fines assessed for violation of an out-of-service criteria shall be assessed against the motor carrier of the commercial motor vehicle.

(g) Whenever a motor carrier of a commercial motor vehicle shall have a defense to the enforcement of the collection of fines for violation of out-of-service criteria, such motor carrier shall pay such fine to the proper officer, and notify such officer in writing that he pays the same under protest. Such payment shall be without prejudice to any defense or rights he may have, and he may, at any time within 30 days after such payment, demand in writing the return of the fine from the Commissioner of Motor Vehicles.

(h) All Code of Federal Regulations (CFR) Parts cited in this Section are incorporated herein by reference including any subsequent amendments. A copy of the CFR is available from the Office of Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, at a cost set by that office.

*History Note: Authority G.S. 20-17.7; 20-21; 20-37.22;*

*20-96; 20-183.2(a); 20-381;*

*Eff. December 1, 1983;*

*Amended Eff. November 1, 1991; October 1, 1991;*

*Temporary Amendment Eff. February 1, 1992 for a Period of 180 Days to Expire on July 30, 1992;*

*Temporary Amendment Eff. March 30, 1992 for a Period of 180 Days to Expire on September 26, 1992;*

*Amended Eff. August 3, 1992; July 1, 1992;*

*Temporary Amendment Eff. December 1, 1999;*

*Amended Eff. August 1, 2002; April 1, 2001;*

*Temporary Amendment Eff. August 6, 2002;*

*Amended Eff. August 1, 2004.*

## **TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

### **CHAPTER 21 - BOARD OF GEOLOGISTS**

#### **21 NCAC 21 .0106 FORMS**

*History Note: Authority G.S. 55B-2(6); 55B-10; 89E-8;*

*89E-10; 89E-11; 89E-12;*

*Eff. February 1, 1986;*

*Amended Eff. January 1, 1992; April 1, 1989; March 1, 1988;*

*Repealed Eff. May 1, 2003.*

## **CHAPTER 60 - BOARD OF REFRIGERATION EXAMINERS**

### **21 NCAC 60 .0102 OFFICE OF BOARD**

The Board's office is located at 893 Highway 70, West, Suite 208, Garner, North Carolina. The Board's mailing address is Suite 208, 893 Highway 70 West, Garner, North Carolina, NC 27529. The Board's rules are available for inspection at this office during regular office hours. The materials used in rule-making decisions shall be available for inspection at said office.

*History Note: Authority G.S. 87-54; 150B-11(2);*

*Eff. February 1, 1976;*

*Readopted Eff. April 17, 1978;*

*Amended Eff. August 1, 2004; July 1, 2000; August 1, 1995;*

*December 1, 1993; May 1, 1988; October 1, 1984.*

### **21 NCAC 60 .0206 EXAMINATION APPLICATION DULY FILED**

An examination application shall be considered as duly filed when the applicant has filed an application with the Board, together with information verifying that he meets all of the minimum requirements to sit for an examination. By filing his application with the Board, an applicant authorizes the Board or the Board's staff to verify, in any manner the Board or staff deems necessary and appropriate, the information submitted on or in support of his application.

*History Note: Authority G.S. 87-54; 87-58;*

*Eff. October 1, 1981;*

*Amended Eff. August 1, 2004.*

### **21 NCAC 60 .0207 REQUIREMENTS FOR EXAMINATION APPLICANTS**

(a) An applicant for the commercial refrigeration examination shall be eligible to take that examination upon:

- (1) Filing with the Board an application, on a form provided by the Board, together with the non-refundable combined examination-license fee.
- (2) Furnishing with his application information verifying that he has acquired at least 4000 hours of commercial refrigeration experience gained while engaged actively and directly in the installation, maintenance, servicing or repairing of commercial, industrial or institutional refrigeration equipment.

(b) An applicant for the transport refrigeration examination shall be eligible to take that examination upon:

- (1) Filing with the Board an application, on a form provided by the Board, together with the non-refundable combined examination license fee.
- (2) Furnishing with his application information verifying that he has acquired at least 4000 hours of transport or commercial refrigeration experience or a combination of both gained while engaged actively and directly in the installation, maintenance, servicing or repairing of transport or commercial refrigeration equipment or a combination of both.

(c) Prior to filing the application, qualifying experience shall be acquired while working under the supervision of a person who holds a valid refrigeration contractor's license, who is a registered professional engineer or who has equivalent industry experience. Up to one-half of the experience may be in academic or technical training directly related to the field of endeavor for which the examination is requested. Applicants who obtain a license shall receive a certificate issued by the Board, bearing that license number. The license shall not be assigned or transferred to another individual.

(d) An individual holding a valid transport contractor refrigeration license shall be eligible to sit for the commercial refrigeration examination upon filing with the Board an application, on a form provided by the Board, together with the combined examination-license fee.

(e) The Board shall deny an examination applicant permission to take an examination when it finds the applicant is not eligible, regardless of whether it has previously notified the applicant that he may take the examination. The Board shall refuse to issue a license to a licensee when it finds the applicant is not qualified, regardless of whether the applicant has passed the appropriate examination. An applicant may contest the Board's decision by requesting an administrative hearing.

*History Note:* Authority G.S. 87-54; 87-58;  
*Eff. October 1, 1984;*  
*Amended Eff. August 1, 2004, July 1, 2000; April 1, 1997;*  
*December 1, 1993; April 1, 1989; September 1, 1988.*

#### **21 NCAC 60 .0208 EXAMINATION REVIEW**

An applicant who fails an examination or any portion of the examination shall have the opportunity to review any incorrect answers immediately following the examination.

*History Note:* Authority G.S. 87-54; 87-58(d); 93B-8(c);  
*Eff. May 1, 1988;*  
*Amended Eff. August 1, 2004.*

#### **21 NCAC 60 .0212 QUALIFYING EXAMINATIONS**

(a) Commercial Refrigeration contractor examinations are divided into four parts, "A," "B," "C" and "D." Transport

refrigeration contractor examinations are divided into three parts, "A", "B" and "C".

(b) Each applicant must successfully complete 70 percent of each part to pass an examination. Each candidate who passes an examination shall be issued a refrigeration contractor's license.

(c) All qualifying examinations administered by the Board for each license classification shall be written or computer-based examinations and must be taken by the approved applicant.

(d) The executive director shall schedule the examination and shall notify the approved applicant of the date, time and place.

(e) The executive director shall arrange for examinations to be administered by the Board.

*History Note:* Authority G.S. 87-54; 87-58;  
*Eff. August 1, 2004.*

#### **21 NCAC 60 .0213 EXAMINATIONS**

(a) In order to pass the qualifying examination, an applicant is required to pass all parts of the examination within the same one year period and within no more than three consecutive attempts. Each time an applicant takes the examination, he shall take all parts for which he does not have currently valid passing grades. If the applicant fails to pass all parts within one year or within three consecutive attempts (whichever period is shorter), any passing grades for individual parts shall no longer be valid and the applicant must start over by re-taking all parts of the examination.

(b) A person who fails an examination must wait a period of five business days from the date he last failed an examination before he will be eligible to take another examination.

(c) Each person who fails an examination shall be notified of his scores and the parts of the examination he failed.

(d) If a person files an application for examination which is accepted, and takes and fails the examination, his verification of refrigeration experience shall be kept and shall be sufficient for taking any future examination, provided he files another application accompanied by the required fee.

*History Note:* Authority G.S. 87-54; 87-58;  
*Eff. August 1, 2004*

*This Section contains information for the meeting of the Rules Review Commission on Thursday, June 19, 2003, 10:00 a.m. at 1307 Glenwood Avenue, Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments by Friday, June 13, 2003 to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.*

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**

Jim R. Funderburke - 1st Vice Chair  
David Twiddy - 2nd Vice Chair  
Thomas Hilliard, III  
Robert Saunders

**Appointed by House**

Jennie J. Hayman - Chairman  
Graham Bell  
Dr. Walter Futch  
Dr. John Tart

**RULES REVIEW COMMISSION MEETING DATES**

June 19, 2003                      July 17, 2003  
August 21, 2003                September 18, 2003  
October 16, 2003

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**RULES REVIEW COMMISSION  
MAY 15, 2003  
MINUTES**

The Rules Review Commission met on Thursday morning, May 15, 2003, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners present: Graham Bell, Jim Funderburk, Walter Futch, Jennie Hayman, Thomas Hilliard, Robert Saunders, and John Tart. Commissioner Twiddy was available for a teleconference meeting if necessary.

Staff members present were: Joseph DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Lisa Johnson.

The following people attended:

Brooks Skinner	Department of Administration
Ellen Sprenkel	NC Department of Insurance
Raymond Martinez	NC Department of Insurance
David Hance	DENR/DWQ
Portia Rochelle	DHHS/DMA
Pam Munson	DHHS/DMA
Tom Mickey	NC Veterinary Medical Board

**APPROVAL OF MINUTES**

The meeting was called to order at 10:00 a.m. with Commissioner Hayman presiding. Chairman Hayman asked for any discussion, comments, or corrections concerning the minutes of the April 17, 2003, meeting. The minutes were approved as written.

**FOLLOW-UP MATTERS**

1 NCAC 30D .0302: State Building Commission – The Commission approved the rewritten rule submitted by the agency.

10 NCAC 26H .0404: DHHS – The Commission approved the rewritten rule submitted by the agency.

15A NCAC 27 .0301: DENR/Well Contractors Certification Commission – The Commission approved the rewritten rule submitted by the agency.

21 NCAC 60 .0311: NC Board of Refrigeration Examiners – The Commission approved the rewritten rule submitted by the agency.

21 NCAC 66 .0206: NC Veterinary Medical Board - The Commission approved the rewritten rule submitted by the agency.

**LOG OF FILINGS**

Chairman Hayman presided over the review of the log and all rules were approved unanimously with the following exceptions:

1 NCAC 30H .0102: department of administration – the commission objected to the rule due to ambiguity. It is unclear in Paragraph (b)(3) why the party asking the public owner for mediation must first submit its original claim to the same public owner. In the previous two items of that paragraph the party first sought resolution assistance from the party immediately above it in the contract chain. However if it was not resolved then it could seek the involvement of the public owner. Here the public owner fills both roles. It is unclear why there should be a two step process in this case.

1 NCAC 30H .0201: Department Of Administration –The Commission Objected To The Rule Due To Ambiguity. Rules For Selection Of Mediators And Exceptions To The Rules Occur Throughout These Rules. It Becomes Unclear What Constitutes A Certified Mediator And Whether A Certified Mediator Is Actually Required. The First Sentence Of This Rule Seems To State That The Parties Have 21 Days To Select A Mediator By Agreement. However The Next Sentence States That The Requesting Party Shall File A “Notice Of Selection” Within 10 Days Of The Request. If This Notice Is The Selection, Then That Means There Are Only 10 Days. If It Is An Additional Requirement, I.E., That There Be Filed A “Notice” That Indicates A Selection Is Going On Or Requested, Then It Is Unclear That Is The Requirement. If The Notice Is The Mediator Selected Within 21 Days, Then Presumably This Notice Is Meant To Be Filed Within 10 Days Of The Selection, Not The Request. That Same Sentence Specifies That The “Requesting Party” Shall File The Notice. Then The Next Phrase Within That Sentence Goes On To Say That “Any Party May File The Notice.” Does That Mean That If Any Other Party Does File The Notice That The Requesting Party Need Not File The Notice? Finally The Rule Is Not Clear That Uncertified Mediators May Be Selected If They Are Selected In Accordance With The Following Rule.

1 NCAC 30H .0202: Department Of Administration –The Commission Objected To The Rule Due To Lack Of Statutory Authority And Ambiguity. This Rule Specifies That A Mediator Need Not Be Certified According To The Requirements Of These Rules. However The Previous Rule Required Such Certification And Did Not Specify Whether Or Under What Conditions Any Exceptions Applied. So It Is Unclear Whether And Under What Conditions A Non-Certified Mediator May Be Used, Although It Is Strongly Implied That They May Be Used. Because Of The Time Limit Problems In The Previous Rule, It Is Unclear What The 10-Day Time Limit In (B), Line 8, Of This Rule Applies To. The Rule Also Provides In The Last Sentence, Lines 13 And 14, That The “Sco Or Public Owner Shall Rule” On The Selection Of The Mediator And “Approve Or Disapprove The Nomination” When The Mediator Is Not Certified. If The Standards For Disapproval Are Those Found In (A), “...Qualified By Training Or Experience To Mediate The Action,” That Needs To Be Specified. If Not Then There Are No Standards Set Out For This Determination. (It Is Not Necessary To Set Out The Standards For The Public Owner When The Owner Is Not The State Or A State Agency. However It Is Necessary To Set Out Those Standards When The Owner Is The Sco Or State Construction Office). The Standards For The Sco To Use Are Unclear. If They Are Set Out Elsewhere, Then That Should Be Specified. If They Are Set Outside Rulemaking, Then They Are Unauthorized.

1 NCAC 30H .0203: Department Of Administration –The Commission Objected To The Rule Due To Ambiguity. Because Of The Ambiguity In Rules .0201 And .0202 Concerning The Time Limits Set Out, It Is Unclear What 10 Day Time Limit In Line 6 Is Referred To.

1 NCAC 30H .0204: Department Of Administration –The Commission Objected To The Rule Due To Ambiguity. It Is Unclear What Is Meant By “The Parties Are Free To Utilize” The List Of Certified Mediators. Does It Mean That The Requesting Party May Select One From That List And That Is The Mediator Regardless Of Whether The Other Party Agrees? Does It Perhaps Mean That Whether Or Not Such A Mediator Is Certified According To These Or Any Other Rules, That Mediator Is Still Acceptable Under These Rules? If It Simply Means That A Person From That List May Be Agreed To By The Parties, Then It Is Unclear What This Rule Adds To The Section That Is Not Already In The Other Rules. Does It Have Some Other Meaning? Note: Staff Requested That The Agency Change “Free To Utilize” To “May.” That, However, Does Not Clear Up The Ambiguity; It Just Reads Better.

1 NCAC 30H .0205: Department Of Administration –The Commission Objected To The Rule Due To Ambiguity. It Is Unclear What Is Meant By “For Good Cause.” That Is A Legal Standard That Often Shows Up In Statutes Or Criminal Or Civil Procedure Rules; However, It Is Not A Standard That Is Sufficiently Clear To Be Acceptable For Purposes Of Rulemaking. Once A Party Has Agreed To A Mediator, Then It Needs To Be Clear What The Grounds Are For That Party To Turn Around And Reject That Person. (Otherwise The Rule Could, And Perhaps Should, Specify That A Party May Have A Mediator Replaced Unless There Is No Reason Offered For Such Replacement.) It Is Also Unclear What The Grounds Are For Mediators’ Disqualifying Themselves And Whether They Are Entitled To Any Payment For Services Rendered Up To That Point.

1 NCAC 30H .0301: Department Of Administration – The Commission Objected To The Rule Due To Ambiguity. In Line 8 It Is Unclear What Constitutes “Timely” Notice Of The Mediation Conference. Unless It Is Specified In Another Rule It Is Also Unclear What Constitutes Any “Arrangements” That The Mediator Is Responsible For Making.

1 NCAC 30H .0303: Department Of Administration –The Commission Objected To The Rule Due To Ambiguity. It Is Unclear What Sort Of Time Limit An Objecting Party Has To File A Response To Any Motion To Extend The Mediation Deadline. This Becomes Important In That There Is No Time Limit For The Sco Or Public Owner To Observe Either As A Minimum Or Maximum To Wait

## ***RULES REVIEW COMMISSION***

Before Giving A Decision As To Whether To Extend The Mediation Deadline. It Is Also Unclear Whether Any Delays In Waiting For A Response To The Motion Or Ruling On The Motion Are To Be Counted In The Time Limits Set Out In The Previous Rule.

1 NCAC 30H .0305: Department Of Administration –The Commission Objected To The Rule Due To Ambiguity. It Is Unclear What Is Meant Or Required By This Rule. It Is Unclear How The Mediated Settlement Conference Would Delay The Construction Project. If The Rule Means That Construction Projects Shall Not Be Halted During Any Mediation Process, The Rule Should Specify That.

1 NCAC 30H .0404: Department Of Administration –The Commission Objected To The Rule Due To Lack Of Statutory Authority. In (B) This Rule Requires That The “Public Owner” Shall Be Subject To A Cause Of Action For One-Third Of The Mediator’s Fee, If It Does Not Pay The Mediator. (A Public Owner Or Entity Is A Non-State Public Owner.) However, G.S. 143-128(F1) Allows The Public Entity To Decide What The Dispute Resolution Process Shall Be If It So Chooses. It Also Allows The Public Entity To Choose Whether It Shall Require That The Mediation Costs Be Divided And Whether It Shall Pay If It Is Not A Party To The Dispute. This Rule Makes No Such Distinctions.

1 NCAC 30H .0701: Department Of Administration –The Commission Objected To The Rule Due To Ambiguity. In Rule .0201 The Staff Opinion Is That These Rules Are Unclear Concerning The Selection Of The Mediator And Whether And Under What Conditions A Certified Mediator Is Required. That Problem Continues With This Rule.

1 NCAC 30H .0801: Department Of Administration –The Commission Objected To The Rule Due To Ambiguity. It Is Unclear Whether These Rules Are Truly Optional For All Covered Entities. G.S. 143-128(F1) Requires That A Public Entity Use A Dispute Resolution Process Developed By The State Building Commission Unless That Entity Has Adopted Another Process. If It Has Not Adopted Such A Process Then This Process Appears To Be Required. The Rule Is Misleading If It Leads Someone To Believe That A Non-State Entity Is Not Subject To Any Dispute Resolution Process.

1 NCAC 30H .1001: Department Of Administration –The Commission Objected To The Rule Due To Ambiguity. For The Same Reasons As Set Out In The Analysis For The Staff Opinion Concerning Rule .0205, This Rule Is Unclear. This Applies As Far As The Sco Being Allowed To Waive Or Extend Any Of These Rules’ Time Limits “For Good Cause.” The State Contract Office (Sco), For All Practical Purposes, Is The Same As The State Building Commission (Sbc), The Rulemaking Agency For These Rules. The Rule Is Acceptable As Far As Allowing The Mediator Or Designer Of Record To Make Such A Waiver Or Extension, Since Neither Of Them Are State Agencies And Neither Is Under The Control Of The Sco Or The Sbc.

11 NCAC 11A .0503: Department Of Insurance – The Commission Objected To The Rule Due To Lack Of Statute Authority And Ambiguity. In (A), It Is Not Clear Under What Circumstances The Commission Will Require A Financial Report Earlier Than May 10. In (B), It Is Not Clear When The Commission Will Grant An Extension Nor What Would Constitute “Good Cause.” “Good Cause” Is Not Specific Guidelines For A Waiver Or Modification Provision As Required By G.S. 150b-19(6). This Objection Applies To Existing Language In The Rule.

11 NCAC 11A .0504: Department Of Insurance – The Commission Objected To The Rule Due To Ambiguity. In (A), It Is Not Clear What Statutory Accounting Practices Are Prescribed Or Permitted By The Department. In (B)(6)(B), It Is Not Clear What Constitutes “Significant” Intercompany Transactions And Balances. In (B)(7)(C), It Is Not Clear When The Commission Will Permit The Filing Of Consolidated Statutory Financial Statements. This Objection Applies To Existing Language In The Rule.

11 NCAC 11A .0506: Department of Insurance – The Commission objected to the rule due to ambiguity. In (c)(1), it is not clear what is meant by “dishonest conduct or practices.” It is not clear if this is intended to mean that any conviction of almost any crime at any time automatically disqualifies a CPA from being acceptable. In (c)(3), it is not clear what would constitute a “pattern or practice” of failing to detect or disclose material information.

### **COMMISSION PROCEDURES AND OTHER BUSINESS**

Joe DeLuca discussed House Bill 1151 and how it would affect the Rules Review Commission. The Commission also discussed their concerns about the need for appointment of two members to the Rules Review Commission.

The meeting adjourned at 11:16 a.m.

The next meeting of the Commission is Thursday, June 19, 2003 at 10:00 a.m.

Respectfully submitted,  
Lisa Johnson

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**Commission Review/Administrative Rules**  
Log of Filings (Log #198)

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**RULES REVIEW COMMISSION**

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April 22, 2003 through May 20, 2003

**DEPARTMENT OF ADMINISTRATION**

Policy	01 NCAC 30I .0101	Adopt
Point Values For Good Faith Efforts	01 NCAC 30I .0102	Adopt

**NC BOARD OF AGRICULTURE**

Importation Requirements: Brucellosis	02 NCAC 52B .0204	Amend
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**DHHS**

Applicability and Scope	10 NCAC 01M .0101	Amend
Complaints	10 NCAC 01M .0102	Amend
Investigation	10 NCAC 01M .0103	Amend
Written Determination	10 NCAC 01M .0104	Amend
Reconsideration	10 NCAC 01M .0105	Amend
Records	10 NCAC 01M .0106	Amend
Other Remedies	10 NCAC 01M .0107	Amend
Construction	10 NCAC 01M .0108	Amend
Applicability and Scope	10 NCAC 01N .0101	Amend
Applicability and Scope	10 NCAC 01N .0101	Amend
Complaints	10 NCAC 01N .0102	Amend
Investigation	10 NCAC 01N .0103	Amend
Written Determination	10 NCAC 01N .0104	Amend
Reconsideration	10 NCAC 01N .0105	Amend
Records	10 NCAC 01N .0106	Amend
Other Remedies	10 NCAC 01N .0107	Amend
Construction	10 NCAC 01N .0108	Amend
Applicability and Scope	10 NCAC 01O .0101	Amend
Complaints	10 NCAC 01O .0102	Amend
Investigation	10 NCAC 01O .0103	Amend
Resolution of Matters	10 NCAC 01O .0104	Amend
Reconsideration	10 NCAC 01O .0105	Amend
Definitions	10 NCAC 20A .0102	Amend
Rates of Payment	10 NCAC 20C .0119	Amend
Services Covered by or Exempt from Financial Needs	10 NCAC 20C .0205	Amend
Financial Needs Test	10 NCAC 20C .0206	Amend
Priority Categories	10 NCAC 20C .0603	Amend
Case Finding and Information and Referral Programs	10 NCAC 20C .0606	Amend

**DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES**

Snapper Grouper	15A NCAC 03M .0506	Amend
Deer White Tailed	15A NCAC 10B .0203	Amend
Deer White Tailed	15A NCAC 10B .0203	Amend
Wild Turkey	15A NCAC 10B .0209	Amend
Open Seasons	15A NCAC 10B .0302	Amend
Tagging Furs	15A NCAC 10B .0402	Amend
Public Mountain Trout Waters	15A NCAC 10C .0205	Amend
Spawning Areas	15A NCAC 10C .0208	Amend
Possession of Certain Fishes	15A NCAC 10C .0211	Amend
Fish Hatcheries	15A NCAC 10C .0212	Amend
Open Seasons Creel and Size Limits	15A NCAC 10C .0305	Amend
Manner of Taking Nongame Fishes Purchase and Sale	15A NCAC 10C .0401	Amend
Taking Nongame Fishes for Bait	15A NCAC 10C .0402	Amend
Special Device Fishing	15A NCAC 10C .0404	Amend
Permitted Special Devices and Open Seasons	15A NCAC 10C .0407	Amend
Descriptive Boundaries	15A NCAC 10C .0503	Amend
General Regulations Regarding Use	15A NCAC 10D .0102	Amend
Hunting on Game Lands	15A NCAC 10D .0103	Amend
Fishing on Game Lands	15A NCAC 10D .0104	Amend
Fees for Rabies Tags, Links, and Rivets	15A NCAC 19G .0102	Amend
Chemistry Quality Assurance	15A NCAC 20D .0243	Amend
Grant Applications	15A NCAC 21A .0817	Amend
Maximum Funding Level	15A NCAC 21A .0818	Amend
Criteria For Project Selection	15A NCAC 21A .0822	Amend

**AGENDA**  
***RULES REVIEW COMMISSION***  
**June 19, 2003**

- I. Call to Order and Opening Remarks
- II. Review of minutes of last meeting
- III. Follow Up Matters
  - A. 1 NCAC 30H .0102; .0201-.0205; .0301; .0303; .0305; .0404; .0701; .0801; .1001 (DeLuca)
  - B. Department of Administration – 1 NCAC 35 .0101; .0103; .0201-.0205; .0301; .0302; .0304-.0306; .0308; .0309 (DeLuca)
  - C. Department of Insurance – 11NCAC 11A .0503; .0504; .0506 (Bryan)
  - D. Board of Pharmacy – 21 NCAC 46 .1812 (DeLuca)
  - E. Board of Pharmacy – 21 NCAC 46 .2502 (DeLuca)
  - F. Cultural Resources Commission – 7 NCAC 4S .0104 (DeLuca)
  - G. Board of Elections – 8 NCAC Chapter 1-12 (DeLuca) To be considered at October Meeting
- IV. Review of rules (Log Report #198)
- V. Commission Business
- VI. Next meeting: July 17, 2003

## CONTESTED CASE DECISIONS

*This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698. Also, the Contested Case Decisions are available on the Internet at the following address: <http://www.ncoah.com/hearings>.*

### OFFICE OF ADMINISTRATIVE HEARINGS

*Chief Administrative Law Judge*  
*JULIAN MANN, III*

*Senior Administrative Law Judge*  
*FRED G. MORRISON JR.*

### ADMINISTRATIVE LAW JUDGES

*Sammie Chess Jr.*  
*Beecher R. Gray*  
*Melissa Owens Lassiter*

*James L. Conner, II*  
*Beryl E. Wade*  
*A. B. Elkins II*

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b><u>ALCOHOL BEVERAGE CONTROL COMMISSION</u></b>				
NC ABC Commission v. Issa Fuad Shaikh T/A Variety Pic Up #14	01 ABC 0874	Conner	12/03/02	
NC ABC Commission v. Acme Retail, Inc. T/A Handy Pantry	01 ABC 1325	Chess	05/21/02	
Randall Ralph Casey T/A Maynards Entertainment v. NC ABC Comm.	01 ABC 1396	Wade	06/26/02	
NC ABC Commission v. Headlights, Inc. T/A Headlights	01 ABC 1473	Wade	06/28/02	
NC ABC Commission v. Jerry Lynn Johnson T/A E & J Millenium	02 ABC 0115	Conner	10/23/02	
Roy Hoyt Durham, Lisa Chambers Durham t/a Lincoln House v. NC ABC Commission	02 ABC 0157	Mann	12/03/02	
Edward L. Mumford v. NC Alcoholic Control Commission	02 ABC 0264	Conner	08/29/02	
NC ABC Commission v. WDB, Inc. T/A Twin Peeks	02 ABC 0517	Conner	07/15/02	
Jrs Nigh Hawk, James Theron Lloyd Jr v. NC ABC Commission	02 ABC 0629	Chess	11/19/02	17:13 NCR 1116
NC ABC Commission v. Cevastiano Hernandez T/A Cristy Mexican Store	02 ABC 0667	Gray	10/17/02	
NC ABC Commission v. Easy Street Bistro, Inc. T/A Raleigh Live	02 ABC 0781	Wade	10/23/02	
Scott Patrick Windsor T/A Depot v. NC Alcoholic Beverage Comm.	02 ABC 0909	Hunter	02/26/03	
NC ABC Commission v. Pantana Bob's, Inc., T/A Pantana Bob's	02 ABC 1145	Mann	03/28/03	
NC ABC Commission v. Yosef, Inc., t/a Bayleaf Convenience & Deli	02 ABC 1612	Chess	04/21/03	
Lloyd Jarreau v. NC Alcoholic Beverage Control Commission	03 ABC 0050	Morrison	04/22/03	
<b><u>APPRAISAL BOARD</u></b>				
NC Appraisal Board v. Thomas G. Hildebrandt, Jr.	02 APB 0130	Chess	08/20/02	17:06 NCR 563
<b><u>CEMETARY COMMISSION</u></b>				
Lee Memory Gardens, Inc. v. NC Cemetary Commission	02 COM 0126	Gray	09/19/02	
<b><u>UTILITIES COMMISSION</u></b>				
Tracy Woody v. State of NC Utilities Commission	02 COM 1004	Morrison	08/26/02	
<b><u>CRIME CONTROL AND PUBLIC SAFETY</u></b>				
Hattie Holt v. Crime Victims Compensation Commission	00 CPS 1067	Conner	05/30/02	
Carol Peebles v. Crime Victims Compensation Commission	02 CPS 0180	Gray	02/05/03	
Linda Hawley v. Crime Victims Compensation Commission	02 CPS 0121	Conner	06/14/02	
Lial McKoy v. Crime Victims Compensation Commission	02 CPS 0394	Chess	07/26/02	
Elbert Reid, Jr. v. Crime Victims Compensation Commission	02 CPS 0431	Conner	11/13/02	
Francis Michael McLaurin on behalf of B.W. McLaurin v. Crime Victims Compensation Commission	02 CPS 0760	Chess	11/19/02	
Willie Ray Lucas v. Crime Victims Compensation Commission	02 CPS 0770	Wade	01/06/03	
Claudia White v. Crime Victims Compensation Commission	02 CPS 0894	Conner	01/08/03	
Patricia Ann Pitts v. Gaston Co. Courthouse, Judge Jesse Caldwell	02 CPS 1134	Morrison	04/08/03	
Phyllis Ponder Duren v. Crime Victims Compensation Commission	02 CPS 1173	Gray	11/06/02	
Judith Simpson v. Crime Victims Compensation Commission	02 CPS 1317	Chess	03/17/03	17:21 NCR 1970
Brenda S. DuBois on behalf of victim Priscilla Bryant v. Dept. of Crime Control & Public Safety, Div. of Victim Comp. Services	02 CPS 1332	Lassiter	09/20/02	
William S. McLean v. Crime Victims Compensation Commission	02 CPS 1600	Lassiter	11/18/02	
<b><u>ADMINISTRATION</u></b>				
Jeffrey Thomas Farmer v. GACPD (Governor's Advocacy for Persons With Disabilities)	03 DOA 0300	Lassiter	04/21/03	



# CONTESTED CASE DECISIONS

## AGRICULTURE

All Creatures Great & Small v. NC Dept. of Ag. & Con. Svcs.	01 DAG 1398	Gray	04/02/03	
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## HEALTH AND HUMAN SERVICES

A list of Child Support Decisions may be obtained by accessing the OAH Website: [www.ncoah.com/decisions](http://www.ncoah.com/decisions).

Lisa Williams v. NC DHHS, Div. of Soc. Svc., Child Supp. Enf. Sec.	01 DCS 2351	Elkins	10/28/02	17:11 NCR 1024
Chiffon R Robeson, Ronald V Robeson v DHHS, Div. of Child Dev.	00 DHR 1030	Gray	02/28/03	
Thelma Street v. NC DHHS	01 DHR 0303	Reilly	09/17/02	
Mary Edge v. DHHS, Div. of Child Development	01 DHR 0720	Gray	04/01/03	
Trula Freeman v. DHHS, Div. of Child Development	01 DHR 1190	Gray	04/25/03	
Emilia E Edgar v. DHHS, Div. of Facility Services	01 DHR 1356	Hunter	09/09/02	
Evelia Williams v. DHHS	01 DHR 1750	Conner	07/15/02	
Mack Lumpkin v. DHHS, Div. of Medical Assistance	01 DHR 2080	Gray	04/25/03	
Jacob Jones v. NC DHHS, Div. of Medical Assistance	01 DHR 2169	Wade	10/04/02	
Kathy Mumford v. DHHS, Div. of Facility Services	01 DHR 2253	Chess	07/26/02	
Brenda L. McQueen v. DHHS, Div. of Facility Services	01 DHR 2321	Morrison	10/17/02	
Tammy Baldwin v. DHHS, Div. of Facility Services	01 DHR 2329	Morrison	10/16/02	
Pamela S Vuncannon v. DHHS, Div of Child Development	01 DHR 2332	Chess	11/18/02	
James Bell v. NC DHHS, Div. of Facility Services	01 DHR 2340	Elkins	06/27/02	
Adam Syare v. NCDHHS, Div. of MH/DD/SAS, Southeastern Regional Mental Health Center	01 DHR 2352	Conner	06/21/02	
Ramiro Ramos v. NC DHHS and Chris Hoke, State Registrar	01 DHR 2366	Conner	09/11/02	
Effie M. Williams v. NC Department of Health and Human Services	02 DHR 0001	Gray	08/08/02	
Kathy Denise Urban v. NC DHHS, Div. of Facility Services	02 DHR 0055	Hunter	09/10/02	
Betty Carr v. DHHS, Div. of Facility Services	02 DHR 0070	Mann	09/10/02	
Sarah D. Freeman & Tony J. Freeman v. Guilford Co. Mental Health, The Guilford Center	02 DHR 0083	Chess	06/07/02	
Ursula Philomena Nwapa v. DHHS	02 DHR 0091	Wade	12/18/02	
Lollipop's Learning Tree #2, Lori Kirkling, ID #32001062 v. DHHS,	02 DHR 0095	Gray	02/28/03	
Albemarle Home Care & Ginger Parrish, PhD v. DHHS, Div. of Medical Assistance	02 DHR 0142	Conner	07/22/02	
Shonta R. Fox v. Dept. of Health & Human Services	02 DHR 0218	Conner	11/08/02	
Franklin Shane Early v. DHHS, Walter B Jones, ADATC	02 DHR 0239	Gray	04/01/03	
Birgit James v. Dept. of Health & Human Services	02 DHR 0255	Connor	07/01/02	
Geraldine Rountree Cooper v. DHHS, Div. of Facility Services	02 DHR 0267	Elkins	07/15/02	
Gemela Kidada Davis v. DHHS, Div. of Facility Services	02 DHR 0283	Lassiter	02/24/03	
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Greg McKinney & Virgie Elaine McKinney v. DHHS	02 DHR 0301	Mann	08/01/02	
Jerry Dean Webber v. DHHS, Broughton Hospital	02 DHR 0306	Conner	08/28/02	
Donna R Anderson v. DHHS, Broughton Hospital	02 DHR 0340	Gray	08/01/02	
Notisha Utley v. DHHS, Division of Facility Services	02 DHR 0379	Conner	07/26/02	
Isa Spaine v. Department of Health & Human Services	02 DHR 0403	Chess	06/24/02	
Debra A. Browner v. DHHS, Broughton Hospital	02 DHR 0405	Conner	08/28/02	
Vernon Farley v. DHHS, Div. of Medical Assistance	02 DHR 0450	Gray	01/29/03	
NC Community Association v. DHHS, Off. of Economic Opportunity	02 DHR 0497	Morrison	12/11/02	17:14 NCR 1200
Bill & Suzy Crawford for (NEELY) Crawford v. DHHS	02 DHR 0539	Wade	12/18/02	
Mooreville Hospital Management Associates, Inc. d/b/a Lake Norman Regional Medical Center v. DHHS, Div. of Facility Services, Cert. of Need Section	02 DHR 0541	Chess	08/07/02	
Wayne Douglas Temples v. DHHS, NC Off. of Emer. Med. Svcs.	02 DHR 0543	Morrison	10/09/02	
Mark Thomas v. DHHS, Div. of Facility Services	02 DHR 0555	Chess	10/17/02	
Eli Maxwell v. DHHS, Div. of Facility Services, Health Care Registry	02 DHR 0556	Lassiter	08/08/02	
Robin Lee Arnold v. DHHS, Div. of Facility Services	02 DHR 0558	Conner	08/15/02	
Laura Sheets v. DHHS, Div. of Facility Services	02 DHR 0569	Conner	10/17/02	
Terry A. Bolick v. DHHS	02 DHR 0618	Conner	02/26/03	
Evelyn Denise Humphrey v. DHHS, Div. of Facility Services	02 DHR 0624	Morrison	08/08/02	
Amy D McFarland v. DHHS, Div. of Facility Services	02 DHR 0647	Wade	03/28/03	
Sara E Parker v. DHHS	02 DHR 0659	Gray	04/17/03	
James Parks v. Dept. of Health and Human Services	02 DHR 0680	Morrison	08/07/02	
Andrea Green, Parent, on behalf of her minor child, Andrew Price v. The Durham Clinic	02 DHR 0682	Gray	11/07/02	
Lisa Murphy v. DHHS, Division of Facility Services	02 DHR 0694	Mann	07/26/02	
Vernessa B Pittman v. DHHS	02 DHR 0734	Chess	11/21/02	
Mary's Family Care #2, Beulah Spivey v. OAH	02 DHR 0735	Morrison	08/27/02	
Clinita Faye Hooker v. DHHS, Div. of Facility Services	02 DHR 0748	Lassiter	01/02/03	
Miranda Lynn Stewart v. DHHS, Div. of Facility Services	02 DHR 0791	Mann	11/08/02	17:12 NCR 1086
Hazel Chea v. Department of Health & Human Services	02 DHR 0795	Mann	06/11/02	
Jeffrey Wayne Radcliff v. DHHS	02 DHR 0838	Conner	12/16/02	
Mr. Mohamed Mohamed v. DHHS, Women's & Children's Health (WIC Program)	02 DHR 0866	Chess	10/02/02	
Mooreville Hospital Management Assoc, Inc. d/b/a Lake Norman Reg. Med. Ctr v. DHHS, Div. of Fac. Svcs, CON Section, Robert J Fitzgerald in his official capacity as Director of the Div of Fac Svcs, and Lee B Hoffman in her official capacity as Chief of the CON Section and The Presbyterian Hospital and the Town of Huntersville	02 DHR 0888	Morrison	11/26/02	17:13 NCR 1120
Cleon A Gibbs v. Division of Medical Assistance (DMA)	02 DHR 0901	Elkins	12/16/02	
Martha L Cox v. DHHS, Div. of Facility Services	02 DHR 0935	Morrison	10/25/02	
Tracy Woody v. Coop Ex. Svc, Coll of Ag & Life Sc Family &	02 DHR 0944	Morrison	09/25/02	

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Stacy L Pleaze-Wilson v. DHHS, Health Care Personnel Registry	02 DHR 0973	Wade	01/31/03
Sheryl L Hoyle v. DHHS, Div. of Facility Services	02 DHR 1009	Conner	10/24/02
Carmelita T. England v. Ms. Lisa Moor, Chief Advocate, Black Mtn Ctr.	02 DHR 1033	Chess	08/15/02
Gloria Dean Gaston v. Office of Administrative Hearings	02 DHR 1081	Morrison	07/26/02
Teresa King v. Division of Mental Health	02 DHR 1154	Chess	12/19/02
Maria Goretti Obialor v. DHHS, Div. of Facility Services	02 DHR 1187	Mann	09/11/02
Lashanda Skinner v. DHHS	02 DHR 1190	Lassiter	09/09/02
Robert A. Thomas v. DHHS, Div. of Facility Services	02 DHR 1254	Lassiter	09/13/02
Janet Cook v. Division of Medical Assistance	02 DHR 1272	Lassiter	11/15/02
Shirley's Development Center, Shirley Campbell v. State of DHHS, Div. of Child Development	02 DHR 1309	Morrison	10/08/02
Joann V Blakeney v. Piedmont Behavior Healthcare	02 DHR 1319	Conner	12/16/02
Jack Irizarry v. DHHS, Div. of Facility Services, Adult Care License Sec.	02 DHR 1331	Elkins	02/19/03
Timothy W Andrews for Ridgecrest Retirement LLC v. DHHS, Div of Facility Services	02 DHR 1417	Elkins	11/26/02
Psychiatric Solutions, Inc. d/b/a Holly Hill Hospital v. Div. of Medical Assistance, DHHS	02 DHR 1499	Elkins	12/12/02
Evy's Group Care v. DHHS, Div. of Mental Health, Program Accountability	02 DHR 1462	Gray	01/27/03
LatissueMcRae v. Dept Health Care Personnel Registry Section	02 DHR 1533	Lassiter	01/14/03
Marquelle's Enrichment Center for Edith James & Wilhelmenia Bridges v. Div. of Child Dev. Regulatory Services Section	02 DHR 1537	Gray	01/27/03
Betty J. Hastings v. Office of Administrative Hearings	02 DHR 1592	Lassiter	02/11/03
Twakeena Rachel Simmons v. Office of Administrative Hearings	02 DHR 1626	Chess	01/13/03
Joyce Jeanette Jones v. DHHS, Div. of Facility Services	02 DHR 1663	Conner	11/15/02
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Queen Esther Hampton Fant v DHHS, Div. of Facility Services	02 DHR 1751	Elkins	03/07/03
Sherry D Tucker v. DHHS, Div. of Facility Services	02 DHR 1753	Mann	01/02/03
Mary A. Johnson v. DHHS	02 DHR 1885	Wade	03/13/03
Donna Stillie v. Nurse Registry for CAN's	02 DHR 1940	Chess	01/15/03
Opportunities Industrialization Center of America, Inc. (via counsel, David C. Smith) v. DHHS	02 DHR 1982	Chess	01/27/03
Shirley Suggs v. DHHS, Division of Facility Services	02 DHR 2038	Gray	02/13/03
Ziad El-Hilou, A&T Food v. Food & Nutrition Service – USDA, and DHHS	02 DHR 2165	Elkins	01/08/03
Donna W. Roach v. DHHS	02 DHR 2187	Chess	03/07/03
Heather Lail v DHHS, Health Care Personnel Registry	03 DHR 0014	Gray	02/26/03
Antonia Oates for Allan Jamal Meadows v. DHHS, Div. of Med. Asst.	03 DHR 0115	Lassiter	04/17/03
Opportunity House, Anthony P Moore v. Div. of Fac. Svcs., Mental Health Licensure & Cert Sec, W Jeff Horton - Chief	03 DHR 0213	Lassiter	04/17/03
Baxter Douglas Fleming v. DHHS, Division of Public Health. Of Fac. Svcs.	03 DHR 0264	Lassiter	04/21/03
Dianne Sturdivant v. DHHS	03 DHR 0277	Gray	04/29/03
Janice Terry v. NC Nurse Aide I Registry	03 DHR 0321	Lassiter	04/21/03
Kristin Diana Lackey v. DHHS, Div. of Facility Services	03 DHR 0366	Gray	05/07/03
Cynthia T. Marsh v. DHHS, Div. of Facility Services	03 DHR 0369	Gray	05/07/03

## ADMINISTRATION

San Antoni Equipment Co. v. NC Department of Administration	02 DOA 0430	Chess	06/26/02
James J. Lewis v. DOA, Gov. Advocacy Council for Persons w/Disabilities	02 DOA 0545	Chess	08/26/02

## JUSTICE

Darren P Botticelli v. DOJ, Company Police Program	02 DOJ 0898	Lassiter	03/20/03
Sara E Parker v. Consumer Protection [sic] & Rosemary D. Revis	02 DOJ 1038	Gray	08/08/02

### Alarm Systems Licensing Board

Seth Paul Barham v. Alarm System Licensing Board	02 DOJ 0552	Gray	06/12/02
Christopher Michael McVicker v. Alarm Systems Licensing Board	02 DOJ 0731	Gray	06/07/02
Jeffery Lee Garrett v. Alarm Systems Licensing Board	02 DOJ 0908	Morrison	08/06/02
Robert Bradley Tyson v. Alarm Systems Licensing Board	02 DOJ 1266	Morrison	10/09/02
Larry Thomas Medlin Jr. v. Alarm Systems Licensing Board	02 DOJ 1433	Lassiter	11/19/02
Lottie M Campbell v. Alarm Systems Licensing Board	02 DOJ 1602	Mann	11/27/02
Katherine Claire Willis v Alarm Systems Licensing Board	02 DOJ 1953	Gray	03/04/03
John Courtney Rose v Alarm Systems Licensing Board	02 DOJ 1954	Morrison	12/19/02
Adam David Braswell v Alarm Systems Licensing Board	02 DOJ 1955	Morrison	12/19/02
Jason Lee Davenport v. Alarm Systems Licensing Board	02 DOJ 1956	Morrison	12/19/02

### Private Protective Services Board

Anthony Davon Webster v. Private Protective Services Board	01 DOJ 1857	Gray	06/07/02
Benita Lee Luckey v. Private Protective Services Board	02 DOJ 0530	Elkins	07/12/02
Orlando Carmichael Wall v. Private Protective Services Board	02 DOJ 0729	Gray	06/18/02
Randall G. Bryson v. Private Protective Services Board	02 DOJ 0730	Gray	06/07/02
Barry Snadon, Sr. v. Private Protective Services Board	02 DOJ 0907	Elkins	07/12/02
Gregory Darnell Martin v. Private Protective Services Board	02 DOJ 0916	Morrison	08/06/02
Marvin Ray Johnson v. Private Protective Services Board	02 DOJ 0945	Morrison	08/06/02
Quincey Adam Morning v. Private Protective Services Board	02 DOJ 1084	Morrison	08/06/02
Philip Garland Cameron v. Private Protective Services Board	02 DOJ 1258	Morrison	09/06/02
Jamaal Ahkiem Gittens v. Private Protective Services Board	02 DOJ 1260	Conner	01/08/03
Desantis Lamarr Everett v. Private Protective Services Board	02 DOJ 1259	Morrison	09/06/02

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Junius Buddy Weaver Jr v. Private Protective Services Board	02 DOJ 1432	Morrison	11/21/02
John Curtis Howell v. Private Protective Services Board	02 DOJ 1562	Lassiter	10/04/02
Lenora Topp v. Private Protective Services Board	02 DOJ 2238	Chess	04/21/03
Richard Renard Porter v. Private Protective Services Board	03 DOJ 0249	Chess	04/21/03

## **Sheriffs' Education & Training Standards Commission**

Kevin Warren Jackson v. Sheriffs' Education & Training Stds. Comm.	01 DOJ 1587	Chess	07/16/02
Andrew Arnold Powell Jr v. Criminal Justice & Training Stds. Comm.	01 DOJ 1771	Chess	11/26/02
Jonathan P. Steppe v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0004	Mann	06/28/02
Jeffrey Beckwith v. Criminal Justice & Training Stds. Comm.	02 DOJ 0057	Gray	07/15/02
Thomas B. Jernigan v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0089	Conner	06/25/02
Clarence Raymond Adcock v. Criminal Justice Ed. & Trng. Stds. Comm.	02 DOJ 0104	Chess	09/09/02
Joseph Garth Keller v. Criminal Justice & Trng. Stds. Comm.	02 DOJ 0170	Gray	09/11/02
Frances Sherene Hayes v. Criminal Justice & Training Stds. Comm.	02 DOJ 0171	Mann	06/04/02
Katrina L. Moore v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0304	Reilly	07/17/02
Michael A Carrion v. Criminal Justice Educ & Trng Stds. Comm.	02 DOJ 0416	Conner	09/25/02
Wallace A. Hough, Jr. v. Criminal Justice & Training Stds. Comm.	02 DOJ 0474	Morrison	08/08/02
Jerome Martrice Johnson v. Criminal Justice Educ. & Trng. Stds. Comm.	02 DOJ 0484	Elkins	09/23/02
Antonio Fitzgerald McNeil v. Criminal Justice Educ. & Trng. Stds. Comm.	02 DOJ 0526	Wade	09/25/02
Wanda L Grant v. Sheriffs' Education & Training Standards Comm.	02 DOJ 0602	Mann	10/18/02
Bentrell Blocker v. Sheriffs' Educ. & Training Stds. Commission	02 DOJ 0603	Chess	11/15/02
Sharon L. Joyner v. Sheriffs' Educ. & Training Stds. Commission	02 DOJ 0604	Morrison	09/05/02
Debra E. Taylor v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0605	Wade	11/05/02
Keith E. Kilby, Sr. v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0609	Lassiter	08/07/02
John R. Tucker v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0632	Morrison	06/26/02
Eddie Kurt Newkirk v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0870	Gray	08/28/02
Marshall Decarlos Williams v. Criminal Justice Educ. & Trng. Stds. Comm.	02 DOJ 1039	Conner	12/16/02
Mike Doyle Colvin Jr v. Sheriffs' Educ. & Training Standards Comm.	02 DOJ 1122	Chess	10/25/02
Dennis Damon Foster v. Sheriffs' Educ. & Training Stds. Comm.	02 DOJ 1162	Mann	10/18/02
Vickie Renee Kirkland v. Sheriffs' Educ. & Training Stds. Comm.	02 DOJ 1163	Gray	10/14/02
Joseph Ray Johnson v. Criminal Justice & Training Stds. Comm.	02 DOJ 1420	Wade	06/27/02
Charles S Grainger v. Criminal Justice Educ. & Training Stds. Comm.	02 DOJ 1584	Wade	02/07/03
Mark A Faucette Sr. v. Criminal Justice & Training Stds. Comm	02 DOJ 1585	Chess	01/02/03
Ralph Joseph Abramo, Jr v. Sheriffs' Educ. & Training Standards Comm.	02 DOJ 2299	Conner	04/08/03
Helen Marie Williams v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 1788	Gray	03/10/03
Ricky Hargrove v. Criminal Justice Education & Training Stds. Comm.	02 DOJ 1946	Elkins	01/26/03
Christopher John Hubacker v Criminal Justice Ed. & Trng. Stds. Comm.	02 DOJ 2118	Morrison	03/21/03

## **TAX REVIEW BOARD**

Michael W. May v. Tax Review Board	03 DST 0192	Chess	04/08/03
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## **DEPARTMENT OF PUBLIC INSTRUCTION**

Melvin Quincy Etheridge v. Department of Public Instruction	02 EDC 1174	Mann	02/11/03
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## **ENVIRONMENT AND NATURAL RESOURCES**

Enviro-Soil, Inc. v. St. of NC DENR, Div. of Env. Management	94 EHR 1296	Gray	12/03/02
Town of Belville v. NC DENR, Div. of Coastal Management	96 EHR 0598	Gray	07/29/02
Michael & Nancy Lindsey & Donna M Lisenby in her capacity as The Catawba Riverkeeper & Brian McCarty, Cynthia Moore Jones, Mike Glover, Hubert Rowe Hass Jr, Paula G Martin, Lynn Teeter, Mark E Sleeper, & Carol and Larry Webb v. NC DENR, Div. of Water Quality and Hydraulics, LTD.	00 EHR 0363 <sup>3</sup>	Conner	11/21/02
Ronald Gold Overcash v. DENR, Div. of Waste Management	00 EHR 0662 <sup>10</sup>	Wade	04/04/03
Michael & Nancy Lindsey & Donna M Lisenby in her capacity as The Catawba Riverkeeper & Brian McCarty, Cynthia Moore Jones, Mike Glover, Hubert Rowe Hass Jr, Paula G Martin, Lynn Teeter, Mark E Sleeper, & Carol and Larry Webb v. NC DENR, Div. of Water Quality and Hydraulics, LTD.	00 EHR 1475 <sup>3</sup>	Conner	11/21/02
Thompkenn Farms, Inc. Farm #82-683 and Thompkenn Farm, Inc. Farm #1	01 EHR 0182 <sup>4</sup>	Conner	11/04/02
Squires Enterprises, Inc. v. NC DENR (LQ800-091)	01 EHR 0300	Mann	09/23/02
Thompkenn Farms, Inc. Farm #82-683 and Thompkenn Farm, Inc. Farm #1	01 EHR 0312 <sup>4</sup>	Conner	11/04/02
Stoneville Furniture Co., Inc. v. NC DENR, Div. of Air Quality	01 EHR 0976	Chess	07/16/02
SRF Dev. Corp. v. NC DENR, Div. of Land Resources	01 EHR 1040 <sup>3</sup>	Gray	10/02/02
SRF Dev. Corp. v. NC DENR, Div. of Land Resources	01 EHR 1402 <sup>3</sup>	Gray	10/02/02
Rhett & Julie Taber, Robert W. Sawyer, John T. Talbert, Stephen Bastian, Dr. Ernest Brown, Thomas Read, Keith Brown, Fred Johnston, James L. Dickens, James T. Coin, Eleanor Coin & James Vaughn v. NC DENR, Div. of Coastal Management	01 EHR 1512	Conner	09/11/02
Grassy Creek Neighborhood Alliance Inc v. DHHS, Div. of Waste Mgmt, & City of Winston Salem & City/County Utility Commission	01 EHR 1585	Mann	02/07/03
Lucy, Inc. George Chemall v. NC DENR, Div. of Waste Management	01 EHR 1695	Morrison	10/22/02
Town of Ocean Isle Beach v. NC DENR	01 EHR 1885	Chess	07/31/02
Citizens Against the Asphalt Plant, a chapter of Blue Ridge Environmental Defense League, Inc., a NC Corp. v. DENR, Div. of Air Quality and John L Pace Enterprises, Inc. d/b/a Tarheel Paving Company	01 EHR 2278	Wade	04/09/03

17:06 NCR 557

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Valley Proteins, Inc. v. NC DENR, Div. of Air Quality	01 EHR 2362	Mann	09/26/02
Frederick M. and Anne C. Morris, et al v. NC DENR, Div. of Air Quality and Martin Marietta Materials, Inc.	02 EHR 0068	Gray	10/18/02
Helen Smith v. NC DENR	02 EHR 0152	Morrison	08/09/02
Helen R. Bass v. County of Durham	02 EHR 0191	Gray	06/26/02
Bipin B Patel Rajan, Inc. v. NC DENR, Div. of Waste Management	02 EHR 0244	Gray	06/05/02
J.B. Hooper v. NC DENR	02 EHR 0285	Conner	08/21/02
Elwood Montgomery v. NC DENR, Div. of Waste Management	02 EHR 0329	Wade	09/26/02
J.L. Hope & wife, Ruth B. Hope v. NC DENR	02 EHR 0395	Mann	06/10/02
Kathy Teel Perry v. Environmental Health Division	02 EHR 0576	Chess	10/09/02
Linda L. Hamrick v. NC DENR	02 EHR 0600	Conner	07/23/02
Mitchell Oil Company Larry Furr v. DENR	02 EHR 0676	Lassiter	08/07/02
Johnnie Burgess v. NC DENR, Div. of Waste Management	02 EHR 0688	Morrison	10/11/02
County of Hertford Producer's Gin, Inc. v. NC DENR, Div. of Air Quality	02 EHR 0690	Chess	06/17/02
Ronald Gold Overcash v. DENR, Div. of Waste Management	02 EHR 0732 <sup>10</sup>	Wade	04/04/03
Ronald Gold Overcash v. DENR, Div. of Waste Management	02 EHR 0733 <sup>10</sup>	Wade	04/04/03
Michael John Barri v. New Hanover Co. Health Dept./Env. Health	02 EHR 0742	Conner	09/03/02
Christopher L. Baker v. City of Asheville	02 EHR 0763	Gray	09/11/02
Olivia Freeman POA for Bobby C. Freeman v. Trng. Stds. Comm.	02 EHR 0777	Wade	07/11/02
Ronald Gold Overcash v. DENR, Div. of Waste Management	02 EHR 0835 <sup>10</sup>	Wade	04/04/03
Infiltrator Systems, Inc., v. DENR & Ring Industrial Group, LP	02 EHR 0836	Morrison	03/03/03
E Scott Stone, Env & Soil Serv. Inc v. NC DENR, Div. of Env Health	02 EHR 1305	Mann	11/20/02
Thomas Tilley, Trustee v DENR, Div. of Water Quality	02 EHR 1466	Elkins	03/10/03
GT of Hickory, Inc, Cole Alexander Gaither v. NC DENR	02 EHR 1534	Lassiter	11/18/02
Brian Drive LLC, Cole Alexander Gaither v. NC DENR	02 EHR 1535	Lassiter	11/18/02
Ronald E. Petty v. Office of Administrative Hearings	02 EHR 1183	Gray	09/20/02
Madison M Day v Environment & Natural Resources	02 EHR 1307	Mann	12/12/02
Randall E Kissiah v. Richmond Co. Health Dept, Env. Health Section	02 EHR 1671 <sup>9</sup>	Conner	02/12/03
Randall E Kissiah v. Richmond Co. Health Dept, Env. Health Section	02 EHR 1945 <sup>9</sup>	Conner	02/12/03
Bobby Long v. DENR	02 EHR 2026	Lassiter	02/11/03
Lawrence N Ferguson, Jr. (SGI) and Ready Mixed Concrete Co. (RMC) v. NC DENR Underground Storage Tank Secion, Trust Fund Branch	02 EHR 2181	Chess	01/15/03
Estate of Annie W Mullen v. DENR, Div. of Waste Management	03 EHR 0198	Lassiter	04/03/03

## **ENGINEERS AND LAND SURVEYORS**

NC Bd. of Examiners for Engineers & Surveyors v. C Phil Wagoner	01 ELS 0078	Lewis	06/05/02
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## **TEACHERS & ST. EMP. COMP MAJOR MEDICAL PLAN**

Philip M Keener v. Bd. of Trustees & Exec. Admin. for the State Health Plan	02 INS 0252	Mann	12/11/02	17:14 NCR 1205
Sandra Halperin v. Teachers' & St. Emp. Comp. Major Medical Plan	02 INS 0337	Elkins	10/02/02	
Seena Binder v. Teachers' & St. Emp. Comp. Major Medical Plan	02 INS 0766	Wade	12/18/02	
Bryan Atarian v. Teachers' & St. Emp. Comp. Major Medical Plan	02 INS 0837	Elkins	01/06/03	
Louise Rodgers on behalf of George Rodgers v. St. of NC Teachers' and St. Emp. Comprehensive Major Medical Plan	02 INS 1546	Gray	03/13/03	
Fillippo Pagano v. St of NC Teachers' & St. Emp. Comprehensive Major Medical Plan	02 INS 1694	Chess	03/21/03	
Charles Brent & Marisha Boone v Teachers' & St. Emp. Comp. Major Medical Plan	02 INS 1589	Conner	02/18/03	
Lorraine Carol Collins v Teachers & St Emp Comp Major Med Plan	02 INS 2235	Elkins	03/17/03	

## **MISCELLANEOUS**

Howard A Reeves, Walter W Norris v. Swansboro Bd. of Adjustment	02 MIS 2208	Morrison	12/23/02
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## **NURSING HOME ADMINISTRATORS**

State Bd. of Examiners for Nursing Home Administrators v. Yvonne Washburn	02 NHA 0915	Morrison	09/25/02
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## **OFFICE OF STATE PERSONNEL**

Helen McIntyre v. UNC-TV, University of Chapel Hill	97 OSP 1164	Gray	12/20/02	17:01 NCR 93
Robin Heavner Franklin v. Lincoln Co. Dept. of Social Services	98 OSP 1239	Conner	08/28/02	
Danny Wilson Carson v. NC DHHS, NC School for the Deaf	99 OSP 0641	Gray	11/15/02	
Theodore M Banks v. DOC, Harnett Correctional Institute	00 OSP 0474 <sup>7</sup>	Gray	12/20/02	
Laura C. Seamons v. NC DHS/Murdoch Center	00 OSP 0522	Wade	06/28/02	
James Edward Robinson v. Off. of Juvenile Justice, 7 <sup>th</sup> Jud. Dist.	00 OSP 0722	Wade	06/28/02	
Diane Oakley v. DHHS/John Umstead Hospital	00 OSP 1186	Gray	02/18/03	
Andre Foster v. Winston-Salem State University	00 OSP 1216 <sup>1</sup>	Mann	06/03/02	
Theodore M Banks v. DOC, Harnett Correctional Institute	00 OSP 1258 <sup>7</sup>	Gray	12/20/02	
Berry Eugene Porter v. Department of Transportation	01 OSP 0019	Gray	07/03/02	
C.W. McAdams v. Div. of Motor Vehicles	01 OSP 0229	Conner	09/30/02	
Linda R. Walker v. Craven County Health Department	01 OSP 0309	Gray	07/12/02	
Thomas Michael Chamberlin v. Dept of Crime Control & Pub. Safety	01 OSP 0479	Gray	11/19/02	
J Louise Roseborough v. Wm F. Scarlett, Dir. of Cumberland County Department of Social Services	01 OSP 0734	Morgan	06/06/02	
Dennis Covington v. NC Ag. & Tech. State University	01 OSP 1045	Wade	06/28/02	
Reginald Ross v. Department of Correction	01 OSP 1122/23	Wade	06/28/02	
Bob R Napier v. Department of Correction	01 OSP 1379	Lassiter	09/26/02	17:09 NCR 914
Andre Foster v. Winston-Salem State University	01 OSP 1388 <sup>1</sup>	Mann	06/03/02	17:01 NCR 93
Andrew W. Gholson v. Lake Wheeler Rd. Field Lab, NCSU Unit #2	01 OSP 1405	Wade	06/28/02	
Joseph E. Teague, Jr. PE, CM v. Dept. of Transportation	01 OSP 1511	Lassiter	10/17/02	

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Marshall E Carter v Department of Transportation	01 OSP 1516	Wade	12/19/02	
Demetrius J. Trahan v. EEO/Title VII, Dir. Cheryl C. Fellers, DOC	01 OSP 1559	Gray	08/13/02	
Anthony W. Price v. Eliz City State University	01 OSP 1591	Lassiter	11/05/02	
Wade Elms v. Department of Correction	01 OSP 1594	Gray	06/27/02	
Wayne G. Whiseman v. Foothills Area Authority	01 OSP 1612	Elkins	05/30/02	17:01 NCR 103
Linwood Dunn v. NC Emergency Management	01 OSP 1691	Lassiter	08/21/02	
Gladys Faye Walden v. Department of Correction	01 OSP 1741	Mann	07/12/02	
Bruce A Parsons v. Gaston County Board of Health	01 OSP 2150	Gray	11/04/02	
Barbara A. Harrington v. Harnett Correctional Institution	01 OSP 2178	Conner	09/03/02	
Joy Reep Shuford v. Department of Correction	01 OSP 2179	Overby	06/25/02	
Debra R. Dellacroce v. NC DHHS	01 OSP 2185	Conner	09/11/02	
Thomas E Bobbitt v. NC State University	01 OSP 2196 <sup>6</sup>	Reilly	11/21/02	
Thomas E Bobbitt v. NC State University	01 OSP 2197 <sup>6</sup>	Reilly	11/21/02	
Jana Washington v Department of Corrections (Central Prison)	01 OSP 2224	Wade	12/19/02	
Joseph Kevin McKenzie v. DOC, Lavee Hamer (Gen. Counsel to the Section)	01 OSP 2241	Mann	06/05/02	
Bryan Aaron Yonish v. UNC at Greensboro	01 OSP 2274	Conner	06/25/02	
Theressa Truner v. Albemarle Mental Health Center	01 OSP 2331	Gray	07/11/02	
Mark Wayne Faircloth v. Forest Service	01 OSP 2374	Conner	06/20/02	
Angel J. Miyares v. Forsyth Co. Dept of Public Health & Forsyth Co. Board of Health	01 OSP 2385 <sup>2</sup>	Elkins	08/07/02	
James Donoghue v. Department of Correction	02 OSP 0011	Mann	08/26/02	
Robert N. Roberson v. DOC, Div. of Community Corrections	02 OSP 0059	Conner	10/14/02	
Lashaundon Smith v. Neuse Correctional Institution	02 OSP 0064	Elkins	07/03/02	17:03 NCR 329
Stacey Joel Hester v. Dept. of Correction	02 OSP 0071	Gray	10/18/02	
Gwendolyn Gordon v. Department of Correction	02 OSP 0103	Gray	10/24/02	17:14 NCR 1218
Gwendolyn Gordon v. NC Department of Correction	02 OSP 0103	Gray	11/25/02	17:14 NCR 1223
Angel J. Miyares v. Forsyth Co. Dept of Public Health & Forsyth Co. Board of Health	02 OSP 0110 <sup>2</sup>	Elkins	08/07/02	
Susan Luke aka Susan Luke Young v. Gaston-Lincoln-Cleveland Area Mental Health "Pathways"	02 OSP 0140	Conner	06/06/02	
Mark P. Gibbons v. NC Department of Transportation	02 OSP 0147	Conner	06/14/02	
Jana S. Rayne v. Onslow Co. Behavioral Health Care	02 OSP 0184	Morrison	08/01/02	
Cathy L. White v. NC Department of Corrections	02 OSP 0246	Elkins	05/31/02	
Doris J. Berry v. NC Department of Transportation	02 OSP 0247	Elkins	06/17/02	
William L. Johnson v. Caledonia Farms Ent. Caledonia Prison Farm	02 OSP 0270	Elkins	06/25/02	
Darrell Glenn Fender v. Avery/Mitchell Correctional Institution	02 OSP 0290	Mann	06/14/02	
Karen Lynette Smith v Dr. Steven Ashby, Dir. The Durham Center	02 OSP 0316	Elkins	12/18/02	
Gerald W Jones v. NC Dept. of Transportation	02 OSP 0318	Wade	10/25/02	
Alber L. Scott v. UNC General Administration	02 OSP 0336	Elkins	06/10/02	
Pamela C. Williams v. Secretary of State	02 OSP 0348	Chess	08/26/02	
Ronald P Covington v. NC DOC, Dept. of Prisons	02 OSP 0404	Morrison	11/07/02	
Isiah A Black Jr v. NC DOC Div of Community Corrections	02 OSP 0435	Morrison	11/05/02	
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Harold Phillips v. Durham Co. Dept. of Social Services	02 OSP 0503	Chess	07/30/02	
Michelle G. Minstrell v. NC State University	02 OSP 0568	Chess	06/26/02	
Robert L. Swinney v. NC Dept. of Transportation	02 OSP 0570	Lassiter	10/23/02	
Janet Watson v. Nash Co. DSS, Carl Daughtry, Director	02 OSP 0702	Chess	08/13/02	
Lisa A Forbes v Dorothea Dix Hospital	02 OSP 0757	Wade	02/11/03	
Jackie Brannon v. Durham Co. Social Services, Daniel Hudgins	02 OSP 0769	Wade	12/19/02	
Patricia Anthony v. NC Dept. of Correction (Pamlico CI)	02 OSP 0797	Lassiter	08/07/02	
Alber L Scott v. UNC General Administration	02 OSP 0828	Gray	01/15/03	
Linda Kay Osbon v. Isothermal Community College	02 OSP 0911	Elkins	09/25/02	
Deona Renna Hooper v. NCC Police Dept, NCCU	02 OSP 0984	Lassiter	10/31/02	
Jerry J Winsett v. Cape Fear Community College	02 OSP 0998	Morrison	08/09/02	
Jerry J. Winsett v. Cape Fear Community College	02 OSP 0998	Morrison	09/05/02	
Walter Anthony Martin, Jr. v. Town of Smithfield (Smithfield Police Dept.)	02 OSP 1002	Morrison	07/30/02	
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JoAnn A Sexton v. City of Wilson	02 OSP 1041	Morrison	07/25/02	
Karen C. Weaver v. State of NC Dept. of Administration	02 OSP 1052	Lassiter	10/25/02	
Alex Craig Fish v. Town of Smithfield (Smithfield Police Dept.)	02 OSP 1060	Morrison	08/09/02	
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John C Candillo v. Roselyn Powell, Jud. Div Chief, NC DOCC, Jud Div. 3	02 OSP 1067	Conner	10/21/02	
Juanita M Brown v. DOC, Harnett Correctional Institution	02 OSP 1104 <sup>8</sup>	Wade	01/13/03	
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Carolyn Davis v Durham Co. MHDDSAS Area Authority	02 OSP 1116	Lassiter	01/16/03	
Donald B. Smith v. NC DOC, Div. of Community Corrections	02 OSP 1117	Chess	10/03/02	
Russell V Parker v Capt Dennis Daniels Pasquotank Corr. Inst	02 OSP 1127	Lassiter	11/05/02	
Carolyn Pickett v. Nash-Rocky Mt. School Systems, Nash-Rocky Mt. Board of Education	02 OSP 1136	Morrison	07/29/02	
James J. Lewis v. Department of Correction	02 OSP 1158	Mann	08/20/02	
James J. Lewis v. Department of Commerce/Industrial Commission	02 OSP 1179	Mann	09/19/02	
Melvin Kimble v. NC Dept. of Crime Control & Public Safety	02 OSP 1318	Lassiter	11/06/02	
Gwendolyn H Abbott v. Wayne Talbert, Asst Super. NC DOC, Div. of Prisons, Dan River Work Farm (3080)	02 OSP 1334	Conner	12/03/02	
Theodore M Banks v. DOC, Harnett Correctional Institute	02 OSP 1367 <sup>7</sup>	Gray	12/20/02	
Mark Tony Davis v DHHS	02 OSP 1372	Overby	02/12/03	
Marie D Barrentine v. Robert William Fisher, NC Probation/Parole	02 OSP 1410	Elkins	02/11/03	
Onyedika Nwaebube v Employment Security Commission of NC	02 OSP 1443	Gray	01/24/03	

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Esther L Jordan v. Pasquotank Correctional Ins. (Ernest Sutton)	02 OSP 1453	Conner	02/06/03
Martha Ann Brooks v. State of NC Brown Creek Correctional Inst.	02 OSP 1468	Chess	10/25/02
Theodore M Banks v. DOC, Harnett Correctional Institute	02 OSP 1482 <sup>7</sup>	Gray	12/20/02
James Orville Cox II v. NC DOC, Adult Probation/Parole	02 OSP 1526	Chess	10/17/02
Renee Shirley Richardson v Albert Blake, Interim Dir. of Eng Svcs, DDH	02 OSP 1551	Gray	12/20/02
Juanita M Brown v. DOC, Harnett Correctional Institution	02 OSP 1599 <sup>8</sup>	Wade	01/13/03
Terence L. Hardy v. NC Highway Patrol	02 OSP 1670	Chess	04/24/03
Kevin W Lawrence v DOC, Division of Prisons	02 OSP 1675	Conner	02/18/03
Rashad A Rahmaan v. South East Region Mental Health	02 OSP 1669	Lassiter	01/09/03
Leonard Williams v. Durham Co Dept of Soc. Svcs, Children's Svcs	02 OSP 1681 <sup>11</sup>	Elkins	04/08/03
L Ozetta Parker v. Person Co. Dept of Social Svcs; Carole Thomas, Supervisor	02 OSP 2116	Chess	03/27/03
Alwilda G. George v. Sanford Correctional Center	02 OSP 2317	Elkins	02/06/03
William H Haney, Jr. v. DHHS, Div. of Vocational Rehabilitation, Michael Easley, Carmen Hooker Odom, et al.	02 OSP 2327	Elkins	03/26/03
JoAnn Whitfield Shandy v Dept. of Correction	03 OSP 0022	Lassiter	04/17/03
Jennifer Howard v Sampson Correctional Center	03 OSP 0042	Elkins	02/24/03
Bobby C Lee v Dorothea Dix Hospital	03 OSP 0096	Lassiter	03/07/03
Cynthia Ann Hartzell v. NC State University	03 OSP 0157	Lassiter	04/17/03
Leonard Williams v. Durham Co Dept of Soc. Svcs, Children's Svcs	03 OSP 0498 <sup>11</sup>	Elkins	04/08/03

### **SUBSTANCE ABUSE PROFESSIONAL BOARD**

NC Substance Abuse Professional Certification Board v. Lynn Cameron Gladden	00 SAP 1573	Chess	05/10/02
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### **UNIVERSITY OF NORTH CAROLINA**

Patsy R. Hill v. UNC Hospitals	02 UNC 0458	Conner	08/21/02
Sharon Reed v. UNC Hospitals	02 UNC 1284	Conner	11/11/02
Shirley Lally v UNC Hospitals	02 UNC 1325	Conner	03/11/03
Dee C Driver/Jenny Driver one and the same and Philip L Driver v. UNC Hospitals	02 UNC 1635	Gray	01/15/03
Yvonne Schreiner v. UNC Hospitals	02 UNC 2202	Chess	04/15/03
Augustine Vendetti v. UNC Hospitals	02 UNC 2316	Elkins	04/23/03

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