

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03 – All Rules Submitted for RRC Review

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Throughout these rules, replace "It is unlawful..." with "It shall be unlawful..."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03I .0120

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 6 – delete “of”*

*Line 6 – do not capitalize “federal”*

*Line 8 – replace “When” with “If”*

*Lines 9 and 11 – replace “under” with “pursuant to”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03I .0120 is readopted with changes as published in 33:03 NCR 142-143 as follows:

2  
3 **15A NCAC 03I .0120 POSSESSION OR TRANSPORTATION LIMITS THROUGH STATE WATERS;**  
4 **SALE OF NATIVE SPECIES**

5 (a) It is unlawful to possess or transport through State coastal fishing waters any species of fish ~~which that~~ is subject  
6 to State size-season, size, or harvest restrictions, regardless of whether the species was taken in State or Federal waters,  
7 while actively engaged in a fishing operation, unless all fish taken are in compliance with the restrictions for the  
8 waterbody and-or area being fished. ~~[If]~~ When State season, size, or harvest restrictions [that implement or comply  
9 with] differ from comparable restrictions under a fishery management plan adopted by the Atlantic States Marine  
10 Fisheries [Commission, in accordance with G.S. 113-252, or adopted by the United States Secretary of Commerce  
11 pursuant to] Commission or under the Magnuson-Stevens Fishery Conservation and Management Act, [16 U.S.C.  
12 1801, et seq. as amended, differ from regulations adopted by these entities,] or if there are no corresponding federal  
13 regulations, the State restrictions shall apply during such periods of possession or transportation. [apply. Nothing  
14 provided here is intended to supersede or interrupt the process to address State restrictions that do not implement or  
15 comply with a fishery management plan as described in this Paragraph. This process is found in the N.C. Fishery  
16 Management Plan for Interjurisdictional Fisheries available at [http://portal.ncdenr.org/web/mf/ne-fisheries-](http://portal.ncdenr.org/web/mf/ne-fisheries-management)  
17 management.]

18 (b) It is unlawful to import native into the state [State] species of fish native to North Carolina for sale in North  
19 Carolina-the State that do not meet established-size limits, [limits established by rule or proclamation,] except as  
20 provided in 15A NCAC 03K ~~.0202(e), .0202,~~ 03K-.0207, 03K-~~[and]~~.0305, and 03M ~~.0503-.0503.~~

21  
22 *History Note: Authority G.S. 113-134; 113-170; 113-170.4; 113-170.5; 113-182; 113-182.1; 113-252; 143B-*  
23 *289.52;*  
24 *Temporary Adoption Eff. July 1, 1999;*  
25 *Eff. August 1, 2000;*  
26 *Temporary Amendment Eff. October 1, 2001;*  
27 *Amended Eff. September 1, 2005; April 1, 2003;*  
28 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0102

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Lines 5-10 – consider revising as follows, if this is what is meant:*

It is unlawful to use nets, or net stakes of metallic material, in Internal Coastal Waters:

- (1) within 150 yards of any railroad or highway bridge crossing the Northeast Cape Fear River, New River, White Oak River, Trent River, Neuse River, Pamlico River, Roanoke River, and Alligator River; and
- (2) within 300 yards of any highway bridge crossing Albemarle Sound, Chowan River, Croatan Sound, Currituck Sound and Roanoke Sound.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03J .0102 is readopted with changes as published in 33:03 NCR 143 as follows:

2  
3 **15A NCAC 03J .0102 NETS OR NET STAKES**

4 It is unlawful to use nets or net ~~stakes~~stakes in Internal Coastal Waters:

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

11  
12 *History Note:* Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;

13 *Eff. January 1, 1991;*

14 *Readopted Eff. April 1, 2019.*

1 15A NCAC 03J .0108 is readopted as published in 33:03 NCR 143 as follows:

2  
3 **15A NCAC 03J .0108    NETS PULLED BY MORE THAN ONE ~~BOAT~~ VESSEL**

4 It is unlawful to pull or tow a net with more than one ~~boat vessel~~, except in ~~long-haul fishing~~ long haul operations.

5  
6 *History Note:*    *Authority G.S. 113-134; 113-182; 143B-289.52;*

7 *Eff. January 1, 1991;*

8 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0203

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 5 – replace the period with “; and”*

*Lines 9 and 13 – replace the periods with semicolons*

*Line 13 – add “and” after the semicolon if that is what is meant.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03J .0203 is readopted with changes as published in 33:03 NCR 143 as follows:

2  
3 **15A NCAC 03J .0203 CHOWAN RIVER AND ~~ITS TRIBUTARIES~~MEHERRIN RIVER**

4 **(a) In the Chowan River and the Meherrin River, it is unlawful to:**

5 (1) set a pound net within 150 yards of the mouth of any tributary.

6 (2) set a trotline within 100 yards of a pound net from February 1 through May 31.

7 ~~(a)~~(b) In the Chowan ~~River and its tributaries:~~~~[tributaries,]~~River, it is unlawful to:

8 (1) ~~It is unlawful to anchor the lead line of any net closer than 50 feet from shore~~~~[shore,]~~ **except in the**  
9 **Meherrin River shore.**

10 (2) ~~It is unlawful to use pound nets in any tributary creek or within 150 yards of the mouth of any such~~  
11 ~~tributary creek of the Chowan River.~~

12 ~~(3)~~(2) ~~It is unlawful to set a pound net within 200 yards parallel to any other pound net in the Chowan~~  
13 ~~River.~~**River, in accordance with Rule .0502 of this Subchapter.**

14 ~~(4)~~(3) ~~It is unlawful to use a seine within 1,000 yards of the mouth of any creek tributary to the Chowan~~  
15 ~~River.~~**tributary.**

16 ~~(5)~~(3) ~~It is unlawful to set a trotline within 100 yards of a pound net from February 1 through May 31.~~

17 ~~(b) It is unlawful to set a pound net in any tributary of the Chowan River or within 150 yards of the mouth of any~~  
18 ~~tributary of the Chowan River.~~

19 ~~(c) It is unlawful to use a seine within 1,000 yards of the mouth of any tributary of the Chowan River.~~

20  
21 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*

22 *Eff. January 1, 1991;*

23 *Amended Eff. September 1, 1991;*

24 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0204

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 6 – replace the period with “; and”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03J .0204 is readopted with changes as published in 33:03 NCR 143 as follows:

2  
3 **15A NCAC 03J .0204 CURRITUCK SOUND AND ITS TRIBUTARIES**

4 In the Internal Coastal Waters of Currituck Sound and its ~~tributaries~~, it is unlawful ~~to use a seine; to:~~

5 (1) ~~It is unlawful to use any net or seine with more than one power boat.~~ in conduct long haul  
6 operations. operations, as defined in 15A NCAC 03I .0101.

7 (2) ~~It is unlawful to use any seine or haul net which~~ use a seine ~~that~~ is more than 900 yards in length or  
8 ~~which~~ that has a mesh length of less than three inches.

9  
10 *History Note:* Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;

11 *Eff. January 1, 1991;*

12 *Amended Eff. September 1, 1991;*

13 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0206

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 4 – delete “any”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03J .0206 is readopted as published in 33:03 NCR 143 as follows:

2  
3 **15A NCAC 03J .0206 SOUTHPORT BOAT HARBOR**

4 It is unlawful to use any commercial fishing gear in the Southport Boat Harbor, Brunswick County, north of a line  
5 beginning at a point on the west side of the mouth of the harbor ~~33°54.9656'N – 78°01.4477' W~~ 33° 54.9656' N – 78°  
6 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~~ 33°  
7 54.9656' N – 78° 01.3797' W.

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

10 *Eff. January 1, 1991;*

11 *Amended Eff. August 1, 2004;*

12 *Readopted Eff. April 1, 2019.*

1 15A NCAC 03J .0207 is readopted as published in 33:03 NCR 143 as follows:

2  
3 **15A NCAC 03J .0207     ~~DUKE ENERGY PROGRESS BRUNSWICK~~ NUCLEAR PLANT INTAKE CANAL**

4 It is unlawful to use any commercial fishing equipment in the ~~Duke Energy Progress Brunswick Nuclear Plant Intake~~  
5 ~~Canal~~ a nuclear plant intake canal between the fish diversion screen and the ~~Duke Energy Progress Brunswick Nuclear~~  
6 ~~Plant~~ nuclear plant.

7  
8 *History Note:*     *Authority G.S. 113-134; 113-182; 143B-289.52;*

9                     *Eff. January 1, 1991;*

10                    *Amended Eff. May 1, 2015;*

11                    *Readopted Eff. April 1, 2019.*

1 15A NCAC 03J .0209 is readopted as published in 33:03 NCR 143 as follows:

2  
3 **15A NCAC 03J .0209 ALBEMARLE ~~SOUND/CHOWAN~~ SOUND AND CHOWAN RIVER RIVER**  
4 **HERRING MANAGEMENT AREAS**

5 It is unlawful to use drift gill nets with a mesh length less than three inches from January 1 through May 15 in the  
6 Albemarle Sound and Chowan River river herring management areas defined in 15A NCAC 03R .0202.

7  
8 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*  
9 *Temporary Adoption Eff. May 1, 2000;*  
10 *Eff. April 1, 2001;*  
11 *Amended Eff. May 1, 2015; June 1, 2013; December 1, 2007;*  
12 *Readopted Eff. April 1, 2019.*

1 15A NCAC 03J .0303 is readopted as published in 33:03 NCR 143 as follows:

2  
3 **15A NCAC 03J .0303 DREDGES AND MECHANICAL METHODS PROHIBITED**

4 (a) It is unlawful to use any dredge weighing more than 100 ~~pounds~~ pounds, except in the Atlantic Ocean.

5 (b) It is unlawful to use more than one dredge per vessel to take oysters or crabs or to use any dredges or mechanical  
6 methods between sunset and sunrise.

7 (c) It is unlawful to possess oysters aboard a vessel with a dredge weighing more than 100 pounds on board.

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

10 *Eff. January 1, 1991;*

11 *Amended Eff. March 1, 1994; January 1, 1991;*

12 *Readopted Eff. April 1, 2019.*

1 15A NCAC 03J .0304 is readopted with changes as published in 33:03 NCR 144 as follows:

2  
3 **15A NCAC 03J .0304 ELECTRICAL FISHING DEVICE IN CAPE FEAR RIVER**

4 It is unlawful to take catfish by the use of a hand-operated device generating pulsating electrical current in the Internal  
5 Coastal Fishing Waters of the Cape Fear River ~~except~~ except:

6 (1) \_\_\_\_\_ from 800 feet downstream of Lock and Dam No. 1 in Bladen County to where the Black River joins  
7 the Cape Fear ~~River~~ River; and

8 (2) \_\_\_\_\_ from July 1 through ~~the last day of February~~ March 1.

9  
10 *History Note:* Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;

11 *Eff. January 1, 1991;*

12 *Amended Eff. July 1, 2008.*

13 *Readopted Eff. April 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0306

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 7 – replace the semicolon with a comma*

*Line 7 – add a comma after “Banks”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03J .0306 is readopted with changes as published in 33:03 NCR 144 as follows:

2  
3 **15A NCAC 03J .0306     ~~HOOK AND LINE~~ HOOK AND LINE**

4 It is unlawful to use any hook larger than 4/0 from July 1 through September 30 in the ~~internal coastal fishing waters~~  
5 Internal Coastal Waters of Pamlico Sound and its tributaries south of the Albemarle Sound Management Area as  
6 defined in 15A NCAC 03R .0201 and north of a line beginning at a point 34° 59.7942' N - 76° 14.6514' W on Camp  
7 Point; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks while using natural bait from 7:00  
8 p.m. to 7:00 a.m. unless the terminal tackle consists of:

- 9        (1)     ~~A circle hook~~ a "circle hook", defined for the purpose of this Rule as a hook with the point of the  
10                hook directed perpendicularly back toward the ~~shank~~, shank and with the barb either compressed or  
11                removed; and  
12        (2)     ~~A~~ a fixed sinker not less than two ounces in weight, secured not more than six inches from the fixed  
13                weight to the circle hook.

14  
15 *History Note:*     Authority G.S. 113-132; 113-134; 113-182; ~~113-182.1; 143B-289.52;~~  
16                        Eff. April 1, 2009;  
17                        Readopted Eff. April 1, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0402

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 4 – replace “do” with “shall”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03K .0402 is readopted as published in 33:03 NCR 144 as follows:

2  
3 **15A NCAC 03K .0402 SEASON, SIZE AND HARVEST LIMITS**

4 Size and harvest limits applicable to hard clams in ~~15A NCAC 03K Rule .0301~~ of this Subchapter do not apply to  
5 Rangia clams.

6  
7 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.52;*

8 *Eff. January 1, 1991;*

9 *Amended Eff. August 1, 2004;*

10 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0403

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 4 – “prohibited” by what rule, regulation, statute, or other authority? Can you cite this authority here?*

*Line 4 – what does “(polluted)” add to this rule – isn’t a water either prohibited or not prohibited?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03K .0403 is readopted as published in 33:03 NCR 144 as follows:

2  
3 **15A NCAC 03K .0403 DISPOSITION OF MEATS**

4 It is unlawful to dispose of meats from Rangia clams taken ~~in from~~ prohibited (polluted) waters ~~for by a method that~~  
5 will result in human consumption or ~~by a method that will~~ create risk of human consumption.

6  
7 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-298.52;*

8 *Eff. January 1, 1991;*

9 *Amended Eff. August 1, 2004;*

10 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0404

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 10 – add “and” after the semicolon*

*Line 12 – replace “; and” with a period*

*Line 13 – replace “except” with “Mechanical methods prohibited by this Rule shall be permitted”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03K .0404 is readopted as published in 33:03 NCR 144 as follows:

2  
3 **15A NCAC 03K .0404 ~~DREDGES/MECHANICAL~~ DREDGES AND MECHANICAL METHODS**  
4 **PROHIBITED AND OPEN SEASON**

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

- 6 (1) within 100 feet of any pier;
- 7 (2) within any established bed of submerged aquatic vegetation as defined in 15A NCAC 03I .0101 or
- 8 salt water cordgrass (*Spartina alterniflora*) that may exist together or separately;
- 9 (3) in areas designated in 15A NCAC 03R .0108, except on shellfish leases and franchises with a Permit
- 10 to Use Mechanical Methods for ~~Oysters and Clams~~ Shellfish on Shellfish Leases and Franchises.
- 11 (4) in areas designated in ~~15A NCAC 03K .0204(3) and 03R .0103; Rule .0204 of this Subchapter and~~
- 12 15A NCAC 03R .0103; and
- 13 (5) except in areas and at times specified by proclamation as authorized by ~~15A NCAC 03K .0201 and~~
- 14 03K .0302, Rules .0201 and .0302 of this Subchapter.

15  
16 *History Note: Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;*  
17 *Eff. August 1, 2004;*  
18 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0405

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 5 – “prohibited” by what rule, regulation, statute, or other authority? Can you cite this authority here?*

*Line 5 – what does “(polluted)” add to this rule – isn’t a water either prohibited or not prohibited?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03K .0405 is readopted as published in 33:03 NCR 144 as follows:

2  
3 **15A NCAC 03K .0405 OYSTERS, ~~MUSSELS, HARD CLAMS~~ CLAMS, OR MUSSELS PROHIBITED**

4 ~~While taking Rangia clams or their shells from a prohibited (polluted) area it~~ It is unlawful to possess any other  
5 ~~shellfish.~~ oysters, hard clams, or mussels while taking Rangia clams or their shells from a prohibited (polluted) area.

6  
7 *History Note: Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;*

8 *Eff. August 1, 2004;*

9 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0501

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 6 – what standards, factors, or circumstances determine whether the Fisheries Director issues these restrictions? Can you cite a rule or statute?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03K .0501 is readopted as published in 33:03 NCR 144 as follows:

2  
3 **SECTION .0500 - SCALLOPS**  
4

5 **15A NCAC 03K .0501 BAY SCALLOP HARVEST MANAGEMENT**

6 The Fisheries Director may, by proclamation, impose any or all of the following restrictions ~~for commercial or~~  
7 ~~recreational on the taking of bay scallop harvest scallops~~ from public bottom:

- 8 (1) specify time;  
9 (2) specify area;  
10 (3) specify means and methods;  
11 (4) specify open seasons for the taking of bay scallops during the period beginning the last Monday in  
12 January and ending the last Friday in May;  
13 (5) specify size; and  
14 (6) specify quantity, but shall not exceed possession of more than 15 standard U.S. bushels per person  
15 per day or a total of 30 standard U.S. bushels in any combined commercial fishing operation per  
16 day.  
17

18 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-221.1; 143B-289.52;*  
19 *Eff. January 1, 1991;*  
20 *Amended Eff. May 1, 2015; February 1, 2008;*  
21 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0502

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 4 – delete the comma*

*Line 7 – replace “are” with “shall be”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03K .0502 is readopted as published in 33:03 NCR 145 as follows:

2  
3 **15A NCAC 03K .0502 TAKING BAY SCALLOPS AT NIGHT AND ON WEEKENDS**

4 (a) It is unlawful to take bay scallops between sunset and sunrise, or on Saturdays or Sundays, except as provided in

5 ~~15A NCAC 03K .0105~~ Rule .0105 of this Subchapter.

6 (b) Bay scallops taken on Saturdays or Sundays from shellfish leases or franchises in accordance with G.S. 113-208  
7 are exempt from this Rule.

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

10 *Eff. January 1, 1991;*

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

12 *Amended Eff. May 1, 2015; August 1, 2000;*

13 *Readopted Eff. April 1, 2019.*

1 15A NCAC 03K .0503 is readopted as published in 33:03 NCR 145 as follows:

2  
3 **15A NCAC 03K .0503    ~~PROHIBITED~~ BAY SCALLOP DREDGE PROHIBITED**

4 It is unlawful to take bay scallops with dredges weighing more than 50 pounds or equipped with teeth. Any other  
5 instrument or device designed to drag the bottom to aid in the taking of bay scallops is also prohibited.

6  
7 *History Note:    Authority G.S. 113-134; 113-182; 143B-289.52;*

8 *Eff. January 1, 1991;*

9 *Readopted Eff. April 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0504

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 4 – delete the comma*

*Line 6 – what standards, factors, or circumstances determine whether the Fisheries Director issues these restrictions? Can you cite a rule or statute?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03K .0504 is readopted with changes as published in 33:03 NCR 145 as follows:

2  
3 **15A NCAC 03K .0504 CALICO SCALLOP SEASON ~~HARVEST~~ MANAGEMENT**

4 (a) It is unlawful to land or possess aboard a vessel calico scallops ~~except~~ except, at such times as designated by the  
5 Fisheries Director by proclamation.

6 (b) The Fisheries Director may, ~~be~~ by proclamation, impose any or all of the following restrictions on the taking of  
7 calico scallops:

8 (1) specify time;

9 (2) specify area;

10 (3) specify means and methods;

11 (4) specify season;

12 (5) specify size; and

13 (6) specify quantity.

14  
15 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*  
16 *Eff. January 1, 1991;*  
17 *Readopted Eff. April 1, 2019.*

1 15A NCAC 03K .0507 is readopted as published in 33:03 NCR 145 as follows:

2  
3 **15A NCAC 03K .0507    MARKETING    SCALLOPS    TAKEN    FROM    SHELLFISH    LEASES    OR**  
4 **FRANCHISES**

5 (a) It is unlawful to sell, purchase, or possess scallops during the closed season without the lease or franchise holder  
6 delivering to the purchaser or other recipient a certification, on a form provided by the ~~Division,~~ Division of Marine  
7 Fisheries, that the scallops were taken from a valid shellfish lease or franchise. Certification forms shall be furnished  
8 by the Division to lease and franchise holders upon request.

9 (b) It is unlawful for lease or franchise holders or their designees to take or possess scallops from public bottom while  
10 possessing aboard a vessel scallops taken from shellfish leases or franchises.

11  
12 *History Note:*     *Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;*

13 *Eff. May 1, 2015;*

14 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0508

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 12 – replace “set forth in” with “issued pursuant to”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03K .0508 is readopted as published in 33:03 NCR 145 as follows:

2  
3 **15A NCAC 03K .0508 SCALLOP SEASON AND AQUACULTURE HARVEST LIMIT EXEMPTIONS**

4 The following exemptions and restrictions shall apply to the possession, sale, purchase, or transport of scallops  
5 produced in an aquaculture operation:

- 6 (1) Possession and sale of scallops by a scallop aquaculture operation shall be exempt from restrictions  
7 set forth in ~~15A NCAC 03K Rules .0501, .0504, and .0505.~~ .0505 of this Section.  
8 (2) Purchase and possession of scallops from a scallop aquaculture operation shall be exempt from  
9 restrictions set forth in ~~15A NCAC 03K Rules .0501, .0504, and .0505.~~ .0505 of this Section.  
10 (3) It is unlawful for a person to possess, sell, purchase, or transport scallops described in Sub-Items (1)  
11 and (2) of this Rule unless in compliance with all conditions of the Aquaculture Operation Permit,  
12 as set forth in ~~15A NCAC 03O .0501 and .0503.~~ Permit set forth in 15A NCAC 03O .0500.

13  
14 *History Note: Authority G.S. 113-134;113-182; 113-201; 143B-289.52;*  
15 *Eff. May 1, 2015;*  
16 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03L .0208

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 15 – add “they are” after “which”*

*Lines 17, 18, and 21 – replace “claw(s)” with “claw” or “claws”*

*Line 21 – replace “2 and  $\frac{3}{4}$ ” with “2  $\frac{3}{4}$ ”*

*Line 23 – replace “is defined as” with “means”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03L .0208 is readopted as published in 33:03 NCR 145-146 as follows:

2  
3 **15A NCAC 03L .0208 STONE CRABS ~~(MENIPPE MERCENARIA)~~**

4 **It is unlawful to:**

- 5 (1) ~~Possess stone crab bodies, or fail to immediately return stone crab bodies to the waters from which~~  
6 ~~taken;~~  
7 (2) ~~Remove, take or possess any claw(s) from June 15 through August 15;~~  
8 (3) ~~Remove, take or possess any claw(s) from egg-bearing stone crabs;~~  
9 (4) ~~Use any device to take stone crabs that can puncture, crush, or injure the crab body, such as gigs,~~  
10 ~~spears, grabs, hooks, or similar devices; and~~  
11 (5) ~~Remove, take or possess stone crab claw(s) which have a propodus (forearm) less than two and three~~  
12 ~~quarter inches in length, measured by a straight line from the elbow to the tip of the lower immovable~~  
13 ~~finger. The propodus (forearm) is defined as the largest section of the claw assembly that has both~~  
14 ~~a movable and immovable finger and is located farthest from the body of the crab.~~

15 (a) It is unlawful to possess stone crab bodies or fail to immediately return stone crab bodies to the waters from which  
16 taken.

17 (b) It is unlawful to remove, take, or possess any stone crab claw(s) from June 15 through August 15.

18 (c) It is unlawful to remove, take, or possess any claw(s) from egg-bearing stone crabs.

19 (d) It is unlawful to use any device to take stone crabs that can puncture, crush, or injure the crab body, such as gigs,  
20 spears, grabs, hooks, or similar devices.

21 (e) It is unlawful to remove, take, or possess stone crab claw(s) that have a propodus (forearm) less than 2 and ¾  
22 inches in length, measured by a straight line from the elbow to the tip of the lower immovable finger. For the purpose  
23 of this Rule, "propodus" is defined as the largest section of the claw assembly that has both a movable and immovable  
24 finger and is located farthest from the body of the crab.

25  
26 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*  
27 *Eff. December 1, 2006;*  
28 *Readopted Eff. April 1, 2019.*

1 15A NCAC 03M .0101 is readopted as published in 33:03 NCR 146 as follows:

2  
3 **SUBCHAPTER 03M - FINFISH**

4  
5 **SECTION .0100 – FINFISH, GENERAL**

6  
7 **15A NCAC 03M .0101 MUTILATED FINFISH**

8 It is unlawful to possess aboard a vessel or while engaged in fishing any species of finfish that is subject to a size or  
9 harvest restriction without having head and tail attached, except:

- 10 (1) mullet when used for bait;
- 11 (2) hickory shad when used for ~~bait-bait~~, provided that not more than two hickory shad per vessel or  
12 fishing operation may be cut for bait at any one time; and
- 13 (3) tuna possessed in a commercial fishing operation as provided in ~~15A NCAC 03M .0520~~ Rule .0520  
14 of this Subchapter.

15  
16 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*  
17 *Eff. January 1, 1991;*  
18 *Amended Eff. January 1, 1991;*  
19 *Temporary Amendment Eff. May 1, 2001;*  
20 *Amended Eff. May 1, 2015; April 1, 2011; July 1, 2006; August 1, 2002;*  
21 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0102

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 8 – replace “are” with “shall be”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03M .0102 is readopted as published in 33:03 NCR 146 as follows:

2  
3 **15A NCAC 03M .0102 UNMARKETABLE FINFISH**

4 ~~(a) It is unlawful to land finfish if in violation of minimum size or possession limits established by rule or~~  
5 ~~proclamation.~~

6 ~~(b)~~(a) It is unlawful to land ~~finfish~~finfish, taken in connection with a commercial fishing operations which operation,  
7 that are unmarketable as individual finfish by reason of size, except a quantity not exceeding 5,000 pounds per vessel  
8 per day may be sold to a dealer that is licensed under G.S. 113-169.3(f)(6), ~~(7) and (7), or (8).~~

9 ~~(c)~~(b) ~~Menhaden, Atlantic menhaden,~~ Atlantic thread herring, gizzard shad, and pinfish are exempt from this Rule.

10  
11 *History Note: Authority G.S. 113-134; 113-182; 113-185; 143B-289.52;*

12 *Eff. January 1, 1991;*

13 *Amended Eff. October 1, 2008;*

14 *Readopted April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0103

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Lines 5-6 – revise as follows:*

as bait in the crab pot fishery in North Carolina, if such crab pot bait is not transported west of U.S. Interstate 95 and, when transported, is accompanied by

*Line 12 – replace “may not be” with “is not”*

*Line 13 – Add “that” after “provided”*

*Line 16 – replace “are” with “shall be”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03M .0103 is readopted as published in 33:03 NCR 146 as follows:

2  
3 **15A NCAC 03M .0103 MINIMUM SIZE LIMITS**

4 It is unlawful to possess, sell, or purchase finfish under four inches in length except:

- 5 (1) bait in the crab pot fishery in North Carolina with the following provision: such crab pot bait shall  
6 not be transported west of U.S. Interstate 95 and when transported, shall be accompanied by  
7 documentation showing the name and address of the shipper, the name and address of the consignee,  
8 and the total weight of the shipment;
- 9 (2) bait in the finfish fishery with the following provisions:
- 10 (a) ~~It~~it is unlawful to possess more than 200 pounds of live finfish or 100 pounds of dead  
11 finfish; and
- 12 (b) ~~Such~~such finfish bait may not be transported outside ~~the State~~ of North Carolina;
- 13 (3) live finfish in aquaria, provided the finfish are not subject to other minimum size limits under the  
14 authority of Marine Fisheries Commission ~~Rule; rules;~~ and
- 15 (4) ~~menhaden, herring, Atlantic menhaden, Atlantic thread herring, gizzard shad, and pinfish.~~

16 Bait dealers who possess a valid finfish dealer license from the Division of Marine Fisheries are exempt from Sub-  
17 Items (2)(a) and (b) of this Rule. Tolerance of not more than five percent by number of species shall be allowed.

18  
19 *History Note: Authority G.S. 113-134; 113-182; 113-185; 143B-289.52;*  
20 *Eff. July 1, 1993;*  
21 *Amended Eff. April 1, 2014;*  
22 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0501

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Lines 19 and 20 – replace “is” with “shall be”*

*Line 28 – add “during” before “one”*

*Line 28 – add a comma after “limit”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03M .0501 is readopted as published in 33:03 NCR 146-147 as follows:

2  
3 **SECTION .0500 – OTHER FINFISH**  
4

5 **15A NCAC 03M .0501 RED DRUM**

6 (a) It is unlawful to remove red drum from any type of net with the aid of any boat hook, gaff, spear, gig, or similar  
7 device.

8 (b) It is unlawful to take or possess red drum taken by any boat hook, gaff, spear, gig, or similar device.

9 (c) It is unlawful to possess red drum less than 18 inches total length or greater than 27 inches total length.

10 (d) It is unlawful to possess more than one red drum per person per day taken by ~~hook and line~~ hook and line or for  
11 recreational purposes.

12 (e) ~~The annual~~ Annual commercial harvest limit ~~(September 1 through August 31)~~ for red drum ~~drum~~ is 250,000  
13 pounds. The annual commercial harvest limit is allotted in two periods: September 1 through April 30 at 150,000  
14 pounds, and May 1 through August 31 at 100,000 pounds plus any remainder from the first period allotment. Any  
15 annual commercial harvest limit that is exceeded one year will result in the poundage overage being deducted from  
16 the subsequent year's commercial harvest limit and the Fisheries Director shall adjust the period allotments  
17 accordingly. If the harvest limit is projected to be taken in any period, the Fisheries Director shall, by proclamation,  
18 prohibit possession of red drum taken in a commercial fishing operation for the remainder of that period.

19 (1) The annual commercial harvest limit for red drum is 250,000 pounds.

20 (2) The annual commercial harvest limit for red drum is calculated from September 1 through August  
21 31 and is allotted in two periods:

22 (A) September 1 through April 30 at 150,000 pounds; and

23 (B) May 1 through August 31 at 100,000 pounds plus any remainder from the first period  
24 allotment.

25 (3) If the harvest limit is projected to be taken in any period, the Fisheries Director shall, by  
26 proclamation, prohibit possession of red drum taken in a commercial fishing operation for the  
27 remainder of that period.

28 (4) Any commercial harvest limit that is exceeded one year shall result in the poundage overage being  
29 deducted from the subsequent year's commercial harvest limit and the Fisheries Director shall, by  
30 proclamation, adjust the period allotments as described in this Paragraph.

31  
32 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*  
33 *Eff. January 1, 1991;*  
34 *Amended Eff. March 1, 1996; October 1, 1992; September 1, 1991;*  
35 *Temporary Amendment Eff. May 1, 2000; July 1, 1999; October 22, 1998;*  
36 *Amended Eff. April 1, 2001;*  
37 *Temporary Amendment Eff. May 1, 2001;*

1                    *Amended Eff. April 1, 2009; October 1, 2008; August 1, 2002;*  
2                    *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0502

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 12 – what standards, factors, or circumstances determine whether the Fisheries Director issues these restrictions? Can you cite a rule or statute?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03M .0502 is readopted as published in 33:03 NCR 147 as follows:

2  
3 **15A NCAC 03M .0502 MULLET**

4 ~~(a) The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of~~  
5 ~~mullet:~~

- 6 (1) ~~Specify season;~~  
7 (2) ~~Specify areas;~~  
8 (3) ~~Specify quantity;~~  
9 (4) ~~Specify means/methods;~~  
10 (5) ~~Specify size.~~

11 ~~(b)~~(a) It is unlawful to possess more than 200 mullet per person per day for recreational purposes.

12 (b) The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of  
13 mullet:

- 14 (1) specify time;  
15 (2) specify area;  
16 (3) specify means and methods;  
17 (4) specify season;  
18 (5) specify size; and  
19 (6) specify quantity, except as provided in Paragraph (a) of this Rule.

20  
21 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*  
22 *Eff. January 1, 1991;*  
23 *Amended Eff. July 1, 2006;*  
24 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0506

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 7 – add “list of” before “species”*

*Line 7 – delete “listed”*

*Line 19 – replace “are hereby” with “is”*

*Line 19 – add “, including subsequent amendments and editions” after “reference” if that is what you mean.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03M .0506 is readopted as published in 33:03 NCR 147 as follows:

2  
3 **15A NCAC 03M .0506 ~~SNAPPER-GROUPER~~ SNAPPER GROUPE COMPLEX**

4 (a) In the Atlantic Ocean, it is unlawful for an individual fishing under a Recreational Commercial Gear License with  
5 seines, shrimp trawls, pots, ~~trotlines~~ trotlines, or gill nets to take any species of the ~~Snapper Grouper~~ snapper grouper  
6 complex.

7 (b) The species of the ~~snapper grouper~~ snapper grouper complex listed in the South Atlantic Fishery Management  
8 Council Fishery Management Plan for the ~~Snapper Grouper~~ Snapper Grouper Fishery of the South Atlantic Region  
9 are hereby incorporated by ~~reference and copies~~ reference. Copies of the plan are available ~~via the Federal Register~~  
10 ~~posted on the Internet~~ at [www.safmc.net](http://www.safmc.net) and at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769,  
11 Morehead City, North Carolina ~~28557~~ 28557, at no cost.

12  
13 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 143B-289.52;*

14 *Eff. January 1, 1991;*

15 *Amended Eff. April 1, 1997; March 1, 1996; September 1, 1991;*

16 *Temporary Amendment Eff. December 23, 1996;*

17 *Amended Eff. August 1, 1998; April 1, 1997;*

18 *Temporary Amendment Eff. January 1, 2002; August 29, 2000; January 1, 2000; May 24, 1999;*

19 *Amended Eff. October 1, 2008; May 1, 2004; July 1, 2003; April 1, 2003; August 1, 2002;*

20 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0507

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Lines 9, 11, 13, 17, and 18 – replace the periods with semicolons*

*Lines 13 and 18 – add “and” after the semicolon*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03M .0507 is readopted as published in 33:03 NCR 147 as follows:

2  
3 **15A NCAC 03M .0507 BILLFISH**

4 (a) It is unlawful to take blue marlin, white marlin, roundscale spearfish, or sailfish, except by hook and line or for  
5 recreational purposes.

6 ~~(a)(b) Marlin: Taken for recreational purposes or by hook and line:~~For blue marlin, white marlin, and roundscale  
7 spearfish, it is unlawful to:

8 (1) ~~It is unlawful to~~ possess blue marlin less than 99 inches in length from the lower jaw to the fork in  
9 the tail.

10 (2) ~~It is unlawful to~~ possess white marlin or roundscale spearfish less than 66 inches in length from the  
11 lower jaw to the fork in the tail.

12 (3) ~~It is unlawful to~~ possess more than one blue marlin, or white marlin-marlin, or roundscale spearfish  
13 in the aggregate per vessel per trip.

14 (4) ~~It is unlawful to~~ sell or offer for sale blue marlin, or white marlin-marlin, or roundscale spearfish.

15 ~~(b)(c) Sailfish: Taken for recreational purposes or by hook and line:~~For sailfish, it is unlawful to:

16 (1) ~~It is unlawful to~~ possess sailfish less than 63 inches in length from the lower jaw to the fork in the  
17 tail.

18 (2) ~~It is unlawful to~~ possess more than one sailfish per person per day.

19 (3) ~~It is unlawful to~~ sell or offer for sale sailfish.

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

22 *Eff. January 1, 1991;*

23 *Amended Eff. March 1, 1996; March 1, 1994; February 1, 1992; September 1, 1991;*

24 *Temporary Amendment Eff. June 7, 1998; September 1, 1996;*

25 *Amended Eff. July 1, 1998;*

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

27 *Amended Eff. August 1, 2000;*

28 *Readopted Eff. April 1, 2019.*

1 15A NCAC 03M .0510 is readopted as published in 33:03 NCR 147 as follows:

2  
3 **15A NCAC 03M .0510 AMERICAN EEL**

4 **It is unlawful to:**

5 ~~(1) Possess, sell or take American eels less than nine inches in length;~~

6 ~~(2) Possess more than 25 American eels per person per day for recreational purposes, except the master~~  
7 ~~and each mate of for hire vessels that hold a valid for hire license may possess 50 eels each per day;~~  
8 ~~and~~

9 ~~(3) Possess American eels from September 1 through December 31 except when taken by baited pots.~~

10 (a) It is unlawful to possess, sell, or take American eels less than nine inches in length.

11 (b) It is unlawful to possess more than 25 American eels per person per day for recreational purposes, except the  
12 master and each mate of for-hire vessels that hold a valid for-hire license may possess 50 eels each per day.

13 (c) It is unlawful to possess American eels from September 1 through December 31, except when taken by baited  
14 pots.

15  
16 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

17 *Eff. July 1, 1993;*

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

19 *Amended Eff. May 1, 2015; April 1, 2001;*

20 *Readopted Eff. April 1, 2019.*

1 15A NCAC 03M .0513 is readopted as published in 33:03 NCR 147 as follows:

2  
3 **15A NCAC 03M .0513 RIVER HERRING**

4 It is unlawful to take or possess river herring from North Carolina Coastal Fishing Waters. Possession of river herring  
5 from sources other than North Carolina Coastal Fishing Waters shall be limited to fish less than or equal to six inches  
6 total length when aboard a vessel or while engaged in fishing.

7  
8 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 143B-289.52;*

9 *Eff. March 1, 1995;*

10 *Amended Eff. August 1, 1998;*

11 *Temporary Amendment Eff. May 1, 2000; August 1, 1999; July 1, 1999; March 1, 1999;*

12 *Amended Eff. June 13, 2016; October 1, 2008; December 1, 2007; April 1, 2001;*

13 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0515

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Lines 5 and 14 – replace the period with “; and”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03M .0515 is readopted as published in 33:03 NCR 147-148 as follows:

2  
3 **15A NCAC 03M .0515 DOLPHIN**

4 (a) It is unlawful to possess for recreational purposes:

5 (1) more than 10 dolphin per person per day taken by hook and ~~line for recreational purposes.~~line.

6 (2) more than 60 dolphin per vessel per day regardless of the number of individuals on board, except  
7 headboat vessels with a valid U.S. Coast Guard Certificate of Inspection may possess 10 dolphin  
8 per paying customer.

9 ~~(b) It is unlawful to possess more than 60 dolphin per day per vessel regardless of the number of people on board,~~  
10 ~~except headboat vessels with a valid U.S. Coast Guard Certificate of Inspection may possess 10 dolphin per paying~~  
11 ~~customer.~~

12 ~~(c)(b) It is unlawful to take or possess in a commercial fishing operation without a valid federal Atlantic~~  
13 ~~Dolphin/Wahoo Commercial vessel permit:~~

14 (1) to take or possess more than 10 dolphin per person per day, or day.

15 (2) to sell dolphin. ~~dolphin without a valid Federal Commercial Dolphin/Wahoo vessel permit and either~~  
16 ~~a Standard Commercial Fishing License, a Retired Standard Commercial Fishing License, or a Land~~  
17 ~~or Sell License.~~

18  
19 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*  
20 *Temporary Adoption Eff. July 1, 1999;*  
21 *Temporary Adoption Eff. January 1, 2000;*  
22 *Eff. April 1, 2001;*  
23 *Amended Eff. September 1, 2005;*  
24 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0517

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Lines 8 and 11 – replace the period with “; and”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03M .0517 is readopted as published in 33:03 NCR 148 as follows:

2  
3 **15A NCAC 03M .0517 WAHOO**

4 (a) It is unlawful to possess for recreational purposes more than two wahoo per person per day taken by hook and line  
5 ~~for recreational purposes.~~

6 (b) It is unlawful in a commercial fishing operation:

7 (1) without a valid federal Atlantic Dolphin/Wahoo Commercial vessel permit:

8 (A) to take or possess more than two wahoo per person per day, or day.

9 (B) to sell wahoo, wahoo without a Federal Commercial Dolphin/Wahoo permit and either a  
10 Standard Commercial Fishing License, Retired Standard Commercial Fishing License, or  
11 a Land or Sell License.

12 (2) to possess aboard a vessel or land more than 500 pounds of wahoo per trip.

13 (c) ~~It is unlawful to possess aboard or land more than 500 pounds of wahoo per trip in a commercial fishing operation.~~

14  
15 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

16 *Eff. September 1, 2005;*

17 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0518

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 4 – what standards, factors, or circumstances determine whether the Fisheries Director issues these restrictions? Can you cite a rule or statute?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03M .0518 is readopted as published in 33:03 NCR 148 as follows:

2  
3 **15A NCAC 03M .0518 ~~KINGFISH~~KINGFISHES (SEA MULLET)**

4 The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of  
5 kingfishes:

- 6 (1) ~~Specify season;~~  
7 (2) ~~Specify areas;~~  
8 (3) ~~Specify quantity;~~  
9 (4) ~~Specify means and methods;~~  
10 (5) ~~Specify size.~~  
11 (1) specify time;  
12 (2) specify area;  
13 (3) specify means and methods;  
14 (4) specify season;  
15 (5) specify size; and  
16 (6) specify quantity.

17  
18 *History Note: Authority G.S. 113-134; 113-182; ~~113-221; 143B-289.4; 113-221.1; 143B-289.52;~~*  
19 *Eff. October 1, 2008;*  
20 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0520

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Lines 5, 10, and 12 - replace the periods with semicolons*

*Lines 6 and 14 – replace the period with “; and”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03M .0520 is readopted as published in 33:03 NCR 148 as follows:

2  
3 **15A NCAC 03M .0520 TUNA**

4 (a) It is unlawful to possess for recreational purposes:

5 (1) yellowfin tuna less than 27 inches curved fork length.

6 (2) bigeye tuna less than 27 inches curved fork length.

7 (3) more than three yellowfin tuna per person per day.

8 ~~(a)~~(b) It is unlawful to possess in a commercial fishing operation:

9 (1) ~~Yellowfin-yellowfin~~ tuna less than 27 inches curved fork length or 27 inches from the fork of the  
10 tail to the forward edge of the cut of beheaded tuna.

11 (2) ~~Bigeye-bigeye~~ tuna less than 27 inches curved fork length or 27 inches from the fork of the tail to  
12 the forward edge of the cut of beheaded tuna.

13 (3) ~~Bluefin-Atlantic bluefin~~ tuna less than 73 inches curved fork length or 54 inches pectoral fin curved  
14 fork length.

15 ~~(b)(4) It is unlawful to possess in a commercial fishing operation tunas tuna~~ subject to a size or harvest  
16 restriction without having ~~tails~~ the tail attached.

17 ~~(c) It is unlawful to possess for recreational purposes:~~

18 ~~(1) Yellowfin tuna less than 27 inches curved fork length.~~

19 ~~(2) Bigeye tuna less than 27 inches curved fork length.~~

20 ~~(3) More than three yellowfin tuna per person per day.~~

21  
22 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

23 *Eff. October 1, 2008;*

24 *Amended Eff. April 1, 2011;*

25 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0521

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 4 – what standards, factors, or circumstances determine whether the Fisheries Director issues these restrictions? Can you cite a rule or statute?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03M .0521 is readopted as published in 33:03 NCR 148 as follows:

2  
3 **15A NCAC 03M .0521 SHEEPSHEAD**

4 The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of  
5 sheepshead:

6 (1) specify time;

7 (2) specify area;

8 (3) specify means and methods;

9 (4) specify season;

10 (5) specify size; and

11 (6) specify quantity.

12  
13 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*

14 *Eff. April 1, 2014;*

15 *Readopted Eff. April 1, 2019.*

1 15A NCAC 03O .0106 is readopted as published in 33:03 NCR 148-149 as follows:

2  
3 **15A NCAC 03O .0106 DISPLAY OF LICENSES AND REGISTRATIONS**

4 (a) It is unlawful:

5 (1) ~~For~~for any person to use a vessel required to be registered under the provisions of G.S. 113-168.6  
6 in a commercial fishing operation without a current ~~commercial fishing vessel registration~~  
7 Commercial Fishing Vessel Registration decal mounted on an exterior surface so as to be plainly  
8 visible when viewed from the port side; and

9 (2) ~~To~~to display any ~~commercial fishing vessel registration~~Commercial Fishing Vessel Registration  
10 decal not issued for the vessel displaying it.

11 (b) It is unlawful to fail to display ~~any fish dealer's licenses~~a Fish Dealer License required by G.S. ~~113-169.3, 113-~~  
12 ~~169.3 or ocean fishing pier license~~Ocean Fishing Pier License required by G.S. 113-169.4 in prominent public view  
13 in each location subject to licensing.

14 (c) It is unlawful for any person licensed under G.S. 113-174.3 to fail to display a current ~~For Hire License~~for-hire  
15 vessel decal on the exterior surface of the vessel so as to be visible when viewed from the port side while engaged in  
16 for-hire recreational fishing.

17  
18 *History Note:* Authority G.S. 113-134; 113-168.6; 113-169.3; 113-169.4; 113-174.1; 113-182; 143B-289.52;  
19 Eff. January 1, 1991;  
20 Temporary Amendment Eff. July 1, 1999;  
21 Amended Eff. May 1, 2015; December 1, 2006; August 1, 2000;  
22 Readopted Eff. April 1, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0112

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 8 – replace “the operator” with “an operator”*

*Line 10 – replace “can” with “shall”*

*Line 10 – replace “as set forth in” with “required by”*

*Lines 20-21 – consider revising as follows:*

(c) If requested by the Division of Marine Fisheries, it shall be unlawful for a for-hire vessel operator to fail to participate in and provide accurate information for biological sampling in accordance ...

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03O .0112 is readopted as published in 33:03 NCR 149 as follows:

2  
3 **15A NCAC 03O .0112 ~~FOR HIRE COASTAL RECREATIONAL FISHING~~ FOR-HIRE LICENSE**  
4 **REQUIREMENTS**

5 ~~(a) It is unlawful to operate a For Hire Vessel unless the vessel operator possesses either the For Hire Blanket Coastal~~  
6 ~~Recreational Fishing License (CRFL) for the vessel or a Division of Marine Fisheries For Hire Fishing Permit for the~~  
7 ~~vessel as provided in 15A NCAC 03O .0503(k).~~

8 (a) The license requirements for the operator of a vessel engaged in a for-hire operation are set forth in G.S. 113-  
9 174.3. Either the vessel owner or the for-hire vessel operator may seek to obtain the applicable for-hire vessel license.  
10 Only the vessel owner can seek to obtain the applicable registration and endorsement as set forth in G.S. 113-168.6.  
11 For the purposes of this rule, "for-hire vessel operator" includes the holder of a Blanket For-Hire Captain's Coastal  
12 Recreational Fishing License, Blanket For-Hire Vessel Coastal Recreational Fishing License, or Non-Blanket For-  
13 Hire Vessel License, as set forth in G.S. 113-174.3.

14 (b) It is unlawful for a ~~For Hire Vessel~~ for-hire vessel operator to operate ~~under the For Hire Blanket CRFL~~ without:

15 (1) ~~Holding~~ holding the USCG United States Coast Guard certification required in ~~15A NCAC 03O~~  
16 ~~.0101(a)(13); Rule .0101(a) of this Section;~~

17 (2) ~~Having the For Hire Blanket CRFL for the vessel or copy thereof~~ having a copy of the for-hire  
18 license in possession and ready at hand for inspection; and

19 (3) ~~Having~~ having current picture identification in possession and ready at hand for inspection.

20 (c) It is unlawful for ~~the holder of the For Hire Blanket CRFL~~ a for-hire vessel operator to fail to participate in and  
21 provide accurate information as requested by the Division of Marine Fisheries for biological sampling in accordance  
22 with 15A NCAC 03I .0113 and for survey programs ~~programs~~ administered by the Division of Marine Fisheries.

23 (d) ~~It is unlawful to fail to display a current For Hire Blanket CRFL decal mounted on an exterior surface of the vessel~~  
24 ~~so as to be visible when viewed from the port side while engaged in for hire recreational fishing.~~ Requirements for  
25 display of licenses and registrations for a vessel engaged in for-hire recreational fishing are set forth in Rule .0106 of  
26 this Section.

27  
28 *History Note: Authority G.S. 113-134; 113-168.6; 113-174.1; 113-174.3; 143B-289.52;*

29 *Eff. July 1, 2008;*

30 *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0501

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 4 – replace “any” with “a”*

*Line 9 – add “the” before “applicant”*

*Line 10 – ad “shall” before “include”*

*Line 12 – replace “passport, or” with “passport or,” (shift the comma)*

*Line 14 – add “the” before “designees”*

*Line 15 – replace “under” with “pursuant to”*

*Line 16 – add “or her” after “his”*

*Page 2, line 15 – replace “is” with “shall be”*

*Page 2, lines 26 and 28 and page 3, lines 2 and 4– is “Prohibited (Polluted)” a defined term?*

*Page 3, line 23 – replace “is defined as” with “means”*

*Page 3, line 29 – replace “the” with “that”*

*Page 3, line 22 – replace “has been deemed” with “is” and delete “by the Division of Marine Fisheries”*

*Page 3, line 34 – add “his or her agreement” before “to abide”*

*Page 4, line 1 – add “or her” after “his”*

*Page 4, line 5 – what does “showing of responsibility” mean?*

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

*Page 4, line 7 – consider revising as follows: “whether the applicant has a history of eight or more fisheries violations within 10 years.”*

*Page 4, line 7 – what does “fisheries violations” mean?*

*Page 4, line 14 – capitalize “State” if you mean North Carolina*

*Page 4, line 16 – replace as” with “is”*

*Page 4, line 22 – replace “are” with “shall be”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 03O .0501 is readopted as published in 33:03 NCR 149-151 as follows:

2  
3 **15A NCAC 03O .0501 PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS**

4 (a) To obtain any Division of Marine Fisheries permit, an applicant, responsible party, or person holding a power of  
5 attorney shall provide the following information:

- 6 (1) the full name, physical address, mailing address, date of birth, and signature of the applicant on the  
7 application and, if the applicant is not appearing before a license agent or the designated Division  
8 of Marine Fisheries contact, the applicant's signature on the application shall be notarized;
- 9 (2) a current picture identification of applicant, responsible party, or person holding a power of ~~attorney.~~  
10 ~~Acceptable attorney, acceptable~~ forms of ~~which include picture identification are~~ driver's license,  
11 North Carolina Identification card issued by the North Carolina Division of Motor Vehicles, military  
12 identification card, resident alien card (green card), or passport, or if applying by mail, a copy  
13 thereof;
- 14 (3) for permits that require a list of designees, the full names and dates of birth of designees of the  
15 applicant who will be acting under the requested permit;
- 16 (4) certification that the applicant and his designees do not have four or more marine or estuarine  
17 resource convictions during the previous three years;
- 18 (5) for permit applications from business entities:
- 19 (A) the business name;
- 20 (B) the type of business entity: corporation, "educational institution" as defined in 15A NCAC  
21 03I .0101, limited liability company (LLC), partnership, or sole proprietorship;
- 22 (C) the name, address, and phone number of responsible party and other identifying  
23 information required by this Subchapter or rules related to a specific permit;
- 24 (D) for a corporation applying for a permit in a corporate name, the current articles of  
25 incorporation and a current list of corporate officers;
- 26 (E) for a partnership that is established by a written partnership agreement, a current copy of  
27 such agreement shall be provided when applying for a permit; and
- 28 (F) for business entities other than corporations, copies of current assumed name statements if  
29 filed with the Register of Deeds office for the corresponding county and copies of current  
30 business privilege tax certificates, if applicable; and
- 31 (6) additional information as required for specific permits.

32 ~~(b) A permittee shall hold a valid Standard or Retired Standard Commercial Fishing License in order to hold a:~~

- 33 ~~(1) Pound Net Permit;~~
- 34 ~~(2) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean;~~
- 35 ~~(3) Atlantic Ocean Striped Bass Commercial Gear Permit; or~~
- 36 ~~(4) Permit for Weekend Trawling for Live Shrimp.~~

1                   (A) ~~— An individual who is assigned a Standard Commercial Fishing License is the individual~~  
2                   ~~required to hold a Permit for Weekend Trawling for Live Shrimp.~~

3                   (B) ~~— The master designated on the single vessel corporation Standard Commercial Fishing~~  
4                   ~~License is the individual required to hold the Permit for Weekend Trawling for Live~~  
5                   ~~Shrimp.~~

6   **(b) A permittee shall hold a valid:**

7                   **(1) Standard or Retired Standard Commercial Fishing License in order to hold:**

8                   **(A) an Atlantic Ocean Striped Bass Commercial Gear Permit;**  
9                   **(B) a Permit for Weekend Trawling for Live Shrimp; or**  
10                   **(C) a Pound Net Set Permit.**

11                   **The master designated on the single vessel corporation Standard Commercial Fishing License is the**  
12                   **individual required to hold the Permit for Weekend Trawling for Live Shrimp.**

13                   **(2) Fish Dealer License in the proper category in order to hold dealer permits for monitoring fisheries**  
14                   **under a quota or allocation for that category.**

15   **(c) An individual who is assigned a valid Standard Commercial Fishing License with applicable endorsements is**  
16   **eligible to hold any permit that requires a Standard Commercial Fishing License except a Pound Net Set Permit.**

17   ~~(e)~~**(d)** If mechanical methods to take shellfish are used, a permittee and his designees shall hold a valid Standard or  
18   Retired Standard Commercial Fishing License with a Shellfish Endorsement in order for a permittee to hold a:

19                   ~~(1) — Permit to Transplant Prohibited (Polluted) Shellfish;~~  
20                   ~~(2) — Permit to Transplant Oysters from Seed Oyster Management Areas;~~  
21                   ~~(3) — Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises, except as~~  
22                   ~~provided in G.S. 113-169.2;~~  
23                   ~~(4) — Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas; or~~  
24                   ~~(5) — Depuration Permit.~~

25                   **(1) Depuration Permit;**  
26                   **(2) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas;**  
27                   **(3) Permit to Transplant Oysters from Seed Oyster Management Areas;**  
28                   **(4) Permit to Transplant Prohibited (Polluted) Shellfish; or**  
29                   **(5) Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises, except as**  
30                   **provided in G.S. 113-169.2.**

31   ~~(4)~~**(e)** If mechanical methods to take shellfish are not used, a permittee and his designees shall hold a valid Standard  
32   or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order for a  
33   permittee to hold a:

34                   ~~(1) — Permit to Transplant Prohibited (Polluted) Shellfish;~~  
35                   ~~(2) — Permit to Transplant Oysters from Seed Oyster Management Areas;~~  
36                   ~~(3) — Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas; or~~  
37                   ~~(4) — Depuration Permit.~~

- 1           (1) Depuration Permit;  
2           (2) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas;  
3           (3) Permit to Transplant Oysters from Seed Oyster Management Areas; or  
4           (4) Permit to Transplant Prohibited (Polluted) Shellfish.
- 5 (e) ~~A permittee shall hold a valid:~~
- 6           (1) ~~Fish Dealer License in the proper category in order to hold Dealer Permits for Monitoring Fisheries~~  
7                 ~~Under a Quota/Allocation for that category; and~~  
8           (2) ~~Standard Commercial Fishing License with a Shellfish Endorsement, Retired Standard Commercial~~  
9                 ~~Fishing License with a Shellfish Endorsement, or a Shellfish License in order to harvest clams or~~  
10                ~~oysters for depuration.~~
- 11 (f) ~~Aquaculture Operations/Collection Permits:~~ Aquaculture Operation Permit and Aquaculture Collection Permit:
- 12           (1) A permittee shall hold a valid Aquaculture Operation Permit issued by the Fisheries Director to hold  
13                 an Aquaculture Collection Permit.
- 14           (2) The permittee or designees shall hold appropriate licenses from the Division of Marine Fisheries for  
15                 the species harvested and the gear used under the Aquaculture Collection Permit.
- 16 (g) Atlantic Ocean Striped Bass Commercial Gear Permit:
- 17           (1) An applicant for an Atlantic Ocean Striped Bass Commercial Gear Permit shall declare one of the  
18                 following types of gear for an initial permit and at intervals of three consecutive license years  
19                 thereafter:
- 20                 (A) a gill net;  
21                 (B) a trawl net; or  
22                 (C) a beach seine.
- 23                 For the purpose of this Rule, a "beach seine" is defined as a swipe net constructed of multi-filament  
24                 or multi-fiber webbing fished from the ocean beach that is deployed from a vessel launched from  
25                 the ocean beach where the fishing operation takes place. Gear declarations shall be binding on the  
26                 permittee for three consecutive license years without regard to subsequent annual permit issuance.
- 27           (2) A person is not eligible for more than one Atlantic Ocean Striped Bass Commercial Gear Permit  
28                 regardless of the number of Standard Commercial Fishing Licenses, Retired Standard Commercial  
29                 Fishing Licenses, or assignments held by the person.
- 30 (h) Applications submitted without complete and required information shall not be processed until all required  
31                 information has been submitted. Incomplete applications shall be returned to the applicant with the deficiency in the  
32                 application noted.
- 33 (i) A permit shall be issued only after the application has been deemed complete by the Division of Marine Fisheries  
34                 and the applicant certifies to abide by the permit general and specific conditions established under 15A NCAC 03J  
35                 .0501, .0505, 03K .0103, .0104, .0107, .0111, .0401, ~~03O and Rules .0502, .0502 and .0503, .0503 of this Section,~~ as  
36                 applicable to the requested permit.

(j) In determining whether to issue, modify, or renew a permit, the Fisheries Director or his agent shall evaluate factors such as the following:

- (1) potential threats to public health or marine and estuarine resources regulated by the Marine Fisheries Commission;
- (2) the applicant's demonstration of a valid justification for the permit and a showing of responsibility; and
- (3) the applicant's history of fisheries violations evidenced by eight or more violations in 10 years.

(k) The Division of Marine Fisheries shall notify the applicant in writing of the denial or modification of any permit request and the reasons therefor. The applicant may submit further information or reasons why the permit should not be denied or modified.

(l) Permits are valid from the date of issuance through the expiration date printed on the permit. Unless otherwise established by rule, the Fisheries Director may establish the issuance timeframe for specific types and categories of permits based on season, calendar year, or other period based upon the nature of the activity permitted, the duration of the activity, compliance with federal or state fishery management plans or implementing rules, conflicts with other fisheries or gear usage, or seasons for the species involved. The expiration date shall be specified on the permit.

(m) For permit renewals, the permittee's signature on the application shall certify all information as true and accurate. Notarized signatures on renewal applications shall not be required.

(n) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries within 30 days of a change of name or address, in accordance with G.S. 113-169.2.

(o) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries of a change of designee prior to use of the permit by that designee.

(p) Permit applications are available at all Division of Marine Fisheries offices.~~Offices.~~

*History Note: Authority G.S. 113-134; 113-169.1; 113-169.2; 113-169.3; 113-182; 113-210; 143B-289.52; Temporary Adoption Eff. September 1, 2000; May 1, 2000; Eff. April 1, 2001; Temporary Amendment Eff. October 1, 2001; Amended Eff. May 1, 2017; May 1, 2015; April 1, 2011; April 1, 2009; July 1, 2008; December 1, 2007; September 1, 2005; April 1, 2003; August 1, 2002; Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0503

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Page 3, line 1 – replace “utilizing” with “using”*

*Page 3, line 7 – delete both commas*

*Page 3, line 8 – replace “under” with “pursuant to”*

*Page 3, line 9 – add a comma after “report”*

*Page 3, line 10 – add a comma after “Fisheries”*

*Page 3, line 10 – add “stating” or “listing” before “the amount”*

*Page 3, line 13 – replace “are” with “shall be”*

*Page 3, line 18 – replace “under” with “pursuant to”*

*Page 3, line 35 – what does “physical or mental limitations” mean?*

*Page 4, line 2 – capitalize “State” if North Carolina is meant.*

*Page 4, line 3 – delete the comma*

*Page 4, line 7 – replace “is” with “shall be”*

*Page 4, line 10 – replace “when” with “if”*

*Page 4, line 14 – capitalize “State” if North Carolina is meant.*

*Page 4, line 20 – replace “is” with “shall be”*

*Page 4, line 23 – replace the semicolon with a period*

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

*Page 4, lines 23-24 – delete “contact information ... the forms;”*

*Page 4, line 24 – capitalize “Landings”*

*Page 4, line 25 – replace the semicolon with a period*

*Page 4, line 25 – capitalize “If”*

*Page 4, line 31 – add a comma after “daily”*

*Page 4, line 31 – delete “or not”*

*Page 5, lines 18 and 19 – begin these lines with “the”*

*Page 5, line 33 – add a comma after “Fisheries”*

*Page 5, line 35 – add “a” before “statement”*

*Page 5, line 36 – add “the” before “harvest,” “number,” and “disposition”*

*Page 6, line 10 replace “12:00 p.m. (noon)” with “noon” or “12 noon”*

*Page 6, line 22 – add a comma after “tanks”*

*Page 6, line 22 – replace “aerator(s)” with “aerators”*

*Page 6, line 22 – replace “and/or” with “or”*

*Page 8, line 5 – add a comma after “Division”*

*Page 8, line 6 – add a comma after “year”*

*Page 8, line 13 – replace “in” with “by”*

*Page 8, line 15 – add “with” after “Division”*

*Page 8, line 15 – replace “listing” with “list”*

*Page 8, line 27 – revise as follows: “G.S. 113-210(j), demonstrating the applicant’s knowledge of:”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03O .0503 is readopted as published in 33:03 NCR 151-157 as follows:

2  
3 **15A NCAC 03O .0503 PERMIT CONDITIONS; SPECIFIC**

4 ~~(a) Horseshoe Crab Biomedical Use Permit:~~

5 ~~(1) It is unlawful to use horseshoe crabs for biomedical purposes without first obtaining a permit.~~

6 ~~(2) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to~~  
7 ~~submit an annual report on the use of horseshoe crabs to the Division of Marine Fisheries due on~~  
8 ~~February 1 of each year. Such reports shall be filed on forms provided by the Division and shall~~  
9 ~~include a monthly account of the number of crabs harvested, statement of percent mortality up to~~  
10 ~~the point of release, harvest method, number or percent of males and females, and disposition of~~  
11 ~~bled crabs prior to release.~~

12 ~~(3) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to~~  
13 ~~comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan~~  
14 ~~for Horseshoe Crab. The Atlantic States Marine Fisheries Commission Interstate Fishery~~  
15 ~~Management Plan for Horseshoe Crab is incorporated by reference including subsequent~~  
16 ~~amendments and editions. Copies of this plan are available via the Internet from the Atlantic States~~  
17 ~~Marine Fisheries Commission at <http://www.asmfc.org/fisheries-management/program-overview>~~  
18 ~~and at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC~~  
19 ~~28557 at no cost.~~

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

21 ~~(1) During the commercial season opened by proclamation or rule for the fishery for which a Dealers~~  
22 ~~Permit for Monitoring Fisheries under a Quota/Allocation permit is issued, it is unlawful for the fish~~  
23 ~~dealers issued such permit to fail to:~~

24 ~~(A) fax or send via electronic mail by noon daily, on forms provided by the Division, the~~  
25 ~~previous day's landings for the permitted fishery to the dealer contact designated on the~~  
26 ~~permit. Landings for Fridays or Saturdays shall be submitted on the following Monday. If~~  
27 ~~the dealer is unable to fax or electronic mail the required information, the permittee shall~~  
28 ~~call in the previous day's landings to the dealer contact designated on the permit.~~

29 ~~(B) submit the required form set forth in Subitem (b)(1)(A) of this Rule to the Division upon~~  
30 ~~request or no later than five days after the close of the season for the fishery permitted;~~

31 ~~(C) maintain faxes and other related documentation in accordance with 15A NCAC 03I .0114;~~

32 ~~(D) contact the dealer contact designated on the permit daily regardless of whether or not a~~  
33 ~~transaction for the fishery for which a dealer is permitted occurred; and~~

34 ~~(E) record the permanent dealer identification number on the bill of lading or receipt for each~~  
35 ~~transaction or shipment from the permitted fishery.~~

36 ~~(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 as designated in 15A NCAC 03R .0201; and~~
  - ~~(iii) the Joint and Coastal Fishing Waters of the Central/Southern Management Area as designated in 15A NCAC 03R .0201.~~
- (B) ~~No permittee shall 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 shall 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 Albemarle Sound Management Area for River Herring as defined in 15A NCAC 03R .0202 without first obtaining an Albemarle Sound Management Area for River Herring Dealer Permit.~~
- (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 shall 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) ~~Black Sea Bass North of Cape Hatteras Dealer Permit: It is unlawful for a fish dealer to purchase or possess more than 100 pounds of black sea bass taken from the Atlantic Ocean north of Cape Hatteras (35° 15.0321' N) per day per commercial fishing operation during the open season unless the dealer has a Black Sea Bass North of Cape Hatteras Dealer Permit.~~
- (6) ~~Spiny Dogfish Dealer Permit: It is unlawful for a fish dealer to purchase or possess more than 100 pounds of spiny dogfish per day per commercial fishing operation unless the dealer has a Spiny Dogfish Dealer Permit.~~
- (a) Aquaculture Operation Permit and Aquaculture Collection Permit:

- (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 Fishing 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; or
- (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 of Marine Fisheries the amount and disposition of marine and estuarine resources collected under authority of an Aquaculture Collection Permit.
- (3) Lawfully permitted shellfish relaying activities authorized by 15A NCAC 03K .0103 and .0104 are exempt from requirements to have an Aquaculture Operation Permit or Aquaculture Collection Permit issued by the Fisheries Director.
- (4) Aquaculture Operation Permits and Aquaculture Collection Permits shall be issued or renewed on a calendar year basis.
- (5) It is unlawful to fail to provide the Division with a listing of all designees acting under an Aquaculture Collection Permit at the time of application.
- (b) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) It is unlawful to take striped bass from the Atlantic Ocean in a commercial fishing operation without first obtaining an Atlantic Ocean Striped Bass Commercial Gear Permit.
- (2) It is unlawful to obtain more than one Atlantic Ocean Striped Bass Commercial Gear Permit during a license year, regardless of the number of Standard Commercial Fishing licenses, Retired Standard Commercial Fishing licenses, or assignments.
- (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) Coastal Recreational Fishing License Exemption Permit:
- (1) It is unlawful for the responsible party seeking exemption from recreational fishing license requirements for eligible individuals to conduct an organized fishing event held in Joint or Coastal Fishing Waters without first obtaining a Coastal Recreational Fishing License Exemption Permit.
- (2) The Coastal Recreational Fishing License Exemption Permit shall only be issued for recreational fishing activity conducted solely for the participation and benefit of one of the following groups of eligible individuals:
- (A) individuals with physical or mental limitations;
- (B) members of the United States Armed Forces and their dependents, upon presentation of a valid military identification card;

1 (C) individuals receiving instruction on recreational fishing techniques and conservation  
2 practices from employees of state or federal marine or estuarine resource management  
3 agencies, or instructors affiliated with educational institutions; and

4 (D) disadvantaged youths as set forth in 42 U.S. Code 12511.

5 For purposes of this Paragraph, educational institutions include high schools and other secondary  
6 educational institutions.

7 (3) The Coastal Recreational Fishing License Exemption Permit is valid for the date, time, and physical  
8 location of the organized fishing event for which the exemption is granted and the duration of the  
9 permit shall not exceed one year from the date of issuance.

10 (4) The Coastal Recreational Fishing License Exemption Permit shall only be issued when all of the  
11 following, in addition to the information required in Rule .0501 of this Section, is submitted to the  
12 Fisheries Director, in writing, at least 30 days prior to the event:

13 (A) the name, date, time, and physical location of the event;

14 (B) documentation that substantiates local, state, or federal involvement in the organized  
15 fishing event, if applicable;

16 (C) the cost or requirements, if any, for an individual to participate in the event; and

17 (D) an estimate of the number of participants.

18 (e) Dealer permits for monitoring fisheries under a quota or allocation:

19 (1) During the commercial season opened by proclamation or rule for the fishery for which a dealer  
20 permit for monitoring fisheries under a quota or allocation is issued, it is unlawful for a fish dealer  
21 issued such permit to fail to:

22 (A) fax or send via electronic mail by noon daily, on forms provided by the Division of Marine  
23 Fisheries, the previous day's landings for the permitted fishery to the Division; contact  
24 information for the Division is provided on the forms; landings for Fridays or Saturdays  
25 shall be submitted on the following Monday; if the dealer is unable to fax or electronically  
26 mail the required information, the permittee shall call in the previous day's landings to the  
27 Division;

28 (B) submit the required form set forth in Part (e)(1)(A) of this Rule to the Division upon request  
29 or no later than five days after the close of the season for the fishery permitted;

30 (C) maintain faxes and other related documentation in accordance with 15A NCAC 03I .0114;

31 (D) contact the Division daily regardless of whether or not a transaction for the fishery for  
32 which a dealer is permitted occurred; and

33 (E) record the permanent dealer identification number on the bill of lading or receipt for each  
34 transaction or shipment from the permitted fishery.

35 (2) Atlantic Ocean Flounder Dealer Permit:

36 (A) It is unlawful for a fish dealer to allow vessels holding a valid License to Land Flounder  
37 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 shall 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.
- (3) Black Sea Bass North of Cape Hatteras Dealer Permit: It is unlawful for a fish dealer to purchase or possess more than 100 pounds of black sea bass taken from the Atlantic Ocean north of Cape Hatteras (35° 15.0321' N) per day per commercial fishing operation during the open season unless the dealer has a Black Sea Bass North of Cape Hatteras Dealer Permit.
- (4) Spiny Dogfish Dealer Permit: It is unlawful for a fish dealer to purchase or possess more than 100 pounds of spiny dogfish per day per commercial fishing operation unless the dealer has a Spiny Dogfish Dealer Permit.
- (5) 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 as designated in 15A NCAC 03R .0201; or
  - (iii) the Joint and Coastal Fishing Waters of the Central/Southern Management Area as designated in 15A NCAC 03R .0201.
- (B) No permittee shall possess, buy, sell, or offer for sale striped bass taken from the harvest areas opened by proclamation without having a valid Division of Marine Fisheries-issued 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. Division striped bass tags shall not be bought, sold, offered for sale, or transferred. Tags shall be obtained at the Division offices. The Division 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.
- (f) 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 an annual report on the use of horseshoe crabs to the Division of Marine Fisheries due on February 1 of each year. Such reports shall be filed on forms provided by the Division and shall include a monthly account of the number of crabs harvested, statement of percent mortality up to the point of release, harvest method, number or percent of males and females, and disposition of bled crabs prior to release.

(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 Interstate Fishery Management Plan for Horseshoe Crab. The Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab is incorporated by reference including subsequent amendments and editions. Copies of this plan are available via the Internet from the Atlantic States Marine Fisheries Commission at <http://www.asmfmc.org/fisheries-management/program-overview> and at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557, at no cost.

(g) Permit for Weekend Trawling for Live Shrimp:

(1) It is unlawful to take shrimp with trawls from 9:00 p.m. on Friday through 12:00 p.m. (noon) on Saturday without first obtaining a Permit for Weekend Trawling for Live Shrimp.

(2) It is unlawful for a holder of a Permit for Weekend Trawling for Live Shrimp to use trawls from 12:01 p.m. on Saturday through 4:59 p.m. on Sunday.

(3) It is unlawful for a permit holder during the timeframe specified in Subparagraph (k)(1) of this Rule to:

(A) use trawl nets to take live shrimp except from areas open to the harvest of shrimp with trawls;

(B) take shrimp with trawls that have a combined headrope length of greater than 40 feet in Internal Coastal Waters;

(C) possess more than one gallon of dead shrimp (heads on) per trip;

(D) fail to have a functioning live bait tank or a combination of multiple functioning live bait tanks with aerator(s) and/or circulating water, with a minimum combined tank capacity of 50 gallons; or

(E) fail to call the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-726-7021 prior to each weekend use of the permit, specifying activities and location.

(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° 35.7000' N latitude) to Rich's Inlet (34° 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 as set forth in 15A NCAC 03I .0107 from April 1 through November 30.~~

(2) ~~It is unlawful to tow a shrimp trawl net for more than 55 minutes from April 1 through October 31 and 75 minutes from November 1 through November 30 in the area described in Subparagraph (d)(1) of this Rule 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 Oceanic and Atmospheric Administration Fisheries.~~

(5) ~~It is unlawful to fail to report any sea turtle captured. Reports shall be made within 24 hours of the capture to the Marine Patrol Communications Center by phone. All turtles taken incidental to trawling shall be handled and resuscitated in accordance with requirements specified in 50 Code of Federal Regulations (CFR) 223.206. 50 CFR 223.206 is hereby incorporated by reference, including subsequent amendments and editions. A copy of the reference materials can be found at [http://www.ecfr.gov/cgi-bin/text-idx?SID=9088932317e242b91d6a87a47b6bda54&mc=true&tpl=/ecfrbrowse/Title50/50tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=9088932317e242b91d6a87a47b6bda54&mc=true&tpl=/ecfrbrowse/Title50/50tab_02.tpl), free of charge.~~

~~(e)(h)~~ Pound Net Set Permit: The holder of a Pound Net Set Permit shall follow the Pound Net Set Permit conditions as set forth in Rule 15A NCAC 03J .0505. ~~.0505 sets forth the specific conditions for pound net set permits.~~

~~(f)~~ Aquaculture Operation Permit and Aquaculture Collection Permit:

(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 Fishing 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; and~~

(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 an Aquaculture Collection Permit.~~

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

(4) ~~Aquaculture Operation Permits and Aquaculture 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 acting under an Aquaculture Collection Permit at the time of application.~~

~~(g)(i)~~ Scientific or Educational Activity Permit:

(1) It is unlawful for institutions or agencies seeking exemptions from license, rule, proclamation, or statutory requirements to collect, hold, culture, or exhibit for scientific or educational purposes any marine or estuarine species without first obtaining a Scientific or Educational Activity Permit.

(2) The Scientific or Educational Activity Permit shall only be issued for collection methods and possession allowances approved by the Division of Marine Fisheries.

- (3) The Scientific or Educational Activity Permit shall only be issued for approved activities conducted by or under the direction of Scientific or Educational institutions as defined in ~~Rule 15A NCAC 031 .0101.~~
- (4) It is unlawful for the responsible party issued a Scientific or Educational Activity Permit to fail to submit an annual report on collections and, if authorized, sales to the Division of Marine Fisheries due on December 1 of each year unless otherwise specified on the permit. The reports shall be filed on forms provided by the Division. Scientific or Educational Activity permits shall be issued on a calendar year basis.
- (5) It is unlawful to sell marine or estuarine species taken under a Scientific or Educational Activity Permit without:
  - (A) the required license for such sale;
  - (B) an authorization stated on the permit for such sale; and
  - (C) providing the information required in ~~Rule 15A NCAC 031 .0114~~ if the sale is to a licensed fish dealer.
- (6) It is unlawful to fail to provide the Division of Marine Fisheries a listing of all designees acting under a Scientific or Educational Activity Permit at the time of application.
- (7) The permittee or designees utilizing the permit shall call the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-726-7021 not later than 24 hours prior to use of the permit, specifying activities and location.
- ~~(h)(i)~~ Under Dock Oyster Culture Permit:
  - (1) It is unlawful to cultivate oysters in containers under docks for personal consumption without first obtaining an Under Dock Oyster Culture Permit.
  - (2) An Under Dock Oyster Culture Permit shall be issued only in accordance with provisions set forth in G.S. 113-210(c).
  - (3) The applicant shall complete and submit an examination, with a minimum of 70 percent correct answers, based on an educational package provided by the Division of Marine Fisheries pursuant to G.S. 113-210(j). The examination demonstrates the applicant's knowledge of:
    - (A) the application process;
    - (B) permit criteria;
    - (C) basic oyster biology and culture techniques;
    - (D) shellfish harvest area closures due to pollution;
    - (E) safe handling practices;
    - (F) permit conditions; and
    - (G) permit revocation criteria.
  - (4) Action by an Under Dock Oyster Culture Permit holder to encroach on or usurp the legal rights of the public to access public trust resources in Coastal Fishing Waters shall result in permit revocation.
- ~~(i) Atlantic Ocean Striped Bass Commercial Gear Permit:~~

1       ~~(1) — It is unlawful to take striped bass from the Atlantic Ocean in a commercial fishing operation without~~  
2       ~~first obtaining an Atlantic Ocean Striped Bass Commercial Gear Permit.~~

3       ~~(2) — It is unlawful to use a single Standard Commercial Fishing License, including assignments, to obtain~~  
4       ~~more than one Atlantic Ocean Striped Bass Commercial Gear Permit during a license year.~~

5       ~~(j) Coastal Recreational Fishing License Exemption Permit:~~

6       ~~(1) — It is unlawful for the responsible party seeking exemption from recreational fishing license~~  
7       ~~requirements for eligible individuals to conduct an organized fishing event held in Joint or Coastal~~  
8       ~~Fishing Waters without first obtaining a Coastal Recreational Fishing License Exemption Permit.~~

9       ~~(2) — The Coastal Recreational Fishing License Exemption Permit shall only be issued for recreational~~  
10       ~~fishing activity conducted solely for the participation and benefit of one of the following groups of~~  
11       ~~eligible individuals:~~

12       ~~(A) — individuals with physical or mental limitations;~~

13       ~~(B) — members of the United States Armed Forces and their dependents, upon presentation of a~~  
14       ~~valid military identification card;~~

15       ~~(C) — individuals receiving instruction on recreational fishing techniques and conservation~~  
16       ~~practices from employees of state or federal marine or estuarine resource management~~  
17       ~~agencies, or instructors affiliated with educational institutions; and~~

18       ~~(D) — disadvantaged youths as set forth in U.S. Code 42 § 12511.~~

19       ~~For purposes of this Paragraph, educational institutions include high schools and other secondary~~  
20       ~~educational institutions.~~

21       ~~(3) — The Coastal Recreational Fishing License Exemption Permit is valid for the date, time, and physical~~  
22       ~~location of the organized fishing event for which the exemption is granted and the duration of the~~  
23       ~~permit shall not exceed one year from the date of issuance.~~

24       ~~(4) — The Coastal Recreational Fishing License Exemption Permit shall only be issued when all of the~~  
25       ~~following, in addition to the information required in 15A NCAC 03O .0501, is submitted to the~~  
26       ~~Fisheries Director, in writing, at least 30 days prior to the event:~~

27       ~~(A) — the name, date, time, and physical location of the event;~~

28       ~~(B) — documentation that substantiates local, state, or federal involvement in the organized~~  
29       ~~fishing event, if applicable;~~

30       ~~(C) — the cost or requirements, if any, for an individual to participate in the event; and~~

31       ~~(D) — an estimate of the number of participants.~~

32       ~~(k) Permit for Weekend Trawling for Live Shrimp:~~

33       ~~(1) — It is unlawful to take shrimp with trawls from 9:00 p.m. on Friday through 12:00 p.m. (noon) on~~  
34       ~~Saturday without first obtaining a Permit for Weekend Trawling for Live Shrimp.~~

35       ~~(2) — It is unlawful for a holder of a Permit for Weekend Trawling for Live Shrimp to use trawls from~~  
36       ~~12:01 p.m. on Saturday through 4:59 p.m. on Sunday.~~

1       ~~(3) — It is unlawful for a permit holder during the timeframe specified in Subparagraph (k)(1) of this Rule~~  
2       ~~to:~~

3       ~~(A) — use trawl nets to take live shrimp except from areas open to the harvest of shrimp with~~  
4       ~~trawls;~~

5       ~~(B) — take shrimp with trawls that have a combined headrope length of greater than 40 feet in~~  
6       ~~Internal Coastal Waters;~~

7       ~~(C) — possess more than one gallon of dead shrimp (heads on) per trip;~~

8       ~~(D) — fail to have a functioning live bait tank or a combination of multiple functioning live bait~~  
9       ~~tanks with aerator(s) and/or circulating water, with a minimum combined tank capacity of~~  
10      ~~50 gallons; and~~

11      ~~(E) — fail to call the Division of Marine Fisheries Communications Center at 800-682-2632 or~~  
12      ~~252-726-7021 prior to each weekend use of the permit, specifying activities and location.~~

13  
14      *History Note: Authority G.S. 113-134; 113-169.1; 113-169.2; 113-169.3; 113-182; 113-210; 143B-289.52;*  
15      *Temporary Adoption Eff. September 1, 2000; August 1, 2000; May 1, 2000;*  
16      *Eff. April 1, 2001;*  
17      *Amended Eff. May 1, 2017; May 1, 2015; April 1, 2014; April 1, 2009; July 1, 2008; January 1,*  
18      *2008; September 1, 2005; October 1, 2004; August 1, 2004; August 1, 2002;*  
19      *Readopted Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03R .0112

**DEADLINE FOR RECEIPT: Friday, January 11, 2019**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 28 – replace “constitutes” with “shall constitute”*

*Line 31 – capitalize “State” if North Carolina is meant*

*Line 33 – do not capitalize “state”*

*Page 3, line 1 – replace “any” with “the”*

*Page 3, line 9 – do not capitalize “state line”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Friday, December 28, 2018

1 15A NCAC 03R .0112 is readopted as published in 33:03 NCR 157-158 as follows:

3 **15A NCAC 03R .0112 ATTENDED GILL NET AREAS**

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

- 5 (1) Pamlico River, west of a line beginning at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point;  
6 running southwesterly to a point 35° 26.9176' N - 76° 55.5253' W on Mauls Point;
- 7 (2) ~~Within~~ within 200 yards of any shoreline in Pamlico River and its tributaries east of a line beginning  
8 at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point; running southwesterly to a point 35°  
9 26.9176' N - 76° 55.5253' W on Mauls Point; and west of a line beginning at a point 35° 22.3622'  
10 N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76° 28.9530' W  
11 on Pamlico Point;
- 12 (3) Pungo River, east of the northern portion of the Pantego Creek breakwater and a line beginning at a  
13 point 35° 31.7198' N - 76° 36.9195' W on the northern side of the breakwater near Tooleys Point;  
14 running southeasterly to a point 35° 30.5312' N - 76° 35.1594' W on Durants Point;
- 15 (4) ~~Within~~ within 200 yards of any shoreline in Pungo River and its tributaries west of the northern  
16 portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N - 76°  
17 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a  
18 point 35° 30.5312' N - 76° 35.1594' W on Durants Point; and west of a line beginning at a point 35°  
19 22.3622' N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76°  
20 28.9530' W on Pamlico Point;
- 21 (5) Neuse River and its tributaries northwest of the Highway 17 highrise bridge;
- 22 (6) Trent River and its tributaries; and
- 23 (7) ~~Within~~ within 200 yards of any shoreline in Neuse River and its tributaries east of the Highway 17  
24 highrise bridge and south and west of a line beginning on Maw Point at a point 35° 09.0407' N - 76°  
25 32.2348' W; running southeasterly near the Maw Point Shoal Marker "2" to a point 35° 08.1250' N  
26 - 76° 30.8532' W; running southeasterly near the Neuse River Entrance Marker "NR" to a point 35°  
27 06.6212' N - 76° 28.5383' W; running southerly to a point 35° 04.4833' N - 76° 28.0000' W near  
28 Point of Marsh in Neuse River. In Core and Clubfoot creeks, the Highway 101 Bridge constitutes  
29 the attendance boundary.

30 (b) The attended gill net areas referenced in 15A NCAC 03J .0103(h) are delineated in the following Internal Coastal  
31 Waters and Joint Fishing Waters of the state south of a line beginning on Roanoke Marshes Point at a point 35°  
32 48.3693' N - 75° 43.7232' W; running southeasterly to a point 35° 44.1710' N - 75° 31.0520' W on Eagles Nest Bay  
33 to the South Carolina State line:

- 34 (1) ~~All~~ all primary nursery areas described in 15A NCAC 03R .0103, all permanent secondary nursery  
35 areas described in 15A NCAC 03R .0104, and no-trawl areas described in 15A NCAC 03R .0106(2),  
36 (4), (5), (8), (10), (11), and (12);

- (2) ~~In~~ 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° 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 southeasterly to a point 35° 14.9386' N - 75° 42.9968' W near Beacon "35" in Rollinson Channel; running southwesterly to a point 35° 14.0377' N - 75° 45.9644' W near a "Danger" Beacon northwest of Austin Reef; 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~~ 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;

- 1 (4) ~~Within~~ within 200 yards of any shoreline in the area upstream of the 76° 28.0000' W longitude line  
2 beginning at a point 35° 22.3752' N - 76° 28.0000' W near Roos Point in Pamlico River; running  
3 southeasterly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River; and  
4 (5) ~~Within~~ within 50 yards of any shoreline east of the 76° 28.0000' W longitude line beginning at a  
5 point 35° 22.3752' N - 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to  
6 a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River, except from October  
7 1 through November 30, south and east of Highway 12 in Carteret County and south of a line from  
8 a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point at 34° 58.7853'  
9 N - 76° 09.8922' W on Core Banks; to the South Carolina State Line.  
10

11 *History Note:* Authority G.S. 113-134; 113-173; 113-182; ~~113-221~~; 143B-289.52;  
12 Eff. August 1, 2004;  
13 Amended Eff. April 1, 2016; June 1, 2013; April 1, 2011; April 1, 2009;  
14 Readopted Eff. April 1, 2019.