

1 15A NCAC 03Q .0101 is readopted with changes as published in 35:07 NCR 764 as follows:

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

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

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

8 The rules in this Section pertain to the classification of the waters of North Carolina as coastal fishing waters, inland
9 fishing ~~waters-waters,~~ and joint fishing ~~waters.~~ ~~These rules are waters and shall be adopted jointly~~ in accordance with
10 G.S. 150B-21.2 by both the Marine Fisheries Commission and the Wildlife Resources ~~Commission.~~ ~~Commission due~~
11 to the existence of concurrent jurisdiction, in accordance with G.S. 113-132. These jointly adopted rules shall not
12 affect the jurisdiction of the Marine Fisheries Commission or the Wildlife Resources Commission in any matters other
13 than those specified in this Section. In addition to the classification of the waters of the state these joint ~~These jointly~~
14 adopted rules set forth guidelines to may determine which the fishing activities in joint fishing waters that are regulated
15 by the Marine Fisheries ~~Commission and which are regulated~~ ~~Commission.~~ by the Wildlife Resources
16 ~~Commission.~~ ~~Commission,~~ or by both commissions. ~~Finally, the joint~~ These jointly adopted rules set forth special
17 fishing regulations applicable in joint waters that can shall be enforced by officers of the Division of Marine Fisheries
18 and the Wildlife Resources Commission. both marine fisheries inspectors and wildlife protectors. These regulations
19 do not affect the jurisdiction of the Marine Fisheries Commission and the Wildlife Resources Commission in any
20 matters other than those specifically set out.

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22 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*

23 *Eff. January 1, 1991;*

24 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0102 is readopted with changes as published in 35:07 NCR 764 as follows:

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

4 (a) Inland fishing waters are ~~all inland waters except private ponds; and all waters connecting with or tributary to~~
5 ~~coastal sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing~~
6 ~~waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission, defined in G.S.~~
7 ~~113-129.~~ All waters ~~which that~~ are tributary to inland fishing waters ~~and which that~~ are not otherwise designated by
8 ~~agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are in rule in~~
9 ~~accordance with G.S. 113-132 shall be~~ inland fishing waters.

10 (b) The regulation and licensing of fishing in inland fishing waters ~~is shall be~~ under the jurisdiction of the Wildlife
11 Resources Commission.

12 (c) ~~Regulations Rules~~ and laws ~~administered by the Wildlife Resources Commission~~ regarding fishing in inland
13 fishing waters ~~administered by the Wildlife Resources Commission are shall be~~ enforced by wildlife ~~enforcement~~
14 ~~officers, protectors.~~

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16 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*

17 *Eff. January 1, 1991;*

18 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0103 is readopted with changes as published in 35:07 NCR 764 as follows:

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

4 (a) Coastal fishing waters are the Atlantic Ocean; the various coastal sounds; and estuarine waters up to the dividing
5 line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and
6 the Wildlife Resources Commission, defined in G.S. 113-129. All waters which that are tributary to coastal fishing
7 waters and which that are not otherwise designated by agreement between the Marine Fisheries Commission and the
8 Wildlife Resources Commission are in rule in accordance with G.S. 113-132 shall be coastal fishing waters.

9 (b) The regulations and licensing of regulation of fishing in coastal fishing waters and licensing of fishing in coastal
10 fishing waters is waters, in accordance with G.S. 113-174.1, shall be under the jurisdiction of the Marine Fisheries
11 Commission; Commission, except that including for the following inland game fish as defined in G.S. 113-129(10)
12 and as set forth in 15A NCAC 10C .0301 that are of commercial importance;(exclusive of spotted seatrout, weakfish,
13 and striped bass) are subject to regulations by the Wildlife Resources Commission in coastal fishing waters.

14 (1) American shad;

15 (2) brown bullhead;

16 (3) flounder, including Gulf flounder, southern flounder, and summer flounder;

17 (4) hickory shad;

18 (5) red drum;

19 (6) spotted seatrout;

20 (7) striped bass, including morone hybrids;

21 (8) white catfish;

22 (9) white perch;

23 (10) yellow bullhead; and

24 (11) yellow perch.

25 The Marine Fisheries Commission, pursuant to G.S. 113-129(10), concurs with inland game fish as set forth in 15A
26 NCAC 10C .0301 as of August 1, 2020, excluding the species in this Paragraph of this Rule. Rule 15A NCAC 10C
27 .0301 is hereby incorporated by reference not including subsequent amendments.

28 (c) Regulations Rules and laws administered by the Marine Fisheries Commission regarding fishing in coastal fishing
29 waters are shall be enforced by marine fisheries enforcement officers, inspectors. Regulations Rules and laws
30 regarding inland game fish fish, excluding the species in Paragraph (b) of this Rule, in coastal fishing waters are
31 waters, including joint fishing waters, shall be enforced by wildlife enforcement officers unless otherwise agreed to
32 by the Wildlife Resources Commission protectors.

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34 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*

35 *Eff. January 1, 1991;*

36 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0104 is readopted with changes as published in 35:07 NCR 764 as follows:

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

4 (a) Joint fishing waters are those coastal fishing waters, hereinafter set out, denominated by agreement of defined in
5 G.S. 113-129 and are waters adopted by both the Marine Fisheries Commission and the Wildlife Resources
6 Commission pursuant to G.S. 113-132(e) as joint fishing waters, waters when concurrent jurisdiction exists in
7 accordance with G.S. 113-132. All waters which that are tributary to joint fishing waters and which that are not
8 otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources
9 Commission in rule in accordance with G.S. 113-132 shall be are classified as joint fishing waters. The regulation and
10 licensing of fishing in joint waters shall be as stated in 15A NCAC 3Q .0106.

11 (b) In joint fishing waters the Marine Fisheries Commission and the Wildlife Resources Commission shall implement
12 their respective management actions for hook and line recreational fishing pursuant to their respective rule-making
13 authority in accordance with G.S. 113-132, except as otherwise provided in this Section. Rules and laws regarding
14 fishing in joint fishing waters shall be enforced by both marine fisheries inspectors and wildlife protectors.

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16 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*
17 *Eff. January 1, 1991;*
18 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0105 is readopted with changes as published in 35:07 NCR 764-765 as follows:

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

4 (a) The dividing lines of all major bodies of water and watercourses ~~which are divided by the agreement of agreed~~
5 ~~upon by~~ the Marine Fisheries Commission and the Wildlife Resources Commission so that portions of the same ~~body~~
6 ~~of water~~ are constituted inland fishing waters, coastal fishing waters, or joint fishing waters shall be marked with signs
7 ~~in so far insofar~~ as may be practicable. ~~Unmarked and undesignated tributaries shall have the same classification as~~
8 ~~the designated waters to which they connect or into which they flow.~~

9 (b) ~~No unauthorized~~ ~~Unauthorized~~ removal or relocation of ~~any such a~~ marker shall have ~~the no~~ effect ~~of changing~~
10 ~~on~~ the classification of any body of water or portion thereof, nor shall any ~~such~~ unauthorized removal or relocation or
11 the absence of ~~any a~~ marker affect the applicability of any regulation pertaining to any ~~such~~ body of water or portion
12 thereof.

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14 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*
15 *Eff. January 1, 1991;*
16 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0106 was proposed for readoption without substantive changes as published in 35:07 NCR 765 but
2 is now repealed as follows:

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4 **15A NCAC 03Q .0106 APPLICABILITY OF RULES: JOINT WATERS**

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6 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*
7 *Eff. January 1, 1991;*
8 *Amended Eff. July 1, 1999;*
9 *Repealed Eff. April 1, 2022.*

1 15A NCAC 03Q .0107 is readopted with changes as published in 35:07 NCR 765 as follows:

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

4 In order to To effectively manage all fisheries resources in joint fishing waters and in order to confer enforcement
5 powers on both marine fisheries enforcement officers inspectors and wildlife enforcement officers protectors with
6 respect to certain rules, regulations, the Marine Fisheries Commission and the Wildlife Resources Commission deem
7 it necessary to adopt special rules regulations for joint fishing waters. Such rules supersede This Rule supersedes any
8 inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise
9 be applicable in joint fishing waters under the provisions of 15A NCAC 03Q .0106: Rules of this Section as follows:

10 (1) Striped Bass-Bass:

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

29 (2) Lake Mattamuskeet:

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

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

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

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History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1993; November 1, 1991;
Temporary Amendment Eff. May 1, 2000;
Amended Eff. July 1, 2008; September 1, 2005; April 1, 2001; August 1, 2000;
Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

1 15A NCAC 03Q .0108 is readopted with changes as published in 35:07 NCR 765 as follows:

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

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

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

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19 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292;143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Amended Eff. October 1, 2004; September 1, 1991;*
22 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03Q .0109 is readopted with changes as published in 35:07 NCR 766 as follows:

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

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

- 10 (1) In-in the Roanoke River Management Area, the exclusive authority to open and close seasons and
11 areas, areas and establish size and creel limits-limits, whether inland or joint fishing waters-waters,
12 shall be vested in the Wildlife Resources Commission. An instrument closing any management area
13 in joint waters shall operate as and shall be a jointly issued instrument opening or closing seasons
14 or areas to harvest in the Roanoke River management area.
15 (2) In-in the Albemarle Sound Management Area, the exclusive authority to open and close seasons and
16 areas and establish size and creel limits, whether coastal or joint fishing waters-waters, shall be
17 vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota set
18 by the North Carolina Estuarine Striped Bass Fishery Management Plan is about-projected to be
19 exceeded. taken. In the Albemarle Sound Management Area administered by the Marine Fisheries
20 Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke
21 River Management Area, shall automatically be implemented and effective as a Wildlife Resources
22 Commission action in the inland waters and tributaries to the waters affected.

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24 *History Note: Authority G.S. 113-132; 113-134; 113-182; 113-292; 143B-289.52;*
25 *Eff. January 1, 1991;*
26 *Amended Eff. October 1, 2004; September 1, 1991;*
27 *Readopted Eff. April 1, 2022.*