

1 15A NCAC 03J .0103 is amended with changes as published in 30:03 NCR 291-292 as follows:

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3 **15A NCAC 03J .0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS**

4 (a) It is unlawful to use gill nets:

5 (1) ~~With~~ with a mesh length less than ~~2½~~ two and one-half ~~inches, inches; and~~

6 (2) ~~In internal waters in~~ Internal Coastal Waters from April 15 through December 15, with a mesh
7 length ~~5~~ five inches or greater and less than ~~5½~~ five and one-half inches.

8 (b) The Fisheries Director may, by proclamation, limit or prohibit the use of gill nets or seines in ~~coastal waters,~~
9 Coastal Fishing Waters, or any portion thereof, or impose any or all of the following restrictions on gill net or seine
10 fishing operations:

11 ~~(1) Specify area.~~

12 ~~(2) Specify season.~~

13 ~~(3) Specify gill net mesh length.~~

14 ~~(4) Specify means/methods.~~

15 ~~(5) Specify net number and length.~~

16 (1) specify time;

17 (2) specify area;

18 (3) specify means and methods, including:

19 (A) gill net mesh length, but the maximum length specified shall not exceed six and one-half
20 inches in Internal Coastal Waters; and

21 (B) net number and length, but for gill nets with a mesh length four inches or greater, the
22 maximum length specified shall not exceed 2,000 yards per vessel in Internal Coastal
23 Waters regardless of the number of individuals involved; and

24 (4) specify season.

25 (c) It is unlawful to use fixed or stationary gill nets in the Atlantic Ocean, drift gill nets in the Atlantic Ocean for
26 recreational purposes, or any gill nets in ~~internal waters~~ Internal Coastal Waters unless nets are marked by attaching
27 to them at each end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less
28 than five inches in diameter and no less than five inches in length. ~~Gill nets, which nets that~~ are not connected together
29 at the top ~~line, line~~ are considered as individual nets, requiring two buoys at each end of each individual net. Gill nets
30 connected together at the top line are considered as a continuous net requiring two buoys at each end of the continuous
31 net. Any other marking buoys on gill nets used for recreational purposes shall be yellow except one additional buoy,
32 any shade of hot pink in color, constructed as specified in this Paragraph, shall be added at each end of each individual
33 net. Any other marking buoys on gill nets used in commercial fishing operations shall be yellow except that one
34 additional identification buoy of any color or any combination of colors, except any shade of hot pink, may be used
35 at either or both ends. The owner shall be identified on a buoy on each end either by using engraved buoys or by
36 attaching engraved metal or plastic tags to the buoys. Such identification shall include owner's last name and initials
37 and if a vessel is used, one of the following:

- 1 (1) ~~Owner's~~ owner's N.C. motor boat registration ~~number,~~ number; or
- 2 (2) ~~Owner's~~ owner's U.S. vessel documentation name.
- 3 (d) It is unlawful to use gill nets:
- 4 (1) ~~Within~~ within 200 yards of any flounder or other finfish pound net set with lead and either pound
- 5 or heart in use, except from August 15 through December 31 in all ~~coastal fishing waters~~ Coastal
- 6 Fishing Waters of the Albemarle Sound, including its tributaries to the boundaries between ~~coastal~~
- 7 ~~and joint fishing waters,~~ Coastal and Joint Fishing Waters, west of a line beginning at a point 36°
- 8 04.5184' N - 75° 47.9095' W on Powell Point; running southerly to a point 35° 57.2681' N - 75°
- 9 48.3999' W on Caroon Point, it is unlawful to use gill nets within 500 yards of any pound net set
- 10 with lead and either pound or heart in use; and
- 11 (2) ~~From~~ from March 1 through October 31 in the Intracoastal Waterway within 150 yards of any
- 12 railroad or highway bridge.
- 13 (e) It is unlawful to use gill nets within 100 feet either side of the center line of the Intracoastal Waterway Channel
- 14 south of the entrance to the Alligator-Pungo River Canal near Beacon "54" in Alligator River to the South Carolina
- 15 line, unless such net is used in accordance with the following conditions:
- 16 (1) ~~No~~ no more than two gill nets per vessel may be used at any one time;
- 17 (2) ~~Any~~ any net used must be attended by the fisherman from a vessel who shall at no time be more
- 18 than 100 yards from either net; and
- 19 (3) ~~Any~~ any individual setting such nets shall remove them, when necessary, in sufficient time to permit
- 20 unrestricted ~~boat~~ vessel navigation.
- 21 (f) It is unlawful to use ~~drift gill nets in violation of 15A NCAC 03J .0101(2) and Paragraph (e) of this Rule.~~ runaround,
- 22 drift, or other non-stationary gill nets, except as provided in Paragraph (e) of this Rule:
- 23 (1) to block more than two-thirds of any natural or manmade waterway, sound, bay, creek, inlet, or any
- 24 other body of water; or
- 25 (2) in a location where it will interfere with [navigation or with existing, traditional uses of the area
- 26 other than]navigation.
- 27 (g) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation
- 28 in the gill net attended areas designated in 15A NCAC 03R .0112(a).
- 29 (h) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation
- 30 from May 1 through November 30 in the ~~internal coastal and joint waters~~ Internal Coastal Waters and Joint Fishing
- 31 Waters of the state designated in 15A NCAC 03R .0112(b).
- 32 (i) ~~For gill nets with a mesh length five inches or greater, it is unlawful:~~
- 33 (1) ~~To use more than 3,000 yards of gill net per vessel in internal waters regardless of the number of~~
- 34 ~~individuals involved.~~
- 35 (2) ~~From June through October, for any portion of the net to be within 10 feet of any point on the~~
- 36 ~~shoreline while set or deployed, unless the net is attended.~~

1 (i) It is unlawful for any portion of a gill net with a mesh length five inches or greater to be within 10 feet of any point
2 on the shoreline while set or deployed, unless the net is attended from June through October in Internal Coastal Waters.

3 (j) For the purpose of this Rule and 15A NCAC 03R .0112, ~~shoreline~~ "shoreline" is defined as the mean high water
4 line or marsh line, whichever is more seaward.

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6 *History Note: Authority G.S. 113-134; 113-173; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*

7 *Eff. January 1, 1991;*

8 *Amended Eff. August 1, 1998; March 1, 1996; March 1, 1994; July 1, 1993; September 1, 1991;*

9 *Temporary Amendment Eff. October 2, 1999; July 1, 1999; October 22, 1998;*

10 *Amended Eff. April 1, 2001;*

11 *Temporary Amendment Eff. May 1, 2001;*

12 *Amended Eff. April 1, 2016; April 1, 2009; December 1, 2007; September 1, 2005; August 1, 2004;*

13 *August 1, 2002.*

1 15A NCAC 03R .0108 is amended with changes as published in 30:03 NCR 292-295 as follows:

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3 **15A NCAC 03R .0108 MECHANICAL METHODS PROHIBITED TO TAKE OYSTERS**

4 The dredges and mechanical methods prohibited areas to take oysters referenced in 15A NCAC 03K .0204 are
5 delineated in the following ~~coastal water areas:~~ Internal Coastal Waters:

6 (1) In Roanoke Sound and tributaries, south of a line beginning at a point 35° 55.1461' N – 75°
7 39.5618' W on Baum Point, running easterly to a point 35° 55.9795' N - 75° 37.2072' W and
8 north and east of a line beginning at a point 35° 50.8315' N ~~– 75° N - 75°~~ 37.1909' W on the
9 west side of the mouth of Broad Creek, running easterly to a point 35° 51.0097' N - 75°
10 36.6910' W near Beacon "17", running southerly to a point 35° ~~48.6145' N - 75°~~ 48.6145' N - 75°
11 35.3760' W near Beacon "7", running easterly to a point 35° 49.0348' N - 75° 34.3161' W on
12 Cedar Point.

13 (2) In Pamlico Sound and tributaries:

14 (a) Outer Banks ~~area, within area,~~ within the area described by a line beginning at a point
15 35° 46.0638' N - 75° 31.4385' W on the shore of Pea Island; running southwestly to
16 a point 35° 42.9500' N - 75° 34.1500' W; running southerly to a point 35° 39.3500' N
17 - 75° 34.4000' W; running southeasterly to a point 35° 35.8931' N - 75° 31.1514' W in
18 Chicamacomico Channel near Beacon "ICC"; running southerly to a point 35°
19 28.5610' N - 75° 31.5825' W on Gull Island; running southerly to a point 35° 22.8671'
20 N - 75° 33.5851' W in Avon Channel near Beacon "1"; running southwestly to a
21 point 35° 18.9603' N - 75° 36.0817' W in Cape Channel near Beacon "2"; running
22 westerly to a point 35° 16.7588' N - 75° 44.2554' W in Rollinson Channel near Beacon
23 "42RC"; running southwestly to a point 35° 14.0337' N - 75° 45.9643' W southwest
24 of Oliver Reef near the quick-flashing beacon; running westerly to a point 35° 09.3650'
25 N - 76° 00.6377' W in Big Foot Slough Channel near Beacon "14BF"; running
26 southwestly to a point 35° 08.4523' N - 76° 02.6651' W in Nine Foot Shoal Channel
27 near Beacon "9"; running westerly to a point 35° 07.1000' N - 76° 06.9000; running
28 southwestly to a point 35° 01.4985' N - 76° 11.4353' W near Beacon "HL"; running
29 southwestly to a point 35° 00.2728' N - 76° 12.1903' W near Beacon "2CS"; running
30 southerly to a point 34° 59.4383' N - 76° 12.3541' W in Wainwright Channel
31 immediately east of the northern tip of Wainwright Island; running easterly to a point
32 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northerly along the shoreline
33 and across the inlets following the COLREGS Demarcation lines to the point of
34 beginning;

35 (b) Stumpy Point Bay, north of a line beginning at a point 35° 40.9719' N - 75° 44.4213'
36 W on Drain Point; running westerly to a point 35° 40.6550' N - 75° 45.6869' W on
37 Kazer Point;

- 1 (c) Pains Bay, east of a line beginning at a point 35° 35.0666' N - 75° 51.2000' W on Pains
2 Point, running southerly to a point 35° 34.4666' N - 75° 50.9666' W on Rawls Island;
3 running easterly to a point 35° 34.2309' N - 75° 50.2695' W on the east shore;
- 4 (d) Long Shoal River, north of a line beginning at a point 35° 35.2120' N - 75° 53.2232'
5 W at the 5th Avenue Canal, running easterly to a point 35° 35.0666' N - 75° 51.2000'
6 W on the east shore on Pains Point;
- 7 (e) Wysocking Bay:
- 8 (i) Wysocking Bay, north of a line beginning at a point 35° 25.2741' N - 76°
9 03.1169' W on Mackey Point, running easterly to a point 35° 25.1189' N -
10 76° 02.0499' W at the mouth of Lone Tree Creek;
- 11 (ii) Mount Pleasant Bay, west of a line beginning at a point 35° 23.8652' N -
12 76° 04.1270' W on Browns Island, running southerly to a point 35°
13 22.9684' N - 76° 03.7129' W on Bensons Point;
- 14 (f) Juniper Bay, north of a line beginning at a point 35° 22.1384' N - 76° 15.5991' W near
15 the Caffee Bay ditch, running easterly to a point 35° 22.0598' N - 76° 15.0095' W on
16 the east shore;
- 17 (g) Swan Quarter Bay:
- 18 (i) ~~Cafee~~-Caffee Bay, east of a line beginning at a point 35° 22.1944' N - 76°
19 19.1722' W on the north shore, running southerly to a point 35° 21.5959' N
20 - 76° 18.3580' W on Drum Point;
- 21 (ii) Oyster Creek, east of a line beginning at a point 35° 23.3278' N - 76°
22 19.9476' W on the north shore, running southerly to a point 35° 22.7018' N
23 - 76° 19.3773' W on the south shore;
- 24 (h) Rose Bay:
- 25 (i) Rose Bay, north of a line beginning at a point 35° 25.7729' N - 76° 24.5336'
26 W on Island Point, running southeasterly and passing near Beacon "5" to a
27 point 35° 25.1854' N - 76° 23.2333' W on the east shore;
- 28 (ii) Tooleys Creek, west of a line beginning at a point 35° 25.7729' N - 76°
29 24.5336' W on Island Point, running southwesterly to a point 35° 25.1435'
30 N - 76° 25.1646' W on Ranger Point;
- 31 (i) Spencer Bay:
- 32 (i) Striking Bay, north of a line beginning at a point 35° 23.4106' N - 76°
33 26.9629' W on Short Point, running easterly to a point 35° 23.3404' N - 76°
34 26.2491' W on Long Point;
- 35 (ii) Germantown Bay, north of a line beginning at a point 35° 24.0937' N - 76°
36 27.9348' W; on the west shore, running easterly to a point 35° 23.8598' N
37 - 76° 27.4037' W on the east shore;

- 1 (j) Abel Bay, northeast of a line beginning at a point 35° 23.6463' N - 76° 31.0003' W on
2 the west shore, running southeasterly to a point 35° 22.9353' N - 76° 29.7215' W on
3 the east shore;
- 4 (k) Pungo River, Fortescue Creek, east of a line beginning at a point 35° 25.9213' N - 76°
5 31.9135' W on Pasture Point; running southerly to a point 35° 25.6012' N - 76°
6 31.9641' W on Lupton Point;
- 7 (l) Pamlico River:
- 8 (i) North Creek, north of a line beginning at a point 35° 25.3988' N - 76°
9 40.0455' W on the west shore, running southeasterly to a point 35° 25.1384'
10 N - 76° 39.6712' W on the east shore;
- 11 (ii) Campbell Creek (off of Goose Creek), west of a line beginning at a point
12 35° 17.3600' N - 76° 37.1096' W on the north shore; running southerly to
13 a point 35° 16.9876' N - 76° 37.0965' W on the south shore;
- 14 (iii) Eastham Creek (off of Goose Creek), east of a line beginning at a point 35°
15 17.7423' N - 76° 36.5164' W on the north shore; running southeasterly to a
16 point 35° 17.5444' N - 76° 36.3963' W on the south shore;
- 17 (iv) Oyster Creek-Middle Prong, southwest of a line beginning at a point 35°
18 19.4921' N - 76° 32.2590' W on Cedar Island; running southeasterly to a
19 point 35° 19.1265' N - 76° 31.7226' W on Beard Island Point; and
20 southwest of a line beginning at a point 35° 19.5586' N - 76° 32.8830' W
21 on the west shore, running easterly to a point 35° 19.5490' N - 76° 32.7365'
22 W on the east shore;
- 23 (m) Mouse Harbor, west of a line beginning at a point 35° 18.3915' N - 76° 29.0454' W on
24 Persimmon Tree Point, running southerly to a point ~~35° 17.1825' N~~ 35° 17.1825' N -
25 76° 28.8713' W on Yaupon Hammock Point;
- 26 (n) Big Porpoise Bay, northwest of a line beginning at a point 35° 15.6993' N - 76°
27 28.2041' W on Big Porpoise Point, running southwesterly to a point 35° 14.9276' N -
28 76° 28.8658' W on Middle Bay Point;
- 29 (o) Middle Bay, west of a line beginning at a point 35° 14.8003' N - 76° 29.1923' W on
30 Deep Point, running southerly to a point 35° 13.5419' N - 76° 29.6123' W on Little
31 Fishing Point;
- 32 (p) Jones Bay, west of a line beginning at a point 35° 14.0406' N - 76° 33.3312' W on
33 Drum Creek Point, running southerly to a point 35° 13.3609' N - 76° 33.6539' W on
34 Ditch Creek Point;
- 35 (q) Bay River:

- 1 (i) Gales Creek-Bear Creek, north and west of a line beginning at a point 35°
2 $11.2833'$ N - $76^{\circ} 35.9000'$ W on Sanders Point, running northeasterly to a
3 point $35^{\circ} 11.9000'$ N - $76^{\circ} 34.2833'$ W on the east shore;
- 4 (ii) Bonner Bay, southeast of a line beginning at a point $35^{\circ} 09.6281'$ N - 76°
5 $36.2185'$ W on the west shore; running northeasterly to a point $35^{\circ} 10.0888'$
6 N - $76^{\circ} 35.2587'$ W on Davis Island Point;
- 7 (r) Neuse River:
- 8 (i) Lower Broad Creek, west of a line beginning at a point $35^{\circ} 05.8314'$ N -
9 $76^{\circ} 35.3845'$ W on the north shore; running southwesterly to a point 35°
10 $05.5505'$ N - $76^{\circ} 35.7249'$ W on the south shore;
- 11 (ii) Greens Creek - north of a line beginning at a point $35^{\circ} 01.3476'$ N - 76°
12 $42.1740'$ W on the west shore of Greens Creek; running northeasterly to a
13 point $35^{\circ} 01.4899'$ N - $76^{\circ} 41.9961'$ W on the east shore;
- 14 (iii) Dawson Creek, north of a line beginning at a point $34^{\circ} 59.5920'$ N - 76°
15 $45.4620'$ W on the west shore; running southeasterly to a point $34^{\circ} 59.5800'$
16 N - $76^{\circ} 45.4140'$ W on the east shore;
- 17 (iv) Clubfoot Creek, south of a line beginning at a point $34^{\circ} 54.5424'$ N - 76°
18 $45.7252'$ W on the west shore, running easterly to a point $34^{\circ} 54.4853'$ N -
19 $76^{\circ} 45.4022'$ W on the east shore;
- 20 (v) Turnagain Bay, south of a line beginning at a point $34^{\circ} 59.4065'$ N - 76°
21 $30.1906'$ W on the west shore; running easterly to a point $34^{\circ} 59.5668'$ N -
22 $76^{\circ} 29.3557'$ W on the east shore;
- 23 (s) West Bay:
- 24 (i) Long Bay-Ditch Bay, west of a line beginning at a point $34^{\circ} 57.9388'$ N -
25 $76^{\circ} 27.0781'$ W on the north shore of Ditch Bay; running southwesterly to
26 a point $34^{\circ} 57.2120'$ N - $76^{\circ} 27.2185'$ W on the south shore of Ditch Bay;
27 then south of a line running southeasterly to a point $34^{\circ} 56.7633'$ N - 76°
28 $26.3927'$ W on the east shore of Long Bay;
- 29 (ii) West Thorofare Bay, south of a line beginning at a point $34^{\circ} 57.2199'$ N -
30 $76^{\circ} 24.0947'$ W on the west shore; running easterly to a point $34^{\circ} 57.4871'$
31 N - $76^{\circ} 23.0737'$ W on the east shore;
- 32 (iii) Merkle Bay, east of a line beginning at a point $34^{\circ} 58.2286'$ N - 76°
33 $22.8374'$ W on the north shore, running southerly to a point $34^{\circ} 57.5920'$ N
34 - $76^{\circ} 23.0704'$ W on Merkle Bay Point;
- 35 (iv) North Bay, east of a line beginning at a point $35^{\circ} 01.8982'$ N - $76^{\circ} 21.7135'$
36 W on Point of Grass, running southeasterly to a point $35^{\circ} 01.3320'$ N - 76°
37 $21.3353'$ W on Western Point.

- 1 (3) In Core Sound and its tributaries, southwest of a line beginning at a point 35° 00.1000' N - 76°
2 14.8667' W near Hog Island Reef; running easterly to a point 34° 58.7853' N - 76° 09.8922' W
3 on Core Banks; and in the following waterbodies and their ~~tributaries: Back-tributaries:~~ Back
4 Bay, the Straits, Back Sound, North River, Newport River, Bogue ~~Sound~~Sound, and White
5 Oak River.
- 6 (4) In ~~any of the coastal waters of~~ Onslow, Pender, New Hanover, and Brunswick counties.

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

9 *Eff. January 1, 1991;*

10 *Amended Eff. July 1, 1993; October 1, 1992; September 1, 1991;*

11 *Recodified from 15A NCAC 03R .0008 Eff. December 17, 1996;*

12 *Amended Eff. April 1, 2016; October 1, 2004.*