

1 15A NCAC 03J .0301 is amended as published in 39:07 NCR 382-383 as follows:

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3 **SECTION .0300 - POTS, DREDGES, AND OTHER FISHING DEVICES**
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5 **15A NCAC 03J .0301 POTS**

6 (a) It shall be unlawful to use pots except during time periods and in areas specified herein:

7 (1) in Internal Waters from December 1 through May 31, except that:

8 (A) in the Northern Region designated in 15A NCAC 03R .0118(1) all pots shall be removed
9 from Internal Waters from January 1 through January 31. Fish pots upstream of the U.S.
10 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke,
11 Cashie, Middle, and Eastmost Rivers to the Highway 258 Bridge are exempt from this
12 removal requirement.

13 (B) in the Southern Region designated in 15A NCAC 03R .0118(2) all pots shall be removed
14 from Internal Waters from March 1 through March 15.

15 (2) in Internal Waters from June 1 through November 30 in the Northern Region designated in 15A
16 NCAC 03R .0118(1):

17 (A) in areas described in 15A NCAC 03R .0107(a).

18 (B) to allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director
19 may, by proclamation, specify time periods for and designate the areas described in 15A
20 NCAC 03R .0107(b) or any part thereof, for the use of pots.

21 (3) in Internal Waters from May 1 through November 30 in the Southern Region designated in 15A
22 NCAC 03R .0118(2), the Fisheries Director may, by proclamation, specify time periods and areas
23 for the use of pots.

24 (4) in the Atlantic Ocean from May 1 through November 30 the Fisheries Director may, by
25 proclamation, specify time periods and areas for the use of pots.

26 (b) It shall be unlawful to use pots:

27 (1) in any navigation channel marked by State or Federal agencies; or

28 (2) in any turning basin maintained and marked by the North Carolina Ferry Division.

29 (c) It shall be unlawful to use pots in a commercial fishing operation unless each pot is marked by attaching a floating
30 buoy of any color except any shade of yellow or any shade of hot pink, or any combination of colors that include any
31 shade of yellow or any shade of hot pink. Buoys shall be of solid foam or other solid buoyant material no less than
32 five inches in diameter and no less than five inches in length. ~~The gear owner's last name and initials~~ One of the
33 following shall be engraved on the attached buoy or identified by attaching engraved metal or plastic tags to the ~~buoy.~~
34 ~~If a vessel is used, the identification shall also include one of the following: buoy:~~

35 (1) gear owner's current motor boat registration number; ~~or~~

36 (2) gear owner's U.S. vessel documentation ~~name~~ name; or

37 (3) gear owner's last name and initials.

(d) Pots attached to shore or a pier shall be exempt from Subparagraphs (a)(2) and (a)(3) of this Rule.

(e) It shall be unlawful to use shrimp pots with mesh lengths smaller than one and one-fourth inches stretch or five-eighths-inch bar.

(f) It shall be unlawful to use pots to take eels with mesh lengths smaller than one-half inch by one-half inch.

(g) Except for unbaited pots or pots baited with a male crab, it shall be unlawful to use crab pots in Coastal Fishing Waters unless each pot contains no less than three unobstructed escape rings that are at least two and five-sixteenth inches inside diameter and:

(1) for pots with a divider:

(A) two escape rings shall be located on opposite panels of the upper chamber of the pot; and

(B) at least one escape ring shall be located within one full mesh of the corner and one full mesh of the bottom of the divider in the upper chamber of the pot.

(2) for pots without a divider:

(A) two escape rings shall be located on opposite panels of the pot; and

(B) at least one escape ring shall be located within one full mesh of the corner and one full mesh of the bottom of the pot.

For the purpose of this Rule, a "divider" shall mean a panel that separates the crab pot into upper and lower sections.

(h) The Fisheries Director may, by proclamation, impose on a commercial fishing operation and for recreational purposes any of the following restrictions for pots:

(1) specify time;

(2) specify area;

(3) specify means and methods;

(4) specify record keeping and reporting requirements;

(5) specify season, including a closed season for removal of all pots from Internal Waters;

(6) specify species; and

(7) specify quantity.

(i) It shall be unlawful to use more than 150 crab pots per vessel in Newport River.

(j) It shall be unlawful to remove crab pots from the water or remove crabs from crab pots between one hour after sunset and one hour before sunrise.

(k) It shall be unlawful to use pots to take crabs unless the line connecting the pot to the buoy is non-floating.

(l) It shall be unlawful to use pots with leads or leaders to take shrimp. For the purpose of this Rule, "leads" or "leaders" shall mean any fixed or stationary net or device used to direct fish into any gear used to capture fish. Any device with leads or leaders used to capture fish shall not be a pot.

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

Eff. January 1, 1991;

Amended Eff. August 1, 1998; May 1, 1997; March 1, 1996; March 1, 1994; October 1, 1992;

September 1, 1991;

1 *Temporary Amendment Eff. July 1, 1999;*
2 *Amended Eff. August 1, 2000;*
3 *Temporary Amendment Eff. September 1, 2000;*
4 *Amended Eff. May 1, 2015; April 1, 2014; September 1, 2005; August 1, 2004; August 1, 2002;*
5 *Readopted Eff. March 15, ~~2023~~, 2023;*
6 *Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03M .0523 is adopted as published in 39:07 NCR 383 as follows:
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3 **15A NCAC 03M .0523 FALSE ALBACORE**

4 (a) If the level of landings of false albacore in a calendar year exceeds 200 percent of the five-year average of North
5 Carolina recreational and commercial landings combined from 2018-2022, the Fisheries Director shall issue a
6 proclamation as set forth in Paragraph (b) of this Rule.

7 (b) In accordance with Paragraph (a) of this Rule and after prior consent of the Marine Fisheries Commission, the
8 Fisheries Director shall, by proclamation, impose the following requirements on the taking of false albacore:

9 (1) for recreational purposes, specify a bag limit not to exceed 10 fish per person per day, not to exceed
10 30 fish per vessel per day; and

11 (2) for a commercial fishing operation, specify a trip limit not to exceed 3,500 pounds in any one day
12 or trip, whichever is more restrictive.

13 (c) A proclamation issued in accordance with Paragraphs (a) and (b) of this Rule shall become effective January 1 of
14 the year following the year when the determination is made that a proclamation shall be issued. The proclamation
15 shall expire when the level of landings falls below the landings level in Paragraph (a) of this Rule in a subsequent
16 calendar year and after prior consent of the Marine Fisheries Commission.

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18 History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;
19 Eff. May 1, 2025.

1 15A NCAC 03O .0601 is adopted as published in 39:07 NCR 383 as follows:
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3 **SECTION .0600 – INTERSTATE WILDLIFE VIOLATOR COMPACT (WVC)**
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5 **15A NCAC 03O .0601 WVC GENERAL PROVISIONS**

6 (a) The purpose of this Section is to establish the rules necessary to implement G.S. 113 Article 22B, the Interstate
7 Wildlife Violator Compact (hereinafter referred to as WVC).

8 (b) The rules in this Section shall apply to any person possessing a license, privilege, or right to take, possess, sell,
9 buy, or transport wildlife in the State of North Carolina. Violations under this Section apply only to offenses charged
10 by an inspector as set forth in laws or rules administered by the Division of Marine Fisheries or under G.S. 113-136(d).
11 The rules shall not apply to any offenses committed in North Carolina or any other WVC state prior to July 1, 2025.

12 (c) The definitions in G.S. 113-300.6 Article II shall apply throughout this Section and to all forms prescribed pursuant
13 to this Section, unless otherwise indicated.

14 (d) For the purpose of this Section, "member state" shall mean "party state" as defined in G.S. 113-300.6.
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16 *History Note: Authority G.S. 113-134; 113-300.7;*
17 *Eff. May 1, 2025.*

1 15A NCAC 03O .0602 is adopted as published in 39:07 NCR 383 as follows:

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3 **15A NCAC 03O .0602 WVC OPERATIONS MANUAL**

4 The Wildlife Violator Compact Operations Manual and G.S. 113-300.6 hereby establish the administrative and
5 procedural guidelines for participation in the WVC. The Wildlife Violator Compact Operations Manual is
6 incorporated by reference including subsequent amendments and editions, and is available at
7 <http://www.ncwildlife.org> or <http://www.deq.nc.gov/wildlifeviolatorcompact>, at no cost.

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9 *History Note: Authority G.S. 113-134; 113-300.7;*

10 *Eff. May 1, 2025.*

1 15A NCAC 03O .0603 is adopted as published in 39:07 NCR 383-384 as follows:

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3 **15A NCAC 03O .0603 WVC CONDITIONS FOR NORTH CAROLINA VIOLATIONS BY NON-**
4 **RESIDENTS**

5 (a) All offenses charged by an inspector as set forth in laws or rules administered by the Division of Marine Fisheries
6 or under G.S. 113-136(d) are subject to the provisions of the WVC.

7 (b) Non-residents of North Carolina who are residents of a WVC member state at the time of a misdemeanor violation
8 as set forth in Paragraph (a) of this Rule occurring in North Carolina may be released on personal recognizance when
9 the violation consists of a written citation requiring a violator to resolve the violation directly with the court, either in
10 person, by mail, or through an attorney.

11 (c) Upon failure to comply with the terms of a citation issued by an inspector, the Division shall send notice of failure
12 to comply. The notice shall be a letter sent by the U.S. Postal Service to the last known address of the wildlife violator
13 or be delivered personally. The Division shall report the failure to comply to the non-resident's home state to start
14 suspension procedures in accordance with the Wildlife Violator Compact Operations Manual.

15 (d) To have any licenses or permits returned by the Division, the non-resident shall submit to the Division a judgment,
16 receipt, or other official record indicating that the citation has been resolved through the North Carolina Court System.
17 The Division shall return affected licenses and permits.

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19 *History Note: Authority G.S. 113-134; 113-300.7;*
20 *Eff. May 1, 2025.*

1 15A NCAC 03O .0604 is adopted as published in 39:07 NCR 384 as follows:

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3 **15A NCAC 03O .0604 WVC CONDITIONS FOR NORTH CAROLINA RESIDENTS FOR FAILURE TO**
4 **APPEAR OR FAILURE TO COMPLY IN ANOTHER WVC MEMBER STATE**

5 (a) North Carolina residents who commit a wildlife violation as defined by G.S. 113-300.6 in another WVC member
6 state, who upon release on personal recognizance from the issuing state, failed to resolve the terms of his or her
7 citation, shall have any licenses and permits for which the Division of Marine Fisheries has enforcement authority in
8 North Carolina suspended pursuant to G.S. 113-300.7.

9 (b) If the Division receives notice of an unresolved citation, a Notice of Suspension shall be prepared and sent to the
10 wildlife violator as follows:

11 (1) the suspension shall have a delayed effective date of at least 14 business days from the date of the
12 mail used to send the notice of suspension to the wildlife violator, to allow the wildlife violator to
13 contact the court in the issuing state and resolve the citation;

14 (2) the notice shall be a letter sent by the U.S. Postal Service to the last known address of the wildlife
15 violator or be delivered personally;

16 (3) the notice of suspension shall inform the violator of the issuing state from which the wildlife violator
17 is suspended, the details of the violation provided by that issuing state to the Division, and
18 procedures to be followed in resolving the matter with the court in the issuing state; and

19 (4) the notice shall provide the procedure for appealing the suspension.

20 (c) Any suspension ratified by the Division shall remain in effect until such time as the North Carolina resident
21 resolves the violation in the issuing state.

22 (d) When a North Carolina resident resolves a violation with the court in the issuing state, it is the responsibility of
23 the resident to notify the Division and present documentation of compliance by submitting a copy of either the court
24 judgment resolving the matter or a Notice of Compliance from the issuing state. Upon receipt of the required
25 documentation, the Division shall issue an acknowledgement of compliance to the resident. If the acknowledgement
26 is issued before the effective date of the suspension, the suspension shall be rescinded. If the acknowledgment of
27 compliance is issued after the effective date of the suspension, the Division shall return any licenses or permits.

28 (e) The issuing state shall be notified by the Division if the suspension order is overturned by the Office of
29 Administrative Hearings.

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31 *History Note: Authority G.S. 113-134; 113-300.7; 143B-289.52;*

32 *Eff. May 1, 2025.*

1 15A NCAC 03O .0605 is adopted with changes as published in 39:07 NCR 384 as follows:

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3 **15A NCAC 03O .0605 WVC RECIPROCAL RECOGNITION OF SUSPENSIONS**

4 (a) When the Division of Marine Fisheries receives notice of a suspension from a WVC member state of a person's
5 license or permit that is the result of a conviction or an accumulation of convictions of wildlife violations in one or
6 more WVC member states, the Division shall determine whether the conviction, or accumulation of convictions,
7 leading to the suspension could have led to the suspension of licenses and permits for which the Division has
8 enforcement authority pursuant to Chapter 113, Subchapter IV of the General Statutes. If it is determined that the
9 person's licenses and permits would have been suspended under Chapter 113, Subchapter IV of the General Statutes,
10 the person's North Carolina licenses and permits shall be suspended pursuant to G.S. 113-300.7 for the period of
11 suspension imposed by the WVC member state where the violation occurred.

12 (b) North Carolina shall communicate suspension information to other WVC member states using the WVC database,
13 and may include the following information about the wildlife violator:

- 14 (1) name;
15 (2) date of birth;
16 (3) last known address;
17 (4) violations and convictions upon which the suspension is based;
18 (5) scope of the ~~suspension (e.g., suspension, such as fishing, hunting, trapping, or all privileges or~~
19 ~~rights); rights;~~ and
20 (6) effective dates of the suspension and term of the suspension.

21 (c) In the event documentation of a violation and subsequent license suspension is needed by a WVC member state
22 for license suspension hearings or other purposes, the Division may provide certified copies of the citation or other
23 charging instrument, any arrest or investigation reports, suspension orders, and the disposition of the matter.

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25 *History Note:* Authority G.S. 113-134; 113-300.7; 143B-289.52;
26 *Eff. May 1, 2025.*

1 15A NCAC 03O .0606 is adopted as published in 39:07 NCR 384 as follows:

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3 **15A NCAC 03O .0606 APPEALS**

4 A person served with a notice of suspension or revocation pursuant to this Section may obtain an administrative review
5 of the suspension or revocation pursuant to G.S. 150B-23. Notice of the right to administrative review shall be included
6 in the notice of suspension or revocation.

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8 *History Note: Authority G.S. 113-134; 113-300.7; 143B-289.52;*
9 *Eff. May 1, 2025.*