

1 15A NCAC 03Q .0101 is readopted without substantive changes as published in 36:20 NCR 1623 as follows:

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

4
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 and joint fishing waters. These rules are adopted jointly by the Marine Fisheries Commission and the
10 Wildlife Resources Commission. In addition to the classification of the waters of the state these joint rules set forth
11 guidelines to determine which fishing activities in joint waters are regulated by the Marine Fisheries Commission and
12 which are regulated by the Wildlife Resources Commission. Finally, the joint rules set forth special fishing regulations
13 applicable in joint waters that can be enforced by officers of the Division of Marine Fisheries and the Wildlife
14 Resources Commission. These regulations do not affect the jurisdiction of the Marine Fisheries Commission and the
15 Wildlife Resources Commission in any matters other than those specifically set out.

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

18 *Eff. January 1, 1991;*

19 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0102 is readopted without substantive changes as published in 36:20 NCR 1623 as follows:

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

4 Inland fishing waters are all inland waters except private ponds; and all waters connecting with or tributary to coastal
5 sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing waters
6 agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters which are
7 tributary to inland fishing waters and which are not otherwise designated by agreement between the Marine Fisheries
8 Commission and the Wildlife Resources Commission are inland fishing waters. The regulation and licensing of
9 fishing in inland fishing waters is under the jurisdiction of the Wildlife Resources Commission. Regulations and laws
10 administered by the Wildlife Resources Commission regarding fishing in inland fishing waters are enforced by
11 wildlife enforcement officers.

12

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

14 *Eff. January 1, 1991;*

15 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0103 is readopted without substantive changes as published in 36:20 NCR 1623-1624 as follows:

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

4 Coastal fishing waters are the Atlantic Ocean; the various coastal sounds; and estuarine waters up to the dividing line
5 between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the
6 Wildlife Resources Commission. All waters which are tributary to coastal fishing waters and which are not otherwise
7 designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are
8 coastal fishing waters. The regulations and licensing of fishing in coastal fishing waters is under the jurisdiction of
9 the Marine Fisheries Commission; except that inland game fish (exclusive of spotted seatrout, weakfish, and striped
10 bass) are subject to regulations by the Wildlife Resources Commission in coastal fishing waters. Regulations and
11 laws administered by the Marine Fisheries Commission regarding fishing in coastal waters are enforced by fisheries
12 enforcement officers. Regulations regarding inland game fish in coastal fishing waters are enforced by wildlife
13 enforcement officers unless otherwise agreed to by the Wildlife Resources Commission.

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

16 *Eff. January 1, 1991;*

17 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0104 is readopted without substantive changes as published in 36:20 NCR 1624 as follows:

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

4 Joint fishing waters are those coastal fishing waters, hereinafter set out, denominated by agreement of the Marine
5 Fisheries Commission and the Wildlife Resources Commission pursuant to G.S. 113-132(e) as joint fishing waters.

6 All waters which are tributary to joint fishing waters and which are not otherwise designated by agreement between
7 the Marine Fisheries Commission and the Wildlife Resources Commission are classified as joint fishing waters. The
8 regulation and licensing of fishing in joint waters shall be as stated in 15A NCAC 3Q .0106.

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

11 *Eff. January 1, 1991;*

12 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0105 is readopted without substantive changes as published in 36:20 NCR 1624 as follows:

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

4 The dividing lines of all major bodies of water and watercourses which are divided by the agreement of the Marine
5 Fisheries Commission and the Wildlife Resources Commission so that portions of the same are constituted inland
6 fishing waters, coastal fishing waters, or joint fishing waters shall be marked with signs in so far as may be practicable.
7 Unmarked and undesignated tributaries shall have the same classification as the designated waters to which they
8 connect or into which they flow. No unauthorized removal or relocation of any such marker shall have the effect of
9 changing the classification of any body of water or portion thereof, nor shall any such unauthorized removal or
10 relocation or the absence of any marker affect the applicability of any regulation pertaining to any such body of water
11 or portion thereof.

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

14 *Eff. January 1, 1991;*

15 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0106 is readopted without substantive changes as published in 36:20 NCR 1624 as follows:

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3 **15A NCAC 03Q .0106 APPLICABILITY OF RULES: JOINT WATERS**

4 (a) All coastal fishing laws and regulations administered by the Department of Environment and Natural Resources
5 and the Marine Fisheries Commission apply to joint waters except as otherwise provided, and shall be enforced by
6 fisheries enforcement officers.

7 (b) The following inland fishing laws and regulations administered by the Wildlife Resources Commission apply to
8 joint waters and shall be enforced by wildlife enforcement officers:

9 (1) all laws and regulations pertaining to inland game fishes,

10 (2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,

11 (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.

12

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

14 *Eff. January 1, 1991;*

15 *Amended Eff. July 1, 1999;*

16 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0107 is readopted without substantive changes as published in 36:20 NCR 1624-1625 as follows:

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

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

9 (1) Striped Bass

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

28 (2) Lake Mattamuskeet:

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

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

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

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

1 15A NCAC 03Q .0108 is readopted without substantive changes as published in 36:20 NCR 1625 as follows:

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3 **15A NCAC 03Q .0108 MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN**
4 **JOINT 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 effectively manage the recreational hook and line harvest in joint waters of the Albemarle Sound-
8 Roanoke River stock of striped bass, the Marine Fisheries Commission and the Wildlife Resources Commission deem
9 it necessary to establish two management areas; the Albemarle Sound Management Area and the Roanoke River
10 Management Area as designated in 15A NCAC 03R .0201. The Wildlife Resources Commission shall have principal
11 management responsibility for the stock when it is in the joint and inland fishing waters of the Roanoke River
12 Management Area. The Marine Fisheries Commission shall have principal management responsibility for the stock
13 in the coastal, joint and inland waters of the Albemarle Sound Management Area. The annual quota for recreational
14 harvest of the Albemarle-Roanoke striped bass stock shall be divided equally between the two management areas.
15 Each commission shall implement management actions for recreational harvest within their respective management
16 areas that will be consistent with the North Carolina Estuarine Striped Bass Fishery Management Plan.

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

19 *Eff. January 1, 1991;*

20 *Amended Eff. October 1, 2004; September 1, 1991;*

21 *Readopted Eff. September 1, 2022.*

1 15A NCAC 03Q .0109 is readopted without substantive changes as published in 36:20 NCR 1625 as follows:

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

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

9 (1) In the Roanoke River Management Area, the exclusive authority to open and close seasons and
10 areas, and establish size and creel limits whether inland or joint fishing waters shall be vested in the
11 Wildlife Resources Commission. An instrument closing any management area in joint waters shall
12 operate as and shall be a jointly issued instrument opening or closing seasons or areas to harvest in
13 the Roanoke River management area.

14 (2) In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and
15 areas and establish size and creel limits, whether coastal or joint fishing waters shall be vested in
16 the Marine Fisheries Commission. The season shall close by proclamation if the quota is about to
17 be exceeded. In the Albemarle Sound Management Area administered by the Marine Fisheries
18 Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke
19 River Management Area, shall automatically be implemented and effective as a Wildlife Resources
20 Commission action in the inland waters and tributaries to the waters affected.

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