

SUBCHAPTER 03H – SCOPE OF MANAGEMENT

SECTION .0100 – SCOPE OF MANAGEMENT

15A NCAC 03H .0101 IDENTIFICATION INFORMATION

History Note: Authority G.S. 113-134;
Eff. January 1, 1991;
Amended Eff. March 1, 1994;
Temporary Repeal Eff. July 1, 1999;
Repealed Eff. August 1, 2000.

15A NCAC 03H .0102 SCOPE OF MANAGEMENT

The rules in this Chapter apply to the conservation and protection of marine and estuarine resources occurring in all coastal fishing waters of North Carolina, including joint fishing waters, and in the Atlantic Ocean.

History Note: Authority G.S. 113-129; 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

15A NCAC 03H .0103 PROCLAMATIONS, GENERAL

(a) It is unlawful to violate the provisions of a proclamation issued pursuant to a rule of the Marine Fisheries Commission, as provided in G.S. 113-221.1.

(b) If specific variable conditions are not set forth in a rule of the Marine Fisheries Commission that grants proclamation authority to the Fisheries Director, the Fisheries Director shall consider the following variable conditions in exercising proclamation authority:

- (1) compliance with changes mandated by the Fisheries Reform Act and its amendments;
- (2) biological impacts;
- (3) environmental conditions;
- (4) compliance with Fishery Management Plans;
- (5) user conflicts;
- (6) bycatch issues;
- (7) variable spatial distributions; and
- (8) protection of public health related to the public health programs that fall under the authority of the Marine Fisheries Commission.

History Note: Authority G.S. 113-134; 113-135; 113-182; 113-221.1; 113-221.2; 113-221.3; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994; September 1, 1991;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. May 1, 2017; April 1, 2011; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

15A NCAC 03H .0104 MAPS AND MARKING

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. August 1, 2004;
Repealed Eff. April 1, 2011.