

SUBCHAPTER 03K - OYSTERS, CLAMS, SCALLOPS, AND MUSSELS

SECTION .0100 – SHELLFISH, GENERAL

15A NCAC 03K .0101 PROHIBITED ACTIVITIES IN POLLUTED SHELLFISH AREAS

(a) It shall be unlawful to possess, sell, or take oysters, clams, or mussels from areas that have been designated as polluted by proclamation by the Fisheries Director except in accordance with:

- (1) a Depuration Permit as set forth in Rule .0107 of this Section;
- (2) an Aquaculture Seed Transplant Permit as set forth in G.S. 113-203; or
- (3) a Shellfish Relocation Permit. The Fisheries Director may, by proclamation, designate sites for relocation where shellfish would otherwise be destroyed due to maintenance dredging, construction, or other development activities.

Individuals shall obtain an Aquaculture Seed Transplant Permit from the Secretary, or a Depuration Permit or a Shellfish Relocation Permit from the Fisheries Director setting forth the time, area, and method by which such shellfish may be taken. The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500.

(b) The Fisheries Director shall issue shellfish polluted area proclamations if criteria for approved shellfish harvest areas in accordance with 15A NCAC 18A .0900 have not been met. The Fisheries Director may reopen any such closed area by proclamation if criteria for approved shellfish harvest areas in accordance with 15A NCAC 18A .0900 have been met. Copies of these proclamations and maps of these areas are available upon request at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557; 800-682-2632 or 252-515-5500; or at <https://www.deq.nc.gov/about/divisions/marine-fisheries/rules-proclamations-and-size-and-bag-limits/polluted-area-proclamations>.

(c) The Fisheries Director may, by proclamation, close areas to the taking of oysters, clams, scallops, and mussels to protect the shellfish populations for management purposes or for protection of public health related to the public health programs that fall under the authority of the Marine Fisheries Commission not specified in Paragraphs (a) or (b) of this Rule.

(d) It shall be unlawful to possess or sell oysters, clams, or mussels taken from waters outside North Carolina that have been deemed by the shellfish control authority where the shellfish were taken as unsuitable for the harvest of shellfish, except as provided in 15A NCAC 03I .0104.

*History Note: Authority G.S. 113-134; 113-168.5; 113-169.2; 113-182; 113-203; 113-221.1; 113-221.2; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1993;
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