

15A NCAC 03K .0205 MARKETING OYSTERS TAKEN FROM A SHELLFISH LEASE OR FRANCHISE

- (a) It shall be unlawful to take, possess, buy, or sell oysters from a shellfish lease or franchise during the open season unless such oysters have been culled in accordance with Rule .0202 of this Section.
- (b) All commercial oyster harvesting operations shall operate in accordance with any proclamations issued under the authority of Rule .0110 of this Subchapter.
- (c) It shall be unlawful for a shellfish lease or franchise holder or the holder's designees to take or possess oysters from public bottom while possessing aboard a vessel oysters taken from a lease or franchise.
- (d) It shall be unlawful for a shellfish lease or franchise holder or the holder's designees to fail to obtain an Aquaculture Operation Permit if the lease or franchise has material extending more than 18 inches above the leased bottom or uses equipment including cages, bags, or predator nets to cultivate shellfish.

History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 1991;
Temporary Amendment Eff October 1, 2001;
Amended Eff. April 1, 2003;
Readopted Eff. March 15, 2023.