

## CHAPTER 3 - MARINE FISHERIES

### SUBCHAPTER 3A - DIVISION RULES

**15A NCAC 03A .0101 IDENTIFICATION INFORMATION**  
**15A NCAC 03A .0102 BASIC PURPOSE AND FUNCTION OF THE DIVISION**

*History Note:* Authority G.S. 113-134; 150B-11;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1990; September 1, 1989;  
August 1, 1984; September 30, 1979;  
Repealed Eff. January 1, 1991.

**15A NCAC 03A .0103 ORGANIZATION OF THE DIVISION**

*History Note:* Authority G.S. 113-134; 150B-11;  
Eff. February 1, 1976;  
Amended Eff. August 1, 1984; October 1, 1983; September 30, 1979; January 1, 1979;  
Repealed Eff. March 1, 1987.

**15A NCAC 03A .0104 DEFINITIONS**  
**15A NCAC 03A .0105 DELEGATION OF AUTHORITY TO FISHERIES DIRECTOR**

*History Note:* Authority G.S. 113-134; 143B-10; 150B-10;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1990; December 1, 1987;  
August 1, 1984; January 1, 1979;  
Repealed Eff. January 1, 1991.

### SUBCHAPTER 3B - FISHERIES REGULATIONS FOR COASTAL WATERS

#### SECTION .0100 - GENERAL REGULATIONS

**15A NCAC 03B .0101 SCOPE AND FUNCTION**  
**15A NCAC 03B .0102 DEFINITIONS**  
**15A NCAC 03B .0103 TEMPORARY SUSPENSION OF REGULATIONS**

*History Note:* Authority G.S. 113-121; 113-134; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1989; September 1, 1988;  
December 1, 1987; September 1, 1987;  
Repealed Eff. January 1, 1991.

**15A NCAC 03B .0104 TAXES**

*History Note:* Authority G.S. 113-134; 113-152; 113-182; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1979;  
Repealed Eff. January 1, 1984.

**15A NCAC 03B .0105 LEGAL SIZES AND CREEL LIMITS**

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;

*Eff. February 1, 1976;*  
*Amended Eff. April 1, 1990; September 1, 1989; September 1, 1988; December 1, 1987;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03B .0106 SEASONS**

*History Note: Authority G.S. 113-134; 113-182; 143B-286;*  
*Eff. February 1, 1976;*  
*Repealed Eff. August 4, 1980.*

**15A NCAC 03B .0107 CONFISCATION AND DISPOSITION**  
**15A NCAC 03B .0108 INTRODUCTION OF EXOTICS**  
**15A NCAC 03B .0109 OCEAN FISHING PIERS**

*History Note: Authority G.S. 113-134; 113-137; 113-182; 113-185; 113-221; 143B-289.4;*  
*Eff. February 1, 1976;*  
*Amended Eff. September 1, 1989; December 1, 1987;*  
*October 1, 1985; August 1, 1984;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03B .0110 DESTRUCTION OF SIGNS PROHIBITED**

*History Note: Authority G.S. 113-134; 113-182; 113-264; 143B-286;*  
*Eff. February 1, 1976;*  
*Amended Eff. January 1, 1979;*  
*Repealed Eff. August 1, 1984.*

**15A NCAC 03B .0111 ARTIFICIAL REEFS AND RESEARCH SANCTUARIES**

*History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.4;*  
*Eff. February 1, 1976;*  
*Amended Eff. September 1, 1989; December 1, 1987; January 1, 1979;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03B .0112 VIOLATION OF THESE REGULATIONS**

*History Note: Authority G.S. 113-134; 113-135; 143B-286;*  
*Eff. February 1, 1976;*  
*Repealed Eff. August 1, 1984.*

**15A NCAC 03B .0113 PROTECTION OF SEA TURTLES**

*History Note: Authority G.S. 113-132; 113-134; 113-138; 113-181; 113-182;*  
*113-224; 143B-289.4;*  
*Eff. May 1, 1979;*  
*Amended Eff. February 1, 1990;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03B .0114 SEA TURTLE SANCTUARY**

*History Note: Authority G.S. 113-134; 113-182; 143B-289.4;*  
*Eff. August 4, 1980;*  
*Amended Eff. September 1, 1989; December 1, 1987;*  
*January 1, 1983; August 3, 1981;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03B .0115 ENDANGERED OR THREATENED SPECIES**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. January 1, 1983;  
Amended Eff. December 1, 1987; October 1, 1983;  
Repealed Eff. January 1, 1991.

**15A NCAC 03B .0116 SHIPPING AND TRANSPORTING SEAFOOD**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. January 1, 1984;  
Amended Eff. September 1, 1989; August 1, 1984;  
Repealed Eff. January 1, 1991.

**15A NCAC 03B .0117 MILITARY RESTRICTED AREAS**

*History Note:* Authority G.S. 113-134; 113-181; 113-182; 143B-289.4;  
Eff. August 1, 1984;  
Amended Eff. September 1, 1989; July 1, 1988;  
Repealed Eff. January 1, 1991.

**SECTION .0200 - LICENSES**

**15A NCAC 03B .0201 LICENSE AGENTS**

**15A NCAC 03B .0202 DEALER'S AND OCEAN PIER LICENSE DISPLAY**

**15A NCAC 03B .0203 VESSEL LICENSE**

*History Note:* Authority G.S. 113-134; 113-151.1; 113-152; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1989; August 1, 1984; January 1, 1984; October 1, 1983;  
Repealed Eff. January 1, 1991.

**15A NCAC 03B .0204 RECIPROCAL FISHING RIGHTS**

*History Note:* Authority G.S. 113-134; 113-151; 113-161; 143B-286;  
Eff. February 1, 1976;  
Repealed Eff. August 1, 1984.

**15A NCAC 03B .0205 BAIT DEALERS**

**15A NCAC 03B .0206 SURRENDER OF LICENSES**

**15A NCAC 03B .0207 SALE OF FISH**

*History Note:* Authority G.S. 113-134; 113-151; 113-156; 113-166; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1989; October 1, 1983;  
Repealed Eff. January 1, 1991.

**SECTION .0300 - NET REGULATIONS: GENERAL**

**15A NCAC 03B .0301 FIXED OR STATIONARY NETS**

**15A NCAC 03B .0302 NETS OR NET STAKES**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1989; August 1, 1985;  
Repealed Eff. January 1, 1991.

**15A NCAC 03B .0303 NETS HAULED BY ENGINE POWER**

*History Note:* Authority G.S. 113-134; 113-182; 143B-286;  
Eff. February 1, 1976;  
Repealed Eff. August 4, 1980.

- 15A NCAC 03B .0304 GILL NETS**
- 15A NCAC 03B .0305 TRAWL NETS**
- 15A NCAC 03B .0306 PURSE SEINES AND PURSE GILL NETS**
- 15A NCAC 03B .0307 CHANNEL NETS**
- 15A NCAC 03B .0308 POUND NETS**
- 15A NCAC 03B .0309 NETS PULLED BY MORE THAN ONE BOAT**

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-286; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1989; September 1, 1988;  
December 1, 1987; September 1, 1987;  
Repealed Eff. January 1, 1991.

**15A NCAC 03B .0310 SEINES PULLED BY ONE OR MORE BOATS**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. March 1, 1987;  
Amended Eff. September 1, 1989;  
Repealed Eff. January 1, 1991.

**SECTION .0400 - NET REGULATIONS: SPECIFIC**

- 15A NCAC 03B .0401 ALBEMARLE SOUND AND TRIBUTARIES**
- 15A NCAC 03B .0402 ATLANTIC OCEAN**
- 15A NCAC 03B .0403 CHOWAN RIVER AND ITS TRIBUTARIES**
- 15A NCAC 03B .0404 CURRITUCK SOUND AND ITS TRIBUTARIES**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1989; September 1, 1988;  
December 1, 1987; September 1, 1987;  
Repealed Eff. January 1, 1991.

**15A NCAC 03B .0405 NEUSE RIVER**

*History Note:* Authority G.S. 113-134; 113-182; 143B-286;  
Eff. February 1, 1976;  
Amended Eff. June 2, 1976;  
Repealed Eff. January 1, 1983.

**15A NCAC 03B .0406 PAMLICO RIVER**

*History Note:* Authority G.S. 113-134; 113-182; 143B-286;

*Eff. February 1, 1976;*  
*Repealed Eff. June 2, 1976.*

**15A NCAC 03B .0407 PAMLICO SOUND**

*History Note: Authority G.S. 113-134; 113-182; 143B-286;*  
*Eff. February 1, 1976;*  
*Repealed Eff. August 4, 1980.*

**15A NCAC 03B .0408 PAMLICO SOUND**  
**15A NCAC 03B .0409 ROANOKE, CASHIE, MIDDLE, AND EASTMOST RIVERS**  
**15A NCAC 03B .0410 SOUTHPORT BOAT HARBOR**

*History Note: Authority G.S. 113-134; 113-182; 143B-289.4;*  
*Eff. February 1, 1976;*  
*Amended Eff. September 1, 1989; August 1, 1985;*  
*February 1, 1985; October 1, 1983;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03B .0411 CAPE LOOKOUT BIGHT**

*History Note: Authority G.S. 113-134; 113-182; 143B-286;*  
*Eff. February 1, 1976;*  
*Repealed Eff. October 1, 1983.*

**15A NCAC 03B .0412 CAMP ATLANTIC BOYS' CAMP**

*History Note: Authority G.S. 113-134; 113-182; 143B-286;*  
*Eff. February 1, 1976;*  
*Repealed Eff. October 1, 1978.*

**15A NCAC 03B .0413 CAROLINA POWER AND LIGHT INTAKE CANAL**

*History Note: Authority G.S. 113-134; 113-182; 143B-289.4;*  
*Eff. October 1, 1983;*  
*Amended Eff. September 1, 1989;*  
*Repealed Eff. January 1, 1991.*

**SECTION .0500 - DREDGES, POTS, RAKES AND OTHER FISHING DEVICES**

**15A NCAC 03B .0501 DREDGES AND MECHANICAL METHODS**  
**15A NCAC 03B .0502 MISCELLANEOUS FISHING DEVICES**  
**15A NCAC 03B .0503 LEAVING DEVICES UNATTENDED**

*History Note: Authority G.S. 113-134; 113-137; 113-182; 143B-289.4;*  
*Eff. February 1, 1976;*  
*Amended Eff. November 1, 1990; September 1, 1989;*  
*September 1, 1988; December 1, 1987;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03B .0504 EEL: CRAB: FISH: SHRIMP POTS**

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;*  
*Eff. November 1, 1977;*

*Amended Eff. September 1, 1989; September 1, 1988;  
December 1, 1987; September 1, 1987;  
Repealed Eff. January 1, 1991.*

**15A NCAC 03B .0505 RAKES**

*History Note: Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. October 1, 1981;  
Amended Eff. September 1, 1989; October 1, 1983; January 1, 1983;  
Repealed Eff. January 1, 1991.*

**SECTION .0600 - USE OF FINFISH FOR OTHER THAN HUMAN CONSUMPTION**

**15A NCAC 03B .0601 PROHIBITIONS**

*History Note: Authority G.S. 113-134; 113-185; 143B-286;  
Eff. February 1, 1976;  
Repealed Eff. August 1, 1986.*

**15A NCAC 03B .0602 UNMARKETABLE FOOD OR SCRAP FISH**

*History Note: Authority G.S. 113-134; 113-185; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1989; August 1, 1986;  
Repealed Eff. January 1, 1991.*

**15A NCAC 03B .0603 EXEMPTIONS**

*History Note: Authority G.S. 113-134; 113-185; 143B-286;  
Eff. February 1, 1976;  
Repealed Eff. August 1, 1986.*

**SECTION .0700 - SHRIMP AND SHRIMPING**

**15A NCAC 03B .0701 USE OF NETS IN TAKING SHRIMP**

**15A NCAC 03B .0702 SHRIMPING SEASON**

*History Note: Filed as a Temporary Amendment Eff. June 14, 1985, for a Period of 120 Days to Expire on October 11, 1985;  
Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1989; September 1, 1988;  
December 1, 1987; September 1, 1987;  
Repealed Eff. January 1, 1991.*

**SECTION .0800 - CRABS**

**15A NCAC 03B .0801 TAKING OF CRABS**

**15A NCAC 03B .0802 CRAB SPAWNING SANCTUARIES**

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1989; September 1, 1988;*

*December 1, 1987; September 1, 1987;  
Repealed Eff. January 1, 1991.*

#### **SECTION .0900 - CLAMS**

- 15A NCAC 03B .0901    SIZE AND HARVEST LIMIT, PERMIT, METHOD OF TAKING CLAMS**
- 15A NCAC 03B .0902    PROHIBITED CLAMMING AREAS**
- 15A NCAC 03B .0903    RANGIA CLAMS**
- 15A NCAC 03B .0904    POSSESSION OF UNAPPROVED CLAMS**

*History Note:    Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-221; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1990; February 1, 1990;  
September 1, 1989; September 1, 1988;  
Repealed Eff. January 1, 1991.*

#### **15A NCAC 03B .0905    TAKING OR UNLOADING CLAMS ON SUNDAY OR AT NIGHT**

*History Note:    Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. January 1, 1978;  
Amended Eff. September 1, 1989; September 1, 1988;  
September 1, 1987; January 1, 1984;  
Repealed Eff. January 1, 1991.*

#### **15A NCAC 03B .0906    PERMITS FOR TAKING CLAMS FOR PLANTING**

*History Note:    Authority G.S. 113-134; 113-201; 113-202; 113-203; 113-221; 143B-289.4;  
Eff. October 1, 1983;  
Amended Eff. February 1, 1990; September 1, 1989; December 1, 1987;  
Repealed Eff. January 1, 1991.*

#### **15A NCAC 03B .0907    CLAM HATCHERIES**

*History Note:    Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. September 1, 1989;  
Amended Eff. November 1, 1990; December 1, 1989;  
Repealed Eff. January 1, 1991.*

#### **SECTION .1000 - SCALLOPS**

- 15A NCAC 03B .1001    SOAKED OR SWELLED SCALLOPS PROHIBITED**
- 15A NCAC 03B .1002    BAY SCALLOP SEASON AND HARVEST LIMITS**
- 15A NCAC 03B .1003    PROHIBITED DREDGES**
- 15A NCAC 03B .1004    CALICO SCALLOP SEASON**

*History Note:    Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1989; December 1, 1987;  
September 1, 1987; August 1, 1986;  
Repealed Eff. January 1, 1991.*

#### **15A NCAC 03B .1005    SEA SCALLOPS**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. September 1, 1989;  
Repealed Eff. January 1, 1991.

## **SECTION .1100 - OYSTERS**

**15A NCAC 03B .1101 OYSTER SEASON**  
**15A NCAC 03B .1102 SHELLFISH MANAGEMENT AREAS**  
**15A NCAC 03B .1103 SIZE LIMIT AND CULLING TOLERANCE**

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-221; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1990; September 1, 1989;  
December 1, 1987; September 1, 1987;  
Repealed Eff. January 1, 1991.

**15A NCAC 03B .1104 RECORDS**

*History Note:* Authority G.S. 113-134; 113-151; 113-163; 143B-286;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Repealed Eff. August 1, 1984.

**15A NCAC 03B .1105 POSSESSION OF UNAPPROVED OYSTERS**  
**15A NCAC 03B .1106 MARKETING OYSTERS TAKEN FROM PRIVATE BEDS**  
**15A NCAC 03B .1107 PERMITS FOR TAKING OYSTERS FOR PLANTING**  
**15A NCAC 03B .1108 TRAWLING ACROSS OYSTER MANAGEMENT BEDS**  
**15A NCAC 03B .1109 TAKING OR UNLOADING OYSTERS ON SUNDAY OR AT NIGHT**

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-203; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1990; September 1, 1989;  
September 1, 1988; December 1, 1987;  
Repealed Eff. January 1, 1991.

**15A NCAC 03B .1110 CULTIVATION OF SHELLFISH**

*History Note:* Authority G.S. 113-134; 113-201; 113-202; 143B-286;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1983;  
Repealed Eff. August 1, 1984.

**15A NCAC 03B .1111 TAKING OYSTERS, CLAMS, AND MUSSELS FROM POLLUTED WATERS**

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1990; September 1, 1989;  
December 1, 1987; September 1, 1987;  
Repealed Eff. January 1, 1991.

**15A NCAC 03B .1112 TAKING RANGIA CLAMS BY PERMIT**

*History Note:* Authority G.S. 113-134; 113-182; 143B-286;  
Eff. February 1, 1976;



*Repealed Eff. August 1, 1984.*

#### **SECTION .1200 - LOBSTER**

- 15A NCAC 03B .1201 MINIMUM SIZE LIMIT**
- 15A NCAC 03B .1202 EGG BEARING AND SCRUBBED LOBSTERS**
- 15A NCAC 03B .1203 SHUCKED LOBSTER MEAT**
- 15A NCAC 03B .1204 DETACHED LOBSTER PARTS**
- 15A NCAC 03B .1205 LOBSTER TRAPS**

*History Note: Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. April 28, 1976;  
Amended Eff. September 1, 1989;  
Repealed Eff. January 1, 1991.*

#### **SECTION .1300 - PROCLAMATIONS**

- 15A NCAC 03B .1301 INTRODUCTION**
- 15A NCAC 03B .1302 OPENING AND CLOSING AREAS: PROCEDURES**

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-286;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1983; August 4, 1980; January 1, 1979; January 1, 1977;  
Repealed Eff. August 1, 1984.*

- 15A NCAC 03B .1303 REGULATION CHANGES EFFECTIVE IMMEDIATELY: PROCEDURE**

*History Note: Authority G.S. 113-134; 113-182; 143B-286;  
Eff. February 1, 1976;  
Repealed Eff. August 4, 1980.*

- 15A NCAC 03B .1304 REGULATION CHANGES EFF IMMEDIATELY: PROCEDURE**
- 15A NCAC 03B .1305 REVIEW OF PROCLAMATIONS**

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-286;  
Eff. October 1, 1983;  
Repealed Eff. August 1, 1984.*

#### **SECTION .1400 - NURSERY AREAS**

- 15A NCAC 03B .1401 SCOPE AND PURPOSE**
- 15A NCAC 03B .1402 NURSERY AREAS DEFINED**
- 15A NCAC 03B .1403 MAPS AND MARKING**
- 15A NCAC 03B .1404 VIOLATION TO USE SPECIFIC NETS AND DREDGES**
- 15A NCAC 03B .1405 DESCRIPTIVE BOUNDARIES: PRIMARY NURSERY AREAS**

*History Note: Authority G.S. 113-134; 113-182; 113-229; 143B-289.4;  
Eff. November 1, 1977;  
Amended Eff. September 1, 1989; September 1, 1987;  
August 1, 1986; August 1, 1985;  
Repealed Eff. January 1, 1991.*

- 15A NCAC 03B .1406 VIOLATION TO USE SPECIFIC EQUIPMENT**  
**15A NCAC 03B .1407 DESCRIPTIVE BOUNDARIES-PERMANENT SECONDARY NURSERY AREAS**  
**15A NCAC 03B .1408 DESCRIPTIVE BOUNDARIES-SPECIAL SECONDARY NURSERY AREAS**

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;  
Eff. August 1, 1986;  
Amended Eff. September 1, 1989; December 1, 1987;  
Repealed Eff. January 1, 1991.

#### **SECTION .1500 - STRIPED BASS AND MULLET**

- 15A NCAC 03B .1501 STRIPED BASS: GENERAL**  
**15A NCAC 03B .1502 STRIPED BASS: SEASON, INTERNAL COASTAL WATERS**  
**15A NCAC 03B .1503 STRIPED BASS: SIZE AND CREEL LIMIT, INTERNAL COASTAL WATERS**  
**15A NCAC 03B .1504 STRIPED BASS: SEASON AND SIZE LIMIT: ATLANTIC OCEAN**  
**15A NCAC 03B .1505 STRIPED BASS: TRAWL NETS**  
**15A NCAC 03B .1506 HYBRID STRIPED BASS CULTURE**

*History Note:* Authority G.S. 113-132; 113-134; 113-182; 113-221; 143B-289.4;  
Eff. August 1, 1985;  
Amended Eff. September 1, 1989; September 1, 1988;  
December 1, 1987; November 1, 1986;  
Repealed Eff. January 1, 1991.

#### **15A NCAC 03B .1507 MULLET**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. September 1, 1989;  
Repealed Eff. January 1, 1991.

#### **SECTION .1600 - DEPURATION OF SHELLFISH**

- 15A NCAC 03B .1601 HARVEST SEASON**  
**15A NCAC 03B .1602 HARVEST AREAS, TIMES AND METHODS**  
**15A NCAC 03B .1603 HARVEST PERMITS**  
**15A NCAC 03B .1604 TRANSPORT**  
**15A NCAC 03B .1605 MECHANICAL DEPURATION FACILITIES**

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-221; 143B-289.4;  
Eff. September 1, 1987;  
Amended Eff. February 1, 1990; September 1, 1989; December 1, 1987;  
Repealed Eff. January 1, 1991.

#### **SUBCHAPTER 3C - LICENSES: PERMITS: AND LEASES**

##### **SECTION .0100 - LICENSES**

#### **15A NCAC 03C .0101 COMMERCIAL FISHING LICENSE**

*History Note:* Authority G.S. 113-151; 113-152; 143B-286;

*Eff. February 1, 1976;*  
*Amended Eff. January 1, 1984;*  
*Repealed Eff. August 1, 1984.*

**15A NCAC 03C .0102 APPLICATION FOR A COMMERCIAL FISHING LICENSE**  
**15A NCAC 03C .0103 PROCEDURE TO PURCHASE A COMMERCIAL FISHING LICENSE**  
**15A NCAC 03C .0104 VESSEL LENGTH DESCRIPTION**

*History Note: Authority G.S. 113-151; 113-152; 143B-289.4;*  
*Eff. February 1, 1976;*  
*Amended Eff. July 1, 1988; August 1, 1984; January 1, 1984; December 1, 1982;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03C .0105 EXPIRATION AND RENEWAL**  
**15A NCAC 03C .0106 ISSUANCE**  
**15A NCAC 03C .0107 DISPLAY**  
**15A NCAC 03C .0108 REPLACEMENT**  
**15A NCAC 03C .0109 OYSTER: SCALLOP: CLAM LICENSE**

*History Note: Authority G.S. 113-151; 113-152; 113-154; 113-156.1; 143B-286;*  
*Eff. February 1, 1976;*  
*Amended Eff. January 1, 1984; October 1, 1983; January 1, 1979;*  
*Repealed Eff. August 1, 1984.*

**15A NCAC 03C .0110 APPLICATION FOR AN OYSTER: SCALLOP: CLAM LICENSE**

*History Note: Authority G.S. 113-151; 113-154; 143B-289.4;*  
*Eff. February 1, 1976;*  
*Amended Eff. August 1, 1984; January 1, 1984;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03C .0111 ISSUANCE AND EXPIRATION**

*History Note: Authority G.S. 113-151; 113-154; 143B-286;*  
*Eff. February 1, 1976;*  
*Amended Eff. January 1, 1984;*  
*Repealed Eff. August 1, 1984.*

**15A NCAC 03C .0112 LICENSE TO LAND AND SELL FISH**  
**15A NCAC 03C .0113 APPLICATION FOR A LICENSE TO LAND AND SELL**

*History Note: Authority G.S. 113-151; 113-155; 143B-286;*  
*Eff. February 1, 1976;*  
*Repealed Eff. January 1, 1984.*

**15A NCAC 03C .0114 DEALER LICENSES: DEFINITIONS**

*History Note: Authority G.S. 113-151; 113-156; 143B-289.4;*  
*Eff. February 1, 1976;*  
*Amended Eff. August 1, 1984; January 1, 1984;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03C .0115 APPLICATION FOR A DEALER LICENSE**

*History Note: Authority G.S. 113-151; 113-156; 143B-286;*

*Eff. February 1, 1976;*  
*Repealed Eff. August 1, 1984.*

**15A NCAC 03C .0116 APPLICATION: MENHADEN: OCEAN FISHING PIER LICENSES**

*History Note: Authority G.S. 113-151; 113-152; 113-156; 113-156.1; 143B-286;*  
*Eff. January 1, 1984;*  
*Repealed Eff. August 1, 1984.*

**SECTION .0200 - PERMITS**

**15A NCAC 03C .0201 IN GENERAL**

*History Note: Authority G.S. 113-134; 143B-289.4;*  
*Eff. February 1, 1976;*  
*Amended Eff. August 1, 1984;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03C .0202 SPECIFIC GEAR PERMIT**

*History Note: Authority G.S. 113-134; 113-182; 143B-286;*  
*Eff. February 1, 1976;*  
*Repealed Eff. January 1, 1979.*

**15A NCAC 03C .0203 PERMIT FOR MECHANICAL HARVEST OF CLAMS**

*History Note: Authority G.S. 113-134; 113-182; 143B-289.4;*  
*Eff. February 1, 1976;*  
*Amended Eff. September 1, 1989; September 1, 1988;*  
*December 1, 1987; August 1, 1985;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03C .0204 PERMIT TO TAKE RANGIA CLAMS FROM POLLUTED WATER**

**15A NCAC 03C .0205 PERMIT TO INTRODUCE EXOTICS**

*History Note: Authority G.S. 113-134; 113-182; 143B-286;*  
*Eff. February 1, 1976;*  
*Repealed Eff. August 1, 1984.*

**15A NCAC 03C .0206 PERMITS, SEED MANAGEMENT AREAS**

*History Note: Authority G.S. 113-201; 113-203; 143B-289.4;*  
*Eff. February 1, 1976;*  
*Amended Eff. September 1, 1989; December 1, 1987;*  
*August 1, 1984; October 1, 1983;*  
*Repealed Eff. January 1, 1991.*

**15A NCAC 03C .0207 PERMIT TO TAKE OYSTERS FROM PRIVATE GARDENS**

**15A NCAC 03C .0208 PERMIT TO RELAY SHELLFISH FROM PUBLIC POLLUTED WATERS**

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-203; 143B-286;*  
*Eff. February 1, 1976;*  
*Amended Eff. October 1, 1983;*  
*Repealed Eff. August 1, 1984.*

**15A NCAC 03C .0209 SCIENTIFIC COLLECTING PERMIT**  
**15A NCAC 03C .0210 TERMINATION AND EXPIRATION OF LICENSES AND PERMITS**

*History Note:* Authority G.S. 113-134; 113-151; 113-166; 113-182; 113-261;  
143B-289.4; 150B-23;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1989; January 1, 1988; August 1, 1984;  
Repealed Eff. January 1, 1991.

**15A NCAC 03C .0211 SPECIAL SHELLFISH HARVESTING PERMIT**

*History Note:* Filed as an Emergency Regulation Eff. November 2, 1978, for a Period of 120 Days to Expire on March 2, 1979;  
Authority G.S. 150B-13; 113-134; 113-182; 143B-236;  
Made Permanent With Change Eff. March 2, 1979;  
Repealed Eff. October 1, 1981.

**15A NCAC 03C .0212 PERMITS FOR AQUACULTURE OPERATIONS**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. September 1, 1989;  
Repealed Eff. January 1, 1991.

**SECTION .0300 - SHELLFISH LEASES AND FRANCHISES**

**15A NCAC 03C .0301 SHELLFISH BOTTOM LEASES: INTRODUCTION**

*History Note:* Authority G.S. 113-134; 113-201; 113-202; 143B-286;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1983; October 1, 1981;  
Repealed Eff. August 1, 1984.

**15A NCAC 03C .0302 SUITABLE AREAS FOR LEASING**  
**15A NCAC 03C .0303 SHELLFISH LEASE APPLICATIONS**  
**15A NCAC 03C .0304 SHELLFISH LEASE APPLICATION PROCESSING**  
**15A NCAC 03C .0305 MARKING SHELLFISH LEASES AND FRANCHISES**

*History Note:* Authority G.S. 76-40; 113-134; 113-182; 113-201; 113-202; 113-205;  
143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1989; September 1, 1989; July 1, 1988; August 1, 1984;  
Repealed Eff. January 1, 1991.

**15A NCAC 03C .0306 RENTAL RATES**  
**15A NCAC 03C .0307 EXPIRATION**

*History Note:* Authority G.S. 113-134; 113-201; 113-202; 143B-286;  
Eff. February 1, 1976;  
Repealed Eff. August 1, 1984.

**15A NCAC 03C .0308 SHELLFISH LEASE RENEWAL**  
**15A NCAC 03C .0309 SHELLFISH LEASE PROTEST**  
**15A NCAC 03C .0310 PRODUCTION REPORTS**

**15A NCAC 03C .0311 CANCELLATION**

*History Note:* Authority G.S. 113-134; 113-201; 113-202; 143B-289.4;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1990; September 1, 1989; July 1, 1988; August 1, 1984;  
Repealed Eff. January 1, 1991.

**15A NCAC 03C .0312 TRANSFER OF INTEREST**

*History Note:* Authority G.S. 113-134; 113-201; 113-202; 143B-289.4;  
Eff. October 1, 1983;  
Amended Eff. September 1, 1989;  
Repealed Eff. January 1, 1991.

**15A NCAC 03C .0313 DEFINITIONS**

*History Note:* Authority G.S. 113-134; 113-201; 113-202; 143B-286;  
Eff. October 1, 1983;  
Repealed Eff. August 1, 1984.

**15A NCAC 03C .0314 SHELLFISH FRANCHISES**

*History Note:* Authority G.S. 113-134; 113-201; 113-202; 113-205; 143B-289.4;  
Eff. September 1, 1989;  
Repealed Eff. January 1, 1991.

**SUBCHAPTER 03D - DREDGE AND FILL**

This Subchapter 3D of Title 15A of the North Carolina Administrative Code (15A NCAC 3D); DREDGE AND FILL; has been transferred and recodified as Subchapter 7J, Sections .0800 - .1000 of Title 15A of the North Carolina Administrative Code (15A NCAC 7J .0800 - .1000), effective August 30, 1980.

**SUBCHAPTER 3E - MARINE FISHERIES COMMISSION**

**SECTION .0100 - HEARING PROCEDURES**

**15A NCAC 03E .0101 CONTESTED CASE HEARING PROCEDURES**

*History Note:* Authority G.S. 113-134; 143B-289.4; 150B-14(c); 150B-23;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1988; August 1, 1984; January 1, 1983; January 1, 1979;  
Repealed Eff. January 1, 1991.

**15A NCAC 03E .0102 DEFINITIONS**

**15A NCAC 03E .0103 SCOPE**

**15A NCAC 03E .0104 WHO IS ENTITLED TO A HEARING**

**15A NCAC 03E .0105 REQUEST FOR A HEARING**

**15A NCAC 03E .0106 GRANTING A HEARING REQUEST**

**15A NCAC 03E .0107 TIME FOR A HEARING**

**15A NCAC 03E .0108 WHO SHALL CONDUCT THE HEARING**

**15A NCAC 03E .0109 PLACE OF HEARING**

15A NCAC 03E .0110	NOTICE
15A NCAC 03E .0111	PARTIES
15A NCAC 03E .0112	INTERVENTION
15A NCAC 03E .0113	CONSOLIDATION
15A NCAC 03E .0114	HEARING OPEN TO PUBLIC
15A NCAC 03E .0115	HEARING OFFICERS
15A NCAC 03E .0116	BIAS AND DISQUALIFICATION OF A HEARING OFFICER
15A NCAC 03E .0117	PRE-HEARING CONFERENCE
15A NCAC 03E .0118	SIMPLIFICATION OF ISSUES
15A NCAC 03E .0119	STIPULATIONS
15A NCAC 03E .0120	SUBPOENAS
15A NCAC 03E .0121	DEPOSITION AND DISCOVERY
15A NCAC 03E .0122	NO EX PARTE COMMUNICATION: EXCEPTIONS
15A NCAC 03E .0123	RULES OF EVIDENCE
15A NCAC 03E .0124	CONDUCT OF THE HEARING
15A NCAC 03E .0125	FINAL DECISION
15A NCAC 03E .0126	OFFICIAL RECORD
15A NCAC 03E .0127	JUDICIAL REVIEW

*History Note:* Authority G.S. 1A-1; 113-134; 143B-286; 150B-23 through 150B-29;  
150B-31 through 150B-37; 150B-43 through 150B-45;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1979;  
Repealed Eff. January 1, 1983.

#### SECTION .0200 - AMENDMENT OF REGULATIONS

15A NCAC 03E .0201	AMENDMENT OF REGULATIONS: INFORMATION PAPER
15A NCAC 03E .0202	AMENDMENT OF REGULATIONS: REQUIRED FILING

*History Note:* Authority G.S. 113-134; 143B-286; 150B-59; 150B-60;  
Eff. February 1, 1976;  
Repealed Eff. January 1, 1983.

15A NCAC 03E .0203	AMENDMENT OF REGULATIONS: PUBLIC HEARING AGENDA
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*History Note:* Authority G.S. 113-134; 143B-286; 150B-59; 150B-60;  
Eff. January 1, 1977;  
Repealed Eff. January 1, 1983.

### SUBCHAPTER 3F - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS

#### SECTION .0100 - GENERAL REGULATIONS: JOINT

15A NCAC 03F .0101	SCOPE AND PURPOSE
15A NCAC 03F .0102	INLAND FISHING WATERS
15A NCAC 03F .0103	COASTAL FISHING WATERS
15A NCAC 03F .0104	JOINT FISHING WATERS
15A NCAC 03F .0105	POSTING DIVIDING LINES
15A NCAC 03F .0106	APPLICABILITY OF REGULATIONS: JOINT WATERS
15A NCAC 03F .0107	SPECIAL REGULATIONS: JOINT WATERS

*History Note:* Authority G.S. 113-132; 113-134; 143B-286; 143B-289.4;  
Eff. January 1, 1977;  
Amended Eff. February 1, 1990; August 1, 1985;  
Repealed Eff. January 1, 1991.

## **SECTION .0200 - BOUNDARY LINES: COASTAL-JOINT-INLAND FISHING WATERS**

**15A NCAC 03F .0201** SPECIFIC CLASSIFICATION OF WATERS  
**15A NCAC 03F .0202** DESCRIPTIVE BOUNDARIES

*History Note:* Authority G.S. 113-132; 113-134; 143B-289.4;  
Eff. January 1, 1977;  
Amended Eff. January 1, 1981; January 1, 1978;  
Repealed Eff. January 1, 1991.

### **SUBCHAPTER 3G - DESCRIPTIVE BOUNDARIES**

**15A NCAC 03G .01** SEA TURTLE SANCTUARY  
**15A NCAC 03G .02** MILITARY RESTRICTED AREAS  
**15A NCAC 03G .03** TRAWL NETS PROHIBITED  
**15A NCAC 03G .04** PURSE SEINES PROHIBITED  
**15A NCAC 03G .05** MECHANICAL METHODS PROHIBITED  
**15A NCAC 03G .06** DESIGNATED POT AREAS  
**15A NCAC 03G .07** TAKING CRABS WITH DREDGES  
**15A NCAC 03G .08** CRAB SPAWNING SANCTUARIES  
**15A NCAC 03G .09** PRIMARY NURSERY AREAS  
**15A NCAC 03G .10** PERMANENT SECONDARY NURSERY AREAS  
**15A NCAC 03G .11** SPECIAL SECONDARY NURSERY AREAS

*History Note:* Authority G.S. 113-134; 113-181; 113-182; 113-221; 143B-289.4;  
Eff. September 1, 1989;  
Repealed Eff. January 1, 1991.

### **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.

### **SUBCHAPTER 03I – GENERAL RULES**

#### **SECTION .0100 – GENERAL RULES**

#### **15A NCAC 03I .0101 DEFINITIONS**

All definitions set out in G.S. 113, Subchapter IV and the following additional terms shall apply to this Chapter:

- (1) enforcement and management terms:
  - (a) "Commercial quota" means total quantity of fish allocated for harvest by commercial fishing operations.
  - (b) "Educational institution" means a college, university, or community college accredited by an accrediting agency recognized by the U.S. Department of Education; an Environmental Education Center certified by the N.C. Department of Environmental Quality Office of Environmental Education and Public Affairs; or a zoo or aquarium certified by the Association of Zoos and Aquariums.
  - (c) "Internal Coastal Waters" or "Internal Waters" means all Coastal Fishing Waters except the Atlantic Ocean.
  - (d) length of finfish:

- (i) "Curved fork length" means a length determined by measuring along a line tracing the contour of the body from the tip of the upper jaw to the middle of the fork in the caudal (tail) fin.
- (ii) "Fork length" means a length determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the middle of the fork in the caudal (tail) fin, except that fork length for billfish is measured from the tip of the lower jaw to the middle of the fork of the caudal (tail) fin.
- (iii) "Pectoral fin curved fork length" means a length of a beheaded fish from the dorsal insertion of the pectoral fin to the fork of the tail measured along the contour of the body in a line that runs along the top of the pectoral fin and the top of the caudal keel.
- (iv) "Total length" means a length determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the tip of the compressed caudal (tail) fin.
- (e) "Nongovernmental conservation organization" means an organization whose primary mission is the conservation of natural resources.
- (f) "Polluted" means any shellfish growing waters as defined in 15A NCAC 18A .0901:
  - (i) that are contaminated with fecal material, pathogenic microorganisms, poisonous or deleterious substances, or marine biotoxins that render the consumption of shellfish from those growing waters hazardous;
  - (ii) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be adjacent to a sewage treatment plant outfall or other point source outfall with public health significance;
  - (iii) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be in or adjacent to a marina;
  - (iv) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be impacted by other potential sources of pollution that render the consumption of shellfish from those growing waters hazardous; or
  - (v) where the Division of Marine Fisheries is unable to complete the monitoring necessary to determine the presence of contamination or potential pollution sources.
- (g) "Recreational possession limit" means restrictions on size, quantity, season, time period, area, means, and methods where take or possession is for a recreational purpose.
- (h) "Recreational quota" means total quantity of fish allocated for harvest for a recreational purpose.
- (i) "Regular closed oyster season" means March 31 through October 15, unless amended by the Fisheries Director through proclamation authority.
- (j) "Scientific institution" means one of the following entities:
  - (i) an educational institution as defined in this Item;
  - (ii) a state or federal agency charged with the management of marine or estuarine resources; or
  - (iii) a professional organization or secondary school working under the direction of, or in compliance with mandates from, the entities listed in Sub-items (j)(i) and (ii) of this Item.
- (2) fishing activities:
  - (a) "Aquaculture operation" means an operation that produces artificially propagated stocks of marine or estuarine resources, or other non-native species that may thrive if introduced into Coastal Fishing Waters, or obtains such stocks from permitted sources for the purpose of rearing on private bottom (with or without the superadjacent water column) or in a controlled environment. A controlled environment provides and maintains throughout the rearing process one or more of the following:
    - (i) food;
    - (ii) predator protection;
    - (iii) salinity;
    - (iv) temperature controls; or
    - (v) water circulation, utilizing technology not found in the natural environment.

- (b) "Attended" means being in a vessel, in the water or on the shore, and immediately available to work the gear and be within 100 yards of any gear in use by that person at all times. Attended does not include being in a building or structure.
  - (c) "Blue crab shedding" means the process whereby a blue crab emerges soft from its former hard exoskeleton. A shedding operation is any operation that holds peeler crabs in a controlled environment. A controlled environment provides and maintains throughout the shedding process one or more of the following:
    - (i) food;
    - (ii) predator protection;
    - (iii) salinity;
    - (iv) temperature controls; or
    - (v) water circulation, utilizing technology not found in the natural environment. A shedding operation does not include transporting pink or red-line peeler crabs to a permitted shedding operation.
  - (d) "Depuration" means mechanical purification or the removal of adulteration from live oysters, clams, or mussels by any artificially controlled means.
  - (e) "Long haul operation" means fishing a seine towed between two vessels.
  - (f) "Peeler crab" means a blue crab that has a soft shell developing under a hard shell and having a white, pink, or red-line or rim on the outer edge of the back fin or flipper.
  - (g) "Possess" means any actual or constructive holding whether under claim of ownership or not.
  - (h) "Recreational purpose" means a fishing activity that is not a commercial fishing operation as defined in G.S. 113-168.
  - (i) "Shellfish marketing from leases and franchises" means the harvest of oysters, clams, scallops, or mussels from privately held shellfish bottoms and lawful sale of those shellfish to the public at large or to a licensed shellfish dealer.
  - (j) "Shellfish planting effort on leases and franchises" means the process of obtaining authorized cultch materials, seed shellfish, and shellfish stocks from polluted waters and the placement of those materials on privately held shellfish bottoms for increased shellfish production.
  - (k) "Shellfish production on leases and franchises" means:
    - (i) the culture of oysters, clams, scallops, or mussels on shellfish leases and franchises from a sublegal harvest size to a marketable size.
    - (ii) the transplanting (relay) of oysters, clams, scallops, or mussels from areas closed due to pollution to shellfish leases and franchises in open waters and the natural cleansing of those shellfish.
  - (l) "Swipe net operations" means fishing a seine towed by one vessel.
  - (m) "Transport" means to ship, carry, or cause to be carried or moved by public or private carrier by land, sea, or air.
  - (n) "Use" means to employ, set, operate, or permit to be operated or employed.
- (3) gear:
- (a) "Bunt net" means the last encircling net of a long haul or swipe net operation constructed of small mesh webbing. The bunt net is used to form a pen or pound from which the catch is dipped or bailed.
  - (b) "Channel net" means a net used to take shrimp that is anchored or attached to the bottom at both ends or with one end anchored or attached to the bottom and the other end attached to a vessel.
  - (c) "Commercial fishing equipment or gear" means all fishing equipment used in Coastal Fishing Waters except:
    - (i) cast nets;
    - (ii) collapsible crab traps, a trap used for taking crabs with the largest open dimension no larger than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved from or lowered to the bottom;
    - (iii) dip nets or scoops having a handle not more than eight feet in length and a hoop or frame to which the net is attached not exceeding 60 inches along the perimeter;
    - (iv) gigs or other pointed implements that are propelled by hand, whether or not the implement remains in the hand;

- (v) hand operated rakes no more than 12 inches wide and weighing no more than six pounds and hand operated tongs;
  - (vi) hook and line, and bait and line equipment other than multiple-hook or multiple-bait trotline;
  - (vii) landing nets used to assist in taking fish when the initial and primary method of taking is by the use of hook and line;
  - (viii) minnow traps when no more than two are in use;
  - (ix) seines less than 30 feet in length;
  - (x) spears, Hawaiian slings, or similar devices that propel pointed implements by mechanical means, including elastic tubing or bands, pressurized gas, or similar means.
- (d) "Corkline" means the support structure a net is attached to that is nearest to the water surface when in use. Corkline length is measured from the outer most mesh knot at one end of the corkline following along the line to the outer most mesh knot at the opposite end of the corkline.
  - (e) "Dredge" means a device towed by engine power consisting of a frame, tooth bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or conchs.
  - (f) "Fixed or stationary net" means a net anchored or staked to the bottom, or some structure attached to the bottom, at both ends of the net.
  - (g) "Fyke net" means an entrapment net supported by a series of internal or external hoops or frames, with one or more lead or leaders that guide fish to the net mouth. The net has one or more internal funnel-shaped openings with tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).
  - (h) "Gill net" means a net set vertically in the water to capture fish by entanglement of the gills in its mesh as a result of net design, construction, mesh length, webbing diameter, or method in which it is used.
  - (i) "Headrope" means the support structure for the mesh or webbing of a trawl that is nearest to the water surface when in use. Headrope length is measured from the outer most mesh knot at one end of the headrope following along the line to the outer most mesh knot at the opposite end of the headrope.
  - (j) "Hoop net" means an entrapment net supported by a series of internal or external hoops or frames. The net has one or more internal funnel-shaped openings with tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap the fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).
  - (k) "Lead" means a mesh or webbing structure consisting of nylon, monofilament, plastic, wire, or similar material set vertically in the water and held in place by stakes or anchors to guide fish into an enclosure. Lead length is measured from the outer most end of the lead along the top or bottom line, whichever is longer, to the opposite end of the lead.
  - (l) "Mechanical methods for clamming" means dredges, hydraulic clam dredges, stick rakes, and other rakes when towed by engine power, patent tongs, kicking with propellers or deflector plates with or without trawls, and any other method that utilizes mechanical means to harvest clams.
  - (m) "Mechanical methods for oystering" means dredges, patent tongs, stick rakes, and other rakes when towed by engine power, and any other method that utilizes mechanical means to harvest oysters.
  - (n) "Mesh length" means the distance from the inside of one knot to the outside of the opposite knot, when the net is stretched hand-tight in a manner that closes the mesh opening.
  - (o) "Pound net set" means a fish trap consisting of a holding pen, one or more enclosures, lead or leaders, and stakes or anchors used to support the trap. The holding pen, enclosures, and lead(s) are not conical, nor are they supported by hoops or frames.
  - (p) "Purse gill net" means any gill net used to encircle fish when the net is closed by the use of a purse line through rings located along the top or bottom line or elsewhere on such net.
  - (q) "Seine" means a net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh length, webbing diameter, or method in which it is used.

- (4) "Fish habitat areas" means the estuarine and marine areas that support juvenile and adult populations of fish species, as well as forage species utilized in the food chain. Fish habitats as used in this definition, are vital for portions of the entire life cycle, including the early growth and development of fish species. Fish habitats in all Coastal Fishing Waters, as determined through marine and estuarine survey sampling, include:
- (a) "Anadromous fish nursery areas" means those areas in the riverine and estuarine systems utilized by post-larval and later juvenile anadromous fish.
  - (b) "Anadromous fish spawning areas" means those areas where evidence of spawning of anadromous fish has been documented in Division sampling records through direct observation of spawning, capture of running ripe females, or capture of eggs or early larvae.
  - (c) "Coral" means:
    - (i) fire corals and hydrocorals (Class Hydrozoa);
    - (ii) stony corals and black corals (Class Anthozoa, Subclass Scleractinia); or
    - (iii) Octocorals; Gorgonian corals (Class Anthozoa, Subclass Octocorallia), which include sea fans (*Gorgonia* sp.), sea whips (*Leptogorgia* sp. and *Lophogorgia* sp.), and sea pansies (*Renilla* sp.).
  - (d) "Intertidal oyster bed" means a formation, regardless of size or shape, formed of shell and live oysters of varying density.
  - (e) "Live rock" means living marine organisms or an assemblage thereof attached to a hard substrate, excluding mollusk shells, but including dead coral or rock. Living marine organisms associated with hard bottoms, banks, reefs, and live rock include:
    - (i) Coralline algae (Division Rhodophyta);
    - (ii) *Acetabularia* sp., mermaid's fan and cups (*Udotea* sp.), watercress (*Halimeda* sp.), green feather, green grape algae (*Caulerpa* sp.)(Division Chlorophyta);
    - (iii) *Sargassum* sp., *Dictyopteris* sp., *Zonaria* sp. (Division Phaeophyta);
    - (iv) sponges (Phylum Porifera);
    - (v) hard and soft corals, sea anemones (Phylum Cnidaria), including fire corals (Class Hydrozoa), and Gorgonians, whip corals, sea pansies, anemones, *Solenastrea* (Class Anthozoa);
    - (vi) Bryozoans (Phylum Bryozoa);
    - (vii) tube worms (Phylum Annelida), fan worms (*Sabellidae*), feather duster and Christmas treeworms (*Serpulidae*), and sand castle worms (*Sabellaridae*);
    - (viii) mussel banks (Phylum Mollusca: Gastropoda); and
    - (ix) acorn barnacles (Arthropoda: Crustacea: *Semibalanus* sp.).
  - (f) "Nursery areas" means areas that for reasons such as food, cover, bottom type, salinity, temperature, and other factors, young finfish and crustaceans spend the major portion of their initial growing season. Primary nursery areas are those areas in the estuarine system where initial post-larval development takes place. These are areas where populations are uniformly early juveniles. Secondary nursery areas are those areas in the estuarine system where later juvenile development takes place. Populations are composed of developing sub-adults of similar size that have migrated from an upstream primary nursery area to the secondary nursery area located in the middle portion of the estuarine system.
  - (g) "Shellfish producing habitats" means historic or existing areas that shellfish, such as clams, oysters, scallops, mussels, and whelks use to reproduce and survive because of such favorable conditions as bottom type, salinity, currents, cover, and cultch. Included are those shellfish producing areas closed to shellfish harvest due to pollution.
  - (h) "Strategic Habitat Areas" means locations of individual fish habitats or systems of habitats that provide exceptional habitat functions or that are particularly at risk due to imminent threats, vulnerability, or rarity.
  - (i) "Submerged aquatic vegetation (SAV) habitat" means submerged lands that:
    - (i) are vegetated with one or more species of submerged aquatic vegetation including bushy pondweed or southern naiad (*Najas guadalupensis*), coontail (*Ceratophyllum demersum*), eelgrass (*Zostera marina*), horned pondweed (*Zannichellia palustris*), naiads (*Najas* spp.), redhead grass (*Potamogeton perfoliatus*), sago pondweed (*Stuckenia pectinata*, formerly *Potamogeton pectinatus*), shoalgrass (*Halodule wrightii*), slender

pondweed (*Potamogeton pusillus*), water stargrass (*Heteranthera dubia*), water starwort (*Callitriche heterophylla*), waterweeds (*Elodea* spp.), widgeongrass (*Ruppia maritima*), and wild celery (*Vallisneria americana*). These areas may be identified by the presence of above-ground leaves, below-ground rhizomes, or reproductive structures associated with one or more SAV species and include the sediment within these areas; or

- (ii) have been vegetated by one or more of the species identified in Sub-item (4)(i)(i) of this Rule within the past 10 annual growing seasons and that meet the average physical requirements of water depth (six feet or less), average light availability (secchi depth of one foot or more), and limited wave exposure that characterize the environment suitable for growth of SAV. The past presence of SAV may be demonstrated by aerial photography, SAV survey, map, or other documentation. An extension of the past 10 annual growing seasons criteria may be considered when average environmental conditions are altered by drought, rainfall, or storm force winds.

This habitat occurs in both subtidal and intertidal zones and may occur in isolated patches or cover extensive areas. In defining SAV habitat, the Marine Fisheries Commission recognizes the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et. seq.) and does not intend the submerged aquatic vegetation definition, or this Rule or 15A NCAC 03K .0304 and .0404, to apply to or conflict with the non-development control activities authorized by that Act.

- (5) licenses, permits, leases and franchises, and record keeping:
  - (a) "Assignment" means temporary transferal to another person of privileges under a license for which assignment is permitted. The person assigning the license delegates the privileges permitted under the license to be exercised by the assignee, but retains the power to revoke the assignment at any time, and is still the responsible party for the license.
  - (b) "Designee" means any person who is under the direct control of the permittee or who is employed by or under contract to the permittee for the purposes authorized by the permit.
  - (c) "For hire vessel", as defined by G.S. 113-174, means when the vessel is fishing in State waters or when the vessel originates from or returns to a North Carolina port.
  - (d) "Franchise" means a franchise recognized pursuant to G.S. 113-206.
  - (e) "Holder" means a person who has been lawfully issued in the person's name a license, permit, franchise, lease, or assignment.
  - (f) "Land" means:
    - (i) for commercial fishing operations, when fish reach the shore or a structure connected to the shore.
    - (ii) for purposes of trip tickets, when fish reach a licensed seafood dealer, or where the fisherman is the dealer, when fish reach the shore or a structure connected to the shore.
    - (iii) for recreational fishing operations, when fish are retained in possession by the fisherman.
  - (g) "Licensee" means any person holding a valid license from the Department to take or deal in marine fisheries resources.
  - (h) "Logbook" means paper forms provided by the Division and electronic data files generated from software provided by the Division for the reporting of fisheries statistics by persons engaged in commercial or recreational fishing or for-hire operators.
  - (i) "Master" means captain or operator of a vessel or one who commands and has control, authority, or power over a vessel.
  - (j) "New fish dealer" means any fish dealer making application for a fish dealer license who did not possess a valid dealer license for the previous license year in that name. For purposes of license issuance, adding new categories to an existing fish dealers license does not constitute a new dealer.
  - (k) "Office of the Division" means physical locations of the Division conducting license and permit transactions in Wilmington, Washington, Morehead City, Roanoke Island, and Elizabeth City, North Carolina. Other businesses or entities designated by the Secretary to issue Recreational Commercial Gear Licenses or Coastal Recreational Fishing Licenses are not considered Offices of the Division.
  - (l) "Responsible party" means the person who coordinates, supervises, or otherwise directs operations of a business entity, such as a corporate officer or executive level supervisor of

business operations, and the person responsible for use of the issued license in compliance with applicable statutes and rules.

- (m) "Tournament organizer" means the person who coordinates, supervises, or otherwise directs a recreational fishing tournament and is the holder of the Recreational Fishing Tournament License.
- (n) "Transaction" means an act of doing business such that fish are sold, offered for sale, exchanged, bartered, distributed, or landed.
- (o) "Transfer" means permanent transferal to another person of privileges under a license for which transfer is permitted. The person transferring the license retains no rights or interest under the license transferred.
- (p) "Trip ticket" means paper forms provided by the Division and electronic data files generated from software provided by the Division for the reporting of fisheries statistics by licensed fish dealers.

*History Note:* Authority G.S. 113-134; 113-174; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1995; March 1, 1994; October 1, 1993; July 1, 1993;  
Recodified from 15A NCAC 03I .0001 Eff. December 17, 1996;  
Amended Eff. April 1, 1999; August 1, 1998; April 1, 1997;  
Temporary Amendment Eff. May 1, 2000; August 1, 1999; July 1, 1999;  
Amended Eff. August 1, 2000;  
Temporary Amendment Eff. August 1, 2000;  
Amended Eff. May 1, 2015; April 1, 2014; April 1, 2011; April 1, 2009; October 1, 2008; December 1, 2007; December 1, 2006; September 1, 2005; April 1, 2003; April 1, 2001;  
Readopted Eff. June 1, 2022.

#### **15A NCAC 03I .0102 TEMPORARY SUSPENSION OF RULES**

The Fisheries Director is authorized to suspend, in whole or in part, until the next meeting of the Marine Fisheries Commission, or for a lesser period, the operation of any rule of the Marine Fisheries Commission regarding coastal fisheries which may be affected by variable conditions.

*History Note:* Authority G.S. 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Recodified from 15A NCAC 3I .0002 Eff. December 17, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

#### **15A NCAC 03I .0103 CONFISCATION AND DISPOSITION**

The Fisheries Director is directed to establish administrative procedures for the summary disposition of confiscated live or perishable fish, not inconsistent with the provisions of G.S. 113-137(d). In so doing, he may require inspectors to obtain and file receipts for any fish so disposed of.

*History Note:* Authority G.S. 113-134; 113-137; 113-221; 143B-289.52;  
Eff. January 1, 1991;  
Recodified from 15A NCAC 3I .0003 Eff. December 17, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

#### **15A NCAC 03I .0104 INTRODUCE, TRANSFER, OR HOLD IMPORTED MARINE AND ESTUARINE ORGANISMS**

(a) To protect the marine and estuarine resources of North Carolina from unacceptable risks from predators, pests, parasites, and disease, it shall be unlawful, except for American eels imported from Maryland, Virginia, or South Carolina for use in an aquaculture operation, without first obtaining a Permit to Introduce, Transfer, or Hold Imported Marine and Estuarine Organisms from the Fisheries Director or without obtaining live marine or estuarine organisms from a permittee to:

- (1) place into the Coastal Fishing Waters of the State live marine or estuarine organisms non-native to the State. For the purpose of this Rule, this action is an introduction.
- (2) place into the coastal fishing waters of the State live marine or estuarine organisms that are native but that originated outside the State's boundaries. For the purpose of this Rule, this action is a transfer.

- (3) hold or maintain any live marine or estuarine organisms, including non-native species that may thrive if introduced into Coastal Fishing Waters, imported into the State in a quarantine or isolation system for live bait or use in an aquaculture operation as defined in Rule .0101 of this Section.
  - (4) sell for bait any live marine or estuarine organisms, including non-native species that may thrive if introduced into Coastal Fishing Waters, imported into the State.
- (b) Any person desiring to obtain a Permit to Introduce, Transfer, or Hold Imported Marine and Estuarine Organisms shall submit a complete application to the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557. The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500. For the Fisheries Director to determine the level of risk to any native marine or estuarine resource or the environment, the applicant shall also provide a certification from a:
- (1) pathologist that a sample of 60 organisms from proposed shipments are disease free or a certification from a governmental veterinary service that the organisms to be shipped were produced in an area or facility free of diseases posing a risk to North Carolina's marine or estuarine resources, or their environment, as determined by the Fisheries Director; and
  - (2) biologist or veterinarian that macroscopic and microscopic examination indicates the shipment contains only those species, sizes, and quantities identified on the permit application.
- (c) The Fisheries Director shall require disinfection, quarantine, or destruction of organisms and transfer materials as a condition of the permit, upon finding the importation poses a risk to North Carolina's marine or estuarine resources, or their environment.
- (d) The Fisheries Director may hold public meetings prior to granting permits for activities specified in Paragraph (a) of this Rule to gather information concerning risks to native marine or estuarine resources or the environment.

*History Note: Authority G.S. 113-134; 113-170; 113-182; 143B-289.52; S.L. 2017-190; S.L. 2018-114; Eff. January 1, 1991; Amended Eff. November 1, 1991; Recodified from 15A NCAC 3I .0004 Eff. December 17, 1996; Amended Eff. April 1, 2009; Readopted Eff. March 15, 2023.*

#### **15A NCAC 03I .0105 LEAVING DEVICES UNATTENDED**

- (a) It shall be unlawful to leave stakes, anchors, nets, buoys, or floating devices in Coastal Fishing Waters if such devices are not being employed in commercial fishing operations, except as otherwise provided by rule or General Statute.
- (b) It shall be unlawful to use or possess fishing equipment in Coastal Fishing Waters in violation of this Section or that contains edible species of fish unfit for human consumption.
- (c) It shall be unlawful to leave pots in Coastal Fishing Waters for more than five consecutive days if such pots are not being employed in commercial fishing operations, except upon a timely and sufficient showing of hardship as set forth in Paragraph (d) of this Rule or as otherwise provided by General Statute. The Fisheries Director may, by proclamation, modify the five-day requirement if necessary due to hurricanes, tropical storms, other severe weather events recognized by the National Weather Service, or other variable conditions pursuant to 15A NCAC 03H .0103. Inspectors may tag pots with a device approved by the Fisheries Director to aid and assist in the investigation and identification of unattended pots. Any such device attached to a pot by agents of the Fisheries Director shall be removed by the individual using the pot within five days of attachment in order to demonstrate that the pot is being employed in commercial fishing operations.
- (d) For the purpose of this Rule, a timely and sufficient showing of hardship in a commercial fishing operation shall be a statement in writing from the owner of the pot or the owner's immediate family, as defined in G.S. 113-168, submitted to the Fisheries Director that a mechanical breakdown of the pot owner's vessel currently registered with the Division of Marine Fisheries pursuant to G.S. 113-168.6, or the death, illness, or incapacity of the owner of the pot or the owner's immediate family prevented or will prevent employing such pots in commercial fishing operations for more than five consecutive days. Statements and supporting documentation shall be mailed to the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557. Mailing a statement does not automatically exempt a fisherman from the requirements of this Rule. The statement shall specify the number and specific location of the pots, the date by which the pots will be employed in commercial fishing operations or removed from Coastal Fishing Waters, and:
  - (1) in the case of a mechanical breakdown, the Commercial Fishing Vessel Registration number, owner's N.C. motor boat registration number of the disabled vessel, date disabled, and description of the arrangements being made to repair the vessel or a copy of the work order showing the name, address, and phone number of the repair facility; or



- (2) in the case of the death, illness, or incapacity of the owner of the pot or the owner's immediate family, the name of the owner or immediate family member and either the date of death or the date of the illness or incapacity. The Fisheries Director may require a doctor's verification that the illness or incapacity occurred.
- (e) It shall be unlawful to fail to employ in commercial fishing operations or remove from Coastal Fishing Waters all pots for which a hardship request is granted under this Rule within 14 days of the expiration of the hardship.

*History Note:* Authority G.S. 113-134; 113-136; 113-137; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1996;  
Recodified from 15A NCAC 03I .0005 Eff. December 17, 1996;  
Amended Eff. April 1, 1997;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. September 1, 2005; August 1, 2000;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03I .0106 SCIENTIFIC, EDUCATIONAL, OR OFFICIAL COLLECTING PERMIT**

*History Note:* Authority G.S. 113-134; 113-169.3; 113-182; 113-261; 143B-289.52;  
Eff. January 1, 1991;  
Recodified from 15A NCAC 3I .0006 Eff. December 17, 1996;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. August 1, 1999;  
Temporary Repeal Eff. September 1, 2000;  
Repealed Eff. August 1, 2002.

#### **15A NCAC 03I .0107 ENDANGERED OR THREATENED SPECIES**

- (a) Pursuant to a cooperative agreement entered into on February 5, 1979, by the Department of Environment and Natural Resources, the Marine Fisheries Commission, and the Wildlife Resources Commission, the Wildlife Resources Commission will exercise regulatory jurisdiction over any species of sea turtle, and their eggs and nests, consistent with designation of such species as endangered or threatened by the U.S. Fish and Wildlife Service. As provided by said agreement, the law enforcement officers of both the Marine Fisheries Division and the Wildlife Resources Commission have jurisdiction to enforce any State laws and rules, including those contained in 15A NCAC 10I, relating to endangered or threatened species of sea turtles and their eggs and nests.
- (b) The Fisheries Director may close or restrict by proclamation any coastal waters with respect to taking or attempting to take any or all kinds of marine resources when the method (equipment) used is a serious threat to an endangered or threatened species listed pursuant to 16 USC 1533(c). Copies of this list may be obtained from the Division of Marine Fisheries, PO Box 769, 3441 Arendell St., Morehead City, North Carolina 28557-0769.
- (c) It is unlawful to use any commercial fishing equipment in the sea turtle sanctuary located in the Atlantic Ocean adjacent to Onslow County as described in 15A NCAC 3R .0101 from June 1 through August 31, except that the Fisheries Director may, by proclamation, modify the sanctuary within the described area and vary implementation between specified dates for the protection of the sea turtle population.

*History Note:* Authority G.S. 113-132; 113-134; 113-134.1; 113-182; 113-189; 143B-289.52;  
Eff. January 1, 1991;  
Recodified from 15A NCAC 3I .0007 Eff. December 17, 1996;  
Amended Eff. July 1, 1999; May 1, 1997;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

#### **15A NCAC 03I .0108 OCEAN FISHING PIERS**

- (a) It shall be unlawful to fish with nets of any kind or from boats within the zone adjacent to any ocean fishing pier meeting the requirements of G.S. 113-185(a), if such zone is marked by one of the following methods or a combination of methods:
- (1) yellow range poles at least three inches in diameter and extending not less than six feet above the surface of the ground, and that are parallel to the pier and identified by signs with the name of the pier printed in letters at least three inches high; or

- (2) buoys that are yellow in color and not less than nine inches in diameter and extend no less than three feet above the surface of the water.
- (b) It shall be unlawful to define a zone that extends more than 750 feet from the pier. When a marking system defines a smaller area than authorized, the limitations on fishing activities shall apply within the marked zone. When the marking system does not include buoys placed seaward of the pier's offshore end, the zone protected under G.S. 113-185 shall be limited to the areas parallel to the sides of the pier and shall include no area seaward of the offshore end of the pier.
- (c) Owners of qualifying ocean piers shall be responsible for complying with all applicable local, State, and federal regulations for marking systems.

*History Note:* Authority G.S. 113-134; 113-181; 113-182; 113-185; 143B-289.52;  
Eff. January 1, 1991;  
Recodified from 15A NCAC 3I .0008 Eff. December 17, 1996;  
Readopted Eff. April 1, 2022.

#### **15A NCAC 03I .0109 RESEARCH SANCTUARIES**

- (a) The Fisheries Director may, by proclamation, prohibit or restrict the taking of fish and the use of any equipment in and around any research sanctuary. Any closure or restriction shall be for no more than one year, subject to renewal at the discretion of the Fisheries Director.
- (b) It shall be unlawful to engage in any fishing activity, use any equipment, or conduct any other operation that has been prohibited by proclamation issued under this authority.

*History Note:* Authority G.S. 113-134; 113-181; 113-182; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Recodified from 15A NCAC 3I .0009 Eff. December 17, 1996;  
Readopted Eff. August 23, 2022.

#### **15A NCAC 03I .0110 MILITARY DANGER ZONES AND RESTRICTED AREAS**

- (a) Pursuant to Title 33 United States Code Section 3, the United States Army Corps of Engineers has adopted regulations which restrict access to and activities within certain areas of coastal and inland fishing waters. Federal Rules codified at 33 CFR 334.410 through 334.450 designate danger zones and restricted areas, within North Carolina coastal waters. These areas are designated in 15A NCAC 03R .0102. Only the applicable military commanders listed in the federal regulations have authority to authorize navigation or fishing access to these designated areas. All military danger zone and restricted area closures shall be enforced by the appropriate federal agency. If reasonable use of these areas by the food fishing industry is allowed or a permit process implemented by the appropriate military authorities to allow access in accordance with 33 U.S.C. Section 3 or the appropriate federal authority allows access to danger zones or restricted areas, all applicable fisheries statutes, N.C. Marine Fisheries Commission rules, and proclamations issued by the Fisheries Director, other than those allowing access, shall apply within these areas.
- (b) The military danger zones and restricted areas are shown on navigational charts and specifically described in the Coastal Pilot and the Code of Federal Regulations (CFR). Copies of the CFR provisions are available on the internet at [www.access.gpo.gov/nara/cfr/index.html](http://www.access.gpo.gov/nara/cfr/index.html) or at the Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557. These areas are also designated in 15A NCAC 3R .0102.

*History Note:* Authority G.S. 113-134; 113-182; 113-228; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1994;  
Recodified from 15A NCAC 3I .0010 Eff. December 17, 1996;  
Amended Eff. August 1, 2004; May 1, 1997;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

#### **15A NCAC 03I .0111 PERMITS FOR AQUACULTURE OPERATIONS**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. October 1, 1992; September 1, 1991;  
Recodified from 15A NCAC 3I .0011 Eff. December 17, 1996;

*Temporary Repeal Eff. September 1, 2000;  
Repealed Eff. August 1, 2002.*

#### **15A NCAC 03I .0112 SPECIAL PERMIT REQUIRED FOR SPECIFIC MANAGEMENT PURPOSES**

*History Note: Authority G.S. 113-134; 113-170.3; 113-182; 113-221; 143B-289.52;  
Eff. January 1, 1991;  
Recodified from 15A NCAC 3I .0012 Eff. December 17, 1996;  
Temporary Repeal Eff. May 1, 2000;  
Repealed Eff. April 1, 2001.*

#### **15A NCAC 03I .0113 BIOLOGICAL SAMPLING**

It shall be unlawful for any licensee under Chapter 113, Subchapter IV, of the General Statutes to refuse to allow the Fisheries Director or the Fisheries Director's agents to obtain biological data, harvest information, or other statistical data necessary or useful to the conservation and management of marine and estuarine resources from fish in the licensee's possession. Such data shall include, but is not limited to, species identification, length, weight, age, sex, number, area of catch, harvest method, and quantity of catch.

*History Note: Authority G.S. 113-134; 113-170.3; 113-174.1; 113-182; 143B-289.52;  
Eff. October 1, 1992;  
Recodified from 15A NCAC 3I .0013 Eff. December 17, 1996;  
Readopted Eff. March 15, 2023.*

#### **15A NCAC 03I .0114 RECORDKEEPING REQUIREMENTS**

(a) It shall be unlawful for a licensed fish dealer:

- (1) to record false information on the North Carolina trip ticket or to fail to legibly record all items on the North Carolina trip ticket for each transaction and submit the trip ticket in accordance with G.S. 113-168.2, including the following:
  - (A) fisherman's name;
  - (B) fisherman's North Carolina license number;
  - (C) dealer's North Carolina license number;
  - (D) start date of trip, including year, month, and day;
  - (E) unload date of trip, including year, month, and day;
  - (F) North Carolina Division of Marine Fisheries Vessel Identification Number or indicate if no vessel was used;
  - (G) crew size;
  - (H) gear fished;
  - (I) waterbody fished;
  - (J) species landed;
  - (K) quantity of each species landed in pounds, numbers of fish, bushels, or other units of measurement;
  - (L) disposition of species;
  - (M) transaction number;
  - (N) number of crab pots or peeler pots fished, if applicable;
  - (O) state where species was taken if other than North Carolina;
  - (P) lease number, if applicable;
  - (Q) bottom type, if applicable; and
  - (R) shellfish harvest area, if applicable.
- (2) to fail to provide to the Division a Trip Ticket Submittal/Transaction form indicating the number of transactions that occurred during the previous month;
- (3) to fail to make paper copies or electronic copies of trip tickets or N.C. Trip Ticket Program Dock Tickets available at the dealer location for inspection by Marine Fisheries inspectors;
- (4) to fail to submit trip tickets to the Division via electronic file transfer if that dealer reported an annual average of greater than 50,000 pounds of finfish for the previous three calendar years. Dealers subject to

the electronic reporting requirement shall be notified by the Division via certified mail and within 120 days of receipt shall:

- (A) initiate electronic file transfer of trip tickets; and
  - (B) continue to report by electronic file transfer until the dealer no longer holds a fish dealer license with finfish or consolidated categories;
  - (5) to fail to use software or web-based utilities authorized by the Division when reporting electronically; and
  - (6) to fail to keep all trip tickets and all supporting documentation for each transaction including receipts, checks, bills of lading, records, electronic files, and accounts for a period of not less than three years.
- (b) It shall be unlawful for a seller licensed under G.S. 113, Article 14A or donor to fail to provide to the fish dealer, at the time of transaction, the following:
- (1) a current and valid license or permit to sell the type of fish being offered and if a vessel is used, the Commercial Fishing Vessel Registration; and
  - (2) complete and accurate information on harvest method and area of catch and other information required by the Division, in accordance with G.S. 113-168.2 and G.S. 113-169.3.
- (c) It shall be unlawful to transport fish without having ready at hand for inspection a bill of consignment, bill of lading, or other shipping documentation provided by the shipping dealer showing the following items:
- (1) name of the consignee;
  - (2) name of the shipper;
  - (3) date of the shipment;
  - (4) name of fish being shipped; and
  - (5) quantity of each fish being shipped.

In the event the fisherman taking the fish is also a licensed fish dealer and ships from the point of landing, all shipping records shall be recorded at the point of landing. Fishermen who transport their fish directly to licensed fish dealers are exempt from this Paragraph.

(d) It shall be unlawful to export fish landed in the State in a commercial fishing operation without a North Carolina licensed fish dealer completing all the recordkeeping requirements in G.S. 113-168.2(i).

(e) It shall be unlawful to offer for sale fish purchased from a licensed fish dealer without having ready at hand for inspection by Marine Fisheries inspectors or other agents of the Fisheries Director written documentation of purchase showing the following items:

- (1) name of the licensed fish dealer;
- (2) name of the purchaser;
- (3) date of the purchase;
- (4) name of fish purchased; and
- (5) quantity of each fish purchased.

(f) It shall be unlawful for a holder of a Fish Dealer License to have fish in possession at a licensed location without written documentation from a licensed fish dealer or a completed North Carolina trip ticket to show the quantity and origin of all fish.

*History Note: Authority G.S. 113-134; 113-168.2; 113-168.3; 113-169.3; 113-170; 113-170.3; 113-170.4; 113-182; 143B-289.52;  
Eff. March 1, 1994;  
Recodified from 15A NCAC 31.0014 Eff. December 17, 1996;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. June 1, 2013; August 1, 2000;  
Readopted Eff. March 15, 2023.*

#### **15A NCAC 03I .0115 REPLACEMENT COSTS OF MARINE AND ESTUARINE RESOURCES - FISH**

(a) In accordance with G.S. 113-267, this Rule shall apply to replacement costs of fish that have been taken, injured, removed, harmfully altered, damaged, or destroyed. Fish, as used throughout this Rule, is defined in G.S. 113-129(7).

(b) The relative value of fish species shall be considered only as they may bear on the necessity or desirability of actual replacement.

(c) Determining replacement costs: the replacement costs of species of fishes that have been taken, injured, removed, harmfully altered, damaged, or destroyed shall be determined as set forth in this Paragraph. The weight of each undersized fish shall be adjusted to the average weight of a fish on the minimum legal size established by the Marine Fisheries Commission for that species in a rule of the Marine Fisheries Commission or a proclamation issued pursuant to a rule of the Marine Fisheries Commission. The replacement cost shall be calculated based on the greater of either:

- (1) the cost of propagating and rearing the species in a hatchery and the cost of transporting them to areas of suitable habitat; or
  - (2) the average annual ex-vessel value of fish species per pound.
- (d) The cost of propagating, rearing, and transporting the fish and the average annual ex-vessel value of fish species per pound shall be taken from the Division of Marine Fisheries annual statistical report for the calendar year next preceding the year in which the offense was committed. When the cost of propagating, rearing, or transporting a particular species is not available, replacement costs shall be calculated based upon the average annual ex-vessel value of the species. When neither the cost of propagating, rearing, or transporting a particular species, nor the average annual ex-vessel value of the species is available, replacement costs shall be determined according to the following factors:
- (1) whether the species is classified as endangered or threatened;
  - (2) the relative frequency of occurrence of the species in the State;
  - (3) the extent of existing habitat suitable for the species within the State;
  - (4) the dependency of the species on unique habitat requirements;
  - (5) the cost of improving and maintaining suitable habitat for the species;
  - (6) the cost of capturing the species in areas of adequate populations and transplanting them to areas of suitable habitat with low populations;
  - (7) the availability of the species and the cost of acquisition for restocking purposes;
  - (8) the cost of those species that when released, have a probability of survival in the wild; and
  - (9) the ratio between the natural life expectancy of the species and the period of its probable survival when, having been reared in a hatchery, it is released to the wild.
- (e) Replacement costs shall be assessed for the following fish:
- (1) Alewife (River Herring);
  - (2) Amberjacks;
  - (3) Anglerfish (Goosefish);
  - (4) Bluefish;
  - (5) Bonito;
  - (6) Butterfish;
  - (7) Carp;
  - (8) Catfishes;
  - (9) Cobia;
  - (10) Croaker, Atlantic;
  - (11) Cutlassfish, Atlantic;
  - (12) Dolphinfish;
  - (13) Drum, Black;
  - (14) Drum, Red (Channel Bass);
  - (15) Eels;
  - (16) Flounders;
  - (17) Flounders, Fluke;
  - (18) Garfish;
  - (19) Gizzard Shad;
  - (20) Groupers;
  - (21) Grunts;
  - (22) Hakes;
  - (23) Harvestfish;
  - (24) Herring, Thread;
  - (25) Hickory Shad;
  - (26) Hogfish;
  - (27) Jacks;
  - (28) Kingfishes (Sea Mullet);
  - (29) Mackerel, Atlantic;
  - (30) Mackerel, King;
  - (31) Mackerel, Spanish;
  - (32) Menhaden, Atlantic;
  - (33) Mullets;
  - (34) Perch, White;

- (35) Perch, Yellow;
- (36) Pigfish;
- (37) Pompano;
- (38) Porgies;
- (39) Scup;
- (40) Sea Basses;
- (41) Seatrout, Spotted;
- (42) Shad (American);
- (43) Sharks;
- (44) Sharks, Dogfish;
- (45) Sheepshead;
- (46) Skippers;
- (47) Snappers;
- (48) Spadefish, Atlantic;
- (49) Spot;
- (50) Striped Bass;
- (51) Swellfishes (Puffers);
- (52) Swordfish;
- (53) Tilefish;
- (54) Triggerfish;
- (55) Tuna;
- (56) Wahoo;
- (57) Weakfish (Grey Trout);
- (58) Whiting;
- (59) Wreckfish;
- (60) Unclassified Fish;
- (61) Brown Shrimp;
- (62) Pink Shrimp;
- (63) Rock Shrimp;
- (64) White Shrimp;
- (65) Unclassified Shrimp;
- (66) Clam, Hard;
- (67) Conchs;
- (68) Crabs, Blue, Hard;
- (69) Crabs, Blue, Soft;
- (70) Octopus;
- (71) Oyster;
- (72) Scallop, Bay;
- (73) Scallop, Calico;
- (74) Scallop, Sea;
- (75) Squid; and
- (76) Unclassified Shellfish.

(f) Cost of investigations:

- (1) factors to be considered: upon any investigation required as provided by G.S. 143-215.3(a)(7) or by court order for the purpose of determining the cost of replacement of marine and estuarine resources that have been killed, taken, injured, removed, harmfully altered, damaged, or destroyed, the factors to be considered in determining the cost of the investigation shall be as follows:
  - (A) the time expended by the employee or employees making the investigation, including travel time between the place of usual employment and the site of the investigation, and the time required in formulating and rendering the report;
  - (B) the cost of service to the state of each employee concerned, including annual salary, hospitalization insurance, and the State's contribution to social security taxes and to the applicable retirement system;
  - (C) subsistence of the investigating personnel, including meals, gratuities, and lodging away from home, when required;

- (D) the cost of all necessary transportation;
  - (E) the use or rental of boats and motors, when required;
  - (F) the cost of cleaning or repairing any uniform or clothing that may be damaged, soiled, or contaminated by reason of completing the investigation;
  - (G) the cost of necessary telephonic communications; and
  - (H) any other expense directly related to and necessitated by the investigation.
- (2) computation of costs: in assessing the cost of time expended in completing the investigation, the time expended by each person required to take part in the investigation shall be recorded in hours, the value of which shall be computed according to the ratio between the annual cost of service of the employee and his or her total annual working hours (2087 hours reduced by holidays, annual leave entitlement, and earned sick leave). Other costs shall be assessed as follows:
- (A) subsistence: the per diem amount for meals, gratuities, and lodging away from home, not to exceed the then current maximum per diem for state employees;
  - (B) transportation: total mileage by motor vehicle multiplied by:
    - (i) the then current rate per mile for travel by state-owned vehicle; or
    - (ii) the then current rate per mile for travel by privately-owned vehicle, as applicable;
  - (C) boat and motor: ten dollars (\$10.00) per hour;
  - (D) uniform and clothing cleaning and repair: actual cost;
  - (E) telephonic communications: actual cost; and
  - (F) other expenses: actual cost.

*History Note:* Authority G.S. 113-134; 113-182; 113-267; 143B-289.52;  
 Eff. March 1, 1995;  
 Recodified from 15A NCAC 3I .0015 Eff. December 17, 1996;  
 Readopted Eff. April 1, 2022.

**15A NCAC 03I .0116 CORAL AND LIVE ROCK**

- (a) It is unlawful to harvest or possess aboard a vessel coral or live rock as defined in 15A NCAC 03I .0101.
- (b) Live rock and coral shall be returned to the waters where taken.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. March 1, 1995;  
 Recodified from 15A NCAC 3I .0016 Eff. December 17, 1996;  
 Amended Eff. April 1, 2011; May 1, 1997;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

**15A NCAC 03I .0117 FISHERY RESOURCE GRANT PROGRAM**

*History Note:* Filed as a Temporary Adoption Eff. September 26, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
 Authority G.S. 113-134; 113-200; 143B-289.52; 1993 (Regular Session 1994), c. 769, s. 27.17;  
 Eff. February 1, 1995;  
 Recodified from 15A NCAC 3I .0017 Eff. December 17, 1996;  
 Temporary Amendment Eff. April 20, 1997;  
 Amended Eff. August 1, 1998;  
 Repealed Eff. January 1, 2000.

**15A NCAC 03I .0118 DISPOSAL OF EVIDENCE**

It shall be unlawful for any person to dispose of fish, parts of fish, fishing equipment or gear, or other matter preparatory to, during, or subsequent to the taking of fish after any communication or signal from an inspector, or after the approach of an inspector or an enforcement vessel.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. March 1, 1996;  
 Recodified from 15A NCAC 3I .0018 Eff. December 17, 1996;

*Readopted Eff. March 15, 2023.*

**15A NCAC 03I .0119 PROHIBITED FISHING ACTIVITY DUE TO PUBLIC HEALTH OR SAFETY**

(a) It is unlawful to possess, sell, or take fish by any method or use any fishing equipment in areas of coastal waters that are closed to fishing by the Marine Fisheries Commission because the areas are determined to pose a public health or safety risk by the State Health Director.

(b) After prior consent of the Marine Fisheries Commission the Fisheries Director may, by proclamation, prohibit or restrict the taking of fish by any method and the use of any fishing equipment in areas of coastal waters that are the subject of warnings or advisories by the State Health Director concerned with dangers or risks to public health or safety. Criteria to be considered for deciding when closures are necessary and when to reopen areas are as follows:

- (1) Pfiesteria piscicida outbreaks:
  - (A) Closing fisheries:
    - (i) Kills: Active fish kills observed for six continuous days.
    - (ii) Disease: Disease event observed, with fish showing bleeding ulcerations for six continuous days.
    - (iii) Pfiesteria piscicida: Toxic flagellated and amoeboid stages at concentrations of greater than 300 cells per ml in kill areas while fish are dying (if laboratory capability is available). [Note: Basis -more than 100 confirming bioassays of Pfiesteria toxicity, together with supporting field data].
  - (B) Opening Fisheries:
    - (i) Kills: No active fish kills observed and no documented schools of fish in apparent distress for six continuous days.
    - (ii) Disease: No disease event of fish showing bleeding ulcerations of six continuous days.
    - (iii) Pfiesteria piscicida: Toxic flagellated and amoeboid stages at concentrations of less than 200 cells per ml following a kill/disease event [if laboratory capability is available]. [Note: Basis - more than 100 confirming bioassays of Pfiesteria toxicity, together with supporting field data].
    - (iv) Biological sampling indicating that the kill or disease event has passed, interpreted through the following information:
      - (I) Sampling of affecting area or established monitoring sites.
      - (II) Observations of catch by fishing gear that may be set or used in the area.
      - (III) Species diversity and abundance that has returned to normal levels for the area and season when compared to historic data, if available.
- (2) Other Environmental Events:
  - (A) Closing fisheries:

State Health Director determines there is a public health or safety risk.
  - (B) Opening fisheries:

State Health Director determines a public health or safety risk no longer exists.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;  
Temporary Adoption Eff. February 1, 1996;  
Eff. June 1, 1996;  
Recodified from 15A NCAC 3I .0019 Eff. December 17, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**15A NCAC 03I .0120 POSSESSION OR TRANSPORTATION LIMITS THROUGH STATE WATERS; SALE OF NATIVE SPECIES**

(a) It shall be unlawful to possess or transport through State coastal fishing waters any species of fish that is subject to State season, size, or harvest restrictions, regardless whether the species was taken in State or federal waters, unless all fish taken are in compliance with the restrictions for the waterbody or area being fished. If State season, size, or harvest restrictions differ from comparable restrictions pursuant to a fishery management plan adopted by the Atlantic States Marine Fisheries Commission or pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, or if there are no corresponding federal regulations, the State restrictions shall apply during such periods of possession or transportation.

(b) It shall be unlawful to import native species of fish for sale in the State that do not meet size limits, except as provided in 15A NCAC 03K .0202, .0207, .0305, and 03M .0503.



*History Note: Authority G.S. 113-134; 113-170; 113-170.4; 113-170.5; 113-182; 113-182.1; 113-252; 143B-289.52; Temporary Adoption Eff. July 1, 1999; Eff. August 1, 2000; Temporary Amendment Eff. October 1, 2001; Amended Eff. September 1, 2005; April 1, 2003; Readopted Eff. April 1, 2019.*

#### **15A NCAC 03I .0121 MAPS AND MARKING**

(a) Maps or charts showing the boundaries of areas identified in this Chapter and in proclamations issued by the Fisheries Director are available for inspection at the Morehead City Office of the Division of Marine Fisheries.

(b) The Division of Marine Fisheries shall mark the boundaries of areas identified in this Chapter and in proclamations issued by the Fisheries Director with signs insofar as may be practical. No removal or relocation of any such marker or sign shall have the effect of changing the classification of any body of water or portion thereof, nor shall any such removal or relocation or the absence of any marker or sign affect the applicability of any rule pertaining to any such body of water or portion thereof. Where there is conflict between markers or signs, and boundaries described in this Chapter and in proclamations issued by the Fisheries Director, boundary descriptions shall prevail.

*History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52; Eff. April 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **15A NCAC 03I .0122 USER CONFLICT RESOLUTION**

(a) To address user conflicts, the Fisheries Director may, by proclamation, impose any of the following restrictions:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season; and
- (5) specify quantity.

This authority may be used based on the Fisheries Director's own findings or on the basis of a request made in accordance with Paragraph (b) of this Rule. The Fisheries Director shall hold a public meeting in the area of the user conflict prior to issuance of a proclamation based on his or her own findings.

(b) Request for user conflict resolution:

- (1) any person desiring user conflict resolution may make such request in writing addressed to the Director of the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557. A request shall contain the following information:
  - (A) a map of the affected area including an inset vicinity map showing the location of the area with detail sufficient to permit on-site identification and location;
  - (B) identification of the user conflict causing a need for user conflict resolution;
  - (C) recommended solution for resolving user conflict; and
  - (D) name and address of the person requesting user conflict resolution.
- (2) within 90 days of the receipt of the information required in Subparagraph (b)(1) of this Paragraph, the Fisheries Director shall review the information and determine if user conflict resolution is necessary. If user conflict resolution is not necessary, the Fisheries Director shall deny the request. If user conflict resolution is necessary, the Fisheries Director or his or her designee shall hold a public meeting in the area of the user conflict. The requestor shall present his or her request at the public meeting.
- (3) following the public meeting as described in Subparagraph (b)(2) of this Paragraph, the Fisheries Director shall refer the users in the conflict for mediation or deny the request. If the user conflict cannot be resolved through mediation, the Fisheries Director shall submit for approval a proclamation to the Marine Fisheries Commission that addresses the conflict.
- (4) proclamations issued under this Rule shall suspend appropriate rules or portions of rules under the authority of the Marine Fisheries Commission as specified in the proclamation. The provisions of Rule .0102 of this Section terminating suspension of a rule pending the next Marine Fisheries Commission meeting and requiring review by the Marine Fisheries Commission at the next meeting shall not apply to proclamations issued under this Rule.

*History Note: Authority G.S. 113-134; 113-181; 113-182; 113-221.1; 143B-289.52;  
Eff. May 1, 2015;  
Readopted Eff. April 1, 2022.*

**15A NCAC 03I .0123 COMMERCIAL HARVEST REPORTING REQUIREMENTS**

(a) Under G.S. 113-170.3 and for the purpose of this Rule, "harvest" shall mean the catching or taking of a fish and reducing it to permanent possession by not returning it to the water. Harvest shall be deemed complete:

- (1) if a vessel is used, when fish reach any shore or a structure connected to any shore; or
- (2) if a vessel is not used, when the person's fishing gear is stowed and no longer in use. The terms "gear" and "use" are defined in 15A NCAC 03I .0101.

(b) Any person holding a commercial fishing license engaged in a commercial fishing operation who completes the harvest, as defined in Paragraph (a) of this Rule, of any fish in coastal or joint fishing waters shall report that harvest to a fish dealer licensed under G.S. 113-169.3 within 48 hours of harvest being complete by providing information to the fish dealer, in accordance with Paragraph (b) of Rule .0114 of this Section, so the fish dealer can report the harvest as follows:

- (1) for fish sold, harvest shall be reported in accordance with the recording requirements in G.S. 113-168.2 and recordkeeping requirements in Rule .0114 of this Section; and
- (2) for fish harvested but not sold, harvest shall be reported in accordance with the recording requirements in G.S. 113-168.2 and in the same manner as provided in Rule .0114 of this Section for a transaction.

(c) The requirements of this Rule shall be effective in accordance with the schedule in S.L. 2023-137, s. 6(f).

*History Note: Authority G.S. 113-134; 113-170.3; 113-181; 113-182; 143B-289.52;  
Temporary Adoption Eff. July 5, 2024.*

**15A NCAC 03I .0124 NON-COMMERCIAL HARVEST REPORTING REQUIREMENTS**

(a) Under G.S. 113-170.3 and for the purpose of this Rule, "harvest" shall mean the catching or taking of a fish and reducing it to permanent possession by not returning it to the water. Harvest shall be deemed complete:

- (1) if a vessel is used, when fish reach any shore or a structure connected to any shore; or
- (2) if a vessel is not used, when the person's fishing gear is stowed and no longer in use. The terms "gear" and "use" are defined in 15A NCAC 03I .0101.

(b) Any person, other than a person holding a commercial fishing license engaged in a commercial fishing operation, who completes the harvest, as defined in Paragraph (a) of this Rule, of a flounder, red drum, spotted seatrout, striped bass, or weakfish in coastal or joint fishing waters shall report that harvest. Harvest shall be reported online at <https://www.ncmarinefisheries.net>, or by using a Division-issued report card containing the same information as is required to be reported online, as listed in Subparagraphs (b)(1) through (b)(7) of this Rule. Electronic reports shall be submitted at the time harvest is complete. Division-issued report cards shall be completed at the time harvest is complete and submitted electronically to the Division by midnight the day after harvest is complete. When the day after harvest is complete is a Sunday or a federal holiday, electronic submission of a report card is due no later than midnight on the first day that is not a Sunday or a federal holiday. Harvest data to be reported shall include:

- (1) valid North Carolina fishing license number of the person who harvested the fish, or if that person does not have a valid North Carolina fishing license number, that person's first name, last name, and zip code of primary residence;
- (2) date of harvest;
- (3) species identification;
- (4) number of each species;
- (5) species length, if applicable;
- (6) area of harvest; and
- (7) type of gear used.

(c) The requirements of this Rule shall be effective in accordance with the schedule in S.L. 2023-137, s. 6(f).

*History Note: Authority G.S. 113-134; 113-170.3; 113-181; 113-182; 143B-289.52;  
Temporary Adoption Eff. July 5, 2024.*

## SUBCHAPTER 03J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES

### SECTION .0100 - NET RULES, GENERAL

#### 15A NCAC 03J .0101 FIXED OR STATIONARY NETS

It shall be unlawful to use or set fixed or stationary nets for any of the following:

- (1) in the channel of the Intracoastal Waterway;
- (2) to block more than two-thirds of a natural or manmade waterway, sound, river, bay, creek, inlet, or other body of water under the authority of the Marine Fisheries Commission;
- (3) in the middle third of a navigation channel marked by State or federal agencies; or
- (4) in a location where it may interfere with navigation.

*History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. March 15, 2023.*

#### 15A NCAC 03J .0102 NETS OR NET STAKES

It shall be unlawful to use nets, or net stakes of metallic material, in any of the following Internal Coastal Waters:

- (1) within 150 yards of any railroad or highway bridge crossing the Northeast Cape Fear River, New River, White Oak River, Trent River, Neuse River, Pamlico River, Roanoke River, and Alligator River; and
- (2) within 300 yards of any highway bridge crossing Albemarle Sound, Chowan River, Croatan Sound, Currituck Sound, and Roanoke Sound.

*History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. April 1, 2019.*

#### 15A NCAC 03J .0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS

(a) It shall be unlawful to use gill nets:

- (1) with a mesh length less than two and one-half inches; and
- (2) in Internal Waters from April 15 through December 15, with a mesh length five inches or greater and less than five and one-half inches.

(b) The Fisheries Director may, by proclamation, limit or prohibit the use of gill nets or seines in Coastal Fishing Waters, or any portion thereof, or impose any of the following restrictions on gill net or seine fishing operations:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods, including:
  - (A) gill net mesh length, but the maximum length specified shall not exceed six and one-half inches in Internal Waters; and
  - (B) net number and length, but for gill nets with a mesh length four inches or greater, the maximum length specified shall not exceed 2,000 yards per vessel in Internal Waters regardless of the number of individuals involved; and
- (4) specify season.

(c) It shall be unlawful to use fixed or stationary gill nets in the Atlantic Ocean, drift gill nets in the Atlantic Ocean for recreational purposes, or any gill nets in Internal Waters unless nets are marked by attaching to them at each end two separate yellow buoys that shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. Gill nets that are not connected together at the top line are considered as individual nets, requiring two buoys at each end of each individual net. Gill nets connected together at the top line are considered as a continuous net requiring two buoys at each end of the continuous net. Any other marking buoys on gill nets used for recreational purposes shall be yellow, except that one additional buoy, any shade of hot pink in color, constructed as specified in this Paragraph, shall be added at each end of each individual net. Any other marking buoys on gill nets used in commercial fishing operations shall be yellow, except that one additional identification buoy of any color or any combination of colors, except any shade of hot pink, may be used at either or both ends. The gear owner's last name and initials shall be identified on a buoy on each end by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. If a vessel is used, the identification shall also include one of the following:

- (1) gear owner's current motor boat registration number; or
  - (2) gear owner's U.S. vessel documentation name.
- (d) It shall be unlawful to use gill nets:
- (1) within 200 yards of any flounder or other finfish pound net set with lead and either pound or heart in use, except from August 15 through December 31 in all Coastal Fishing Waters of the Albemarle Sound, including its tributaries to the boundaries between Coastal and Joint Fishing Waters, west of a line beginning at a point 36° 04.5184' N – 75° 47.9095' W on Powell Point; running southerly to a point 35° 57.2681' N – 75° 48.3999' W on Caroon Point, it shall be unlawful to use gill nets within 500 yards of any pound net set with lead and either pound or heart in use; and
  - (2) from March 1 through October 31 in the Intracoastal Waterway within 150 yards of any railroad or highway bridge.
- (e) It shall be unlawful to use gill nets within 100 feet either side of the center line of the Intracoastal Waterway Channel south of the entrance to the Alligator-Pungo River Canal near Beacon "54" in Alligator River to the South Carolina line, unless such net is used in accordance with the following conditions:
- (1) no more than two gill nets per vessel may be used at any one time;
  - (2) any net used must be attended by the fisherman from a vessel who shall at no time be more than 100 yards from either net; and
  - (3) any individual setting such nets shall remove them, when necessary, in sufficient time to permit unrestricted vessel navigation.
- (f) It shall be unlawful to use runaround, drift, or other non-stationary gill nets, except as provided in Paragraph (e) of this Rule:
- (1) to block more than two-thirds of any natural or manmade waterway, sound, bay, creek, inlet, or any other body of water; or
  - (2) in a location where it will interfere with navigation.
- (g) It shall be unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation in the gill net attended areas designated in 15A NCAC 03R .0112(a).
- (h) It shall be unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation from May 1 through November 30 in the Internal Waters and Joint Fishing Waters of the state designated in 15A NCAC 03R .0112(b).
- (i) It shall be unlawful for any portion of a gill net with a mesh length five inches or greater to be within 10 feet of any point on the shoreline while set or deployed, unless the net is attended from June through October in Internal Waters.
- (j) For the purpose of this Rule and 15A NCAC 03R .0112, "shoreline" shall mean the mean high water line or marsh line, whichever is more seaward.

*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; March 1, 1996; March 1, 1994; July 1, 1993; September 1, 1991; Temporary Amendment Eff. October 2, 1999; July 1, 1999; October 22, 1998; Amended Eff. April 1, 2001; Temporary Amendment Eff. May 1, 2001; Amended Eff. April 1, 2016; April 1, 2009; December 1, 2007; September 1, 2005; August 1, 2004; August 1, 2002; Readopted Eff. August 23, 2022.*

#### **15A NCAC 03J .0104 TRAWL NETS**

- (a) It shall be unlawful to possess aboard a vessel while using a trawl net in Internal Waters more than 500 pounds of finfish from December 1 through March 1, and 1,000 pounds of finfish from March 2 through November 30.
- (b) It shall be unlawful to use trawl nets:
- (1) in Internal Waters from 9:00 p.m. on Friday through 5:00 p.m. on Sunday, except:
    - (A) from December 1 through March 1 from one hour after sunset on Friday to one hour before sunrise on Monday in the areas listed in Subparagraph (b)(5) of this Paragraph; or
    - (B) for a holder of a Permit for Weekend Trawling for Live Shrimp in accordance with 15A NCAC 03O .0503;
  - (2) for the taking of oysters;

- (3) in Albemarle Sound, Currituck Sound, and their tributaries, west of a line beginning on the south shore of Long Point at a point 36° 02.4910' N – 75° 44.2140' W; running southerly to the north shore on Roanoke Island to a point 35° 56.3302' N – 75° 43.1409' W; running northwesterly to Caroon Point to a point 35° 57.2255' N – 75° 48.3324' W;
  - (4) in the areas described in 15A NCAC 03R .0106, except that the Fisheries Director may, by proclamation, open the area designated in 15A NCAC 03R .0106(1) to peeler crab trawling;
  - (5) from December 1 through March 1 from one hour after sunset to one hour before sunrise in the following areas:
    - (A) in Pungo River, north of a line beginning on Currituck Point at a point 35° 24.5833' N – 76° 32.3166' W, running southwestly to Wades Point to a point 35° 23.3062' N – 76° 34.5135' W;
    - (B) in Pamlico River, west of a line beginning on Wades Point at a point 35° 23.3062' N – 76° 34.5135' W, running southwestly to Fulford Point to a point 35° 19.8667' N – 76° 35.9333' W;
    - (C) in Bay River, west of a line beginning on Bay Point at a point 35° 11.0858' N – 76° 31.6155' W, running southerly to Maw Point to a point 35° 09.0214' N – 76° 32.2593' W;
    - (D) in Neuse River, west of a line beginning on the Minnesott side of the Neuse River Ferry at a point 34° 57.9116' N – 76° 48.2240' W, running southerly to the Cherry Branch side of the Neuse River Ferry to a point 34° 56.3658' N – 76° 48.7110' W;
    - (E) in New River, all waters upstream of the N.C. Highway 172 Bridge when opened by proclamation; and
  - (6) in designated pot areas opened to the use of pots by Rule .0301(a)(2) of this Subchapter and described in 15A NCAC 03R .0107(a)(5), (a)(6), (a)(7), (a)(8), and (a)(9) within an area bound by the shoreline to the depth of six feet.
- (c) Mesh sizes for shrimp and crab trawl nets shall meet the requirements of 15A NCAC 03L .0103 and .0202.
- (d) The Fisheries Director may, with prior consent of the Marine Fisheries Commission, by proclamation, require bycatch reduction devices or cod end (tailbag) modifications in trawl nets to reduce the catch of finfish that do not meet size limits or are unmarketable as individual foodfish by reason of size.
- (e) It shall be unlawful to use shrimp trawl nets for recreational purposes unless the trawl net is marked by attaching to the cod end (tailbag) a floating buoy, any shade of hot pink in color. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The gear owner's last name and initials shall be identified on the attached buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. If a vessel is used, the identification shall also include one of the following:
- (1) gear owner's current motor boat registration number; or
  - (2) gear owner's U.S. vessel documentation name.
- (f) It shall be unlawful to use shrimp trawl nets for the taking of blue crabs in Internal Waters, except that it shall be permissible to take or possess blue crabs incidental to shrimp trawling in accordance with the following limitations:
- (1) for individuals using shrimp trawl nets authorized by a Recreational Commercial Gear License, 50 blue crabs per day, not to exceed 100 blue crabs if two or more Recreational Commercial Gear License holders are on board the same vessel; and
  - (2) for commercial operations, crabs may be taken incidental to lawful shrimp trawl net operations provided that the weight of the crabs shall not exceed the greater of:
    - (A) 50 percent of the total weight of the combined crab and shrimp catch; or
    - (B) 300 pounds.
- (g) The Fisheries Director may, by proclamation, close any area to trawling for specific time periods consistent with the requirements of this Rule.

*History Note:* Authority G.S. 113-134; 113-173; 113-182; 113-221.1; 143B-289.52;  
 Eff. February 1, 1991;  
 Amended Eff. August 1, 1998; May 1, 1997; March 1, 1994; February 1, 1992;  
 Temporary Amendment Eff. July 1, 1999;  
 Amended Eff. May 1, 2017; April 1, 2014; April 1, 2009; September 1, 2005; August 1, 2004; August 1, 2000;  
 Readopted Eff. August 23, 2022.

**15A NCAC 03J .0105 PURSE SEINES**

- (a) It shall be unlawful to use purse seines except for the taking of menhaden, Atlantic thread herring, gizzard shad, or pinfish.
- (b) It shall be unlawful to use a purse seine in accordance with the following:
- (1) in the Atlantic Ocean as described in 15A NCAC 03R .0111.
  - (2) except as provided in Paragraph (c) of this Rule, between January 16 and May 14 in:
    - (A) internal waters; and
    - (B) the Atlantic Ocean within one mile of shore.
  - (3) between January 16 and March 31 in Core Sound.
  - (4) from beyond one mile of shore in the Atlantic Ocean and transported to port between sunset on any Friday and sunrise of the following Monday from the Friday of the Memorial Day weekend through sunset on Labor Day.
  - (5) from beyond one mile of shore in the Atlantic Ocean and transported to port between the hours of sunrise and sunset on the following holidays:
    - (A) Memorial Day;
    - (B) Fourth of July, when the Fourth of July falls on any calendar day Friday through Monday; and
    - (C) Labor Day.
- (c) The Fisheries Director may, by proclamation, open the Atlantic Ocean within one mile of shore and the internal waters specified in Paragraph (d) of this Rule between April 1 and May 14, and may impose any of the following restrictions:
- (1) specify time;
  - (2) specify area;
  - (3) specify means and methods;
  - (4) specify record keeping requirements;
  - (5) specify season; and
  - (6) specify quantity.
- (d) The internal waters specified in Paragraph (c) of this Rule are as follows:
- (1) Pamlico Sound;
  - (2) Pamlico River east of a line from Wades Point to Intracoastal Waterway Marker No. 1 at the mouth of Goose Creek;
  - (3) Neuse River east of a line from Wilkinson Point to Cherry Point;
  - (4) Adams Creek;
  - (5) Core Sound and its tributaries;
  - (6) Back Sound, the Straits, and North River;
  - (7) Newport River;
  - (8) North River; and
  - (9) Bogue Sound.
- (e) Menhaden, Atlantic thread herring, gizzard shad, or pinfish may be taken at any time with a purse seine from beyond one mile of shore in the Atlantic Ocean and transported to port except as specified by Session Law 2012-190 and Subparagraphs (b)(4) and (b)(5) of this Rule.
- (f) It shall be unlawful for the responsible party to fail to carry out the following requirements when a fish spill from a purse seine occurs:
- (1) within two hours of the spill, notify the Division of Marine Fisheries Communications Center of the spill by phone at 800-682-2632 or 252-726-7021; and
  - (2) report to the Fisheries Director of the North Carolina Division of Marine Fisheries in writing within 30 days of the completion of spill clean-up on the circumstances associated with each spill and costs of its clean-up.

*History Note: Authority G.S. 113-134; 113-182; 113-187; 113-221.1; 143B-289.52;  
 Eff. January 1, 1991;  
 Amended Eff. October 1, 2008;  
 Readopted Eff. March 15, 2023.*

**15A NCAC 03J .0106 CHANNEL NETS**

- (a) It shall be unlawful to use a channel net:
- (1) until the Fisheries Director specifies by proclamation, time periods and areas for the use of channel nets and other fixed nets for shrimping;

- (2) without yellow light reflective tape on the top portion of each staff or stake and on any buoys located at either end of the net;
  - (3) with any portion of the set including boats, anchors, cables, ropes, or nets within 50 feet of the center line of the Intracoastal Waterway Channel;
  - (4) in the middle third of any navigation channel marked by U.S. Army Corps of Engineers or U.S. Coast Guard; and
  - (5) unless attended by the fisherman who shall be no more than 50 yards from the net at all times.
- (b) It shall be unlawful to use or possess aboard a vessel any channel net with a corkline exceeding 40 yards.
- (c) It shall be unlawful to leave any channel net, channel net buoy, or channel net stakes in Coastal Fishing Waters from December 1 through March 1.
- (d) It shall be unlawful to use floats or buoys of metallic material for marking a channel net set.
- (e) From March 2 through November 30, cables used in a channel net operation shall, when not attached to the net, be connected together and any attached buoy shall be connected by non-metal line.
- (f) It shall be unlawful to leave channel net buoys in Coastal Fishing Waters without yellow light reflective tape on each buoy and without the gear owner's last name and initials being legibly printed on each buoy. If a vessel is used, the identification shall also include one of the following:
- (1) gear owner's current motor boat registration number; or
  - (2) gear owner's U.S. vessel documentation name.
- (g) It shall be unlawful to use any channel nets, anchors, lines, or buoys in such a manner as to constitute a hazard to navigation.
- (h) It shall be unlawful to use channel nets for the taking of blue crabs in Internal Waters, except that it shall be permissible to take or possess blue crabs incidental to channel net operations in accordance with the following limitations:
- (1) crabs may be taken incidental to lawful channel net operations provided that the weight of the crabs shall not exceed:
    - (A) 50 percent of the total weight of the combined crab and shrimp catch; or
    - (B) 300 pounds, whichever is greater.
  - (2) The Fisheries Director may, by proclamation, close any area to channel net use for specific time periods consistent with the requirements of this Paragraph.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. January 1, 1991;  
 Amended Eff. September 1, 2005;  
 Readopted Eff. August 23, 2022.

#### **15A NCAC 03J .0107 POUND NET SETS**

*History Note:* Authority G.S. 113-134; 113-182; 113-182.1; 113-221; 143B-289.52;  
 Eff. January 1, 1991;  
 Amended Eff. April 1, 1999; March 1, 1996; March 1, 1994; September 1, 1991; January 1, 1991;  
 Temporary Amendment Eff. September 1, 2000; August 1, 2000;  
 Amended Eff. August 1, 2002; April 1, 2001;  
 Temporary Amendment Eff. February 10, 2003;  
 Amended Eff. December 1, 2007; September 1, 2005; August 1, 2004;  
 Repealed Eff. April 1, 2009.

#### **15A NCAC 03J .0108 NETS PULLED BY MORE THAN ONE VESSEL**

It shall be unlawful to pull or tow a net with more than one vessel, except in long haul operations.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. January 1, 1991;  
 Readopted Eff. April 1, 2019.

#### **15A NCAC 03J .0109 LONG HAUL AND SWIPE NET REQUIREMENTS**

It shall be unlawful to use a net in a long haul or swipe net fishing operation:

- (1) without a floating buoy that shall be international orange, no less than five inches in diameter, and no less than 11 inches in length attached a minimum of every 100 yards along the cork line;
- (2) without a flag that shall be square in shape, international orange in color, and at least 24 inches by 24 inches in size flying in the rigging so as to be visible when approaching the vessel from any direction; and
- (3) in the Internal Coastal Waters south and west of a line beginning on the west shore of Pamlico Sound at Bluff Point at a point 35° 19.5333' N – 76° 09.3333' W; running southeasterly to Ocracoke Island to a point 35° 08.0000' N – 75° 55.0000' W; without escape panels as follows:
  - (a) for long haul operations, two panels four feet deep and six feet long installed with the entire panel within 10 feet of the staff on the end of the bunt net from which the fish are being bailed, with panels in the water while fish are harvested;
  - (b) for swipe net operations, two panels three feet deep and five feet long installed with the entire panel within 10 feet of the staff on the end of the bunt net from which the fish are being bailed, with panels in the water while fish are harvested;
  - (c) the upper edge of one panel installed within 12 to 24 inches of the float line and the lower edge of the other panel installed within 12 to 24 inches of the lead line; and
  - (d) panels constructed of unobstructed trawl rings with a minimum inside diameter of one and nine-sixteenth inches, with the rings fastened together at a maximum of four points per ring.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. January 1991;  
 Amended Eff. August 1, 2004; April 1, 1999;  
 Readopted Eff. March 15, 2023.

#### **15A NCAC 03J .0110 SEINES**

It shall be unlawful to use seines 30 feet or longer for recreational purposes unless the net is marked by attaching to the corkline a floating buoy, any shade of hot pink in color. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The gear owner's last name and initials shall be engraved on the attached buoy or identified by attaching engraved metal or plastic tags to the buoy. If a vessel is used, the identification shall also include one of the following:

- (1) gear owner's current motor boat registration number; or
- (2) owner's U.S. vessel documentation name.

*History Note:* Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;  
 Temporary Adoption Eff. July 1, 1999;  
 Eff. August 1, 2000;  
 Readopted Eff. March 15, 2023.

#### **15A NCAC 03J .0111 FYKE OR HOOP NETS**

(a) It shall be unlawful to use fyke or hoop nets in Coastal Fishing Waters without:

- (1) the owner's identification being printed on a sign no less than six inches square, attached on an outside corner stake of each such net; or
- (2) each net being marked by attaching a floating buoy to a single net and a buoy on each end of the line connecting multiple (two or more) nets, when stakes are not used. Buoys shall be of any color except any shade of yellow or any shade of hot pink, or any combination of colors that include any shade of yellow or any shade of hot pink. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The gear owner's last name and initials shall be identified on the attached buoy by using engraved buoys or by attaching engraved metal or plastic tags to the buoy. If a vessel is used, the identification shall also include:
  - (A) gear owner's current motor boat registration number; or
  - (B) gear owner's U.S. vessel documentation name.

- (b) It shall be unlawful to use a fyke or hoop net within 200 yards of any operational pound net set.
- (c) It shall be unlawful to use a fyke or hoop net within 150 yards of any railroad or highway bridge.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Temporary Adoption Eff. August 1, 2000;



*Amended Eff. April 1, 2003; April 1, 2001;  
Readopted Eff. August 23, 2022.*

## **SECTION .0200 - NET RULES, SPECIFIC AREAS**

### **15A NCAC 03J .0201 ALBEMARLE SOUND AND TRIBUTARIES**

*History Note: Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. January 1, 1991;  
Repealed Eff. September 1, 1991.*

### **15A NCAC 03J .0202 ATLANTIC OCEAN**

In the Atlantic Ocean:

- (1) It shall be unlawful to use nets from June 15 through August 15 in the waters of Masonboro Inlet or in the ocean within 300 yards of the beach between Masonboro Inlet and a line running southeasterly through the water tank 34° 13.1500' N – 77° 47.3000' W on the northern end of Wrightsville Beach, a distance of 4400 yards parallel with the beach.
- (2) It shall be unlawful to use trawls within one-half mile of the beach between the North Carolina/Virginia state line and Oregon Inlet.
- (3) It shall be unlawful to use a trawl with a mesh length less than four inches in the main body, three inches in the extension, and one and three-fourths inches in the cod end or tailbag inshore of a line beginning on the western side of Beaufort Inlet Channel at a point 34° 41.3000' N – 76° 40.1333' W; running westerly parallel to and one-half miles from the shore off Salter Path to a point 34° 40.5333' N – 76° 53.7500' W.
- (4) It shall be unlawful to use trawl nets, including flynets, southwest of the 9960-Y chain 40250 LORAN C line (running offshore in a southeasterly direction) from Cape Hatteras to the North Carolina/South Carolina state line except:
  - (a) shrimp trawls as defined in 15A NCAC 03L .0103;
  - (b) crab trawls as defined in 15A NCAC 03L .0202; or
  - (c) flounder trawls as defined in 15A NCAC 03M .0503.
- (5) It shall be unlawful to possess finfish (including pursuant to 15A NCAC 03M .0102) incidental to shrimp or crab trawl operations from December 1 through March 31 unless the weight of the combined catch of shrimp and crabs exceeds the weight of finfish, except an additional 300 pounds of kingfish (*Menticirrhus*, spp.) may be taken south of Bogue Inlet.
- (6) It shall be unlawful to use unattended gill nets or block or stop nets in the Atlantic Ocean within 300 yards of the beach from Beaufort Inlet to the North Carolina/South Carolina state line from sunset Friday to sunrise Monday from Memorial Day through Labor Day.
- (7) It shall be unlawful to use gill nets in the Atlantic Ocean with a mesh length greater than seven inches from April 15 through December 15.
- (8) It shall be unlawful to use shrimp trawls in all waters west of a line beginning at the southeastern tip of Baldhead Island at a point 33° 50.4833' N – 77° 57.4667' W; running southerly in the Atlantic Ocean to a point 33° 46.2667' N – 77° 56.4000' W; from 9:00 p.m. through 5:00 a.m.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1996; September 1, 1991;  
Temporary Amendment Eff. December 1, 1997;  
Amended Eff. October 1, 2008; August 1, 2004; August 1, 1998;  
Readopted Eff. August 23, 2022.*

### **15A NCAC 03J .0203 CHOWAN RIVER AND MEHERRIN RIVER**

- (a) In the Chowan River and the Meherrin River, it shall be unlawful to do any of the following:
  - (1) set a pound net within 150 yards of the mouth of any tributary; and
  - (2) set a trotline within 100 yards of a pound net from February 1 through May 31.
- (b) In the Chowan River, it shall be unlawful to do any of the following:
  - (1) anchor the lead line of any net closer than 50 feet from shore;

- (2) set a pound net within 200 yards parallel to any other pound net in the Chowan River, in accordance with Rule .0502 of this Subchapter; and
- (3) use a seine within 1,000 yards of the mouth of any tributary.

*History Note:* Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. September 1, 1991;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03J .0204 CURRITUCK SOUND AND ITS TRIBUTARIES**

In the Internal Coastal Waters of Currituck Sound and its tributaries, it shall be unlawful to do any of the following:

- (1) conduct long haul operations, as defined in 15A NCAC 03I .0101; and
- (2) use a seine that is more than 900 yards in length or that has a mesh length of less than three inches.

*History Note:* Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. September 1, 1991;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03J .0205 ROANOKE: CASHIE: MIDDLE AND EASTMOST RIVERS**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. January 1, 1991;  
Repealed Eff. September 1, 1991.

#### **15A NCAC 03J .0206 SOUTHPORT BOAT HARBOR**

It shall be unlawful to use commercial fishing gear in the Southport Boat Harbor, Brunswick County, north of a line beginning at a point on the west side of the mouth of the harbor 33° 54.9656' N – 78° 01.4477' W, running easterly to a point on the east side of the mouth of the harbor 33° 54.9656' N – 78° 01.3797' W.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. August 1, 2004;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03J .0207 NUCLEAR PLANT INTAKE CANAL**

It shall be unlawful to use any commercial fishing equipment in a nuclear plant intake canal between the fish diversion screen and the nuclear plant.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. May 1, 2015;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03J .0208 NEW RIVER**

- (a) It shall be unlawful to use trawl nets except skimmer trawls upstream of the Highway 172 Bridge over New River.
- (b) It shall be unlawful to use skimmer trawls upstream of the Highway 172 Bridge over New River from 9:00 p.m. through 5:00 a.m. from August 16 through November 30.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. August 1, 1998;  
Amended Eff. May 1, 2015; August 1, 2004;  
Readopted Eff. August 23, 2022.

#### **15A NCAC 03J .0209 ALBEMARLE SOUND AND CHOWAN RIVER RIVER HERRING MANAGEMENT AREAS**

It shall be unlawful to use drift gill nets with a mesh length less than three inches from January 1 through May 15 in the Albemarle Sound and Chowan River river herring management areas defined in 15A NCAC 03R .0202.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;  
Temporary Adoption Eff. May 1, 2000;  
Eff. April 1, 2001;  
Amended Eff. May 1, 2015; June 1, 2013; December 1, 2007;  
Readopted Eff. April 1, 2019.*

## **SECTION .0300 - POTS, DREDGES, AND OTHER FISHING DEVICES**

### **15A NCAC 03J .0301 POTS**

- (a) It shall be unlawful to use pots except during time periods and in areas specified herein:
- (1) in Internal Waters from December 1 through May 31, except that:
    - (A) in the Northern Region designated in 15A NCAC 03R .0118(1) all pots shall be removed from Internal Waters from January 1 through January 31. Fish pots upstream of the U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke, Cashie, Middle, and Eastmost Rivers to the Highway 258 Bridge are exempt from this removal requirement.
    - (B) in the Southern Region designated in 15A NCAC 03R .0118(2) all pots shall be removed from Internal Waters from March 1 through March 15.
  - (2) in Internal Waters from June 1 through November 30 in the Northern Region designated in 15A NCAC 03R .0118(1):
    - (A) in areas described in 15A NCAC 03R .0107(a).
    - (B) to allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director may, by proclamation, specify time periods for and designate the areas described in 15A NCAC 03R .0107(b) or any part thereof, for the use of pots.
  - (3) in Internal Waters from May 1 through November 30 in the Southern Region designated in 15A NCAC 03R .0118(2), the Fisheries Director may, by proclamation, specify time periods and areas for the use of pots.
  - (4) in the Atlantic Ocean from May 1 through November 30 the Fisheries Director may, by proclamation, specify time periods and areas for the use of pots.
- (b) It shall be unlawful to use pots:
- (1) in any navigation channel marked by State or Federal agencies; or
  - (2) in any turning basin maintained and marked by the North Carolina Ferry Division.
- (c) It shall be unlawful to use pots in a commercial fishing operation unless each pot is marked by attaching a floating buoy of any color except any shade of yellow or any shade of hot pink, or any combination of colors that include any shade of yellow or any shade of hot pink. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The gear owner's last name and initials shall be engraved on the attached buoy or identified by attaching engraved metal or plastic tags to the buoy. If a vessel is used, the identification shall also include one of the following:
- (1) gear owner's current motor boat registration number; or
  - (2) gear owner's U.S. vessel documentation name.
- (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;*  
*Temporary Amendment Eff. July 1, 1999;*  
*Amended Eff. August 1, 2000;*  
*Temporary Amendment Eff. September 1, 2000;*  
*Amended Eff. May 1, 2015; April 1, 2014; September 1, 2005; August 1, 2004; August 1, 2002;*  
*Readopted Eff. March 15, 2023.*

#### **15A NCAC 03J .0302 RECREATIONAL USE OF POTS**

(a) It shall be unlawful for a Recreational Commercial Gear License holder to use pots authorized by 15A NCAC 03O .0302 unless each pot is marked by attaching a floating buoy, any shade of hot pink in color. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The gear owner's last name and initials shall be identified on the attached buoy using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. If a vessel is used, the identification shall also include one of the following:

- (1) gear owner's current motor boat registration number; or
- (2) owner's U.S. vessel documentation name.

(b) It shall be unlawful for a person to use more than one crab pot attached to the shore along privately owned land or to a privately owned pier without possessing a valid Recreational Commercial Gear License.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;*  
*Eff. January 1, 1991;*  
*Temporary Amendment Eff. July 1, 1999;*  
*Amended Eff. April 1, 2011; August 1, 2000;*  
*Readopted Eff. March 15, 2023.*

#### **15A NCAC 03J .0303 DREDGES AND MECHANICAL METHODS PROHIBITED**

(a) It shall be unlawful to use any dredge weighing more than 100 pounds, except in the Atlantic Ocean.

(b) It shall be unlawful to use more than one dredge per vessel to take oysters or crabs or to use any dredges or mechanical methods between sunset and sunrise.

(c) It shall be unlawful to possess oysters aboard a vessel with a dredge weighing more than 100 pounds on board.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*  
*Eff. January 1, 1991;*

*Amended Eff. March 1, 1994; January 1, 1991;  
Readopted Eff. April 1, 2019.*

**15A NCAC 03J .0304 ELECTRICAL FISHING DEVICE IN CAPE FEAR RIVER**

It shall be unlawful to take catfish by the use of a hand-operated device generating pulsating electrical current in the Internal Coastal Fishing Waters of the Cape Fear River except:

- (1) from 800 feet downstream of Lock and Dam No. 1 in Bladen County to where the Black River joins the Cape Fear River; and
- (2) from July 1 through March 1.

*History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. July 1, 2008;  
Readopted Eff. April 1, 2019.*

**15A NCAC 03J .0305 TROTTLINES (MULTIPLE HOOK OR MULTIPLE BAIT)**

(a) It shall be unlawful to use multiple hook or multiple bait trotlines for recreational purposes unless each multiple hook or multiple bait trotline is marked by attaching to them at each end a floating buoy, any shade of hot pink in color. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The gear owner's last name and initials shall be engraved on the attached buoy or identified by attaching engraved metal or plastic tags to the buoy. If a vessel is used, the identification shall also include one of the following:

- (1) gear owner's current motor boat registration number; or
- (2) gear owner's U.S. vessel documentation name.

(b) It shall be unlawful to use multiple hook or multiple bait trotlines in a commercial fishing operation unless each multiple hook or multiple bait trotline is marked by attaching to them at each end a floating buoy of any color except any shade of yellow or any shade of hot pink, or any combination of colors that include any shade of yellow or any shade of hot pink. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The gear owner's last name and initials shall be engraved on the attached buoy or identified by attaching engraved metal or plastic tags to the buoy. If a vessel is used, the identification shall also include one of the following:

- (1) gear owner's current motor boat registration number; or
- (2) gear owner's U.S. vessel documentation name.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;  
Temporary Adoption Eff. July 1, 1999;  
Eff. August 1, 2000;  
Readopted Eff. March 15, 2023.*

**15A NCAC 03J .0306 HOOK AND LINE**

It shall be unlawful to use any hook larger than 4/0 from July 1 through September 30 in the Internal Coastal Waters of Pamlico Sound and its tributaries south of the Albemarle Sound Management Area as defined in 15A NCAC 03R .0201 and north of a line beginning at a point 34° 59.7942' N – 76° 14.6514' W on Camp Point, running easterly to a point 34° 58.7853' N – 76° 09.8922' W on Core Banks, while using natural bait from 7:00 p.m. to 7:00 a.m. unless the terminal tackle consists of:

- (1) a "circle hook", which for the purpose of this Rule shall mean a hook with the point of the hook directed perpendicularly back toward the shank and with the barb either compressed or removed; and
- (2) a fixed sinker not less than two ounces in weight, secured not more than six inches from the fixed weight to the circle hook.

*History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;  
Eff. April 1, 2009;  
Readopted Eff. April 1, 2019.*

**SECTION .0400 - FISHING GEAR**

**15A NCAC 03J .0401 FISHING GEAR**

(a) The Fisheries Director, in order to address issues involving user conflicts may, by proclamation, close the areas described in Paragraph (b) of this Rule to the use of specific fishing gear.

(b) It shall be unlawful to use fishing gear as specified by proclamation at the time and dates specified in the proclamation between the Friday before Easter through December 31 in the following areas when such areas have been closed by proclamation:

- (1) all or part of the Atlantic Ocean, up to one-half mile from the beach;
- (2) up to one-half mile in all directions of Oregon Inlet;
- (3) up to one-half mile in all directions of Hatteras Inlet;
- (4) up to one-half mile in all directions of Ocracoke Inlet;
- (5) up to one-half mile of the Cape Lookout Rock Jetty;
- (6) up to one-half mile in all directions of fishing piers open to the public;
- (7) up to one-half mile in all directions of State Parks; and
- (8) up to one-half mile of marinas as defined by the Coastal Resources Commission.

(c) The Fisheries Director shall specify in the proclamation the boundaries of the closure through the use of maps, legal descriptions, prominent landmarks, or other permanent type markers.

(d) The Fisheries Director shall hold a public meeting in the affected area before issuance of proclamations authorized by this Rule.

*History Note: Authority G.S. 113-133; 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. July 1, 1993;  
Amended Eff. June 1, 1996; March 1, 1995; October 1, 1993;  
Readopted Eff. April 1, 2022.*

#### **15A NCAC 03J .0402 FISHING GEAR RESTRICTIONS**

(a) It shall be unlawful to use commercial fishing gear in the following areas during dates and times specified for the identified areas:

- (1) Atlantic Ocean - Dare County:
  - (A) Nags Head:
    - (i) seines and gill nets shall not be used from the North Town Limit of Nags Head at Eight Street southward to Gulf Street:
      - (I) from Wednesday through Saturday of the week of the Nags Head Surf Fishing Tournament held during October of each year the week prior to Columbus Day; and
      - (II) from November 1 through December 15; and
    - (ii) commercial fishing gear shall not be used within 750 feet of licensed fishing piers when open to the public;
  - (B) Oregon Inlet: seines and gill nets shall not be used from the Friday before Easter through December 31:
    - (i) within one-quarter mile of the beach from the National Park Service Ramp #4 (35° 48.2500' N – 75° 32.7000' W) on Bodie Island to the northern terminus of the Bonner Bridge (35° 46.5000' N – 75° 32.3666' W) on Hwy. 12 over Oregon Inlet; and
    - (ii) within the area known locally as "The Pond", a body of water generally located to the northeast of the northern terminus of the Bonner Bridge; and
  - (C) Cape Hatteras (Cape Point): seines and gill nets shall not be used within one-half mile of Cape Point from the Friday before Easter through December 31. The closed area is defined by a circle with a one-half mile radius having the center near Cape Point at a point 35° 12.9000' N – 75° 31.7166' W;
- (2) Atlantic Ocean - Onslow and Pender counties: commercial fishing gear shall not be used during the time specified for the following areas:
  - (A) Topsail Beach: from January 1 through December 31, that area around Jolly Roger Fishing Pier bordered on the offshore side by a line 750 feet from the end of the pier and on the northeast and southwest by a line beginning at a point on the beach one-quarter mile from the pier extending seaward to intersect the offshore boundary; and
  - (B) Surf City:

- (i) from January 1 to June 30, that area around the Surf City Fishing Pier bordered on the offshore side by a line 750 feet from the end of the pier, on the southwest by a line beginning at a point on the beach one-quarter mile from the pier and on the northeast by a line beginning at a point on the beach 750 feet from the pier extending seaward to intersect the offshore boundaries; and
    - (ii) from July 1 to December 31, those areas around the pier bordered on the offshore side by a line 750 feet from the end of the pier, on the southwest by a line beginning at a point on the beach 750 feet from the pier and on the northeast by a line beginning at a point on the beach one-quarter mile from the pier extending seaward to intersect the offshore boundaries;
  - (3) Atlantic Ocean - New Hanover County: Carolina Beach Inlet through Kure Beach: commercial fishing gear shall not be used during the times specified for the following areas:
    - (A) from the Friday before Easter to November 30, within the zones adjacent to the Carolina Beach and Kure Beach Fishing Piers bordered on the offshore side by a line 750 feet from the ends of the piers and on the north and south by a line beginning at a point on the beach one-quarter mile from the pier extending seaward to intersect the offshore boundary, except the southern boundary for Kure Beach Pier is a line beginning on the beach one mile south of the pier to the offshore boundary for the pier; and
    - (B) from May 1 to November 30, within 900 feet of the beach, from Carolina Beach Inlet to the southern end of Kure Beach with the following exceptions:
      - (i) from one-quarter mile north of Carolina Beach Fishing pier to Carolina Beach Inlet from October 1 to November 30:
        - (I) strike nets may be used within 900 feet of the beach; and
        - (II) attended nets may be used between 900 feet and one-quarter mile of the beach;
      - (ii) strike nets and attended gill nets may be used within 900 feet of the beach from October 1 to November 30 in other areas except those described in Part (a)(3)(A) and Subpart (a)(3)(B)(i) of this Subparagraph; and
      - (iii) it shall be unlawful to use commercial fishing gear within 900 feet of the beach from Carolina Beach Inlet to a point on the beach 33°55.0026' N – 77°56.6630' W near the former location of New Inlet during the October surf fishing tournament in Carolina Beach; and
  - (4) Pamlico River – Beaufort County: Goose Creek State Park: commercial fishing gear shall not be used from the Friday before Easter through December 31 for the following areas:
    - (A) within 150 feet of the shoreline within park boundaries; and
    - (B) within the marked channel from Dinah Landing to the mouth of Upper Goose Creek.
- (b) It shall be unlawful to use gill nets or seines in the following areas during dates and times specified for the identified areas:
- (1) Neuse River and South River, Carteret County: no more than 1,200 feet of gill nets having a stretched mesh of five inches or larger shall be used:
    - (A) within one-half mile of the shore from Winthrop Point at Adams Creek to Channel Marker "2" at the mouth of Turnagain Bay; and
    - (B) within South River;
  - (2) Cape Lookout, Carteret County:
    - (A) gill nets or seines shall not be used in the Atlantic Ocean within 300 feet of the Rock Jetty (at Cape Lookout between Power Squadron Spit and Cape Point); and
    - (B) seines shall not be used within one-half mile of the shore from Power Squadron Spit south to Cape Point and northward to Cape Lookout Lighthouse including the area inside the "hook" south of a line from the COLREGS Demarcation Line across Bardens Inlet to the eastern end of Shackleford Banks and then to the northern tip of Power Squadron Spit from 12:01 a.m. Saturdays until 12:01 a.m. Mondays from May 1 through November 30;
  - (3) State parks and recreation areas:
    - (A) gill nets or seines shall not be used in the Atlantic Ocean within one-quarter mile of the shore at Fort Macon State Park, Carteret County;

- (B) gill nets or seines shall not be used in the Atlantic Ocean within one-quarter mile of the shore at Hammocks Beach State Park, Onslow County, from May 1 through October 1, except strike nets and attended gill nets may be used beginning August 15; and
- (C) gill nets or seines shall not be used within the boat basin and marked entrance channel at Carolina Beach State Park, New Hanover County;
- (4) mooring facilities and marinas: gill nets or seines shall not be used from May 1 through November 30 within:
  - (A) one-quarter mile of the shore from the east boundary fence to the west boundary fence at U.S. Coast Guard Base Fort Macon at Beaufort Inlet, Carteret County;
  - (B) canals within Pine Knoll Shores, Carteret County;
  - (C) Spooners Creek entrance channel and marina on Bogue Sound, Carteret County;
  - (D) Harbor Village Marina on Topsail Sound, Pender County; and
  - (E) marina and entrance canal within Carolina Marlin Club property adjacent to Newport River, Carteret County;
- (5) Masonboro Inlet: gill nets and seines shall not be used:
  - (A) within 300 feet of either rock jetty; and
  - (B) within the area beginning 300 feet from the offshore end of the jetties to the Intracoastal Waterway including all the waters of the inlet proper and all the waters of Shinn Creek;
- (6) Atlantic Ocean fishing piers: at a minimum, gill nets and seines shall not be used within 300 feet of ocean fishing piers when open to the public. If a larger closed area has been delineated by the placement of buoys or beach markers as authorized by G.S. 113-185(a), it shall be unlawful to fish from vessels or with nets within the larger marked zone;
- (7) Topsail Beach, Pender County: it shall be unlawful to use gill nets and seines from 4:00 p.m. Friday until 6:00 a.m. the following Monday in the three finger canals on the south end of Topsail Beach;
- (8) Mad Inlet to Tubbs Inlet - Atlantic Ocean, Brunswick County: it shall be unlawful to use gill nets and seines from September 1 through November 15, except that a maximum of four commercial gill nets per vessel not to exceed 200 yards in length individually or 800 yards in combination may be used; and
- (9) Spooners Creek, Carteret County: it shall be unlawful to use gill nets and seines between sunset and sunrise in Spooners Creek entrance channel in Bogue Sound, all of Spooners Creek proper, and the adjoining tributary canals and channels.

*History Note:* Authority G.S. 113-133; 113-134; 113-182; 143B-289.52;  
 Eff. March 1, 1996;  
 Amended Eff. October 1, 2004; August 1, 2004; April 1, 2001;  
 Readopted Eff. August 23, 2022.

#### **15A NCAC 03J .0403 NEUSE RIVER AND ITS TRIBUTARIES**

*History Note:* Filed as a Temporary Adoption Eff. October 16, 1995, for a period of 77 days to expire on January 1, 1996;  
 Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;  
 Temporary Adoption Expired January 1, 1996.

#### **15A NCAC 03J .0404 OCEAN ARTIFICIAL REEF GEAR RESTRICTIONS**

- (a) For the purpose of this Rule:
  - (1) "hand line" shall mean fishing gear that is set and pulled by hand and consists of one vertical line to which may be attached leader lines with hooks.
  - (2) "hook and line" shall mean one or more hooks attached to one or more lines and shall include rod and reel, a fishing rod designed to be hand-held with a manually or electrically operated reel attached.
  - (3) "spearfishing gear" shall mean spears, Hawaiian slings, or similar devices that propel pointed implements by mechanical means, including elastic tubing or bands, pressurized gas, or similar means.
- (b) It shall be unlawful to use fishing gear in Ocean Artificial Reefs designated in 15A NCAC 03R .0119 except hand line, hook and line, and spearfishing gear, and except as further limited in accordance with Paragraph (d) of this Rule.
- (c) It shall be unlawful to possess finfish taken with spearfishing gear in excess of a recreational limit within the boundaries of a designated Ocean Artificial Reef.



- (d) The Fisheries Director may, by proclamation, close the areas designated in 15A NCAC 03R .0119 to the use of specific fishing gear, including the gears otherwise allowed in Paragraph (b) of this Rule, based on biological impacts or user conflicts.
- (e) The Fisheries Director may, by proclamation, designate and modify Ocean Artificial Reefs in Coastal Fishing Waters of the Atlantic Ocean, based on biological impacts or variable spatial distribution, including shifted artificial reef material.

*History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52; Eff. August 23, 2022.*

## **SECTION .0500 – POUND NETS**

### **15A NCAC 03J .0501 DEFINITIONS AND STANDARDS FOR POUND NETS AND POUND NET SETS**

(a) The following definitions shall apply to this Section:

- (1) "Deployed pound net" means setting of any part of a pound net except for a location identification stake or, for a pound net used in the Atlantic Ocean, a location identification buoy placed at each end of a proposed new location.
- (2) "Flounder pound net" means a pound net set that produces a catch consisting of 50 percent or more flounder by weight of the entire landed catch, excluding blue crabs or a pound net set with all pounds (holding pen) constructed of four inch stretch mesh or greater.
- (3) "Operational pound net set" means a pound net set as defined in 15A NCAC 03I .0101 and deployed according to rules and permit conditions with net attached to stakes or anchors for the lead and pound, including only a single pound in a multi-pound set, and a non-restricted opening leading into the pound such that the set is able to catch and hold fish.
- (4) "Permit period" means from the date of issuance of a new or renewal Pound Net Set Permit to the expiration date.
- (5) "Pound Net Set Permit" means a Division of Marine Fisheries authorization to set and fish a pound net set in a commercial fishing operation in a specified location in a specified fishery.
- (6) "Shrimp pound net" means a pound net set with all pounds (holding pen) constructed of stretch mesh equal to or greater than one and one-fourth inches and less than or equal to two inches.

(b) It shall be unlawful for a pound net used in a commercial fishing operation to:

- (1) be deployed on a site without first obtaining a Pound Net Set Permit from the Fisheries Director.
- (2) fail to be operational for a minimum of 30 consecutive days during the Pound Net Set Permit period, except the Fisheries Director may, by proclamation, waive this requirement if a season for the fishery for which the pound net set is permitted is ended earlier due to a quota being met or for compliance with the N.C. Southern Flounder Fishery Management Plan.

(c) It shall be unlawful for a pound net set in a commercial fishing operation in coastal fishing waters to fail to:

- (1) have the permittee's identification legibly printed on a sign no less than six inches square, securely attached to a stake at the permitted ends of each set at all times. For pound net sets in the Atlantic Ocean using anchors instead of stakes, the set shall be identified with a yellow buoy that shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than 11 inches in length. The permittee's identification shall be legibly printed on the buoy. The identification on signs or buoys shall include the Pound Net Set Permit number and the permittee's last name and initials.
- (2) have yellow light reflective tape or yellow light reflective devices on each pound. The yellow light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter on any outside corner of each pound, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.
- (3) have a marked navigational opening at least 25 feet wide at the end of every third pound. The opening shall be marked with yellow light reflective tape or yellow light reflective devices on each side of the opening. The yellow light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.

If a permittee notified of a violation under this Paragraph fails or refuses to take corrective action sufficient to remedy the violation within 10 days of receiving notice of the violation, the Fisheries Director shall revoke the permit.

(d) It shall be unlawful to use a Recreational Commercial Gear License (RCGL) shrimp pound net as defined in 15A NCAC 03O .0302(a)(8) in coastal fishing waters unless the shrimp pound net is:

- (1) marked by attaching to the offshore lead, a floating buoy, any shade of hot pink in color. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The gear owner's last name and initials shall be engraved on the attached buoy or identified by attaching engraved metal or plastic tags to the buoy. If a vessel is used, the identification shall also include one of the following:
    - (A) gear owner's current motor boat registration number; or
    - (B) gear owner's U.S. vessel documentation name.
  - (2) set a minimum of 100 yards from a RCGL shrimp pound net set or 300 yards from a commercial permitted shrimp pound net set.
- (e) Escape Panels:
- (1) The Fisheries Director may, by proclamation, require escape panels in pound net sets and may impose any of the following requirements on the use of escape panels:
    - (A) specify size, number, and location;
    - (B) specify mesh length, but not more than six inches;
    - (C) specify time or season; and
    - (D) specify areas.
  - (2) It shall be unlawful to use flounder pound net sets without four unobstructed escape panels in each pound. The escape panels shall be fastened to the bottom and corner ropes on each wall on the side and back of the pound opposite the heart. The escape panels shall be a minimum mesh size of five and one-half inches, hung on the diamond, and shall be at least six meshes high and eight meshes long.
- (f) The Fisheries Director shall by proclamation establish time periods between December 1 through February 1 and areas where it shall be unlawful to fail to remove all nets from pound net sets in commercial fishing operations in internal coastal waters.
- (g) It shall be unlawful within 30 days of abandonment of a permitted pound net set to fail to remove all stakes and associated gear from coastal fishing waters. The responsible party for abandoned pound net gear may be charged the costs incurred by the Division when the Division undertakes removal of the abandoned pound net gear.

*History Note: Authority G.S. 113-134; 113-169.1; 113-181; 113-182; 113-221.1; 143B-289.52; Eff. April 1, 2009; Readopted Eff. March 15, 2023.*

#### **15A NCAC 03J .0502 POUND NET SET PERMIT APPLICATION AND PROCESSING**

- (a) All initial, renewal, or transfer applications for Pound Net Set Permits, and the operation of such pound net sets, shall comply with the requirements governing all permits as provided in 15A NCAC 03O .0502. The procedures and requirements for obtaining permits are set forth in 15A NCAC 03O .0501.
- (b) Applicants for Pound Net Set permits shall meet the following eligibility requirements as determined by the Fisheries Director:
  - (1) the applicant is an individual and not a corporation, partnership, organization, or other entity;
  - (2) the applicant has in the past complied with fisheries rules and laws and does not have any licenses under suspension or revocation as set forth in 15A NCAC 03O .0114 or any pound net set permits under suspension or revocation as set forth in 15A NCAC 03O .0504. In addition, a history of habitual fisheries violations evidenced by eight or more convictions as specified in 15A NCAC 03O .0114, G.S. 14-223, Chapter 75A, or G.S. 76-40 in 10 years shall make an individual ineligible.
  - (3) the applicant has in the past complied with all permit conditions, rules, and laws related to pound nets.
  - (4) the applicant holds proper valid licenses and permits necessary to fish the type of net indicated in the application.
- (c) Applications for Pound Net Set permits shall include the following:
  - (1) a base map provided by the Division of Marine Fisheries indicating the proposed set location including an inset vicinity map showing the location of the proposed set with detail sufficient to permit on-site identification and location.
  - (2) declaration of the type of pound net that will be deployed at the site. One of the following pound net fisheries shall be specified:
    - (A) flounder pound net set;
    - (B) bait pound net set;
    - (C) shrimp pound net set;

- (D) blue crab pound net set; or
- (E) other finfish pound net set.

(d) For proposed new locations, the Fisheries Director shall issue a public notice of intent to consider issuance of a Pound Net Set Permit allowing for public comment for 20 days, and after the comment period, may hold public meetings to take comments on the proposed pound net set. If the Director does not approve or deny the application within 90 days of receipt of a complete and verified application, the application shall be deemed denied. The applicant shall be notified of denial in writing. Approval shall be conditional based upon the applicant's continuing compliance with eligibility requirements set out in Paragraph (e) of this Rule and specific conditions contained on the Pound Net Set Permit. The applicant may contest the denial of a Pound Net Set Permit application by filing a petition for a contested case under G.S. 150B-23.

(e) In order for a site to be deemed suitable for a pound net set, the proposed set location shall meet the following criteria as determined by the Fisheries Director:

- (1) the proposed pound net set, either alone or when considered cumulatively with other existing pound net sets in the area, will not interfere with navigation or with existing, traditional uses of the area other than navigation, and will not violate 15A NCAC 03J .0101 and .0102;
- (2) the proposed pound net set will not interfere with the rights of any riparian or littoral landowner, including the construction or use of piers;
- (3) the proposed pound net set will not, by its proximate location, interfere with existing pound net sets in the area. Flounder or other finfish pound net sets will be a minimum of 1,000 yards, as measured in a perpendicular direction, from any point on a line following the permitted location of existing pound net sets; except
  - (A) in Chowan River as referenced in 15A NCAC 03J .0203; and
  - (B) for renewal of pound net sets permitted prior to January 1, 2003;
- (4) the proposed shrimp or blue crab pound net set will be a minimum of 300 yards, as measured in a perpendicular direction, from any point on a line following the permitted location of existing pound net sets;
- (5) the proposed pound net set is not located in Core Sound in areas designated in 15A NCAC 03R .0113 except that only those Pound Net Set permits valid within the specified area as of March 1, 1994, may be renewed or transferred subject to the requirements of this Rule; and
- (6) issuance of the proposed Pound Net Set Permit is in compliance with management measures adopted in fishery management plans.

*History Note:* Authority G.S. 113-134; 113-169.1; 113-181; 113-182; 113-182.1; 143B-289.52;  
Eff. April 1, 2009;  
Readopted Eff. June 1, 2022.

#### **15A NCAC 03J .0503 POUND NET SET PERMIT RENEWAL**

An application for renewal of an existing Pound Net Set Permit shall be filed not less than 30 days prior to the date of expiration of the existing permit and shall not be processed unless filed by the permittee. The Fisheries Director shall review the renewal application under the criteria for issuance of a new Pound Net Set Permit, as set forth in the rules of this Section. The Fisheries Director may hold public meetings and may conduct such investigations necessary to determine if the permit should be renewed.

*History Note:* Authority G.S. 113-134; 113-169.1; 113-181; 113-182; 143B-289.52;  
Eff. April 1, 2009;  
Readopted Eff. June 1, 2022.

#### **15A NCAC 03J .0504 POUND NET SET PERMIT TRANSFER**

(a) It shall be unlawful to transfer a Pound Net Set Permit without a completed application for transfer being submitted to the Division of Marine Fisheries not less than 45 days before the date of the transfer. The application shall be made by the proposed new permittee in writing and shall be accompanied by a copy of the current permittee's permit and an application for a Pound Net Set Permit in the new permittee's name. The Fisheries Director may hold a public meeting and verify the location of the pound net set and that it is in compliance with all laws and rules to determine if the permit should be transferred. The transferred permit expires on the same date as the initial permit.

(b) Upon death of the permittee, the permit may be transferred to the Administrator/Executor of the estate of the permittee if transferred within six months of the Administrator/Executor's qualification in accordance with Chapter 28A of the North

Carolina General Statutes. The Administrator/Executor shall provide a copy of the deceased permittee's death certificate, a copy of letters of administration/letters testamentary, and a list of eligible immediate family members as defined in G.S. 113-168 to the Morehead City Office of the Division. Once transferred to the Administrator/Executor, the Administrator/Executor may transfer the permit or permits to eligible immediate family members of the deceased permittee.

(c) No transfer is effective until approved and processed by the Division in accordance with 15A NCAC 03O .0501.

*History Note: Authority G.S. 113-134; 113-169.1; 113-181; 113-182; 143B-289.52;  
Eff. April 1, 2009;  
Readopted Eff. June 1, 2022.*

#### **15A NCAC 03J .0505 POUND NET SET PERMIT CONDITIONS**

(a) It shall be unlawful for a permittee to:

- (1) fail to notify the Division of Marine Fisheries Communications Center by phone at 800-682-2632 or 252-726-7021 within 72 hours of:
  - (A) an operational pound net set. Notification shall include the name of permittee, type of net, Pound Net Set Permit number, county where located, a specific location site, and how many pounds are in the set; and
  - (B) a change to the type of net being set at the permitted site.
- (2) make false notifications.
- (3) fail to render the pound net set inoperable during any closed season for the type of fishery for which the pound net is permitted.

Failure to comply with this Paragraph shall be grounds for the Fisheries Director to revoke any Pound Net Set Permits held by the permittee and for denial of any future applications for Pound Net Set Permits.

(b) Pound net sets shall be subject to inspection at all times.

(c) Daily reporting may be a condition of the permit for a pound net set for fisheries under a quota.

(d) It shall be unlawful to fail to remove all pound net stakes and associated gear within 30 days after expiration of the permit or notice by the Fisheries Director that an existing Pound Net Set Permit has been revoked or denied.

*History Note: Authority G.S. 113-134; 113-169.1; 113-181; 113-182; 143B-289.52;  
Eff. April 1, 2009;  
Readopted Eff. June 1, 2022.*

### **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 as provided in Rules .0103, .0104, .0107, and .0401 of this Subchapter. 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- 726-7021.

(b) 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 Paragraph (a) of this Rule.

(c) It shall be unlawful to possess or sell oysters, clams, or mussels taken from polluted waters outside North Carolina, except as provided in 15A NCAC 03I .0104.

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

*Temporary Amendment Eff. July 1, 1999;*  
*Amended Eff. August 1, 2000;*  
*Temporary Amendment Eff. October 1, 2001;*  
*Amended Eff. October 1, 2008; April 1, 2003;*  
*Readopted Eff. March 15, 2023.*

#### **15A NCAC 03K .0102 RAKES PROHIBITED**

It shall be unlawful to use a rake more than 12 inches wide or weighing more than six pounds to take:

- (1) oysters or scallops; or
- (2) clams in any live oyster bed, or in any established bed of submerged aquatic vegetation as defined in 15A NCAC 03I .0101 or salt water cordgrass (*Spartina alterniflora*) that may exist together or separately.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*  
*Eff. January 1, 1991;*  
*Amended Eff. October 1, 2008; February 1, 2008;*  
*Readopted Eff. March 15, 2023.*

#### **15A NCAC 03K .0103 SHELLFISH MANAGEMENT AREAS**

(a) For the purpose of this Rule, "Shellfish Management Area" shall mean an area that has environmental conditions suitable for shellfish growth and survival that is designated to establish a localized regulatory strategy to improve the propagation of shellfish and has at least one of the following:

- (1) planted cultch;
- (2) existing shell; or
- (3) existing live shellfish.

(b) The Fisheries Director may, by proclamation, designate and modify Shellfish Management Areas based on biological impacts or variable spatial distribution, including shifted material.

(c) It shall be unlawful to use a trawl net, long haul seine, or swipe net in any designated Shellfish Management Area.

(d) It shall be unlawful to take shellfish from any Shellfish Management Area that has been closed in accordance with Paragraph (b) of this Rule, except the Fisheries Director may, by proclamation, open specific areas to allow the taking of shellfish and may impose any of the following requirements based on biological impacts or user conflicts:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods except as set forth in Paragraph (c) of this Rule;
- (4) specify season;
- (5) specify size;
- (6) specify quantity; and
- (7) specify marking requirements.

*History Note: Authority G.S. 113-134; 113-182; 113-204; 113.221.1; 143B-289.52;*  
*Eff. January 1, 1991;*  
*Amended Eff. March 1, 1994;*  
*Temporary Amendment Eff. October 1, 2001;*  
*Amended Eff. October 1, 2008; February 1, 2008; April 1, 2003;*  
*Readopted Eff. March 15, 2023.*

#### **15A NCAC 03K .0104 PERMITS FOR RELAYING SHELLFISH FROM POLLUTED AREAS**

(a) It shall be unlawful to take shellfish from polluted public waters or franchises for planting on shellfish leases and franchises except as authorized by G.S. 113-203. Shellfish lease and franchise holders shall first obtain a relay 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 application for a relay permit shall be received by the Division of Marine Fisheries at least 15 days prior to the start of relaying activities.

(c) All relaying activities, including removal, transport, and planting, shall be monitored and observed by the Division.

(d) The season for relaying shellfish may occur within a specified six week period between the date of the statewide closure of oyster season and June 30, as determined by the Fisheries Director based on the following factors:

- (1) the status of shellfish resources available for harvest from public bottom;
  - (2) surface water temperatures that are below 50° F (10° C), when shellfish relay shall not occur;
  - (3) market factors affecting sale of shellfish from public bottom; and
  - (4) availability of Division of Marine Fisheries staff to monitor and observe the shellfish relaying activity.
- (e) The Fisheries Director, shall close by proclamation any shellfish lease or franchise for which the owner has obtained a permit to relay shellfish from polluted public waters or franchises. The leases and franchises shall remain closed until the Fisheries Director issues a proclamation to reopen the leases and franchises to harvest. The reopening of the leases and franchises shall not occur any sooner than 21 days after the end of the relay season described in Paragraph (d) of this Rule.

*History Note:* Authority G.S. 113-134; 113-182; 113-203; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1996; September 1, 1991;  
Temporary Amendment Eff. October 1, 2001;  
Amended Eff. April 1, 2003;  
Readopted Eff. March 15, 2023.

### **15A NCAC 03K .0105 RECREATIONAL HARVEST OF SHELLFISH**

- (a) It shall be unlawful to take oysters or clams from public bottom on Sundays, and scallops from public bottom on Saturdays and Sundays except:
- (1) during open seasons; and
  - (2) for recreational purposes.
- (b) It shall be unlawful to possess, for recreational purposes, more than:
- (1) 10 conchs or whelks per person per day, not to exceed 20 conchs or whelks per vessel per day;
  - (2) 100 mussels per person per day, not to exceed 200 mussels per vessel per day; and
  - (3) 100 clams per person per day, not to exceed 200 clams per vessel per day.

*History Note:* Authority G.S. 113-134; 113-169.2; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1994; February 1, 1992; September 1, 1991;  
Temporary Amendment Eff. October 9, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Amended Eff. May 1, 1997; March 1, 1996;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. October 1, 2008; August 1, 2000;  
Readopted Eff. June 1, 2022.

### **15A NCAC 03K .0106 TAKING OR UNLOADING OYSTERS AND CLAMS ON SUNDAY OR AT NIGHT**

- (a) It shall be unlawful to take oysters or clams between the hours of sunset and sunrise on any day.
- (b) It shall be unlawful to unload oysters or clams from any vessel or remove any vessel containing oysters or clams from the water on Sundays or between sunset and sunrise on any day except that in New Hanover, Pender, and Brunswick counties, oysters and clams may be unloaded until two hours after sunset.
- (c) Oysters and clams taken on Sundays from public bottom under the provisions of Rule .0105 of this Section or from shellfish leases and franchises pursuant to G.S. 113-208 shall be exempt from Paragraph (b) of this Rule.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. October 1, 2008; August 1, 2000;  
Readopted Eff. June 1, 2022.

### **15A NCAC 03K .0107 DEPURATION OF CLAMS AND OYSTERS**

- (a) It shall be unlawful to take clams or oysters from polluted public waters or franchises of the State for the purpose of depuration except when the harvest will utilize clams or oysters that would otherwise be destroyed in maintenance dredging operations. All harvest and transport activities within the State of North Carolina related to depuration shall be under the supervision of the Division of Marine Fisheries.

(b) The Fisheries Director, may, by proclamation, impose any of the following restrictions on the harvest of clams or oysters for depuration:

- (1) specify species;
- (2) specify areas, except harvest shall not be allowed from designated buffer zones adjacent to sewage outfall facilities;
- (3) specify harvest days;
- (4) specify time;
- (5) specify size;
- (6) specify quantity;
- (7) specify harvest methods; and
- (8) specify record keeping requirements.

(c) Depuration permits:

- (1) it shall be unlawful for individuals to harvest clams or oysters from polluted waters for the purpose of depuration unless they have obtained a Depuration Permit or are listed as designees on a Depuration Permit from the Division setting forth the method of harvest to be employed. Permits shall be issued to licensed North Carolina clam or oyster dealers only. Permittees and designees harvesting under Depuration Permits shall have a current Shellfish License or Shellfish Endorsement on a Standard or Retired Standard Commercial Fishing License. The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500.
- (2) in addition to information required in 15A NCAC 03O .0501, the permit application shall provide the name, address, location, and telephone number of the depuration operation where the shellfish will be depurated.
- (3) clam or oyster dealers desiring to obtain clams or oysters from polluted waters for the purpose of depuration shall apply for a depuration permit at least 15 days prior to initiation of operation.

(d) Transport of clams or oysters for depuration:

- (1) clams or oysters harvested from polluted waters for depuration in a depuration operation located within the State of North Carolina shall be transported under the supervision of the Division.
- (2) clams or oysters harvested from polluted waters for depuration in a depuration operation outside the State of North Carolina shall not be transported within the State of North Carolina except under the supervision of the Division.

(e) It shall be unlawful to ship clams or oysters harvested for depuration to depuration facilities located in a state other than North Carolina unless the facility is in compliance with the applicable rules and laws of the shellfish control agency of that state.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Temporary Amendment Eff. October 1, 2001;  
Amended Eff. October 1, 2008; April 1, 2003;  
Readopted Eff. March 15, 2023.*

#### **15A NCAC 03K .0108 DREDGES AND MECHANICAL METHODS PROHIBITED**

(a) It shall be unlawful to use mechanical methods, except mechanical methods for clamming and mechanical methods for oystering as defined in 15A NCAC 03I .0101, to take shellfish.

(b) It shall be unlawful to use mechanical methods for oystering or clamming to take shellfish not subject to the restrictions in Rules .0201, .0204, .0302, .0304, .0404, .0501, and .0503 of this Subchapter:

- (1) within any established bed of submerged aquatic vegetation as defined in 15A NCAC 03I .0101 or salt water cordgrass (*Spartina alterniflora*) that may exist together or separately;
- (2) in areas designated in 15A NCAC 03R .0108, except on shellfish leases and franchises with a Permit to Use Mechanical Methods for Shellfish on Shellfish Leases and Franchises;
- (3) in areas designated in Rule .0204 of this Subchapter and 15A NCAC 03R .0103; and
- (4) except following restrictions for the use of mechanical methods specified pursuant to 15A NCAC 03J .0303 and Rules .0201, .0302, .0404, .0501, and .0503 of this Subchapter.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;  
Eff. October 1, 2008;*

*Readopted Eff. March 15, 2023.*

**15A NCAC 03K .0109 SHELLFISH HARVEST TAGS**

Consistent with the requirements of this Rule, it shall be unlawful to possess or sell oysters, clams, or mussels taken in a commercial fishing operation without a harvest tag affixed to each container of oysters, clams, or mussels. Tags shall be affixed by the harvester and remain in place while being transported to a certified shellfish dealer. Harvest tags shall remain attached to the container until the certified shellfish dealer breaks open the container for washing, grading, packing, other processing, or the container is shipped. Once the initial container is broken open or is emptied the harvest tag shall be kept on file, in chronological order, by the certified shellfish dealer for 90 days. It shall be unlawful for the tag to fail to meet the following criteria:

- (1) harvest tags shall be identified as harvest tags. They shall be durable for at least 90 days, waterproof, and a minimum of two and five-eighths inches by five and one-fourth inches in size.
- (2) harvest tags shall be securely fastened to each container in which shellstock is transported. A harvest tag shall remain securely fastened to each container at a certified shellfish dealer until replaced by a dealer tag once the container is broken open for processing or is shipped. Requirements for dealer tags are described in 15A NCAC 18A .0425. Harvesters who are also certified shellfish dealers may use only their dealer tag if it contains the required harvest and dealer information. The required information shall be included on all lots of shellfish subdivided or combined into market grades or market quantities by a harvester or a certified shellfish dealer.
- (3) bulk harvest tags may be used when shellfish are harvested from one growing area on a single day by an individual harvester. Multiple containers may be utilized on a wrapped pallet, in a single boat, vehicle, conveyance, or other container, and tagged with a single harvest tag containing the information required in this Rule. The bulk tag shall also include a statement that "All shellstock containers in this lot have the same harvest date and area of harvest.", and include the number of individual containers in the unit or an estimate of the total weight, volume, or count.
- (4) tags shall contain legible information arranged in the specific order as follows:
  - (a) the harvester's name, address, and Shellfish License or Standard or Retired Standard Commercial Fishing License with shellfish endorsement number;
  - (b) the date of harvest;
  - (c) the most precise identification of the harvest location as is practicable (e.g., Long Bay, Rose Bay), including the State's two initials "N.C." and the growing area designation;
  - (d) the shellfish lease or franchise number, if applicable;
  - (e) type and quantity of shellfish;
  - (f) the following statement in bold, capitalized font: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS."; and
  - (g) the time of the start of harvest. The time of the start of harvest shall be the time when the first shellfish is initially removed from the water.

*History Note: Authority G.S. 113-134; 113-168.5; 113-169.2; 113-182; 143B-289.52;  
Eff. October 1, 2008;  
Readopted Eff. March 15, 2023.*

**15A NCAC 03K .0110 PUBLIC HEALTH AND CONTROL OF OYSTERS, CLAMS, SCALLOPS, AND MUSSELS**

(a) The National Shellfish Sanitation Program Guide for Control of Molluscan Shellfish, Section II: Model Ordinance (Model Ordinance) includes requirements for the sale or distribution of shellfish from approved areas or shellfish dealers, as defined in 15A NCAC 18A .0301, and to ensure that shellfish have not been adulterated or misbranded during cultivation, harvesting, processing, storage, or transport. To protect public health, the Fisheries Director may, by proclamation, impose requirements of the Model Ordinance as set forth in Paragraph (b) of this Rule on any of the following:

- (1) the cultivation, distribution, harvesting, processing, sale, storage, or transport of:
  - (A) oysters;
  - (B) clams;
  - (C) scallops; and
  - (D) mussels;



- (2) areas used to store shellfish;
  - (3) means and methods to take shellfish;
  - (4) vessels used to take shellfish; and
  - (5) shellstock conveyances as defined in 15A NCAC 18A .0301.
- (b) Proclamations issued under this Rule may impose any of the following requirements:
- (1) specify time and temperature controls;
  - (2) specify sanitation requirements to prevent a food safety hazard, as defined in 15A NCAC 18A .0301, or cross-contamination or adulteration of shellfish;
  - (3) specify sanitation control procedures set forth in 21 CFR 123.11;
  - (4) specify Hazard Analysis Critical Control Point (HACCP) requirements set forth in 21 CFR:
    - (A) 123.3 Definitions;
    - (B) 123.6 HACCP Plan;
    - (C) 123.7 Corrective Actions;
    - (D) 123.8 Verification;
    - (E) 123.9 Records; and
    - (F) 123.28 Source Controls;
  - (5) specify tagging and labeling requirements;
  - (6) implement the National Shellfish Sanitation Program's training requirements for shellfish harvesters and certified shellfish dealers;
  - (7) require sales records and collection and submission of information to provide a mechanism for tracing shellfish product back to the water body of origin; and
  - (8) require product recall and specify recall procedures.

21 CFR 123.3, 123.6-9, 123.11, and 123.28 are incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-123?toc=1>, at no cost.

(c) Proclamations issued under this Rule shall suspend appropriate rules or portions of rules under the authority of the Marine Fisheries Commission as specified in the proclamation. The provisions of 15A NCAC 03I .0102 terminating suspension of a rule pending the next Marine Fisheries Commission meeting and requiring review by the Marine Fisheries Commission at the next meeting shall not apply to proclamations issued under this Rule.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-221.1; 113-221.2; 143B-289.52;  
 Eff. April 1, 2014;  
 Amended Eff. May 1, 2017;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;  
 Amended Eff. August 1, 2024.

## **15A NCAC 03K .0111 PERMITS TO USE MECHANICAL METHODS FOR SHELLFISH ON SHELLFISH LEASES OR FRANCHISES**

*History Note:* Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52;  
 Eff. May 1, 2015;  
 Repealed Eff. March 15, 2023.

### **SECTION .0200 – OYSTERS**

#### **15A NCAC 03K .0201 OYSTER HARVEST MANAGEMENT**

- (a) It shall be unlawful to take or possess oysters from public bottom except from October 15 through March 31.
- (b) The Fisheries Director may, by proclamation, impose any of the following restrictions on the taking of oysters:
  - (1) specify time;
  - (2) specify area;
  - (3) specify means and methods;
  - (4) specify season within the period set forth in Paragraph (a) of this Rule;
  - (5) specify size, but the minimum size limit specified shall not be less than three inches, unless a smaller minimum size limit is necessary to prevent loss of oysters due to predators, pests, or infectious oyster diseases. In no case shall the minimum size limit be less than two and one-half inches; and

- (6) specify quantity, but the quantity shall not exceed possession of more than 20 standard U.S. bushels in a commercial fishing operation per day.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. May 1, 2017; October 1, 2008; March 1, 1996; September 1, 1991;  
Readopted Eff. June 1, 2022.

#### **15A NCAC 03K .0202 CULLING REQUIREMENTS FOR OYSTERS**

(a) It shall be unlawful to possess oysters that have accumulated dead shell, accumulated oyster cultch material, a shell length less than that specified by proclamation issued under the authority of Rule .0201 of this Section, or any combination thereof that exceeds a five-percent tolerance limit by volume. Oysters shall be culled where harvested and all oysters of less than legal size, accumulated dead shell, and cultch material shall be immediately returned to the bottom from which it was taken. In determining whether the tolerance limit has been exceeded, Marine Fisheries Inspectors shall be authorized and empowered to grade all, or any portion, or any combination of portions of the entire quantity being graded, and in cases of violations, may seize and return to public bottom or otherwise dispose of the oysters as authorized by law the entire quantity being graded or any portion thereof.

(b) This Rule shall not apply to oysters imported from out-of-state solely for shucking by shucking and packing plants permitted by the Division of Marine Fisheries.

*History Note:* Authority G.S. 113-134; 113-136; 113-137; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1996; September 1, 1991;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. May 1, 2017; August 1, 2000;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03K .0203 TRAWLING ACROSS OYSTER MANAGEMENT AREAS PROHIBITED**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. January 1, 1991;  
Repealed Eff. March 1, 1994.

#### **15A NCAC 03K .0204 MECHANICAL METHODS FOR OYSTERING PROHIBITED**

It shall be unlawful to use any mechanical methods for oystering as defined in 15A NCAC 03I .0101 to take oysters:

- (1) in the Mechanical Methods Prohibited areas designated in 15A NCAC 03R .0108, except on shellfish leases and franchises by a Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises; and
- (2) on any posted bottom upon which oysters or shells have been planted by the State, unless such bottom has been opened to the public and mechanical methods for oystering are allowed.

*History Note:* Authority G.S. 113-134; 113-182; 113-204; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. August 1, 2004; May 1, 1997;  
Readopted Eff. March 15, 2023.

#### **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.

#### **15A NCAC 03K .0206 PERMITS TO USE MECHANICAL METHODS FOR OYSTERS OR CLAMS ON SHELLFISH LEASES OR FRANCHISES**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. October 1, 1992;  
Temporary Amendment Eff. September 1, 2000;  
Amended Eff. August 1, 2002;  
Repealed Eff. May 1, 2015.

#### **15A NCAC 03K .0207 OYSTER SIZE AND HARVEST LIMIT EXEMPTIONS**

Possession and sale of oysters by a hatchery or aquaculture operation and purchase and possession of oysters from a hatchery or aquaculture operation shall be exempt from bag and size limit restrictions as set forth in Rules .0201 and .0202 of this Section. It shall be unlawful to possess, sell, purchase, or transport such oysters unless they are in compliance with all conditions of the Aquaculture Operation Permit as set forth in 15A NCAC 03O .0503.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;  
Temporary Adoption Eff. October 1, 2001;  
Eff. April 1, 2003;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03K .0208 SEED OYSTER MANAGEMENT AREAS**

(a) For the purpose of this Rule and 15A NCAC 03R .0116, "Seed Oyster Management Area" shall mean a shellfish producing habitat area located in open harvest waters that has environmental conditions unsuitable for shellfish growth and survival that is designated to establish a localized regulatory strategy to allow the transfer of oysters to shellfish leases or franchises that have more suitable environmental conditions for further grow-out.

(b) The Fisheries Director may, by proclamation, modify or close Seed Oyster Management Areas designated in 15A NCAC 03R .0116 for the protection of public health related to the public health programs under the authority of the Marine Fisheries Commission.

(c) It shall be unlawful to take oysters from Seed Oyster Management Areas designated in 15A NCAC 03R .0116 for planting on shellfish leases or franchises without first obtaining a Permit to Transplant Oysters from Seed Oyster Management Areas from the Fisheries Director. The procedures and requirements for obtaining permits are set forth in 15A NCAC 03O .0501.

(d) It shall be unlawful to use a trawl net, long haul seine, or swipe net in any designated Seed Oyster Management Area.

*History Note:* Authority G.S. 113-134; 113-182; 113-203; 113-221.1; 143B-289.52;  
Eff. October 1, 2008;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03K .0209 OYSTER SANCTUARIES**

(a) For the purpose of this Rule and 15A NCAC 03R .0117, "Oyster Sanctuary" shall mean a type of artificial reef and shellfish producing habitat constructed for the purpose of oyster restoration that is managed to sustain populations of oyster broodstock. An Oyster Sanctuary is constructed to maximize habitat complexity and designed to meet its intended function for a minimum of 30 years.

(b) The Fisheries Director may, by proclamation, close Oyster Sanctuary areas designated in 15A NCAC 03R .0117 to the use of specific fishing gears based on biological impacts or user conflicts.

- (c) The Fisheries Director may, by proclamation, designate and modify Oyster Sanctuaries based on biological impacts or variable spatial distribution, including shifted material.
- (d) It shall be unlawful to use mechanical methods in, or take shellfish from, Oyster Sanctuaries designated in 15A NCAC 03R .0117 or in accordance with Paragraph (c) of this Rule.
- (e) It shall be unlawful to use a trawl net, long haul seine, or swipe net in any designated Oyster Sanctuary.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-204; 143B-289.52;  
Eff. October 1, 2008;  
Readopted Eff. March 15, 2023.

## **SECTION .0300 - HARD CLAMS (MERCENARIA)**

### **15A NCAC 03K .0301 SIZE AND HARVEST LIMITS OF CLAMS**

(a) It shall be unlawful to take, land, or possess aboard a vessel more than 6,250 hard clams per commercial fishing operation from public bottom in internal waters. It shall be unlawful to take, possess, sell, or purchase any clams (except Rangia or freshwater clams) less than one inch thick except in accordance with Rule .0305 of this Section. Clams shall be culled where harvested and all clams of less than legal size with their shell, shall be immediately returned to the bottom from which they were taken. In determining whether the size and harvest limits have been exceeded, Marine Fisheries Inspectors shall be authorized and empowered to grade all, or any portion, or any combination of portions of the entire quantity being graded, and in cases of violations, may seize and return to public bottom or otherwise dispose of the clams as authorized by law the entire quantity being graded or any portion thereof.

(b) Size and harvest limits established in Paragraph (a) of this Rule and the season and area limitations established in Rule .0302 of this Section may or may not apply for:

- (1) harvest limits for temporary openings consistent with the requirements of 15A NCAC 18A .0900 and the North Carolina Hard Clam Fishery Management Plan;
- (2) maintenance dredging operations, when clams would otherwise be destroyed, upon approval by the Division of Marine Fisheries and consistent with the North Carolina Hard Clam Fishery Management Plan; or
- (3) relaying of clams from polluted waters to private shellfish bottom as permitted by Rule .0104 of this Subchapter.

*History Note:* Authority G.S. 113-134; 113-136; 113-137; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1994;  
Readopted Eff. March 15, 2023.

### **15A NCAC 03K .0302 MECHANICAL HARVEST OF CLAMS FROM PUBLIC BOTTOM**

(a) It shall be unlawful to take, buy, sell, or possess any clams taken by mechanical methods for clamming as defined in 15A NCAC 03I .0101 from public bottom unless the season is open.

(b) The Fisheries Director may, by proclamation, open and close the season for the taking of clams by mechanical methods from public bottom at any time in the Atlantic Ocean and only from December 1 through March 31 in Internal Waters.

(c) The Fisheries Director may, by proclamation, open to the taking of clams by mechanical methods from public bottom during open seasons only areas that were opened at any time from January 1979 through September 1988 in:

- (1) Newport, North, White Oak, and New rivers;
- (2) Core and Bogue sounds;
- (3) the Intracoastal Waterway north of "BC" Marker at Topsail Beach; and
- (4) the Atlantic Ocean.

Other areas opened for purposes as set out in Rule .0301(b) of this Section shall open only for those purposes. A list of areas as described in this Paragraph is available upon request at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557.

(d) The Fisheries Director may, by proclamation, impose any of the following additional restrictions for the taking of clams by mechanical methods from public bottom during open seasons:

- (1) specify time;
- (2) specify means and methods;
- (3) specify size; and

- (4) specify quantity.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Temporary Amendment Eff. October 1, 2001;  
Amended Eff. May 1, 2017; April 1, 2003;  
Readopted Eff. June 1, 2022.

#### **15A NCAC 03K .0303 PERMITS TO USE MECHANICAL METHODS FOR OYSTERS OR CLAMS ON SHELLFISH LEASES OR FRANCHISES REQUIREMENT**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. September 1, 1991;  
Temporary Amendment Eff. September 1, 2000;  
Amended Eff. August 1, 2002;  
Repealed Eff. May 1, 2015.

#### **15A NCAC 03K .0304 PROHIBITED TAKING OF CLAMS**

(a) It shall be unlawful to take clams by mechanical methods for clamming as defined in 15A NCAC 03I .0101, except as provided in Rule .0302 of this Section. Regardless of the areas that may be opened, it shall be unlawful to take clams by hand tongs in any established bed of submerged aquatic vegetation as defined in 15A NCAC 03I .0101 or salt water cordgrass (*Spartina alterniflora*) that may exist together or separately.

(b) It shall be unlawful to possess clam trawls or cages aboard a vessel at any time, or have kick or deflector plates otherwise used in the mechanical harvest of clams affixed to a vessel at any time, except during the time period specified for a mechanical clam harvest season in Internal Waters in accordance with Rule .0302(a) of this Section. A period of 14 days before and after the season as specified by proclamation shall be allowed for the installation and removal of kick or deflector plates and clam trawls or cages. Vessels with permits for activities provided for in Rules .0104, .0107, and .0401 of this Subchapter shall be exempt from this Rule during the times those activities are permitted.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. October 1, 2008; February 1, 2008; May 1, 1997; July 1, 1993;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03K .0305 CLAM SIZE AND HARVEST LIMIT EXEMPTIONS**

Possession and sale of clams by a hatchery or aquaculture operation and purchase and possession of clams from a hatchery or aquaculture operation shall be exempt from bag and size limit restrictions as set forth in Rule .0301 of this Section. It shall be unlawful to possess, sell, purchase, or transport such clams unless they are in compliance with all conditions of the Aquaculture Operation Permit as set forth in 15A NCAC 03O .0503.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. September 1, 1991;  
Readopted Eff. March 15, 2023.

### **SECTION .0400 - RANGIA CLAMS**

#### **15A NCAC 03K .0401 POLLUTED AREA PERMIT REQUIREMENTS**

It shall be unlawful to take Rangia clams or their shells by any method from polluted waters without first obtaining a Permit to Harvest Rangia Clams from Polluted Areas from the Fisheries Director. The permit application shall include a list of all designees operating under the permit. The permit shall designate the area, means and methods, and times in which Rangia clams may be taken. The permit applicant shall designate the licensed fish dealer where the Rangia clams are to be landed and the method for disposing of Rangia clam meats. The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. August 1, 2004;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03K .0402 SIZE AND HARVEST LIMITS**

Size and harvest limits applicable to hard clams in Rule .0301 of this Subchapter shall not apply to Rangia clams.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. August 1, 2004;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03K .0403 DISPOSITION OF MEATS**

It shall be unlawful to dispose of meats from Rangia clams taken from prohibited (polluted) waters by a method that will result in human consumption or create risk of human consumption.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-298.52;  
Eff. January 1, 1991;  
Amended Eff. August 1, 2004;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03K .0404 DREDGES AND MECHANICAL METHODS PROHIBITED AND OPEN SEASON**

It shall be unlawful to use mechanical methods for oystering or clamming to take Rangia clams or their shells:

- (1) within 100 feet of any pier;
- (2) within any established bed of submerged aquatic vegetation as defined in 15A NCAC 03I .0101 or salt water cordgrass (*Spartina alterniflora*) that may exist together or separately;
- (3) in areas designated in 15A NCAC 03R .0108, except on shellfish leases and franchises with a Permit to Use Mechanical Methods for Shellfish on Shellfish Leases and Franchises; and
- (4) in areas designated in Rule .0204 of this Subchapter and 15A NCAC 03R .0103.

Mechanical methods prohibited by this Rule shall be permitted in areas and at times specified by proclamation as authorized by Rules .0201 and .0302 of this Subchapter.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;  
Eff. August 1, 2004;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03K .0405 OYSTERS, HARD CLAMS, OR MUSSELS PROHIBITED**

It shall be unlawful to possess oysters, hard clams, or mussels while taking Rangia clams or their shells from a prohibited (polluted) area.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;  
Eff. August 1, 2004;  
Readopted Eff. April 1, 2019.

### **SECTION .0500 - SCALLOPS**

#### **15A NCAC 03K .0501 BAY SCALLOP HARVEST MANAGEMENT**

The Fisheries Director may, by proclamation and pursuant to 15A NCAC 03H .0103, impose any of the following restrictions on the taking of bay scallops from public bottom:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;

- (4) specify open seasons for the taking of bay scallops during the period beginning the last Monday in January and ending the last Friday in May;
- (5) specify size; and
- (6) specify quantity, but shall not exceed possession of more than 15 standard U.S. bushels per person per day or a total of 30 standard U.S. bushels in any combined commercial fishing operation per day.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. May 1, 2015; February 1, 2008;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03K .0502 TAKING BAY SCALLOPS AT NIGHT AND ON WEEKENDS**

- (a) It shall be unlawful to take bay scallops between sunset and sunrise or on Saturdays or Sundays, except as provided in Rule .0105 of this Subchapter.
- (b) Bay scallops taken on Saturdays or Sundays from shellfish leases or franchises in accordance with G.S. 113-208 shall be exempt from this Rule.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. May 1, 2015; August 1, 2000;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03K .0503 BAY SCALLOP DREDGE PROHIBITED**

It shall be unlawful to take bay scallops with any of the following:

- (1) dredges weighing more than 50 pounds or equipped with teeth; and
- (2) any other instrument or device designed to drag the bottom to aid in the taking of bay scallops.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03K .0504 CALICO SCALLOP HARVEST MANAGEMENT**

- (a) It shall be unlawful to land or possess aboard a vessel calico scallops except at such times as designated by the Fisheries Director by proclamation.
- (b) The Fisheries Director may, by proclamation and pursuant to 15A NCAC 03H .0103, impose any of the following restrictions on the taking of calico scallops:
  - (1) specify time;
  - (2) specify area;
  - (3) specify means and methods;
  - (4) specify season;
  - (5) specify size; and
  - (6) specify quantity.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03K .0505 SEA SCALLOPS SIZE LIMIT AND TOLERANCE**

It shall be unlawful to land or possess more than 10 percent by number sea scallops with a shell height of less than three and one-half inches. In determining whether the 10 percent tolerance limit has been exceeded, Marine Fisheries Inspectors shall be authorized and empowered to grade all, or any portion, or any combination of portions of the entire quantity being graded, and in cases of violations, may seize and return to public bottom or otherwise dispose of the sea scallops as authorized by law the entire quantity being graded or any portion thereof.

*History Note:* Authority G.S. 113-134; 113-136; 113-137; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03K .0506 SOAKED OR SWELLED BAY SCALLOPS PROHIBITED**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. July 1, 1993;  
Repealed Eff. February 1, 2008.

#### **15A NCAC 03K .0507 MARKETING SCALLOPS TAKEN FROM A SHELLFISH LEASE OR FRANCHISE**

- (a) All commercial scallop harvesting operations shall operate in accordance with any proclamations issued under the authority of Rule .0110 of this Subchapter.
- (b) It shall be unlawful for a shellfish lease or franchise holder or the holder's designees to take or possess scallops from public bottom while possessing aboard a vessel scallops taken from a lease or franchise.
- (c) 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; 143B-289.52;  
Eff. May 1, 2015;  
Readopted Eff. April 1, 2019;  
Amended Eff. March 15, 2023.

#### **15A NCAC 03K .0508 SCALLOP AQUACULTURE HARVEST EXEMPTIONS**

The following exemptions and restrictions shall apply to the possession, sale, purchase, or transport of scallops produced in an aquaculture operation:

- (1) Possession and sale of scallops by a scallop aquaculture operation shall be exempt from restrictions set forth in Rules .0501, .0504, and .0505 of this Section.
- (2) Purchase and possession of scallops from a scallop aquaculture operation shall be exempt from restrictions set forth in Rules .0501, .0504, and .0505 of this Section.
- (3) It shall be unlawful for a person to possess, sell, purchase, or transport scallops described in Sub-Items (1) and (2) of this Rule unless in compliance with all conditions of the Aquaculture Operation Permit issued pursuant to 15A NCAC 03O .0500.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;  
Eff. May 1, 2015;  
Readopted Eff. April 1, 2019.

### **SUBCHAPTER 03L – SHRIMP, CRAB, AND LOBSTER**

#### **SECTION .0100 - SHRIMP**

#### **15A NCAC 03L .0101 SHRIMP HARVEST RESTRICTIONS**

- (a) It shall be unlawful to take shrimp until the Fisheries Director, by proclamation, opens the season.
- (b) The Fisheries Director may, by proclamation, impose any of the following restrictions on the taking of shrimp:
- (1) specify time;
  - (2) specify area;
  - (3) specify means and methods;
  - (4) specify season;
  - (5) specify size; and
  - (6) specify quantity.



*History Note:* Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. May 1, 2015;  
Readopted Eff. June 1, 2022.

#### **15A NCAC 03L .0102 WEEKEND SHRIMPING PROHIBITED**

It shall be unlawful to take shrimp by any method from 9:00 p.m. on Friday through 5:00 p.m. on Sunday, except:

- (1) in the Atlantic Ocean;
- (2) with the use of fixed nets, channel nets, hand seines, shrimp pots, or cast nets; or
- (3) for a holder of a Permit for Weekend Trawling for Live Shrimp in accordance with 15A NCAC 03O .0503.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. May 1, 2017; August 1, 2004; March 1, 1994;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03L .0103 PROHIBITED NETS, MESH LENGTHS, AND AREAS**

(a) It shall be unlawful to take shrimp with nets with mesh lengths less than the following:

- (1) trawl nets: one and one-half inches;
- (2) fixed nets, channel nets, float nets, butterfly nets, and hand seines: one and one-fourth inches; and
- (3) cast nets: no restriction.

(b) It shall be unlawful to take shrimp with a net constructed in such a manner as to contain an inner or outer liner of any mesh length. Net material used as chafing gear shall be no less than four inches mesh length, except that chafing gear with smaller mesh may be used only on the bottom one-half of the tailbag. Such chafing gear shall not be tied in a manner that forms an additional tailbag.

(c) It shall be unlawful to take shrimp with trawls that have a combined headrope of greater than 90 feet in Internal Waters in the following areas:

- (1) north of the 35° 46.3000' N latitude line;
- (2) Core Sound south of a line beginning at a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; to the South Carolina State Line;
- (3) Pamlico River upstream of a line from a point 35° 18.5882' N - 76° 28.9625' W at Pamlico Point; running northerly to a point 35° 22.3741' N - 76° 28.6905' W at Willow Point; and
- (4) Neuse River southwest of a line from a point 34° 58.2000' N - 76° 40.5167' W at Winthrop Point on the eastern shore of the entrance to Adams Creek; running northerly to a point 35° 01.0744' N - 76° 42.1550' W at Windmill Point at the entrance of Greens Creek at Oriental.

(d) It shall be unlawful to take shrimp with trawls that have a combined headrope of greater than 220 feet in Internal Waters in the following areas:

- (1) Pamlico Sound south of the 35° 46.3000' N latitude line and north of a line beginning at a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks;
- (2) Pamlico River downstream of a line from a point 35° 18.5882' N - 76° 28.9625' W at Pamlico Point; running northerly to a point 35° 22.3741' N - 76° 28.6905' W at Willow Point; and
- (3) Neuse River northeast of a line from a point 34° 58.2000' N - 76° 40.5167' W at Winthrop Point on the eastern shore of the entrance to Adams Creek; running northerly to a point 35° 01.0744' N - 76° 42.1550' W at Windmill Point at the entrance of Greens Creek at Oriental.

(e) It shall be unlawful to use a shrimp trawl in the areas described in 15A NCAC 03R .0114.

(f) It shall be unlawful to use channel nets except as provided in 15A NCAC 03J .0106.

(g) It shall be unlawful to use shrimp pots except as provided in 15A NCAC 03J .0301.

(h) It shall be unlawful to use a shrimp trawl that does not conform with the federal rule requirements for Turtle Excluder Devices (TED) as specified in 50 CFR Part 222.102 Definitions, 50 CFR Part 223.205 (a) and Part 223.206 (d) Gear Requirements for Trawlers, and 50 CFR Part 223.207 Approved TEDs. These federal rules are incorporated by reference including subsequent amendments and editions. Copies of these rules are available via the Code of Federal Regulations posted on the Internet at <https://www.ecfr.gov/cgi-bin/ECFR> and at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557 at no cost.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. May 1, 2015; April 1, 2009; July 1, 2006;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03L .0104 UNLAWFUL TO USE OR TAKE**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Repealed Eff. April 1, 2009.

#### **15A NCAC 03L .0105 RECREATIONAL SHRIMP LIMITS**

It shall be unlawful to:

- (1) possess from areas open to the harvest of shrimp more than 48 quarts, heads on or 30 quarts, heads off, of shrimp per person per day or if a vessel is used, per vessel per day for recreational purposes except as provided in 15A NCAC 03O .0303(e) and (f).
- (2) take or possess more than four quarts, heads on or two and one-half quarts, heads off, of shrimp per person per day with a cast net from areas closed to the commercial taking of shrimp.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. April 1, 2009;  
Amended Eff. May 1, 2015; June 1, 2013;  
Readopted Eff. March 15, 2023.

### **SECTION .0200 – CRAB**

#### **15A NCAC 03L .0201 CRAB HARVEST RESTRICTIONS**

- (a) It shall be unlawful to possess blue crabs taken from Crab Harvest Management Areas designated in 15A NCAC 03R .0118(1) from January 1 through January 31, except dealers shall have seven days after the beginning of the closure to sell, offer for sale, or transport blue crabs that were taken from this area prior to the closure.
- (b) It shall be unlawful to possess blue crabs taken from Crab Harvest Management Areas designated in 15A NCAC 03R .0118(2) from March 1 through March 15, except dealers shall have seven days after the beginning of the closure to sell, offer for sale, or transport blue crabs that were taken from this area prior to the closure.
- (c) It shall be unlawful to possess more than five percent by number of the following hard blue crabs in any combination in any container:
  - (1) male hard blue crabs less than five inches from tip of spike to tip of spike;
  - (2) immature female hard blue crabs;
  - (3) mature female hard blue crabs less than five inches from tip of spike to tip of spike; and
  - (4) mature female hard blue crabs with a dark (brown or black) sponge from April 1 through April 30 statewide. For the purpose of this Rule, a "mature female hard blue crab with a dark sponge" shall mean a mature female hard crab that has extruded her eggs on the abdomen or abdominal flap and the eggs have developed a coloration ranging from any shade of brown through black.
- (d) It shall be unlawful to possess blue crabs described in Subparagraphs (c)(1) through (c)(3) of this Rule unless individual crabs are sorted and placed into separate containers for each of the following categories:
  - (1) soft crabs;
  - (2) pink and red-line peeler crabs;
  - (3) white line peeler crabs; and
  - (4) from March 1 through October 31, male crabs to be used as peeler crab bait.

All blue crabs not sorted into containers as specified shall be deemed hard blue crabs for the purpose of establishing the five percent tolerance described in Paragraph (c) of this Rule.

(e) It shall be unlawful to possess more than five percent by number of white-line peeler crabs in a container of pink and red-line peeler crabs.

(f) It shall be unlawful to:

- (1) sell white-line peeler crabs;

- (2) possess white-line peeler crabs unless they are to be used in the harvester's permitted blue crab shedding operation; or
  - (3) possess male white-line peeler crabs from June 1 through September 1.
- (g) It shall be unlawful to possess more than 50 blue crabs per person per day, not to exceed 100 blue crabs per vessel per day for recreational purposes.
- (h) In order to comply with management measures adopted in the N.C. Blue Crab Fishery Management Plan, the Fisheries Director may, by proclamation, close the harvest of blue crabs and may further restrict commercial and recreational blue crab harvest by imposing any of the following requirements on the taking of blue crabs:
- (1) specify areas;
  - (2) specify seasons;
  - (3) specify time periods;
  - (4) specify means and methods;
  - (5) specify culling tolerance; and
  - (6) specify limits on harvest based on size, quantity, sex, reproductive stage, or peeler stage.
- (i) It shall be unlawful to fail to immediately return hard blue crabs not meeting the requirements of this Rule to the waters from which they were taken.

*History Note: Authority G.S. 113-134; 113-182; 113-182.1; 113-221.1; 143B-289.52; Eff. January 1, 1991; Amended Eff. April 1, 1997; July 1, 1993; Temporary Amendment Eff. July 1, 1999; Amended Eff. April 1, 2014; September 1, 2005; August 1, 2000; Readopted Eff. March 15, 2023.*

#### **15A NCAC 03L .0202 CRAB TRAWLING**

- (a) It shall be unlawful to take or possess aboard a vessel crabs taken by trawl in internal waters except in areas and during such times as the Fisheries Director may specify by proclamation.
- (b) It shall be unlawful to use a trawl to take crabs that does not meet mesh length requirements, except as provided in 15A NCAC 03J .0104. The minimum mesh length to take hard crabs with a trawl shall be three inches, except:
- (1) the minimum mesh length shall be four inches in the area of western Pamlico Sound west of a line beginning at a point 35° 48.3693' N - 75° 43.7232' W on Roanoke Marshes Point; running easterly to a point 35° 48.3000' N - 75° 37.1167' W near Beacon "1" at the southern end of Roanoke Island; running southerly to a point 35° 30.7500' N - 75° 40.5667' W near the "S" Beacon at Long Shoal; running southwesterly to a point 35° 12.6167' N - 76° 04.3833' W near the "BL" Beacon on Bluff Shoal; running westerly to a point 35° 08.1000' N - 76° 17.5000' W near the "BI" Beacon at Brant Island Shoal; running southwesterly to a point 35° 04 .6167' N - 76° 27.8000' W on Point of Marsh; and
  - (2) the Fisheries Director may, by proclamation, specify areas other than the area described in Subparagraph (b)(1) of this Rule for trawl mesh length use and increase the minimum trawl mesh length to no more than four inches to take hard crabs.
- (c) It shall be unlawful to use a trawl with a mesh length less than two inches or with a combined total headrope length exceeding 25 feet to take soft or peeler crabs, except as provided in 15A NCAC 03J .0104.

*History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52; Eff. February 1, 1991; Amended Eff. April 1, 2014; September 1, 2005; August 1, 2004; March 1, 1994; September 1, 1991; Readopted Eff. March 15, 2023.*

#### **15A NCAC 03L .0203 CRAB DREDGING**

It shall be unlawful to take crabs with dredges except incidental to lawful oyster dredging operations provided the weight of the crabs shall not exceed the lesser of:

- (1) 10 percent of the total weight of the combined oyster and crab catch; or
- (2) 100 pounds.

The Fisheries Director may, by proclamation authority established in 15A NCAC 03L .0201, further restrict the use of dredges to take blue crabs.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. April 1, 2014; May 1, 1997;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03L .0204 CRAB POTS**

(a) It shall be unlawful to take crabs with pots except as provided in 15A NCAC 03J .0301 and .0302. The Fisheries Director may, by proclamation authority established in 15A NCAC 03L .0201, further restrict the use of pots to take blue crabs.

(b) The Fisheries Director may, by proclamation, require the use of terrapin excluder devices in each funnel entrance in crab pots and impose the following restrictions concerning terrapin excluder devices:

- (1) specify areas;
- (2) specify time periods; and
- (3) specify means and methods.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. April 1, 2014;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03L .0205 CRAB SPAWNING SANCTUARIES**

(a) It shall be unlawful to set or use trawls, pots, or mechanical methods for shellfish or take crabs with the use of commercial fishing equipment in crab spawning sanctuaries:

- (1) from March 1 through August 31 for the crab spawning sanctuaries described in 15A NCAC 03R .0110(1); and
- (2) from March 1 through October 31 for the crab spawning sanctuaries described in 15A NCAC 03R .0110(2).

(b) The Fisheries Director may, by proclamation, designate additional areas as crab spawning sanctuaries and may impose the following restrictions in any crab spawning sanctuary:

- (1) specify areas;
- (2) specify time periods;
- (3) specify means and methods; and
- (4) specify limits on harvest based on size, quantity, sex, reproductive stage, or peeler stage.

*History Note:* Authority G.S. 113-134; 113-182; 113-182.1; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. May 1, 1997;  
Temporary Amendment Eff. October 2, 1999;  
Amended Eff. April 1, 2014; April 1, 2001;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 03L .0206 PEELER CRABS**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Temporary Adoption Eff. July 1, 1999;  
Eff. August 1, 2000;  
Amended Eff. September 1, 2005;  
Repealed Eff. April 1, 2014.

#### **15A NCAC 03L .0207 HORSESHOE CRABS**

(a) The annual (January through December) commercial quota for North Carolina for horseshoe crabs is established by the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab.

(b) The Fisheries Director may, by proclamation, impose any of the following restrictions on the taking of horseshoe crabs to maintain compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab or to implement State management measures:

- (1) specify time;

- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- (5) specify size; and
- (6) specify quantity.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
 Temporary Adoption Eff. August 1, 2000;  
 Codifier determined that findings did not meet criteria for temporary rule on October 31, 2000;  
 Temporary Adoption Eff. December 6, 2000;  
 Eff. August 1, 2002;  
 Amended Eff. April 1, 2011;  
 Readopted Eff. April 1, 2022.

**15A NCAC 03L .0208 STONE CRABS**

- (a) It shall be unlawful to possess stone crab bodies or fail to immediately return stone crab bodies to the waters from which they are taken.
- (b) It shall be unlawful to remove, take, or possess any stone crab claws from June 15 through August 15.
- (c) It shall be unlawful to remove, take, or possess any claws from egg-bearing stone crabs.
- (d) It shall be unlawful to use any device to take stone crabs that can puncture, crush, or injure the crab body, such as gigs, spears, grabs, hooks, or similar devices.
- (e) It shall be unlawful to remove, take, or possess any stone crab claws that have a propodus (forearm) less than 2 ¾ inches in length, measured by a straight line from the elbow to the tip of the lower immovable finger. For the purpose of this Rule, "propodus" shall mean the largest section of the claw assembly that has both a movable and immovable finger and is located farthest from the body of the crab.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. December 1, 2006;  
 Readopted Eff. April 1, 2019.

**15A NCAC 03L .0209 RECREATIONAL HARVEST OF CRABS**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. October 1, 2008;  
 Repealed Eff. April 1, 2014.

**15A NCAC 03L .0210 REPACKING OF FOREIGN CRAB MEAT PROHIBITED**

It shall be unlawful to repack foreign crab meat in North Carolina into another container. For the purpose of this Rule, "foreign" shall mean any place or location outside the United States. This Rule shall apply to all facilities and persons permitted in accordance with 15A NCAC 18A .0135. This Rule shall not apply to crab meat that has been transformed into another product, such as crab cakes or other value-added products.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
 Eff. August 23, 2022.

**SECTION .0300 – LOBSTER**

**15A NCAC 03L .0301 AMERICAN LOBSTER (NORTHERN LOBSTER)**

- (a) It shall be unlawful to possess American lobster:
  - (1) that has eggs or from which eggs have been artificially removed by any method;
  - (2) meats, detached meats, detached tails or claws, or any other part of a lobster that has been separated from the lobster;
  - (3) that has an outer shell which has been speared; or
  - (4) that is a V-notched female lobster. A V-notched female lobster is any female lobster that bears a notch or indentation in the base of the flipper that is at least as deep as 1/8 inch, with or without setal hairs. A V-

notched female lobster is also any female lobster that is mutilated in a manner that would hide, obscure, or obliterate such a mark.

(b) The Fisheries Director may, by proclamation, impose any of the following restrictions on the taking of American lobster to maintain compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Lobster or to implement State management measures:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- (5) specify size; and
- (6) specify quantity.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1996;  
Temporary Amendment Eff. August 1, 2000;  
Amended Eff. April 1, 2009; September 1, 2005; April 1, 2001;  
Readopted Eff. August 23, 2022.

#### **15A NCAC 03L .0302 SPINY LOBSTER**

The Fisheries Director may, by proclamation, impose any of the following restrictions on the taking of spiny lobster to maintain compliance with the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and the South Atlantic or to implement State management measures:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- (5) specify size; and
- (6) specify quantity.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1996;  
Readopted Eff. April 1, 2022.

### **SUBCHAPTER 03M - FINFISH**

#### **SECTION .0100 – FINFISH, GENERAL**

#### **15A NCAC 03M .0101 MUTILATED FINFISH**

It shall be unlawful to possess aboard a vessel or while engaged in fishing any species of finfish that is subject to a size or harvest restriction without having head and tail attached, except:

- (1) mullet when used for bait;
- (2) hickory shad when used for bait, provided that not more than two hickory shad per vessel or fishing operation may be cut for bait at any one time; and
- (3) tuna possessed in a commercial fishing operation as provided in Rule .0520 of this Subchapter.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. January 1, 1991;  
Temporary Amendment Eff. May 1, 2001;  
Amended Eff. May 1, 2015; April 1, 2011; July 1, 2006; August 1, 2002;  
Readopted Eff. April 1, 2019.

### **15A NCAC 03M .0102 UNMARKETABLE FINFISH**

(a) It shall be unlawful to land finfish, taken in connection with a commercial fishing operation, that are unmarketable as individual finfish by reason of size, except a quantity not exceeding 5,000 pounds per vessel per day may be sold to a dealer that is licensed under G.S. 113-169.3(f)(6), (7), or (8).

(b) Atlantic menhaden, Atlantic thread herring, gizzard shad, and pinfish are exempt from this Rule.

*History Note:* Authority G.S. 113-134; 113-182; 113-185; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. October 1, 2008;  
Readopted April 1, 2019.

### **15A NCAC 03M .0103 MINIMUM SIZE LIMITS**

It shall be unlawful to possess, sell, or purchase finfish under four inches in length except:

- (1) as bait in the crab pot fishery in North Carolina, if such crab pot bait is not transported west of U.S. Interstate 95 and, when transported, is accompanied by documentation showing the name and address of the shipper, the name and address of the consignee, and the total weight of the shipment;
- (2) bait in the finfish fishery with the following provisions:
  - (a) it shall be unlawful to possess more than 200 pounds of live finfish or 100 pounds of dead finfish; and
  - (b) such finfish bait is not transported outside of North Carolina;
- (3) live finfish in aquaria, provided that the finfish are not subject to other minimum size limits under the authority of Marine Fisheries Commission rules; and
- (4) Atlantic menhaden, Atlantic thread herring, gizzard shad, and pinfish.

Bait dealers who possess a valid finfish dealer license from the Division of Marine Fisheries shall be exempt from Sub-Items (2)(a) and (b) of this Rule. Tolerance of not more than five percent by number of species shall be allowed.

*History Note:* Authority G.S. 113-134; 113-182; 113-185; 143B-289.52;  
Eff. July 1, 1993;  
Amended Eff. April 1, 2014;  
Readopted Eff. April 1, 2019.

## **SECTION .0200 - STRIPED BASS**

### **15A NCAC 03M .0201 STRIPED BASS REQUIREMENTS; GENERAL**

(a) For the purpose of this Section, "striped bass" shall mean striped bass (*Morone saxatilis*) and its hybrids taken in Coastal and Joint Fishing Waters or imported from other states.

(b) It shall be unlawful to possess striped bass that are less than 18 inches long (total length) imported from other states.

(c) It shall be unlawful to import, buy, sell, transport, offer to buy or sell, or possess striped bass except during any:

- (1) open striped bass season established for Internal Waters;
- (2) open striped bass season established for the Atlantic Ocean; or
- (3) open striped bass season of another state while in possession of the following:
  - (A) a bill of lading as described in 15A NCAC 03I .0114; and
  - (B) a numbered, state-issued tag from the state of origin affixed through the mouth and gill cover.  
This tag must remain affixed until processed for consumption by the consumer.

(d) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC 03R .0201.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1994; September 1, 1991;  
Temporary Amendment Eff. May 1, 2000;  
Amended Eff. June 1, 2013; October 1, 2008; October 1, 2004; April 1, 2001;  
Readopted Eff. March 15, 2023.

**15A NCAC 03M .0202 STRIPED BASS SEASON, SIZE, AND HARVEST LIMIT: INTERNAL WATERS**

(a) It shall be unlawful to possess striped bass from the Coastal Fishing Waters of the Cape Fear River and its tributaries.  
(b) It shall be unlawful to possess striped bass from the Roanoke River Management Area, as designated in 15A NCAC 03R .0201, in a commercial fishing operation.

(c) The Fisheries Director may, by proclamation, impose any of the following restrictions on the taking of striped bass in a commercial fishing operation or for recreational purposes in Internal Waters during the period from October 1 through April 30:

- (1) specify fishing days and times;
- (2) specify area;
- (3) specify means and methods;
- (4) specify size, but the minimum size specified shall not be less than 18 inches total length; and
- (5) specify quantity, except possession for recreational purposes shall not exceed:
  - (A) more than three fish in any one day in the Albemarle Sound Management Area, as designated in 15A NCAC 03R .0201; and
  - (B) more than two fish in any one day in the Joint and Coastal Fishing Waters of the Central Southern Management Area, as designated in 15A NCAC 03R .0201.

Fish that do not meet the minimum size limit specified by proclamation shall immediately be returned to the waters from which taken regardless of condition.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1996; November 1, 1991;  
Temporary Amendment Eff. September 1, 1996;  
Amended Eff. April 1, 1997;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. June 1, 2013; July 1, 2008; August 1, 2000;  
Readopted Eff. March 15, 2023.

**15A NCAC 03M .0203 SIZE AND CREEL LIMIT: INTERNAL COASTAL WATERS**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. January 1, 1991;  
Repealed Eff. November 1, 1991.

**15A NCAC 03M .0204 STRIPED BASS SEASON, SIZE, AND HARVEST LIMIT: ATLANTIC OCEAN**

It shall be unlawful to possess striped bass taken from the Atlantic Ocean other than the size limit as established by the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Striped Bass. The Fisheries Director shall issue proclamations necessary to bring North Carolina's size limit in compliance with the Interstate Fishery Management Plan.

*History Note:* Authority G.S. 113-134; 113-182; 113-182.1; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1996;  
Temporary Amendment Eff. October 1, 1996;  
Amended Eff. October 1, 2008; July 1, 1998;  
Readopted Eff. June 1, 2022.

**15A NCAC 03M .0205 STRIPED BASS; PROHIBITED TRAWLING**

(a) It shall be unlawful to possess striped bass on a vessel with a trawl net on that vessel in Internal Waters except during transit from ocean fishing grounds to port during any open striped bass trawl season in the Atlantic Ocean established by proclamation. Striped bass so possessed shall meet the minimum size limit set by proclamation issued under the authority of Rules .0204 or .0512 of this Subchapter.

(b) It shall be unlawful to possess striped bass on a vessel in the Atlantic Ocean with a trawl net on that vessel except during any open striped bass trawl season in the Atlantic Ocean established by proclamation issued under the authority of Rules .0204 or .0512 of this Subchapter.



*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. December 1, 2007;  
Readopted Eff. March 15, 2023.

**15A NCAC 03M .0206 HYBRID STRIPED BASS CULTURE**

*History Note:* Authority G.S. 113-132; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Repealed Eff. April 1, 2014.

**SECTION .0300 - SPANISH AND KING MACKEREL**

**15A NCAC 03M .0301 SPANISH AND KING MACKEREL**

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1996;  
Temporary Amendment Eff. January 1, 2000; July 1, 1999;  
Amended Eff. October 1, 2008; August 1, 2002; April 1, 2001;  
Repealed Eff. April 1, 2022.

**15A NCAC 03M .0302 PURSE GILL NET PROHIBITED**

It shall be unlawful to have a purse gill net on board a vessel when taking or landing Spanish or king mackerel.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. August 23, 2022.

**SECTION .0400 - MENHADEN AND ATLANTIC THREAD HERRING**

**15A NCAC 03M .0401 SEASON AND AREAS**

**15A NCAC 03M .0402 FOODFISH PROHIBITED**

**15A NCAC 03M .0403 FISHING ON WEEKENDS AND HOLIDAYS PROHIBITED**

**15A NCAC 03M .0404 FISH SPILL REPORTING MANDATORY**

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. May 1, 1997;  
Repealed Eff. October 1, 2008.

**SECTION .0500 – OTHER FINFISH**

**15A NCAC 03M .0501 RED DRUM**

- (a) It shall be unlawful to remove red drum from any type of net with the aid of any boat hook, gaff, spear, gig, or similar device.
- (b) It shall be unlawful to take or possess red drum taken by any boat hook, gaff, spear, gig, or similar device.
- (c) It shall be unlawful to possess red drum less than 18 inches total length or greater than 27 inches total length.
- (d) It shall be unlawful to possess more than one red drum per person per day taken by hook and line or for recreational purposes.
- (e) Annual commercial harvest limit for red drum:
  - (1) The annual commercial harvest limit for red drum shall be 250,000 pounds.
  - (2) The annual commercial harvest limit for red drum shall be calculated from September 1 through August 31 and is allotted in two periods:

- (A) September 1 through April 30 at 150,000 pounds; and
- (B) May 1 through August 31 at 100,000 pounds plus any remainder from the first period allotment.
- (3) If the harvest limit is projected to be taken in any period, the Fisheries Director shall, by proclamation, prohibit possession of red drum taken in a commercial fishing operation for the remainder of that period.
- (4) Any commercial harvest limit that is exceeded during one year shall result in the poundage overage being deducted from the subsequent year's commercial harvest limit, and the Fisheries Director shall, by proclamation, adjust the period allotments as described in this Paragraph.

*History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
 Eff. January 1, 1991;  
 Amended Eff. March 1, 1996; October 1, 1992; September 1, 1991;  
 Temporary Amendment Eff. May 1, 2000; July 1, 1999; October 22, 1998;  
 Amended Eff. April 1, 2001;  
 Temporary Amendment Eff. May 1, 2001;  
 Amended Eff. April 1, 2009; October 1, 2008; August 1, 2002;  
 Readopted Eff. April 1, 2019.*

**15A NCAC 03M .0502 MULLET**

- (a) It shall be unlawful to possess more than 200 mullet per person per day for recreational purposes.
- (b) The Fisheries Director may, by proclamation and pursuant to 15A NCAC 03H .0103, impose any of the following restrictions on the taking of mullet:
  - (1) specify time;
  - (2) specify area;
  - (3) specify means and methods;
  - (4) specify season;
  - (5) specify size; and
  - (6) specify quantity, except as provided in Paragraph (a) of this Rule.

*History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
 Eff. January 1, 1991;  
 Amended Eff. July 1, 2006;  
 Readopted Eff. April 1, 2019.*

**15A NCAC 03M .0503 FLOUNDER**

- (a) It shall be unlawful to possess flounder less than 14 inches total length taken from the Atlantic Ocean in a commercial fishing operation.
- (b) From October 1 through April 30, it shall be unlawful to use a trawl in the Atlantic Ocean within three miles of the ocean beach from the North Carolina/Virginia state line (36° 33.000'N) to Cape Lookout (34° 36.000'N) unless each trawl has a mesh length of five and one-half inches or larger diamond mesh (stretched) or six inches or larger square mesh (stretched) applied throughout the body, extensions, and the cod end (tailbag) of the net except as provided in Paragraphs (g) and (h) of this Rule.
- (c) License to Land Flounder from the Atlantic Ocean:
  - (1) it shall be unlawful to land more than 100 pounds per trip of flounder taken from the Atlantic Ocean unless the owner of the vessel, or in the case of Land or Sell Licenses, the responsible party, has been issued a License to Land Flounder from the Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from the Atlantic Ocean.
  - (2) it shall be unlawful for a fish dealer to purchase or offload more than 100 pounds of flounder taken from the Atlantic Ocean by a vessel whose owner, or in the case of Land or Sell Licenses, the responsible party, has not first procured a valid North Carolina License to Land Flounder from the Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from the Atlantic Ocean.
  - (3) it shall be unlawful for any person to land flounder from the Atlantic Ocean under a License to Land Flounder from the Atlantic Ocean unless that person is the holder of the license or the master designated on the license.

- (4) it shall be unlawful for any individual to land flounder from the Atlantic Ocean without having ready at hand for inspection a valid License to Land Flounder from the Atlantic Ocean, except as specified in Subparagraph (1) of this Paragraph.
- (d) All fish dealer transactions in flounder landed from the Atlantic Ocean shall be conducted in accordance with the Atlantic Ocean Flounder Dealer Permits in 15A NCAC 03O .0503 and permit requirements in 15A NCAC 03O .0500.
- (e) It shall be unlawful to transfer flounder taken from the Atlantic Ocean from one vessel to another.
- (f) Tailbag liners of any mesh size, the multiple use of two or more cod ends, or other netting material that in any way could restrict the legal size mesh shall not be used or possessed on the deck of a vessel in the Atlantic Ocean from October 1 through April 30 from the North Carolina/Virginia state line (36° 33.000' N) to Cape Lookout (34° 36.0000'N).
- (g) Trawls with a cod end mesh size smaller than described in Paragraph (b) of this Rule may be used or possessed on the deck of a vessel provided not more than 100 pounds of flounder per trip from May 1 through October 31 or more than 200 pounds from November 1 through April 30 is possessed aboard or landed from that vessel.
- (h) Flynets are exempt from the flounder trawl mesh requirements if they meet the following requirements:
- (1) the net has large mesh in the wings that measure eight inches to 64 inches;
  - (2) the first body section (belly) of the net has 35 or more meshes that are at least eight inches; and
  - (3) the mesh decreases in size throughout the body of the net to as small as two inches or smaller towards the terminus of the net.
- (i) Commercial Season:
- (1) the North Carolina season for landing ocean-caught flounder shall open January 1 each year. If 80 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.
  - (2) the season for landing flounder taken in the Atlantic Ocean shall reopen November 1 if any of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder remains. If after reopening, 100 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken prior to the end of the calendar year, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.
  - (3) during any closed season prior to November 1, vessels may land up to 100 pounds of flounder per trip taken from the Atlantic Ocean.
- (j) The Fisheries Director may, by proclamation, establish trip limits for the taking of flounder from the Atlantic Ocean to assure that the individual state quota allocated to North Carolina in the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is not exceeded.
- (k) The Fisheries Director may, by proclamation, based on variability in environmental and local stock conditions, take any of the following actions in the flounder fishery:
- (1) specify time;
  - (2) specify area;
  - (3) specify means and methods;
  - (4) specify season;
  - (5) specify size;
  - (6) specify quantity; and
  - (7) require submission of statistical and biological data.
- (l) Possession and sale of flounder by a hatchery or flounder aquaculture operation and purchase and possession of flounder from a hatchery or flounder aquaculture operation shall be exempt from season and size limit restrictions set under Paragraph (k) of this Rule. It shall be unlawful to possess, sell, purchase, or transport such flounder unless they are in compliance with all conditions of the Aquaculture Operation Permit.

*History Note: Authority G.S. 113-134; 113-169.5; 113-182; 113-221.1; 143B-289.52; Eff. January 1, 1991; Amended Eff. March 1, 1996; February 1, 1992; Temporary Amendment Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Temporary Amendment Eff. December 23, 1996;*  
*Amended Eff. April 1, 1997;*  
*Temporary Amendment Eff. June 1, 1998; August 18, 1997;*  
*Amended Eff. April 1, 1999;*  
*Temporary Amendment Eff. May 1, 2000; July 1, 1999;*  
*Amended Eff. April 1, 2001; August 1, 2000;*  
*Temporary Amendment Eff. September 1, 2004;*  
*Temporary Amendment Expired June 12, 2005;*  
*Amended Eff. September 1, 2005;*  
*Readopted Eff. March 15, 2023.*

#### **15A NCAC 03M .0504 TROUT**

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;*  
*Eff. January 1, 1991;*  
*Amended Eff. March 1, 1996; March 1, 1995; February 1, 1992;*  
*Temporary Amendment Eff. September 9, 1996;*  
*Temporary Amendment Eff. October 1, 1996;*  
*Amended Eff. April 1, 1997;*  
*Temporary Amendment Eff. July 1, 1999;*  
*Amended Eff. October 1, 2008; August 1, 2000;*  
*Repealed Eff. April 1, 2012.*

#### **15A NCAC 03M .0505 SHARK**

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;*  
*Eff. January 1, 1991;*  
*Amended Eff. September 1, 1991;*  
*Repealed Eff. October 1, 2008.*

#### **15A NCAC 03M .0506 SNAPPER GROUPER COMPLEX**

- (a) In the Atlantic Ocean, it shall be unlawful for an individual fishing under a Recreational Commercial Gear License with seines, shrimp trawls, pots, trotlines, or gill nets to take any species of the snapper grouper complex.
- (b) The list of species of the snapper grouper complex in the South Atlantic Fishery Management Council Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region is incorporated by reference, including subsequent amendments and editions. Copies of the plan are available at [www.safmc.net](http://www.safmc.net) and at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, North Carolina 28557, at no cost.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*  
*Eff. January 1, 1991;*  
*Amended Eff. April 1, 1997; March 1, 1996; September 1, 1991;*  
*Temporary Amendment Eff. December 23, 1996;*  
*Amended Eff. August 1, 1998; April 1, 1997;*  
*Temporary Amendment Eff. January 1, 2002; August 29, 2000; January 1, 2000; May 24, 1999;*  
*Amended Eff. October 1, 2008; May 1, 2004; July 1, 2003; April 1, 2003; August 1, 2002;*  
*Readopted Eff. April 1, 2019.*

#### **15A NCAC 03M .0507 BILLFISH**

- (a) It shall be unlawful to take blue marlin, white marlin, roundscale spearfish, or sailfish, except by hook and line or for recreational purposes.
- (b) For blue marlin, white marlin, and roundscale spearfish, it shall be unlawful to do any of the following:
- (1) possess blue marlin less than 99 inches in length from the lower jaw to the fork in the tail;
  - (2) possess white marlin or roundscale spearfish less than 66 inches in length from the lower jaw to the fork in the tail;

- (3) possess more than one blue marlin, white marlin, or roundscale spearfish in the aggregate per vessel per trip; and
  - (4) sell or offer for sale blue marlin, white marlin, or roundscale spearfish.
- (c) For sailfish, it shall be unlawful to do any of the following:
- (1) possess sailfish less than 63 inches in length from the lower jaw to the fork in the tail;
  - (2) possess more than one sailfish per person per day; and
  - (3) sell or offer for sale sailfish.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. January 1, 1991;  
 Amended Eff. March 1, 1996; March 1, 1994; February 1, 1992; September 1, 1991;  
 Temporary Amendment Eff. June 7, 1998; September 1, 1996;  
 Amended Eff. July 1, 1998;  
 Temporary Amendment Eff. July 1, 1999;  
 Amended Eff. August 1, 2000;  
 Readopted Eff. April 1, 2019.

**15A NCAC 03M .0508 STURGEON**

It is unlawful to possess sturgeon in North Carolina.

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;  
 Eff. September 1, 1991;  
 Amended Eff. July 1, 1993;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

**15A NCAC 03M .0509 TARPON**

- (a) It shall be unlawful to possess, sell, or offer for sale tarpon.
- (b) It shall be unlawful to take tarpon by any method other than hook and line.
- (c) It shall be unlawful to gaff, spear, or puncture a tarpon.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. October 1, 1992;  
 Readopted Eff. March 17, 2021.

**15A NCAC 03M .0510 AMERICAN EEL**

- (a) It shall be unlawful to possess, sell, or take American eels less than nine inches in length.
- (b) It shall be unlawful to possess more than 25 American eels per person per day for recreational purposes, except the master and each mate of for-hire vessels that hold a valid for-hire license may possess 50 eels each per day.
- (c) It shall be unlawful to possess American eels from September 1 through December 31, except when taken by baited pots.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. July 1, 1993;  
 Temporary Amendment Eff. August 1, 2000;  
 Amended Eff. May 1, 2015; April 1, 2001;  
 Readopted Eff. April 1, 2019.

**15A NCAC 03M .0511 BLUEFISH**

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;  
 Eff. March 1, 1994;  
 Amended Eff. March 1, 1996;  
 Temporary Amendment Eff. September 9, 1996;  
 Amended Eff. April 1, 1997;  
 Temporary Amendment Eff. July 1, 1999;  
 Amended Eff. October 1, 2008; April 1, 2003; August 1, 2000;

*Repealed Eff. April 1, 2022.*

**15A NCAC 03M .0512 COMPLIANCE WITH FISHERY MANAGEMENT PLANS**

(a) In order to comply with management requirements incorporated in Federal Fishery Management Council Management Plans or Atlantic States Marine Fisheries Commission Management Plans or to implement state management measures, the Fisheries Director may, by proclamation, take any or all of the following actions for species listed in the Interjurisdictional Fisheries Management Plan:

- (1) Specify size;
- (2) Specify seasons;
- (3) Specify areas;
- (4) Specify quantity;
- (5) Specify means and methods; and
- (6) Require submission of statistical and biological data.

(b) Proclamations issued under this Rule shall be subject to approval, cancellation, or modification by the Marine Fisheries Commission at its next regularly scheduled meeting or an emergency meeting held pursuant to G.S. 113-221.1.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 113-221.1; 143B-289.52;  
Eff. March 1, 1996;  
Amended Eff. October 1, 2008;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**15A NCAC 03M .0513 RIVER HERRING**

It shall be unlawful to take or possess river herring from North Carolina Coastal Fishing Waters. Possession of river herring from sources other than North Carolina Coastal Fishing Waters shall be limited to fish less than or equal to six inches total length when aboard a vessel or while engaged in fishing.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. March 1, 1995;  
Amended Eff. August 1, 1998;  
Temporary Amendment Eff. May 1, 2000; August 1, 1999; July 1, 1999; March 1, 1999;  
Amended Eff. June 13, 2016; October 1, 2008; December 1, 2007; April 1, 2001;  
Readopted Eff. April 1, 2019.*

**15A NCAC 03M .0514 SCUP**

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;  
Temporary Adoption Eff. December 23, 1996;  
Eff. July 1, 1998;  
Repealed Eff. October 1, 2008.*

**15A NCAC 03M .0515 DOLPHIN**

(a) It shall be unlawful to possess for recreational purposes any of the following:

- (1) more than 10 dolphin per person per day taken by hook and line; and
- (2) more than 60 dolphin per vessel per day regardless of the number of individuals on board, except headboat vessels with a valid U.S. Coast Guard Certificate of Inspection may possess 10 dolphin per paying customer.

(b) It shall be unlawful for a commercial fishing operation without a valid federal Atlantic Dolphin/Wahoo Commercial vessel permit to do any of the following:

- (1) take or possess more than 10 dolphin per person per day; and
- (2) sell dolphin.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;  
Temporary Adoption Eff. July 1, 1999;  
Temporary Adoption Eff. January 1, 2000;  
Eff. April 1, 2001;*

*Amended Eff. September 1, 2005;*  
*Readopted Eff. April 1, 2019.*

**15A NCAC 03M .0516 COBIA**

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*  
*Temporary Adoption Eff. July 1, 1999;*  
*Eff. August 1, 2000;*  
*Repealed Eff. April 1, 2022.*

**15A NCAC 03M .0517 WAHOO**

- (a) It shall be unlawful to possess for recreational purposes more than two wahoo per person per day taken by hook and line.
- (b) It shall be unlawful for a commercial fishing operation to do any of the following:
- (1) without a valid federal Atlantic Dolphin/Wahoo Commercial vessel permit:
    - (A) to take or possess more than two wahoo per person per day; and
    - (B) to sell wahoo; and
  - (2) to possess aboard a vessel or land more than 500 pounds of wahoo per trip.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*  
*Eff. September 1, 2005;*  
*Readopted Eff. April 1, 2019.*

**15A NCAC 03M .0518 KINGFISHES (SEA MULLET)**

The Fisheries Director may, by proclamation and pursuant to 15A NCAC 03H .0103, impose any of the following restrictions on the taking of kingfishes:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- (5) specify size; and
- (6) specify quantity.

*History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*  
*Eff. October 1, 2008;*  
*Readopted Eff. April 1, 2019.*

**15A NCAC 03M .0519 SHAD**

It shall be unlawful to take or possess American shad from the Atlantic Ocean.

*History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*  
*Eff. October 1, 2008;*  
*Amended Eff. April 1, 2012;*  
*Readopted Eff. August 23, 2022.*

**15A NCAC 03M .0520 TUNA**

- (a) It shall be unlawful to possess for recreational purposes any of the following:
- (1) yellowfin tuna less than 27 inches curved fork length;
  - (2) bigeye tuna less than 27 inches curved fork length; and
  - (3) more than three yellowfin tuna per person per day.
- (b) It shall be unlawful to possess in a commercial fishing operation any of the following:
- (1) yellowfin tuna less than 27 inches curved fork length or 27 inches from the fork of the tail to the forward edge of the cut of beheaded tuna;
  - (2) bigeye tuna less than 27 inches curved fork length or 27 inches from the fork of the tail to the forward edge of the cut of beheaded tuna;

- (3) Atlantic bluefin tuna less than 73 inches curved fork length or 54 inches pectoral fin curved fork length; and
- (4) tuna subject to a size or harvest restriction without having the tail attached.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. October 1, 2008;  
Amended Eff. April 1, 2011;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03M .0521 SHEEPSHEAD**

The Fisheries Director may, by proclamation and pursuant to 15A NCAC 03H .0103, impose any of the following restrictions on the taking of sheepshead:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- (5) specify size; and
- (6) specify quantity.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. April 1, 2014;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 03M .0522 SPOTTED SEATROUT**

The Fisheries Director may, by proclamation, impose any of the following requirements on the taking of spotted seatrout:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- (5) specify size; and
- (6) specify quantity.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. May 1, 2017.

### **SUBCHAPTER 03N - FISH HABITAT AREAS**

#### **15A NCAC 03N .0101 SCOPE AND PURPOSE**

To establish and protect those fragile estuarine and marine areas which support juvenile and adult populations of economically important fish species, as well as forage fish utilized in the food chain, the rules in this Subchapter set forth permanent fish habitat areas in all coastal fishing waters as defined through extensive estuarine and marine survey sampling conducted by the Division.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. December 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

#### **15A NCAC 03N .0102 NURSERY AREAS DEFINED**

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Repealed Eff. December 1, 2007.



**15A NCAC 03N .0103 NURSERY AREA BOUNDARIES**

(a) Primary and secondary nursery areas are defined in 15A NCAC 03I .0101 and designated in 15A NCAC 03R .0103, .0104, and .0105.

(b) Unless otherwise specified by the rule, primary nursery areas described in 15A NCAC 03R .0103 encompass all waters from the described line in the direction indicated in rule up to the headwaters of the waterbody or Inland-Coastal boundary lines, whichever area is first encountered.

(c) Unless otherwise specified by the rule, permanent and special secondary nursery areas designated in 15A NCAC 03R .0104 and .0105 encompass all waters from the described line in the direction indicated in rule up to the primary nursery area lines, Inland-Coastal boundary lines or the headwaters of the waterbody, whichever area is first encountered.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. September 1, 1991;  
Recodified from 15A NCAC 03N .0003 Eff. May 1, 1997;  
Amended Eff. December 1, 2007; August 1, 2004; May 1, 1997;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**15A NCAC 03N .0104 PROHIBITED GEAR, PRIMARY NURSERY AREAS**

It shall be unlawful to use any trawl net, long haul seine, swipe net, dredge, mechanical methods for clamming, or mechanical methods for oystering for the purpose of taking any marine fishes in any of the primary nursery areas described in 15A NCAC 03R .0103.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. September 1, 1991;  
Recodified from 15A NCAC 3N .0004 Eff. May 1, 1997;  
Amended Eff. May 1, 1997;  
Readopted Eff. March 15, 2023.*

**15A NCAC 03N .0105 PROHIBITED GEAR, SECONDARY NURSERY AREAS**

(a) It shall be unlawful to use trawl nets for any purpose in any of the permanent secondary nursery areas designated in 15A NCAC 03R .0104.

(b) It shall be unlawful to use trawl nets for any purpose in any of the special secondary nursery areas designated in 15A NCAC 03R .0105, except that the Fisheries Director, may, by proclamation, open any of the special secondary nursery areas, or any portion thereof, designated in 15A NCAC 03R .0105 to shrimp or crab trawling from August 16 through May 14 subject to the provisions of 15A NCAC 03L .0100 and .0200.

*History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. September 1, 1991;  
Recodified from 15A NCAC 03N .0005 Eff. May 1, 1997;  
Amended Eff. August 1, 2004; May 1, 1997;  
Readopted Eff. March 15, 2023.*

**15A NCAC 03N .0106 ANADROMOUS FISH SPAWNING AREA BOUNDARIES**

(a) Anadromous fish spawning areas are defined in 15A NCAC 03I .0101 and designated in 15A NCAC 03R .0115.

(b) Anadromous fish spawning areas described in 15A NCAC 03R .0115 encompass all waters, including tributaries from the described line in the direction indicated in Rule up to the headwaters of the waterbody or Inland-Coastal boundary lines, whichever area is first encountered and except when:

- (1) otherwise specified by 15A NCAC 03R .0115; or
- (2) the waterbody is impassable to fish migration due to manmade obstructions such as dams and causeways.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;  
Eff. December 1, 2007;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

## **SUBCHAPTER 030 - LICENSES, LEASES, FRANCHISES, AND PERMITS**

### **SECTION .0100 - LICENSES**

#### **15A NCAC 030 .0101 PROCEDURES AND REQUIREMENTS TO OBTAIN LICENSES, ENDORSEMENTS, AND COMMERCIAL FISHING VESSEL REGISTRATIONS**

(a) Division of Marine Fisheries licenses are available at offices of the Division or by mail from the Morehead City Office of the Division, unless otherwise specified. In addition, Recreational Commercial Gear Licenses are available at license agents of the Wildlife Resources Commission in accordance with G.S. 113-270.1.

(b) For the purpose of this Rule, the procedures and requirements for the licensee shall also apply to the responsible party, the person holding power of attorney, the tournament organizer, and the vessel master.

(c) To obtain Division of Marine Fisheries licenses, endorsements, and Commercial Fishing Vessel Registrations, a licensee shall provide a completed application to an office of the Division by mail or in person. Applications submitted without complete and required information shall not be processed until all required information has been submitted. Incomplete applications shall be returned to the applicant with deficiency in the application so noted. The following shall be required for the application:

- (1) full name, physical address, mailing address, date of birth, and signature of the licensee. If the licensee is not appearing before a license agent or a representative of the Division, the licensee's signature shall be notarized.
- (2) a statement from the licensee that the information and supporting documentation submitted with the application is true and correct.
- (3) current and valid picture identification of the licensee. Acceptable forms of picture identification are state driver's license, state identification card issued by the Division of Motor Vehicles, military identification card, resident alien card (green card), or passport; or if purchased by mail, a copy thereof.
- (4) certification that the applicant does not have four or more marine or estuarine resource convictions during the previous three years.
- (5) current articles of incorporation and a current list of corporate officers when purchasing a license or Commercial Fishing Vessel Registration in a corporate name. In the case of incorporation of an individual fishing vessel, the name of the vessel master shall also be specified. The licensee shall notify the Morehead City Office of the Division within five days of changing the vessel master.
- (6) a current copy of a written partnership agreement shall be provided when purchasing a license, endorsement, or Commercial Fishing Vessel Registration in a partnership name, if a partnership is established.
- (7) valid documentation papers or current motor boat registration, or copy thereof when purchasing a Commercial Fishing Vessel Registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.
- (8) affirmation of liability insurance and that the operator is knowledgeable of United States Coast Guard (USCG) safety requirements for the vessels used in the operation in accordance with G.S. 113-168.6 when purchasing a Commercial Fishing Vessel Registration with a for-hire endorsement.

(d) In addition to the requirements of Paragraph (c) of this Rule, proof of residency for non-residents shall be documented by the licensee with certification of the state of residency. Proof of residency for residents of North Carolina shall be documented by the licensee as follows:

- (1) Standard or Retired Standard Commercial Fishing Licenses: A notarized certification from the applicant that the applicant is a resident of the State of North Carolina as defined by G.S. 113-130(4) and:
  - (A) a notarized certification from the applicant that a North Carolina State Income Tax Return was filed for the previous calendar or tax year as a North Carolina resident;
  - (B) a notarized certification that the applicant was not required to file a North Carolina State Income Tax Return for the previous calendar or tax year; or
  - (C) military identification or military dependent identification, and permanent change of station orders or assignment orders substantiating the military individual's active duty assignment at a military facility in North Carolina.

- (2) All other types of licenses:
  - (A) North Carolina voter registration card;
  - (B) current North Carolina Driver's License;
  - (C) current North Carolina Certificate of Domicile;
  - (D) current North Carolina Identification Card issued by the North Carolina Division of Motor Vehicles; or
  - (E) military identification or military dependent identification, and permanent change of station orders or assignment orders substantiating the military individual's active duty assignment at a military facility in North Carolina.
- (e) In addition to the requirements in Paragraphs (c) and (d) of this Rule, the following shall be required:
  - (1) Blanket For-Hire Captain's CRFL: a valid certification from the USCG that allows carrying six or fewer passengers or a certification from the USCG that allows carrying more than six passengers.
  - (2) Blanket For-Hire Vessel CRFL or Non-Blanket For-Hire Vessel License:
    - (A) valid documentation papers or current motor boat registration, or copies thereof for the vessel engaged as for-hire; or
    - (B) a copy of the pending application and a notarized bill of sale if an application for transfer of documentation is pending.
  - (3) Fish Dealer License:
    - (A) the physical address of the established location where business is conducted and, if different, the address where records are kept; and
    - (B) a valid Permit and Certificate of Compliance from the Division of Marine Fisheries Shellfish Sanitation and Recreational Water Quality Section, if purchasing a Fish Dealer License with clam or oyster categories or a consolidated license.
  - (4) Land or Sell License:
    - (A) valid documentation papers or current motor boat registration, or copy thereof; or
    - (B) a copy of the pending application and a notarized bill of sale if an application for transfer of documentation is pending.

The fees for a Land or Sell License shall be based on the vessel's homeport as it appears on the USCG documentation papers or the state in which the vessel is registered, in accordance with G.S. 113-169.5.

- (5) Ocean Fishing Pier License:
  - (A) the information required in G.S. 113-169.4; and
  - (B) linear length of the pier. A Marine Fisheries inspector's signature is required to verify the linear length of the pier before the license can be issued.
- (6) Recreational Fishing Tournament License to Sell Fish: name and date or dates of the tournament.
- (7) Spotter Plane License:
  - (A) the information required in G.S. 113-171.1;
  - (B) the current aircraft registration; and
  - (C) a list of operators.
- (f) For a License to Land Flounder from the Atlantic Ocean, in addition to the requirements in Paragraphs (c) and (d) of this Rule, the following shall be applicable:
  - (1) for the purpose of this Paragraph, "license year" means the period beginning July 1 of a year through June 30 of the following year.
  - (2) to qualify for a License to Land Flounder from the Atlantic Ocean, the applicant shall:
    - (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license years for which the person had a vessel that was licensed to land in North Carolina;
    - (B) have been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years; and
    - (C) hold a valid Standard or Retired Standard Commercial Fishing License or valid Land or Sell License.
  - (3) it shall be unlawful for a person to hold more Licenses to Land Flounder from the Atlantic Ocean than the number of vessels that the person owns that individually met the eligibility requirements of Parts (f)(2)(A) and (f)(2)(B) of this Rule.
  - (4) the License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel specified at the time of license issuance.

- (5) at the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean shall specify the name of the vessel master for each License to Land Flounder from the Atlantic Ocean issued.
  - (6) the holder of the License to Land Flounder from the Atlantic Ocean shall notify the Morehead City Office of the Division of Marine Fisheries within five days of change as to the vessel master identified on the license.
  - (7) Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year.
- (g) For a Recreational Fishing Tournament License to Sell Fish, in addition to the requirements in Paragraphs (c) and (d) of this Rule, the following shall be applicable:
- (1) it shall be unlawful for anyone other than the holder of the Recreational Fishing Tournament License to Sell Fish to sell fish taken during a recreational fishing tournament.
  - (2) fish to be sold under the Recreational Fishing Tournament License to Sell Fish shall be sold only to licensed fish dealers and shall comply with all applicable rules of the Marine Fisheries Commission or provisions of proclamations issued by the Fisheries Director as authorized by the Marine Fisheries Commission.
  - (3) it shall be unlawful for a licensed recreational fishing tournament organizer to fail to accurately and legibly complete a North Carolina Recreational Fishing Tournament Disposition of Proceeds from the Sale of Fish Form provided by the Division of Marine Fisheries and submit the form to the Division within 30 days after the last day of the tournament.
- (h) It shall be unlawful for a license, endorsement, or Commercial Fishing Vessel Registration holder to fail to notify the Division of Marine Fisheries within 30 days of a change of name or address, in accordance with G.S. 113-169.2.

*History Note: Authority G.S. 113-134; 113-168; 113-168.1-6; 113-169.2-5; 113-171.1; 113-174.3; 113-182; 143B-289.52; Eff. January 1, 1991; Amended Eff. July 1, 1997; March 1, 1994; Temporary Amendment Eff. July 1, 1999; Amended Eff. August 1, 2000; Temporary Amendment Eff. April 1, 2001; Amended Eff. May 1, 2015; July 1, 2008; December 1, 2006; August 1, 2004; August 1, 2002; Readopted Eff. March 15, 2023.*

**15A NCAC 030 .0102 PROCEDURES AND REQUIREMENTS TO RENEW LICENSES, ENDORSEMENTS, AND COMMERCIAL FISHING VESSEL REGISTRATIONS**

- (a) For the purpose of this Rule, the procedures and requirements for the licensee shall also apply to the responsible party, the person holding power of attorney, the tournament organizer, and the vessel master.
- (b) To renew Division of Marine Fisheries licenses, endorsements, and Commercial Fishing Vessel Registrations, except Recreational Commercial Gear Licenses, a renewal application shall be submitted by the licensee. Applications submitted without complete and required information shall not be processed until all required information has been submitted. Incomplete applications shall be returned to the licensee with deficiency in the application so noted. The following is required for the renewal application:
  - (1) full name, physical address, mailing address, date of birth, and signature of the licensee.
  - (2) a statement from the licensee that the information and supporting documentation submitted with the application is true and correct.
  - (3) current and valid picture identification of the licensee. Acceptable forms of picture identification are state driver's license, state identification card issued by the Division of Motor Vehicles, military identification card, resident alien card (green card), or passport; or if purchased by mail, a copy thereof.
  - (4) the information required in Rule .0101(c)(4) through (c)(8) of this Section, if changed since last issuance of the license, endorsement, or Commercial Fishing Vessel Registration.
  - (5) the information required in Rule .0101(e)(1) of this Section, if the linear length of the Ocean Fishing Pier has changed.
  - (6) a valid Permit and Certificate of Compliance from the Division's Shellfish Sanitation and Recreational Water Quality Section, if renewing a Fish Dealer License with clam or oyster categories or a consolidated license.
  - (7) certification that all information on the application is true and accurate. Notarization of the signature on renewal applications shall not be required.

The Division may require current copies of documentation for licenses, endorsements, and Commercial Fishing Vessel Registrations upon renewal when necessary to verify inconsistent information or the information cannot be verified by independent sources.

*History Note:* Authority G.S. 113-134; 113-168; 113-168.1-6; 113-169.2-5; 113-171.1; 113-174.3; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1994;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. December 1, 2006; August 1, 2000;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 030 .0103 AUXILIARY VESSELS**

(a) It shall be unlawful to fail to comply with Commercial Fishing Vessel Registration requirements set forth in G.S. 113-168.6 to operate a vessel used in conjunction with a commercial fishing operation.

(b) An individual in command of a vessel that is auxiliary to a vessel with a Commercial Fishing Vessel Registration with an individual aboard who holds a Standard Commercial Fishing License or a Retired Standard Commercial Fishing License engaged in a commercial fishing operation using a pound net, long haul, or beach seine is exempt from the provisions of G.S. 113-168.2 (a1).

*History Note:* Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.5; 113-168.6; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. August 1, 2000;  
Readopted Eff. June 1, 2022.

#### **15A NCAC 030 .0104 COMMERCIAL UNLOADING OF FISH**

It shall be unlawful to unload fish from a vessel in North Carolina that has been engaged in a commercial fishing operation outside State waters without possessing a valid:

- (1) Standard or Retired Standard Commercial Fishing License with applicable endorsement;
- (2) Shellfish License for North Carolina Residents without a Standard Commercial Fishing License; or
- (3) Land or Sell License.

*History Note:* Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.4; 113-169.5; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. August 1, 2000;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 030 .0105 REQUIREMENTS FOR MUSSEL DEALERS**

Persons dealing in mussels who are subject to licensing requirements under the provisions of G.S. 113-169.3 shall be required to purchase only the license applicable to clam dealers and shall be required to hold a valid Permit and Certificate of Compliance from the Division of Marine Fisheries Shellfish Sanitation and Recreational Water Quality Section, as described in Rule .0101 of this Section.

*History Note:* Authority G.S. 113-134; 113-169.3; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. August 1, 2004; August 1, 2000;  
Readopted Eff. June 1, 2022.

#### **15A NCAC 030 .0106 DISPLAY OF LICENSES AND REGISTRATIONS**

(a) It shall be unlawful:

- (1) for any person to use a vessel required to be registered under the provisions of G.S. 113-168.6 in a commercial fishing operation without a current Commercial Fishing Vessel Registration decal mounted on an exterior surface so as to be plainly visible when viewed from the port side; and
  - (2) to display any Commercial Fishing Vessel Registration decal not issued for the vessel displaying it.
- (b) It shall be unlawful to fail to display a Fish Dealer License required by G.S. 113-169.3 or Ocean Fishing Pier License required by G.S. 113-169.4 in prominent public view in each location subject to licensing.
- (c) It shall be unlawful for any person licensed under G.S. 113-174.3 to fail to display a current for-hire vessel decal on the exterior surface of the vessel so as to be visible when viewed from the port side while engaged in for-hire recreational fishing.

*History Note:* Authority G.S. 113-134; 113-168.6; 113-169.3; 113-169.4; 113-174.1; 113-182; 143B-289.52; Eff. January 1, 1991; Temporary Amendment Eff. July 1, 1999; Amended Eff. May 1, 2015; December 1, 2006; August 1, 2000; Readopted Eff. April 1, 2019.

#### **15A NCAC 030 .0107 LICENSE REPLACEMENT AND FEES**

- (a) A licensee shall receive a replacement for a commercial license, endorsement, Commercial Fishing Vessel Registration decal, or Recreational Commercial Gear License upon payment to the Division of Marine Fisheries a fee of ten dollars (\$10.00) or a fee equal to the initial cost of the license, endorsement, or Commercial Fishing Vessel Registration, whichever is less.
- (b) A licensee shall receive a replacement Coastal Recreational Fishing License or a for-hire license as defined in G.S. 113-174.3 upon payment to the Division of Marine Fisheries a fee of five dollars (\$5.00).

*History Note:* Authority G.S. 113-134; 113-168.1; 113-168.6; 113-169.4; 113-173; 113-174.1; 113-174.2; 113-174.3; 113-182; 143B-289.52; Eff. January 1, 1991; Temporary Amendment Eff. July 1, 1999; Amended Eff. December 1, 2006; August 1, 2000; Readopted Eff. June 1, 2022.

#### **15A NCAC 030 .0108 LICENSE AND COMMERCIAL FISHING VESSEL REGISTRATION TRANSFERS**

- (a) To transfer a license or Commercial Fishing Vessel Registration, the license or registration shall not be expired prior to transfer.
- (b) Upon transfer of a license or Commercial Fishing Vessel Registration, the transferee becomes the licensee and assumes the privileges of holding the license or Commercial Fishing Vessel Registration.
- (c) A transfer application including a certification statement form shall be provided by the Division of Marine Fisheries. A transfer application shall be completed for each transfer including, but not limited to:
- (1) the information required as set forth in Rule .0101(a) of this Section;
  - (2) a notarized statement from the transferee listing any violations involving marine or estuarine resources in the State of North Carolina during the previous three years; and
  - (3) a notarized statement from the transferee that the information and supporting documentation submitted with the transfer application is true and correct, and that the transferee acknowledges that it is unlawful for a person to accept transfer of a license for which they are ineligible.
- (d) A completed transfer application shall be returned to an office of the Division by mail or in person, except as set forth in Paragraph (e) of this Rule.
- (e) A transfer application submitted to the Division without complete and required information shall be deemed incomplete and shall not be considered further until resubmitted with all required information. Incomplete applications shall be returned to the applicant with deficiency in the application so noted.
- (f) A License to Land Flounder from the Atlantic Ocean shall only be transferred:
- (1) with the transfer of the ownership of a vessel that the licensee owns that individually met the eligibility requirements of Rule .0101 (b)(1)(A) and (b)(1)(B) of this Section to the new owner of that vessel; or
  - (2) by the owner of a vessel to another vessel under the same ownership.
- Transfer of a License to Land Flounder from the Atlantic Ocean transfers with it all flounder landings from the Atlantic Ocean associated with that vessel. Any transfer of license under this Paragraph shall only be processed

through the Division of Marine Fisheries Morehead City Headquarters Office and no transfer is effective until approved and processed by the Division.

(g) Transfer of a Commercial Fishing Vessel Registration: If transferring ownership of a vessel bearing a current Commercial Fishing Vessel Registration, the new owner:

- (1) shall follow the requirements in Rule .0101 of this Section and pay a replacement fee as set forth in Rule .0107 of this Section for a replacement Commercial Fishing Vessel Registration; and
- (2) shall submit a transfer application with the signatures of the former owner and the new owner notarized.

(h) Transfer of a Standard or Retired Standard Commercial Fishing License:

- (1) It is unlawful for a person to accept transfer of a Standard or Retired Standard Commercial Fishing License for which they are ineligible. Grandparents, grandchildren, and legal guardians of an individual are eligible to transfer a license and receive a transferred license.
- (2) A Standard or Retired Standard Commercial Fishing License shall only be transferred if both the transferor and the transferee have no current suspensions or revocations of any Marine Fisheries license privileges. In the event of the death of the transferor, this requirement shall only apply to the transferee.
- (3) For purposes of effecting transfers under this Paragraph:
  - (A) "business" shall mean corporations and limited liability companies that have been registered with the Secretary of State; and
  - (B) "owner" shall mean owner, shareholder, or manager of a business.
- (4) At the time of the transfer of a Standard or Retired Standard Commercial Fishing License, the transferor shall indicate the retainment or transfer of the landings history associated with that Standard or Retired Standard Commercial Fishing License. The transferor may retain a landings history only if the transferor holds an additional Standard or Retired Standard Commercial Fishing License. Transfer of a landings history is all or none.
- (5) To transfer a Standard or Retired Standard Commercial Fishing License, in addition to the requirements in Paragraph (c) of this Rule, the following information is required:
  - (A) information on the transferee as set forth in Rule .0101 of this Section;
  - (B) notarization of the transferor's and the transferee's signatures on the transfer application; and
  - (C) if the transferor is retiring from commercial fishing, evidence showing that such retirement has in fact occurred, which may include, but is not limited to, evidence of the transfer of all the transferor's Standard Commercial Fishing Licenses, sale of all the transferor's registered vessels, or discontinuation of any active involvement in commercial fishing.
- (6) The Standard or Retired Standard Commercial Fishing License that is being transferred shall be surrendered to the Division at the time of the transfer application.
- (7) Fees:
  - (A) The transferee shall pay a replacement fee as set forth in Rule .0107 of this Section.
  - (B) The transferee shall pay the differences in fees as specified in G.S. 113-168.2(e) or G.S. 113-168.3(b) if the transferee is a non-resident.
  - (C) The transferee shall pay the differences in fees as specified in G.S. 113-168.2(e) if the license to be transferred is a Retired Standard Commercial Fishing License and the transferee is less than 65 years old.
- (8) Transfer of Standard or Retired Standard Commercial Fishing License for a Business:
  - (A) An individual holding a Standard or Retired Standard Commercial Fishing License may transfer their license to a business in which the license holder is also an owner of the business in accordance with application requirements as set forth in Rule .0101(a) of this Section.
  - (B) If a business is dissolved, the business may transfer the license or licenses of the business to an individual owner of the dissolved business. A dissolved business holding multiple licenses may transfer one license or multiple licenses to one owner or multiple owners or any combination thereof. A notarized statement showing agreement for the transfer of all owners of the business is required to complete this transaction.
  - (C) If a business is sold, the business may transfer the license or licenses of the business to the successor business at the time of sale.
  - (D) If an owner leaves the business, any license owned by that owner may be transferred back to themselves as an individual at the time the owner leaves the business, provided the owner was the last individual to own the license before the business owned the license. A notarized statement

showing agreement for the transfer of all owners of the business is required to complete this transaction.

- (9) Transfer of Standard or Retired Standard Commercial Fishing License for a Deceased Licensee:
  - (A) If an immediate surviving family member of the deceased licensee is eligible to hold the deceased licensee's Standard Commercial Fishing License or Retired Standard Commercial Fishing License, the Administrator or Executor shall give written notification within six months after the Administrator or Executor qualifies under G.S. 28A to the Division of the request to transfer the deceased's license to the estate Administrator or Executor.
  - (B) A transfer to the Administrator or Executor shall be made according to the provisions of Subparagraphs (2) through (4) of this Paragraph. The Administrator or Executor shall provide a copy of the deceased licensee's death certificate, a copy of the certificate of administration, and a list of eligible immediate family members to the Division.
  - (C) The Administrator or Executor shall only transfer a license in the Administrator or Executor name on behalf of the estate to an eligible surviving family member. The surviving family member transferee shall only transfer the license to a third party purchaser of the deceased licensee's fishing vessel. Transfers shall be made according to the provisions of Subparagraphs (2) through (4) of this Paragraph.

*History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.3; 113-168.6; 113-182; 143B-289.52; Eff. January 1, 1991; Amended Eff. March 1, 1994; Temporary Amendment Eff. August 1, 1999; July 1, 1999; Amended Eff. August 1, 2000; Readopted Eff. March 17, 2021.*

#### **15A NCAC 030 .0109 ASSIGNMENT OF STANDARD COMMERCIAL FISHING LICENSE**

- (a) For the purpose of this Rule, "licensee" shall mean the person issued a Standard Commercial Fishing License and "assignee" shall mean the individual to whom the licensee assigns a Standard Commercial Fishing License in accordance with the requirements of this Rule.
- (b) The Division of Marine Fisheries shall provide assignment forms to the licensee upon request. Only Division assignment forms shall be used to obtain an assignment. On the assignment form, the licensee shall designate what, if any, endorsements are included in the assignment. Endorsements shall not be assigned independent of the Standard Commercial Fishing License. It shall be unlawful for the licensee or the assignee to fail to submit within five days the completed assignment form to any office of the Division in person or by mail to the Morehead City Office. The Morehead City Office is located at 3441 Arendell Street, Morehead City, North Carolina, 28557. If the completed assignment form is not received by the Division within five days from the date it was signed, the assignment shall be null and void. Incomplete forms shall be returned to the licensee with deficiency in the form so noted. An assignment is in effect from the date specified on the assignment form and when:
  - (1) the assignment form is complete with all required information;
  - (2) signatures of the current license holder and the assignee are notarized; and
  - (3) the assignee has in the assignee's possession the current licensee's original actual Standard Commercial Fishing License, including applicable endorsements in accordance with G.S. 113-169.2.
- (c) For an extension of time for assignments, a new assignment form shall be completed in accordance with Subparagraphs (b)(1) through (b)(3) of this Rule.
- (d) Assignments shall terminate:
  - (1) when the date specified on the assignment form is reached;
  - (2) if the licensee or assignee are determined ineligible for a license or assignment;
  - (3) if the Division receives a notarized statement from the current license holder stating a revised date for an earlier assignment termination;
  - (4) upon the licensee or assignee's death; or
  - (5) when the Standard Commercial Fishing License expires.
- (e) It shall be unlawful for an individual assigned a Standard Commercial Fishing License when involved in a commercial fishing operation to fail to have the original actual Standard Commercial Fishing License, any assigned endorsements, and a copy of the assignment form in the individual's possession ready at hand for inspection in accordance with G.S. 113-168.1.
- (f) All landings occurring during the time of the assignment shall be credited to the licensee, not the assignee.



(g) It shall be unlawful to be assigned more than a single Standard Commercial Fishing License at any one time. It shall be unlawful to assign a Standard Commercial Fishing License to more than one individual at any one time. Assignments shall only be made by the licensee and shall not be further assigned by assignees. Masters identified on the Standard Commercial Fishing Licenses of corporations consisting of an individual fishing vessel shall not assign such licenses.

(h) It shall be unlawful for a person to accept assignment of a Standard Commercial Fishing License for which they are ineligible.

(i) It shall be unlawful for any assignee of a Standard Commercial Fishing License not to return the assignment and the Standard Commercial Fishing License with any assigned endorsements to the licensee within five days of notice that the assignment has been terminated or a demand by the licensee to return the license.

*History Note: Authority G.S. 113-134; 113-135; 113-168.1; 113-168.2; 113-168.5; 113-169.2; 113-182; 113-187; 143B-289.52; Eff. January 1, 1991; Temporary Amendment Eff. October 2, 1999; July 1, 1999; Amended Eff. August 1, 2000; Readopted Eff. March 15, 2023.*

#### **15A NCAC 030 .0110 LICENSE REFUNDS**

All license fees are non-refundable except if licenses are issued by the Division of Marine Fisheries in error.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 147-84; Eff. March 1, 1995; Temporary Amendment Eff. July 1, 1999; Amended Eff. August 1, 2000; Readopted Eff. June 1, 2022.*

#### **15A NCAC 030 .0111 SURRENDER OF LICENSES**

(a) It shall be unlawful for any licensee to refuse to surrender to an agent of the Secretary all licenses, license receipts, endorsements, commercial fishing vessel registration or decals, and other forms and records relating to the license following service of notice of suspension or revocation of licenses in accordance with G.S. 113-171 and Rule .0114 of this Section.

(b) It shall be unlawful for any person in custody or possession of any licenses, license receipt, endorsements, commercial fishing vessel registration or decals, and other documentation required to be surrendered to refuse to surrender same to an agent of the Secretary making such demand.

(c) A license issued by the Division in error shall be required to be surrendered immediately upon service of a notice by an agent of the Fisheries Director to surrender the license.

*History Note: Authority G.S. 113-134; 113-171; 113-182; 143B-289.52; S.L. 2010-145, s. 1; Temporary Adoption Eff. July 1, 1999; Eff. August 1, 2000; Amended Eff. October 1, 2012; Readopted Eff. March 15, 2023.*

#### **15A NCAC 030 .0112 FOR-HIRE LICENSE REQUIREMENTS**

(a) The license requirements for an operator of a vessel engaged in a for-hire operation are set forth in G.S. 113-174.3. Either the vessel owner or the for-hire vessel operator may seek to obtain the applicable for-hire vessel license. Only the vessel owner shall seek to obtain the applicable registration and endorsement required by G.S. 113-168.6. For the purpose of this Rule, "for-hire vessel operator" shall include the holder of a Blanket For-Hire Captain's Coastal Recreational Fishing License, Blanket For-Hire Vessel Coastal Recreational Fishing License, or Non-Blanket For-Hire Vessel License, as set forth in G.S. 113-174.3.

(b) It shall be unlawful for a for-hire vessel operator to operate without:

- (1) holding the United States Coast Guard certification required in Rule .0101(a) of this Section;
- (2) having a copy of the for-hire license in possession and ready at hand for inspection; and
- (3) having current picture identification in possession and ready at hand for inspection.

(c) If requested by the Division of Marine Fisheries, it shall be unlawful for a for-hire vessel operator to fail to participate in and provide accurate information for biological sampling in accordance with 15A NCAC 03I .0113 and for survey programs administered by the Division.

(d) Requirements for display of licenses and registrations for a vessel engaged in for-hire recreational fishing are set forth in Rule .0106 of this Section.

*History Note:* Authority G.S. 113-134; 113-168.6; 113-174.1; 113-174.3; 143B-289.52;  
Eff. July 1, 2008;  
Readopted Eff. April 1, 2019.

#### **15A NCAC 030 .0113 OCEAN FISHING PIER REPORTING REQUIREMENTS**

It shall be unlawful for the responsible party of the Ocean Fishing Pier License to fail to provide to the Division of Marine Fisheries by the 10th of each month a daily count of anglers fishing from the licensed pier from the previous month, including a daily count of zero for days when anglers did not fish. The information shall be submitted on a paper form provided by the Division or via electronic mail to the electronic mail address provided at the time of license issuance.

*History Note:* Authority G.S. 113-134; 113-169.4; 113-170.3; 113-174.1; 113-182; 143B-289.52;  
Eff. April 1, 2011;  
Amended Eff. May 1, 2015;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 030 .0114 SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES**

(a) All commercial and recreational licenses issued under Article 14A, Article 14B, and Article 25A of Chapter 113 shall be subject to suspension and revocation.

(b) A conviction resulting from being charged by an inspector under G.S. 14-32, 14-33, 14-72, or 14-399 shall be deemed a conviction for the purposes of license suspension or revocation.

(c) Upon receipt of notice of a licensee's conviction as specified in G.S. 113-171 or a conviction as specified in Paragraph (b) of this Rule, the Fisheries Director shall determine whether it is a first, second, third, fourth, or subsequent conviction. Where several convictions result from a single transaction or occurrence, the convictions shall be treated as a single conviction for the purposes of license suspension or revocation. For a second conviction, the Fisheries Director shall suspend all licenses issued to the licensee for a period of 30 days; for a third conviction, the Fisheries Director shall suspend all licenses issued to the licensee for a period of 90 days; for a fourth or subsequent conviction, the Fisheries Director shall revoke all licenses issued to the licensee, except:

- (1) for a felony conviction under G.S. 14-399, the Fisheries Director shall suspend all licenses issued to the licensee for a period of one year;
- (2) for a first conviction under G.S. 113-187(d)(1), the Fisheries Director shall suspend all licenses issued to the licensee for a period of one year; for a second or subsequent conviction under G.S. 113-187(d)(1), the Fisheries Director shall revoke all licenses issued to the licensee;
- (3) for a conviction under G.S. 14-72, 113-208, 113-209, 113-268, or 113-269, the Fisheries Director shall revoke all licenses issued to the licensee; and
- (4) for a conviction under G.S. 14-32 or 14-33, if the offense was committed against a marine fisheries inspector, the Fisheries Director shall revoke all licenses issued to the licensee and the former licensee shall not be eligible to apply for reinstatement of a revoked license or for any additional license authorized in Article 14A, Article 14B, or Article 25A of Chapter 113 for a period of two years.

(d) After the Fisheries Director determines that a conviction requires a suspension or revocation of the licenses of a licensee, the Fisheries Director shall cause the licensee to be served with written notice of suspension or revocation. If the licensee is not an individual, the written notice shall be served upon any responsible individual affiliated with the corporation, partnership, or association. The notice of suspension or revocation shall be served by an inspector or other agent of the Department or by certified mail, shall state the ground upon which it is based, and shall take effect immediately upon service. The agent of the Fisheries Director making service shall collect all license certificates and plates and other forms or records relating to the license as directed by the Fisheries Director. Upon service of a notice of suspension or revocation of a license, it shall be unlawful to fail to surrender any license so suspended or revoked.

(e) If a license has been suspended, the former licensee shall not be eligible to apply for reissuance of license or for any additional license authorized in Article 14A, Article 14B, or Article 25A of Chapter 113 during the suspension period.

Licenses shall be returned to the licensee by the Fisheries Director or the Director's agents at the end of a period of suspension.

(f) Where a license has been revoked, the former licensee shall not be eligible to apply for reinstatement of a revoked license or for any additional license authorized in Article 14A, Article 14B and Article 25A of Chapter 113 for a period of one year, except as provided in Subparagraph (c)(4) of this Rule. For a request for reinstatement following revocation, the former licensee shall describe in the request how the licensee will conduct the operations for which the license is sought in accordance with all applicable laws and rules, shall submit the request in writing, and shall mail the request to the Fisheries Director, Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557. Upon the application of an eligible former licensee after revocation, the Fisheries Director may issue one license sought but not another, as necessary to prevent the hazard of recurring violations of the law.

*History Note: Authority G.S. 113-134; 113-168.1; 113-171; 113-182; 143B-289.52; S.L. 2010-145, s. 1; Eff. October 1, 2012; Amended Eff. May 1, 2017; Readopted Eff. March 15, 2023.*

## **SECTION .0200 – SHELLFISH LEASES AND FRANCHISES**

### **15A NCAC 030 .0201 STANDARDS AND REQUIREMENTS FOR SHELLFISH LEASES AND FRANCHISES**

(a) All areas of the public bottom underlying Coastal Fishing Waters shall meet the following standards and requirements, in addition to the standards in G.S. 113-202, in order to be deemed suitable for leasing for shellfish aquaculture purposes:

- (1) the proposed shellfish lease area shall not contain a "natural shellfish bed," as defined in G.S. 113-201.1, or have 10 bushels or more of shellfish per acre;
- (2) the proposed shellfish lease area shall not be closer than 250 feet from a developed shoreline or a water-dependent shore-based structure, except no minimum setback is required when the area to be leased borders the applicant's property, the property of "riparian owners" as defined in G.S. 113-201.1 who have consented in a notarized statement, or is in an area bordered by undeveloped shoreline. For the purposes of this Rule, a water-dependent shore-based structure shall include docks, wharves, boat ramps, bridges, bulkheads, and groins;
- (3) the proposed shellfish lease area shall not be closer than 250 feet to an existing lease;
- (4) the proposed shellfish lease area, either alone or when considered cumulatively with existing leases in the area, shall not interfere with navigation or with existing, traditional uses of the area; and
- (5) the proposed shellfish lease area shall not be less than one-half acre and shall not exceed 10 acres.

(b) To be suitable for leasing for shellfish aquaculture purposes, shellfish water column leases superjacent to a shellfish bottom lease shall meet the standards in G.S. 113-202.1 and shellfish water column leases superjacent to franchises recognized pursuant to G.S. 113-206 shall meet the standards in G.S. 113-202.2.

(c) Franchises recognized pursuant to G.S. 113-206 and shellfish bottom leases shall be terminated unless they meet the following requirements, in addition to the standards in and as allowed by G.S. 113-202:

- (1) they produce and market 10 bushels of shellfish per acre per year; and
- (2) they are planted with 25 bushels of seed shellfish per acre per year or 50 bushels of cultch per acre per year, or a combination of cultch and seed shellfish where the percentage of required cultch planted and the percentage of required seed shellfish planted totals at least 100 percent.

(d) Shellfish water column leases shall be terminated unless they meet the following requirements, in addition to the standards in and as allowed by G.S. 113-202.1 and G.S. 113-202.2:

- (1) they produce and market 40 bushels of shellfish per acre per year; or
- (2) the underlying bottom is planted with 100 bushels of cultch or seed shellfish per acre per year.

(e) The following standards shall be applied to determine compliance with Paragraphs (c) and (d) of this Rule:

- (1) Only shellfish marketed, planted, or produced as defined in 15A NCAC 03I .0101 as the fishing activities "shellfish marketing from leases and franchises," "shellfish planting effort on leases and franchises," or "shellfish production on leases and franchises" shall be included in the shellfish lease and franchise reports required by Rule .0207 of this Section.
- (2) If more than one shellfish lease or franchise is used in the production of shellfish, one of the leases or franchises used in the production of the shellfish shall be designated as the producing lease or franchise for those shellfish. Each bushel of shellfish shall be produced by only one shellfish lease or franchise. Shellfish

transplanted between shellfish leases or franchises shall be credited as planting effort on only one lease or franchise.

- (3) Production and marketing information and planting effort information shall be compiled and averaged separately to assess compliance with the requirements of this Rule. The shellfish lease or franchise shall meet both the production requirement and the planting effort requirement within the dates set forth in G.S. 113-202.1 and G.S. 113-202.2 to be deemed in compliance for shellfish bottom leases. The shellfish lease or franchise shall meet either the production requirement or the planting effort requirement within the dates set forth in G.S. 113-202.1 and G.S. 113-202.2 to be deemed in compliance for shellfish water column leases.
- (4) All bushel measurements shall be in standard U.S. bushels.
- (5) In determining production and marketing averages and planting effort averages for information not reported in bushel measurements, the following conversion factors shall be used:
  - (A) 300 oysters, 400 clams, or 400 scallops equal one bushel; and
  - (B) 40 pounds of scallop shell, 60 pounds of oyster shell, 75 pounds of clam shell, or 90 pounds of fossil stone equal one bushel.
- (6) Production and marketing rate averages shall be computed irrespective of transfer of the shellfish lease or franchise. The production and marketing rates shall be averaged for the following situations using the time periods described:
  - (A) for an initial shellfish bottom lease or franchise, over the consecutive full calendar years remaining on the bottom lease or franchise contract after December 31 following the second anniversary of the initial bottom lease or franchise;
  - (B) for a renewal shellfish bottom lease or franchise, over the consecutive full calendar years beginning January 1 of the final year of the previous bottom lease or franchise term and ending December 31 of the final year of the current bottom lease or franchise contract;
  - (C) for a shellfish water column lease, over the first five-year period for an initial water column lease and over the most recent five-year period thereafter for a renewal water column lease; or
  - (D) for a shellfish bottom lease or franchise issued an extension period under Rule .0208 of this Section, over the most recent five-year period.
- (7) In the event that a portion of an existing shellfish lease or franchise is obtained by a new lease or franchise holder, the production history for the portion obtained shall be a percentage of the originating lease or franchise production equal to the percentage of the area of lease or franchise site obtained to the area of the originating lease or franchise.

(f) Persons holding five or more acres under all shellfish bottom leases and franchises combined shall meet the requirements established in Paragraph (c) of this Rule before submitting an application for additional shellfish lease acreage to the Division of Marine Fisheries.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-206; 143B-289.52; Eff. January 1, 1991;  
Amended Eff. May 1, 1997; March 1, 1995; March 1, 1994; September 1, 1991;  
Temporary Amendment Eff. October 1, 2001;  
Amended Eff. May 1, 2017; October 1, 2008; April 1, 2003;  
Readopted Eff. August 23, 2022.*

### **15A NCAC 030 .0202 SHELLFISH LEASE APPLICATIONS**

(a) Application forms are available from the Division of Marine Fisheries, 3441 Arendell Street, Morehead City, NC 28557 for persons desiring to apply for a shellfish lease. Each application shall be accompanied by a map or diagram prepared at the applicant's expense including an inset vicinity map showing the location of the proposed shellfish lease with detail sufficient to permit on-site identification pursuant to G.S. 113-202(d1).

(b) As a part of the application, the applicant shall submit a Shellfish Lease Management Plan for the area to be leased for shellfish aquaculture purposes on a form provided by the Division that shall:

- (1) state the methods through which the applicant will cultivate and produce shellfish consistent with the requirements in accordance with Rule .0201 of this Section;
- (2) state the time intervals during which phases of cultivation and production will be achieved;
- (3) state the materials and techniques that will be utilized in management of the shellfish lease;
- (4) forecast the results expected to be achieved by the Shellfish Lease Management Plan activities;

- (5) describe the productivity of any other shellfish leases or franchises held by the applicant; and
  - (6) state the locations of each corner defining the area to be leased with no more than eight corners.
- (c) The completed application, map or diagram, and Shellfish Lease Management Plan for the requested shellfish lease shall be accompanied by the non-refundable filing fee set forth in G.S. 113-202(d1), G.S. 113-202.1(c)(1), and G.S. 113-202.2(c)(1). An incomplete application shall be returned and not considered further until re-submitted complete with all required information.
- (d) Applicants and transferees not currently holding a shellfish lease, and applicants and transferees holding one or more shellfish leases that are not meeting production requirements, shall complete the Shellfish Aquaculture Education Program provided by the Division. The Shellfish Aquaculture Education Program shall provide the applicant information on shellfish aquaculture including:
- (1) shellfish lease application process;
  - (2) shellfish lease requirements and techniques;
  - (3) shellfish sanitation and National Shellfish Sanitation Program requirements;
  - (4) shellfish harvest requirements;
  - (5) aquaculture permits;
  - (6) best management practices; and
  - (7) shellfish lease user conflict avoidance.
- (e) After an application is deemed to have met all requirements and is accepted by the Division, the applicant shall mark the area for which a shellfish lease is requested with stakes at each corner in accordance with Rule .0204(a)(1)(A) of this Section. The applicant shall attach to each stake a sign, provided by the Division containing the name of the applicant, the date the application was filed, and the estimated acres. The applicant shall be responsible for ensuring the sign remains in place until the shellfish lease application process is completed.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-206; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. April 1, 2011; September 1, 2005; May 1, 1997; September 1, 1991;  
Readopted Eff. August 23, 2022.

#### **15A NCAC 030 .0203 SHELLFISH LEASE APPLICATION PROCESSING**

- (a) After acceptance of a completed shellfish lease application as set forth in Rule .0202 of this Section, the proposed shellfish lease area shall be inspected by agents of the Division of Marine Fisheries. Proposed shellfish lease areas inconsistent with applicable standards contained or referenced in Rule .0201 of this Section shall result in the return of the application for amendment to remove the inconsistencies. If the boundaries of the proposed shellfish lease area are modified, the stakes identifying such areas shall be relocated accordingly by the applicant or applicants. The failure of the applicant or applicants to amend the application or modify the shellfish lease area identification, when required, within 30 days of notification shall result in denial of the application.
- (b) If the initial or amended shellfish lease application is deemed consistent with all applicable requirements, the Secretary or the Secretary's designee shall notify the applicant and publish notices of intention to lease in accordance with the standards in G.S. 113-202(f).
- (c) The Secretary shall consider the shellfish lease application, the Division's proposed lease area analysis, and public comments, and may in the Secretary's discretion lease or decline to lease the proposed lease area or any part thereof. Special conditions may be imposed so that shellfish leases may be issued that would otherwise be denied. Should an applicant decide not to accept any special condition imposed on the shellfish lease by the Secretary, the application shall be considered denied.
- (d) After approval of a shellfish lease by the Secretary, the applicant or applicants shall mark the lease in accordance with Rule .0204 of this Section within 30 days of approval.
- (e) Proposed shellfish bottom lease areas remain public bottom until a lease contract has been executed by the Secretary.
- (f) Proposed shellfish water column lease areas superjacent to bottom leases and franchises remain public water until a lease contract has been executed by the Secretary.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-206; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. October 1, 2008; March 1, 1994; September 1, 1991;  
Readopted Eff. June 1, 2022.

#### **15A NCAC 030 .0204 MARKING SHELLFISH LEASES AND FRANCHISES**

- (a) All shellfish leases and franchises shall be marked by the lease or franchise holder as follows:
- (1) Shellfish bottom leases and franchises shall be marked by:
    - (A) stakes of wood or plastic material no less than three inches in diameter and no more than 12 inches in diameter at the mean high water mark and extending at least four feet above the mean high water mark for each corner, except stakes more than 12 inches in diameter approved as part of a Coastal Area Management Act Permit issued in accordance with G.S. 113A-118 and G.S. 113-229 shall be allowed. The stakes shall be firmly jettied or driven into the bottom at each corner as identified in Rule .0202(b)(6) of this Section.
    - (B) signs displaying the number of the shellfish lease or franchise and the name of the lease or franchise holder printed in letters at least three inches high shall be firmly attached to each corner stake.
    - (C) yellow light reflective tape or yellow light reflective devices on each corner stake. The yellow light reflective tape or yellow light reflective devices shall be affixed to each corner stake, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.
    - (D) supplementary stakes of wood or plastic material no less than three inches in diameter and no more than four inches in diameter, not farther apart than 150 feet or closer together than 50 feet and extending at least four feet above the mean high water mark, shall be placed along each boundary, except if doing so interferes with the use of traditional navigation channels.
  - (2) Shellfish water column leases shall be marked at each corner of the area by signs giving notice and providing caution in addition to the required signs as identified and approved by the Secretary in the Shellfish Lease Management Plan as set forth in Rule .0202 of this Section.
- (b) Stakes marking areas of management within shellfish bottom leases or franchises, as approved in the Shellfish Lease Management Plan, shall conform to Part (a)(1)(D) of this Rule and may not exceed one for each 1,200 square feet. Marking at concentrations of stakes greater than one for each 1,200 square feet constitutes use of the water column and a shellfish water column lease is required in accordance with G.S. 113-202.1 or G.S. 113-202.2.
- (c) All areas claimed in filings made pursuant to G.S. 113-205 as deeded bottoms through oyster grants issued by the county clerk of court or as private bottoms through perpetual franchises issued by the Shellfish Commission shall be marked in accordance with Paragraph (a) of this Rule, except the sign shall include the number of the franchise rather than the number of the shellfish lease. However, claimed areas not being managed and cultivated shall not be marked.
- (d) It shall be unlawful to exclude or attempt to exclude the public from allowable public trust use of navigable waters on shellfish leases and franchises including fishing, hunting, swimming, wading, and navigation.
- (e) The Division has no duty to protect any shellfish lease or franchise not marked in accordance with Paragraph (a) of this Rule.

*History Note: Authority G.S. 76-40; 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-205; 113-206; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. September 1, 1997; March 1, 1994; October 1, 1992; September 1, 1991;  
Readopted Eff. August 23, 2022.*

#### **15A NCAC 030 .0205 SHELLFISH LEASE RENEWAL**

- (a) Shellfish lease renewal applications shall be provided to lease holders by the Division of Marine Fisheries as follows:
- (1) for a shellfish bottom lease, a renewal application shall be provided in January of the year of expiration.
  - (2) for a shellfish water column lease, a renewal application shall be provided at least 90 days prior to the expiration date.
- (b) A shellfish lease renewal application shall be accompanied by a Shellfish Lease Management Plan that meets the requirements of Rule .0202 of this Section. The non-refundable filing fee set forth in G.S. 113-202(j) shall accompany each renewal application for a shellfish bottom lease.
- (c) To be eligible to renew a shellfish lease, persons holding any acres under a shellfish lease or franchise shall meet the requirements established in Rules .0201 and .0204 of this Section and 15A NCAC 030 .0503(a).
- (d) If it is determined, after due notice to the shellfish lease holder and after opportunity for the lease holder to be heard, that the lease holder has not complied with the requirements of this Section or that the lease as issued is inconsistent with this Section, the Secretary may decline to renew, at the end of the current terms, any lease. The shellfish lease holder may appeal the Secretary's decision by filing a petition for a contested case under G.S. 150B-23.

(e) Pursuant to G.S. 113-202(a)(6), the Secretary is not authorized to approve renewal of a shellfish lease in an area designated as polluted by a proclamation issued by the Fisheries Director. Excluded from this requirement are shellfish leases located in conditionally approved waters that have been temporarily closed when the conditions of the written management plan are not met as described in 15A NCAC 18A .0905. Shellfish leases partially closed due to pollution shall be amended to exclude the area closed to shellfish harvest prior to renewal.

(f) If the Secretary declines to renew a shellfish lease that has been determined to be inconsistent with the standards of this Section, the Secretary, with the agreement of the lease holder, may issue a renewal lease for all or part of the area previously leased to the lease holder that contains conditions necessary to conform the renewal lease to the requirements of this Section for new leases.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-206; 143B-289.52; Eff. January 1, 1991; Amended Eff. September 1, 2005; May 1, 1997; March 1, 1995; March 1, 1994; October 1, 1992; September 1, 1991; Readopted Eff. June 1, 2022.*

#### **15A NCAC 030 .0206 SHELLFISH LEASE APPLICATION: REQUEST FOR REVIEW**

(a) Any member of the public shall be allowed an opportunity to comment on any shellfish lease application during the public comment period and subsequent public hearing at which the lease application is being considered by the Secretary as set forth in G.S. 113-202.

(b) Procedures for how an applicant or a person other than the applicant who is aggrieved may proceed with a contested case based on dissatisfaction of the Secretary's decision on a shellfish lease application are provided in G.S. 113-202(g). Additionally, a person other than the applicant who is aggrieved may submit a request for a determination of the appropriateness of a contested case hearing. The request and any supporting documentation for the basis of the aggrieved person seeking to commence a contested case shall be submitted within 30 days after the disputed decision is made to the Shellfish Cultivation Lease Review Committee and addressed to the Marine Fisheries Commission Office, Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557. The request shall be submitted on a form provided by the Division.

(c) The Shellfish Cultivation Lease Review Committee shall notify the aggrieved person of the date of the public meeting for the Committee to consider the request no later than seven calendar days before the date of the public meeting.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.52; 143B-289.57; Eff. January 1, 1991; Amended Eff. March 1, 1994; September 1, 1991; Readopted Eff. June 1, 2022.*

#### **15A NCAC 030 .0207 SHELLFISH LEASE AND FRANCHISE PRODUCTION REPORTS**

(a) The holder or holders of a shellfish lease or franchise shall provide an annual production report to the Division of Marine Fisheries by March 31 of each year showing the amounts of material planted, purchased, and harvested; where and when the material was obtained; and when the material was planted in accordance with Rules .0201 and .0202 of this Section. The report shall include documentation of purchased seed in accordance with Rule .0201 of this Section.

(b) The Division shall provide reporting forms annually to each shellfish lease or franchise holder to be used for the annual production report.

(c) Failure by the holder or holders of the shellfish lease or franchise to submit the required annual production report or filing an incomplete report or a report containing false information constitutes grounds for termination as set forth in Rule .0208 of this Section.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-206; 143B-289.52; Eff. January 1, 1991; Amended Eff. September 1, 1991; Readopted Eff. June 1, 2022.*

#### **15A NCAC 030 .0208 TERMINATION PROCEDURES FOR SHELLFISH LEASES AND FRANCHISES**

(a) Procedures for termination of shellfish leases and franchises are provided in G.S. 113-202.

(b) Consistent with G.S. 113-202(11) and G.S. 113-201(b), a shellfish lease or franchise holder that failed to meet the requirements in G.S. 113-202, G.S. 113-202.1, G.S. 113-202.2, or the rules of this Section that govern a determination of failure to utilize the lease on a continuing basis for the commercial production of shellfish may be granted a single extension period of no more than two years per contract period upon a showing of hardship by written notice to the Fisheries Director or the Fisheries Director's designee received prior to the expiration of the lease term that documents one of the following occurrences caused or will cause the lease or franchise holder to fail to meet lease requirements:

- (1) death, illness, or incapacity of the shellfish lease or franchise holder or the holder's immediate family as defined in G.S. 113-168 that prevented or will prevent the lease or franchise holder from working the lease;
- (2) damage to the shellfish lease or franchise from hurricanes, tropical storms, or other severe weather events recognized by the National Weather Service;
- (3) shellfish mortality caused by disease, natural predators, or parasites; or
- (4) damage to the shellfish lease or franchise from a manmade disaster that triggers a state emergency declaration or federal emergency declaration.

(c) In the case of hardship as described in Paragraph (b) of this Rule, the notice shall state the shellfish lease or franchise number. In the case of hardship as described in Subparagraph (b)(1) of this Rule, the notice shall also state the name of the shellfish lease or franchise holder or immediate family member and either the date of death or the date of the illness or incapacity. The Fisheries Director may require a doctor's verification that the illness or incapacity occurred. In the case of hardship as described in Subparagraphs (b)(2) through (b)(4) of this Rule, the notice shall also include documentation of damage to the shellfish lease or franchise. Written notice and supporting documentation shall be addressed to the Director of the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-205; 113-206; 143B-289.52; Eff. January 1, 1991; Amended Eff. May 1, 1997; March 1, 1995; March 1, 1994; October 1, 1992; September 1, 1991; Temporary Amendment Eff. January 1, 2002; October 1, 2001; Amended Eff. May 1, 2017; April 1, 2003; Readopted Eff. June 1, 2022.*

#### **15A NCAC 030 .0209 ASSIGNMENT OF SHELLFISH LEASES AND FRANCHISES**

(a) For the purpose of effecting assignments of shellfish leases or franchises in accordance with this Rule:

- (1) "transfer" shall be defined as any permanent assignment of a shellfish lease or franchise, in whole or in part.
- (2) "sublease" shall be defined as any temporary assignment of a shellfish lease or franchise, in whole or in part.

(b) No transfer or sublease of a shellfish lease or franchise, in whole or in part, shall be valid until notice is provided to the Division of Marine Fisheries as provided in Article 16 of Chapter 113 of the North Carolina General Statutes.

(c) Notice to transfer or sublease a shellfish lease or franchise shall include:

- (1) shellfish lease or franchise number;
- (2) date of transfer or sublease;
- (3) name and city of shellfish lease or franchise holder;
- (4) name and address of transferee or sub-lessee;
- (5) waterbody and county of shellfish lease or franchise being transferred or subleased;
- (6) area description and total acres of shellfish lease or franchise or portion of shellfish lease or franchise being transferred or subleased; and
- (7) end date for a sublease.

The transferee or sub-lessee of a shellfish lease shall provide to the Division the required Shellfish Lease Management Plan and proof of completion of training requirements in accordance with Rule .0202 of this Section.

(d) A shellfish lease or franchise shall not be transferred or subleased to a nonresident of North Carolina in accordance with G.S. 113-202, G.S. 113-202.1, G.S. 113-202.2, and G.S. 113-206.

(e) A shellfish water column lease shall only be transferred in accordance with G.S. 113-202.1(f) and G.S. 113-202.2(f).

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-205; 113-206; 143B-289.52; Eff. January 1, 1991;*



*Amended Eff. April 1, 2011; March 1, 1994; September 1, 1991;  
Readopted Eff. July 1, 2022.*

**15A NCAC 030 .0210 STANDARDS AND REQUIREMENTS FOR FRANCHISES**

- (a) Shellfish Management Plans, prepared in accordance with the standards in Rule .0202 of this Section, shall be provided to the Division of Marine Fisheries within 30 days following formal recognition of a valid chain of title and at ten-year intervals thereafter.
- (b) The Shellfish Management Plan requirements in Paragraph (a) of this Rule and all other requirements and conditions of this Section affecting management of franchises shall apply to all valid franchises.
- (c) Commercial production requirements for franchises shall be identical to that required for shellfish bottom leases in accordance with Rules .0201 and .0207 of this Section averaged over the most recent three-year period after January 1 following the second anniversary of the dates of recognition of claims as valid franchises and continuing throughout the term of Shellfish Management Plans required in Paragraph (a) of this Rule.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.2; 113-205; 113-206; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. October 1, 2008; September 1, 1991;  
Readopted Eff. June 1, 2022.*

**15A NCAC 030 .0211 FISHING GEAR REQUIREMENTS FOR SHELLFISH LEASES AND FRANCHISES**

- (a) It shall be unlawful to use any trawl net, long haul seine, swipe net, dredge, or mechanical method for shellfish on any shellfish lease or franchise except:
- (1) for a holder of a Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises; or
  - (2) for the purpose of placing and retrieving cages, bags, or other aquaculture gear within any shellfish lease or franchise.
- (b) Permits to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises shall be issued by the Division of Marine Fisheries in compliance with 15A NCAC 030 .0500.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-206; 143B-289.52;  
Eff. October 1, 1992;  
Amended Eff. August 1, 1998;  
Readopted Eff. March 15, 2023.*

**SECTION .0300 – RECREATIONAL COMMERCIAL GEAR LICENSES**

**15A NCAC 030 .0301 ELIGIBILITY FOR RECREATIONAL COMMERCIAL GEAR LICENSES**

Recreational Commercial Gear Licenses shall only be issued to individuals.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;  
Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Eff. February 1, 1995;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. August 1, 2000;  
Readopted Eff. March 15, 2023.*

**15A NCAC 030 .0302 AUTHORIZED GEAR FOR RECREATIONAL COMMERCIAL GEAR LICENSES**

- (a) The following are the only commercial fishing gear authorized (including restrictions) for use under a valid Recreational Commercial Gear License:
- (1) one seine 30 feet or over in length but not greater than 100 feet with a mesh length less than two and one-half inches when deployed or retrieved without the use of a vessel or any other mechanical methods. A vessel may be used only to transport the seine;
  - (2) one shrimp trawl with a headrope not exceeding 26 feet in length per vessel;
  - (3) with or without a vessel, five eel, fish, shrimp, or crab pots in any combination, except only two pots of the five may be eel pots. Peeler pots are not authorized for recreational purposes;

- (4) one multiple hook or multiple bait trotline up to 100 feet in length;
- (5) gill nets:
  - (A) not more than 100 yards of gill nets with a mesh length equal to or greater than two and one-half inches except as provided in Part (C) of this Subparagraph. Attendance shall be required at all times;
  - (B) not more than 100 yards of gill nets with a mesh length equal to or greater than five and one-half inches except as provided in Part (C) of this Subparagraph. Attendance shall be required when used from one hour after sunrise through one hour before sunset in Internal Waters east and north of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean east and north of 77° 04.0000' W. Attendance shall be required at all times in Internal Waters west and south of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean west and south of 77° 04.0000' W;
  - (C) not more than 100 yards of gill net may be used at any one time, except that when two or more Recreational Commercial Gear License holders are on board a vessel, a maximum of 200 yards may be used from a vessel; and
  - (D) it shall be unlawful to possess on board a vessel more than 100 yards of gill nets with a mesh length less than five and one-half inches and more than 100 yards of gill nets with a mesh length equal to or greater than five and one-half inches identified as recreational commercial fishing equipment when only one Recreational Commercial Gear License holder is on board a vessel. It shall be unlawful to possess on board a vessel more than 200 yards of gill nets with a mesh length less than five and one-half inches and more than 200 yards of gill nets with a mesh length equal to or greater than five and one-half inches identified as recreational commercial fishing equipment when two or more Recreational Commercial Gear License holders are on board a vessel;
- (6) one hand-operated device generating pulsating electrical current for the taking of catfish in the area described in 15A NCAC 03J .0304;
- (7) skimmer trawls not exceeding 26 feet in total combined width; and
- (8) one pound net used to take shrimp with each lead 10 feet or less in length and with a minimum lead net mesh of one and one-half inches, and enclosures constructed of net mesh of one and one-fourth inches or greater and with all dimensions being 36 inches or less. Attendance shall be required at all times and all gear shall be removed from the water when not being fished. Gear is to be marked and set as specified in 15A NCAC 03J .0501.

(b) It shall be unlawful to use more than the quantity of authorized gear specified in Paragraph (a) of this Rule, regardless of the number of individuals on board a vessel possessing a valid Recreational Commercial Gear License.

(c) It shall be unlawful for an individual to violate the restrictions of or use gear other than that authorized by Paragraph (a) of this Rule.

(d) Unless otherwise provided, this Rule does not exempt Recreational Commercial Gear License holders from the provisions of other applicable rules of the Marine Fisheries Commission or provisions of proclamations issued by the Fisheries Director as authorized by the Marine Fisheries Commission.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;  
 Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
 Eff. February 1, 1995;  
 Temporary Amendment Eff. August 1, 1999; July 1, 1999;  
 Amended Eff. August 1, 2000;  
 Temporary Amendment Eff. August 1, 2000;  
 Amended Eff. April 1, 2009; July 1, 2006; November 1, 2005; August 1, 2002;  
 Readopted Eff. March 15, 2023.*

**15A NCAC 030 .0303 POSSESSION LIMITS FOR RECREATIONAL COMMERCIAL GEAR LICENSES**

(a) It shall be unlawful to possess more than a single recreational possession limit when only one individual on board a vessel possesses a valid Recreational Commercial Gear License, regardless of the number of Recreational Commercial Gear Licenses an individual holds, and recreational commercial fishing equipment as described in Rule .0302(a) of this Section is used, regardless of the number of individuals on board a vessel.

(b) It shall be unlawful to possess individual recreational possession limits in excess of the number of individuals on board a vessel holding a valid Recreational Commercial Gear License except as provided in Paragraph (f) of this Rule.

(c) It shall be unlawful for any individual who holds both a Recreational Commercial Gear License and a Standard or Retired Standard Commercial Fishing License and who is in possession of identified recreational commercial fishing equipment as described in Rule .0302(a) of this Section to exceed the single recreational possession limit.

(d) It shall be unlawful for individuals on board a vessel collectively holding only one Recreational Commercial Gear License and any Standard Commercial Fishing License or Retired Standard Commercial Fishing License and who are in possession of any identified recreational commercial fishing equipment as described in Rule .0302(a) of this Section to exceed the single recreational possession limit.

(e) It shall be unlawful to possess more than 48 quarts, heads on, or 30 quarts, heads off, of shrimp when only one individual on board a vessel possesses a valid Recreational Commercial Gear License, regardless of the number of Recreational Commercial Gear Licenses an individual holds, and recreational commercial fishing equipment as described in Rule .0302(a) of this Section is used.

(f) It shall be unlawful to possess more than 96 quarts, heads on, or 60 quarts, heads off, of shrimp if more than one individual on board a vessel possesses a valid Recreational Commercial Gear License and recreational commercial fishing equipment as described in Rule .0302(a) of this Section is used.

*History Note:* Authority G.S. 113-134; 113-170.4; 113-173; 113-182; 143B-289.52;  
Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Eff. February 1, 1995;  
Temporary Amendment Eff. June 7, 1998;  
Amended Eff. April 1, 1999;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. July 1, 2006; August 1, 2000;  
Readopted Eff. March 15, 2023.

<b>15A NCAC 030 .0304</b>	<b>CONSIDERATION OF APPEAL PETITIONS</b>
<b>15A NCAC 030 .0305</b>	<b>EMERGENCY LICENSES</b>
<b>15A NCAC 030 .0306</b>	<b>HARDSHIP LICENSES</b>
<b>15A NCAC 030 .0307</b>	<b>APPEALS PANEL FINAL DECISION</b>
<b>15A NCAC 030 .0308</b>	<b>OFFICIAL RECORD</b>
<b>15A NCAC 030 .0309</b>	<b>REASONS FOR REVOCATION</b>
<b>15A NCAC 030 .0310</b>	<b>TEMPORARY EMERGENCY VESSEL CRAB LICENSES</b>

*History Note:* Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Authority G.S. 113-134; 113-153.1; 1993 (Regular Session 1994), c. 576, s. 3; 143B-289.52;  
Eff. February 1, 1995;  
Temporary Repeal Eff. July 1, 1999;  
Repealed Eff. August 1, 2000.

## **SECTION .0400 – STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY**

### **15A NCAC 030 .0401 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY BOARD**

(a) The Chair of the Marine Fisheries Commission, the Secretary of the Department of Environmental Quality, and the Fisheries Director may each name a designee and an alternate designee to serve on the Standard Commercial Fishing License Eligibility Board as their representative in their absence.

(b) The Standard Commercial Fishing License Eligibility Board shall not review an application for eligibility without a quorum of the Eligibility Board members or designees being present. Two or more members of the Standard Commercial Fishing License Eligibility Board or their designees constitute a quorum.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;  
Temporary Adoption Eff. April 1, 1999;  
Eff. August 1, 2000;  
Readopted Eff. June 1, 2022.

### **15A NCAC 030 .0402 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY APPLICATION PROCESS**

- (a) Application forms for determination of eligibility for the Standard Commercial Fishing License Eligibility Pool are available at all offices of the Division of Marine Fisheries and online at <https://deq.nc.gov/about/divisions/marine-fisheries/licenses-permits-and-leases/commercial-fishing-licenses/eligibility-pool> and shall be submitted to any Office of the Division for processing.
- (b) Only one application per individual for determination of eligibility for the Standard Commercial Fishing License Eligibility Pool shall be accepted or may be pending at any one time. An applicant may have only one entry in the Standard Commercial Fishing License Eligibility Pool at any one time.
- (c) Individuals who currently hold or are eligible to purchase a Standard or Retired Standard Commercial Fishing License shall not be eligible to apply for additional Standard Commercial Fishing Licenses through the Standard Commercial Fishing License Eligibility Pool.
- (d) If an applicant has died or becomes ineligible and is subsequently selected from the Standard Commercial Fishing License Eligibility Pool, that license eligibility shall automatically revert to the Eligibility Pool.
- (e) Persons claiming retirement from commercial fishing or transferring their Standard Commercial Fishing License shall not be eligible to apply for a Standard Commercial Fishing License through the Standard Commercial Fishing License Eligibility Pool for two years from the date of the last transfer, except as provided in Rule .0404(3) of this Section.
- (f) Applicants shall notify the Division within 30 days of a change of address.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4:24;  
Temporary Adoption Eff. April 1, 1999;  
Eff. August 1, 2000;  
Amended Eff. October 1, 2008; February 1, 2008;  
Readopted Eff. June 1, 2022.

### **15A NCAC 030 .0403 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY BOARD REVIEW**

- (a) After determination of eligibility by the Standard Commercial Fishing License Eligibility Board, applicants will be notified in writing as to the applicant meeting or not meeting required eligibility criteria for the Standard Commercial Fishing License Eligibility Pool.
- (b) The Marine Fisheries Commission shall determine the number of licenses available from the Standard Commercial Fishing License Eligibility Pool at its first regularly scheduled meeting following July 1 of each year.
- (c) The Standard Commercial Fishing License Eligibility Board shall meet to review applications as often as deemed necessary by the Chair of the Eligibility Board.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;  
Temporary Adoption Eff. April 1, 1999;  
Eff. August 1, 2000;  
Amended Eff. February 1, 2008;  
Readopted Eff. June 1, 2022.

### **15A NCAC 030 .0404 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY CRITERIA**

In determining eligibility of an applicant for the Standard Commercial Fishing License Eligibility Pool, the Standard Commercial Fishing License Eligibility Board shall apply the following criteria:

- (1) involvement in commercial fishing:
  - (a) significant involvement in the commercial fishing industry for three of the last five years;
  - (b) significant involvement in commercial fishing or in the commercial fishing industry prior to the last five years;
  - (c) in the case of an applicant who is under 16 years of age, significant involvement in commercial fishing for two out of the last five years with a parent, legal guardian, grandparent, or other adult;  
or
  - (d) significant involvement of the applicant's family in commercial fishing. For the purpose of this Sub-Item, family shall include mother, father, brothers, sisters, spouse, children, grandparents, or legal guardian.

For the purposes of this Rule, "significant involvement" shall mean persons or corporations who are engaged in the actual taking of fish for sale, from the waters of the State, or other states, jurisdictions, or

federal waters, or any licensed dealer or the dealer's employees who purchase fish at the point of landing. Significant involvement does not include activities such as those who transport fish from the point of landing, those who sell or make commercial or recreational fishing gear, those who operate bait and tackle shops unless they are engaged in the actual taking of bait for sale, or those who work in fish markets or crab picking operations;

- (2) compliance with applicable laws, regulations, and rules:
- (a) the applicant shall not have any licenses, endorsements, or Commercial Fishing Vessel Registrations issued by the Division of Marine Fisheries or the right to hold them under suspension or revocation at the time of application or during the eligibility review;
  - (b) if selected for the Standard Commercial Fishing License Eligibility Pool, the applicant shall become ineligible for the Standard Commercial Fishing License Eligibility Pool if any licenses, endorsements, or Commercial Fishing Vessel Registrations or the right to hold them issued by the Division are suspended or revoked;
  - (c) four convictions within the last three years or the number of convictions that would cause suspension or revocation of licenses, endorsements, or Commercial Fishing Vessel Registrations as set forth in Rule .0114 of this Subchapter within the last three years shall result in the application being denied. An applicant for the Standard Commercial Fishing License Eligibility Pool shall provide certification that the applicant does not have four or more marine or estuarine resource convictions during the previous three years, as set forth in Rule .0101 of this Subchapter; and
  - (d) a record of habitual violations evidenced by eight or more convictions in the last 10 years shall result in the application being denied.

For purposes of eligibility for the Standard Commercial Fishing License Eligibility Pool, the term convictions shall include any conviction for violation of any provision of Chapter 113 of the North Carolina General Statutes and any rule implementing or authorized by such statutes, any conviction for violation of G.S. 76-40 and any rule implementing or authorized by such statute, any conviction of Chapter 75A of the North Carolina General Statutes and any rule implementing or authorized by such statutes, any conviction for violation of any provision of Article 7 of Chapter 143B of the North Carolina General Statutes and any rule implementing or authorized by such statutes, any conviction of resist, obstruct, or delay involving a Marine Fisheries Inspector or Wildlife Protector under G.S. 14-223, and any conviction involving assaultive behavior toward a Marine Fisheries Inspector or other governmental official of the Department of Environmental Quality or the Wildlife Resources Commission;

- (3) the applicant shall not have transferred a Standard Commercial Fishing License granted by the Standard Commercial Fishing License Eligibility Board; and
- (4) an applicant for the Standard Commercial Fishing License Eligibility Pool shall meet all other statutory eligibility requirements for a Standard Commercial Fishing License.

*History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24; Temporary Adoption Eff. April 1, 1999; Eff. August 1, 2000; Amended Eff. October 1, 2008; February 1, 2008; Readopted Eff. June 1, 2022.*

#### **15A NCAC 030 .0405 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL APPLICATION DOCUMENTATION**

(a) The Standard Commercial Fishing License Eligibility Pool application form required by Rule .0402 of this Section to be submitted to the Division of Marine Fisheries shall include the following items for the applicant:

- (1) participant identification number;
- (2) full name;
- (3) if applying as a business:
  - (A) business name;
  - (B) state of incorporation;
  - (C) charter state;
  - (D) full name of business owner;
  - (E) full names of business agents, if applicable; and

- (F) type of business entity, either corporation, partnership, sole proprietorship, or limited liability company;
- (4) type of picture identification used to verify the applicant's identify, either state driver's license, state identification card issued by the Division of Motor Vehicles, military identification card, resident alien card, or passport, and identification number and identification expiration date;
- (5) date of birth;
- (6) state of primary residence;
- (7) e-mail address, if applicable;
- (8) physical address;
- (9) mailing address;
- (10) home phone number, business phone number, fax number, and cellular phone number, if applicable; and
- (11) race, gender, height, weight, eye color, and hair color.

If applying as a business, the business agent's information is required for Subparagraphs (a)(2) and (a)(4) through (a)(11) of this Rule.

(b) Documentation for applications for determination of eligibility for the Standard Commercial Fishing License Eligibility Pool shall include:

- (1) statements from individuals verifying the applicant's involvement in commercial fishing or the commercial fishing industry, which shall contain the individual's name, address, and telephone number, and the individual's signature shall be notarized;
- (2) proof of income derived from commercial fishing or the commercial fishing industry. Proof of this income shall be tax records; and
- (3) the extent to which the applicant has complied with federal and state laws, regulations, and rules relating to coastal fishing and protection of the environment. Federal compliance will be verified by a notarized statement from the applicant that the applicant has complied with federal laws, as set forth in Rule .0101 of this Subchapter.

(c) All documents required by this Rule shall be notarized.

(d) Applications shall be legible and complete or they will be returned.

(e) It shall be unlawful to submit false statements on applications or supporting documents. If eligibility is based on false information provided by the applicant, this eligibility shall be automatically revoked.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;  
Temporary Adoption Eff. April 1, 1999;  
Eff. August 1, 2000;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 030 .0406 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL CERTIFICATION**

Annual certification to maintain an eligible application in the Standard Commercial Fishing License Eligibility Pool shall be as follows:

- (1) the applicant shall certify that the information on the applicant's original application is correct and that the applicant desires to remain in the Standard Commercial Fishing License Eligibility Pool. A certification form shall be provided and mailed to the applicant at the last known address by the Division of Marine Fisheries;
- (2) the certification form with any changes, such as address, phone number, or updated fisheries involvement information since the last application or certification, shall be notarized and submitted to the Division within 12 months of the initial application and annually thereafter; and
- (3) failure to return certification that an application is correct or with changes within 30 days from when the Division mailed the form to the applicant shall result in the application being removed from the Standard Commercial Fishing License Eligibility Pool. An applicant that has been removed from the Standard Commercial Fishing License Eligibility Pool shall receive a notice from the Division.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;  
Temporary Adoption Eff. April 1, 1999;  
Eff. August 1, 2000;  
Readopted Eff. June 1, 2022.

## SECTION .0500 - PERMITS

### 15A NCAC 030 .0501 PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS

(a) To obtain a Division of Marine Fisheries permit, an applicant, responsible party, or person holding a power of attorney shall provide the following information:

- (1) the full name, physical address, mailing address, date of birth, and signature of the applicant on the application and, if the applicant is not appearing before a license agent or the designated Division of Marine Fisheries contact, the applicant's signature on the application shall be notarized;
- (2) a current picture identification of the applicant, responsible party, or person holding a power of attorney, acceptable forms of which shall include driver's license, North Carolina Identification card issued by the North Carolina Division of Motor Vehicles, military identification card, resident alien card (green card), or passport or, if applying by mail, a copy thereof;
- (3) for permits that require a list of designees, the full names and dates of birth of the designees of the applicant who will be acting pursuant to the requested permit;
- (4) certification that the applicant and his or her designees do not have four or more marine or estuarine resource convictions during the previous three years;
- (5) for permit applications from business entities:
  - (A) the business name;
  - (B) the type of business entity: corporation, "educational institution" as defined in 15A NCAC 03I .0101, limited liability company (LLC), partnership, or sole proprietorship;
  - (C) the name, address, and phone number of responsible party and other identifying information required by this Subchapter or rules related to a specific permit;
  - (D) for a corporation applying for a permit in a corporate name, the current articles of incorporation and a current list of corporate officers;
  - (E) for a partnership that is established by a written partnership agreement, a current copy of such agreement shall be provided when applying for a permit; and
  - (F) for business entities other than corporations, copies of current assumed name statements if filed with the Register of Deeds office for the corresponding county and copies of current business privilege tax certificates, if applicable; and
- (6) additional information as required for specific permits.

(b) A permittee shall hold a valid:

- (1) Standard or Retired Standard Commercial Fishing License in order to hold:
  - (A) an Atlantic Ocean Striped Bass Commercial Gear Permit;
  - (B) a Permit for Weekend Trawling for Live Shrimp; or
  - (C) a Pound Net Set Permit.

The master designated on the single vessel corporation Standard Commercial Fishing License is the individual required to hold the Permit for Weekend Trawling for Live Shrimp.

- (2) Fish Dealer License in the proper category in order to hold dealer permits for monitoring fisheries under a quota or allocation for that category.

(c) An individual who is assigned a valid Standard Commercial Fishing License with applicable endorsements shall be eligible to hold any permit that requires a Standard Commercial Fishing License except a Pound Net Set Permit.

(d) If mechanical methods to take shellfish are used, a permittee and his designees shall hold a valid Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement in order for a permittee to hold a:

- (1) Depuration Permit;
- (2) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas;
- (3) Permit to Transplant Oysters from Seed Oyster Management Areas;
- (4) Permit to Transplant Prohibited (Polluted) Shellfish; or
- (5) Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises, except as provided in G.S. 113-169.2.

(e) If mechanical methods to take shellfish are not used, a permittee and his designees shall hold a valid Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order for a permittee to hold a:

- (1) Depuration Permit;
- (2) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas;
- (3) Permit to Transplant Oysters from Seed Oyster Management Areas; or

- (4) Permit to Transplant Prohibited (Polluted) Shellfish.
- (f) Aquaculture Operation Permit and Aquaculture Collection Permit:
- (1) A permittee shall hold a valid Aquaculture Operation Permit issued by the Fisheries Director to hold an Aquaculture Collection Permit.
  - (2) The permittee or designees shall hold appropriate licenses from the Division of Marine Fisheries for the species harvested and the gear used under the Aquaculture Collection Permit.
- (g) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) An applicant for an Atlantic Ocean Striped Bass Commercial Gear Permit shall declare one of the following types of gear for an initial permit and at intervals of three consecutive license years thereafter:
    - (A) a gill net;
    - (B) a trawl net; or
    - (C) a beach seine.

For the purpose of this Rule, a "beach seine" shall mean a swipe net constructed of multi-filament or multi-fiber webbing fished from the ocean beach that is deployed from a vessel launched from the ocean beach where the fishing operation takes place. Gear declarations shall be binding on the permittee for three consecutive license years without regard to subsequent annual permit issuance.
  - (2) A person is not eligible for more than one Atlantic Ocean Striped Bass Commercial Gear Permit regardless of the number of Standard Commercial Fishing Licenses, Retired Standard Commercial Fishing Licenses, or assignments held by that person.
- (h) Applications submitted without complete and required information shall not be processed until all required information has been submitted. Incomplete applications shall be returned to the applicant with the deficiency in the application noted.
- (i) A permit shall be issued only after the application is deemed complete and the applicant certifies his or her agreement to abide by the permit general and specific conditions established under 15A NCAC 03J .0501, .0505, 03K .0103, .0104, .0107, .0111, .0401, and Rules .0502 and .0503 of this Section, as applicable to the requested permit.
- (j) In determining whether to issue, modify, or renew a permit, the Fisheries Director or his or her agent shall evaluate factors such as the following:
- (1) potential threats to public health or marine and estuarine resources regulated by the Marine Fisheries Commission;
  - (2) the applicant's demonstration of a valid justification for the permit; and
  - (3) whether the applicant has a history of eight or more fisheries violations within 10 years.
- (k) The Division of Marine Fisheries shall notify the applicant in writing of the denial or modification of any permit request and the reasons therefor. The applicant may submit further information or reasons why the permit should not be denied or modified.
- (l) Permits are valid from the date of issuance through the expiration date printed on the permit. Unless otherwise established by rule, the Fisheries Director may establish the issuance timeframe for specific types and categories of permits based on season, calendar year, or other period based upon the nature of the activity permitted, the duration of the activity, compliance with federal or State fishery management plans or implementing rules, conflicts with other fisheries or gear usage, or seasons for the species involved. The expiration date shall be specified on the permit.
- (m) For permit renewals, the permittee's signature on the application shall certify all information is true and accurate. Notarized signatures on renewal applications shall not be required.
- (n) It shall be unlawful for a permit holder to fail to notify the Division of Marine Fisheries within 30 days of a change of name or address, in accordance with G.S. 113-169.2.
- (o) It shall be unlawful for a permit holder to fail to notify the Division of Marine Fisheries of a change of designee prior to use of the permit by that designee.
- (p) Permit applications shall be available at all Division of Marine Fisheries offices.

*History Note:* Authority G.S. 113-134; 113-169.1; 113-169.2; 113-169.3; 113-182; 113-210; 143B-289.52; Temporary Adoption Eff. September 1, 2000; May 1, 2000; Eff. April 1, 2001; Temporary Amendment Eff. October 1, 2001; Amended Eff. May 1, 2017; May 1, 2015; April 1, 2011; April 1, 2009; July 1, 2008; December 1, 2007; September 1, 2005; April 1, 2003; August 1, 2002; Readopted Eff. April 1, 2019.



- (a) It shall be unlawful to violate any permit condition.
- (b) The following conditions shall apply to all permits issued by the Fisheries Director:
  - (1) it shall be unlawful to:
    - (A) operate under the permit except in areas, at times, and under conditions specified on the permit.
    - (B) operate under a permit without having the permit or copy thereof in possession of the permittee or the permittee's designees at all times of operation and the permit or copy thereof shall be ready at hand for inspection, except for a Pound Net Set Permit.
    - (C) operate under a permit without having a current picture identification in possession and ready at hand for inspection.
    - (D) refuse to allow inspection and sampling of a permitted activity by an agent of the Division of Marine Fisheries.
    - (E) fail to provide complete and accurate information requested by the Division in connection with the permitted activity.
    - (F) provide false information in the application for initial issuance, renewal, or transfer of a permit.
    - (G) hold a permit issued by the Fisheries Director if not eligible to hold any license required as a condition for that permit as stated in Rule .0501 of this Section.
    - (H) fail to provide reports within the timeframe required by the specific permit conditions.
    - (I) fail to keep such records and accounts as required by the rules in this Chapter for determination of conservation policy, equitable and efficient administration and enforcement, or promotion of commercial or recreational fisheries.
    - (J) assign or transfer permits issued by the Fisheries Director, except for a Pound Net Set Permit as authorized by 15A NCAC 03J .0504.
  - (2) the Fisheries Director or the Fisheries Director's agent may, by conditions of the permit, impose on a commercial fishing operation and for recreational purposes any of the following restrictions for the permitted purposes:
    - (A) specify time;
    - (B) specify area;
    - (C) specify means and methods;
    - (D) specify record keeping and reporting requirements;
    - (E) specify season;
    - (F) specify species;
    - (G) specify size;
    - (H) specify quantity;
    - (I) specify disposition of resources;
    - (J) specify marking requirements; and
    - (K) specify harvest conditions.
  - (3) unless specifically stated as a condition on the permit, all statutes, rules, and proclamations shall apply to the permittee and the permittee's designees.

*History Note:* Authority G.S. 113-134; 113-169.1; 113-170.2; 113-170.3; 113-182; 113-210; 143B-289.52; Temporary Adoption Eff. May 1, 2000; Eff. April 1, 2001; Amended Eff. April 1, 2009; September 1, 2005; Readopted Eff. March 15, 2023.

**15A NCAC 030 .0503 PERMIT CONDITIONS; SPECIFIC**

- (a) Aquaculture Operation Permit and Aquaculture Collection Permit:
  - (1) It shall be unlawful to conduct aquaculture operations using marine and estuarine resources without first securing an Aquaculture Operation Permit from the Fisheries Director.
  - (2) It shall be unlawful:
    - (A) to take marine and estuarine resources from Coastal Fishing Waters for aquaculture purposes without first obtaining an Aquaculture Collection Permit from the Fisheries Director;
    - (B) to sell or use for any purpose not related to North Carolina aquaculture marine and estuarine resources taken pursuant to an Aquaculture Collection Permit; or

- (C) to fail to submit to the Fisheries Director an annual report, due on December 1 of each year on the form provided by the Division of Marine Fisheries, stating the amount and disposition of marine and estuarine resources collected under authority of an Aquaculture Collection Permit.
  - (3) Lawfully permitted shellfish relaying activities authorized by 15A NCAC 03K .0103 and .0104 shall be exempt from requirements to have an Aquaculture Operation Permit or Aquaculture Collection Permit issued by the Fisheries Director.
  - (4) Aquaculture Operation Permits and Aquaculture Collection Permits shall be issued or renewed on a calendar year basis.
  - (5) It shall be unlawful to fail to provide the Division with a listing of all designees acting pursuant to an Aquaculture Collection Permit at the time of application.
- (b) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) It shall be unlawful to take striped bass from the Atlantic Ocean in a commercial fishing operation without first obtaining an Atlantic Ocean Striped Bass Commercial Gear Permit.
  - (2) It shall be unlawful to obtain more than one Atlantic Ocean Striped Bass Commercial Gear Permit during a license year, regardless of the number of Standard Commercial Fishing licenses, Retired Standard Commercial Fishing licenses, or assignments.
- (c) Blue Crab Shedding Permit: It shall be unlawful to possess more than 50 blue crabs in a shedding operation without first obtaining a Blue Crab Shedding Permit from the Division of Marine Fisheries.
- (d) Coastal Recreational Fishing License Exemption Permit:
- (1) It shall be unlawful for the responsible party seeking exemption from recreational fishing license requirements for eligible individuals to conduct an organized fishing event held in Joint or Coastal Fishing Waters without first obtaining a Coastal Recreational Fishing License Exemption Permit.
  - (2) The Coastal Recreational Fishing License Exemption Permit shall only be issued for recreational fishing activity conducted solely for the participation and benefit of one of the following groups of eligible individuals:
    - (A) individuals with physical or mental impairment;
    - (B) members of the United States Armed Forces and their dependents, upon presentation of a valid military identification card;
    - (C) individuals receiving instruction on recreational fishing techniques and conservation practices from employees of state or federal marine or estuarine resource management agencies or instructors affiliated with educational institutions; and
    - (D) disadvantaged youths as set forth in 42 U.S. Code 12511.For the purpose of this Paragraph, educational institutions include high schools and other secondary educational institutions.
  - (3) The Coastal Recreational Fishing License Exemption Permit shall be valid for the date, time, and physical location of the organized fishing event for which the exemption is granted and the duration of the permit shall not exceed one year from the date of issuance.
  - (4) The Coastal Recreational Fishing License Exemption Permit shall only be issued if all of the following, in addition to the information required in Rule .0501 of this Section, is submitted to the Fisheries Director, in writing, at least 30 days prior to the event:
    - (A) the name, date, time, and physical location of the event;
    - (B) documentation that substantiates local, state, or federal involvement in the organized fishing event, if applicable;
    - (C) the cost or requirements, if any, for an individual to participate in the event; and
    - (D) an estimate of the number of participants.
- (e) Dealer permits for monitoring fisheries under a quota or allocation:
- (1) During the commercial season opened by proclamation or rule for the fishery for which a dealer permit for monitoring fisheries under a quota or allocation shall be issued, it shall be unlawful for a fish dealer issued such permit to fail to:
    - (A) fax or send via electronic mail by noon daily, on forms provided by the Division of Marine Fisheries, the previous day's landings for the permitted fishery to the Division. Landings for Fridays or Saturdays shall be submitted on the following Monday. If the dealer is unable to fax or electronically mail the required information, the permittee shall call in the previous day's landings to the Division;

- (B) submit the required form set forth in Part (e)(1)(A) of this Rule to the Division upon request or no later than five days after the close of the season for the fishery permitted;
  - (C) maintain faxes and other related documentation in accordance with 15A NCAC 03I .0114;
  - (D) contact the Division daily, regardless of whether a transaction for the fishery for which a dealer is permitted occurred; and
  - (E) record the permanent dealer identification number on the bill of lading or receipt for each transaction or shipment from the permitted fishery.
- (2) Atlantic Ocean Flounder Dealer Permit:
- (A) It shall be unlawful for a fish dealer to allow vessels holding a valid License to Land Flounder from the Atlantic Ocean to land more than 100 pounds of flounder from a single transaction at their licensed location during the open season without first obtaining an Atlantic Ocean Flounder Dealer Permit. The licensed location shall be specified on the Atlantic Ocean Flounder Dealer Permit and only one location per permit shall be allowed.
  - (B) It shall be unlawful for a fish dealer to possess, buy, sell, or offer for sale more than 100 pounds of flounder from a single transaction from the Atlantic Ocean without first obtaining an Atlantic Ocean Flounder Dealer Permit.
- (3) Black Sea Bass North of Cape Hatteras Dealer Permit: It shall be unlawful for a fish dealer to purchase or possess more than 100 pounds of black sea bass taken from the Atlantic Ocean north of Cape Hatteras (35° 15.0321' N) per day per commercial fishing operation during the open season unless the dealer has a Black Sea Bass North of Cape Hatteras Dealer Permit.
- (4) Spiny Dogfish Dealer Permit: It shall be unlawful for a fish dealer to purchase or possess more than 100 pounds of spiny dogfish per day per commercial fishing operation unless the dealer has a Spiny Dogfish Dealer Permit.
- (5) Striped Bass Dealer Permit:
- (A) It shall be unlawful for a fish dealer to possess, buy, sell, or offer for sale striped bass taken from the following areas without first obtaining a Striped Bass Dealer Permit validated for the applicable harvest area:
    - (i) the Atlantic Ocean;
    - (ii) the Albemarle Sound Management Area as designated in 15A NCAC 03R .0201; or
    - (iii) the Joint and Coastal Fishing Waters of the Central/Southern Management Area as designated in 15A NCAC 03R .0201.
  - (B) No permittee shall possess, buy, sell, or offer for sale striped bass taken from the harvest areas opened by proclamation without having a valid Division of Marine Fisheries-issued tag for the applicable area affixed through the mouth and gill cover or, in the case of striped bass imported from other states, a similar tag that is issued for striped bass in the state of origin. Division striped bass tags shall not be bought, sold, offered for sale, or transferred. Tags shall be obtained at the Division offices. The Division shall specify the quantity of tags to be issued based on historical striped bass landings. It shall be unlawful for the permittee to fail to surrender unused tags to the Division upon request.
- (f) Horseshoe Crab Biomedical Use Permit:
- (1) It shall be unlawful to use horseshoe crabs for biomedical purposes without first obtaining a permit.
  - (2) It shall be unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to submit an annual report on the use of horseshoe crabs to the Division of Marine Fisheries, due on February 1 of each year. Such reports shall be filed on forms provided by the Division and shall include a monthly account of the number of crabs harvested, a statement of percent mortality up to the point of release, the harvest method, the number or percent of males and females, and the disposition of bled crabs prior to release.
  - (3) It shall be unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab. The Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab is incorporated by reference including subsequent amendments and editions. Copies of this plan are available via the Internet from the Atlantic States Marine Fisheries Commission at <http://www.asmf.org/fisheries-management/program-overview> and at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557, at no cost.
- (g) Permit for Weekend Trawling for Live Shrimp:

- (1) It shall be unlawful to take shrimp with trawls from 9:00 p.m. on Friday through 12 noon on Saturday without first obtaining a Permit for Weekend Trawling for Live Shrimp.
- (2) It shall be unlawful for a holder of a Permit for Weekend Trawling for Live Shrimp to use trawls from 12:01 p.m. on Saturday through 4:59 p.m. on Sunday.
- (3) It shall be unlawful for a permit holder during the timeframe specified in Subparagraph (k)(1) of this Rule to:
  - (A) use trawl nets to take live shrimp except from areas open to the harvest of shrimp with trawls;
  - (B) take shrimp with trawls that have a combined headrope length of greater than 40 feet in Internal Coastal Waters;
  - (C) possess more than one gallon of dead shrimp (heads on) per trip;
  - (D) fail to have a functioning live bait tank or a combination of multiple functioning live bait tanks, with aerators or circulating water, with a minimum combined tank capacity of 50 gallons; or
  - (E) fail to call the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-726-7021 prior to each weekend use of the permit, specifying activities and location.

(h) Pound Net Set Permit: The holder of a Pound Net Set Permit shall follow the Pound Net Set Permit conditions as set forth in 15A NCAC 03J .0505.

(i) Scientific or Educational Activity Permit:

- (1) It shall be unlawful for institutions or agencies seeking exemptions from license, rule, proclamation, or statutory requirements to collect, hold, culture, or exhibit for scientific or educational purposes any marine or estuarine species without first obtaining a Scientific or Educational Activity Permit.
- (2) The Scientific or Educational Activity Permit shall only be issued for collection methods and possession allowances approved by the Division of Marine Fisheries.
- (3) The Scientific or Educational Activity Permit shall only be issued for approved activities conducted by or under the direction of Scientific or Educational institutions as defined in 15A NCAC 03I .0101.
- (4) It shall be unlawful for the responsible party issued a Scientific or Educational Activity Permit to fail to submit an annual report on collections and, if authorized, sales to the Division, due on December 1 of each year, unless otherwise specified on the permit. The reports shall be filed on forms provided by the Division. Scientific or Educational Activity permits shall be issued on a calendar year basis.
- (5) It shall be unlawful to sell marine or estuarine species taken under a Scientific or Educational Activity Permit without:
  - (A) the required license for such sale;
  - (B) an authorization stated on the permit for such sale; and
  - (C) providing the information required by 15A NCAC 03I .0114 if the sale is to a licensed fish dealer.
- (6) It shall be unlawful to fail to provide the Division with a list of all designees acting under a Scientific or Educational Activity Permit at the time of application.
- (7) The permittee or designees utilizing the permit shall call the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-726-7021 not later than 24 hours prior to use of the permit, specifying activities and location.

(j) Under Dock Oyster Culture Permit:

- (1) It shall be unlawful to cultivate oysters in containers under docks for personal consumption without first obtaining an Under Dock Oyster Culture Permit.
- (2) An Under Dock Oyster Culture Permit shall be issued only in accordance with provisions set forth in G.S. 113-210(c).
- (3) The applicant shall complete and submit an examination, with a minimum of 70 percent correct answers, based on an educational package provided by the Division of Marine Fisheries pursuant to G.S. 113-210(j), demonstrating the applicant's knowledge of:
  - (A) the application process;
  - (B) permit criteria;
  - (C) basic oyster biology and culture techniques;
  - (D) shellfish harvest area closures due to pollution;
  - (E) safe handling practices;
  - (F) permit conditions; and
  - (G) permit revocation criteria.
- (4) Action by an Under Dock Oyster Culture Permit holder to encroach on or usurp the legal rights of the public to access public trust resources in Coastal Fishing Waters shall result in permit revocation.

*History Note: Authority G.S. 113-134; 113-169.1; 113-169.2; 113-169.3; 113-182; 113-210; 143B-289.52; Temporary Adoption Eff. September 1, 2000; August 1, 2000; May 1, 2000; Eff. April 1, 2001; Amended Eff. May 1, 2017; May 1, 2015; April 1, 2014; April 1, 2009; July 1, 2008; January 1, 2008; September 1, 2005; October 1, 2004; August 1, 2004; August 1, 2002; Readopted Eff. April 1, 2019.*

#### **15A NCAC 030 .0504 SUSPENSION AND REVOCATION OF PERMITS**

(a) All commercial and recreational permits issued under Article 14A, Article 14B, and Article 25A of Chapter 113, and rules of the Marine Fisheries Commission shall be subject to suspension and revocation. For the purpose of this Rule and in accordance with G.S. 150B-2, "permit" includes "certification" and "certificate of compliance".

(b) If a license is required to hold a permit:

- (1) all permits shall be suspended or revoked if the permittee's license privilege has been suspended or revoked as set forth in G.S. 113-171 and Rule .0114 of this Subchapter. The duration of the permit suspension or revocation shall be the same as the license suspension or revocation.
- (2) in the event a person makes application for a new permit during any period of license or permit suspension, no new permit shall be issued during the suspension period.
- (3) in the case of revocation of license privileges, the former licensee shall not be eligible to apply for reinstatement of a revoked permit while license privileges are revoked.

(c) If a license is not required to hold a permit, in the case of revocation of a permit, the former permittee shall not be eligible to apply for reinstatement of a revoked permit for a period of six months.

(d) It shall be unlawful to violate any permit condition. For violation of permit conditions as specified on the permit, permits may be suspended or revoked according to the following schedule:

- (1) violation of one permit condition in a three-year period, permit shall be suspended for 10 days.
- (2) violation of two permit conditions in a three-year period, permits shall be suspended for 30 days.
- (3) violation of three permit conditions in a three-year period, permits shall be revoked for a period not less than six months.
- (4) violation of any permit conditions as set forth in 15A NCAC 03J .0505(a), permits may be revoked and the former permittee may not be eligible to apply for any future Pound Net Set Permits.

If several permit conditions are violated as a result of a single transaction or occurrence, the permit violations shall be treated as a single violation for the purpose of suspension or revocation.

(e) Permit designees shall not be permitted to participate in a permit operation during any period they are under license suspension or revocation.

(f) If violation of permit conditions requires suspension or revocation of a permit, the Fisheries Director shall cause the permittee to be served with written notice of the intent to commence suspension or revocation. If the permittee is not an individual, the written notice shall be served upon any responsible individual affiliated with the corporation, partnership, or association. The notice of the intent to commence suspension or revocation shall be served by an inspector or other agent of the Department or by certified mail, and shall state the grounds upon which it is based.

(g) The Fisheries Director shall order summary suspension of a permit if he or she finds that the public health, safety, or welfare requires emergency action. Upon such determination, the Fisheries Director shall issue an order giving the reasons for the emergency action. The effective date of the order shall be the date specified on the order or the date of service of a certified copy of the order at the last known address of the permittee, whichever is later.

(h) Upon service of a notice of suspension or revocation of a permit, it shall be unlawful to fail to surrender any permit so suspended or revoked.

(i) It shall be unlawful to fail to surrender a permit issued by the Division in error immediately upon service of a notice by an agent of the Fisheries Director to surrender the permit.

(j) It shall be unlawful to fail to remove all gear, markers, and devices associated with an Aquaculture Operation Permit within 30 days after expiration of the Aquaculture Operation Permit, termination of a shellfish lease for which the Aquaculture Operation Permit was issued, or notice by the Fisheries Director that an existing Aquaculture Operation Permit has been revoked or denied. Similar requirements for gear removal for a Pound Net Set Permit are described in 15A NCAC 03J .0505.

*History Note: Authority G.S. 113-134; 113-171; 113-182; 113-202; 113-221.2; 143B-289.52; 150B-3; S.L. 2010-145; Temporary Adoption Eff. May 1, 2000; Eff. April 1, 2001;*

*Readopted Eff. March 15, 2023.*

**15A NCAC 03O .0505 FEES**

*History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 143B-289.52;  
Temporary Adoption Eff. August 1, 2000; May 1, 2000;  
Temporary Repeal Eff. September 1, 2000;  
Temporary Rule Expired April 13, 2001.*

**15A NCAC 03O .0506 SPECIAL PERMIT REQUIRED FOR SPECIFIC MANAGEMENT PURPOSES**

The Fisheries Director may, by proclamation, require individuals taking marine and estuarine resources regulated by the Marine Fisheries Commission, to obtain a special permit.

*History Note: Authority G.S. 113-134; 113-170.3; 113-182; 113-221; 143B-289.52;  
Temporary Adoption Eff. May 1, 2000;  
Eff. April 1, 2001;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**SUBCHAPTER 03P - ADMINISTRATIVE PROCEDURES**

**SECTION .0100 - HEARING PROCEDURES**

**15A NCAC 03P .0101 LICENSE, PERMIT, OR CERTIFICATE DENIAL: REQUEST FOR REVIEW**

- (a) Except in cases where summary suspension is applicable, before the Division of Marine Fisheries may commence proceedings for suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of a license, notice shall be given to the license holder that the license holder may file a petition for a contested case in accordance with G.S. 113-171(e) and may request a final agency decision in accordance with G.S. 113-171(f).
- (b) For the purpose of this Rule and in accordance with G.S. 150B-2, "permit" includes "certification" and "certificate of compliance."
- (c) Except in cases where G.S. 113-171, 15A NCAC 03O .0114, or summary suspension is applicable, before the Division may commence proceedings for suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of a permit, notice shall be given to the permittee that the permittee:
- (1) may request an opportunity to show compliance with all requirements for retention of the permit by submitting a statement in writing to the personnel designated in the notice to commence proceedings; and
  - (2) has the right, through filing a request for a contested case hearing in the Office of Administrative Hearings, to a hearing before an administrative law judge.
- (d) For a permit related to endangered or threatened species or a species managed by a quota, any statements submitted by the permittee to show compliance with all requirements for retention of the permit shall be postmarked or emailed within five days of receipt of the notice to commence proceedings. For all other permits, any statements submitted by the permittee to show compliance with all requirements for retention of the permit shall be postmarked or emailed within 10 days of receipt of the notice to commence proceedings. Statements and any supporting documentation shall be addressed to the personnel designated in the notice and if mailed, sent to the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557, or if emailed, sent to the email address provided in the notice for the designated personnel.
- (e) Upon receipt of a statement and any supporting documentation from the permittee, the Division shall review the statement and, within 10 days, shall notify the permittee in writing with the Division's determination whether the permittee demonstrated compliance with all requirements for retention of the permit. In making this determination, the Division may consider changes the permittee made enabling the permittee to conduct the operations for which the permit is held in accordance with all applicable laws and rules, and processing errors made by the Division.

*History Note: Authority G.S. 113-134; 113-171; 113-182; 113-221.2; 143B-289.52; 150B-3; 150B-23;  
Eff. January 1, 1991;  
Amended Eff. May 1, 2017; August 1, 1999;  
Readopted Eff. June 1, 2022.*

**15A NCAC 03P .0102 CONTESTED CASE HEARING PROCEDURES**

Contested case hearings shall be held in accordance with Article 3 of Chapter 150B of the General Statutes.

*History Note:* Authority G.S. 113-131; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. August 1, 1999;  
Readopted Eff. June 1, 2022.

**15A NCAC 03P .0103 PETITIONS FOR REGULATORY ACTIVITY**

*History Note:* Authority G.S. 113-134; 143B-289.4; 150B-20;  
Eff. September 1, 1991;  
Amended Eff. May 1, 1992;  
Repealed Eff. April 1, 1999.

**SECTION .0200 - DECLARATORY RULINGS**

**15A NCAC 03P .0201 DECLARATORY RULINGS: GENERALLY**

At the request of any person aggrieved, as defined in G.S. 150B-2(6), the Marine Fisheries Commission may issue a declaratory ruling as provided in G.S. 150B-4 and rules of this Section.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;  
Eff. April 1, 1999;  
Readopted Eff. June 1, 2022.

**15A NCAC 03P .0202 PROCEDURE FOR REQUESTING DECLARATORY RULINGS**

(a) All requests for a declaratory ruling shall be submitted in writing to the Marine Fisheries Commission Chair and addressed to the Marine Fisheries Commission Office, Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557.

(b) All requests shall include the following:

- (1) the petitioner's name and address;
- (2) the rule, statute, or order upon which a ruling is desired;
- (3) a statement as to whether the request is for a ruling on:
  - (A) the validity of a rule;
  - (B) the applicability of a rule, order, or statute to a given factual situation; or
  - (C) a conflict or inconsistency within the Commission or the Department of Environmental Quality regarding interpretation of a law or rule adopted by the Commission;
- (4) arguments or data that demonstrate the petitioner is aggrieved by the rule or statute or its potential application to the petitioner;
- (5) a statement of the consequences of a failure to issue a declaratory ruling in favor of the petitioner;
- (6) a draft of the proposed ruling; and
- (7) a statement of whether an oral argument is desired, and, if so, the reasons for requesting such an oral argument.

(c) A request for a ruling on the validity of a Commission rule shall state the petitioner's reasons for questioning the validity of the rule and a brief or legal memorandum supporting the petitioner's position. A request for a ruling on the applicability of a rule, order, or statute shall include a statement of the specific facts to a given factual situation and documentation supporting those facts. A request for a ruling to resolve a conflict or inconsistency within the Commission or the Department regarding interpretation of a law or rule adopted by the Commission shall include a written description identifying the conflict or inconsistency, the interpretation provided by the agency, and the law or rule in question. A person may ask for multiple types of declaratory rulings in a single request.

(d) In the manner provided in G.S. 150B-23(d), any other person may request to intervene in the request for declaratory ruling. The request to intervene shall be determined by the Commission Chair.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;

*Eff. April 1, 1999;*  
*Readopted Eff. June 1, 2022.*

**15A NCAC 03P .0203 DISPOSITION OF REQUESTS FOR DECLARATORY RULING**

- (a) The Marine Fisheries Commission Chair shall make a determination on the completeness of a request for declaratory ruling based on the requirements of this Section.
- (b) Before the Commission decides the merits of the request, the Commission Chair may:
- (1) request additional written submissions from the petitioner;
  - (2) allow the petitioner to file a reply to the response submitted in accordance with Subparagraph (1) of this Paragraph; and
  - (3) request oral arguments from the petitioner or the petitioner's legal counsel.
- (c) Unless the Division of Marine Fisheries waives the opportunity to be heard, it shall be a party to any request for declaratory ruling. The Division shall be allowed to present a written response and oral arguments to the Commission at a regularly scheduled meeting.
- (d) The Commission shall make a decision to grant or deny the request in accordance with G.S. 150B-4.
- (e) The Commission shall deny the request upon making any of the following findings:
- (1) the request is not complete;
  - (2) the petitioner is not a person aggrieved;
  - (3) there has been a similar determination in a previous contested case or declaratory ruling;
  - (4) the matter is the subject of a pending contested case hearing or litigation in any North Carolina or federal court;
  - (5) no genuine controversy exists as to the application of a statute, order, or rule to the factual situation presented;
  - (6) the factual context put forward as the subject of the declaratory ruling was considered upon the adoption of the rule being questioned, as evidenced by the rulemaking record;
  - (7) the information provided by the petitioner, the Department, or any interveners does not support a determination that a rule is invalid; or
  - (8) there is no material conflict or inconsistency within the Commission or Department regarding the law or rule identified by the petitioner.
- (f) The Commission shall keep a record of each declaratory ruling, which shall include the following items:
- (1) the request for a ruling;
  - (2) any written submission by a party;
  - (3) the statement of facts on which the ruling was based;
  - (4) any transcripts of oral proceedings, or, in the absence of a transcript, a summary of all arguments;
  - (5) any other matter considered by the Commission in making the decision; and
  - (6) the declaratory ruling, or the decision to refuse to issue a declaratory ruling, together with the reasons therefore.
- (g) For purposes of this Section, a declaratory ruling shall be deemed to be in effect until:
- (1) the statute or rule interpreted by the declaratory ruling is repealed or the relevant provisions of the statute or rule are amended or altered;
  - (2) any court of the Appellate Division of the General Court of Justice construes the statute or rule that is the subject of the declaratory ruling in a manner plainly irreconcilable with the declaratory ruling;
  - (3) the Commission changes the declaratory ruling prospectively; or
  - (4) any court sets aside the declaratory ruling in litigation between the Commission or Department of Environmental Quality and the party requesting the ruling.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;*  
*Eff. April 1, 1999;*  
*Readopted Eff. June 1, 2022.*

**SECTION .0300 - PETITIONS FOR RULEMAKING**

**15A NCAC 03P .0301 FORM AND CONTENTS OF PETITIONS FOR RULEMAKING**



- (a) Any person wishing to request the adoption, amendment, or repeal of a rule of the Marine Fisheries Commission shall submit the person's request in a written petition to the Marine Fisheries Commission Chair addressed to the Marine Fisheries Commission Office, Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557.
- (b) The petition shall specify it is filed pursuant to G.S. 150B-20 and shall contain the following information:
  - (1) the text of the proposed rules for adoption or amendment;
  - (2) a statement of the reasons for adoption or amendment of the proposed rules, or the repeal of existing rules;
  - (3) a statement of the effect of the requested rule changes on:
    - (A) existing rules;
    - (B) existing practices in the area involved; and
    - (C) those most likely to be affected by the requested rule changes; and
  - (4) the name and address of the petitioner.
- (c) The petitioner may include the following information within the request:
  - (1) the statutory authority for the agency to promulgate the rules;
  - (2) a statement of the cost factors for persons affected by the proposed rules;
  - (3) a statement explaining the computation of the cost factors;
  - (4) a description, including the names and addresses, if known, of those most likely to be affected by the proposed rules; and
  - (5) documents and data supporting the proposed rules.
- (d) In its review of the proposed rules, the Commission shall consider:
  - (1) whether it has the authority to adopt the rules;
  - (2) the effect of the proposed rules on existing rules, programs, and practices;
  - (3) probable costs and cost factors of the proposed rules; and
  - (4) the impact of the rules on the public and regulated entities.
- (e) A petition failing to contain the required information shall be returned by the Marine Fisheries Commission Chair.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 143B-289.51; 143B-289.52; 150B-20; Eff. April 1, 1999; Readopted Eff. June 1, 2022.

**15A NCAC 03P .0302 REVIEW OF RULEMAKING PETITIONS BY A COMMITTEE OF THE COMMISSION**

- (a) The Marine Fisheries Commission Chair may refer complete petitions, as set forth in Rule .0301 of this Section, to the appropriate standing advisory committees or other advisory committees of the Commission for review and recommended action. Copies of petitions for rulemaking shall be distributed to the Commission members when referred to a committee of the Commission.
- (b) Within 10 days of the assignment of the complete petition, the Chair of the Committee assigned to review a submitted petition for rulemaking shall announce the date of a meeting to consider the petition.
- (c) At least 15 days before the Committee meeting, the Committee Chair shall send notice of the Committee meeting to the petitioner, members of the Commission, and persons who have requested notice of petitions for rulemaking.
- (d) If the petition is referred to a Committee, the petitioner shall be afforded the opportunity to present the petition for rulemaking to the Committee. The Fisheries Director, Division of Marine Fisheries staff, or their legal counsel may make a presentation to the Committee.
- (e) The Committee Chair shall allow one interested person to present the viewpoint of those who oppose initiating rulemaking. The Committee Chair may determine whether additional interested persons shall make oral presentations before the Committee.
- (f) At least 10 days before the Committee meeting, interested persons shall request the opportunity to make a presentation to the Committees through the Chairs of the Committees. The request shall:
  - (1) state the interest of the person;
  - (2) state the person's position on the petition for rulemaking; and
  - (3) be accompanied by supporting materials.
- (g) During the Committee's review, members of the Commission, other than Committee members, who are present may participate as a member of the Committee in discussions of the petition but may not vote on the recommended action on the petition.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52; 150B-20; Eff. April 1, 1999;

*Readopted Eff. June 1, 2022.*

**15A NCAC 03P .0303 PRESENTATION OF RULEMAKING PETITIONS TO THE COMMISSION**

(a) A complete petition for rulemaking, as set forth in Rule .0301 of this Section, shall be presented to the Marine Fisheries Commission for its consideration and determination at the next regularly scheduled meeting of the Commission.

(b) If the petition for rulemaking was reviewed by a Committee pursuant to Rule .0302 of this Section, the petition and the Committee's recommended action shall be presented through the Chair of the Committee or other designated member of the Committee during the business session of the Commission. Unless the Commission Chair rules otherwise, discussion on the petition shall be limited to the members of the Commission, legal counsel to the Commission, the Fisheries Director, Division of Marine Fisheries staff, legal counsel to the Department of Environmental Quality, the petitioner, and the petitioner's legal counsel.

(c) For a petition not referred to a Committee, the Commission Chair shall allow one interested person to present the viewpoint of those who oppose initiating rulemaking. The Commission Chair may determine whether additional interested persons shall make oral presentations before the Commission. At least 10 days before the Commission meeting, interested persons shall request the opportunity to make a presentation to the Commission through the Commission Chair. The request shall:

- (1) state the interest of the person;
- (2) state the person's position on the petition for rulemaking; and
- (3) be accompanied by supporting materials.

(d) Within 120 days following submission of the petition requesting rulemaking, the Marine Fisheries Commission shall:

- (1) grant the petition in writing, notify the petitioner in writing, and initiate rulemaking proceedings in accordance with G.S. 150B-20; or
- (2) deny the petition in writing, stating the reason or reasons for the denial, and send the written denial to the person or persons who submitted the petition.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-20;  
Eff. April 1, 1999;  
Readopted Eff. June 1 2022.*

**15A NCAC 03P .0304 RECOURSE TO DENIAL OF THE PETITION**

*History Note: Authority G.S. 113-134; 113-182; 143B-289.51; 150B-20;  
Eff. April 1, 1999;  
Repealed Eff. June 1, 2022.*

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

**SECTION .0100 - GENERAL REGULATIONS: JOINT**

**15A NCAC 03Q .0101 SCOPE AND PURPOSE**

The rules in this Section pertain to the classification of the waters of North Carolina as coastal fishing waters, inland fishing waters, and joint fishing waters. These rules are adopted jointly by the Marine Fisheries Commission and the Wildlife Resources Commission. In addition to the classification of the waters of the State, these joint rules set forth guidelines to determine which fishing activities in joint fishing waters are regulated by the Marine Fisheries Commission and which are regulated by the Wildlife Resources Commission. Finally, the joint rules set forth special fishing regulations applicable in joint fishing waters that can be enforced by officers of the Division of Marine Fisheries and the Wildlife Resources Commission. These regulations do not affect the jurisdiction of the Marine Fisheries Commission and the Wildlife Resources Commission in any matters other than those specifically set out.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. September 1, 2022.*

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

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

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. September 1, 2022.*

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

Coastal fishing waters are the Atlantic Ocean, the various coastal sounds, and estuarine waters up to the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters that are tributary to coastal fishing waters and not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are coastal fishing waters. The regulation and licensing of fishing in coastal fishing waters is under the jurisdiction of the Marine Fisheries Commission; except that inland game fish exclusive of spotted seatrout, red drum, flounder, white perch, yellow perch, weakfish, and striped bass are subject to regulations by the Wildlife Resources Commission in coastal fishing waters. Regulations and laws administered by the Marine Fisheries Commission regarding fishing in coastal fishing waters are enforced by marine fisheries inspectors. Regulations regarding inland game fish in coastal fishing waters are enforced by wildlife officers unless otherwise agreed to by the Wildlife Resources Commission.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. September 1, 2022.*

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

Joint fishing waters are those coastal fishing waters denominated by agreement of the Marine Fisheries Commission and the Wildlife Resources Commission pursuant to G.S. 113-132(e) as joint fishing waters. All waters that are tributary to joint fishing waters and not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are classified as joint fishing waters.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. September 1, 2022.*

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

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

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Readopted Eff. September 1, 2022.*

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

(a) All coastal fishing laws and regulations administered by the Department of Environmental Quality and the Marine Fisheries Commission apply to joint fishing waters except as otherwise provided in this Section and shall be enforced by marine fisheries inspectors.

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

- (1) all laws and regulations pertaining to inland game fishes;
- (2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing; and
- (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. July 1, 1999;  
Readopted Eff. September 1, 2022.*

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

The following shall supersede any inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise be applicable in joint fishing waters under the provisions of 15A NCAC 03Q .0106:

- (1) Striped Bass
  - (a) It is unlawful to possess any striped bass or striped bass hybrid that is less than 18 inches total length.
  - (b) It is unlawful to possess striped bass or striped bass hybrids between 22 and 27 inches total length in joint fishing waters of the Central Southern Management Area as designated in 15A NCAC 03R .0201.
  - (c) It is unlawful to possess striped bass or striped bass hybrids May through September in the joint fishing waters of the Central Southern Management Area and the Albemarle Sound Management Area.
  - (d) It is unlawful to possess striped bass or striped bass hybrids taken from the joint fishing waters of the Cape Fear River.
  - (e) It is unlawful to possess more than one daily creel limit of striped bass or striped bass hybrids, in the aggregate, per person per day, regardless of the number of management areas fished.
  - (f) Possession of fish shall be assessed for the creel and size limits of the management area in which the individual is found to be fishing, regardless of the size or creel limits for other management areas visited by that individual in a given day.
  - (g) It is unlawful to engage in net fishing for striped bass or striped bass hybrids in joint fishing waters except as authorized by rules of the Marine Fisheries Commission as set forth in 15A NCAC 03M .0201, .0202, .0204, .0205, and .0512.
- (2) Lake Mattamuskeet:
  - (a) It is unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint fishing waters.
  - (b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint fishing waters.
- (3) Cape Fear River. It is unlawful to use or attempt to use any net, net stakes, or electrical fishing device within 800 feet of the dam at Lock No.1 on the Cape Fear River.
- (4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook-and-line.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. July 1, 1993; November 1, 1991;  
Temporary Amendment Eff. May 1, 2000;  
Amended Eff. July 1, 2008; September 1, 2005; April 1, 2001; August 1, 2000;  
Readopted Eff. March 15, 2023.*

### **15A NCAC 03Q .0108 MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN JOINT FISHING WATERS**

(a) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC 03R .0201.

(b) In order to effectively manage the recreational hook and line harvest in joint fishing waters of the Albemarle Sound-Roanoke River stock of striped bass, the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to establish two management areas: the Albemarle Sound Management Area and the Roanoke River Management Area as designated in 15A NCAC 03R .0201. The Wildlife Resources Commission shall have principal management responsibility for the stock when it is in the joint and inland fishing waters of the Roanoke River Management Area. The Marine Fisheries Commission shall have principal management responsibility for the stock in the coastal, joint, and inland fishing waters of the Albemarle Sound Management Area. The annual quota for recreational harvest of the Albemarle Sound-Roanoke River striped bass stock shall be divided equally between the two management areas. Each commission shall implement management actions for recreational harvest within their respective management areas that will be consistent with the North Carolina Estuarine Striped Bass Fishery Management Plan.

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

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

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

- (1) In the Roanoke River Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether inland or joint fishing waters, shall be vested in the Wildlife Resources Commission. An instrument closing any management area in joint fishing waters shall operate as and shall be a jointly-issued instrument opening or closing seasons or areas to harvest in the Roanoke River Management Area.
- (2) In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether coastal or joint fishing waters, shall be vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota is about to be exceeded. In the Albemarle Sound Management Area administered by the Marine Fisheries Commission, a proclamation affecting the harvest in joint and coastal fishing waters, excluding the Roanoke River Management Area, shall automatically be implemented and effective as a Wildlife Resources Commission action in the inland fishing waters and tributaries to the waters affected.

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

#### **SECTION .0200 - BOUNDARY LINES: COASTAL-JOINT-INLAND FISHING WATERS**

##### **15A NCAC 03Q .0201 SPECIFIC CLASSIFICATION OF WATERS**

The boundary lines of internal coastal waters which are specifically classified as inland, joint, or coastal fishing waters by agreement of the Marine Fisheries Commission and the Wildlife Resources Commission are described in 15A NCAC 03Q .0202 under the coastal counties in which such waters or portions thereof are located. Indentation indicates the waterbody named is tributary to the next preceding waterbody named and not so indented. The specific classification applies to the main stem of the described waterbody. A waterbody that is not specifically classified as inland, joint, or coastal fishing waters in 15A NCAC 03Q .0202 carries the same classification as that assigned to the waterbody of which it is tributary. The coastal fishing water are found within the area bound by a line running parallel to the shoreline three miles offshore in the Atlantic Ocean and the joint or inland fishing water boundary in internal waters that is listed. The joint waters are found within the area bound by the joint fishing water boundaries described in the rule and the inland water boundaries described. The inland waters

are found within the area bound by the inland fishing water boundary description and the headwaters of that particular waterbody.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**15A NCAC 03Q .0202 DESCRIPTIVE BOUNDARIES FOR COASTAL-JOINT-INLAND WATERS**

Descriptive boundaries for Coastal-Joint-Inland Waters referenced in 15A NCAC 03Q .0201 are as follows:

- (1) Beaufort County:
  - (a) Pamlico - Tar River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 32.2167' N - 77° 02.8701' W; running southwesterly along the east side of the railroad bridge to a point on the south shore 35° 32.0267' N - 77° 03.5179' W.
    - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
  - (b) Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354' W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.
    - (i) Flax Pond Bay - All waters within this waterbody are designated as Coastal.
    - (ii) Upper Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.8946' N - 76° 32.1231' W; running northeasterly to a point on the east shore 35° 31.9656' N - 76° 32.0114' W.
    - (iii) Lower Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.4188' N - 76° 35.3924' W; running northeast to a point on the east shore 35° 32.4691' N - 76° 35.2748' W.
    - (iv) George Best Creek - All waters within this waterbody are designated as Coastal.
    - (v) Toms Creek - All waters within this waterbody are designated as Coastal.
    - (vi) Pantego Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 31.9908' N - 76° 36.6105' W; running southerly along the Breakwater to a point 35° 31.6628' N - 76° 36.9840' W; running southwesterly to a point on the south shore 35° 31.5653' N - 76° 37.3832' W.
    - (vii) Pungo Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 29.9986' N - 76° 40.3564' W; running southerly to a point on the south shore 35° 29.8887' N - 76° 40.3262' W.
      - (A) Vale Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.0370' N - 76° 38.9044' W; running northeasterly to a point on the east shore 35° 31.0528' N - 76° 38.8536' W.
      - (B) Scotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 30.4264' N - 76° 40.1156' W; running easterly to a point on the east shore 35° 30.4264' N - 76° 39.9430' W.
      - (C) Smith Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 30.2844' N - 76° 40.2941' W; running southerly to a point on the south shore 35° 30.1982' N - 76° 40.2621' W.
    - (viii) Woodstock (Little) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.5291' N - 76° 38.1600' W; running easterly to a point on the east shore 35° 30.4852' N - 76° 38.0278' W.
    - (ix) Jordan Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 27.7256' N - 76° 36.2159' W; running southerly to a point 35° 27.5587' N - 76° 36.2704' W; following the eastern shore to a point 35° 27.4651' N - 76° 36.3294' W; running southerly to a point on the south shore 35° 27.3429' N - 76° 36.4498' W.

- (x) Satterthwaite Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 25.2994' N - 76° 35.4281' W; running southerly to a point on the south shore 35° 25.1284' N - 76° 35.4949' W.
- (xi) Wright Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the west shore 35° 24.8664' N - 76° 35.4240' W; running southeasterly to a point on the east shore 35° 24.7995' N - 76° 35.3086' W.
- (c) North Creek - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.1667' N - 76° 40.1042' W; running easterly to a point on the east shore 35° 25.0971' N - 76° 39.6340' W.
- (d) St. Clair Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7691' N - 76° 42.6406' W; running easterly to a point on the east shore 35° 25.7695' N - 76° 42.5967' W.
- (e) Mixon Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7601' N - 76° 46.5971' W; running easterly to a point 35° 25.7304' N - 76° 46.2547' W; following the southern shoreline to a point 35° 25.6878' N - 76° 46.2034' W; running southeasterly to a point 35° 25.6606' N - 76° 46.1892' W; following the southern shoreline to a point 35° 25.6267' N - 76° 46.1494' W; running southeasterly to a point on the east shore 35° 25.6166' N - 76° 46.1361' W.
- (f) Bath Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.1685' N - 76° 49.4087' W; running northeasterly to a point on the east shore 35° 27.2371' N - 76° 49.0969' W.
- (g) Duck Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 27.5395' N - 76° 52.0074' W; running southerly to a point on the east shore 35° 27.4401' N - 76° 51.9827' W.
- (h) Mallard Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.6461' N - 76° 53.6398' W; running easterly to a point on the east shore 35° 27.6425' N - 76° 53.5816' W.
- (i) Upper Goose Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 28.5346' N - 76° 56.0229' W; running southeasterly to a point on the east shore 35° 28.4014' N - 76° 55.8714' W.
- (j) Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 29.1023' N - 76° 57.3738' W; running easterly to a point on the east shore 35° 29.1059' N - 76° 57.1188' W.
- (k) Herring Run (Runyan Creek) - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.1615' N - 77° 02.3606' W; running southeasterly to a point on the east shore 35° 32.1340' N - 77° 02.3438' W.
- (l) Chocowinity Bay - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 35° 29.4751' N - 77° 01.8507' W; running northeasterly to a point on the east shore 35° 29.8780' N - 77° 01.3169' W.
- (m) Calf Tree Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the north shore 35° 29.2268' N - 77° 01.2973' W; running southeasterly to a point on the south shore 35° 29.2115' N - 77° 01.2831' W.
- (n) Hills Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 28.5227' N - 77° 00.2664' W; running easterly to a point on the east shore 35° 28.5193' N - 77° 00.2270' W.
- (o) Blounts Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 26.2010' N - 76° 58.1716' W; running southerly to a point on the south shore 35° 26.1369' N - 76° 58.1671' W.
- (p) Nevil Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 26.1117' N - 76° 54.5233' W; running southeasterly to a point on the east shore 35° 26.0966' N - 76° 54.5045' W.
- (q) Barris Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 24.8423' N - 76° 49.9928' W; running easterly to a point on the east shore 35° 24.8451' N - 76° 49.9745' W.

- (r) Durham Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 23.7824' N - 76° 49.3016' W; running easterly to a point on the east shore 35° 23.7821' N - 76° 48.8703' W.
- (s) Huddles Cut - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 22.5817' N - 76° 44.8727' W; running easterly to a point on the east shore 35° 22.5782' N - 76° 44.8594' W.
- (t) Huddy Gut - All waters within this waterbody are designated as Coastal.
- (u) South Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 18.9589' N - 76° 47.4298' W; running easterly to a point on the east shore 35° 18.9994' N - 76° 47.3007' W.
  - (i) Tooleys Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.7080' N - 76° 44.8937' W; running northeasterly to a point on the east shore 35° 20.7440' N - 76° 44.8324' W.
  - (ii) Drinkwater Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.1441' N - 76° 45.8262' W; running easterly to a point on the east shore 35° 20.1333' N - 76° 45.7530' W.
  - (iii) Jacobs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 20.1420' N - 76° 45.8395' W; running southwesterly to a point on the south shore 35° 20.0692' N - 76° 45.8912' W.
  - (iv) Jacks Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 19.5455' N - 76° 47.0155' W; running southwesterly to a point on the south shore 35° 19.4986' N - 76° 47.0741' W.
  - (v) Whitehurst Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 19.2878' N - 76° 47.4778' W; running southerly to a point on the south shore 35° 19.2295' N - 76° 47.4430' W.
  - (vi) Little Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 18.9873' N - 76° 45.9292' W; running easterly to a point on the east shore 35° 19.0209' N - 76° 45.8258' W.
  - (vii) Short Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore 35° 20.1228' N - 76° 44.6031' W; running southwesterly to a point on the south shore 35° 20.0527' N - 76° 44.6667' W.
  - (viii) Long Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.3050' N - 76° 44.3444' W; running northeasterly to a point on the east shore 35° 20.4185' N - 76° 43.8949' W.
  - (ix) Bond Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.4231' N - 76° 42.0469' W; running southeasterly to a point on the east shore 35° 20.2539' N - 76° 41.8254' W.
  - (x) Muddy Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.1523' N - 76° 41.2074' W; running northeasterly to a point on the east shore 35° 20.2413' N - 76° 41.0572' W.
- (v) Davis Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.7032' N - 76° 40.3404' W; running easterly to a point on the east shore 35° 20.7112' N - 76° 40.1637' W.
- (w) Strawhorn Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.4091' N - 76° 39.0998' W; running northeasterly to a point on the east shore 35° 20.4750' N - 76° 38.8874' W.
- (x) Lower Goose Creek - All waters within this waterbody are designated as Coastal.
  - (i) Lower Spring Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 19.7932' N - 76° 37.5347' W; running southerly to a point on the south shore 35° 19.4670' N - 76° 37.4134' W.
  - (ii) Peterson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 18.7722' N - 76° 37.5059' W; running northeasterly to a point on the east shore 35° 18.8406' N - 76° 37.4111' W.



- (iii) Snode Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 18.2787' N - 76° 37.4679' W; running southwesterly to a point on the south shore 35° 18.0821' N - 76° 37.5544' W.
  - (iv) Campbell Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 17.1203' N - 76° 37.9248' W; running southerly to a point on the south shore 35° 16.8807' N - 76° 37.9101' W.
    - (A) Smith Creek - All waters within this waterbody are designated as Inland.
  - (v) Hunting Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 16.7523' N - 76° 36.8138' W; running easterly to a point on the east shore 35° 16.6779' N - 76° 36.5885' W.
- (2) Bertie County:
- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
    - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
    - (ii) Roanoke River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore of the Roanoke River 35° 56.5068' N - 76° 41.8858' W; running easterly to a point on the east shore 35° 56.5324' N - 76° 41.5896' W.
      - (A) Sandy Run (Norfleet Gut) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 10.1119' N - 77° 17.5396' W; running northeasterly to a point on the east shore 36° 10.1172' N - 77° 17.5316' W.
      - (B) Quinine - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 09.6041' N - 77° 15.9091' W; running easterly to a point on the east shore 36° 09.6068' N - 77° 15.8912' W.
      - (C) Wire Gut - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 00.9580' N - 77° 13.0755' W; running easterly to a point on the east shore 36° 00.9542' N - 77° 13.0320' W.
      - (D) Apple Tree Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 00.4174' N - 77° 12.3252' W; running southeasterly to a point on the south shore 36° 00.3987' N - 77° 12.3088' W.
      - (E) Indian Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 59.0794' N - 77° 11.4926' W; running southerly to a point on the south shore 35° 59.0597' N - 77° 11.4967' W.
      - (F) Coniott Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 56.6562' N - 77° 04.2860' W; running southwesterly to a point on the south shore 35° 56.6397' N - 77° 04.3066' W.
      - (G) Conine Creek - All waters within this waterbody are designated as Joint.
      - (H) Old Mill Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 53.9483' N - 76° 55.3921' W; running southeasterly to a point on the east shore 35° 53.9378' N - 76° 55.3710' W.
      - (I) Cut Cypress Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 35° 51.9465' N - 76° 53.5762' W; running southeasterly to a point on the south shore 35° 51.9229' N - 76° 53.5556' W.
      - (J) Broad Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 52.5191' N - 76° 50.4235' W; running southerly to a point on the south shore 35° 52.4262' N - 76° 50.3791' W.
      - (K) Thoroughfare - All waters within this waterbody are designated as Joint.
    - (iii) Cashie River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 54.7865' N - 76° 49.0521' W; running southerly to a point on the south shore 35° 54.6691' N - 76° 49.0553' W. Joint Waters south and west and Coastal Waters north and east of a line beginning at a point on the west shore 35° 56.2934' N - 76° 44.1769' W; running easterly to a point on the north shore of an island in the mouth of the river 35° 56.2250' N

- 76° 43.9265' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the south shore of an island in the mouth of the river 35° 56.1254' N - 76° 43.9846' W; running southerly to a point on the south shore 35° 56.0650' N - 76° 43.9599' W.

- (A) Cashoke Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 56.2934' N - 76° 44.1769' W; running southwesterly to a point on the south shore 35° 56.2623' N - 76° 44.1993' W.
  - (B) Broad Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.0568' N - 76° 45.2632' W; running easterly to a point on the east shore 35° 55.0543' N - 76° 45.1309' W.
  - (C) Grinnel Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 55.3147' N - 76° 44.5010' W; running southerly to a point on the south shore 35° 55.2262' N - 76° 44.5495' W.
- (iv) Middle River - All waters within this waterbody are designated as Joint.
  - (v) Eastmost River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.5024' N - 76° 42.4877' W; running westerly to a point on the east shore 35° 56.4070' N - 76° 42.7647' W.
  - (vi) Mud Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 53.2880' N - 76° 45.4463' W; running southwesterly to a point on the south shore 35° 53.2527' N - 76° 45.4678' W.
- (b) Black Walnut Swamp - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 59.4680' N - 76° 40.9556' W; running southerly to a point on the south shore 35° 59.3946' N - 76° 40.9629' W.
  - (c) Salmon Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 36° 00.4648' N - 76° 42.3513' W; running southeasterly to a point on the south shore 36° 00.3373' N - 76° 42.1499' W.
  - (d) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.
    - (i) Barkers Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 14.0709' N - 76° 44.2451' W; running southerly to a point on the south shore 36° 14.0492' N - 76° 44.2456' W.
    - (ii) Willow Branch - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 04.7206' N - 76° 43.7667' W; running southeasterly to a point on the south shore 36° 04.7138' N - 76° 43.7580' W.
    - (iii) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east shore 36° 14.0899' N - 76° 43.8533' W.
- (3) Bladen County:
- (a) Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2628' N - 78° 17.6390' W; running northeasterly along the Lock and Dam # 1 to a point on the east shore 34° 24.2958' N - 78° 17.5634' W.
    - (i) Natmore Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2841' N - 78° 16.4405' W; running easterly to a point on the east shore 34° 24.2852' N - 78° 16.4039' W.
- (4) Brunswick County:
- (a) Calabash River And Tributaries - All waters within this waterbody are designated as Coastal.
  - (b) Saucepan Creek - All waters within this waterbody are designated as Coastal.
  - (c) Shallotte River - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the south shore 33° 58.3412' N - 78° 23.1948' W; running northeasterly to a point on the north shore 33° 58.3518' N - 78° 23.1816' W.
    - (i) Mill Dam Branch - All waters within this waterbody are designated as Coastal.
    - (ii) Squash Creek - All waters within this waterbody are designated as Coastal.
    - (iii) Mill Pond - All waters within this waterbody are designated as Coastal.

- (iv) Charles Branch - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 58.6276' N - 78° 21.2919' W; running easterly to a point on the east shore 33° 58.6257' N - 78° 21.2841' W.
- (v) Grisset Swamp - All waters within this waterbody are designated as Coastal.
- (vi) Little Shallotte River And Tributaries - All waters within this waterbody are designated as Coastal.
- (d) Lockwood Folly River - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the north shore 34° 00.6550' N - 78° 15.8134' W; running southeasterly along the south side of NC Hwy 211 bridge to a point on the south shore 34° 00.6285' N - 78° 15.7928' W.
  - (i) Stanberry Creek - All waters within this waterbody are designated as Coastal.
  - (ii) Pompeys Creek - All waters within this waterbody are designated as Coastal.
  - (iii) Maple Creek - All waters within this waterbody are designated as Coastal.
  - (iv) Rubys Creek - All waters within this waterbody are designated as Coastal.
  - (v) Big Doe Creek - All waters within this waterbody are designated as Coastal.
  - (vi) Lennons Creek - All waters within this waterbody are designated as Coastal.
  - (vii) Mercers Mill Pond Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 57.7498' N - 78° 12.3532' W; running southeasterly to a point on the east shore 33° 57.7439' N - 78° 12.3440' W.
- (e) Elizabeth River - All waters within this waterbody are designated as Coastal.
  - (i) Ash Creek - All waters within this waterbody are designated as Coastal.
- (f) Beaverdam Creek - All waters within this waterbody are designated as Coastal.
- (g) Dutchman Creek - All waters within this waterbody are designated as Coastal.
  - (i) Calf Gully Creek - All waters within this waterbody are designated as Coastal.
  - (ii) Jumpin Run - All waters within this waterbody are designated as Coastal.
  - (iii) Fiddlers Creek - All waters within this waterbody are designated as Coastal.
- (h) Cape Fear River - Joint Waters north and Coastal Waters south of a line beginning at a point on the western side 34° 13.6953' N - 77° 57.2396' W; running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W.
  - (i) Duke Energy Progress Brunswick Nuclear Plant Intake Canal - All waters within this waterbody are designated as Coastal.
  - (ii) Walden Creek - All waters within this waterbody are designated as Coastal.
  - (iii) Orton Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 02.8436' N - 77° 56.7498' W; running southerly to a point on the south shore 34° 02.8221' N - 77° 56.7439' W.
  - (iv) Lilliput Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 04.1924' N - 77° 56.5361' W; running southerly to a point on the south shore 34° 04.1487' N - 77° 56.5447' W.
  - (v) Sandhill Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 06.9584' N - 77° 57.0085' W; running southeasterly to a point on the south shore 34° 06.9371' N - 77° 56.9943' W.
  - (vi) Town Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 07.7492' N - 77° 57.3445' W; running southerly to a point on the south shore 34° 07.7034' N - 77° 57.3431' W.
  - (vii) Mallory Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 09.9868' N - 77° 58.2023' W; running southerly to a point on the south shore 34° 09.9618' N - 77° 58.2133' W.
  - (viii) Brunswick River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the south shore 34° 10.7281' N - 77° 57.7793' W; running northeasterly to a point on the north shore 34° 10.9581' N - 77° 57.6452' W.
    - (A) Alligator Creek:
      - (I) Southernmost entrance: Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 13.5040' N - 77° 58.6331' W; running northwesterly to a point on the north shore 34° 13.5472' N - 77° 58.6628' W; and

- (II) Northernmost entrance: Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 14.4300' N - 77° 59.2346' W; running northerly to a point on the north shore 34° 14.4618' N - 77° 59.2300' W.
  - (B) Jackeys Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the south shore 34° 11.9400' N - 77° 58.5859' W; running northerly to a point on the north shore 34° 11.9565' N - 77° 58.5859' W.
  - (C) Sturgeon Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 14.6761' N - 77° 59.4145' W; running southerly to a point on the south shore 34° 14.6404' N - 77° 59.4058' W.
  - (ix) Cartwheel Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 15.7781' N - 77° 59.3852' W; running southerly to a point on the south shore 34° 15.7564' N - 77° 59.3898' W.
  - (x) Indian Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 17.0441' N - 78° 00.3662' W; running southwesterly to a point on the south shore 34° 17.0006' N - 78° 00.3977' W.
  - (xi) Hood Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 20.3713' N - 78° 04.7492' W; running southwesterly to a point on the south shore 34° 20.3393' N - 78° 04.7373' W.
  - (xii) Northwest Creek - All waters within this waterbody are designated as Inland.
- (5) Camden County:
- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
    - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
    - (ii) Pasquotank River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.0768' N - 76° 13.0979' W; running easterly along the south side of the Highway 158 Bridge to a point on the east shore 36° 18.0594' N - 76° 12.9620' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.
      - (A) Raymond Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.0746' N - 76° 03.3952' W; running easterly to a point on the east shore 36° 14.0711' N - 76° 03.3668' W.
      - (B) Portohonk Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 15.0519' N - 76° 05.2793' W; running southeasterly to a point on the east shore 36° 15.0391' N - 76° 05.2532' W.
      - (C) Areneuse Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 17.3133' N - 76° 08.1655' W; running southeasterly to a point on the east shore 36° 17.1328' N - 76° 07.6269' W.
    - (iii) North River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.7703' N - 75° 58.7384' W; running southerly to a point on the south shore 36° 18.4130' N - 75° 58.7228' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 09.8986' N - 75° 54.6771' W; running easterly to a point on the east shore 36° 10.0108' N - 75° 52.0431' W.
      - (A) Wading Gut - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 10.6054' N - 75° 55.9529' W; running southeasterly to a point on the east shore 36° 10.5777' N - 75° 55.8654' W.
      - (B) Little Broad Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 11.6530' N - 75° 57.2035' W; running southeasterly to a point on the east shore 36° 11.5587' N - 75° 56.9160' W.

- (C) Broad Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 12.2197' N - 75° 57.2685' W; running southerly to a point on the south shore 36° 11.6766' N - 75° 57.2254' W.
  - (D) Hunting Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 15.0480' N - 75° 57.5820' W; running southeasterly to a point on the south shore 36° 14.9308' N - 75° 57.4635' W.
  - (E) Abel Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 15.9530' N - 75° 58.0348' W; running southerly to a point on the south shore 36° 15.8553' N - 75° 58.0842' W.
  - (F) Back Landing Creek - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 36° 16.4746' N - 76° 07.6377' W; running southwesterly to a point on the south shore 36° 16.2030' N - 76° 57.8897' W.
  - (G) Public Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 17.2462' N - 75° 58.2774' W; running southerly to a point on the south shore 36° 17.2121' N - 75° 58.2788' W.
  - (H) Cow Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 17.8667' N - 75° 58.3483' W; running southerly to a point on the marsh island 36° 17.7600' N - 75° 58.3300' W; running southerly following the eastern shoreline of the island to a point 36° 17.7122' N - 75° 58.3273' W; running southwesterly to a point on the south shore 36° 17.6522' N - 75° 58.3543' W.
  - (I) Great Creek:
    - (I) Mouth: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.1045' N - 75° 58.4289' W; running southerly to a point on the south shore 36° 17 9882' N - 75° 58.4458' W; and
    - (II) On north shore of Great Creek within the fourth tributary: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 18.1729' N - 75° 58.9137' W; running southeasterly to a point on the south shore 36° 18.1640' N - 75° 58.9022' W.
  - (J) Indiantown Creek - All waters within this waterbody are designated as Inland.
- (6) Carteret County:
- (a) Neuse River - All waters within this waterbody are designated as Coastal.
    - (i) Adams Creek - All waters within this waterbody are designated as Coastal.
      - (A) Back (Black) Creek - All waters within this waterbody are designated as Coastal.
      - (B) Cedar Creek - All waters within this waterbody are designated as Coastal.
    - (ii) Garbacon Creek - All waters within this waterbody are designated as Coastal.
    - (iii) South River - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 34° 53.5068' N - 76° 31.1233' W; running northeasterly to a point on the east shore 34° 53.4494' N - 76° 31.3032' W.
      - (A) Big Creek - All waters within this waterbody are designated as Coastal.
      - (B) Southwest Creek - All waters within this waterbody are designated as Coastal.
      - (C) West Fork - All waters within this waterbody are designated as Inland.
      - (D) East Creek - All waters within this waterbody are designated as Inland.
      - (E) Eastman Creek - All waters within this waterbody are designated as Coastal.
    - (iv) Browns Creek - All waters within this waterbody are designated as Coastal.
  - (b) North River - All waters within this waterbody are designated as Coastal.
    - (i) Panter Cat Creek - All waters within this waterbody are designated as Coastal.
    - (ii) Cypress Creek - All waters within this waterbody are designated as Coastal.

- (c) Newport River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 45.2478' N - 76° 46.4479' W; running southerly to a point on the south shore 34° 45.1840' N - 76° 46.4488' W.
  - (i) Core Creek - All waters within this waterbody are designated as Coastal.
  - (ii) Harlowe Creek - All waters within this waterbody are designated as Coastal.
  - (iii) Bogue Sound And Tributaries - All waters within these waterbodies are designated as Coastal.
- (d) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N - 77° 11.4711' W; running easterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W.
  - (i) Pettiford Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 42.6935' N - 77° 04.0745' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 42.6569' N - 77° 04.0786' W.
  - (ii) Little Hadnotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 45.0839' N - 77° 06.5931' W; running northerly to an easterly point on the east shore 34° 45.0867' N - 77° 06.5780' W.
  - (iii) Hadnotts Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 45.9908' N - 77° 05.7847' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 45.9738' N - 77° 05.7810' W.
  - (iv) Neds Creek - All waters within this waterbody are designated as Coastal.
  - (v) Hunters Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N - 77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N - 77° 09.9160' W.
- (7) Chowan County:
  - (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
    - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
    - (ii) Yeopim River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.4526' N - 76° 27.7651' W; running southerly to a point on the south shore at Norcum Point 36° 05.1029' N - 76° 27.7120' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 04.7426' N - 76° 24.2536' W; running southwesterly to a point on the south shore 36° 04.1136' N - 76° 24.5365' W.
    - (iii) Queen Anne Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.3757' N - 76° 36.3629' W; running southerly to a point on the south shore 36° 03.3551' N - 76° 36.3574' W.
    - (iv) Pembroke Creek (Pollock Swamp) - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 36° 03.2819' N - 76° 37.0138' W; running northeasterly to a point on the east shore 36° 03.4185' N - 76° 36.6783' W.
    - (v) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.
      - (A) Rocky Hock Creek - Inland Waters east and Joint Waters west of a line beginning on the west shore at a point 36° 06.5662' N - 76° 41.3108' W; running southeasterly to a point on the east shore at 36° 06.6406' N - 76° 41.4512' W.
      - (B) Dillard (Indian) Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 14.2234' N - 76° 41.5901' W; running southerly to a point on the south shore 36° 14.2023' N - 76° 41.5855' W.
      - (C) Stumpy Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 16.6440' N - 76° 40.4251' W; running southerly to a point on the south shore 36° 16.6255' N - 76° 40.4196' W.
      - (D) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76°

41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.

- (8) Columbus County:
- (a) Cape Fear River - All waters within this waterbody are designated as Joint.
    - (i) Livingston Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 21.1518' N - 78° 12.0358' W; running easterly to a point on the east shore 34° 21.1420' N - 78° 12.0018' W.
    - (ii) Waymans Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 34° 22.9861' N - 78° 14.5266' W; running southeasterly to a point on the east shore 34° 22.9838' N - 78° 14.5236' W.
- (9) Craven County:
- (a) Neuse River - Inland Waters west and Joint Waters east of a line at Pitch Kettle Creek beginning at a point on the north shore 35° 16.9793' N - 77° 15.5529' W; running south to a point on the south shore 35° 16.9237' N - 77° 15.5461' W. Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the east shore 35° 07.7096' N - 77° 01.6749' W; running southwesterly along the southern side of the Southern Railroad bridge to a point on the west shore 35° 07.1530' N - 77° 02.5570' W.
    - (i) Adams Creek - All waters within this waterbody are designated as Coastal.
      - (A) Back Creek - All waters within this waterbody are designated as Coastal.
    - (ii) Courts Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 56.6958' N - 76° 42.7175' W; running southwesterly to a point on the south shore 34° 56.6606' N - 76° 42.7450' W.
    - (iii) Long Branch - Inland Waters south and Coastal Waters north of a line beginning on the west shore 34° 55.6189' N - 76° 43.8180' W; running easterly to a point on the east shore 34° 55.6175' N - 76° 43.7846' W.
    - (iv) Clubfoot Creek - All waters within this waterbody are designated as Coastal.
      - (A) Gulden Creek - All waters within this waterbody are designated as Coastal.
      - (B) Mitchell Creek - All waters within this waterbody are designated as Coastal.
      - (C) Morton Mill Pond - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 51.9245' N - 76° 45.7754' W; running southerly to a point on the south shore 34° 51.7799' N - 76° 45.8184' W.
    - (v) Hancock Creek - Coastal Waters east and Inland Waters west of a line beginning on the north shore at 34° 56.3420' N - 76° 51.2809' W; running southerly to a point on the south shore at 34° 56.2731' N - 76° 51.3034' W.
    - (vi) Slocum Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore at 34° 57.1875' N - 76° 53.7648' W; running southwesterly to a point on the south shore 34° 57.1334' N - 76° 53.8069' W.
    - (vii) Scott Creek - Inland Waters west and Coastal Waters east of a line from a point on the north shore 35° 05.5723' N - 77° 02.0677' W; running southerly to a point on the south shore 35° 05.5316' N - 77° 02.0745' W.
    - (viii) Trent River - Inland Waters west and Joint Waters east of a line at Wilson Creek beginning at a point on the north shore 35° 04.05490' N - 77° 06.0987' W; running southerly to a point on the south shore 35° 04.3837' N - 77° 06.1230' W. Joint Waters west and Coastal Waters east of a line on the western side of the Highway 70 Trent River Bridge beginning at a point on the north shore 35° 06.2136' N - 77° 02.1968' W; running southerly to a point on the south shore 35° 05.9351' N - 77° 02.2645' W.
      - (A) Brice Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 04.5114' N - 77° 03.6433' W; running easterly to a point on the east shore 35° 04.5634' N - 77° 03.4469' W.
    - (ix) Jack Smith Creek - Inland Waters southwest and Joint Waters northeast of a line beginning on the west shore 35° 07.5482' N - 77° 03.1613' W; running southeasterly to a point on the east shore 35° 07.5320' N - 77° 03.1338' W.

- (x) Bachelor Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 09.0099' N - 77° 04.5858' W; running southerly to a point on the south shore 35° 08.9085' N - 77° 04.7172' W.
- (xi) Dollys Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 13.6303' N - 77° 09.9847' W; running southerly to a point on the south shore 35° 13.5937' N - 77° 09.9778' W.
- (xii) Greens Thorofare:
  - (A) Easternmost entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 13.7807' N - 77° 09.9224' W; running southwesterly to a point on the south shore 35° 13.7587' N - 77° 09.9728' W; and
  - (B) Westernmost entrance: Inland Waters south and Joint Waters north of a line beginning on the west shore 35° 14.1398' N - 77° 11.5530' W; running easterly to a point on the east shore 35° 14.1481' N - 77° 11.5036' W.
- (xiii) Greens Creek - Inland Waters west and Joint Waters east of a line beginning on the north shore 35° 14.1883' N - 77° 11.8862' W; running southeasterly to a point on the south shore 35° 14.1389' N - 77° 11.7535' W.
- (xiv) Turkey Quarter Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 15.6738' N - 77° 14.6823' W; running southeasterly to a point on the east shore 35° 15.6534' N - 77° 14.6470' W.
- (xv) Pitch Kettle Creek - All waters within this waterbody are designated as Inland.
- (xvi) Taylors Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 14.3719' N - 77° 10.8050' W; running southwesterly to a point on the south shore 35° 14.3300' N - 77° 10.8352' W.
- (xvii) Pine Tree Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 12.6663' N - 77° 07.4285' W; running southwesterly to a point on the south shore 35° 12.7033' N - 77° 07.3594' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 12.8553' N - 77° 07.8300' W; running easterly to a point on the east shore 35° 12.8372' N - 77° 07.7934' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 13.2012' N - 77° 08.7753' W; running southeasterly to a point on the east shore 35° 13.1714' N - 77° 08.7071' W.
- (xviii) Stumpy Creek:
  - (A) Southernmost entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 11.5752' N - 77° 06.1866' W; running southwesterly to a point on the south shore 35° 11.5550' N - 77° 06.2411' W; and
  - (B) Northernmost entrance: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 11.9377' N - 77° 06.7263' W; running southeasterly to a point on the south shore 35° 11.9169' N - 77° 06.7044' W.
- (xix) Swift Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 11.5972' N - 77° 06.0562' W; running easterly to a point on the east shore 35° 11.5816' N - 77° 05.9861' W.
- (xx) Mill Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 08.5041' N - 77° 02.3400' W; running south easterly to a point on the south shore 35° 08.4711' N - 77° 02.3176' W.
- (xxi) Duck Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 05.7648' N - 77° 00.5191' W; running south easterly to a point on the south shore at 35° 05.6803' N - 77° 00.4179' W.
- (xxii) Northwest Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 03.5096' N - 76° 58.2604' W; running northeasterly to a point on the east shore at 35° 03.5948' N - 76° 58.0297' W.
- (xxiii) Upper Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running easterly along the



Tidelands EMC power lines to a point on the east shore at 35° 04.4705' N - 76° 56.2115' W.

(10) Currituck County:

- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
  - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
  - (ii) North River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.7703' N - 75° 58.7384' W; running southerly to a point on the south shore 36° 18.4130' N - 75° 58.7228' W. Joint Waters north and Coastal Waters south of a line beginning on the west shore 36° 09.8986' N - 75° 54.6771' W; running easterly to a point on the east shore 36° 10.0108' N - 75° 52.0431' W.
    - (A) Duck Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 12.4056' N - 75° 54.2967' W; running southeasterly to a point on the east shore 36° 12.1865' N - 75° 54.0298' W.
    - (B) Barnett Creek - Inland Waters northeast and Joint Waters southwest of line beginning at a point on the north shore 36° 14.2405' N - 75° 55.0112' W; running southeasterly to a point on the south shore 36° 14.0956' N - 75° 54.9774' W.
    - (C) Lutz Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 14.7397' N - 75° 55.4914' W; running southeasterly to a point on the east shore 36° 14.4948' N - 75° 55.1989' W.
    - (D) Goose Creek:
      - (I) Southernmost entrance: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 15.5152' N - 75° 57.0936' W; running easterly to a point on the east shore 36° 15.4016' N - 75° 56.7842' W; and
      - (II) Northernmost entrance: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 16.0334' N - 75° 57.1018' W; running easterly to a point on the east shore 36° 16.0301' N - 75° 57.0629' W.
    - (E) Deep Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 17.1576' N - 75° 56.7594' W; running southerly to a point on the south shore 36° 16.9846' N - 75° 56.6802' W.
    - (F) Narrow Ridges Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 18.3249' N - 75° 57.8910' W; running southerly to a point on the south shore 36° 18.1388' N - 75° 57.9029' W.
    - (G) Bump Landing Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 19.3757' N - 75° 57.9057' W; running southerly to a point on the south shore 36° 19.2496' N - 75° 57.9107' W.
    - (H) Taylor Bay - All waters within this waterbody are designated as Joint.
    - (I) Intracoastal Waterway From Taylor Bay To Coinjock Bay - All waters within this part of the Intracoastal Waterway are designated as Joint.
    - (J) Indiantown Creek - All waters within this waterbody are designated as Inland.
- (b) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore of Currituck Sound 36° 04.8195' N - 75° 47.4101' W; running easterly to a point on the east shore 36° 05.5739' N - 75° 44.5729' W.
  - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
  - (ii) Coinjock Bay - All waters within this waterbody are designated as Joint.
  - (iii) Nelson (Nells) Creek:

- (A) Northernmost entrance: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 16.5806' N - 75° 52.1168' W; running northeasterly to a point on the east shore 36° 16.6410' N - 75° 51.9580' W; and
- (B) Southernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 15.9816' N - 75° 51.7245' W; running southerly to a point on the south shore 36° 15.8640' N - 75° 51.6897' W.
- (iv) Hog Quarter Creek:
  - (A) Northernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 07.7400' N - 75° 48.6254' W; running southerly to a point on the south shore 36° 07.7210' N - 75° 48.6135' W; and
  - (B) Southernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 07.4118' N - 75° 48.4986' W; running southerly to a point on the south shore 36° 07.3532' N - 75° 48.5110' W.
- (v) Parkers Creek - Inland Waters northwest and Joint Waters southeast of a line beginning on the west shore 36° 22.1079' N - 75° 55.5459' W; running northeasterly to a point on the east shore 36° 22.1607' N - 75° 55.4512' W. Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 22.3928' N - 75° 55.6970' W; running northeasterly to a point on the east shore 36° 22.4011' N - 75° 55.6782' W.
- (vi) North Landing River - All waters within this waterbody are designated as Joint.
  - (A) Northwest River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore of 36° 30.8374' N - 76° 04.8770' W; running southerly to a point on the south shore 36° 30.7061' N - 76° 04.8916' W.
    - (I) Gibbs Canal - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 32.2322' N - 76° 01.8923' W; running southerly to a point on the south shore 36° 32.1997' N - 76° 01.8937' W.
    - (II) Tull Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 30.0991' N - 76° 04.8587' W; running southeasterly to a point on the south shore 36° 29.9599' N - 76° 04.7126' W.
  - (B) West Landing - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 30.9867' N - 76° 02.5868' W; running easterly to a point on the east shore 36° 31.0045' N - 76° 02.3780' W.
- (11) Dare County:
  - (a) Alligator River - Coastal Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 54.2903' N - 76° 01.6818' W; running along the south side of the US 64 bridge to a point on the east shore 35° 53.6835' N - 75° 58.8578' W.
    - (i) Whipping Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 41.3930' N - 76° 00.2481' W; running southerly to a point on the south shore 35° 41.3717' N - 76° 00.2554' W.
    - (ii) Swan Creek and Lake - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 40.2674' N - 76° 00.7360' W; running southerly to a point on the south shore 35° 40.2420' N - 76° 00.7548' W.
    - (iii) Milltail Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 50.5192' N - 75° 58.6134' W; running southerly to a point on the south shore 35° 50.4956' N - 75° 58.6158' W.
    - (iv) Laurel Bay Lake (Creek) - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 52.4036' N - 75° 58.8560' W; running southerly to a point on the south shore 35° 52.3960' N - 75° 58.8528' W.
    - (v) East Lake - Coastal Waters west and Inland Waters east of a line beginning at a point on the north shore 35° 56.1676' N - 75° 55.2603' W; running southerly to a point on the

- south shore 35° 55.4727' N - 75° 55.5043' W. Joint Waters north and Inland Waters south of a line beginning at a point on the west shore 35° 58.6402' N - 75° 52.1855' W; running easterly to a point on the east shore 35° 58.5887' N - 75° 51.7080' W.
- (b) Albemarle Sound - All waters within this waterbody are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (ii) Kitty Hawk Bay - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 03.1967' N - 75° 44.3087' W; running easterly to a point on the east shore 36° 03.1871' N - 75° 44.2716' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.1338' N - 75° 44.2423' W; running southerly to a point on the south shore 36° 03.0919' N - 75° 44.2533' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 02.9960' N - 75° 44.2840' W; running southerly to a point on the south shore 36° 02.9592' N - 75° 44.2291' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 02.4964' N - 75° 44.2089' W; running southerly to a point on the south shore 36° 01.3270' N - 75° 43.6422' W.
- (iii) Peter Mashoes Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 57.2344' N - 75° 48.3087' W; running southerly to a point on the south shore 35° 56.7805' N - 75° 48.3563' W.
- (iv) Tom Mann Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 58.5296' N - 75° 52.8982' W; running easterly to a point on the east shore 35° 58.5175' N - 75° 53.6851' W.
- (v) Collington Harbor - Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 01.0828' N - 75° 43.6070' W; running southerly to a point on the south shore 36° 01.0510' N - 75° 43.6015' W.
- (c) Croatan Sound - All waters within this waterbody are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (ii) Spencer Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.4205' N - 75° 45.0645' W; running southerly to a point on the south shore 35° 51.3876' N - 75° 45.0640' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.5597' N - 75° 45.0141' W; running southerly to a point on the south shore 35° 51.4624' N - 75° 45.0498' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.6783' N - 75° 44.9125' W; running southerly to a point on the south shore 35° 51.5693' N - 75° 45.0109' W.
- (iii) Calahan Creek (Callaghan Creek) - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.1312' N - 75° 45.1327' W; running southwesterly to a point on the south shore 35° 51.0953' N - 75° 45.1629' W.
- (d) Roanoke Sound - All waters within this waterbody are designated as Coastal.
- (i) Buzzard Bay - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 59.6662' N - 75° 41.8400' W; running easterly to a point on the east shore 35° 59.4376' N - 75° 40.5770' W.
- (e) Pamlico Sound - All waters within this waterbody are designated as Coastal.
- (i) Stumpy Point Bay - All waters within this waterbody are designated as Coastal.
- (A) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (ii) Long Shoal River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 38.7661' N - 75° 53.4429' W; running easterly to a point on the east shore 35° 38.7641' N - 75° 53.4159' W.
- (A) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (B) Pains Bay - All waters within this waterbody are designated as Coastal.
- (I) Pains Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 36.4464' N - 75° 49.0420' W.

W; running easterly to a point on the east shore 35° 36.4439' N - 75° 49.0324' W.

- (C) Deep Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 37.8971' N - 75° 51.3125' W; running easterly to a point on the east shore 35° 37.8840' N - 75° 51.2928' W.
- (f) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 04.8195' N - 75° 47.4101' W; running easterly to a point on the east shore 36° 05.5739' N - 75° 44.5729' W.
  - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
  - (ii) Martin Point Creek (Jean Guite Creek) - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 07.6716' N - 75° 44.9656' W; running easterly to a point on the east shore 36° 07.7568' N - 75° 44.6823' W.
- (12) Gates County:
  - (a) Chowan River - All waters within this waterbody are designated as Joint.
    - (i) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76° 41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.
    - (ii) Bennetts Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.3499' N - 76° 42.0286' W; running northeasterly to a point on the east shore 36° 18.4057' N - 76° 41.6986' W.
    - (iii) Beef Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 20.3235' N - 76° 44.6401' W; running easterly to a point on the east shore 36° 20.3070' N - 76° 44.5797' W.
    - (iv) Sarem Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 21.7259' N - 76° 46.4085' W; running southerly to a point on the south shore 36° 21.6748' N - 76° 46.4392' W.
    - (v) Shingle (Island) Creek:
      - (A) Westernmost entrance: Inland Waters north and Joint Waters south of a line beginning at a point on the north shore 36° 21.8449' N - 76° 48.0940' W; running southeasterly to a point on the south shore 36° 21.7831' N - 76° 48.0427' W; and
      - (B) Easternmost entrance: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 21.8469' N - 76° 47.2668' W; running northeasterly to a point on the east shore 36° 21.9062' N - 76° 47.1862' W.
    - (vi) Barnes Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the western shore 36° 21.8820' N - 76° 48.6419' W; running easterly to a point on the east shore 36° 21.8978' N - 76° 48.5902' W.
    - (vii) Spikes Creek - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 22.6515' N - 76° 50.8882' W; running northeasterly to a point on the east shore 36° 22.6684' N - 76° 50.8493' W.
    - (viii) Buckhorn Creek (Run Off Swamp) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 22.9682' N - 76° 51.9172' W; running easterly to a point on the east shore 36° 22.9614' N - 76° 51.8870' W.
    - (ix) Mud Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 23.5134' N - 76° 53.9131' W; running easterly to a point on the east shore 36° 23.5132' N - 76° 53.8815' W.
    - (x) Somerton Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.7177' N - 76° 54.8327' W; running easterly to a point on the east shore 36° 31.7143' N - 76° 54.7810' W.
  - (13) Halifax County:
    - (a) Roanoke River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.5264' N - 77° 23.0223' W; running northeasterly along the south side of the Highway 258 Bridge to a point on the east shore 36° 12.5674' N - 77° 22.9724' W.

- (i) Kehukee Swamp - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.1942' N - 77° 18.9596' W; running southwesterly to a point on the south shore 36° 05.1670' N - 77° 18.9761' W.
  - (ii) Clarks Canal - Inland Waters north and Joint Waters south of a line of a line beginning at a point on the west shore 36° 04.6165' N - 77° 19.5817' W; running easterly to a point on the east shore 36° 04.6215' N - 77° 19.5643' W.
- (14) Hertford County:
- (a) Chowan River - All waters within this waterbody are designated as Joint.
    - (i) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east shore 36° 14.0899' N - 76° 43.8533' W.
    - (ii) Swain Mill (Taylor Pond) Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.5808' N - 76° 43.4729' W; running southerly to a point on the south shore 36° 18.5616' N - 76° 43.4706' W.
    - (iii) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 19.5838' N - 76° 44.5971' W; running southerly to a point on the south shore 36° 19.5375' N - 76° 44.5925' W.
    - (iv) Wiccacon River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 20.5439' N - 76° 45.4550' W; running southeasterly to a point on the south shore 36° 20.4684' N - 76° 45.3392' W.
    - (v) Hodges Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 21.2459' N - 76° 46.3421' W; running southerly to a point on the south shore 36° 21.1823' N - 76° 46.3243' W.
    - (vi) Catherine Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 22.9579' N - 76° 53.1994' W; running southeasterly to a point on the east shore 36° 22.9456' N - 76° 53.1742' W.
    - (vii) Harris (Hares) Mill Creek - All waters within this waterbody are designated as Inland.
    - (viii) Meherrin River - All waters within this waterbody are designated as Joint.
      - (A) Potecasi Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 36° 26.1234' N - 76° 57.5262' W; running southeasterly to a point on the east shore 36° 26.1005' N - 76° 57.4960' W.
      - (B) Liverman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 26.7244' N - 76° 58.2797' W; running easterly to a point on the east shore 36° 26.7086' N - 76° 58.2499' W.
      - (C) Vaughan's Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 28.3541' N - 77° 05.6259' W; running southerly to a point on the south shore 36° 28.3307' N - 77° 05.6369' W.
      - (D) Banks Creek - All waters within this waterbody are designated as Inland.
    - (ix) Buckhorn Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.9519' N - 76° 55.2580' W; running easterly to a point on the east shore 36° 31.9628' N - 76° 55.2429' W.
- (15) Hyde County:
- (a) Pamlico Sound - All waters within this waterbody are designated as Coastal.
    - (i) Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354' W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.
      - (A) Rutman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 33.1874' N - 76° 27.4090' W; running easterly to a point 35° 33.1759' N - 76° 27.2525' W; running northeasterly to a point on the east shore 35° 33.2455' N - 76° 26.9119' W.
      - (B) Wilkerson Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 33.1251' N - 76° 27.2328' W;

- running northerly to a point 35° 33.1553' N - 76° 27.2447' W; running easterly to a point on the east shore 35° 33.3286' N - 76° 26.2019' W.
- (C) Intracoastal Waterway From Wilkerson Creek To Alligator River At Winn Bay - All waters within this part of the Intracoastal Waterway are designated as Joint.
  - (D) Horse Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 32.1965' N - 76° 28.0462' W; running southerly to a point on the south shore 35° 32.1480' N - 76° 28.0705' W.
  - (E) Tarklin Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 31.1553' N - 76° 28.1478' W; running southeasterly to a point on the south shore 35° 31.0974' N - 76° 28.0984' W.
  - (F) Scranton Creek - Inland Waters east and Joint Waters west of line beginning at a point on the north shore 35° 30.0080' N - 76° 26.7759' W; running southerly to a point on the south shore 35° 29.9574' N - 76° 26.7750' W.
  - (G) Smith Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.2812' N - 76° 29.7546' W; running southeasterly to a point on the east shore 35° 30.1904' N - 76° 29.4657' W.
  - (H) Fishing Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the west shore 35° 30.2400' N - 76° 35.0143' W; running southeasterly to a point on the east shore 35° 30.0645' N - 76° 34.8211' W.
  - (I) Slades Creek - All waters within this waterbody are designated as Coastal.
  - (J) Fortescue Creek - All waters within this waterbody are designated as Coastal.
- (ii) Rose Bay - All waters within this waterbody are designated as Coastal.
    - (A) Rose Bay Creek - All waters within this waterbody are designated as Coastal.
    - (B) Rose Bay Canal - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 28.5607' N - 76° 19.6545' W; running southerly to a point on the south shore 35° 28.5509' N - 76° 19.6572' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.8491' W - 76° 24.2198' W; running easterly to a point on the east shore 35° 27.8404' N - 76° 24.2065' W.
  - (iii) Swan Quarter Bay - All waters within this waterbody are designated as Coastal.
    - (A) Oyster Creek - All waters within this waterbody are designated as Coastal.
  - (iv) Juniper Bay - All waters within this waterbody are designated as Coastal.
    - (A) Juniper Bay Creek - Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 23.2472' N - 76° 14.8754' W; running southwesterly to a point on the south shore 35° 23.1738' N - 76° 14.9794' W.
    - (B) Juniper Bay Creek Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 23.8618' N - 76° 13.1044' W; running easterly to a point on the east shore 35° 23.8677' N - 76° 13.0888' W.
  - (v) Lake Mattamuskeet - All waters within this waterbody are designated as Inland.
    - (A) Outfall Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 26.6017' N - 76° 10.1715' W; running easterly to a point on the east shore 35° 26.6093' N - 76° 10.1513' W. Joint Waters north and Coastal waters south of a line beginning at a point on the west shore 35° 21.4945' N - 76° 06.5336' W; running northeasterly to a point on the east shore 35° 21.5480' N - 76° 06.4819' W.
    - (B) Lake Landing Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 28.7878' N - 76° 04.5867' W; running easterly to a point on the east shore 35° 28.7910' N - 76° 04.5726' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west 35° 25.9529' N - 76° 03.6785' W; running easterly to a point on the east shore 35° 25.9568' N - 76° 03.6566' W. Joint Waters north and Coastal

- Waters south of a line beginning at a point on the west shore 35° 25.9666' N - 76° 03.5856' W; running easterly to a point on the east shore 35° 25.9819' N - 76° 03.5600' W.
- (C) Waupopin Canal - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 31.8413' N - 76° 01.7779' W; running southerly to a point on the south shore 35° 31.8283' N - 76° 01.7637' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 31.5557' N - 75° 58.8725' W; running easterly to a point on the east shore 35° 31.5648' N - 75° 58.8555' W.
- (D) Rattlesnake Canal - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 26.6965' N - 76° 00.8079' W; running easterly to a point on the east shore 35° 26.7116' N - 76° 00.7749' W.
- (E) All Other Manmade Tributaries To Lake Mattamuskeet - All other manmade tributaries within this waterbody are designated as Inland.
- (vi) Middletown Creek - All waters within this waterbody are designated as Coastal.
- (vii) Long Shoal River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 38.7661' N - 75° 53.4429' W; running easterly to a point on the east shore 35° 38.7641' N - 75° 53.4159' W.
- (A) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (B) Broad Creek - All waters within this waterbody are designated as Coastal.
- (C) Flag Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 37.3782' N - 75° 53.0699' W; running easterly to a point on the east shore 35° 37.3894' N - 75° 53.0593' W.
- (D) Cumberland Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 38.3026' N - 75° 53.3010' W; running southerly to a point on the south shore 35° 38.2692' N - 75° 53.3038' W.
- (b) Alligator River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore at Cherry Ridge Landing 35° 42.2172' N - 76° 08.4686' W; running southerly to a point on the south shore 35° 42.1327' N - 76° 08.5002' W.
- (i) Swan Creek and Lake - All waters within this waterbody are designated as Inland.
- (16) Jones County:
- (a) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N - 77° 11.4711' W; running easterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W.
- (i) Grants Creek - All waters within this waterbody are designated as Inland.
- (ii) Hunters Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N - 77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N - 77° 09.9160' W.
- (17) Martin County:
- (a) Roanoke River - All waters within this waterbody are designated as Joint.
- (i) Prices Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 57.3701' N - 77° 11.9815' W; running southerly to a point on the south shore 35° 57.3552' N - 77° 11.9796' W.
- (ii) Rainbow Gut - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.9334' N - 77° 11.3246' W; running easterly to a point on the east shore 35° 55.9275' N - 77° 11.3136' W.
- (iii) Conoho Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 52.5439' N - 77° 02.6673' W; running easterly to a point on the east shore 35° 52.5407' N - 77° 02.6280' W.
- (iv) Sweetwater Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the west shore 35° 51.6464' N - 77° 00.5090' W; running southeasterly to a point on the east shore 35° 51.6252' N - 77° 00.4879' W.
- (A) Peter Swamp - All waters within this waterbody are designated as Inland.

- (v) Devils Gut - All waters within this waterbody are designated as Joint.
    - (A) Upper Deadwater Creek - All waters within this waterbody are designated as Joint.
    - (B) Lower Deadwater Creek - All waters within this waterbody are designated as Joint.
    - (C) Gardner Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 50.1599' N - 76° 56.0211' W; running easterly to a point on the east shore 35° 50.1633' N - 76° 55.9899' W.
  - (vi) Roses Creek - Inland Waters southeast and Joint Waters northwest of a line beginning at a point on the north shore 35° 50.1683' N - 76° 50.9664' W; running southwesterly to a point on the south shore 35° 50.1363' N - 76° 56.9907' W.
  - (vii) Welch Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the western shore 35° 51.8458' N - 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to a point on the east shore 35° 51.8840' N - 76° 45.6207' W.
- (18) New Hanover County:
- (a) Cape Fear River - Joint Waters north and Coastal Waters south of a line beginning at a point on the western side 34° 13.6953' N - 77° 57.2396' W; running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W.
    - (i) Lords Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 05.1562' N - 77° 55.3816' W; running southerly to a point on the south shore 34° 05.1303' N - 77° 55.4008' W.
    - (ii) Todds Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 07.4791' N - 77° 55.5175' W; running southeasterly to a point on the south shore 34° 07.4578' N - 77° 55.5116' W.
    - (iii) Barnards Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 09.4347' N - 77° 56.5969' W; running southerly to a point on the south shore 34° 09.3887' N - 77° 56.5791' W.
    - (iv) Greenfield Lake Outlet - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 12.7210' N - 77° 57.2058' W; running southerly to a point on the south shore 34° 12.7075' N - 77° 57.2085' W.
    - (v) Tommer Creek:
      - (A) Southernmost entrance: Inland Waters northwest and Joint Waters southwest of a line beginning at a point on the west shore 34° 15.6397' N - 77° 58.9608' W; running northeasterly to a point on the east shore 34° 15.6589' N - 77° 58.9338' W; and
      - (B) Northernmost entrance: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 16.6630' N - 77° 59.4699' W; running northeasterly to a point on the east shore 34° 16.6767' N - 77° 59.4506' W.
    - (vi) Catfish Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.7546' N - 77° 59.3751' W; running southeasterly to a point on the south shore 34° 16.7118' N - 77° 59.3870' W.
    - (vii) Northeast Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of NC 210 bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.
      - (A) Smiths Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.0366' N - 77° 56.8405' W; running southeasterly to a point on the south shore 34° 15.9919' N - 77° 56.7961' W.
      - (B) Ness Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 17.1741' N - 77° 57.2460' W; running southeasterly to a point on the south shore 34° 17.1494' N - 77° 57.2044' W.



- (C) Dock Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 18.1274' N - 77° 57.3847' W; running southwesterly to a point on the south shore 34° 18.1173' N - 77° 57.3678' W.
  - (D) Fishing Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 19.1613' N - 77° 57.2460' W; running southwesterly to a point on the south shore 34° 19.1331' N - 77° 57.2245' W.
  - (E) Prince George Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 21.8481' N - 77° 57.0066' W; running northeasterly to a point on the east shore 34° 21.8778' N - 77° 57.9755' W.
  - (F) Sturgeon Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 22.6796' N - 77° 51.6018' W; running northeasterly to a point on the east shore 34° 22.6931' N - 77° 51.5776' W.
  - (G) Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 23.2509' N - 77° 47.3377' W ; running northeasterly to a point on the north shore 34° 23.3322' N - 77° 49.3208' W.
- (19) Northampton County:
- (a) Roanoke River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.5264' N - 77° 23.0223' W; running northeasterly along the south side of the Highway 258 Bridge to a point on the east shore 36° 12.5674' N - 77° 22.9724' W.
    - (i) Sandy Run (Norfleet Gut) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 10.1119' N - 77° 17.5396' W; running northeasterly to a point on the east shore 36° 10.1172' N - 77° 17.5316' W.
  - (b) Meherrin River - All waters within this waterbody up to the Virginia state line are designated as Joint.
    - (i) Vaughan's Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 28.3541' N - 77° 05.6259' W; running southerly to a point on the south shore 36° 28.3307' N - 77° 05.6369' W.
- (20) Onslow County:
- (a) Beasleys Creek (Barlow Creek) - All waters within this waterbody are designated as Coastal.
  - (b) Kings Creek - All waters within this waterbody are designated as Coastal.
  - (c) Turkey Creek - All waters within this waterbody are designated as Coastal.
  - (d) Mill Creek - All waters within this waterbody are designated as Coastal.
  - (e) New River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 45.1654' N - 77° 26.1222' W; running easterly along the southern side of the US Hwy 17 bridge to a point on the east shore 34° 45.2007' N - 77° 25.9790' W.
    - (i) Wheeler Creek - All waters within this waterbody are designated as Coastal.
    - (ii) Everett Creek - All waters within this waterbody are designated as Coastal.
    - (iii) Stones Creek - All waters within this waterbody are designated as Coastal.
    - (iv) Muddy Creek - All waters within this waterbody are designated as Coastal.
    - (v) Mill Creek - All waters within this waterbody are designated as Coastal.
    - (vi) Lewis Creek - All waters within this waterbody are designated as Coastal.
    - (vii) Southwest Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 40.8723' N - 77° 26.2399' W; running northeasterly to a point on the east shore 34° 40.9112' N - 77° 26.1758' W.
    - (viii) Brinson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 44.0945' N - 77° 26.4335' W; running southerly to a point on the south shore 34° 44.0654' N - 77° 26.4239' W.
    - (ix) Northeast Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 34° 44.0778' N - 77° 21.2640' W; running southeasterly along the southern side of the railroad bridge to a point on the east shore 34° 44.0446' N - 77° 21.2126' W.
    - (x) Wallace Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 40.9604' N - 77° 21.5698' W; running southwesterly along

- the western side of the first bridge upstream from the mouth, to a point on the south shore 34° 40.8576' N - 77° 21.4787' W.
- (xi) Codels Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 38.8845' N - 77° 20.4533' W; running southerly to a point on the south shore 34° 38.8691' N - 77° 20.4515' W.
  - (xii) French Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 38.4059' N - 77° 20.2619' W; running southerly to a point on the south shore 34° 38.2566' N - 77° 20.3233' W.
  - (xiii) Duck Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 38.0179' N - 77° 20.5169' W; running southwesterly to a point on the south shore 34° 37.9172' N - 77° 20.6520' W.
- (f) Freeman (Browns) Creek - All waters within this waterbody are designated as Coastal.
  - (g) Bear Creek - All waters within this waterbody are designated as Coastal.
  - (h) Queens Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 42.5696' N - 77° 11.8550' W; running southerly to a point on the south shore 34° 42.4238' N - 77° 11.8550' W.
    - (i) Parrotts Swamp - All waters within this waterbody are designated as Coastal.
  - (i) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N - 77° 11.4711' W; running northeasterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W.
    - (i) Stevens Creek - All waters within this waterbody are designated as Coastal.
    - (ii) Holland Mill (Mill Pond) Creek - All waters within this waterbody are designated as Coastal.
    - (iii) Webbs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 34° 45.7559' N - 77° 10.1321' W; running southwesterly to a point on the south shore 34° 45.7404' N - 77° 10.1486' W.
    - (iv) Freemans Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 46.9791' N - 77° 10.3935' W; running southerly to a point on the south shore 34° 46.9663' N - 77° 10.3999' W.
    - (v) Calebs Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 48.1354' N - 77° 11.4688' W; running southeasterly to a point on the south shore 34° 48.1192' N - 77° 11.4546' W.
    - (vi) Grants Creek - All waters within this waterbody are designated as Inland.
- (21) Pamlico County:
- (a) Pamlico River - All waters within this waterbody are designated as Coastal.
    - (i) Lower Goose Creek - All waters within this waterbody are designated as Coastal.
      - (A) Dixons Creek - All waters within this waterbody are designated as Coastal.
      - (B) Patons Creek - All waters within this waterbody are designated as Coastal.
      - (C) Wilson Creek - All waters within this waterbody are designated as Coastal.
      - (D) Eastham Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 17.8205' N - 76° 35.1828' W; running southerly to a point on the south shore 35° 17.6797' N - 76° 35.1840' W.
      - (E) Upper Spring Creek - All waters within this waterbody are designated as Coastal.
      - (F) Intracoastal Waterway from Upper Spring Creek To Gale Creek - All waters within this waterbody are designated as Coastal.
      - (G) Hunting Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 16.7523' N - 76° 36.8138' W; running easterly to a point on the east shore 35° 16.6779' N - 76° 36.5885' W.
    - (ii) Oyster Creek - All waters within this waterbody are designated as Coastal.
    - (iii) Clark Creek - All waters within this waterbody are designated as Coastal.
      - (A) Middle Prong - All waters within this waterbody are designated as Coastal.
      - (B) James Creek - All waters within this waterbody are designated as Coastal.
  - (b) Pamlico Sound - All waters within this waterbody are designated as Coastal.

- (i) Porpoise Creek - All waters within this waterbody are designated as Coastal.
- (ii) Drum Creek - All waters within this waterbody are designated as Coastal.
- (iii) Bay River - Inland Waters south and Coastal Waters north of a line beginning at a point on the north shore 35° 08.4601' N - 76° 45.9173' W; running southeasterly to a point on the south shore 35° 08.4436' N - 76° 45.8885' W.
  - (A) Gale Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 13.3142' N - 76° 36.7089' W; running southwesterly to a point on the south shore 35° 13.2964' N - 76° 36.7222' W.
  - (B) Chadwick Creek - All waters within this waterbody are designated as Coastal.
  - (C) Bear Creek - All waters within this waterbody are designated as Coastal.
  - (D) Vandemere Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 12.0330' N - 76° 40.7460' W; running northeasterly to a point on the east shore 35° 12.0433' N - 76° 40.7235' W.
    - (I) Long Creek - All waters within this waterbody are designated as Coastal.
  - (E) Smith Creek - All waters within this waterbody are designated as Coastal.
  - (F) Chapel Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 10.0076' N - 76° 42.4909' W; running easterly to a point on the east shore 35° 10.0096' N - 76° 42.4722' W.
  - (G) Raccoon Creek - All waters within this waterbody are designated as Coastal.
  - (H) Trent Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 06.2738' N - 76° 43.1071' W; running southeasterly to a point on the east shore 35° 06.2603' N - 76° 43.0741' W.
  - (I) Thomas Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 07.2024' N - 76° 43.0929' W; running southerly to a point on the south shore 35° 07.1610' N - 76° 43.0947' W.
- (iv) Masons Creek - All waters within this waterbody are designated as Coastal.
- (v) Moore Creek - All waters within this waterbody are designated as Coastal.
- (vi) Rices Creek - All waters within this waterbody are designated as Coastal.
- (vii) Ball Creek - All waters within this waterbody are designated as Coastal.
- (viii) Cabin Creek - All waters within this waterbody are designated as Coastal.
- (ix) Riggs Creek - All waters within this waterbody are designated as Coastal.
- (x) Spring Creek - All waters within this waterbody are designated as Coastal.
- (xi) Long Creek - All waters within this waterbody are designated as Coastal.
- (c) Neuse River - All waters within this waterbody are designated as Coastal.
  - (i) Swan Creek - All waters within this waterbody are designated as Coastal.
  - (ii) Lower Broad Creek - All waters within this waterbody are designated as Coastal.
    - (A) Greens Creek - All waters within this waterbody are designated as Coastal.
    - (B) Pittman Creek - All waters within this waterbody are designated as Coastal.
    - (C) Burton Creek - All waters within this waterbody are designated as Coastal.
    - (D) Brown Creek - All waters within this waterbody are designated as Coastal.
      - (I) Spice Creek - All waters within this waterbody are designated as Coastal.
    - (E) Gideon Creek - All waters within this waterbody are designated as Coastal.
    - (F) Tar Creek - All waters within this waterbody are designated as Coastal.
    - (G) Parris Creek - All waters within this waterbody are designated as Coastal.
  - (iii) Orchard Creek - All waters within this waterbody are designated as Coastal.
  - (iv) Pierce Creek - All waters within this waterbody are designated as Coastal.
  - (v) Whitaker Creek - All waters within this waterbody are designated as Coastal.
  - (vi) Smith Creek - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore at the Oriental Bridge 35° 01.5149' N - 76° 41.9549' W; running southwesterly to a point on the south shore 35° 01.3391' N - 76° 42.1774' W.
  - (vii) Greens Creek - All waters within this waterbody are designated as Joint.

- (A) Kershaw Creek - All waters within this waterbody are designated as Joint.
  - (viii) Dawson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 00.3371' N - 76° 45.6513' W; running southerly to a point on the south shore 35° 00.1492' N - 76° 45.6202' W.
    - (A) Tarkiln Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 00.4124' N - 76° 45.5392' W; running easterly to a point on the east shore 35° 00.4289' N - 76° 45.4472' W.
  - (ix) Gatlin Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 58.4165' N - 76° 47.4645' W; running easterly to a point on the east shore 34° 58.4154' N - 76° 47.4371' W.
  - (x) Little Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 58.5175' N - 76° 49.5822' W; running southeasterly to a point on the east shore 34° 58.5086' N - 76° 49.5680' W.
  - (xi) Mill Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 59.6024' N - 76° 51.1276' W; running easterly to a point on the east shore 34° 59.5955' N - 76° 51.0864' W.
  - (xii) Beard Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 00.3293' N - 76° 52.1855' W; running easterly to a point on the east shore 35° 00.3055' N - 76° 51.9012' W.
  - (xiii) Lower Duck Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 01.5781' N - 76° 54.1580' W; running easterly to a point on the east shore 35° 01.5566' N - 76° 54.0248' W.
  - (xiv) Goose Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 03.4414' N - 76° 55.1170' W; running easterly to a point on the east shore 35° 03.3567' N - 76° 54.9728' W.
  - (xv) Upper Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running easterly to a point on the east shore 35° 04.4705' N - 76° 56.2115' W.
- (22) Pasquotank County:
- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
    - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
    - (ii) Little River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.2950' N - 76° 17.1405' W; running northeasterly to a point on the east shore 36° 12.5237' N - 76° 16.9418' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 07.5322' N - 76° 10.6901' W; running southwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.
      - (A) Symonds Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 10.2898' N - 76° 14.1801' W; running southeasterly to a point on the south shore 36° 10.2042' N - 76° 14.0368' W.
    - (iii) Big Flatty Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 09.3267' N - 76° 08.2562' W; running southerly to a point on the south shore 36° 08.9730' N - 76° 08.3175' W. Joint waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 07.9621' N - 76° 07.1818' W; running easterly to a point on the east shore 36° 08.2706' N - 76° 06.2525' W.
    - (iv) Pasquotank River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.0768' N - 76° 13.0979' W; running easterly along the south side of the Highway 158 Bridge to a point on the east shore 36° 18.0594' N - 76° 12.9620' W. Joint Waters west and Coastal Waters east of a line beginning on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.

- (A) Little Flatty Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 11.5209' N - 76° 04.6517' W; running southerly to a point on the south shore 36° 10.9973' N - 76° 04.5149' W.
  - (B) New Begun Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 13.3298' N - 76° 08.2878' W; running southerly to a point on the south shore 36° 13.0286' N - 76° 08.1820' W.
    - (I) Paling Creek - All waters within this waterbody are designated as Inland.
    - (II) James Creek - All waters within this waterbody are designated as Inland.
  - (C) Charles Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 17.8090' N - 76° 13.0732' W; running easterly to a point on the east shore 36° 17.8024' N - 76° 13.0407' W.
- (23) Pender County:
- (a) Cape Fear River - All waters within this waterbody are designated as Joint.
    - (i) Lyon Thoroughfare (Lyon Thorofare):
      - (A) Easternmost entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 34° 22.0493' N - 78° 04.4435' W; running northeasterly to a point on the east shore 34° 22.0783' N - 78° 04.4123' W; and
      - (B) Westernmost entrance: Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 21.9197' N - 78° 07.0527' W; running southeasterly to a point on the south shore 34° 21.8618' N - 78° 06.9992' W.
    - (ii) Black River - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 34° 22.0783' N - 78° 04.4123' W; running southeasterly to a point on the south shore 34° 21.9950' N - 78° 04.2864' W.
    - (iii) Northeast Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of NC 210 bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.
      - (A) Cowpen Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 22.1417' N - 77° 59.3357' W; running southerly to a point on the south shore 34° 22.1298' N - 77° 59.3426' W.
      - (B) Long Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the west shore 34° 22.7149' N - 77° 58.2797' W; running northeasterly to a point on the east shore 34° 22.7428' N - 77° 58.2348' W.
      - (C) Turkey Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 22.8465' N - 77° 57.4827' W; running southerly to a point on the south shore 34° 22.7895' N - 77° 57.4452' W.
      - (D) Old Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 22.5249' N - 77° 52.1493' W; running northeasterly to a point on the east shore 34° 22.5327' N - 77° 52.1278' W.
      - (E) Honey Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 22.8627' N - 77° 51.0887' W; running easterly to a point on the east shore 34° 22.8609' N - 77° 51.0507' W.
      - (F) Harrisons Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 24.1859' N - 77° 48.6570' W; running southwesterly to a point on the south shore 34° 24.1387' N - 77° 48.6982' W.
      - (G) Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 23.2509' N - 77° 47.3377' W; running northeasterly to a point on the north shore 34° 23.3322' N - 77° 49.3208' W.
  - (b) Topsail Sound And Tributaries - All waters within these waterbodies are designated as Coastal.

- (c) Beasleys (Barlow) Creek - All waters within this waterbody are designated as Coastal.
- (24) Perquimans County:
- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
    - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
    - (ii) Yeopim River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.4526' N - 76° 27.7651' W; running southerly to a point on the south shore at Norcum Point 36° 05.1029' N - 76° 27.7120' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 04.7426' N - 76° 24.2536' W; running southwesterly to a point on the south shore 36° 04.1136' N - 76° 24.5365' W.
      - (A) Yeopim Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore of 36° 04.7206' N - 76° 24.8396' W; running easterly to a point on the east shore 36° 04.7426' N - 76° 24.2536' W.
    - (iii) Perquimans River - Joint Waters west and Coastal Waters east of a line beginning at a point on the west shore 36° 05.9669' N - 76° 18.1791' W; running northeasterly to a point on the east shore 36° 06.7655' N - 76° 16.5953' W. Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 36° 11.6569' N - 76° 28.0055' W; running southeasterly to a point on the east shore 36° 11.6123' N - 76° 27.9382' W.
      - (A) Walter's Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 11.1305' N - 76° 27.9185' W; running southeasterly to a point on the south shore 36° 11.0224' N - 76° 27.6626' W.
      - (B) Mill Pond Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 11.9757' N - 76° 27.5752' W; running easterly to a point on the east shore 36° 11.9766' N - 76° 27.2511' W.
      - (C) Suttons Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 10.0394' N - 76° 23.7945' W; running southeasterly to a point on the east shore 36° 09.9325' N - 76° 23.5263' W.
      - (D) Jackson (Cove) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 08.4642' N - 76° 20.3324' W; running southeasterly to a point on the east shore 36° 08.4159' N - 76° 20.2890' W.
      - (E) Muddy Creek - Inland Waters northwest and Joint Waters southwest of a line beginning at a point on the north shore 36° 07.0381' N - 76° 17.1350' W; running southeasterly to a point on the east shore 36° 07.0218' N - 76° 17.1226' W.
    - (iv) Little River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.2950' N - 76° 17.1405' W; running northeasterly to a point on the east shore 36° 12.5237' N - 76° 16.9418' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 07.5322' N - 76° 10.6901' W; running southwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.
      - (A) Deep Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 11.0945' N - 76° 16.6717' W; running southeasterly to a point on the south shore 36° 10.7510' N - 76° 16.2258' W.
      - (B) Davis Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 12.2950' N - 76° 17.1405' W; running southerly to a point on the south shore 36° 12.2222' N - 76° 17.1153' W.
- (25) Tyrrell County:
- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
    - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.

- (ii) Banton (Maybell) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.0552' N - 76° 22.0664' W; running northeasterly to a point on the east shore 35° 56.1151' N - 76° 21.8760' W.
  - (iii) Scuppernong River - Coastal Waters northwest and Joint Waters southeast of a line beginning at a point on the northeast shore 35° 56.7196' N - 76° 18.8964' W; running southwesterly to a point on the southwest shore at 35° 56.3351' N - 76° 19.6609' W. Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 54.0158' N - 76° 15.4605' W; running easterly to a point on the east shore 35° 54.0406' N - 76° 15.3007' W.
    - (A) First Creek (Rider's Creek) - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 54.0495' N - 76° 15.2842' W; running northeasterly to a point on the east shore 35° 54.0641' N - 76° 15.2554' W.
    - (B) Furlough Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 55.6391' N - 76° 18.9797' W; running southwesterly to a point on the south shore 35° 55.6322' N - 76° 18.9907' W.
  - (iv) Alligator River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore at Cherry Ridge Landing 35° 42.2172' N - 76° 08.4686' W; running southerly to a point on the south shore 35° 42.1327' N - 76° 08.5002' W. Coastal Waters north and Joint Waters south of a line running along the north side of the Highway 64 Bridge beginning at a point on the west shore 35° 54.2903' N - 76° 01.6818' W; running easterly to a point on the east shore 35° 53.6835' N - 75° 58.8578' W.
    - (A) Little Alligator River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.7640' N - 76° 01.0299' W; running southerly to a point on the south shore 35° 55.9362' N - 76° 01.2492' W.
    - (B) Second Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 51.7616' N - 76° 03.5105' W; running southerly to a point on the south shore 35° 51.1317' N - 76° 03.8003' W.
    - (C) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 50.2658' N - 76° 03.9115' W; running southerly to a point on the south shore 35° 50.2123' N - 76° 03.9120' W.
    - (D) The Frying Pan - All waters within this waterbody are designated as Joint.
    - (E) Gum Neck Landing Ditch - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 35° 41.6054' N - 76° 06.8215' W; running southeasterly to a point on the east shore 35° 41.5841' N - 76° 06.7991' W.
- (26) Washington County:
- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
    - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
    - (ii) Mackeys (Kendrick) Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore 35° 56.3806' N - 76° 36.4356' W; running southwesterly to a point on the south shore 35° 56.3122' N - 76° 36.4613' W.
    - (iii) Pleasant Grove Creek (Cherry Swamp) - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.4791' N - 76° 34.1624' W; running easterly to a point on the east shore 35° 56.5042' N - 76° 34.0319' W.
    - (iv) Chapel Swamp Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.4150' N - 76° 33.3494' W; running easterly to a point on the east shore 35° 56.4122' N - 76° 33.3091' W.
    - (v) Bull Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.9954' N - 76° 23.0291' W; running southerly to a point on the south shore 35° 56.9602' N - 76° 23.0282' W.

- (vi) Deep Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.1291' N - 76° 23.1179' W; running southerly to a point on the south shore 35° 56.0744' N - 76° 23.1230' W.
- (vii) Banton (Maybell) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.0552' N - 76° 22.0664' W; running northeasterly to a point on the east shore 35° 56.1151' N - 76° 21.8760' W.
- (b) Roanoke River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore of the Roanoke River 35° 56.5068' N - 76° 41.8858' W; running easterly to a point on the east shore 35° 56.5324' N - 76° 41.5896' W.
  - (i) Conaby Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.3779' N - 76° 42.4401' W; running easterly to a point on the east shore 35° 55.3752' N - 76° 42.3408' W.
  - (ii) Welch Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the western shore 35° 51.8458' N - 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to a point on the east shore 35° 51.8840' N - 76° 45.6207' W.
- (c) Scuppernong River - All waters within this waterbody are designated as Inland.

*History Note:* Authority G.S. 113-132; 113-134; 143B-289.52;  
 Eff. February 1, 1991;  
 Amended Eff. May 1, 2015; June 1, 2013; April 1, 2009; August 1, 2004; July 1, 1993; September 1, 1991;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

## **SUBCHAPTER 03R - DESCRIPTIVE BOUNDARIES**

### **SECTION .0100 - DESCRIPTIVE BOUNDARIES**

#### **15A NCAC 03R .0101 SEA TURTLE SANCTUARY**

The sea turtle sanctuary referenced in 15A NCAC 03I .0107 is in the Atlantic Ocean adjacent to Onslow County. It is bounded by a line beginning near the easternmost end of Hammocks Beach (Bear Island) at a point 34° 38.3990' N - 77° 07.2962' W; running southeasterly to a point near the Bogue Inlet Bell Buoy 34° 38.3063' N - 77° 07.0738' W; running southwesterly 1,000 feet offshore parallel with the ocean shoreline of Bear Island to a point 34° 37.1000' N - 77° 10.1000' W; running southerly to a point 34° 36.7000' N - 77° 09.8000' W, running southwesterly to a point 34° 35.1000' N - 77° 13.2000' W; running northerly to a point off the mouth of Brown's Inlet 34° 35.6000' N - 77° 13.6000' W; running southwesterly parallel with the ocean shoreline 1,000 feet offshore to a point 34° 34.7000' N - 77° 15.1000' W; running southeasterly to a point 34° 34.3000' N - 77° 14.7000' W; W, running southwesterly to a point near the New River Inlet Bell Buoy 34° 31.0500' N - 77° 19.8333' W; running northwesterly to a point near the southernmost tip of Onslow Beach 34° 31.9226' N - 77° 20.3045' W; then running northeasterly following the shoreline at mean high water across Brown and Bear inlets on the COLREGS demarcation line (as indicated on National Ocean Service navigation charts for the area) to the point of beginning.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. January 1, 1991;  
 Amended Eff. September 1, 1991;  
 Recodified from 15A NCAC 3R .0001 Eff. December 17, 1996;  
 Amended Eff. August 1, 2004; May 1, 1997;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

#### **15A NCAC 03R .0102 MILITARY DANGER ZONES AND RESTRICTED AREAS**

The designated military danger zones and restricted areas referenced in 15A NCAC 03I .0110(b) are delineated in the following areas:

- (1) Currituck Sound:
  - (a) In the vicinity of North Landing River, the waters within a circular area with a radius of 1,000 yards having its center at a point 36° 31.0000' N - 76° 01.6666' W.



- (b) In the vicinity of Northern Currituck Sound, southeasterly of a line beginning at a point 36° 28.0826' N - 75° 58.3818' W; running southerly to a point 36° 26.0657' N - 75° 57.0005' W; running easterly to a point 36° 26.0831' N - 75° 55.4026' W; northerly to a point 36° 28.1984' N - 75° 54.7119' W; westerly to the point of beginning 36° 28.0826' N - 75° 58.3818' W.
- (2) Albemarle Sound:
- (a) In the vicinity of Harvey Point, southwest of a line beginning at a point on shore at Harvey Neck 36° 05.3354' N - 76° 20.3059' W; running southeasterly to a point 36° 03.4999' N - 76° 21.7333' W; running southeasterly to a point 36° 02.2999' N - 76° 19.5000' W; running easterly to a point 36° 03.0999' N - 76° 16.7166' W; running northerly to a point 36° 04.8744' N - 76° 17.5538' W; running northerly to a point onshore at Harvey Neck 36° 05.9802' N - 76° 18.1612' W.
- (b) Along south shore of Albemarle Sound, southeast of a line beginning at a point 36° 00.7166' N - 76° 19.3333' W; running southerly to a point 35° 59.5833' N - 76° 19.3333' W; running easterly to a point 36° 00.1999' N - 76° 04.4333' W; running northerly to a point 36° 02.6666' N - 76° 04.4333' W; running westerly to the point of the beginning 36° 00.7166' N - 76° 19.3333' W.
- (i) Southeast of a line beginning at a point 36° 00.7166' N - 76° 19.3333' W; running southerly to a point 35° 59.5833' N - 76° 19.3333' W; running easterly to a point 35° 59.7499' N - 76° 14.5000' W; running northerly to point 36° 01.3333' N - 76° 14.5002' W; running westerly to the point of the beginning 36° 00.7166' N - 76° 19.3333' W.
- (ii) Southeast of a line beginning at a point 36° 01.3333' N - 76° 14.5002' W; running southerly to a point 35° 59.7499' N - 76° 14.5000' W; running easterly to a point 36° 00.0833' N - 76° 07.2499' W; running northerly to a point 36° 02.2999' N - 76° 07.2499' W; running westerly to the point of the beginning 36° 01.3333' N - 76° 14.5002' W.
- (iii) Southeast of a line beginning at a point 36° 02.2999' N - 76° 07.2499' W; running southerly to a point 36° 00.0833' N - 76° 07.2499' W; running easterly to a point 36° 00.1999' N - 76° 04.4333' W; running northerly to a point 36° 02.6666' N - 76° 04.4334' W; running westerly to the point of the beginning 36° 02.2999' N - 76° 07.2499' W.
- (3) Pamlico Sound:
- (a) In the vicinity of Long Shoal, the waters within a circular area with a radius of one and one-half nautical miles having its center at a point 35° 32.3000' N - 75° 40.6500' W;
- (b) In the vicinity of Brant Island, the waters within a circular area with a radius of 3.0 statute miles having its center at a point 35° 12.5000' N - 76° 26.5000' W;
- (c) In the vicinity of Piney Island, the waters within a circular area with a radius of:
- (i) 0.5 statute mile having its center at a point 35° 04.2000' N - 76° 28.4000' W;
- (ii) 1.8 statute mile having its center at a point 35° 02.2000' N - 76° 28.0000' W;
- (iii) 0.5 statute mile having its center at a point 35° 01.7000' N - 76° 25.8000' W;
- (iv) 0.5 statute mile having its center at a point 34° 58.8000' N - 76° 26.2000' W.
- (4) In the Neuse River and its tributaries, within 500 feet from of the shore along the reservation of the Marine Corps Air Station, Cherry Point, North Carolina, beginning on the reservation west of Slocum Creek at a point 34° 57.8766' N - 76° 54.8823' W; running southeasterly, east of Hancock Creek to a point 34° 56.1855' N - 76° 50.6363' W; including all waters of Slocum and Hancock creeks and their tributaries within the boundaries of the reservation.
- (5) Atlantic Ocean:
- (a) In the vicinity east of New River Inlet, beginning at a point on the ocean shoreline of the southwest portion of Onslow Beach 34° 32.5609' N - 77° 18.5578' W; running southwesterly to a point 34° 23.7279' N - 77° 23.5996' W; east and north of an arc of a circle to a point 34° 35.3465' N - 77° 01.2528' W; northwesterly to a point on the ocean shoreline on the southwest shore of Bear Inlet 34° 37.3793' N - 77° 10.2449' W; running southwesterly following the ocean shoreline to the point of the beginning 34° 32.5609' N - 77° 18.5578' W.
- (b) In the vicinity of Bear Inlet, southwest and southeast of a line beginning at a point 34° 37.5333' N - 77° 12.0500' W; running southwesterly to a point 34° 34.8333' N - 77° 15.1666' W; running southerly to a point 34° 28.9166' N - 77° 15.0833' W; running easterly to a point 34° 32.4500' N - 77° 06.5000' W; running northerly to a point 34° 37.7333' N - 77° 10.5833' W; running

southwesterly to a point 34° 36.9666' N – 77° 11.4166' W; running to the northwesterly to the point of the beginning 34° 37.5333' N – 77° 12.0500' W.

- (6) Brown's Inlet between Bear Creek and the Onslow Beach Bridge and the Atlantic Ocean:
- (a) In vicinity of Bear Inlet, southwesterly and southeasterly of line beginning at a point on the north shoreline of the IWW near Bear Creek 34° 38.0450' N - 77° 12.2606' W; running southwesterly parallel to the IWW to a point near the northwest side of the Onslow Beach Bridge 34° 34.5445' N – 77° 16.3578' W; running through the Onslow Beach Bridge to a point on the ocean shoreline 34° 34.1240' N – 77° 16.2896' W running northeasterly following the ocean shoreline across Brown's Inlet to a point 34° 37.0903' N - 77° 10.7206' W; running around the shoreline of Bear Inlet to a point 34° 37.2494' N – 77° 10.7206' W; running along the northeast shoreline of Bear Creek to the south shoreline of the IWW to a point 34° 37.9597' N – 77° 12.2038' W; running across the IWW to include all inlets, streams, bays and water therein to the point of the beginning 34° 38.0450' N – 77° 12.2606' W.
- (7) New River within eight sections:
- (a) Trap Bay Sector, in New River, north of a line beginning on the west shore 34° 33.1209' N - 77° 21.7232' W; running easterly to a point 34° 33.2885' N - 77° 21.0809' W; running easterly to a point on the east shore 34° 33.2054' N - 77° 20.4736' W; following the northeast shoreline to include all streams, bays and waters therein to a point 34° 34.1996' N - 77° 21.6639' W; running southwest to a point 34° 33.6955' N - 77° 22.3780' W; following the southwest shoreline to include all streams, bays and water therein to a point of the beginning 34° 33.1209' N - 77° 21.7232' W.
- (b) Courthouse Bay Sector, in New River, north of a line beginning on the southwest shore to a point 34° 33.6955' N - 77° 22.3780' W; running to a point on the northeast shore 34° 34.1996' N - 77° 21.6639' W; following the northeast shoreline to include all streams, bays and water therein to a point on the northshore near Hwy. 172 Bridge 34° 34.7737' N - 77° 23.9604' W; running to a point on the southshore near Hwy. 172 Bridge 34° 34.5917' N - 77° 23.9464' W; following the southeast shoreline to include all streams, bays and waters therein to the point of the beginning 34° 33.6955' N - 77° 22.3780' W.
- (c) Stone Bay Sector, in New River, north of a line beginning on the southwest shore near Hwy. 172 Bridge 34° 34.5917' N - 77° 23.9464' W; running to a point on the north shore near Hwy. 172 Bridge 34° 34.7737' N - 77° 23.9604' W; following the north shoreline to a point 34° 35.7399' N - 77° 24.0444' W; running to a point on the Grey Point Sector Line 34° 36.3841' N - 77° 25.9488' W; running westerly to a point on the west shore 34° 36.5801' N - 77° 26.6910' W; following the west shore to the point of the beginning near Hwy. 172 Bridge 34° 34.5917' N - 77° 23.9464' W.
- (d) Stone Creek Sector, in New River, southwest of a line beginning on the north shore 34° 37.1122' N - 77° 25.9628' W; running southerly to a point on the Grey Point Sector line 34° 36.3841' N - 77° 25.9488' W; running westerly to a point on the west shore 34° 36.5801' N - 77° 26.6910' W; following the shoreline to include all streams, bays and water therein to the point of beginning 34° 37.1122' N - 77° 25.9628' W.
- (e) Grey Point Sector, in New River, northeast of a line beginning on the west shore 34° 36.5801' N - 77° 26.6910' W; running easterly to a point on the east shore 34° 35.7399' N - 77° 24.0444' W; following the easterly shoreline including all streams, bays and water therein to a point 34° 38.2465' N - 77° 20.3336' W; running northwest to a point on the west shore 34° 39.1847' N - 77° 22.8821' W; following the west shoreline to include all streams, bays and waters therein to a point 34° 37.1122' N - 77° 25.9628' W; running southerly to a point on the Grey Point Sector line 34° 36.3841' N - 77° 25.9488' W.
- (f) Farnell Bay Sector, in New River, north of a line on the west shore 34° 39.1847' N - 77° 22.8821' W; running to a point on the east shore 34° 38.2465' N - 77° 20.3336' W; in Frenchs Creek, west of a line on the north shore 34° 38.3585' N - 77° 19.9695' W; running to a point on the south shore 34° 38.1064' N - 77° 19.9415' W; following the east shoreline to a point 34° 40.4730' N - 77° 22.7141' W; running northwest to a point on the west shore 34° 40.7530' N - 77° 23.9744' W; following the west shoreline to include all streams, bays and waters therein to a point 34° 39.1847' N - 77° 22.8821' W.

- (g) Morgan Bay Sector, in New River, north of a line on the west shore 34° 40.7530' N - 77° 23.9744' W; running to a point on the east shore 34° 40.4730' N - 77° 22.7141' W; in Wallace Creek, west of a line 34° 40.9070' N - 77° 21.9719' W; running south to a point on the south shore 34° 40.6970' N - 77° 21.9579' W; following the east shoreline to a point 34° 42.5526' N - 77° 23.6712' W; running south to a point on the west shore 34° 42.0211' N - 77° 24.9325' W; following the west shoreline to include all streams, bays and waters therein to a point 34° 40.7530' N - 77° 23.9744' W.
- (h) Jacksonville Sector in New River, Southwest Creek; northwest of a line beginning at a point 34° 41.0751' N - 77° 25.6267' W; to a point on the south shore 34° 40.9581' N - 77° 25.6624' W; north of a line beginning at a point on the northeast shoreline of Southwest Creek 34° 42.0211' N - 77° 24.9325' W; running northwest to a point on the east shoreline of New River 34° 42.5526' N - 77° 23.6712' W; southeast of a line beginning at a point on the west shore of New River 34° 43.7028' N - 77° 25.8448' W; running east to a point on the east shore of New River 34° 43.7108' N - 77° 25.5275' W; southwest of a line beginning at a point on the north shore of Northeast Creek 34° 43.7108' N - 77° 23.4412' W; running southerly to a point on the south shore of Northeast Creek 34° 43.3696' N - 77° 23.4333' W;
- (8) Cape Fear River:
  - (a) In the vicinity of Sunny Point Army Terminal, beginning at a point onshore west of the main ship channel 33° 58.2950' N - 77° 58.1533' W; running easterly to a point near marker #23, 33° 58.2950' N - 77° 56.9517' W; running northerly parallel with the shoreline to a point 33° 59.1838' N - 77° 56.8694' W; running northerly parallel to the shoreline to a point 34° 00.6158' N - 77° 56.4250' W; running northerly parallel to the shoreline to a point 34° 02.0478' N - 77° 56.4250' W; running westerly back to a point onshore 34° 02.0642' N - 77° 56.6061' W.

*History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.52; Eff. January 1, 1991; Amended Eff. March 1, 1994; July 1, 1993; September 1, 1991; Recodified from 15A NCAC 3R .0002 Eff. December 17, 1996; Amended Eff. August 1, 2004; May 1, 1997; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**15A NCAC 03R .0103 PRIMARY NURSERY AREAS**

The primary nursery areas referenced in 15A NCAC 03N .0104 are delineated in the following coastal water areas:

- (1) In the Roanoke Sound Area:
  - (a) Shallowbag Bay:
    - (i) Dough Creek - northeast of a line beginning on the west shore at a point 35° 54.5396' N - 75° 39.9681' W; running northeasterly to the east shore to a point 35° 54.4615' N - 75° 40.1598' W; and west of a line that crosses a canal on the east side of Dough Creek beginning on the north shore at a point 35° 54.7103' N - 75° 40.0951' W; running southerly to the south shore to a point 35° 54.6847' N - 75° 40.0882' W; and
    - (ii) Scarborough Creek - south of a line beginning on the west shore at a point 35° 53.9801' N - 75° 39.5985' W; running northeasterly to the east shore to a point 35° 54.0372' N - 75° 39.5558' W; and
  - (b) Broad Creek - all waters north of a line beginning on the west shore at a point 35° 51.9287' N - 75° 38.3377' W; running northeasterly to the east shore to a point 35° 52.0115' N - 75° 38.1792' W; and west and south of a line beginning on the north shore at a point 35° 53.3655' N - 75° 38.0254' W; running southeasterly to the south shore to a point 35° 53.3474' N - 75° 37.9430' W;
- (2) In the Northern Pamlico Sound Area:
  - (a) Long Shoal River:
    - (i) Long Shoal River - northwest of a line beginning on the north shore at a point 35° 38.0175' N - 75° 52.9270' W; running southwesterly to the south shore to a point 35° 37.8369' N - 75° 53.1060' W;

- (ii) Deep Creek - southeast of a line beginning on the north shore at a point 35° 37.7346' N - 75° 52.1383' W; running southwesterly to the south shore to a point 35° 37.6673' N - 75° 52.2997' W;
- (iii) Broad Creek - west of a line beginning on the north shore at a point 35° 35.9820' N - 75° 53.6789' W; running southerly to the south shore to a point 35° 35.7093' N - 75° 53.7335' W;
- (iv) Muddy Creek - east of a line beginning on the north shore at a point 35° 36.4566' N - 75° 52.1460' W; running southerly to the south shore to a point 35° 36.2828' N - 75° 52.1640' W;
- (v) Pains Bay - north of a line beginning on the west shore at a point 35° 35.4517' N - 75° 49.1414' W; running easterly to the east shore to a point 35° 35.4261' N - 75° 48.8029' W;
- (vi) Otter Creek - southwest of a line beginning on the west shore at a point 35° 33.2597' N - 75° 55.2129' W; running easterly to the east shore to a point 35° 33.1995' N - 75° 54.8949' W; and
- (vii) Clark Creek - northeast of a line beginning on the north shore at a point 35° 35.7776' N - 75° 51.4652' W; running southeasterly to the south shore to a point 35° 35.7128' N - 75° 51.4188' W;
- (b) Far Creek - west of a line beginning on the north shore at a point 35° 30.9782' N - 75° 57.7611' W; running southerly to Gibbs Point to a point 35° 30.1375' N - 75° 57.8108' W;
- (c) Middletown Creek - west of a line beginning on the north shore at a point 35° 28.4868' N - 75° 59.8186' W; running southwesterly to the south shore to a point 35° 28.1919' N - 76° 00.0216' W;
- (d) Wysocking Bay:
  - (i) Lone Tree Creek - east of a line beginning on the north shore at a point 35° 25.6048' N - 76° 02.3577' W; running southeasterly to the south shore to a point 35° 25.1189' N - 76° 02.0499' W;
  - (ii) Wysocking Bay - north of a line beginning on the west shore at a point 35° 25.7793' N - 76° 03.5773' W; running northeasterly to the east shore to a point 35° 25.9585' N - 76° 02.9055' W;
  - (iii) Douglas Bay - northwest of a line beginning on Mackey Point at a point 35° 25.2627' N - 76° 03.1702' W; running southwesterly to the south shore to a point 35° 24.8225' N - 76° 03.6353' W; and
  - (iv) Tributaries west of Brown Island - west of a line beginning on Brown Island at a point 35° 24.3606' N - 76° 04.4557' W; running southerly to the north shore of Brown Island to a point 35° 24.2081' N - 76° 04.4622' W; and northwest of a line beginning on the south shore of Brown Island at a point 35° 23.8255' N - 76° 04.4761' W; running southwesterly to a point 35° 23.6543' N - 76° 04.8630' W;
- (e) East Bluff Bay - Harbor Creek east of a line beginning on the north shore at a point 35° 21.5762' N - 76° 07.8755' W; running southerly to a point 35° 21.4640' N - 76° 07.8750' W; running easterly to the south shore to a point 35° 21.4332' N - 76° 07.7211' W;
- (f) Cuning Harbor tributaries - north of a line beginning on the west shore at a point 35° 20.7567' N - 76° 12.6379' W; running easterly to the east shore to a point 35° 20.7281' N - 76° 12.2292' W;
- (g) Juniper Bay:
  - (i) Upper Juniper Bay - north of a line beginning on the west shore at a point 35° 23.1687' N - 76° 15.1921' W; running easterly to the east shore to a point 35° 23.1640' N - 76° 14.9892' W;
  - (ii) Rattlesnake Creek - west of a line beginning on the north shore at a point 35° 22.9453' N - 76° 15.2748' W, running southerly to the south shore to a point 35° 22.8638' N - 76° 15.3461' W;
  - (iii) Buck Creek - north of a line beginning on the west shore at a point 35° 21.5220' N - 76° 13.8865' W; running southeasterly to the east shore to a point 35° 21.3593' N - 76° 13.7039' W;
  - (iv) Laurel Creek - east of a line beginning on the north shore at a point 35° 20.6693' N - 76° 13.3177' W; running southerly to the south shore to a point 35° 20.6082' N - 76° 13.3305' W; and

- (v) Old Haulover - west of a line beginning on the north shore at a point 35° 22.0186' N - 76° 15.6736' W; running southerly to the south shore to a point 35° 21.9708' N - 76° 15.6825' W;
- (h) Swanquarter Bay:
  - (i) Upper Swanquarter Bay - north of a line beginning on the west shore at a point 35° 23.5651' N - 76° 20.6715' W; running easterly to the east shore to a point 35° 23.6988' N - 76° 20.0025' W;
  - (ii) Oyster Creek - east of a line beginning on the north shore at a point 35° 23.1214' N - 76° 19.0026' W; running southeasterly to the south shore to a point 35° 23.0117' N - 76° 18.9591' W; and
  - (iii) Caffee Bay:
    - (A) Unnamed tributary - north of a line beginning on the west shore at a point 35° 22.1604' N - 76° 18.9140' W; running easterly to the east shore to a point 35° 22.1063' N - 76° 18.7500' W;
    - (B) Unnamed tributary - north of a line beginning on the west shore at a point 35° 22.1573' N - 76° 18.5101' W; running easterly to the east shore to a point 35° 22.1079' N - 76° 18.1562' W; and
    - (C) Upper Caffee Bay (Haulover) - east of a line beginning on the north shore at a point 35° 21.8499' N - 76° 17.5199' W; running southerly to the south shore to a point 35° 21.5451' N - 76° 17.4966' W;
- (i) Rose Bay:
  - (i) Rose Bay - north of a line beginning on the west shore at a point 35° 26.6543' N - 76° 25.3992' W; running easterly to Channel Marker "6"; running northeasterly to Watch Point to a point 35° 26.8515' N - 76° 25.0055' W;
  - (ii) Island Point Creek - west of a line beginning on the north shore at a point 35° 26.0413' N - 76° 25.0452' W; running southeasterly to the south shore to a point 35° 25.9295' N - 76° 24.9882' W;
  - (iii) Tooley Creek - west of a line beginning on the north shore at a point 35° 25.4937' N - 76° 25.5324' W; running southerly to the south shore to a point 35° 25.1819' N - 76° 25.5776' W;
  - (iv) Broad Creek - east of a line beginning on the north shore at a point 35° 24.4620' N - 76° 23.3398' W; running southwesterly to the south shore to a point 35° 24.2352' N - 76° 23.5158' W;
  - (v) Lightwood Snag Bay - northwest of a line beginning on the north shore at a point 35° 24.3340' N - 76° 25.9680' W; running southwesterly to a point 35° 24.2610' N - 76° 26.1800' W; running southwesterly to a point on the shore 35° 23.9270' N - 76° 26.3300' W;
  - (vi) Deep Bay:
    - (A) Old Haulover - north of a line beginning on the west shore at a point 35° 23.2140' N - 76° 22.8560' W; running easterly to the east shore to a point 35° 23.2124' N - 76° 22.7340' W; and
    - (B) Drum Cove (Stinking Creek) - south of a line beginning on the west shore at a point 35° 22.5212' N - 76° 24.7321' W; running southeasterly to the east shore to a point 35° 22.4282' N - 76° 24.5147' W; and
  - (vii) Eastern tributaries (Cedar Hammock and Long Creek) - east of a line beginning on the north shore at a point 35° 24.9119' N - 76° 23.1587' W; running southerly to the south shore to a point 35° 24.6700' N - 76° 23.2171' W;
- (j) Spencer Bay:
  - (i) Germantown Bay:
    - (A) Ditch Creek - northwest of a line beginning on the north shore at a point 35° 24.1874' N - 76° 27.8527' W; running southwesterly to the south shore to a point 35° 24.0937' N - 76° 27.9348' W;
    - (B) Jenette Creek - northwest of a line beginning on the north shore at a point 35° 24.5054' N - 76° 27.6258' W; running southwesterly to the south shore to a point 35° 24.4642' N - 76° 27.6659' W;

- (C) Headwaters of Germantown Bay - north of a line beginning on the west shore at a point 35° 24.8345' N - 76° 27.2605' W; running southeasterly to the east shore to a point 35° 24.6210' N - 76° 26.9221' W; and
- (D) Swan Creek - southeast of a line beginning on the north shore at a point 35° 24.4783' N - 76° 27.1513' W; running southwesterly to the south shore to a point 35° 24.3899' N - 76° 27.2809' W;
- (ii) Unnamed tributary - west of a line beginning on the north shore at a point 35° 22.9741' N - 76° 28.3469' W; running southerly to the south shore to a point 35° 22.8158' N - 76° 28.3280' W;
- (iii) Unnamed tributary - west of a line beginning on the north shore at a point 35° 23.1375' N - 76° 28.5681' W; running southerly to the south shore to a point 35° 23.0209' N - 76° 28.5060' W;
- (iv) Unnamed tributary - southwest of a line beginning on the north shore at a point 35° 23.3775' N - 76° 28.7332' W; running southeasterly to the south shore to a point 35° 23.3297' N - 76° 28.5608' W;
- (v) Unnamed tributaries - northwest of a line beginning on the north shore at a point 35° 23.7207' N - 76° 28.6590' W; running southwesterly to the south shore to a point 35° 23.4738' N - 76° 28.7763' W;
- (vi) Upper Spencer Bay - northwest of a line beginning on the north shore at a point 35° 24.3129' N - 76° 28.5300' W; running southwesterly to the south shore to a point 35° 23.9681' N - 76° 28.7671' W; and
- (vii) Spencer Creek - east of a line beginning on the north shore at a point 35° 23.9990' N - 76° 27.3702' W; running southerly to the south shore to a point 35° 23.8598' N - 76° 27.4037' W;
- (k) Long Creek - north of a line beginning on the west shore at a point 35° 22.4678' N - 76° 28.7868' W; running southeasterly to the east shore to a point 35° 22.3810' N - 76° 28.7064' W;
- (l) Willow Creek - east of a line beginning on the north shore at a point 35° 23.1370' N - 76° 29.8829' W; running southeasterly to the south shore to a point 35° 22.9353' N - 76° 29.7215' W;
- (m) Abels Bay - north and east of a line beginning on the west shore at a point 35° 24.1072' N - 76° 30.3848' W; running southeasterly to the east shore to a point 35° 23.9898' N - 76° 30.1178' W; thence running southerly to the south shore to a point 35° 23.6947' N - 76° 30.1900' W; and
- (n) Crooked Creek - north of a line beginning on the west shore at a point 35° 24.4138' N - 76° 32.2124' W; running easterly to the east shore to a point 35° 24.3842' N - 76° 32.0419' W;
- (3) In the Pungo River Area:
  - (a) Fortescue Creek:
    - (i) Headwaters of Fortescue Creek - southeast of a line beginning on the south shore at a point 35° 25.5379' N - 76° 30.6923' W; running easterly to the north shore to a point 35° 25.5008' N - 76° 30.5537' W;
    - (ii) Warner Creek - north of a line beginning on the west shore at a point 35° 26.2778' N - 76° 31.5463' W; running easterly to the east shore to a point 35° 26.3215' N - 76° 31.4522' W;
    - (iii) Island Creek - north of a line beginning on the west shore at a point 35° 26.1342' N - 76° 32.3883' W; running easterly to the east shore to a point 35° 26.1203' N - 76° 32.2603' W;
    - (iv) Dixon Creek - south of a line beginning on the west shore at a point 35° 25.5766' N - 76° 31.8489' W; running easterly to the east shore to a point 35° 25.5865' N - 76° 31.6960' W;
    - (v) Pasture Creek - north of a line beginning on the west shore at a point 35° 25.9437' N - 76° 31.8468' W; running southwesterly to the east shore to a point 35° 25.9918' N - 76° 31.7224' W;

- (vi) Cox, Snell, and Seer Creeks - northeast of a line beginning on the west shore at a point 35° 26.0496' N - 76° 31.2087' W; running southeasterly to the east shore to a point 35° 25.8497' N - 76° 30.8828' W;
  - (vii) Unnamed tributary on the north side of Fortescue Creek - northeast of a line beginning on the west shore at a point 35° 25.7722' N - 76° 30.7825' W; running southeasterly to the east shore to a point 35° 25.7374' N - 76° 30.7102' W; and
  - (viii) Runway Creek - northeast of a line beginning on the west shore at a point 35° 25.6547' N - 76° 30.6637' W; running easterly to the east shore to a point 35° 25.6113' N - 76° 30.5714' W;
- (b) Slade Creek:
- (i) Upper Slade Creek - south of a line beginning on the north shore at a point 35° 27.9168' N - 76° 30.5189' W; running westerly to the south shore to a point 35° 27.9532' N - 76° 30.7140' W;
  - (ii) Jarvis Creek - northeast of a line beginning on the west shore at a point 35° 28.2450' N - 76° 30.8921' W; running southeasterly to the east shore to a point 35° 28.2240' N - 76° 30.8200' W;
  - (iii) Jones Creek - south of a line beginning on the west shore at a point 35° 28.0077' N - 76° 30.9337' W; running southeasterly to the east shore to a point 35° 27.9430' N - 76° 30.8938' W;
  - (iv) Becky Creek - north of a line beginning on the west shore at a point 35° 28.6081' N - 76° 31.6886' W; running northeasterly to the east shore to a point 35° 28.6297' N - 76° 31.6073' W;
  - (v) Neal Creek - north of a line beginning on the west shore at a point 35° 28.7797' N - 76° 31.8657' W; running northeasterly to the east shore to a point 35° 28.8084' N - 76° 31.7727' W;
  - (vi) Wood Creek - north of a line beginning on the west shore at a point 35° 28.5788' N - 76° 32.4163' W; running northeasterly to the east shore to a point 35° 28.6464' N - 76° 32.3339' W;
  - (vii) Spellman Creek - north of a line beginning on the east shore at a point 35° 28.2233' N - 76° 32.6827' W; running southwesterly to the west shore to a point 35° 28.2567' N - 76° 32.6533' W;
  - (viii) Speer Creek - east of a line beginning on the north shore at a point 35° 27.9680' N - 76° 32.3593' W; running southerly to the south shore to a point 35° 27.9216' N - 76° 32.3862' W;
  - (ix) Church Creek and Speer Gut - east of a line beginning on the north shore at a point 35° 27.5910' N - 76° 32.7412' W; running southwesterly to the south shore to a point 35° 27.5282' N - 76° 32.8227' W; and
  - (x) Allison and Foreman Creek - south of a line beginning on Parmalee Point at a point 35° 27.2812' N - 76° 33.0634' W; running southwesterly to the west shore to a point 35° 27.2418' N - 76° 33.1451' W;
- (c) Flax Pond - west of a line beginning the north shore at a point 35° 32.0297' N - 76° 33.0389' W; running southwesterly to the south shore to a point 35° 31.9212' N - 76° 33.2061' W; and
- (d) Battalina and Tooleys creeks - northwest of a line beginning on the north shore at a point 35° 32.3914' N - 76° 36.1548' W; running southwesterly to the south shore to a point 35° 32.0627' N - 76° 36.3769' W;
- (4) In the Pamlico River Area:
- (a) North Creek:
- (i) North Creek - north of a line beginning on the west shore at a point 35° 25.6764' N - 76° 39.9970' W; running northeasterly to the east shore to a point 35° 25.5870' N - 76° 40.0806' W;
  - (ii) East Fork:
    - (A) Northeast of a line beginning on the west shore at a point 35° 25.8000' N - 76° 39.2679' W; running southeasterly to the east shore to a point 35° 25.6914' N - 76° 39.1374' W; and

- (B) Unnamed tributary of East Fork - northwest of a line beginning on the north shore at a point 35° 25.6950' N - 76° 39.4337' W; running southwesterly to the south shore to a point 35° 25.6445' N - 76° 39.4698' W;
- (iii) Frying Pan Creek - east of a line beginning on the north shore at a point 35° 24.9881' N - 76° 39.5948' W; running southwesterly to Chambers Point to a point 35° 24.8508' N - 76° 39.6811' W; and
- (iv) Little Ease Creek - west of a line beginning on the north shore at a point 35° 25.1463' N - 76° 40.3490' W; running southwesterly to Cousin Point to a point 35° 25.0075' N - 76° 40.4159' W;
- (b) Goose Creek:
  - (i) Hatter Creek - west of a line beginning on the north shore at a point 35° 19.9593' N - 76° 37.5992' W; running southerly to the south shore to a point 35° 19.9000' N - 76° 37.5904' W;
  - (ii) Upper Spring Creek:
    - (A) Headwaters of Upper Spring Creek - east of a line beginning on the north shore at a point 35° 16.3636' N - 76° 36.0568' W; running southeasterly to the south shore to a point 35° 16.1857' N - 76° 36.0111' W; and
    - (B) Unnamed tributary - north of a line beginning on the west shore at a point 35° 16.8386' N - 76° 36.4447' W; running easterly to the east shore to a point 35° 16.8222' N - 76° 36.3811' W;
  - (iii) Eastham Creek - east of a line beginning on the north shore at a point 35° 17.7423' N - 76° 36.5164' W; running southeasterly to the south shore to a point 35° 17.5444' N - 76° 36.3963' W;
  - (iv) Mud Gut - northeast of a line beginning on the north shore at a point 35° 17.8754' N - 76° 36.7704' W; running southeasterly to the south shore to a point 35° 17.8166' N - 76° 36.7468' W;
  - (v) Wilkerson Creek - east of a line beginning on the north shore at a point 35° 18.4096' N - 76° 36.7479' W; running southwesterly to the south shore to a point 35° 18.3542' N - 76° 36.7741' W; and
  - (vi) Dixon Creek - east of a line beginning on the north shore at a point 35° 18.8893' N - 76° 36.5973' W; running southerly to the south shore to a point 35° 18.5887' N - 76° 36.7142' W; and
- (c) Oyster Creek - Middle Prong:
  - (i) Oyster Creek:
    - (A) West of a line, beginning on the north shore at a point 35° 19.4780' N - 76° 34.0131' W; running southerly to the south shore to a point 35° 19.3796' N - 76° 34.0021' W; and
    - (B) Duck Creek - south of a line beginning on the west shore at a point 35° 19.0959' N - 76° 33.2998' W; running northeasterly to the east shore to a point 35° 19.1553' N - 76° 33.2027' W;
  - (ii) James Creek - southwest of a line beginning on the north shore at a point 35° 18.6045' N - 76° 32.3233' W; running southeasterly to James Creek Point at a point 35° 18.4805' N - 76° 32.0240' W;
  - (iii) Middle Prong - south of a line beginning on the west shore at a point 35° 17.8888' N - 76° 31.9379' W; running southerly to the east shore to a point 35° 17.7323' N - 76° 31.9052' W; and
  - (iv) Clark Creek:
    - (A) Headwaters of Clark Creek (including Mouse Harbor Ditch) - southeast of a line beginning on the west shore at a point 35° 18.1028' N - 76° 31.1661' W; running northeasterly to the east shore to a point 35° 18.1907' N - 76° 31.0610' W; and
    - (B) Boat Creek - east of a line beginning on the north shore at a point 35° 18.5520' N - 76° 31.2927' W; running southerly to the south shore to a point 35° 18.4189' N - 76° 31.2660' W;
- (5) In the Western Pamlico Sound Area:



- (a) Mouse Harbor:
  - (i) Long Creek - north of a line beginning on the west shore at a point 35° 18.4025' N - 76° 29.8139' W; running northeasterly to the east shore to a point 35° 18.4907' N - 76° 29.5652' W;
  - (ii) Lighthouse Creek - north of a line beginning on the west shore at a point 35° 18.5166' N - 76° 29.2166' W; running southeasterly to the east shore to a point 35° 18.4666' N - 76° 29.1666' W; and
  - (iii) Cedar Creek and Island creeks - south of a line beginning on the west shore at a point 35° 16.9073' N - 76° 29.8667' W; running southeasterly to the east shore to a point 35° 16.6800' N - 76° 29.4500' W;
- (b) Porpoise Creek - west of a line beginning on the north shore at a point 35° 15.7263' N - 76° 29.4897' W; running southeasterly to the south shore to a point 35° 15.6335' N - 76° 29.3346' W;
- (c) Middle Bay:
  - (i) Middle Bay - west of a line beginning on the north shore at a point 35° 14.6137' N - 76° 30.8086' W; running southeasterly to the south shore to a point 35° 14.0631' N - 76° 30.5176' W; and
  - (ii) Little Oyster Creek - north of a line beginning on the west shore at a point 35° 14.4745' N - 76° 30.2111' W; running northeasterly to the east shore to a point 35° 14.5825' N - 76° 29.9144' W; and
- (d) Jones Bay, west of the IWW:
  - (i) Little Drum Creek and Little Eve Creek - south of a line beginning on the west shore at a point 35° 12.4380' N - 76° 31.7428' W; running southeasterly to the east shore to a point 35° 12.3499' N - 76° 31.2554' W;
  - (ii) Ditch Creek - south of a line beginning on the west shore at a point 35° 13.3609' N - 76° 33.6539' W; running southeasterly to the east shore to a point 35° 13.2646' N - 76° 33.1996' W;
  - (iii) Lambert Creek - west of a line beginning on the north shore at a point 35° 13.8980' N - 76° 34.3078' W; running southeasterly to the south shore to a point 35° 13.8354' N - 76° 34.2665' W;
  - (iv) Headwaters of Jones Bay, (west of the IWW) - west of a line beginning on the north shore at a point 35° 14.4684' N - 76° 35.4307' W; running southerly to the south shore to a point 35° 14.3947' N - 76° 35.4205' W;
  - (v) Bills Creek - north of a line beginning on the west shore at a point 35° 14.4162' N - 76° 34.8566' W; running northerly to the east shore to a point 35° 14.4391' N - 76° 34.7248' W;
  - (vi) Doll Creek - north of a line beginning on the west shore at a point 35° 14.3320' N - 76° 34.2935' W; running southeasterly to the east shore to a point 35° 14.2710' N - 76° 34.0406' W; and
  - (vii) Drum Creek - north of a line beginning on the west shore at a point 35° 14.1764' N - 76° 33.2632' W; running easterly to the east shore to a point 35° 14.1620' N - 76° 33.0614' W;
- (6) In the Bay River Area:
  - (a) Mason Creek - southeast of a line beginning on the north shore at a point 35° 08.2531' N - 76° 41.4897' W; running southwesterly to the west shore to a point 35° 08.1720' N - 76° 41.6340' W;
  - (b) Moore Creek - southeast of a line beginning on the north shore at a point 35° 08.9671' N - 76° 40.2017' W; running southeasterly to the south shore to a point 35° 08.8629' N - 76° 40.1598' W;
  - (c) Small tributaries from Bell Point to Ball Creek:
    - (i) Tributary west of Bell Point - south of a line beginning on the west shore at a point 35° 09.9536' N - 76° 39.3977' W; running northeasterly to the east shore to a point 35° 09.9970' N - 76° 39.3420' W;
    - (ii) Little Pasture Creek - south of a line beginning on the west shore at a point 35° 09.8944' N - 76° 39.1483' W; running southeasterly to the east shore to a point 35° 09.8417' N - 76° 39.1130' W; and

- (iii) Rice Creek - south of a line beginning on the west shore at a point 35° 09.7616' N - 76° 38.9686' W; running southeasterly to the east shore to a point 35° 09.7378' N - 76° 38.8833' W;
- (d) Ball and Cabin creeks - south of a line beginning on the west shore at a point 35° 09.6479' N - 76° 37.9973' W; running southeasterly to the east shore to a point 35° 09.5589' N - 76° 37.5879' W;
- (e) Bonner Bay:
  - (i) Riggs Creek - west of a line beginning on the north shore at a point 35° 09.4050' N - 76° 36.2205' W; running southeasterly to the south shore to a point 35° 09.2298' N - 76° 36.0949' W;
  - (ii) Spring Creek - west of a line beginning on the north shore at a point 35° 08.5149' N - 76° 36.0799' W; running southerly to the south shore to a point 35° 08.3575' N - 76° 36.0713' W;
  - (iii) Bryan and Ives creeks - south of a line beginning on the west shore at a point 35° 08.3632' N - 76° 35.8653' W; running northeasterly to the east shore to a point 35° 08.4109' N - 76° 35.7075' W;
  - (iv) Long Creek Gut - north of a line beginning on the west shore at a point 35° 09.1993' N - 76° 34.8517' W; running easterly to the east shore to a point 35° 09.1987' N - 76° 34.5373' W;
  - (v) Dipping Vat Creek - east of a line beginning on the north shore at a point 35° 09.2734' N - 76° 34.3363' W; running southerly to the south shore to a point 35° 09.1212' N - 76° 34.3667' W;
  - (vi) Long Creek - east of a line beginning on the west shore at a point 35° 08.1404' N - 76° 34.5741' W; running northeasterly to the east shore to a point 35° 08.2078' N - 76° 34.4819' W; and
  - (vii) Cow Gallus Creek - west of a line beginning on the north shore at a point 35° 08.5125' N - 76° 34.6417' W; running southerly to the south shore to a point 35° 08.4083' N - 76° 34.6131' W;
- (f) Rock Hole Bay - northeast of a line beginning on the west shore at a point 35° 11.6478' N - 76° 32.5840' W; running southeasterly to the east shore to a point 35° 11.2664' N - 76° 32.2160' W;
- (g) Dump Creek - north of a line beginning on the west shore at a point 35° 11.7105' N - 76° 33.4228' W; running easterly to the east shore to a point 35° 11.7174' N - 76° 33.1807' W;
- (h) Tributaries east of IWW at Gales Creek:
  - (i) Raccoon Creek - east of a line beginning on the north shore at a point 35° 12.9169' N - 76° 35.4930' W; running southeasterly to the south shore to a point 35° 12.6515' N - 76° 35.3368' W; and
  - (ii) Ditch Creek - east of a line beginning on the north shore at a point 35° 12.4460' N - 76° 35.0707' W; running southeasterly to the south shore to a point 35° 12.3495' N - 76° 34.9917' W;
- (i) Tributaries west of IWW at Gales Creek:
  - (i) Jumpover Creek - west of a line beginning on the north shore at a point 35° 13.2830' N - 76° 35.5843' W; running southerly to the south shore to a point 35° 13.2035' N - 76° 35.5844' W;
  - (ii) Gales Creek - west of a line beginning on the north shore at a point 35° 12.9653' N - 76° 35.6600' W; running southerly to the south shore to a point 35° 12.8032' N - 76° 35.6366' W; and
  - (iii) Whealton and Tar creeks - west of a line beginning on the north shore at a point 35° 12.7334' N - 76° 35.5430' W; running southeasterly to the south shore to a point 35° 12.4413' N - 76° 35.3594' W;
- (j) Chadwick and No Jacket creeks - north of a line beginning on the west shore at a point 35° 11.9511' N - 76° 35.8899' W; running northeasterly to the east shore to a point 35° 12.0599' N - 76° 35.3973' W;
- (k) Bear Creek - west of a line beginning on the north shore at a point 35° 11.7526' N - 76° 36.2721' W; running southwesterly to the south shore to a point 35° 11.5781' N - 76° 36.3366' W;
- (l) Little Bear Creek - north of a line beginning on the west shore at a point 35° 11.1000' N - 76° 36.3060' W; running northeasterly to the east shore to a point 35° 11.2742' N - 76° 35.9822' W;

- (m) Tributaries to Bay River from Petty Point to Sanders Point:
  - (i) Oyster Creek - north of a line beginning on the west shore at a point 35° 10.7971' N - 76° 36.7399' W; running northeasterly to the east shore to a point 35° 10.9493' N - 76° 36.4878' W;
  - (ii) Potter Creek - north of a line beginning on the west shore at a point 35° 10.7259' N - 76° 37.0764' W; running northeasterly to the east shore to a point 35° 10.7778' N - 76° 36.7933' W;
  - (iii) Barnes and Gascon creeks - north of a line beginning on the west shore at a point 35° 10.6396' N - 76° 37.3137' W; running northeasterly to the east shore to a point 35° 10.6929' N - 76° 37.2087' W;
  - (iv) Harris Creek - north of a line beginning on the west shore at a point 35° 10.5922' N - 76° 37.5333' W; running northeasterly to the east shore to a point 35° 10.6007' N - 76° 37.5103' W; and
  - (v) Mesic Creek - north of a line beginning on the west shore at a point 35° 10.5087' N - 76° 37.9520' W; running easterly to the east shore to a point 35° 10.4830' N - 76° 37.8477' W;
- (n) In Vandemere Creek:
  - (i) Cedar Creek - north of a line beginning on the west shore at a point 35° 11.2495' N - 76° 39.5727' W; running northeasterly to the east shore to a point 35° 11.2657' N - 76° 39.5238' W;
  - (ii) Long Creek - east of a line beginning on the north shore at a point 35° 11.4779' N - 76° 38.7790' W; running southerly to the south shore to a point 35° 11.4220' N - 76° 38.7521' W; and
  - (iii) Little Vandemere Creek - north of a line beginning on the west shore at a point 35° 12.1449' N - 76° 39.2620' W; running southeasterly to the east shore to a point 35° 12.1182' N - 76° 39.1993' W;
- (o) Smith Creek - north of a line beginning on the west shore to a point 35° 10.4058' N - 76° 40.2565' W; running northeasterly to the east shore to a point 35° 10.4703' N - 76° 40.1593' W;
- (p) Harper Creek - west of a line beginning on the north shore at a point 35° 09.2767' N - 76° 41.8489' W; running southwesterly to the south shore to a point 35° 09.1449' N - 76° 41.9137' W;
- (q) Chapel Creek - north of a line beginning on the west shore at a point 35° 08.9333' N - 76° 42.8382' W; running northeasterly to the east shore to a point 35° 08.9934' N - 76° 42.7694' W; and
- (r) Swindell Bay - south of a line beginning on the west shore at a point 35° 08.2580' N - 76° 42.9380' W; running southeasterly to the east shore to a point 35° 08.2083' N - 76° 42.8031' W;
- (7) In the Neuse River Area North Shore:
  - (a) Swan Creek - west of a line beginning on the south shore at a point 35° 06.5470' N - 76° 33.8203' W; running northeasterly to a point 35° 06.4155' N - 76° 33.9479' W; running to the south shore of Swan Island to a point 35° 06.3168' N - 76° 34.0263' W; running northeasterly to a point 35° 06.6705' N - 76° 33.7307' W, running northeasterly to the north shore to a point 35° 06.8183' N - 76° 33.5971' W;
  - (b) Broad Creek:
    - (i) Greens Creek - north of a line beginning on the west shore at a point 35° 06.0730' N - 76° 35.5110' W; running southeasterly to the east shore to a point 35° 05.9774' N - 76° 35.3704' W;
    - (ii) Pittman Creek - north of a line beginning on the west shore at a point 35° 05.8143' N - 76° 36.1475' W; running northeasterly to the east shore to a point 35° 05.8840' N - 76° 36.0144' W;
    - (iii) Burton Creek - west of a line beginning on the north shore at a point 35° 05.7174' N - 76° 36.4797' W; running southwesterly to the south shore to a point 35° 05.6278' N - 76° 36.5067' W;
    - (iv) All tributaries on the north shore of Broad Creek - north of a line beginning on the west shore of the western most tributary at a point 35° 05.5350' N - 76° 37.4058' W; running easterly to a point 35° 05.4752' N - 76° 36.9672' W; running to a point 35° 05.4868' N - 76° 36.9163' W; north of a line beginning on the west shore of the eastern most tributary

- at 35° 05.4415' N - 76° 36.7869' W, running northeasterly to a point 35° 05.4664' N - 76° 36.7540' W;
- (v) Brown Creek - northwest of a line beginning on the west shore at a point 35° 05.5310' N - 76° 37.8132' W; running northeasterly to the east shore to a point 35° 05.5737' N - 76° 37.6908' W;
  - (vi) Broad Creek including Gideon Creek - west of a line beginning on the north shore at a point 35° 05.5310' N - 76° 37.8132' W; running southerly to the south shore to a point 35° 05.3212' N - 76° 37.8398' W;
  - (vii) Tar Creek - south of a line beginning on the west shore at a point 35° 05.2604' N - 76° 37.5093' W; running easterly to the east shore to a point 35° 05.2728' N - 76° 37.6251' W;
  - (viii) Tributary east of Tar Creek - south of a line beginning on the west shore at a point 35° 05.3047' N - 76° 37.0316' W; running easterly to the east shore to a point 35° 05.2674' N - 76° 36.8086' W;
  - (ix) Tributary east of Tar Creek - south of a line beginning on the west shore at a point 35° 05.2674' N - 76° 36.8086' W; running easterly to the east shore to a point 35° 05.2445' N - 76° 36.5416' W;
  - (x) Parris Creek - south of a line beginning on the west shore at a point 35° 05.2445' N - 76° 36.5416' W; running southeasterly to the east shore to a point 35° 05.2031' N - 76° 36.4573' W;
  - (xi) Mill Creek - south of a line beginning on the west shore at a point 35° 05.4439' N - 76° 36.0260' W; running northeasterly to the east shore to a point 35° 05.4721' N - 76° 35.8835' W; and
  - (xii) Cedar Creek - south of a line beginning on the west shore at a point 35° 05.3711' N - 76° 35.6556' W; running southeasterly to the east shore to a point 35° 05.2867' N - 76° 35.5348' W;
- (c) Orchard and Old House creeks - north of a line beginning on the west shore at a point 35° 03.3302' N - 76° 38.4478' W; running northeasterly to the east shore to a point 35° 03.6712' N - 76° 37.9040' W;
  - (d) Pierce Creek - north of a line beginning on the west shore at a point 35° 02.5030' N - 76° 40.0536' W; running northeasterly to the east shore to a point 35° 02.5264' N - 76° 39.9901' W;
  - (e) Whittaker Creek - north of a line beginning on the west shore at a point 35° 01.7186' N - 76° 41.1309' W; running easterly to the east shore to a point 35° 01.6702' N - 76° 40.9036' W;
  - (f) Oriental:
    - (i) Smith and Morris creeks - north of a line beginning on the west shore at a point 35° 02.1553' N - 76° 42.2931' W; running southeasterly to the east shore to a point 35° 02.1097' N - 76° 42.1806' W;
    - (ii) Unnamed tributary west of Dewey Point - north of a line beginning on the west shore at a point 35° 01.3704' N - 76° 42.4906' W; running northeasterly to the east shore to a point 35° 01.3530' N - 76° 42.4323' W;
    - (iii) Unnamed tributary on the south shore of Greens Creek - south of a line beginning on the west shore at a point 35° 01.4340' N - 76° 42.7920' W; running southeasterly to the east shore to a point 35° 01.4040' N - 76° 42.7320' W;
    - (iv) Unnamed tributary on the south shore of Greens Creek - south of a line beginning on the west shore at a point 35° 01.3680' N - 76° 42.4920' W; running southeasterly to the east shore to a point 35° 01.3560' N - 76° 42.4320' W;
    - (v) Greens Creek - west of a line beginning on the north shore at a point 35° 01.5985' N - 76° 42.9959' W; running southeasterly to the south shore to a point 35° 01.4759' N - 76° 42.9570' W;
    - (vi) Kershaw Creek - north of a line beginning on the west shore at a point 35° 01.5985' N - 76° 42.9959' W; running easterly to the east shore to a point 35° 01.6077' N - 76° 42.8459' W; and
    - (vii) Shop Gut Creek - west of a line beginning on the north shore at a point 35° 01.2720' N - 76° 42.1500' W; running southerly to the south shore to a point 35° 01.1700' N - 76° 42.1380' W;

- (g) Dawson Creek:
  - (i) Unnamed eastern tributary of Dawson Creek - east of a line beginning on the north shore at a point 35° 00.2064' N - 76° 45.2652' W; running southeasterly to the south shore to a point 35° 00.1790' N - 76° 45.2289' W; and
  - (ii) Unnamed tributary of Dawson Creek (at mouth) - east of a line beginning on the north shore at a point 34° 59.6620' N - 76° 45.1156' W; running southerly to the south shore to a point 34° 59.6326' N - 76° 45.1177' W; and
- (h) Beard Creek tributary - southeast of a line beginning on the north shore at a point 35° 00.3176' N - 76° 51.9098' W; running southwesterly to the southwest shore to a point 35° 00.1884' N - 76° 51.9850' W;
- (8) In the Neuse River Area South Shore:
  - (a) Clubfoot Creek - south of a line beginning on the west shore at a point 34° 52.4621' N - 76° 45.9256' W; running easterly to the east shore to a point 34° 52.4661' N - 76° 45.7567' W;
    - (i) Mitchell Creek - west of a line beginning on the north shore at a point 34° 54.4176' N - 76° 45.7680' W; running southerly to the south shore to a point 34° 54.2610' N - 76° 45.8277' W; and
    - (ii) Gulden Creek - east of a line beginning on the north shore at a point 34° 54.1760' N - 76° 45.4438' W; running southerly to the south shore to a point 34° 54.0719' N - 76° 45.4888' W;
  - (b) Adams Creek:
    - (i) Godfrey Creek - south of a line beginning on the west shore at a point 34° 57.3104' N - 76° 41.1292' W; running easterly to the east shore to a point 34° 57.2655' N - 76° 41.1187' W;
    - (ii) Delamar Creek - south of a line beginning on the west shore at a point 34° 57.0475' N - 76° 40.7230' W; running southeasterly to the east shore to a point 34° 57.0313' N - 76° 40.7015' W;
    - (iii) Kellum Creek - west of a line beginning on the north shore at a point 34° 55.5240' N - 76° 39.8072' W; running southeasterly to the south shore to a point 34° 55.4356' N - 76° 39.8201' W;
    - (iv) Kearney Creek and unnamed tributary - west of a line beginning on the north shore of the north creek at a point 34° 55.1847' N - 76° 39.9686' W; running southerly to the south shore to a point 34° 54.9661' N - 76° 40.0091' W;
    - (v) Isaac Creek - south of a line beginning on the west shore at a point 34° 54.2457' N - 76° 40.1010' W; running easterly to the east shore to a point 34° 54.2630' N - 76° 40.0088' W;
    - (vi) Back Creek - southeast of a line beginning on the northeast shore at a point 34° 54.6598' N - 76° 39.5257' W; running southwesterly to the southwest shore to a point 34° 54.5366' N - 76° 39.7075' W;
    - (vii) Cedar Creek - southeast of a line beginning on the west shore at a point 34° 55.7759' N - 76° 38.6070' W; running easterly to the east shore to a point 34° 55.7751' N - 76° 38.4965' W;
    - (viii) Jonaquin Creek - northeast of a line beginning on the west shore at a point 34° 56.1192' N - 76° 38.4997' W; running easterly to the east shore to a point 34° 56.1172' N - 76° 38.4584' W;
    - (ix) Dumpling Creek - east of a line beginning on the northwest shore at a point 34° 56.9187' N - 76° 39.5559' W; running southeasterly to the southeast shore to a point 34° 56.8421' N - 76° 39.5155' W; and
    - (x) Sandy Huss Creek - northeast of a line beginning on the west shore at a point 34° 57.2348' N - 76° 39.8457' W; running southeasterly to the east shore to a point 34° 57.1638' N - 76° 39.7169' W;
  - (c) Garbacon Creek - south of a line beginning on the west shore at a point 34° 59.0044' N - 76° 38.5758' W; running easterly to the east shore to a point 34° 59.0006' N - 76° 38.4845' W;
  - (d) South River:

- (i) Big Creek - southwest of a line beginning on the northwest shore at a point 34° 56.9502' N - 76° 35.3498' W; running southeasterly to the southeast shore to a point 34° 56.8346' N - 76° 35.2091' W; and
- (ii) Horton Bay - north of a line beginning on the west shore at a point 34° 59.1936' N - 76° 34.7657' W; running easterly to the east shore to a point 34° 59.2023' N - 76° 34.4586' W;
- (e) Brown Creek - south of a line beginning on the west shore at a point 34° 59.8887' N - 76° 33.5707' W; running easterly to the east shore to a point 34° 59.9440' N - 76° 33.4180' W; and
- (f) Turnagain Bay:
  - (i) Abraham Bay - west of a line beginning on the north shore at a point 35° 00.1780' N - 76° 30.7564' W; running southerly to the south shore to a point 34° 59.8338' N - 76° 30.7128' W;
  - (ii) Broad Creek and Persons Creek - southwest of a line beginning at a point on the north shore 34° 59.1974' N - 76° 30.4118' W; running southeasterly to the south shore to a point 34° 58.9738' N - 76° 30.1168' W;
  - (iii) Mulberry Point Creek - east of a line beginning on the north shore at a point 35° 00.4736' N - 76° 29.7538' W; running southerly to the south shore to a point 35° 00.3942' N - 76° 29.7082' W;
  - (iv) Tump Creek - east of a line beginning on the north shore at a point 35° 00.2035' N - 76° 29.5947' W; running southerly to the south shore to a point 35° 00.0500' N - 76° 29.4897' W;
  - (v) Tributary south of Tump Creek - east of a line beginning on the north shore at a point 34° 59.7784' N - 76° 29.3548' W; running southerly to the south shore to a point 34° 59.6830' N - 76° 29.3303' W;
  - (vi) Deep Gut - northeast of a line beginning on the north shore at a point 34° 59.6134' N - 76° 29.0376' W; running southeasterly to the south shore to a point 34° 59.4799' N - 76° 28.9362' W; and
  - (vii) Big Gut - east of a line beginning on the north shore at a point 34° 59.0816' N - 76° 28.7076' W; running southerly to the south shore to a point 34° 58.9300' N - 76° 28.7383' W;
- (9) West Bay - Long Bay Area:
  - (a) Fur Creek and Henrys Creek - southwest of a line beginning on the northwest shore at a point 34° 56.5580' N - 76° 27.7065' W; running southeasterly to the southeast shore to a point 34° 56.3830' N - 76° 27.4563' W; and
  - (b) Cadduggen Creek - south of a line beginning on the west shore at a point 34° 56.5767' N - 76° 23.8711' W; running easterly to the east shore to a point 34° 56.2890' N - 76° 23.6626' W;
- (10) Core Sound Area:
  - (a) Cedar Island Bay - northwest of a line beginning on the northeast shore at a point 34° 59.7770' N - 76° 17.3837' W; running southwesterly to the southwest shore to a point 34° 59.0100' N - 76° 17.9339' W;
  - (b) Lewis Creek - north of a line beginning on the west shore at a point 34° 56.8736' N - 76° 16.8740' W; running easterly to the east shore to a point 34° 56.9455' N - 76° 16.8234' W;
  - (c) Thorofare Bay:
    - (i) Merkle Hammock Creek - southwest of a line beginning on the northwest shore at a point 34° 55.4796' N - 76° 21.4463' W; running southeasterly to the southeast shore to a point 34° 55.3915' N - 76° 21.1682' W; and
    - (ii) Barry Bay - west of a line beginning on the north shore at a point 34° 54.6450' N - 76° 20.6127' W; running southerly to the south shore to a point 34° 54.4386' N - 76° 20.4912' W;
  - (d) Nelson Bay:
    - (i) Willis Creek and Fulchers Creek - west of a line beginning on the north shore of Willis Creek at a point 34° 51.1006' N - 76° 24.5996' W; running southerly to the south shore of Fulchers Creek to a point 34° 50.2861' N - 76° 24.8708' W; and

- (ii) Lewis Creek - west of a line beginning on the north shore at a point 34° 51.9362' N - 76° 24.6322' W; running southerly to the south shore to a point 34° 51.7323' N - 76° 24.6487' W;
- (e) Cedar Creek between Sea Level and Atlantic - west of a line beginning on the north shore at a point 34° 52.0126' N - 76° 22.7046' W; running southerly to the south shore to a point 34° 51.9902' N - 76° 22.7190' W;
- (f) Oyster Creek, northwest of the Highway 70 Bridge; and
- (g) Jarretts Bay Area:
  - (i) Smyrna Creek - northwest of the Highway 70 Bridge;
  - (ii) Ditch Cove and adjacent tributary - east of a line beginning on the north shore at a point 34° 48.0167' N - 76° 28.4674' W; running southerly to the south shore to a point 34° 47.6143' N - 76° 28.6473' W;
  - (iii) Broad Creek - northwest of a line beginning on the west shore at a point 34° 47.7820' N - 76° 29.2724' W; running northeasterly to the east shore to a point 34° 47.9766' N - 76° 28.9729' W;
  - (iv) Howland Creek - northwest of a line beginning on the northeast shore at a point 34° 47.5129' N - 76° 29.6217' W; running southwesterly to the southwest shore to a point 34° 47.3372' N - 76° 29.8607' W;
  - (v) Great Creek - southeast of a line beginning on the northeast shore at a point 34° 47.4279' N - 76° 28.9565' W; running southwesterly to the southwest shore to a point 34° 47.1515' N - 76° 29.2077' W;
  - (vi) Williston Creek - northwest of the Highway 70 Bridge;
  - (vii) Wade Creek - west of a line beginning on the north shore at a point 34° 46.3125' N - 76° 30.2676' W; running southerly to the south shore to a point 34° 46.1915' N - 76° 30.3593' W;
  - (viii) Jump Run - north of a line beginning on the west shore at a point 34° 45.5385' N - 76° 30.3974' W; running easterly to the east shore to a point 34° 45.5468' N - 76° 30.3485' W;
  - (ix) Middens Creek - west of a line beginning on the north shore at a point 34° 45.5046' N - 76° 30.9710' W; running southerly to the south shore to a point 34° 45.4093' N - 76° 30.9584' W;
  - (x) Tusk Creek - northwest of a line beginning on the northwest shore at a point 34° 44.8049' N - 76° 30.6248' W; running southerly to the south shore to a point 34° 44.6074' N - 76° 30.7553' W; and
  - (xi) Creek west of Bells Island - west of a line beginning on the north shore at a point 34° 43.9531' N - 76° 30.4144' W; running southerly to the south shore to a point 34° 43.7825' N - 76° 30.3543' W;
- (11) Straits, North River, Newport River Area:
  - (a) Straits:
    - (i) Sleepy Creek - north of a line beginning on the west shore at a point 34° 43.3925' N - 76° 31.4912' W; running easterly to the east shore to a point 34° 43.3651' N - 76° 31.3250' W;
    - (ii) Dicks Creek - north of a line beginning on the west shore at a point 34° 43.3858' N - 76° 32.9125' W; running southeasterly to the east shore to a point 34° 43.3912' N - 76° 32.8605' W; and
    - (iii) Whitehurst Creek - north of a line beginning on the west shore at a point 34° 43.5118' N - 76° 33.3392' W; running northeasterly to the east shore to a point 34° 43.5561' N - 76° 33.1869' W;
  - (b) North River, north of Highway 70 Bridge:
    - (i) Ward Creek - north of Highway 70 Bridge:
      - (A) North Leopard Creek - southeast of a line beginning on the southwest shore at a point 34° 45.9573' N - 76° 34.4208' W; running northeasterly to the northeast shore to a point 34° 46.0511' N - 76° 34.3170' W; and

- (B) South Leopard Creek - southeast of a line beginning on the southwest shore at a point 34° 45.4930' N - 76° 34.7622' W; running northeasterly to the northeast shore to a point 34° 45.5720' N - 76° 34.6236' W; and
    - (ii) Turner Creek (Gibbs Creek) - west of a line beginning on the north shore at a point 34° 43.4693' N - 76° 37.6372' W; running southerly to the south shore to a point 34° 43.4054' N - 76° 37.6585' W; and
  - (c) Newport River - west of a line beginning on the north shore at a point 34° 46.5635' N - 76° 44.3998' W; running southerly to Lawton Point to a point 34° 45.6840' N - 76° 44.0895' W;
    - (i) Russel Creek - northeast of a line beginning on the north shore at a point 34° 45.5840' N - 76° 39.8020' W; running southeasterly to the south shore to a point 34° 45.5819' N - 76° 39.7895' W;
    - (ii) Ware Creek - northeast of a line beginning on the north shore at a point 34° 46.4576' N - 76° 40.5020' W; running southeasterly to the south shore to a point 34° 46.4125' N - 76° 40.4460' W;
    - (iii) Bell Creek - east of a line beginning on the north shore at a point 34° 47.2805' N - 76° 40.9082' W; running southerly to the south shore to a point 34° 47.0581' N - 76° 40.8854' W;
    - (iv) Eastman Creek - east of a line beginning on the north shore at a point 34° 47.8640' N - 76° 41.0671' W; running southerly to the south shore to a point 34° 47.8027' N - 76° 41.0605' W;
    - (v) Oyster Creek - north of a line beginning on the west shore at a point 34° 46.6610' N - 76° 42.5011' W; running easterly to the east shore to a point 34° 46.7161' N - 76° 42.3481' W;
    - (vi) Harlow Creek - north of a line beginning on the west shore at a point 34° 46.7138' N - 76° 43.4838' W; running northeasterly to the east shore to a point 34° 46.8490' N - 76° 43.3296' W;
    - (vii) Calico Creek - west of a line beginning on the north shore at a point 34° 43.7318' N - 76° 43.1268' W; running southerly to the south shore to a point 34° 43.6066' N - 76° 43.2040' W; and
    - (viii) Crab Point Bay - northwest of a line beginning on the northeast shore at a point 34° 44.0615' N - 76° 42.9393' W; running southwesterly to the southwest shore to a point 34° 43.9328' N - 76° 43.0721' W;
- (12) Bogue Sound - Bogue Inlet Area:
  - (a) Gales Creek - north of the Highway 24 Bridge;
  - (b) Broad Creek - north of the Highway 24 Bridge;
  - (c) Sanders Creek - north of a line beginning at a point 34° 42.4694' N - 76° 58.3754' W on the west shore; running easterly to a point 34° 42.4903' N - 76° 58.1434' W on the east shore;
  - (d) Goose Creek - north of a line beginning on the west shore at a point 34° 41.8183' N - 77° 00.7208' W; running easterly to the east shore to a point 34° 41.8600' N - 77° 00.5108' W;
  - (e) Archer Creek - west of a line beginning on the north shore at a point 34° 40.4721' N - 77° 00.7577' W; running southerly to the south shore to a point 34° 40.3521' N - 77° 00.8008' W;
  - (f) White Oak River - northwest of a line beginning on the northeast shore at a point 34° 45.6730' N - 77° 07.5960' W; running southwesterly to the southwest shore to a point 34° 45.2890' N - 77° 07.7500' W;
    - (i) Pettiford Creek - east of a line beginning on the north shore at a point 34° 42.8670' N - 77° 05.3990' W; running southerly to the south shore to a point 34° 42.6310' N - 77° 05.3180' W; and
    - (ii) Holland Mill Creek - west of a line beginning on the north shore at a point 34° 43.8390' N - 77° 08.0090' W; running southeasterly to the south shore to a point 34° 43.4800' N - 77° 07.7650' W;
  - (g) Hawkins Creek - west of a line beginning on the north shore at a point 34° 41.1210' N - 77° 07.5720' W; running southerly to the south shore to a point 34° 41.0460' N - 77° 07.5930' W;
  - (h) Queen's Creek - north of state road number 1509 bridge;



- (i) Dick's Creek - west of a line beginning on the north shore at a point 34° 39.9790' N - 77° 09.3470' W; running southeasterly to the south shore to a point 34° 39.9350' N - 77° 09.3280' W;
  - (ii) Parrot Swamp - west of a line beginning on the north shore at a point 34° 40.6170' N - 77° 09.7820' W; running southeasterly to the south shore to a point 34° 40.3660' N - 77° 09.5980' W; and
  - (iii) Hall's Creek - east of a line beginning on the north shore at a point 34° 41.0740' N - 77° 09.8640' W; running easterly to the south shore to a point 34° 41.0300' N - 77° 09.6740' W; and
  - (i) Bear Creek - west of a line beginning at Willis Landing at a point 34° 38.7090' N - 77° 12.6860' W; running southeasterly to the south shore to a point 34° 38.4740' N - 77° 12.3810' W;
- (13) New River Area:
- (a) Salliers Bay area - all waters north and northwest of the IWW beginning at a point on the shoreline 34° 37.0788' N - 77° 12.5350' W; running easterly to a point near Beacon "58" at a point 34° 37.9670' N - 77° 12.3060' W; running along the IWW near Cedar Point to a point 34° 33.1860' N - 77° 20.4370' W; running northerly to a point on the shoreline 34° 33.1063' N - 77° 20.4679' W; following the shoreline to the point of origin; including Howard Bay, Mile Hammock Bay, Salliers Bay, and Freeman Creek;
  - (b) New River Inlet area (including Hellgate Creek and Ward's Channel) - all waters south of the IWW from a point on the shoreline 34° 33.0486' N - 77° 18.6295' W; running northwesterly to a point near Beacon "65" 34° 33.0550' N - 77° 18.6380' W; running along the IWW to a point near Beacon "15" 34° 31.0630' N - 77° 22.2630' W; running southerly to a point on the shoreline 34° 30.9212' N - 77° 22.2257' W; following the shoreline across New River Inlet at the COLREGS demarcation line back to the point of origin excluding the marked New River Inlet Channel;
  - (c) New River:
    - (i) Trap's Bay - northeast of a line beginning on the west shore at a point 34° 34.0910' N - 77° 21.0010' W; running southeasterly to the east shore to a point 34° 33.8260' N - 77° 20.4060' W;
    - (ii) Courthouse Bay:
      - (A) Tributary of Courthouse Bay - southeast of a line beginning on Harvey's Point at a point 34° 35.0050' N - 77° 22.3910' W; running northeasterly to the east shore to a point 34° 35.0830' N - 77° 22.1890' W;
      - (B) Tributary of Courthouse Bay - northwest of a line beginning on the west shore at a point 34° 35.0970' N - 77° 22.6010' W; running northeasterly to the east shore to a point 34° 35.1630' N - 77° 22.5030' W; and
      - (C) Rufus Creek - east of a line beginning at a point on the north shore 34° 34.4630' N - 77° 21.6410' W; running southerly to a point near Wilken's Bluff 34° 34.3140' N - 77° 21.6620' W;
    - (iii) Wheeler Creek - south of a line beginning on the west shore at a point 34° 34.0570' N - 77° 23.3640' W; running easterly to a point near Poverty Point 34° 34.1060' N - 77° 23.2440' W;
    - (iv) Fannie Creek - south of a line beginning on the west shore at a point 34° 34.1470' N - 77° 23.6390' W; running easterly to the east shore to a point 34° 34.1300' N - 77° 23.5600' W;
    - (v) Snead's Creek - northwest of a line beginning on the west shore at a point 34° 35.2850' N - 77° 23.5500' W; running northerly to the east shore to a point 34° 35.3440' N - 77° 23.4860' W;
    - (vi) Everette Creek - south of a line beginning on the west shore at a point 34° 34.2570' N - 77° 24.8480' W; running easterly to the east shore to a point 34° 34.2380' N - 77° 24.6970' W;
    - (vii) Stone's Creek - southwest of a line beginning on the northwest shore at a point 34° 36.6170' N - 77° 26.8670' W; running southeasterly to the southeast shore to a point 34° 36.5670' N - 77° 26.8500' W;

- (viii) Muddy Creek - north of a line beginning on the west shore  $34^{\circ} 36.8670' N - 77^{\circ} 26.6340' W$ ; running easterly to the east shore to a point  $34^{\circ} 36.8670' N - 77^{\circ} 26.6170' W$ ;
  - (ix) Mill Creek - north of a line beginning on the west shore at a point  $34^{\circ} 37.2350' N - 77^{\circ} 25.7000' W$ ; running easterly to the east shore to a point  $34^{\circ} 37.2360' N - 77^{\circ} 25.6890' W$ ;
  - (x) Whitehurst Creek - west of a line beginning on the north shore at a point  $34^{\circ} 38.0780' N - 77^{\circ} 22.6110' W$ ; running easterly to the south shore to a point  $34^{\circ} 38.0720' N - 77^{\circ} 22.6000' W$ ;
  - (xi) Town Creek - west of a line beginning on the north shore at a point  $34^{\circ} 39.6060' N - 77^{\circ} 23.0690' W$ ; running southerly to the south shore to a point  $34^{\circ} 39.5950' N - 77^{\circ} 23.0830' W$ ;
  - (xii) Lewis Creek - southwest of a line beginning on the northwest shore at a point  $34^{\circ} 40.9330' N - 77^{\circ} 24.5290' W$ ; running southeasterly to the southeast shore to a point  $34^{\circ} 40.9190' N - 77^{\circ} 24.5040' W$ ;
  - (xiii) Northeast Creek - east of a line beginning at the mouth of Scale's Creek at a point  $34^{\circ} 43.7350' N - 77^{\circ} 24.1190' W$ ; running southeasterly to the south shore to a point  $34^{\circ} 43.3950' N - 77^{\circ} 23.5450' W$ ;
  - (xiv) Southwest Creek - southwest of a line beginning on the north shore at a point  $34^{\circ} 41.8500' N - 77^{\circ} 25.6460' W$ ; running southeasterly to the south shore to a point  $34^{\circ} 41.5540' N - 77^{\circ} 25.2250' W$ ; and
  - (xv) Upper New River - north of a line beginning on the west shore at a point  $34^{\circ} 42.9770' N - 77^{\circ} 25.9070' W$ ; running easterly through a point near Beacon "53" to a point  $34^{\circ} 43.2600' N - 77^{\circ} 25.3800' W$ ; to the east shore to a point  $34^{\circ} 43.4260' N - 77^{\circ} 25.0700' W$ ; and
- (d) Chadwick Bay - all waters bounded by a line beginning on Roses Point at a point  $34^{\circ} 32.2240' N - 77^{\circ} 22.2880' W$ ; running easterly to a point near Marker "6" at  $34^{\circ} 32.4180' N - 77^{\circ} 21.6080' W$ ; then following the IWW to a point near Marker "14" at  $34^{\circ} 31.3220' N - 77^{\circ} 22.1520' W$ ; following the shoreline of Chadwick Bay back to the point of origin;
- (i) Fullard Creek (including Charles Creek) - northwest of a line beginning on the north shore at a point  $34^{\circ} 32.2210' N - 77^{\circ} 22.8080' W$ ; running southeasterly to the south shore to a point  $34^{\circ} 32.0340' N - 77^{\circ} 22.7160' W$ ; and
  - (ii) Bump's Creek - north of a line beginning on the west shore at a point  $34^{\circ} 32.3430' N - 77^{\circ} 22.4570' W$ ; running northeasterly to the east shore to a point  $34^{\circ} 32.4400' N - 77^{\circ} 22.3830' W$ ;
- (14) Stump Sound Area - Stump Sound - all waters north of the IWW from a point on the shoreline  $34^{\circ} 31.1228' N - 77^{\circ} 22.3181' W$ ; running southerly to a point across the IWW from Beacon "15"  $34^{\circ} 31.1040' N - 77^{\circ} 22.2960' W$ ; running along the IWW to a point near Marker "78"  $34^{\circ} 25.4050' N - 77^{\circ} 34.2120' W$ ; running northerly to a point on the shoreline  $34^{\circ} 24.5183' N - 77^{\circ} 34.9833' W$ ; running along the shoreline to the point of origin; except 100 feet north of the IWW from a point across from Beacon "49"  $34^{\circ} 28.1330' N - 77^{\circ} 30.5170' W$  to a point near Marker "78"  $34^{\circ} 25.4050' N - 77^{\circ} 34.2120' W$ . All waters south of IWW from a point on the shoreline  $34^{\circ} 31.0550' N - 77^{\circ} 22.2574' W$ ; running northerly to a point near Beacon "15" at  $34^{\circ} 31.0630' N - 77^{\circ} 22.2630' W$ ; running along the IWW to a point across the IWW from Marker "78"  $34^{\circ} 25.3110' N - 77^{\circ} 34.1710' W$ ; running southeasterly to a point on the shoreline  $34^{\circ} 23.9817' N - 77^{\circ} 35.0367' W$ ; running along the shoreline to the point of origin; except 100 feet on the south side of the IWW from a point near Beacon "49"  $34^{\circ} 28.0820' N - 77^{\circ} 30.4600' W$  at Morris Landing to a point across the IWW from Marker "78"  $34^{\circ} 25.3110' N - 77^{\circ} 34.1710' W$  and except the dredged canals at Old Settler's Beach and the dredged channel from the IWW north of Marker "57" to the Old Settler's Beach Canals;
- (15) Topsail Sound Area:
- (a) Virginia Creek - all waters northwest of a line beginning on the southwest shore near the mouth at a point  $34^{\circ} 24.8030' N - 77^{\circ} 35.5960' W$ ; running northeasterly to a point  $34^{\circ} 25.0333' N - 77^{\circ} 35.3167' W$ ; running easterly to intersect the nursery area line near Becky's Creek at a point  $34^{\circ} 25.4050' N - 77^{\circ} 34.2120' W$ , with the exception of the natural channel as marked by the North Carolina Division of Marine Fisheries;

- (b) Old Topsail Creek - all waters northwest of a line beginning on the northeast shore at a point 34° 21.7740' N - 77° 40.3870' W; running southwesterly to the southwest shore to a point 34° 21.4930' N - 77° 40.6900' W, with the exception of the dredged channel as marked by the North Carolina Division of Marine Fisheries;
  - (c) Topsail Sound - all waters enclosed within a line starting near Beacon "BC" at a point 34° 24.6110' N - 77° 35.7050' W; then bounded on the northeast and southeast by Bank's Channel, on the southwest by Marker "98" channel and on the northeast by the IWW; then back to the point of origin; and
  - (d) Mallard Bay Area - all waters northwest of the IWW beginning at a point on the shoreline 34° 24.0278' N - 77° 36.8498' W; running southerly to a point 34° 24.0167' N - 77° 36.7333' W near Beacon "93"; running southwesterly to a point 34° 23.8167' N - 77° 36.9667' W; running southwesterly along the marsh line to a point on the shoreline 34° 22.6168' N - 77° 38.8580' W near Beacon "96"; running along the shoreline to the point of origin;
- (16) Middle Sound Area:
- (a) Howard Channel and Long Point Channel area - all waters southeast of the IWW beginning at a point on the shoreline 34° 20.4514' N - 77° 40.0183' W; running along the shorelines of Topsail Inlet Channel and Marker # 98 Channel to a point near Beacon "98" 34° 21.5670' N - 77° 40.4580' W; running along the IWW to a point on the north side of the Figure 8 Island Marina Channel to a point 34° 16.5120' N - 77° 45.4870' W; following the shoreline of Figure 8 Island Marina Channel to a point 34° 16.2628' N - 77° 44.7855' W; following the shoreline across Rich Inlet at the COLREGS demarcation line to the point of origin. [with the exception of Howard Channel from the IWW to New Topsail Inlet, Green Channel from Marker "105" to Rich's Inlet, Butler's Creek (Utley's Channel) from the IWW to Nixon's Channel, and Nixon's Channel from IWW to Rich's Inlet;]
  - (b) Futch Creek - northwest of a line beginning on the north shore at Baldeagle Point at a point 34° 17.9900' N - 77° 44.4930' W; running southerly to Porter's Neck to a point 34° 18.1170' N - 77° 44.3760' W;
  - (c) Page's Creek - northwest of a line beginning on the north shore at a point 34° 16.7420' N - 77° 46.6940' W; running southwesterly to the south shore to a point 34° 16.6910' N - 77° 46.8510' W; and
  - (d) All waters bounded on the north by the Figure Eight Island Causeway, on the east by Mason's Channel, on the south by Mason's Inlet Channel and on the west by the Intracoastal Waterway, with the exception of Mason's Channel;
- (17) Greenville Sound Area:
- (a) Shell Island area - all waters bounded on the north by Mason's Inlet Channel, on the west by the IWW, on the south by Old Moores Inlet Channel and on the east by Wrightsville Beach;
  - (b) Howe Creek (Moore's Creek) - northwest of a line beginning on the north shore at a point 34° 14.9060' N - 77° 47.2180' W; running southwesterly to the south shore to a point 34° 14.8470' N - 77° 47.3810' W;
  - (c) Bradley Creek - all waters west of a line beginning on the north side of the Highway 17, 74 and 76 Bridge at a point 34° 12.9700' N - 77° 50.0260' W; running southerly to the south side of the bridge at a point 34° 12.8620' N - 77° 50.0550' W; and
  - (d) Wrightsville Beach area - all waters in an area enclosed by a line beginning across the IWW from the mouth of Bradley Creek at a point 34° 12.3530' N - 77° 49.1250' W; running easterly to a point (near the Borrow Pit) 34° 12.3820' N - 77° 48.6610' W; then bounded by Bank's Channel on the east, Shinn Creek on the south and the IWW on the west, back to point of origin;
- (18) Masonboro Sound Area:
- (a) Masonboro - Myrtle Grove Sound area (west side) - all waters west and northwest of the IWW beginning at a point on the shoreline 34° 12.7423' N - 77° 49.8391' W; running southeasterly to a point at the mouth of Bradley Creek at a point 34° 12.4130' N - 77° 49.2110' W; running along the west side of the IWW to a point opposite Beacon "161" at 34° 03.5590' N - 77° 53.4550' W; running westerly to a point on the shoreline 34° 03.5715' N - 77° 53.4979' W; running along the shoreline back to the point of origin; and
  - (b) Masonboro - Myrtle Grove Sound area (east side) - all waters south and southeast of a line beginning on the north end of Masonboro Island at a point 34° 10.9130' N - 77° 48.9550' W;

running northwesterly to a point near the intersection of Shinn Creek and the IWW 34° 11.3840' N - 77° 49.5240' W; running along the east side of the IWW to a point near Marker "161" 34° 03.5270' N - 77° 53.3550' W; running southerly to a point on the shoreline 34° 03.3917' N - 77° 53.0423' W; running along the shoreline across Carolina Beach Inlet at the COLREGS demarcation line back to the point of origin (with the exception of Old Masonboro Channel and Carolina Beach Inlet Channel);

(19) Cape Fear River Area:

- (a) Cape Fear River - all waters north of a line beginning on the west shore at a point 34° 10.4410' N - 77° 57.7400' W; running easterly through Beacon "59" to the east shore to a point 34° 10.4050' N - 77° 57.1310' W; with the exception of the maintained channel, and all waters north of a line beginning on the west shore at a point 34° 04.6040' N - 77° 56.4780' W; running easterly through Beacon "41" to the east shore to a point 34° 04.7920' N - 77° 55.4740' W; with the exception of 300 yards east and west of the main shipping channel up to Beacon "59" (mouth of Brunswick River);
- (b) The Basin (Ft. Fisher area) - east of a line beginning on the north shore at a point 33° 57.2950' N - 77° 56.1450' W; running southeasterly to the south shore to a point 33° 57.1120' N - 77° 56.2060' W;
- (c) Walden Creek - all waters northwest of a line beginning on the north side of county road No. 1528 bridge at a point 33° 58.2950' N - 77° 59.0280' W; running southerly to the south side of the bridge at a point 33° 58.2250' N - 77° 59.0440' W;
- (d) Baldhead Island Creeks:
  - (i) Baldhead Creek - southeast of a line beginning on the north shore at a point 33° 51.7680' N - 77° 59.1700' W; running westerly to the south shore to a point 33° 51.7590' N - 77° 59.1850' W;
  - (ii) Cape Creek - southeast of a line beginning on the north shore at a point 33° 51.9740' N - 77° 58.3090' W; running southwest to the south shore to a point 33° 51.9480' N - 77° 58.3480' W;
  - (iii) Bluff Island Creek (East Beach Creek) - south of a line beginning on the west shore at a point 33° 52.6740' N - 77° 58.1530' W; running easterly to the east shore to a point 33° 52.6850' N - 77° 58.0780' W; and
  - (iv) Deep Creek - south of a line on the west shore at a point 33° 52.6850' N - 77° 58.0780' W; running northeasterly to the east shore to a point 33° 52.7690' N - 77° 58.0110' W;
- (e) Dutchman Creek - north of a line beginning on the west shore at a point 33° 55.1560' N - 78° 02.7260' W; running southeasterly to the east shore to a point 33° 55.1130' N - 78° 02.5990' W;
- (f) Denis Creek - west of a line beginning on the north shore at a point 33° 55.0410' N - 78° 03.5180' W; running southerly to the south shore to a point 33° 55.0120' N - 78° 03.5110' W;
- (g) Piney Point Creek - west of a line beginning on the north shore at a point 33° 54.6310' N - 78° 03.5020' W; running southerly to the south shore to a point 33° 54.6040' N - 78° 03.5010' W;
- (h) Molasses, Coward and Smokehouse creeks - all waters bounded by the IWW and the Elizabeth River on the north and east, the Oak Island Coast Guard canal on the east, Oak Island on the south and the CP and L Discharge canal on the west; and
- (i) Oak Island area - all waters north of the IWW from a point on the shoreline 33° 55.2827' N - 78° 03.7681' W; running southerly to a point across the IWW from Marker # 9 33° 55.2610' N - 78° 03.7630' W; running along the IWW to a point near Beacon "18" 33° 55.7410' N - 78° 10.2760' W; running northerly to a point on the shoreline 33° 55.7718' N - 78° 10.2744' W; running along the shoreline back to the point of origin; all waters south of the IWW from a point near Marker "9" 33° 55.2060' N - 78° 03.7580' W; running along the IWW to a point across the IWW from Beacon "18" 33° 55.7199' N - 78° 10.2764' W; running southerly to a point on the shoreline 33° 55.6898' N - 78° 10.2775' W; running along the shoreline back to the point of origin;

(20) Lockwoods Folly Inlet Area:

- (a) Davis Creek and Davis Canal - east of a line beginning on the north shore at a point 33° 55.2280' N - 78° 10.8610' W; running southerly to the south shore to a point 33° 55.1970' N - 78° 10.8390' W;

- (b) Lockwoods Folly River - north of a line beginning on the west shore at a point 33° 56.3880' N - 78° 13.2360' W; running easterly to the east shore to a point 33° 56.6560' N - 78° 12.8350' W; and
  - (c) Spring Creek (Galloway Flats area) - all waters northwest of a line beginning on the north shore at a point 33° 55.7350' N - 78° 13.7090' W; running southwesterly to the south shore to a point 33° 55.5590' N - 78° 13.7960' W;
- (21) Shallotte Inlet Area:
- (a) Shallotte River - north of a line beginning on Bill Holden's Landing at a point 33° 55.8840' N - 78° 22.0710' W; running northeasterly to Gibbins Point to a point 33° 56.3190' N - 78° 21.8740' W;
  - (b) Shallotte River (Ocean Flats) - excluding Gibbs Creek, the area enclosed by a line beginning at Long Point 33° 54.6210' N - 78° 21.7960' W; then bounded on the south by the IWW, the west by Shallotte River, the north by Gibb's Creek and the east by the shoreline of the Shallotte River back to the point of origin;
  - (c) Shallotte Creek (Little Shallotte River) - east of a line beginning on Shell Landing at a point 33° 55.7390' N - 78° 21.6410' W; running southerly to Boone's Neck Point to a point 33° 55.5990' N - 78° 21.5480' W;
  - (d) Saucepan Creek - northwest of a line beginning on the west shore at a point 33° 54.7007' N - 78° 23.4183' W; running northerly to the east shore (mouth of Old Mill Creek) to a point 33° 54.9140' N - 78° 23.4370' W; and
  - (e) Old Channel area - all waters south of the IWW from a point near Beacon "83" 33° 54.2890' N - 78° 23.1930' W; running along the IWW to a point near Ocean Isle Beach Bridge 33° 53.7270' N - 78° 26.3760' W; running southerly to a point on the shoreline 33° 53.7082' N - 78° 26.3732' W; running southerly along the shoreline to a point on the shoreline 33° 53.3827' N - 78° 26.2118' W; running along the shoreline to the point of origin; except the dredged finger canals at Ocean Isle Beach located on the south side of the IWW between the Ocean Isle Beach Bridge and IWW Marker "89"; and
- (22) Little River Inlet Area:
- (a) Gause Landing area - all waters north of the IWW from a point on the shoreline 33° 53.9053' N - 78° 25.6064' W; running southerly to a point near Beacon "90" 33° 53.8790' N - 78° 25.5950' W; then following the IWW to a point at the intersection of the IWW and the South Carolina line; 33° 52.0003' N - 78° 33.5633' W; running northerly along the South Carolina line to a point on the shoreline 33° 52.0290' N - 78° 33.5893' W; running along the shoreline to the point of origin;
  - (b) Eastern Channel Area - all waters bounded on the east and south by Eastern Channel, on the west by Jink's Creek and on the north by the IWW;
  - (c) The Big Narrows Area:
    - (i) Big Teague Creek - west of a line beginning on the north shore at a point 33° 52.8260' N - 78° 30.0110' W; running southerly to the south shore to a point 33° 52.8040' N - 78° 29.9940' W;
    - (ii) Little Teague Creek - west of a line beginning on the north shore at a point 33° 52.9280' N - 78° 30.1500' W; running southeasterly to the south shore to a point 33° 52.9130' N - 78° 30.1220' W; and
    - (iii) Big Norge Creek - south of a line beginning on the west shore at a point 33° 52.8550' N - 78° 30.6190' W; running easterly to the east shore to a point 33° 52.8620' N - 78° 30.5900' W;
  - (d) Mad Inlet area - all waters south of the IWW from a point on the shoreline 33° 52.3121' N - 78° 30.4990' W; running northerly to a point near the Sunset Beach Bridge 33° 52.8450' N - 78° 30.6510' W; then following the IWW to a point at the intersection of the IWW and the South Carolina line 33° 51.9888' N - 78° 33.5458' W; running southeasterly along the South Carolina line to a point on the shoreline; running along the shoreline across Mad Inlet at the COLREGS demarcation line to the point of origin; with the exception of Bonaparte Creek; and
  - (e) Calabash River - all waters east of a line beginning at a point on the north side of state road No. 1164 bridge at a point 33° 53.3850' N - 78° 32.9710' W; running southerly to the south side of the bridge at a point 33° 53.3580' N - 78° 32.9750' W.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1996; September 1, 1991;  
Recodified from 15A NCAC 03R .0003 Eff. December 17, 1996;  
Amended Eff. May 1, 2017; April 1, 2011; December 1, 2006; September 1, 2005; August 1, 2004; May 1,  
1997;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **15A NCAC 03R .0104 PERMANENT SECONDARY NURSERY AREAS**

The permanent secondary nursery areas referenced in 15A NCAC 03N .0105(a) are delineated in the following coastal water areas:

- (1) Roanoke Sound:  
Inner Shallowbag Bay - west of a line beginning on the northeast shore at a point 35° 54.6729' N – 75° 39.8099' W; running southerly to the southeast shore to a point 35° 54.1722' N – 75° 39.6806' W;
- (2) in the Pamlico Long Sound Area:
  - (a) Long Shoal River - north of a line beginning at the 5th Avenue Canal at a point 35° 35.2120' N – 75° 53.2232' W; running easterly to the east shore on Pains Point to a point 35° 35.0666' N – 75° 51.2000' W;
  - (b) Pains Bay - east of a line beginning on Pains Point at a point 35° 35.0666' N – 75° 51.2000' W; running southerly to Rawls Island to a point 35° 34.4666' N – 75° 50.9666' W; running easterly to the east shore to a point 35° 34.2309' N – 75° 50.2695' W;
  - (c) Wysocking Bay - northwest of a line beginning at Benson Point at a point 35° 22.9684' N – 76° 03.7129' W; running northeasterly to Long Point to a point 35° 24.6895' N – 76° 01.3155' W;
  - (d) Juniper Bay-Cunning Harbor - north of a line beginning on the west shore of Juniper Bay at a point 35° 20.6217' N – 76° 15.5447' W; running easterly to a point 35° 20.4372' N – 76° 13.2697' W; running easterly to the east shore of Cunning Harbor to a point 35° 20.3413' N – 76° 12.3378' W;
  - (e) Swanquarter Bay - north of a line beginning at The Narrows at a point 35° 20.9500' N – 76° 20.6409' W; running easterly to the east shore to a point 35° 21.5959' N – 76° 18.3580' W;
  - (f) Deep Cove - The Narrows - north and east of a line beginning on the west shore at a point 35° 20.9790' N – 76° 23.8577' W; running southeasterly to Swanquarter Island to a point 35° 20.5321' N – 76° 22.7869' W; and west of a line at The Narrows beginning on the north shore to a point 35° 20.9500' N – 76° 20.6409' W; running southerly to Swanquarter Island to a point 35° 20.7025' N – 76° 20.5620' W;
  - (g) Rose Bay - north of a line beginning on Long Point at a point 35° 23.3404' N – 76° 26.2491' W; running southeasterly to Drum Point to a point 35° 22.4891' N – 76° 25.2012' W;
  - (h) Spencer Bay - northwest of a line beginning on Roos Point at a point 35° 22.3866' N – 76° 27.9225' W; running northeasterly to Long Point to a point 35° 23.3404' N – 76° 26.2491' W;
  - (i) Abel Bay - northeast of a line beginning on the west shore at a point 35° 23.6463' N – 76° 31.0003' W; running southeasterly to the east shore to a point 35° 22.9353' N – 76° 29.7215' W;
  - (j) Mouse Harbor - west of a line beginning on Persimmon Tree Point at a point 35° 18.3915' N – 76° 29.0454' W; running southerly to Yaupon Hammock Point to a point 35° 17.1825' N – 76° 28.8713' W;
  - (k) Big Porpoise Bay - northwest of a line beginning on Big Porpoise Point at a point 35° 15.6993' N – 76° 28.2041' W; running southwestly to Middle Bay Point to a point 35° 14.9276' N – 76° 28.8658' W;
  - (l) Middle Bay - west of a line beginning on Deep Point at a point 35° 14.8003' N – 76° 29.1923' W; running southerly to Little Fishing Point to a point 35° 13.5419' N – 76° 29.6123' W;
  - (m) Jones Bay - west of a line beginning on Mink Trap Point at a point 35° 13.4968' N – 76° 31.1040' W; running southerly to Boar Point to a point 35° 12.3253' N – 76° 31.2767' W; and
  - (n) in the Bay River Area:
    - (i) Bonner Bay - southeast of a line beginning on the west shore at a point 35° 09.6281' N – 76° 36.2185' W; running northeasterly to Davis Island Point to a point 35° 10.0888' N – 76° 35.2587' W; and

- (ii) Gales Creek-Bear Creek - north and west of a line beginning on Sanders Point at a point 35° 11.2833' N – 76° 35.9000' W; running northeasterly to the east shore to a point 35° 11.9000' N – 76° 34.2833' W;
- (3) in the Pamlico and Pungo Rivers Area:
- (a) Pungo River - north of a line beginning on the west shore at a point 35° 32.2000' N – 76° 29.2500' W; running east near Beacon "21" to the east shore to a point 35° 32.0833' N – 76° 28.1500' W;
  - (b) Pungo Creek - west of a line beginning on Persimmon Tree Point at a point 35° 30.7633' N – 76° 38.2831' W; running southwesterly to Windmill Point to a point 35° 31.1546' N – 76° 37.7590' W;
  - (c) Scranton Creek - south and east of a line beginning on the west shore at a point 35° 30.6810' N – 76° 28.3435' W; running easterly to the east shore to a point 35° 30.7075' N – 76° 28.6766' W;
  - (d) Slade Creek - east of a line beginning on the west shore at a point 35° 27.8879' N – 76° 32.9906' W; running southeasterly to the east shore to a point 35° 27.6510' N – 76° 32.7361' W;
  - (e) Fortescue Creek - east of a line beginning on Pasture Point at a point 35° 25.9213' N – 76° 31.9135' W; running southerly to the Lupton Point shore to a point 35° 25.6012' N – 76° 31.9641' W;
  - (f) Pamlico River - west of a line beginning on Ragged Point at a point 35° 27.5768' N – 76° 54.3612' W; running southwesterly to Mauls Point to a point 35° 26.9176' N – 76° 55.5253' W;
  - (g) North Creek - north of a line beginning on the west shore at a point 35° 25.3988' N – 76° 40.0455' W; running southeasterly to the east shore to a point 35° 25.1384' N – 76° 39.6712' W;
  - (h) South Creek - west of a line beginning on Hickory Point at a point 35° 21.7385' N – 76° 41.5907' W; running southerly to Fork Point to a point 35° 20.7534' N – 76° 41.7870' W;
  - (i) Bond Creek/Muddy Creek - south of a line beginning on Fork Point at a point 35° 20.7534' N – 76° 41.7870' W; running southeasterly to Gum Point to a point 35° 20.5632' N – 76° 41.4645' W;
  - (j) in the Goose Creek Area, Campbell Creek - west of a line beginning on the north shore at a point 35° 17.3600' N – 76° 37.1096' W; running southerly to the south shore to a point 35° 16.9876' N – 76° 37.0965' W; and
  - (k) Oyster Creek-Middle Prong - southwest of a line beginning on Pine Hammock at a point 35° 19.5586' N – 76° 32.8830' W; running easterly to Cedar Island to a point 35° 19.5490' N – 76° 32.7365' W; and southwest of a line beginning on Cedar Island at a point 35° 19.4921' N – 76° 32.2590' W; running southeasterly to Beard Island Point to a point 35° 19.1265' N – 76° 31.7226' W;
- (4) in the Neuse River Area:
- (a) Lower Broad Creek - west of a line beginning on the north shore at a point 35° 05.8314' N – 76° 35.3845' W; running southwesterly to the south shore to a point 35° 05.5505' N – 76° 35.7249' W;
  - (b) Greens Creek - north of a line beginning on the west shore of Greens Creek at a point 35° 01.3476' N – 76° 42.1740' W; running northeasterly to the east shore to a point 35° 01.4899' N – 76° 41.9961' W;
  - (c) Dawson Creek - north of a line beginning on the west shore at a point 34° 59.5920' N – 76° 45.4620' W; running southeasterly to the east shore to a point 34° 59.5800' N – 76° 45.4140' W;
  - (d) Goose Creek - north and east of a line beginning at a point on the west shore at a point 35° 02.6642' N – 76° 56.4710' W; running southeasterly to a point on Cooper Point 35° 02.0908' N – 76° 56.0092' W;
  - (e) Upper Broad Creek - northeast of a line beginning at a point on Rowland Point on the north shore at a point 35° 02.6166' N – 76° 56.4500' W; running southeasterly to the south shore to a point 35° 02.8960' N – 76° 56.7865' W;
  - (f) Clubfoot Creek - south of a line beginning on the west shore at a point 34° 54.5424' N – 76° 45.7252' W; running easterly to the east shore to a point 34° 54.4853' N – 76° 45.4022' W; and
  - (g) in the Adams Creek Area, Cedar Creek - east of a line beginning on the north shore at a point 34° 56.1203' N – 76° 38.7988' W; running southerly to the south shore to a point 34° 55.8745' N – 76° 38.8153' W;
- (5) Newport River - west of a line beginning near Penn Point on the south shore at a point 34° 45.6960' N – 76° 43.5180' W; running northeasterly to the north shore to a point 34° 46.8490' N – 76° 43.3296' W;
- (6) Virginia Creek - all waters of the natural channel northwest of the primary nursery area line;
- (7) Old Topsail Creek - all waters of the dredged channel northwest of the primary nursery area line;

- (8) Mill Creek - all waters west of a line beginning on the north shore at a point 34° 20.6420' N – 77° 42.1220' W; running southwesterly to the south shore to a point 34° 20.3360' N – 77° 42.2400' W;
- (9) Pages Creek - all waters west of a line beginning on the north shore at a point 34° 16.1610' N – 77° 45.9930' W; running southwesterly to the south shore to a point 34° 15.9430' N – 77° 46.1670' W;
- (10) Bradley Creek - all waters west of a line beginning on the north shore at a point 34° 12.7030' N – 77° 49.1230' W; running southerly near the dredged channel to a point 34° 12.4130' N – 77° 49.2110' W;
- (11) Cape Fear River - all waters bounded by a line beginning on the south side of the Spoil Island at the intersection of the Intracoastal Waterway and the Cape Fear River ship channel at a point 34° 01.5780' N – 77° 56.0010' W; running easterly to the east shore of the Cape Fear River to a point 34° 01.7230' N – 77° 55.1010' W; running southerly and bounded by the shoreline to the Ferry Slip at Federal Point at a point 33° 57.8080' N – 77° 56.4120' W; running northerly to Bird Island to a point 33° 58.3870' N – 77° 56.5780' W; running northerly along the west shoreline of Bird Island and the Cape Fear River spoil islands back to the point of origin;
- (12) Lockwood Folly River - all waters north of a line beginning on Howells Point at a point 33° 55.3680' N – 78° 12.7930' W and running in a westerly direction along the Intracoastal Waterway near Intracoastal Waterway Marker "46" to a point 33° 55.3650' N – 78° 13.8500' W;
- (13) Saucepan Creek - all waters north of a line beginning on the west shore at a point 33° 54.6290' N – 78° 22.9170' W; running northeasterly to the east shore to a point 33° 54.6550' N – 78° 22.8670' W; and
- (14) Davis Creek - all waters east of a line beginning on Horse Island at a point 33° 55.0160' N – 78° 12.7380' W; running southerly to Oak Island to a point 33° 54.9190' N – 78° 12.7170' W; continuing upstream to the primary nursery line and Davis Canal, all waters southeast of a line beginning on Pinner Point at a point 33° 55.2930' N – 78° 11.6390' W; running southwesterly across the mouth of Davis Canal to the spoil island at the southwest intersection of the Intracoastal Waterway and Davis Canal to a point 33° 55.2690' N – 78° 11.6550' W.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. January 1, 1991;  
 Amended Eff. March 1, 1996; March 1, 1994;  
 Recodified from 15A NCAC 3R .0004 Eff. December 17, 1996;  
 Amended Eff. April 1, 2011; August 1, 2004; May 1, 1997;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;  
 Amended Eff. May 1, 2021.

#### **15A NCAC 03R .0105 SPECIAL SECONDARY NURSERY AREAS**

The special secondary nursery areas referenced in 15A NCAC 03N .0105(b) are designated in the following coastal water areas:

- (1) Roanoke Sound:
  - (a) Outer Shallowbag Bay - west of a line beginning on Baum Point at a point 35° 55.1461' N – 75° 39.5618' W; running southeasterly to Ballast Point to a point 35° 54.6250' N – 75° 38.8656' W; including the canal on the southeast shore of Shallowbag Bay; and
  - (b) Kitty Hawk Bay/Buzzard Bay - within the area designated by a line beginning at a point on the east shore of Colington Creek at a point 36° 02.4360' N – 75° 42.3189' W; running westerly to a point 36° 02.6630' N – 75° 41.4102' W; running along the shoreline to a point 36° 02.3264' N – 75° 42.3889' W; running southwesterly to a point 36° 02.1483' N – 75° 42.4329' W; running along the shoreline to a point 36° 01.6736' N – 75° 42.5313' W; running southwesterly to a point 36° 01.5704' N – 75° 42.5899' W; running along the shoreline to a point 36° 00.9162' N – 75° 42.2035' W; running southeasterly to a point 36° 00.8253' N – 75° 42.0886' W; running along the shoreline to a point 35° 59.9886' N – 75° 41.7284' W; running southwesterly to a point 35° 59.9597' N – 75° 41.7682' W; running along the shoreline to the mouth of Buzzard Bay to a point 35° 59.6480' N – 75° 32.9906' W; running easterly to Mann Point to a point 35° 59.4171' N – 75° 32.7361' W; running northerly along the shoreline to the point of beginning;
- (2) in the West Bay Area:
  - (a) West Thorofare Bay - south of a line beginning on the west shore at a point 34° 57.2199' N – 76° 24.0947' W; running easterly to the east shore to a point 34° 57.4871' N – 76° 23.0737' W;



- (b) Long Bay-Ditch Bay - west of a line beginning on the north shore of Ditch Bay at a point 34° 57.9388' N – 76° 27.0781' W; running southwesterly to the south shore of Ditch Bay to a point 34° 57.2120' N – 76° 27.2185' W; then south of a line running southeasterly to the east shore of Long Bay to a point 34° 56.7633' N – 76° 26.3927' W; and
- (c) Turnagain Bay - south of a line beginning on the west shore at a point 34° 59.4065' N – 76° 30.1906' W; running easterly to the east shore to a point 34° 59.5668' N – 76° 29.3557' W;
- (3) in the Core Sound Area:
  - (a) Cedar Island Bay - northwest of a line beginning near the gun club dock at a point 34° 58.7203' N – 76° 15.9645' W; running northeasterly to the south shore to a point 34° 57.7690' N – 76° 16.8781' W;
  - (b) Thorofare Bay-Barry Bay - northwest of a line beginning on Rumley Hammock at a point 34° 55.4853' N – 76° 18.2487' W; running northeasterly to Hall Point to a point 34° 54.4227' N – 76° 19.1908' W;
  - (c) Nelson Bay - northwest of a line beginning on the west shore of Nelson Bay at a point 34° 51.1353' N – 76° 24.5866' W; running northeasterly to Drum Point to a point 34° 51.6417' N – 76° 23.7620' W;
  - (d) Brett Bay - north of a line beginning on the west shore at a point 34° 49.4019' N – 76° 26.0227' W; running easterly to Piney Point to a point 34° 49.5799' N – 76° 25.0534' W; and
  - (e) Jarrett Bay - north of a line beginning on the west shore near Old Chimney at a point 34° 45.5743' N – 76° 30.0076' W; running easterly to a point east of Davis Island 34° 45.8325' N – 76° 28.7955' W;
- (4) in the North River Area:
  - (a) North River - north of a line beginning on the west shore at a point 34° 46.0383' N – 76° 37.0633' W; running easterly to a point on the east shore 34° 46.2667' N – 76° 35.4933' W; and
  - (b) Ward Creek - east of a line beginning on the north shore at a point 34° 46.2667' N – 76° 35.4933' W; running southerly to the south shore to a point 34° 45.4517' N – 76° 35.1767' W;
- (5) New River - all waters upstream of a line beginning on the north side of the N.C. Highway 172 Bridge at a point 34° 34.7680' N – 77° 23.9940' W; running southerly to the south side of the bridge at a point 34° 34.6000' N – 77° 23.9710' W;
- (6) Chadwick Bay - all waters west of a line beginning on the northeast side of Chadwick Bay at a point 34° 32.5630' N – 77° 21.6280' W; running southeasterly to a point near Marker "6" at 34° 32.4180' N – 77° 21.6080' W; running westerly to Roses Point at a point 34° 32.2240' N – 77° 22.2880' W; following the shoreline in Fullard Creek to a point 34° 32.0340' N – 77° 22.7160' W; running northwesterly to a point 34° 32.2210' N – 77° 22.8080' W; following the shoreline to the west point of Bump's Creek at a point 34° 32.3430' N – 77° 22.4570' W; running northeasterly to the east shore to a point 34° 32.4400' N – 77° 22.3830' W; following the shoreline of Chadwick Bay back to the point of origin; and
- (7) Intracoastal Waterway - all waters in the Intracoastal Waterway maintained channel from a point near Marker "17" north of Alligator Bay 34° 30.7930' N – 77° 23.1290' W; to a point near Marker "49" at Morris Landing at a point 34° 28.0820' N – 77° 30.4710' W; and all waters in the Intracoastal Waterway maintained channel and 100 feet on either side from Marker "49" to the N.C. Highway 50-210 Bridge at Surf City.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52; Eff. January 1, 1991; Amended Eff. March 1, 1996; March 1, 1994; Recodified from 15A NCAC 3R .0005 Eff. December 17, 1996; Amended Eff. April 1, 2011; August 1, 2004; May 1, 1997; Readopted Eff. May 1, 2021.*

#### **15A NCAC 03R .0106 TRAWL NETS PROHIBITED**

The trawl net prohibited areas referenced in 15A NCAC 03J .0104 (b)(4) are delineated in the following coastal water areas:

- (1) In Pamlico, Core and Back sounds - within the area described by a line beginning at a point 35° 43.7457' N - 75° 30.7014' W on the south shore of Eagles Nest Bay on Pea Island; running westerly to a point 35° 42.9500' N - 75° 34.1500' W; running southerly to a point 35° 39.3500' N – 75° 34.4000' W; running southeasterly to a point 35° 35.8931' N - 75° 31.1514' W in Chicamacomico Channel near Beacon "ICC";

running southerly to a point 35° 28.5610' N - 75° 31.5825' W on Gull Island; running southwesterly to a point 35° 22.8671' N - 75° 33.5851' W in Avon Channel near Beacon "1"; running southwesterly to a point 35° 18.9603' N - 75° 36.0817' W in Cape Channel near Beacon "2"; running westerly to a point 35° 16.7588' N - 75° 44.2554' W in Rollinson Channel near Beacon "42RC"; running southwesterly to a point 35° 14.0337' N - 75° 45.9643' W southwest of Oliver Reef near the quick-flashing beacon; running westerly to a point 35° 09.3650' N - 76° 00.6377' W in Big Foot Slough Channel near Beacon "14BF"; running southwesterly to a point 35° 08.4523' N - 76° 02.6651' W in Nine Foot Shoal Channel near Beacon "9"; running westerly to a point 35° 07.1000' N - 76° 06.9000' W; running southwesterly to a point 35° 01.4985' N - 76° 11.4353' W near Beacon "HL"; running southwesterly to a point 35° 00.2728' N - 76° 12.1903' W near Beacon "2CS"; running southerly to a point 34° 59.5027' N - 76° 12.3204' W in Wainwright Channel immediately east of the northern tip of Wainwright Island; running easterly to a point 34° 58.6760' N - 76° 12.4164' W; running southerly to a point 34° 56.6697' N - 76° 13.6052' W near Marker "15"; running southwesterly to a point 34° 54.1584' N - 76° 16.9016' W; running southwesterly to a point 34° 52.1484' N - 76° 19.2607' W; running southwesterly to a point 34° 51.0617' N - 76° 21.0449' W; running southwesterly to a point 34° 48.3137' N - 76° 24.3717' W; running southwesterly to a point 34° 46.3739' N - 76° 26.1526' W; running southwesterly to a point 34° 44.5795' N - 76° 27.5136' W; running southwesterly to a point 34° 43.4895' N - 76° 28.9411' W near Beacon "37A"; running southwesterly to a point 34° 40.4500' N - 76° 30.6833' W; running westerly to a point 34° 40.7061' N - 76° 31.5893' W near Beacon "35" in Back Sound; running westerly to a point 34° 41.3178' N - 76° 33.8092' W near Buoy "3"; running southwesterly to a point 34° 39.6601' N - 76° 34.4078' W on Shackleford Banks; running easterly and northeasterly along the shoreline and across Barden Inlet following the COLREGS Demarcation line; then running northerly along the shoreline across the inlets following the COLREGS Demarcation line up the Outer Banks to Eagles Nest Bay at the point of beginning.

- (2) In Northern Pamlico Sound, Stumpy Point Bay - north of a line beginning at a point 35° 40.9719' N - 75° 44.4213' W on Drain Point; running westerly to a point 35° 40.6550' N - 75° 45.6869' W on Kazer Point;
- (3) In the Pamlico River area, lower Goose Creek - south of a line beginning at a point 35° 18.2676' N - 76° 37.4706' W on the north shore of Snode Creek; running easterly to a point 35° 18.1660' N - 76° 36.9095' W on Store Point;
- (4) In the Bay River Area:
  - (a) In Dump Creek - north of a line beginning at a point 35° 11.6666' N - 76° 33.4207' W on the west shore; running southeasterly to a point 35° 11.3926' N - 76° 32.8993' W on the east shore;
  - (b) In Rockhole Bay - north of a line beginning at a point 35° 11.3926' N - 76° 32.8993' W on the west shore; running southeasterly to a point 35° 11.1321' N - 76° 32.1360' W on the east shore;
  - (c) In Vandemere Creek - north of a line beginning at a point 35° 11.2681' N - 76° 39.5220' W on the west shore; running southerly to a point 35° 11.0879' N - 76° 39.3200' W on the east shore;
  - (d) In Cedar Creek - west of a line beginning at a point 35° 11.2681' N - 76° 39.5220' W on the north shore; running southwesterly to a point 35° 11.1033' N - 76° 39.7321' W on the south shore of an unnamed tributary;
  - (e) In Chapel Creek - north of a line beginning at a point 35° 08.6768' N - 76° 42.7985' W on the west shore; running easterly to a point 35° 08.7677' N - 76° 42.3604' W on the east shore;
  - (f) In Upper Bay River - west of a line beginning at a point 35° 08.6704' N - 76° 43.0836' W on the north shore; running southwesterly to a point 35° 08.4590' N - 76° 43.1930' W on the south shore;
- (5) In the Neuse River Area, Pierce Creek - west of a line beginning at a point 35° 02.4336' N - 76° 39.7653' W on the north shore; running southerly to a point 35° 02.3767' N - 76° 39.7876' W on the south shore;
- (6) In Cape Lookout Bight, all of Cape Lookout Bight - southwest of the COLREGS Demarcation line at Barden Inlet to the northeastern most point of Power Squadron Spit; running northeasterly to a point 34° 38.6150' N - 76° 32.7434' W on Shackleford Banks;
- (7) Newport River - all waters upstream of a line beginning at a point 34° 45.6960' N - 76° 43.5180' W near Penn Point; running northeasterly to a point 34° 46.5733' N - 76° 42.6350' W at Hardesty Farms subdivision;
- (8) White Oak River - all waters upstream of a line beginning at a point on the west side of the river 34° 43.3425' N - 77° 07.2209' W; running northerly to a point 34° 43.6445' N - 77° 07.3177' W in the river above Cahoon's Slough; running easterly to a point 34° 43.5588' N - 77° 06.6206' W at Hancock Point;

- (9) Intracoastal Waterway - all waters in the maintained channel from a point near Marker #105 34° 18.8167' N – 77° 42.8833' W running southerly to a point at the Wrightsville Beach Drawbridge 34° 12.9500' N – 77° 47.9833' W;
- (10) Cape Fear River - all waters bounded by a line beginning at a point near Fort Fisher 33° 57.5333' N – 77° 56.9333' W running southwesterly along The Rocks to a point 33° 55.1833' N – 77° 58.0833' W running southeasterly and southerly along the shorelines of Second and Buzzard's Bays to a point 33° 53.0333' N – 57.9333' W running northeasterly and northwesterly along the barrier island shorelines of Buzzard's Bay, Second Bay and The Basin back to the point of origin;
- (11) Cape Creek - all waters upstream of a line beginning at a point on the north shore 33° 53.6167' N – 77° 59.3333' W running southwesterly to a point on the south shore 33° 53.3667' N – 77° 59.4667' W; and
- (12) Bald Head Creek - all waters upstream of a line beginning at a point on the west shore 33° 52.8667' N – 77° 59.8000' W running easterly to a point on the east shore 33° 52.8667' N – 77° 59.7167' W.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. January 1, 1991;  
 Amended Eff. March 1, 1994;  
 Recodified from 15A NCAC 3R .0006 Eff. December 17, 1996;  
 Amended Eff. July 1, 2006; August 1, 2004; April 1, 1997;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **15A NCAC 03R .0107 DESIGNATED POT AREAS**

- (a) The pot areas referenced in 15A NCAC 03J .0301(a)(2)(A) are delineated in the following Coastal Fishing Waters:
- (1) In Albemarle and Currituck sounds and tributaries.
  - (2) In Roanoke Sound and tributaries.
  - (3) In Croatan Sound and tributaries.
  - (4) In Pamlico Sound and tributaries, except areas further described in Subparagraphs (a)(5), (a)(7), and (a)(8) of this Rule. Pots shall not be set within the following area described by lines:
    - (A) Striking Bay - beginning on shore at a point 35° 23.7003' N - 76° 26.6951' W; running southeasterly to shore at a point 35° 23.3580' N - 76° 26.3777' W; running easterly along shore to Long Point to a point 35° 23.3380' N - 76° 26.2540' W; running southeasterly to Drum Point to a point 35° 22.4830' N - 76° 25.1930' W; running southerly along shore to Point of Narrows to a point 35° 21.9240' N - 76° 25.4080' W; running northwesterly near Marker "2" to a point 35° 22.4166' N - 76° 26.4833' W; running westerly to a point 35° 22.3833' N - 76° 27.0000' W; running northerly to Short Point to a point 35° 23.3831' N - 76° 26.9922' W; running northerly along shore to a point 35° 23.5000' N - 76° 26.9666' W; running northeasterly to the beginning point.
  - (5) In the Pamlico River and its tributaries west of a line beginning on Willow Point at a point 35° 22.3741' N - 76° 28.6905' W; running southerly to Pamlico Point to a point 35° 18.5882' N - 76° 28.9625' W; pots may be used in Coastal Fishing Waters within an area bound by the shoreline to the depth of six feet. Pots shall not be used in areas listed in Paragraph (b) of this Rule, unless opened to the use of pots by proclamation; and pots shall not be set within the following areas described by lines:
    - (A) Long Point - beginning on shore at a point 35° 22.4833' N - 76° 43.4167' W; running northwesterly to a point 35° 22.6500' N - 76° 43.4333' W; running easterly along the six foot depth to a point 35° 22.7333' N - 76° 42.7333' W; running to shore to a point 35° 22.4000' N - 76° 43.0833' W; running westerly along shore to the beginning point.
    - (B) Pamlico River Mainstream Channel - beginning at a point 250 yards north of Marker "7" at a point 35° 27.2953' N - 76° 55.1351' W; running westerly to a point near Marker "8" at a point 35° 27.4217' N - 76° 56.0917' W; running westerly along the north side of the marked channel to a point 100 yards north of Marker "9" at a point 35° 27.7472' N - 76° 57.5392' W; running westerly along the north side of the marked channel to a point near Marker "16", north of Whichard Beach at a point 35° 30.4750' N - 77° 01.2217' W; running southwesterly across the channel to a point 35° 30.4373' N - 77° 01.2614' W; running southeasterly along the south side of the marked channel at a distance of 100 yards from the north side of the marked channel to a point near Marker "7" at a point 35° 27.1722' N - 76° 55.1380' W; running northerly to the beginning point.

- (C) Chocowinity Bay Channel - beginning at a point near the Wildlife Resources Commission (WRC) red marker in Chocowinity Bay at a point 35° 29.5501' N - 77° 01.4335' W; running easterly to the south side of the marked navigation channel in Pamlico River, at a point 35° 29.0408' N - 76° 59.5437' W; running southeasterly to a point 35° 28.9236' N - 76° 59.3109' W; running westerly to the WRC green buoy in Chocowinity Bay at a point 35° 29.5004' N - 77° 01.4339' W; running northerly to the beginning point.
- (D) Whichard Beach Channel - beginning on shore at a point 35° 30.2364' N - 77° 01.3679' W; running easterly to the south side of the marked navigation channel in Pamlico River at a point 35° 30.1952' N - 77° 01.0252' W; running southeasterly to a point 35° 30.1373' N - 77° 00.9685' W; running westerly to shore at a point 35° 30.2002' N - 77° 01.4518' W, running northeasterly to the beginning point.
- (E) Broad Creek Channel - beginning near Marker "3" in Broad Creek at a point 35° 29.0733' N - 76° 57.2417' W; running southwestwardly near Marker "1" at a point 35° 28.8591' N - 76° 57.3823' W; running southerly to the marked navigation channel in Pamlico River at a point 35° 27.8083' N - 76° 57.6250' W; running southeasterly to a point 35° 27.7344' N - 76° 57.4822' W; running northerly to the six foot depth at a point 35° 28.5779' N - 76° 57.2924' W; running northerly to the six foot depth at a point 35° 28.7781' N - 76° 57.3508' W; running northerly along the six foot depth to a point near Marker "4" at a point 35° 29.0933' N - 76° 57.1967' W; running southwestwardly to the beginning point.
- (F) Blounts Bay - from June 1 through September 15, on the south side of Pamlico River beginning near Marker "7" at a point 35° 27.1722' N - 76° 55.1381' W; running westerly and along the south side of the marked navigation channel to a point near Marker "9" at a point 35° 27.7070' N - 76° 57.5739' W; running northwestwardly along the south side of the marked channel to the intersection of the Chocowinity Bay Channel at a point 35° 28.9236' N - 76° 59.3109' W; running westerly along the south side of the Chocowinity Bay Channel to a point 35° 29.0206' N - 76° 59.6678' W; running southerly to the eight foot depth at a point 35° 28.6667' N - 76° 59.6667' W; running southeasterly along the eight foot depth to a point 35° 27.0833' N - 76° 55.1667' W; running northerly to the beginning point.
- (6) In the Pamlico River and its tributaries west of a line beginning on Willow Point at a point 35° 22.3741' N - 76° 28.6905' W; running southerly to Pamlico Point to a point 35° 18.5882' N - 76° 28.9625' W; pots may be used in Coastal Fishing Waters within an area bound by the shoreline to the depth of six feet. Pots shall not be used in areas listed in Paragraph (b) of this Rule, unless opened to the use of pots by proclamation; and except pots may be set within the following areas described by lines:
  - (A) Durants Point and South Shore, upper Pungo River - beginning on Durants Point at a point 35° 30.5197' N - 76° 35.1521' W; running northwestwardly to a point 35° 31.1333' N - 76° 35.5833' W; running northeasterly 200 yards south of Marker "10" to a point 35° 31.2032' N - 76° 35.5558' W; running easterly parallel to the marked navigation channel at a distance of 200 yards to the shore south of Wilkerson Creek to a point 35° 33.0493' N - 76° 27.2752' W; running southerly and westerly along the shoreline and following the Inland/Coastal lines of Horse Island, Tarklin, Scranton, and Smith Creeks to the beginning point.
  - (B) Tooleys Point and North Shore, upper Pungo River - beginning at the "Breakwater" 200 yards northeast of Beacon "6", at a point 35° 31.7833' N - 76° 36.8500' W; running southeasterly to a point 200 yards from Marker "4" at a point 35° 31.5167' N - 76° 36.3500' W; running easterly parallel to the marked navigation channel at a distance of 200 yards to the north shore of Wilkerson Creek to a point 35° 33.2339' N - 76° 27.5449' W; running northwestwardly along the shoreline to the east end of the US 264 bridge; running westerly along the south side of the bridge and following the Inland/Coastal line to the western shore; running southerly and westerly along the shoreline and following the Inland/Coastal lines of Upper Dowry Creek and Lower Dowry Creek; running westerly and along the shoreline of Battalina and Tooleys creeks; running along the river shore to the "Breakwater" to a point 35° 31.9908' N - 76° 36.6105' W; running southwestwardly along the "Breakwater" to the beginning point.
  - (C) Pungo Creek - beginning on Windmill Point at a point 35° 30.7444' N - 76° 38.2869' W; running northeasterly to a point 200 yards west of Marker "3" to a point 35° 31.3500' N - 76° 36.6167' W; running northwestwardly to the "Breakwater" to a point 35° 31.6296' N - 76° 37.1201' W; running westerly along the "Breakwater" to shore to a point 35° 31.5653' N - 76° 37.3832' W; running

- westerly along shore and into Pungo Creek following the shoreline and the Inland/Coastal lines of Vale, Scott, and Smith creeks to the north end of the NC 92 bridge over Pungo Creek; running southerly along the bridge and following the Inland/Coastal line to the southern shore; running easterly along shore to the beginning point.
- (D) Upper Pamlico - in Coastal Fishing Waters west of a line beginning on the north shore of Gum Point at a point 35° 25.1699' N - 76° 45.5251' W; running southwesterly to a point on the south shore of Pamlico River to a point 35° 23.4453' N - 76° 46.4346' W, except as described in Paragraph (a)(5)(B) through (F) of this Rule.
- (E) North Side Pamlico - beginning on the north shore of Gum Point at a point 35° 25.1699' N - 76° 45.5251' W; running southwesterly 500 yards from shore to a point 35° 24.9339' N - 76° 45.6495' W; running easterly parallel to the shoreline at a distance of 500 yards near Adams Point to a point 35° 23.3949' N - 76° 35.8089' W; running northerly to shore at a point 35° 23.1754' N - 76° 35.9619' W; running westerly along shore to the beginning point.
- (F) South Creek - in Coastal Fishing Waters of South Creek and tributaries west of a line beginning on Hickory Point at a point 35° 21.7385' N - 76° 41.5907' W; running southerly to Fork Point to a point 35° 20.7534' N - 76° 41.7870' W.
- (7) In Bay River west of a line beginning on Bay Point at a point 35° 11.0750' N - 76° 31.6080' W; running southerly to Maw Point to a point 35° 09.0407' N - 76° 32.2348' W; pots may be used in Coastal Fishing Waters within an area bound by the shoreline to the depth of six feet. Pots shall not be used in areas listed in Paragraph (b) of this Rule, unless opened to the use of pots by proclamation; and pots shall not be set within the following areas described by lines:
- (A) Vandemere - beginning on the west shore of Vandemere Creek at a point 35° 11.2280' N - 76° 39.6046' W; running southeasterly to the east shore to a point 35° 11.0920' N - 76° 39.3240' W; running southerly to a point 35° 10.9390' N - 76° 39.4426' W; running southwesterly to a point 35° 10.8567' N - 76° 39.6212' W; running northwesterly to shore west of Vandemere Creek to a point 35° 10.8983' N - 76° 39.7307' W; running northerly along shore to the beginning point.
- (B) Moore Bay - beginning on shore west of Bell Point at a point 35° 09.6712' N - 76° 39.9651' W; running northwesterly to a point 35° 09.7331' N - 76° 40.0928' W; running southerly along the six foot depth to a point 35° 09.0045' N - 76° 40.3141' W; running southeasterly to the north shore of Moore Creek to a point 35° 08.9640' N - 76° 40.2000' W; running northerly along shore to the beginning point.
- (8) In the Neuse River and Point of Marsh area south and west of a line beginning on Maw Point at a point 35° 09.0407' N - 76° 32.2348' W; running southeasterly near the Maw Point Shoal Marker "2" to a point 35° 08.1250' N - 76° 30.8532' W; running southeasterly near the Neuse River Entrance Marker "NR" to a point 35° 06.6212' N - 76° 28.5383' W; running southeasterly to a point 35° 04.7670' N - 76° 25.7920' W; running southwesterly to shore to a point 35° 03.9387' N - 76° 27.0466' W; pots may be used in Coastal Fishing Waters within an area bound by the shoreline to the depth of six feet. Pots shall not be used in areas listed in Paragraph (b) of this Rule, unless opened to the use of pots by proclamation; and pots shall not be set within the following areas described by lines:
- (A) Oriental - in that area including Greens Creek and tributaries downstream of the bridge on State Secondary Road 1308, and Whittaker Creek north of a line beginning on the west shore at the Whittaker Creek primary nursery area (PNA) line; running easterly along the Whittaker Creek PNA line to the east shore; running southerly to a point 35° 01.3833' N - 76° 40.9500' W; running westerly following the six foot depth to a point 35° 01.1666' N - 76° 41.8833' W; running southerly across the channel to a point 35° 01.1339' N - 76° 41.9589' W; running westerly to Windmill Point to the south shore of the Shop Gut Creek PNA line; running northerly along the Shop Gut Creek PNA line to the north shore of the Shop Gut Creek PNA line.
- (B) Greens Creek - more than 75 yards from shore in the area beginning on the south shore of Greens Creek primary nursery area (PNA) line; following the PNA lines of Greens Creek and Kershaw Creek to the east shore of Kershaw Creek; running easterly along the shore of Greens Creek, and running along the shore of Smith Creek and its tributaries to the bridge on State Secondary Road 1308; running southwesterly along the bridge to the south shore of Greens Creek; running westerly along the shore to the beginning point.
- (C) Dawson Creek - beginning on the west shore at a point 34° 59.5920' N - 76° 45.4620' W; running easterly along the bridge on State Secondary Road 1302 to shore at a point 34° 59.5800' N - 76°

- 45.4140' W; running northerly and easterly along the shore to the primary nursery area (PNA) line of the southeastern tributary; running northerly along the PNA line to shore; running northerly along shore to the PNA line of the unnamed northeastern tributary; running northwesterly along the PNA line to shore; running northwesterly along shore to the Inland/Coastal line on Tarklin Creek; running westerly along the Inland/Coastal line to shore; running southwestly along shore to the Inland/Coastal line on Dawson Creek; running southerly along the Inland/Coastal line to the shore; running easterly and then southerly along shore to the beginning point.
- (D) Wilkerson Point - beginning on the west side of the Minnesott Beach Yacht Basin Channel at a point 34° 58.2682' N - 76° 49.1903' W; running southerly to a point 34° 58.1403' N - 76° 49.2253' W; running easterly along the six foot depth to a point 34° 58.4000' N - 76° 46.5667' W; running northerly to shore to a point 34° 58.5333' N - 76° 46.6333' W; running westerly along shore to the beginning point.
- (E) Beard Creek - beginning on shore west of Beard Creek at a point 35° 00.1902' N - 76° 52.2176' W; running southerly to a point 34° 59.8883' N - 76° 52.3594' W; running easterly along the six foot depth to a point 34° 59.4167' N - 76° 51.2333' W; running northeasterly to shore to a point 34° 59.5989' N - 76° 51.0781' W; running westerly along shore to the Beard Creek tributary primary nursery area (PNA) line; running northeasterly along the PNA line to the Inland/Coastal line in Beards Creek; running westerly along the Inland/Coastal line to the western shore; running southerly along shore to the beginning point.
- (F) Clubfoot Creek - more than 50 yards from shore in the area south of a line beginning at a point 34° 54.9327' N - 76° 45.6506' W on the west shore; running northerly to a point 34° 55.1501' N - 76° 45.6221' W; running northeasterly to a point 34° 55.1812' N - 76° 45.5172' W near Marker "5"; running northeasterly to a point 34° 55.2994' N - 76° 45.1180' W on the east shore and north of line beginning at a point on the west shore 34° 54.5424' N - 76° 45.7252' W; running easterly to a point 34° 54.4853' N - 76° 45.4022' W on the east shore.
- (G) Lower Broad Creek - beginning on the north shore at a point 35° 05.8314' N - 76° 35.3845' W; running southwestly along the secondary nursery area line to the six foot depth at 35° 05.7321' N - 76° 35.5046' W; running southerly following the six foot depth near Marker "2A" to a point 35° 05.5442' N - 76° 35.2886' W; running northerly to a point 35° 05.7446' N - 76° 35.2980' W; running westerly along the shore to the point of beginning.
- (9) In the Neuse River and Point of Marsh area south and west of a line beginning on Maw Point at a point 35° 09.0407' N - 76° 32.2348' W; running southeasterly near the Maw Point Shoal Marker "2" to a point 35° 08.1250' N - 76° 30.8532' W; running southeasterly near the Neuse River Entrance Marker "NR" to a point 35° 06.6212' N - 76° 28.5383' W; running southeasterly to a point 35° 04.7670' N - 76° 25.7920' W; running southwestly to shore to a point 35° 03.9387' N - 76° 27.0466' W; pots may be used in Coastal Fishing Waters within an area bound by the shoreline to the depth of six feet. Pots shall not be used in areas listed in Paragraph (b) of this Rule, unless opened to the use of pots by proclamation; and except pots may be set in Coastal Fishing Waters west of a line beginning on shore west of Beards Creek at a point 35° 00.1902' N - 76° 52.2176' W; running southwestly to shore west of Slocum Creek to a point 34° 57.0333' N - 76° 53.7252' W.
- (10) In the West Bay and Long Bay area south and west of a line beginning on shore at a point 35° 03.9387' N - 76° 27.0466' W; running northeasterly to a point 35° 04.7670' N - 76° 25.7920' W; running southeasterly to the eastern shore of West Bay to a point 35° 02.1203' N - 76° 21.8122' W; areas described by lines:
- (A) Raccoon Island, northern shore - beginning at the western point at a point 35° 04.3696' N - 76° 26.1815' W; running southeasterly along the north shore to a point 35° 03.9814' N - 76° 25.5862' W; running easterly 150 yards to a point 35° 03.9777' N - 76° 25.4910' W; running northwesterly at a distance of 150 yards from shore to a point 35° 04.4417' N - 76° 26.2150' W; running easterly to the beginning point.
- (B) Raccoon Island, southern shore - beginning at the western point at a point 35° 04.3696' N - 76° 26.1815' W; running southeasterly along the south shore to a point 35° 03.9814' N - 76° 25.5862' W; running easterly 50 yards to a point 35° 03.9800' N - 76° 25.5513' W; running westerly at a distance of 50 yards from shore to a point 35° 04.3955' N - 76° 26.1934' W; running easterly to the beginning point.

- (C) West Bay: Point of the Narrows - beginning on shore at a point 35° 03.5421' N - 76° 26.3909' W; running northeasterly to a point 35° 03.5980' N - 76° 26.3894' W; running southeasterly parallel to shore at a distance of 100 yards to a point 35° 02.4740' N - 76° 26.1280' W; running northwesterly to shore to a point 35° 02.5440' N - 76° 26.1486' W; running northerly along shore to the beginning point.
  - (D) West Bay: Point of Island Bay, Dowdy Bay - beginning on shore at a point 35° 01.5271' N - 76° 26.2836' W; running southeasterly to a point 35° 01.4684' N - 76° 26.2450' W; running southeasterly parallel to shore at a distance of 100 yards to a point 35° 00.0701' N - 76° 25.4414' W; running southerly to a point 35° 00.0620' N - 76° 25.5074' W on Dowdy Point; running westerly and northerly along shore to the beginning point.
  - (E) West Bay - beginning on Dowdy Point at a point 35° 00.0620' N - 76° 25.5074' W; running easterly to a point 35° 00.1000' N - 76° 25.2000' W; running southerly to a point 34° 58.7500' N - 76° 24.7000' W; running westerly to Jack's Bay Point to a point 34° 58.6886' N - 76° 25.3683' W; running northerly along shore to the beginning point.
  - (F) Long Bay: Jack's Bay, Stump Bay - beginning on Jack's Bay Point at a point 34° 58.6886' N - 76° 25.3683' W; running southwestly to a point 34° 57.6500' N - 76° 25.8500' W; running westerly to shore to a point 34° 57.2089' N - 76° 27.2292' W; running northerly along shore to the boundary of the military restricted area (having its center at a point 34° 58.8000' N - 76° 26.2000' W) in Jack's Bay to a point 34° 58.4208' N - 76° 25.9417' W; running northeasterly along the boundary of the military restricted area to a point 34° 58.7746' N - 76° 25.6733' W; running easterly along shore to the beginning point.
  - (G) Long Bay - beginning on the east point of the southern shore of Stump Bay at a point 34° 57.2089' N - 76° 27.2292' W; running southeasterly to Swimming Point to a point 34° 56.7619' N - 76° 26.3838' W; running southerly along shore to the head of Long Bay; running northerly along the west shore to the beginning point.
  - (H) Long Bay: Owens Bay - beginning on Swimming Point at a point 34° 56.7619' N - 76° 26.3838' W; running northwesterly to a point 34° 56.8470' N - 76° 26.5363' W; running northeasterly parallel to shore at a distance of 300 yards to a point 34° 57.9394' N - 76° 24.1326' W; running southwestly to Long Bay Point at a point 34° 57.7863' N - 76° 24.1837' W; running southwestly along shore to the beginning point.
  - (I) West Thorofare Bay, Merkle Bay - beginning on Long Bay Point at a point 34° 57.7863' N - 76° 24.1837' W; running northeasterly near Marker "8WB" to a point 34° 58.4600' N - 76° 23.9600' W; running easterly to Tump Point to a point 34° 58.7000' N - 76° 22.8166' W; running southerly along the shore of Merkle Bay and West Thorofare Bay back to the beginning point.
  - (J) West Bay, North Bay - beginning on the eastern shore of West Bay at a point 35° 02.1203' N - 76° 21.8122' W; running northwesterly to a point 35° 02.5412' N - 76° 22.4445' W; running southwestly near Marker "5WB" to a point 35° 02.0798' N - 76° 22.8729' W; running southerly to a point 35° 00.5666' N - 76° 21.8333' W; running southerly to Deep Bend Point to a point 34° 58.5923' N - 76° 21.7325' W; running easterly and northerly along shore to the beginning point.
- (11) Core Sound, Back Sound, and the Straits and their tributaries.
- (12) North River:
- (A) Goose Bay - beginning on shore west of South Leopard Creek at a point 34° 45.4517' N - 76° 35.1767' W; running northerly to a point 34° 45.6409' N - 76° 35.2503' W; running southwestly to a point 34° 45.3333' N - 76° 35.7500' W; running southerly to a point 34° 43.4667' N - 76° 35.2333' W; running easterly to shore at a point 34° 43.5833' N - 76° 34.9167' W; running northerly along shore to the beginning point.
  - (B) Ward Creek - Coastal Fishing Waters north and east of a line beginning on the north shore at a point 34° 46.2667' N - 76° 35.4933' W; running southerly to south shore to a point 34° 45.4517' N - 76° 35.1767' W.
  - (C) Upper North River - Coastal Fishing Waters north of a line beginning on the west shore at a point 34° 46.0383' N - 76° 37.0633' W; running easterly to shore to a point 34° 46.2667' N - 76° 35.4933' W.
  - (D) Newby Creek, Gibbs Creek - beginning on Marsh Hen Point at a point 34° 45.2004' N - 76° 37.0639' W; running southwestly to a point 34° 44.5833' N - 76° 36.6000' W; running

- southeasterly to shore near Holland's Rocks to a point 34° 43.6667' N - 76° 37.3333' W; running northerly along shore to the beginning point.
- (E) North River Marshes - beginning near Marker "6" at a point 34° 43.4833' N - 76° 37.3500' W; running northeasterly to a point 34° 44.1333' N - 76° 36.8667' W; running southeasterly to a point 34° 43.8000' N - 76° 36.1333' W; running southeasterly to a point 34° 43.5000' N - 76° 35.7833' W; running southerly near Marker "56" to a point 34° 42.2391' N - 76° 35.8498' W; running westerly to a point 34° 42.2333' N - 76° 36.7167' W; running northerly to a point 34° 42.7500' N - 76° 36.9667' W; running northerly to a point 34° 43.2333' N - 76° 36.9667' W; running northwesterly to the beginning point.
- (13) Newport River:
- (A) Lower portion - beginning on shore east of Penn Point at a point 34° 45.4397' N - 76° 43.0638' W; running northeasterly to shore east of Oyster Creek to a point 34° 46.5480' N - 76° 41.9910' W; running easterly along shore to a point on the western shore of Core Creek to a point 34° 47.0816' N - 76° 41.2605' W; running easterly to the eastern shore at a point 34° 46.9867' N - 76° 41.0437' W; running southerly along shore to Gallant Point to a point 34° 43.9911' N - 76° 40.2762' W; running westerly near Marker "2" to a point 34° 44.0031' N - 76° 40.5038' W; running southeasterly near Marker "4" to a point 34° 43.7064' N - 76° 40.1627' W; running southerly to the west side of Gallant's Channel at the drawbridge to a point 34° 43.3500' N - 76° 40.1833' W; running westerly along the US 70 and the US 70 bridge to its terminus at the State Port Terminal; running westerly and northerly along the western shore of Newport River and its tributaries to the beginning point.
- (B) Upper portion - the Coastal Fishing Waters west of a line beginning on shore east of Harlowe Creek at a point 34° 46.5730' N - 76° 42.6350' W; running southerly to shore east of Penn Point to a point 34° 45.6970' N - 76° 43.5180' W.
- (14) Bogue Sound:
- (A) South of the Intracoastal Waterway - beginning on the south shore at the NC 58 bridge at a point 34° 40.0585' N - 77° 03.8005' W; running northerly along the bridge to the south side of the IWW channel to a point 34° 40.4464' N - 77° 03.9155' W; running easterly along the south side of the IWW channel to the Atlantic Beach bridge to a point 34° 43.0320' N - 76° 44.1300' W; running easterly to the northeastern shore of Tar Landing Bay to a point 34° 42.5000' N - 76° 42.2000' W; running easterly along shore to a point 34° 42.1990' N - 76° 41.3873' W; running southeasterly to a point 34° 42.1631' N - 76° 41.3491' W; running southeasterly and westerly along shore to the beginning point.
- (B) North of the Intracoastal Waterway - beginning on the north shore at the NC 58 bridge at a point 34° 40.7780' N - 77° 04.0010' W; running southerly along the bridge to the north side of the IWW channel to a point 34° 40.4640' N - 77° 03.9090' W; running easterly along the north side of the IWW channel to the Atlantic Beach bridge to a point 34° 43.0620' N - 76° 44.1240' W; running northerly along the bridge to shore to a point 34° 43.2780' N - 76° 44.0700' W; running westerly along shore to the beginning point.
- (15) Designated primary nursery areas in all Coastal Fishing Waters which are listed in 15A NCAC 03R .0103, except Burton Creek off Lower Broad Creek in Pamlico County.
- (b) The pot areas referenced in 15A NCAC 03J .0301(a)(2)(B) to be opened by proclamation are delineated in the following Coastal Fishing Waters:
- (1) Wysocking Bay:
- (A) Lone Tree Creek - beginning on shore at a point 35° 25.9705' N - 76° 02.7799' W; running easterly along the shoreline to the primary nursery area (PNA) line on the north shore of Lone Tree Creek; running southeasterly along the PNA line to the south shore; running southwestly to a point 35° 24.7666' N - 76° 02.5333' W; running northwesterly to a point 35° 25.7000' N - 76° 03.2666' W; running northeasterly to the beginning point.
- (B) Mt. Pleasant Bay - beginning on shore west of Green Point at a point 35° 24.6160' N - 76° 03.9690' W; running easterly to a point 35° 24.4500' N - 76° 03.2000' W; running southerly to a point 35° 23.2833' N - 76° 03.5333' W; running southwestly to shore to a point 35° 23.1166' N - 76° 04.2000' W; running westerly and northerly along shore to the primary nursery area (PNA) line on the western shore of Hickory Creek Bay; running northeasterly along the PNA line to Browns Island; running along the eastern shore of Browns Island to the PNA line on the south



- shore of Old Hill Bay; running northerly along the PNA line to shore; running northeasterly along shore to the beginning point.
- (2) Juniper Bay - beginning on shore at a point 35° 21.7957' N - 76° 14.3545' W; running southeasterly along shore to the primary nursery area (PNA) line on the western shore of Buck Creek; running southeasterly along the PNA line to the eastern shore; running southeasterly along shore to the PNA line on the north shore of Laurel Creek; running southerly to the south shore; running southerly along shore to Juniper Bay Point to a point 35° 20.4420' N - 76° 13.2680' W; running westerly to a point 35° 20.2500' N - 76° 14.7500' W; running northerly near Marker "3" to a point 35° 21.5360' N - 76° 14.8040' W; running northeasterly to the beginning point.
  - (3) Swanquarter Bay - beginning in Caffee Bay on the north shore at a point 35° 21.9928' N - 76° 17.6720' W; running southerly to the south shore at a point 35° 21.5240' N - 76° 17.8130' W; running westerly along shore to Drum Point to a point 35° 21.5920' N - 76° 18.3560' W; running westerly to a point 35° 21.2833' N - 76° 19.0500' W; running northwesterly to a point 35° 21.8500' N - 76° 19.4500' W; running easterly to Sandy Point to a point 35° 22.1080' N - 76° 18.7440' W; running easterly along shore and following the PNA line of the northern tributary in Caffee Bay to the beginning point.
  - (4) Deep Cove - beginning on the north shore at a point 35° 21.5784' N - 76° 22.7505' W; running easterly along shore to a point 35° 21.5002' N - 76° 22.1112' W; running southerly to shore to a point 35° 20.6851' N - 76° 22.0524' W; running westerly along shore to a point 35° 20.5390' N - 76° 22.7790' W; running northerly to the beginning point.
  - (5) Rose Bay - beginning on shore south of Swan Point at a point 35° 23.9650' N - 76° 23.5530' W; running southeasterly along shore to a point 35° 23.5060' N - 76° 23.2090' W; running westerly to a point 35° 23.3166' N - 76° 24.0666' W; running northwesterly to a point 35° 24.0500' N - 76° 24.5500' W; running easterly to the beginning point.
  - (6) Spencer Bay - beginning on Roos Point at a point 35° 22.3590' N - 76° 28.1850' W; running northeasterly to a point 35° 22.9500' N - 76° 27.2166' W; running northwesterly to a point 35° 23.4166' N - 76° 27.9500' W; running southwestly to shore to a point 35° 23.0209' N - 76° 28.5060' W; running southeasterly along shore and the primary nursery area line of the unnamed western tributary of Spencer Bay to the beginning point.
  - (7) Pamlico River:
    - (A) Lee Creek - beginning on shore at a point 35° 22.8779' N - 76° 45.7149' W; running northerly to a point 35° 23.1011' N - 76° 45.7371' W; running easterly along the six foot depth to a point 35° 22.9450' N - 76° 44.8403' W; running southwestly to shore to a point 35° 22.7667' N - 76° 45.2333' W; running westerly along shore to the beginning point.
    - (B) Huddy Gut - beginning on shore at a point 35° 22.5000' N - 76° 44.4500' W; running northerly to a point 35° 22.7166' N - 76° 44.5000' W; running easterly along the six foot depth to a point 35° 22.7170' N - 76° 43.9500' W; running southwestly to shore to a point 35° 22.4657' N - 76° 44.0536' W; running westerly along shore to the beginning point.
    - (C) Indian Island - beginning on shore at the west end of Indian Island at a point 35° 21.6240' N - 76° 39.4090' W; running westerly to a point 35° 21.7667' N - 76° 40.2667' W; running easterly along the six foot depth to a point 35° 21.6107' N - 76° 38.2202' W; running westerly to the east end of Indian Island to a point 35° 21.6100' N - 76° 38.6290' W; running westerly along the northern shore to the beginning point.
    - (D) Old Field Point, Goose Creek - beginning on shore at a point 35° 20.2297' N - 76° 37.3456' W; running southeasterly to a point 35° 20.1500' N - 76° 37.1000' W; running southerly along the six foot depth to a point 35° 19.9031' N - 76° 37.2308' W; running westerly to shore to a point 35° 19.9812' N - 76° 37.4917' W; running northerly along shore to the beginning point.
  - (8) Big Porpoise Bay - beginning on the north shore at a point 35° 16.0028' N - 76° 29.1708' W; running southerly to Sage Point at a point 35° 15.5930' N - 76° 29.1270' W; running easterly to a point 35° 15.4660' N - 76° 28.6000' W; running northerly to shore to a point 35° 15.8120' N - 76° 28.4270' W; running westerly along shore to the beginning point.
  - (9) Middle Bay - beginning on Middle Bay Point at a point 35° 14.8310' N - 76° 28.7500' W; running southerly to Sow Island Point at a point 35° 13.2876' N - 76° 29.5585' W; running westerly along shore to Big Fishing Point at a point 35° 14.0285' N - 76° 29.9336' W; running northerly to Oyster Creek Point at a point 35° 14.6042' N - 76° 29.8544' W; running easterly along shore to the beginning point.

- (10) Jones Bay - beginning on Sow Island Point at a point 35° 13.1811' N - 76° 29.6096' W; running southerly near Marker "3" to a point 35° 12.0250' N - 76° 29.9660' W; running northwesterly to a point 35° 12.8000' N - 76° 30.9666' W; running southwesterly to shore at the east shore of the Little Drum Creek primary nursery area (PNA) line; running westerly along the PNA line to the west shore of the Little Eve Creek PNA; running westerly along shore to a point 35° 12.6000' N - 76° 32.0166' W; running northeasterly to a point 35° 12.8666' N - 76° 31.7500' W; running northwesterly to a point 35° 13.1833' N - 76° 32.1166' W; running northerly to a point 35° 13.6500' N - 76° 31.9000' W; running southeasterly to a point 35° 13.1500' N - 76° 30.8000' W; running northerly to shore at a point 35° 13.4886' N - 76° 30.7785' W; running easterly along shore to the beginning point.
- (11) Bay Point - beginning on Boar Point at a point 35° 12.1450' N - 76° 31.1150' W; running easterly near Marker "5" to a point 35° 12.0250' N - 76° 29.9660' W; running southerly to a point 35° 10.9333' N - 76° 30.1666' W; running westerly to Bay Point to a point 35° 11.0750' N - 76° 31.6080' W; running northerly along shore to the beginning point.
- (12) Bay River:
- (A) Rockhole Bay - beginning on the western shore of Dump Creek at a point 35° 11.6708' N - 76° 33.4359' W; running southerly to a point 35° 11.3833' N - 76° 33.3166' W; running southeasterly along the six foot depth to a point 35° 10.8333' N - 76° 32.1333' W; running northerly to shore at a point 35° 11.1250' N - 76° 32.1340' W; running northwesterly along shore to the southeast shore of the Rockhole Bay PNA line; running northwesterly along the PNA line to the western shore; running westerly along shore to the east shore of PNA line in Dump Creek; running southwesterly along the PNA line to the western shore; running southerly along shore to the beginning point.
- (B) Hogpen Creek - beginning on shore north of Bonner Bay at a point 35° 10.4174' N - 76° 34.7041' W; running northerly to a point 35° 10.7500' N - 76° 34.7333' W; running easterly along the six foot depth to a point southwest of Marker "3" to a point 35° 10.8137' N - 76° 33.5120' W; running southwesterly to shore to a point 35° 10.3195' N - 76° 34.0876' W; running westerly along shore to the beginning point.
- (C) Fisherman Bay - beginning on the western shore of Fisherman Bay at a point 35° 09.2345' N - 76° 33.0199' W; running northwesterly to a point 35° 09.9892' N - 76° 33.2213' W; running easterly along the six foot depth to a point southwest and near Marker "1" to a point 35° 09.7951' N - 76° 32.0099' W; running southwesterly to shore to a point 35° 09.2668' N - 76° 32.3668' W; running westerly along shore to the beginning point.
- (13) Neuse River:
- (A) Swan Creek - beginning at a point on shore south of Maw Bay at a point 35° 08.5760' N - 76° 32.6320' W; running southerly along shore to a point north of Swan Creek to a point 35° 07.3182' N - 76° 33.4620' W; running southeasterly to the six foot depth to a point 35° 07.2524' N - 76° 33.2078' W; running northeasterly along the six foot depth to a point 35° 08.3214' N - 76° 31.9971' W; running westerly to the beginning point.
- (B) Broad Creek - beginning on Tonney Hill Point at a point 35° 05.5505' N - 76° 35.7249' W; running southeasterly along shore and following the primary nursery area line of Cedar Creek; running southerly along shore to a point north of Gum Thicket Creek to a point 35° 04.6741' N - 76° 35.7051' W; running southeasterly to a point 35° 04.5786' N - 76° 35.4808' W; running northerly near Marker "1" to a point 35° 05.4809' N - 76° 34.9734' W; running westerly along the six foot depth near Marker "3" to a point 35° 05.6400' N - 76° 35.6433' W; running southwesterly to the beginning point.
- (C) Gum Thicket Shoal - beginning on shore west of Gum Thicket Creek at a point 35° 04.2169' N - 76° 36.2119' W; running southwesterly along shore to a point 35° 04.0634' N - 76° 36.6548' W; running southerly to a point 35° 03.6833' N - 76° 36.7166' W; running easterly along the six foot depth to a point 35° 03.9166' N - 76° 35.8000' W; running northwesterly to the beginning point.
- (D) Orchard Creek - beginning on the eastern shore at a point 35° 03.6712' N - 76° 37.9040' W and running southwesterly along the Orchard and Old House Creeks primary nursery area line to Cackle Point; running easterly to a point 35° 03.3000' N - 76° 37.8833' W; running northerly to the beginning point.
- (E) Dawson Creek - beginning on the eastern shore of Dawson Creek at a point 34° 59.5800' N - 76° 45.4140' W; running westerly along the bridge to the western shore to a point 34° 59.5920' N - 76° 45.4620' W; running southwesterly along shore to a point 34° 59.0667' N - 76° 45.9000' W;

running southeasterly to a point 34° 58.7833' N - 76° 45.6500' W; running northerly along the six foot depth to a point 34° 59.3666' N - 76° 45.3166' W; running northwesterly near Marker "4" to a point 34° 59.4430' N - 76° 45.4521' W; running northerly to the beginning point.

- (F) Pine Cliff Recreation Area - beginning on shore at a point 34° 56.4333' N - 76° 49.5833' W; running easterly along shore to a point 34° 56.3422' N - 76° 49.1158' W; running northeasterly near Marker "2" to a point 34° 56.7650' N - 76° 48.5778' W; running northerly to a point 34° 56.8333' N - 76° 48.6000' W; running southwesterly along the six foot depth to a point 34° 56.6067' N - 76° 49.6190' W; running southerly to the beginning point.

*History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52; Eff. January 1, 1991; Amended Eff. March 1, 1996; March 1, 1994; July 1, 1993; September 1, 1991; Recodified from 15A NCAC 03R .0007 Eff. December 17, 1996; Amended Eff. April 1, 2014; September 1, 2005; May 1, 1997; April 1, 1997; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

### **15A NCAC 03R .0108 MECHANICAL METHODS PROHIBITED TO TAKE OYSTERS**

The dredges and mechanical methods prohibited areas to take oysters referenced in 15A NCAC 03K .0204 are delineated in the following Internal Coastal Waters:

- (1) In Roanoke Sound and tributaries, south of a line beginning at a point 35° 55.1461' N – 75° 39.5618' W on Baum Point, running easterly to a point 35° 55.9795' N - 75° 37.2072' W and north and east of a line beginning at a point 35° 50.8315' N - 75° 37.1909' W on the west side of the mouth of Broad Creek, running easterly to a point 35° 51.0097' N - 75° 36.6910' W near Beacon "17", running southerly to a point 35° 48.6145' N - 75° 35.3760' W near Beacon "7", running easterly to a point 35° 49.0348' N - 75° 34.3161' W on Cedar Point.
- (2) In Pamlico Sound and tributaries:
  - (a) Outer Banks area, within the area described by a line beginning at a point 35° 46.0638' N - 75° 31.4385' W on the shore of Pea Island; running southwesterly to a point 35° 42.9500' N - 75° 34.1500' W; running southerly to a point 35° 39.3500' N - 75° 34.4000' W; running southeasterly to a point 35° 35.8931' N - 75° 31.1514' W in Chicamacomico Channel near Beacon "ICC"; running southerly to a point 35° 28.5610' N - 75° 31.5825' W on Gull Island; running southerly to a point 35° 22.8671' N - 75° 33.5851' W in Avon Channel near Beacon "1"; running southwesterly to a point 35° 18.9603' N - 75° 36.0817' W in Cape Channel near Beacon "2"; running westerly to a point 35° 16.7588' N - 75° 44.2554' W in Rollinson Channel near Beacon "42RC"; running southwesterly to a point 35° 14.0337' N - 75° 45.9643' W southwest of Oliver Reef near the quick-flashing beacon; running westerly to a point 35° 09.3650' N - 76° 00.6377' W in Big Foot Slough Channel near Beacon "14BF"; running southwesterly to a point 35° 08.4523' N - 76° 02.6651' W in Nine Foot Shoal Channel near Beacon "9"; running westerly to a point 35° 07.1000' N - 76° 06.9000; running southwesterly to a point 35° 01.4985' N - 76° 11.4353' W near Beacon "HL"; running southwesterly to a point 35° 00.2728' N - 76° 12.1903' W near Beacon "2CS"; running southerly to a point 34° 59.4383' N - 76° 12.3541' W in Wainwright Channel immediately east of the northern tip of Wainwright Island; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northerly along the shoreline and across the inlets following the COLREGS Demarcation lines to the point of beginning;
  - (b) Stumpy Point Bay, north of a line beginning at a point 35° 40.9719' N - 75° 44.4213' W on Drain Point; running westerly to a point 35° 40.6550' N - 75° 45.6869' W on Kazer Point;
  - (c) Pains Bay, east of a line beginning at a point 35° 35.0666' N - 75° 51.2000' W on Pains Point, running southerly to a point 35° 34.4666' N – 75° 50.9666' W on Rawls Island; running easterly to a point 35° 34.2309' N - 75° 50.2695' W on the east shore;
  - (d) Long Shoal River, north of a line beginning at a point 35° 35.2120' N - 75° 53.2232' W at the 5th Avenue Canal, running easterly to a point 35° 35.0666' N - 75° 51.2000' W on the east shore on Pains Point;
  - (e) Wysocking Bay:

- (i) Wysocking Bay, north of a line beginning at a point 35° 25.2741' N - 76° 03.1169' W on Mackey Point, running easterly to a point 35° 25.1189' N - 76° 02.0499' W at the mouth of Lone Tree Creek;
- (ii) Mount Pleasant Bay, west of a line beginning at a point 35° 23.8652' N - 76° 04.1270' W on Browns Island, running southerly to a point 35° 22.9684' N - 76° 03.7129' W on Bensons Point;
- (f) Juniper Bay, north of a line beginning at a point 35° 22.1384' N - 76° 15.5991' W near the Caffee Bay ditch, running easterly to a point 35° 22.0598' N - 76° 15.0095' W on the east shore;
- (g) Swan Quarter Bay:
  - (i) Caffee Bay, east of a line beginning at a point 35° 22.1944' N - 76° 19.1722' W on the north shore, running southerly to a point 35° 21.5959' N - 76° 18.3580' W on Drum Point;
  - (ii) Oyster Creek, east of a line beginning at a point 35° 23.3278' N - 76° 19.9476' W on the north shore, running southerly to a point 35° 22.7018' N - 76° 19.3773' W on the south shore;
- (h) Rose Bay:
  - (i) Rose Bay, north of a line beginning at a point 35° 25.7729' N - 76° 24.5336' W on Island Point, running southeasterly and passing near Beacon "5" to a point 35° 25.1854' N - 76° 23.2333' W on the east shore;
  - (ii) Tooleys Creek, west of a line beginning at a point 35° 25.7729' N - 76° 24.5336' W on Island Point, running southwesterly to a point 35° 25.1435' N - 76° 25.1646' W on Ranger Point;
- (i) Spencer Bay:
  - (i) Striking Bay, north of a line beginning at a point 35° 23.4106' N - 76° 26.9629' W on Short Point, running easterly to a point 35° 23.3404' N - 76° 26.2491' W on Long Point;
  - (ii) Germantown Bay, north of a line beginning at a point 35° 24.0937' N - 76° 27.9348' W; on the west shore, running easterly to a point 35° 23.8598' N - 76° 27.4037' W on the east shore;
- (j) Abel Bay, northeast of a line beginning at a point 35° 23.6463' N - 76° 31.0003' W on the west shore, running southeasterly to a point 35° 22.9353' N - 76° 29.7215' W on the east shore;
- (k) Pungo River, Fortescue Creek, east of a line beginning at a point 35° 25.9213' N - 76° 31.9135' W on Pasture Point; running southerly to a point 35° 25.6012' N - 76° 31.9641' W on Lupton Point;
- (l) Pamlico River:
  - (i) North Creek, north of a line beginning at a point 35° 25.3988' N - 76° 40.0455' W on the west shore, running southeasterly to a point 35° 25.1384' N - 76° 39.6712' W on the east shore;
  - (ii) Campbell Creek (off of Goose Creek), west of a line beginning at a point 35° 17.3600' N - 76° 37.1096' W on the north shore; running southerly to a point 35° 16.9876' N - 76° 37.0965' W on the south shore;
  - (iii) Eastham Creek (off of Goose Creek), east of a line beginning at a point 35° 17.7423' N - 76° 36.5164' W on the north shore; running southeasterly to a point 35° 17.5444' N - 76° 36.3963' W on the south shore;
  - (iv) Oyster Creek-Middle Prong, southwest of a line beginning at a point 35° 19.4921' N - 76° 32.2590' W on Cedar Island; running southeasterly to a point 35° 19.1265' N - 76° 31.7226' W on Beard Island Point; and southwest of a line beginning at a point 35° 19.5586' N - 76° 32.8830' W on the west shore, running easterly to a point 35° 19.5490' N - 76° 32.7365' W on the east shore;
- (m) Mouse Harbor, west of a line beginning at a point 35° 18.3915' N - 76° 29.0454' W on Persimmon Tree Point, running southerly to a point 35° 17.1825' N - 76° 28.8713' W on Yaupon Hammock Point;
- (n) Big Porpoise Bay, northwest of a line beginning at a point 35° 15.6993' N - 76° 28.2041' W on Big Porpoise Point, running southwesterly to a point 35° 14.9276' N - 76° 28.8658' W on Middle Bay Point;
- (o) Middle Bay, west of a line beginning at a point 35° 14.8003' N - 76° 29.1923' W on Deep Point, running southerly to a point 35° 13.5419' N - 76° 29.6123' W on Little Fishing Point;

- (p) Jones Bay, west of a line beginning at a point 35° 14.0406' N - 76° 33.3312' W on Drum Creek Point, running southerly to a point 35° 13.3609' N - 76° 33.6539' W on Ditch Creek Point;
- (q) Bay River:
  - (i) Gales Creek-Bear Creek, north and west of a line beginning at a point 35° 11.2833' N - 76° 35.9000' W on Sanders Point, running northeasterly to a point 35° 11.9000' N - 76° 34.2833' W on the east shore;
  - (ii) Bonner Bay, southeast of a line beginning at a point 35° 09.6281' N - 76° 36.2185' W on the west shore; running northeasterly to a point 35° 10.0888' N - 76° 35.2587' W on Davis Island Point;
- (r) Neuse River:
  - (i) Lower Broad Creek, west of a line beginning at a point 35° 05.8314' N - 76° 35.3845' W on the north shore; running southwesterly to a point 35° 05.5505' N - 76° 35.7249' W on the south shore;
  - (ii) Greens Creek - north of a line beginning at a point 35° 01.3476' N - 76° 42.1740' W on the west shore of Greens Creek; running northeasterly to a point 35° 01.4899' N - 76° 41.9961' W on the east shore;
  - (iii) Dawson Creek, north of a line beginning at a point 34° 59.5920' N - 76° 45.4620' W on the west shore; running southeasterly to a point 34° 59.5800' N - 76° 45.4140' W on the east shore;
  - (iv) Clubfoot Creek, south of a line beginning at a point 34° 54.5424' N - 76° 45.7252' W on the west shore, running easterly to a point 34° 54.4853' N - 76° 45.4022' W on the east shore;
  - (v) Turnagain Bay, south of a line beginning at a point 34° 59.4065' N - 76° 30.1906' W on the west shore; running easterly to a point 34° 59.5668' N - 76° 29.3557' W on the east shore;
- (s) West Bay:
  - (i) Long Bay-Ditch Bay, west of a line beginning at a point 34° 57.9388' N - 76° 27.0781' W on the north shore of Ditch Bay; running southwesterly to a point 34° 57.2120' N - 76° 27.2185' W on the south shore of Ditch Bay; then south of a line running southeasterly to a point 34° 56.7633' N - 76° 26.3927' W on the east shore of Long Bay;
  - (ii) West Thorofare Bay, south of a line beginning at a point 34° 57.2199' N - 76° 24.0947' W on the west shore; running easterly to a point 34° 57.4871' N - 76° 23.0737' W on the east shore;
  - (iii) Merkle Bay, east of a line beginning at a point 34° 58.2286' N - 76° 22.8374' W on the north shore, running southerly to a point 34° 57.5920' N - 76° 23.0704' W on Merkle Bay Point;
  - (iv) North Bay, east of a line beginning at a point 35° 01.8982' N - 76° 21.7135' W on Point of Grass, running southeasterly to a point 35° 01.3320' N - 76° 21.3353' W on Western Point.
- (3) In Core Sound and its tributaries, southwest of a line beginning at a point 35° 00.1000' N - 76° 14.8667' W near Hog Island Reef; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; and in the following waterbodies and their tributaries: Back Bay, the Straits, Back Sound, North River, Newport River, Bogue Sound, and White Oak River.
- (4) In Onslow, Pender, New Hanover, and Brunswick counties.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. January 1, 1991;  
 Amended Eff. July 1, 1993; October 1, 1992; September 1, 1991;  
 Recodified from 15A NCAC 03R .0008 Eff. December 17, 1996;  
 Amended Eff. April 1, 2016; October 1, 2004;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

**15A NCAC 03R .0109 TAKING CRABS WITH DREDGES**

The area referenced in 15A NCAC 03L .0203 is described by a line beginning near Roanoke Marshes Light at a point 35° 48.6649' N - 75° 42.0503' W; running southwesterly to a point 35° 47.7480' N - 75° 43.9320' W; running southerly to a point

35° 40.9719' N - 75° 44.4213' W on Drain Point; running southerly to a point 35° 37.5234' N - 75° 44.0875' W on Sandy Point; running easterly to a point 35° 36.0000' N - 75° 31.2000' W near Beacon "ICC" at Chicamacomico Channel; running northwesterly to a point 35° 39.3500' N - 75° 34.4000' W in Pamlico Sound; running northerly to a point 35° 42.9500' N - 75° 34.1500' W in Pamlico Sound; running northeasterly to a point 35° 46.0638' N - 75° 31.4385' W on Pea Island; running northwesterly near the Bodie Island Lighthouse to a point 35° 49.1160' N - 75° 33.8100' W; running westerly to the point of beginning.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Recodified from 15A NCAC 3R .0009 Eff. December 17, 1996;  
Amended Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

### **15A NCAC 03R .0110 CRAB SPAWNING SANCTUARIES**

The crab spawning sanctuaries referenced in 15A NCAC 03L .0205 are delineated in the following coastal fishing waters:

- (1) in Areas from Barden Inlet and North:
  - (a) in the Oregon Inlet Area: beginning at a point on the Atlantic Ocean shore of Bodie Island 35° 47.7054' N - 75° 32.3522' W; running northeasterly to a point in the Atlantic Ocean 35° 47.9833' N - 75° 31.8500' W; running southerly to a point in the ocean 35° 46.3500' N - 75° 30.6666' W; running westerly to a point on the Atlantic Ocean shore at 35° 46.1037' N - 75° 31.2785' W; running northerly along the Atlantic shore of Pea Island to and around South Point and continuing southerly along the shore of Pamlico Sound to a point on the south point of Eagle Nest Bay at 35° 43.7085' N - 75° 30.8009' W; running westerly to a point in Pamlico Sound at 35° 43.7100' N - 75° 32.2113' W; running northerly to a point 35° 47.3992' N - 75° 34.1650' W in Pamlico Sound; running northerly to a point on Bodie Island 35° 48.7740' N - 75° 33.8722' W; running southerly along the shore to and around North Point at Oregon Inlet and then northerly on the Atlantic shore to the point of beginning;
  - (b) in the Hatteras Inlet Area: beginning at a point on the Pamlico Sound shoreline of Hatteras Island 35° 12.0846' N - 75° 43.3514' W; running northwesterly to a point in Pamlico Sound 35° 13.6361' N - 75° 45.4451' W; running southwestly to a point near Outer Green Island 35° 11.0794' N - 75° 48.4440' W; running southeasterly to a point on the Pamlico Sound shore of Ocracoke Island 35° 10.7004' N - 75° 47.9094' W; running northeasterly along the shoreline to a point on the northeastern tip of Ocracoke Island 35° 11.2340' N - 75° 46.3051' W; running southeasterly to a point in the Atlantic Ocean at 35° 10.6644' N - 75° 44.5221' W; running northeasterly to a point on the ocean shoreline of Hatteras Island 35° 11.7895' N - 75° 43.5947' W; running southwestly around the tip of Hatteras Island to the point of beginning;
  - (c) in the Ocracoke Inlet Area: beginning at a point on Ocracoke Island 35° 06.2555' N - 75° 59.3722' W; running westerly through Shellcastle Island to a point in Pamlico Sound 35° 05.8599' N - 76° 04.3639' W; running southerly to a point on Portsmouth Island 35° 03.7379' N - 76° 04.7850' W; running northeasterly along the shore of Pamlico Sound around the western side of Ocracoke Inlet and southwestly along the shore of the Atlantic Ocean to a point 35° 03.0500' N - 76° 03.0833' W; running southeasterly offshore to a point in the Atlantic Ocean 35° 02.6333' N - 76° 02.7166' W; running northeasterly to a point in the ocean 35° 03.9666' N - 75° 59.3000' W; running northwesterly to a point on the Atlantic shore of Ocracoke Island 35° 04.7402' N - 75° 59.7124' W; running southwestly along the shore around the eastern side of Ocracoke Inlet and northeasterly along the shore to the point of beginning;
  - (d) Ophelia and Drum Inlet Area: beginning at a point on the Core Sound shore of Core Banks 34° 51.7718' N - 76° 18.5093' W; running northwesterly to a point in Core Sound 34° 52.3431' N - 76° 19.1661' W; running southwestly to a point near Marker "27" in Core Sound 34° 50.6411' N - 76° 22.0094' W; running southwestly to a point in Core Sound 34° 49.0120' N - 76° 23.0288' W; running southeasterly to a point on the Core Sound shore of Core Banks 34° 48.6143' N - 76° 22.3033' W; following the shoreline in a northeasterly direction around the western side of Ophelia Inlet then along the Atlantic Ocean shoreline southwestly to a point on Core Banks 34° 48.9349' N - 76° 21.4582' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly

- and returning to shore parallel to a point on Core Banks 34° 51.6790' N - 76° 18.3829' W; running southwesterly along the Atlantic Ocean shoreline toward and around the eastern side of Ophelia Inlet, then northeasterly along the Core Sound shore of Core Banks to the point of beginning; and
- (e) Barden Inlet Area: beginning at a point on the Core Sound shore of Core Banks 34° 40.7131' N – 76° 28.9495' W; running northwesterly to a point on Harkers Island 34° 41.0674' N – 76° 31.5834' W; running southwesterly to a point on Shackelford Banks 34° 39.5418' N - 76° 34.0451' W; following the shoreline in southeasterly direction around the northern side of Barden Inlet then along the Atlantic Ocean shoreline northwesterly to a point on Shackelford Banks 34° 38.7748' N - 76° 32.8463' W; running southwesterly to a point in the Atlantic Ocean 34° 38.2938' N - 76° 33.5130' W; running southerly to a point near Buoy "2" at the end of the Cape Lookout Jetty in the Atlantic Ocean 34° 37.1253' N - 76° 33.7446' W; running southeasterly to a point on Cape Lookout 34° 36.7229' N - 76° 33.0514' W; running northerly along the Atlantic Ocean shoreline toward and around the southern side of Barden Inlet to a point on Cape Lookout 34° 36.5492' N - 76° 32.2416' W, then running northeasterly along the Core Sound shore of Core Banks to the point of beginning.
- (2) in Areas from Beaufort Inlet and West and South:
- (a) Beaufort Inlet Area: beginning at a point on the Back Sound side of Shackelford Banks 34° 41.0017' N - 76° 37.7538' W; running northerly to a point on Carrot Island 34° 42.3553' N - 76° 37.1124' W; running westerly along the shoreline to a point on Carrot Island 34° 42.6291' N - 76° 38.6608' W; running westerly to a point on Town Marsh 34° 42.6394' N - 76° 38.7442' W; running westerly along the shoreline to a point on Town Marsh 34° 42.7915' N - 76° 40.2489' W; running westerly to a point on Bird Shoal 34° 42.7694' N - 76° 40.4764' W; running northerly to a point on Pivers Island 34° 42.9294' N - 76° 40.4301' W; running northerly along the shoreline to a point on Pivers Island 34° 43.1892' N - 76° 40.3873' W; running northerly to a point on Radio Island 34° 43.2344' N - 76° 40.4099' W; running along the shoreline to a point on Radio Island 34° 43.2770' N - 76° 41.2422' W; running along the south side of the Highway 70 Bridge over the Newport River to a point near the Morehead City Port 34° 43.2419' N - 76° 41.7067' W; running southerly along the shore to a point near the Morehead City Port 34° 42.9560' N - 76° 41.6986' W; running southwesterly to a point on Goat Island 34° 42.7185' N - 76° 41.9145' W; running southeasterly along the shoreline to a point on Goat Island 34° 42.2031' N - 76° 41.3923' W; running southwesterly to a point on shore near Fort Macon State Park 34° 42.1709' N - 76° 41.3693' W; following the shoreline in a southwesterly direction around the western shoreline of Beaufort Inlet then along the Atlantic Ocean shoreline to a point on Bogue Banks 34° 41.6480' N - 76° 42.0986' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running easterly then southeasterly and returning to shore parallel to a point on Shackelford Banks 34° 40.6129' N - 76° 38.1521' W; running northwesterly along the Atlantic Ocean shoreline around the eastern side of Beaufort Inlet, then running easterly along the Back Sound shore of Shackelford Banks to the point of beginning;
- (b) Bogue Inlet Area: beginning at a point on Bogue Banks 34° 39.1828' N - 77° 05.8503' W; running northerly to a point 34° 40.1526' N - 77° 05.6346' W; running northerly to a point 34° 40.2531' N - 77° 05.6385' W; running westerly to a point 34° 40.2550' N - 77° 05.9450' W; running southerly to a point 34° 40.1732' N - 77° 05.9616' W; running southerly to a point 34° 39.9629' N - 77° 06.1038' W; running southerly to a point 34° 39.5209' N - 77° 06.4042; running southwesterly to a point 34° 39.0599' N - 77° 07.3287' W; running southerly to a point on Bear Island 34° 38.3856' N - 77° 07.2373'; following the shoreline in a northeasterly direction around the western shoreline of Bogue Inlet then along the Atlantic Ocean shoreline to a point on Bear Island 34° 37.5607' N - 77° 09.5752' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Bogue Banks 34° 38.7491' N - 77° 05.2548' W; running southwesterly along the Atlantic Ocean shoreline around the eastern side of Bogue Inlet to a point 34° 38.7686' N - 77° 06.0596' W; running northerly to a point 34° 38.9900' N - 77° 06.1269' W, then running northeasterly to the point of beginning;
- (c) Bear Inlet Area: beginning at a point on Bear Island 34° 37.7852' N - 77° 09.7128' W; running northerly to a point 34° 37.8817' N - 77° 09.7698' W; running southwesterly to a point 34°

37.6695' N - 77° 10.4134' W; running northwesterly to a point 34° 37.8105' N - 77° 10.5849' W; running southwesterly to a point on Saunders Island 34° 37.4531' N - 77° 11.0624' W; running southeasterly to a point on Browns Island 34° 37.2216' N - 77° 10.8461' W; following the shoreline in northeasterly direction around the western shoreline of Bear Inlet then along the Atlantic Ocean shoreline to a point on Browns Island 34° 36.1188' N - 77° 13.0193' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Bear Island 34° 37.5607' N - 77° 09.5752' W; running southwesterly along the Atlantic Ocean shoreline around the eastern shoreline of Bear Inlet, then northeasterly along the shore to the point of beginning;

- (d) Browns Inlet Area: beginning at a point on Browns Island 34° 35.8978' N - 77° 13.8409' W; running northwesterly to a point 34° 36.0015' N - 77° 13.9606' W; running westerly to a point 34° 35.9360' N - 77° 14.1340' W; running southerly to a point 34° 35.6631' N - 77° 14.1270' W; following the shoreline in a northeasterly direction around the western shoreline of Browns Inlet then along the Atlantic Ocean shoreline to a point 34° 33.7692' N - 77° 16.8043' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Browns Island 34° 36.1188' N - 77° 13.0193' W; running southwesterly along the Atlantic Ocean shoreline around the eastern shoreline of Browns Inlet, then northerly along the shore to the point of beginning;
- (e) New River Inlet Area: beginning at a point on shore on the south side of Wards Channel 34° 32.2064' N - 77° 19.8404' W; running northwesterly to a point 34° 33.1386' N - 77° 20.8902' W; running westerly to a point 34° 33.1097' N - 77° 21.1013' W; running southeasterly to a point 34° 32.3473' N - 77° 20.6013' W; running southwesterly to a point on Topsail Island 34° 32.1096' N - 77° 20.8447' W; following the shore line in a southerly direction around the western shoreline of New River Inlet then along the Atlantic Ocean shoreline to a point 34° 31.3352' N - 77° 21.1694' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point 34° 33.7692' N - 77° 16.8043' W; running southwesterly along the Atlantic Ocean shoreline around the eastern shoreline of New River Inlet, then northeasterly along the shore to the point of beginning;
- (f) Topsail Inlet Area: beginning at a point on Topsail Island 34° 21.9619' N - 77° 37.8381' W; running northwesterly to a point in Topsail Sound 34° 22.1071' N - 77° 37.9944' W; running southwesterly to a point near Marker "5" 34° 21.7185' N - 77° 38.3499' W; running southwesterly to a point near Marker "3" 34° 21.5798' N - 77° 38.5928' W; running southwesterly to a point near Marker "1" 34° 21.1055' N - 77° 39.1749' W; running northwesterly to a point 34° 21.2065' N - 77° 39.6127' W; running southwesterly to a point 34° 20.7450' N - 77° 40.3682' W; running southerly to a point 34° 20.3011' N - 77° 40.3728' W; following the shoreline in a northeasterly direction around the western shoreline of Topsail Inlet then along the Atlantic Ocean shoreline to a point on Lea-Hutaff Island 34° 20.0228' N - 77° 40.4332' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Topsail Island 34° 20.8762' N - 77° 38.9403' W; running southwesterly along the Atlantic Ocean shoreline around the eastern shore of Topsail Inlet, then northeasterly along the Topsail Sound shore of Topsail Island to the point of beginning;
- (g) Rich Inlet Area: beginning at a point on Lea-Hutaff Island 34° 18.1292' N - 77° 42.6492' W; running northwesterly to a point 34° 18.2851' N - 77° 42.9352' W; running southwesterly to a point 34° 18.0190' N - 77° 43.2798' W; running southerly to a point on Figure Eight Island 34° 17.5649' N - 77° 43.1649' W; following the shoreline in an easterly direction around the southern shoreline of Rich Inlet then along the Atlantic Ocean shoreline to a point on Figure Eight Island 34° 17.2243' N - 77° 43.2491' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Lea-Hutaff Island 34° 18.1251' N - 77° 42.4352' W; running southwesterly along the Atlantic Ocean shoreline around the northern shoreline of Rich Inlet, then northeasterly along the shore to the point of beginning;



- (h) Mason Inlet Area: beginning at a point on Figure Eight Island 34° 14.9536' N - 77° 45.9567' W; running northwesterly to a point 34° 15.0409' N - 77° 46.1766' W; running southwesterly to a point 34° 14.8657' N - 77° 46.4044' W; running southwesterly to a point 34° 14.7256' N - 77° 46.5348' W; running southerly to a point on Shell Island 34° 14.2036' N - 77° 46.5189' W; following the shoreline in a northeasterly direction around the southern shoreline of Mason Inlet then along the Atlantic Ocean shoreline to a point on Shell Island 34° 14.1375' N - 77° 46.4263' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Figure Eight Island 34° 14.8474' N - 77° 45.7857' W; running southwesterly along the Atlantic Ocean shoreline around the northern shoreline of Mason Inlet, then northeasterly along the shore to the point of beginning;
- (i) Masonboro Inlet Area: beginning at a point on Wrightsville Beach 34° 11.3446' N - 77° 48.7458' W; running northwesterly to a point 34° 11.4604' N - 77° 49.0510' W; running northwesterly to a point 34° 11.5164' N - 77° 49.2368' W; running northwesterly to a point 34° 11.5255' N - 77° 49.2652' W; running northwesterly to a point 34° 11.5700' N - 77° 49.4425' W; running southwesterly to a point 34° 11.3553' N - 77° 49.5924' W; running easterly to a point 34° 11.3737' N - 77° 49.4628' W; running easterly to a point 34° 11.3737' N - 77° 49.4345' W; following the shoreline southeasterly to a point 34° 11.2551' N - 77° 49.2287' W; running southerly to a point on Masonboro Island 34° 10.8451' N - 77° 49.0242' W; following the shoreline in an easterly direction around the southern shoreline of Masonboro Inlet through a point at the base of the jetty 34° 10.8814' N - 77° 48.7074' W; running southwesterly along the Atlantic Ocean shoreline to a point on Masonboro Island 34° 10.5221' N - 77° 49.1658' W; extending 100 yards seaward from the shoreline and the Atlantic Ocean side of the jetties from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and returning to shore parallel to a point 34° 11.5753' N - 77° 48.3061' W; running southwesterly along the Atlantic Ocean shoreline through a point at the base of the jetty 34° 11.2076' N - 77° 48.5555' W, around the northern shoreline of Masonboro Inlet then northeasterly along the shore to the point of beginning;
- (j) Carolina Beach Inlet Area: beginning at a point on Masonboro Island 34° 04.8168' N - 77° 52.8796' W; running southerly to a point 34° 04.4997' N - 77° 53.0080' W; following the shoreline in an easterly direction to a point 34° 04.5022' N - 77° 52.7982' W; running easterly to a point on Pleasure Island 34° 04.5102' N - 77° 52.7340' W; following the shoreline in an easterly direction around the southern shoreline of Carolina Beach Inlet then along the Atlantic Ocean shoreline to a point on Pleasure Island 34° 04.3505' N - 77° 52.5048' W; extending 100 yards seaward from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Masonboro Island 34° 05.2151' N - 77° 52.1472' W; running southeasterly along the Atlantic Ocean shoreline around the northern shoreline of Carolina Beach Inlet, then westerly along the shore to the point of beginning;
- (k) Cape Fear River Inlet Area: beginning at a point on Bald Head Island 33° 52.7072' N - 78° 00.0449' W; running northeasterly to a point 33° 53.6135' N - 77° 59.2549' W; running northerly to a point 33° 54.4086' N - 77° 59.0330' W; running northerly to a point 33° 54.8399' N - 77° 58.9115' W; running westerly to a point at Southport 33° 54.9503' N - 78° 01.3581' W; running southerly to a point on Fort Caswell 33° 53.7948' N - 78° 01.0782' W; following the shoreline in a southerly direction around the western shoreline of Cape Fear River Inlet then westerly along the Atlantic Ocean shoreline to a point on Caswell Beach 33° 53.4293' N - 78° 01.7604' W; extending 100 yards seaward from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running southerly to point near Buoy "12" 33° 51.8213' N - 78° 01.0179' W; running southeasterly to a point 33° 51.1999' N - 78° 00.0632' W; running northeasterly to a point on Bald Head Island 33° 51.3488' N - 77° 59.9222' W; running northwesterly along the Atlantic Ocean shoreline around the eastern shore of Cape Fear River Inlet, then northeasterly along the shore to the point of beginning;
- (l) Lockwoods Folly Inlet Area: beginning at a point on Oak Island 33° 54.9392' N - 78° 13.6711' W; running northerly to a point on Sheep Island 33° 55.0837' N - 78° 13.6753' W; following the shoreline northwesterly to a point on Sheep Island 33° 55.2263' N - 78° 13.9395' W; running westerly to a point on Holden Beach 33° 55.1794' N - 78° 14.3132' W; following the shoreline in a southwesterly direction around the western shore of Lockwoods Folly Inlet then along the

Atlantic Ocean shoreline to a point on Holden Beach 33° 54.8695' N - 78° 14.6180' W; running southerly to a point in the Atlantic Ocean 33° 54.6076' N - 78° 14.6026' W; running easterly to a point in the Atlantic Ocean 33° 54.5564' N - 78° 14.0529' W; running northerly to a point on Oak Island 33° 54.8853' N - 78° 14.0041' W; running northwesterly along the Atlantic Ocean shoreline around the eastern shore of Lockwoods Folly Inlet, then easterly along the shore to the point of beginning;

- (m) Shallotte Inlet Area: beginning at a point near Monks Island 33° 54.5773' N - 78° 22.8077' W; running southwestly to a point on Ocean Isle Beach 33° 54.2436' N - 78° 23.2758' W; following the shoreline in a southerly direction around the western shore of Shallotte Inlet then along the Atlantic Ocean shoreline to a point on Ocean Isle Beach 33° 53.8151' N - 78° 23.7753' W; extending 100 yards seaward from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running easterly and returning to shore parallel to a point on Big Beach 33° 54.1103' N - 78° 21.9540' W; running westerly along the Atlantic Ocean shoreline around the eastern shore of Shallotte Inlet, then northerly along the shore to the point of beginning; and
- (n) Tubbs Inlet Area: beginning at a point on the Jinks Creek shore of Ocean Isle Beach 33° 52.5844' N - 78° 28.6583' W; running northerly to a point 33° 52.7734' N - 78° 28.7428' W; running southwestly to a point 33° 52.6815' N - 78° 29.0080' W; running southwestly to a point on the Eastern Channel shore of Sunset Beach 33° 52.3878' N - 78° 29.1301' W; following the shoreline in an easterly direction around the western shore of Tubbs Inlet then along the Atlantic Ocean shoreline to a point on Sunset Beach 33° 52.3250' N - 78° 29.1865' W; extending 100 yards seaward of the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Ocean Isle Beach 33° 52.5676' N - 78° 28.4027' W; running southwestly along the Atlantic Ocean shoreline around the eastern shore of Tubbs Inlet then in a northerly direction along the shore to the point of beginning.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. September 1, 1991;  
Recodified from 15A NCAC 03R .0010 Eff. December 17, 1996;  
Amended Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;  
Amended Eff. March 15, 2023.

#### **15A NCAC 03R .0111 PURSE SEINES PROHIBITED**

The areas referenced in 15A NCAC 03J .0105(b)(1) are delineated in the following coastal fishing waters of the Atlantic Ocean:

- (1) in the Atlantic Ocean within an area bounded by a line extending from a point near the Bald Head Lighthouse 33° 52.3500' N - 78° 00.3000' W; running southwestly to a point near the Cape Fear River ship channel buoy "9" 33° 51.5500' N - 78° 01.5500' W; running northwesterly to a point near the foot of the Yaupon Beach Fishing Pier on Oak Island 33° 54.2000' N - 78° 04.9333' W; following the shoreline easterly to a point near Fort Caswell 33° 53.2166' N - 78° 01.1833' W; running southeasterly to the point of beginning;
- (2) in the Atlantic Ocean from May 1 through September 30:
  - (a) in the area bounded by a line beginning at a point onshore at the northern boundary of Dare County 36° 13.8536' N - 75° 46.3914' W; running easterly 1.5 nautical miles to a point offshore 36° 13.8536' N - 75° 44.3814' W; running southerly parallel to and 1.5 nautical miles from the ocean beach to a point 1.5 nautical miles offshore at the northern town limits of Southern Shores 36° 09.0673' N - 75° 44.2225' W; running westerly to a point onshore at the northern town limits of Southern Shores 36° 09.0673' N - 75° 42.2416' W; and
  - (b) in the area bounded by a line beginning at a point at the southern limits of Kitty Hawk 36° 03.3187' N - 75° 40.9503' W; running easterly 1.5 nautical miles to a point offshore 36° 03.3187' N - 75° 38.8029' W; running southerly parallel to and 1.5 nautical miles from the ocean beach to a point 1.5 nautical miles offshore of the rock jetty south of Oregon Inlet 35° 46.4052' N - 75°

- 29.2379' W; running westerly to a point onshore at the rock jetty south of Oregon Inlet 35° 46.4052' N - 75° 31.5369' W; and
- (3) in the Atlantic Ocean from October 1 through December 31:
- (a) in the area bounded by a line beginning at a point onshore at the northern boundary of Dare County 36° 13.8536' N - 75° 46.3914' W; running easterly 0.5 nautical miles to a point offshore 36° 13.8536' N - 75° 45.6977' W; running southerly parallel to and 0.5 nautical miles off the ocean beach to a point 0.5 nautical miles offshore at the northern town limits of Southern Shores 36° 09.0673' N - 75° 43.5514' W; running westerly 0.5 nautical miles to a point onshore at the northern town limits of Southern Shores 36° 09.0673' N - 75° 44.2416' W; and
- (b) in the area bounded by a line beginning at a point at the southern limits of Kitty Hawk 36° 03.3187' N - 75° 40.9503' W; running easterly 0.5 nautical miles to a point offshore 36° 03.3187' N - 75° 40.2033' W; running southerly parallel to and 0.5 nautical miles off the ocean beach to a point offshore at the rock jetty south of Oregon Inlet 35° 46.4052' N - 75° 30.6134' W; running westerly to a point onshore at the rock jetty south of Oregon Inlet 35° 46.4052' N - 75° 31.5369' W.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52; Eff. January 1, 1991; Amended Eff. October 1, 1993; Recodified from 15A NCAC 03R .0011 Eff. December 17, 1996; Amended Eff. August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. March 15, 2023.*

**15A NCAC 03R .0112 ATTENDED GILL NET AREAS**

- (a) The attended gill net areas referenced in 15A NCAC 03J .0103(g) are delineated in the following areas:
- (1) Pamlico River, west of a line beginning at a point 35° 27.5768' N – 76° 54.3612' W on Ragged Point; running southwestwardly to a point 35° 26.9176' N – 76° 55.5253' W on Mauls Point;
  - (2) within 200 yards of the shoreline in Pamlico River and its tributaries east of a line beginning at a point 35° 27.5768' N – 76° 54.3612' W on Ragged Point; running southwestwardly to a point 35° 26.9176' N – 76° 55.5253' W on Mauls Point; and west of a line beginning at a point 35° 22.3622' N – 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N – 76° 28.9530' W on Pamlico Point;
  - (3) Pungo River, east of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N – 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N – 76° 35.1594' W on Durants Point;
  - (4) within 200 yards of the shoreline in Pungo River and its tributaries west of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N – 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N – 76° 35.1594' W on Durants Point; and west of a line beginning at a point 35° 22.3622' N – 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N – 76° 28.9530' W on Pamlico Point;
  - (5) Neuse River and its tributaries northwest of the Highway 17 highrise bridge;
  - (6) Trent River and its tributaries; and
  - (7) within 200 yards of the shoreline in Neuse River and its tributaries east of the Highway 17 highrise bridge and south and west of a line beginning on Maw Point at a point 35° 09.0407' N – 76° 32.2348' W; running southeasterly near the Maw Point Shoal Marker "2" to a point 35° 08.1250' N – 76° 30.8532' W; running southeasterly near the Neuse River Entrance Marker "NR" to a point 35° 06.6212' N – 76° 28.5383' W; running southerly to a point 35° 04.4833' N – 76° 28.0000' W near Point of Marsh in Neuse River. In Core and Clubfoot creeks, the Highway 101 Bridge shall constitute the attendance boundary.
- (b) The attended gill net areas referenced in 15A NCAC 03J .0103(h) are delineated in the following Internal Coastal Waters and Joint Fishing Waters of the State south of a line beginning on Roanoke Marshes Point at a point 35° 48.3693' N – 75° 43.7232' W; running southeasterly to a point 35° 44.1710' N – 75° 31.0520' W on Eagles Nest Bay to the South Carolina state line:

- (1) all primary nursery areas described in 15A NCAC 03R .0103, all permanent secondary nursery areas described in 15A NCAC 03R .0104, and no-trawl areas described in 15A NCAC 03R .0106(2), (4), (5), (8), (10), (11), and (12);
- (2) in the area along the Outer Banks, beginning at a point 35° 44.1710' N – 75° 31.0520' W on Eagles Nest Bay; running northwesterly to a point 35° 45.1833' N – 75° 34.1000' W west of Pea Island; running southerly to a point 35° 40.0000' N – 75° 32.8666' W west of Beach Slough; running southeasterly and passing near Beacon "2" in Chicamicomico Channel to a point 35° 35.0000' N – 75° 29.8833' W west of the Rodanthe Pier; running southwestly to a point 35° 28.4500' N – 75° 31.3500' W on Gull Island; running southerly to a point 35° 22.3000' N – 75° 33.2000' W near Beacon "2" in Avon Channel ; running southwestly to a point 35° 19.0333' N – 75° 36.3166' W near Beacon "2" in Cape Channel; running southwestly to a point 35° 15.5000' N – 75° 43.4000' W near Beacon "36" in Rollinson Channel; running southeasterly to a point 35° 14.9386' N – 75° 42.9968' W near Beacon "35" in Rollinson Channel; running southwestly to a point 35° 14.0377' N – 75° 45.9644' W near a "Danger" Beacon northwest of Austin Reef; running southwestly to a point 35° 11.4833' N – 75° 51.0833' W on Legged Lump; running southeasterly to a point 35° 10.9666' N – 75° 49.7166' W south of Legged Lump; running southwestly to a point 35° 09.3000' N – 75° 54.8166' W near the west end of Clarks Reef; running westerly to a point 35° 08.4333' N – 76° 02.5000' W near Nine Foot Shoal Channel; running southerly to a point 35° 06.4000' N – 76° 04.3333' W near North Rock; running southwestly to a point 35° 01.5833' N – 76° 11.4500' W near Beacon "HL"; running southerly to a point 35° 00.2666' N – 76° 12.2000' W; running southerly to a point 34° 59.4664' N – 76° 12.4859' W on Wainwright Island; running easterly to a point 34° 58.7853' N – 76° 09.8922' W on Core Banks; running northerly along the shoreline and across the inlets following the COLREGS Demarcation Line to the point of beginning;
- (3) in Core and Back sounds, beginning at a point 34° 58.7853' N – 76° 09.8922' W on Core Banks; running northwesterly to a point 34° 59.4664' N – 76° 12.4859' W on Wainwright Island; running southerly to a point 34° 58.8000' N – 76° 12.5166' W; running southeasterly to a point 34° 58.1833' N – 76° 12.3000' W; running southwestly to a point 34° 56.4833' N – 76° 13.2833' W; running westerly to a point 34° 56.5500' N – 76° 13.6166' W; running southwestly to a point 34° 53.5500' N – 76° 16.4166' W; running northwesterly to a point 34° 53.9166' N – 76° 17.1166' W; running southerly to a point 34° 53.4166' N – 76° 17.3500' W; running southwestly to a point 34° 51.0617' N – 76° 21.0449' W; running southwestly to a point 34° 48.3137' N – 76° 24.3717' W; running southwestly to a point 34° 46.3739' N – 76° 26.1526' W; running southwestly to a point 34° 44.5795' N – 76° 27.5136' W; running southwestly to a point 34° 43.4895' N – 76° 28.9411' W near Beacon "37A"; running southwestly to a point 34° 40.4500' N – 76° 30.6833' W; running westerly to a point 34° 40.7061' N – 76° 31.5893' W near Beacon "35" in Back Sound; running westerly to a point 34° 41.3178' N – 76° 33.8092' W near Buoy "3"; running southwestly to a point 34° 39.6601' N – 76° 34.4078' W on Shackleford Banks; running easterly and northeasterly along the shoreline and across the inlets following the COLREGS Demarcation lines to the point of beginning;
- (4) within 200 yards of the shoreline in the area upstream of the 76° 28.0000' W longitude line beginning at a point 35° 22.3752' N – 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to a point 35° 04.4833' N – 76° 28.0000' W near Point of Marsh in Neuse River; and
- (5) within 50 yards of the shoreline east of the 76° 28.0000' W longitude line beginning at a point 35° 22.3752' N – 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to a point 35° 04.4833' N – 76° 28.0000' W near Point of Marsh in Neuse River, except from October 1 through November 30, south and east of Highway 12 in Carteret County and south of a line from a point 34° 59.7942' N – 76° 14.6514' W on Camp Point; running easterly to a point at 34° 58.7853' N – 76° 09.8922' W on Core Banks; to the South Carolina state Line.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52; Eff. August 1, 2004; Amended Eff. April 1, 2016; June 1, 2013; April 1, 2011; April 1, 2009; Redopted Eff. April 1, 2019.*

### 15A NCAC 03R .0113 POUND NET SET PROHIBITED AREAS

The pound net set prohibited areas referenced in 15A NCAC 03J .0502 are delineated in the following coastal water areas of Core Sound:

- (1) The area described by a line beginning at a point 34° 58.9130' N - 76° 15.0878' W on the shoreline north of Great Ditch; running southwesterly to a point 34° 58.6399' N - 76° 15.3694' W on the south shore of Great Ditch; following the shoreline to a point 34° 58.4957' N - 76° 15.8093' W on Hog Island Point; running southwesterly to a point 34° 58.2318' N - 76° 16.0913' W near Marker "3"; running southeasterly to a point 34° 58.0773' N - 76° 15.6134' W near Beacon "2"; running southeasterly to a point 34° 57.3120' N - 76° 13.7113' W near Beacon "13"; running northeasterly to a point 34° 58.5157' N - 76° 13.2389' W near Beacon "11"; running northwesterly to the point of beginning;
- (2) The area described by a line beginning in Cedar Island Bay at a point 34° 58.2318' N - 76° 16.0913' W near Marker "3"; running southwesterly to a point 34° 57.4914' N - 76° 16.5861' W on Cedar Island Point; running southeasterly to a point 34° 56.3436' N - 76° 15.6069' W near Beacon "18"; running northerly to a point 34° 58.0773' N - 76° 15.6134' W near Beacon "2"; running northwesterly to the point of beginning; and
- (3) The area described by a line beginning on the north shore of Lewis Creek at a point 34° 56.9654' N - 76° 16.7395' W; running easterly to a point 34° 56.3436' N - 76° 15.6069' W near Beacon "18"; running southwesterly to a point 34° 54.9904' N - 76° 16.5888' W near Beacon "19"; running southwesterly following the six foot contour to a point 34° 53.7599' N - 76° 18.1613' W; running southwesterly to a point 34° 50.6266' N - 76° 22.0449' W near Beacon "27"; running westerly to a point 34° 50.5496' N - 76° 22.9284' W near Beacon "28"; running southwesterly to a point 34° 49.1889' N - 76° 24.2010' W near Beacon "29"; running westerly to a point 34° 48.9514' N - 76° 24.8780' W near Beacon "31"; running southwesterly to a point 34° 45.0942' N - 76° 27.9533' W near Beacon "35"; running southwesterly to a point 34° 43.4896' N - 76° 28.9411' W near Beacon "37A"; running westerly to a point 34° 43.7782' N - 76° 30.0187' W on Bells Point; running northerly along the shoreline of Bells Island to a point 34° 44.2190' N - 76° 30.1336' W; running northerly to a point 34° 44.2568' N - 76° 30.1419' W; running northerly along the shoreline to a point 34° 44.6759' N - 76° 30.1712' W; running northeasterly to a point 34° 45.2824' N - 76° 29.1636' W on Davis Island; running northeasterly to a point 34° 45.8196' N - 76° 28.7530' W on the north side of Spit Bay; running northeasterly along the shoreline to a point 34° 48.7982' N - 76° 26.9741' W on the south shore of Oyster Creek; running northeasterly to a point 34° 48.9701' N - 76° 26.6299' W on the north shore of Oyster Creek; running northeasterly along the shoreline to a point 34° 50.4311' N - 76° 24.9934' W on the south shore of Fulcher Creek; running northeasterly to point 34° 50.4911' N - 76° 24.9540' W on the north shore of Fulcher Creek; running northeasterly along the shoreline to a point 34° 50.9934' N - 76° 24.7727' W on the south shore of Willis Creek; running northeasterly to a point 34° 51.1866' N - 76° 24.5416' W on the south shore of Nelson Bay; running easterly to a point 34° 51.4437' N - 76° 23.6151' W on Drum Point; running easterly along the shoreline to a point 34° 51.4462' N - 76° 22.9669' W at Mill Point; running northeasterly to a point 34° 52.4143' N - 76° 20.8557' W on Steep Point; running northeasterly along the shoreline to a point 34° 54.3782' N - 76° 18.8575' W on Hall Point; running northeasterly to a point 34° 55.4257' N - 76° 17.8541' W on Lookout Point; running northeasterly along the shoreline to a point 34° 55.7679' N - 76° 17.7021' W on the south shore of Rumley Bay; running northeasterly to a point 34° 56.2513' N - 76° 17.1858' W on the north shore of Rumley Bay; running northeasterly along the shoreline to the point of beginning.

*History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.52; Eff. August 1, 2004; Amended Eff. April 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

### 15A NCAC 03R .0114 SHRIMP TRAWL PROHIBITED AREAS

The shrimp trawl prohibited areas referenced in 15A NCAC 03L .0103(e) are delineated in the following Internal Coastal Waters:

- (1) Pungo River - all waters upstream of a line from a point 35° 23.3166' N - 76° 34.4833' W at Wades Point; running easterly to a point 35° 23.6463' N - 76° 31.0003' W on the north shore of the entrance to Abels Bay.

- (2) Pamlico River - all waters upstream of a line from a point 35° 20.5108' N - 76° 37.7218' W on the western shore of the entrance to Goose Creek; running northeasterly to a point 35° 23.3166' N - 76° 34.4833' W at Wades Point.
- (3) Neuse River - all waters upstream of a line from a point 34° 56.3658' N - 76° 48.7110' W at Cherry Point; running northerly to a point 34° 57.9116' N - 76° 48.2240' W at Wilkinson Point.
- (4) Shallotte River - all waters upstream of a line beginning at a point 33° 54.8285' N - 78° 22.3657' W on the west side of Shallotte River; running southeasterly to a point 33° 54.6276' N - 78° 21.7882' W on the east side of the river.
- (5) Eastern Channel - all waters of Eastern Channel east and north of a line beginning at a point 33° 52.6734' N - 78° 28.7339' W at Jinks Creek; running southerly to a point 33° 52.5942' N - 78° 28.6759' W at Tubbs Inlet; and south and west of a line beginning at a point 33° 53.6266' N - 78° 26.6262' W; running easterly to a point 33° 53.6501' N - 78° 26.5635' W.
- (6) Sunset Beach - all waters of the Intracoastal Waterway west of a line beginning at a point 33° 52.9247' N - 78° 30.7041' W on the north end of the Highway 1172 Bridge; running southerly to a point 33° 52.8417' N - 78° 30.6490' W at the south end of the bridge.
- (7) Calabash River - all waters west of a line beginning at a point 33° 53.4368' N - 78° 32.9720' W on the north end of the Highway 1164 Bridge; running southerly to a point 33° 53.3534' N - 78° 32.9720' W at the south end of the bridge.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. July 1, 2006;  
 Amended Eff. May 1, 2015;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

#### **15A NCAC 03R .0115 ANADROMOUS FISH SPAWNING AREAS**

The anadromous fish spawning areas as defined in 15A NCAC 03I .0101 and referenced in 15A NCAC 03N .0106 are delineated in the following Internal Coastal Waters:

- (1) Currituck Sound Area:
  - (a) Northwest River - all waters of the Northwest River and its tributaries east of a line beginning on the north shore at a point 36° 30.8374' N - 76° 04.8770' W; running southerly to the south shore to a point 36° 30.7061' N - 76° 04.8916' W.
  - (b) Tull Bay/Tull Creek - all waters of Tull Bay and its tributaries northeast of a line beginning on the north shore at a point 36° 30.0991' N - 76° 04.8587' W; running southeasterly to the south shore to a point 36° 29.9599' N - 76° 04.7126' W; and south of a line beginning on the west shore at a point 36° 30.9867' N - 76° 02.5868' W; running easterly to the east shore to a point 36° 31.0045' N - 76° 02.3780' W; and west of a line beginning on the north shore at a point 36° 30.8291' N - 76° 02.1329' W; running southwesterly to the south shore to a point 36° 30.1512' N - 76° 02.4982' W.
- (2) Albemarle Sound Area:
  - (a) Big Flatty Creek - all waters of Big Flatty Creek and its tributaries east of a line beginning on the north shore at a point 36° 09.3267' N - 76° 08.2562' W; running southerly to the south shore to a point 36° 08.9730' N - 76° 08.3175' W; and north of a line beginning on the west shore at a point 36° 07.9621' N - 76° 07.1818' W; running easterly to the east shore to a point 36° 08.2706' N - 76° 06.2525' W.
  - (b) Batchelor Bay - west of a line beginning on the north shore at a point 35° 58.2070' N - 76° 42.7267' W; running southeasterly to the south shore to a point 35° 56.5622' N - 76° 41.5506' W.
  - (c) Bull Bay - southwest of a line beginning on the northwest shore at a point 35° 58.9002' N - 76° 23.9965' W; running southeasterly to the southeast shore at a point 35° 56.7198' N - 76° 18.8964' W.
- (3) North River - all waters of the North River and its tributaries east of a line beginning on the north shore at a point 36° 18.7703' N - 75° 58.7384' W; running southerly to the south shore to a point 36° 18.4130' N - 75° 58.7228' W; and north of a line beginning on the west shore at a point 36° 16.9952' N - 75° 57.0758' W; running easterly to the east shore to a point 36° 16.9801' N - 75° 56.6820' W.
- (4) Pasquotank River - all waters of the Pasquotank River and its tributaries south of a line beginning on the west shore at a point 36° 18.0768' N - 76° 13.0979' W; running easterly to the east shore along the south

side of the Highway 158 Bridge to a point 36° 18.0594' N - 76° 12.9620' W; and northwest of a line beginning on the northeast shore at a point 36° 14.3294' N - 76° 04.7866' W; running southwesterly to the southwest shore to a point 36° 12.8147' N - 76° 07.0465' W.

- (5) Pasquotank River Area:
  - (a) Charles Creek - north of a line beginning on the west shore at a point 36° 17.8090' N - 76° 13.0732' W; running easterly to the east shore to a point 36° 17.8024' N - 76° 13.0407' W.
  - (b) New Begun Creek - east of a line beginning on the north shore at a point 36° 13.3298' N - 76° 08.2878' W; running southerly to the south shore to a point 36° 13.0286' N - 76° 08.1820' W.
- (6) Little River - all waters of the Little River and its tributaries southeast of a line beginning on the west shore at a point 36° 12.5237' N - 76° 16.9418' W; running southeasterly to the east shore to a point 36° 12.2950' N - 76° 17.1405' W; and north of a line beginning on the west shore at a point 36° 09.6537' N - 76° 15.0689' W; running northeast to the east shore to a point 36° 10.2112' N - 76° 14.0287' W.
- (7) Perquimans River - all waters of the Perquimans River and its tributaries northeast of a line beginning on the west shore at a point 36° 11.6569' N - 76° 28.0055' W; running southeasterly to the east shore to a point 36° 11.6123' N - 76° 27.9382' W; and northwest of a line beginning on the southwest shore at a point 36° 11.1512' N - 76° 27.4424' W; running northeasterly to the northeast shore to a point 36° 11.5124' N - 76° 26.7298' W.
- (8) Perquimans River Area:
  - (a) Walter's Creek - northeast of a line beginning on the north shore at a point 36° 11.1305' N - 76° 27.9185' W; running southeasterly to the south shore to a point 36° 11.0224' N - 76° 27.6626' W.
  - (b) Mill Creek - south of a line beginning on the west shore at a point 36° 11.9766' N - 76° 27.2511' W; running easterly to the east shore to a point 36° 11.9757' N - 76° 27.5752' W.
- (9) Yeopim River - all waters of the Yeopim River and its tributaries east of a line beginning on the north shore at a point 36° 05.4526' N - 76° 27.7651' W; running southerly to the south shore to a point on Norcum Point 36° 05.1029' N - 76° 27.7120' W; and west of a line beginning on the north shore at a point 36° 04.7426' N - 76° 24.2537' W; running southwesterly to the south shore to a point 36° 04.1137' N - 76° 24.5366' W.
- (10) Yeopim River Area, Yeopim Creek - south of a line beginning on the west shore at a point 36° 04.7206' N - 76° 24.8396' W; running easterly to the east shore to a point 36° 04.7426' N - 76° 24.2536' W.
- (11) Edenton Bay - all waters of Edenton Bay and its tributaries west of a line beginning on the north shore at a point 36° 03.3757' N - 76° 36.3629' W; running southerly to the south shore to a point 36° 03.3551' N - 76° 36.3574' W; and north of a line beginning on the west shore at a point 36° 02.1767' N - 76° 38.4058' W; running easterly to the east shore to a point 36° 02.0299' N - 76° 36.0445' W; and east of a line beginning on the west shore at a point 36° 03.2819' N - 76° 37.0138' W; running northeasterly to the east shore to a point 36° 03.4185' N - 76° 36.6783' W.
- (12) Chowan River - all waters of the Chowan River and tributaries northwest of a line beginning on the west shore at a point 36° 02.3162' N - 76° 42.4896' W; running northeasterly to the east shore to a point 36° 03.1013' N - 76° 40.8732' W; and south of a line beginning on the west shore at a point 36° 32.6293' N - 76° 55.3564' W; and running to the east shore to a point 36° 32.6284' N - 76° 55.1757' W.
- (13) Chowan River Area, Meherrin River - all waters of the Meherrin River and tributaries west of a line beginning on the north shore at a point 36° 25.9937' N - 76° 56.8884' W; running southerly to the south shore to a point 36° 25.7926' N - 76° 56.8966' W; and south of a line beginning on the west shore at a point 36° 32.7867' N - 77° 09.8885' W; running easterly to the east shore to a point 36° 32.7807' N - 77° 09.8565' W.
- (14) Cashie River - all waters of the Cashie River and tributaries east of a line beginning on the north shore at a point 35° 54.7865' N - 76° 49.0521' W; running southerly to the south shore at a point 35° 54.6691' N - 76° 49.0553' W; west of a line beginning on the west shore at a point 35° 56.2934' N - 76° 44.1769' W; running easterly to the north shore to a point on the north shore of an island in the mouth of the river 35° 56.2250' N - 76° 43.9265' W; west of a line beginning on the south shore at a point of an island in the mouth of the river 35° 56.1254' N - 76° 43.9846' W; running southerly to the south shore to a point 35° 56.0650' N - 76° 43.9599' W.
- (15) Middle River - all waters of the Middle River southwest of a line beginning on the west shore at a point 35° 55.4000' N - 76° 43.8259' W; running southeasterly to the east shore to a point 35° 55.3977' N - 76° 43.6797' W.

- (16) Eastmost River - all waters of the Eastmost River and its tributaries south of a line beginning on the west shore at a point 35° 56.5024' N - 76° 42.4877' W; running westerly to the east shore to a point 35° 56.4070' N - 76° 42.7647' W.
- (17) Roanoke River - all waters of the Roanoke River and tributaries south of a line beginning on the west shore at a point 35° 56.5068' N - 76° 41.8858' W; running easterly to the east shore to a point 35° 56.5324' N - 76° 41.5896' W; and southeast of a line beginning on the west shore at a point 36° 12.5264' N - 77° 23.0223' W; running northeasterly to the east shore along the south side of the Highway 258 Bridge to a point 36° 12.5674' N - 77° 22.9724' W.
- (18) Roanoke River Area:
- (a) Warren Neck Creek - all waters of Warren Neck Creek and its tributaries west of a line beginning on the northwest shore at a point 35° 52.1820' N - 76° 47.4855' W; running southerly to the southeast shore to a point 35° 52.1448' N - 76° 47.4237' W.
  - (b) Thoroughfare - all waters of the Thoroughfare south of a line beginning on the west shore at a point 35° 54.0510' N - 76° 48.1206' W; running easterly to the east shore to a point 35° 54.0684' N - 76° 48.0613' W; and north of a line beginning on the west shore at a point 35° 53.2842' N - 76° 48.8650' W; running easterly to the east shore to a point 35° 55.2800' N - 76° 48.8077' W.
  - (c) Devils Gut - all waters of Devils Gut and its tributaries northwest of a line beginning on the west shore at a point 35° 49.5300' N - 76° 54.2209' W; running easterly to the east shore to a point 35° 49.5486' N - 76° 54.1703' W.
  - (d) Conine Creek - all waters of Conine Creek and its tributaries west of a line beginning on the north shore at a point 35° 52.9752' N - 76° 58.0474' W; running southwesterly to the south shore to a point 35° 52.9776' N - 76° 57.9958' W.
- (19) Scuppernong River - all waters of the Scuppernong River and tributaries southeast of a line beginning on the northeast shore at a point 35° 56.7196' N - 76° 18.8964' W; running southwesterly to the southwest shore to a point 35° 56.3351' N - 76° 19.6609' W; and north of a line beginning on the west shore at a point 35° 54.0158' N - 76° 15.4605' W; running easterly to the east shore to a point 35° 54.0406' N - 76° 15.3007' W.
- (20) Alligator River - all waters of the Alligator River and tributaries east of a line beginning on the north shore at Cherry Ridge Landing at a point 35° 42.2172' N - 76° 08.4686' W; running southerly to the south shore to a point 35° 42.1327' N - 76° 08.5002' W; and south of a line beginning on the west shore at a point 35° 57.4252' N - 76° 00.8704' W; running easterly to the east shore to a point 35° 57.5494' N - 75° 56.8268' W.
- (21) Alligator River Area, the Frying Pan - all waters of the Frying Pan and its tributaries west of a line beginning on the north shore at a point 35° 46.0777' N - 76° 03.3439' W; running southerly to the south shore to a point 35° 45.6011' N - 76° 03.3692' W.
- (22) Neuse River - all waters of the Neuse River and its tributaries northwest of a line beginning on the west shore at a point 35° 08.8723' N - 77° 04.6700' W; running northeasterly to the east shore to a point 35° 09.1032' N - 77° 04.3355' W; and southeast of a line at Pitch Kettle Creek beginning on the north shore at a point 35° 16.9793' N - 77° 15.5529' W; running south to the south shore to a point 35° 16.9237' N - 77° 15.5461' W.
- (23) Neuse River Area:
- (a) Smith Creek - north of a line beginning on the west shore at a point 35° 02.2439' N - 76° 42.3035' W; running easterly to the east shore to a point 35° 02.2392' N - 76° 42.1910' W.
  - (b) Kershaw Creek - north of a line beginning on the west shore at a point 35° 02.4197' N - 76° 43.7886' W; running easterly to the east shore to a point 35° 02.4218' N - 76° 43.7367' W.
- (24) White Oak River - all waters north of a line beginning at a point on the west shore 34° 46.0728' N - 77° 08.9657' W; running easterly to a point on the east shore 34° 46.1431' N - 77° 08.8907' W; running north to the Coastal - Inland Fishing Waters boundary line beginning at a point on the west shore 34° 48.1466' N - 77° 11.4711' W; running northeasterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W.
- (25) Cape Fear River - all waters north of a line beginning at a point on the west shore 34° 07.7034' N - 77° 57.3431' W; running easterly to a point on the east shore 34° 08.0518' N - 77° 55.7626' W; running north to the Joint - Inland Fishing Waters boundary on the following rivers:
- (a) Cape Fear River - at a line beginning at a point on the west shore 34° 24.2628' N - 78° 17.6390' W; running northeasterly along the Lock and Dam No. 1 to a point on the east shore 34° 24.2958' N - 78° 17.5634' W.



- (b) Black River - at a line beginning at a point on the north shore 34° 22.0783' N - 78° 04.4123' W; running southeasterly to a point on the south shore 34° 21.9950' N - 78° 04.2864' W.
- (c) Northeast Cape Fear River - at a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of the Highway 210 Bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52; Eff. December 1, 2007; Amended Eff. May 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

### **15A NCAC 03R .0116 DESIGNATED SEED OYSTER MANAGEMENT AREAS**

The Seed Oyster Management Areas referenced in 15A NCAC 03K .0208 are delineated in the following coastal water areas:

- (1) Croatan Sound and tributaries: Cedar Bush Bay Seed Oyster Management Area, within the area described by a line beginning at a point 35° 50.0383' N - 75° 40.0712' W; running easterly to a point 35° 50.2328' N - 75° 39.4930' W; running southeasterly to a point 35° 49.3831' N - 75° 39.1521' W; running southwesterly to a point 35° 48.8000' N - 75° 39.5000' W; running westerly to a point 35° 48.6333' N - 75° 40.7000' W; running northerly to a point 35° 49.7000' N - 75° 40.6333' W; running northeasterly back to the point of beginning;
- (2) Croatan and Roanoke sounds and tributaries: Wanchese Marshes Seed Oyster Management Area, within an area described by a line beginning at a point 35° 49.0000' N - 75° 38.3000' W; running northerly to a point 35° 49.2243' N - 75° 38.3000' W; running easterly to a point 35° 49.0806' N - 75° 37.5293' W; running easterly to a point 35° 49.2893' N - 75° 37.0335' W; running northeasterly to a point 35° 49.5541' N - 75° 36.9715' W; running southerly to a point 35° 49.0000' N - 75° 36.5500' W; running southwesterly to a point 35° 48.1500' N - 75° 36.9500' W; running westerly to a point 35° 48.1000' N - 75° 37.6333' W; running northwesterly to the point of beginning;
- (3) Pamlico Sound and tributaries: Bay River Seed Oyster Management Area, within an area described by a line beginning at a point 35° 10.7670' N - 76° 36.7000' W off Spencer Point; running southeasterly to a point 35° 10.5330' N - 76° 36.4670' W; running westerly to a point 35° 10.4670' N - 76° 36.6500' W; running northwesterly to a point 35° 10.8000' N - 76° 36.9170' W, running easterly to the point of beginning;
- (4) White Oak River: White Oak River Seed Oyster Management Area, within an area described by a line beginning at a point 34° 43.0774' N - 77° 06.8610' W on the White Oak River/Stevens Creek polluted area line; running northeasterly to a point 34° 43.4006' N - 77° 06.1293' W on the east shore; running southerly along the shoreline to a point 34° 43.0755' N - 77° 06.1187' W; running southwesterly to a point 34° 42.8800' N - 77° 06.7975' W on the White Oak River/Stevens Creek polluted area line; running northerly to the point of beginning;
- (5) New River area:
  - (a) Possum Bay Seed Oyster Management Area, within an area described by a line beginning at a point 34° 32.1256' N - 77° 21.3781' W; running northeasterly to a point 34° 32.2773' N - 77° 21.1194' W; running northwesterly to a point 34° 32.3365' N - 77° 21.1720' W; running southwesterly to a point 34° 32.2068' N - 77° 21.3958' W; running south to the point of beginning; and
  - (b) Swan Point Seed Oyster Management Area, within an area described by a line beginning at a point 34° 32.9488' N - 77° 21.6843' W; running southerly to a point 34° 32.9040' N - 77° 21.6704' W; running northeasterly to a point 34° 33.0376' N - 77° 21.5339' W; running northwesterly to a point 34° 33.0693' N - 77° 21.5923' W; running southwesterly to the point of beginning; and
- (6) Topsail Sound and tributaries:
  - (a) Virginia Creek Seed Oyster Management Area, within an area described by a line beginning at a point 34° 25.4620' N - 77° 36.0074' W on the north shore; running southerly to a point 34° 25.1346' N - 77° 36.0640' W on the south shore; running easterly and southerly along the shoreline to a point 34° 24.9438' N - 77° 35.5325' W on Sloop Point; running northeasterly to a

- point 34° 25.0988' N - 77° 35.2920' W on the north shore; running northwesterly along the shoreline to the point of beginning; and
- (b) Topsail Sound Seed Oyster Management Area, within an area described by a line beginning at a point 34° 24.6555' N - 77° 35.6012' W across the IWW from Sloop Point; running southeasterly to a point 34° 24.3677' N - 77° 35.2015' W; running northeasterly to a point 34° 24.5260' N - 77° 35.1070' W; running northwesterly to a point 34° 24.8690' N - 77° 35.2872' W; running southwesterly to the point of beginning.

*History Note: Authority G.S. 113-134; 113-182; 113-203; 143B-289.52;  
Eff. October 1, 2008;  
Amended Eff. April 1, 2014;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

### **15A NCAC 03R .0117 OYSTER SANCTUARIES**

The Oyster Sanctuaries referenced in 15A NCAC 03K .0209 are delineated in the following Coastal Fishing Waters:

- (1) Pamlico Sound area:
- (a) Croatan Sound: within the area described by a line beginning at a point 35° 48.2842' N - 75° 38.3360' W; running southerly to a point 35° 48.1918' N - 75° 38.3360' W; running westerly to a point 35° 48.1918' N - 75° 38.4575' W; running northerly to a point 35° 48.2842' N - 75° 38.4575' W; running easterly to the point of beginning.
- (b) Crab Hole: within the area described by a line beginning at a point 35° 43.6833' N - 75° 40.5083' W; running southerly to a point 35° 43.5000' N - 75° 40.5083' W; running westerly to a point 35° 43.5000' N - 75° 40.7500' W; running northerly to a point 35° 43.6833' N - 75° 40.7500' W; running easterly to the point of beginning.
- (c) Pea Island: within the area described by a line beginning at a point 35° 40.0800' N - 75° 36.7998' W; running southerly to a point 35° 39.8400' N - 75° 36.7998' W; running westerly to a point 35° 39.8400' N - 75° 37.0800' W; running northerly to a point 35° 40.0800' N - 75° 37.0800' W; running easterly to the point of beginning.
- (d) Long Shoal: within the area described by a line beginning at a point 35° 33.8600' N - 75° 49.7670' W; running southerly to a point 35° 33.7510' N - 75° 49.7670' W; running westerly to a point 35° 33.7510' N - 75° 49.9000' W; running northerly to a point 35° 33.8600' N - 75° 49.9000' W; running easterly to the point of beginning.
- (e) Gibbs Shoal: within the area described by a line beginning at a point 35° 27.3550' N - 75° 55.9190' W; running southerly to a point 35° 27.1010' N - 75° 55.9190' W; running westerly to a point 35° 27.1010' N - 75° 56.2300' W; running northerly to a point 35° 27.3550' N - 75° 56.2300' W; running easterly to the point of beginning.
- (f) Gull Shoal: within the area described by a line beginning at a point 35° 23.4520' N - 75° 58.0533' W; running southerly to a point 35° 22.9481' N - 75° 58.0721' W; running westerly to a point 35° 22.9596' N - 75° 58.5359' W; running northerly to a point 35° 23.4638' N - 75° 58.5173' W; running easterly to the point of beginning.
- (g) Deep Bay: within the area described by a line beginning at a point 35° 22.9126' N - 76° 22.1612' W; running southerly to a point 35° 22.7717' N - 76° 22.1612' W; running westerly to a point 35° 22.7717' N - 76° 22.3377' W; running northerly to a point 35° 22.9126' N - 76° 22.3377' W; running easterly to the point of beginning.
- (h) West Bluff: within the area described by a line beginning at a point 35° 18.3160' N - 76° 10.0690' W; running southerly to a point 35° 18.1290' N - 76° 10.0690' W; running westerly to a point 35° 18.1290' N - 76° 10.2960' W; running northerly to a point 35° 18.3160' N - 76° 10.2960' W; running easterly to the point of beginning.
- (i) Middle Bay: within the area described by a line beginning at a point 35° 14.1580' N - 76° 30.1780' W; running southerly to a point 35° 14.1150' N - 76° 30.1780' W; running westerly to a point 35° 14.1150' N - 76° 30.3320' W; running northerly to a point 35° 14.1580' N - 76° 30.3320' W; running easterly to the point of beginning.
- (j) Swan Island: within the area described by a line beginning at a point 35° 05.6414' N - 76° 26.7651' W; running southerly to a point 35° 05.4846' N - 76° 26.7638' W; running westerly to a

- point 35° 05.4992' N - 76° 27.5033' W; running northerly to a point 35° 05.6554' N - 76° 27.5041' W; running easterly to the point of beginning.
- (k) Raccoon Island: within the area described by a line beginning at a point 35° 05.4760' N - 76° 23.4040' W; running southerly to a point 35° 05.3680' N - 76° 23.4040' W; running westerly to a point 35° 05.3680' N - 76° 23.5370' W; running northerly to a point 35° 05.4760' N - 76° 23.5370' W; running easterly to the point of beginning.
  - (l) Cedar Island: within the area described by a line beginning at a point 35° 03.4632' N - 76° 22.5603' W; running southerly to a point 35° 03.1653' N - 76° 22.5699' W; running westerly to a point 35° 03.1731' N - 76° 22.9321' W; running northerly to a point 35° 03.4710' N - 76° 22.9226' W; running easterly to the point of beginning.
  - (m) West Bay: within the area described by a line beginning at a point 34° 58.8517' N - 76° 21.3632' W; running southerly to a point 34° 58.7661' N - 76° 21.3632' W; running westerly to a point 34° 58.7661' N - 76° 21.4735' W; running northerly to a point 34° 58.8517' N - 76° 21.4735' W; running easterly to the point of beginning.
- (2) Neuse River area:
- (a) Little Creek: within the area described by a line beginning at a point 35° 02.6940' N - 76° 30.7940' W; running southerly to a point 35° 02.5380' N - 76° 30.7940' W; running westerly to a point 35° 02.5380' N - 76° 30.9840' W; running northerly to a point 35° 02.6940' N - 76° 30.9840' W; running easterly to the point of beginning.
  - (b) Neuse River: within the area described by a line beginning at a point 35° 00.4910' N - 76° 31.9350' W; running southerly to a point 35° 00.3750' N - 76° 31.9350' W; running westerly to a point 35° 00.3750' N - 76° 32.0750' W; running northerly to a point 35° 00.4910' N - 76° 32.0750' W; running easterly to the point of beginning.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 113-204; 143B-289.52;  
 Eff. October 1, 2008;  
 Amended Eff. April 1, 2011;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;  
 Amended Eff. August 1, 2024; May 1, 2021.

#### **15A NCAC 03R .0118 CRAB HARVEST MANAGEMENT AREAS**

The areas referenced in 15A NCAC 03L .0201(a) and (b) are delineated in the following coastal fishing waters:

- (1) Northern Region: All Coastal Fishing Waters of the state north and east of a line extending southeast from the Highway 58 Bridge to a point offshore at 34° 36.3292' N - 77° 02.5940' W to the North Carolina/Virginia state line.
- (2) Southern Region: All Coastal Fishing Waters of the State south and west of a line extending southeast from the Highway 58 Bridge to a point offshore at 34° 36.3292' N - 77° 02.5940' W to the North Carolina/South Carolina state line.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
 Eff. April 1, 2014;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;  
 Amended Eff. March 15, 2023.

#### **15A NCAC 03R .0119 OCEAN ARTIFICIAL REEFS**

The Ocean Artificial Reefs referenced in 15A NCAC 03J .0404 are delineated in the following Coastal Fishing Waters of the Atlantic Ocean:

- (1) AR-160: within the circular area described by a center point at 35° 43.8880' N - 75° 26.7710' W and radius extending 1,500 feet.
- (2) AR-165: within the circular area described by a center point at 35° 41.6720' N - 75° 26.3130' W and radius extending 1,500 feet.
- (3) AR-275: within the circular area described by a center point at 34° 50.0930' N - 76° 16.8800' W and radius extending 1,500 feet.
- (4) AR-315: within the circular area described by a center point at 34° 40.0850' N - 76° 44.8270' W and radius extending 3,000 feet.

- (5) AR-320: within the circular area described by a center point at 34° 39.5330' N - 76° 48.4170' W and radius extending 1,500 feet.
- (6) AR-342: within the circular area described by a center point at 34° 36.6720' N - 77° 2.1890' W and radius extending 1,500 feet.
- (7) AR-360: within the circular area described by a center point at 34° 20.9830' N - 77° 36.1830' W and radius extending 1,500 feet.
- (8) AR-364: within the circular area described by a center point at 34° 14.8060' N - 77° 42.8550' W and radius extending 1,500 feet.
- (9) AR-370: within the circular area described by a center point at 34° 10.4530' N - 77° 45.2810' W and radius extending 3,000 feet.
- (10) AR-378: within the circular area described by a center point at 34° 1.8070' N - 77° 52.0910' W and radius extending 1,500 feet.
- (11) AR-378b: within the circular area described by a center point at 34° 0.6420' N - 77° 50.6540' W and radius extending 1,500 feet.
- (12) AR-425: within the circular area described by a center point at 33° 53.0480' N - 78° 6.5250' W and radius extending 1,500 feet.
- (13) AR-430: within the circular area described by a center point at 33° 52.2560' N - 78° 09.9680' W and radius extending 1,500 feet.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. August 23, 2022.

## **SECTION .0200 – FISHERY MANAGEMENT AREAS**

### **15A NCAC 03R .0201 STRIPED BASS MANAGEMENT AREAS**

- (a) The Albemarle Sound Management Area is designated as Albemarle Sound and all its joint and inland water tributaries, (except for the Roanoke, Middle, Eastmost and Cashie rivers), Currituck, Roanoke and Croatan sounds and all their joint and inland water tributaries, including Oregon Inlet, north of a line beginning at a point 35° 48.5015' N - 75° 44.1228' W on Roanoke Marshes Point, running southeasterly to a point 35° 44 .1710' N - 75° 31 .0520' W on the north point of Eagle Nest Bay.
- (b) The Roanoke River Management Area is designated as Roanoke River and its joint and inland tributaries, including Middle, Eastmost and Cashie rivers, up to the Roanoke Rapids dam.
- (c) The Central/Southern Management Area is designated as all internal, coastal, joint, and contiguous inland waters south of a line beginning at a point 35° 48.5015' N - 75° 44.1228' W on Roanoke Marshes Point, running southeasterly to a point 35° 44 .1710' N - 75° 31 .0520' W on the north point of Eagle Nest Bay, to the South Carolina line.

*History Note:* Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;  
Eff. October 1, 2004;  
Amended Eff. June 1, 2013;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

### **15A NCAC 03R .0202 RIVER HERRING MANAGEMENT AREAS**

- (a) The Albemarle Sound River Herring Management Area referenced in 15A NCAC 03J .0209 is defined as the Coastal and Joint Fishing Waters of Albemarle, Currituck, Roanoke, Croatan and Pamlico sounds and all their joint water tributaries north of a line beginning on the west shore at a point 35° 48.5015' N - 75° 44.1228' W on Roanoke Marshes Point; running southeasterly to the east shore to a point 35° 44.1710' N - 75° 31.0520' W on the north point of Eagles Nest Bay.
- (b) The Chowan River River Herring Management Area referenced in 15A NCAC 03J .0209 is defined as the area northwest of a line beginning on the west shore at a point 35° 59.9267' N - 76° 41.0313' W on Black Walnut Point; running northeasterly to the east shore to a point 36° 02.2140' N - 76° 39.3240' W on Reedy Point, to the North Carolina/Virginia state line; including the Meherrin River.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;  
Eff. May 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

**SUBCHAPTER 03S – ECONOMIC ASSISTANCE TO THE FISHING INDUSTRY**

**SECTION .0100 – ECONOMIC ASSISTANCE PROGRAMS**

**15A NCAC 03S .0101 GENERAL**

*History Note:* Authority G.S. 113-226, 143B-289.52(d);  
Temporary Adoption Eff. July 1, 2003;  
Temporary Rule Expired Eff. March 27, 2004;  
Eff. October 1, 2004;  
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

**15A NCAC 03S .0102 GRANTS TO COMMERCIAL SHRIMPING INDUSTRY FOR ECONOMIC LOSSES DUE TO FOREIGN IMPORTED SHRIMP**

**15A NCAC 03S .0103 GRANTS TO COMMERCIAL BLUE CRABBING INDUSTRY**

*History Note:* Authority G.S. 113-226; 143B-289.52(d);  
Temporary Adoption Eff. July 1, 2003;  
Emergency Adoption Eff. October 14, 2003;  
Emergency Adoption Expired January 2, 2004;  
Temporary Rule Expired March 27, 2004;  
Eff. November 1, 2004;  
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.