

**15A NCAC 10C .0209 TRANSPORTATION OF LIVE FISH**

(a) Fish Transport: It shall be unlawful for any person, firm, or corporation to transport live freshwater nongame fishes, or live game fishes in excess of the possession limit, or fish eggs without having in possession a permit obtained from the North Carolina Wildlife Resources Commission.

(b) Fish Stocking: It shall be unlawful for any person, firm, or corporation to stock any life stage of any species of fish in the inland fishing waters of this State without having first procured a stocking permit from the North Carolina Wildlife Resources Commission.

(c) Permits for stocking fish shall be issued as follows:

- (1) Application for a stocking permit shall be made on a form provided by the Commission. The applicant shall specify the purpose for the stocking, species to be stocked, the source of the stock, the number of individual specimens to be released, and the location where release is desired.
- (2) Before issuing a stocking permit, the Executive Director shall review the application and determine, based on principles of wildlife management and biological science, that the proposed stocking will not:
  - (A) threaten the introduction of epizootic disease or
  - (B) create a danger to or an imbalance in the environment inimical to the conservation of wildlife resources.
- (3) Based on the determination made in Subparagraph (2):
  - (A) If the Executive Director determines that either or both conditions cannot be met under any circumstances, the application shall be denied.
  - (B) If the Executive Director determines that both conditions may be met only by the introduction of fewer than the number requested, a permit only for the number that may be safely released shall be issued.
  - (C) If the Executive Director determines that the number requested may be safely released, he shall issue the permit.
- (4) Any stocking permit issued by the Commission may impose the following conditions or restrictions:
  - (A) Location where the permitted number of fish may be stocked.
  - (B) Certification that fish are free of certifiable diseases by the vendor or a laboratory qualified to make such determination.
  - (C) Documentation of the date, time and location of the release.
  - (D) Access by the Commission to the property where fish introductions occur to assess impacts of the introduction.
  - (E) All conditions required shall be included in writing on the permit.
- (5) Based on the criteria in Subparagraph (2), no permit shall be issued to stock any of the following species in the areas indicated:

SPECIES	LOCATION
Salmonids except brown, brook, and rainbow trout	Statewide
Flathead catfish	Statewide
Blue Catfish	Statewide

(d) For purposes of this Rule, stocking is the introduction or attempted introduction of one or more individuals of a particular species of live fish into public waters for any purpose other than:

- (1) As bait affixed to a hook and line, or
- (2) A release incidental to "catch and release" fishing in an area within the same body of water where the fish was caught, or within an adjacent body of water not separated from that body by any natural or manmade obstruction to the passage of that species.

(e) The release of more than the daily creel limit, or if there is no established creel limit for the species, more than five individuals of the species, shall constitute prima facie evidence of an intentional release.

*History Note: Authority G.S. 113-134; 113-135; 113-274; 113-292; Eff. February 1, 1976; Amended Eff. June 1, 2005; Readopted Eff. August 1, 2020.*