

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 southwesterly 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 southwesterly 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 TROT LINES (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.*