

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;
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