

## 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Repealed Eff.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.