

15A NCAC 03O .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;
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