

### **3J.0101 FIXED OR STATIONARY NETS**

It is unlawful to use or set fixed or stationary nets:

- (1) In the channel of the Intracoastal Waterway or in any other location where it may constitute a hazard to navigation;
- (2) So as to block more than two-thirds of any natural or manmade waterway, sound, bay, creek, inlet or any other body of water;
- (3) In the middle third of any marked navigation channel;
- (4) In the channel third of the following rivers: Roanoke, Cashie, Middle, Eastmost, Chowan, Little, Perquimans, Pasquotank, North, Alligator, Pungo, Pamlico, and Yeopim.

### **3J.0102 NETS OR NET STAKES**

It is unlawful to use nets or net stakes:

- (1) Within 150 yards of 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;
- (2) Within 300 yards of any highway bridge crossing Albemarle Sound, Chowan River, Croatan Sound, Currituck Sound and Roanoke Sound;
- (3) If such net stakes are of metallic material.

### **3J.0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS**

(a) It is unlawful to use gill nets:

- (1) With a mesh length less than 2 1/2 inches.
- (2) In internal waters from April 15 through December 15, with a mesh length 5 inches or greater and less than 5 1/2 inches.

(b) The Fisheries Director may, by proclamation, limit or prohibit the use of gill nets or seines in coastal waters, or any portion thereof, or impose any or all of the following restrictions on gill net or seine fishing operations:

- (1) Specify area.
- (2) Specify season.
- (3) Specify gill net mesh length.
- (4) Specify means/methods.
- (5) Specify net number and length.

(c) It is 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 which 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, which 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 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 owner shall be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Owner's N.C. motor boat registration number, or
- (2) Owner's U.S. vessel documentation name.

(d) It is 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. 4.5184' 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 is unlawful to use gill nets within 500 yards of any pound net set with lead and either pound or heart in use;
- (2) From March 1 through October 31 in the Intracoastal Waterway within 150 yards of any railroad or highway bridge.

(e) It is 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 boat navigation.

(f) It is unlawful to use drift gill nets in violation of 15A NCAC 3J .0101(2) and Paragraph (e) of this Rule.

...

(i) For gill nets with a mesh length five inches or greater, it is unlawful:

- (1) To use more than 3,000 yards of gill net per vessel in internal waters regardless of the number of individuals involved.
- (2) From June through October, for any portion of the net to be within 10 feet of any point on the shoreline while set or deployed, unless the net is attended.

(j) For the purpose of this Rule and 15A NCAC 3R .0112, shoreline is defined as the mean high water line or marsh line, whichever is more seaward.

### **3J.0104 TRAWL NETS**

(a) It is unlawful to possess aboard a vessel while using a trawl in internal waters more than 500 pounds of finfish from December 1 through February 28, and 1,000 pounds of finfish from March 1 through November 30.

(b) It is unlawful to use trawl nets:

- (1) In internal coastal waters, from 9:00 p.m. on Friday through 5:00 p.m. on Sunday, except that in the areas listed in Subparagraph (b)(5) of this Rule, trawling is prohibited from December 1 through February 28 from one hour after sunset on Friday to one hour before sunrise on Monday;
- (2) For the taking of oysters;
- (3) ...

(4) In the areas described in 15A NCAC 03R .0106, except that the Fisheries Director may, by proclamation, open the area designated in Item (1) of 15A NCAC 03R .0106 to peeler crab trawling;

(5) ...

(6) In designated pot areas opened to the use of pots by 15A NCAC 03J .0301(a)(2) 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) Minimum mesh sizes for shrimp and crab trawls are presented in 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 codend 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 is unlawful to use shrimp trawls for recreational purposes unless the trawl is marked by attaching to the codend (tailbag), one floating buoy, any shade of hot pink in color, which 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 owner shall always be identified on the buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

(1) gear owner's current motor boat registration number; or

(2) owner's U.S. vessel documentation name.

(f) It is unlawful to use shrimp trawls 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 trawls authorized by a Recreational Commercial Gear License, 50 blue crabs, not to exceed 100 blue crabs if two or more Recreational Commercial Gear License holders are on board.

(2) For commercial operations, crabs may be taken incidental to lawful shrimp trawl 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 in order to secure compliance with this Rule.

### **3J.0105 PURSE SEINES**

(a) It is unlawful to use purse seines except for the taking of menhaden, Atlantic thread herring, gizzard shad or pinfish, as further restricted by Paragraphs (b) and (c) of this Rule.

(b) It is unlawful to take menhaden, Atlantic thread herring, gizzard shad or pinfish with a purse seine in violation of any of the following limitations:

...

(4) In internal waters except in:

(A) Pamlico Sound,

(B) Pamlico River east of a line from Wades Point to Intracoastal Waterway Marker No. 1 at the mouth of Goose Creek,

(C) Neuse River east of a line from Wilkinson Point to Cherry Point,

(D) Adams Creek,

(E) Core Sound and its tributaries,

(F) Back Sound, the Straits, and North river,

(G) Newport River,

(H) North River, and

(I) Bogue Sound.

(5) The Fisheries Director may, by proclamation, open the Atlantic Ocean within one mile of shore and the internal waters specified in Subparagraph (4) of this Paragraph between April 1 and May 14, and may impose any or all of the following restrictions:

(A) Specify means and methods by area which may be employed in the taking;

(B) Limit the quantity; and

(C) Require submission of statistical and biological data.

(c) 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 2007-320 and except as prohibited below:

(1) It is unlawful to take menhaden, Atlantic thread herring, gizzard shad or pinfish by use of a purse seine between sunset on any Friday and sunrise of the following Monday from the Friday of the Memorial Day weekend through sunset on Labor Day each year.

(2) It is unlawful to take menhaden, Atlantic thread herring, gizzard shad or pinfish by use of a purse seine 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.

(d) It is unlawful for the responsible party to fail to carry out the following requirements when a fish spill from a purse seine occurs:

(1) Immediately notify the office of the Fisheries Director of the North Carolina Division of Marine Fisheries of such spill; 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.

### **3J.0106 CHANNEL NETS**

(a) It is 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 Corps of Engineers or U.S. Coast Guard.

(5) Unless attended by the fisherman who shall be no more than 50 yards from the net at all times.

(b) It is unlawful to use or possess aboard a vessel any channel net with a corkline exceeding 40 yards.

- (c) It is 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 is 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 is unlawful to leave channel net buoys in coastal fishing waters without yellow light reflective tape on each buoy and without the owner's identification being legibly printed on each buoy. Such identification must include one of the following:
- (1) Owner's N.C. motorboat registration number; or
  - (2) Owner's U.S. vessel documentation name; or
  - (3) Owner's last name and initials.
- (g) It is unlawful to use any channel nets, anchors, lines, or buoys in such a manner as to constitute a hazard to navigation.
- (h) It is 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 in order to secure compliance with this Paragraph.

### **3J.0303 DREDGES AND MECHANICAL METHODS PROHIBITED**

- (a) It is unlawful to use any dredge weighing more than 100 pounds except in the Atlantic Ocean.

(b) It is 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 is unlawful to possess oysters aboard a vessel with a dredge weighing more than 100 pounds on board.

### **3J.0301 POTS**

(a) It is unlawful to use pots except during time periods and in areas specified herein:

(1) In Coastal Fishing Waters from December 1 through May 31, except that all pots shall be removed from Internal Waters from January 15 through February 7. Fish pots upstream of 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 the January 15 through February 7 removal requirement. The Fisheries Director may, by proclamation, reopen various waters to the use of pots after January 19 if it is determined that such waters are free of pots.

(2) From June 1 through November 30, north and east of the Highway 58 Bridge at Emerald Isle:

(A) In areas described in 15A NCAC 3R .0107(a);

(B) To allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director may, by proclamation, specify time periods for or designate the areas described in 15A NCAC 3R .0107(b); or any part thereof, for the use of pots.

(3) From May 1 through November 30 in the Atlantic Ocean and west and south of the Highway 58 Bridge at Emerald Isle in areas and during time periods designated by the Fisheries Director by proclamation.

The Fisheries Director may, by proclamation authority established in 15A NCAC 3L .0201, further restrict the use of pots to take blue crabs.

(b) It is 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 is unlawful to use pots in a commercial fishing operation, unless each pot is marked by attaching a floating buoy that shall be of solid foam or other solid buoyant material and no less than five inches in diameter and no less than five inches in length. Buoys may be of any color except yellow or hot pink or any combination of colors that include yellow or hot pink. The



owner shall always be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy. The identification shall include one of the following:

- (1) gear owner's current motorboat registration number;
- (2) gear owner's U.S. vessel documentation name; or
- (3) gear owner's last name and initials.

(d) Pots attached to shore or a pier shall be exempt from Subparagraphs (a)(2) and (a)(3) of this Rule.

(e) It is unlawful to use shrimp pots with mesh lengths smaller than one and one-fourth inches stretch or five-eighths-inch bar.

(f) It is unlawful to use pots to take eels with mesh lengths smaller than one-half inch by one-half inch, except until January 1, 2017 eel pots of any mesh length with an escape panel that is at least four inches square with a mesh length of one inch by one-half inch located in the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots shall be allowed.

(g) It is unlawful to use crab pots in Coastal Fishing Waters unless each pot contains no less than two unobstructed escape rings that are at least two and five-sixteenths inches inside diameter and located in the opposite outside panels of the upper chamber of the pot, except the following are exempt from the escape ring requirements:

- (1) unbaited pots;
- (2) pots baited with a male crab; and
- (3) pots set in areas and during time periods described in 15A NCAC 3R .0118.

(h) The Fisheries Director may, by proclamation, exempt the escape ring requirements described in Paragraph (g) of this Rule in order to allow the harvest of mature female crabs and may impose any or all of the following restrictions:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify seasons; and
- (5) specify quantity.

- (i) It is unlawful to use more than 150 crab pots per vessel in Newport River.
- (j) It is 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 is unlawful to use pots to take crabs unless the line connecting the pot to the buoy is non-floating.
- (l) It is unlawful to use pots with leads or leaders to take shrimp. For the purpose of this Rule, "leads" or "leaders" are defined as 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.

### **3J.0303 DREDGES AND MECHANICAL METHODS PROHIBITED**

- (a) It is unlawful to use any dredge weighing more than 100 pounds except in the Atlantic Ocean.
- (b) It is 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 is unlawful to possess oysters aboard a vessel with a dredge weighing more than 100 pounds on board.

### **3J.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 is 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;
  - (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.

### **3J.0402 FISHING GEAR RESTRICTIONS**

(a) It is 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 may 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.

(II) From November 1 through December 15.

(ii) Commercial fishing gear may not be used within 750 feet of licensed fishing piers when open to the public.

(B) ...

(2) ...

(3) ...

(4) Pamlico River-Beaufort County. Goose Creek State Park. Commercial fishing gear may 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;

(B) Within the marked channel from Dinah Landing to the mouth of Upper Goose Creek.

(b) It is 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 net(s) having a stretched mesh of five inches or larger may 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.

(B) Within South River.

(2) ...

(3) State Parks/Recreation Areas:

(A) Gill nets or seines may 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 may 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.

(C) Gill nets or seines may not be used within the boat basin and marked entrance channel at Carolina Beach State Park, New Hanover County.

(4) Mooring Facilities/Marinas. Gill nets or seines may 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; Harbor Village Marina on Topsail Sound, Pender County; and Marina and entrance canal within Carolina Marlin Club property adjacent to Newport River, Carteret County.

(5) Masonboro Inlet. Gill nets and seines may 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 may 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 is unlawful to fish from vessels or with nets within the larger marked zone.

(7) Topsail Beach, Pender County. It is 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 is 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.

(9) Spooners Creek, Carteret County. It is 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.

### **3K.0304 PROHIBITED TAKING**

(a) It is unlawful to take clams by any method, other than by hand tongs, hand rakes, or by hand, except as provided in 15A NCAC 03K .0302 and .0303. Regardless of the areas which may be opened, it is unlawful to take clams by hand tongs in any established bed of submerged aquatic vegetation as described in 15A NCAC 03I .0101 or salt water cordgrass (*Spartina alterniflora*).

(b) It is unlawful to possess clam trawls or cages aboard a vessel at any time, or have kick/deflector plates normally used in the mechanical harvest of clams affixed to a vessel at any time, except during the time period specified for a mechanical clam harvest season in internal waters in accordance with 15A NCAC 03K .0302(a). A period of 14 days before and after the season as specified by proclamation will be allowed for the installation and removal of kick/deflector plates and clam trawls or cages. Vessels with permits for activities provided for in 15A NCAC 03K .0104, .0107, .0303(a), and .0401 shall be exempt from this Rule during the times such activities are permitted.

### **3K.0404 DREDGES/MECHANICAL METHODS PROHIBITED AND OPEN SEASON**

It is unlawful to use mechanical methods for oystering or clamming to take *Rangia* clams or their shells:

- (1) within 100 feet of any pier;
- (2) within any established bed of submerged aquatic vegetation as defined in 15A NCAC 3I .0101 or salt water cordgrass (*Spartina alterniflora*) that may exist together or separately;
- ...
- (4) in areas designated in 15A NCAC 3R .0103; and
- (5) except in areas and at times specified by proclamation as authorized by 15A NCAC 3K .0201 and 3K .0302.

## **3L.0202 CRAB TRAWLING**

- (a) It is unlawful to take or possess aboard a vessel crabs taken by trawl in internal waters except in areas and during such times as the Fisheries Director may specify by proclamation.
- (b) It is unlawful to use a trawl to take crabs that does not meet mesh length requirements, except as provided in 15A NCAC 03J .0104. The minimum mesh length to take hard crabs with a trawl is three inches, except:
  - (1) The minimum mesh length is four inches in the area of western Pamlico Sound west of a line beginning at a point 35 [degree] 48.3693' N--75 [degree] 43.7232' W on Roanoke Marshes Point; running easterly to a point 35 [degree] 48.3000' N--75 [degree] 37.1167' W near Beacon "1" at the southern end of Roanoke Island; running southerly to a point 35 [degree] 30.7500' N--75 [degree] 40.5667' W near the "S" Beacon at Long Shoal; running southwesterly to a point 35 [degree] 12.6167' N--76 [degree] 04.3833' W near the "BL" Beacon on Bluff Shoal; running westerly to a point 35 [degree] 08.1000' N--76 [degree] 17.5000' W near the "BI" Beacon at Brant Island Shoal; running southwesterly to a point 35 [degree] 04 .6167' N--76 [degree] 27.8000' W on Point of Marsh; and
  - (2) The Fisheries Director may, by proclamation, specify areas other than the area described in Subparagraph (b)(1) of this Rule for trawl mesh length use and increase the minimum trawl mesh length to no more than four inches to take hard crabs.
- (c) It is unlawful to use a trawl with a mesh length less than two inches or with a combined total headrope length exceeding 25 feet to take soft or peeler crabs, except as provided in 15A NCAC 03J .0104.

## **3L.0301 AMERICAN LOBSTER (NORTHERN LOBSTER)**

(a) It is unlawful to possess American lobster:

- (1) with a carapace less than 3 3/8 inches or greater than 5 1/4 inches;
- (2) which has eggs or from which eggs have been artificially removed by any method;
- (3) meats, detached meats, detached tails or claws or any other part of a lobster that has been separated from the lobster;
- (4) which has an outer shell which has been speared;
- (5) that is a V-notched female lobster. A V-notched female lobster is any female lobster that bears a notch or indentation in the base of the flipper that is at least as deep as 1/8 inch, with or without setal hairs. A V-notched female lobster is also any female lobster which is mutilated in a manner which would hide, obscure or obliterate such a mark; or
- (6) in quantities greater than 100 per day or 500 per trip for trips five days or longer taken by gear or methods other than traps.

(b) American lobster traps not constructed entirely of wood (excluding heading or parlor twine and the escape vent) must contain a ghost panel that meets the following specifications:

- (1) the opening to be covered by the ghost panel shall be not less than 3 3/4 inches (9.53 cm) by 3 3/4 inches (9.53 cm);
- (2) the panel must be constructed of, or fastened to the trap with, one of the following untreated materials: wood lath, cotton, hemp, sisal or jute twine not greater than 3/16 inch (0.48 cm) in diameter, or non-stainless, uncoated ferrous metal not greater than 3/32 inch (0.24 cm) in diameter;
- (3) the door of the trap may serve as the ghost panel, if fastened with a material specified in this Section;
- (4) the ghost panel must be located in the outer parlor(s) of the trap and not the bottom of the trap; and
- (5) contains at least one rectangular escape vent per trap, 2 inches by 5 3/4 inches minimum size, or two circular escape vents per trap, with a minimum inside diameter of 2 5/8 inches.

[15A N.C.A.C. 3L.0301](#)

**3M.0503**

(a) It is unlawful to possess flounder less than 14 inches total length taken from the Atlantic Ocean in a commercial fishing operation.

(b) From October 1 through April 30, it shall be unlawful to use a trawl in the Atlantic Ocean within three miles of the ocean beach from the North Carolina/Virginia state line (36 [degree] 33.000'N) to Cape Lookout (34 [degree] 36.000'N) unless each trawl has a mesh length of 5 1/2 inches or larger diamond mesh (stretched) or 6 inches or larger square mesh (stretched) applied throughout the body, extension(s) and the cod end (tailbag) of the net except as provided in Paragraphs (g) and (h) of this Rule.

(c) License to Land Flounder from the Atlantic Ocean:

(1) It is unlawful to land more than 100 pounds per trip of flounder taken from the Atlantic Ocean unless the owner of the vessel or in the case of Land or Sell Licenses, the responsible party, has been issued a License to Land Flounder from the Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from the Atlantic Ocean.

(2) It is unlawful for a fish dealer to purchase or offload more than 100 pounds of flounder taken from the Atlantic Ocean by a vessel whose owner, or in the case of Land or Sell Licenses, the responsible party, has not first procured a valid North Carolina License to Land Flounder from the Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from the Atlantic Ocean.

(3) It is unlawful for any person to land flounder from the Atlantic Ocean under a License to Land Flounder from the Atlantic Ocean unless that person is the holder of the license or the master designated on the license.

(4) It is unlawful for any individual to land flounder from the Atlantic Ocean without having ready at hand for inspection a valid License to Land Flounder from the Atlantic Ocean, except as specified in Subparagraph (c)(1) of this Rule.

(d) All fish dealer transactions in flounder landed from the Atlantic Ocean must be conducted in accordance with the Atlantic Ocean Flounder Dealer Permits in 15A NCAC 30 .0503 and related rules in 15A NCAC 30 .0500.

(e) It is unlawful to transfer flounder taken from the Atlantic Ocean from one vessel to another.

(f) Tailbag liners of any mesh size, the multiple use of two or more cod ends, or other netting material that in any way could restrict the legal size mesh shall not be used or possessed on the deck of a vessel in the Atlantic Ocean from October 1 through April 30 from the North Carolina/Virginia state line (36 [degree] 33.000' N) to Cape Lookout (34 [degree] 36.0000'N).



(g) Trawls with a cod end mesh size smaller than described in Paragraph (b) of this Rule may be used or possessed on the deck of a vessel provided not more than 100 pounds of flounder per trip from May 1 through October 31 or more than 200 pounds from November 1 through April 30 is possessed aboard or landed from that vessel.

(h) Flynets are exempt from the flounder trawl mesh requirements if they meet the following definition:

(1) The net has large mesh in the wings that measure 8 inches to 64 inches;

(2) The first body section (belly) of the net has 35 or more meshes that are at least 8 inches; and

(3) The mesh decreases in size throughout the body of the net to as small as 2 inches or smaller towards the terminus of the net.

(i) Commercial Season.

(1) The North Carolina season for landing ocean-caught flounder shall open January 1 each year. If 80 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.

(2) The season for landing flounder taken in the Atlantic Ocean shall reopen November 1 if any of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder remains. If after reopening, 100 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken prior to the end of the calendar year, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.

(3) During any closed season prior to November 1, vessels may land up to 100 pounds of flounder per trip taken from the Atlantic Ocean.

(j) The Fisheries Director may, by proclamation, establish trip limits for the taking of flounder from the Atlantic Ocean to assure that the individual state quota allocated to North Carolina in the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is not exceeded.

(k) The Fisheries Director may, by proclamation, based on variability in environmental and local stock conditions, take any or all of the following actions in the flounder fishery:

- (1) Specify size;
- (2) Specify season;
- (3) Specify area;
- (4) Specify quantity;
- (5) Specify means/methods; and
- (6) Require submission of statistical and biological data.

(l) Possession and sale of flounder by a hatchery or flounder aquaculture operation and purchase and possession of flounder from a hatchery or flounder aquaculture operation shall be exempt from season and size limit restrictions set under Paragraph (k) of this Rule. It is unlawful to possess, sell, purchase, or transport such flounder unless they are in compliance with all conditions of the Aquaculture Operations Permit.

### **3M.0515 DOLPHIN**

- (a) It is unlawful to possess more than 10 dolphin per person per day taken by hook and line for recreational purposes.
- (b) It is unlawful to possess more than 60 dolphin per day per vessel regardless of the number of people on board, except headboat vessels with a valid U.S. Coast Guard Certificate of Inspection may possess 10 dolphin per paying customer.
- (c) It is unlawful to take or possess more than 10 dolphin per person per day, or sell dolphin without a valid Federal Commercial Dolphin/Wahoo vessel permit and either a Standard Commercial Fishing License, a Retired Standard Commercial Fishing License, or a Land or Sell License.