

**Conduct which Constitutes a Misdemeanor Crime**  
**Rules from Marine Fisheries Commission 15A NCAC 03 and Portion of 18A**  
**Nov. 1, 2019**

**CRIMES IN EFFECT**

**03H SCOPE OF MANAGEMENT**

03H .0103      Fail to comply with proclamation requirements

**03I GENERAL RULES**

- 03I .0104      Place into coastal fishing waters with a permit
- (1) Live non-native species
  - (2) Live native species that originated outside of the state's borders
  - (3) Hold in a quarantine or isolation system for live bait or use in an aquaculture operation
  - (4) Sell for bait a live organism imported into the state
- 03I .0105      Leaving devices unattended
- (1) Leave gear devices in coastal waters when such devices are not employed in a fishing operation
  - (2) Leave pots more than five consecutive days without being fished
  - (3) Have or set any fishing equipment in coastal waters containing edible species unfit for human consumption
- 03I .0107      Use commercial fishing equipment in the sea turtle sanctuary
- 03I .0109      Engage in fishing activity or use gear or conduct an operation in an artificial reef or research sanctuary closed by proclamation
- 03I .0113      Refuse the fisheries director or his agents to obtain biological data, harvest information or other statistical data
- 03I .0114      (a) As a fish dealer fail to comply with record keeping process
- (b) Unlawful for a seller or donor to fail to provide the fish dealer required information
  - (c) Transport fishing without having ready at hand required shipping documentation
  - (d) Export fish from the state landed in a commercial operation without a NC fish dealer completing the record keeping requirements
  - (e) Offer fish for sale without proper documentation
  - (f) Possess fish at a licensed location without documentation or a trip ticket
- 03I .0116      Possess live rock or coral aboard a vessel
- 03I .0118      Disposal of evidence after signal from, communication from, or approach of an inspector or enforcement vessel
- 03I .0119      Possess, sell, or take fish from coastal waters closed due to public health risk
- 03I .0120      (1) Possess species of fish not in compliance with size or harvest restrictions of the area being fished
- (2) Import into the state species of fish native to North Carolina that do not meet established size limits, except as provided in 15A NCAC 03K .0202(c), 03K. 0207, 03K .0305, or 03M .0503

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**03J NETS, POTS, DREDGES, AND OTHER FISHING DEVICES**

- 03J .0101      Use or set fixed or stationary nets
- (a) in the channel of Intracoastal Waterway.
  - (b) fixed or stationary nets so as to create a hazard to navigation.
  - (c) fixed or stationary nets so as to block more than two-thirds of any natural or manmade waterway, sound, bay, creek, inlet.
  - (d) in channel third of following rivers: Roanoke, Cashie, Middle, Eastmost, Chowan, Little, Perquimans, Pasquotank, North, Alligator, Pungo, Pamlico, and Yeopim.
- 03J .0102      (1) Use nets or net stakes within 150 yards of railway or highway bridge: Northeast Cape Fear River, New River, White Oak River, Trent River, Neuse River, Pamlico River, Roanoke River, and Alligator River.
- (2) Use nets or net stakes within 300 yards of highway bridge: Albemarle Sound, Chowan River, Croatan Sound, Currituck Sound, and Roanoke Sound.
- (3) Use net stake of metallic material.
- 03J .0103      (1) Use gill net less than 2 ½ inches.
- (2) Use gill net 5 inches or greater and less than 5 ½ inches from April 15 through December 15 in internal waters
- (3) Use gill nets with improper buoys and identification.
- (4) Use gill net within 200 yards of operational pound net in Albemarle Sound.
- (5) Use gill net with 500 yards of operational pound net in all other areas.
- (6) Use gill net from March 1 through October 31 in the Intracoastal Waterway within 150 yards of rail road or highway bridge.
- (7) Use gill net within 100 feet either side of the center line of the Intracoastal Waterway Channel south of the entrance to the Alligator-Pungo River Canal in Alligator River to the South Carolina line, except:
- (a) no more than two gill nets per vessel may be used at one time.
  - (b) any net used must be attended.
  - (c) not restrict vessel navigation.
- (8) Use drift gill net so as to block more than two-thirds of any natural or manmade waterway, sound, bay, creek, inlet or any other body of water.
- (9) Leave 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).
- (10) Leave 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 coastal and joint waters of the state designated in 15A NCAC 03R .0112(b).
- (11) Use gill nets in Internal Coastal Waters with a mesh length five inches or greater within 10 feet of the shoreline unless the net is attended from June through October.
- 03J .0104      (1) Use trawl nets
- (a) in Internal Coastal Waters from 9:00 p.m. on Friday through 5:00 p.m. on Sunday, except for December 1 through February 28 from one hour after sunset on Friday to one hour before sunrise on Monday in the areas of Pungo River, Pamlico River, Bay River, Neuse River and New River.
  - (b) for the taking of oysters
  - (c) in Albemarle Sound, Currituck Sound, and their tributaries

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- (d) in prohibited areas as defined in 15A NCAC 03R .0106
- (e) in designated pot areas open to pots as defined in 15A NCAC 03J .0301 and 15A NCAC 03R .0107.
- (2) Use shrimp trawl for recreational purposes without proper buoys and identification.
- (3) Use shrimp trawl 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:
  - (a) 50 crabs per Recreational Commercial Gear License (RCGL) holder, not to exceed 100 with two RCGL holders.
  - (b) 300 pounds to not be exceeded by commercial operations
- 03J .0105      Use purse seines for the taking of menhaden or Atlantic thread herring.
- 03J .0106      (1) Use channel net
  - (a) without proper buoys and identification.
  - (b) 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.
  - (c) in the middle third of any navigation channel marked by Corps of Engineers or U.S. Coast Guard.
  - (d) unless attended by the fisherman who shall be no more than 50 yards from the net at all times.
  - (2) Use or possess aboard a vessel any channel net corkline exceeding 40 yards.
  - (3) Leave channel net, buoys or stakes from December 1 through March 1.
  - (4) Use channel net floats or buoys of metallic material for marking a channel net set.
  - (5) Use channel nets, anchors, lines, or buoys in such a manner as to constitute a hazard to navigation.
  - (6) Use channel net for commercial purposes to exceed 50 percent of the total weight of the combined crab and shrimp catch or 300 pounds, whichever is greater.
- 03J .0108      Pull or tow a net with more than one boat except in long-haul fishing operations.
- 03J .0109      (1) Pull or tow a net in a long-haul or swipe net fishing excluding operations with nets made entirely of monofilament and having a mesh length of three inches or greater.
- (2) Pull or tow a net in a long-haul or swipe net without proper buoys and identification.
- 03J .0110      Use seines 30 feet or over in length for recreational purposes without proper buoys and identification.
- 03J. 0111      Use fyke or hoop nets
  - (a) without proper buoys and identification.
  - (b) within 200 yards of any operational pound net set.
  - (c) within 150 yards of any railroad or highway bridge.
- 03J. 0202      (1) 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 the northern end of Wrightsville Beach.
- (2) Use trawls within one-half mile of the beach between the Virginia line and Oregon Inlet.

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- (3) Use 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 tail bag inshore of a line beginning on the western side of Beaufort Inlet Channel; running westerly parallel to one-half miles from the shore off Salter Path.
- (4) Trawl nets, including flynets, south of Cape Hatteras to the North Carolina/South Carolina line except:
- (a) shrimp trawls as defined in 15A NCAC 03L .0103
  - (b) crab trawls as defined in 15A NCAC 03L .0202
  - (c) flounder trawls as defined in 15A NCAC 03M .0503
- (5) Use unattended gill nets or block or stop nets in the Atlantic Ocean within 300 yards of the beach from Beaufort Inlet to the South Carolina line from sunset Friday to sunrise Monday from Memorial Day through Labor Day.
- (6) Use gill nets in the Atlantic Ocean with a mesh length greater than seven inches from April 15 through December 15.
- (7) 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. 3J .0202
- 03J .0203 (1) Anchor lead lines of any net in the Chowan River within 50 feet from shore except in the Meherrin River.
- (2) Use pound nets in any tributary creek or within 150 yards of the mouth of any such tributary creek of the Chowan River.
- (3) Use pound net within 200 yards parallel to any other pound net in the Chowan River.
- (4) Use seine within 1,000 yards of the mouth of any creek tributary to the Chowan River.
- (5) Set trotline within 100 yards of a pound net from February 1 through May 31 in the Chowan River and its tributaries.
- 03J .0204 (1) Use any net or seine with more than one power boat in Currituck Sound and its tributaries.
- (2) Use any seine or haul net which is more than 900 yards in length or which has a mesh length of less than three inches in Currituck Sound and its tributaries.
- 03J .0206 Use any 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.
- 03J .0207 Use any commercial fishing equipment in the Duke Energy Progress Brunswick Nuclear Plant Intake Canal between the fish diversion screen and the Duke Energy Progress Brunswick Nuclear Plant.
- 03J .0208 (1) Use trawl nets except skimmer trawls upstream of the Highway 172 Bridge over New River.
- (2) 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.
- 03J .0209 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.

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- 03J .0301 (1) Use pots during a closed from January 15 through February 7.  
(2) Use pots in a non-designated area from May 1 through October 31.  
(3) Use pots June 1 through November 30 north and east of Highway 58 bridge.  
(4) Use pots May 1 – through November 30 in the Atlantic Ocean and west and south of the Highway 58 bridge.  
(5) Use pots in any navigational channel marked by state or federal agencies.  
(6) Use pots in any turning basin marked by the North Carolina Ferry Division.  
(7) Use pots with improper buoy or identification.  
(8) Use shrimp pots with mesh lengths smaller than one and one-fourth inches stretch or five-eighths inch bar.  
(9) Use pots to take eels with mesh lengths smaller than one-half inch by one-half inch, except when escape panel installed.  
(10) Use crab pots in Coastal Fishing Waters without required unobstructed escape rings.  
(11) Use more than 150 crab pots in the Newport River.  
(12) Use pots to take crabs unless the line connecting the pot to the buoy is non-floating.  
(13) Use pots with leads or leaders to take shrimp.
- 03J .0302 (1) Use recreational commercial pots without proper buoy or identification.  
(2) Use more than one crab pot attached to privately owned land or pier without a license.
- 03J .0303 (1) Use any dredge weighing more than 100 pounds except in the Atlantic Ocean.  
(2) Use more than one dredge per vessel to take oysters or crabs.  
(3) Use any dredges or mechanical methods between sunset and sunrise.
- 03J .0304 Use hand-operated device generating pulsating electrical current in the Cape Fear River except from 800 feet downstream of Lock and Dam No. 1 from July 1 through the last day of February.
- 03J .0305 Use multiple hook or multiple bait trotlines for recreational purposes without proper buoys or identification.
- 03J .0306 Use any hook larger than 4/0 from July 1 through September 30 in the Pamlico Sound while using natural bait from 7:00 p.m. to 7:00 a.m.
- 03J .0402 Use specified commercial gear in certain areas and times.
- 03J .0501 (1) Pound net set without a permit.  
(2) Pound net set less than 30 consecutive days during the pound net set permit period.  
(3) Pound net without proper buoys, identification or reflective devices.  
(4) Flounder pound net set without four unobstructed escape panels.

**03K OYSTERS, CLAMS, SCALLOPS AND MUSSELS**

- 03K .0101 Take, possess, sell polluted shellfish  
03K .0104  
03K .0107
- 03K .0102 Take marine species using an illegal rake

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|                        |   |
|------------------------|---|
| 03K .0103              | Take shellfish from closed Shellfish Management Area  |
| 03K .0103<br>03K .0208 | Use trawl net in Shellfish Management Area  |
| 03K .0107              | Unlawful to ship depuration shellfish   |
| 03K .0108<br>03K .0204 | Use mechanical methods to take clams or oysters   |
| 03K .0109              | Possess or sell shellfish in a commercial operation without harvest tags  |
| 03K .0111              | Harvest shellfish without a permit on leases or franchises  |
| 03K .0202<br>03K .0301 | Shellfish shall be culled where taken   |
| 03K .0205              | Sell, purchase, or possess oyster from private bed without certification  |
| 03K .0207<br>03K .0305 | Possess, sell, purchase, or transport shellfish seed unless in compliance with Aquaculture Operation Permit   |
| 03K .0209              | (1) Use trawl net, long haul seine, or swipe net in oyster sanctuaries<br>(2) Use mechanical methods for oysters or clams   |
| 03K .0304<br>03K .0401 | Take or possess clam by certain method.<br>Take Rangia clams or shells by any method from prohibited (polluted) waters without securing a Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas from the Fisheries Director |
| 03K .0402              | Size and harvest limits applicable to hard clams in 15A NCAC 03K .0301 do not apply to Rangia clams   |
| 03K .0403              | Dispose of Rangia clam meat that will create risk for human consumption   |
| 03K .0404              | Use mechanical methods for oystering or clamming to take Rangia clams or their shells in certain areas or times.  |
| 03K .0405              | While taking Rangia clams or their shells from a prohibited (polluted) area it is unlawful to possess any other shellfish   |
| 03K .0503              | Take bay scallops with a dredge weighing more than 50 pounds or equipped with teeth   |
| 03K .0205<br>03K .0507 | Possess mixed shellfish from leased and public bottom   |

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**Possess undersize/oversize**

**Possess during closed season**

**Exceed the limit of**

|           |                 |
|-----------|-----------------|
| 03K .0103 | Clams           |
| 03K .0202 | Oysters         |
| 03K .0205 | Oysters         |
| 03K .0501 | Scallops        |
| 03K .0502 | Scallops        |
| 03K .0504 | Calico Scallops |
| 03K .0505 | Sea Scallops    |

**03L SHRIMP, CRABS, AND LOBSTER**

- 03L .0103      (1) Take shrimp with nets with undersized mesh  
                    (2) Take shrimp with net constructed in a manner as to contain an inner and outer liner  
                    (3) Take shrimp in described areas with a headrope greater than 90 feet  
                    (4) Take shrimp in described areas with a headrope greater than 220 feet
- 03L .0103      Use trawl nets in prohibited areas
- 03L .0202      (1) To use a trawl to take crabs that does not meet mesh length requirements  
                    (2) Take or possess aboard a vessel crabs taken by trawl in internal waters
- 03L .0203      Take crabs with a dredge
- 03L .0204      Take crabs with pots
- 03L .0205      Set or use trawls, pots, and mechanical methods for oysters or clams or take crabs with the use of commercial fishing equipment from crab spawning sanctuaries
- 03L .0208      (1) Possess stone crab bodies or fail to immediately return stone crab bodies to water  
                    (2) Remove, take, or possess any claw(s) from egg-bearing stone crabs  
                    (3) Use any device to take stone crabs that can puncture, crush, or injure the crab body, such as gigs, spears, grabs, hooks, or similar devices
- 03L .0301      Possess American lobster  
                    (1) which has eggs or from which eggs have been artificially removed by any method  
                    (2) which has an outer shell which has been speared  
                    (3) that is a V-notched female lobster  
                    (4) in quantities greater than 100 per day or 500 per trip for trip days five days or longer taken by gear or methods other than traps
- 03L .0302      (1) Possess an egg-bearing spiny lobster or spiny lobster from which eggs have been stripped, scrubbed, or removed  
                    (2) Possess aboard a vessel or land detached spiny lobster tails  
                    Take spiny lobsters with a gaff hook, spear, or similar device

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**Possess undersize/oversize**

**Possess during closed season**

**Exceed the limit of**

|           |                  |
|-----------|------------------|
| 03L .0102 | Shrimp           |
| 03L .0105 | Shrimp           |
| 03L .0201 | Crabs            |
| 03L .0208 | Stone Crabs      |
| 03L .0301 | American Lobster |
| 03L .0302 | Spiny Lobster    |

**03M FINFISH**

- 03M .0101 Possess aboard a vessel or while engaged in fishing any species of finfish which is subject to a size or harvest without head and tail attached
- 03M .0102 (1) Land finfish in violation of minimum size or possession limits  
(2) Land more than 5,000 pounds of unmarketable finfish per vessel per day
- 03M .0103 Possess, sell or purchase finfish under 4 inches
- 03M .0201 Possess striped bass imported  
(1) from another state less than 18 inches  
(2) import, buy, sell, transport striped bass during a closed season
- 03M .0202 (1) Possess striped bass from Cape Fear River  
(2) Possess striped bass from Roanoke River in a commercial operation
- 03M .0205 (1) Possess striped bass on a vessel in internal waters  
(2) Possess striped bass on a vessel in the Atlantic Ocean during a closed season
- 03M .0501 (1) Remove a red drum from any type of net with the tip of any boat hook, gaff, spear, gig or similar device  
(2) Possess a red drum taken by any boat, hook, gaff, spear, gig or similar device
- 03M .0503 (b) Use a trawl in the Atlantic Ocean within three miles of the beach with illegal mesh size October 1 through April 30  
(c)(1) Land more than 100 pounds flounder from the Atlantic Ocean without a License to Land Flounder  
(c)(2) Purchase or offload more than 100 pounds flounder from the Atlantic Ocean from a vessel without a License To Land Flounder  
(c)(3) Land flounder from a vessel without a designated master or owner onboard  
(c)(4) Land flounder from the Atlantic Ocean without having license ready at hand for inspection  
(e) Transfer flounder taken from the Atlantic Ocean from one vessel to another, possess illegal mesh size or tail bag liner on the deck of a vessel north of Cape Lookout from October 1 through April 30  
(l) Possess, sell, transport such flounder without complying with all conditions of an Aquaculture Operation Permit



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- 03M .0506 Take any species of Snapper/Grouper with gear authorized under a Recreational Commercial Gear License
- 03M .0507 Sell or offer for sale blue or white marlin, sailfish
- 03M .0509 Sell or offer for sale tarpon
- 03M .0519 Take American and hickory shad by means other than hook and line April 15 through December 31

**Possess undersize/oversize**

**Possess during closed season**

**Exceed the limit of**

- 03M .0202 Striped Bass
- 03M .0301 Spanish and King Mackerel
- 03M .0501 Red Drum
- 03M .0502 Mullet
- 03M .0503 Flounder
- 03M .0504 Trout
- 03M .0505 Shark
- 03M .0506 Snapper-Grouper Complex
- 03M .0507 Billfish
- 03M .0508 Sturgeon
- 03M .0509 Tarpon
- 03M .0510 American Eel
- 03M .0511 Bluefish
- 03M .0513 River Herring
- 03M .0514 Scup
- 03M .0515 Dolphin
- 03M .0516 Cobia
- 03M .0517 Wahoo
- 03M .0518 Kingfish
- 03M .0519 Shad
- 03M .0520 Tuna
- 03M .0521 Sheepshead

**03N FISH HABITAT AREAS**

- 03N .0104 Use a prohibited gear in a primary nursery area
- 03N .0105 (a) Use a trawl net in a permanent secondary nursery area  
(b) Use a trawl net in a special secondary area

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**03O LICENSES, LEASES, FRANCHISES, AND PERMITS**

- 03O .0101 (1) To hold Licenses to Land Flounder from the Atlantic Ocean equal to the number of vessels that he owns that individually met the eligibility requirements of Parts (b)(1)(A) and (b)(1)(B) of this Rule.
- 03O .0101 (2) For a license or registration holder to fail to notify DMF within 30 days of change of name or  
03O .0501 address
- 03O .0102 (1) For anyone other than holder of Recreational Fishing Tournament License to Sell Fish to use license  
(2) For a licensed recreational fishing tournament organizer to fail to complete and file within 30 days after last day of tournament a North Carolina Recreational Fishing Tournament Disposition of Proceeds
- 03O .0104 To unload fish without proper license.
- 03O .0106 (1) Fail to display current commercial fishing vessel registration decal plainly visible from port side  
(2) Fail to display fish dealer's licenses or ocean fishing pier license in prominent public view  
(3) Fail to display current For-Hire License decal plainly visible from port side
- 03O .0108 (1) For an ineligible person to accept transfer of a Standard or Retired Standard Commercial  
03O .0109 Fishing License
- 03O .0109 (1) For a Standard Commercial Fishing License holder to fail to have at hand ready for inspection along with all required documents  
(2) To be assigned or to assign more than a single Standard Commercial Fishing License at any one time  
(3) For any assignee of a Standard Commercial Fishing License not to return the assignment with any assigned endorsements to the assignor of that license within five days of notice that the assignment has been terminated or requested by assignor to return the license
- 03O .0111 (1) For any licensee to refuse to surrender to an agent of the Secretary all licenses and other forms and records relating to the license following service of notice of suspension or revocation or license, or upon agent of the Secretary's demand.
- 03O .0112 Operate a For Hire Vessel without proper license.
- 03O .0113 For responsible party of the Ocean Fishing Pier License to fail to provide to the Division by the 10th of each month a daily count of anglers fishing from pier from previous month
- 03O .0204 (1) Fail to remove all stakes, signs, and markers within 30 days of receipt of notice from the Secretary  
(2) Exclude or attempt to exclude the public from allowable public trust use of navigable waters on shellfish leases and franchises

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- 03O .0211     Use any trawl net, long haul seine, swipe net, dredge, or mechanical method for clams or oysters on any shellfish lease or franchise unless duly authorized by Fisheries Director as provided in 15A NCAC 03K .0206 and .0303
- 03O .0301     For any individual to hold more than one Recreational Commercial Gear License
- 03O .0302     (1) Use more than the quantity of authorized gear specified in Subparagraphs (a)(1) through (a)(8) of this Rule.  
                  (2) For a person to violate restrictions of or use gear other than that authorized by Paragraph (a) of this Rule.
- 03O .0303     (1) To possess more than a single recreational possession limit when only one person aboard a vessel possesses a valid Recreational Commercial Gear License and recreational commercial fishing equipment is used  
                  (2) To possess individual recreational possession limits in excess of the number of individuals aboard a vessel holding a valid Recreational Commercial Gear Licenses  
                  (3) For any person who holds both a Recreational Commercial Gear License and a Standard or Retired SCFL and who is in possession of identified recreational commercial fishing equipment to exceed the single recreational possession limit  
                  (4) For persons aboard a vessel collectively holding only one Recreational Commercial Gear License and any Standard Commercial Fishing License or Retired Standard Commercial Fishing License and who are in possession of any identified recreational commercial fishing equipment to exceed one recreational possession limit  
                  (5) Possess more than 48 quarts, heads on, or 30 quarts, heads off, of shrimp when only one person aboard a vessel possesses a valid Recreational Commercial Gear License and recreational commercial fishing equipment is used  
                  (6) Possess more than 96 quarts, heads on, or 60 quarts, heads off, of shrimp if more than one person aboard a vessel possesses a valid Recreational Commercial Gear License and recreational commercial fishing equipment is used
- 03O .0405     To submit false statements on applications or supporting documents
- 03O .0501     Fail to notify the Division of Marine Fisheries of a change of designee prior to use of permit by that designee
- 03O .0502     (1) Operate under permit except in areas, at times, and under conditions specified on permit  
                  (2) Operate permit without having permit or copy of permit at hand ready for inspection with exception of Pound Net Permit  
                  (3) Operate under permit without having current picture identification at hand ready for inspection  
                  (4) Refuse inspection and sampling of a permitted activity by an agent of the Division  
                  (5) Fail to provide complete and accurate information requested by Division in connection with permitted activity  
                  (6) Hold a permit issued by the Fisheries Director when not eligible to hold any license required as a condition for that permit  
                  (7) Fail to provide reports within timeframe required by specific permit conditions  
                  (8) Fail to keep such records and accounts as required by rules in this Chapter  
                  (9) To assign or transfer permits issued by the Fisheries Director, except for Pound Net Permits

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03O .0503

- (1) Use horseshoe crabs for biomedical purposes without first obtaining a permit
- (2) Fail to submit a report on use of horseshoe crabs to the Division of Marine Fisheries due on February 1 of each year for persons who have been issued a Horseshoe Crab Biomedical Use Permit
- (3) Fail to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab by those issued a Horseshoe Crab Biomedical Use Permit
- (4) Possess, buy, sell, or offer for sale by fish dealer striped bass taken from the following areas without obtaining Striped Bass Dealer Permit
  - (a) Atlantic Ocean
  - (b) Albemarle Sound Management Area
  - (c) the Joint and Coastal Fishing Waters of the Central/Southern Management Area
- (5) For fish dealer to allow vessels holding a valid License to Land Flounder from the Atlantic Ocean to land more than 100 pounds of flounder from a single transaction during the open season or offering for sale more than 100 pounds of flounder from a single transaction without first obtaining an Atlantic Ocean Flounder Dealer Permit
- (6) Trawl for shrimp in the Atlantic Ocean without Turtle Excluder Devices installed in trawls within one nautical mile of the shore from Browns Inlet (34° 35.7000' N latitude) to Rich's Inlet (34° 17.6000' N) without a valid Permit to Waive the Requirement to Use Turtle Excluder Devices
- (7) Tow for more than 55 minutes from April 1 through October 31 and 75 minutes from November 1 through November 30 in the area described in Subparagraph (d)(1) of this Rule when working under this permit
- (8) Fail to empty contents of each net at the end of each tow
- (9) Refuse to take observers upon request by the Division of Marine Fisheries or the National Marine Fisheries Service
- (10) Fail to report any sea turtle captured within 24 hours of capture to Marine Patrol Communications Center by phone
- (11) Conduct aquaculture operations without first securing Aquaculture Operation Permit from the Fisheries Director
- (12) Take marine and estuarine resources from Coastal Fishing Waters for aquaculture purposes without first obtaining an Aquaculture Collection Permit from the Fisheries Director
- (13) Sell, or use for any purpose not related to North Carolina aquaculture, marine and estuarine resources taken under an Aquaculture Collection Permit
- (14) Fail to submit to the Fisheries Director an annual report due on December 1 of each year the amount and disposition of marine and estuarine resources collected under authority of this permit
- (15) Fail to provide the Division of Marine Fisheries with listing of all designees acting under an Aquaculture Collection Permit at the time of application
- (16) For institutions or agencies seeking exemptions from license, rule, proclamation, or statutory requirements to collect, hold, culture, or exhibit for scientific or educational purposes any marine or estuarine species without first obtaining a Scientific or Educational Activity Permit
- (17) For the responsible party issued a Scientific or Educational Activity Permit to fail to submit a report on collections and, if authorized, sales on Division forms to the Division of Marine Fisheries due on December 1 of each year
- (18) Sell marine or estuarine species taken under a Scientific or Educational Activity Permit without required license(s), authorization stated on the permit, and providing information required in Rule 15A NCAC 03I .0114 if the sale is to licensed fish dealer

**Conduct which Constitutes a Misdemeanor Crime**  
**Rules from Marine Fisheries Commission 15A NCAC 03 and Portion of 18A**  
**Oct. 3, 2019**

- (19) Fail to provide the Division of Marine Fisheries a listing of all designees acting under a Scientific or Educational Activity Permit at time of application
- (20) Cultivate oysters in containers under docks for personal consumption without first obtaining an Under Dock Oyster Culture Permit
- (21) Take striped bass from the Atlantic Ocean in a commercial fishing operation without first obtaining an Atlantic Ocean Striped Bass Commercial Gear Permit
- (22) Use a single Standard Commercial Fishing License, including assignments, to obtain more than one Atlantic Ocean Striped Bass Commercial Gear Permit
- (23) For responsible party seeking exemption from recreational fishing license requirements for eligible individuals to conduct an organized fishing event held in Joint or Coastal Fishing Waters without first obtaining a Coastal Recreational Fishing License Exemption Permit

**03P HEARING PROCEDURES**

NONE

**03Q JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS**

- 03Q .0107      (1) Striped bass
- (a) Possess any striped bass or striped bass hybrid that is less than 18 inches long (total length)
  - (b) Possess any striped bass or striped bass hybrids between the lengths of 22 and 27 inches (total length) in joint fishing waters of the Central Southern Management Area
  - (c) Possess any striped bass or striped bass hybrids May through September in the joint fishing waters of the Central Southern Management Area and the Albemarle Sound Management Area
  - (d) Possess any striped bass or striped bass hybrids taken from the joint fishing waters of the Cape Fear River
  - (e) Possess more than one daily creel limit of striped bass or striped bass hybrids, in the aggregate, per person per day, regardless of the number of management areas fished
  - (f) Engage in fishing for striped bass or striped bass hybrids in joint waters except as authorized by rules of the Marine Fisheries Commission
- (2) Lake Mattamuskeet
- (a) Set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint waters
  - (b) use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint waters
- (3) Cape Fear River- use or attempt to use any net, net stakes, or electrical fishing device within 800 feet of the dam at Lock No. 1 on the Cape Fear River
- (4) Shad- possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook-and-line

**03R DESCRIPTIVE BOUNDARIES**

NONE

**Conduct which Constitutes a Misdemeanor Crime**  
**Rules from Marine Fisheries Commission 15A NCAC 03 and Portion of 18A**  
**Oct. 3, 2019**

**PENDING CRIMES (Expected effective date no sooner than Feb. 1, 2021)**

**18A SANITATION**

**.0300 SANITATION OF SHELLFISH - GENERAL**

18A .0302 Permits

Operating as a shellfish dealer without a permit and certificate of compliance from the division

**.0400 SANITATION OF SHELLFISH - GENERAL OPERATION STANDARDS**

18A .0419 Harvest Boats

Possess or transport shellfish during harvest operations in a manner that may cause adulteration

18A .0420 Transporting Shellstock

Transport shellstock without proper refrigeration or in a manner that may cause adulteration

18A .0425 Tagging

Possess, transport or offer for sale shellfish without proper identification or dealer tags

18A .0427 Shellstock Storage

Store shellstock without proper refrigeration or in any manner that may cause adulteration

**.0600 OPERATION OF SHELLFISH SHUCKING AND PACKING PLANTS AND REPACKING PLANTS**

18A .0617 Shipping

Store or transport shucked shellfish at improper temperatures