

# Marine Fisheries

## Mechanical Gear for Harvesting Oysters and Clams on Private Shellfish Leases and Franchises (Permit to Use)

**What Activities Require This Permit?** Using mechanical gear for harvesting oysters and/or clams from private gardens [leases and franchises]. Mechanical gear consists of: oyster dredges, patent tongs, power rakes, hydraulic escalators, hydraulic pumps, clam dredges, kicking with a clam trawl, kicking without a clam trawl, stick (power) rake and any other gear constituting use of a mechanical operation to harvest shellfish.

**What Is The Purpose of This Permit?** To identify and track in database shellfish harvesters using mechanical gear to harvest oysters and clams from leased water bottom.

**Who Issues This Permit?** N.C. Division of Marine Fisheries (DMF), Habitat Enhancement and Protection Section.

**How Much Will This Permit Cost?** No cost.

**What Are My Payment Options for Permit Application Fees?** Not applicable.

**If Paying by Check, Who do I Make the Check Payable to and Where Do I Send the Check?** Not applicable.

**Where Can I Get The Application For This Permit?** N.C. Division of Marine Fisheries, Habitat Enhancement and Protection Section, Morehead City office.

**How Long Will It Take To Review My Application?** Up to two weeks for new permit, one week for renewal.

**Where Do I Submit My Application?** N.C. Division of Marine Fisheries, Habitat Enhancement and Protection Section, 3441 Arendell Street, PO Box 769, Morehead City, NC 28557-0769.

**How Long Is My Permit or License or Certificate Valid?** Permits expire on June 30 each year.

**Notes/Comments:** Mechanical gear shall not be used in any bed of aquatic vegetation nor within 100 feet of any bed of submerged vegetation, in any live oyster bed, nor within 100 feet of any natural or live oyster bed. Mechanical gear shall not be used in areas designated primary nursery areas. Mechanical gear shall not be used in areas where mechanical harvest will cause siltation of critical habitats, such as grass beds or natural oyster rocks, or in areas where suspension of sediments in the water column may release bacteria, heavy metals or other substrates harmful to the environment or human health.

**Legal Authority/Statute Reference:** General Statute 113-182 and 143B-289.52; NC Fisheries Rules for Coastal Waters 15A NCAC 3K.0206.

**Link:** <http://deq.nc.gov/about/divisions/marine-fisheries>

### Statewide Contact Information:

NC Division of Marine Fisheries  
Habitat Enhancement and Protection Section  
3441 Arendell Street  
Morehead City, NC 28557  
Telephone: (252) 726-7021 or 1-800-682-2632