



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

**M-11-2023**

## **PROCLAMATION**

### **RE: RULE SUSPENSION – COMMERCIAL LICENSE REQUIREMENT TO OBTAIN A PERMIT TO TRANSPLANT PROHIBITED (POLLUTED) SHELLFISH.**

**This proclamation suspends the requirement of holding a Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License to obtain a permit to transplant prohibited (polluted) shellfish.**

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces effective at **12:01 A.M., Saturday, May 6, 2023**, the following regulations shall apply to permits to transplant polluted shellfish.

**I. SUSPENSION OF A PORTION OF N.C. MARINE FISHERIES COMMISSION RULE 15A NCAC 03O .0501**

**The following portion of N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0501 is suspended:**

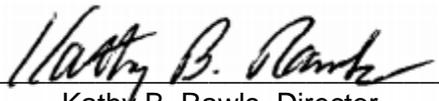
Section (e)(4), which reads:

- (4) Permit to Transplant Prohibited (Polluted) Shellfish.

**II. GENERAL INFORMATION**

- A. This proclamation is issued under the authority of N.C. General Statutes 113-134; 113-170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52 and N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103, 03I .0102 and 03O .0501.
- B. It is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under their delegated authority pursuant to N.C. Marine Fisheries Commission Rule 15A NCAC 03H .0103.
- C. In accordance with N.C. General Statute 113-221.1(c) all persons who may be affected by proclamations issued by the Fisheries Director are under a duty to keep themselves informed of current proclamations.
- D. N.C. General Statute 113-129(14) defines "shellfish" as mollusca, specifically including oysters, clams, mussels, and scallops.
- E. The intent of this proclamation is to enable a permittee and their designees to obtain a Shellfish Relocation Permit without the requirement of holding a Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License.
- F. Contact Jacob Boyd, Shannon Jenkins, or Col. Carter Witten at N.C. Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557 (252)-726-6827 or 800-682-2632 for more information or visit our website at <https://deg.nc.gov/about/divisions/marine-fisheries/>.

- G. **This proclamation suspends the requirement of holding a Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License to obtain a permit to transplant prohibited (polluted) shellfish.**

By:   
Kathy B. Rawls, Director  
DIVISION OF MARINE FISHERIES

May 4, 2023  
8:30 A.M.