



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

**SF-5-2023**

## **PROCLAMATION**

### **RE: PERMIT REQUIREMENT – SHELLFISH RELOCATION PERMIT**

**This proclamation establishes the Shellfish Relocation Permit to allow the relocation of shellfish for protection purposes not related to human consumption from an area where shellfish would otherwise be destroyed due to maintenance dredging, construction, or other development activities to designated relocation sites. All shellfish harvest activities shall adhere to all shellfish harvest requirements including the most current proclamations until time of relocation.**

Kathy B. Rawls, Director, Division of Marine Fisheries, hereby announces effective at **12:01 A.M., Saturday, May 6, 2023**, individuals are required to obtain the following special permit prior to relocating shellfish from areas where shellfish would otherwise be destroyed due to maintenance dredging, construction, or other development activities to designated relocation sites identified by Division of Marine Fisheries staff in Internal Coastal Waters:

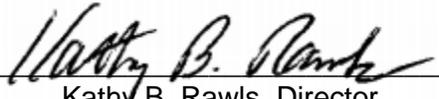
#### **I. SHELLFISH RELOCATION PERMIT**

It is unlawful to relocate shellfish found in an area closed to harvest where shellfish would otherwise be destroyed due to maintenance dredging, construction, or other development activities without possessing a Shellfish Relocation Permit issued by the Division of Marine Fisheries.

#### **II. GENERAL INFORMATION**

- A. This proclamation is issued under the authority of N.C. General Statutes 113-132, 113-134; 113-169.1, 113-170.4; 113-170.5; 113-182; 113-201; 113-203, 113-221.1; 113-221.2; and 143B-289.52; and N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103, 03O .0502, and 03O .0506.
- 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. N.C. Marine Fisheries Commission Rule 15A NCAC 03O .0502 specifies it is unlawful to operate under a permit except in areas, at times, and under conditions specified on the permit. The **Permit Application Certification & General Permit Conditions Form** and the **Shellfish Relocation Permit Specific Conditions Form** are given to the permit holder when the permit is issued.

- F. Shellfish Relocation Permits are available at no cost at the Division of Marine Fisheries Morehead City Headquarters and are non-transferable.
- G. Contact Zach Harrison at N.C. Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557 (252)-808-8056 for more information or visit our website at <https://deq.nc.gov/about/divisions/marine-fisheries/>.
- H. **This proclamation establishes the Shellfish Relocation Permit to allow the relocation of shellfish for protection purposes not related to human consumption from an area where shellfish would otherwise be destroyed due to maintenance dredging, construction, or other development activities to designated relocation sites. All shellfish harvest activities shall adhere to all shellfish harvest requirements including the most current proclamations until time of relocation.**

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

May 4, 2023  
8:25 A.M.