APPLICATION FOR PERMIT TO USE MECHANICAL GEAR

For Harvesting Shellfish on Shellfish Leases and Franchises

Individual Participant Inform	nation:						
First Name	М	Last Name	Sf	Date of Birth		Email	
Ad	ldress			City, State	Zip	Phone #	
Business Participant Inf	formation	: Business Name		Business Ag	ent Name (Firs	irst, MI, Last)	
Lease/Franchise# Location County						County	
		Location				County	
Vessel Registration Number	r(s) <u>or</u> Co	ommercial Fishing V	essel Regi	istration or USCG Docur	nentation Nu	mber(s) (up to three)	
(1)		(2)		(3)			

Operator Information (All operators must have a valid SCFL/RSCFL with shellfish endorsement):

Name (First, MI, Last)	Date Of Birth	Telephone	Fisheries License #

Proposed Gear:

For Harvesting Oysters		For Harvesting Cla	ams	
 () Oyster Dredge () Power Rake () Other:	() Patent Tongs	() Hydraulic Escalator() Hydraulic Pump() Clam Dredge	 () Kicking-With Clam Trawl () Kicking-Without Clam Trawl () Stick (Power) Rake	() Other:

Signature of Permittee

Date

	OFFICE USE ONLY	Year
North Carolina Department of Environmental Quality	PID #	
Division of Marine Fisheries		
PERMIT APPLICATION CERTIFICATION & GENERAL PERMIT	PERMIT #	
CONDITIONS FORM		
(REV 2024-12)		
tement (This section must be completed by applicant)		
	DMF Staff:	

		•	,	
Certification Statement	(This section	must be	completed by	<u> applicant)</u>

_	certify that:	
	All the information provided on this application and any supporting documentation provided is true,	accurate, and complete. And further, for renewals, any
	changes in information or supporting documents have been provided at the time of renewal. I unde	rstand that any false information or fraudulent
	disclosures may result in termination of appropriate licenses, permits and related documents, revoc	cation or suspension of marine fisheries licensing and
	other privileges, and in possible criminal prosecution.	

I am a resident of the State of: 2.

If claiming resident status in North Carolina, I certify further that (check one):

- I have been a legal resident for more than six months, or
- If domiciled in North Carolina between 60 days and six months, I have completed and submitted with this application a notarized Certificate of Eligibility for North Carolina Residency.
- For permits, I certify that: 3
 - I currently have no marine fisheries licenses, permits, endorsements, or registrations under suspension or revocation and the privilege to hold such a) licenses, permits, endorsements, or registrations is not revoked or suspended.
 - b) I have not been convicted of four or more violations in any jurisdiction related to state or federal law or regulations involving or related to marine or estuarine resources during the previous three years.
 - I understand that as a condition of accepting a permit from the Division of Marine Fisheries, I agree to abide by all conditions of the permit and c) agree, that if conditions of the permit as identified for the permit are violated, or if false information was provided in the application for initial issuance, renewal or transfer, the permit may be suspended or revoked by the Fisheries Director.
- NC General Statute §113-221 requires the NC Division of Marine Fisheries to provide a current copy of the rules governing activities authorized by the license you are purchasing. You have the right to request a current rulebook in hardbound. The document is available on the Division of Marine Fisheries website on the "Rules and Regulations" webpage at http://deg.nc.gov/dmf- rules
- I have been provided a copy of the permit rules and conditions that apply. I acknowledge failure to abide by all permit rules as well as conditions may 5. result in suspension or revocation of the permit. For violation of general or specific permit conditions, permits may be suspended or revoked for 10 days, 30 days, or up to 6 months depending on the 3-year history of violations.

15A NCAC 03O .0502 Permit Conditions; General

- (a) It shall be unlawful to violate any permit condition.
- (b) The following conditions shall apply to all permits issued by the Fisheries Director:
 - it shall be unlawful to: (1)
 - operate under the permit except in areas, at times, and under conditions specified on the permit. (A)
 - (B) operate under a permit without having the permit or copy thereof in possession of the permittee or the permittee's designees at all times of operation and the permit or copy thereof shall be ready at hand for inspection, except for a Pound Net Set Permit.
 - (C) operate under a permit without having a current picture identification in possession and ready at hand for inspection.
 - refuse to allow inspection and sampling of a permitted activity by an agent of the Division of Marine Fisheries. (D)
 - (E) fail to provide complete and accurate information requested by the Division in connection with the permitted activity.
 - provide false information in the application for initial issuance, renewal, or transfer of a permit. (F)
 - (G) hold a permit issued by the Fisheries Director if not eligible to hold any license required as a condition for that permit as stated in Rule .0501 of this Section.
 - (H) fail to provide reports within the timeframe required by the specific permit conditions.
 - (I) fail to keep such records and accounts as required by the rules in this Chapter for determination of conservation policy, equitable and efficient administration and enforcement, or promotion of commercial or recreational fisheries.
 - assign or transfer permits issued by the Fisheries Director, except for a Pound Net Set Permit as authorized by 15A NCAC 03J .0504. (J)
 - (2) the Fisheries Director or the Fisheries Director's agent may, by conditions of the permit, impose on a commercial fishing operation and for recreational purposes any of the following restrictions for the permitted purposes:
 - specify time; (A)
 - ÌΒ) specify area;
 - (C) specify means and methods;
 - ÌD) specify record keeping and reporting requirements;
 - (E) specify season;
 - (F) specify species;

(3)

- (G) specify size; ÌΗ)
- specify quantity;
- specify disposition of resources; (I) specify marking requirements; and (J)
- specify harvest conditions.
- (K) unless specifically stated as a condition on the permit, all statutes, rules, and proclamations shall apply to the permittee and the permittee's designees.

I understand that any violation of permit conditions may result in suspension or revocation of the permit.

Signature of Applicant:	Date:
NOTARY State:	County:
	ar of,,
Notary Public:M	ly Commission expires:

North Carolina Division of Marine Fisheries • 3441 Arendell ST • PO Box 769 • Morehead City, NC 28557 (252) 515-5500



North Carolina Department of Environmental Quality Division of Marine Fisheries MECHANICAL HARVEST OF SHELLFISH FROM SHELLFISH LEASES AND FRANCHISES PERMIT SPECIFIC CONDITIONS FORM (REV 2024-12)

OFFICE USE ONLY		Year	
PID #		 	
PERMIT #		 	
DMF Staff:		 	

For violation of specific permit conditions (as specified on this form), permits may be suspended or revoked in accordance with 15A NCAC 03O .0504.

Legal Authority:

Authority for the Mechanical Harvest of Shellfish from Shellfish Leases and Franchises Permit is specified in G.S. 113-169.1, 15A NCAC 03K .0100, 03K .0200, 03K .0300, 03K .0400, 03K .0500, 03O .0501, and 03O .0502.

Specific Permit Conditions:

Permits to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises shall be issued in compliance with the general rules governing all permits in 15A NCAC 03O.500. The procedures and requirements for obtaining permits are also found in (15A NCAC 03O .0501).

It is unlawful to harvest shellfish by the use of mechanical methods from shellfish leases or franchises without first obtaining a Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises. **15A NCAC 03K .0204(1)**

Mechanical gear shall not be used in any bed of aquatic vegetation nor within one hundred (100) feet of any bed of submerged aquatic vegetation. **15A NCAC 03K .0108(b)(1)** (G.S. 113-169.1)

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 substances harmful to the environment or human health. **15A NCAC 030**.0**502(a)** (G.S. 113-169.1)

It is unlawful for a permittee or designee to fail to notify NC Marine Patrol Communications Center by phone at 800-682-2632 prior to the shellfish lease holder or designees harvesting oysters or clams under this permit. **15A NCAC 030 .0502(a)** (G.S. 113-169.1)

The entire area of the deeded bottom, franchise, or lease shall be marked in compliance with 15A NCAC 03O .0204. Failure to maintain proper marking will result in cancellation of the permit. **15A NCAC 03O .0502(a)** (G.S. 113-169.1)

Mechanical gear shall not be used in areas designated as Primary Nursery Areas by 15A NCAC 03R .0103. **15A NCAC 03K .0108(b)(3)**

It is unlawful for lease or franchise holders or their designees to take or possess oysters from public bottom while possessing aboard a vessel shellfish taken from shellfish leases or franchises. **15A NCAC 03K .0205(c)**

It is unlawful to take oysters or clams between the hours of sunset and sunrise on any day. 15A NCAC 03K .0106(a)

It shall be unlawful for a permittee or, anyone engaged in permitted activity, to refuse to allow the Fisheries Director or their agents to obtain biological data, harvest information, statistical data, or harass these agents in any way. Harassment shall be defined consistent with the federal regulations, 50 CFR §600.725(o), (t), and (u), and may be verbal or physical including, but not limited to, sexual connotations, intimidating, resisting, impeding, threatening, bribing, or coercion. **15 NCAC 030 .0502(b)(1)** (G.S. 113-169.1)

I understand that any violation of permit conditions may result in suspension or revocation of the permit.

Signature:_

Permittee signature (must be signed to be valid)

Date