

1 15A NCAC 03L .0207 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 03L .0207 HORSESHOE CRABS**

4 (a) The annual (January through December) commercial quota for North Carolina for horseshoe crabs is established
5 by the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab.

6 (b) The Fisheries Director may, by proclamation, impose any ~~or all~~ of the following restrictions on the taking of
7 horseshoe crabs to maintain compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery
8 Management Plan for Horseshoe ~~Crab~~ Crab or to implement state management measures:

9 ~~(1) Specify season;~~

10 ~~(2) Specify areas;~~

11 ~~(3) Specify quantity;~~

12 ~~(4) Specify means and methods; and~~

13 ~~(5) Specify size.~~

14 (1) specify time;

15 (2) specify area;

16 (3) specify means and methods;

17 (4) specify season;

18 (5) specify size; and

19 (6) specify quantity.

20 ~~(c) Horseshoe crabs taken for biomedical use under a Horseshoe Crab Biomedical Use Permit are subject to this Rule.~~

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22 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*

23 *Temporary Adoption Eff. August 1, 2000;*

24 *Codifier determined that findings did not meet criteria for temporary rule on October 31, 2000;*

25 *Temporary Adoption Eff. December 6, 2000;*

26 *Eff. August 1, 2002;*

27 *Amended Eff. April 1, 2011;*

28 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03L .0301 is proposed for readoption with substantive changes as follows:

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3 **SECTION .0300 – LOBSTER**

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5 **15A NCAC 03L .0301 AMERICAN LOBSTER (NORTHERN LOBSTER)**

6 (a) It ~~is shall be~~ unlawful to possess American lobster:

- 7 (1) ~~with a carapace less than 3 3/8 inches or greater than 5 1/4 inches;~~
8 ~~(2)(1) which that~~ has eggs or from which eggs have been artificially removed by any method;
9 ~~(3)(2) meats, detached meats, detached tails or claws claws,~~ or any other part of a lobster that has been
10 separated from the lobster;
11 ~~(4)(3) which that~~ has an outer shell which has been speared; or
12 ~~(5)(4)~~ that is a V-notched female lobster. A V-notched female lobster is any female lobster that bears a
13 notch or indentation in the base of the flipper that is at least as deep as 1/8 inch, with or without setal
14 hairs. A V-notched female lobster is also any female lobster ~~which that~~ is mutilated in a manner
15 ~~which that~~ would hide, ~~obscure obscure,~~ or obliterate such a ~~mark; or mark.~~
16 ~~(6) in quantities greater than 100 per day or 500 per trip for trips five days or longer taken by gear or~~
17 ~~methods other than traps.~~

18 ~~(b) American lobster traps not constructed entirely of wood (excluding heading or parlor twine and the escape vent)~~
19 ~~must contain a ghost panel that meets the following specifications:~~

- 20 (1) ~~the opening to be covered by the ghost panel shall be not less than 3 3/4 inches (9.53 cm) by 3 3/4~~
21 ~~inches (9.53 cm);~~
22 (2) ~~the panel must be constructed of, or fastened to the trap with, one of the following untreated~~
23 ~~materials: wood lath, cotton, hemp, sisal or jute twine not greater than 3/16 inch (0.48 cm) in~~
24 ~~diameter, or non stainless, uncoated ferrous metal not greater than 3/32 inch (0.24 cm) in diameter;~~
25 (3) ~~the door of the trap may serve as the ghost panel, if fastened with a material specified in this Section;~~
26 (4) ~~the ghost panel must be located in the outer parlor(s) of the trap and not the bottom of the trap; and~~
27 (5) ~~contains at least one rectangular escape vent per trap, 2 inches by 5 3/4 inches minimum size, or~~
28 ~~two circular escape vents per trap, with a minimum inside diameter of 2 5/8 inches.~~

29 (b) The Fisheries Director may, by proclamation, impose any of the following restrictions on the taking of American
30 lobster to maintain compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management
31 Plan for American Lobster or to implement state management measures:

- 32 (1) specify time;
33 (2) specify area;
34 (3) specify means and methods;
35 (4) specify season;
36 (5) specify size; and
37 (6) specify quantity.

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*History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996;
Temporary Amendment Eff. August 1, 2000;
Amended Eff. April 1, 2009; September 1, 2005; April 1, 2001;
Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03L .0302 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 03L .0302 SPINY LOBSTER**

4 ~~It is unlawful to:~~

- 5 (1) ~~Possess a egg bearing spiny lobster or a spiny lobster from which eggs have been stripped, scrubbed~~
- 6 ~~or removed;~~
- 7 (2) ~~Possess spiny lobster with a carapace length less than 3 inches;~~
- 8 (3) ~~Possess aboard a vessel or land more than two spiny lobsters per person;~~
- 9 (4) ~~Possess aboard a vessel or land detached spiny lobster tails; or~~
- 10 (5) ~~Take spiny lobsters with a gaff hook, spear or similar device. Possession of a speared, pierced, or~~
- 11 ~~punctured spiny lobster is prima facie evidence that prohibited gear was used.~~

12 The Fisheries Director may, by proclamation, impose any of the following restrictions on the taking of spiny lobster
13 to maintain compliance with the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and the South
14 Atlantic or to implement state management measures:

- 15 (1) specify time;
- 16 (2) specify area;
- 17 (3) specify means and methods;
- 18 (4) specify season;
- 19 (5) specify size; and
- 20 (6) specify quantity.

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22 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*
23 *Eff. January 1, 1991;*
24 *Amended Eff. March 1, 1996;*
25 *Readopted Eff. April 1, 2022.*

1 15A NCAC 03M .0301 is proposed for repeal through readoption as follows:

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3 **SECTION .0300 - SPANISH AND KING MACKEREL**
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5 **15A NCAC 03M .0301 SPANISH AND KING MACKEREL**

6 ~~(a) Spanish Mackerel:~~

- 7 (1) ~~It is unlawful to possess Spanish mackerel less than 12 inches fork length.~~
8 (2) ~~It is unlawful to possess more than 15 Spanish mackerel per person per day taken for recreational~~
9 ~~purposes.~~
10 (3) ~~It is unlawful to possess more than 15 Spanish mackerel per person per day in the Atlantic Ocean~~
11 ~~beyond three miles in a commercial fishing operation except for persons holding a valid National~~
12 ~~Marine Fisheries Service Spanish Mackerel Commercial Vessel Permit.~~

13 ~~(b) King mackerel:~~

- 14 (1) ~~It is unlawful to possess king mackerel less than 24 inches fork length.~~
15 (2) ~~It is unlawful to possess more than three king mackerel per person per day taken for recreational~~
16 ~~purposes.~~
17 (3) ~~It is unlawful to possess more than three king mackerel per person per day in the Atlantic Ocean:~~
18 (A) ~~by hook and line except for persons holding a valid National Marine Fisheries Service King~~
19 ~~Mackerel Commercial Vessel Permit; or~~
20 (B) ~~between three miles and 200 miles from the State's mean low water mark in a commercial~~
21 ~~fishing operation except for persons holding a valid National Marine Fisheries Service~~
22 ~~King Mackerel Commercial Vessel Permit.~~
23 (4) ~~It is unlawful to use gill nets in the Atlantic Ocean to take more than three king mackerel per person~~
24 ~~per day south of 34° 37.3000' N (Cape Lookout).~~

25 ~~(c) Charter vessels or head boats that hold a valid National Marine Fisheries Service Coastal Migratory Pelagic~~
26 ~~(Charter Boat and Head Boat) permit must comply with the Spanish mackerel and king mackerel possession limits~~
27 ~~established in Subparagraphs (a)(2) and (b)(2) of this Rule when fishing with more than three persons (including the~~
28 ~~captain and mate) on board.~~

29 ~~(d) It is unlawful to possess aboard or land from a vessel, or combination of vessels that form a single operation, more~~
30 ~~than 3,500 pounds of Spanish or king mackerel, in the aggregate, in any one day.~~

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32 *History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;*
33 *Eff. January 1, 1991;*
34 *Amended Eff. March 1, 1996;*
35 *Temporary Amendment Eff. January 1, 2000; July 1, 1999;*
36 *Amended Eff. October 1, 2008; August 1, 2002; April 1, 2001;*
37 *Repealed Eff. April 1, 2022.*

1 15A NCAC 03M .0302 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 03M .0302 PURSE GILL NET PROHIBITED**

4 It ~~is shall be~~ unlawful to have a purse gill net on board a vessel when taking or landing Spanish or ~~King Mackerel~~
5 king mackerel.

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7 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

8 *Eff. January 1, 1991;*

9 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03M .0511 is proposed for repeal through readoption as follows:

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3 **15A NCAC 03M .0511 BLUEFISH**

4 ~~It is unlawful to possess more than 15 bluefish per person per day for recreational purposes. Of these 15 bluefish, it~~
5 ~~is unlawful to possess more than five bluefish that are greater than 24 inches total length.~~

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7 *History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;*

8 *Eff. March 1, 1994;*

9 *Amended Eff. March 1, 1996;*

10 *Temporary Amendment Eff. September 9, 1996;*

11 *Amended Eff. April 1, 1997;*

12 *Temporary Amendment Eff. July 1, 1999;*

13 *Amended Eff. October 1, 2008; April 1, 2003; August 1, 2000;*

14 *Repealed Eff. April 1, 2022.*

1 15A NCAC 03M .0516 is proposed for repeal through readoption as follows:

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3 **15A NCAC 03M .0516 COBIA**

4 ~~(a) It is unlawful to possess cobia less than 33 inches fork length.~~

5 ~~(b) It is unlawful to possess more than two cobia per person per day.~~

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7 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

8 *Temporary Adoption Eff. July 1, 1999;*

9 *Eff. August 1, 2000;*

10 *Repealed Eff. April 1, 2022.*

1 15A NCAC 03M .0519 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 03M .0519 SHAD**

4 ~~(a) It is unlawful to take American shad and hickory shad by any method except hook and line from April 15 through~~
5 ~~December 31.~~

6 ~~(b) It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken~~
7 ~~by hook and line or for recreational purposes.~~

8 ~~(c) It is shall be unlawful to take or possess American shad from the Atlantic Ocean.~~

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10 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*

11 *Eff. October 1, 2008;*

12 *Amended Eff. April 1, 2012;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*